Rousseau and Kant on Freedom

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Abstract. Kantian moral philosophy can be understood as a continuation and improvement of Rousseau’s contractualism. The continuation entails the distinction between two concepts of freedom (freedom from instinct and normative freedom). By using this distinction, Kant manages to define with more precision the object of moral philosophy and to clarify the purpose behind his reasoning. This is the improvement. To validate the central argument of this thesis, the purpose of the justification and the methodological means of Rousseau’s Second Discourse are reconstructed in the first section. The purpose of the justification consists in supporting the normative basis (as normative freedom) for the Contrat Social. The methodological means consists in a hypothetical developmental history of the human being. Rousseau shows only that this history can only be narrated when the freedom of the human being (as freedom from instinct) is presupposed. Thus the purpose of justification is missed. In the second section I show that Kant uses these two concepts of freedom to determine the object of moral philosophy. Kant distinguishes in his writings between human choice (Willkür) and the pure will (Wille). In the light of this distinction, practical norms must be understood in the form of imperatives. Additionally, this distinction makes it possible to point out the validity of practical norms. These must be unconditional and therefore categorical imperatives. On this basis, the actual goal justifying moral philosophy can be stated as follows: How are categorical imperatives to be justified?

Keywords: deduction of freedom, Second Discourse, Groundwork, categorical imperative, foundation

Introduction

In the following, the relationship between Jean-Jacques Rousseau’s and Immanuel Kant’s practical philosophy will be examined closely. It will be argued that the Kantian practical philosophy can be understood as a continuation and improvement of Rousseau’s contractualism. The continuation consists in the distinction between two concepts of freedom. The improvement consists in a more specified use of this distinction. In the first three sections I examine how Rousseau in the Second Discourse implicitly distinguishes between two concepts of freedom. In sections 2.1 and 2.2 it will be shown how this distinction is represented in Kant’s Critique of Pure Reason and the Groundwork of the Metaphysics of
Morals. Through this reconstruction it is possible in section 2.3 to take a closer look at the deduction and its errors of the categorical imperative in *Groundwork III*.

1 Rousseau

1.1 The Explanatory Goal of the *Second Discourse*

The *Second Discourse* is conceived as an answer to the question posed by the Dijon Academy: What is the origin of human inequality? In the preface to the *Second Discourse*, Rousseau states that an answer to this question presupposes an answer to another question, namely, what is the nature of the human. An answer to this question involves a methodological problem. Since humans are cultural beings whose appearance changes in the course of history, a historical-empirical investigation cannot provide an answer to the question about the nature or essence of man (Rousseau, 1755, p. 63).

Through this investigation it is also possible to make progress in another research area. By answering the aforementioned question Rousseau (1755, p. 67) holds out the prospect of being able to solve systematic problems in the field of natural law.

The systematic problems in the field of natural law relate above all to an appropriate determination of what natural law is and what norms natural law comprises. Rousseau, in his criticism of previous studies on natural law, has other contractualists such as Thomas Hobbes and John Locke in mind. According to Rousseau, these conceptions have the flaw that they are not based on any verifiable foundation. This foundation consists in a correct definition of the nature of the human being. Without this definition it is impossible to decide whether the conception of the human being in the state of nature, as found in contractualistic theories, is correct or not. In addition, it is impossible to decide which conception of natural law is appropriate to the nature of man (Rousseau, 1755, p. 71).

How does Rousseau want to determine the essence of man? In the *Second Discourse*, three perspectives are distinguished that can be taken in relation to the explicit explanatory goals. A distinction is made between a historiographical, a philosophical-genetic and a philosophical-justificatory perspective. The last perspective is systematically developed only in the *Contrat Social*.

For the *Second Discourse*, the distinction between the first two perspectives is more relevant with respect to the explanatory goals. The two perspectives on the history of human development differ in their relationship to facts. While the historiographic perspective reconstructs the factual course of history, the philosophical-genetic perspective constructs a hypothetical course of history (ibid., p. 81).

It would be a mistake to understand these statements of Rousseau in such a way that the hypothetical history can be completely arbitrary, in which, for example, magic entities may be assumed to explain certain courses or events. This is not the case. The assumptions must be justified. The criterion is as follows: Only those characteristics may be ascribed to people in their natural state that are not cultural characteristics or presuppose cultural practices (ibid., p. 189).

1.2 The Argumentation in the *Second Discourse*

In view of this systematic orientation of the *Second Discourse*, a cursory overview of the hypothetical history of human development will be presented below. The starting point and the three stages of history are of particular interest for the development. To determine the starting point of the history of human development, Rousseau attempts to ascribe to man only those characteristics that are natural according to the criterion mentioned above. On this
basis, the qualities of physical strength, *pitié*, freedom from instinct and perfectibility are ascribed to the human being.

