

HUMAN NATURE, ETHICS AND POLITICS IN THE PHILOSOPHIES OF
THOMAS HOBBS AND IMMANUEL KANT

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ABSTRACT

HUMAN NATURE, ETHICS AND POLITICS IN THE PHILOSOPHIES OF THOMAS HOBBS AND IMMANUEL KANT

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The aim of this study is to make a comparison between Thomas Hobbes' and Immanuel Kant's theories of human nature, ethics and politics. This thesis defends the arguments of Kant's republican political theory against the claims raised by Hobbes. In this thesis, I shall argue that Hobbes' empiricist/mechanistic understanding of human nature cannot provide freedom of action for human beings within his ethical and political theory. In contrast to Hobbes, I shall defend the thesis that Kant's understanding of human nature provides an *a priori* basis for freedom and morality. Kant advances the view that human beings are not only empirical beings but also rational beings, which means their nature and actions can be explained without reference to empirical factors. I shall compare Hobbes with Kant and will propose that the rights of citizens are more secured in the Kantian state.

Keywords: Thomas Hobbes, Immanuel Kant, human nature, ethics, politics, freedom.

ÖZ

THOMAS HOBBS VE IMMANUEL KANT'IN FELSEFELERİNDE İNSAN DOĞASI, AHLAK VE SİYASET

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Bu çalışma Thomas Hobbes ve Immanuel Kant'ın insan doğası, ahlak ve siyaset felsefelerini karşılaştırmayı amaç edinmiştir. Çalışma Hobbes'un siyaset kuramında öne sürdüğü savlara karşılık Kant'ın cumhuriyetçi siyaset kuramını savunmaktadır. Ayrıca, bu çalışmada, Hobbes'un ahlak ve siyaset felsefesinde kuramsallaştırdığı empirik/mekanik insan doğası anlayışının, devlet içinde, yurttaşların eylem özgürlüklerini sınırlandırıdığını öne sürüyorum. Hobbes'a karşılık, Kant'ın a priori temeller üzerine kurguladığı insan doğası anlayışını savunuyorum. Kant insanın sadece empirik bir varlık olmadığını aynı zamanda bir akıl varlığı olduğunu öne surer. O bu iddiası ile insan doğasının ve eylemlerinin sadece doğa yasaları tarafından belirlenemeyeceğini ifade eder. Ayrıca, Kant'ın devlet ve siyaset kuramında yurttaşların temel haklarının, Hobbes'un kuramına karşılık, yasalar tarafından güvence altına alındıklarını savunuyorum.

Anahtar Kelimeler: Thomas Hobbes, Immanuel Kant, insan doğası, ahlak, siyaset, özgürlük.

TO MY WIFE

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TABLE OF CONTENTS

PLAGIARISM.....	iii
ABSTRACT.....	iv
ÖZ.....	v
DEDICATION.....	vi
ACKNOWLEDGMENTS.....	vii
TABLE OF CONTENTS.....	viii
CHAPTER	
1. INTRODUCTION.....	1
2. THOMAS HOBBS'S MECHANISTIC VIEW OF HUMAN BEING	
2.1 Human Nature.....	7
2.2 The State of Nature.....	13
2.3 The Laws of Nature or Natural Laws.....	15
2.4 From Natural Law to Morality.....	20
2.5 Freedom or Liberty in Hobbes: Mechanical and Political.....	23
2.6 Justice, Injustice and Property in Hobbes.....	26
2.7 Commonwealth (Civil Society).....	28
2.8 The Social Contract.....	30
2.9 Civil Laws and Natural Laws.....	31
2.10 Conclusion.....	36

3. KANT'S DUALISTIC CONCEPTION OF HUMAN BEING	
3.1 Human Nature.....	39
3.2 The State of Nature.....	41
3.3 Kant's Moral Philosophy.....	44
3.4 Freedom.....	46
3.5 Negative and Positive Freedom.....	50
3.6 Autonomy and Heteronomy.....	55
3.7 Justice as Metaphysical Concept in Kant's Political Philosophy...	65
3.8 Right, Law and Natural Law.....	67
3.9 Divisions of Rights.....	71
3.10 Concept of Natural Law in Hobbes and Kant.....	73
3.11 Property Rights.....	75
3.12 Civil Society and Social Contract.....	81
3.13 Concluding Remarks.....	88
4. HOBBS AND KANT ON FREEDOM, EQUALITY AND INDEPENDENCE	
4.1 Freedom as Fundamental Value of Human Beings.....	91
4.2 Equality in the State.....	97
4.3 Independence of Citizens in the Civil Society.....	100

5. CONCLUSION.....	105
REFERENCES.....	112
CURRICULUM VITAE.....	117
TURKISH SUMMARY.....	119
APPENDICES.....	135

CHAPTER I

1. INTRODUCTION

In this thesis, the concept of human nature in the philosophies of Hobbes and Kant is examined. While elaborating this concept within the ethical and political philosophies of these two philosophers, I shall argue that Hobbes's empiricist/mechanistic understanding of human nature cannot provide freedom of action for human beings within his ethical and political theory, since he considers human beings simply as a part of the material world. Hobbes claims that all human actions are determined in the chain of causal effects. For human action to occur, a relation to the empirical world is required. Other than as being caused by an external effect in an empirical sense, human actions cannot be explained, since the sole source of any action is sense perception. Kant, on the other hand, advances the view that human beings are not only empirical (sensible) beings but also rational (intelligible) beings, which means that their nature and actions can be explained without reference to empirical factors. Although he claims that human actions depend on causal factors in the empirical world, he also claims that human beings have the capacity to determine their actions freely by their rational abilities. In this sense, I shall propose that, in comparison to the Hobbesian view of human nature, Kant's is a more plausible one that provides an *a priori* basis for freedom and morality. In this thesis, I shall also examine human nature in relation to politics, as these two philosophers' definitions of human nature have extensive connections with their politics. Then, in order to provide a better understanding as to why we need to study human nature to form a coherent socio-political order, I shall compare Hobbes with Kant and will propose that the rights of citizens are more secured in the Kantian state. Accordingly, I will discuss that acting not selfishly but benevolently is a necessary condition for the people to live in peace in any state.

The term 'human nature' cannot be defined easily. With respect to different approaches, such as psychological and biological sciences, religious studies, politics

and ethics, the definitions of human nature include complex characteristics such as human perception, reasoning, behavior, ways of feeling, and thinking. However, in addition to those definitions formulated in the course of actions performed by an individual in the context of his/her socio-political surroundings, it is commonly claimed that there is no fixed definition of human nature, because of our different attitudes to the questions regarding what causes those characteristics to take shape within the processes of human thought, in what exact manner the casual factors work, how well human nature is entrenched, and – accordingly – what the implications of human nature studies are in those fields. Human nature can be seen as antecedent of a benchmark for living well and behavioral norms, while on the other hand it can also be treated as a characteristic that creates problems and constraints in the way of a good life. In this sense, the very abstract nature of the term human nature may make one ask whether the term actually is objective or not. Whether the concept of human nature is objective is articulated from different perspectives by claiming that the term human nature does in fact not describe people who act in daily life since there are complex factors that affect human beings in their social and natural environment. Therefore, we can say that theories of human nature try not to describe the nature of humans but what human beings are and how they should behave. This is because what is considered natural for humans is directly dependent on the perspective and experience of a group of people or even an individual. It would thus be natural for people with divergent socio-political backgrounds to disagree on what characterizes human nature. Therefore, one is forced to ask, what exactly is human nature? Is it virtuous in character, as conceptualized by Aristotle, or is it egoistic, as Hobbes claimed, and how it is related to socio-political order in a state?

If we take into consideration various characteristics such as perception, reasoning, behavior, ways of feeling, and thought as defining components of human nature, we will find certain theories claiming that human nature, being egoistic in form, is inclined toward immorality. For instance, Hobbes painted a very negative picture of human nature, and conceptualized the natural condition (the condition before a commonwealth is established) as “war of every man against every man” in which

human lives are “solitary, poor, nasty, brutish and short.” Accordingly, in maintaining order in the state, politics has always raised the question of the proper extent of an authority, and the criteria of human nature and morality. The work of Thomas Hobbes provides deep insight into the connection between human nature, ethics, and politics. Hobbes stated that the state is the result of a pact between free citizens submitting to the existing political order. In *Leviathan*, he contends that humans are not by nature created for political life, and he likens the state to an artificial creature. He further regards politics as also being artificial and divergent from anything that is natural in form like human nature. The peace that individuals seek within the chaos arises from this very negative viewpoint on human nature.

In Hobbes’s theory, we find that human nature is depicted as an imperfect combination of strange desires, hatred and fear, which leads to a state of perpetual war. Thus, the human in the state of nature struggles to gain power within the realms of an artificially created socio-political order. By nature, humans tend focus primarily on their present satisfaction without considering possible conclusions of the actions they perform. Since all their actions are directed to securing their own good, they are in constant conflict with each other. Hence, it is clear that if human nature were allowed to function freely without any control, there would be perpetual war with constant chaos and violence within the existing socio-political order. Therefore, Hobbes’s solution for securing order from this chaos is powerful governance and effective laws that keep human nature under control. Thus, if we take into consideration Hobbes’s theory, we find that to comprehend any political state, to establish order, and to bring society and political bodies into peace, the primary focus must be on the study and control of human nature.

Immanuel Kant presents varying perspectives on human nature in his philosophical theories. Initially, he suggested that humans are superior to animals since they have the capability to acquire sensibility and qualities beyond their basic instincts. In this respect, the actions of human beings do not depend on their intrinsic nature but on their capability to produce everything within their own resources. Kant deals with the problem of the nature of man by asking what the human being is, and defines

human beings from two different points of view by claiming that they are both natural and rational beings. Considering their natural side, they are determined by natural laws and are not considered as free. However, he also claims that, by their rational nature, they have the ability to go beyond the determining effects of the natural laws and are able to act freely. The distinction between the empirical and intelligible character of human beings has crucial importance in Kant's philosophy. By making this distinction, Kant aims to place morality within the scope of reason, saying that we cannot otherwise mention freedom and autonomy, which means the capability to act, without depending on the empirical world. In other words, for Kant, reason, or the intelligible character of human beings, is taken as the sole ground of ethics and freedom. This is the basic contrast between Hobbes and Kant.

Kant, though speaking of the superior nature of human reasoning, discusses the fallacies of human nature. Kant holds that even though human nature has various shortcomings, it is also capable of achieving perfection. Kant believes in the ascendancy of human nature as it tries to achieve supreme perfection. He further states that human beings have a tendency to live within societies in order to improve or develop their natural and rational capacities because, like Hobbes, Kant believes that the natural condition – the state of nature – is not conducive to human flourishing. However, Kant also presents the varying perspective that man simultaneously has a strong propensity to isolate himself from others, due to his unsocial characteristic of wishing to have everything go according to his own desires. Here, Kant speaks of selfishness in human nature, yet feels that this negative attribute tends to propel man away from indifference and avidity. Thus, he contends that the superiority of human nature is slowly activated within a society.

The above explanations present the general ideas of these two thinkers on human nature and its relation to ethics and politics. In the second chapter, I will begin to examine Hobbes's mechanistic view of human nature and its relation to his ethics and politics. Firstly, I will discuss the way Hobbes understands human being in terms of a mechanistic explanation of universe. Secondly, I will claim that such a mechanistic explanation of human being is not sufficient to define human nature

since it only considers the physical side of human beings. Thirdly, I will discuss the way in which Hobbes grounds his moral philosophy as an extension of his individualistic approach to morality. Lastly, I will examine Hobbes's political views and argue that his advocacy of a monarchical form of government restricts the basic rights of citizens in the name of the security of the state. In the third chapter, I shall firstly examine Kant's dualistic view of human being, arguing that his view of human nature provides the possibility of grounding morality within human reason without depending on sense experience, in contrast to Hobbes who only considers our empirical aspect. Secondly, I will examine Kant's moral philosophy to explicate his idea of freedom, since this notion plays a crucial role in his political philosophy. Thirdly, I will propose that Kantian republicanism, in which the legislative, executive, and juridical powers of the state are separated, is a more plausible governmental system than Hobbesian monarchism. In this type of governmental system citizens and sovereign power have a reciprocal relationship in the course of the application of the laws of the state, while in the Hobbesian state the monarch is the sole authority over citizens. In the fourth chapter, I will compare their views on the concepts of freedom, equality, and independence, since these are very important in their understanding of human nature, ethics and politics and also, perhaps more importantly, because I think that these concepts define the basic rights of human beings in the course of attending the public issues in any state. From this premise, I argue that Kant's views on these concepts are more fruitful than Hobbes's. Hobbes defines freedom as the absence of external impediments of motion in the mechanical process of universe. In this universe, every event, including actions of human beings, is determined by the antecedent event. Therefore, we can claim that, in the Hobbesian view, humans do not have free will, that is, they are not able to determine their actions. From this premise, I argue that in the civil state their actions are also determined by the commands of the sovereign and, therefore, they cannot act autonomously. In contrast, in the Kantian state, by being credited with free will and autonomy, human beings are able to determine their own actions. Equality is also considered differently by Hobbes and Kant. By considering equality, I argue that in the Kantian state the equality of citizens is protected by law. Sovereign and citizens are equal in the applications of the public law and the sovereign does not

have hereditary privileges. However, Hobbes advocates that the sovereign possesses inherited privileges. In this sense, I claim that Hobbes's insistence on the superiority of the sovereign violates the fundamental equality of human beings. I take the notion of independence to mark a basic conflict between Hobbes and Kant. I shall examine this concept concerning the status of citizens in their relationship with the sovereign in the civil state.

CHAPTER II

2. THOMAS HOBBS' MECHANISTIC VIEW OF HUMAN BEING

2.1 Human Nature

Conceptualizing human nature is important in creating a political body. Since the needs of humans are so various, it is important for a political system to meet those needs. Hobbes, one of the most important political philosophers of the seventeenth century, constructs his political system on the basis of a definition of the basic characteristics of human nature. In *Leviathan*, Hobbes begins his investigation by describing man's basic characteristics. He describes human being in two different ways, one as that of the man who lives in the state of nature and the other that of a civil person or a citizen who lives in a society. In the state of nature, "natural man is man considered as if he were simply an animal, not modified in any way by education or discipline."¹ His basic aim is to protect himself and to live in a secure place without being disturbed by other men. Living in the state of nature is not easy since, in this condition, there is no restriction on humans except natural forces. The main motive in the state of nature is fear, and "man's thoughts and feelings are concentrated to a single point by the pervasiveness of fear."² Fear is the basic characteristic of humanity for Hobbes. Therefore, he tries to construct his political system on the idea of eliminating fear. What is important here is why people fear each other. Why is the human being afraid of his fellows? The answers to this question are for Hobbes keys to understand what man is and what his nature is.

¹ Hobbes, Thomas, *Man and Citizen*, trans. Charles T. Wood, T. S. K. Scott-Craig, and Bernard Gert (Cambridge: Hackett Publishing Company, 1991), p. 11.

² Minoque, K. R., "Hobbes and the Just Man" in Maurice Cranston and Richard S. Peters (eds), *Hobbes and Rousseau: A Collection of Critical Essays* (New York: Anchor Books, 1972), p. 75.

Hobbes, in *De Cive*, claims that “everything is best understood by its constitutive causes.”³ This claim can be considered as outlining Hobbes’s principle of construction of his political and moral philosophy, since he was influenced by scientific explanations advanced by Galileo and Harvey. He claims that basic features and defining characteristics of human being arise from nature, since he believes that human beings are sensitive creatures. In other words, human beings’ actions are defined by their interactions with the natural environment and other human beings. Hobbes aims to define the basic characteristics of human beings by reducing them to their movable parts: they are first reduced to a body, and the body is further reduced to matter and motion. Matter and motion are basic concepts in Hobbes’s philosophy, because he thinks that they construct all reality, including human beings. Therefore, it is assumed that natural phenomena and the body politic can be explained by considering their constitutive parts, and further that they can be recomposed by a theory that explains their interrelationships and interactions. However, when looking for constitutive causes, as Hampton puts it, “Hobbes expects to find parts that are, in effect, wholes themselves. This means that all constitutive causes, first, are separately defined, then, second, they are taken as interacting parts of a unified mechanism.”⁴

Hobbes asserts that “the World [...] is Corporeall, that is to say, Body; and hath the dimensions of magnitude, namely, Length, Breadth, and Depth: also every part of Body [...] and consequently every part of the Universe.”⁵ Hobbes’s belief that the entire universe is a material phenomenon, and can hence be comprehended by way of physical laws, can best be understood in relation to Descartes’s distinction between body and mind, of which Hobbes’s whole philosophical and political project is a rejection. Descartes claims that the human body is composed of two distinct entities, namely mind and body. Mind is defined as a thinking entity,

³ Hobbes, Thomas, *De Cive*, ed. Howard Warrender (New York: Oxford University Press, 1987), p. 32.

⁴ Hampton, Jean, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986,) p. 7.

⁵ Hobbes, Thomas, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), p. 463.

whereas body is defined by its extension in the phenomenal world. This distinction is explained by Descartes in the *Meditations on First Philosophy* as follows:

[...] by knowing that I exist and seeing at the same time that absolutely nothing else belongs to my nature or essence except that I am a thinking thing. I can infer correctly that my essence consists solely in the fact that I am a thinking thing. It is true that I may have (or, anticipate, that I certainly have) a body that is very closely joined to me. Nevertheless, on the one hand I have a clear and distinct idea of myself, in so far as I am simply a thinking, non-extended thing; and on the other hand I have a distinct idea of body, in so far as this is simply an extended, non-thinking. Accordingly, it is certain that I am really distinct from my body, and can exist without it.⁶

In contrast to Cartesian dualism, which holds that body and mind are distinct entities, Hobbes proposes his materialistic account of the universe and human nature, claiming that the human being cannot be divided into two separate entities since he believes that thinking stems from the relationship between man and the external world. In Hobbes's materialist conception, man does not have any concept in his mind before experience, and all processes of cognition arise from sense perception. Once mind or cognition is affected by an external object, it starts to work within itself. However, this does not mean that Hobbes does not acknowledge the capacity of human intelligence. As Boonin-Vail puts, "he accepts the Cartesian inference from 'I think' to 'I am' and he does not object to Descartes's description of himself as a 'thinking thing'."⁷ What Hobbes aimed for was to reveal the basic structures of human beings within the physical world, since he believes that the foundations of human thinking are derived from external relations. Therefore, for him, man cannot have any concept in his mind prior to experience.

If we assume that there is no concept in man's mind before experience, how are concepts obtained by human beings? This question can be answered by examining Hobbes's idea of causality. Causation, according to Hobbes, is an interrelated and

⁶ Descartes, Rene, *Meditations on First Philosophy: With Selections from the Objections and Replies*, ed. John Cottingham (Cambridge: Cambridge University Press, 1996), p. 54.

⁷ Boonin-Vail, D, *Thomas Hobbes and the Science of Moral Virtue* (Cambridge: Cambridge University Press, 1994), p. 35.

continuous material activity. Our sense organs are affected by external objects and therefore, without being affected by those objects, sensation could not take place. He asserts that

the cause of Sense, is the Externall Body, or Object, which presseth the organ proper to each Sense, either immediately, as in the Taste and Touch: or mediately, as in Seeing, Hearing, and Smelling: which pressure, by the mediation of Nerves, and other strings, and membranes of the body, continued inwards to the Brain, and Heart [...].⁸

From this claim it can be understood that Hobbes aims to explain causation both within man and in terms of man's relation to the external world. As mentioned above, Descartes asserts the existence of two qualitatively different entities, body and mind, and to understand or to explain the relationship between them he takes the mind, or subject, as a starting point. However, Hobbes does not take the subject as a starting point because he sees the empirical world as the source of all sense perception. In Hobbes's view, the causal relation between human beings and the external world stems from their interrelated actions, which understanding stems from his reductionist understanding of motion and physical law. As discussed above, according to Hobbes everything can be understood by reduction to its constitutive parts; every event can be explained by way of its relation to an antecedent event. Accordingly, activities of mind are reduced to mechanical/causal relations by Hobbes. This means that all activities of human beings, including our thoughts and wills, depend on the material world, and they can only be understood by means of mechanistic/deterministic explanation.

Sensation, in Hobbes's mechanistic and deterministic understanding of the universe, is of crucial importance, since he believes that sense is nothing but the causal connection between the human's organs and external effects. The relationship between them is explained in terms of motion affected in the organs by the external object. In this model of sensation, sensible qualities such as colors and sounds are removed from the object. In addition, according to Hobbes, all sensible

⁸ Hobbes, *Leviathan*, p. 13.

qualities we ascribe to objects that affect our inner organs stem from a diversity of motions, since Hobbes believes that motion produces nothing but motion. This motion provides the basic structures of the mind. That is, being affected by the chain of experience, mind gains basic images by means of a process of motion. This activity of mind can be analyzed into three stages. As Moore puts it,

First, an impression made upon an organ of sense by pressure of some external object, the pressure being exerted either immediately, as in taste and touch, or mediately, as in seeing, hearing, and smelling. Secondly, this motion is continued, by means of the nerves, within living body to the brain and thence to the heart. Thirdly, this inward motion causes a reaction at the center of life, and ‘an endeavour outward,’ which gives rise to the phenomena of sense. This outward endeavor occurs only when the reaction acquires a certain degree of strength; it explains, moreover, the external reference of sensation. A complete definition of sense is, therefore, that it is a phantasm made by the reaction and endeavor outwards in the organ of sense, caused by an endeavor inwards from the object, remaining for some time, more or less. The entire process is mechanical.⁹

To say that the entire process is mechanical means that Hobbes reduces all cognitive processes to sense perception. In other words, all human activities depend on the external world. The relationship between human beings and the external world can be explained in terms of a causal relation, since Hobbes believes that “all causes operated by one object are coming into contact with another object and every event in the universe has a moving cause that determines the effect.”¹⁰ This means that all material objects in the universe, including the human body, can be explained in relation to each other without assuming a first cause beyond the universe. Therefore, for Hobbes, as Hampton puts it, first,

[t]here is only one world although more than one way of describing it. Second, the language of physics, which contains in its domain fundamental objects recognized by this science, can give us a complete description of the events of the universe. Third, the

⁹ Moore, V. F. “The Psychology of Hobbes and Its Sources.” *The American Journal of Psychology*, 11: 1 (Oct., 1899), pp. 49-66.

¹⁰ Hobbes, *Leviathan*, p. 14.

materialist language has in its domain all and only those fundamental objects that exist.¹¹

This means that only materialist language can explain events by referring to the ultimate existent objects in the universe. So, how does the materialist language explain events? The answer given to this question is that an explanation of an event in materialist language must have a certain form. In Hampton's words, "a materialist explanation of an event will always be in terms of the operation of the fundamental physical objects in accordance with laws [which for Hobbes are deterministic]." ¹²

I have examined Hobbes's mechanistic understanding of the universe and human being as a part of this universe in the manner carried out above because I believe there is a strict connection between his understanding of human nature and the conditions of human beings in the state of nature: As mentioned above, Hobbes argues that all events can be explained by way of their relation to other events. He thinks that if an object is in motion, its motion will continue perpetually unless it is hindered. That is, the main obstacle for an object is another object, and the relationship between two events or objects is conceived in terms of their confrontation. Hobbes's definition of human beings in the state of nature follows analogous lines: We can claim that human beings in their natural condition also have a causal relation to each other, constantly confronting each other as material bodies. In their relationships with each other, the main obstacles or threats to an individual's obtaining what is beneficial to him or herself in the course of exercising his or her power are other individuals. Hobbes says that nature makes men equal, but that this equality creates distrustfulness towards each other. In the next section I shall examine the natural condition of men, which Hobbes describes as an untenable situation for human beings in the absence of an authority to keep them in peace.

¹¹ Hampton, Jean, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986), pp. 10-12.

¹² Ibid.

2.2 The State of Nature

Leviathan begins with an examination of the basic characteristics of man in terms of Hobbes's materialistic/mechanistic understanding of the universe. Hobbes, before constructing his political system, tries to formulate these characteristics. Man is first examined in the state of nature – that is, without any governmental authority. In the state of nature, man lives to meet his basic desires without any limitation. He is free to do whatever he wishes and passion is defined as the most important drive to meet his desires. By nature, according to Hobbes, man seeks unlimited satisfaction without considering any moral rules or the needs and wants of other men. Every man has a right to all things. Human beings are simply objects in motion like all other objects that make up the universe. As Kavka puts it, “the principle of motion, according to which the universe is composed of matter in motion and all observable changes consist in changes in the motions of physical objects and their parts.”¹³ In *Leviathan*, while describing human beings' basic characteristics, Hobbes identifies two sorts of motions peculiar to them. The first is called *vital motion*. This begins at conception and continues without interruption throughout the individual's life. Blood circulation, pulse, breathing, concoction, nutrition, and excretion are defined as vital motion by Hobbes. Those motions occur within the human body. The second is *voluntary motion*. Voluntary motion seems to be the most important characteristic of humans, since it affects all human actions. Hobbes says that “voluntary motions depend alwayes upon a precedent thought”¹⁴ and they appear in the mind before actions. In the sixth chapter of *Leviathan*, Hobbes names all interior beginnings of voluntary motions as “Passion.” In this chapter, passions are also said to cause all human desires in the state of nature. Therefore, while satisfying their desires, human beings consider themselves owners of all things in nature. In this condition, humans act according to their desires. Desire, in this sense, can be called the main impulse for humans. In addition, humans are self-centered in the state of nature. They want to have unlimited power to live securely in the state of nature.

¹³ Kavka, Gregory S., *Hobbesian Moral and Political Theory* (New Jersey: Princeton University Press, 1986), p. 8.

¹⁴ *Ibid.*, p. 38.

Self-preservation and power in the state of nature are the fundamental concerns of men.

In *Leviathan*, Hobbes claims that “the general inclination of all mankind is a perpetual and restless desire of Power after power.”¹⁵ Through power and freedom, human beings are able to pursue whatever they wish. Freedom, in this sense, is an endless satisfaction of limitless desires. Since the human being’s desires are determined by his/her natural instincts, and since there is no social or ethical limitation, men act without considering others. Therefore, there is always a chaos in the state of nature. In Hobbesian theory, human beings are by nature equal. Because of this natural equality, every man has a natural right to everything, and “having equal rights to same things are bound to be in competition for them, and this leads to war.”¹⁶ War or conflict is the main concern in the course of Hobbes’s formation of the civil society. In all of his political views, war or conflict is to be considered as the factor most detrimental to human flourishing. Therefore, in order to eliminate conflict, Hobbes uses security or self-preservation as a tool to legitimize his political views. Although “men differ as compared one with another in what they regard as good and evil for themselves,”¹⁷ physical preservation is the main motive to maintain their lives. If there is a danger, humans have a natural right to protect themselves. In the state of nature, since there is no governmental authority to keep humans in peace, men are always in conflict. In other words, the state of nature includes the condition of human beings prior to the establishment of governments and laws.

In the condition of war, we cannot talk about justice, injustice or law. Therefore, nothing is good or evil in the state of nature. Humans act only following their interests. The state of nature or natural conditions of men is pictured in a negative

¹⁵ Ibid., p. 70.

¹⁶ Glover, K. C., “Human Nature and the State in Hobbes” in Preston King (ed.), *Critical Assessments, Volume IV* (London: Routledge, 1993), p. 56.

¹⁷ Warrender, Howard, *The Political Philosophy of Hobbes* (London: Oxford University Press, 1957), p. 210.

manner by Hobbes. He claims that each man has the right of nature, which means the liberty each man has. From this liberty, every man has the right to preserve his life. However, if every individual exercises the right of nature and does literally whatever he wishes to promote his own preservation, the result will be a state of war. As Charvet puts it, “the state of war is the product of the inherent tendency of men’s natures, which underlies all social life, and which would break out in unrestrained form were it not held in check by the devices of a commonwealth.”¹⁸ Therefore, exercising the right of nature is not a sufficient means of securing self-preservation. For this reason, Hobbes suggests some rules. These rules are the guide for human beings and, by following these rules, human beings could leave the state of nature and erect a commonwealth that would allow them to live in security. Hobbes calls these rules Laws of Nature.

2. 3 The Laws of Nature or Natural Laws

A law of nature, Hobbes says, “is a Precept, or generall Rule, found by Reason, by which a man is forbidden to do, that, which is destructive his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved.”¹⁹ The reason why Hobbes connects the idea of natural law with reason is that, according to him, it is not possible to deduce the laws of nature from another source. This is the case because he believes that any action that is performed in relation to the right reason should be considered a right action. In this sense, as Sommerville puts it, “right reason is the true guide to the law of nature, which he defined as the dictate of right reason, concerning what should be done or avoided continually to preserve life and limb, as much as in us lies.”²⁰ Having said that natural laws are the dictates of the reason, Hobbes enumerates the various of

¹⁸ Charvet, John. *A Critique of Freedom and Equality* (Cambridge: Cambridge University Press, 1981), p. 41.

¹⁹ Hobbes, Thomas, *On the Citizen*, trans. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), p. 91.

²⁰ Sommerville, Johan P., *Thomas Hobbes: Political Ideas in Historical Context* (Hong Kong: The Macmillan Press Ltd., 1992), p. 46.

these laws in order. The first natural law is “to seek Peace, and follow it,”²¹ and it is derived from fundamental natural law which is an agreement between men. It is the dictate of right reason and it also concerns what must or must not be done for long preservation. The second of the derivative laws of nature is: “Stand by your agreements, or keep faith.”²² Hobbes says that “anyone therefore who makes agreement with someone, but does not believe he is obliged to keep faith with him, believes that making agreements is meaningless and at the same time meaningful, and that is absurd.”²³ The third natural law is gratitude; the fourth that everyone must be considerate of others; the fifth that anyone who is sorry for his bad action must be pardoned in the future; the sixth that punishment is given only for future good or past evil; the seventh that nobody must show his hatred by actions or words; the eighth is about equality in nature; the ninth that one must want what he wants for himself for every one; the tenth natural law that if one distributes right to others, he must be just – in other words, he must not give more or less to any one than another (this natural law presupposes fairness); the eleventh that a thing that is not distinguishable must be used in common, or if there are enough things they must be distributed to everybody equally; the twelfth that, if there is a thing that is neither distinguishable nor can be used in common, it must either be used in turn or the right of using it must be transferred to one who is determined by lot; the thirteenth *primogeniture* and first occupation; the fourteenth that mediators of peace should have immunity; the fifteenth that if there is a conflict between two groups, these groups must apply to another group who is arbitrator; the sixteenth that no man can be judge in his own cause; the seventeenth that anyone who is expecting glory or benefit from one of the conflicting parties may not be arbitrator; the eighteenth that if there is not enough evidence, the arbitrator must accept one testimony or more than one testimony and the witnesses must be fair to both parties; the nineteenth that the arbitrator must be independent from everything, that is, he must not make any agreement with any of two conflicting parties at any time; the twentieth that drunkenness is an offence against natural laws because it impedes the

²¹ Hobbes, *On the Citizen*, p. 44.

