Introduction

Plan of the lecture...

1. Introduction
2. Freedom of the will
3. The postulate of public right
4. Political liberty
5. What does the just state look like?

‘From the private right in the state of nature there proceeds the postulate of public right…’

(*The Metaphysics of Morals*, p.451)

‘Great Britain… where the people carry on about their constitution as if it were a model for the whole world…’

(*On the Common Saying: That May Be Correct In Theory, But It Is Of No Use In Practice*, p.301)’
Introduction

Freedom is the central concept in Kant’s political philosophy.

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It is also the central concept in Kant’s ethics.

It is even central to his metaphysics and epistemology.
But we need to be careful not to assume that it is the same conception of freedom that is central in each of these parts of Kant’s philosophy…

What is the relationship between Kant’s political philosophy and his ethics? Is his political philosophy just applied ethics?

What is the relationship between Kant’s political philosophy and those of the other philosophers we have considered?

Is Kant’s political philosophy broadly the same as Rousseau’s? Is it broadly the same as Locke’s?
‘Will is the causality of living beings insofar as they are rational, and freedom would be that property of such causality that it can be efficient independently of alien causes determining it.…

…The preceding definition of freedom is negative and therefore unfruitful for insight into its essence; but there flows from it a positive concept of freedom, which is so much the richer and more fruitful…

…Since the concept of causality brings with that of laws… so freedom… is not… lawless but must instead be a causality in accordance with immutable laws… of a special kind.’

(Groundwork of the Metaphysics of Morals, p.94)
Freedom of the will

Kant thinks that I can causally interact with the world.

And he thinks that there is a causal explanation for my actions that does not refer to the actions of other objects upon me.

Actions that admit of this sort of causal explanation are free in Kant’s negative sense.

But Kant thinks that all causal explanations appeal to laws.

And he thinks that the laws in the case of free actions are the laws of morality.

Actions that are causally explained by the laws of morality are free in Kant’s positive sense.
'Autonomy of the will is the sole principle of all moral laws...; heteronomy of choice, on the other hand, not only does not ground any obligation at all but is instead opposed to the principle of obligation and to the morality of the will.'

*(Critique of Practical Reason p.166)*

Put simply, moral obligation is based on freedom, whether it is characterized in the negative way or the positive way.

It is not based on happiness!
‘The union of many for some (common) end (that all of them have) is to be found in any social contract…

…but that union which is in itself an end (that each ought to have) and which is therefore the first duty in any external relation of people in general, who cannot help mutually affecting one another, is to be found in a society only insofar as it is in the civil condition…

…Now the end that, in such an external relation, is in itself duty… is the right of human beings under public coercive laws, by which what belongs to each can be determined for him and secured against encroachment by any other.’

(Common Saying, p.290)
The postulate of public right

When are we in an external relation?
When we affect each other by our actions.

Suppose I put a gun to your head, and demand all of the money in your wallet.

Suppose you do as I demand.

Then by making this threat, I have affected, or influenced, your actions.

There are plenty of more everyday examples…
The postulate of public right

If we find ourselves in an external relation, then we have a moral obligation to form a civil society.

‘From private right in the state of nature there proceeds the postulate of public right: 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…’

(Metaphysics of Morals, p.451-452, my emphasis)

‘The ground of this postulate can be explicated analytically from the concept of right in external relations, in contrast with violence.’

(Metaphysics of Morals, p.452)
The postulate of public right

Why do we have this moral obligation?

‘No one is bound to refrain from encroaching on what another possesses if the other gives him no equal assurance that we will observe the same restraint towards him. No one… need wait until he has learned by bitter experience of the other’s contrary disposition; for what should bind him to wait till he has suffered a loss before he becomes prudent, when he can quite well perceive within himself the inclination of human beings generally to lord it over others as their master…?’