All characteristics of the original human being change in the course of the hypothetical history except for the freedom from instinct. Accordingly, the essence of man consists in this freedom. (Thus it would not make sense to build a normative philosophy of law on *pitié*!)

According to Rousseau (1755, p. 251), the hypothetical history has three stages. In the first stage, laws and property rights are introduced. In the second, political offices are introduced and, in the third, legitimate state power is transformed into an arbitrary one.

In order to be able to introduce laws and property rights, cultural practices must have developed in advance, on the basis of which such an introduction appears to make sense. The development of these practices are explained in detail in terms of the emergence of agriculture and metallurgy (Rousseau, 1755, p. 213). The introduction of laws presupposes a society based on the division of labour. In order to carry out successfully the respective activities in the areas of work, one must be able to exclude others from using the resources that are essential for this activity. In short, there must be a certain type of law (*ibid.*, p. 217).

At this point these laws are not coercive laws enforced by a state. Such institutionalisation takes place at the transition from the first to the second stage. The introduction of property rights causes developments that lead to this transition. On the basis of the property rights, the natural inequality of the people becomes noticeable. The more talented are more productive and therefore can become richer than the less talented (*ibid.*, p. 219). In the long run, this inequality leads to an inevitable conflict between the poor and the rich. The conflicting parties have no longer any possibility of settling the dispute peacefully because all the land is distributed and there are no more alternatives (*ibid.*, p. 223).

These problems are solved by the foundation of a state that turns the former rules of action into coercive laws and monitors compliance with them. Rousseau describes this transition as a trick of the rich to secure their property through the state. In this sense, this stage established the difference between the powerful and the weak (*ibid.*, p. 229).

The corruption of state power led from the second to the third stage. The state became corrupt because of the danger emanating from other states and the developing struggle for political positions in the respective state. In order to remedy this evil, political positions became hereditary and the final stage developed (*ibid.*, p. 251).

With the last stage, Rousseau has reached the present state in the hypothetical history, i.e. an originally free man, who lives now in a state where he is exposed to arbitrary violence and is completely unfree (*ibid.*, p. 247). It should be noticed that the meaning of freedom changes during the hypothetical history.

### 1.3 Freedom in the Second Discourse

This cursory overview of the hypothetical history has made it clear that Rousseau ascribes freedom from instinct to the human being at the starting point. This freedom changes in the course of events to a concept of normative freedom. This normative concept becomes particularly clear at the stage in which state power is transformed into an arbitrary one. The stage of arbitrary state power is not compatible with the normative concept of freedom which includes absolutely valid rights (*ibid.*, p. 107). The normative freedom thus serves as a basis for a normative philosophy of law (*ibid.*, p. 243).

In Rousseau's work, two concepts of freedom can be distinguished: freedom from instinct and normative freedom. Furthermore, it can be stated that the argumentative power of the hypothetical development history in relation to these concepts of freedom is not particularly strong. On the one hand, the question remains: Why should one base one’s considerations on the normative concept of freedom? Rousseau can only answer that a history of cultural development can only be told if there is freedom from instinct. This answer is insufficient!
On the other hand, the argument that a cultural history of development can only be told if freedom from instinct is presupposed is nothing that a determinist would accept. Thus, from the consideration of the *Second Discourse* the following tasks arise:

1. How are freedom and necessity related?
2. How are freedom from instinct and normative freedom related?
3. How can normative freedom be justified?

2 Kant

The analysis of the argumentation of the *Second Discourse* has shown that it has three weak points. These are closely intertwined. The first weakness is the abrupt transition from freedom of instinct to freedom in the sense of a normative principle. The second weakness is that the argument that a cultural history cannot be told without freedom in the first sense cannot justify the validity of normative freedom. The third weakness is that there is no justification why the assumption of freedom from instinct makes sense at all. A global determinist will not accept this argument. In the following, Kant’s philosophy will be examined for these systematic weaknesses. It will be seen that Kant tries to offer a solution for all weak points.

2.1 Freedom in the *Critique of Pure Reason*

The analysis starts with the third antinomy from the *Critique of Pure Reason*. In the first *Critique*, the third weakness identified in the *Second Discourse* becomes particularly obvious. For Kant had shown in the analysis of principles that causal coherence is a condition of the possibility of experience. Even persons who are actually assumed to act according to reasons and not to behave causally are completely subject to the causal law. This would make the undertaking of a normative practical philosophy pointless, since no person could ever comply with the demands. According to this situation, it must be shown that natural causality and freedom are compatible.