²² Ibid.

²³ Ibid.

use of reason, and knowing or observing natural laws requires reason.²⁴ As discussed above, the laws of nature are enumerated differently in *De Cive* and *Leviathan*. Therefore, I will quote a list from Martinich to show the differences between them.

The Laws of Nature in *De Cive* and *Leviathan*

- (1/1) Seek peace (L 14.4). (In *De Cive*, self-defense is the second component of the law (DC 2.2).
- (2/1') Lay down the right to all things to the extent that others are willing to do the same (L 14.5; DC 2.3; EL 1.15.2).
- (3/2) Fulfill contractual obligations (L 15.1; DC 3.1).
- (4/3) Gratitude: Do not give a person who has given you a gift reason to regret it (L 15.16; DC 3.8; EL 1.16.6–7).
- (5/4) Compliance: Try to accommodate yourself to others (L 15.17; DC 3.9; EL 1.16.8).
- (6/5) Forgiveness: Forgive people who repent and desire it (L 15.18; DC 3.10; EL 1.16.9).
- (7/6) Revenge should be taken only to the extent that good will seems to come of it (L 15.19; DC 3.11; EL 1.16.10).
- (8/7) “Contumely”: Do not give any indication of hatred or contempt to others (L 15.20; DC 3.12; EL 1.16.11).
- (9/8) Equality: Acknowledge that each person is one's equal by nature (L 15.21; DC 3.13; EL 1.17.1). Violating this law is pride.
- (10/9) In a covenant establishing peace, the conditions for each party should be the same; one is not to try to keep a right that the other person is forced to give up (L 15.22; DC 3.14; EL 1.17.2).
- (11/10) Equity: Judges should be impartial in rendering decisions and should not favor one party over the other (L 15.23; DC 3.15).

²⁴ Ibid., pp. 43-52.

(12/11) What cannot be divided should be shared in common; what is practically unlimited should not be restricted in its use; what is limited should be shared proportionately (L 15.25; DC 3.16; EL 1.17.3).

(13/12) Lots: The distribution of what cannot be divided or shared is to be determined by lot (L 15.26; DC 3.17; EL 1.17.4).

(14/13) Some distributions of goods are to be determined by arbitrary lots, that is, with the method agreed upon by the principals, and some are to be determined by natural lots, such as primogeniture (L 15.27–8; DC 3.18; EL 1.17.5).

(15/14) Mediators of peace are to be allowed safe conduct (L 15.29; DC 3.19; EL 1.16.13).

(16/15) Arbitration: Those in dispute are to submit the issue to an arbitrator (L 15.30; DC 3.20; EL 1.17.6).

(17/16) Against self-judgement: No one may be the judge in a dispute that concerns her own interests or desires (L 15.31; DC 3.21; EL 1.17.7).

(18/17) No one may be a judge in a dispute if she will benefit from a particular decision (L 15.32; DC 3.22; EL 1.17.7).

(19/18) No witness is to be given more credence than any other all other things being equal (L 15.33; DC 3.23).

(/19) A judge cannot have any contractual relationship to any of the parties to a dispute (DC 3.24; EL 1.17.7).

(/20) Sobriety: Do not get drunk (DC 3.25). (In *Leviathan*, drunkenness is said to be against the law of nature, as are other excesses such as gluttony, but is not numerated, because it is not relevant to getting out of the state of nature (L 15.34; DC 3.32).)

(20/) Every person is bound to protect the sovereign in a war (L “Review and Conclusion” 5).²⁵

Hobbes says that these laws are the dictates of reason to us, and that the most important law among them is to seek peace. However, peace is unattainable as long as people exercise the right of nature. For this reason, it is necessary that humans

²⁵ Martinich, A. P., *A Hobbes Dictionary* (Oxford: Blackwell, 1995), pp. 190-191. [L: *Leviathan*], [DC: *De Cive*], [EL: *The Elements of Law*]

give up or transfer their rights.²⁶ By transferring rights to a particular individual or assembly, humans escape from the state of nature and are able to institute a commonwealth. As discussed above, because in the state of nature there is a continual insecurity, the main reason that drives human beings to submit themselves to a sovereign is security. Human beings consent to subject themselves to a sovereign because they think that in the commonwealth the sovereign will provide them with a more secure place to live in peace, that is, without coming into conflict with each other. However, is it necessary to transfer all one's rights to the sovereign for the sake of security or protection? Is there a relationship between transferring rights and obedience to the sovereign, and if so, what is the relationship between transferring rights and obedience to the sovereign? These are main problems of Hobbesian political and moral philosophy. Since self-preservation is important in his political and moral philosophy, it is necessary to enter a commonwealth. Human beings are considered to be by nature animal rather than social creatures. They are always in competition with each other and this competition creates conflict between them. In this sense, in Sommerville's words, "humans institute commonwealth not because sociability is intrinsic to their natures, but because they correctly calculate that self-preservation cannot be adequately safeguarded otherwise."²⁷ For this reason, if there is not a commonwealth, each individual can use the right of nature to preserve his own life with all the power he has. The question why humans search for security is an important one. If humans' first aim is to provide security for themselves, can lack of confidence and diffidence be basic characteristics of humans? Sommerville claims that "free and equal individuals in the state of nature will perceive that their situation is one of radical insecurity and will therefore be led

²⁶ It should be noted here that Hobbes separates *the right of nature* from *the law of nature*. "The right of nature, which writers commonly call *jus naturale*, is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgement, and reason, he shall conceive to be aptest means thereunto. The Law of Nature (*lex naturalis*), on the other hand, is precept, or general rule, found by reason. The difference between them is that right consisteth in liberty to do, or to forbear whereas law determineth, and bindeth to one of them: so that law, and right, differs as much, as obligation, and liberty; which in one and the same matter are inconsistent" (*Leviathan*, 64).

²⁷ Sommerville, *Thomas Hobbes: Political Ideas in Historical Context*, p. 40.

to agree with each other to abandon the right of nature and erect a common power over themselves.”²⁸ It seems to be the case that self-preservation and the search for security are the basic motivations for humans, and because of that constructing a commonwealth is the most important goal for humans to provide a shelter for themselves. However, although the construction of a commonwealth is a necessary condition, it is not sufficient to live in peace. As is shown in the next sections, there must also be a governor with absolute power over the inhabitants of the commonwealth.

2. 4 From Natural Law to Morality

Moral theories aim to describe, explain, and justify morality in connection with their premises. Hobbes uses the concept of the laws of nature to present his moral theory. Those natural laws are defined by Hobbes as the basic premises of the moral philosophy, and he says that the science of them is the true and only moral philosophy. He clarifies his ideas by claiming that,

[m]oral philosophy is nothing else but the science of what is *good* and *evil* in the conversation and society of mankind. *Good* and *evil* are names that signify our appetites and aversions, which in different tempers, customs, and doctrines of men are different: and diverse men differ not only in their judgment on the senses of what is pleasant and unpleasant to the taste, smell, hearing, touch, and sight; but also of what is conformable or disagreeable to reason in the actions of common life. Nay, the same man, in diverse times, differs from himself; and one time praiseth, that is, calleth good, what another time he dispraiseth, and calleth evil: from whence arise disputes, controversies, and at last war. And therefore so long as a man is in the condition of mere nature, (which is a condition of war), as private appetite is the measure of good and evil: and consequently all men agree on this, that peace is good, and therefore also the way or means of peace, which (as I have shewed before) are *justice*, *gratitude*, *modesty*, *equity*, *mercy*, and the rest of the laws of nature, are good; that is to say; *moral virtues*; and their contrary *vices*, evil. Now the science of virtue and vice is moral philosophy; and therefore the true doctrine of the laws of nature is the true moral philosophy.²⁹

²⁸ Ibid., p. 45.

²⁹ Hobbes, *Leviathan*, pp. 110-111.

As discussed above, for Hobbes, the laws of nature that prescribe these virtues are the dictates of reason. These laws should be acknowledged as the means of a peaceful life due to the fact that, for Hobbes, the highest good is peace. There is on this point a degree of convergence between Hobbes and Kant. Kant's account of the laws of nature is similar, in some respects, to the Hobbesian view: Kant considers morals in relation to duties that are taken to be essential features of morality. In addition, he justifies these duties by referring to the nature of reason. However, there also is a strict difference between them concerning the place of reason in their moral philosophy, as is well summarized by Bernard Gert. For Hobbes, Gert argues,

morality is justified by showing that the moral virtues are dictated by reason, not reason in some metaphysical sense of the kind put forward by Kant, but reason in a more ordinary sense. Hobbes, in his moral and political theory, uses of the word reason to refer to natural reason, that is, to that reason which dictates self-preservation.³⁰

Self-preservation, or security, and the seeking of peace are central to Hobbes's moral and political philosophy. Chaos paves the way for war, in which life is intolerable. Therefore, seeking peace is the fundamental law of nature. However, it is important to realize that although in the section relating the natural law to moral law Hobbes says that the natural law is the same as the moral law, he does not mean that the natural law is equivalent to the moral law. In chapter XV in *Leviathan* he claims that the law, as the means to peace, commands also good manners, or the practice of virtue, and is therefore called moral. However, according to Gert, "although natural law contains the moral law, also commands both some political procedures and personal virtues."³¹ In fact, Gert is right in his comment on the relationship between natural law and moral law, as is made clear in chapter XV of *Leviathan*, where Hobbes claims that

[t]he laws of nature oblige in *forointerno*; that is to say, they bind to a desire they should take place: but in *foroexterno*; that is, to the

³⁰ Gert, Bernard, *Hobbes* (Cambridge: Polity Press, 2010), p. 72.

³¹ Ibid., p. 75.

putting them in act, not always. For he that should be modest and tractable, and perform all he promises in such time and place where no man else should do so, should but make himself a prey to others, and procure his own certain ruin, contrary to the ground of all laws of nature which tend to nature's preservation. And again, he that having sufficient security that others shall observe the same laws towards him, observes them not himself, seeketh not peace, but war, and consequently the destruction of his nature by violence. And whatsoever laws bind *in forointerno* may be broken, not only by a fact contrary to the law, but also by a fact according to it, in case a man thinks it contrary. For though his action in this case is according to the law, yet his purpose was against the law; which, where the obligation is *in for interno*, is a breach.³²

From this quotation we can infer that the binding force of natural laws occurs in two ways, *in forointerno* and *in foroexterno*: while the first binds one as far as one's conscience is concerned, the second one takes place when it is performed or acted out in a relationship with other humans. However, the second of these is not always binding if there is danger. In this sense, we can say that concerning their relation to politics and morality, they gain their meaning in public relations. Laws of nature are general rules in Hobbes's moral philosophy. They may be considered as a means of escaping from the destructive outcomes of the state of nature. In this sense, they serve as basic prescriptions for living in peace in civil society in which the lives of the citizens are best protected. In this chapter, I have repeatedly claimed that the desire for security and self-preservation are the basic motivations for human beings to live in peace. However, although on the one hand precautions that are taken in the name of security save us from external threats, on the other hand their implementations produce a problem of freedom for citizens in their relationship with the government. This is the case because Hobbes says that all the natural rights human beings have in their natural condition, except their right to self-preservation, must be abandoned to the sovereign. From this basis, in the next section, I shall examine Hobbes's understanding of freedom in relation to his mechanistic view of the universe, human beings and politics.

³² Hobbes, *Leviathan*, p. 110.

2. 5 Freedom or Liberty in Hobbes: Mechanical and Political

At the beginning of this chapter I claimed that Hobbes proposes a materialist understanding of universe whereby even human nature and human beings are to be explained by means of a materialist scheme. Hobbes was a determinist, that is, he believed that every event, including all human actions, are the necessary causal result of earlier states of the universe. However, if all events in this universe are the results of a prior cause, can we believe that human beings are free and that their actions stem from their free will? Interestingly, Hobbes says that

liberty and necessity are consistent [...] and actions which men voluntarily do [...] proceed their will, proceed from liberty, and yet because every act of man's will and every desire and inclination proceedeth from some cause, and that from another cause, in a continual chain proceed from necessity.³³

However, this explanation does not seem convincing to me. My objection is as follows. Hobbes insistently says that, without a cause, we cannot talk about events that take place in this universe. Accordingly, Hobbes claims that our nervous system cannot proceed if there is not a cause that affects it. In this sense, our actions are the reactions to those effects. Therefore, we can say that determining factors of our will do not stem from reason but from causes external to us. Nevertheless, the first thing we must be aware of is that, for Hobbes, freedom and determinism should be understood as coherent, rather than contradictory. This is an important point, as without it Hobbes could not have grounded the relationship between his understanding of the universe, human nature, ethics, and politics. So, what for Hobbes is freedom?

LIBERTY, or FREEDOM, signifieth (properly) the absence of opposition (by opposition, I mean external impediments of motion); and may be applied no less to irrational and inanimate creatures than to rational. For whatsoever is so tied, or environed, as it cannot move but within a certain space, which space is determined by the

³³ Hobbes, *Leviathan*, p. 146.

opposition of some external body, we say it hath not liberty to go further.³⁴

Freedom, for Hobbes, does have a corporeal dimension. Corporeal dimension refers to the physical extension of human beings and other objects in the universe. However, it also has another dimension, one concerned with rational beings. In this sense, we can say that Hobbes conceives of two types of freedom, the first relating to irrational creatures and inanimate objects, the second to rational beings. According to Hobbes, rational beings can have an impact on the physical world, and the rational dimension of their freedom refers to the human will. Therefore, human beings should be considered free if their action stems from an act of will. This means that, although their actions are determined by external causes and the source of those actions are sense perception, human beings can choose between two alternatives. Here I would like to recall Hobbes's distinction between *vital* and *voluntary* motions. Human beings do not have control over vital motions, which occur by themselves. However, we can have control over voluntary motion, and hence over our actions. Nevertheless, I also find this point somewhat problematic. As argued earlier, our nervous system or thoughts operate by the effects of external stimulations. In this sense, we can say that causal relation is still an important factor in our actions. In this sense, the difference between vital and voluntary motion is that while vital motion depends on external causes as a whole, voluntary motion depends on our thought. Nevertheless, to understand what Hobbes says about free will, let us consider his definition of free will. Free will for Hobbes means that "no liberty can be inferred of the will, desire, or inclination, but the liberty of the man; which consisteth in this, that he finds no stop in doing what he has the will, desire, or inclination to do."³⁵ This quotation is for me a crucial one in understanding Hobbes's political philosophy. I earlier claimed that voluntary motions stem from within our thoughts, that is, from our conscious. Such motion that occurs within our thoughts is defined as endeavor by Hobbes. By means of this endeavor, we are directed toward what is desirable for us and away from what is not. In other words,

³⁴ Ibid., p. 145.

³⁵ Hobbes, *Leviathan*, p. 146.

what is good or what is bad is defined by voluntary motion. The highest goods for human beings are security, self-preservation and living in peace, and the worst harm is death. Therefore, our basic endeavor is to construct a peaceful place in which to live. In this sense Martinich claims, apropos of the above quotation, “Hobbes needs to hold this position because of his political philosophy. Since the main desire, that is will that leads people to covenant with others to create a civil state is the fear of death.”³⁶ The relationship between freedom and fear is explained by Hobbes as follows:

Fear and liberty are consistent; as when a man throweth his goods into the sea for fear the ship should sink, he doth it nevertheless very willingly, and may refuse to do it if he will: it is therefore the action of one that was free: so a man sometimes pays his debt, only for fear of imprisonment, which, because nobody hindered him from detaining, was the action of a man at *liberty*. And generally all actions which men do in Commonwealths, for *fear* of the law, are actions which the doers had *liberty* to omit.³⁷

Fear, like self-preservation and security, is of crucial importance for Hobbes. Since his main aim is to provide absolute power to the sovereign, he considers fear in relation to freedom. In Martinich’s words, “If freedom were incompatible with fear, then sovereign-making covenants would not be valid.”³⁸ Hobbes is conscious that he has installed a sovereign with unrestricted power, and acknowledges that this may be cause for objection and that the condition of subjection is a very miserable one. Nevertheless, he denies that it is intolerable, and further believes that such subjects would have greater cause for complaint if the sovereign’s power were ineffective. Therefore, Hobbes assumes that the only possible form of freedom is that which is derived from an unrestricted freedom of the sovereign power. Hobbes considers the subject’s liberty to be vouchsafed in a society formed by the agreement of the majority of the people. He claims that

³⁶ Martinich, *A Hobbes Dictionary*, p. 199.

³⁷ Hobbes, *Leviathan*, p. 146.

³⁸ Martinich, *A Hobbes Dictionary*, p. 198.

the liberty of a subject lieth, therefore only in those things, which in regulating their actions, the sovereign hath praetermitted: such as is the liberty to buy, and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves think fit; and the like.³⁹

From this quotation, it can be understood that our liberty belongs to the sovereign because the sovereign has a right over everything, including us. More interestingly, Hobbes, in contrast with Kant,⁴⁰ claims that “nothing the sovereign representative can do to a subject, on what pretencesoever, can properly be called injustice, or injury; because every subject is the author of every act the sovereign doth.”⁴¹

2. 6 Justice and Injustice, and Property in Hobbes

Hobbes’s treatment of the nature of justice and its relation to injustice is introduced in connection with his account of the state of nature. According to Hobbes, by nature, all human beings are equal in respect of their physical and mental capacities and no one has the ability to dominate another in the state of nature. He claims that “the difference between man, and man, is not so considerable [...]. For as to the

³⁹ Hobbes, *Leviathan*, p. 148.

⁴⁰ As I shall show in the chapter on Kant, for Kant, the sovereign can make mistakes, and he should not be considered master over the society but the servant of the society. There is also another striking difference between Hobbes and Kant on the notion of freedom. Freedom is central to Kant’s critical and practical philosophy. By rejecting Hobbes’s determinist theory of human being, he develops moral and political philosophy that centers on the notion of the causality of the will. Nevertheless, “he partly accommodates Hobbes’s account of the human individual in his phenomenal understanding of human beings. As physical or phenomenal beings we are, as Hobbes says, moved by causes beyond our control. As physical beings nature may compel us to act in certain ways. But seen from an intelligible or rational perspective this compulsion can never be complete. For Kant the human individuals are indeed affected by natural constraints but not compelled to act according to them” (Williams, Howard. *Kant’s Critique of Hobbes*. Cardiff: University of Wales, 2003). In other words, for Kant, freedom from determination by nature makes action on rational grounds (intelligible) possible, and the possibility of acting on rational grounds is the basis of the possibility of aspiring to a way of life and to ideals of action that transcend nature.

⁴¹ Hobbes, *Leviathan*, p. 93.

strength of body, the weakest has strength enough to kill the strongest.”⁴² In this sense, human beings must seek peace (*the first law of nature*) in order to form a society in which human beings live peacefully in cooperation with each other. When the society is established (*second law of nature*), human beings must give up their natural rights and transfer them to an external authority (*the sovereign*) with unlimited power over them. However, these two laws of nature are not sufficient to create a society or commonwealth. The most important one is that human beings or individuals who try to obtain the best for themselves must keep their contracts or promises (*the third law of nature*).

These three laws of nature are the key to the concepts of justice and injustice in the political philosophy of Hobbes. They are necessary conditions for justice because “fear of mutual non-compliance renders all covenants void, unless we live under an absolute sovereign with the power to enforce agreements.”⁴³ In this sense, the need for an absolute sovereign is premised on Hobbes’s belief that men are not social or political by nature (as Aristotle claimed), but that “their association depended on an agreement to observe justice among men who disagreed about who ought to receive what, and thus they needed common standards of right and wrong to regulate their affairs.”⁴⁴ Hobbes’s reasoning for the above claim is as follows: Justice and injustice depend on valid covenants, valid covenants depend on coercive power, and coercive power depends on a commonwealth. When there is no coercive power (the condition of the state of war) – that is, when the state is not yet established (the condition of the state of nature and the condition in which every individual has a right over everything, including another individual) – we cannot talk about justice or injustice. Justice and injustice require the existence of a covenant; indeed, the definition of injustice is precisely the failure to honor a covenant. Like justice and injustice, according to Hobbes, in the state of nature, “there be no propriety, no dominion, no mine and thine distinct; but only that to be every man’s, that he can

⁴² Ibid. p. 94.

⁴³ Ibid.

⁴⁴ Ibid., p. 99.

get; and for so long, as he can keep it.”⁴⁵ Only in the commonwealth can human beings have property in a secure manner, in contrast to in the natural condition. However, the constitution of a commonwealth is not sufficient to ensure justice. According to Hobbes, “justice consisteth in keeping of valid covenants; but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them.”⁴⁶ This point is important for the purpose of this thesis. Hobbes continuously claims that the state of nature is a condition in which there is no security, no industry, no justice and injustice but rather constant conflict and competition. At first glance it may appear that if a commonwealth is established, all of those negative situations will be resolved. However, such is not the case. Hobbes’s basic aim is not to put an end to those negative situations by constructing a commonwealth: his point is very clear in his insistence on the requirement for an absolute power who compels men to act according to his commands. In this sense, the main requirement for justice is a coercive power embodied for Hobbes in the figure of the monarch, as discussed in the section on the commonwealth.

Hobbes distinguishes justice into two kinds, that related to natural law and that has a binding influence over the human being in the state of nature, and that which arises in the civil society or in the commonwealth. The first is communicative, the second distributive. This division is very important, because both types of justice are binding with respect to the actions of the citizens in civil society. The differences between these two kinds of justice in respect of the actions of people are explained by Hobbes in *Leviathan* as follows:

communicative justice, is the justice of contractor, that is, a performance of covenant, in buying, and selling; hiring, and letting to hire; lending, and borrowing; exchanging, bartering, and other acts of contract. And distributive justice, the justice of an arbitrator; that is to say, the act of defining what is just. Wherein, (being trusted by them that make him arbitrator,) if he perform his trust, he is said to distributive to every man his own: and this is indeed just distribution,

⁴⁵ Ibid.

⁴⁶ Ibid., p. 107.

and may be called (though improperly) distributive justice; but more properly equity; which is also is a law of nature.⁴⁷

Hobbes's division of justice into two kinds is of crucial importance for the relationship between sovereign and citizens. As discussed above, Hobbes seeks to secure absolute power for the sovereign. If the sovereign does not perform his duty justly, there will be chaos in the commonwealth and the life of citizens will be in danger. In this sense, the sovereign's duty is to act justly and to distribute public goods to the citizens equitably.

2.7 Commonwealth (Civil Society)

As discussed above, the institution of a commonwealth, for Hobbes, puts an end to the natural right that all men have in the state of nature. Giving up natural rights is important because if the citizens cannot do this, conflict between them is inevitable, even in the commonwealth. For this reason, Hobbes says that civil society or the state provides an assurance to the citizens and protects its members from the attacks of others. In respect of how a commonwealth comes into being, Hobbes states,

[a] common-wealth is said to be Instituted, when a Multitude of men do agree, and Covenant, every one, with every one, that to whatsoever Man, or Assembly of Men, shall be given by the major part, the Right to Present the Person of them all, (that is to say, to be their Representative;) every one, as well he that Voted for it, as he that Voted against it, shall Authorize all the Actions and Judgments, of that Man, or Assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men.⁴⁸

While transferring natural rights in order to institute a commonwealth is, I think, not enough to eliminate exploitation between men completely, it may bring such exploitation down to a tolerable level. However, even in the commonwealth conflict between men may continue in different ways.

⁴⁷ Ibid., p. 100.

⁴⁸ Hobbes, *Leviathan*, p. 121.

According to Hobbes, there are two types of commonwealth, the first established by agreement and the second by coercion. The first type of commonwealth is established among people who agree to give up their natural rights to a man or an assembly, by who the transferred rights are represented. In Hobbes's words, men say that "I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner."⁴⁹ Such renouncing and transferring of natural rights is necessary to create a commonwealth because Hobbes thinks that, by establishing a commonwealth, men escape from the destructive effects of the state of nature. In addition, it is the sovereign's duty to protect them from dangerous situations and provide them a peaceful place to live. The creation of a commonwealth necessitates a social contract between men. In the next section I will examine the significance of this social contract in Hobbes's political philosophy.

2. 8 The Social Contract

Before examining what the social contract is, it is necessary to identify the differences between contract and agreement. According to Hobbes,

[t]he action of two or more persons reciprocally transferring their rights is called *contract*. In every contract either both parties immediately perform what they contracted to do, so that neither trusts anything to the other; or one performs and the others is trusted; or neither parties performs. When the both parties perform immediately, the contract ends with the performance. But when either or both trusted, the trusted party promises to make performance later; and a promise of this kind is called *agreement*.⁵⁰

Contract pertains only among those agree to give up their rights. The parties to the contract are individuals who promise to hand over their right to govern themselves to the sovereign. The contract is not between the sovereign and the citizens. In other words, in Warrender's words,

⁴⁹ Ibid., p. 120.

⁵⁰ Hobbes, *On the Citizen*, p. 36.

the political covenant cannot be an agreement between ruler and ruled, because the ruled, considered themselves, are a mere multitude of individuals and cannot be a contracting body. As being party to a contract implies a single will, the only possible form of covenant open to such an aggregate is one between its several members.⁵¹

As pointed out above, natural laws are not enough to preserve lives and provide peace between human beings. Therefore, men are obliged by civil laws to enter civil society or a commonwealth. I shall examine in the following pages the idea of the social contract in Hobbes. However, before examining the social contract, here it is necessary to mention Hobbes's distinction between civil and natural law since they have crucial importance in his theory of the social contract.

2. 9 Civil and Natural Laws

I claimed above that, according to Hobbes, all men are by nature bound by the natural laws. Since there is no authority who guides men and interprets those laws for them, they are used by men for their own self-preservation and physical and mental satisfactions in the natural condition. However, once the commonwealth is established, people, as citizens of this commonwealth, transfer their natural rights to a sovereign who interprets and implements those laws in order to provide a secure place for the subjects. In the commonwealth, we are bound by civil laws, not by natural laws. This point is very important: For Hobbes, men are free and equal in the state of nature. In addition, their basic aim is to protect themselves from the attacks of other men. If this equality and freedom continues in civil society, there will be chaos in the society as there is in the state of nature. This is unacceptable for Hobbes. For him, natural laws, by themselves, cannot provide people a secure place to live in peace in the civil society. There must be civil laws and an authority who has the power to enforce the laws of civil society. In this sense, the sole authority who interprets and implements civil laws that stem from the natural laws is the

⁵¹ Warrender, *The Political Philosophy of Hobbes*, p. 126.

sovereign. Although men make a contract with each other, according to Hobbes, without sufficient force to safeguard it, the contract simply means empty words.

Hobbes defines civil law as follows: “Civill Law Is to every subject, those Rules, which the Common-wealth hath Commanded him, by Word, Writing, or other sufficient Sign of the Will, to make use of, for the Distinction of Right, and Wrong; that is to say, of what is contrary, and what is not contrary to the Rule.”⁵² Just as the laws of nature are those we are bound to obey because we are men, civil laws are those we are bound to obey because we are citizens. Civil laws are derived from natural laws. The main difference between natural laws and civil laws is that, while natural laws are found by reason and are therefore unwritten, civil laws are written by the sovereign on the basis of natural laws. Therefore, since civil laws are derived from natural laws, they do not differ from each other.

According to Hobbes, civil laws play an important role in civil society. These laws arrange public issues under the governance of the sovereign power. By his/her absolute authority, the sovereign forces the people to obey civil laws. In this sense, all natural rights men have in the state of nature are restricted by the civil laws in order to create an organized and peaceful society. This is the main reason for making civil laws. The relationship between natural law and civil law is made very clear in the following words of Hobbes’s:

[F]or as it is impossible to write down ahead of time universal rules for the judgment of all future cases which are quite possibly infinite, it is understood that in every case overlooked by the written laws, one must follow *the law of natural equity*, which bids us to give equal to equals. And this is by force of *civil law*, which also punishes those who by their action knowingly and willingly *transgress natural laws*.⁵³

The establishment of the social contract means the construction of some civil power that is strong enough to implement laws. Hobbes says that the natural laws are not

⁵² Hobbes, *On the Citizen*, p. 161.

⁵³ Ibid.

enough to conserve peace. Therefore, a commonwealth is established when men have the same opinion to form a contract giving one man or an assembly of men the power to protect the peace. For Hobbes, “a commonwealth is one person, whose will, by the agreement of several men, is to be taken as the will or them; to make use of their strength and resources for the common peace and defence.”⁵⁴ As can be seen, in the Hobbesian state, a citizen is expected to give up all power to the state for the sake of his self-interest. A good citizen must obey the state and the laws the state makes. Hobbes believes that citizens have an obligation to obey the government, because all citizens have agreed give up the right to be judge in their own case. Once a citizen has entered into this contract, his obligation to obey the sovereign is absolute. For Hobbes, the main purpose of government is to provide security for its citizens, but this security excludes the freedom of citizens, because freedom or liberty is a matter of the natural condition. In this sense, in civil society freedom creates a conflict between citizens. I believe this to be the reason why Hobbes advocates absolute power for the sovereign of a commonwealth.

Hobbes distinguishes between two types of commonwealth, those that occur by nature and those that occur by design. He then further distinguishes the second type into three classes, namely, democracies, aristocracies, and monarchies. These three type of regime differ from each other in terms of their governmental system. If sovereign power is an assembly and everyone has the right to vote, then it is called a democracy, and the dominant power is the people. If the sovereign power is an assembly but only some part of the citizens have the right to vote, it is called an aristocracy, and the dominant power is nobility. Lastly, if the sovereign power is an individual, then it is called a monarchy, and the dominant power is called a monarch. The differences in the three forms are based on their efficiency, convenience, and safety. Hobbes claims that monarchy, the location of sovereign power in the hands one man, is the best form because decisions about public problems are taken by only one source. He rejects the division of powers since he believes that if there are more opinions about a public issue, decisions cannot be

⁵⁴ Ibid., p. 73.

taken correctly and this creates uncertainty and distrustfulness on the part of the sovereign or government.

