

Kant's Law Of Freedom

By FRANCIS NEILSON

THERE IS NOTHING quite like a war with a foreign State for opening up an opportunity to belligerent patriots to make use of the concept "freedom." Indeed, it is like an old-fashioned Fourth of July when orators in every town and village delivered speeches about the founding of this Republic. Then, this word "freedom" was played upon with the *vox humana* stop pulled out, and the throb of the eloquence of the local Demosthenes stirred the congregations to their very depths.

Surely the notion of freedom must have meant more to the people of two generations ago than it does to the masses of our day. Yet, it may be inferred that it was not necessary sixty years ago to ask an orator who used the term what he meant by it. If he were questioned, I can imagine that he would readily reply that it was what was gained by the American people when they threw off the Hanoverian yoke. And a very sensible reply that would be.

War and the Loss of Freedom

DURING THE PAST two world wars I have oftener wondered what would happen if any man were so bold as to ask our politicians, our editors, and our pulpiteers what the term really meant to them. For it must be acknowledged even by modern philosophers and historians that war is a denial of freedom. Although we may enter a conflict against a foreign power because it denies the principles of democracy and we fight in the name of freedom, the righteous nation begins to lose whatever freedom it has just as soon as the war starts. It is not necessary to quote the thinkers who have laid down maxims and axioms on this point. I think it will be conceded that those philosophers who have told us that freedom is lost when war begins have been right; at least, history confirms the conclusion they have reached.

Now this loss to the righteous nation is in so many cases a political and social one that we overlook the deeper loss of spiritual and economic advantages enjoyed in days of peace. The restrictions that curtail our political and social freedom do not end there, for all activities of life are affected and suffer grievously. After World War I, when the shocking consequences were patent to everyone who had the capacity to observe what had taken place, the moralists gave us volume after volume lamenting

the grave state of affairs wrought by the restraints that had been placed upon the people. Now those who have the courage to describe the consequences of World War II depict a condition such as was never conceived by the medieval artists who gave us representations of hell itself.

I have recently read several books on various aspects of the war and how certain States suffered the loss of freedom. Three works on Poland and one dealing with the expeditions in Finland and the Baltic States—all reveal that freedom was the issue. Over and over again we meet the phrase: "We fought for freedom."

Strangely enough, the authors of those books I have looked through do not saddle the whole responsibility for the loss of freedom in many European States upon the wicked enemies that we fought. They indicate that our own government was not blameless in many cases. Indeed, it is suggested that the righteous Allies practiced not only downright mendacity but a reckless breaking of solemn pledges.

Perhaps it might be just as well at this time for us to give thought to the matter of what freedom is and how it can be defined so that the ordinary taxpayer will be able to understand it; for to him it is a most expensive political luxury, and often brings him face to face with spiritual and material ruin.

Side by side with the books published by politicians and diplomatists of the various States affected by the war there have come from the presses many notable volumes from the pens of philosophers, which deal with this bothersome word "freedom." One work that will help to purge the mind of its political and social dross and make for a healthier spiritual outlook is the Gifford Lectures of Dr. W. Macneile Dixon, entitled "The Human Situation."¹ It is an exhilarating analysis of conditions as they exist, although the lectures were delivered in the University of Glasgow eleven years ago. Not for a long time has anything so virile come to my notice.

There is also "The Myth of the State," by Dr. Ernst Cassirer,² which is a particularly illuminating record of the vicissitudes suffered by political freedom since classical times. These authors do not pretend to have discovered what the word really means, but a far better conception of it may be gathered from a study of their two books than is to be found in volumes written by politicians and diplomatists. If we desire to delve more deeply into the meaning of this term, we must perforce seek what knowledge we can gather of it in other channels of thought.

¹ New York, Longmans, Green and Co., 1938.

² New Haven, Yale University Press, 1946.