Kant’s compatibilistic solution of the third antinomy provides for a separation between a phenomenal world in which the law of causality applies without restriction, and a noumenal world in which there can be a causality of freedom. It should be noted that this solution has neither demonstrated the possibility nor the reality of freedom. So, the reality of freedom (i.e. the truth of the statement, that freedom is a cause of phenomena) could not be proved, because one can only speak meaningfully about the range of possible experience. But in the proposition there is a reference to a cause which is outside the range of possible experience, so that the proposition could be proved true only under the penalty of inconsistency. The possibility of such an assertion cannot be shown either, since it cannot be decided by a conceptual analysis alone whether the conceptual scope is not empty. But the result is that between natural causality and causality on the basis of freedom is no contradiction (*KrV*, A 558 / B 586).

By conceptualising the problem of freedom and necessity in this way, Kant succeeds in separating two questions of justification from each other, which in Rousseau’s work abruptly merged. These two questions are now systematically separated:

1. How can causal necessity and freedom be reconciled?
2. Can moral laws (normative freedom) be justified?

In the *Critique of Pure Reason*, Kant gave an answer to the first question and thus a possible way of dealing with the third weakness identified in the *Second Discourse*. However, this compatibilism is not a justification for a normative concept of freedom. At this point it becomes clear that the weak points identified in the *Second Discourse* actually form a systematic problem context, which can also be found in the structure of Kantian philosophy.
The compatibility of nature and freedom only ensures that the human being, as an impure being of reason, can only be ascribed freedom from instinct. Whether there is, beyond this, a valid normative concept of freedom cannot be answered at this point (*KrV*, A 533 / B 561).

### 2.2 The Form of Freedom Laws

Kant gives two answers to the second question, how the freedom from instinct and normative freedom are intertwined.

First: With the distinction between freedom from instinct and normative freedom it is possible to formulate a sense condition for a moral demand. Freedom from instinct is a necessary condition for a moral obligation to make sense. This condition is violated when a moral obligation is addressed to a being that acts only according to the concept of normative freedom. It is also violated when a moral obligation is addressed to a being that is completely determined (beings who are therefore not entitled to freedom from instinct!).

Second: the form of moral obligations can be specified. Moral obligations (normative freedom) have the form of categorical imperatives and not of hypothetical imperatives. In formal notation a categorical imperative is written: !C and a hypothetical imperative: A→!B (*GMS*, AA 04: 420).

For our purpose it is quite interesting to take a closer look at the question, how to justify these two kinds of imperatives.

This question is easy to answer in terms of the hypothetical imperative. Kant points out “whoever wills the end also wills (in so far as reason has decisive influence on his actions) the indispensably necessary means to it that is in his control” (*GMS*, AA 04: 417; Kant, 1785, p. 27). In formal terms, the answer is that when someone wants an end (A: Sven Ender wants to bake a marble cake) and the necessary means to this end is to follow the baking recipe (B: Sven Ender follows the baking recipe for a marble cake), then this connection can be written in formal notation: A→!B.¹ Then I ought to follow the baking recipe for a marble cake, if I want to bake a marble cake (or in formal notation: A, A→!B → !B). But let us take a closer look at the passage: “Now the question arises: how are all these imperatives possible? This question does not inquire how the performance of the action that the imperative commands can be thought, but only how the necessitation of the will, which the imperative expresses in the problem, can be thought. How an imperative of skill is possible requires no special discussion. Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power. This proposition is, as regards the volition, analytic; for in the volition of an object as my effect, my causality as acting cause, that is, the use of means, is already thought, and the imperative extracts the concept of actions necessary to this end merely from the concept of a volition of this end (synthetic propositions no doubt belong to determining the means themselves to a purpose intended, but they do not have to do with the ground for actualizing the act of will but for actualizing the object)” (*GMS*, AA 04: 417; Kant, 1785, p. 27).

It is obvious that Kant only answers the justification question in relation to the obligation (!B). But the more interesting question, what the status of the premises (A and A→!B) is, is not answered. The first premise (A) has a synthetic *a posteriori* status and the second premise (A→!B) also.² The status of the conclusion is thus also synthetic *a posteriori*.³ But why did Kant write that the status of the obligation (!B) is analytic? To clarify this matter, we have to differentiate between two usages of the analytic-synthetic distinction.

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¹ Burri and Freudinger (1990, p. 102) provide a formalisation in predicate logic.
² Lee (2018, p. 433) calls the hypothetical imperative in this sense a theoretical proposition.
³ Burri and Freudinger (1990, p. 104) overlook this when they criticise the thesis that the hypothetical imperative is analytic.
The usage of this distinction (as it is used in the quote) differs from the usage of this distinction in the *Critique of Pure Reason*. But first let us take a look at the *Groundwork*: An obligation is analytic if and only if it can only be derived by using logical means (Patzig, 1965, p. 247). Correspondingly an obligation is synthetic if and only if it can be derived not only by using logical means.