According to Hobbes, monarchy is the best kind of commonwealth because this system protects all people from all negativity. However, Hobbes makes a distinction between monarchy and tyranny. Although they are in outer form not different from each other, their differences arise from the citizen's sentiments and opinions. In both cases the sovereign power is one individual, but "they differ only in the way they exercise power, he is a king who rules well, a tyrant who rules badly."⁵⁵ However, in the Hobbesian state, not only is the type of commonwealth important but also the government and its quality. As Hobbes says, "power is equal in every kind of commonwealth; what differ are the acts. [...] The advantages and disadvantages of a regime do not depend upon him in whom the authority of the commonwealth resides, but upon the ministers of government."⁵⁶ Then, Hobbes defines the rights of the sovereign power and the duties of subjects. The sovereign in the Hobbesian state is indivisible and has supreme power in war and peace, in defense, and in justice. He also has the right to command citizens in what can and cannot be done. This command of the sovereign is called civil law or laws of the commonwealth. However, the sovereign is not bound by civil laws and he cannot be limited by his own commands. As stated above, the sovereign has absolute power, and hence decides what good or bad, just or unjust are. But he has some duties: "all the duties of sovereigns are implicit in this one phrase: the safety of the people is the supreme law."⁵⁷

It appears to me that the most controversial point in Hobbes's political philosophy is that it provides for an absolute sovereign who poses a great threat to individual freedom. When a citizen has entered into a social contract, his obligation to obey the sovereign is absolute. There is only one instance in which a citizen may refuse to obey the state: when the citizen's life is in danger or his security is under threat.

⁵⁵ Ibid., p. 93.

⁵⁶ Ibid., p. 125.

⁵⁷ Ibid., p. 143.

Despite the fact that citizens have an obligation to obey the law, their freedoms are provided by the commonwealth. In general, liberty in the Hobbesian conception means the ability to carry out one's will without the interference of others. Indeed, our agreement to be subject to a common authority helps each of us to secure liberty to others. Consent is an important concept in the political philosophy of Hobbes and submission to a commonwealth is consistent with both obligation and liberty. Since people have entered into the commonwealth by their own consent, they agree to obey the commonwealth's laws, which are the sovereign's commands. Without a commonwealth and an absolute power, the lives of people, as Hobbes repeatedly says, are in danger. However, in a commonwealth, although people have limited rights, their lives are protected by the civil laws that are implemented by the sovereign. Hobbes's aim is hence to convince people to institute an absolute governmental system by claiming that even the worst government is better than the state of nature.

Hobbes identifies some reasons that might cause a collapse in a commonwealth. Considering Hobbes's political project, I think the three most important of these are the absence of the civil laws, the absence of an absolute power, and divine inspiration. Civil laws are the rules that bind all the citizens equally. A commonwealth collapses when it is not governed according to the laws made by the people. In this case, the reason is not the absence of the laws but their implementation. In the natural condition, since there is neither civil law nor an absolute power, people can decide what they are going to do, what is good or bad, for themselves. However, in civil society, the legislator, who is always the holder of the sovereign power, determines the civil laws and he must decide what is good and what is evil for the citizens who are under his sovereignty. Since people have already transferred their will and rights to the sovereign, they have to accept his commands without question. If someone tries to question what good is and what evil is, this means that he wants to have the sovereign power. This situation causes a danger for the commonwealth. However, for Hobbes, the sovereign power cannot be divided. If power is divided, this situation undermines the commonwealth. In addition, the sovereign power cannot be subject to the civil laws of society because

those laws are made by himself. He is only bound by the natural laws. Divine inspiration is considered another reason by Hobbes. He thinks that belief and sanctity stem not from scientific and rational inquiry but from inspiration and intuition. If the decisions in a commonwealth are taken in accordance with religious rules, social order breaks down since in this condition every citizen decides what is good and bad in relation to his beliefs. Hobbes also mentions some less important reasons that can cause a collapse of the commonwealth, among which are high taxes. Taxes are important for a commonwealth, but when they are extremely high, the citizens get poorer, which is dangerous for the polity.

2.10 Conclusion

In this chapter I have examined Hobbes's views on human nature, morality, and politics in relation to each other. Hobbes proposes a political system that holds the commonwealth in unity. His system shows a rigid logical unity and appears coherent at first sight. He starts to construct his system by proposing a state of nature in which humans are described as animals until they institute a commonwealth. This is the state of nature or the state of war. Humans who act in the state of nature have natural rights to protect themselves from any external danger. For this reason, they are free to pursue whatever they wish, although what they wish is determined by their natural tendencies. In other words, in the state of nature humans cannot be judged for what they do. Since there are no moral codes (justice, right, wrong etc.) humans hurt one another. In the tradition of the theory of social contract, Hobbes has a distinctive place since his system gives an extreme power to the sovereign. The sovereign is defined as one who is the absolute master of all his subjects and the final arbiter of all questions of right and wrong in the commonwealth. Moreover, the sovereign has the right to execute citizens if they are found guilty, but a citizen has no obligation to assist in his own execution or death. The state of nature is identified as the state of war. Therefore, humans must escape from this condition in order to live in a secure and peaceful state.

Hobbes's systematic examination of human nature, morality, and politics begins with the basic characteristics of human being. For Hobbes, men's basic desire or passion is for survival, and this requires obtaining the necessary resources. Hobbes says that all passions stem from the master passion, namely survival or self-preservation. Since *good* and *evil* are defined by what is beneficial and destructive for men, men always try to get the best for themselves both biologically and psychologically. In this sense, we may say that all passions can be reduced to biological functions. However, biological functions are not the only sources for survival, because in both the state of nature and society men cannot live by isolating themselves from other men. Human beings might have different appetites, desires and, passions, and these lead them to search for the best for themselves. As Hobbes said, "because the constitution of a man's body is in continual mutation, it is impossible that all the same thing should always cause in him the same appetites, and aversions; much less can all men consent, in the desire of almost anyone and the same object."⁵⁸ The struggle to secure the best inevitably creates a conflict, and the result is war between human beings. This is the situation that is called the state of nature in which all human beings feel insecurity, which creates *diffidence* to other men and the *fear of death*. Since human beings cannot live under the feeling of fear of death, they have to create the conditions of living in *peace* defined as the basic law of nature. As I examined above, what is important here is that Hobbes connects this reasoning with the formation of a commonwealth, claiming that if there is no commonwealth or a sovereign power who decides what is good and what is bad for citizens, there is always a conflict there.

Hobbes aims to describe human beings or human nature without reference to possible characteristics of human beings, such as inborn rights, in their primitive state and applies those descriptions to establish standards for human conduct. In other words, he is not interested in finding the total pattern of human nature that man has to have in order to fulfill himself. In Eterovich's words, his "interest is in discovering those passions and perceptions which move to do what he does. Not a

⁵⁸ Hobbes, *Leviathan*, p. 39.

teleology of total human perfection but an analysis of that which motivates a man on the bodily and imaginative levels is important in his view.”⁵⁹ This biological, mechanical and, ultimately, pessimistic account of human nature, morality and politics do not seem plausible to me when contrasted with the Kantian understanding of human nature, morality, and politics. Therefore, in the following chapter I shall examine Kant’s understanding of those concepts and then in the third chapter compare Hobbes and Kant.

⁵⁹ Eterovich, Francis H. *Approaches to Natural Law* (New York: Exposition Press Inc., 1972), p. 99.

CHAPTER III

3. KANT'S DUALISTIC CONCEPTION OF HUMAN BEING

3. 1 Human Nature

Kant's ethical thought is grounded in human value and moral duty. His emphasis on the individual's worth stems from his understanding of the nature of human being. Therefore, his views on human beings have a crucial importance in his moral and political philosophy. In contrast to Hobbes, Kant offers a dualistic definition. It is in this dualistic definition of human beings that Kant aims to ground his moral philosophy, which is different from Hobbesian morality. Although Kant never gives an exact definition of human nature, since human nature in its full development occurs only in civilization, he nevertheless begins his analysis of the human being by establishing a distinction that accounts for the basic features of human beings. According to Kant, having rationality or reason, human beings differ from animals. For Kant, the fundamental distinction between the animal and the human reflects a distinction between the empirical and the rational. The basic faculty that defines our humanity and guarantees the possibility of our freedom is our rationality. According to Kant, our animal or empirical nature is bound by the causal processes of the laws of nature. However, human beings can go beyond their empirical nature by using their rational capacities and can develop their bodily and mental capabilities to survive and flourish.

The distinction between the empirical and rational nature of human beings is characterized as the phenomenal and noumenal realms by Kant. In the phenomenal realm, human actions are determined by the laws of nature since they belong to the natural world. However, human beings simultaneously belong to the noumenal world, that is, the intelligible world. The intelligible character of human beings, which is independent of the laws of nature, is subject to moral laws that derive from reason. In Kant's words, "the human being actually finds in himself a faculty

through which he distinguishes himself from all other things and even from himself insofar as he is affected by objects, and this is *reason*.”⁶⁰ Reason is considered the basic characteristic of human beings by Kant. Kant’s emphasis on reason has a very distinctive place in his moral philosophy. Kant grounds his moral philosophy within human reason, since he believes that moral principles cannot be derived from empirical factors, which are contingent. In other words, if we consider human beings as the creature of the world of the appearances, we fail to grasp the essence of morality, because as a part of the empirical world, the actions of human beings are determined by desires and inclinations. Of course, Kant accepts that, in respect of our bodies, we are natural or physical beings. However, he rejects the idea that moral principles should be derived from experience.

Kant presents his account of human nature or human beings in various writings.⁶¹ In all of these texts, Kant tries to deal with the question of what the nature of human being is and what is peculiar to the human species in a theoretical and practical sense. For Kant, whatever we say about human nature, its predispositions and its propensities can have only a provisional character; human beings do not have a fixed nature. Rather, human capacities develop in the historical process. In this sense, instead of using the term human nature, Kant uses the term human being to understand basic characteristics of human beings. In contrast to Hobbes, he does not consider human beings to be mechanical creatures. In *The Critique of the Power of Judgement* he claims that the human being is

an organized being ... not a mere machine, for that has only a *motive* power, while the organized being possesses in itself a *formative* power, and indeed one that it communicates to the matter, which does not have it (it organizes the latter): thus it has a self-

⁶⁰ Kant, Immanuel, *Groundwork for the Metaphysics of Morals*, ed. and trans. Allen W. Wood (London: Yale University Press, 2002), p. 68.

⁶¹ Kant’s views on human beings in respect of his politics are most clearly presented in the following articles: *Perpetual Peace*, *Idea for a Universal History with a Cosmopolitan Purpose*, *Conjectures on the Beginning of Human History*. These articles can be found in Immanuel Kant, *Political Writings*, ed. Raymond Geuss and Quentin Skinner (Cambridge: Cambridge University Press, 1991).

propagating formative power, which cannot be explained through the capacity for movement alone (that is, mechanism).⁶²

As indicated above, Hobbes sees human beings as mechanical creatures whose actions stem from mechanical causality. Kant on the other hand, in order to ground autonomous being, emphasizes the importance of reason, which has causality in itself independently natural world.

The transition to civil society is crucial for Kant. In *Anthropology from a Pragmatic Point of View*, he asserts that “the human being is destined by his reason to live in a society with human beings and in it to cultivate himself, to civilize himself, and to moralize himself by means of the arts and sciences.”⁶³ Kant believes that human beings can develop their natural capacities in a society since they feel in a society or a state more like a human. For him, nature compels human beings to institute a commonwealth in which human predispositions are developed, and unlike other living creatures, human beings become human by means of education in the state. In the following section, I shall examine Kant’s ideas regarding the conditions of human beings before the establishment of a commonwealth. Like Hobbes, Kant assumes the state of nature as a conditional situation in which human beings live without a governmental system.

3.2 The State of Nature

Kant, like Hobbes, defines the state of nature as a state of war. He asserts that the state of nature is a state of injustice and violence. Since the state of nature is defined as that in which there is no legal justice, according to Kant, “we have no option save to abandon it and submit ourselves to the constraint of law which limits our freedom solely in order that it may be inconsistent with the freedom of others and with the

⁶² Kant, Immanuel, *Critique of the Power of Judgement*, ed. Paul Guyer, trans. Paul Guyer and Eric Matthews (Cambridge: Cambridge University Press, 20009), p. 246.

⁶³ Kant, Immanuel, *Anthropology from a Pragmatic Point of View*, ed. and trans. Robert B. Loudon (Cambridge: Cambridge University Press, 2006), p. 107.

common good of all.”⁶⁴ Such a state of nature is conceived by Kant for theoretical and ethical purposes; according to him, there was in actual history no such condition before the advent of civil society. In this sense, Kant’s distinction between the state of nature and civil society is a conceptual one that is introduced merely as a logical device. Considering the state of nature as a logical device, Kant aims to show “in what way and to what extent justice and legal order depend on the state as such and, in particular, to bring out the differences between our obligations to other individuals and our obligations to the state.”⁶⁵ The state of nature is a rational tool to open a way to create a civil society in which all people live in peace politically and ethically because in such a natural condition uncertainty prevails, in particular with regard to justice and right. Kant asserts that the state of nature should be abandoned and “from the moral viewpoint, the state of nature (wherever it occurs) is an inferior condition and has to be surpassed.”⁶⁶ If, in the state of nature, there are uncertainties and human beings live in this natural conditions do not feel safe themselves, how do we get out of it? What do we do to get out of this state of nature to enter a condition of civil society and civilized life? It is at this point that the idea of social contract comes in.

The most important aspect of his idea of social contract is that Kant conceives it as an intellectual construction with moral and practical significance. In other words, “it is a notion that should affect our motives and intentions in acting rather than one which arises in observing the world.”⁶⁷ Almost all of Kant’s political writings relate to his views on morality since, for Kant, politics is a part of the metaphysics of morality. This claim is best supported by Kant’s understanding of politics. According to Kant, “politics deals with the question of what we ought to do in our

⁶⁴ Kant, Immanuel, *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen W. Wood (New York: Cambridge University Press, 1998), p. 650.

⁶⁵ Kant, Immanuel, “Metaphysical Elements of Justice.” *Part I of the Metaphysics of Morals*, trans. John Ladd (Indianapolis: Hackett, 1999), p. xxxvii.

⁶⁶ Williams, Howard. “Kant on the Social Contract” in Davis Boucher and Paul Kelly (eds), *The Social Contract from Hobbes to Rawls* (London: Routledge, 1994), p. 137.

⁶⁷ *Ibid.*, p. 132.

social and political context.”⁶⁸ However, before examining Kant’s idea of the social contract, it is necessary to explain his distinction between the concepts of “sensible world” and “intelligible world.” This distinction is very important in constructing politics and morality within human reason. In “The Metaphysics of Morals,” Kant claims that

[...] the human being actually finds in himself a faculty through which he distinguishes himself from all other things, and even from himself insofar as he is affected by objects, and this is *reason*... As a rational being, hence one belonging to the intelligible world, the human being can never think of the causality of its own will otherwise than under the idea of freedom; for independence of determinate causes of the world of sense (such as reason must always attribute to itself) is freedom. Now with the idea of freedom the concept of *autonomy* is inseparably bound up, but with the latter the universal principle of morality, which in the idea grounds all actions of *rational* beings just as the natural law grounds all appearances.⁶⁹

From this quotation we can infer that Kant conceives of human beings as both sensible and rational beings. Humans as rational beings are able to discern natural laws by using their understanding and intuition, and they are able to give moral laws for their own conduct by pure reason. Kant considers our rationality and freedom to be determining factors of our lives, not the state of facts and determinism. As Uleman puts it, “to reject the possibility of a morality grounded in nature is to reject the thought that the ultimate aims of humans are or ought to be given to us by anything other than ourselves, that is, by human beings, individually and collectively, acting both freely and rationally.”⁷⁰ This rationality best reveals itself in our actions and the rules that guide our behavior can be made internally consistent and universally applicable. Kant’s account of the social contract is related to his philosophy as a whole, which means that his two critiques have close

⁶⁸ Kant, Immanuel, “The Metaphysics of Morals” in *Political Writings*, ed. Raymond Geuss and Quentin Skinner (Cambridge: Cambridge University Press, 1991), p. 20.

⁶⁹ Kant, *Groundwork for the Metaphysics of Morals*, pp. 87-88.

⁷⁰ Uleman, J. K., *An Introduction to Kant’s Moral Philosophy* (New York: Cambridge University Press, 2010), p. 77.

connections to each other. In this sense, his political philosophy is a part of his practical philosophy, which emerges from his *Critique of Pure Reason* and *Critique of Practical Reason*. Let me explain what I mean by saying that Kant's idea of social contract has a relation to his whole philosophy. Kant represents his political philosophy in the first part of the *Metaphysics of Morals*. As mentioned above, Kant conceives of the social contract as an *a priori* idea of pure practical reason. According to Kant, space and time are ideas of pure reason. These *a priori* ideas make experience possible and allow us to know objects. In terms of civil society, "the idea of the social contract, as Uleman says, is also such an essential idea for without it, it would be impossible for us to experience civil society."⁷¹ In the *Metaphysics of Morals*, the necessity of the *a priori* basis of morality is grounded in contrast to *a priori* principles of the natural sciences. According to Kant, in order to be universally valid and applicable, moral laws should be considered as *a priori* because, for him, morality cannot be grounded by only experience. He claims that

concepts and judgments concerning ourselves and our actions and omissions have no moral significance at all if they contain only what can be learned from experience. Anyone so misled as to make into a basic moral principle something derived from this source would be in danger of the grossest and most pernicious errors.⁷²

Therefore, moral laws must have *a priori* principles, because a morality that is mixed by another source such as theology or inclination cannot give us an objective ground to act according to duties. In the following section, I shall examine Kant's moral philosophy; this will make it clear that why Kant insists on the view that moral laws cannot be derived from experience and should have an *a priori* basis.

3. 3 Kant's Moral Philosophy

In *The Critique of Pure Reason* Kant claims that all of our knowledge stems from experience. However, he also claims that "although all our cognition commences

⁷¹ Ibid., p. 135.

⁷² Kant, *Groundwork*, p. 7.

with experience, yet it does not on that account all arise from experience.”⁷³ The problem for Kant here is to distinguish pure from empirical knowledge. To ground this separation he asserts that

If a proposition is thought along with its necessity, it is an *a priori*, judgment; if it is, moreover, also not derived from any proposition except one that in turn is valid as a necessary proposition, then it is absolutely *a priori*. Moreover, experience never gives its judgments true or strict but only assumed and comparative universality (through induction), so properly it must be said: as far as we have yet perceived, there is no exception to this or that rule.⁷⁴

Hence, for Kant, *a priori* ideas of reason are ideas that are free from empirical factors. In *The Critique of Pure Reason* Kant attempts to find the basis for human knowledge and the possibility of synthetic *a priori* judgments. In the case of politics and morality, Kant employs the idea of practical reason and explains what practical reason is going to deal with. In the introduction of *The Critique of Practical Reason*, he asserts that

[t]he Theoretical Use of Reason was concerned with objects of the cognitive faculty only, and a critical examination of it with reference to this use applied properly only to the pure faculty of cognition; because this raised the suspicion, which was afterwards confirmed, that it might easily pass beyond its limits, and be lost among unattainable objects, or even contradictory notions. It is quite different with the practical use of reason. In this, reason is concerned with the grounds of determination of the will, which is a faculty either to produce objects corresponding to ideas, or to determine ourselves to the effecting of such objects (whether the physical power is sufficient or not); that is, to determine our causality.⁷⁵

With the empirical conditions of all of our knowledge, Kant in his theoretical and practical philosophy tries to provide an *a priori* basis of the metaphysics. He on the one hand acknowledges the importance of experience and its constructive characteristics during the process of gaining of knowledge of the external world; on

⁷³ Kant, *Critique of Pure Reason*, p. 136.

⁷⁴ Ibid., p. 137.

⁷⁵ Kant, *Critique of Practical Reason*, p. 14.

the other hand he is searching for the *a priori* conditions that make experience possible. What is important here is that his political and moral philosophy is the part of both theoretical and practical philosophy. As stated above, Kant's theoretical philosophy deals with the problem of knowledge. Practical philosophy on the other hand is concerned with the conditions of the possibility of human actions, both morally and politically. Kant's theories of morality and politics basically revolve around the concept of freedom. His stress on the individual's dignity stems from the intrinsic value of the individual person. In this sense, freedom is our most fundamental value. This claim is best substantiated by the following quotation:

Freedom is, on the one hand, that faculty which gives unlimited usefulness to all the other faculties. It is the highest order of life, which serves as the foundation of all perfections and is their necessary condition. All animals have the faculty of using their powers according to will. But this will is not free. It is necessitated through the incitement of *stimuli*, and the actions of animals involve a *bruta necessitates*. If the will of all beings were so bound to sensuous impulse, the world would possess no value. The inherent value of the world, the *summumbonum*, is freedom in accordance with a will that is not necessitated to action. Freedom is thus the inner value of the world.⁷⁶

Human beings are not bounded sensuously by their impulses, in contrast to animals. They have a free will that is not determined by inclinations or tendencies. The concept of freedom is very important in Kant's moral and political philosophy because it is the source of civil society. In this sense, before examining *Metaphysical Elements of Justice*, in which Kant tries to ground the legitimacy of states and the nature of the right, it is necessary to consider his definition of freedom as the foundation of his idea of justice.

3.4 Freedom

Freedom as a slippery concept has several connotations in common usage. In general, the concept of freedom can be defined as the absence of constraint. In this sense of freedom, our actions stem from our will if it is not forced to do something

⁷⁶ Kant, Immanuel. *Lectures on Ethics*, trans. Louis Infield (London: Methuen, 1930), pp. 121-122.

else. That is, we are free if our acts are uncompelled. This kind of freedom is called negative freedom. Positive freedom on the other hand means the ability to do something. In this kind of freedom an agent has the right to choose from among several alternatives without any external constraints. The importance of the concept of freedom is the keystone of Kant's whole critical philosophy. In *The Critique of Practical Reason*, Kant says that

[t]he concept of freedom, insofar as its reality is proved by an apodictic law of practical reason, constitutes the *keystone* of the whole structure of a system of pure reason, even of speculative reason; and all other concepts, which as mere ideas remain without support in the latter, now attach themselves to this concept and with it and by means of it get stability and objective reality, that is, their possibility is *proved* by this: that freedom is real, for this idea reveals itself through the moral law.⁷⁷

In *The Critique of Practical Reason*, Kant makes another important claim to set up a connection with his moral philosophy. This claim is very important because of the fact that Kant aims to construct the idea of freedom as an *a priori* concept. He says that “among all the ideas of speculative reason freedom is the only one the possibility of which we know *a priori*, though without having insight into it, because it is the condition of the moral law, which we do know.”⁷⁸ Claiming that freedom is a concept known *a priori*, Kant means that human beings cannot experience it in the natural world. Freedom is a problematic concept for Kant. In *The Critique of Pure Reason*, Kant presents freedom as the idea of pure reason, which cannot be experienced directly. Since my aim in this dissertation is to examine Kant's moral and political philosophy (practical philosophy) in relation to the idea of human nature and the social contract, I will not examine how Kant deals with the problem of freedom in his theoretical philosophy. Given that the problem of freedom is in relation to his political and moral philosophy, I will mention his key ideas on freedom.

⁷⁷ Kant, Immanuel, “Critique of Practical Philosophy” in *Practical Philosophy*, trans. and ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1999), p. 139.

⁷⁸ *Ibid.*, p. 140.

The problem of freedom is first presented in relation to causality as the third antinomy of pure reason. Kant deals with this problem in the section on the transcendental dialectic in *The Critique of Pure Reason* by presenting a thesis and an antithesis.

The thesis is that

Causality in accordance with laws of nature is not the only causality from which the appearances of the world can one and all be derived. To explain these appearances it is necessary that there is also another causality, that of freedom.⁷⁹

The antithesis is that

There is no freedom; everything in the world takes place solely in accordance with laws of nature.⁸⁰

By advancing the thesis and the antithesis Kant aims to show how natural causality and freedom coincide with each other. According to Kant, in the natural world, causality works in accordance with laws of nature. However, “this causality is not the only causality from which the appearances of the world can one and all be derived.”⁸¹ He also mentions another causality that is different from the natural causality, the causality of freedom. The difference between the laws of nature, which consist in causality between natural events in the space-time, and freedom that is not limited in the space-time is the key solution for creating a freedom for the human being. Kant tries to establish the possibility of free will through the distinction between phenomena and noumena and the idea that normative principles that are essential to rational activity are different in kind from causal laws: “If freedom were determined in accordance with laws, it would not be freedom; it would simply be nature under another name.”⁸² In this sense, there should be

⁷⁹ Kant, *Critique of Pure Reason*, p. 409.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid., p. 411.

freedom that is opposed to the laws of causality. Kant calls this freedom *transcendental freedom*, which has a “special kind of causality, namely a faculty of absolutely beginning a state, and hence also a series of its consequences.”⁸³ He claims that

we must assume a causality through which something takes place, the cause of which is not itself determined, in accordance with necessary laws, by another cause antecedent to it, that is to say, an absolute spontaneity of the cause, which proceeds in accordance with laws of nature, begins of itself.⁸⁴

Kant does not deny that there is causality in the natural world. Considering his distinction between our phenomenal and noumenal character, we are bound by the causality of the natural world. However, as a noumenal being, we are free from that causality. In this sense, human freedom is considered by Kant to be an individual’s ability to be self-determining. In other words, the will is taken as the main source of our freedom. That is, as a pure transcendental idea, experience is excluded from freedom, and “freedom as a practical concept is based on this transcendental idea. In this sense, freedom in the practical sense is the will’s independence of coercion through sensuous impulses. There is in man power of self-determination, independently of any coercion through sensuous impulses.”⁸⁵

Kant’s aim in thus separating freedom from natural causality is to pave the way for morality. Freedom for Kant is our fundamental value. We, as free agents, have the capacity to formulate universally valid principles to govern our actions. Indeed, as Guyer puts it, “we express our identity as rational beings only when we free our conduct from determination by merely natural factors such as inclinations and desires and instead determine our own conduct in accordance with universal laws

⁸³ Ibid., p. 409.

⁸⁴ Ibid., p. 410.

⁸⁵ Ibid., pp. 464-465.

furnished by our reason.”⁸⁶ Considering Kant’s moral theory in relation to his politics, there are two types of freedom: positive and negative. The analysis of these types of freedom in *The Critique of Practical Reason*, *Groundwork of the Metaphysics of Morals*, and *Metaphysical Elements of Justice* plays an important role in Kant’s formulation of the place of freedom in social and political and moral life.

3.5 Negative and Positive Freedom

Kant’s definition of negative and positive freedom has a close connection with his concept of *will*: according to Kant, “the concept of freedom is the key to definition of autonomy of the will”⁸⁷ and human will, as the will of a rational agent, has the capacity to have an impact on the natural world. In other words, human beings may free themselves from the causal effects of the natural world. This relation appears clearly in the following meditation on negative freedom:

The will is a species of causality of living beings, insofar as they are rational, and *freedom* would be that quality of this causality by which it can be effective of alien causes *determining* it; just as *natural necessity* is the quality of the causality of all beings lacking reason, of being determined to activity through the influence of alien causes.⁸⁸

In addition to this definition, Kant in *The Critique of Practical Reason* and the *Metaphysics of Morals* makes further claims what the negative freedom means:

The sole principle of morality consists in independence from all matter of the law (namely, from a desired object) and at the same time in the determination of choice through mere form giving

⁸⁶ Guyer, Paul. *Kant on Freedom, Law, and Happiness* (Cambridge: Cambridge University Press, 2000), p. 3.

⁸⁷ Kant, *Groundwork*, p. 63.

⁸⁸ *Ibid.*, p. 63.

universal law that a maxim must be capable of. That *independence*, however, is freedom in *negative* sense.⁸⁹

The third definition of negative freedom is given in the *Metaphysics of Morals* as follows: “Freedom of will is independence of determination by sensible impulses; this is the negative concept of freedom.”⁹⁰ We can conclude from these formulations of negative freedom that according to Kant the will’s freedom means that it is not determined or compelled by something other than itself, such as natural desires. As Kant puts it, “the will that is only determined by inclination would be animal will. Human will, by contrast, is the kind of will that is affected but not determined by impulses.”⁹¹

According to Kant, the concept of negative freedom does not make clear what freedom means in fact and is hence unfruitful in affording insight into its essence. However, for Kant, from this concept of negative freedom, a concept of positive freedom flows. In addition, positive freedom is more fruitful than the negative form because freedom in this characterization “is free will exercised in favor of a practical law of reason.”⁹² Positive freedom is defined as the capacity of pure reason to be itself practical. What Kant means by this is that under the laws governing phenomena a positive concept of free will cannot be conceived. A positive characterization of the free will needs causality since Kant’s positive characterization describes free will as causality in accordance with immutable laws but of a special kind. This special kind of causality is described by Kant as follows:

Since the concept of a causality carries with it that of *laws* in accordance with which must be posited, through that which we call a cause, something else, namely its result; therefore freedom, even though it is not a quality of the will in accordance with natural laws, is not for this reason lawless, but rather it has to be a causality in

⁸⁹ Kant, *Critique of Practical Reason in Practical Philosophy*, trans. and ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1999), p. 166.

⁹⁰ Kant, “Metaphysical Elements of Justice,” p. 13.

⁹¹ *Ibid.*, p. 13.

