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Freedom as Self-Legislation: An Examination of Rosseau and Kant

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THESIS APPROVAL

The abstract and thesis of Roger L. Cross for the
Master of Arts degree in History
were presented July 12, 1994 and accepted by the thesis
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ABSTRACT

An abstract of the thesis of Roger L. Cross for the Master of Arts in History presented July 12, 1994.

Title: Freedom as Self-Legislation: An Examination of Rousseau and Kant.

Rousseau and Kant were philosophers of freedom. Both believed freedom was the essence of humanity, and both believed that "freedom is self-legislation." This thesis examines what they understood to be self-legislation.

According to Rousseau natural freedom was lost with the establishment of society. Society is an "unnatural" order and the true basis of society is simply convention. Man is free only if he is subject to laws of his own making, or at least to those laws to which he has consented. The ideal state, according to Rousseau, is the republic based on laws that have been created and adopted by each members of the community. It is in this sense of freedom, for Rousseau, is self-legislation.

Kant believed the important issue was demonstrating the metaphysical possibility of freedom, not the

reconstruction of society. Kant argued that freedom could be demonstrated, and morality reaffirmed, by focusing on the "ought" of reason. The "ought" transcends the physical world and was a pure law of reason. It is not subject to the physical laws of causality. Man has the ability to act according to this law of reason. Man is transcending the physical realm, and the physical laws of nature, whenever he makes a moral decision based on what he "ought" to do, or whenever he puts duty before his physical desire. This, Kant argues, is self-legislation, and only here may man hope to be free.

FREEDOM AS SELF-LEGISLATION:
AN EXAMINATION OF ROUSSEAU AND KANT

by
ROGER L. CROSS

A thesis submitted in partial fulfillment of the
requirement for the degree of

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CHAPTER 1

ROUSSEAU ON NATURAL MAN

INTRODUCTION

I began this thesis under the influence of Ernst Cassirer. Cassirer, in his works on Rousseau and Kant, convinced me that there was a strong and direct line of debt owed by Kant to the works of Rousseau. Cassirer's interpretation was strengthened by quotes from Kant's letters, and comments Kant wrote into the margins of various books he had read. Together they supported Cassirer's argument that Rousseau taught Kant to see moral philosophy and freedom in a new light. Kant himself declared that just as Newton had uncovered the laws of physical nature so Rousseau had uncovered the laws of the human heart. Cassirer was able, with this evidence, to make strong his argument that Kant's notion of freedom is directly indebted to the doctrine found in Rousseau. This thesis is an examination of Rousseau's influence on Kant's notion of freedom in light of the interpretation offered first by Cassirer.

But, research could be described as a form of dialogue, and dialogue frequently takes on a life of its own. As I reached the final section of my work and looked back over what I had set out to show and what I had in fact actually shown, I found it increasingly difficult to maintain my original premise in its full force. Certainly there are signs of a Rousseauian debt in the

work of Kant, and I believe I have uncovered some of them in the course of my work, but at the same time I must admit I have backed away from the strength of my original convictions. The “debt” seems, now, far smaller than it had at first.

There is, however, a noticeable similarity in form to the solution of the question “what is freedom?” in the work of the two men. It is a solution which may be briefly stated as “freedom is self-legislation.” Freedom is the capacity to dictate to oneself standards of behavior. I cannot be forced to obey a law someone, or something, has decreed is the law. I may be forced to act contrary to my will, but that just means I am not free.¹

If I am free then I am a “law unto myself.” But neither man believed this self-legislation would justify an attitude of “they did what was right in their own eyes.” Quite to the contrary, both Rousseau and Kant leave little room for individual incentive for all the talk of “self-legislation.” Morality does not vary from individual to individual in the works of either. One important factor in this invariance is that both Rousseau and Kant believe morality, and moral choices, are founded upon laws of reason. “Laws of reason” are usually considered somewhat static, and if this had been the case in Rousseau, then the similarities between the two men would have made Cassirer’s interpretation almost iron-clad. But it is not the case, and when one begins to examine what Rousseau actually meant by “laws of reason”--and this in turn will lead to an examination of the “nature” of reason, and the “nature” of morality--then the rope which a moment ago bound the two thinkers so tightly together now appears extremely frayed and tenuous.

¹With one notable exception--see below, ch. 2, sec. 6.

Yet, it is my contention that once the differences are noted and acknowledged to be irrefutable we still can find in Kant a bedrock which distinctly bears the marks of Rousseau. This is far from saying that Kant borrowed from Rousseau his notion of freedom, but I do believe that it is as important to note the influence of Rousseau on Kant as it is to note the Wolffian, Humean, and Newtonian. In fact, I believe that Rousseau served Kant in much the same way that Hume served him. In many ways Rousseau was Kant's foil, and much of Kant's work is directed against positions he believed held by Rousseau. But in equally important ways Rousseau also forced Kant to view the problems and nature of philosophic issues from a new perspective. I do not believe it would have been possible for Kant to have written the Critiques in the manner he did without this perspective. To make the case stronger (though more debatable) I believe that the central emphasis of the Critiques on moral and individual freedom reflects both Kant's debate against, and his agreement with, Rousseau. I will seek to show that Kant took from Rousseau a political notion (that freedom is self-legislation) and turned it into a metaphysical principle.

THE TWO NOTIONS OF FREEDOM IN THE WORK OF ROUSSEAU

Rousseau held two concepts of freedom. One existed, he believed, in the state of nature, while the other, at least potentially, exists in the political state. Previous readings of Rousseau had elevated the former type of freedom to such a high state that it was often believed Rousseau was an advocate of the "noble savage." Rousseau was portrayed as a proponent of returning to nature, and it was widely believed that he had a disdain for anything which restricts our natural freedoms. Such a view can be seen, for example, in the

work of Edward Buchner. In an introduction written in 1904 to a collection of Kant's lecture notes on education, Buchner notes that, unlike Kant, Rousseau "praises barbarity,"² and seeks to return man to his instinctual self. Rousseau was often cast as favoring "instinct" and "passion" over reason. This interpretation still may have supporters, but it definitely was undermined by the work of scholars in the early part of this century. It was only then, Peter Gay notes, that Rousseau was reevaluated by a small group of scholars, among whom was Cassirer.³ Perhaps it is too simplistic to see a revival of Rousseauian scholarship, but certainly much of the general stereotypes about Rousseau and the natural man fell out of favor in the secondary literature. Such a quote as Buchner's would be difficult to discover in the Rousseauian literature of the past fifty years.

The view of Rousseau as a proponent of barbarism no doubt stems from the reading of his two Discourse. It is unquestionable that Rousseau presents pre-social man as far more happy, healthy and even "good" than his descendants. The picture he paints is one of idyllic primitivism versus decadence. It would be understandable, therefore, to mistake Rousseau's intentions and believe he sought a return to the goodness man has lost in society. But this was not the case. As I will show, man cannot go back, and Rousseau's program, rather than trying to find a way back, will be to try and

²Edward F. Bucher, Introduction to The Educational Theory of Immanuel Kant translated and edited by Edward F. Buchner. (Philadelphia: J.B. Lippincott Co., 1904), p. 27

³Peter Gay, Introduction to The Question of Jean-Jacques Rousseau by Ernst Cassirer, edited and translated with an introduction and a new postscript by Peter Gay. 2nd edition (New Haven : Yale University Press, 1989), p. 17

construct a society in which much of the former happiness of “natural man” will be restored to social man. But, even after having noted Rousseau’s intention, it is possible to still mistake the means Rousseau believed would be necessary to construct this happy social order. The mistake would be to assume that, since Rousseau obviously holds the natural state in such high regard, he will attempt to import the “natural order” into the social. He will seek to found his state upon the principles of natural right and law. This would be a logical conclusion, but it would be in error. Natural law, Rousseau believed, when understood as a moral order which arises from a source other than the mind of man, is not a sufficient guide for our actions. Furthermore, the man who relies upon nature as a standard of behavior is not only foolishly in error, but, again according to Rousseau, he is not free. I will eventually show that this rejection of “nature” or “natural law” is central to the moral philosophy of both Rousseau and Kant. It is one of their true similarities. It is also this rejection of natural law as a standard for self-legislation which will lead to the conclusion of both men that true morality is tied up with the laws of reason, and it is the human ability for self-legislation which demonstrates man’s freedom. But, before showing how and why they reject natural law I must first attempt to clarify what they were objecting to by clarifying somewhat the notion of “natural law” in the eighteenth century.

NATURAL LAW

The Traditional Views

Natural law, by the time of Rousseau, was already an overworked

term. The concept had "seldom been precisely defined,"⁴ and by the end of the eighteenth century this imprecision lent itself to an unfortunate ambiguity. We find, in the works of this period, that "almost any outlook" could be encompassed in the terminology of "natural law".⁵ Rousseau is no better in this matter than is his contemporaries, and in fact may be worse than most. He has been aptly described as "a Janus-like figure in the history of the School of Natural Law."⁶ He typically will use it when it serves his purpose to do so, and then renounce it as no standard at all when it no longer seems useful.⁷ I shall concentrate on his rejection of natural law, for I believe his moral theory, and theory of the state, is not built upon the notion of natural law, but is in fact a clear and significant rejection of natural law theory.

The first formation of the "naturalness of justice" comes from the Greek stoics.⁸ According to Zeno and others the universe is governed by laws of reason. "Inanimate things and brutes invariably obey these laws, the first out of necessity the second out of instinct."⁹ Man however is free to obey or disobey this law, since he is not subject to instinct. He has the power of free

⁴Henry Vyverberg, Human Nature, Cultural Diversity, and the French Enlightenment (New York: Oxford University Press, 1989), p. 25

⁵J[erome] B. Schneewind, "Kant and Natural Law Ethics." Ethics Vol. CIV (Oct., 1993) p. 57

⁶Ernst Barker, Introduction to Natural Law and the Theory of Society: 1500-1800 by Otto Gierke (Boston: Boston Univ. 1957) p. xliv

⁷Barker, Introduction to Natural Law and Theory. p. xliv

⁸Richard Wollheim, "Natural Law," The Encyclopedia of Philosophy, Vol. V (New York: Macmillian Publishing Co. 1967) p. 451

⁹Wollheim, "Natural Law" p. 451

choice. Rousseau's view of natural law bears a resemblance to this stoic notion.

But, the stoics also believed that by looking at the nature of the universe, and by examining the rationality of his own mind, man should be able to construct a just and moral state. In this sense, the law of "natural" reason could be described as a transcendent, static law which serves as the ultimate reference for all "human" laws. In some ways this view of the law of reason is similar to the conclusion Kant adopted, but it is here, as I will show, that there was the greatest disjunction between Rousseau and the stoics--and by extension, Kant.

Natural law grew in significance during the late middle ages, but the golden age of natural law was certainly the seventeenth and eighteenth centuries.¹⁰ By this time there had been a move away from the "divine" elements of natural law which it had acquired during the middle ages. In the work of Voltaire, for example, there were two elements to natural law: "its fixed, eternal nature and its moral utility."¹¹ When Voltaire spoke of natural law he was usually referring to it in a "ethical and normative..." manner.¹² The law of "transcendent" reason and the law of nature are then in many ways synonymous. The great order of the watch-like universe is linked to, and discoverable by, the mind of man, according to Diderot, because "natural

¹⁰Barker Introduction to Natural Law and Theory p. xli

¹¹Vyverberg Human Nature p. 25

¹²Vyverberg Human Nature p. 25

law is...based on 'natural reason' and includes 'certain rules of justice and equity which natural reason alone has established among all men...."¹³

Rousseau's View:

The major objection Rousseau had with both the stoic and the more contemporary view of natural law was that they were based on the primacy (perhaps 'transcendence' is the better term) of reason. For Rousseau natural law "cannot be based, even theoretically, on reason."¹⁴ Rousseau rejected all previous forms of natural law due to their reliance on some pre-existent and transcendent reason supposedly which is found in nature and in men. His own reformation of the relationship between natural law and reason was the subject of his Second Discourse.

In this Discourse Rousseau sought to answer the question: "What is the origin of inequality among men, and is it authorized by the Natural Law?" Rousseau claimed that the question itself was faulty since it made natural law a consideration in the discussion of social inequality. Rousseau did not believe the two were related. For Rousseau the discussion of natural law was only interesting in delimiting natural man's difference from the rest of creation--thus it is significant only in a negative sense. It was useful, at least in the Second Discourse only in the discussion of the ways man differs in essence from animals.

¹³Vyverberg Human Nature pp. 25-26

¹⁴Roger D. Masters, The Political Philosophy of Rousseau (Princeton: Princeton University Press, 1968) p. 81

NATURAL FREEDOM

In the Second Discourse Rousseau stated that man is not like other animals because he is not forced to act by instinct in any particular way.¹⁵ As an example of this he described the cat sitting, and starving, upon a pile of fruit. The cat could very well feed itself if it were inclined to do so, but the cat is instinctually "hard wired" to such a degree that it is unable to exert enough freedom and independence even to save its life.¹⁶ Implicit in this is that men have the capacity to go against what may be called an 'instinctual hesitancy'. A man, faced with a choice between starvation and, say, cannibalism is not predictable like the cat. Supposing that the repulsion to cannibalism was instinctual and not simply social (Rousseau's view seem to suggest it is the latter¹⁷), we would still run the risk of losing money on any bet against a man resorting to such measures. Though he may have instinctual drives, and about this Rousseau is fairly unclear, man, unlike animals, is not limited to those instinctual drives.¹⁸ "Nature commands every animal, and beasts obey. Man feels the same impetus, but he knows he is free to go along or to resist...."¹⁹

¹⁵Jean-Jacques Rousseau, Discourse on the Origin of Inequality in The Basic Political Writings introduction by Peter Gay. (Indianapolis: Hackett Publishing Co., 1987) p. 44

¹⁶Rousseau, Inequality p. 44

¹⁷Arthur M. Melzer, The Natural Goodness of Man: On the System of Rousseau's Thought (Chicago: Univ. of Chicago Press, 1990) p. 144

¹⁸Rousseau, Inequality p. 44

¹⁹Rousseau, Inequality p. 45

Since an animal "chooses or rejects by instinct"²⁰ it is under natural law in the sense of natural law which makes it more similar to the physical laws of nature than to a moral law. But man, according to Rousseau, can "by an act of freedom" obey or disobey this physical, natural, law.²¹ Man is, therefore, not under natural laws unless he allows his instinctual drives to determine his behavior. But in a significant way even the ability to obey natural, instinctual, drives is to exercise freedom. Even in a natural state, therefore, man is free in the sense that he is not "hardwired" or not simply reducible to natural laws of physics like a falling stone.

What, then, gives rise to this special ability to act freely in the human animal which is not present in "machine-like" animals? This question leads to a discussion of freedom itself. To understand this *lawless* form of freedom, as opposed to social, *lawful* freedom, it is necessary to examine more closely the essence of man, since it is clear that Rousseau was making this primitive freedom dependent on some unique quality within man himself.

SELF PERFECTION AND NATURAL LAW

If man is not instinctual like the rest of creation how can he survive? Rousseau replaces instinct in man with the rather mysterious capability for "self-perfection."²² It is this faculty which "successively develops all the

²⁰Rousseau, Inequality p. 45

²¹Rousseau, Inequality p. 44

²²Rousseau, Inequality p. 45

others."²³ It gives man the capability to assume at will actions which are instincts in other animals. Thus, he is compensated for his lack of an instinct by his ability to learn and modify his actions. He can "observe and imitate" and by doing so may approximate to himself the skills which are pure instinct in other animals.²⁴ He can alter his behavior.

This ability to imitate and alter his behavior must be distinguished somewhat from the "understanding" for Rousseau accepted an empirical definition of the 'understanding.' Thus, he simply made it the reservoir of all our ideas and, according to him, ideas are all derived from our sensations.²⁵ Thus, as all beasts have sensations, it is a faculty we share with all other sensing creatures.²⁶ In this sense at least, man "differs from an animal only in degree."²⁷ Yet, he can learn from his mistakes and by watching the efforts of other animals.²⁸ Rousseau, then, gave far more weight to self-perfection than to the understanding.

Though self-perfection is not derived from the understanding (or "reason" which has not yet developed at this stage) it is somehow wedded to this primitive ability, and is the means for man as a species to survive. Naturally, a capacity for self-perfection would be of little use in a beast which

²³Rousseau, Inequality p. 45

²⁴Rousseau, Inequality p. 40

²⁵Rousseau, Inequality p. 45

²⁶Rousseau, Inequality p. 45

²⁷Rousseau, Inequality p. 45

²⁸Rousseau, Inequality p. 45

could not form or understand ideas which arise through the senses. But even more than a means of simple survival this self-perfecting capability also provides the basis for the later development of man's reasoning abilities.²⁹

The capacity for "self-perfection" is very unclear and seems in contradiction with other notions Rousseau had about natural man. As John Charvet notes it is hard to see how this "self-perfection" would work if man did not first have the ability to compare his actions with that of some other creature--but it is exactly this ability to "compare" that Rousseau denies to natural man.³⁰ Comparison is in fact not only a product of society, but is the root of most of society's ills.