In the first *Critique* Kant defines thus: A judgement is analytic if and only if the “the predicate B belongs to the subject A as something that is (covertly) contained in this concept A” (*KrV*, A 6 / B 10; Kant, 1781/1787, p. 141). Correspondingly, a judgement is synthetic if and only if this is not the case. This definition is not adequate; therefore the modern version will be used: A judgement is analytic if and only if the proposition is already true or false, based on semantic rules alone (Hartmann, 2020, p. 168).

In the first use, the distinction is only related to the derivation of the respective demand. But more important is the question of the status of the premises. Here only the second definition can be used meaningfully.4

With the answers to the second question, the question of justification with regard to normative freedom can be made more precise. Kant has shown that the categorical imperative is identical with normative freedom. Due to the previous differentiations regarding the analytical-synthetic distinction, it is possible to point out the justification goal more precisely: How can the categorical imperative be justified as a synthetic obligation *a priori*? (Note that this includes the fact that all premises must be *a priori* and at least one has to be synthetic.)

### 2.3 Problems in justifying the categorical imperative in *Groundwork III*

In the last section I shall take a closer look at the deduction of the categorical imperative in *Groundwork III*. In regard to the differentiated two usages of justification Kant only gives an answer to the question, how a categorical imperative is deduced. Kant does not answer the question in terms of the status of premises. In accordance with the argumentation above, Bernd Ludwig (2018, p. 56) points out the same about this “deduction” in his paper. I think he is right in his reconstruction of the argumentation in *Groundwork III* (cf. Ludwig, 2018, pp. 51-56). The unpleasant truth one has to face with this reconstruction is that it does not answer the question in the second sense. In the following I will examine what the answer to the question in the second sense would be. This means determining the status of the premises used in *Groundwork III*.

The first premise is that “a free will and a will under moral laws are one and the same” (*GMS*, AA 04: 447; Kant, 1785, p. 53). In the terminology which is used in this paper: normative freedom is equivalent to a will under the categorical imperative. But what is the status of this premise? Since the premise is established only by using semantical considerations, the status is analytic *a priori* (Bojanowski, 2017, p. 62).

The next premise is that “to every rational being having a will we must necessarily lend the idea of freedom also, under which alone he acts” (*GMS*, AA 04: 448; Kant, 1785, p. 53). I would say that this means that this is a semantical thesis. Therefore, the status is analytic *a priori*. (Even though his analysis of this premise is correct, Bojanowski (2017, p. 64) overlooks that it contains only semantical considerations).

Kant has to add a premise which has a synthetic *a priori* status. But this is impossible for Kant. The solution of the third antinomy shows there is no synthetic *a priori* thesis about freedom (and the freedom from instinct) possible. Kant recalls this in *Groundwork III* (*GMS*, AA 04: 456). Instead, Kant is using a trick to say that the categorical imperative has a synthetic *a priori* status. He is mixing up the two usages of the analytic-synthetic distinction.

4 In the contemporary debate about this passage the distinction between two usages of analytic and synthetic is sometimes overseen (Newton, 2017, p. 546).
The two premises state a semantic relation between normative freedom and the categorical imperative and the freedom of personhood. The demand follows for a person who is free only by using logical means. But a sense condition for a demand is, as pointed out, that freedom from instinct is separated from normative freedom. At this point Kant, in my reconstruction, switches the usage of the analytic and synthetic distinction. Humans, as rational beings, are part of the noumenal world and as such bound analytically to the categorical imperative. But humans are also part of the phenomenal world. Their Willkür is free (from instinct) and therefore not necessarily in accordance with the categorical imperative (GMS, AA 04: 454). In other words: The content of the predicate-concept of the proposition is not already contained within the subject-concept of that proposition.

What is the diagnosis? I think that a deduction of the categorical imperative is only possible when the dualism of the noumenal and phenomenal is given up. Then one can try to show that the proposition: “Persons have freedom from instinct” has a synthetic a priori status. Then it must be shown that normative freedom is a necessary condition for freedom from instinct.

Conclusion

Philosophy is a long process. Using the example of freedom, I have shown how Kant builds on Rousseau’s distinction. Kant tried to avoid the mistakes of Rousseau and setting others in motion. These were discussed in section 2.3. These results form a new systematic problem context. Perhaps someone can take the next step in the long process of philosophy and justify normative freedom.

References