



Introduction to this Issue: the Betzavta Method and Democracy – On an Experimental Project in Academic Didactics of Philosophy

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Abstract

The article presents the background of the texts included in this issue of *SGEGE* that resulted from an experimental workshop on democracy. The didactic innovation implemented during the event consisted in enhancing the traditional forms of teaching philosophy (seminar and lecture) with a practical module based on the Betzavta methodology of democratic education. In the first part of the article, a general description of the project is provided. Then follows a presentation of its topic, the reasons for choosing it and the theoretical problems behind it. Next, the organization and methodology of the project are briefly described. In the end, the results of the project are presented together with a short summary of the texts of this volume of the journal.

Key words: philosophical methodology, didactics of philosophy, didactic experiment, education, decision-making, social philosophy, philosophy of politics, democracy, Betzavta

INTRODUCTION

This volume of *Studies in Global Ethics and Global Education* consists of articles written as the result of an experimental project aimed at testing a method of democratic education called “Betzavta” in the academic context, as a didactic tool and enhancement for the philosophical analysis of the concept of democracy. The articles were authored by students of philosophy from Poland and Germany, who participated in the project. Because of its unusual form and approach, it seems necessary to make the reader of this issue of *SGEGE* familiar with the background of the texts. Therefore, in this article I, as one of the project’s initiators and coordinators, give an introductory account of the topic, organization, methodology and results of the project.

1. TOPIC AND THEORETICAL BACKGROUND

The title of the project, “Democracy DE PL. Dimensions of freedom, power and co-shaping democracy in civil societies of Poland and Germany,”¹ already provides a general idea about its main focus. This topic was chosen on the assumption that, on the one hand, “democracy” is one of the most important terms in the discussions of socio-political systems and their philosophical foundations in so-called Western countries, but on the other hand, it is quite often used without a complex understanding of its history, changes in meaning and modern interpretations and implications. These problems hold true also for the countries participating in the project, i.e. Poland and Germany. The definition of their political systems as “democratic” constitutes an important part of their self-understanding and is broadly perceived as something positive by their citizens. However, the meaning of the term is not easy to determine and even today is often reduced to only selected aspects, such as the act of collective voting, which do not give a full picture of the problem. Therefore, it seemed important to conceptualize and elaborate a didactic project which would deepen the students’ understanding of the term and sensitize them to dimensions of democratic processes which are often overlooked.

While the methodology of the project is discussed in the next section, let us first focus on the main problem with the concept of democracy itself. To define democracy for our purposes, i.e. to find its modern understanding in the Polish-German context, it is helpful to first have a look at the fundamental legal acts of these two countries, the Polish Constitution and the German Basic Law. In the Constitution of the Republic of Poland it is stated:

The Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice (Art 2).

The Basic Law for the Federal Republic of Germany states:

The Federal Republic of Germany is a democratic and social federal state (Art 20, 1).

In both legal acts, the term “democratic” is applied for the definition of the political system of the country.² Significantly, in neither of them an explicit definition of the term itself can be found. It might be thus concluded that it is used as a collective name for the political system actually defined by the articles included in each document and that the authors of both documents probably referred to a meaning of the term considered unambiguous at the time of

¹ For further information see the website of the Gustav Stresemann Institute in Niedersachsen: <http://s.gsi-bevensen.de/133x>

² The similarity between these two articles, both mentioning in one sentence the democratic and social dimension of the political system, might be a result of the fact that during the works on the current Polish Constitution in the 1990s the German Basic Law was one of references for its authors (compare Bujak, 2017, for example p. 63, where Irena Lipowicz admits being impressed by the German Basic Law).

writing of these legal acts. If we assume this position the comparison of the documents will show that the term “democratic” refers to political systems that, among other things, are representative, offer everybody the equal right to vote, guarantee the rule of law and separation of powers and protect human rights. All these features can be found in both legal acts. They go in line with what is usually called a “liberal democracy,” the political system that has in modern times become the “ideal type” of democracy (Ossowski, 2008, p. 100). The term “liberal”, however, is not used explicitly in neither of the discussed acts. Instead both dedicate a lot of attention to discussing the problem of freedom. The German Basic Law mentions several specific freedoms (of the person, of faith, of expression etc.) and, perhaps most importantly, the “free [freiheitlich] democratic basic order” (Art 10, 11, 19 and many more). Significantly, the German term “freiheitlich” is sometimes even translated as “liberal” (compare Bumke/Voßkuhle, 2019, 1518e) and the rulings of the German Federal Constitutional Court that interpret the concept of “free democratic basic order” seem to give good foundations for such translation.³ In the Polish Constitution no similar formulation can be found but, as Ossowski points out, there can be no doubt that it is an act of liberal-democratic character (2008, p. 101). The term “freedom” itself is used about seventy times in it, starting already in the preamble, where the “fundamental freedoms and human rights” are explicitly mentioned.

The idea that democracy is a system connected with freedom is in fact very old and dates back to the beginnings of political philosophy. For instance, Plato in the *Republic* links democracy with freedom (557b). However, his evaluation of it is quite different from the modern one. He sees freedom more as a threat and points out that excessive freedom in democracy can ultimately lead to the system’s collapse into tyranny, because if everyone makes full use of their freedom, eventually no social rules will apply (562b-564a). Thus, “the greatest and most savage slavery [is established] out of the extreme of freedom” (564a). It also seems that, at least in the *Republic*, Plato believes that freedom in democracy not only might lead to the destabilization and, eventually, collapse of the democratic state, but it also must do so inevitably. In his later dialogue, the *Statesman (Politicus)*, Plato also mentions some positive aspects of the democratic system, mainly the fact that democracy offers the best protection for citizens in the case that the state becomes lawless, but even there, democracy is presented as a mediocre form of state (*Statesman*, 303a-b).

³ For example, in the ruling of 17th January 2017, the Federal Constitutional Court states in sentence 3 that the “free democratic basic order” includes, in first place, the protection of human dignity, which encompasses the protection of personal individuality, identity and integrity, as well as the equal treatment by law (Bundesverfassungsgericht, 2017).

Thus, it can be clearly seen that the modern understanding of the term “democracy”, in the sense of “liberal democracy”, as can be found in the legal acts mentioned above, strongly transcends or even partly contradicts Plato’s understanding of it – especially regarding the positive connotation of the term, which in Plato’s writings is absent. As Leo Strauss implies, Plato’s political thought can hardly be understood as an endorsement of liberal democracy in the modern sense (2010, p. 57). Indeed, in Plato’s eyes, the problems and faults of the democratic system overshadow its merits, and the freedom the system provides rather poses a threat to statehood.

