Classical Theories of Liberty

Lecture 4

Kant
The plan for today...

1. Internal freedom

2. External freedom

3. Ripstein on Kant

4. Freedom and the original contract
The concept of freedom is central not only to Kant’s political philosophy...

...but also to his moral philosophy...

But the relationship between his political philosophy and his moral philosophy is deeply controversial...
§1. Internal freedom
‘...moral freedom... alone makes man truly the master of himself...

...for the impulsion of mere appetite is slavery...

...and obedience to the law one has prescribed to oneself is freedom.’
(Social Contract, G54)
‘Freedom of choice is... 
independence of being 
determined by sensible impulses...

...this is the negative concept of freedom...

The positive concept of freedom is 
that of the ability of pure reason 
to be of itself practical.’

(Metaphysics of Morals, p.375)
Negative freedom is a matter of my actions not being determined by sensible impulses...

...e.g. by love of pleasure...

Positive freedom is a matter of my actions being determined by pure reason...

...i.e. by respect for the moral law.
My action has *true moral worth* if and only if...

...I act not only *in accordance with* duty...

...i.e. do the right thing...

...but also *out of* duty...

...i.e. because it is the right thing to do...
A Kantian paradox...

P1 If I do something morally wrong, my action was not free.

P2 I can be held morally responsible for my action – praised or blamed – only if my action was free.

C If I do something morally wrong, I cannot be held morally responsible for my action.
§2. External freedom
The *universal principle of right*...

‘Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law...’ (*Metaphysics of Morals*, p.387).

Suppose my being free to φ limits your freedom to φ...

In that case it is *morally wrong* for me to φ...
Suppose I am free to kill a person if it is in my interest...

If I kill a person, I severely limit this person’s freedom to kill a person if it is in his or her interests...!

So it is morally wrong for me to kill a person if it is in my interest...
Suppose I am free to break a promise if it is in my interest...

If I break a promise, I limit other people’s freedom to break promises if it is in their interest...

So it is morally wrong for me to break a promise if it is in my interest...
‘Freedom (independence from being constrained by another’s choice)...  

...insofar as it can coexist with the freedom of every other in accordance with a universal law...  

...is the only original right belonging to every man by virtue of his humanity.’

(Metaphysics of Morals, p.393)
This is a *negative* conception of freedom...

Unlike Hobbes, Kant thinks that only other people’s *choices* limit our freedom...

Unlike Locke, Kant thinks that other people’s choices limit our freedom *whether or not this limitation is in our interest*...
Two conceptions of freedom...

Freedom *qua* independence of another’s choice...

...is *external freedom*...

Freedom *qua* acting out of respect for the moral law...

...is *internal freedom*...
A Kantian paradox...

P1* If I do something morally wrong, my action was not free. *internally* free.

P2* I can be held morally responsible for my action—praised or blamed—only if my action was free. *externally* free.

C If I do something morally wrong, I cannot be held morally responsible for my action.
§3. Ripstein on Kant
Two types of interference...

Interference with a person’s *purposes*...

Interference with a person’s *purposiveness*...

Ripstein thinks external freedom requires only the absence of the latter...
Suppose your purpose is to write the first ever article on the beauty of Kant’s prose...

Suppose I beat you to it...

I have interfered with your purposes...

But I haven’t interfered with your purposiveness...
I have interfered with your *purposiveness* if and only if...

...I have interfered with your capacity to decide *to what purpose* your bodily and mental powers will be put...

E.g. by using force or fraud to get you to use *your* powers in the service of *my* purposes...
On one interpretation, the point is that I have control rights over my mental and bodily powers...

And my external freedom is limited if and only if my control rights over my mental and bodily powers are violated...
Kant thinks we come to know which things we have rights over precisely by working out which actions limit our freedom...

But if this interpretation is correct, we can come to know which actions limit our freedom only if we already know some of the things we have rights over...

...namely our bodily and mental powers...

So Kant’s theory is viciously circular...
Suppose the state prevents me from going out after 10 o’clock at night...

This may well interfere with my purposes...

...but it doesn’t interfere with my capacity to decide to what purpose my bodily and mental powers will be put...
P1  If the state prevents me from going out after 10 o’ clock at night, it limits my freedom.

P2  If the state prevents me from going out after 10 o’ clock at night, it doesn’t interfere with my capacity to decide to what purpose my bodily and mental powers will be put.