(Metaphysics of Morals, p.452)

This sounds a lot like the diffidence and pride discussed by Hobbes…
‘...however well disposed and law-abiding human beings might be, it still lies a priori in the rational idea of... a condition... that is not rightful... that... individual human beings... can never be secure against violence from one another, since each has its own right to do what seems right and good to it and not to be dependent upon another’s opinion about this...’

(Metaphysics of Morals, p.456)

This sounds a lot more like Locke. Even law-abiding people will come to blows if they all have the right to interpret, apply, and execute the moral law, since they will disagree about the correct interpretation, application, and execution of the moral law. But how is this knowable a priori?
Kant defines *external right* – or, as we might put it, *justice* – in terms of freedom.

‘...the concept of an external right as such proceeds entirely from the concept of *freedom* in the external relation of people to one another and has nothing at all to do with the end that all of them naturally have (their aim of happiness) and with the prescribing of means for attaining it... *Right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law; and *public* right is the sum of *external laws* which make such a thoroughgoing harmony possible.’

*(Common Saying, p.290)*
Political liberty

There is justice when the conditions are satisfied for everyone to be free.

But what does freedom mean in this context?

‘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)*
Here is one interpretation...

‘There is thus a fundamental distinction between interfering with the *purposiveness* of another person and interfering with that person’s *purposes.*’

(Arthur Ripstein, *Force and Freedom: Kant’s Legal and Political Philosophy*, p.41)

I am free if and only if nobody interferes with my *purposiveness* (as opposed to my *purposes*).
Suppose that you want to park your car in a particular spot, and suppose that I park my car there first.

Then I have interfered with your purposes.

You are still in full control of your mental and physical powers, and your property…

…but I have prevented you from doing what you wanted to do with those things.
Now suppose that instead of parking my car in the spot, I simply put a gun to your head, and order you not to park your car there.

Then I have interfered with your *purposiveness*.

I have prevented you from doing what you wanted to do with your mental and physical powers and your property…

…precisely by taking control of those things.
Ripstein defends this interpretation on the basis that it allows us to make sense of the idea of equal freedom.

If freedom is interpreted in terms of non-interference in our purposes, then equal freedom seems to be impossible.

My freedom to park in your spot is incompatible with your freedom to park in the spot.

It is often argued that we cannot give people freedoms without taking other freedoms away…

…and that we will have to decide which freedoms to prioritize on the basis of considerations other than freedom itself.
If Ripstein is correct, then the conception of freedom that is central to Kant’s political philosophy is not obviously the same as the one that is central to his ethics.

It is similar to Rousseau’s negative conception of freedom…

‘Liberty consists less in doing one’s will than in not being subject to that of another; it consists again in not submitting the will of another to our own.’

*(Letters Written from the Mountain, No.8)*
Political liberty

It is also similar to the republican conception of freedom associated with Philip Pettit…

‘This conception… requires the absence of domination by others… [but] it needs something more than the absence of interference; it requires security against interference, in particular against interference on an arbitrary basis.’

Here is another interpretation…

Kant thinks that a problem will arise if everyone attempts to exercise their freedom – in the ethical sense – in circumstances where we cannot help affecting one another.

We will disagree about the proper interpretation, application and execution of the moral law…

…and so my attempt to exercise my freedom (i.e. obey the moral law) will conflict with your attempt to exercise your freedom (i.e. obey the moral law).

We cannot be equally free. Either your freedom will win out, or mine will.
What does a just state look like?

A just state has three basic features...

‘…the civil condition, regarded merely as a rightful condition, is based a priori on the following principles:

1. The *freedom* of every member of the society as a human being.
2. His *equality* with every other as a subject.
3. The *independence* of every member of a commonwealth as a citizen.’

*(Common Saying, p.291)*
What does a just state look like?

‘As for the freedom... as a human being I express its principle... in the following formula: No one can coerce me to be happy in his way... instead, each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end which can coexist with the freedom of everyone in accordance with a possible universal law (i.e. does not infringe upon this right of another).’

(Common Saying, p.291)

So it is not a paternalist state.