This is connected with how democracy was classically understood before the term was made synonymous to “liberal democracy”, as is the case today. For a definition we might again refer to Plato’s the *Statesman*. Democracy is defined there solely by the criterion of the amount of people in power (291e). The term describes the rule of the crowd. This classic definition is repeated by a number of philosophers from Antiquity well until the Enlightenment. Aristotle does not differ much from Plato, and in *Politics* defines democracy mainly by the quantitative criterion: democracy is the system in which “the many [...] govern” (III 7, 1279a). He then adds that actually democracy is the rule of the poor. However, this does not change much in the definition, as he clearly states that “the rich everywhere are few, and the poor numerous” (III 8, 1279b).⁴ Aristotle sees democracy as a flawed political system and opposes it to “polity” or “constitutional government” in the English translation – a system in which the people rule “for the common interest” (III 7, 1279a).

The definition of democracy by the amount of those who rule is also later repeated by Cicero, even though the term itself is not used, but instead the system is referred to as a “‘popular’ state,” in which “everything is in the hands of the people”. Not surprisingly, Cicero too calls this system “the least desirable” (I 42) and also brings it in connection with freedom (I 48). This quantitative definition of democracy also re-appears in many later political writings. For example, it is used by Thomas Aquinas in *De regno*, and it is done also in connection with the idea that in the democratic system the “common people” might suppress “the rich by force of numbers” and thus become a kind of a collective “tyrant” (Chapter II, p. 9).

It is not the aim of this article to reconstruct the whole history of the term “democracy”, but it is well worth noting that this skeptical attitude towards it is a classic stance. Many authors seem to share the view that democracy is a system in which it is difficult to connect the good of the state with excessive freedom that the system grants to the people and also see the threat that

⁴ Significantly, the understanding of democracy as the rule of the poor is not unfamiliar to Plato either (*Republic*, 557a).

the rule of the many might actually lead to a kind of tyranny. This problematic nexus can also be traced in the thought of more modern political thinkers, with the eminent example of Immanuel Kant. In his *Perpetual Peace*, when presenting the first definitive article for achieving the goal stated in the title, he reflects upon democracy and, not unlike Plato and Aristotle, defines it as a “form of sovereignty” in which sovereignty belongs to “the people” (Kant, 1917, pp. 124-125). He then moves on to criticizing democracy as a “form of government” which is “despotic”, as he defines “despotism” as a system in which “the public will” is “identical with the private will of the ruler.” Democracy is by definition a system in which everybody’s private will is made into public state law – at least that is what we believe it to be, as Kant stresses (p. 125). This very fact – that democracies only claim to represent everyone’s will, whereas in fact the will of only a limited amount of citizens is represented – in turn leads to the possibility in a democratic state of the majority forcing the minority to something against the latter’s will (p. 125).

From this short and very selective outlook on the concept of democracy, the main problem can already be seen. Democracy is a concept which today is believed to describe the best political system implemented so far, but the positive connotation of the term appears to be rather new, given that many classical authors concentrate more on underlining its dangers. If we try to define it according to the classical texts, we might find its crucial trait in the fact that it is a system in which the decisions have to be made by the whole group of people, as opposed to decisions being taken by one or a few, which poses the threat of leading the state into deterioration.

It was also classically understood that democracy brings freedom to citizens. However, the freedom with which democracy is associated in classical texts stems from the ability of the people to actually participate in the process of ruling the state, as opposed to being subjected to laws made by someone else. The modern functioning of Western democracies seems to be different from that. This can be seen, for instance, in Chantal Mouffe’s work *The Democratic Paradox*. Making reference to Joseph Schumpeter’s book *Capitalism, Socialism and Democracy* she points out that, empirically, modern democracy might actually be viewed as a political system, “in which people have the opportunity of accepting or rejecting their leaders thanks to a competitive electoral process” (Mouffe, 2000, p. 81). In this account, there is not much left of the idea that the people actually exercise the ruling power in the state.

Also the classic notion that democracy is a system which might easily become tyrannical seems to drift apart from the common modern understanding of what democracy is – namely the very opposite of a despotic system. These examples show that the concept of democracy is not as unproblematic as we might like to believe. Such considerations were the main reason for organizing the “Democracy DE PL” project and its intention to found the discussions on

democracy in empirical experience. Let us now have a look at how it was organized and what methodology was implemented to achieve this goal.

2. ORGANIZATION AND METHODOLOGY OF THE PROJECT

The project had the form of a five-day-seminar in a location away from university campuses. It took place on January 15th-19th, 2018, at the Gustav Stresemann Institute in Niedersachsen, Bad Bevensen, Germany. It was organized in co-operation between the University of Warsaw (Department of Philosophy, Section of Social Philosophy), the Johannes Gutenberg University of Mainz (Department of Philosophy, Kant Research Center) and the Gustav Stresemann Institute above-mentioned, an institution specialized in civil education in Germany. The project received external funding from the Polish-German Foundation for Science and was otherwise funded by the three institutions involved.

Participation in the seminar was offered to students of philosophy from both Warsaw and Mainz, and ten students from Poland and seven from Germany finally took part. For Polish students, the seminar was a facultative course, ending with a grade and ECTS points awarded on the basis of an article written after the project, in which one of the problems appearing during the seminar had to be analyzed. For German students, the participation was offered as an enhancement of a regular course that they had already completed in Mainz. In their case, the preparation of the article was facultative.

The seminar consisted of three full working days and two days for inauguration and closure that also included theme-related activities. The idea to organize the project outside of a usual university premises stemmed from the assumption that such a working environment would help the participants open-up more easily towards unconventional teaching methods, focus exclusively on the topic and establish interpersonal relations with participants from another country, what would facilitate the discussions.

In this regard, also the working languages played an important role. One of the seminar's main assumptions was to guarantee every participant the possibility of speaking freely in the language they felt proficient at. This assumption was made deliberately by the organizers for several reasons. A crucial part of many Betzavta activities is allowing the participants to "speak openly about their own personal experiences" (Wolff-Jontofsohn, p. 19). If one language would have been chosen for the bi-national group, some of the participants might have been forced into expressing their thoughts in a language they were not fully in command of (this including English as one of the possible alternatives). This in turn might become an important obstacle especially

when speaking about one's own emotions. Because of that, two working languages, Polish and German, were selected. As not all participants spoke both of them, two simultaneous interpreters were hired to facilitate the communication by means of the Infoport technology. In consequence, participants who did not understand one of the working languages were provided with a headset with real-time interpretation of what was being said into their native language. An additional value of this solution was underlining how language might also become one of the dimensions of power in democracy,⁵ what became especially visible when one of the national groups had to wait for the interpretation of content which was originally created in the other language and could not react immediately within the dynamic group processes.