Personality and Individuality

THE FIRST WORK I should like to bring to the notice of the reader is "Ideas Have Consequences," by Richard M. Weaver.³ It is, in the main, a diagnosis of the religious and cultural decline of western civilization. The author draws a distressing picture of the welter of strifes under which we exist, brought about not by "biological or other necessity but of unintelligent choice."⁴ He assumes that we live in an intelligible world and that man is free, but he does not tell us directly of what this freedom consists. We are left to infer from his survey that the actions of men who have contributed to this decline have been free only in a very limited way. He realizes, however, that: "There is ground for declaring that modern man has become a moral idiot."⁵

Mr. Weaver is an unusual critic, for he reveals in his book that he is spiritually and intellectually equipped to conduct the clinical examination of the west, now sick unto death. Yet, I doubt whether the cure he prescribes will set the patient on its legs again and restore to it that vigor expressed in the long past, when religious, social, and cultural miracles were wrought. He says in conclusion:

It may be that we are awaiting a great change, that the sins of the fathers are going to be visited upon the generations until the reality of evil is again brought home and there comes some passionate reaction, like that which flowered in the chivalry and spirituality of the Middle Ages. If such is the most we can hope for, something toward that revival may be prepared by acts of thought and volition in this waning day of the West.⁶

To accomplish this essential change he depends very much on what he calls "personality," to which term he gives a meaning that differs somewhat from the one that was accepted by philosophers several generations ago. One of the prevalent sins of our moral philosophers is that they take many leading words and give them alien meanings. This tendency to twist or reshape the meaning of leading terms is causing much confusion of thought. In some cases I find it is done palpably to adjust the sense of a word to the fortuitous circumstances which exist, with the result that a new connotation is given to it. Philosophical and economic terms suffer severely from this abuse.

Such a term is "personality." Mr. Weaver says that in its true definition it is theomorphic. This is stretching a meaning out of all shape. Why it

³ Chicago, University of Chicago Press, 1948.

⁴ *Ibid.*, p. 1.

⁵ *Ibid.*

⁶ *Ibid.*, p. 187.

should be so defined we are not told, but the term is presented to us in contradistinction to that other abused one—"individuality"—which for some unexplained reason he regards with contempt. He writes:

. . . Individualism, with its connotation of irresponsibility, is a direct invitation to selfishness, and all that this treatise has censured can be traced in some way to individualist mentality. . . .⁷

This is quite a new way of defining individualism, and our author would be hard put to it to explain clearly to any philosopher of the nineteenth century why the term should be used so opprobriously. Two generations ago, an individual (even in a social sense) was regarded as a person of esteem and distinction, and one guilty of the offense suggested by Mr. Weaver was either a bounder or a criminal.

But this notion does not originate with our author. It came into fashion with the advent of the Fabians, who realized that the individual—or individualism—was antagonistic to socialistic doctrine. It may be news to Mr. Weaver that a generation ago there were many debates on "Individualism versus Socialism." I think it may be held that the individuals in America at the time of the founding of this Republic were those who had a far better knowledge of right and political freedom than the bureaucrats of the government in London. If the true definition of the term personality is "theomorphic," there is no reason why individuality should not be so. For there can be no personality without the individual.

Unfortunately for us, millions are born into this world who seldom bear the stamp of an individual, for they never have the opportunity to develop themselves. The one great factor which is an obstacle to this is the economic condition in which these people are placed. And, as it is in so many books that have been written in recent years, there is no practical suggestion in "Ideas Have Consequences" as to how they are to work out their own salvation. Indeed, it may be said today that the millions of small wage earners have been taught by their political mentors to look to the State to relieve them of all responsibility. They are now regarded as mere automata, essential in the industrial process which denudes them of individuality and, therefore, leaves them no chance whatever of cultivating a personality. Mr. Weaver continues:

. . . But personality is that little private area of selfhood in which the person is at once conscious of his relationship to the transcendental and the living community. He is a particular vessel, but he carries some part of the universal mind. . . . There is piety in the belief that personality, like the earth we tread on, is something given us.⁸

⁷ *Ibid.*, p. 181.

⁸ *Ibid.*

I am inclined to agree with this statement, but I cannot dissociate his idea from that of individuality. Before the term "personality" became popular with the moral philosophers of our day, individuals of worth possessed the attributes that are now given to this nebulous something called personality. If it is to be described as "piety" (in the old sense it bore), then there is no difficulty in comprehending the meaning of the term. Perhaps what millions in the world lack is the pious mind, one that appreciates the bounty of the Creator and realizes that the good life may be sought in observing the divine law as it was interpreted by the inspired teachers of all religions.

Notwithstanding the exceptions that I take to Mr. Weaver's book, it is one that should be carefully studied by those who understand the mighty problems that confront us and desire to find a way out of the chaos created by the unthinking.