Another observation about Rousseau's essence of man must be made. One which is a key element not only in understanding man in nature, but also of understanding the very essence of society and morality as simply constructs. Man is by nature, according to Rousseau, a solitary, not a herd, animal. In many ways this seems to be the weakest beam of Rousseau's philosophical structure, though it is a beam which bares an enormous amount of the building's weight. Rousseau seemed to have done little more than assume the isolation of man in his primitive state. He did tie this argument to the lack of language skills in primitive man, and sought to prove by this that it is absurd to suppose that man would, or could, group

²⁹John W. Chapman, Rousseau--Totalitarian or Liberal (New York: Columbia Univ. Press, 1956) p. 6

³⁰John Charvet, The Social Problem in the Philosophy of Rousseau (New York: Cambridge University Press. 1974) p. 30

together unless they were under some necessity (like over-crowding).³¹ Yet, nothing removes the possibility that men simply preferred the company of their own kind, much as herd animals are drawn together. Cats may hunt alone, and dogs in packs, but nothing needs to be assumed about the language skills of the one over against the other. This objection to Rousseau's "solitary creature" would not be so serious if it were not so central to his understanding of primitive, and even social man.

This objection aside, it is clear that a creature who lives in isolation would have absolutely no use or need for laws of justice in the second, ethical, sense of natural law. The reason for this is obvious. Without dealing with his fellow beings the situation of just or fair actions can never, or at most rarely, arise. Add to this the complete lack of personal property in the state of nature, no communication abilities but "grunts and moans" and a poverty of intelligence all around, and it quickly becomes clear that matters of justice, rights and laws simply would not arise. Justice and rights, according to Rousseau, can only have meaning in a social situation. Since this was not the condition of natural man, we can safely assume he was blissfully ignorant of all such moral notions. Rather, "born for himself alone, he has natural duties only to himself."³² Thus, not only is man not instinctual, in a physical sense, but he is also quite ignorant of the ethical norms Rousseau's contemporaries so often attributed to natural man.

Equally significant is that as a solitary individual man would be completely innocent of the notion of authority and obedience. This is a very

³¹Rousseau, Inequality p. 47-50

³²Melzer Natural Goodness p. 128

important point because with it Rousseau is able to demolish any suggestion that the roles of lord and vassal, ruler and ruled, is somehow based on the state of nature, and hence is rational and just. This argument Rousseau carried over into his own theoretical constructions of a just society, and he used it to demonstrate that "since no man has a natural authority over his fellow man...conventions therefore remain the basis of all legitimate authority among men."³³ The arguments for the "naturalness" of slavery, nobility, kingships and so on simply are false if man was solitary while in the state of nature.

MAN'S NATURAL INSTINCTS AND THE NATURE OF LAW

Rousseau had sought to undermine the contemporary notions of natural law. He rejected the notion that man is physically instinctual, and with his ideas about solitary man, he tried to undermine the notion of natural law as basis for ethics and social order. Furthermore, if the ethical "natural law" is the same as the "law of reason," as so many of his fellow writers suggested, then Rousseau, by denying reason's existence before the creation of society equally undermines the whole basis of any "natural law" at all. What we would find instead is, and this is Rousseau's ultimate argument, "social laws." Law would therefore be reduced to convention and not to some abstract realm of static reason. This will be Rousseau's conclusion.

³³Jean-Jacques Rousseau On the Social Contract in Basic Political Writings introduction by Peter Gay (Indianapolis: Hackett Publishing Co., 1987) p. 144

But, are there "instinctual" moral factors in pre-social man? There are, according to Rousseau. Rousseau believed that there are "two principles that are prior to reason,"³⁴ and hence society. These two drives may loosely be considered "moral" for they served as the basis for Rousseau's statement that natural man was "good," but this use of the term 'moral' is rather unfortunate in just the same sense as is the use of "good" for pre-social man.³⁵ There are two instinctual drives, first, an interest "in our well-being and our self-preservation" and secondly, "a natural repugnance to seeing any sentient being...perish or suffer."³⁶ It is from these two principles, and not the quality of man as a social being, "that all the rules of natural right appear....to flow; rules which reason is later forced to reestablish on other foundations...."³⁷

Preceding reason is self-love and pity. It will be on the basis of these two principles that society should be built if it were to reflect the natural order, but Rousseau claimed this has not happened. These two drives are buried by man's social order and replaced by love-of-self and pride. These natural drives are weak drives when compared to the social drives man's reason has taught him. They have a tenuous position as "laws," natural or

³⁴Rousseau, Inequality p. 35

³⁵We must resort to the use of these terms simply because of the poverty of language to describe the state of man before he invented language, which was after he had already entered into society.

³⁶Rousseau, Inequality p. 35

³⁷Rousseau, Inequality p. 35

otherwise, because they can be disobeyed. Perhaps 'inclinations' would be a better term.

It would be useful, at this point to summarize what can be said about natural man since he is to be soon left behind. First, he is capable of self-improvement. This allied with primitive understanding is sufficient to ensure his survival. Second, he is free. He is not subject to natural instincts, and thus he is not forced to act in any particular way to the exclusion of others. Third, he is a solitary creature who has no notion of justice or morals simply because the occasions when such notions would be useful are so rare. The conclusions which must be drawn from this is that man is not under any natural law, moral or otherwise, and therefore natural law cannot serve as the foundation of political, civil, society since natural law does not play a role in the essence of man himself.

THE REJECTION OF NATURAL LAW AS THE BASIS OF SOCIETY

Rousseau did not out-rightly deny there exists some moral, rational, natural law, and in fact he did seem to believe that with enough time the wise are able to uncover some kind of natural laws. What this natural law would be is not exactly clear, for in a sense Rousseau has already undermined the notion of natural law sufficiently to make it irrelevant for his political philosophy. But, "instead of flatly rejecting natural law, Rousseau keeps it in reserve, so to speak....natural law is the guide of a few wise men at the margins of society, but it is useless for the many."³⁸ Rousseau may well have

³⁸Masters Political Philosophy p. 86

recognized a transcendent form of morality which he argued "comes from God...but [he continued] if we knew how to receive it from so high, we would not need either government or laws."³⁹ In other words, transcendent, natural law may exist, but it is of little significance for man. Actually, Rousseau seems unwilling, at this point, to accept the conclusions of his own system. He accepted some form of "moral" natural law while at the same time saying it was completely irrelevant.

This led Rousseau to adopting what may seem a curious argument. Rousseau believed that moral laws must be known to be obeyed, and to be a universal law of reason it must speak to all men (at least if it is to be a law of behavior). For example, Rousseau wrote that animals, unlike man, are "lacking intelligence" not just "liberty," with the result they "they cannot recognize law."⁴⁰ The implication is, on the one hand, that law can only be meaningful where intelligence and liberty are present (that is, it must be willfully, as opposed to slavishly, obeyed. The subject must recognize its existence and, thus, recognizes its significance). Rousseau affirmed this interpretation by writing that in order for natural law to be a law "not only must the will of him who is obliged by it be capable of knowing submission to it, but also, for it to be natural, it must speak directly by the voice of nature."⁴¹

Yet, on the other hand, he seemed to be contradicting himself by arguing that where these two qualities are present, natural law carries no weight and does not serve as a standard for action. That is, natural law is

³⁹Rousseau, Social Contract p. 160

⁴⁰Rousseau, Inequality p. 36

⁴¹Rousseau, Inequality p. 35

quite useless as a basis for society--but it is only in a society that it can be known, hence possibly obeyed. But it is clear by examining these passages in context that Rousseau is asserting that to be a moral law, and not simply a physical law like gravity which is obeyed whether it is known or not, the law must be knowable. There is, therefore, a separation between physical and normative laws. But what does this do to his earlier suggestion that animals obey instinct, hence natural law? We can only assume that he was equating instinct with mechanical, physical, laws like gravity etc. This view is also supported by his statement that animals are merely "ingenious machines."⁴²

Rousseau apparently held that even if a law of behavior was implanted into the human heart by God or nature and was mindlessly obeyed, the fact that it was "unrecognized" by the subject means that it would not award moral credit to the obedient subject. It would be similar to obeying the law of gravity. In other words, Rousseau assumed that a subject must have the ability to consciously obey or disobey for a decision to be classified as moral. This assumption is wholly unremarkable, for we find a similar view in most moral theories. It is rational man who has the power to recognize such laws, not beasts, so the issue of morality can only occur in the behavior of the rational agent. Unfortunately, the capacity for rational actions already assumes the formation of society according to Rousseau. This has consequences for natural law which will soon be discussed. In the meantime we can restate that Rousseau believed natural law served as no standard of behavior for man, even though rational man can recognize natural law. The "goals" of natural law, then, if they are to have any positive significance at all,

⁴²Rousseau, *Inequality* p. 44

must be "reestablished on other foundations," such as politics, morals, etc. because man has succeeded in "smothering nature," or more exactly, the voice of nature.⁴³ The "knowability" of law goes a long way in unraveling Rousseau's view of society, politics and morality. The pertinence of this position is heightened by examining Rousseau's criticism of his contemporaries, to which I shall now turn.

In criticizing previous theories which tried to explain the origins of society, Rousseau complained that they require that men are enlightened and rational before they established their commonwealth.⁴⁴ In Rousseau's view this was nothing short of impossible. He went on to note that: "writers begin by seeking the rules on which, for the common utility, it would be appropriate for men to agree among themselves: and then they give the name natural law to the collection of these rules, with no other proof than the good which presumably would result from their universal observance."⁴⁵ According to these writers, claimed Rousseau, man must have had insight into the nature of organized society before the experience of such a society. They must have known what would lead to the common good before they were aware of the good and bad society produces. In short, they would "make a man a philosopher before making him a man."⁴⁶

⁴³Rousseau, Inequality p. 35

⁴⁴Rousseau, Inequality p. 35

⁴⁵Rousseau, Inequality p. 35

⁴⁶Rousseau, Inequality p. 35

FREEDOM AS THE ESSENCE OF MAN

Rousseau had in mind thinkers like Diderot who had believed that the "defining characteristic" of man was his reason.⁴⁷ Rousseau did not see reason as an essential element in man, and thought the species got along very well for a long time without it--and were probably happier for it too. Clearly, "freedom," not reason, was for Rousseau the essential, defining characteristic of man.

The significance and effect of this natural "freedom" should now be examined in full. As noted, freedom detaches the actions of primitive man, who is more than an animal machine, from natural law. One ramification of this is that social man cannot appeal to natural law as the basis of action, for natural law does not stand above man in some natural transcendence, nor can it be appealed to as the foundation of a moral theory. Man's free-will thus transcends nature, and civic man, as a moral agent, likewise transcends all static moral systems (though not political systems). To foreshadow a later school of thought, man, as a species at least, is existentially free.

Thus this original freedom, and the subsequent political freedom, cannot be based on natural law since this natural law would precede the faculty of reason which, according to Rousseau, must be already developed if man is to be subject to natural laws. Man is free in essences because he is not subject to physical instincts and because it is nonsensical to talk of his obligation to obey moral natural laws before he has developed the capacity to reason right from wrong. In addition, morality itself cannot be based on natural law, for morality can only arise in a social environment and cannot

⁴⁷Masters, Political Philosophy p. 265

precede the formation of society. Rousseau would not allow the existence even of a natural conscience, for conscience is based on an awareness of morality, and that, as noted, can only arise after the establishment of some form of society. "A natural law based on the conscience is impossible for man in the state of nature because it presupposes the knowledge of good and evil, which can only be known [by social man]."⁴⁸ Society had already been long established, according to Rousseau, before humans were sufficiently rational to reflect on what is natural law or the best order for a state--and by this time it is too late for them to use it to establish the state.

Rousseau's position may be outlined as follows: natural man is not subject to instinct or a transcendent moral order, hence he is by essence free. Later in his development humans begins to group together into social bands, and from this the social order is born. From society evolves language and reason at a fairly late date in the whole history of the species. With the rise of reason man can reflect on his surroundings and "uncover" natural laws. But by this late stage "natural laws" have little or no real significance, for man is no longer "natural" man, but has become socialized.

Rousseau seems to be countering a view which may also be outlined as follows: man is social by nature and this "natural" sociability reflects a natural order. Modern man, by reflection, can abstract from this natural order and lay bare the correct and proper order of society since it is the same order which is found at the heart of primitive society (such as the father-child relationship). The universe, after all, is exquisitely ordered, and even the most primitive social order reflects the "watchmakers universe." All that needs to be done is

⁴⁸Masters, Political Philosophy p. 81

to observe the basic relationships displayed by primitive society and from them, by modernizing and refining, arrive at the pure foundation of human society in its ideal form. This view, as Rousseau has pointed out, assumes that natural man was rational, indeed a philosopher, from the very start of his existence. By making society such a late development in the history of the species Rousseau sought to undermine all "natural" orderings of society, and sought to show that society was the most "unnatural" of developments.

ROUSSEAU ON POLITICAL SOCIETY

Thus, the long-term significance of Rousseau's rejection of a transcendent natural law is that it immediately deflates all arguments which justify social and political inequality based upon the "natural order of things."⁴⁹ "Man is born free"⁵⁰ in the sense that he is subject to no instinctual drives, no natural laws--he is born into the realm of the possible. But, Rousseau continued, "everywhere he is in chains" as a result of the political order he himself, since he is by nature free, has forged. Man is not a moral being before the formation of society, which means that there was in Rousseau's thinking a unity of the political and moral. For Rousseau "Morality is not something externally imposed on men but merely rules they freely invent for themselves through consent."⁵¹

Therefore, one result of this "impotence of natural law" and this natural freedom was that Rousseau was forced to base virtue and justice on

⁴⁹Melzer, Natural Goodness p. 143

⁵⁰Rousseau, Social Contract p. 141

⁵¹Melzer, Natural Goodness p. 144

political society. "In so doing, Rousseau never denies that there is another possible basis of justice; he simply insists that the alternative is impotent."⁵² Rousseau, then, saw the basis of society as not natural law, but the "nature of law." He may have retained natural law in the greater scheme of things, but he explained it as a product of the formation of a political society and not as preceding this society.⁵³ That is, he sought to establish political law, and not natural law, as the true basis of society. For Rousseau political law was dependent on the "collective general will" and not on some transcendent morality or order. "The single overriding mission of politics, for Rousseau, is to establish the absolute rule of law, to 'put law above man'."⁵⁴ Upon the heels of politics rides morality, which is itself a product of the political order--that is, of laws. "Morality is...merely rules that [men] freely invent for themselves through consent. [Rousseau liberated]...man from all moral standards above his own...."⁵⁵ It was this discovery, Rousseau claimed, made as a result of his experience in Venice and his early studies in the history of morality, which led him to the conclusion that "everything is rooted in politics and that, whatever might be attempted, no people would ever be other than the nature of their government made them."⁵⁶

⁵²Masters, Political Philosophy p. 85

⁵³Masters, Political Philosophy p. 202

⁵⁴Melzer, Natural Goodness p. 144

⁵⁵Melzer, Natural Goodness p. 144

⁵⁶Jean-Jacques Rousseau The Confessions, trans. by J.M. Cohen (New York: Penguin Books, 1953) p. 377

THE ROLE OF REASON IN HUMAN NATURE

It is only now that we can turn to the role of reason in Rousseau's system. Reason arose from the use of non-instinctual freedom, and while it is dependent upon the capacity of self-perfection it is equally dependent upon the passions. It is the passions, Rousseau wrote, that perfect our reason.⁵⁷ Our desire for pleasure allied with freedom and the capacity of self-perfection fuel our quest for more gratification, and the means by which we conceive and carry out our plans give birth to the power of reason. Yet, the development of reason comes rather late in the development of the species, and if it is true that the evolution of language matches the evolution of reason, as Rousseau suggested, then it is clear that reason is a product of society. Once more society precedes, in at least some sense, a development of what some had argued was the basis of both society and natural law. Neither natural law or society could be based upon a skill which only develops in the confines of society. It would be senseless to speak of a "natural law" if man must leave the state of nature to discover such a law. It is even more absurd to suggest that society is founded on what was a product of society.

KANT ON THE ORIGINS OF MAN

It would be useful at this point to compare, at least cursorily, Rousseau's natural man with Kant's. In his work "Conjectural Beginning of Human History," Kant also dealt with bestial man, but did so in the framework of Genesis. He, like Rousseau, laid aside fact, and seemed to be

⁵⁷Rousseau, *Inequality* p. 46

suggesting: "let us assume the framework of Genesis and see if we cannot offer a rational account of the origins of man."

Unlike Rousseau, Kant was willing to give a place to instinct. Early man, according to Kant, may have originally survived on the basis of simple instinct. Yet, these instincts were not highly developed. Kant envisioned man as deciding what to eat on the basis of smell and taste. Sensory instincts were, Kant believed, all that need be posited in order to explain the survival of the species before the birth of reason.⁵⁸ Man, according to Kant, is not a free creature any more than Rousseau's animal machines. It may then be argued that in their evolutionary approach to the origins of man, Rousseau and Kant have begun at different stages of development. Rousseau began after the ascent of man to humanness, while Kant goes farther back in the attempt to explain the original cause of this ascent. I think this view is significantly supported by an earlier work in which Kant wrote that "...man was not meant to be guided by instinct or equipped and instructed by innate knowledge...,"⁵⁹ and also by a passage in his education theory in which he wrote that man "has no instinct, and must arrange the plan of his own behavior."⁶⁰ Furthermore, Kant wrote in the "Conjectural Beginnings," that

⁵⁸Immanuel Kant "Conjectural Beginning of Human History" in On History, ed. by Lewis White Beck (New York: Bobbs-Merrill Co., Inc. 1963) p. 55

⁵⁹Immanuel Kant "Idea for a Universal History from a Cosmopolitan Point of View" in On History, ed. by Lewis White Beck (New York: Bobbs-Merrill Co., Inc. 1963) p. 43

⁶⁰Immanuel Kant The Educational Theory of Immanuel Kant, translated and edited by Edward F. Buchner. (Philadelphia: J.B. Lippincott Co., 1904), p. 102

nature so sparsely equips man with the "basic animal equipment" that it does little more than meet the "most pressing needs of the beginnings of existence."⁶¹ Nature's 'intent', if such a word may be used, is to throw man onto the reliance of his reason and, as we shall see, freedom. There is therefore no necessary contradiction between Rousseau and Kant on the issue of instincts.

