

'THE MORAL LAW WITHIN': KANT'S MORAL ABSOLUTISM AND THE HOMOGENISATION OF INDIVIDUAL FREEDOM

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This paper examines two main aspects of Kant's systematic moral philosophy. Firstly, Kant's conception of 'The Moral Law within' is elucidated with strict reference to Kant's overall, holistic picture of critical philosophy. The Moral Law is intriguing in the history of moral philosophy as it is framed by an unorthodox epistemological and ontological structure. Kant's position is that we must limit knowledge in order to make room for faith. This move will be discussed in an analysis of what can be *known* about The Moral Law. Secondly, certain claims made by Kant regarding morality will be examined through the lens of his Categorical Imperative. However, the problematic issues I expound are not merely errors of logic. Rather, I find that implicit in Kant's moral system lies an insidious moral absolutism. Kant's system does not embrace heterogeneity of individual freedom. Instead, it non-critically projects Kant's own perspectives on morality and reduces the complexities of different individuals to one absolute, ideal, type of individual. Finally, this analysis illustrates the radical shifts that have been made in thinking about the world and our place within it.

Immanuel Kant's systematic moral philosophy has been immeasurably influential in the history of Western thought. At its core lies a strict way of doing philosophy – a way of thinking mediated and regulated by an intricate understanding of metaphysics, the universe, and man's place (and role) in it. This paper will address a number of issues in Kant's moral theory. The first half will focus on Kant's picture of "the moral law within" where Kant's notion of autonomy will be linked with the essential idea of 'rational faith' in asking what Kant actually knows about this law. The second half will then discuss certain claims made by Kant in *The Metaphysics of Morals*, and how these are problematic with respect to his Categorical Imperative. Ultimately, Kant's system does not recognise difference. Instead, it homogenises individual freedom and projects Kant's own perspective of morality into an absolute, objective system.

§ I – The Moral Law Within

It is difficult to fully appreciate Kant's thesis when grappling with his often convoluted prose, full of counter-intuitive definitions and rigorous (albeit obscure) structure. However, the

Conclusion of the 2nd *Critique* is perhaps one of the most poetic and well-known passages in Kant's work. It also provides some useful clarification regarding the moral law:

Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: *the starry heavens above me and the moral law within me*. I do not need to search for them and merely conjecture them as though they were veiled in obscurity or in the transcendent region beyond my horizon: I see them before me, and connect them immediately with the consciousness of my existence. ... (The moral law) begins from my invisible self, my personality, and presents me in a world which has true infinity but which can be discovered only by the understanding, and I cognize that my connection with that world (and thereby with all those visible worlds as well) is not merely contingent, as in the first case, but universal and necessary. ... (The moral law) infinitely raises my worth as an *intelligence* by my personality, in which the moral law reveals to me a life independent of animality and even of the whole sensible world, at least so far as this may be inferred from the purposive determination of my existence by this law, a determination not restricted to the conditions and boundaries of this life but reaching into the infinite. (Kant *Critique of Practical Reason*, §5:162).¹

Kant speaks here of the universal moral law which all rational beings know. For Kant, human beings are not mere spectators in the world, passively following moral commands. Rather, they are active agents who are free to choose how to live. The feeling within, which we experience in times of moral dilemma, is what motivates us to be moral.

Kant does not want to offer a morality which commands us to do or not to do certain things, based upon fear of God or retribution. Rather, as Guyer explains, Kant thinks morality is only truly virtuous when it "can motivate us to perform our duty without either promise of reward or fear of punishment" (1992, 9). God did not create the moral law. Whatever its origins², it is up to us to create our own morality. Essentially, we are free to choose how to live.

However, for Kant, reason dictates certain bounds on our rational freedom. Kant's assumption is that everyone, given proper critical reflection, will agree on certain, fundamental positions about morality. Schneewind agrees that one of the central themes in Kant is that "normal

¹All references to works by Kant will list the title and passage. Translations and editions used in this essay are listed in the bibliography. All quotations contain original emphasis.