The goal of the project was actually twofold. On the one hand, its intention was to give the participants a diachronic outlook on some crucial moments in the formation of the modern understanding of democracy. On the other hand – to deepen their synchronic understanding of dimensions of democratic decision-making processes in modern democratic societies and help them conceptualize and analyze these dimensions.

For the synchronic analysis of modern democratic processes the Betzavta Method seemed especially suitable because of its theoretical background and, at the same time, its practical application in the education of people outside of the academic context.

The method itself originates from Israel, where it was developed in the 1980s by an organization called *Adam Institute for Democracy and Peace in Memory of Emil Greenzweig* as a new tool to help mitigate the hostile attitudes in the country. Significantly, the word “betzavta” means “togetherness” in English (Wolff-Jontofsohn, p. 1). The method was originally developed for schools, but was also soon applied in other contexts. In the 1990s, it was adapted for Germany under the name “Betzavta/Miteinander” by the Center for Applied Political Research (Centrum für angewandte Politikforschung) at the University of Munich, and then subsequently applied in other European countries (Wolff-Jontofsohn, pp. 3-4). One of the institutions that work with the method in Germany is the Gustav Stresemann Institute in Niedersachsen, one of the project partners. Usually, the method is applied for civic education, but not necessarily as an enhancement for philosophical discussions, as was the case in the “Democracy DE PL” project.

The method's theoretical background includes the prominent stance that a democratic society is founded upon the general understanding that every individual has an equal right to

⁵ E.g. compare the following situations: (i) refugees who are obliged to participate in bureaucratic procedures of the destination country in the official language, which they might not speak well, (ii) the situation in the EU Parliament, where there are twenty four official languages, but only some of them are used as working languages (e.g. for drafting documents or informal talks).

freedom (Maroshek-Klarman, 1996, p. 13), which positions it in line with the liberal interpretation of democracy. From this stance, the whole didactic concept is developed. The method is philosophically founded and its author explicitly makes references to Kant's philosophy (compare Maroshek-Klarman, 1996, p. 46 or 2005, p. 10). The method focuses, among other things, on personal, social and moral requirements for actively participating in society, pluralism and heterogeneity, conflict and competition, political institutions, power and control, human and other rights, sovereignty of the people, and – perhaps most importantly – decision making procedures (Wolff-Jontofsohn, p. 12).

Probably the most crucial aspect is that the method is practical and consists of specially designed activities that simulate dilemmas often present in democratic processes. Participants take part individually or collectively in these activities, which might sometimes look like group “games”.⁶ However, their true goal is to make participants reflect upon specific issues by actually letting them experience these issues as real problems with the intention of “triggering intensive emotional and cognitive processes” (Wolff-Jontofsohn, p. 13). During these activities, participants have to collectively solve different tasks that require them to cooperate and collectively take decisions, for which they have to develop procedures ad hoc. After the conclusion of the game-like activities immediately follows a plenary discussion of the process, in which the individual experiences gained during the games, still vividly present, can be directly addressed and conceptualized. Special attention is paid to enable everyone to speak out. In usual applications of the method, these plenary sessions are the last step of the process, during which the Betzavta-moderators help the participants formulate their observations and point out contradictory views.

The application of the Betzavta Method during the “Democracy DE PL” project, which was intended as an academic philosophical seminar, stemmed from the intention of going beyond the analysis of problems only by means of theoretical, abstract discussions, which is the usual methodology applied in academic philosophy. It was based upon the reflection that most academic didactics of social and political issues, including the problem of democracy, are usually stripped of an important aspect of understanding them, namely the immediate, personal experience of what it is like, and, perhaps more importantly, what it feels like to actually participate in the process of democratic decision-making or other activities. This assumption led to the decision to try out a didactic concept in which a practical part would be included, which

⁶I would like to underline that this description might not be found to be appropriate by the method's authors and I use it only to give the reader completely unfamiliar with the method a general idea what the application of the method looks like for an external observer.

would guarantee that the participants have a shared empirical foundation for the theoretical discussions they are about to engage in. For this, the Betzavta Method seemed very well suited. It was assumed that the inclusion of a practical part in which the participants would experience, at least by means of a simulation the method provides, the issues they were about to discuss theoretically, would not only give a common ground for the theoretical analyses, but also enhance them by new dimensions. The main argument for particularly choosing the Betzavta Method was the fact that this method has been developed especially for deepening the understanding of democracy – the project's main topic. To ensure the professional handling of the issue, two external Betzavta educators were hired especially for the project.

However, for ensuring the academic value of the project, the usual application of the method was enhanced by a philosophical theory part, which consisted of seminar-style sessions held after Betzavta sessions. During these seminars, classic politico-philosophical texts were discussed that the participants had to read in advance. These included selected excerpts from Thomas Hobbes's *Leviathan*, Jean-Jacques Rousseau's *Social Contract* and Immanuel Kant's *Perpetual Peace*, aimed at showing some crucial moments in the diachronic development of the modern understanding of the state. During these sessions, the philosophical problems described in the texts were also brought in relation with the participants' experiences made during the practical Betzavta part. Additionally, one of the theoretical sessions was dedicated solely to the analysis of parts of the modern Polish Constitution (and additionally the Polish constitution of 3 May 1791 for a better historical context) and the German Basic Law, with the intention of tracing the theoretical concepts in actual political documents. Lastly, the project included two lectures by academics on selected topics considered especially difficult. The first of them concerned the concept of democracy in the Polish-Lithuanian Commonwealth, which was presented to the students by Prof. Anna Grześkowiak-Krwawicz of the Polish Academy of Sciences, with the aim of giving them an insight into the Polish tradition of democracy. The second one included a presentation of Kant's concepts of law and state and was delivered by Dr. Margit Ruffing of the Kant Research Center in Mainz. By these means, the practical themes brought up by the Betzavta Method were enhanced by the discussion of strictly philosophical issues, including problems such as the definition of concepts used in social and political philosophy (democracy, republicanism, despotism, common will, sovereign, liberty/freedom, social contract, natural state, constitution, international law etc.) and the analysis of the evolution of their meaning in the modern age. Special regard was also made to regional differences in their interpretation between Poland in Germany, which also partly allowed an analysis of the philosophical and historical roots of the modern democratic systems of both countries. The Betzavta Method was explained to the

students at the end of the seminar by Iwona Domachowska of the Gustav Stresemann Institute and Steffen Spandler, the main Betzavta educator during the project.