⁹² Uleman, *An Introduction to Kant’s Moral Philosophy*, p. 68.

accordance with unchangeable laws, but of a particular kind; for otherwise a free will would be an impossibility.⁹³

As we said above, Kant conceives of the idea freedom as *a priori* within the realm of reason alone. As he puts it, “the concept of freedom is a pure concept of reason. It is transcendent for theoretical philosophy; that is, it is a concept for which no corresponding example can be given in any possible experience.”⁹⁴ This freedom reveals itself and proves its reality by means of practical basic principles. This means that, “as law of a causality of pure reason [which differs from natural causality], this principles determine the will independently of all empirical conditions (independently of anything sensible) and prove the existence in us a pure *Will* in which moral concepts and laws have their origin.”⁹⁵ As a kind of causality, the will, which is not determined by natural necessities (that is, which is unconditioned), needs other laws that are opposed to natural laws. These laws are “founded unconditional practical laws, which are called *moral*.”⁹⁶

Kant argues that by means of the positive conception freedom we can formulate the moral law within reason alone. Reason provides us “categorical imperatives which are distinguished from technical imperatives (precepts of skill) which always give only conditional commands.”⁹⁷ From this formulation of the positive conception of the freedom, Kant’s account of categorical imperative follows. The categorical imperative provides us with the knowledge of which actions are morally permissible and which are not. The categorical imperative takes different meanings in relation to the context in which they appear. As Jennifer Uleman puts it, “the

⁹³ Kant, *Groundwork*, p. 63.

⁹⁴ *Ibid.*, p. 14.

⁹⁵ Kant, “Metaphysical Elements of Justice,” p. 14.

⁹⁶ *Ibid.*, p. 14.

⁹⁷ *Ibid.*

positive characterization of the free will as rationally self-legislating provides Kant with materials to derive the substance of the moral law.”⁹⁸

Kant believes that we should rely only on the practical rules that stem from reason. In this sense, human beings are bound by laws of reason. As Paul Guyer puts it, “freedom of the will is the fundamental characteristic of human beings as agents of actions, even though the thoroughgoing causal determinism of nature and all that it includes, even humans themselves as objects of knowledge, is a fundamental presupposition of all human cognition.”⁹⁹ There is a strict connection between freedom and morality in Kant’s philosophy. For Kant, actions performed by human beings are dependent on the agent’s will and are not determined by empirical conditions. Freedom of will gives human beings control over their actions. Kant argues that “the will is thought as a faculty of determining itself to action *in accord with the representation of certain laws*.”¹⁰⁰ It is clear that, for Kant, rationality and freedom of the human will are closely related to each other, because freedom of the will allows one to determine and conducts one’s actions by means of reason. What I mean is that, without reason, which is governed by *a priori* and universal laws, freedom of the will cannot be established since, in Kant’s words, “only a rational being has the power to act according to his conception of laws, i.e., according to principles, and thereby he has a will.”¹⁰¹ What is crucial here is that freedom from determination provides the ground for human beings acting rationally, and it is this rationality and freedom of will that create the possibility for morality. That is, our rationality gives us the capacity to determine our actions and we express our identity as rational beings without relying on natural factors such as inclinations and desires. Therefore, moral laws cannot be derived from the external world. As Kant puts it, “all moral concepts have their seat and origin fully *a priori* in reason, and

⁹⁸ Uleman, *An Introduction to Kant’s Moral Philosophy*, p. 70.

⁹⁹ Guyer, *Kant on Freedom, Law, and Happiness*, p. 2.

¹⁰⁰ Kant, *Groundwork*, p. 45.

¹⁰¹ Ibid.

[...] they serve us supreme practical principles.”¹⁰² As a determining ground of our actions, freedom of the will makes human beings autonomous. In this sense, will refers to an agent’s capacity to give rules and to act according to those rules. In other words, rational beings are able to determine their actions according to “ends” that are chosen freely rather than being governed by inclinations or desires. The *Groundwork* explains what it means to act according to an end and whether there is any objective ground for this end.

The principle of humanity and of every rational nature in general as end in itself (which is the supreme limiting condition of freedom of the actions of every human being) is not gotten from experience, first, on account of its universality, since it applies to all rational beings in general, and no experience is sufficient to determine anything about that; second, because in it humanity is represented not as an end of human beings (subjectively) i.e., as an object that one actually from oneself makes into an end, but as an objective end which, whatever ends we may have, is to constitute as a law the supreme limiting condition of all subjective ends, hence arise from pure reason.¹⁰³

Laws that stem from reason must have universal validity. Hence, all rational beings must value rational nature as an end in itself. As Christine Korsgaard puts it, “it is this end in view that we act only on maxims which could be universal laws. Since we are the ones who make rational nature our end, we are the ones who give ourselves this law.”¹⁰⁴ Kant claims that this law has an objective basis:

The ground of all practical legislation, namely, lies *objectively in the rule and* the form of universality, which makes it capable of being a law (at least a law of nature) (in accordance with the first principle), but *subjectively* it lies in the *end*; but the subject of all ends is every rational being as an end itself (in accordance with the second principle): from this now follows the third practical principle of the will, as the supreme condition of its harmony with universal practical

¹⁰² Ibid., p. 28.

¹⁰³ Ibid., p. 49.

¹⁰⁴ Korsgaard, Christine M., *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), p. 22.

reason, the idea of the will of every rational being as a will giving universal law.¹⁰⁵

The freedom of the will, as a necessary condition for autonomous action, is a fundamental characteristic of every rational being and “is the sole principle of all moral laws and duties in keeping with them.”¹⁰⁶ However, what does it mean to be autonomous and to act autonomously? What is the relationship between freedom of will and autonomy? In the following section I will examine the concepts of autonomy and heteronomy.

3.6 Autonomy and Heteronomy

Autonomy is a core concept of Kant’s philosophy. According to Kant, the autonomous individual is able to act without relying on inclinations and desires. Being free from inclinations and desires, human beings can choose principles and ends for their actions. Before examining the concepts of autonomy and heteronomy, it is necessary to mention Kant’s account of will, because there is a strict relationship between the will, autonomy and heteronomy. Kant, in *The Critique of Practical Reason*, argues that a will that is determinable by the moral law must be transcendently free, because “if rational being is to think of his maxims as practical universal laws, he can think of them only as principles that contain the determining ground of the will not by their matter but only by their form.”¹⁰⁷ Hence, as a mere form of law, that is, as the essence of the moral law, the will does not belong to appearances since “the matter of a practical principle is the object of the will.”¹⁰⁸ What is crucial here is that if the object determines the will, the will cannot give a practical law, since it is determined by the empirical conditions such as pleasure or displeasure. If the form of law cannot be determined by empirical

¹⁰⁵ Kant, *Groundwork*, p. 49.

¹⁰⁶ Kant, *Critique of Practical Reason*, p. 166.

¹⁰⁷ Ibid., p. 160.

¹⁰⁸ Ibid.

conditions, what should be done to separate the will from its empirical ingredients to be as only a form? Kant argues as follows:

All that remains of a law if one separates from it everything material, that is, every object of the will (as its determining ground) is the mere form of giving universal law. Therefore, either the rational being cannot think of his subjectively practical principles, that is maxims, as being at the same time universal laws or he must assume that their mere form, by which they are fit for a giving of universal law, of itself and alone makes them practical laws.¹⁰⁹

We can hence conclude that, for Kant, the free will is considered the determining ground of rational action. In addition, the law is only to be represented by reason, which does not belong to appearances. Before examining the concepts of autonomy and heteronomy we need to note here that Kant uses the concept of the will in two different senses. First, as I mentioned above, will (*Wille*) refers to an agent's capacity to act on the basis of rules, such as maxims and imperatives, and second, it refers to an agent's capacity to legislate. In order to understand what Kant aims to show by proposing these two senses of will, one needs to look at the "Metaphysical Elements of Justice" in which the metaphysics of morals is examined in detail. It is clear that for Kant, basic moral principles cannot be derived from experience because moral theory does not depend on happiness. A plausible moral theory and politics taken in relation to morality must have *a priori* principles since it is different from the natural sciences. One of the most important consequences of these two senses of will is that Kant introduces a new conception of freedom, *external freedom*. Kant claims that anthropology is concerned with the study of human nature, which is empirical by nature. In this sense, according to Kant, "a metaphysics of morals cannot be founded on anthropology, although it still can be applied to it."¹¹⁰ However, although human beings are exposed to sensible impulses, there is a possibility of getting rid of the effects of those sensible impulses. This possibility is introduced by Kant as practical reason. Kant claims that

¹⁰⁹ Ibid.

¹¹⁰ Kant, "Metaphysical Elements of Justice," p. 9.

Everything practical that is supposed to be possible according to laws of nature depends for its concept entirely on the theory of nature. Only that which is practical in accordance with laws of freedom can have principles that do not depend on any [scientific] theory, for there can be no [scientific] theory of that which transcends the determination of nature. Accordingly, by the practical part of philosophy (coordinate with its theoretical part) is to be understood not a *technically-practical*, but simply a *morally-practical* discipline.¹¹¹

Being practical, reason constitutes moral laws within itself. Considering the relationship between moral laws and other faculties of the human mind, Kant examines the faculty of desire and claims that

the faculty of desire is the capacity to be the cause of objects of one's representations by means of these representations [...] and the faculty of desire relative to concepts, insofar as the ground determining it to action is found in the faculty of desire itself and not in the object, is called the faculty of doing or forbearing as one like.¹¹²

This means that the faculty of desire has its own cause independent of any effects of external objects, and “insofar as it is combined with the consciousness of the capacity of its action to produce its object, it is called will [*Willkür*].”¹¹³ *Willkür*, according to Kant, means the ability to make choices, and is metaphysically necessary for morality. In this sense, since an agent's actions stem from his choices, he is responsible for what he has done. As for *der Wille*, it is the capacity to formulate ends, and to formulate action-guiding principles aimed at serving those ends. Thus Kant calls *Wille* practical reason itself. For Kant,

ends and action-guiding principles formulated by *Wille* insofar as it seeks grounds within itself and not in external sources, that is, ends and action guiding principles formulated by pure practical reason, count as ends and action-guiding principles that are deeply mine.

¹¹¹ Ibid., p. 10.

¹¹² Ibid., pp. 11-12.

¹¹³ Ibid.

Such ends and principles are grounded in interests internal, for Kant, to my deepest self, my free rational self.¹¹⁴

A will that is not determined by sensible impulses but is determined by the pure reason Kant considers free. From this distinction Kant tries to separate human will from animal will, and he grounds freedom of the will on the negative concept of freedom. From this negative concept of freedom, Kant formulates the autonomy of the will. As we are rational beings, we are able to determine our actions by means of pure reason. Kant claims that “the human being actually finds himself a faculty through which he distinguishes himself from all other things and even from himself insofar as he is affected by objects, and this is reason.”¹¹⁵ In his account of autonomy and heteronomy, reason plays an important role, because Kant takes it as the sole source of acting autonomously: being rational, human beings are able to separate themselves from causal laws, that is, from the world of the senses. Therefore, this ability enables human beings to act autonomously. In explaining how such is possible, Kant asserts the following:

[...] rational being has to regard itself as an intelligence, as belonging not to the world of sense but to the world of understanding; hence it has two standpoints, from which it can consider itself and cognize the laws for the use of its powers, consequently all its actions: first, insofar as it belongs to the world of sense, under natural laws (heteronomy), and second, as belonging to the intelligible world, under laws which are independent nature, not empirical, but rather grounded merely in reason.¹¹⁶

Therefore, according to Kant, human beings are motivated in two different ways. The first is that if our actions are grounded by reason, we can act autonomously. Second, if our actions are motivated by something external to us, the action is affected by sensible impulses, and it is hence performed heteronomously. An autonomous will's action is entirely self-legislating, whereas a heteronomous will acts according to rules that are imposed externally. The most important point here is

¹¹⁴ Ibid.

¹¹⁵ Kant, *Groundwork*, p. 68.

¹¹⁶ Ibid., p. 69.

that, in order to be autonomous, Kant sees the freedom of the will as a necessary condition for achieving autonomy, claiming that “autonomy is the ground of dignity of human nature and every rational nature.”¹¹⁷ For Kant, acting in accordance with universal laws of reason is the only way to free oneself from subjection to mere laws of nature, and he suggests that lawgiving has unique dignity. Kant explains this unique dignity as the supreme principle of morality as follows:

Autonomy of the will is the property of the will through which it as a law to itself (independently of all properties of the objects of volition). The principle of autonomy is thus: Not to choose otherwise than so that the maxims of one's choice are at the same time comprehended with it in the same volition as universal law. However, if the will seeks that which should determine it anywhere else than in the suitability of its maxims for its own universal legislation, hence if it; insofar as it advances beyond itself, seeks the law in the constitution of any of its objects, then heteronomy always comes out of this.¹¹⁸

Maxims that are based on subjective causes have universal validity and are prescribed as imperative. As an imperative, they differ from natural laws since they do not have empirical ingredients. Kant here makes a distinction between *natural laws* and the *laws of freedom*. This distinction is very important because by means of it Kant grounds moral and legal actions. In the *Metaphysics of Morals* he claims that, “in contradistinction to natural laws, laws of freedom are called moral. Insofar as they relate to mere external actions and their legality, they are called juridical; but if, in addition, they require that the laws themselves be the determining grounds of actions, they are ethical.”¹¹⁹ What I have tried to show so far with respect to Kant's views on autonomy and heteronomy, freedom, and freedom of will is that Kant grounds his moral philosophy on the value of human freedom. The freedom of choice and action that stems from the choices of an agent are considered the most valuable characteristics of human beings. In addition to this, as Guyer puts it, “the fundamental principle of morality and the rules for both political and personal

¹¹⁷ Ibid., p. 54.

¹¹⁸ Ibid., p. 58.

¹¹⁹ Kant, “Metaphysical Elements of Justice,” p. 13.

conduct that follow from its application in both public and private spheres constitute the laws that we must adopt and adhere to in order to preserve and promote freedom itself as our most fundamental value.”¹²⁰

Freedom is a metaphysical concept and we cannot observe it by means of experience. It is a pure concept of reason and in the natural world it is not given us like other objects, which are intuited in space and time. As I noted above, in the practical exercise of reason, the concept of freedom proves its reality through practical basic principles. According to Kant, on this concept of freedom, which is positive (from a practical point of view), are founded unconditional practical laws, which are called moral. For us, “these moral laws are imperative and they are categorical (unconditional) imperative.”¹²¹ In addition to the categorical imperative by which certain actions are permitted or not permitted, that is, whether they are morally possible or impossible, Kant introduces two concepts as the parts of metaphysics of morals. The most important concepts are obligation and duty: “*Obligation* is the necessity of a free action under a categorical imperative and *duty* is that action to which a person is bound.”¹²² The categorical imperative, as a fundamental principle of moral law, binds the human being independently of any ends that human being might have. It differs from hypothetical imperatives in that it is entirely *a priori*. The differences between these are explained by Kant as follows:

If I think of a *hypothetical* imperative in general, then I do not know beforehand what it will contain until the condition is given to me. But if I think of a *categorical* imperative, then I know directly what it contains. For since besides the law, the imperative contains only the necessity of the maxim, that it should accord with this law, but the law contains no condition to which it is limited, there remains nothing left over with which the maxim of the action is to be in accord, and this accordance alone is what the imperative really represents necessarily. The categorical imperative is thus only a single one, and specifically this: *Act only in accordance with that*

¹²⁰ Guyer, *Kant on Freedom, Law, and Happiness*, p. 11.

¹²¹ Kant, “Metaphysical Elements of Justice,” p. 14.

¹²² *Ibid.*, pp. 15-16.

*maxim through which you can at the same time will that it become a universal law.*¹²³

What does Kant mean by saying that categorical imperatives must be universal? Hypothetical imperatives tell us that we ought to do one thing as a means of achieving some other objective or end. “If the action were good merely as a means to something else, then imperative is hypothetical; if it is represented as a good in itself, hence necessary, as the principle of the will, in a will that in itself accords with reason, then it is categorical.”¹²⁴ Since hypothetical imperatives always refer to subjective ends or objectives, Kant defines them as both material and conditional. On the other hand, since the categorical imperative does not contain any subjective objectives or ends, it tells us what we ought to do unconditionally. What is important here is that actions must conform to moral law. In other words, the moral law determines the will immediately. Kant claims that “what is essential in every determination of the will by the moral law is that, as a free will, it is determined solely by the law.”¹²⁵ Since the moral worth of the action is determined by the moral law, all feelings and incentives belonging to human beings are excluded from what is to be done.

Having explained the differences between hypothetical and categorical imperatives, I will now examine the relationship between the categorical imperative and duty, because there is a close relationship between those concepts concerning action. As I said above, the categorical imperative obliges us to act according to moral law, and the moral worth of an action does not depend on its effects or consequences. Actions performed contrary to the right motive do not stem from duty. This is best expressed as a second proposition in the *Groundwork for the Metaphysics of Morals*. Kant asserts that,

¹²³ Kant, *Groundwork*, p. 37.

¹²⁴ Ibid., p. 31.

¹²⁵ Kant, *Critique of Practical Reason*, p. 199.

an action from duty has its moral worth not in the aim that is supposed to be attained by it, but rather in the maxim in accordance with which it is resolved upon; thus that worth depends not on the actuality of the object of the action, but merely on the principle of the volition, in accordance with which the action is done, without regard to any object of the faculty of desire.¹²⁶

From this claim we can conclude that duty is not a matter of having certain aims. The basic feature of the duty is its universality. As a formal principle of the will, all our purposes are removed from it. I said above that an action is worthy if it conforms to the moral law, that is, to the categorical imperative. As Kant puts, “an action that is objectively practical in accordance with this law, with the exclusion of every determining ground of inclination, is called duty.”¹²⁷ In this sense, human beings who have a natural inclination to perform the action that coincides with that prescribed by duty are not acting from duty when they perform that action. There must be a condition or a ground that prevents us from acting according to the inclinations that stem from us, and Kant calls this *good will*. In the first section of the *Groundwork*, Kant claims the following:

There is nothing possible to think of anywhere in the world, or indeed anything at all outside it, that can be held to be good without limitation, excepting only a good will [...] the good will is good not through what it effects or accomplishes, not through its efficacy for attaining any intended end, but only through its willing, i.e., good in itself, and considered for itself, without comparison, it is to be estimated far higher than anything that could be brought about by it in favor of any inclination, or indeed, if you prefer, of the sum of all inclinations.¹²⁸

According to Kant, then, good will has an unconditional value and it manifests itself only in doing one's duty for duty's own sake. In this sense, the moral worth of any action of a rational being stems not from its conformity to the moral law but its being performed for the sake of the moral law. In the *Groundwork for the Metaphysics of Morals* and *The Critique of Practical Reason*, Kant tries to ground

¹²⁶ Kant, *Groundwork*, p. 15.

¹²⁷ Kant, *Critique of Practical Reason*, p. 205.

¹²⁸ Kant, *Groundwork*, pp. 8-9.

morality within human reason. Human reason, having the capacity to establish moral law, itself acts not according to natural laws but according to the categorical imperative. In respect of the question how is it possible to act without being determined by sensible impulses, Kant argues that

it is nothing other than *personality*, that is, freedom and independence from the mechanism of the whole nature, regarded nevertheless as also a capacity of a being to special laws, namely pure practical laws given by his own reason, so that a person as belonging to sensible world is subject to his own personality insofar as he also belongs to the intelligible world.¹²⁹

Kant claims that moral law must be necessary and universal. Only a moral principle that is entirely formal and that makes no reference to any object of desire can satisfy that requirement. The most important aspect of moral principles is that personal desires and subjective ends are abstracted from them. The reason why Kant aims to exclude subjective ends from moral principles is that if an action is to be done for the sake of subjective ends, the moral principle that guides this action cannot be taken as being universally applicable. Moreover, as Kant puts it, “relative ends are only the ground of hypothetical imperatives,”¹³⁰ whereas the goal is the universal end of the categorical imperative. So, what is an objective end? The will having the capacity to determine its ground is called an *objective end*. The term objective for Kant refers to the end’s universality. That is, an objective end that is given through mere reason is valid for all rational beings. But is there such an end that is unconditionally valuable in itself? The answer to this is stated very clearly in the *Groundwork* as follows:

Now I say that the human being, and in general every rational being, *exists* as end in itself, *not merely as means* to the discretionary use of this or that will, but in all its actions, those directed toward itself as well as those directed toward other rational beings, it must always *at the same time* be considered as an *end*.¹³¹

¹²⁹ Kant, *Critique of Practical Reason*, p. 210.

¹³⁰ Kant, *Groundwork*, p. 45.

¹³¹ Ibid.

In the *Groundwork* Kant introduces several formulations of the categorical imperative. However, in *The Critique of Practical Reason* we can find that all of those formulations are included in one paragraph:

The moral law is *holy* (inviolable). A human being is indeed unholy enough but the *humanity* in his person must be holy to him. In the whole of creation everything one wants and over which one has any power can also be used *merely as a means*; a human being alone, and with him every rational creature, is an *end in itself*: by virtue of the autonomy of his freedom he is the subject of the moral law, which is holy. Just because of this every will, even every person's own will directed to himself, is restricted to the condition of agreement with the *autonomy* of the rational being, that is to say, such a being is not to be subjected to any purpose that is not possible in accordance with a law that could arise from the will of the affected subject himself; hence this subject is to be used never merely as a means but as at the same time an end. We rightly attribute this condition even to the divine will with respect to the rational beings in the world as its creatures, inasmuch as it rests on their *personality*, by which alone they are ends in themselves.¹³²

From this quotation, we can easily see other formulations of the categorical imperative. The first one is the *principle of humanity*, that is, respect for others. The ground of this principle is: “*Rational nature exists as an end in itself.*” According to this principle, every human being represents his own existence in this subjective manner; on the other hand, since I share the same rational ground with other human beings, “it is at the same time *objective* principle from which, as a supreme practical ground, all laws of the will must able to be derived.”¹³³ Thus, the practical imperative will be the following: “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as end and never merely means.”¹³⁴ The *principle of autonomy* is that one must “act only so that the will could regard itself as the same time giving universal law through its maxim.” The *principle of the kingdom of ends* is that “every rational being must act as if he were by his maxims at all times a lawgiving member of the universal

¹³² Kant, *Critique of Practical Reason*, p. 210.

¹³³ Kant, *Groundwork*, p. 46.

¹³⁴ *Ibid.*, pp. 46-47.

kingdom of ends.”¹³⁵ By means of autonomy, human beings are able to make laws for themselves. Freedom of the will is the capacity to act according to self-made laws. Therefore, according to Kant, the human will is universally legislative. Human beings, by means of their legislative character, form a moral community that is called the realm of ends or the *kingdom of ends*, by which is meant a “systematic combination of rational beings through communal objective laws, i.e., a realm that, because these laws have as their aim the reference of these beings to one another as ends and means, can be called a realm of ends (obviously only and ideal).”¹³⁶

So far I have examined Kant’s idea of human being in relation to his moral philosophy. Kant’s moral philosophy rests on the absolute value of the freedom of rational beings. In the *Groundwork* and *The Critique of Practical Reason*, Kant introduces a new conception of pure practical reason by claiming that it is self-legislating. This self-legislating reason frees itself from the determinations of the sensible world and creates a moral law within itself. In this sense, human beings must obey their own reason in the course of their actions. His political philosophy is also concerned with human freedom in relation to the idea of justice, right, and virtue, which are examined systematically in the *Metaphysics of Morals* by Kant. I now move on to examine the concept of justice, which is the basis of Kant’s social contract theory, or his theory of the legitimate state.

3.7 Justice as a Metaphysical Concept in Kant’s Political Philosophy

The first thing to be noted is that the *Metaphysics of Morals*, as a system of moral principles or moral duties, is entirely *a priori* and independent of any empirical knowledge of human nature. Thus, within moral philosophy, Kant separates the metaphysics of morals from the doctrine of practical anthropology to which the principles of such a metaphysics would be applied. As Allen Wood puts, the

¹³⁵ Ibid., pp. 46-51.

¹³⁶ Ibid., p. 51.

metaphysics of morals is bounded only by the fact that it limits itself to duties which can be derived from the pure principle as applied to human nature in general, leaving to a more broadly empirical moral philosophy all duties which involve reference to particular conditions of people and special human relationships.¹³⁷

“The Metaphysical Elements of Justice” is divided into two sections. The first section deals with the doctrine of right, which questions the legitimacy of states and the nature of the right constitution, and the second deals with the doctrine of virtue. Before examining Kant’s doctrine of right, it is worth noting that the word *Recht* has several meanings in German.¹³⁸ Considering the given definitions, Kant’s use of the word *Recht* contains all three aspects of the term: while on the one hand he is searching for the basis of the legitimate state, which refers to our external relations, our legal capacities and boundaries in society, on the other hand he tries to ground this external, legal relation in morality, which contains the moral aspect of *Recht* (justice), which consists of *a priori* principles of practical reason. Justice or the concept of right for Kant concerns only external relations. In other words, as Kersting puts it, “inner intentions and convictions are excluded from the sphere of justice just like interests and ends. That means that no claims of right can arise from one’s neediness. Right does not help powerless needs. For Kant, a community of right is not a community of solidarity among the needy, but a community for self-protection among those who have the power to act.”¹³⁹ As touched on above, for Kant the concept of justice has three essential features: first, it is related to external

¹³⁷ Wood, Allen, “The Final Form of Kant’s Practical Philosophy” in Mark Timmons (ed.), *Kant’s Metaphysics of Morals: Interpretative Essays* (New York: Oxford University Press, 2002), pp. 1-22.

¹³⁸ According to Bielefeldt, the German term “*Recht*” has at least three meanings. *First*, it refers to a specific legal entitlement held by an individual or a group or people. For instance, citizenship includes the entitlement (*Recht*) of a person to participate in general elections. *Second*, *Recht* can mean the order of legal norms as a whole (or specific parts of that order). *Third*, *Recht* also has a moral meaning, and thus can be used to indicate that something qualifies as right, just, or fair. The opposite of *Recht* in this sense is *Unrecht* (injustice). A state governed in conformity with fair principles and the rule of law is commonly referred to as a “*Rechtsstaat*”. These three aspects of *Recht* frequently overlap. Bielefeldt, Heiner, *Symbolic Representation in Kant’s Practical Philosophy* (Cambridge: Cambridge University Press, 2003), p. 96.

¹³⁹ Kersting, Wolfgang, “Politics, Freedom, and Order: Kant’s Political Philosophy” in Paul Guyer (ed. and trans.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1997), pp. 342-366.

actions (directly or indirectly); second, it is not concerned with individual desires or wishes, but the relationship of the will to another person's will; and third, it is related to the form of the relationship between the wills insofar as they are regarded as free. The principles of justice are moral principles and all such principles are formal rather than material. Here, the distinction between *Willkür* and *der Wille*, that is, free will, must be clarified in order to understand the distinction between what is *ethical* and what is *juridical*. *Willkür* refers to an agent's capacity to choose between several alternatives, whereas *der Wille* refers to the legislative characteristics of the will. While the legislative characteristics of the will, which are *a priori*, are taken as the source of law by Kant, *Willkür* is identified as the will's empirical character that human beings share with animals. According to Kant, the will, which is determined by inclinations or sensible impulses, cannot be taken as a source of human freedom. However, there is a relationship between *Willkür* and *Wille*. Kant claimed that *Willkür* means the will's ability to choose, while *Wille* on the other hand presents the will's legislative character. The legislative character of will gives human beings unconditional moral laws. In this sense, every rational human being exercises his power of choice in relation with moral laws.

3.8 Right, Law and Natural Law

I said that the *Metaphysics of Morals* is divided into two parts, dealing with *principles of justice* and *principles of virtue* respectively. The first part, '*Recht*' (justice), deals with the question of how natural and acquired rights are possible and how they give rise to political society, and the second part deals with inner duties and virtue, that is, ethics. In addition, these are examined in relation to justice (*Law*) and virtue. Kant deduces his theory of justice from the Universal Principle of Justice (or Right). This principle, which also constitutes persons' innate right, is the following: "Every action is just [right] in itself or in its maxim (*subjective principle*) is such that the freedom of the will of each can coexist together with the freedom of everyone in accordance with a universal law."¹⁴⁰ By this principle, Kant aims to create harmony between people who do not intend to infringe one another's rights.

¹⁴⁰ Kant, "Metaphysical Elements of Justice," p. 30.

However, it is necessary to note that the universal principle of justice is not concerned with *positive laws*. That is, positive laws are not to be considered as laws that provide regulations or rules that one performs according to rules of the universal principle of justice. In other words, positive laws do not stem from reason. Therefore, the principles of justice must be *a priori*. Apropos of this, Kant states the following:

Binding laws for which an external legislation is possible are called external laws (*legesexternae*). Among external laws, those to which an obligation can be recognized *a priori* by reason without external legislation are *natural laws*, whereas those that would neither obligate nor be laws without actual external legislation are called *positive laws*. Hence it is possible to conceive of an external legislation which contains only positive laws; but in that case it would have to be preceded by a natural law providing the ground of the authority of legislator (that is, his entitlement to obligate others through his mere will.¹⁴¹

If our actions do not depend on positive laws that prescribe basic rules concerning our actions in relation to the other people in a society, how can we act in an ethical way? Is there a basis according to which a person performs his actions? The answer to this question presupposes Kant's account of practical reason from which *a priori* principles of justice stem. In this sense, the answer to the above questions is very clear: the categorical imperative should be taken as the basis of any action performed in a society. Further, it tests our actions. Kant claims that,

The categorical imperative, which in general only asserts what obligation is, is this: act according to a maxim that can at the same time qualify as a universal law. Therefore, first of all, you must examine your actions in terms of their basic subjective principle. But you can only recognize whether or not this principle is also objectively valid by this: when your reason puts it to the test of conceiving yourself as at the same time thereby legislating universally [and] that it qualifies for such universal legislation.¹⁴²

¹⁴¹ Ibid., p. 18.

¹⁴² Ibid.

According to Kant, every legislation is either internal or external and includes two elements:

first, a *law* represents objectively the action that is to be done as necessary, that is, that makes the action into duty: the second, a motive that subjectively links the ground determining will to this action with the representation of the law. So this second element amounts to this, the action represented as a duty; as such, it is mere theoretical knowledge of the possible determination of will, that is, knowledge of practical rules.¹⁴³

What Kant aims to show is that the universal principle of justice requires that one act externally in such a way that the free use of your will is compatible with the freedom of everyone according to a universal law, and the supreme principle of the doctrine of virtue is that one act according to a maxim whose ends are such that it can be a universal law that everyone have these ends are different from each other. Kant tries to ground the actions of men according to an “end” because men are not equal in dignity. However, although they are not equal in dignity, Kant says that it is a duty that one treats them as though they were.