The true origin of humanness for Kant began with what in theology may be called the 'original sin'. The tempter in this case, however, is no serpent, but the first stirrings of reason. Reason suggested to this brute some activity which goes beyond mere instinctual desire. Perhaps it saw a fruit which it was unaccustomed to eating. Reason created an "artificial desire" which is "contrary" to instinct. Man, in the moment of true inception as man, transcends his natural desires: he does "violence to the voice of nature..."⁶² Thus, the overcoming of the natural order (which in Kant is termed 'freedom') was for Kant, as for Rousseau, the hallmark and essence of the truly human. Once man has trampled upon natural inclination he leaves the natural order and becomes wholly other. Unlike animals he is not limited to a "single way" of life, but has discovered that there is an "infinity" of possibilities which now faces him. Man has learned by this one act that he can extend himself "beyond the limits to which all animals are confined."⁶³ He is no longer a member of the natural realm, but now a transcendent being. The frightful consequence is that having forced his way free he can no longer

⁶¹Kant, "Universal History" p. 43

⁶²Kant, "Conjectural Beginning" p. 56

⁶³Kant, "Conjectural Beginning" p. 56

return to the blissful ignorance of the beast, for man has peered into the abyss of limitless possibility.⁶⁴ He has discovered freedom.

Once man has discovered his freedom all natural desires may be subjected to the eye of reason. Man no longer must act in any particular way. Rather, impulses can now be pursued or resisted according to the will. It is in the resistance of natural impulses and the concern for curtailing the natural impulse in others (which may arise through the senses--hence the fig-leaf)⁶⁵ which gives birth to the first principles of morality.⁶⁶

What has been established so far is that both Kant and Rousseau defined the essence of natural man in the same way--it was freedom from instinct and the natural order. For Kant reason and freedom were synonymous. Freedom is the realization of other possible actions which are not suggested by instinct or natural law. Kant made this distinction between freedom and instinct, or natural physical desires, most clear in his Critiques of Pure and Practical Reason. The distinction between the two realms, the rational versus the physical was the central tenet of the whole critical structure, and served as the cause for his division of man into phenomenal and noumenal. He used this division to defend the absolute law of physical, mechanical, causality in nature--which for animals includes purely instinctual behavior--while yet maintaining that man is intellectually, and thus morally, a free agent.

⁶⁴Kant, "Conjectural Beginning" p. 56

⁶⁵Kant, "Conjectural Beginning" p. 57

⁶⁶Kant, "Conjectural Beginning" p. 57

Rousseau did not make this "metaphysical" distinction and we need not look for it in his works, but the acceptance of freedom as basic to the essence of man was central to his work. This must be understood before one can safely pass on to his criticism of modern society and also how society should actually be constructed. That is, it was a doctrine central not just to the Discourses, but also to the Social Contract and the Emile as well.

CONCLUSION

In the rise of the brute creature to the "human" we see that the major area of difference between Rousseau and Kant was the role they ascribed to reason. Kant obviously returned to the view of Rousseau's contemporaries and accepted the centrality of reason in the development of men. However, we do not see in his work the notion that the natural, instinctual, state is the state of reason. Rather, reason is born at the moment of man's rejection of the natural order. Natural law is not viewed by either man as defining the essence of the human race.

CHAPTER 2

ROUSSEAU ON THE FOUNDATION OF SOCIETY

INTRODUCTION

"Man is born free, but everywhere he is in chains." Perhaps it would be better to recast this quote as "Mankind was born in natural freedom, but now he is in social chains." Admittedly the original is more pithy, but in some way this better expresses the true intent of Rousseau's view of both freedom and society. In this chapter I will explore Rousseau's views of both.

Natural freedom, according to Rousseau, was lost when man entered society. At that moment he lost the advantages of the primitive golden age and reaped only the baneful fruit of social inequality. But it need not have been this way. Society, in and of itself, need not be an evil. We can view the works after the Second Discourse as an attempt by Rousseau to fix the boundaries of a society which would have all the advantages modern society has to offer without its vices. But, it is still not clear what kind of free society Rousseau envisions, for social man's freedom is not synonymous with the natural freedom of the forest. That freedom was lost irrevocably when man began to claim property. At that time began all the wants and desires which enslave man and make him so unhappy. It will be necessary to examine what Rousseau means by "free" in a social context compared to "free" in a state of nature. The one must never be confused with the other.

In the previous chapter it was noted that man in the state of nature was happy and free. Man was not a fallen creature, but naturally "good" (or at least amoral) and therefore did not need to be saved from his neighbors by the creation of a paternalistic society. Rather, man wandered about isolated and unconcerned with his fellow men. Man had no room for unhappiness simply because such an emotional state involves the ability of comparison. Such a feat of reasoning cannot arise among isolated creatures with little if any reasoning capabilities. It is no doubt the development of this faculty--and the misery and dissatisfaction which stems from it--which led Rousseau to declare that reflection was depravity.⁶⁷ Natural man was not burdened by reason.

Man somehow fell from this happy state into his present state of inequality and unhappiness. Though things were created good, "man meddles with them and they become evil."⁶⁸ While it will not be in our interest to trace the fall "out of" the natural state, it must be noted that Rousseau does not believe that we, having lost our 'naturalness,' can ever go back. He writes: "...human nature does not go backward, and it is never possible to return to the times of innocence and equality once they have been left behind."⁶⁹ We can only go forward. Man must learn to build states

⁶⁷Rousseau, Inequality p. 42

⁶⁸Jean-Jacques Rousseau, Emile (New York: Dutton 1969) p. 5

⁶⁹Rousseau, Jean-Jacques, Rousseau Judge of Jean-Jacques: Dialogues in The Collected Writings of Rousseau Vol.1, trans. Judith Bush, C. Kelly, and Roger Masters. (Hanover: University Press of New England, 1990) p. 213

which, though not modeled on nature, will yet restore some of the lost equality of our natural state. Man must reshape society and himself.

But, what kind of society shall it be? Natural law as we saw serves as no standard and must be disregarded when seeking the proper design of a society. In fact Rousseau suggests that the attempt to use it in civil society means following a "false guide" and would be positively harmful.⁷⁰ What then shall serve as a guideline and foundation for justice and social equality? This question introduces us to the primary reason Rousseau rejected natural law as a model for the state. To understand why he felt it essential to deny the political authority of natural law will bring greater understanding of his political theory.

The question then is: "once we acknowledge we cannot appeal to 'natural law' as a moral ideal, what is to serve as the basis of politics and justice?" It is this question Rousseau turns to in the works which follow the two Discourses. A careful reading reveals, however, that his answer is already foreshadowed in the Second Discourse. In fact, Rousseau claims that his position was not something he worked out over time, but was the conclusion he arrived at while working for the French embassy in Venice. It was in this period, he writes, that he discovered "everything is rooted in politics and that, whatever might be attempted, no people would ever be other than the nature of their government made them."⁷¹

⁷⁰Jean-Jacques Rousseau, Discourse on Political Economy in The Basic Political Writings trans by D.A. Cress. (Indianapolis: Hackett Publishing Co.,1987) p. 113

⁷¹Rousseau, Confessions p. 377

This principle is both revolutionary in implication and serves as a key to the whole of Rousseau's philosophic system. When it is kept in mind, what often seems contradictory in Rousseau resolves itself. Rousseau really is, as he himself claimed, the most consistent of philosophers, at least in regard to this political thesis.

The quickest and surest method of immersing ourselves into this view is by trying to reconcile two of his works which, when viewed together, have always daunted his interpreters. If Rousseau is, as he claimed, consistent then we should be able to resolve what is often viewed as a 'disunity' (or something worse) into an unity. This 'disunity' arises when the critic tries to compare The Social Contract and The Government of Poland.

THE GOVERNMENT OF POLAND

Difficulties Involved in Interpreting this Work

Willmoore Kendall in his introductory essay "How to read Rousseau's *Government of Poland*" describes the difficulty of reconciling the work on Poland to the bulk of Rousseau's other work. Frequently the critics do no better than simply to ignore Poland. Thus, Roger Masters in his otherwise excellent work The Political Philosophy of Rousseau (1968) only mentioned Poland in passing. The oddness of this neglect becomes apparent when one considers that here we have one of the very few works Rousseau wrote which were actually directed to a real situation and a real problem. The author of the Social Contract is here describing the reformation of a real state. Where better, it would seem, to examine the validity of our understanding of his political theory than in a work which he intended to be put into practice? Yet

Poland is hardly ever discussed. It is also a burr in the skin of the critic who would read into the theoretical works revolutionary doctrines of democracy or liberalism. Likewise, we must pity the poor reader who first approaches Rousseau by way of Poland, for they will no doubt never understand most of the current scholarship on Rousseau or be able to shake off the impression of Rousseau's conservatism and respect for the status quo.

We must join Kendall by asking with him how this work should be read. Kendall describes various ways to read Poland, but ultimately he settles on the idea that it is a "venture in 'secret writing'."⁷² Rousseau really does not intend this work for the actual state of Poland which so shortly will be divided up among its neighbors. Rather this is a work designed "for the territorially extensive modern nation-state as such..." and it is Rousseau's intent, not to prescribe to Poland, but to make a work which would serve as a guidebook for "his future adepts...."⁷³ In other words Rousseau is aware that Poland is a lost cause and is writing for future generations. Only in the future will his true greatness be discovered and they will turn to him for instructions on the creation of modern nation-states.

It seems this explanation of Poland is dubious. It certainly is true that Rousseau kept one eye focused upon a future that he believed would finally vindicate him before his enemies, but the notion of a secret doctrine just seems too unlikely and clandestine. Furthermore, secret doctrines are extremely malleable to the interpreter's bias, and are hard either to prove or

⁷²Willmoore Kendall "Introduction" to The Government of Poland by Jean-Jacques Rousseau. Trans. and intro by Willmoore Kendall (Indianapolis: Hackett Publishing Co. 1987) p. xxvii

⁷³Kendall, Introduction to Poland. p. xviii

disprove. Gnosticism may be clear to the initiated, but its doctrines must remain a mystery to outsiders. The same is true for the reader of Rousseau if, in fact, there is some hidden doctrine behind the words of this work.

What then is the alternative? How can we possibly reconcile, as Kendall notes, statements about legitimate government being dependent upon the "general will" of every individual and the suggestions in Poland that the serfs not be freed?⁷⁴ How do we steer a course between the revolutionary implications of the Social Contract and the monarchical, rather conservative details found in Poland? Did Rousseau change his mind? Was he attempting to win over the Polish nobility's support for greater reforms by conceding to them the points he realized could not be changed anyway (which would make Rousseau rather the pragmatist)?⁷⁵ Or do we really have here some "secret doctrine" which for our purposes renders this work rather spurious? None of these options is attractive. What is left is to shave the problem with Occum's razor and take at face value Rousseau's claim that he was always making the same point throughout all his works. Perhaps the dilemma is not that we do not correctly understand the Poland. Perhaps the problem is that we do not understand either it or the Social Contract, because we do not know what Rousseau means when he writes that "everything is rooted in politics..." or when he writes that the "social order...serves as a foundation for all other rights. Nevertheless, this right does not come from nature. It is therefore founded upon convention."⁷⁶ To understand both the

⁷⁴Kendall, Introduction to Poland. p. xiv

⁷⁵Kendall, Introduction to Poland. p. xvi-xvii

⁷⁶Rousseau, Social Contract p. 141

Poland and the Social Contract we must first examine the consequences of these claims. This once more returns us to the examination of the roots of society.

ROUSSEAU'S VIEW ON THE FOUNDATION OF SOCIETY

The importance of what Rousseau was really saying about nature only becomes apparent when the discussion moves from the "historical" perspective of the two Discourses to the prescriptive found in such works as the Poland. Whether or not natural man was ruled by the laws of nature and whether he was thus more moral or immoral than modern man is interesting and significant, but what would prove far more significant, and perhaps even dangerously revolutionary, would be the denial of any standard upon which the current political structures of men are built. This would suggest "anything goes" and seems likely to result in a free-for-all. This is, it will be shown, an accurate reflection of Rousseau's views of modern society.

A doctrine that there is no external standard upon which a political philosophy could be based would remove any restraint on the "possible." The powerful could, with impunity, exploit the ruled as they please without the fear of violating some moral standards of God or man. But, on the other hand, all claims of legitimacy would equally be cast aside. In its place we would find a "top-dog" notion of force. The ruler's place is assured only as long as strength maintains him, but he can be justly toppled at any moment with no fear of stepping upon some "divine rights." In such an amoral

political system Rousseau claimed that: "as soon as one can disobey with impunity, one can do so legitimately...."⁷⁷

This state of affairs, according to Rousseau, cannot be counted as a "social order." Rather we simply see the state of nature writ large. First, as he notes, "force is a physical power" and so it is impossible "to see what morality can result from its effects."⁷⁸ Rousseau then goes on to ask "what kind of right is it that perishes when the force on which it is based ceases?" Obviously force is not the basis for morality since it insures no rights nor, significantly, duties. "If one must obey because of force, one need not do so out of duty...this word 'right' adds nothing to force."⁷⁹ "Duty" is central to Rousseau's notion of morality, and his philosophy must be viewed in this light.

A system based on force lacks moral justification. Force cannot be the basis of any political system. Force is "lawlessness," i.e., it is a return to the state of nature: "no sooner does a man claim, independently of the laws, to subject another to his private will, than he at once leaves the civil state, and in relation to the other man, places himself in the pure state of nature...."⁸⁰ By extension any ruler not in place by some common consent of the ruled has placed himself in a state of nature towards them. He is nothing more than a brigand.

⁷⁷Rousseau, Social Contract p. 141

⁷⁸Rousseau, Social Contract p. 143

⁷⁹Rousseau, Social Contract p. 143

⁸⁰Rousseau, Political Economy p. 117

The fact that Rousseau viewed almost all of modern society in this light cannot be ignored without casting all of his political philosophy into confusion. Having denied the prescriptive powers of natural law and excepting the theoretical social contract of republics, all modern states are founded on no more of a legitimate basis than force. The fact that these illegitimate states claim for themselves legitimacy, and a legitimacy which is believed and accepted by their subjects, is, Rousseau believed, the result of the greatest deception in the history of humanity. This was, in a way, the "fall" which is every bit as destructive as the fall in the Genesis account. The rich completely deceived the poor into exchanging their freedom for slavery in the name of "common defense."⁸¹ That, Rousseau tells us, is the true basis of modern society and that deception is the true "legitimacy" of its rulers. Society is based on force and inequality.

This "law" of force still functions and causes never-ending strife and contention. The only real alternative, Rousseau believed, to this social division and envy is a harmony based on "convention"--i.e., the acceptance by all of a set of laws and mores.

Rousseau writes: "Since no man has a natural authority over his fellow man, and since force does not give rise to any right, conventions therefore remain the basis of all legitimate authority among men."⁸² He removes the appeal to nature or force to justify an act *morally*. Morality is the result of convention and consent and is therefore inevitably linked to the political existence of man.

⁸¹Rousseau, Inequality p. 69

⁸²Rousseau, Social Contract p. 144

Logically one can argue that the unrestricted use of force for one's own good, while not morally justified, is not immoral either--*a priori*. Rather the inequality of force and the use of one's force for the attaining of one's own good is simply man in a state of nature. The reliance on individual force is not the means of establishing a civil state, but outside such a state "morality" is not at issue. This is central to an understanding of Rousseau's views of both politics and the nature of man. In society it is not arbitrary power which stands supreme, it is law. In nature it is simply force.

Obviously then, the reason that "might" does not make right is that man no longer is in a state of nature. The loss of natural freedom which enslaved man may also be the best means of providing him a new basis of freedom. It is, admittedly, an unnatural freedom being both political and institutional, but it is the institutions and laws of man which keep him from the horrible consequences of force latent in his own nature.

This can perhaps be best illustrated in the following manner. It would be possible to herd a large number of solitary, wild, animals suddenly into a confined area. The results would be catastrophic if the beasts were naturally territorial, as solitary species tend to be, and thus antagonistic to others of their own kind. Suddenly they are surrounded and have no means of escape. It is possible that not even natural "pity" could prevent bloody encounters. It certainly would not occur to these solitary animals to suddenly set up a social hierarchy to prevent innumerable battles over mates, available food, or territory. Yet this is exactly what happened in the history of man.

The social implication of Rousseauian "self-love" really is a form of "might makes right." This doctrine is harmless as long as each individual has room to flee from others of its kind, but could be devastating for a species

if they were deprived of the option of fleeing and were forced to remain in close proximity to others of their kind.

Natural freedom is lost with the formation of society. Now all man has left is the freedom provided by the social and political institutions which entwine him. But for Rousseau the chains which bind man are also the very ones which can serve, if rationally used, as the means to a wider form of freedom and survival than he can otherwise experience. There is a flavor about this of Hobbes. To clarify Rousseau's position of the state it would be helpful to compare him more directly with Hobbes.

ROUSSEAU'S VIEW OF HOBBS

From the above it should come as no surprise that there are numerous similarities between the two since Rousseau himself praised Hobbes's political understanding. According to Rousseau, Hobbes, "of all Christian authors," is the only one to grasp the true nature of politics and its dilemmas.⁸³ Rousseau's praise reveals an undercurrent of his own political philosophy, his praise is for Hobbes' understanding, and attempted resolution, of the issue of religious versus political authority. It would be informative to map out that point Rousseau found so praiseworthy in Hobbes.