3. RESULTS

The project's main didactic innovation, i.e. the application of the practical Betzavta Method in the academic context, proved to be a viable and constructive solution. The Betzavta sessions resulted in an input of new perspectives for students and often enhanced the theoretical parts dedicated to philosophy by new insights. These were predominately connected with the perspective of an individual taking part in the collective decision-making processes characteristic for democracy and included such issues as the rights of minorities, the role of time, the lack of sufficient information etc. – all of which are the Betzavta Method's main focus.

The practical part also resulted in unexpected situations. The participants sometimes seemed unable to detach themselves from the subjective perspective in which they found themselves as result of the application of the Betzavta Method, which led to problems in switching to a more objective perspective which was needed for the analysis of the theoretical-philosophical problems behind the situations experienced. The academic methods to which the students were accustomed proved to be partly insufficient for the consideration of the simulated situations as these were often connected with strong individual emotions the participants often fell back on during theoretical discussions of philosophical problems. However, as one of the project's goals was to enhance philosophical discussions by new perspectives, this has to be considered a positive effect – the participants were able to include their own, vivid first-hand empirical experience of participation in processes which they discussed theoretically.

Another unexpected situation was the initial restrained attitude of the students to participating in the practical Betzavta part. Even though they were informed in advance that unconventional methodology would be applied during the project, they were not given full insight into it in order to avoid their knowledge influencing the course of the Betzavta part. The method itself was explained at the end of the seminar. Thus the participants partly seemed to be uncomfortable with being in situations in which they had to include their subjective and emotional perspective, as this differed from the usual academic situation. On the other hand, a lot of positive feedback was received by the project coordinators from the participants after the conclusion of the project, which indicates that the application of the Betzavta Method resulted in a strong input that needed time to be fully processed by them.

Perhaps the project's most unexpected and simultaneously quite valuable effect was that it provided an excellent occasion for the students to get familiar with the democratic tradition and discourse of Poland and Germany respectively, not only by means of secondary descriptions, but also by actually participating in democratic processes with representatives of the other culture. The German students also underlined that the participation at the seminar gave them strong insight into Poland's democratic traditions, about which they knew very little or even nothing at all.

ABOUT THE TEXTS

As mentioned at the beginning, the texts in this issue of *SGEGE* are the result of the students' considerations which resulted from their participation in the project. Students from Poland were obliged to provide written articles to obtain a grade for the participation, and students from Germany were offered this as an option. The participants were given free choice in the selection of the topic they picked – the only indication was that it had to be connected to their reflections brought about by their participation in the project. The final topics had to be accepted by the academic supervisor and only some articles were selected for the issue.

As far as the contents of the articles is concerned, most of them refer to Kant's theory discussed during the seminar. Some concentrate on the comparison of Kant and other historic doctrines. One refers to a doctrine that was explicitly discussed during the seminar, i.e. the concept of republicanism in Poland-Lithuania. Its author uses as an example the writings of the political thinker Andrzej Frycz Modrzewski. Yet another article includes the comparison of Kant's philosophy with a more geographically distinct concept – the political philosophy of Confucius.

Other articles referring to Kant apply his theory to the analysis of more contemporary issues. These include tracing back Kant's theory in the Charter of the United Nations or using it as a theoretical tool for explaining a very current topic, i.e. the lack of interest in politics in modern democratic societies. The problem of political participation is also discussed in an article which brings Hegel's concept of freedom in connection with experiences obtained through the application of the Betzavta Method. However, this is not the only article that makes explicit references to the method – in fact it is mentioned in most of them.

As can be seen, the choice of topics has gone quite beyond the scope of texts that made up the theoretical background of the seminar. The participants concentrated more on problems brought about by the application of the Betzavta Method and were able to relate these problems

also to other contexts. This has to be considered a positive effect as sensitizing certain problems immanent to democratic processes was also one of the main foci of the seminar. It also paves a further way for the application of the Betzavta Method in the academic context.

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Political participation, the Betzavta Method and the interpretation of Hegel's concept of freedom in *Philosophy of Right*

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Abstract

The aim of this essay is to confront Hegel's political philosophy regarding ethical community and civil society with the objective of *betzavta*, which is an educational method promoting democratic decision-making processes. The concepts of freedom and ethical community were strongly present in Hegel's *Philosophy of Right* and later on discussed by Zbigniew Pelczynski (1971, 1984a, 1984b), Shlomo Avineri (1972), Charles Taylor (1979) and Marek Siemek (1995, 1998). This article reconstructs these Hegelian concepts based on their liberal interpretations and confronts them with contemporary challenges related to minority rights, conflict of values, decision-making processes and political participation in relation to the experiences gained during the *betzavta* workshops. The main problem defined is the question whether it's possible to reach a consensus in a given society that would conclude with the establishment of ethical community. The general assumption of this article is that because of the impossibility to obtain a consensus on fundamental values (lack of compromise on same-sex marriage or abortion), an ethical community that would secure both particular and public freedom cannot be reached. The clash between subjective and objective freedom can be perceived through the lenses of the classical problem of a tyranny of majority, where minorities are pushed towards a submissive compromise with the rules set by the majority. An experience of the Betzavta Method will also be included in the general reflections on the essence of freedom in political participation and the silent presence of certain members in decision taking-processes.

Key words: freedom, democracy, Hegel, tyranny, *betzavta*, participation, majority, civil society

This article was directly inspired by workshops on democracy conducted according to the so-called Betzavta Method, which took place in Bad Bevensen in January 2018.¹ This method, which was developed by Uki Maroshek-Klarman and at the Jerusalem Adam Institute for Democracy and Peace, aims at rising awareness on democratic processes such as elections or legislations, and critical situations i.e. solving conflicts. The *betzavta* aims at promoting education for democracy. It elaborates on democratic decision-making processes. The central idea of participating in *betzavta* is to reflect upon one's actions and choices, as well as to strengthen democratic awareness. The crucial element is to achieve a compromise, which requires a sacrifice of individual interests to the interests of the community, i.e. a decision of dedicating one's free will and freedom to the interest of the state. This particular issue regarding freedom, and ethical community was strongly present in Hegel's *Philosophy of Right* and later on discussed by Zbigniew Pelczynski (1971, 1984a, 1984b), Shlomo Avineri (1972), Charles Taylor (1979) and Marek Siemek (1995, 1998). The aim of this essay is to reconstruct the Hegelian concept of freedom based on these interpretations and to confront them with contemporary challenges related to minority rights, equality, decision-making processes and political participation in relation to the experiences gained during the *betzavta* workshop.