² However, this idea in itself is somewhat contentious in the specific context of Kantian metaphysics.

adults are capable of being fully self-governing in moral matters” (1992, 309). We are the ones who “impose a moral law on ourselves” and this “gives rise to obligation, to a necessity to act in certain ways” (Schneewind 1992, 310).

For Kant, the moral law itself must not impinge upon human freedom. It must also be without content, because, as Kant says, it must be a *formal* law – pure and *a priori*. However, in the spirit of the 1st *Critique*, form without content is empty. Thus, Schneewind explains that:

... there must be content, Kant holds, but it can only come from outside the will – from desires and needs, shaped by our awareness of the world in which we live into specific urges to act or plans for action ... all that the moral law can do is to provide the form for matter that comes from our desires. (1992, 318).

Because of this, the moral law functions as a formal system whereby the input of moral questions will generate practicable responses. The law stated in this way is: “A perfectly rational will acts only through maxims which it could also will to be universal law” (Schneewind 1992, 320). This law is encapsulated in the Categorical Imperative, which will be discussed later. Walker explains that this law ought “to stress the imperative character of morality”, yet Kant acknowledges that it cannot “be easily codified” (Walker 1978, 8). This is due to the fact that the law itself does not tell us what to do in every situation. Rather, it helps us decide what is right in any particular case, and then allows us to act freely in choosing what to do.

Acton explains that the law is different from some other types of maxim, because laws, for Kant, “are objectively valid for all rational beings. A maxim is *mine* or *his*, a law applies to

everyone" (1970, 21). In this way, one could claim that the Moral Law is objective, but this misses many subtleties in Kant's metaphysical framework.³

Kant's notions of freedom and autonomy are intricately connected to the moral law. Kant's definition of freedom in *The Metaphysics of Morals* makes an important note as to the nature of freedom:

The concept of freedom is a pure rational concept, which for this very reason is transcendent for theoretical philosophy, that is, it is a concept such that no instance corresponding to it can be given in any possible experience, and of an object of which we cannot obtain any theoretical knowledge... (Kant *The Metaphysics of Morals*, §6:221).

In the 1st *Critique*, Kant explores the limits of knowledge as possible through the faculty of understanding. For Kant, we can only have knowledge of something if it is a possible object of experience. Freedom, (like God and the Soul), is not a constitutive concept – an object of possible experience. Rather, it is a regulative ideal; that is, an idea which helps us decide how to act in the world. In the 2nd *Critique* (as in the rest of his moral philosophy), Kant is not dealing with pure, theoretical reason. He has made an important distinction which states that we can have pure, practical reason. With the limits of knowledge in place, we can use reason to decide how we should orient ourselves in the world without overstepping the bounds of our metaphysical limitations. Thus, we cannot *know* that we are free, but we must, Kant holds, act *as if* we are free.

In some objective, transcendent sense, Kant maintains that the question of whether we are free or not is simply unknowable. It is indeed possible that we are not free. Yet, as Guyer explains, Kant's "critique of traditional metaphysics at least leaves open the possibility of freedom"

³ An in-depth discussion on this point is beyond the scope of this essay. For an excellent analysis of this imperative in Kant's metaphysics, see Allison 2004.

(1992, 16). In a purely practical sense, we have faith in our freedom; faith in autonomy. Kant explains what he means by autonomy:

... as free with respect to all laws of nature, obeying only those which he himself gives and in accordance with which his maxims can belong to a giving of universal law ... *Autonomy* is therefore the ground of the dignity of human nature and of every rational nature." (Kant *Groundwork of the Metaphysics of Morals*, §4:436).

Kant's position in the 1st *Critique* is that we should limit or suspend knowledge to make room for faith. This stops reasons stepping into the realm of speculation and/or dogmatism. However, there is an important clarifying point which Guyer astutely identifies about this move. The move to limit knowledge in order to make room for faith...