C  It is not the case that the state limits my freedom only if it interferes with my capacity to decide to what purpose my
§4. The original contract
Like Hobbes and Locke and Rousseau, Kant thinks we have reason to leave the state of nature...

What is special about Kant is his claim that it is morally wrong for us not to do so...

This is the postulate of public right...
‘...there is connected with right by the principle of contradiction an authorization to coerce someone who infringes upon it.’ (Metaphysics of Morals, p.388)

‘...any limitation of freedom through another’s choice is called coercion.’ (Common Saying, p.290)
‘...if a certain use of freedom is itself a hindrance to freedom in accordance with universal laws... coercion that is opposed to this (as a hindering of a hindrance to freedom) is consistent with freedom in accordance with universal laws...’

(Metaphysics of Morals, p.388)
‘...when you cannot avoid living side by side with all others...

...you ought to leave the state of nature and proceed with them into a rightful condition...

...in general [men] do wrong in the highest degree by willing to be and remain in a condition that is not rightful...

...that is, in which no one is assured of what is his against violence.’ (Metaphysics of Morals, p.451-452)
Suppose you and I disagree over some question of right...

If I coerce you into doing what I believe is right...

...you can’t coerce me into doing what you believe is right...

We can’t both be free to coerce the other...
P1 My freedom to coerce you into doing things that I judge you ought, morally, to do limits your freedom to coerce me to do things that you judge I ought, morally, to do.

P2 I have a right to do something only if my freedom to do this thing doesn’t limit your freedom to do the same thing.

C I have no right to coerce you into doing things that I judge you ought, morally, to do.
‘...unless [a person] wants to renounce any concepts of right...

...the first thing it has to resolve upon is the principle that it must leave the state of nature...

...in which each follows its own judgment...

...and so enter into a condition in which what is recognized as belonging to it is determined by law and is allotted to it by... an external power.’

(Metaphysics of Morals, p.456)
So do we gain freedom by leaving the state of nature...?

Suppose this is a question about external freedom...

It’s not so much that we gain external freedom by leaving the state of nature...

...it’s that we enter a state of affairs in which we can all be equally externally free...

...which is what morality requires...
Suppose instead that it’s a question about *internal freedom*...

We cannot be coerced into acting in accordance with the moral law *out of respect for* the moral law...

Suppose we are coerced into acting *out of respect for* the moral law...

...then we precisely aren’t acting *out of respect for* the moral law...
‘Ethical duties involve a constraint for which only internal lawgiving is possible...’  (Metaphysics of Morals, p.525)

‘Obligatory laws for with there can be an external lawgiving are called external laws...’ (Metaphysics of Morals, p.379)

My obligation not to φ is external if and only if I could be placed under this obligation by somebody other than myself...
The state could place me under an obligation not to kill people...

...so the law against killing people is an external law...

But the state cannot place me under an obligation not to have sexual intercourse just for the sake of pleasure...

So the law against doing this is an internal law...
‘[external laws] that can be recognized as obligatory \( a \)\
\textit{priori} by reason even without external lawgiving are...\
\textit{natural} laws, whereas those that do not bind without actual external lawgiving are...\
\textit{positive} laws...’

\textit{(Metaphysics of Morals, p.379)}
<table>
<thead>
<tr>
<th></th>
<th>Positive laws</th>
<th>Natural laws</th>
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<tbody>
<tr>
<td><strong>External laws</strong></td>
<td>Drive on the left!</td>
<td>Don’t kill people!</td>
</tr>
<tr>
<td><strong>Internal laws</strong></td>
<td>NA</td>
<td>Don’t have sex just for the sake of pleasure!</td>
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But couldn’t the state place us under obligations that would help us to be internally free...

...without obliging us to be internally free...

What if the state banned alcohol, pornography, etc.?

Cf. the ‘new liberalism’ of the 19th Century...
Kant is firmly opposed to paternalism...

‘...a *paternalistic government*... is the greatest *despotism* thinkable...’ (*Common Saying*, p.291)

But this just means a government that constrains us for the sake of our *happiness*...
‘Freedom (independence from being constrained by another’s choice) insofar as it can coexist with the freedom of every other in accordance with a universal law is the only original right belonging to every man by virtue of his humanity.’

*(Metaphysics of Morals, p.393)*
Next week

The Value of Equality