Having differentiated the various aspects of these two principles, I shall now examine Kant’s theory of right. However, before doing this, I shall mention Kant’s distinction between *homo noumenon* and *homo phenomenon* because, as we shall see, this distinction plays a crucial role in almost all of his theoretical and practical philosophy. Kant claims that in the theory of duties, people should be considered from the point of view of their humanity, and their capacity for freedom is to be taken without depending on physical determinations. In order to be clear about what Kant means by making this distinction between *homo noumenon* and *homo phenomenon*, we need to provide some explanations, since Kant’s theory of right and his theory of freedom ultimately depend on this distinction. Human freedom is an intelligible condition, that is, it cannot be deduced from any material or empirical sources. According to Kant, freedom results from the metaphysically binding legislations of practical reason. Practical reason constructs an ideal account of universally prescribed necessary action. As Tornhill puts it,

¹⁴³ Ibid., 22.

[...] indeed, the subject of the genuinely free human being exists, for Kant, not as a substantial or material will, but as a *homo noumenon*: as a person, that is, whose actions are determined by the necessary maxims of practical reason and form an abstracted reality of instituted necessity or duty, distinct from all contents of material volition. The moral person of freedom is, thus, the dutifully free or metaphysical shadow of the *homo phenomenon*, who is still driven by material, physical, affectual and sensory interests. The actions of the moral person are internally virtuous and dutiful, and they construct a secondary reality of necessity above the phenomena operations of humanity in its unfree (material, sensory, affectual, historical) expressions.¹⁴⁴

Kant makes another division considering the subjective relationship between the subject who imposes the duty and the subject bound by the duty. According to Kant, *homo phenomenon*, the person who performs his action in a society, is to be examined externally in “the juridical relationship of persons to beings who have both rights and duties.”¹⁴⁵ Having both rights and duties, persons are subject to those rights and duties in a phenomenal sense. This means that the theory of justice deals firstly with,

only the external and – what is more practical relationship of one person to another in which their actions can as facts exert an influence on each other (directly or indirectly). Secondly, the concept applies only to the relationship of a will to another person’s will, not to his wishes or desires, which are the concern of acts of benevolence and charity. And, lastly, the concept of justice does not take into consideration the content of the will, that is, the end that a person intends to accomplish by means of the object that he wills.¹⁴⁶

Having presented the universal principle of justice or right, Kant goes on to determine the nature of right. Adopting Ulpian, a Roman jurist, Kant specifies three definitions. The first is “Be an honest person,” which means not make oneself into a mere means for others, but being at the same time an end for them. The second one

¹⁴⁴ Thornhill, Chris, *German Political Philosophy: The Metaphysics of Law* (New York: Routledge, 2007), pp. 100-101.

¹⁴⁵ Kant, “Metaphysical Elements of Justice,” p. 29.

¹⁴⁶ Ibid., pp. 29-30.

is “Do no one an injustice,” and the third is “Enter into a society with others in which each person can get and keep what is his,” that is derived from the those two formulas as a main aim of Kant considering his theory of justice. Now I will examine the different types of right presented by Kant in order to understand the *innate rights* (inborn) and *acquired rights* of persons and their status in the civil society.

3. 9 Division of Rights

As claimed above, right is, taken as a condition of universal external freedom, defined as follows: the sum of conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom. Thomas Hill states that, “a condition of Right is a condition in which each person is granted as much external freedom of choice consistent with the equal freedom of others under a general system of laws.”¹⁴⁷ How does this universal law of freedom relate to the rights and freedoms of the persons who act in a society? It is clear that in all of his writings, Kant distinguishes between ideas and things in a noumenal and phenomenal sense. In the section of *General Division of Rights*, Kant mentions two kind laws, namely natural laws and positive laws that are considered as external laws. Natural laws are external laws which “rest on nothing but a set of *a priori* principles without external legislation.”¹⁴⁸ Positive laws are external laws that would “neither obligate nor be laws without external legislation.”¹⁴⁹ Since the natural laws are the laws of justice, they provide “immutable principles for all positive legislation.”¹⁵⁰ Positive laws therefore “must not be incompatible with natural laws.”¹⁵¹ Kant sees natural law as the ultimate ground for all external laws.

¹⁴⁷ Hill, Thomas, “A Kantian Perspective on Political Violence,” *Journal of Ethics*, 1:2 (June 1997), p. 13.

¹⁴⁸ Kant, “Metaphysical Elements of Justice,” p. 18.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

Further, “external laws have to be preceded by a natural law providing the ground of the authority of legislator (that is, his entitlement to obligate others through his mere will).”¹⁵²

The further division is made between inborn (innate) rights, which belong to everyone by nature. What is crucial here is that, according to Kant, everyone in a society has this right without depending on another’s will. In other words, “Freedom (independence from the constraint of another person’s will (*Willkür*), in so far as it [this freedom] is compatible with the freedom of everyone else in accordance with a universal law, is the one sole and original right belonging to every person [*Mensch*] by virtue of his humanity.”¹⁵³ This provides, for every individual, an innate equality, and this equality without exception binds all persons reciprocally. Kant argues that

[...] innate equality, that is, independence from being bound by others to do more than one can also reciprocally bind them to do. Thus, it is the property of a person being’s his own master comparable to being a respectable and innocent person, who, before any juridical act, has done no wrong [*Unrecht*] to anyone. Finally, [it includes] also entitlement to do anything to others that does not of itself derogate from what is [properly] theirs in the sense that they themselves would not be willing to accede to it.¹⁵⁴

Kant’s stress on equality and freedom from another one’s will (*Willkür*) has crucial ethical and political implications. Considering equality, no one is superior to another either before the institution of civil society or in civil society. Since interference with another’s will creates a form of dependence, it excludes all forms of dependence. However, it does not mean that a person should be thought of as being in isolation from the other persons, but considering their relations independence occurs in relation with each other. Both have equal freedom and

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

independence,¹⁵⁵ since independence is the basic principle of right. This concept of independence shall be compared with the Hobbesian view of independence in detail in the final chapter.

3. 10 The Concept of Natural Law in Hobbes and Kant

Before passing on to Kant's theory of property, I shall first mention some differences between Hobbes and Kant in respect of their views on natural law. This is necessary because the basic contrast between them lies in this difference. Kant conceives of the natural law as a mere ground for acting ethically and legally. According to Kant, by means of reason and reflection we can derive our duties from the basic law, the categorical imperative. Reason, as a basic source of morality, produces *a priori* principles by itself. In addition, human actions should be performed according to those principles. Kant thinks that human beings have variable inclinations or desires, which are considered irrational since the human will is not in accord with reason. If human beings act according to those inclinations, their actions cannot be called rational or moral. Therefore, human beings must obey reason, which in itself is the source of *a priori* and objective principles of any action. In this sense, whenever we talk about right actions, we should consider

¹⁵⁵ Independence is a core concept in Kant's theory of social contract. Therefore, it deserves more space to understand its role in his moral and political philosophy. Kant says that "the independence of a member of the commonwealth as a *citizen*, i.e. as a co-legislator, may be defined as follows. In the question of actual legislation, all who are free and equal under existing public laws may be considered equal, but not as regards the right to make these laws. Those who are not entitled to this right are nonetheless obliged, as members of the commonwealth, to comply with these laws, and thus likewise enjoy their protection (not as *citizens* but as co-beneficiaries of this protection). For all right depends on laws. But a public law which defines for everyone that which is permitted and prohibited by right, is the act of a public will, from which all right proceeds and which must not therefore itself be able to do an injustice to anyone. And this requires no less than the will of entire people (since all men decide for all men and each decides for himself). For only towards oneself can one never act unjustly. But on the other hand, the will of another person cannot decide anything for someone without injustice, so that the law made by this other person would require a further law to limit his legislation. Thus an individual will cannot legislate for a commonwealth. For this requires freedom, equality and *unity* of the will of *all* the members. And the prerequisite for unity, since it necessitates a general vote (if freedom and equality are both present), is independence." Kant, Immanuel, "On the Relationship of Theory to Practice in Political Right" in *Political Writings*, ed. Raymond Guess and Quentin Skinner (Cambridge: Cambridge University Press, 1991), p. 77.

whether those actions conform to the laws of nature derived from reason, that is, from an autonomous will. The natural law is defined as *a priori* and objective by Kant. In this sense, “Do no one an injustice” is compatible with the universal law of nature (categorical imperative) and is to be considered an *a priori* and objective ground for morally right actions.

As I stated earlier, Hobbes begins his investigation by defining the basic characteristics of man in *Leviathan*. He concludes that human beings do not have any inborn concept prior to entering a civil society; as he puts it in *Leviathan*, there is no other act of man’s mind naturally planted in him, so as to need no other thing, to exercise of it, but to be born a man, and live with the use of his five senses. Hobbes considers some inborn characteristics, such as appetites and aversions (like the appetite for food), but these are not inborn in the Kantian sense. They are considered as necessary for survival, not in other sense. In this sense, in contrast to Kant, instead of the laws of nature, Hobbes makes recourse to the right of nature. In the following I shall provide further explanations to understand what Hobbes means by using right of nature instead of the laws of nature.

According to Hobbes, all moral and juridical actions occur in a society, so whether an action is good or evil depends on the civil law, not on the natural law. Hobbes argues that only the civil law that a sovereign establishes in a commonwealth can truly be law. Of course, Hobbes mentions laws of nature, but all such laws stem from the basic passion of self-preservation. That is to say, they are related to empirical observations. As already shown in the first chapter, Hobbes enumerates twenty laws of nature and claims that these laws are the *dictates of reason*, adding that “a law of nature, *lexnaturalis*, is a precept or general rule, found out by reason, by which man is forbidden to do that, which is destructive his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be preserved.”¹⁵⁶ At first sight, we might think that by the *dictates of reason* Hobbes means natural law in the Kantian sense, but this is not the case. As Heterovich puts

¹⁵⁶ Hobbes, *Leviathan*, p. 91.

it, “reason means *prudence* for Hobbes and man’s prudence devises the best ways to avoid that which is destructive of his life and to exercise that which preserves his life.”¹⁵⁷ Therefore, the imperative, “Do not to another, which thou wouldest not have done to thyself” should be understood as deriving from experience or observation, not as an *a priori* principle in the Kantian sense.

3.11 Property Rights

As argued in the above section, Kant divides the theory of justice into two kinds, namely natural law and positive law. In addition, those two kinds of law are also divided into two kinds: innate right and acquired right. The aim of those divisions is to specify which rights are inborn and which are acquired externally. This distinction also presupposes, as presented in the section on private justice, private rights and public rights. As mentioned above, private rights are related to natural rights, which are inborn and refer to the pre-political society in which every member enjoys those rights without hindrance by another. By contrast, public rights are the rights that are related to civil society. In this sense, we may say that the main concern with the theory of property is how one acquires something, what is mine and yours. What is mine refers to my innate right to have something. What is crucial here is that,

Natural Justice cannot be into natural and social justice (as it sometimes is thought to be), but must be into Natural Justice and Civil Justice. The first of these is called private justice; and second, public Justice. For the condition of the state of nature is not opposed and contrasted with the social condition but with the civil condition. For within a state of nature there can indeed be society, but not a civil society (that guarantees Mine and Yours through public Law). Therefore, justice [or Law] in the state of nature is called private [or Law].¹⁵⁸

At first sight, Kant’s meaning here seems very difficult to discern, but if we remember his noumenal and phenomenal distinction, we are able to understand

¹⁵⁷ Eterovich, *Approaches to Natural Law*, p. 104.

¹⁵⁸ Kant, “Metaphysical Elements of Justice,” p. 41.

what he says. This distinction appears in his theory of justice as *intelligible possession* (in a noumenal sense) and *sensible possession* (in a phenomenal sense). He claims that,

An external thing would be mine, however, only if I can assume that it is possible that I can be injured by someone else's use of the thing *even when it is not in my possession*. Consequently there would be a self-contradiction in having an external thing as one's belonging [e.g. mine] if it were not possible for the concept of possession to have different meanings, namely, *sensible possession* and *intelligible possession*. Under the first sense is to be understood the physical possession of the object and under the second sense a purely juridical possession.¹⁵⁹

From the above quotation we may infer that “what interests Kant most about property is its possibility in general or, as he says, ‘the mode of having something external to myself as my own.’”¹⁶⁰ In this sense, what this claim means is that my property cannot be used by another without my consent. He specifies three kinds of objects that are external to one's will. The first is the corporeal external object, the second the will of another person regarding a specific deed, and the third the situation of a person in relation to another person. According to Kant, “these correspond to the categories of substance, causality, and community between external objects and myself in accordance with the laws of freedom.”¹⁶¹ These categories are very important because, by following them, Kant tries to construct the *a priori* basis of and define the conditions for property rights. He claims that,

I cannot call an object in space (a corporeal thing) mine unless I can still claim to have another real (nonphysical) kind of possession of that object although I do not have physical possession of it. Thus, for example, I do not call an apple mine simply because I hold it in my hand (possess it physically), but only if I can say: ‘I possess it even when I let it out of the hand that is holding it.’ Similarly, I cannot say of the land on which I am camping that it is mine just because I am

¹⁵⁹ Ibid., p. 43.

¹⁶⁰ Williams, Howard, “Kant's Concept of Property,” *The Philosophical Quarterly*, 27: 106 (Jan., 1977), p. 32.

¹⁶¹ Kant, Immanuel, “Metaphysical Elements of Justice,” p. 44.

camping on it; I can say that it is mine only if I can assert that it is in my possession even if I leave the place in question.¹⁶²

The property right is not a relation between an object and a person but between persons with respect to that object. Kant claims that whether I hold the object in my hand or not, it must be there where I left it. Having specified possible conditions of possession, Kant explains what is external, and here applies his view of freedom, saying that “a thing is externally mine if it is such that any hindrance of my use of it would be constitute an injury to me, even when it is not in my [physical] possession (that is, I am not the holder of the object).”¹⁶³ Kant mentions intelligible possession rather than empirical possession because “empirical possession is only possession in appearance, although in this connection the object that I possess is not regarded as an appearance.”¹⁶⁴ Unlike empirical possession, for Kant intelligible possession is an *a priori* idea of reason, since he thinks that it is impossible to base property solely on observation, so we need also to refer to reason, the collective thinking of human beings.

For the *a priori* basis of intelligible possession, Kant claims that, “the rational title of acquisition can lie only in the idea of a will of all united *a priori* (necessarily to be united) which is there tacitly assumed as a necessary condition; for a unilateral will cannot put others under an obligation they would not otherwise have.”¹⁶⁵ Kant is not interested in the theoretical use of reason with respect to his moral and political philosophy but with

reason as it relates to the practical determination of the will in accordance with laws of freedom, and its object might be known either through the senses or merely through pure reason, in this sense, justice or right is an example of practical reason, for it is a pure, practical, rational concept of the will under laws of freedom.¹⁶⁶

¹⁶² Ibid.

¹⁶³ Ibid., p. 45.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

As mentioned above, by possession, Kant refers to intelligible possession, which is related to natural right: “all propositions about rights are *a priori*, for they are laws of reason and a proposition about rights or justice with respect to empirical possession is analytic.”¹⁶⁷ Hence, Kant deals with the question how merely rightful (intelligible) possession is possible and with the question how a synthetic *a priori* proposition about right is possible. The solution proposed by Kant is “The Juridical Postulate of Practical Reason.” According to Kant, one cannot talk about the external mine and yours without this postulate, which asserts that it is possible to have any and every external object of my will as mine. Kant asserts that,

Pure practical reason provides nothing but formal laws as a basis for the use of the will and thus abstracts from the material content of the will, that is, from the remaining characteristics of its object, considering the object only insofar as it is an object of will. Hence, pure practical reason can contain no absolute prohibition concerning the use of an object of this type [*res nullius*], inasmuch as to do so would constitute a contradiction of external freedom itself.¹⁶⁸

If intelligible possession does not work in the case of practice, under what conditions is something called mine? Concerning this question, Kant’s reasoning proceeds as follows: The first thing is that if I say that something is mine as an object of my will, my awareness is sufficient because it stems from my physical power. Second, every object of my will is to be viewed and treated as something that has the objective possibility of being mine and yours. What is important here is that, for Kant, without an *a priori* assumption of practical reason that is called the permissive law of practical reason, a theory of justice cannot be accepted because even the possibility of provisionally acquiring mine and yours is inferred from the categorical imperative. Concerning the application of the possibility of external mine and yours, Kant employs the concept of *having*, which is abstracted from all spatial and temporal conditions. The difference between these is that, in Eterovich’s words, “possession is based on physical occupation or control, for example,

¹⁶⁷ Ibid.

¹⁶⁸ Ibid., p. 48.

occupation of a public place. Ownership or having, on the other hand, is based on union of the will of the subject with the object, that is, on right.”¹⁶⁹ Kant thinks that possession is empirical – that is, sensible or phenomenal – but ownership or having is intelligible or noumenal. Therefore, he claims that, “the way to have something external to oneself as mine is thoroughly a purely juridical joining of the Will of the subject with that object, independently of the relationship to it in space and time and in accordance with the concept of intelligible possession.”¹⁷⁰ Property, which is related to the external object, is for Kant an acquired right. Therefore, this is of relevance to civil society, in which my acquired right is guaranteed and exercised and subdivided according to the external objects of my will. In Kant’s theory of property, the categorical imperative and individual freedom are of crucial importance, since he asserts that there should be a valid and universally binding principle of right by which human actions can be judged.

In contrast to civil society, in the state of nature there can be only provisional juridical possession because, according to Kant, in the state of nature natural or private law rules individuals. Kant here employs the distinction between natural law (rights) and civil law, claiming that since natural rights are derived from *a priori* principles, they cannot be subordinated by the statutory laws of that society. This means that anyone who lives in a society should act in harmony with the duty of justice, that is, one should act according to the maxim which is subjective. Kant defines the state of nature as “a non-juridical state of affairs, that is, one in which there is no distributive justice. The state of nature is not to be contrasted to living in society, which might be called an artificial state of affairs; rather, it is to be contrasted to civil society, where society stands under distributive justice.”¹⁷¹ Therefore, since in both the state of nature and in civil society the relationship between human beings is inevitable, people should make the transition from the state of nature to a juridical state. Kant’s main reason for suggesting the transition from the state of nature to a juridical state is similar to that of Hobbes: he thinks that

¹⁶⁹ Eterovich, *Approaches to Natural Law*, p. 155.

¹⁷⁰ Kant, “Metaphysical Elements of Justice,” p. 51.

¹⁷¹ *Ibid.*, p. 114.

the pre-societal or natural condition of human beings is chaotic. He claims that, “although experience teaches us that men live in violence and are prone to fight one another before the advent of external compulsive legislation, in the state of nature each will have his own right to do what seems just and good to him, entirely independently of the opinion of others.”¹⁷² This is the case because in that situation there is no legislative power that can force people to act according to rules of justice.

In the above section, I have compared the Kantian understanding of natural law with the Hobbesian understanding, arguing that their views differ. The same situation also appears concerning the theory of property. I shall discuss and compare their views in greater detail in the final chapter, but for the present I would like to mention some key points concerning property rights. As mentioned, Hobbes is not interested in property rights in the state of nature since property is the business of the state or commonwealth after it is established. More importantly, property right is strictly linked with the sovereign power. His basic concern is self-preservation or security and the existence of the commonwealth. Moreover, Hobbes does not consider the distinction between practical reason and theoretical reason, as Kant does. To enter the commonwealth, it is necessary that people abandon their rights to the sovereign, who decides what is just and what is unjust for them. However, for Kant, in Kersting’s words,

the political and the public dimension are revealed in the need to create harmony between what is appropriated on the basis of the claim of property on the one hand and the necessity of making the natural private right positive and concrete through universal legislation on the other. Property forms the justificational basis of the state, and the state forms the justificational complement of property.¹⁷³

¹⁷² Ibid.

¹⁷³ Kersting, “Politics, Freedom, and Order: Kant’s Political Philosophy,” pp. 342-366.

3. 12 Civil Society and Social Contract

Kant's civil society, or the state, occurs by means of a social contract. For Kant, the social contract is considered to be the idea of reason. It is by means of the idea of social contract that the adequacy or otherwise of a state and its laws is to be judged. Kant defines clearly in *Theory and Practice* what an original contract means. According to Kant,

an original contract is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within the general will.¹⁷⁴

The second definition of the contract, found in the *Metaphysics of Morals*, is the act of the united wills of two persons through which what belongs to one passes over to the other. The crucial point here is that both parties should be included in this contract, otherwise it leads to alienation. In this sense, contract, in the Kantian sense, should be understood as a legal institution governing the transfer of the rights of persons.¹⁷⁵

The section of the private law (right) in the *Metaphysics of Morals* deals generally with conditions of the possession of property, the idea of a provisional external

¹⁷⁴ Kant, Immanuel, "On the Common Saying: This May Be True in Theory, But It Does Not Apply in Practice" in *Political Writings*, ed. Raymond Geuss and Quentin Skinner (Cambridge: Cambridge University Press, 1991), p. 79.

¹⁷⁵ Arthur Ripstein explains the transfer of rights as follows: "I transfer my Powers to you, for my Powers include both my ability to do certain tasks, such as cutting your lawn, or paying you a sum of Money, and my legal Powers to do things, such as transferring a piece of property to you. If I fail to perform as required, I wrong you in pretty much the same way as I would have wronged you had I given you something, either as a gift or in exchange for something else, and then taken it back. In a contract, I have given you that thing, as a matter of right, and so if I fail to deliver, I wrong you in the way I would if I took it back. In cases of contract, one person has the use of the other's Powers, as specified by their agreement, without having of the other person. Ripstein, Arthur, "Kant on Law and Justice" in *The Blackwell Guide to Kant's Ethics*, ed. Thomas E. Hill, Jr. (Oxford: Blackwell, 2009), p. 166.

mine and yours, the state of nature, transferring rights, and the conditions of the formation of state. According to Kant, private law concerns properties that people have and gives the rights to people to choose how they will use those properties. However, concerning legitimate external acquisition, in Hutchings words, “private right is dependent on the idea of an original universal act of the will on the part of all people and the idea of social contract marks the difference between a state of nature, in which possessions can only be held provisionally, and a civil condition in which possessions can be guaranteed.”¹⁷⁶ As already mentioned above, the idea of a provisional external mine and yours is taken in relation to practical reason. And this idea, for Kant, explains why it is a duty to enter into a civil society by means of the contract, since “a civil society is simply a society governed [...] by a general will, [...] and reciprocal duties are only legitimately enforced in a civil society.”¹⁷⁷

Kant conceives the social contract as an *a priori* idea of pure practical reason. As it is defined in *The Critique of Pure Reason*, *a priori* ideas of reason are the ideas we must possess to make experience possible. Therefore, there is a strict relationship between the idea of the state and the idea of social contract. Kant claims that,

[a] state (*civitas*) is a union of a group of persons under laws of justice. Insofar as these laws are *a priori* necessary and follow from the concepts of external justice in general (that is, are not established by statute), the form of the state in general, that is, the Idea of the state as it ought to be according to pure principles of justice. This Idea provides an internal guide and standard (*norma*) for every actual union of persons in commonwealth.¹⁷⁸

According to Kant, the basic principles of justice and a lawful society cannot be constituted by relying on experience. He says that before the institution of civil society, human beings live in violence and are prone to fight one another, but this

¹⁷⁶ Hutchings, Kimberly, *Kant, Critique and Politics* (New York: Routledge, 1996), p. 43.

¹⁷⁷ Cummiskey, David, “Justice and Revolution in Kant’s Political Philosophy” in Pablo Muchnik (ed.), *Rethinking Kant*, Vol. 1 (Cambridge: Cambridge Scholar Publishing, 2008), p. 224.

¹⁷⁸ Kant, “Metaphysical Elements of Justice,” p. 118.

does not mean that this leads human beings to set up an external compulsive legislation that coerces them to act justly. Rather, public lawful coercion depends on *a priori* ideas of reason. Therefore, “in order to be able to participate in the actual Law of the land, these human beings and nations require, because they mutually influence one another, a juridical condition of society and for this, they require a condition of society under a Will¹⁷⁹ that unites them – a constitution.”¹⁸⁰ I claimed above that human beings have natural or private right, even in the state of nature, and that freedom is innate. But if I accept to enter into a civil lawful society, do I need to give up those rights in the name of a lawful society? Kant states that in the lawful civil society human beings do not lose their freedom, they only abandon lawless, external freedom and gain a civil or lawful freedom. He asserts that,

we cannot say that a man has sacrificed in the state a part of his inborn external freedom for some particular purpose; rather, we must say that he has completely abandoned his wild, lawless freedom in order to find his whole freedom again undiminished in a lawful dependence, that is, in a juridical state of society, since this dependency comes from his own legislative will.¹⁸¹

Dependence resulting from contract does not mean the loss of freedom. On the contrary, this dependence arises from humans voluntarily taking part in civil society. In this sense, the original contract is distinct from all other voluntary agreements. Considering voluntary agreements, the parties to this agreement share certain ends. However, this agreement occurs arbitrarily, that is, the agreement does not have coercive power. In contrast, the original social contract, which contains an end in itself, coerces the parties to act in a certain way since the civil society is regulated by coercive public laws. Therefore, in Bayness’s words, “the end of the social contract is one that all citizens share by virtue of their conception of

¹⁷⁹ It is worth noting that the Will refers to *der Wille*, which, as discussed above, is a legislating will that is the source of law, moral as well as legal.

¹⁸⁰ Kant, “Metaphysical Elements of Justice,” p. 117.

¹⁸¹ Ibid.

themselves as free and equal moral persons.”¹⁸² However, this freedom and equality should be considered in relation to responsibilities and obligations. In other words, we cannot do whatever we wish. Our responsibilities and obligations bind us in civil society in relation to our acceptance of the contract.

I claimed that the contract is the idea of reason and cannot be derived from experience. This is also crucial for public law. Kant states that the contract,

is a mere idea of reason which however has its undoubted (practical) reality, namely to bind each lawmaker that he gives his laws in such way that they can have arisen from the united will of a whole people, and regards each subject, in so far as he wants to be a citizen, as though he had agreed to together to such a will. For this is the public law.¹⁸³

Public law refers to conditions of the possibility, actuality, and necessity of the possession of objects, since the non-juridical state of affairs is one in which there is no distributive justice. Public law is to be taken to distribute objects justly. Even in the state of nature there can be justice, but this justice does not provide what is just, since justice depends on the opinions of the other persons. Therefore, it is necessary to enter into civil society, and further, one may use coercive power over others to bring them to enter into a juridical state of society. Kant claims that the coercive power can be used over others to make them enter civil society. Since, for him, the right of possession is guaranteed only under the distributive legal justice, “the innate right of humanity in your person explains both the structure of right as a system of reciprocal limits on coercion and the basis for rightful relations with respect to external things.”¹⁸⁴

Public law as the basis of civil society is divided into three kinds, in which every part performs its authority. The division is similar to the modern understanding of

¹⁸² Bayness, Kenneth, “Kant on Property Rights and the Social Contract,” *Monist*, 72: 3 (1989 July), p. 445.

¹⁸³ Kant, “The Metaphysics of Morals,” p. 145.

¹⁸⁴ Ripstein, Arthur, “Kant on Law and Justice,” p. 173.

the division of powers: the legislative, the executive, and the juridical. The relationship between those three authorities occurs in three ways.

First, considered as three moral persons, they are coordinate; that is, one serves as a complement to the others for the completeness of the state's constitution. Second, they are subordinate to one another so that one cannot at the same time usurp the function of the others which are there to aid it. Instead, each has its own proper principle; that is, although it commands when considered in its quality as a particular person, it does so only under the condition of the Will of a superior person. Third, the combination of both relationships secures to every subject what is just and right. Of these authorities considered in their dignity, we can say: the Will of the legislator with respect to external Mine and Yours is irreproachable; the executive capacity of the chief magistrate is irresistible; and the adjudication of the supreme judge is unalterable.¹⁸⁵

The division of the authorities is very important for Kant because any state lacking this division is deficient. According to Kant, among these authorities, “the legislative authority can be attributed only to the united Will of people. Since all of justice [and rights] is supposed to proceed from this authority, it can do absolutely no injustice to anyone.”¹⁸⁶ However, this does not mean that the legislator is not also bound by the contract of rational right. The legislator must consider himself as a representative of the contract and the laws he gives must be considered as if stemming from the united will of the entire people. After explaining the basis of the civil society, Kant mentions the members of society and calls them citizens. Citizens are associated with three juridical qualifications, *freedom*, *equality*, and *self-sufficiency*, bound up with the nature of the citizen. For Kant, all human beings have freedom and equality naturally. This comes from the duty of justice. Self-sufficiency¹⁸⁷ requires that one owes his existence and support not to the arbitrary will of another person in the society, but rather to his own rights and powers as a

¹⁸⁵ Kant, “Metaphysical Elements of Justice,” p. 119.

¹⁸⁶ Ibid.

¹⁸⁷ Kant in the *Political Writings* uses the term *independence* instead of the *self-sufficiency*. Independence means: condition or quality of being independent; the fact of not depending on another (*Oxford English Dictionary*). In German: *Abhängigkeit* means dependence, *Unabhängigkeit* means independence, and *Selbstständig* means independent, autonomous. So, *self-sufficiency* must be considered as *Selbstständig*.

member of the commonwealth. This also includes the right to vote for citizens in the commonwealth.

Kant defines the ruler of the state as a moral or physical person who has the executive authority. Executive authority is entitled to appoint the magistrates and prescribes in relation to the law which preserves the property. In other words, the ruler or executive power of a state enforces the laws passed by legislature. Kant's separation of the powers has important consequences. Since his main aim is to defend republican government, first, he excludes other forms of government by claiming that if the executive power makes laws at the same time, it is called despotic, which is against the idea of justice and moral law. The other form of government Kant dismisses is paternalistic government, which treats its citizens like children. Kant says that the legislator (the sovereign) cannot be at the same time the ruler, since all parts of the government are unique authorities themselves. Moreover, the legislator derives his authority from the law and executes his authority in relation to law. The ruler on the other hand cannot be punished, since "to punish the ruler would mean that highest executive authority itself would be subject to coercion, which is a self-contradiction."¹⁸⁸

As noted above, Kant advocates republican government. In this system, citizens should obey the supreme authority and "it is people's duty to endure even the most intolerable abuse of supreme authority"¹⁸⁹ since "resistance¹⁹⁰ to supreme legislation is in itself unlawful."¹⁹¹ The view that citizens must obey the supreme legislation springs from the belief that all rights can be performed solely within the state; therefore, if there is a violation of a right of a citizen, the remedy must be

¹⁸⁸ Kant, "Metaphysical Elements of Justice," p. 122.