... is misleading if it is taken to mean that Kant intends to argue that knowledge must be limited in order to allow us some nonrational basis for belief about important matters of morality. Rather, what Kant means is that the limitation of the foundational principles of the scientific worldview to the way things appear to us is necessary not only in order to explain its own certainty but also in order to allow us to conceive of ourselves as rational agents who are not constrained by the deterministic grip of nature but can freely govern ourselves by the moral law as practical reason (although certainly not all forms of religious faith) requires. (Guyer 1992, 13).

We must act *as if* we know that the moral law is real within us, but it is not a possible object of knowledge. If it were something that we could *know*, then we would not be free in the practical sense to choose to act morally or not. In Guyer's words, Kant believes that "a will bound by the moral law must be a free will and that only a free will can be bound by the moral law" (1992, 18). Rather than attempting to prove with theoretical reason that we must have a free will⁴, Kant's approach is "to argue that we must possess a free will because of our

⁴ Kant explains this in a note in the *Groundwork of the Metaphysics of Morals*, §4:448 – "I follow this route – that of assuming freedom, sufficiently for our purpose, only as laid down by rational beings merely *in idea* as a ground for their actions – so that I need not be bound to prove freedom in its theoretical respect as well".

Kant also explains in the 2nd *Critique*: "But how freedom is even possible and how this kind of causality has to be represented theoretically and positively is not thereby seen; that there is such a causality is only postulated by the moral law and for the sake of it. It is the same with the remaining ideas, the possibility of which no human understanding will ever fathom although no sophistry will ever convince even the most common human being that they are not true concepts." §5:134.

indubitable recognition that we are in fact bound by the moral law” (Guyer 1992, 18). And “as freedom entails the moral law, we must think of ourselves as bound by it” (Schneewind 1992, 329).

It is clear that Kant has a very precise conception of what ‘reason’, and ‘thinking rationally’, mean. If we evaluate the above argument by modern standards, it does not hold that freedom entails the moral law in any sense. This only works in Kant’s system, yet his arguments on this point, even if we approach them charitably, seem invalid and tendentious. After all, it is certainly possible to claim that a will could be free without being bound by the (or for that matter, any) moral law.

Due to Kant’s own distinctions regarding possible knowledge, he would probably have confessed, as Sobel puts it, “that the moral law in which he believed absolutely without reservation, is, for all he knew and could ever know, a sham and illusion, and thoroughly false” (2008, xiii). Precisely. Yet this is not problematic for Kant. This is, in a way, almost what he strives to highlight. He feels that we should not concern ourselves with the possible knowledge of such things as the moral law. Rather, we *must* have faith in it – for Kant, this is what practical reason dictates.

§ II – Kant’s Moral Absolutism

Kant’s Categorical Imperative, the notorious line which he propounds in the *Groundwork of the Metaphysics of Morals* (and again in other forms in the 2nd *Critique*⁵ and *The Metaphysics of Morals*), emerges from his discussion of the moral law. Stated simply, the imperative is

⁵ “FUNDAMENTAL LAW OF PURE PRACTICAL REASON – So act that the maxim of your will would always hold at the same time as a principle in a giving of universal law.” (§5:30).

that when we act, we must “act on a maxim that can also hold as a universal law” (*The Metaphysics of Morals*, §6:225). In greater detail:

When I think of a *hypothetical* imperative in general I do not know beforehand what it will contain; I do not know this until I am given the condition. But when I think of a *categorical* imperative I know at once what it contains. ... There is, therefore, only a single categorical imperative and it is this: *act only in accordance with that maxim through which you can at the same time will that it become a universal law* ... the universal imperative of duty can also go as follows: *act as if the maxim of your action were to become by your will a universal law of nature.* (Kant *Groundwork to the Metaphysics of Morals*, §4:421).