According to Rousseau western civilization has suffered from divided loyalties. Men have not just their lords set over them, but clerics as well. The result, from the days of Jesus, has been "infernial division that never ceased to agitate Christian peoples." All this because Jesus attempted to separate "the

⁸³Rousseau, Social Contract p. 222

theological system from the political system".⁸⁴ The tension caused by this division has been a disease at the heart of the Christian west ever since. No one is sure to whom he owes supreme loyalty, the lord or the cleric.⁸⁵

Rousseau believed division in a society was one of the worst problems a society could face. He praised Mohammed for his "sound opinions" in uniting political and religious authority under one head and notes that as long as the two were held by one man the government was good.⁸⁶ It was only with the conquest by barbarians that the two became separated--leading to all manner of corruption and ill-governance. But Hobbes understood the need to unite the "two heads of the eagle," Rousseau claimed, and had tried to effect a "complete restoration of political unity, without which no state or government will ever be well constituted."⁸⁷

Ultimately Rousseau thought Hobbes failed to provide a viable solution to the problem of divided authority. He failed because he underestimated the power and interests of the priests. Christianity, Rousseau writes, will "always be stronger than that of the state" in Hobbes's political system⁸⁸. Rousseau believed that in a real social order there simply cannot be any division among the people for "whatever breaks up social unity is worthless. All institutions that place man in contradiction with himself are

⁸⁴Rousseau, Social Contract p. 221

⁸⁵Rousseau, Social Contract p. 141

⁸⁶Rousseau, Social Contract p. 141

⁸⁷Rousseau, Social Contract p. 141

⁸⁸Rousseau, Social Contract p. 223

of no value."⁸⁹ Both religion and political authority must be unified under one head, and that head will be the political.

This gives to Rousseau's work an element of authoritarianism which ought not be overlooked. Rousseau clearly did not object to Hobbesian authoritarianism. He did not criticize Hobbes for giving the political realm too much power--in fact his major concern was that Hobbes made the political arm too weak. According to Rousseau, Hobbes does not manage to fully encompass religion in politics and thus leaves too much room for the clerics exerting their own authority and thus dividing the state. Rousseau would have Hobbes and all political philosophers realize that religion must be a department of the state and that they must give up all notions of creating a "Christian Republic." These terms are mutually exclusive.⁹⁰

Still, Rousseau did credit Hobbes with seeing the problem of divided loyalties of religion and politics in western society, and Rousseau admired him for this insight. But Hobbes, according to Rousseau, failed to grasp the correct solution to the problem. According to Arthur Melzer, contrary to general opinion Hobbes did not just believe humans were too self-willed by nature and always at war with one another. Hobbes also saw that humans are far too obedient to authorities. They are too easily led.⁹¹ The real danger to society is not that each man wars against his neighbor, but that they quickly fall into line behind "rabble-rousers" who seek to overturn the established

⁸⁹Rousseau, Social Contract p. 223

⁹⁰Rousseau, Social Contract p. 225

⁹¹Melzer, Natural Goodness p. 121

authority and put themselves at the head of society.⁹² Hobbes believed it was his task to design a political philosophy which would simplify and establish once and for all the lines of authority and thus guarantee undivided obedience. In an ideal state the usurper would clearly be in the wrong and would not garner wide support. Society, with its clear and clean lines of authority, would have internal peace and unity. This is the problem Hobbes set out to address and the resemblance to Rousseau is clear. Nor should we ignore the methods Hobbes used to reach his goal and how similar they are to Rousseau's methods. It is interesting that before he tried to prescribe the shape of the correct state, Hobbes first undermined the traditional lines and avenues of authority. Rousseau does the same as he seeks to deny the authority of natural law and treats traditional avenues of legitimacy as simple power relations. After undermining the alternatives Hobbes employed the notion of a "social contract" and claimed this is the only sure footing upon which authority may stand. More specifically Hobbes believed that the "state of nature" where all warred with all "refutes all claims to leadership and throws each man back on himself."⁹³ Thus, as Rousseau later, Hobbes asserted that men coming out of a state of nature are all equal in a political sense. This is so since all are "politically" equal in a state of nature. It may be true that physical inequalities may allow one individual to defeat another, but this does not justify "kings" in a modern society. The two are unrelated.

True authority then is based upon a "social contract" among free and

⁹²Melzer, Natural Goodness p. 121

⁹³Melzer, Natural Goodness p. 122

equal individuals.⁹⁴ It is irrelevant to Hobbes who is chosen to rule--or even what family or dynasty is chosen--what is of importance is that once the choice is made there cannot be any challenge to the ruler. Any challenge of the king's authority would be rebellion against the whole, since they made the original contract. There cannot exist multiple authorities, for once one is selected to rule he bears the right to all the power of the state. There is no disunity and people will be free to follow their natural inclinations by following the legitimate ruler. The greatest evil for Hobbes and Rousseau is not the arbitrary use of power, but social division.

This was an "ideological revolution" according to Melzer. For the first time in western political theory the idea of authority is detached from any claims about a natural moral superiority, or divine right. Hobbes had created a system where "political legitimacy...stands independent of any moral or religious claims...."⁹⁵ It is precisely on this point and the method used that Rousseau agrees and imitates Hobbes. As Melzer writes, it should be no surprise that both "share an identical view of the central political task...: both are obsessed with closing off every possible challenge to the law, both seek an airtight state with an 'infallible' absolute sovereign...."⁹⁶ Furthermore, both see the greatest danger to the state to be contested authority, especially from those who claim as the foundation of their authority a "higher law."⁹⁷ Both

⁹⁴Melzer, Natural Goodness p. 123

⁹⁵Melzer, Natural Goodness p. 123

⁹⁶Melzer, Natural Goodness p. 125

⁹⁷Melzer, Natural Goodness p. 125

seek to head off all such claims by strengthening the state and "subverting all traditional sources of authority..."⁹⁸ Unlike Hobbes, Rousseau found the best guarantor of unity in the state to be strict laws and mores. But both make the people at least the initial "sovereign" who establish either the ruler (Hobbes) or rules of the state (Rousseau). Rousseau, as we see, bears a significant resemblance to Hobbes. The resemblance is far greater than that which he shared with his enlightened contemporaries. What is noticeably and centrally different about the two men is Rousseau's dependence on the authority of laws rather than rulers. It is this solution of the problem which Hobbes failed to grasp.

LAWS AND CUSTOMS AS THE ONLY VALID SOCIETAL BASIS

Rousseau never equivocates about these points: laws and customs are the true basis of morality, and a rule of law is the only valid basis for a society. The spring from which all legitimate laws flow is the general will. The laws in and of themselves are pure convention, and in fact it is this that Rousseau believes gives them their validity. Any other source would be to impose upon man from the outside, and this would deny man's freedom and at the same time call into question man's need to obey. Man has no duty to obey sheer force, but he cannot fail to have a duty to laws he himself has freely consented to, and empowered. It is in willingly binding ourselves by law that we rediscover freedom. This is the central tenet of Rousseau's philosophy. It was the tenet that was missed by his contemporaries and subsequent generations who read into his work a return to the barbarous state of nature.

⁹⁸Melzer, Natural Goodness p. 125

This definition of freedom as self-legislation may seem rather counter-intuitive, and Rousseau obviously recognized this, for he himself rhetorically asks how everyone can be bound by laws yet free. He answers that under law men are actually "free because, under what appears to be subjection, no one loses any of his liberty except what can be harmful to the liberty" of others. And, "it is to law alone that men owe justice and liberty."⁹⁹

It is only with a state formed on the rule of law, Rousseau believed, that we can avoid the division of authority so prevalent in western history and also avoid the despotism which is a necessary outcome of unjust governments based on principles other than the general will. He believed that free men exercising free reason will inevitable arrive at the best method for obtaining the common good.¹⁰⁰ The only way that the common good cannot be upheld in such a free state is if there begins to develop factions and parties within the state. This will split, once more, a man's loyalties and prevent the necessary free use of reason in the interest of party spirits. "Political obedience can only be legitimate if it can be explained as a construct of reason, and such mental constructs...must take as given...that each individual has his own will...."¹⁰¹ Each individual must be free to will for the common good what he thinks best. Rousseau believes that this will result in the actual best, for each individual will be willing to put aside his

⁹⁹Rousseau, Political Economy p. 117

¹⁰⁰Ernst Cassirer, The Question of Jean-Jacques Rousseau edited and translated with an introduction and a new postscript by Peter Gay. 2nd edition (New Haven : Yale University Press, 1989), p. 97

¹⁰¹Masters, Political Philosophy p. 285

own "best" for the good of all if he is convinced that all will do the same. No one individual profits inordinately while the rest suffer (despotism).¹⁰²

Furthermore the man under the rule of law is truly and uniquely free for "under law, each obeys and no one commands...all are equal under it."¹⁰³ All the inequality of other theories and practices are avoided since there is none who stands above or apart from the law. Despotism is ruled out and social division is likewise avoided since the general will battles with no other power for priority. There is no possibility to challenge the general will apart from pure rebellion. There is no other means of establishing a basis for power than the free will of all.

What could possibly be countered to such a power basis? Certainly not natural law, as this has little or no relevance to society; in fact it is counter to the very establishment of a society, as Rousseau has shown. In fact he wrote that the magistrate who listens to the voice of nature is relying upon a "false guide" which "divert[s] him from his duties" and ultimately leads to his or the states downfall.¹⁰⁴ The law of God, while not specifically addressed, serves as no more of a basis for challenging the will of the many. We may infer this from the role Rousseau gives to religion in the state.

As noted before, religion becomes little more than a department of the state. It is not outside the realm of the state and thus cannot be outside the domain of the general will. It cannot serve, in this role, as the basis of a

¹⁰²Rousseau, Social Contract p. 148

¹⁰³Lester G.Crocker, Rousseau's Social Contract: An Interpretive Essay (Cleveland: The Press of Case Western Reserve Univ., 1968) p. 12

¹⁰⁴Rousseau, Political Economy p .113

challenge to the state, rather its sole occupation is service to the state.

Rousseau even goes as far as to suggest that the general will is in fact the "voice of God."¹⁰⁵

Thus the rule of law is an outgrowth of the general will and that alone. It is little more than the voice of the general will. It is for this reason Rousseau distinguished between a government and the sovereign. It is the sovereign which is synonymous with the general will, or what Rousseau calls the "body politic."¹⁰⁶ This body politic is, according to Rousseau, "a moral being which possesses a will; and this general will, which always tends towards the conservation and well-being of the whole and of each part...is the source of the laws...."¹⁰⁷ It is, by this definition, impossible for any law, accepted by the body politic, to be anything other than lawful, moral and just for this would suggest that something "prescribed by law could fail to be lawful."¹⁰⁸ Thus, there is no possibility to label Spartan boys 'thieves' when they stole for their dinners. This act was dictated by their customs, the general will, and was therefore fully lawful and moral in that society. Therefore the "laws" of the general will are all 'just' since for Rousseau by definition there is no other notion of 'just' than the self-imposed rules (laws and mores) of the collective. Rousseau has effectively removed all other, external, means of judging the "just" than this notion of self-imposed convention and in his

¹⁰⁵Rousseau, Political Economy p. 115

¹⁰⁶Rousseau, Social Contract p. 149

¹⁰⁷Rousseau, Political Economy p. 114

¹⁰⁸Rousseau, Political Economy p. 114

political theory "law is prior to justice."¹⁰⁹

There is no division: there is no despotism. Man is free in a sense very unlike his natural state. In nature man was free because he was bound to no one and no place. This is mans' "natural liberty" with its "unlimited right to everything" which tempts a man with whatever he can acquire.¹¹⁰ In society the converse is true. The only freedom attainable is that in which all are equally bound to each other and to their state. Rousseau calls this "civil liberty."¹¹¹ In a sense, it seems, in Rousseau's state man is free to be equally enslaved. The advantage of this system over the current state of affairs is that in modern society some are more enslaved than others. Envy is a natural result and social division is its product. It is interesting to note, and we shall return to this subject below, that Rousseau puts less trust in actual written laws than he does in social mores--what may perhaps be termed 'laws of the heart'.¹¹² The significance of this notion will become clearer when we turn from the theoretical to the concrete example of a state.

ROUSSEAU'S WORK ON POLAND RECONSIDERED

We return now to the issue of the Poland. It is time to reconsider this work, which seems so contrary to his earlier work, in the light of the above. With his emphasis on law, his dislike of despotism and social division, is it

¹⁰⁹Crocker, Rousseau's Social Contract p. 11

¹¹⁰Rousseau, Social Contract p. 151

¹¹¹Rousseau, Social Contract p. 151

¹¹²Crocker, Rousseau's Social Contract pp. 29-30

possible to believe, as many critics have, that in this text Rousseau should have suggested the toppling of the existing system and its replacement with a more egalitarian, liberal, form of government? Is it a surprise we cannot find such a doctrine in this text? And is it not this misunderstanding of Rousseau's political system which has led people like Kendall to posit and seek some "secret doctrine" written between the lines?

Rousseau himself makes it quite clear that he "always insisted on the preservation of existing institutions holding that their destruction would only remove the palliatives while leaving the vices...."¹¹³ He was, above all, the political theorist who "maintains the truest respect for the laws and national constitutions, and who has the greatest aversion to revolutions...."¹¹⁴ We need not view this bit of writing as a clever apology against his detractors, for once more he stressed the avoidance of social division and the maintenance of the laws. This is fully consistent with his earlier work.

Yet, the troubling question remains--what of the serfs? Are they not men? Do they not deserve immediate liberty? Should a bad system be kept simply because a major change would result in anarchy? There must be change, it is true, but Rousseau makes it clear it cannot be rapid. It would be a "great and noble enterprise..." to free the Polish serfs, but Rousseau still warns the Poles not to be too hasty in this direction. Before they embark on emancipation the reformers must make the serfs "worthy of liberty and

¹¹³Rousseau, Judge of Jean-Jacque p. 213

¹¹⁴Rousseau, Judge of Jean-Jacque p. 213

capable of bearing it."¹¹⁵ This returns us to the significance of what Rousseau meant by "laws of the heart."

It is not enough, Rousseau states repeatedly, to simply write laws. In fact he will argue that the need to do so is already a sign of a state's weakness. The centuries have given us plenty of written laws. It is not to these laws we should look for the maintenance of the republic, it is rather to the laws of the heart. These make written laws almost superfluous: "the greatest support for public authority lies in the hearts of citizens, and...nothing can take the place of mores in the maintenance of the government."¹¹⁶ Real authority is that which "penetrates to the inner part of a man and is exerted no less on his will than on his actions."¹¹⁷

The reason serfs and slaves must be made "worthy of liberty" is that they must first have the laws instilled into their inner being. Simply to end their servitude would not be to make them free. Freedom is, as so often noted, "obedience to the law one has prescribed for oneself..."¹¹⁸ We must immediately add that this should not be mistaken for some brand of broad individualism. Rousseau previously noted that "whoever refuses to obey the general will will be forced to do so by the entire body. This means merely that

¹¹⁵Jean-Jacque Rousseau, The Government of Poland Translated and introduction by Willmoore Kendall. (Indianapolis: Hackett Publishing Company. 1985) p. 30

¹¹⁶Rousseau, Political Economy p. 119

¹¹⁷Rousseau, Political Economy p. 119

¹¹⁸Rousseau, Social Contract p. 118

he will be forced to be free."¹¹⁹ Once more we must call attention to the previous quote that the laws must "penetrate" in such a way that not only actions, but even the will is determined by them. There is, about this notion, the air of "indoctrination."

Throughout the works of Rousseau we find an emphasis on education. Education is not simply, or even primarily, book-learning. Rather, he saw true education as learning to love one's country and being a good citizen. It is an education in "virtue,"¹²⁰ and a respect for the laws, customs and mores of the fatherland. It is "education that you must count on to shape the souls of the citizens in a national pattern and so to direct their opinions, their likes, and dislikes that they shall be patriotic by inclination, passionately, of necessity."¹²¹

Rousseau denied instinct, rejected natural law and even the law of God. In its place rests patriotic education, love of the fatherland and love of its laws. By implication he has declared man as infinitely malleable, and believes that "in the long run people are what the government makes them."¹²² The government molds, it teaches them to conform their wills to the general will, or mores of the state.¹²³ It teaches them to be virtuous, which is nothing more than the "conformity of the private to the general

¹¹⁹Rousseau, Social Contract p. 150

¹²⁰Rousseau, Political Economy p. 122

¹²¹Rousseau, Poland p. 19

¹²²Rousseau, Political Economy p. 119

¹²³Rousseau, Political Economy p. 119

will...."¹²⁴ Virtue is synonymous to being a good patriot, i.e., willing the general will. Freedom is obeying it. Men do so freely, but after a life of indoctrinating education they could do little else. And if there appears an individual who manages to overcome his moral education then Rousseau has prescribed a simple course. He must be forced to be free. He must be forced to obey.

You may make a former slave or serf obey the written laws of the republic, but unless they first are trained to love the fatherland you cannot claim that they are virtuous, citizens, or even free. You have removed physical shackles, but shackles remain. Simply to remove them from physical servitude is irresponsible and dangerous for this introduces an element of anarchy and "naturalism" into civil society. Thus Rousseau is perfectly consistent on the issue of the serfs. They will need to be trained first to be citizens before they can be made so.