Hegel's philosophy and concepts are not linked to the Betzavta Method *per se*, but the values and practices of the Betzavta Method can be traced back to Hegel. Moreover, there is a bridge of common issues and problems to be solved and Hegel's concepts from the *Philosophy of Rights*, and interpretations of them, can contribute to better understanding of present difficulties and puzzles faced by modern democratic societies. The article presents an interdisciplinary approach to the mentioned issues incorporating philosophy, participation practice of *betzavta* and a political component, i.e. current challenges standing in front of the EU related to political participation and freedom. It seems that binding societies together and reaching a compromise are the key challenges in the 21st century, but still there is no middle ground on many issues, i.e. refugee crisis, right to abortion, same-sex marriage, limitations exercised upon certain minorities feeling of freedom.

What is most inspiring of being a part of *betzavta* is the experience of the complexity of reaching compromise with other members of the workshops. *Betzavta* means together, which implies the community-based character of this practice. As a result, it is both personal and social experience. The workshops, which took place in Bad Bevensen combined two elements: *betzavta*

¹<http://www.betzavta.de/anhang/KONZEPT.PDF> [access 26.05.2019]

workshops and readings of Kant, Rousseau, and the Polish and German constitutions. As a result, speculative philosophical reflections were closely intertwined with experimental practices connected to certain aspects of political participation.

The conclusions from the workshops were connected to the threat of the tyranny of the majority in democratic systems, sources of people's ability to participate in political life, as well as the challenges standing in front of minorities seeking their rights. It is usually assumed that one of the most important values of democratic political systems is freedom, which in public discourse is identified with the freedom of speech and opinions. In contemporary European democracies, there is a consensus that freedom of expression is the cornerstone of democracy and that it has to be protected: *"Freedom of Opinion, Freedom of Expression and the Right to Information are basic human rights and they are seen by the European Union as cornerstones of democracy in any society"*.² What binds society together are shared intellectual and ethical beliefs that enable taking crucial decisions by the state representatives who are chosen in free and just elections. However, there is no direct compromise on the set of values that should be prioritized within certain states and on the level of European Union.³

The key ideas of German idealism had a tremendous impact on the development of modern philosophy, and influenced politics, science as well as numerous other fields.⁴ In this regard, Hegel's *Philosophy of Right* (first published in 1820) had a crucial share in influencing the perspective on what freedom means in relation to the state and civil society (Taylor, 1979). There are different schools of reading Hegel and for the purpose of this article, liberal interpretations are presented Zbigniew Pelczynski (1971, 1984a, 1984b), Shlomo Avineri (1972), Charles Taylor (1979) and Marek Siemek (1995, 1998). It means that critical interpretations like Karl Popper's presented in the book *The Open Society and Its Enemies* (2010) will not be referred to. Popper's interpretation of Hegel's political philosophy seems to be inadequate and based on a misunderstanding, what was proven by Shlomo Avineri (1972).

For the objective of this article, a brief elaboration on key concepts from *Philosophy of Right* will be presented. Through the concept of the state, Hegel means a politically organized modern community, where a civil sphere exists, and individuals can seek satisfaction. In Hegel's idea of political system freedom and free will are key elements that can only be realized in the realm of the modern state:

²https://ec.europa.eu/europeaid/freedom-expression_en [access 26.05.2019]

³Bjork, M. (2018). *EU's 'old men' must pressure Poland on abortion rights*. EU Observer. [access 26.05.2019 <https://euobserver.com/opinion/140547>]

⁴<https://www.cam.ac.uk/research/news/the-impact-of-idealism> [access 26.05.2019]

The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their right (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into the interest of the universal, and, for another thing, they know and will the universal; they even recognize it as their own substantive mind; they take it as their end and aim and are active in its pursuit. The result is that the universal does not prevail or achieve completion except along with particular interests and through the co-operation of particular knowing and willing; and individuals likewise do not live as private persons for their own ends alone, but in the very act of willing these they will the universal in the light of the universal, and their activity is consciously aimed at none but the universal end. The principle of modern states has prodigious strength and depth because it allows the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity, and yet at the same time brings it back to the substantive unity and so maintains this unity in the principle of subjectivity itself (Hegel 1942, § 260).

Hegel's idea is that concrete freedom can reach perfection and realization only in the modern state. The controversial moment of this concept is passing over concrete freedom to the interest of the universal. Hegel highlights that personal individualities know and want the universal. But what happens if a group of members of the Hegelian modern state do not will the universal, but find the political system oppressive? This problem seems to be left without solution. According to Pelczynski (1984a, pp. 74-76), two kinds of freedom merge in the state: objective freedom that stands for the existence of necessary ethical and civil laws and subjective freedom that means men's consciousness of themselves as free. In the ideal Hegelian state, individual activity should be aimed at the universal end. On the other hand, Avineri argues that:

The state, then, is based on rational freedom, organized in such a way as to enable each to realize his freedom in conjunction with others, while in civil society one can realize one's ends only by disregarding everyone else's aims. Hence the purely individualistic concept of freedom, which maintains no limits on one's arbitrary choice, has to be superseded by the ethical order which makes my freedom dependent on that of the other. The state is 'freedom universal and objective' (Avineri, 1972, p. 179).

The excerpt from Avineri's book *Hegel's Theory of the Modern State* arguing that '*the purely individualistic concept of freedom [...] has to be superseded by the ethical order*' is most controversial. It means the subordination of concrete freedom to the ethical order or in Pelczynski's words, subordination to universal ends. Universal ends can only be met when reasonable solutions can be internalized and fully accepted by society. Actually, Hegel's political philosophy represents belief that in the future the consensus towards universal values can be reached with the fulfilment of the Spirit (*Geist*). However, to many ontological and ethical questions, there are no reasonable answers, and if there are certain answers, they are mostly offered only by certain sets of beliefs or paradigms. There is no consensus on when human life starts, or what marriage means. As a

result, an ethical order is difficult to reach and legitimize on the fundament of rationality. This can be seen at the example of civil protests, where religious and lay arguments are being hailed.