We must *be able to will* that a maxim of our action become a universal law: this is the canon of moral appraisal of action in general. (Kant *Groundwork to the Metaphysics of Morals*, §4:424).

In this way, the moral law becomes related to the rational, human ability of being able to abstract from particular cases and to universalise our thoughts. Akin to the exasperated parents’ catchcry, Kant’s Categorical Imperative is a formal formation of the colloquial – ‘what if *everybody* did that?’. Yet there is more to it. Kant’s position is that if people were to think rationally, then society would, ideally, eventually evolve to a phase where everybody would be free and virtuous.

Looking more at Kant’s ideal of freedom in this context, it is worth noting Kant’s Doctrine of Right. In Walker’s words, the Doctrine states that “it is wrong to interfere with the freedom of others, a freedom they need for their own self-development” (1978, 11). Freedom for Kant means independence from being constrained by another’s choice. He also calls freedom the only one innate right.⁶ Interestingly, he states in *The Metaphysics of Morals* that “any action is right if it can coexist with everyone’s freedom in accordance with a universal law” (§6:230).

⁶ Cf. “*Morality* is thus the relation of actions to the autonomy of the will, that is, to a possible giving of universal law through its maxims. An action that can coexist with the autonomy of the will is *permitted*; one that does not accord with it is *forbidden*.” (Kant *Groundwork of the Metaphysics of Morals*, §4:439).

It is puzzling then, that Kant appears to contradict himself in some sections of *The Metaphysics of Morals*. Kant seemed to realise that the Categorical Imperative was not going to be strict enough to prohibit certain actions; actions that he did not want to condone. The most striking example of this is in Kant's rejection of 'immoral' things like homosexuality, premarital sex, and bestiality. Speaking about sex, and the natural and unnatural uses thereof, he states that:

... unnatural use takes place either with a person of the same sex or with an animal of a nonhuman species ... (and that) if a man and a woman want to enjoy each other's sexual attributes they *must* necessarily marry, and this is necessary in accordance with pure reasons laws of right. (*The Metaphysics of Morals*, §6:277 – 6:278).

Here, Kant has stopped being critical. He has introduced an ad hoc 'natural', 'unnatural' distinction regarding disrespect of our own humanity. The reason Kant has slipped is that there is no clear evidence as to why reason – theoretical or practical – systematically dictates any concept of 'humanity' with sufficient means of being able to discern whether any given action is natural or not.⁷

Yet this issue seems problematic with regard to the Categorical Imperative in another way. If one is homosexual, should the Categorical Imperative dictate that this act is immoral because one could not rationally wish for a world in which everybody was homosexual? Such a question reveals one grave mistake in Kant's Categorical Imperative. The mistake is to assume that humanity is generic and homogeneous. Kant utterly fails to recognise the enormous variety present in humanity. Instead, he reduces the complexities and specificities of different individuals to one absolute, ideal, type of individual.

⁷ I am grateful to David Rathbone for pointing this out to me.

Some of the highly problematic aspects of Kant’s moral philosophy, like the one above, are perhaps less due to philosophical ignorance than to do with both philosophical method and socio-historical influences. In reading Kant, it can sometimes seem that he is inherently naïve regarding many modern-day notions. He is, for instance, markedly ethnocentric in his world-view. Having never left his home-town, he seems to think that everybody – if they were thinking rationally – would think like him. Anybody making this claim in 2010 would undoubtedly be branded as both arrogant and ignorant. Perhaps due to a lack of broad cultural experience, Kant fails to recognise that consciousness has different forms across time and place. The aim to find a universal and ahistorical morality now seems ludicrous. Our ingrained ideas about evolution along with a wide recognition of cultural relativism (or perspectivism), and the failed projects of Modernity have radically altered the way we orient ourselves in the world.