ROUSSEAU AS THE CONSERVATIVE REFORMER

In brief, the state can serve as both oppressor or benefactor to man. Yet even when it serves as oppressor it cannot be lightly cast aside for the simple reason that it in some fashion prevents the blood bath of lawlessness. Even in bad governments a framework is established and Rousseau is careful about overturning the existent framework. In the work Rousseau, Judge of Jean-Jacques Rousseau writes that contrary to widespread belief he never wanted to "plunge the universe back into its first barbarism..." by advocating the

¹²⁴Rousseau, Political Economy p. 119

destruction of social institutions.¹²⁵

Thus in the debate over whether Rousseau was a revolutionary or a conservative, it would seem that he could best be described as the careful tinkerer. His real revolutionary doctrines are not about the "form" of government but of man. In regard to the form of the state, such as Poland, Rousseau feared that any change in a state's institutions might not bring about the desired results of greater freedom, but on the contrary might produce even less freedom and happiness. Rousseau claimed that he had "the greatest aversion to revolutions..." though people insisted on seeing him as a "promoter of upheavals and disturbances...."¹²⁶ The Poland can, then, be read without resorting to Kendall's "secret doctrine" and the apparent "decoder ring" it would require.

If there is still any doubt about his position we can take as our cue his attitude about returning men to the state of nature. It is unquestionable that he argued man was "happier" in this state than he now is. But, does he suggest that man should work towards returning to this state? Obviously not. He argues that man would no longer be happy in that state and in fact would be even more miserable than he is now--assuming he was even able to survive. The best means of increasing happiness and freedom, according to Rousseau, is to tinker with the existing state of affairs, not attempting to cast overboard what exists and restart from scratch. Rousseau is a political reformer, not a revolutionary.

¹²⁵Rousseau, Judge of Jean-Jacque p. 213

¹²⁶Rousseau, Judge of Jean-Jacque p. 213

ROUSSEAU AND KANT: THE LAWS OF REASON

The philosophic underpinnings to Rousseau's system are also now clearly exposed. We can see features of this system which so influenced Kant. In fact Rousseau foreshadows, as Charles Taylor notes, that feature of Kant which is most revolutionary in the history of modern moral theory.¹²⁷ The feature which Rousseau and Kant share is the notion of morality founded upon "laws of reason."

In a sense this follows, as noted above, from the idea of morality as convention rather than being based on some external standards. In Kant's hands this doctrine will result in a radical notion of "free moral subjectivity" which does not rest upon an "aesthetic" notion of taste or pleasure (happiness), but is both categorical and unconditional.¹²⁸

"What Rousseau has actually done is to redefine freedom in terms of an "ought," which is obedience...to the "collective self" rather than the "human self," to "culture" rather than to nature.¹²⁹ This "ought," which in itself is something of a totalitarian notion, manages to give moral laws the "necessity of physical laws...."¹³⁰ It is this "necessity," this "ought," which will play such a significant role in the understanding and work of Immanuel Kant.

There is a difference as we shall shortly see, and yet the division

¹²⁷Charles Taylor Hegel and Modern Society (New York: Cambridge Univ. Press 1979) p. 4

¹²⁸Taylor, Hegel p. 4

¹²⁹Crocker, Rousseau p. 13

¹³⁰Crocker, Rousseau p. 21

between the two men's notion of 'ought' is not that drastic. When Rousseau sums up the gains man has made by his entrance into a society he does so with sentiments which can be pulled, almost intact, out of the work of Kant. He writes that it is the "civil state of moral liberty, which alone makes man truly the master of himself. For to be driven by appetite alone is slavery, and the obedience to the law one has prescribed for oneself is liberty."¹³¹ This is, in a rather uncomplicated fashion, the summation of Kant's ethical and metaphysical philosophy. As Cassirer writes, "Rousseau's ethics is not an ethics of feeling but the most categorical form of a pure ethics of obligation...that was established before Kant."¹³² In fact, even if Kant had never acknowledged his debt to Rousseau this passage alone should have served as evidence of the debt. In the works of both there is an identification of the moral realm and the moral laws of behavior with reason over feelings and "instinct." In Kant's hands this will provide the basis of all human freedom in the moral realm while acknowledging necessity in the physical.

CONCLUSION

What can we conclude about the nature of Freedom in the works of Rousseau? Freedom is a consequence of political systems, and in contemporary states man is not free. Rousseau does not believe there is metaphysical freedom, but natural--i.e., lawless--freedom and the potential for political freedom.

Rousseau is not interested exclusively, or perhaps even predominately,

¹³¹Rousseau, Social Contract p. 151

¹³²Cassirer, Question p. 96

in political forms, but rather in the structures of society and the molding of men which give these forms life. That which he calls the "convention" and the "free willing of the general will" will be translated by Kant into the "ground" or "foundation of morals." Simply changing the type of government will not alleviate the problems that were apparent in the prior form. One must go deeper than that into the mind of man himself.

It is equally significant that by binding politics and morals Rousseau is also making a significant statement about morals. The conclusion one could draw is that there is no discussion of morals outside of a "political" context. In the end it is for that reason that "no people would ever be other than the nature of their government made them." The people are here presented as a product of their society, and not the other way around.

This does seem to be in line with what Rousseau had written even in his first Discourse where he spent much time showing how society had become decadent in comparison to the Spartans and Romans. In those days, he notes, "politicians spoke incessantly about mores and virtue; ours speak only of commerce and money."¹³³ This same theme is also to be found in the Social Contract where we see that to change the individual one must first change the government--not simply its form, but the rational basis upon which it rests. This is why Rousseau spends so much time on sovereignty. He attempted to reinstate the general will as opposed to the false power-structure which allows the nobles and rich to say "I am the state." He was

¹³³Rousseau Jean-Jacques. Discourse on the Sciences and Arts in Discourses and Essay on the Origin of Languages edited, translated and annotated by Victor Gourevitch. (New York: Harper & Row 1986) p. 12

seeking to create a rational basis of sovereignty and authority which was not subject to inequality, but which would restore all men to an equal footing.

CHAPTER 3

KANT ON THE METAPHYSICAL PROBLEM OF FREEDOM

INTRODUCTION: A DEBATE ON "INFLUENCE"

It is necessary, before turning to the effects Rousseau had on the thinking of Kant, to state clearly from the beginning this influence is contested and highly debatable. Sidney Axinn, writing in the Philosophical Forum, emphasizes that "no study of the history of ideas should let us misunderstand the enormous differences between" the two men.¹ Axinn emphasizes how fundamentally the two differ on the discussion of such things as the origins of man and the conception of the human species and human history. He seeks to "end the routine repetition of a remark" which was stated first by Cassirer, "about what Kant is supposed to have learned from Rousseau." The purpose of his article is to end the unquestioned assumption that Kant learned a great deal from Rousseau. Rather he claims that the two men's philosophy is so divergent that we can only mean "learn" in the sense that Kant studied and analyzed Rousseau. Such a statement is "harmless but empty."²

¹Sidney Axinn, "Rousseau *Versus* Kant on the Concept of Man" in Philosophical Forum Vol. XII No. 4 (Boston: Boston University 1981) p. 355

²Axinn, "Rousseau Versus Kant" p. 354

The point is well taken, but I believe it overstated. Axinn's argument should serve as a warning to the interpreter who would find the philosophy of Kant as no more than a collection of ideas garnered from his predecessor. It should also give us pause whenever we assert a debt which is based on some facile similarity. But Axinn's method is seriously flawed for the same cause for which he so criticizes Cassirer. He has interpreted Rousseau in a manner which eliminates the more overt similarities between Kant and Rousseau, while Cassirer does the reverse. Yet, whenever depicting a debt owed by one thinker to another it is important to distinguish between what the one thought the other was saying, and what in fact the other actually did write. That is, to show that on specific details Rousseau and Kant differed widely and fundamentally is quite different than denying Rousseau's influence on Kant. The question really is whether there is evidence that a significant amount of Kant's philosophy stemmed from his reading, understanding, and reaction to Rousseau. Furthermore, while Axinn shows fairly conclusively how far apart the two were on the topics mentioned above there is still overwhelming evidence that "the 'transcendental turn'," which forms the most distinctive part of Kantian philosophy, is the result of a "prior 'Rousseauian turn' in Kant's thought...."¹³⁶ The importance of this debt cannot be underestimated. When it is seen that 'reason' is linked to 'freedom' and that 'freedom' is linked to 'morality' (and this is the reason Kant felt it was necessary to write the Critique of Pure Reason in the first place) then one can see that Rousseauian elements go to the core of Kant's

¹³⁶Richard L. Velkley, Freedom and the End of Reason: On the Moral Foundation of Kant's Critical Philosophy (Chicago: University of Chicago Press, 1989) p. xii

philosophy. Nor can we ignore Kant's own words about his debt. He recalls how he was "an investigator by inclination" and at one time believed that it was this--man living in the abstract world of the mind--which was his highest condition. At that time he belittle the day-to-day world of commerce and the society of the lowly on the streets: in his words he "despised the mob, which knows nothing about" abstract entities and metaphysics. But, as Hume startles him from his dogmatic, pre-critical, slumbers so Rousseau "set me straight" and Kant learned to "honor" those non-philosophic masses.¹³⁷ These are more than the musings of a man seeking to publicly elevate himself by a display of humanity and humility: his ethical theory was revolutionary because it established the common moral knowledge of the masses as the standard of moral philosophy. Kant took ethical standards out of the hands of the metaphysician and places it solidly among "Everyman."

Newton had uncovered the laws of nature but Rousseau had "discovered amid the manifold human forms the deeply hidden nature of man, and the secret law by which Providence is justified...."¹³⁸ It is valid to note how the two differed, but we must also note what Kant believed Rousseau was saying about the "nature of man." Such an examination will leave little doubt that Kant at least believed himself indebted to Rousseau.

I cannot leave this subject without noting that I believe the debate between those who would follow Axinn and those who would follow Cassirer--the one denigrating the influence and the other perhaps over-

¹³⁷Kant Educational Theory p. 236

¹³⁸Immanuel Kant, cited by Ernst Cassirer, Kant's Life and Thought (New Haven: Yale University Press. 1981) p. 89

emphasizing it--may in large part be due to differences in the approach to the history of philosophy. One camp believes that the greatness of thinkers is in large respect due to their originality and tend to view "influences" largely as does Axinn: they are "harmless but empty." On the other extreme one will find those who view all philosophic constructs as little more than a reflection of their era, social class, nationality etc. For this camp there is no originality, only "influences" (I shall not place Cassirer in this extreme camp, though I suspect Axinn tends to view him as at least an accomplice to this extreme). In my treatment of Kant I will seek to avoid both extremes, and will note both debt and originality. With this in mind I must immediately state that it is unquestionable that the similarity between the two is more a matter of form than content. In the details Axinn is correct, the two men are poles apart.

THE CRITIQUE OF PURE REASON: THE TWO REALMS

It was mentioned above that there are certain important similarities between Kant and Rousseau. The first similarity which may be noted is also the one most superficial and probably coincidental, but is useful to note for with it we may come to a clearer notion of Kant's approach to the problem. Rousseau began his philosophy with a "critique" of society and the basis upon which it was built. He undermined natural law as this basis. Kant was doing much the same in his Critique of Pure Reason. It is an irony that what is often taken as his major work was seen by him as merely preparatory to his real task. In this first Critique he intended to "deny 'knowledge' in order to make room for 'faith'."¹³⁹ He believed he must deprive "speculative reason"

¹³⁹Immanuel Kant, Critic of Pure Reason translated by Norman Kemp

of its "pretensions to transcendental insight" in order to renew a meaningful dialogue on issues such as freedom.¹⁴⁰ It is the mistake dogma of philosophers who have not first examined the foundations of pure reason which lead to attacks on morality and freedom. Kant believed a careful examination of the limits of reason will reveal that certain issues such as those noted cannot be decided either way by reason alone. The Critique was, then, in some way nothing more than the foundational study of the truly important issues he treated in his later works. It is, to make an analogy, Kant's First and Second Discourses. But, for Kant the problem he faced is not natural law, but like Rousseau he does find it necessary to "clear the field" before constructing anew.

Naturally, freedom is of central importance in Kant's philosophy. Not only is it, of all our ideas of speculative reason, the only one known a priori but it serves as the basis for all knowledge of God and immortality.¹⁴¹ Without freedom, Kant argued, morality would not only be impossible but meaningless.¹⁴² But, what is freedom and how do we know about it? Can we prove it exists? To place these questions into their proper context it will be necessary to review the condition of metaphysics Kant arrives at in the Critique of Pure Reason.

Kant divided the world into two: there is the realm of noumena and

Smith. (New York: St. Martin's Press. 1929) B:xxx p. 29

¹⁴⁰Kant, Pure Reason B:xxx p. 29

¹⁴¹Immanuel Kant, Critique of Practical Reason translated with an introduction by Lewis White Beck. (New York: The Liberal Arts Press. 1956) p. 4

¹⁴²Kant, Practical Reason p. 4

the realm of phenomena. The noumena world is unknown and unknowable. What we know we know only through our senses, but we have no senses which would directly intuit the world of noumena. Instead, whatever strikes our senses is modified first by the intuitions of time and space, and then attached to some pre-existent category, or rule of the mind. This modification is pre-conscious and is not subject to our control. Our experience is determined by the structure of our own minds and thus limited by this structure. We are cut-off from the world of "things" and left with a phenomenal world of "appearances."

The implication of such a theory is far ranging, but even more to the point is the effect this theory has on self-knowledge. How is the self known? Is it known by direct intuition? Kant denies this possibility. The self is a thing-in-itself and thus a part of the noumena world. Since we have no means of directly experiencing this world we have no direct experience of pure self. The self we know is phenomenal and inferred rather than experienced. The basis of our inference is the unity evident in our experiences. The multitude (or "manifold") of our experience share a unity; a unity which does not arise from any particular empirical experience. Rather, we observe that all our experiences are, in a way, located in a particular place. There is nothing in the experiences of x at time t , and y at time t_4 which connect them into a unity but that both occur in one "consciousness." Hence we posit a "subject" of which experience serves as object. The self, then, is known only by experience and is therefore a member of the phenomenal world. The self we know is not the "thing" but "appearance" self.

THE METAPHYSICAL PROBLEM OF FREEDOM

It is at this point the problem of freedom becomes apparent. Kant argued, in this first Critique, that all appearance must obey universal and necessary rules. Appearance must be lawlike. That which is not lawlike is not knowable. The most famous example of law of appearances, and the one most germane to this discussion, is the law of causality: i.e., every event has a cause. The self then, it follows, is also determined by the laws of causality. It would necessarily follow from this that freedom is an illusion. The self cannot be free if it is determined by natural causality.

But this runs directly counter to what Kant was taking such pains to prove. In fact in the preface to the second edition of the Critique Kant described his efforts as directed towards denying "knowledge, in order to make room for faith."¹⁴³ But it now seems that he has destroyed faith in freedom (and thus God and immortality) by proving the self is determined. Kant's solution will be found in his division between the phenomena and noumena self, but his first step will be to examine the very notion of freedom in pure speculative philosophy.

What can pure speculative philosophy tell us about freedom? Obviously we have the notion of freedom, and just as obviously it did not arise from experience. We never observe freedom for what we know from our senses or as a result of our mental structure is that "every event has a cause." Yet, there are those who argue that we can know we are free beings apart from any experience. This, Kant argues, is "metaphysical dogmatism" and it cannot serve as the basis of our belief in freedom. The reason

¹⁴³Kant, Pure Reason B:xxx p. 29

speculative philosophy fails to satisfy our search for freedom is that it inevitably ends in an "antinomy." Speculative philosophy, at best, can prove both that we are free and that we are causally determined. Kant seeks to demonstrate this in the "Third Antinomy."

THE THIRD ANTINOMY

There is an infinite regress in causality. Every effect has a cause, Kant believed he had already proved this, but this cause is itself the effect of a previous cause, and that of an earlier cause. Taken to its logical extreme we find there can never be "a first beginning...."¹⁴⁴ This, however is self-contradictory for it violates our understanding of the causal chain.¹⁴⁵ We must assume, then, a first cause which is not itself an effect. This too is contradictory, but inescapable. We can only resolve these contradictions by assuming that something stands outside of "nature" (the sum total of our phenomenal experiences conditioned by law-like rules of thought) and is, then, transcendently free. This thing may so impinge itself on nature that it may set off a series of events with "absolute spontaneity."¹⁴⁶ This is not simply an argument for a Prime Mover, for Kant distinguishes between the "absolute first beginning" in time and the initiator of a causal chain.¹⁴⁷ The first is problematic since time is no more than a medium of our intuitions--it has no existence, or at best an unknown existence, apart from our experiences.

¹⁴⁴Kant, Pure Reason A:446 p. 410

¹⁴⁵Kant, Pure Reason A:446 p. 410

¹⁴⁶Kant, Pure Reason A:446 p. 410

¹⁴⁷Kant, Pure Reason B:478 p. 413

Furthermore, it is not a solution which can give us the desired "free will" for once a spontaneous action impresses itself upon nature it sets off a causal chain which carries with it mechanistic determinacy. Thus, the action of a Prime Mover would still leave us determined.

But, while there is no absolute beginning "in time" Kant did believe he had shown the possibility of "relative" beginnings.¹⁴⁸ That is, it is possible for there to be several different "first causes" each setting off a causal chain in the phenomenal world. The initiator of these causal chains will be that which stands outside of nature--the thing in itself. The "thing" can serve as cause without itself being caused. The "thing" is free, and since the noumena-self is a "thing," then that self is free while the phenomenal self, which is in nature, remains determined.