Why is liberty that important to Hegel? In *Philosophy of Right*, freedom is not perceived as means, but as an ultimate aim of not only every individual, but also of a community. The most important challenge of such an interpretation is connected to the problem that a consensus on values within societies has never been fully achieved in reality. Actually, universal values seem to always clash with the specific particular freedom of an individual. An ethical community *sensu stricto*, that was proposed by Hegel, has been met throughout history with negation, reflection or even revolution, mostly because tensions between objective and subjective freedom were too strong, as well as tensions connected to an appreciation of different conceptions of freedom (Avineri, 1972).

We clearly see it also in political debates held in the US, where some of the pro-life far right extremists feel limited by the governing law accepting abortion. On the other hand, many feminists struggle with plans of restricting abortion law in Poland.⁵

John Stuart Mill published his famous book *On Liberty*, where the possibility of a tyrant or despot oppressing minority groups is discussed. Actually, through tyranny or despotism of the majority some of the unpopular ethnic, political, religious or social groups can be oppressed, even within democratic processes – this is exactly what could be experience between 2016 and 2018 in Poland (i.e. arguments over courts). Mill highlights a very important feature, as he moves from public authority's tyranny towards the tyranny of society. He also adds another kind of tyranny, which is related to exercising power and authority over opinions, feelings and codes of conduct:

Like other tyrannies, the tyranny of the majority was at first, and is still vulgarly, held in dread, chiefly as operating through the acts of the public authorities. But reflecting persons perceived that when society is itself the tyrant—society collectively over the separate individuals who compose it—its means of tyrannising are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compels all characters to fashion themselves upon the model of its own” (Mill, 2001, 9).

⁵https://ec.europa.eu/europeaid/freedom-expression_en [access 26.05.2018]

A war on our values: that's how we could summarise the debates of past years within the European Union that promotes certain vision of the humanity, which is often not being accepted by particular social groups or governments.⁶ Actually, crucial presumptions on human life (i.e. when a fetus becomes a human that can be protected by law) are placed in the sphere of ambiguity, where only certain kinds of belief, ideology or religion standpoints build benchmarks. The clash between objective and subjective freedom, as Hegel defines them, cannot be just faced, clearly a compromise is needed. But what is in the end a compromise? Maybe it could be described as a reached agreement by which nobody is fully satisfied. European Union names its values, but in a broad sense, gives much freedom to various states to interpret them, i.e. in the Netherlands, abortion is possible till the third month of pregnancy, in Poland it is forbidden, unless there are special conditions fulfilled (i.e. rape). Some of the key EU values are stated below:

Values

The EU values are common to the EU countries in a society in which inclusion, tolerance, justice, solidarity and non-discrimination prevail. These values are an integral part of our European way of life:

Human dignity

Human dignity is inviolable. It must be respected, protected and constitutes the real basis of fundamental rights.

Freedom

Freedom of movement gives citizens the right to move and reside freely within the Union. Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights.

Democracy

The functioning of the EU is founded on representative democracy. Being a European citizen also means enjoying political rights. Every adult EU citizen has the right to stand as a candidate and to vote in elections to the European Parliament. EU citizens have the right to stand as candidate and to vote in their country of residence, or in their country of origin.

Equality

Equality is about equal rights for all citizens before the law. The principle of equality between women and men underpins all European policies and is the basis for European integration. It applies in all areas. The principle of equal pay for equal work became part of the Treaty of Rome in 1957. Although inequalities still exist, the EU has made significant progress.

Rule of law

The EU is based on the rule of law. Everything the EU does is founded on treaties, voluntarily and democratically agreed by its EU countries. Law and justice are upheld by an independent judiciary. The EU countries gave final jurisdiction to the European Court of Justice which judgements have to be respected by all.

⁶There are many organizations and platforms, which discuss different views and approaches to Europe and EU, here I bring some examples: <http://www.brandeu.eu> or <https://www.politico.eu/article/poland-vision-for-europe-mateusz-morawiecki/> [access 26.05.2019]

Human rights

Human rights are protected by the EU Charter of Fundamental Rights. These cover the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and or the right to get access to justice⁷.

According to Pelczynski, the reception of Hegel (his interpretation represents the more liberal account of Hegel than that of Popper), freedom in civil society is gratifying subjectivity and particularity of its individual members. The main difference is in individuals pursuing private or public ends. In this regard civil society also participates in the actualization of freedom, but on another level than the state:

Civil society is an area of independent individual and group activity in which desires, needs and interests particular to the individuals concerned are pursued within a structure of social relations (such as the market, production, division of labour and the class system) and in which there are institutions and agencies (legal codes, courts of law, regulatory authorities and corporations) ensuring the satisfaction of particular interests. Civil society is therefore the realm of “subjectivity” or arbitrary choice, and ‘particularity’ or self-interest, where government intervention is at the minimum and where, when it occurs, its purpose is to maximize individual welfare (Pelczynski, 1984, p. 165b).

Briefly, freedom in civil society is the realm of realizing particular interests, which are secured thanks to institutions and agencies. Hegel mentions *inter alia* corporations, that are meant to represent the interests of certain groups. Including them into the realm of civil society is quite innovative for the first half of the 19th century. This idea seems to be universal and acceptable, especially because it also includes his reflections about the market, production, and division of labour as important benchmarks of the modern state. Avineri (1972) highlights that Hegel was also very much aware of the need to secure basic material needs and ensuring a well-working system of labour.

In the end, thanks to the synthesis of universality and particularity plus objectivity and subjectivity, freedom can be achieved in modern states, as Pelczynski (1984a) puts it: through the presence of rational civil and political institutions:

The result [of political freedom] is that the universal does not prevail or achieve completion except along with particular interests and through the co-operation of particular knowing and willing; and individuals likewise do not live as private persons for their own ends alone ... and their activity is consciously aimed at none but the universal end (Hegel, 1942, §260).

