

# KANT'S CONCEPT OF JUSTICE: AN ANALYTICAL STUDY

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*A feeling of fairness is the foundation of human speech, intellect, and behaviour. Immanuel Kant highlights the significance of reason and contends that reason imposes moral imperatives, or obligations, onto us. Kant's political theories claim that upholding the ethic of justice - which is governed by laws, norms, and moral obligations - is the best way to preserve law and authority. He distinguishes feeling from intellect as well. Hence, a person's goals, feelings, or preferences are not the same as their understanding of justice.*

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## Introduction

**E**thics is a field of philosophy that deals with laws, customs, and procedures in principle. Immanuel Kant places a strong emphasis on reason, pointing out that moral obligations, or imperatives, are imposed upon us by reason. According to him, the two fundamental components of justice are equality and freedom. We observe that in practice, these things serve as justification for a variety of discriminatory practices, most notably those that are gender-based. So, the purpose of this study is to examine Kantian ethical theory, which holds that men's justice ethic is superior in guiding morality and ignores the fact that equality and liberty were meant to mean different things for men and women.

## Need of the Study

The study explores history and customs to track the sociological shifts that humanity has experienced from antiquity to the present, paying particular attention to morality and ethics, as well as the decisions, people make in their lives under diverse circumstances and at different points in time.

## Objective

To investigate the concept of justice under the prism of Kantian thought

## Literature Survey

Kant's moral theory is predicated on human behaviour that is logical and guided by the idea of laws in order to achieve particular objectives. We must have free will to choose what we do. We behave under the complete ethical jurisdiction of the law as free creatures. Autonomy of the will is the term used to describe this concept of freedom. Kant believed that moral obligations, often known as imperatives, must be imposed upon us by reason.

A study conducted by Paton, H.J. (Trans. & Anal.) on 'The Moral Law: Kant's Groundwork of The Metaphysics of Morals' (1948), where he mentions that according to Kant, all people are subject to the imperative, which derives from pure reason. This makes it universal and a priori; the phrase "moral imperative" also refers to this unconditional imperative.

Thomas Kingsmill Abbott translated the book 'Fundamental Principles of The Metaphysics of Morals - Immanuel Kant' (2005), here he understands that in Kant's moral philosophy, Formula of Autonomy is referred to as the Supreme Principle of morality since it is a truth that everyone has a duty to act morally and that we all do so voluntarily. This basically means that if we live by the universal rule and show the world what justice is all about, then our words, thoughts, and deeds will also reflect that law.

Maira Gatens edited the book 'Feminist Ethics' (1998), where she mentions that women are incapable of reaching

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the fullness of moral being and that attempting to act rationally like men detracts from their inherent beauty, according to Kant's point of view.

### **Discussion**

It is evident that Kant's moral theory hinges on the idea that rational human behaviour is governed by laws in order to achieve particular objectives. We must have free will to choose what we do. We behave under the complete ethical jurisdiction of the law as free creatures. Autonomy of the will is the term used to describe this concept of freedom. One's autonomy would serve as a safeguard to prevent dominance by others if he made the decision to live by universal laws. He thought it is normal for sensible beings to have the freedom to choose to live by standards, laws, and morality. Ethics deals with the rules of free moral conduct, as noted by H. J. Paton in the 'Preface'<sup>1</sup>. Kant's moral philosophy is comprised of three outstanding works: 1) *Fundamental Principles of the Metaphysics of Morals* (1785), 2) *Critique of Practical Reason* (1788), 3) *The Metaphysics of Morals* (1797).

Most people eventually come to appreciate the importance of upholding morality, whether they like it or not. Kant contends that we are obligated, by the dictates of reason, to fulfill these obligations. This is known as an imperative. All imperatives are hypothetical or categorical from a Kantian perspective. Kant points out that hypothetical reasoning is concerned with conditional assertions such as "If I want this end, I ought to do such and such"<sup>2</sup>. This helps to distinguish hypothetical reasoning from categorical imperative reasoning. Although it does not come from pure reason, or theoretical inference, the hypothetical imperative is not universal and a priori. It originates from our experience and fluctuates according to the situation, for example, - I will pass the exam if I study well.