Malinowski on Freedom

THE NEXT WORK I would present for consideration is Bronislaw Malinowski's "Freedom and Civilization."⁹ The title is something of an anachronism, for to my mind the latter destroys the former. The very fact that bureaucracies increase as civilizations grow when, under a system of taxation of wealth, producers are exploited for the upkeep of the State, indicates there can be little freedom. Perhaps what is left of it is limited to the electoral badge of voting for one bureaucrat or the other. Malinowski agrees that no clear definition has been formulated. He quotes Professor Walton Hamilton of the Yale Law School, who says: "For all our knowledge and understanding, we can no more define freedom than we can realize it."¹⁰

Presumably Mr. Weaver would be surprised to learn from Malinowski:

Freedom in individual existence is this selection of specific differential bondage. Freedom however is very real; it is the range in molding the individual's existence, in choice of mate, career, hobby, creed and art; it is the organization of opportunities, the supply of wherewithal, the range of initiative in creative change. This is the treasure-house of freedom in democratic cultures.¹¹

Let us concede that the choice of mate may be accepted as an example of freedom, but I doubt very much indeed whether the millions would agree with our noted anthropologist that there is much choice in the matter of

⁹ London, George Allen and Unwin Ltd., 1947.

¹⁰ *Ibid.*, p. 63, quoted from Walton H. Hamilton, "Freedom in the Modern World," 1928.

¹¹ *Ibid.*, p. 243.

a career, a creed, or art. Moreover, I question the range of initiative for the masses, and as for "the organization of opportunities," in a democracy such as this, they are reserved in great part for the politicians and their friends. At least, it has been so for the past fifteen years.

"Freedom and Civilization" is what the critics call a provocative work. It really does make one think, because so much of it is in the nature of a challenge to many of the latter-day sociologists. Malinowski considers that: "Freedom is closely related to the proto-democratic, and in historical times, to the democratic constitution of culture."¹² He goes further still and asserts:

. . . Freedom in fact is essential to the survival of culture at its earliest stages. Culture, let us repeat, is a gift of this early freedom. All means, technical and intellectual, and social achievements are at the very primitive levels embodied in the members of the group. Culture lives in their memories, in their acts, in their forms of organization. . . .¹³

There can be little doubt about this, although so many men of our period have been under the impression that the cultural monuments we revere in States east and west were raised by serfs. In this respect it surely must be held that it is merely a relative term. For what man today who must compete for a job in the labor market, join a union, and be under the dictatorship of a labor czar would not change places as a politically free man with the serf of the Middle Ages who had twelve acres, a hut, privileges in the lord's forests and could earn sufficient in thirteen weeks to keep himself and family for a year?

During the past twenty years scores of books have been written by authors of repute on this question of freedom. Philosophers, economists, physicists, historians, and sociologists are only a few of the learned people who have tried their hands and minds at elucidating for us an understandable definition. Nothing seems to fit the rapidly changing conditions of the period. One of the reasons for this is expressed by Malinowski:

. . . This unpreparedness is natural since democracy is the denial of both war and preparedness. Total war is the most fundamental contradiction of everything which a democracy believes to be true, real and valuable.¹⁴

And, yet, our rulers war to suppress totalitarianism and, in so doing, are obliged to place its chains upon us who enjoy a modicum of freedom. A war in our day seems to be the best way to cultivate the obnoxious thing. There is something wrong with the reasoning of those authors who think

¹² *Ibid.*, p. 236.

¹³ *Ibid.*, pp. 237-8.

¹⁴ *Ibid.*, pp. 3-4.

that freedom is to be preserved by going to war to destroy totalitarianism in an enemy State. Curiously enough, Malinowski lays it down clearly that freedom may be defined as "the smooth and effective, as well as successful, run of an activity undertaken by a group of men who with a clear aim in view combine for the task, fit themselves out for action and achieve the desired end."¹⁵

But both the Russians and the Germans, before the last war began, could have subscribed to this without compunction. The deeper we go into this matter of trying to discover what freedom is, the less chance there seems to be of finding it.

It will be a shock to many of the adherents of libertarian ideas to learn from Malinowski that discipline and drill are essential in a free system. He says that "no human culture can exist without the factor of discipline, with *force as its ultimate sanction*."¹⁶ (Italics mine)

However, it is not to be inferred that Malinowski has reference to the discipline exercised by Hitler or a Stalin. A democratic discipline is preferable, but all we have to do to get the measure of such a course in a democracy is to walk down a busy street and notice the behavior of the people on foot and those who are in vehicles. Democrats using the revolving doors of a department store or an office building may give one an idea of the difficulties to be confronted in an attempt to impose discipline upon the herd. Washington itself, in and out of Congress, is a notorious example of lack of discipline.

