Ensaio 42

Topic 2:

"Autonomy is not autarchy but rather the ability to distance oneself from one's social roles, traditions, history, and even deepest commitments and to take a universalistic attitude of hypothetical questioning toward them. This is the salvageable and still valid kernel of the Kantian injunction to consider ourselves as beings who, through our actions, could legislate a universally moral law."

1. INITIAL CONSIDERATIONS

In the work *Foundations on the Metaphysics of Morals*, the philosopher Immanuel Kant presents a complex theory upon the idea of free actions, which would be the only possible actions subject to hold a true moral content. In those actions, rationality would manifest an important role: it would possibility the elaboration of the good will whereby moral actions could arise, that is, reason would guide one's action in order to make it be expressed in terms of accordance with an *a priori*, unconditional, moral law; not only accidentally in accordance to this rule, as human action often use to be, but necessarily in connection with it, just like the connection of a rock that falls and the Universal Law of Gravity. To formally analyze such idea of liberty, Kant claims for two states of action: first, heteronomy, when the formational will behind one's action does not comes from itself, but from something else, such as an inclination, hypothetical end, desire and the like; and second, autonomy, which formulation is given as the complete opposition of heteronomy, that is, an action such that its former will comes from a specific moral universal legislation. That moral universal legislation would be so that any rational being would want to agree to it. Nevertheless, moral actions would always be realized in accordance with those rules that we proposed for ourselves, for insofar every one of us is a rational being, we are also universal legislators, formulating our own moral rules, that's why moral actions would be considered as free (autonomous) actions.

However, in the abovementioned excerpt, the philosopher Seyla Benhahib looks for a more contemporary formulation of autonomy, since it does not accept it as self-government "Autonomy is not autarchy"; instead, they present a vision upon autonomy concerned with a conception of social impartiality that presupposes the dissociation of "social roles, traditions, history and even deep commitments", which would be contingent from a moral standpoint. The philosopher appeals to a sort of generalization, trying to abstract an individual until a

pure moral agent (legislator). That line of thought arguably leads us to John Rawls' contractual moral theory. This ability to get far from these social contingencies is nothing more than a short explanation of a conception of the initial situation, which the author claims would be considered as fair. Therefore, if we take the position of legislator literally, we arrive at the procedure described by Rawls in his *A Theory of Justice*.

In this essay, I shall analyze Rawls' conception of justice — which I think is enoughly similar to the one presented by Benhahib, considering solely their quote, thus it might suffice for our briefly inquiry — and defend a more communitarian interpretation for the "self", that is, I will sustain that we cannot distance ourselves from "traditions, history an even deepest commitments" in order to formulate a complete and adequately human moral system. I will then propose a transcendent role for moral founded in the idea of "narrative", in which I am definitively indebted with Alasdair MacIntyre and his *After Virtue*.

2. METAPHYSICS OF MORALS

Although a person could be able to study Rawls' conception of justice without ever had read Kant's writing on moral philosophy, as well as without ever had read any of the classical contractarian philosophers (Rousseau and Locke in especial), I think it is quite suggestive to look for some of the ideas of the former, for their notions and concepts formulated by him are not so usual, in particular his terminology, which necessities of due attention. So let us start by the title of his aforementioned main work. What would be metaphysics of morals? Kant adopted the classical division of philosophy in three main domains: logic, physics and ethics. Except for the logic, which is completely formal, all of them present both a formal content and a material content. The material content of them can be understood as its empirical manifestations, whereas the formal part deals with the *a priori* (before experience) content of their investigations. Physics would study the natural reality, while metaphysics would look for the understanding of the analytic notions and rules that grounds the experienced reality; analogously, we would have ethics studying the right actions, which Kant called practical anthropology, and the metaphysics of morals, which would characterize the studying of the moral laws in which our actions should be derived.