Conversely, the categorical imperative does not impose any limitations. It means that we always should fulfil our responsibilities. We act upon reason's instruction rather than because we have personally benefited from it or have observed its beneficial effects elsewhere. As a result, our own self-interest cannot be taken into consideration. According to Kant, to act on a formal maxim irrespective of all objects of the faculty of desire is to act for the sake of duty<sup>3</sup>. Therefore, this requirement is based only on reason and it applies to every person. Therefore, it is universal and a priori; the word "moral imperative" also refers to this unconditional imperative. For example, one of the main issues the globe is dealing with is global warming, or the rise in temperatures brought on by the

thinning of the ozone layer in the outer atmosphere. It results in the damaging UV rays falling on the surface of the earth, melting the ice from the north to the south-pole and swiftly raising the water level.

In order to prevent the destruction of nature and the earth, humans have specific tasks to complete. Humans are failing to preserve nature, which is one of the main causes of global warming. This may be because they are unaware of the immediate effects and consequences of their actions that harm the ecosystem. According to Kant, one must behave out of duty rather than always out of necessity in order to respect the law, society, and mankind at large. According to Kant "...a morally good action is one which is done out of reverence for the law, and that this is what gives it its unique and unconditioned value"<sup>4</sup>. The fact that Kant's moral philosophy is predicated on the idea of duty or obligation, his theory is referred to as deontological theory (the Greek word "Deon" means "duty" or "obligation").

In Kant's moral law, the key idea is that the categorical imperative is predicated on two fundamental premises: (i) moral judgments are grounded in universal principles that apply to all individuals, and (ii) humans should always be viewed as ends in and of themselves rather than as mere means to an end. Kant formulated the categorical imperative in a few distinct ways. "Act only on that maxim through which you can at the same time wills that it should become a universal law"<sup>5</sup> is the original formulation. Kant contends that as human sentiments and inclinations vary from time to time, universal laws should not be dependent on sentiments, desires, or inclinations. Since reason is what should rule these laws and since reason applies to all people equally, the universalizability principle can be applied to all people. According to the original concept, truth is the greatest universal virtue; hence speaking the truth and honoring one's word are always the foundation of ethical behaviour for humans. In his second formulation, Kant says "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."<sup>6</sup> When someone lies to another person in order to accomplish his own goals, it indicates that, as a reasonable person, he is using the other person as a tool to attain his own goals. In this way, we treat people more like things or objects than like human beings. Every rational being in the world is aware of the concept of injustice, which is to view a human being as devoid of humanity and not consider the effects of our actions on that person if we use them to further a goal. The justice ethic is entirely violated by

those who choose not to pay attention to this voice of their conscience.

After that, Kant discusses the “Formula of Autonomy”. The other two formulae are combined to create this one. According to the Formula of Autonomy, we are only required to follow moral laws without reservation if we have free choice. He made a distinction between the concepts of freedom and autonomy. Heteronomous and autonomous will are the two categories of will, according to Kant. Whereas the latter is free and independent, the former is guided by inclinations or desires. Morality cannot be accomplished for humans if they are subject to material interests and societal norms. For this reason, moral norms that are based on freedom must be followed by all rational beings. It states that, - every rational agent must presuppose his will to be free from a practical point of view. Freedom is an essential prerequisite for all thought and behaviour <sup>7</sup>.

Kant distinguishes between positive freedom - which is governed by moral laws and negative freedom, which is concerned with misconduct. Positive freedom governs our responsibilities within, whereas external freedom determines how we behave outside of it. In Kant’s moral philosophy, this Formula of Autonomy is referred to as the Supreme Principle of morality because it is a truth that everyone has a duty to act morally and that we all do so voluntarily. According to Kant, every human has two different kinds of will: the emotional will, which is connected to the person’s inner world, and the “Lower Will,” which directs behaviour for the person’s own enjoyment or satisfaction. When someone follows their moral convictions, their actions are motivated only by their own free will, which is known as rational will or “Higher Will.” Furthermore, according to him, “So act that your will can regard itself at the same time as making universal law through its maxim”<sup>8</sup>. Basically, this implies that if we live by the universal rule and show the world what justice is all about, then our words, thoughts, and deeds will also reflect that law. The universality of morality, which proclaims the greatest worth of every rational individual, and the assignment of freedom or autonomy to the will are therefore provided by the formulas of the Categorical Imperative. Kant distinguished between internal and external duties as well as perfect and imperfect duties. It is acknowledged that our external duties are carried out for the benefit of others, while our internal duties are carried out for our own benefit. Kant argues that responsibilities might be internal or external, perfect or imperfect. The Doctrine of Virtue is associated with internal obligation, while the

Doctrine of Right, which we will discuss shortly, is associated with external obligation.