I recommend "Freedom and Civilization" because it comes from the mind of a scientist and in its analysis of this term differs widely from any other work I have seen.

✓ "Back to Kant!"

THE EXEGETISTS of our day have departed far from the idea of freedom that was held by Moses and Joshua—two of our oldest experimentalists who are worthy of all respect. They had known what slavery was and were eager to enter a promised land where there would be no more of it. The imperatives of the Decalogue were explained to the children by Moses who changed hordes of slaves into a people prepared to obey the commandments of God. At Sinai "all the people answered together and said: All that the Lord has spoken we will do." After a while they were tired of obedience, and some generations later they were obliged to obey the imperatives of the Code of Hammurabi.

¹⁵ *Ibid.*, pp. 99-100.

¹⁶ *Ibid.*, p. 196.

But since the day of the disobedient children we have had many philosophers who have left us records of what they thought about freedom. Since Plato there have been innumerable men in all European States who have gathered the best that has been thought and said upon this term, and none greater than Kant himself. Perhaps it is time that our instructors in the universities should revive the old slogan, "Back to Kant!" I seem to remember such philosophers as Stirling, Caird, Calderwood, and several others using this slogan, or words that conveyed the same notion, and when I think of them and their zeal for downright knowledge of the subject, I am bewildered at the utter confusion of the men of our day who use this term freedom so frivolously.

Perhaps a revival of Kantian studies is due, for several excellent works about him from philosophers of great attainment have been produced in recent years. The last one to come to my notice is from the mind of Dr. H. J. Paton, a Fellow of the British Academy and White's Professor of Moral Philosophy in the University of Oxford. It is called "The Categorical Imperative, A Study in Kant's Moral Philosophy."¹⁷ If this work did no more than purge away the stupid confusions that have choked a clear understanding of Kant's philosophy, it would serve an excellent purpose. For the notions that some professors have held of Kant are so far from a true appreciation that it is small wonder many have gone astray. Dr. Paton says:

. . . It is indeed a strange thing that so many of those who either explicitly or implicitly regard Kant as a great, or at least an influential, thinker, ascribe to him views which can hardly be considered as anything but silly. Thus he is commonly supposed to maintain that no action can be moral if we have any natural inclination towards it or if we obtain the slightest pleasure from its performance; and again that a good man must take no account whatever of the consequences of his actions but must deduce all the manifold duties of life from the bare conception of moral law as such—without any regard for the characteristics of human nature or the circumstances of human life. These doctrines and others equally paradoxical, if they were held by Kant, would not indicate that he had any very profound insight into the nature of morality. . . .¹⁸

A list of names of men who have blundered would include not a few modern philosophers and sociologists.

Paton takes the "Groundwork of the Metaphysic of Morals," and he shows how the moral philosophy fits in with other parts of the critical

¹⁷ London, Hutchinson's University Library, 1946.

¹⁸ *Ibid.*, Preface, p. 15.

doctrine. Beginning with Kant's declaration: "It is impossible to conceive anything in the world, or even out of it, which can be taken as good without limitation, save only a *good will*,"¹⁹ our author proceeds to apply the critical method to the statement, and the task he sets for himself in attempting to accomplish this feat is an achievement of high worth. In the exercise of this philosophical excursion many of the misconceptions of Kant's purpose and doctrine are cleared up. Kant held that "*principles without content are empty, impulses without concepts are blind*."²⁰ (Italics mine)

In the sixth chapter of "The Categorical Imperative," entitled "The Law," Dr. Paton says:

Universality is the essential characteristic of law as such. A law, in the strict sense of "law," must hold for all cases and admit of no exceptions. A law of nature, for example, must hold of all events in time without exception. If the principle that every event must have a cause is a law of nature, then there can be no exceptions to it; and if we were convinced that any exceptions were possible, we should at once deny this principle to be a law of nature. So it is also with what Kant calls "the law of freedom"—that is, the law in accordance with which a rational agent would act if reason had full control over his inclinations. This law of freedom, or moral law, cannot have exceptions without ceasing to be law. There cannot be one moral law for me and another for you. The law must be the same for all.²¹

Such an idea could never be put into practice by political governments. Indeed, this freedom is not for the group; it is for the individual. Once we bring reason, in the Kantian sense, to bear upon this concept, we must conclude that the freedom we talk about so lightly concerns merely our goings and comings in the routine of daily existence. It never seems to get beyond political bounds. Our author continues:

The Idea of freedom is a concept which pure reason cannot but entertain; yet if we suppose, as many do, that this Idea can give us knowledge of any reality, we fall into illusion. The supposedly real use of pure reason in this way is very natural, and even irresistible, but it does not thereby cease to be illusory. . . .²²

The Imperatives

I KNOW OF NO WORK upon Kant that presents the imperatives so clearly as Dr. Paton's. There has been so much misunderstanding of what these are and the way they should be interpreted that I strongly urge students of

¹⁹ *Ibid.*, p. 34.