¹⁸⁹ Ibid.

¹⁹⁰ I shall discuss similarities and differences between Hobbes and Kant in the fourth chapter, but for the moment it is necessary to indicate that Kant's view of resistance against the sovereign is the same as that of Hobbes, who also denies the right of people to resist the sovereign.

¹⁹¹ Kant, "Metaphysical Elements of Justice," p. 122.

pursued within the state. However, Kant's insistence on the sovereign's absolute power seems problematic if we consider his idea of a common act of will founding public law. There is here an exception. Kant says that,

the sovereign in the state has many rights with respect to the subject, but no (coercive) duties. Furthermore, if the sovereign or the ruler, proceeds contrary to the laws – for example, in imposing taxes, recruiting soldiers, and so on, and violates the law of equality in the distribution of political burdens – the subject may lodge a complaint about this but may not actively resist.¹⁹²

As stated above, Kant advocates republicanism as the best form of government. Transformation of this government into another one (such as autocracy) cannot be done without the consent of the citizens, even if the sovereign decides to change it. The republican form of government is the best because the best constitution is one in which power is exercised not by men, but by the laws, the laws of the republican government constitute the fundamental characteristics of the contract. Kant claims that

Republican constitution is the only enduring political constitution in which the law is self-governing and does not depend on any particular Person. It is the ultimate end of all public Law and only condition under which each receives what belongs to him peremptorily; for, as long as, according to the latter [that is, in actuality], the other forms of the state represent so many distinct moral Persons as invested with the supreme authority, it must be recognized that only a provisory internal justice and no absolutely juridical state of civil society can exist. However, every true republic is and can be nothing else than a representative system of the people if it is to protect the rights of its citizens in the name of people.¹⁹³

Kant's advocacy of the republican government is connected to his view of the kingdom of ends, which may also be called the republican state. Kant calls the kingdom of ends an ideal and "systematic union of different rational beings through common laws."¹⁹⁴ It is a republic in which all rational beings realize their freedom

¹⁹² Ibid., p. 124.

¹⁹³ Ibid., p. 149.

¹⁹⁴ Kant, *Groundwork*, p. 51.

equally and “the laws they have made are the laws of freedom, that is, the juridical laws of external freedom and the ethical laws of internal freedom.”¹⁹⁵ In the kingdom of ends, all rational beings are considered ends in themselves and every citizen aims for his own perfection and considers other citizens as equal to himself.

3.13 Concluding Remarks

Thus far I have examined the thought of Hobbes and Kant by considering their views on human nature, morality and politics. Now, I would like to summarize what I have done so far by considering the basic arguments of Hobbes and Kant. Both philosophers have strong and weak points related to their views on human nature, morality, and politics. The aim of this thesis is to examine their views in relation to each other in order to understand what they have in mind for a plausible society in which every citizen performs his/her actions and advances his/her views on any subject without being constrained by external impediments. We live in a society, and the rights of one are restricted by those of another. Therefore, the basic problem is that how we can create a state that provides and secures its citizens basic rights.

The differences between Hobbes and Kant are greater than the similarities, and include the idea of social contract, justice, rights, and law. They differ in their understanding of equality of individuals, of their freedom and of their independence. For Hobbes, the only motive for human beings to enter into a civil society is their own self-preservation and welfare, and to attain those ends, human beings should decide what is necessary for them. In the state of nature human beings are violent, fearful and egoistical. What is necessary to protect their life and natural rights is a commonwealth. This is the solution advanced by Hobbes. In some sense, this view is valid for Kant as well. He also admits that the state of nature is not a safe place for human beings to live in peace. Hobbes adopted a scientific approach to define the basic characteristics of human nature and claimed that ethics should not be considered a part of politics, since politics deals with the question of what is just and what is unjust objectively. Since the sovereign is the only source of

¹⁹⁵ Korsgaard, *Creating the Kingdom of Ends*, pp. 22-23.

justice and he is appointed by the majority of people, he cannot do injustice to his citizens. For Kant, human beings are not only phenomenal beings who are affected by external factors but also have a noumenal (intelligible) self by which they go beyond the empirical determinations. Therefore, politics cannot be separated from ethics. He claims that true politics cannot progress without considering morality. Therefore, we impose moral laws ourselves by using our rational capacities. Kant's view of human nature is, to some extent, similar that of Hobbes. He also accepts, like Hobbes, that human beings are by nature not only social but simultaneously also anti-social at the same time. However, being rational, we are sociable by nature, although we possess some irrational and anti-social inclinations. This is an antagonism for Kant, by which he means

[t]he unsocial sociability of men, that is, their tendency to come together in society, coupled, however, with a continual resistance which constantly threatens to break this society up. This propensity is obviously rooted in human nature. Man has an inclination to live in society, since he feels in this state more like a man, that is, he feels able to develop his natural capacities.¹⁹⁶

The other major difference discerned between the thought of Hobbes and Kant is in their respective understandings of *free will*. According to Hobbes, will is generally associated with desire, since man's perpetual aim is to attain power for survival. However, desire is also explained in mechanistic terminology, that is, in terms of external factors that cause motion in our bodies. Hobbes says that a causal process creates a motion in the body towards the desired object. The thought stems from this causal process that takes place in the brain by interacting with the previous sense impressions. In this sense, desire is taken as a causal power that impels us to act. Therefore, if I may call desire will, it is compatible with determinism. However, human beings are free to act in accordance with their will, but this does not mean that they have free will. For Kant, however, we have free will to choose between two alternatives acts. Our will is not determined by external factors, including another's will, since we are noumenal beings. Human will is free and able to make

¹⁹⁶ Kant, Immanuel, "Idea for a Universal History with a Cosmopolitan Purpose" in *Political Writings*, ed. Raymond Geuss and Quentin Skinner (Cambridge: Cambridge University Press. 1991), p. 44.

laws according to reason. Therefore, free will is not compatible with determinism, considering our noumenal realm. Kant understands desire differently to Hobbes. According to Kant, human beings are the causes of their own desires, rather than depending on causal factors.¹⁹⁷

In this thesis I am dealing with two different understandings of human nature and two ethical and political systems. According to both Hobbes and Kant, the relationship between the state and its citizens is established by a contract, and the principal characteristic of the contract is to establish an efficient social order. The contract consists in a political authority or a sovereign, appointed by the mutual agreements of citizens, who acts according to certain laws to create co-operation between the state and citizens and also between citizens, without violating the basic rights of the citizens. If we ask ourselves what those rights are, we can easily list many, including our inborn rights, independence, equality, freedom, etc. We can call these rights basic rights that must be protected at any cost. In the following chapter, I shall compare Hobbes's and Kant's views, both in terms of their similarities relation to each other and contrasting their basic views, such as those on freedom, equality, and independence.

¹⁹⁷ The basic differences between Hobbes and Kant on the topic of desire is defined by Flikschuh as follows: The one reason why Kant is able to replace Hobbes's principle of externally imposed legislation with a principle of external self-legislation is his conception of the individual's capacity for desire, and Kant does not entertain Hobbes's physiological conception of desiring as externally stimulated and internally transmitted vital motions, which in pressing upon the brain and the heart, etc. eventually issue in outward bodily movement. Kant does not think of agents as subject to the causality of the desires. Instead, he regards agents as the causes of their desires; at any rate they have the capacity to be the causes of their desires. Flikschuh, Katrin, *Kant and Modern Political Philosophy* (Cambridge: Cambridge University Press, 2000), pp. 100-105.

CHAPTER IV

4. HOBBS AND KANT ON FREEDOM, EQUALITY, AND INDEPENDENCE

4. 1 Freedom as the Fundamental Value of Human Beings

Freedom is defined by Hobbes as the absence of constraint. Hobbes's view on freedom is in accordance with his mechanical explanations of the universe, since human beings are also material objects. Human freedom is restricted by external factors, even in the commonwealth. Hobbes thinks that even in jail human beings are free to a certain extent. He claims that, "every man has more or less liberty as he has more or less space in which to move; so that a man kept in a large jail has more liberty than a man kept in a small jail."¹⁹⁸ As Hampsher-Monk states, "for Hobbes, liberty is applicable only to agents considered as bodies and their actions considered as movements, and not to properties of agents (such as their wills), or internal motions (such as motives or reasoning)."¹⁹⁹ We may say that Hobbes does not consider internal factors that cause action by one's free choice, since he always holds that our wills are part of universal causality. However, if our will is dependent on causal effects, it means at the same time our will is determined. Hobbes says that liberty and necessity are consistent. In addition, this consistency not only includes human beings but also other living creatures and non-living objects as well. Now, if we summarize Hobbes's views on freedom in relation to his account of human nature, we can say the following: living and non-living objects in the universe are in motion. Motion consists of a causal chain, that is, it follows mechanistic laws. Actions performed by human beings are to be called both free and determined in this natural world.

¹⁹⁸ Hobbes, *On the Citizen*, p. 112.

¹⁹⁹ Hampsher-Monk, I., *A History of Modern Political Thought* (Oxford: Blackwell, 1992), p. 49.

However, to fully understand what Hobbes means by this, we need to look at his definition of two sorts of motions. Hobbes claims that there are two sorts of motions, as discussed in Chapter 2 as “*Vitall*” and “*Voluntary*” motions. The Vital motion begins in generation, and continues without interruption throughout one’s life. Of course, we cannot control our pulse or our heart beat, but Hobbes’s explanation of voluntary motion seems problematic, even though he claims that voluntary motion seems to be the most important characteristic of human beings since it affects all human actions. At first sight, Hobbes seems to be proposing that we have free choice to act according to our choice, that is, according to our free will.²⁰⁰ However, in *Leviathan*, Hobbes claims that “voluntary motions depend always upon a precedent thought,”²⁰¹ which always appears in the mind before actions. He also claims that;

[...] I conceive nothing taketh beginning from itself, but from the action of some other immediate agent without itself: and that therefore when first a man had an appetite or will to something, to which immediately before he had no appetite or will, the cause of his will is not the will itself, but something else not in his own disposing. So that, whereas it is out of controversy that of voluntary actions the will is a necessary cause; and by this which is said, the will is also caused by other things whereof it disposeth not; it followeth that voluntary actions have all of them necessary causes, and therefore are necessitated.²⁰²

Hobbes’s explanations above are concerned with our freedom in relation to causal determinations. However, freedom is also the concern of morality and politics.

²⁰⁰ The following quotation explains Hobbes’s idea of free will clearly: “man is free as far as his capacity to act according to his will is concerned. But he is not therefore free to determine his own will. Man can act according to his will, but it is not in his own power to determine ‘freely’ whether he ‘will will’ or ‘will not will,’ nor what will be the object of his will. The determination of the will is dependent on the antecedent factors, which are its necessary and sufficient causes. Being antecedents, these causes are extrinsical to the will itself. The will is their product or consequence. It is not an independent and autonomous entity, which has the power of self-determination. ‘The will’ is but a metaphorical expression for the act of willing. And acts of willing are fully determined, in their occurrence as well as in their objects, by their extrinsical causes. Man cannot choose his will.” Van den Enden, H., “Thomas Hobbes and The Debate on Free Will,” *Philosophica* 24: 2 (1979), pp. 185-216.

²⁰¹ Hobbes, Thomas, *Leviathan*, p. 38.

²⁰² Ibid.

Moral philosophy advances questions about how human beings ought to live. For example, do we have moral obligations to perform certain kinds of actions? Are freedom and obligation compatible? Considering these questions, I shall now consider the concepts of freedom and obligation in relation to Hobbes's and Kant's political views. Hobbes presents his moral theory by using the concept of laws of nature. He claims that

The laws of nature are immutable and eternal; for injustice, ingratitude, arrogance, pride, iniquity, acceptions of persons, and the rest, can never be made lawful. For it can never be that war shall preserve life, and peace destroy it. [...] And science of them (the laws of nature), is the true and only moral philosophy.²⁰³

Hobbes further claims that “means of peace, which are justice, gratitude, modesty, equity, mercy, and the rest of the laws of nature, are good; that is to say; moral virtues; and their contrary vices, evil. Now the science of virtue and vice, is moral philosophy.”²⁰⁴ However, this moral philosophy does not consider human beings as autonomous beings acting according to their free will.

Hobbes, in *Leviathan*, speaks of our freedom or liberty as subjects. He conceives of our freedom in relation to a sovereign power or a person who is the absolute authority over individual beings in a civil society. Hobbes states that

for seeing there is no commonwealth in the world, wherein there be rules enough set down, for regulating of all the actions, and words of men; (as being a thing impossible) it followeth necessarily, that in all kinds of actions, by the laws praetermitted [passed over], men have the liberty, of doing what their own reasons shall suggest, for the most profitable to themselves.²⁰⁵

At this point Hobbes seems to acknowledge the freedom of the individuals without the restriction of external factors. However, he goes on to claim that “the liberty of a subject, lieth therefore only in those things, which in regulating their actions, the

²⁰³ Ibid., p. 110.

²⁰⁴ Ibid.

²⁰⁵ Ibid., p. 147.

sovereign hath praetermitted: such as is the liberty to buy and sell, and otherwise contract with one another; to choose their own abode, etc.”²⁰⁶ Hobbes asserts that the liberty of subjects is consistent with the limitless power of the sovereign, although he says that the sovereign power can never do an injustice. It is clear that freedom for Hobbes does not belong to human beings but to the sovereign who has absolute power and freedom over human beings since he believes that, without a supreme authority, there is no place for freedom of action in a society. Further, he adds that “it is an easy thing, for men to be deceived, by the specious name of liberty; and for want of judgment to distinguish, mistake for their private inheritance, and birthright, which is the right of the public only.”²⁰⁷ From this claim we can conclude that if we talk about freedom or liberty, it is only possible in a civil society, since outside the civil society there is a perpetual conflict between human beings.

These explanations advanced by Hobbes cannot be accepted by Kant, since Hobbes describes his notion of liberty or freedom in a negative manner by claiming that freedom performed in a society cannot be a property of individuals. This means that individuals gain their freedom in the civil society. However, for Kant, it is invalid to claim that human beings cannot act independently without the effects of external causes. As we noted above, Kant rejects the strict deterministic explanations of Hobbes and grounds his political philosophy on the notion of the causality of the will. The human individual has the capacity to act on the basis of the principles that stem from human reason. Kant makes a distinction between inner (internal) and outer (external) freedom. Considering civil or political freedom, Kant is concerned with the latter, that is, political freedom or liberty, which cannot be excluded from rationality. In this sense, actions of human beings, as Kant claimed, are regulated or governed by moral laws in two different ways. Of course, Kant does not criticize Hobbes’s account of external causality at all; he would to some extent accept Hobbes’s view of causality. Here we need to recall Kant’s distinction between the noumenal and phenomenal realms. As phenomenal beings we are moved by

²⁰⁶ Ibid.

²⁰⁷ Ibid., p. 207.

external causes, that is, nature compels us to act in certain ways, and in this respect Kant acknowledges the validity of Hobbes's views. However, we are also intelligent beings, and there is therefore always the possibility of acting contrary to the compelling effects of natural causality. As discussed previously, freedom for Kant is a metaphysical concept, that is, one that cannot be given in experience. This concept also occupies a crucial place in Kant's political philosophy. Howard Williams claims that for Kant,

legal or juridical freedom and political freedom are identical. There can be no external freedom without the existence of institutionalized law, so the idea that there can be political freedom without legality is for him absurd and since all systems of external law rest upon the idea of legal or juridical freedom there can be no system of law that excludes political freedom.²⁰⁸

In *Theory and Practice*, Kant explicitly presents his political views in contrast to Hobbes's. Man's freedom as a member of a society or state is defined in relation to the external right, excluding the ends that men have by nature. Kant's main aim is to separate private right and public right concerning mutual relationships between men on the basis of freedom. For him, harmony between men is achieved only by the public right, which is the quality of the external law. It is the public right that secures the individuals' freedom. According to Kant, men may have different views on what makes them happy and their happiness cannot be categorized under an objective principle, so men's happiness does not concern the state. In this sense, in public governance, "no generally valid principle of legislation can be based on happiness. For both the current circumstances and the highly conflicting and variable illusions as to what happiness is make all fixed principles impossible."²⁰⁹ Therefore, the basic function and the role of the state is not to make men happy but "to ensure its continued existence as a commonwealth."²¹⁰ For Kant, men's happiness concerns only the individuals' themselves. He states the following:

²⁰⁸ Williams, *Kant's Critique of Hobbes*, p. 92.

²⁰⁹ Kant, "On the Common Saying: This May be True in Theory, But It Does Not Apply in Practice," p. 80.

²¹⁰ Ibid.

No-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law – i.e. he must accord to others the same right as he enjoys himself. *This means that each member of a society has reciprocal relationship with another in exercising his or her freedom*²¹¹ and [...] each regards himself as authorized to protect the rights of the commonwealth by laws of the general will, but not to submit it to his personal use at his own absolute pleasure. This right of freedom belongs to each member of the commonwealth as human being, insofar as each is a being capable of possessing rights.²¹²

Kant's stress on individual rights and freedom is in contrast with Hobbes's view on authority. Kant insists that the sovereign cannot violate inalienable natural rights that all individuals have. Instead, he claims that the sovereign should respect those rights in all circumstances. As discussed above, for Hobbes the sovereign is the supreme authority in all public issues. However, in the Kantian state, which is a constitutional republic, "the law is self-governing and does not depend on any particular Person"²¹³ since "the legislative authority can be attributed only to the united Will of the people and all of justice [and rights] is supposed to proceed from this authority."²¹⁴ Kant grounds his understanding of the civil state, which is regarded as a lawful state, on the following *a priori* principles:

1. The freedom of every member of society as a *human being*. 2. The equality of each with all the others as a *subject*. 3. The independence of each member of a commonwealth as a *citizen*. These principles are not so much laws given by an already established state, as laws by which a state can alone be established in accordance with pure rational principles of external human right.²¹⁵

²¹¹ Italics mine.

²¹² Kant, "On the Common Saying," p. 74.

²¹³ Kant, "Metaphysical Elements of Justice," p. 149.

²¹⁴ Ibid., p. 119.

²¹⁵ Kant, "On the Relationship of Theory to Practice in Political Right," p. 74.

I claimed above that Kant is against all forms of tyrannical or despotic government. In such governmental systems, human beings are treated not as free citizens but as children under the authority of their fathers. For Kant, such governments set aside freedom of their citizens and become despotic. According to Kant,

The only conceivable government for men who are capable of possessing rights, even if the ruler is benevolent, is not a *paternal* but a *patriotic* government. A *patriotic* attitude is one where everyone in the state, not excepting its head, regards the commonwealth as a maternal womb, or the land as the paternal ground from which he himself sprang and which he must leave to his descendants as a treasured pledge.²¹⁶

That is, as Kant asserts continuously, since all power is in the hand of one man, paternal governments create despotism, whereas in the patriotic government separation of powers is strictly enforced, and it is the only type of government that protects men's political freedom.

4. 2 Equality in the State

Equality is considered differently by Hobbes and Kant. Hobbes thinks that human beings are equal by nature in the state of nature prior to the establishment of a commonwealth. Human beings are defined as equal in their mental and physical abilities. This equality, as is discussed in detail in the second chapter, creates a competition between human beings for the acquisition of what is more beneficial for themselves. The equality of human beings and competition between them to get the best for themselves causes diffidence among themselves. Hobbes states that, "from this equality of ability, ariseth equality of hope in the attaining of our ends. And therefore, if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies."²¹⁷ However, it should be noted that this enmity does not stem from the greediness of human beings but from the will to safeguard themselves from the attacks of other. Hobbes's reasoning stems from his insistence on the need to create an absolute power over society. This society has to

²¹⁶ Ibid.

²¹⁷ Hobbes, *Leviathan*, p. 87.

be governed by this power because he claims that if there is no common power over human beings, there will always be conflict among them. Further, according to Hobbes, the sovereign power has the right to appoint his successor.

According to Kant, the equality of all human beings stems from the idea that all human beings are equal as moral beings. Kant differs from Hobbes in saying that all human beings are ends in themselves. This means that all human beings have the same value and no one considers himself superior. On the contrary, for Hobbes, the moral status of human beings is not a problem, since for him there is no morality in the state of nature. Morality for Hobbes occurs only in society. Kant does not claim that human beings are equal by nature in the Hobbesian sense: he says that it is not nature that makes us equal, but the rule of law. Our equality stems from when the law takes place. In Ville's words, law consists in

[t]he general rules which are, moreover, essential for society, and which people impose on each other. This constitutive role of law in creating an orderly society requires that law must be actually operative in social life, thus in the 'phenomenal world'. Law is so important that it must be enforced by the state, by means of concrete sanctions in observable reality. Because of its organizing social function, law directs itself primarily at the factual conduct of legal subjects.²¹⁸

I stated above that according to Hobbes, the sovereign power has the right to appoint his successor. This is unacceptable for Kant, who rejects hereditary privileges. In the *Metaphysics of Morals*, he claims that

[t]he question which now arises is whether the sovereign is entitled to create a nobility as a hereditary class between himself and the rest of citizens. The answer will not, however, depend upon whether it suits the sovereign's policies for furthering his own or the people's advantage, but simply upon whether it is in keeping with right that anyone should have above him a class of persons who, although themselves subjects, will in relation to the people be commanders by birth, or at least possess greater privileges than they do.²¹⁹

²¹⁸ Ville, Jacques de, *Law, Order and Freedom: A Historical Introduction to Legal Philosophy*, ed. Cees Maris and Frans Jacobs (Dordrecht: Springer, 1997), p. 186.

²¹⁹ Kant, "The Metaphysics of Morals," p. 152.

Having rejected all hereditary privileges, Kant grounds his understanding of equality on the subject's mutual and reciprocal subjection to civil law. That is, civil law provides citizens equal rights before public institutions in civil society. On the other hand, for Hobbes, inequalities arise from civil society, not in the state of nature. Hobbes aims to create a society in which everything is arranged by the sovereign power. He considers an orderly arranged society more valuable than human equality. Hobbes and Kant differ on the status of the human being concerning equality, both in the state of nature and civil society. Kant's view of equality should be considered in two dimensions. First, he grounds the equality of human beings in his moral philosophy. According to Kant, human beings have a right to self-determination and freedom. Second, equality is to be considered under the public law by Kant. He claims the following:

All right consists solely in the restriction of the freedom of others, with the qualification that their freedom can co-exist with my freedom within the terms of a general law; and public right in a commonwealth is simply a state of affairs regulated by a real legislation which conforms to this principle and is backed up by power, and under which a whole people live as subjects in a lawful state (*status iuridicus*). This is what we call a civil state, and it is characterized by equality in the effects and counter effects of freely willed actions which limit one another in accordance with the general law of freedom.²²⁰

Hobbes claims that ethics and politics should be set apart from each other. Hobbes defines ethics as the science of the consequences of the passion of men. In addition, politics is considered a distant relative of ethics, since it deals with artificial bodies. I believe that the major conflicts between Hobbes and Kant arise from their views on morality. Hobbes's approach puts him in a position where he subordinates human beings beneath the supreme power to create an order. This leads to inequalities between the sovereign and citizens. From the perspective of Kantian ethics, Hobbes's approach cannot be accepted since it is against equality in human worth. However, this does not mean that Hobbes does not consider the idea of equality. If we consider his view of natural laws, we can say that he acknowledges

²²⁰ Kant, "On the Common Saying," p. 76.

the equality of human beings. However, this equality leads to insecurity and, to escape from this insecurity, he argues that human beings should submit themselves to an authority. However, this submission creates inequality. Therefore, a civil society does not provide equality for human beings. On the other hand, Kant's *categorical imperative* binds all human beings equally, and it is imperative that each human being should treat other as an end in themselves, not as a means. Therefore, from the perspective of Kant, all human beings have equal worth.

4.3 Independence of Citizens in the Civil Society

Another important contrast between Hobbes and Kant concerns the concept of independence. The type of governmental system they advocate, the status of the citizen in civil society, and the citizens' relationship with the governor is the basic contrast between them. Hobbes requires that the governmental system be left to one person or a group (an assembly), while Kant states that the best form of government is republicanism in which citizens have duties and responsibilities both toward the sovereign and themselves. This is derived from his view of freedom and the innate rights of human beings. In Kant's state, citizens are to be considered as co-legislators, while in the Hobbesian state they are only subjects of government. In the third chapter, I noted that Kant conceives of the social contract as an idea of reason, not as an actual historical event. He states that the social contract "is in fact merely an *idea* of reason, which nonetheless has undoubted practical reality, for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within the general will."²²¹ Kant says that the legislator should act according to this idea and act with reference to the united will of the subjects in legislation, while the subjects should obey those laws. Hobbes, on the other hand, according to Kant, adopts the opposite position. Kant quotes a passage from *De Cive* and claims that, according to Hobbes, "the head of state has no contractual obligations towards the people; he can do no

²²¹ Kant, "On the Common Saying," p. 79.

injustice to a citizen, but may act towards him as he pleases.²²² This proposition would be perfectly correct if injustice were taken to mean any injury which gave the injured party a *coercive right* against the one who has done him injustice. But in its general form, the proposition is quite terrifying.”²²³ This quotation is of crucial importance since Kant grounds his governmental system on the basis of this distinction, in contrast to Hobbes. In the Kantian state, citizenship is a reciprocal relationship between authority and freedom.²²⁴

The other contrast between Hobbes and Kant concerns their understandings of ethics and its relation to politics. Hobbes grounds his whole philosophy, as already shown, in an empiricist approach. Hobbes’s ethics and politics are grounded without consideration of the concepts of duty, right and freedom, and based on the effects of sensation. Hobbes does not refer to an *a priori* basis for these concepts, as Kant does. Kant’s view of independence has a close relation to his conception of the universal principle of right. This principle says that an action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law. Freedom in Kantian political philosophy is defined as independence from the constraint of another’s choice. Anyone who interferes

²²² It should be noted that for Hobbes, citizens have natural rights to defend their lives in any condition. However, Hobbes crucially claims that citizens cannot hurt themselves, and “no man is bound by the words themselves, either to kill himselfe, or any other man; and consequently, that Obligation a man may sometimes have, upon the Command of the Sovereign to execute any dangerous, or dishonourable Office, dependeth not on the Words of our Submission; but on the Intention; which is to be understood by the End thereof. But he on the other hand goes on to say that when therefore our refusall to obey, frustrates the End for which the Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.” Hobbes, *Leviathan*, p. 151. From this quotation we can conclude that what is important is not the liberty to defend himself or herself but the sovereignty. Kant’s objection to Hobbes should be considered from this point.

²²³ Kant, “On the Common Saying,” p. 84.

²²⁴ At first sight, it seems that there is a conflict between freedom and authority. However, Williams says, for Kant, “freedom implies the possibility of coercion but it is a coercion that we respect as emanating from our own wills. Human beings cannot rule themselves directly. They need a constituted authority to hold them in check. But although they cannot directly rule themselves, they can nevertheless sanction the authority that governs them by playing a part in creating the rules under which that authority functions and is effective.” Williams, *Kant’s Critique of Hobbes*, p. 130.

with my freedom creates a kind of dependence. Independence is relational, that is, it requires the other. If I am free from another's choice, I cannot talk about dependency or independence. In the third chapter, I noted that human beings are autonomous by their innate right, that each human being has the right to independence and to act according to his/her own power insofar as this is consistent with the freedom of others. This means that each individual is equal with respect to the others.

The concepts of autonomy and independence in the Kantian sense are excluded by Hobbes from his political and moral philosophy. In Hobbes's understanding, human beings cannot be independent either in the state of nature or in civil society, since they are in competition. In the state of nature, they try to get what is beneficial for themselves. This creates distrustfulness of each other. They cannot be at peace when they act independently. Therefore, since Hobbes's basic aim is to create a social order under the sovereign and the security of this social order is vital for him, independence makes common defense unachievable:

For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another; and reduce their strength by mutual opposition to nothing: whereby they are easily, not only subdued by a very few that agree together; but also when there is no common enemy, they make war upon each other, for their particular interests.²²⁵

Since order and security is of crucial importance for Hobbes, a society without them cannot exist or survive. Hobbes's basic concern is anarchy, which demolishes all institutions. Hence, Hobbes argues that people must give up their rights in order for a society to be established. This makes common defense possible. Hobbes assumes that citizens under the authority of the sovereign lose their independence, since "the sovereign is one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and

²²⁵ Hobbes, *Leviathan*, p. 120.

common defense; and therein to submit their wills, everyone to his will, and their judgments, to his judgments.²²⁶

Hobbes claims that the sovereign is the sole interpreter of the civil law because he “is not the subject to the civil law since having the power to make and repeal laws, he may when he pleases, free himself from the subjection by repealing those laws that trouble him.”²²⁷ That is, he is above the civil law and he is the only one who can act independently. Hobbes states the following:

It is annexed to the Sovereignty, to be Judge of what Opinions and Doctrines are averse, and what conducing to Peace; and consequently, on what occasions, how farre, and what, men are to be trusted withall, in speaking to Multitudes of people; and who shall examine the Doctrines of all books before they be published. For the Actions of men proceed from their Opinions, and in the well governing of Opinions; consisteth the well-governing of men's actions, in order to their peace, and concord. [...] It belongeth therefore to him that hath the Sovereign Power, to be Judge, or constitute all Judges of Opinions and Doctrines, as a thing necessary to Peace; thereby to prevent Discord and CivillWarre.²²⁸

Hobbes requires that citizens should obey the sovereign unconditionally. As Howard Williams puts it, “with Hobbes the social contract extinguishes both our natural independence (that is, our natural freedom and equality) and civil independence because he believes that we are incapable of employing that independence wisely.”²²⁹ This view is in sharp contrast with Kant’s. Kant thinks that a commonwealth should be governed by a republican system in which all citizens can legislate. In this commonwealth, the sovereign is to be appointed by the united will of the citizens. However, the sovereign cannot have unlimited power over the citizens.

²²⁶ Ibid.

²²⁷ Ibid., p. 111.

²²⁸ Ibid., p. 124.

²²⁹ Williams, *Kant’s Critique of Hobbes*, p. 132.