It would be in error to view this argument as Kant's proof of freedom. Set alongside this thesis is its antithesis in which he argues that "there is no freedom; everything in the world takes place solely in accordance with laws of nature."¹⁴⁹ It is unnecessary to dwell on this antithesis, since the whole of the Critique argues for the inescapability of the "laws of nature." What is important, however, is that according to pure, speculative philosophy both arguments, taken alone, are valid, and one is as provable as the other. This means that pure speculative reason is left with a paradox which cannot be escaped. Reason becomes "divided against itself" by proving two statements which stand in apparent contradiction.¹⁵⁰ Reason, by speculative philosophy,

¹⁴⁸Kant, Pure Reason B:478 p. 413

¹⁴⁹Kant, Pure Reason A:445 p. 409

¹⁵⁰Kant, Pure Reason B:492 p. 423

cannot avoid this stalemate, nor can experience settle the issue one way or the other.¹⁵¹ What, then, has been proved? Only that the speculative use of reason is unable to decide the issue of freedom, and the proof of freedom must be sought on other terms.

The positive element, however, which Kant saw in this stalemate was that "for speculative reason, the concept of freedom was problematic but not impossible...."¹⁵² Speculative reason may not prove "freedom" but it cannot prove there is no freedom either. Speculation can make no authoritative conclusion, and the possibility of freedom is not endangered by any philosophy which is based on speculative reason. Neither morality nor freedom are threatened by the laws of science. Speculative reason cannot threaten anyone's peace of mind with proofs of determinism.

CAUSALITY AND TIME IN THE PROBLEM OF FREEDOM

Transcendental philosophy has much more to say about freedom than does speculative philosophy. Kant had already shown that there is a noumena world and a phenomenal world. He had shown that time was a medium of the phenomenal world as causality (based as it is on time sequences) is a category of the mind. Causality involves a necessary series of events a,b,c, which cannot be reversed or altered. Time, then, is an essential feature of determinacy. But Kant also holds that "time is only a condition of

¹⁵¹Kant, Pure Reason B:560 p. 464

¹⁵²Kant, Practical Reason p. 3

appearances, not of things in themselves."¹⁵³ If things in themselves are not in time then the notion of causality holding for them is nonsensical; and if causality does not hold for noumena things then it is meaningless to view them as being subject to determinacy.¹⁵⁴ They must, therefore, be free.

This position Kant believed would be more obvious if people avoided the "common but fallacious presupposition of the 'absolute reality' of appearances...."¹⁵⁵ To view our experiences, the phenomenal world of appearances, as "real" or at least as the "one" reality leads us to conclude that as everything in nature follows the laws of causality, then determinacy is unavoidable. But:

if...appearances are not taken for more than they actually are; if they are viewed not as things in themselves, but merely as representation, connected according to empirical laws, they must themselves have grounds which are not appearances.¹⁵⁶

And, we may add, this "ground" will not follow the laws of empirical appearance.

CONCLUSION

Kant's claims may be viewed as a negative assertion. This is significant, for a positive claim would violate his own tenets about the impossibility of knowing about "things in themselves." His assertion that the "thing" is free

¹⁵³Kant, Pure Reason B:567 p. 468

¹⁵⁴Kant, Pure Reason B:568 p. 468

¹⁵⁵Kant, Pure Reason B:564 p. 466

¹⁵⁶Kant, Pure Reason B:565 p. 467

amounts, at this point, to no more than that the laws of appearance do not hold for non-appearance.

It is also important to recognize, noted Kant, that we cannot meaningfully consider an action as beginning "in this active being itself; but we may quite correctly say that the active being of itself begins its effects in the sensible world."¹⁵⁷ To assert that an activity begins "in" a noumena self is to ascribe a time sequence to the noumena world. This, of course, cannot be done for in the noumena world "...there can be no change requiring dynamic determination in time...."¹⁵⁸ We can now say, according to Kant, that "freedom and nature (the natural, lawlike world of appearance)...can exist together without any conflict, in the same actions...."¹⁵⁹ The apparent contradiction into which speculative reason fell is now shown by transcendental philosophy to be merely a contrary statement. One and the same event can be both determined in a natural, empirical sense and be the result of a freedom.¹⁶⁰

¹⁵⁷Kant, Pure Reason B:569 p. 469

¹⁵⁸Kant, Pure Reason B:569 p. 469

¹⁵⁹Kant, Pure Reason B:569 p. 469

¹⁶⁰Kant, Pure Reason B:572-73 pp. 470-71

CHAPTER 4

PRACTICAL REASON, MORALITY AND THE EVIDENCE FOR FREEDOM

INTRODUCTION: KANT'S OBJECTIONS TO THE "HAPPINESS PRINCIPLE"

Before discussing how Kant believed he could demonstrate the "probability" of freedom we must first consider his objections to the solution offered by Rousseau and his other contemporaries. It is in his objections to "empirical" morality and the "happiness" principle that Kant's system is shown most clearly. We will introduce his objections by once more considering the notion of freedom in Rousseau.

Freedom, in the works of Rousseau, is a consequence of political systems. For Rousseau there is no metaphysical freedom, only natural--i.e., lawless--freedom and the potential for political freedom. Kant could agree with Rousseau's estimation of contemporary society as corrupt and repressive, but was troubled by the conclusion that freedom has no separate metaphysical existence apart from the political order. More was at stake here than Kant's proclivity towards rationalism. Kant saw Rousseau's conclusions as a challenge in much the same fashion as had been Hume's attacks on causality. Kant believed that acceptance of Rousseau's position had the unfortunate result of removing the foundation of all morality. The loss of metaphysical freedom was the loss of morals. Kant realized that the base of the problem lay in his contemporary's evaluation of reason. Rousseau, and

others, had made reason depend upon the passions and on the formation of society. Kant believed otherwise.

To establish the possibility of freedom, Kant believed he must demonstrate the fallacy of his contemporaries' notions of reason and the foundation of their moral theories. He rooted out what he believed to be the mistaken premises on which both were founded by asking "what is the basis of morality?" Kant's solution will be that: "the sole principle of morality consists in independence from all material of the law (i.e., a desired object) and in the accompanying determination of choice by the mere form of giving universal law which a maxim must be capable of having."¹⁶¹ These are the two pillars of Kant's view of morality. On the one hand to be a moral decision the decision cannot take into account the possible, or even probable results of that choice. In other words, the decision must have an element of timelessness. On the other hand the choice must have universal validity, i.e., it is not bound to any particular place or situation.

Kant argued that for a decision to be moral we cannot be concerned with ends. Moral decisions have, then, a timelessness about them. Kant acknowledged that all rational creatures seek their own happiness.¹⁶² It does not follow, however, that this pursuit is particularly moral or even useful in morality. To act in a manner with the hope of a particular outcome is empirical, and hence not a law according to Kant. If we seek happiness by the pursuit of certain goals we are making "subjective" decisions. That is, we acknowledge that the means we use today for the attainment of this

¹⁶¹Kant, Practical Reason p. 33

¹⁶²Kant, Practical Reason p. 24

happiness are not necessarily the means we will use tomorrow, or have used in the past. Nor should we expect that the means, or even the goals, we set to realize our happiness are the same that other people will use or set.

Happiness, is a "particular feeling of pleasure...in each man, and even of the differences in needs occasioned by changing feeling in one and the same man."¹⁶³ It is now time to take a closer look at the "happiness" principle.

If the desire for happiness or pleasure is at the root of our actions, could we say that this form of causality was the result of rational principles?

Perhaps, but certainly there would be important reservations. First, as noted, any action which has as an end some form of pleasure cannot be described as universal or necessary.¹⁶⁴ Pleasures differ from one individual to another and even from one moment in an individual's life to another. For example, suppose an individual is setting up a business. To insure that her customers will consistently return she may adopt the principle that "honesty is the best policy." The end which is sought is the establishment of a good name and a successful business. This may well be rational, and one could say that the owner is acting under a rational imperative. It is not, however, a categorical i.e., necessary and universal, imperative. Subjectively it is necessary--that is, it is necessary at this moment to attain the sought for end, but one cannot leap from this to categorical necessity. This can be made clearer by continuing the example. Suppose her father falls seriously ill. The illness is serious and possibly fatal and the treatment requires strict observance. Thus, the doctors tell her, much depends on her father's frame of mind--he must not give up

¹⁶³Kant, Practical Reason pp. 24-25

¹⁶⁴Kant, Practical Reason p. 18

hope and end the treatment. She is now faced with a dilemma. She may inform her father of the seriousness of the disease under the imperative "honesty is the best policy" or she may lie and down play the seriousness of her father's illness, hoping thereby to keep up his spirit. The point is the imperative now must be re-examined and no longer serves as a necessary rule, for "this necessity is dependent on only subjective conditions...."¹⁶⁵ Thus, "honesty is the best policy" cannot qualify as a categorical imperative, but is shown to be simply a "hypothetical imperative." That is, it is "conditional" for it determines the will "only in respect to a desired effect" and is therefore a "practical" or, for the purpose of distinguishing it from his later use of this term, a pragmatic precept and not a universal, necessary law.¹⁶⁶

Kant argued, that all pragmatic precept are "without exception empirical."¹⁶⁷ Precepts are empirical when an end is desired and the precept is formulated to attain it.¹⁶⁸ Whenever we conceive of some "object" and seek it, we are pursuing pleasure.¹⁶⁹ Both "object" and "pleasure" should be read here in the broadest sense. The owner's desire for good business may be viewed as her object, just as the recovery of her father was her object. They are her immediate goals.

¹⁶⁵Kant, Practical Reason p. 19

¹⁶⁶Kant, Practical Reason p. 18

¹⁶⁷Kant, Practical Reason p. 19

¹⁶⁸Kant, Practical Reason p. 19

¹⁶⁹Kant, Practical Reason p. 20

"Pleasure" is also a goal, for it is the "relation of a representation to the subject by feelings."¹⁷⁰ This goal is represented to the individual who pursues a certain course of actions to attain it. It is desired, not in and of itself, but because attaining it is believed to bring some form of advantage. But, desire is from the senses, it is a feeling.¹⁷¹ It is not purely rational for reason conceives of a goal purely by concepts.¹⁷² For Kant, the realm of the rational is devoid of all subjectivity and feelings.¹⁷³

Since with empirical precepts we cannot know before attaining the goal whether it will bring pleasure, pain or indifference we cannot claim *a priori* justification for the goal.¹⁷⁴ That is, only after the fact can we determine whether the goal which we thought would bring us pleasure actually does so. Returning to the businesswoman this may be clarified. Obviously she may decide that it is better to lie to her father in the hope that his recovery may be more assured. It is just as possible, however, that her father, not realizing the seriousness of his condition, neglects certain necessary elements of treatment that would ensure his recovery. He may fail to take his medicine and, in the end, do more harm to himself than the awareness of his condition would have done. After the fact it becomes clear it would have been better to tell the truth. Yet, the opposite action on her part could lead to similar unpleasant

¹⁷⁰Kant, Practical Reason p. 20

¹⁷¹Kant, Practical Reason p. 20

¹⁷²Kant, Practical Reason p. 20

¹⁷³Kant, Practical Reason p. 24

¹⁷⁴Kant, Practical Reason p. 20

results. She informs her father of the seriousness of his condition and the father in hopelessness, refuses treatment. Obviously, in this case it becomes clear a lie may well have served better. Yet, the outcome could not be determined beforehand strictly on *a priori* grounds. The pragmatic precept proves itself only after the fact.

Therefore, if happiness is a goal the means to attain this happiness will undergo numerous variations--and we may find that the happiness of one man is a direct contradiction to the happiness of another. Happiness between individuals varies and is not *a priori*. Since it is not *a priori* it has no certainty or universality. Thus, two men doing business may hold different maxims of behavior in their relations to each other. The one man may hold that "honesty is the best policy" if he wishes to enjoy the pleasure of repeat customers and long term profits, while the other man, who has a sick child at home in need of some expensive medical procedure, may hold as a maxim of action that everything must be sacrificed to the good of his child, including his good reputation and the goodwill of his business relations. The first weighs with fairness the products he sells while the other is doing everything in his power to stretch his produce with false weights and filler. Which is the moral man? Kant seems right that if happiness is used as a standard neither man can be faulted for their actions. On some standards it would be possible to argue that the man who cheats is actually the more moral of the two for he seeks happiness not just for himself but for his child--and while the "honest" man imposes his maxim for the attainment of a more pleasant way of life, the cheating man does so for the very basics of life. Certainly acts done for the sake of one's dying child are more noble, and "moral," than those done for the sake of luxurious living. Equally significant is that we may suppose one

and the same person to be both the honest and the dishonest in different time periods. That is, the honest man becomes the cheating man when forced by the necessity of his child's sudden illness.

Yet, how can one and the same standard produce such contrary actions? How can a "standard" of behavior produce contradictory actions? A standard such as this, by the variety of contradictory actions it allows and even approves, cannot be said to have the quality of "universality." Furthermore, as noted, another difficulty arises in such a standard. We have no way of telling or deciding *a priori* which action will best lead us to happiness. It is only "after the fact" that we are able to determine which actions best led to happiness. But, what is the use of a maxim of behavior or standard which cannot determine before-hand what acts will better lead to a particular goal than another (perhaps contradictory) set of standards and acts? What type of standard of action cannot determine the best action before an action occurs? Such a "standard" hardly deserves this name if it is only able to determine the value of an act after the fact.

Happiness is therefore not a valid criteria or standard of behavior. Perhaps to avoid this dilemma we should use as a standard the "greatest happiness for all" principle, but what is the evidence of this? Why should someone be forced to make a decisions upon such a principle of behavior, especially when following this principle may often lead to his unhappiness? In some way the principle of "greatest good" goes outside the boundaries of personal happiness and self-love. It seems to call into play some notion of equity which can hardly compensate for the loss of individual happiness and freedom.

KANT ON "SELF LOVE" AND INSTRUMENTALISM

This brings us to another of Kant's arguments against this empirical standard. Rousseau and others had argued that the primary moral sentiment was "self-love." He argued that by nature everyone had this self-love, and that if everyone followed this moral sentiment everyone would be moral. In the Second Discourse he used this notion to argue that natural man was both moral and good, and it was only with the establishment of society and the burial of self-love by selfishness that man grew evil. The best form of social order, according to this view, would be the one which replaced this self-love at the highest pinnacle of morality, and assured that it will be adopted as the standard of action by all. This runs counter to the whole of Kant's thinking, not only about society, but morality itself.

Kant will show that even were it true that everyone partook of this self-love, yet this would not qualify it as a moral standard, for it would be descriptive rather than prescriptive. Even if everyone agreed that self-love served as the goal and everyone agreed on the means of attaining this goal this principle of self-love could not serve in a law-like fashion for determining the will "for the unanimity itself would be merely contingent. The determining ground would still be only subjectively valid and empirical, and it would not have necessity...."¹⁷⁵ Kant was here, according to Beck, "warning against allowing any empirical principle to be called a law...."¹⁷⁶ Kant's response to Rousseau, therefore, is that self-love, though it may be

¹⁷⁵Kant, Practical Reason p. 25

¹⁷⁶Lewis White Beck, A Commentary on Kant's Critique of Practical Reason (Chicago: University of Chicago Press. 1960) p. 83

beneficial and unanimous, cannot serve as a standard of morality since it lack the element of necessity: "the maxim of self-love merely advises; the law of morality commands."¹⁷⁷ Kant believed this demonstrated that there must be another ground for behavior, one which is both universal and necessary. It must, therefore, be *a priori*, and for Kant this meant it would be purely rational without any mixture of the empirical.

Moral law must be sought in the pure realm of reason, but, once more, not in the Rousseauian sense of reason. Reason in the philosophy of Rousseau is "instrumentalist." That is, he believed the purpose and end of reason was to insure the well-being of man. Reason was not an end in itself. Well used it would construct favorable social institutions which would produce a state of equality and happiness comparable to a state of nature. Reason was, for Rousseau, the means of attaining in society what was lost with the emergence of society. Reason is a product of society, but that does not disqualify it from being social man's best hope in the view of Rousseau. Rousseau took pains to show in the two Discourses that it had not been used that way and has been the bane of man, causing envy, lust, and inequality. But if used rightly it could prove man's salvation and if placed in the hands of some worthy legislator, like Rousseau, man could be steered by reason into his own, best hope. Rousseau is ever the political philosopher and his treatment of reason reflected his objectives.

Kant, on the other hand, was always the metaphysician, even when seemingly despising the profession. Reason was, for Kant, its own end. He shared with Rousseau the belief that reason was the last, best hope for

¹⁷⁷Kant, Practical Reason p. 37

mankind, but happiness was not the final goal of reason. Happiness may be produced along the way, it may be a product of reason attaining its ends, but this does not mean that reason's aim is the attaining of happiness. This view is simply too empirical for Kant. It assumes, once more, that we can know before-hand what will actually make us happy--a position Kant rejected on grounds already discussed. Kant will go so far as to suggest that the human species may progress along the road to the rational ends, but this does not mean that the condition of the individual person will significantly improve or grow "happier." In fact, Kant rejects 'eudaemonic' philosophy because, when looking at the individual with his mixture of equal parts good and evil, one cannot conclude that the species is progressing or indeed could ever progress.¹⁷⁸ Yet, progress is undeniable for the species (this was the Enlightenment period after all, and few individuals--with the noted exception of Rousseau--were willing to even entertain the notion that the Enlightenment was a reversal rather than progress). Reason progresses on its own. The species as a whole grows better even if individuals are no happier or noticeably better.