To exemplify that in a productive way, let me theorize a very simple situation: picture a person who is deadly thirsty, in such extent that they cannot possibly think in another thing

except water; naturally, that same person drinks water. Could we say that this action was a free action? Vulgarly one could say that there was nothing, physically, precluding him from taking another kind of action and that is true. Nonetheless, we need to handle with this question philosophically and elaborate more complex considerations. I still start by taking some Aristotelian conditions for free actions: a) free actions need to deliberated and b) free actions need to could have been different from what they have actually been. Let's us put the consideration about deliberation aside, for we do not know, at this point, what it means indeed. However, we are able to analyze the second condition, properly expressed by another question: could the whole situation have happened different? A morbid possibility is that our little character could have died, but let's us take for granted that our character wanted to keep living — I really believe that it is not a hard condition to accept — , therefore we have to admit that this is the only possible way this situation could have been like. The only way by which our character could still keep living was by taking water. Thus we have arrived in an important conclusion: the dimension of human liberty, in this case, is the choice made by our character (to live or not to live). However, we can still criticize this power of choice, for why would a reasonable person to choose not to keep living, in a normal situation. In effect, the majority of things that guide one's action are not prevenient of its own will. Most of our actions are directed toward expectations and desires and grounded in inclinations. Those inclinations would be empirical, conditional, manifestations of the particular situation we usually are inserted in, namely, what Kant called the objective principle of action. On the other hand would exist, what Kant called the subjective principle of action, the will behind it. Moral actions could not happen because of inclinations, since their will is not in ourselves, but rather from objective moral laws, which would be agreed to by our subjective principle.

The formulation of these rules would be expressed by what Kant called Categorical Imperative, which would be the opposite of the hypothetical one. Hypothetical because it would be manifested solely in connection with a determined end or expectation or inclination, whereas the categorical would be based only in the action itself, not in the possible utility of it nor in its actual consequences, but in the former will that contributed to its existence, as a manifestation of accordance and *respect* to a moral law. Autonomy would be then act in accordance with those moral laws, for they would be the ones *chosen* by rational beings. I will only present the trivial formulation of the categorical imperative: One shall only and solely act in accordance with a law if he, simultaneously, want it to become a universal law. I prime for this formulation because of its idea of universalization that will be also present in Rawls

theory. Since we already achieved some of the main ideas that we are dealing with: autonomy, hypothetical and categorical imperatives, rational universal legislation, I think I can go further in my analysis.

3. JUSTICE AS FAIRNESS

John Rawls' theory on justice may look complicated initially, for his assumptions are seemingly either too much abstract or abnormal; but if we look to it from the very start of its consideration, we will see how simple and intuitive are the steps he does in his inquiry. First of all, lets us see what he understand as the primary subject of social justice, that is, basic structure of society. For the role of justice is to give decide a proper way to give rights and duties and an adequate form of distributions of benefits and burdens. Rawls thinks in society, say, as a more or less self-sufficient association of people in order to advance their own good, whether they believe it to be. In effect, a society would be such that every one of its individuals shall be better than they would be outside that association. Notwithstanding, every society is more favorable to certain starting places rather than others and have a different way to decide by which means it will formulate a just way to distribute the benefits of the association as well as the burdens prevenient from it. Therefore this sort of division of *primary social goods* is what Rawls claims to be the primary subject of justice, to estipulate the appropriate weights it will attribute from each part of the association.

Justice as fairness is nothing more than a conception of justice that would be agreed to by rational in person in an initial condition that would be considered as fair; it does not claim that the notions of "justice" and "fairness" are equivalent. According to Rawls, the more philosophically favorable interpretation of the initial situation is what he calls "original position". The original position is a hypothetical situation that tries to resolutely equalize the individuals as rational parties, in a, so called, position of equanimity. In this position, we should try to erase the entire moral contingencies of each parties in order to avoid the socials and natural advantages that some of the parties would certainly manifest. To express it properly, I will discuss other conceptions of justice and show in which point they "let men at odds" in relation to morals. First of all, let us consider the natural liberalism, or libertarianism, in which the whole distribution of goods is founded in a *pure procedural justice*, concerned only with the terms by which the economic transitions are made. In the book *Justice: what is the right thing to do*, Michael J. Sandel presents a good example when studying Robert Nozick's conceptualization of just distribution. The example of the basketball player Michael