Following are some illogical instances that Kant uses to explain the idea of duty:

- i) Suicide’s irrationality - in this instance, refraining from suicide would be the maxim<sup>9</sup>;
- ii) The irrationality of refusing to honour a promise or as the maxim might put it, of being honest and reliable<sup>10</sup>;
- iii) The senselessness of squandering one’s innate abilities and aptitudes—the likely maxim here would be - develop each person’s potential<sup>11</sup> and;
- iv) The senselessness of turning away those in needs of assistance - here the possible maxim might be - always assist the others who are less fortunate than you<sup>12</sup>.

Kant uses these instances to illustrate his point: “...I understand by a perfect duty, one that admits no exception in favor of inclination and then I have not merely external, but also internal perfect duties. Perfect duties are usually understood to be those which can be enforced by external law; imperfect, those which cannot be enforced...”<sup>13</sup>

### ***Kant Uses these Instances to Illustrate his Point:***

Example 1: ‘Not committing suicide’ is associated with internal perfect duty since it is a person’s responsibility to preserve their own life and since attempting suicide is illegal.

Example 2: ‘not breaking a promise’ is associated with external flawless duty since it is our obligation to others and is punishable by law.

Example 3: ‘Cultivate the talents of everyone’ refers to an unsatisfactory internal obligation because it is voluntary and not subject to legal regulation.

Example 4: As voluntary service to others, ‘helping others in difficulty’ is related to external imperfect responsibility.

I will now address Kant’s perspective on the concept of justice after discussing various categories of obligations.

The idea of freedom, which is at the heart of Kant’s critical philosophy, is addressed in his theory of justice. He distinguished between two kinds of freedom: inner freedom and outside freedom. His philosophy of justice is based on the concept of outward freedom, whereas his ethical theory is based on the concept of inner freedom.

According to Kant, the two main ideas of justice are equality and freedom. The doctrine of right and the doctrine of virtue are the two sections that make up Kant's 'The Metaphysics of Morals,' which should be noted. A proper idea or deed is linked to freedom of choice in the doctrine of right.

Kant's moral and political philosophy attributes significant importance to inner and outer freedom, which he defines as the right to freedom towards oneself and the right to freedom towards others, respectively. Freedom is what drives moral autonomy in a rational being. According to Kant, "The 'Doctrine of Right,' is concerned only with 'duties of outer freedom' - how one person's behavior affects others, as in the fulfillment of contracts, which the state coerces by using punitive prudential incentives. Right behavior is also moral duties that should all be done from an ethical motive. Kant defines the 'Doctrine of Virtue' as 'the science of how one is under obligation [even to fulfill external duties like beneficence from the motive of duty] without regard for any possible external lawgiving.' These special duties that relate to one's conscience and are done without any pressure of reward or punishment, Kant calls 'duties of virtue.'" <sup>14</sup> The term "virtue" in the doctrine of virtue is based on inner freedom as it contains a positive command to a human being, mainly to bring all his capacities and inclinations under his (reason's) control and so to rule over himself, which goes beyond forbidding him to let himself be governed by his feelings and inclinations (the duty of apathy); for until reason holds the reins of government in its own hands, his feelings and inclinations play the master over him. <sup>15</sup> Regarding motivations, there is only one virtuous disposition; nevertheless, since we might have a wide range of objectives, virtue has numerous tasks. Therefore, virtue is neither a rigid formula nor devoid of love and compassion. According to him, virtue is moral bravery that upholds our dignity and sense of self-worth while simultaneously being considerate of the happiness of others.