⁷ https://europa.eu/european-union/about-eu/eu-in-brief_en

One could tell that such a combination is purely utopian. Imagining such an ethical community means building humans capable of sharing same values, namely society bringing together private persons who are striving towards a universal end. Such a society seems to be utopian, if not classified as totalitarian (because of the possible subordination of personal freedom and interest for the sake of a wider community). That is one of the reasons why Hegel for many centuries was neglected and strongly criticized. It is important to add that in the whole debate about the Hegelian idea of state and civil society, two opposite schools can be named. Pelczynski and Avineri stand for a more liberal interpretation, which focuses on the possibility of reading Hegel as an innovative prophet of a modern state. The second camp, which is among others represented by Karl Popper (2010) reads Hegelian philosophy as an introduction to fascist regimes of the 20th century. One of the reasons of such an interpretation is the presumption that for Hegel, individual freedom should be subordinated for the sake of the state's interest. Hegel's political writings and the philosopher himself was named by Popper as the enemy of open societies. According to Avineri (1972), Popper misunderstood Hegel, because he referred only to parts of his writings, mixed different notions of the state, as well as was unjustly connected to the fascism milieu. Avineri(1972) strongly criticized Poppers approach highlighting that Hegel opposed the speech of Jakob Friedrich Fries and as a matter of fact opposed not only antisemitism, but also German *Burschenschaften*, which later became the prototype of Germany's nationalist extremism.

On the other hand, taking into consideration the so-called welfare rights, the right to public education and the right to public assistance, one can clearly depict Hegel as a modern thinker, who even managed to precede the epoch he lived in. Moreover, some of the ideas presented in the *Philosophy of Right* seem to give a possibility to read Hegel as a liberal thinker. Especially considering the fact that the French Revolution was one of the most inspiring events for Hegel, however it is still interpreted in some milieus as a destructive event. It should be highlighted that he was one of the first philosophers who introduced corporations as a direct contributor to civil society. The main aim of corporations is to pursue common interests and find a bridge of agreement, for example in the field of public business. The second element contributing to civil society is strictly connected to the existence of public opinion, where common interests can be discussed and some of political choices can be criticized.

It is also vital to add that Hegel's concept of freedom is *prima facie* very modern for his age. In *Philosophy of Right*, the consequences of pauperization are named as the ones hindering freedoms of individuals. Poverty and lack of education are a serious barrier to building a healthy civil society that according to Hegel's political writings should consist of free individuals, who

independently wish to choose for the ethical order. Hegel argues also in favour of the possibility to choose occupation and profession. Moreover, the right to possess property is considered as one of the most fundamental aspects of freedom:

The right actually present in the particular requires, first, that accidental hindrances to one aim or another be removed, and undisturbed safety of person and property be attained; and secondly, that the securing of every single person's livelihood and person be treated and actualized as a right, i.e. that particular welfare as such be so treated' (Hegel, 1942, §10).

In this regard, it is crucial to elaborate on Hegel's concept of freedom *per se*. For this reconstruction, Pelczynski's essay considering Hegel's notion of freedom proves to be most helpful. Pelczynski (1984b) describes and names four major conceptions of freedom as the self-conscious rational self-determination of the will:

1. Natural, arbitrary or negative freedom
2. Objective, substantive or positive freedom
3. Subjective, particular or formal freedom
4. Rational, concrete or absolute freedom

The first conception of freedom is strictly connected to the ability to do what we please – the freedom of the state of nature. The second variant is freedom (objective, substantive or positive) as an unquestioning self-identification with the dominant values of the culture in which an individual lives. The third type of freedom might be compared to the negative liberty of liberal theory related to civil rights (Hegel associates it with Reformation, Enlightenment and French Revolution). The fourth possibility, meaning rational, concrete or absolute freedom is strictly connected to the image of the ideal, reconciliation of the objective and subjective freedom.

In Pelczynski's opinion (1984b, p.178), Hegel does not place the freedom of type two above three, as many critics of his philosophy have argued, but tries to give a concept of freedom, where objective and subjective freedom can be realised. This can happen according to Hegel in a dialectical process. Particular needs should be secured by civil society, whereas the state constitutes a rational superstructure, which is oriented on the so-called universal end. In Pelczynski's liberal reception of Hegel's theory of freedom, there is enough realm for many forms of activities that might be paradoxical.

There is, within Hegel's overall theory of freedom, room for the value of independence and cooperation, competition and community, happiness and morality, rights and duties, private enjoyment and political participation, and other values as well (Pelczynski 1984b, 178).

Moreover, Pelczynski argues that within the concept of freedom from *Philosophy of Right*, there is also a realm for the self-realisation of the Spirit. Ideal as it sounds, it seems barely possible to merge all these qualities under the umbrella of an ideal type of modern state by Hegel. A disagreement on certain values seems impossible to be omitted. As a matter of fact, even in the rather liberal reception of Hegel's political philosophy, not enough room was given towards analysing what happiness or morality mean. The morality of a Christian is rather impossible to be combined with a view on values represented by an atheist.

Let us now compare these ideas with the Betzavta Method mentioned at the beginning of this article. In the Betzavta Method, the notion of freedom is certainly crucial. Uki Maroshek-Klarman, who developed this method states, that the recognition of every individual's equal right to freedom is one of the key elements of togetherness. *Betzavta* focuses primarily on the subjective dimension of freedom, as it is directed towards limiting the amount of freedom taken by each person in a group. Most important seems to be the awareness of the influence that a person exercises on his or her's partners in the group. The concept of freedom is treated both from the active and passive perspective. Situations in which the freedom of others limits one's personal freedom, as well as promotes it, are discussed. The notion of freedom in the Betzavta Method also means that everyone has the right to live in accordance with individually chosen values or convictions. There is only one objection that was already mentioned: that the right to freedom of others cannot be limited by another's person freedom. During workshops participants, have a unique chance to experience together the dangers, opportunities and challenges of democratic processes.

One of the realms of freedom is also political participation according to Pelczynski's reading of Hegel, however ideas standing behind what political participation means can differ very strongly. The Betzavta Method, which is aimed at revealing to participants the mechanisms of cooperation and decision taking processes, proved to be an ideal tool to show the spectrum of challenges. One of the main issues that were discussed during the workshop concentrated on explaining what people who remain silent think: do they agree with the rest of the group, or maybe they think that their viewpoint will not gain enough support. Or maybe being silent and not participating in decision-taking processes is a type of participation by conforming. In some modern European democracies, the majority of population does not take part in elections, as in the parliamentary elections in France in 2017 (only 42-43% of those entitled to vote went to the polls).⁸ In Poland, the percent of voter turnout in recent years has been even lower.