Jordan. Imagine an utopic situation in which we have Michael Jordan and a lot of other individuals, every one of them having exactly USD 100,00. However, one day, Michael Jordan participates in a decisive basketball match and all the other individuals decide to watch him playing. They all give USD 5,00 to Jordan, which makes them remain with USD 95,00. On the other hand, considering a great number of individuals, which is a plausible condition, considering the nature of societies or the popularity of basketball, Jordan would own a much larger amount of money in relation to the other individuals and that would certainly be a great economic advantage for him. However, since all the transactions were just, we can surely agree that the final distribution achieved would be as well just. This is Nozick thesis: it is not the actual distribution of advantages and disadvantages in a given society that makes of it just or unjust, but rather the means whereby that situation was achieved as well as the initial situation.

According to Rawls, the problem of the libertarianism is not the idea of pure procedural justice, but the fact of how this final distribution is distorted by social and natural contingencies. Obviously, Jordan example does not present any form of social contingency, but it definitively presents natural ones. The abilities of Jordan are fruit of a natural lottery that provided him more dispositions to play basketball than the others individuals, this way; he cannot legitimately vindicate the benefits provided by this ability, since he did not had more reasons to born with them than the other people. The first objection that arises with the previous statement is that concerning the notion of efforts. Certainly, Michael Jordan trained a lot to accomplish those abilities, that why he deserves them. Rawls presents here a very counterintuitive, but interesting, response, the whole disposition to engage in some activity or practice is conditioned for contingent things such as families, and social roles, and free time and so on… That is, initially, something hard to accept, but let's us consider the follow question: between a poor boy who have no parents and a rich boy whose parents are both academicians, who of them will more probably spend hours and hours studying to get into a college? Or which kinds of student usually spend more time studying, the ones from elite schools or the ones from public ones? Moreover, we also have to consider the notion of *recognition*, presented by Charles Taylor, if the whole society says to a poor boy that he will never be able to become a doctor, why would he spend so much time of his life trying to prove the opposite? I hope I have made myself enoughly clear.

The other conception of justice we shall analyze is the meritocratic view, or liberal equality, in which it presupposes *politics of redress* in order to regulate all the parties of

society, so that the idea of deserve become plausible. This way, the meritocratic claims in favor of an efficient public system as well as a system of fair opportunities, instead of only formal equality as in libertarianism. It certainly corrects some of problems of natural liberalism, in terms of social contingencies, but it still fails in relation to the natural contingencies. People would still be advantaged by their non-legitimate benefits prevenient from the natural lottery. So, after these considerations the constraints of the original position presupposed by Rawls follows naturally.

Rawls creates the concept of veil of ignorance. It is a hypothetical conditional that appeals to the pure rationality of the individuals in the original compact. These individuals would forget their identities as well as their social place in society; also they would forget whether they are wealth or not, nor if they have especial physical abilities. They do not even know their own conception of good, nor their religious opinions. They do not know if they are part of any minority or if they are somehow advantaged by the currently configuration of society. As a matter of explanation, the parties in the original agreement do not even know their propensity of taking risks. Summarizing, they forget all the things that are moral contingent. Resorting to Kantian idea of morals, we could notice that those contingencies would be the reason why some of our ponderations would be distorted by inclinations. A rich person has lesser motives to accept taxation as means for redistribution of wealthy than a poor person. Besides that, the parties are also mutually disinterested, that is, they will only try to advance their own good instead of being benevolent and so — what does not mean that, outside the compact, the parties would be egoistic and individualistic. In effect, every individuals thinks in its own good as worth of consideration and they will not subject it, as well as they will not subject their own primary social goods (rights, liberties, opportunities), to the good of others, even though they do not know their own idea of good.