Kant distinguishes between the two types of lawmaking and legislation: internal and exterior. Legislation from the outside is equal to responsibilities of virtue, and duties from the inside are equal to internal lawmaking. One example of a combination of internal and external lawmaking/legislation is telling the truth. When someone tells the truth, they are fulfilling an obligation to themselves, which manifests internal lawgiving or legislation. However, because they are fulfilling this obligation for the benefit of the community as a whole, this action also has to be referred to as external, legal, or

juridical. Based on the research, it can be concluded that the cornerstones of Kant's moral teaching are his theories of virtue and right. Bringing all of our abilities, inclinations, and desires under the control of reason is the goal of his moral philosophy. He places particular emphasis on the qualities of autonomy and rationality that characterize moral subjects and decisions. Kant also emphasizes that the ethic of justice, which is governed by laws, regulations, and moral obligations, is the greatest way to serve law and power in his political ideas. He also differentiates reason from feeling in these ideas. As a result, his view of justice is unaffected by a person's feelings, goals, or preferences.

### ***The Counter Argument***

1. Kant's moral theory revolves around the concepts of autonomy, equality, rights, and duties for all people. Additionally, he highlights that moral judgement is based solely on reason. He supports the idea that everyone is created equal and that this equality cannot be taken away from anyone. In order to achieve oneness in any relationship involving rational persons, Kant advises embracing love and respect.

In 'The Metaphysics of Morals,' Kant states that there are three types of acquisitions that fall within the idea of right: a man acquiring a wife, a couple acquiring children, and a family acquiring slaves. A person's right to possess anything obtained in this manner is the most personal of all rights, and it is likewise unalienable. <sup>16</sup>

A person or thing is said to be in possession when they have the ability to dominate, control, or take something by force. Women therefore begin to be considered acquisitions when Kant discusses purchase and moves on to the private domain of the home. The distinction between possession and right is not always clear. The capacity for entitlement, liberty, and self-determination that is acquired at birth is known as right. So, does this idea stem from a patriarchal society? Is it a man's birthright to obtain his wife through the institution of marriage, which is sanctioned by society? Does this idea stem from a patriarchal society?

2. Kant argues that women are incapable of reaching the fullness of moral being and that attempting to act rationally like men detracts from their inherent beauty. <sup>17</sup> In 'Anthropology from a Pragmatic Point of View' Kant writes, "Nature was concerned

about the preservation of the embryo and implanted fear into the woman's character, a fear of physical injury and a timidity towards similar dangers. Based on this weakness, the woman legitimately asks for masculine protection"<sup>18</sup>. Women are not suited for intellectual labour because fear and shyness are inherent traits of the gender<sup>19</sup>. Kant also formed the a priori assumption that "being an adult male" was a necessary condition for engaging in civic life. Therefore, he made it clear that women could never have an active role in society. He caught himself in paradoxes by doing this, and he was never able to get out of them<sup>20</sup>. But Kant also holds that women cannot achieve complete moral personhood and that if they attempt to act like men by pursuing rational interests, they will lose all of their attractiveness. When a man enters the private realm of the home, it is imperative that he "become an adult male" in order for women to participate in active citizenship. Women are their possessions within this context. Women cannot perform intellectual work because of their innate fear and timidity. It appears regrettable and wasteful that the critical thinker Kant supported gender hierarchies, though occasionally in subtle and other times in overt ways.

3. Kantian morality places a premium on reason as the most important instrument, which is associated with male virtues, while disregarding caring, connection, emotions, and wants, which are traits associated with female virtues. Being a nurturer's domain, emotions such as love, compassion, and a sense of belonging are regarded as feminine qualities. Since they are the domain of the defender and the ruler, reason, intellect, and political interests are seen as characteristics of masculinity. His ethical philosophy ought to validate humanity's cause, regardless of gender; yet, the issue arises when it emphasises the primacy of reason and its inextricable linkage to men. Why does Kant treat women in society in such a gross or undeveloped way?
4. It has been assumed that nurture is less significant and inferior because it is considered appropriate for the private sphere of society. Due to their restricted function as nurturers in the home and in private life, women's labour is essentially done

as a favour for the male who takes care of them. Since their emotion and compassion make them lacking in rationality or the ethic of justice, they are excluded from the decision-making facets of public life. In no public community were women permitted to exercise their intelligence or moral convictions, nor were they treated as members of the public realm.

## Conclusion

In order to develop a system that is equitable and beneficial to all of mankind, the current study focuses on the creation and maintenance of a patriarchal ethical model, which is incomplete, unfair, and unequal. It also analyses the unique perspective of women. Partially patriarchal, unjust, and patriarchal views seriously undermine human harmony. It is unrealistic to expect total change in any issue until we are able to influence a change in attitudes towards every societal group. □

## References

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