Kant's arguments against "instrumentalism" did not rest solely on his notion of progress. He had another and, for the present purposes, more significant argument against the idea that reason's goal is to attain happiness. This argument is central to his ethical theory and may be found in many shapes throughout the whole of his works. A good example is in his work "The End of All Things" where Kant discussed Christianity. The underlying

¹⁷⁸Immanuel Kant, "An Old Question Raised Again: Is the Human Race Constantly Progressing" in *On History*, ed. by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963) p. 140

question to this essay is "should we be Christians?" to which he answered with a guarded "yes." The crux of the discussion is over what value there is in Christianity? Is its value the promise of heaven at the end of a troubled life? Shall we be Christians for the sake of going to heaven? "No," said Kant, for this would be to think of Christianity's value in terms of a "bribe" offered by God to man for "good conduct"?¹⁷⁹ If that is the value of Christianity then it is worthless. One must not be required to act in a certain manner for the hope of rewards, for "only a desire for such actions which arise from disinterested motives can inspire human respect...therefore, we must not think that the promised rewards are intended to be taken for the incentives of the actions."¹⁸⁰ It will later be clearer how this section ideally reflects the central treatise of Kantian ethics, but for now I wish to point out that Kant is thoroughly consistent on this position. Actions, and that means "moral actions," must be done freely and with disinterest. They cannot be done for the hope of a reward, for then they are neither free nor disinterested. Happiness may be produced along the way, just as "heaven" may be attained as a result of a "Christian" life, but these are not essential, but accidental, elements. Therefore, while there is no evidence that individuals are getting better or happier this is not a problem if reason is unconcerned with individual happiness or benefit.

Once more, Kant's approach is metaphysical while Rousseau's was political. They disagreed widely on the purpose and nature of reason, and

¹⁷⁹Immanuel Kant, "The End of All Things" in On History, ed. by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963) p. 83

¹⁸⁰Kant, "End of All Things" p. 83

this is reflected in every aspect of their work. The uniqueness of Kant's position is that "morality is to be entirely separated from the motivation of happiness or pleasure."¹⁸¹ Reason must have its own end which will distinguish it from empirical ends. Only then can we claim that reason meets the necessary criteria as a standard of behavior. If reason is bound to producing happiness then we will have the same dilemma with reason that we had with "happiness" for we will be unable to determine which of the contradictory means of attaining this end will best lead us to the greatest happiness. This was, according to Taylor, a revolution in morals.¹⁸²

THE INTERNAL LAW: THE "OUGHT" AND DUTY

At issue in the whole of the preceding discussion is the notion of "prescriptive principles." What prescriptive weight does an empirical generalization bear? Kant argued that it had none. It can note the way things have previously been done--much as Hume will leave one with the option of saying only that the sun has risen in the past--but it cannot prescribe the way things "ought" to be done. It carries with it no necessity, and thus bears the title 'law' gingerly and without conviction. Beck uses the example of a falling object and Galileo's law.¹⁸³ Galileo's law accurately described the state of affairs which have so far occurred, but it does not prescribe the course of any particular object. Rather, any exception to the rule by an object results in the re-classification of the object. If moral laws are empirical then a subject may

¹⁸¹Taylor Hegel p. 4

¹⁸²Taylor Hegel p. 4

¹⁸³Beck, Commentary on Kant's Critique p. 83

decide to simply abstain from the general consensus. What charge can be brought against such a decision? Galileo's law at least expressed a natural, physical, necessity, but what necessity can there possibly be to such a moral law--even if so far everyone agreed with it? It is no more than a contingent principle which may still be altered. Yet, if a law has no necessity, how can we say it is prescriptive and not simply descriptive? We cannot. Once more we see the long shadow of Hume. In order for a law to be moral it must exhibit necessity and have a prescriptive characteristic.

We may now sum-up Kant's position to this point. In the Critique of Pure Reason Kant had shown that that which belongs to the empirical world, the world of the senses, must also be determined by the laws of nature. Thus, it follows that a decision based on an empirical precept is not free but subject to the laws of causality. This means we cannot seek the foundation of morality in empirical goals, but must turn instead to reason.

Speculative reason, as Kant demonstrated in the first Critique had proven unfruitful in the question of freedom. The "employment" of speculative reason on the issue of freedom is "notwithstanding the very heavy labor which [it] impose[s] upon our reason, entirely useless."¹⁸⁴ Transcendental philosophy, on the other hand is only slightly more fruitful. But for all its efforts it goes no further than establishing the uncontradictory possibility of freedom. Finally, there can also be no empirical basis for establishing moral actions. All must now give way to practical reason.

Practical reason is variously defined by Kant, but in general it "deals with the grounds determining the will." This definition requires further

¹⁸⁴Kant, Pure Reason B:827 p. 661

refinement by defining "will," since in Kant even the most common word often takes on an uncommon meaning. Kant defined 'will' as "a faculty either of bringing forth objects corresponding to conceptions or of determining itself...."¹⁸⁵ In other places Kant equated will and practical reason,¹⁸⁶ but to prevent confusion I would like to maintain their distinction for the moment.

What determines the will? How can the will produce actions in such a way that it "brings forth" results which are in line with a concept or plan of reason? As Kant had previously noted a causality which is apart from the empirical, sensuous world of nature would be "a causality of freedom." That which is able to spontaneously set off a causal chain in and of itself would be free in the sense that it is not constrained by nature. Yet why should we assume there is in us a will which transcends the natural order? What evidence is there of such a will, and why should we believe that this will is a product of reason and not empirical inclinations?

Kant believed that if we examine morality we can prove some form of rational freedom, or at least the necessity of its existence. It does not follow that we will completely understand the nature of freedom, but we may at least be able to conclude the existence of a causality separate from the natural order, and hence a realm free from nature. The proper place to begin this inquiry is with the question "why do we do what we do?" What forces drive

¹⁸⁵Kant, Practical Reason p. 15

¹⁸⁶Immanuel Kant, Grounding for the Metaphysics of Morals, in Ethical Philosophy. Translated by James W. Ellington. (Indianapolis: Hackett Publishing Company. 1983) p. 23

us, especially when we are faced with moral actions? Is there a principle, or set of principles, behind these actions, and if so from where do they arise?

As was noted before we describe, by use of natural law and experience, what actually happens; it is the moral law which tells us what "ought" to happen.¹⁸⁷ It is this notion of ought which will serve as the key to Kant's concept of freedom.

What did Kant mean by "ought," that is, what is its significance. Another example may make this clearer. Let us suppose some individual has engaged in a series of bank robberies. We can descriptively relate this individual's activities, we can bring to bear the background conditions which led up to the robberies, we can describe what this individual hoped to gain from these robberies, but, according to Kant, we are completely without ground in determining guilt--or the wrongness of these actions--by empirical laws.

Empirical laws may well describe the action, may well explain the wants, and desires which determined this action; but it cannot explain why the action was wrong. To suggest that an action should or should not occur presupposes a causality which is not empirical; it presupposes an "ought." To say that something ought to be done, or to say we ought to do such and such reveals an obligation which steps outside the natural world. The "ought" suggest that certain actions should or should not be done without regard for individual desires, conditions, or situations. Thus, this obligation must arise, not from experience but from pure reason for:

¹⁸⁷Kant, Grounding for Metaphysics p. 20

reason commands how one ought to act, even though no instance of such action might be found; moreover, reason pays no attention to the advantage which can accrue to us from such action, which admittedly only experience could teach....

Thus we find that "reason of itself and independently of all experience commands what ought to happen."¹⁸⁸ These rational laws--moral imperatives--if truly pure are categorical: they are *a priori*, universal and necessary, not just for humans but for all rational beings.¹⁸⁹ They also have a practical relevance, for they serve to determine actions; they determine the will.

MAN AS RATIONAL BEING

Kant, having established the possibility of a non-empirical causality now focused his attention on man as a rational being. Man know nature through his senses, and thus knows or can know empirical laws. But, he seems to know himself not only through his senses but also by "...acts and inner determinations which he cannot regard as impressions of the senses."¹⁹⁰ Man is not only phenomenal but in "respect of certain faculties the action of which cannot be ascribed to the receptivity of sensibility (he is) a purely intelligible object."¹⁹¹ Precisely what are these "certain faculties"? They are reason and understanding.¹⁹² Reason, Kant stated, gives us

¹⁸⁸Kant, Grounding for Metaphysics p. 20

¹⁸⁹Kant, Grounding for Metaphysics p. 20-23

¹⁹⁰Kant, Pure Reason B:574 p. 472

¹⁹¹Kant, Pure Reason B:575 p. 472

¹⁹²Kant, Pure Reason B:575 p. 472

"imperatives" which are the rules of the mind. They imply the ought, "which is found nowhere else in the whole of nature."¹⁹³ When we view nature we ask of it only what has happened, we do not ask of it what "ought" to happen for the notion of ought is inapplicable to nature.¹⁹⁴ But reason, Kant argued is not limited to the purely descriptive "what happened." Instead, reason:

frames for itself with perfect spontaneity an order of its own... to which it adapts the empirical conditions, and according to which it declares actions to be necessary, even although they have never taken place, and perhaps never will take place.¹⁹⁵

Reason operates on necessary laws which are not determined by the laws of nature, nor even on the possibility of realizing these actions in the empirical world. That is, empirical criteria cannot be applied to the laws of reason to determine their validity. Thus, these laws are not the result of experience nor are they bound by experience. It seems, Kant continued, that "reason also presupposes that it can have causality...." in the empirical world, i.e., a phenomenological effect.¹⁹⁶

This was a presupposition of the utmost importance. Kant was proposing that reason is subject to laws other than the those of the natural order, and that reason may in fact impose itself upon the natural order as a causal agent. In a sense this is analogous to Rousseau's self-imposed laws.

¹⁹³Kant, Pure Reason B:575 p. 472

¹⁹⁴Kant, Pure Reason B:575 p. 472

¹⁹⁵Kant, Pure Reason B:576 p. 473

¹⁹⁶Kant, Pure Reason B:576 p. 473

According to Kant, these laws arise wholly from within and are not something imposed upon man or learned in the course of his life. Thus, the noumena world and the phenomenal world would meet in the "will" of man (or any rational being). Pure reason would have practical content since it would determine the behavior of a phenomenal being apart from the lawful order of the natural realm. The "ought," therefore, would be the law of reason in practice, the basis of all moral imperatives--it would be the only standard possible for a true morality since it is prescriptive and not descriptive like empirical and physical laws. If such an external causality could be shown to exist the conclusion would inevitably be that in an important sense pure reason would be free:

for since reason is not itself an appearance, and is not subject to any condition of sensibility (including time)...the dynamical law of nature, which determines succession in time in accordance with rules, is not applicable to it.¹⁹⁷

In other words, since time is a criteria of the phenomenal realm, and if reason can be shown to exist apart from this realm, then reason is not subject to time. It is timeless in the truest sense of the world--not in that it lasts "forever" (for even this concept is one that assumes the existence of time), but rather it does not exist in the same realm as does time. It is dangerous to step onto the slippery slope of idealism and questions of "reality," but in a way time is not "real." It is simply the "form" of certain experiences. According to Kant, if reason exists apart from time, and if cause and effect are ultimately dependent for their existence upon time then we must conclude that reason also is freed

¹⁹⁷Kant, Pure Reason B:581 p. 476

from the binding affect of causality. We cannot speak of reason being "caused" by anything since this would be to subject reason to a form of experience that reason precedes, or at least transcends.

REASON AS GROUND TO FREEDOM

This was Kant's solution to the problem of freedom. Reason itself imposes upon our acts. It is a reason detached from the natural world, and while it is not something which we can succinctly define or understand in its essence we witness its existence and influence every time we make a statement about how things "ought" to have been or what we "ought" to have done. The sense of "ought" is the manifestation of our pure reason dictating to us the correct course of action.

This is not to say that humans ever act on absolutely pure reason. Kant placed humans midway on the scale between a pure or "holy" will and "animal choice"--a choice "determined solely by inclination."¹⁹⁸ As Kant noted "human choice...is such as to be affected but not determined by impulses. Accordingly, in itself...it is not pure...."¹⁹⁹ Yet, pure reason lifts human choice out of animal impulse. It is for this cause that the categorical imperative is presented to the human will as an "ought," for a perfectly good being would have no need for a law. Rather, a "holy" will would conceive of the good and act on the good automatically in the same moment. There would be no struggle with conflicting impulses. It is, however, the mixed constitution of the human will which makes the categorical imperative not

¹⁹⁸Kant, Metaphysics of Morals p. 12

¹⁹⁹Kant, Metaphysics of Morals p. 12

automatic but rather a means "...for expressing the relation of objective laws of willing in general to the subjective imperfection of the will..."²⁰⁰ The categorical imperative acts as a standard upon which we measure our actions and choice. It is the fact that we operate not simply by animal inclination which demonstrated the practical significance of pure reason.

The very fact that our actions are not solely determined by animal impulse means that our actions are not completely determined by natural causality. The fact that pure reason has practical applicability, that it at least co-determines the will, means that human actions are at least partially free. In practical philosophy freedom proves its existence in that it determines choice "independently of all empirical conditions."²⁰¹ Freedom is demonstrated by the fact that there exists in rational creatures another form of causality. A causality which is not empirical. A causality which arises separately from the natural order. Thus, it is the moral law which is able to do what speculative philosophy could not do--give "objective reality" to freedom, for the fact that we can will to act, and to some extent even act, in a manner contrary to our animal, physical, inclination is for Kant the evidence of another form of law determining our will.²⁰² A law which is pure and not subject to the laws of causality.

²⁰⁰Kant, Grounding for Metaphysics p. 24

²⁰¹Kant, Metaphysics of Morals p. 20-21

²⁰²Kant, Practical Reason p. 49

In our phenomenological existence we are determined by the laws of natural necessity, but in pure reason, the noumena realm, we are not subject to these laws. Rather we are, in pure reason, subject to a separate law which does not arise from experience nor is determined by experience. As sensuous beings we are determined, but as pure intellectual beings we are free.

Here then, is Kant's formation of a "rule by law" which established the freedom of the individual as Rousseau had tried to do before him. The two notions are superficially similar though both claim the law of reason as justification for their belief in freedom. Rousseau complicated this definition with his instrumentalist approach to reason and his reliance upon the "general will." Kant may validly wonder what mechanism is in place which assured Rousseau of the rationality of the general will. Rousseau may claim that "whatever the 'general will' wills" is correct and rational by definition because there is no other criteria of rationality or correctness, but this seems to trivialize the issue, and gives the lie to what Rousseau seemed to be doing himself when he assumed the mantle of the "legislator." In other words, Rousseau is himself the best evidence against the position he seemed to be presenting. Rousseau may seek to justify himself from this charge by arguing that he is doing no more than what the "general will" would do if it had the chance to do so, but this in itself seems to amount to a realization of a "correct" and "incorrect" perspective which has little to do with the context. Rousseau is admitting to an *a priori* criteria, though he himself is unaware that he does so. He is implicitly acknowledging a moral or rational principle which precedes the actual establishment of a just state.

Once more we return to Kant's notion of the determining rational principle. This principle served much the same function as did Rousseau's

"general will," for as the general will was to mold and shape, not only actions, but even the wishes of the individual, so Kant's rational principle determines the will, and the subsequent actions of the individual. Kant, however, did not believe, as did Rousseau, that this moral will can be taught. In fact, Kant clearly rejected this Rousseauian solution in his work The Metaphysics of Morals. For Kant there were two realms of laws, just as there are two realms of being. The division, for Kant, is between the political realm of law and the moral. In each realm we discover a rule of law, but the "incentives" in each differ. Roughly put the external realm, the political, uses as incentives for actions everything except "duty." In this realm there is brought to bear all manner of incentives ranging from threat of force (Rousseau's "force them to be free") to hope of reward. We can be forced, for example, to drive at a certain speed for fear of a ticket. We can be forced to respect the domain of our neighbor by not carrying off the shovel he left in his yard overnight, or sleeping with his wife when he is away from home, by the fear of the bodily harm he would inflict upon us if he caught us. On the other hand, we may act in certain ways, not from fear but for hope of some certificate or public expression of recognition. Rousseau thought the Republic should employ this type of incentive constantly. It will be found in Poland to be the preferred means of creating the civic spirit he feels necessary. It is also the means frequently used in Socialist economic systems such as the late East Germany and in U.S. factories like Motorola. In both cases spotless attendance for some considerable period is rewarded, not with financial compensation, but with a pin which may be worn on the lapel. In both cases it will usually bear the logo "excellent service award." Naturally, monetary compensation for noteworthy behavior is also a frequent incentive. None of these methods are

moral, and one means of enforcing certain behavior is just as amoral as another. In the end, we are coerced to act in a particular manner.

But, there is another form of incentive which is moral. It stems from within the individual himself. I may be forced to act in a particular manner from an outside force, but there also exists within me a sense of duty and an "oughtness" which is not dependent upon any outside influence. Kant writes that "that lawgiver which makes an action a duty and also makes this duty the incentive is 'ethical.'"²⁰³ The "lawgiver" in this particular case does not exist outside a person, and in fact could not do so. It is, in fact, the practical reason (or pure reason in its practical manifestation). It is the will for "the capacity for desire whose inner determining ground...lies within the subject's reason is called the will."²⁰⁴ The will is simply the subject's reason being practical.