To conclude, Hobbes and Kant conceive the concepts of freedom, equality, and independence differently and present a social order in which citizens perform their actions in relation to the governmental system they propose. In the Hobbesian political system, citizens are not considered equal. They are considered as equal in their physical and mental capabilities only in the state of nature, but they are not equal with the sovereign since “the power, so also the honor of the sovereign, ought to be greater, than that of any or all the subjects.”²³⁰ Similarly, they are not free in civil society, but they are so in the state of nature. For Kant, on the contrary, freedom, equality, and independence have positive connotations. Kant conceives those concepts in two ways. First, they are considered as inborn rights that all human beings have and which can never be violated. Second, they are considered in the civil society, that is, in relation to external law. In this sense, “all rightful rights should proceed from the freedom of those who are supposed to obey them. For right itself is nothing other the limitation of the freedom of man (in its external use) to the condition of the agreement of the same with the freedom of everyone.”²³¹ Considering equality, all human beings are of equal worth since every rational being exists as an end in him or herself. This understanding of equality forbids discrimination between the sovereign and citizens, as Hobbes conceived. Citizens are independent of the choice of others, that is, everyone is his/her own master.

²³⁰ Hobbes, *Leviathan*, p. 128.

²³¹ Kant, “On the Common Saying,” p. 73.

CHAPTER V

5. CONCLUSION

The central question of political philosophy is the nature of the authority of the state. The concept of such an authority characteristically generates philosophical problems because it seems to involve a paradox: on the one hand it seems to embody a power to override the wills of the individual citizens; on the other, its existence seems in a certain sense to depend on the wills of the individuals who are subject to it. In recent years, a great deal of attention has been paid to the problem of defining the concept of power and the will of the citizens. The relationship between political power and the will of the citizens in a political context is the main dispute in a political body. The wills of human beings may be defined in relation to what is taken to be their nature, and from this nature a civil society can be envisaged. When one talks about an individual's will, one may be assuming that human beings have certain basic inborn characteristics. Accordingly, one should consider those characteristics while forming a political body. Of course, whether one holds that human beings have certain inborn rights or characteristics that define them depends on the position one adopts. For example, one could believe that human beings have certain inborn rights that are given by God. However, this view is controversial since it considers not man but God. This is not, of course, the only explanation of human beings or their nature. There are some who claim that human beings are the products of nature and that, for this reason, their nature should be defined with reference to their physiological, genetic or biological constitutions in the course of actions they perform. From this perspective, human beings assume all the values and their characteristics in relation to other humans in the society they live, and for this reason the political body should be formed according to those natural and social facts.

Hobbes, taking up a scientific attitude, described the desires, needs and inclinations to define human nature in both biological and social senses. Hobbes first tried to

answer the question of how human beings live if they follow their basic desires and inclinations of their unsocialized nature, and claimed that life in this condition is unbearable. He hence argued for a political system in which all actions and rights of human beings are organized and determined by the political power to suppress the state of war. Hobbes proposed a political system that holds the commonwealth in unity. His system is coherent at first sight. Hobbes starts to construct his system by assuming a state of nature in which humans are described by their physical and mental characteristics. He claims that “man's nature is the sum of his natural faculties and powers, as the faculties of nutrition, motion, generation, sense, reason, for these powers we do unanimously call natural, and are contained in the definition of man, under these words, animal and rational.”²³²

According to Hobbes, before a commonwealth and before individuals transfer all their rights to a sovereign, men are in a state of war, that is, continual competition and conflict. However, human beings have a natural right to protect themselves from any external danger. For this reason, they are free to pursue whatever they wish, although what they wish is determined by their natural tendencies. In the state of nature humans are not condemned for what they do, considering their natural inclinations. Since there are no moral codes (justice, right, wrong, good, evil, etc.) in the state of nature, natural passions inevitably put each at odds with all others. Moreover, what is good and what is evil is described in relation to the object of a person's desire. If the desired object is considered as good for one's survival and well-being, one tries to obtain it at any cost. However, if good and evil are defined according to a particular person's desire, we could not claim that there is an objective evaluation. In the state of nature, good and evil are relative. For Hobbes, the terms good and evil have no meaning except in a commonwealth, and the standards of morality, good and bad change according to the laws of the state. Therefore, not only moral standards but the laws of a state are not fixed, and they are, to some extent, relative.

²³² For a detailed discussion, see Hobbes, Thomas, “Part I. Human Nature” in *The Elements of Law, Natural and Politic*, ed. J. C. A. Gaskin (New York: Oxford University Press, 2008), p. 21.

Hobbes in his political system gives extensive power to the sovereign. The sovereign is defined as one who has absolute power all over his subjects, and the sovereign is the final arbiter of all questions in the commonwealth. Humans in the Hobbesian state can live in peace with each other without opposing a sovereign or governmental system and can enhance their lives. However, there are some negative consequences of such a governmental system. First of all, the subjects cannot change the form of government and they cannot accuse the sovereign of any injustice. The sovereign is the sole judge of what is necessary to sustain the peace. This includes what doctrines are to be allowed in the commonwealth. The sovereign has the right to make war and when to make peace, the right to choose counselors and ministers, the right to enact, enforce, and interpret the law for the subjects. In holding this, Hobbes reduces laws to the commands of the sovereign. The commands of the sovereign become the laws of the land no matter how arbitrary those laws might be.²³³ Hobbes believes that order is better than anarchy. Therefore, absolute power is necessary to sustain the commonwealth. Hobbes's political theory may be accepted to some extent. Logically speaking, states have to take necessary precautions for their citizens to secure peace and security. Of course, they may implement some rules or laws on their citizens to regulate the relations between the citizens and the state. However, this does not necessitate an absolute power to implement those rules or laws. At this point, the question whether humans have an unchangeable nature becomes important. Hobbes famously defines human nature as brutish, solitary and nasty. Do humans have to abandon their rights to a sovereign for the sake of security? The life of human beings in the state of nature, I think, is put forward by Hobbes to legitimize his political system. What then is Hobbes's political system and what is the aim of this system? One view is that Hobbes's political system serves as the foundation of bourgeois society. Macpherson states the following:

Hobbes's morality is the morality of the bourgeois world and that his state is the bourgeois state. There is his attitude towards the poor, his

²³³ For a detailed discussion see Medina, Vicente, *Social Contract Theories: Political Obligation or Anarchy* (Maryland: Rowman & Littlefield, 1990).

view of thrift and extravagance, his insistence that the state should institute private property and provide freedom for individual enrichment his expectation that the sovereign will provide for equality before the law. Hobbes had a fairly clear view of political needs of bourgeois society of his need only be mentioned here; it is of more importance to emphasize that the premises from which Hobbes deduces his psychology and his view of the state are drawn from the picture of man as he has been shaped by the relationships of bourgeois society. A man's worth is what others will give for his power; society is reduced to the market.²³⁴

Kant was a major contractarian political philosopher who developed a detailed moral philosophy. We may claim that his political philosophy is the extension of his moral theory. He tried to establish a metaphysical theory of right in relation to his view that practical reason depends on *a priori* principles of political and legal right. He insisted that good will must be considered universally. His claim that true politics cannot progress without paying homage to morality can be taken as the main premise of his political philosophy. This premise grounds his politics in relation to the categorical imperative by excluding empirical content. Kant, like Hobbes, claims that the state of nature is a lawless situation in which conflict and war is always possible. In the state of nature there are not only hostilities but also constant and enduring threats for men. The distinction between the phenomenal and the noumenal is his main disagreement with Hobbes. In contrast to Hobbes who only considers the phenomenal realm in his view of human nature, Kant considers the dual nature of human beings. Our phenomenal nature is under the influence of causal factors. Thus, all human actions are determined by sense perceptions. Hence, human beings cannot be considered as free because our actions are subject to the laws of nature. But, for Kant, our noumenal, intelligible, nature takes us beyond the effects of the laws of nature, and we impose on ourselves principles that stem from within reason without empirical content.

Kant pays more attention to freedom than Hobbes, and grounds his view of freedom as an innate right of human beings; freedom is independence from the constraints of another's choice. He sees this freedom as the sole basis for the state. Freedom is

²³⁴ Macpherson, C. B. "Hobbes Today," *The Canadian Journal of Economics and Political Science*, 11: 4 (1945), p. 528.

considered in two ways by Kant, namely as positive and negative. These two types of freedom have crucial importance, since Kant's aim is to construct the relationship between morality and politics. By making this distinction, Kant provides cogent explanations of the determining power of human rationality in the course of our relationships with others. However, this is just one side of freedom. The other is more important. By positive freedom, reason, as being independent of sensible causes, is seen as the determining ground of the will. Therefore, a will that is determined by pure reason is defined as free. By free will, human beings go beyond the determining power of sensible impulses and act according to the principles that stem from reason. Kant clearly indicates that rational beings alone have the faculty to act according to laws, that is, according to principles; thus, they are free. Kant's distinction between sensible and intelligible or phenomenal and noumenal is in contrast with Hobbes's vision of the mechanical human machine. For Hobbes, the human machine does not work without external factors. This is one of the basic differences between Hobbes and Kant. For Kant, all human beings are autonomous. However, this should not be confused with liberty. Liberty gains its meaning in relation to others in a civil society; it is the ability to choose. However, this ability also has constraints. One cannot interfere in the interests of others in civil society.

Kant argues that the social contract is the idea of reason. He means that it is not something observed in the course of actual history. In Kant's view, an *idea* cannot be experienced. In this sense, the social contract is an idea of reason. For Kant, the social contract is a rational principle for judging the worth of a public constitution. It obliges every legislator to frame his laws in such a way that they could have been produced by the united will of an entire people. The crucial point here is that the social contract has to be agreed on by all people. Like Hobbes, Kant claims that people should leave the state of nature and enter into civil society to protect their rights. Kant asserts that it is a moral obligation to do this. Hobbes grounds his basic arguments on the greediness of human beings and their self-interested behaviors. He claims that if there is something that is good for human beings, they pursue it without moral considerations.

The form of government Kant advocates is republicanism, in which the powers of the government are separated into legislative, executive and juridical branches. He believes that the freedom of people is best protected when those powers are separated. Hobbes, in contrast, proposes a system in which all powers of the commonwealth are held in one hand. Kant calls this type of system despotic. For Kant, it is not the sovereign who protects the rights of citizens in civil society but the public law. Under the public law each member of the society is to be regarded as equal, independent, and free in the process of the execution of the public law. Hobbes argues that only the sovereign power can decide all issues for the sake of commonwealth. What is right, what is wrong, and which laws are to be implemented in the commonwealth depend on the sovereign's choice or will. However, in the Kantian state rights depend on the public laws, which are considered the expression of a united will of the people. Of course, both Hobbes and Kant agree that there must be an authority to protect the freedom of the people and the commonwealth from external dangers. However, the difference between them lies in their understandings of the power and status of the sovereign. In Hobbesian theory, the sovereign stands over all people as the absolute power. In this sense, he cannot be considered as a representative of the united will of the people in the civil state. Kant, however, claims that the freedom, equality, and independence of the subjects cannot be sacrificed.

In the tradition of social contract theory, theories of human nature start by asking whether there is an unchangeable, universal human nature. In this tradition, the social contract is seen as a tool. Each social contract theorist follows the same formula. The human condition is first defined in the hypothetical state of nature prior to any governmental system. Second, human beings are defined as if they have unique nature. Third, those theorists try to propose what human beings would look like in the state of nature. The answers given to this last question vary. Hobbes pictures the state of nature as a very bad condition and says that human beings act with self-interest. He aims to ground morality without a transcendent normative order that goes beyond human reason. In addition, he asserts that human beings

should create their own order in relation to their biological and psychological needs to survive. In this sense, the commonwealth or civil society is an order intended to provide those needs for its citizens from the individualist perspective. This claim is best supported by Hobbes claim that “a man is forbidden to do which is destructive his life or take away the means of preserving the same.”²³⁵ What is important for Hobbes is survival and security. However, benevolence is important for Kant. A benevolent person acts not from sympathy or love or inclination, but according to moral duty. What is important for Kant is that human beings should consider themselves as an end, not as a means from which to obtain some benefit. I believe that Kant provides a more plausible social contract theory than Hobbes considering his understanding of human nature, ethics and politics.

Human beings are active beings, and therefore judgments about them should be given in the course of action not by means of speculation. It does not seem plausible to say that human beings are good or evil at first sight and, moreover, it seems unfeasible to construct a political body without considering possible conditions that lead humans to act. By this I mean that human beings are very complex creatures. There may be different factors that lead human beings to act or behave in different situations. Their nature can be examined from different scientific perspectives, such as from the perspective of genetics, anthropology, cognitive science, evolutionary biology, psychology, sociology, etc. Those scientific approaches may tell us different things about the nature of human beings. However, it should be noted that while science could provide us with a coherent explanation of what human nature is, it cannot not explain what human nature could be. That is the task of philosophers.

²³⁵ Hobbes, *Leviathan*, p. 91.

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TURKISH SUMMARY

THOMAS HOBBS VE IMMANUEL KANT'IN FELSEFELERİNDE İNSAN DOĞASI, AHLAK VE SİYASET

İnsan doğasının, insanın varlık yapısına ilişkin olası tüm olanakların, örneğin, akıl yürütme becerisinin, niyetlerinin, arzularının, düşüncelerinin, hissettiklerinin, davranışlarının içinde bulunduğu sosyo-politik sistem ile ilişkisinin ve bu ilişkinin her iki tarafta yarattığı etkilerin tanımlanabilmesi pek kolay değildir. İnsanın şu ya da bu şekilde düşünmesine şöyle ya da böyle davranmasına neden olan faktörlerin neler olabileceğine, düşünme biçimi ve davranışlarının onun olası doğası üzerinde ne gibi etkileri olabileceği konusunda felsefeden sosyolojiye, psikolojiden bilişsel bilimlere, biyolojiden din-bilim çalışmalarına, siyasetten ahlak felsefesine kadar birçok tanımlama yapılmıştır. İnsana ilişkin yapılan tanımlamaların, genel anlamda, insanın yapısının, doğasının ne olduğunu ortaya çıkarmaktan ziyade, onun içinde bulunduğu doğal ve toplumsal yapı içerisinde ortaya koyduğu davranış biçimlerinin neler olabileceği üzerinde yoğunlaşmış oldukları, dikkatle incelenirse, kolaylıkla görülebilir. Çünkü bir şeyin, gerçekte “ne olduğunu” tanımlamak hiç de kolay değildir. Bu çalışma insan doğasının ne olduğu, insanın içinde bulunduğu sosyal, siyasal yapı içerisinde, kendi refahını koruyarak, içinde yaşadığı çevrenin sosyal, siyasal, ahlaki değerleri ile çatışmadan barış ve huzur içinde yaşamasına temel olacak ilkelerin neler olduğu ya da neler olması gerektiği konusunda iki farklı görüşü inceleme ve bu görüşleri birbirleri ile karşılaştırarak, hangisinin akla daha uygun bir düşünce öne sürdüğü konusuna yoğunlaşmıştır. Bu nedenle, bu çalışma, insan doğası kavramını, etik ve siyasetle ilişkisi bağlamında Thomas Hobbes ve Immanuel Kant'ın görüşleri üzerinden incelemektedir. Çalışma, Hobbes'un insan doğası anlayışının, onun ahlak ve siyaset felsefesinde insanların özgürce eylemde bulunma olanaklarını sınırladığını ileri sürmekte, Hobbes'un bu anlayışını Kant'ın insan anlayışı, ahlak ve siyaset felsefesi açısından eleştirmektedir.

Thomas Hobbes insanı dış dünyada var olan herhangi bir maddi varlık olarak ele alır ve onun tüm eylemlerinin dış dünyada var olan nedensellik zinciri içerisinde açıklanabileceğini ileri sürer. İnsan eylemlerinin ortaya çıkabilmesinin tek koşulu duyu verileridir. Kant, öte yandan, insanı sadece maddi bir varlık olarak incelemeyiz. Ona göre, insan sadece maddi bir varlık değil, aynı zamanda bir akıl varlığıdır. İnsan doğasının ve insan eylemlerinin duyu verilerinin insan üzerinde yarattığı etkiye bakılmaksızın açıklanabileceğini ileri sürer. Kant duyu verilerinin insan üzerindeki etkilerini reddetmez. Ancak, o insanın bir akıl varlığı olarak kendisini duyu verilerinin etkisinden kurtarabileceğini de iddia eder. Hobbes, doğal olarak, insanların, sonuçlarını dikkate almaksızın, kendileri için iyi olan şeyi yapmak için koşullanmış olduklarını ileri sürer. Bu her bir insan için geçerlidir. Kendisini korumak, hayatta kalmak için herkes sürekli olarak kendisi için iyi olan şeyin peşinden gider. Hobbes bu durumun ortadan kaldırılması gerektiğini söyler ve devlet kuramını yurttaşların sürekli olarak kontrol altında tutulması üzerine kurgular.

İnsan doğasının ne olduğunun açıklanması bir devletin ortaya çıkış koşullarıyla yakından ilgilidir. Çünkü insan ihtiyaçlarının çeşitliliği, bu ihtiyaçları karşılayacak devletin nasıl bir yapıda olacağından bağımsız değildir. İhtiyaçtan kastedilen şey sadece hayatta kalmamızı sağlayacak, bedensel arzularımızı tatmin edecek şeyler değildir. Aynı zamanda, insanın sosyal olarak gelişmesine katkı sağlayacak, örneğin, özgürce, başkalarının baskısı olmadan yaşama, düşüncelerini kısıtlama olmaksızın ifade edebilme, yönetime aktif bir biçimde katılabilme, bir başka deyişle kendi geleceğine karar verebilme de insanın temel ihtiyaçlarından. Bu ihtiyaçları her bir insanın kendi başına karşılayabilmesi olanaklı değildir. Çünkü insan içinde yaşadığı sosyal, siyasal ve ekonomik çevreden bağımsız değildir. Devletin önemi de burada ortaya çıkmaktadır. Devlet, insanların yukarıda ifade edilen ihtiyaçlarını nasıl karşılayacaktır? Nasıl bir yönetim biçimini benimseyecektir? Yurttaşlarının devlet içindeki konumunu nasıl belirlenecektir? Devlet yurttaş ilişkisi nasıl olacaktır? Bu sorular, bir devletin ortaya çıkış sürecinde dikkate alınması gereken hayati sorulardır. Bu nedenle, insan doğasının ne olduğuna ilişkin yapılan tanımlar kurulacak devletin yönetim şekli ve yapısı ile yakından ilişkilidir.

Thomas Hobbes, *Leviathan* adlı kitabında yukarıda dile getirdiğimiz sorular ışığında insanı ve onun doğasını bir başka deyişle yapısını inceler. O insana ilişkin iki tanımlama yapar: Birincisi doğa durumunda yaşayan, ikinci ise bir devlet içerisinde yaşayan insan tanımlarıdır bunlar. Aslında, doğa durumunda yaşayan insan tanımı, Hobbes'un devlet içerisinde yaşayan insan tanımının temel belirleyicisidir. Çünkü Hobbes kurmak istediği devlet biçimini doğa durumunda yaşayan insanın belirleyici özellikleri üzerinden kurgular. Hobbes doğa durumunda yaşayan insan için şunları söyler: Doğa durumunda yaşayan insan hiçbir şekilde eğitilmemiş, tıpkı, insan dışındaki diğer canlılar gibi yaşamak ve hayatta kalmak için çabalayan bir varlıktır. Tek amacı, diğer insanlar tarafından tehdit edilmeden, yaşamını sürdürebileceği, kendini güvende hissedebileceği bir yer edinmektir. Ancak, doğa durumunda, bu diğer her bir insanın da temel amacı olduğu için, insanların birbirlerini bir tehdit unsuru olarak görmeleri de kaçınılmazdır. Dolayısıyla, sürekli bir korku içindedirler. Korku, hayatta kalmanın temel güdüsüdür. Bir başka deyişle, korku, yaşamını sürdürememe düşüncesi insanın temel özelliklerinden biri olarak tanımlanır. Eğer, korku insanın temel özelliği ise yapılması gereken şey basittir: İnsanı, sürekli olarak bir korku içinde tutan koşullar ortadan kaldırılmalıdır. Ancak, burada temel soru şudur: İnsanlar birbirlerinden neden korkmaktadırlar? Bu soru Hobbes'un insana ilişkin yaptığı tanımlamaların anlaşılmasında oldukça önemlidir.

Thomas Hobbes içinde yaşadığı dönemin bilimsel gelişmelerinden etkilenmiş ve insana ilişkin tanımlamalarında bu gelişmelerden oldukça yararlanmıştır. Örneğin, gökbilim alanında Galileo'nun, tıp alanında Harvey'in çalışmaları Hobbes üzerinde etkiler bırakmıştır. Bir başka etki unsuru da Descartes'tir. Descartes'in zihin ve beden arasında yaptığı özsel ayırım Hobbes'un insan doğası tanımı üzerinde önemli etkilerde bulunmuştur. Hobbes maddeci/materyalist bir insan doğası kuramı geliştirmiştir. Ona göre, doğada ve rol alan her şey, insan da dahil olmak üzere, en küçük parçalara kadar ayrıştırılabilir ve bu parçaların bütünü nasıl meydana getirdiği açıklanabilir. Bu bağlamda, Hobbes, doğada var olan her şeyin nedensel bir ilişki içinde olduğunu ileri sürer. Dolayısıyla, madde ve hareket dış dünyada varolan her şeyin temel oluşturucu ilkesi olarak tanımlanır. Hobbes'un doğa bilimi alanındaki çalışmaları onun insan, felsefe ve devlet kuramına da yansımıştır.

Descartes'in zihin ve beden arasında yaptığı ayrımı kesin bir dil ile reddetmiş, insanda fiziksel varlığı ötesinde başka bir varlığın varolduğu düşüncesine şiddetle karşı çıkmıştır. İnsan, ona göre maddeden ibarettir ve bedeni tıpkı bir makine gibi çalışır. İnsan zihninde duyu verilerinin yarattığı etki dışında hiçbir oluşum meydana gelmez. Eylemlerinin yegâne kaynağı duyu verileridir.

İnsanı bu anlayışla ele alan Hobbes insanı harekete geçiren iki eylem biçimi olduğunu ileri sürer. İlki hayati, *Vital motion*, ikincisi ise, iradi yani *Voluntary motion* olarak ifade edilir. Birincisi insan iradesinin dışında, bedenin kendi içinde gerçekleştirdiği eylemlerdir. Bunlar, nefes alma, kan dolaşımı, kalp atışı vb. gibi, insan dışı bir etkiye maruz kalsın ya da kalmasın otonom olarak gerçekleşirler. İkinci eylem biçimi ise, insanın iradi olarak gerçekleştirdiği eylemlerdir. Bu eylemler, insanın ne olduğu ve nasıl davrandığı ya da eylediği konusunda, bize, ilkece açıklama olanakları sağlarlar. Ancak, iradi eylemlerin kaynağı da dış dünyadan gelen etkilere bağlıdır. Bu şu anlama gelmektedir: İnsan zihninde ve dış dünyada gerçekleşen her bir olay bir başka olaydan etkilenmektedir. Dolayısıyla, bir olayın nedeni bir başka olaydır. Burada istenç özgürlüğü dışlanmış oluyor. Hobbes her ne kadar insanın iki şey arasından birisini seçme özgürlüğü olduğunu söylese de, Kant felsefesinde temel bir yeri olan istenç özgürlüğünün Hobbes'un felsefesinde yer almadığını söyleyebiliriz. Çünkü, burada seçme özgürlüğü, aklın kendi özgür yapısından değil, dışardan verilen iki şey arasından birini seçme özgürlüğünü kapsar. Hobbes'un özgürlükten anladığı şey dış engellerin olmamasıdır. Dış dünyada meydana gelen her hareket bir engelleme olmaksızın sürüp gider. Diğer bir deyişle, bir nesnenin hareketinin sona ermesi demek, onun başka bir nesne tarafından engellenmiş olduğu anlamına gelmektedir.

Hobbes'un dış dünyada meydana gelen her olayın nedenini bir başka olaya bağlamasının önemli bir sonucu olduğunu düşünüyorum. Yukarıda dile getirdiğimiz gibi, doğa durumunda insan dış dünyada var olan herhangi bir nesne olarak düşünülür. Dış dünyada, nesneler arasındaki nedensel ilişki insanlar arasında da ortaya çıkmaktadır. Her bir insanın hareket kabiliyetini engelleyen ve onu korku içinde bırakan tek engel, doğal engelleri saymazsak, aynı ortam içinde yaşayan diğer insanlardır. O halde, doğa durumundaki insanı korku içinde bırakan şey,

kendisine fayda sağlayacak şeyleri karşılama sırasında diğer insanlardan gelen tehdit unsurudur. Çünkü doğa durumunda herkesin her şeye hakkı vardır. Herkesin her şey üzerinde doğal bir hakka sahip olması, bu sınırsız özgürlük hakkı, kuşkusuz bir çatışmaya neden olacaktır. Bu çatışmayı önlemek için ileri sürülen görüşlerin Hobbes'un devlet kuramında önemli ölçüde etkili olduğunu düşünüyorum. Çünkü bu çatışma durumu insanın gelişmesinin önündeki tek engel olarak değerlendirilir. Doğal hak, insanların kendi yaşamlarını korumak için yeterli değildir. Bu nedenle, insanların barış ve güvenlik içinde yaşamalarını sağlayacak bir takım kurallar ileri sürer. Bu kurallar doğa yasaları olarak adlandırılır. Doğa yasaları, aklın kendi içinden türettiği, insan yaşamını tehdit eden eylemlerin yasaklanması talebini içerir ve Hobbes'un temel korkusu olan insanlar arasındaki çatışma ortamını giderecek en temel yasa "barışı aramak" olarak ifade edilir. Hobbes, doğa yasalarını aklın talebi olarak dile getirir. En temel yasa ise barışı aramak ya da barış ortamını sağlamaktır. Ancak, herkesin her şeye hakkı olduğu doğa durumunda barışın gerçekleşmesi mümkün değildir. Bu nedenle, insanlar doğa durumunda sahip oldukları doğal hakları bir kişiye ya da bir gruba devretmek zorundadırlar. Bir başka deyişle, insanların güvensizlik ve çatışma ortamından çıkmalarını sağlayacak mutlak bir güce, kendilerini yönetecek bir egemene ihtiyaçları vardır.

Hobbes, ahlak felsefesini doğa yasaları üzerinden kurgular. Ahlak yasaları, ona göre, değişmezdirler ve sonsuza kadar varlıklarını sürdürürler. Daha da önemlisi, ahlak yasalarının bilimi hakiki ve gerçek ahlak felsefesidir. Ahlak felsefesi, bir toplum ya da devlet için neyin iyi neyin kötü olduğunun araştırılmasından başka bir şey değildir. İyi ve kötü, bizim arzularımıza ya da nefretlerimize karşılık gelen, bireyden bireye ve hatta toplumdan topluma değişebilen kavramlardır. Bu nedenle, Hobbes'un göreceli bir ahlak anlayışını savunduğu ileri sürülebilir. Kendini koruma güdüsü, güvenlik ve barışı aramak Hobbes'un ahlak ve siyaset felsefesinin temelini oluşturur. Hobbes'un maddeci bir evren ve insan anlayışına sahip olduğunu belirttik. O, doğada var olan her hareketi, insan eylemlerinin tamamını sıkı bir nedensellik içinde incelemiştir. Hobbes, bu tutumunu, insanlarda istenç özgürlüğü var mıdır yok mudur tartışmalarında bile sürdürmüştür. Çünkü ona göre, insan zihninde dışardan bir etki olmadıkça hiç bir şey meydana gelmez. Bu nedenle, özgürlük ile nedenselliğin birbirleri ile uyumlu olduğu görüşünü ileri sürer.

Temel doğa yasasının barışı aramak olduğunu ifade etmiştik. Ancak barışı aramak tek başına yeterli değildir. İnsanların birbirleriyle işbirliği yaparak yaşamaları için gerekli olan şey bir devlet kurmalarıdır. Devletin kurulması yeterli değildir. Devlet kurulduktan sonra insanların yapmaları gereken bir şey daha vardır. Tüm doğal hakların egemene devredildiği bir sözleşme yapmak ve bu sözleşmeye uymak. Dile getirdiğimiz bu üç koşul Hobbes'un adalet anlayışını da ortaya koyar. Hobbes'un adalet anlayışını ilişkin görüşlerini şu şekilde özetleyebiliriz: Adalet ve adaletsizlik geçerli bir sözleşmeye, geçerli bir sözleşme zorlayıcı bir güce, zorlayıcı güç de devlete dayanır. Eğer zorlayıcı bir güç olmazsa, eğer bir devlet kurulmamışsa ve bir sözleşme yapılmamışsa adalet ve adaletsizlik hakkında konuşamayız. Bu noktayı problemlili görüyorum. Hobbes, sürekli olarak, doğa durumunun olumsuzluklarından söz etmektedir. Ona göre, doğa durumunda güvenlik, adalet, barış ve üretim yoktur. Bir karmaşa ve çatışma ortamı söz konusudur doğa durumunda. Ne var ki, bir devlet kurulduğunda barışın ve güvenliğin sağlanacağını, çatışma ortamının sona ereceğini nasıl söyleyebiliriz? İlk bakışta, bir devletin bunları sağlayabileceğine inanabiliriz. Ancak, ben, Hobbes'un temel amacının bu olmadığını, aksine bir egemen güç yaratmak ve tüm yurttaşların bu egemen gücün buyrukları altında yaşamalarını sağlayacak zeminlerin hazırlandığını ileri sürüyorum.