By this procedure developed by Rawls we could initially look for a public conception of justice that would be useful in a well-ordered society and then go further, by designing a whole moral system, which is something that he does not try in his *A Theory of Justice*. Rawls limit his analysis to close societies, which the contact with others civilizations could be disconsidered. I think that is very well the application of Benhahib's considerations upon the basic structure of society, anyway they individualize these ideas for actions. In either case, Rawls seems to believe that the original agreement is a mere formal procedure, yet hypothetical; after the parties decide a public conception of justice and a conception of goodness, the whole idea of the compact could be forgot and their investigations could follow

from these notions of justice and good. The own idea of the original agreement is but a form of dealing with the question of rational choice, the same way Rawls presuppose the notion of agreement in Kant's Categorical Imperative without a proper compact, we can presuppose an answer for the rational choice without resort to the original agreement, regardless of how unmanageable the problem will become. Well, after this long explanation, one could think that I agree with everything that was presented right here, but I do not; I think that Rawls' theory deals very well with the problem of the basic structure, but I think that this absolute role for justice is equivocated; it is not entirely wrong, but I do not think we can dissociate justice from honoring and deserve, as well as I think we shall not deal with it in terms of pure procedural justice. Lastly, I think we do have especial duties for the person whose history we share, so I disagree with Benhahib in relation to the affirmation that one should distance from their history, but let's us discuss that properly in this last section.

4. A TRANSCENDT ROLE OF MORAL

The first thesis of Rawls I shall comment is the one concerning the idea of *deserve*; according to him, we cannot vindicate the benefits of our effort, but only to vindicate proper expectations, which would be ones agreed in the original position. Rawls is certainly right in its defense of a definite *necessity* on what each people usually spent its efforts, but the concept of justice needs the idea of deserve, no matter how it will appear to us. That why I do not disagree with his idea of legitimate expectations, but I also believe in a greater role of justice that suffices to affirm that even that if we are not owner of ourselves we need to believe so. I agree with Jean-Paul Sartre that we do not have liberty to change what the world gives to us, but we can change what we will do with it. We have to attend the just case of deserve in the same extent a person who commits a crime need to be arrested, not because of a constitution that designs this expectations for a given crime, bur because bad actions needs some kind of punishment. If we neglect the liberty of a person's action because of some abstract doctrine of *necessity*, the true existence of morals would be impossible.

Kant though that the dimension of human liberty relies on the kingdom of morals, in which we could use of autonomy to make our actions to be in accordance with those laws; I, otherwise, think that the laws of nature, either physical or moral ones, cannot be understood as justs or unjust, but merely as facts. I think that the true dimension of human liberty is interpretation, and here I use the narrative conception of "self" presented by the Britannic author Alasdair MacIntyre in his *After Virtue*. Every one of us is inserted in narratives, as

parents, children, friends and the like. Those stories are what compose us as persons. When it rains in a little city, it is not either just or unjust, it is just a casuistic consequence of material events. It is up to the person who is living that situation to interpret it either as a good signal or as a bad one. By this very notion, I arrive at the role I attribute to moral: transcendence. The word transcendence here is not religious, but it is open to the readers to understand it so. Every one of us is eventually going to die, we cannot change that, but even after our deaths, we will still be mention by our communities. The way whereby someone can trespass death is by culture and society. Moral is to me the proper way we designed our connections with our communities, that is why we cannot consider this sort of especial consideration as discrimination. A father has an especial duty in relation to its children, in effect, if he could save only one person in between many, and his children were among them, I do not think that by saving him, the father would be unreasonably discriminating the other individuals. Of course we do need to consider our relation to society as whole, because it is still a community. That is why I do not disagree with the two principles of justice prevenient from Rawls analysis, they are quite fair in terms of a society, but we can think in justice in such cold and indifferent manners.

Anyway, would be a great realization to merge the great theory present by Rawls with a wider conception of the primary subject of justice, a more dynamic one, which could adhere to open societies and that could indeed be more than just procedural.