Pure reason, in its practical manifestation, is not subject to external coercion--nor internal coercion like the pursuit of happiness for that matter. It is a "form of a principle" which means it is both necessary and universal. Put in another way, it is not a particular maxim like "do unto others...," but the form of all particular maxims. It lies beneath them all as their ground and justification. It is therefore categorical. It is perhaps best exemplified by the statement "act only according to that maxim whereby you can at the same time will that it should become a universal law."²⁰⁵ This is necessarily abstract for the purpose of being universal. It does not refer to any particular

²⁰³Kant, Metaphysics of Morals p. 219-19 (emphasis in the original)

²⁰⁴Kant, Metaphysics of Morals p. 213

²⁰⁵Kant, Grounding for Metaphysics p. 30

case or goal, but instead demands that before undertaking any action we consider whether this act would be justifiable on a universal standard. In other words, the real standard of behavior is that all our action may be justifiable by the mere form of universality in pure reason.

Universality is not a principle which can be touched or troubled by force, hope of reward, or anything else. It is not personal and does not vary from case to case. It cannot be legislated from without and thus the "general will" cannot shape it. This is so because the general will can only make laws dealing with individual problems or for specific goals. The principle of pure reason, however, is unconcerned with either. At best it may lie at the root of the laws designed by the general will, but it is not legislated by this means. It remains the form of a principle in crystalline purity in any rational creature. The distance between Kant and Rousseau is never greater than at this point. It is the distinctive element of Kant's moral philosophy which separates him from all previous moral theorists.

Thus, in the end, we cannot define freedom in its being, and are unable to use reason itself to examine the nature of freedom or make statements about how and why it occurs. But we are able to offer as a tentative explanation of freedom that it is, in its practical extent, "rule by law." Once more this begs comparison with Rousseau. The two men vary widely on the nature of this "law," but both accept the necessity of law as a precondition for freedom (in a non-natural setting). But, even though there is a great deal of difference in the meaning of this "law" we must also recognize that Rousseau at least foreshadowed Kant's conclusion. Rousseau is not as clear on this point, and we are prevented from concluding that Kant "discovered" this notion in his reading of Rousseau, but he does suggest that the laws of the

state, to be equitable, must arise from the reason of man. It is clear that for Rousseau they cannot arise from any external source--like God or Nature--but must come from within the heart and mind of man. Still, in Rousseau, it is not completely clear that these laws can be said to arise in the minds of all men rather than that they are instilled in the hearts and minds of men through the "legislator." Ultimately, the Rousseauian perspective is that whatever was held by the general will was lawful and moral and that it was the duty of the individual to internalize the laws, mores and customs of the state. This is hardly a description of the transcendent law of reason which Kant would accept since and is far too contextual for his liking. He would accept as a "law" only what was necessary and universal. Thus, Kant's criticism of an empirical basis for action would here apply. Only those principles which could determine action before an empirical context can justifiably be described as a "law."

CONCLUSION

In the final analysis, I realize that I would have saved myself much of the early toil of trying to grasp the concept of freedom in the works of Rousseau and Kant if I had not been waylaid by terminology. I would never again attempt to write a similar work on "Freedom" in Kant and Rousseau, for the term 'freedom' is over-worked and in some fashion inapplicable to their work. I would approach Rousseau, in the future, in terms of political equality and Kant in terms of rational autonomy.

Rousseau is simply too concerned with social harmony to treat as one interested in freedom. His emphasis on the "General will," on community, and on concession all tell against freedom which must, at root, allow some

ground to individual nonconformity. But, nonconformity is the last thing Rousseau is willing to concede to in his social order. His fear of social divisiveness is just too strong to allow for a multiplicity of opinions. Without at least the potential for this multiplicity in society how can we speak of "freedom"? We can see that absolute freedom is an unattainable goal. We can admit that social, economic, national and other factors all contribute to limiting the field of possible choices for any one individual at any given period of time. We can see that part of the goal of education is to create some sense of unity, community, cooperation and a certain "virtue" in impressionable youths. Indeed, when we train children in correct behavior we are in fact not far from Rousseau's idea of building a proper society. But the difference is that we usually end such extreme paternalism in adolescence, while Rousseau would maintain it through all the years of his republicans. Indeed, Rousseau's citizens often seem little more than large, overgrown children (with their parades, festivities and the like) in the shadow of the protective, if censorious and stern, father. It would be interested to examine Rousseau's statements about his own father and early home life as a means of better understanding the genesis of his political ideals.

There is in Rousseau a sense of "freedom," I do not argue against that. But it is the freedom from social inequality and all its negative results. Freedom "from" something in this negative sense does not guarantee a positive sense of freedom for something. That is, freedom from physical abuse does not imply that I am free. Such a sense of freedom may be guaranteed to those interned in a prison. They will not be abused, but they are not able to simply leave either. Rousseau seems to reduce everyone to the

state in which they are equally imprisoned and then to declare this state "free" because no one is enjoying benefits not enjoyed by others. At some point it seems to me that there must be a willingness to accept the non-conformist to a degree. At times in our history nonconformists have been deemed pariahs, the "lunatic fringe" or whatever: they may have been cast down the social ladder, expelled from good society etc., but never could we speak in Rousseauian terms of forcing them "to be free" by forcing them to conform. Quite to the contrary, in those periods where we have had sedition laws, "un-American trials" and the like, we have tended to view these times as examples of "trampling freedom underfoot." Yet, Rousseau's Republic would make such abuses seem tame. "Freedom" in his system must make way for social equality and harmony by rooting out all that does not share the mind of the "general will."

Meanwhile, there is the confusion involved in Kant's notion of freedom. Kant had a better claim than Rousseau for the use of the term 'freedom'. But even in Kant the term is used in a very unintuitive sense. Yet, at the root of Kant there is a strong belief in the moral freedom of the individual. This is one of Kant's richest contributions to the discussion of morals. In the Kantian system every individual is a free moral agent. There is no disparity of "gifts of grace." The Pope is no more of a free moral agent than is the lowliest parishioner, the king no more than his lowest subject, and the theologian and metaphysician no more of an authority on morality than the illiterate fisherman who sets out from port early each morning. In fact, in Kant, God himself is no more a moral authority than that same fisherman. One may be able to cast the conflict of moral choices in greater elegance and exactitude, but in the end the "ought" of the one is as true and

good as the "ought" of the other. There is a recognition of individual moral choice and "freedom" here which cannot be found in the works of Rousseau. Kant's "Doctrine of Right" in his *Metaphysics of Morals* squarely addresses Rousseau's "general will" and internalization of the laws of this will. Kant completely discounts this means of action as a basis for morality or freedom, and in this I believe he is exactly correct. Nothing I am forced to do, through fear or hope of reward, can count as a moral choice anymore than those acts which I do unintentionally and which work for good in spite of my intention. In the latter case they are accidental and in the former coercion. By definition then, morality and moral freedom is always, and intimately, personal and individual.

We have not, on the basis of the above account, uncovered Kant "the libertine." Such a misinterpretation collides immediately with those elements in Kant which, while appearing to point to an easy-going relativity of morals, actually point in the very opposite direction. Kant's vision of the ideal society differs very little, on the exterior, from Rousseau's. In a society which truly held to Kant's view there would be the harmony so longed for by Rousseau. In Kant's view there is only one real form of a moral law which we all share. It can be expressed as the "categorical imperative," but this is nothing but the formulation of a principle unutterable. What it is in actuality we cannot say for it is hidden in the noumenal world, but its practical manifestations are observed. But the fact that there is a universal principle that we all share must give pause to those who would use the term 'freedom' in the intuitive sense. I am not arguing for a unrestricted freedom, but rather questioning a notion of freedom based upon a determining causality. True, it is not a physical causality, but it is determining none the less. Kant's

argument is that we are, by virtue of this moral law, free from the laws of science and nature. But the nature of our freedom is that, unlike animals and falling rocks, we are subject to one other law that they are not. We are free to obey this other law while they simply react in a "natural," hence amoral, manner. But, in the end it seems we have simply traded a set of laws for a law of reason. We are subject to a noumenal law which does not exist for phenomenal beings. We are free, by virtue of this law of reason, to obey it. We should not get the mistaken idea that our freedom extends to being able to disobey this rational, moral law. Anytime we do not exercise our freedom to obey the moral law we are not "choosing," but being led by inclination--hence natural causality. We obey the law of reason or are enslaved to phenomenal causality. We thus have a one-sided choice. Our choice is limited to obedience. Anything else is simply an abdication of our freedom. Thus, it is a conditional freedom we enjoy. It, once more, can be seen as freedom "from" something. This time it is freedom from natural causality or scientific determinism.

This criticism is far less damaging to Kant's case than was the objection to Rousseau. There is a real sense in which Kant can claim to validly use the term 'freedom' which we would be hard-put to find in Rousseau. Yet, it seems like "rational autonomy" would be a better choice of words in Kant than "freedom." I make this distinction because such a one-sided choice--the choice to obey--as that which we find in Kant steps somewhat short of what we usually mean by freedom. "Freedom" without at least the opportunity for disobedience is a strangely construed definition. But, once more, this is far less of a dilemma than Rousseau's concept of freedom. In Kant it is a matter of perspective. I can choose to set aside my inclinations, goals, hopes, wishes,

desires, experiences etc., and chose to step out of the phenomenal world of my experience into the pure light of reason to make a moral choice. In this sense I am free from the constrictions which bind every unrational being around me. I have "transcended" nature in the best sense of the word. But, seen from a slightly different perspective this seems less of a true accomplishment for I have exchanged one determining factor for another. This may guarantee a type of freedom which is significantly less than the one we would wish to believe we possess. But then, in the end, perhaps this is the best for which we could ever really hope.

REFERENCES

Primary Sources: Kant

- Kant, Immanuel. "Conjectural Beginning of Human History" in On History. Translated with an introduction by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963)
- Kant, Immanuel. Critique of Practical Reason. Translated with an introduction by Lewis White Beck. (New York: The Liberal Arts Press. 1956)
- Kant, Immanuel. Critic of Pure Reason. Translated by Norman Kemp Smith. (New York: St. Martin's Press. 1929)
- Kant, Immanuel. The Educational Theory of Immanuel Kant. Translated with an introduction by Edward F. Buchner. (Philadelphia: J.B. Lippincott Co., 1904)
- Kant, Immanuel. "The End of All Things" in On History. Translated with an introduction by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963)
- Kant, Immanuel. Grounding for the Metaphysics of Morals, in Ethical Philosophy. Translated by James W. Ellington. (Indianapolis: Hackett Publishing Company. 1983)
- Kant, Immanuel. "Idea for a Universal History from a Cosmological Point of View" in On History. Translated with an introduction by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963)
- Kant, Immanuel. Kant: Philosophical Correspondence, 1759-99. Translated with an introduction by Arnulf Zweig. (Chicago: Univ. of Chicago Press, 1967)
- Kant, Immanuel. Lectures on Ethics. Translated by Louis Infield. Foreword to the Torchbook ed. by Lewis White Beck. (New York, Harper & Row 1963)

Kant, Immanuel. The Metaphysics of Morals. Translated with an introduction, and notes by Mary Gregor (New York : Cambridge University Press, 1991).

Kant, Immanuel. "An Old Question Raised Again: Is the Human Race Constantly Progressing" in On History. Translated with an introduction by Lewis White Beck. (New York: Bobbs-Merrill Co., Inc. 1963)

Primary Sources: Rousseau

Rousseau, Jean-Jacques. The Confessions. Translated by J.M. Cohen. (New York: Penguin Books, 1953)

Rousseau Jean-Jacques. Discourse on the Origin of Inequality in Discourses and Essay on the Origin of Languages. Edited, translated and annotated by Victor Gourevitch. (New York: Harper & Row 1986)

Rousseau, Jean-Jacques. Discourse on Political Economy, in The Basic Political Writings. Translated by D.A. Cress. (Indianapolis: Hackett Publishing Co., 1987)

Rousseau Jean-Jacques. Discourse on the Sciences and Arts in Discourses and Essay on the Origin of Languages. Edited, translated and annotated by Victor Gourevitch. (New York: Harper & Row 1986)

Rousseau, Jean-Jacques. Emile. (New York: Dutton 1969)

Rousseau, Jean-Jacques. The Government of Poland. Translated and Introduction by Willmoore Kendall. (Indianapolis: Hackett Publishing Co. 1985)

Rousseau, Jean-Jacques. On the Social Contract in The Basic Political Writings. Translated by D.A. Cress. (Indianapolis: Hackett Publishing Co., 1987)

Rousseau, Jean-Jacques. Rousseau Judge of Jean-Jacques: Dialogues in The Collected Writings of Rousseau, vol. 1, Translated by Judith Bush, C. Kelly, and Roger Masters. (Hanover: UP of New England, 1990)

Secondary Sources:

Acton, H. B. Kant's Moral Philosophy New York, St. Martin's Press, 1970.

Allison, Henry E. Kant's Theory of Freedom. (New York: Cambridge University Press, 1990)

- Allison, Henry E. "Kant on Freedom: A Reply to my Critics" in Inquiry Vol. XXXVI, No. 4 (Oslo: Scandinavian University Press 1993)
- Axinn, Sidney. "Rousseau *Versus* Kant on the Concept of Man" in Philosophical Forum Vol. XXII No. 4 (Boston: Boston University 1981)
- Barker, Ernst. Introduction to Natural Law and the Theory of Society: 1500 to 1800. By Otto Gierke (Boston: Beacon Press, 1957)
- Barnard, F. M. Self-Direction and Political Legitimacy: Rousseau and Herder. (Oxford: Clarendon Press. 1988)
- Beck, Lewis White. A Commentary on Kant's Critique of Practical Reason. (Chicago: University of Chicago Press. 1960)
- Broome, J.H. Rousseau: A Study of his Thought. (London: Edward Arnold 1963)
- Carnois, Bernard. The Coherence of Kant's Doctrine of Freedom. Translated by David Booth. (Chicago: University of Chicago Press, (1973), English ed. 1987)
- Cassirer, Ernst. Kant's Life and Thought. (New Haven: Yale University Press. 1981)
- Cassirer, Ernst. The Question of Jean-Jacques Rousseau. Translated and edited with a new postscript by Peter Gay. 2nd ed. (New Haven : Yale University Press, 1989)
- Cassirer, Ernst. Rousseau, Kant, Goethe: Two Essays. Translated by James Gutmann. (Hamden, Conn.: Archon Books, 1961)
- Chapman, John W. Rousseau--Totalitarian or Liberal. (New York: Columbia Univ. Press, 1956)
- Charvet, John The Social Problem in the Philosophy of Rousseau. (New York: Cambridge University Press. 1974)
- Crocker, Lester G. Rousseau's Social Contract: An Interpretive Essay. (Cleveland: The Press of Case Western Reserve Univ., 1968)
- Ewing, A.C. A Short Commentary of Kant's Critique of Pure Reason. (Chicago: The University of Chicago Press. 1938)

- Gierke, Otto. Natural Law and the Theory of Society: 1500 to 1800. Translated and introduction by Ernest Barker. (Boston: Beacon Press. 1957)
- Gourevitch, Victor. "Rousseau on the Arts and Sciences." Journal of Philosophy. Vol. LXIX (New York City : F.J.E. Woodbridge 1972)
- Grimsley, Ronald. The Philosophy of Rousseau. (New York: Oxford University Press, 1973)
- Guyer, Paul. Kant and the Experience of Freedom: Essays on Aesthetics and Morality. (Cambridge: Cambridge University Press, 1993)
- Krieger, Leonard. The German Idea of Freedom: History of a Political Tradition. (Boston: Beacon Press. 1957)
- Masters, Roger D. The Political Philosophy of Rousseau. (Princeton: Princeton University Press, 1968)
- Melzer, Arthur M. The Natural Goodness of Man: On the System of Rousseau's Thought. (Chicago: Univ. of Chicago. 1990)
- Mulholland, Leslie Arthur. Kant's System of Rights. (New York: Columbia University Press, 1990)
- Paton, H.J. The Categorical Imperative: a Study in Kant's Moral Philosophy. (New York: Harper & Row, (1947) 1967)
- Paton, H.J. Introduction to Groundwork to the Metaphysics of Morals. (New York : Harper & Row, 1964)
- Polanyi, Karl. "Jean-Jacques Rousseau, or is a Free Society Possible." The New Hungarian Quarterly. Vol. XXVIII, n. 108 (Budapest: Lapkiado Pub. House 1987)
- Schneewind, J.B. "Autonomy, Obligation, and Virtue: An Overview of Kant's Moral Philosophy." The Cambridge Companion to Kant. Edited by Paul Guyer (New York: Cambridge University Press 1992)
- Schneewind, J.B. "Kant and Natural Law Ethics" in Ethics . Vol. CIV, number 1, 1993. (Chicago: University of Chicago Press. 1993)
- Strawson, P.F. The Bounds of Sense: An Essay on Kant's Critique of Pure Reason. (London: Methuen & Co. LTD. 1966)

- Sullivan, Roger. Immanuel Kant's Moral Theory. (New York: Cambridge University Press 1989)
- Taylor, Charles. Hegel and Modern Society. (New York: Cambridge University Press. 1979)
- van der Linden, Harry. Kantian Ethics and Socialism. (Indianapolis: Hackett Publishing Co., 1988)
- Velkley, Richard L. Freedom and the End of Reason: On the Moral Foundation of Kant's Critical Philosophy. (Chicago: University of Chicago Press, 1989)
- Viroli, Maurizio. Jean-Jacques Rousseau and the 'Well Ordered Society'. Translated by D. Hanson. (New York: Cambridge Univ. Press, 1988)
- Vyverberg, Henry. Human Nature, Cultural Diversity, and the French Enlightenment. (New York: Oxford University Press 1989)
- Wollheim, Richard. "Natural Law" The Encyclopedia of Philosophy. Vol. V. (New York: Macmillian Publishing Co. 1967)