Hobbes iki farklı devlet biçiminde söz eder. Birincisi, sözleşme yoluyla kurulan devlet; ikinci ise zor kullanılarak kurulan devlet. Sözleşme ile kurulan devlette yurttaşlar doğal haklarından vazgeçerler ve bu haklarını kendileri adına karar verecek bir egemene devrederler. Ancak, sözleşme egemen ile yurttaşlar arasında yapılmaz. Egemen, doğal hakların bir kişiye ya da bir gruba sözleşme yoluyla devredilmesine ilişkin yurttaşların kendi aralarında yaptıkları sözleşmeden ortaya çıkan ortak iradenin temsilcisidir. O sözleşmenin tarafı değildir. Hobbes yurttaşlardan kendi güvenlikleri için tüm haklarını egemene devretmelerini talep eder. Daha da önemlisi, yurttaş sözleşmenin tarafı olarak egemenin buyruklarına uymak zorundadır. Daha önce de dile getirdiğimiz gibi, Hobbes'un kurguladığı devletin tek amacı yurttaşların güvenliğini sağlamaktır. Ancak, Hobbes'un siyaset kuramının en problemlili kısmı da bu noktadır. Hobbes güvenlik için özgürlüğü feda etmektedir. Hobbes'a göre, egemenliğin tek bir kişide ya da grupta toplanması önemlidir. Çünkü böylesi bir durumda kararlar tek bir elden alınır ve yurttaşların

devlet içindeki sorunlarını bir karışıklığa neden olmaksızın kolaylıkla çözülebilir. O halde devlet yönetimi Hobbes'a göre monarşi olmalıdır. Güçler ayrılığı, yani yürütme, yasama ve yargı organlarının birbirlerinden ayrı çalışması düşüncesi, Hobbes tarafından dikkate alınmamış ve devlet yönetiminde bu tür bir uygulamaya yer verilmemiştir. Hobbes'un devlet kuramında egemen devlet içinde yurttaşların birbirleri ile ilişkileri sonucunda ortaya çıkabilecek her türlü çatışmayı sona erdirmeye gücüne sahip olan, neyin adil neyin adil olmadığına karar verebilen, diğer devletlerle ilişkilerde savaş ve barış kararı alma hakkına sınırsız bir şekilde sahiptir. Egemeni buyrukları sivil yasalar olarak ortaya çıkar. Ne var ki, egemenin kendisi bu yasalara tabi değildir. Onun tek bir ödevi vardır: Yurttaşların güvenliğini sağlamak.

Hobbes'un yönetim gücünün kullanılmasına ve gücün tek bir kişide ya da grupta toplanmasına yönelik bu tavrını bireysel özgürlüğün kullanılmasına yönelik bir tehdit olarak değerlendiriyorum. Bu nokta, Hobbes'un devlet kuramının en problemli noktası olarak görünmektedir çünkü bir yurttaş bir sözleşmeye tabi olduğunda, onun egemen gücün boyunduruğu altına girmesi mutlak bir zorunluluk olarak değerlendirilmektedir. Aksi durumda, yurttaşların hayatlarının tehlikede olduğu vurgulanmaktadır. Bu nedenle, Hobbes en kötü devlet yönetiminin bile doğa durumundaki koşullardan daha iyi olduğunu ileri sürmektedir. Aslında burada bir çelişki ortaya çıkmaktadır. Şu soru genel bir soru olarak insanlara sorulabilir: Monarşik bir devlet yönetimi, her koşulda, insanların doğa durumunda içinde bulundukları karmaşa ortamından daha iyi değil midir? Kuşkusuz, ilk bakışta, evet yanıtı verilebilir. Ancak, burada bir tehlike söz konusudur. Monarkın her istediğini yapabilecek güçte olması yurttaşların özgürlük için bir tehdit unsuru oluşturmaz mı? O halde, monark da ortaya çıkabilecek bir karmaşanın nedeni olabilir. Bu nedenle, devlette düzenin sağlanmasının temel koşulu yönetim gücünün tek bir elde toplanması değildir.

Hobbes insan doğasına ya da insana ilişkin tanımlamalarını, insanların doğuştan sahip olabilecekleri bir takım özellikleri ve hakları dikkate almadan yapmaktadır. Onun temel ilgisi, doğal ve toplumsal yaşam içerisinde insanın kendisini gerçekleştirmesi süreci değil, fakat insanların sahip oldukları istek ve arzuların kaynağına ve bu istek ve arzuların nasıl kullanılacağına yönelmiştir. O insanı

biyolojik ve fizyolojik yönleri bakımından incelemiş ve kötümser bir insan doğası tanımı yapma yoluna gitmiştir. Kant, öte yandan, insanı doğa yasalarının etkisinden kurtara, ona yeni bir özgürlük alanı açan bir insan tanımı benimsemiş ve bu insan tanımını hem ahlak hem de siyaset felsefesinde olumlu bir noktaya taşımayı başarmıştır.

Kant ahlak felsefesini insanın değeri ve ödev ahlakı üzerinde temellendirmiştir. Kant'ın insanın değerine yaptığı vurgu aynı zaman da onun insan anlayışını da ortaya koymaktadır. Bu nedenle, onun insan anlayışı ahlak ve siyaset felsefesinde önemli bir yere sahiptir. Kant, Hobbes'un aksine, ikili bir insan anlayışını savunmuştur ve bu anlayış Hobbes'un ahlak felsefesinden tam anlamıyla bir karşıtlık içerisindedir. Kant, tam olarak, insan doğasının ne olduğu sorusuyla ilgilenmez. O insan olmanın ne anlama geldiği sorunu ile ilgilenir, çünkü ona göre ancak tarihsel süreç içerisinde bir insan doğasından bahsedebiliriz. Bu anlamda, Kant insanı tanımlarken onun doğasından değil nasıl olduğundan söz eder. Kant'a göre, akıl sahibi bir varlık olarak insan diğer tüm canlılardan ayrılır. İnsanın diğer canlılardan akıl varlığı olma özelliği ile ayrılması, aynı zamanda, onun deneysel ve akılsal varlık olma özelliğine işaret eder. İnsanın akılsal yönü onun temel tanımlayıcısı ve özgürlüğün temel garantisi olarak dile getirilir. Hiç kuşkusuz, Kant, insanın deneysel yönünü, bir başka deyişle, doğa yasalarına bağımlı olduğunu göz ardı etmemektedir. Ancak, Kant'ın belki de en önemli görüşü, insanın doğa yasalarına bağımlı olmayan bir yanının olduğunu ileri sürmüş olmasıdır. İnsan, bir akıl varlığı olarak, kendisini doğa yasalarının etkisinden kurtarabilir ve hem bedensel hem de zihinsel yetilerini geliştirebileceği bir alan yaratabilir kendisine. İnsan, bu ikili yanı ile Kant tarafından düşünülür ve duyular dünyasına ait bir varlık olarak tasarlanmıştır. Kant'ın Hobbes ile arasındaki temel karşıtlık bu noktada ortaya çıkmaktadır. Akıl, Kant tarafından, insan varlığının en temel özelliği olarak tanımlanır. Akıl varlığı olarak insan, kendisini doğa yasalarının sınırlayıcı etkilerinden kurtarıp, düşünülür dünyanın bir parçası olarak ahlak yasalarının kaynağı olarak tasarlanır. Bu yasalar, doğal yasalardan farklı olarak aklın kendi içinden türettiği *a priori* yasalardır. Kant'a göre ahlak yasaları her an değişim içerisinde olan dış dünyadan, bir başka deyişle, deneyden türetilemez; çünkü

deneysel alanda insan eylemlerinin temel belirleyicileri ahlak yasaları değil, fakat istekler ve eğilimlerdir.

Kant'ın insan doğasına, insana ilişkin görüşlerini dile getirirken temel kaygısı teorik ve pratik alanda insana özgü olan olanakların ne olduğudur. İnsanın doğasına ilişkin ne söylersek söyleyelim, temel olarak onun eğilimlerinden söz ediyoruz demektir ve son noktada bu eğilimler geçici bir yapıdadırlar. Bu anlamda, insan doğasına ilişkin kesin ve değişmez bir tanım yapamayız. İnsanın olanakları tarihsel süreç içerisinde gelişir ve evrilir. Bu nedenle, Kant insan doğası kavramı yerine, insan varlığı kavramını kullanır. Hobbes ile bir karşıtlık içerisinde şu görüşü dile getirir: İnsan sadece doğa yasalarına bağımlı, mekanik bir yapıya sahip bir varlık olarak tanımlanamaz. Kant, doğa yasalarının olası tüm etkilerinden sıyrılmış, doğa yasalarına bağımlı olmayan özerk bir insan anlayışını savunur ve insanı doğa yasalarının üstüne taşıyan, kendi içinde bir nedensellik barındıran akıl anlayışını insanın temel özelliği haline getirmiştir. Kant, insanın akılsal yanını ve özgürlüğü insan yaşamını belirleyen temel faktörler olduğunu ileri sürer.

Kant'ın ahlak ve siyaset felsefesine ilişkin görüşleri özgürlük kavramı çerçevesinde biçimlenir. Onun insanın saygın bir varlık olduğuna ilişkin vurgusu, insanın içsel bir değeri olduğu görüşüne dayanır ve özgürlük bu görüş bağlamında en temel değer olarak dile getirilir. Kant iki farklı özgürlük anlayışından bahseder: Negatif ve pozitif özgürlük. Negatif özgürlük, istenç özgürlüğünün duyu verilerinin belirleyici etkilerinden bağımsızlığı olarak tanımlanır. Kant duyu verilerinin belirleyici etkilerinden bağımsız olmanın ne anlama geldiğini şu şekilde açıklar: Eğer insan sadece isteklerini, arzularını ve eğilimlerini tatmin etme dürtüsüyle hareket ederse, onların belirlenimi altına girerse hayvandan bir farkı olmaz. Oysa, Kant, her ne kadar insanın duyu verilerinden etkilendiğini söylese de, onun duyu verileri tarafından belirlenmeyen bir yapıda olduğuna vurgu yapmaktadır. Kant negatif özgürlüğün istenç özgürlüğünü açıklamakta yeterli olmadığını dile getirir ve negatif özgürlükten daha verimli olduğunu iddia ettiği pozitif özgürlük düşüncesini öne sürer. Pozitif özgürlük, kendi içinde, dış dünyanın belirleyici etkilerinden ve nedensel ilişkilerinden bağımsız kendinde bir nedenselliğe sahip ve *a priori* olarak insan aklından türetilir. Bu özgürlük kendi gerçekliğini temel pratik ilkeler yoluyla

ortaya koyar ve koşulsuz ahlaki ilkelerin kendisinden türetildiği bir özgürlük olarak tanımlanır. İnsan, varlık yapısında taşıdığı bu olanak sayesinde, ahlak yasalarını belirleyebilir ve bu yasaları eylemlerinin temeline koyabilir. Kant insan eylemlerinin zihnin kendinden türettiği bu yasalar tarafından belirlendiği ileri sürer. Bu nedenle, ahlak yasaları ile özgürlük arasında sıkı bir ilişki vardır. İstenç özgürlüğü, insana eylemlerini kontrol edebilme yetisi sağlar. Burada önemli olan nokta, aklın kendinden türettiği *a priori* ilkeler ve evrensel yasalar olmaksızın, istenç özgürlüğünün temellendirilemeyecek olmasıdır. Çünkü Kant'a göre, sadece akıl sahibi varlıklar eylemlerini dış dünyanın etkilerinden bağımsız olarak belirleyebilme yetisine sahiptir. Bu nedenle de, ahlak yasaları dış dünyadan elde edilemez: Bütün ahlaki kavramlar tamamıyla *a priori* olarak akılda bulunur. Kant'ın bu savı oldukça önemlidir ve onu Hobbes'tan köktenci bir şekilde ayıran noktaya işaret eder. Kant, ahlak yasalarını zihnin *a priori* yapısında türetebilme yetisine sahip olan insanı özerk bir varlık olarak tanımlar. Özerk bir insan eğilimlerinin etkisinde kalmadan kendine amaçlar koyan bir insanı ifade eder. Bu amaçlar bütün insanlığı kapsayacak şekilde ortaya çıkar. Her bir insan diğer bir insanı kendinde bir amaç olarak görür.

Özerklik kavramı Kant felsefesinin temel kavramlarından biridir. Özerk insan ahlak yasalarının taşıyıcısıdır. O sadece aklın yasa koyucu gücüne dayanır ve eylemlerini duysal dürtülerden bağımsız kategorik buyruklar altında gerçekleştirir. Ancak, Kant, insanı aynı zamanda heteronom, yani dışsal etkilere bağımlı bir varlık olarak da düşünür. İnsan bu yanılla eylemlerini ahlak yasalarının ödev olarak dayattığı ilkelere göre değil, başka bir amacı elde etmeye yönelik olarak gerçekleştirir. Başka bir amacı elde etmeye yönelik her eylem Kant tarafından hem maddi içerikli hem de koşullu eylemler olarak adlandırılır. Bu eylemler, genel geçer kurallar içermez, koşulsuz buyruklar gibi evrensel nitelikte değildirler. Bir eylemin ahlaki değeri ancak ahlak yasası ile belirlenmiş ise söz konusu olabilir. Bu eylemler, her türlü insani eğilim, istek ve dürtülerden bağımsız bir biçimde ortaya çıkarlar. Kant'ın insan anlayışını, ahlak felsefesini ve ahlaki ilkelere dayandırarak oluşturduğu devlet anlayışını Hobbes'tan ayıran nokta budur ve bu nokta bu çalışmanın temel dayanağını oluşturmaktadır. Kant'ın temel savı şudur: Ahlak yasası bağlayıcı ve evrensel nitelikte olmalıdır. Evrensel nitelik taşıyan hiçbir ilke içerisinde öznel

istekleri barındırmaz. Aksi takdirde onun evrensel olma niteliğinden söz edemeyiz. Ahlak yasası kendinde amaç olarak düşünülmelidir.

Kant adalet teorisini Evrensel Adalet İlkesinden türetir. Bu yasa şunu söyler: Öyle eyle ki eyleminin maksimi diğer insanları kapsayacak biçimde, onların özgürlükleri ile uyum içinde olsun. Evrensel adalet ilkesi ile herkesin hakkı eşit olarak güvence altına alınmış olur. Kant evrensel adalet ilkesini belirledikten sonra hakkın doğasını açıklamaya girişir. Kant insanın doğuştan getirdiği haklardan ve kazanılmış haklardan söz eder. Doğuştan haklar herkesin sahip olduğu haklardır. Bu haklar her bir insana diğer insanlarla doğuştan bir eşitlik sağlar ve hiç bir ayırım yapılmaksızın karşılıklı olarak herkesi bağlar. Kantın insanın bir başka insanın etkisi altına girmeksizin özgür ve eşit olduğu düşüncesinin oldukça önemli ahlaki ve siyasi sonuçları vardır. Hiç kimse bir diğerinden ister doğa durumunda ister sivil toplum içinde üstün değildir, hiç kimse bir diğerinin bağımsızlığını tehdit edemez ve özgürlüğünü sınırlayamaz.

Kant'ın sivil toplumu ya da devleti, Hobbes'ta olduğu gibi, toplumsal sözleşme ile ortaya çıkar. Toplumsal sözleşme, Kant için, aklın idesidir ve pratik olarak bir gerçekliği vardır. Hobbes'ta bir zorunluluk olarak ortaya çıkan toplumsal sözleşme Kant'ta aklın *a priori* idesi olarak kendisini ortaya koyar. Sözleşme sadece yurttaşları değil devlet içerisinde ortak iradenin bir ürünü olan yasa koyucuyu da bağlayan bir özellik gösterir. Burada önemli olan nokta şudur: Sözleşme, her koşulda, tüm tarafları bağlayıcı bir özelliğe sahiptir. Taraflar sözleşmenin yükümlülüklerinin dışına çıkamazlar, aksi takdirde bir yabancılaşma ortaya çıkar ve doğa durumundaki ortama dönülebilir. Kısaca, sözleşme, yurttaşların haklarını karşılıklı olarak devretmelerini sağlayan yasal bir kurumdur. Kant'a göre sivil topluma geçmek bir ödevdir. Çünkü sivil toplum ortak iradenin bir ürünü olarak yasanın zorlayıcı gücünün ortaya çıktığı bir oluşumdur. Kant'ın toplumsal sözleşmeyi pratik aklın *a priori* ilkesi olarak tanımladığını ifade etmiştik. Bu nokta oldukça önemlidir. İnsan teorik aklın *a priori* ilkeleri olan zaman ve mekân aracılığı ile deneyimi olanaklı hale getirebiliyordu. Toplumsal sözleşmeyi pratik aklın *a priori* idesi olarak belirleyen Kant, bu ide aracılığı ile sivil toplumun deneyimlenebilir olduğunu söylemektedir. Hobbes'ta bu ayrımlarla

karşılaşmıyoruz. Çünkü Hobbes aklın bu türden idelere sahip olabileceğine karşı çıkmaktadır. Sadece deneyim bir şeyin ortaya çıkabilmesi veya gerçekleşebilmesi için yeterli bir nedendir. Deneyim, duyu verileri eylemin tek kaynağıdır.

Kant'ın burada oldukça önemli bir iddiası daha var. Kant, sivil topluma girmiş olmakla insanların özgürlüklerini yitirmeyeceklerini söyler. Sivil topluma girmek yasadışı, bir dışsal özgürlükten, yasaların güvencesi altında olan bir özgürlüğün kazanılması anlamına gelir. Bir başka deyişle, sivil topluma girmek bağımsızlığı kaybetmek anlamına gelmez. Yurttaşlar sivil/kamusal yasaların güvencesi altında olan özgürlükle birlikte yine sivil yasaların güvencesinde olan bağımsızlığı birlikte kazanmış olur. Sivil topluma girmek, özgürlüğün, eşitliğin ve bağımsızlığın sivil yasalar tarafından güvence altına alınmış olması, herkesi her istediğini yapabileceği anlamına gelmez. Sivil yasalar yurttaşlara bir takım sorumluluklar ve yükümlülükler dayatır. Bu sorumlulukları ve yükümlülükleri toplumsal sözleşmenin tarafı olarak baştan kabul etmiş sayılırız. Bu anlamda, Kant, egemen gücün, sivil topluma girme sürecinde yurttaşlar üzerindeki zorlayıcı etkisinden de söz eder. Çünkü ona göre mülkiyet hakkı ancak sivil yasaların koruyuculuğu altında ortaya çıkar ve mülkiyet haklarının korunması için yurttaşlar egemen gücün zorlayıcı etkisine karşı çıkamazlar. Burada Kant'ın sivil yasalardan ne anladığını açıklamamız zorunludur. Çünkü Kant'ın sivil yasaları devletin yönetim biçiminde önemli bir yere sahiptir. Kant sivil yasaları üç bölüme ayırır ve her birinin kendine ait çalışma ve etki alanları olduğunu dile getirir. Kant'ın bu ayrımı günümüz dünyasındaki devletlerde var olan güçler ayrılığı prensibine karşılık gelmektedir. Bu üç güç yasama, yürütme ve yargı erklerini ifade eder. Her bir güç sivil toplum içerisinde birbirlerine müdahale etmeden işlevlerini yerine getirmelidir. Kant bu üç erke sahip olmayan devletlerin ortak iradenin temsilcisi olamayacaklarını ifade eder. Güçler ayrılığını ilkesini Hobbes'un devlet kuramında göremiyoruz. Hobbes'un devletinde tüm erk bir kişinin veya grubun elinde toplanmıştır ki bu durum Kant'ın Hobbes'u eleştiri noktalarından birini oluşturur.

Kant egemen gücü devlet işlerini yürütmekle sorumlu ahlaki bir kişilik olarak tanımlar. Egemen güç, yasama organının verdiği kararları uygulamakla yükümlüdür. Kant'ın bu ayrımları yapmada ki temel kaygısı onun devlet yönetimi

olarak Cumhuriyetçiliği öneriyor olmasıdır. Yönetim biçimi cumhuriyet olan bir devlette erkler birbirinden ayrılabilir. Kant, yürütme gücünü elinde bulunduran erkin aynı zamanda yasaları yapıyor olmasını despotik bir tutum olarak tanımlar ki bu onun adalet idesi ile tam bir karşıtlık içerir. Kant'ın cumhuriyet yönetimini savunuyor olmasını onun amaçları krallığı düşüncesi ile ilişkilendirebiliriz. Amaçlar krallığı farklı akıl sahibi varlıkların kamusal yasalar altında toplandığı bir birlik olarak tanımlanabilir. Tıpkı cumhuriyet idaresi altında bulunan yurttaşların birbirlerini kendinde amaç olarak görmesi gibidir bu durum.

Siyaset felsefesinin temel sorunu devlet otoritesinin neliği sorunudur. Otorite sorunu kendi içinde bir çelişki barındırmaktadır. Devlet otoritesi bir yandan yurttaşların ortak iradesinin bir sonucu olarak ortaya çıkarken diğer yandan onun oluşturan ortak iradeye karşı bir güç kullanımını ifade eder. Bu bağlamda, siyasal güç ve yurttaşlar arasında, siyasal gücün yurttaşların özgür idareleri üzerinde bir baskı unsuru olarak ortaya çıkması son yıllarda siyaset felsefesinin temel sorunlarından biri haline gelmiştir. Bu çalışmanın ana eksenini oluşturan Hobbes'un ve Kant'ın insan, ahlak ve siyaset felsefelerine ilişkin görüşleri yukarıda dile getirdiğimiz devlet-yurttaş ilişkisi, yurttaşların devlet içerisindeki konumları, her iki tarafın birbirlerine karşı olan yükümlülükleri konusunda, bazı ortak noktaları olmasına rağmen, birbirlerinden farklı bir anlayışı ortaya koyar. Hobbes insana ilişkin görüşünde tamamen bilimsel bir tutum takınmış, insani eğilimleri, arzuları ve istekleri insan doğasının temeline koymuş, insanı biyolojik ve fizyolojik bir varlık olarak tanımlamıştır. Doğa durumunda her insan kendi eğilimleri ile hareket ettiği için insanlar arasında bir çatışmanın kaçınılmaz olduğunu vurgulamıştır. Bu çatışma ortamının ortadan kalkmasının tek koşulu olarak da tüm hakların egemen güce devredildiği, eylemlerinin ve haklarının egemen tarafından belirlendiği bir devlet anlayışını savunmuştur. Hobbes devlet sisteminde egemen gücün sınırsız bir güce sahip olması gerektiğini söyler, egemen güç tüm sorunların çözümünde son karar verici olarak konumlandırılmıştır. Ancak böyle bir devlet yönetimi içinde yurttaşlar birbirleri ile uyum içinde, çatışmadan yaşayabilirler. Yurttaşların devlet yönetimini değiştirme hakları yoktur. Barışın nasıl sağlanacağına ilişkin son karar egemene aittir. Güçler ayrılığı ilkesi Hobbes'un devlet anlayışı içerisinde yer almaz. Yasalar egemen gücün emirlerine indirgenir. Çünkü Hobbes düzenin her türlü karmaşa

ortamından daha iyi olduğuna inanır. Mutlak güç devletin varlığını sürdürebilmesi için zorunlu olarak var olmalıdır. Hobbes'un bu düşünceleri bir dereceye kadar kabul edilebilir. Kuşkusuz her devlet varlığını sürdürmek, barışı tesis etmek, yurttaşlar arasında bir denge unsuru olmak, yurttaşların güvenliğini sağlamak ve temel haklarını korumak için bir takım tedbirler alabilir. Bunlar zorlayıcı da olabilir. Ancak burada sorun şudur: Barışı ve güvenliği sağlamak için yurttaşlar tüm haklarından vazgeçmek zorundalar mı? Hobbes bu soruya evet yanıtını verir. Hobbes'un talebi budur. Ancak bu talep onun insanın doğasına ilişkin yaptığı tanımlamalardan kaynaklanır. Hobbes insanı yalnız, kötü ve vahşi bir varlık olarak tanımlar. O halde bu varlığın evcilleştirilmesi gereklidir. Bu bağlamda, Hobbes'un insana ilişkin yaptığı tanımlamaların onun öngördüğü siyasal sistemin ve devlet yönetiminin meşrulaştırılması için yapılmış tanımlamalar olduğunu öne sürüyorum.

Kant, Hobbes'un ahlak ve siyaset felsefesinin karşısına, ahlak ve adalet ilkelerinin aklın kendi içinde türettiği *a priori* idelere ve ilkelere bağlı bir ahlak ve siyaset felsefesi ile çıkar. O iyi niyeti evrensel olarak kabul edilmesi gereken bir ilke olarak ortaya koyar ve gerçek bir siyaset felsefesinin ahlaki ilkeleri içermeksizin ortaya çıkamayacağını ifade eder. Kant da Kant gibi bir doğa durumundan bahseder ve bir devletin kurulması için toplumsal bir sözleşmenin gerekliliğini vurgular. O da doğa durumunun bir savaş durumu olduğunu söyler. Ancak Kant'ı Hobbes'tan ayıran oldukça önemli olan nokta şudur: Kant insanı sadece maddi bir varlık, doğa yasalarının etkisiyle eylemde bulunan insan olarak tasarlamaz. O insanı aynı zamanda düşünülür dünyanın üyesi akıl sahibi bir varlık olarak tanımlar. Akıl sahibi varlık, dış dünyanın belirleyici etkilerinden kendisini kurtarabilir ve aklın kendi içinden türettiği, içinde deneyden hiçbir şey taşımayan, ilkelere göre eyleyebilir. Kant özgürlüğe Hobbes'tan daha fazla değer verir ve özgürlüğü insanın doğuştan getirdiği bir hak olarak tanımlar. Özgürlük hiçbir şekilde ihlal edilemeyecek, ötekinin benim üzerimde arzularından, seçimlerinden bağımsızlık olarak tanımlanır ve devletin varlık nedeninin temeline oturtulur. Kant toplumsal sözleşmeyi aklın bir idesi olarak tasarlar. Bu anlamda, tarihsel süreç içerisinde deneyim yoluyla kazanılan bir şey değildir. Saf pratik aklın talebidir.

Kant için, yurttaşların temel haklarının korunmasını sağlayan şey mutlak bir gücün gerekliliği değildir. Yurttaşların temel haklarını koruyan tek şey kamu yasalarıdır. Kamu yasaları altında her yurttaş birbiriyle eşit haklara sahiptir. Her bir yurttaşın bağımsızlığı ve özgürlüğü kamu yasalarının koruyuculuğu altındadır. Öte yandan, Hobbes'un devletinde neyin adil, neyin doğru ve neyin yanlış olduğuna karar veren, hangi yasaların uygulanacağını belirleyen tek erk egemendir. Kuşkusuz, Kant da bir egemen gücün olması gerekliliğinden söz eder. Ancak Hobbes ile arasında köklü bir ayrılık vardır bu noktada. Hobbes'un devletinde egemen tüm yurttaşların üzerinde mutlak bir otoriteye sahiptir. Bu anlamda, egemenin ortak iradenin bir temsilcisi olmadığını söyleyebiliriz. Bu iddiayı Kant'ın devlet içinde, devletin bir üyesi olan hiçbir yurttaşın eşitliğinin, bağımsızlığının ve özgürlüğünün başka hiçbir şey için feda edilemeyeceği görüşüne dayandırabiliriz.

Toplumsal sözleşme geleneği içinde yer alan siyaset kuramlarının cevap aradıkları temel sorunun değişmez evrensel bir insan doğasının olup olmadığı sorusu olduğunu söylenebilir. Bu gelenek içerisinde toplumsal sözleşme bir araç olarak ele alınır. Her toplumsal sözleşme geleneğinin aynı formülü kullandığını görebiliriz. Öncelikle, bir devlet kurulmadan, doğa durumunda insanın ne olduğuna ilişkin tanımlamalar yapılır. İkinci olarak, insanın diğer var olan her şeyden farklı bir doğası olduğu varsayılır. Son olarak, doğa durumunda insanın nasıl görüldüğü konusunda düşünceler öne sürülür. Bu son soruya verilen cevaplar, hangi tutumun takınıldığı ile yakından ilişkilidir. Hobbes doğa durumunu oldukça kötü, yaşanılmaz bir yer olarak tarif eder ve insanların doğa durumunda kendi çıkarları doğrultusunda hareket ettiklerini söyler. O ahlak ve siyaset felsefesini aşkınsal, normatif bir ilkeye dayandırmadan temellendirir. Devlet, insanların doğa durumunda sahip oldukları hakların düzenleyicisi olarak tasarlanır ve insanların doğaları gereği bencil olmaları nedeniyle doğa durumunda sahip oldukları tüm hakları mutlak bir güce teslim etmeleri gerektiğini salık verir. Hobbes için önemli olan tek şey güvenlik ve hayatta kalmadır. Ancak, yardımseverlik, bir başka deyişle, diğerkamlık Kant için önemli bir noktadır. İnsanı tamamen kendi çıkarları doğrultusunda hareket eden bir varlık olarak düşünemeyiz. Yardımsever insan ötekine sevgi duyduğu veya acıdığı için değil, ödev ahlakının bir gereği olarak

eyler. Çünkü, Kant için, hiçbir insan bir araç olarak düşünülemez. Her insan kendinde bir amaçtır.

İnsan hakkındaki değerlendirmeler ve yargılar, spekülâtif olarak değil, tarihsel süreç içerisindeki durumları ve koşulları göz önünde bulundurularak yapılmalıdır. İnsanları, daha en başta iyi ya da kötü olarak tanımlamak ve olası koşulları dikkate almadan, bu tanımlamalar ışığında bir devlet kurmaya çalışmak akla uygun görünmüyor. İnsanları, farklı koşullar altında, eylemeye yöneltten farklı nedenler olabilir. Bu nedenler, insanın yapısında ya da dış etkenlerden kaynaklanabilir. Onların doğasının ne olduğuna ilişkin birçok bilimsel tanımlama yapılabilir. Bu tanımlamalar birbirlerinden farklı da olabilir. Örneğin, genetik biliminin, antropolojinin, psikolojinin, bilişsel bilimlerin, biyolojinin, sosyolojinin insanın doğasına ilişkin yaptığı tanımlar birbirini tutmayabilir, birbirini kapsayabilir ve hatta dışlayabilir. Bu nedenle, bu bilimler aracılığı ile insan doğasına ilişkin yapılan her tanım biraz eksiktir. Onlar bize tutarlı kendi içinde tanımlar verebilirler. Ancak hiç birisi insanın ne olacağı ya da ne olması gerektiği konusunda bir açıklama veremezler. Bu felsefecilerin görevidir.

APPENDIX

A. TEZ FOTOKOPİSİ İZİN FORMU

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Fen Bilimleri Enstitüsü

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YAZARIN

Soyadı : Yağanak

Adı : Eray

Bölümü : Felsefe

TEZİN ADI : Human Nature, Ethics and Politics in the Philosophies of Thomas Hobbes and Immanuel Kant

TEZİN TÜRÜ : Yüksek Lisans

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Doktora

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