The danger with Kant’s position is the ideal that the whole world should conform to the ideals of one type of dominant culture. In *The Metaphysics of Morals*, Kant sets in stone certain acts which are permissible and certain which are immoral. As above, ‘base’ sexual acts fall into the latter category. Another example of this type of thinking can be seen in Kant’s claims regarding acquisition of land. He states that:

Therefore, provisional acquisition of land, together with all its rightful consequences, is possible. Provisional acquisition, however, needs and gains the favor of a law for determining the limits of possible rightful possession. (*The Metaphysics of Morals*, §6:267).

The extreme of this world-view is starkly evidenced by the Colonialist project, endemic in the 15th to 19th centuries. For example, when the British came to Australia in the late 18th century, they made land deals with the Aboriginal natives. The British universalised their own world-view regarding land acquisition and legality. When they ‘purchased’ the land by asking the

natives to sign a treaty in exchange for some goods, the natives had no concept as to what such a transaction symbolised⁸.

Indeed, it is unfair to claim that by the above passage, Kant implies that the ‘transactions’ specifically undertaken by Colonialists were morally right. Nevertheless, Kant does not recognise that such transactions are idiosyncratic and specific to culture. Rather, he thinks that such notions work universally. Kant is uncritically projecting the Euro-centric conception of ownership and exchange. This dominant philosophical thought of the time translated into actions which led to horrific consequences for untold numbers of people.

Furthermore, the extreme effect that ideology can have over individuals and the way that they experience the world is widely understood. The classic example can be found in the S.S. guard working within the Nazi regime thinking his actions to be virtuous. He might be thinking – ‘If everybody were to do this, then the world be a better place because there would only be an Aryan race’. Such thought reveals the insidious dangers of universal projections of value systems.

Our place in society is more constructed than we might think. We are exposed to many implicit power relations which permeate our everyday lives and influence our thought patterns – and in turn, influence our thoughts about morality. This shows that the notion of ‘acting morally’ – or even ‘acting rationally’ – is influenced by many external, historical, socio-

⁸ Land ‘exchange’ took place in Melbourne and Geelong as late as 1835. John Bateman made a ‘treaty’ with the Kulin clan, but “Land purchase had no meaning to the Kulin - for how could a clan sell its religious and social birth right to strangers... However, the Kulin had a notion of welcome and temporary usage for strangers by way of a *tanderrum* ceremony” (Broome 2005, 10).

political and ideological factors⁹. It is radically naïve to claim that one can think about morality in some kind of ahistorical, universal vacuum.

Yet from Kant's point of view, these considerations are unimportant. The idea of increasing freedom for people, along with the notion of equal rights for all, is certainly a defining feature of Modernity. If we are charitable to his project, it is evident that his Categorical Imperative works at least on some level. We often do think like Kant. I am about to board a train, I think, should I buy a ticket? Well, I imagine a world where nobody buys one – a world where the public transport system would collapse. I cannot rationally will such a world, so I buy a ticket in an act of moral choice.

Nevertheless, the above objections regarding homogenisation and projection remain some of the most problematic for Kant's moral outlook. Any idea of acting morally, by means of a Categorical Imperative towards an ideal world, implicitly carries culturally specific and contingent notions of 'better' embedded within it. These problems often arise in morally difficult situations – where the issue is not simply whether I will buy a train ticket or show up to dinner on time, but something more extreme, for example, regarding regimes of terror which justify mass murder. And this is the realm where moral theories are really put to the test.

This does not mean that morality is a pointless or useless ideal. Schneewind explains that Kant implicitly feels that "atheism and meaninglessness in history threaten to make morality pointless" (1992, 333). This is not necessarily the case. However, moral theories need to

⁹ Kant fails to recognise this: "...because human reason, even in the commonest mind, can easily be brought to a high degree of correctness and completeness in moral matters...." (*Groundwork*, §391, Preface).

recognise the complexities of the modern world. It is perhaps better to focus on a respect for difference when thinking about morality. Kant's idea of freedom of the individual still carries weight here, yet this overall approach in thinking about others in the 21st century signifies a fundamentally and radically different way of looking at the world and our place within it.

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