²⁰ *Ibid.*, p. 61, footnote.

²¹ *Ibid.*, p. 69.

²² *Ibid.*, p. 99.

philosophy to follow Paton's examination of them. At the risk of being wearisome in a short review, I shall present them in the form set down in "The Categorical Imperative":

Formula I or the Formula of Universal Law:

Act only on that maxim through which you can at the same time will that it should become a universal law.

Formula Ia or the Formula of the Law of Nature:

Act as if the maxim of your action were to become through your will a UNIVERSAL LAW OF NATURE.

Formula II or the Formula of the End in Itself:

So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means.

Formula III or the Formula of Autonomy:

So act that your will can regard itself at the same time as making universal law through its maxim.

Formula IIIa or the Formula of the Kingdom of Ends:

So act as if you were always through your maxims a law-making member in a universal kingdom of ends.²³

It will be seen that the Universal Law of Freedom, as pronounced in the Imperative, will never get beyond the philosophical mind. The first step toward a realization of this utopia is the cultivation of a good will, and that is far to seek today. Dr. Paton writes:

. . . This good or rational will Kant takes to be present in every rational agent, and so in every man, however much it may be overlaid by irrationality. Hence man, and indeed every rational agent as such, must be said to exist as an end in itself, one which should never be used simply as a means to the realisation of some end whose value is merely relative.²⁴

It will be a surprise to many of those who hold false notions of Kant's so-called rationalism to learn that

. . . His Formula of Universal Law, insisting as it does on the spirit as opposed to the letter of the moral law, is his version of the Christian doctrine that we are saved by faith and not by works. His formula of the End in Itself is his way of expressing the Christian view that every individual human being has a unique and infinite value and should be treated as such. His Formula of the Kingdom of Ends as a Kingdom of Nature

²³ *Ibid.*, p. 129.

²⁴ *Ibid.*, p. 169.

is quite explicitly his rational form of recognising a church invisible and visible, the Kingdom of God which has to be made manifest on earth.²⁵

Dr. Paton holds that "Kant is very much nearer to that original doctrine than is commonly supposed."²⁶ But in dealing with the problem of the utility of the imperatives, he says:

It is sheer error to suggest that Kant is trying to explain how pure reason can be practical or how freedom can be possible. These questions Kant has not only refrained from answering: he roundly asserts that they are beyond the power of human reason to answer.²⁷

Kant as a Pioneer

KANT WAS A PIONEER, the first who contrived to say something new about morality, and so far no one has succeeded in presenting a better performance. To interlink morality and freedom with good will was a remarkable achievement.

This brief review of "The Categorical Imperative" is intended to bring Dr. Paton's monograph to the notice of those who have found it difficult to formulate an idea of freedom which will be of service in the chaotic condition brought about by the war. However, I do not expect that many students will find it easy to read his book.

I would therefore recommend what I consider to be a work that might be called "First Steps to the Understanding of Kant's Metaphysic of Morals." It contains the "Lectures on Ethics" given by Kant in 1780-81 and goes by that title. To celebrate the bicentenary of the philosopher's birth, the Kant-Gesellschaft took three students' notebooks and drew from them a volume which was published in Germany in 1924. The English translation by Louis Infield was brought out by the Century Company in 1930.

The lectures deal with a wide range of subjects, and it is surprising how easily they are read and understood. They afford the necessary equipment for young scholars who will venture to read Dr. Paton's work. No doubt it will be gathered from both the volumes that it is high time our practical men who have made such a mess of things should turn to the philosopher and learn from him how to do something to help our youth to cultivate the good will Kant calls for as the essential of understanding the Imperatives of the Universal Law of Freedom.

New York

²⁵ *Ibid.*, p. 196.

²⁶ *Ibid.*

²⁷ *Ibid.*, p. 205.