⁸ <https://www.reuters.com/article/us-france-election-turnout/turnout-in-french-parliamentary-election-estimated-at-42-43-percent-idUSKBN1990Q4>

Another question was how the rules of decision taking processes are being spread in society? One of the exercises given to a group was to play a game, that gave a possibility of establishing new rules. However, the group did not decide to re-establish all the basic set of rules typical for the game: the order of movement or rolling the dice. The aim of another exercise was to formulate one rule that could be introduced for the whole course of workshops. Intuitively and somehow spontaneously, a leader emerged. The leader started writing ideas given by the group on a blackboard. However, he didn't decide to write all of the ideas, because he chose only some of them according to his private views. As a result, the group decided to vote on solutions that were proposed by him or the ones that were written by him on the blackboard. Afterwards, the group voted for one rule, which was: "The rule is that the group can establish new rules if needed". After the task was finished, some participants claimed that their votes were not included on the blackboard and that they felt marginalized. The group came to the conclusion that they didn't know how exactly the role of the leader appeared and why they decided to subordinate and give part of their freedom in the hands of the leader. In the end, the group came to the conclusion that there was not enough will in the group to undermine the leader's role and constitute new principles and rules. Somehow passively and silently, they accepted the role of the leader. In conclusion, the group reflected on their socialized ideas of decision-making processes, i.e. voting. Such a concept of decision making is an effect of early school socialization, where children learn about hierarchy, structure, decision-making and political order. At schools, there is always a teacher, who acts as a leader who is supervising the class and builds rules for the school community.

The biggest challenge was however strictly connected to the issue of reaching a compromise and reflections on what a real compromise means. The group was rather consentaneous in this regard, as compromise was defined as an agreement in which every party is partially unsatisfied with. Reaching a consensus where all parties would be satisfied seemed to be very difficult for the group. The challenges mentioned above are strongly connected with the problem of building a community based on shared and internalised values. And exactly in this regard a bridge between the possibility of building ethical community and Pelczynski's reception of Hegel can be built. What happens when particular interests become dominant in civil society? As Pelczynski argues in another essay:

This is dangerous because if the individualistic point of view characteristic of 'civil society' gains too strong a foothold in the 'political state', the state power may cease functioning as the guardians of the community, ethical life may become subordinated to the free play of particular interests and subjective opinions of individual citizens, and the state-wide 'ethical community'

may eventually dissolve into the much looser kind typical of 'civil society' (Pelczynski 1971, pp. 23).

According to the interpretation of Avineri (1972), institutions are not to be conceived as external coercive organs, but become extensions of man's own self-consciousness. Avineri highlights that the state is immanent in the individual's self-consciousness, and a person needs the other for the recognition of his own personality. In the *Philosophy of Right*, Hegel assumed that the supreme duty of the individual is to be a member of the society in a state, that is absolutely rational:

The state is absolutely rational inasmuch as it is the actuality of the substantial will which it possesses in the particular self-consciousness of its universality. This substantial unity is an absolute unmoved end in itself, in which freedom comes into its supreme right. On the other hand, this final end has a supreme right against the individual, whose supreme duty is to be a member of the society (Hegel 1942, §10).

Since the end of the 18th and beginning of the 19th century, the building of an ideal political system, in which the subjective freedom could develop in accordance with objective freedom was a very lively and challenging subject. The belief that a universal set of values build upon rationality could be developed, seemed to be possible. However, in arbitrary way for certain minorities, sets of values are incorporated in the existing laws, that are not satisfying and realizing their needs.

As a matter of fact, merging objective and subjective freedom, as well as finding universal end, seems to be utopian. Somewhere between the lines, Hegel communicates one statement: as long as your free choices are taken according to the best of public end, you are a good civilian serving your own state. The question arises – what if you are a good civilian, but still your opinions and ideas don't follow decisions taken by the state? Is ethical community as presented by Hegel possible to achieve?

These questions are far too complex to be answered in the realm of a short article, however it's quite important to diagnose them and reflect upon them. The experience of *betzavta* gives a perfect glimpse into roots of democracy and freedom, and offers a unique perspective on what political participation means and how it functions in practice. This method gives inspiration to look behind classical philosophical problems. It also seems that the notion of freedom concentrating on the needs of individuals and equality of rights meaning being free to choose one's own values and convictions, is closer to the priorities of the 21st century. On the other hand, *betzavta* proposes understanding and ability to step in the shoes of others, at the same time limiting the feeling of frustration or discrimination, but it does not offer an alternative to

classical problems like the tyranny of the majority over the minority. What *betzavta* offers is a mutual understanding.

In my opinion, ethical community as presented by Hegel and interpreted by Pelczynski cannot be reached. One of the reasons is the conflict of values: cultural and religious diversification. As a matter of fact, the idea of what we may call the conflict of values has not been deeply analyzed not only by Hegel, but also by two of his liberal interpreters - Avineri and Pelczynski. In contemporary democratic political systems, it seems to be the most difficult challenge to overcome.

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Common Concepts of Immanuel Kant's *The Perpetual Peace* and The Charter of the United Nations

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Abstract

The essay compares selected Kantian ideas stated in *The Perpetual Peace* with the institutions established by the Charter of the United Nations and the Statute of the International Court of Justice. The concept of a nation and its position in international law in view of the Charter will be presented and linked with the Kantian theory of sovereignty of Nations. The core of the paper is an afterthought on the supremacy of three separate powers over the Nations, hence the question of the rules of procedure held by the International Court of Justice will be regarded as the consequence of the idea of sovereign equality. The Kantian concept: "Nations, as states, may be judged like individuals": (Kant, 1917, p. 128) is observed from the perspective of state's demand for independence. The institution of the International Court of Justice is presented as a universal supreme body. The key issue of the essay is the federative character of union as a guarantee of eternal peace seen as common point in both of the documents discussed.

Key words:

The UN Charter, *Perpetual Peace*, equality of all nations, independence of states, sovereignty of states, international judicial power, federative union of nations

INTRODUCTION

“In an objective sense, morals is a practical science, as the sum of laws exacting unconditional obedience, in accordance with which we ought to act” (Kant, 1917, p. 161). In Kant’s vision morality will function as a basis for all political and international actions. Seeking to ensure worldwide peace, the Nations had chosen a philosophical heritage as a basis for the Charter of the United Nations, referring to concepts of social contract, catalogue of human rights, the existence of natural law and *iuris cogentis*. However, it is the Kantian pacifist vision that seems to have made the greatest impact on the institutions proclaimed by the UN Charter. This article is an analysis of Kantian ground rules stated in *The Perpetual Peace* with selected features of the UN Charter.

The essence of the Charter of the UN evidently exceeds a standard outline of an international agreement. “It proclaims fundamental principles of law for the world community. So when we face the question of applying and interpreting the Charter, we must look not only to the Law of Treaties but also to the particular character of the Charter as a Constitution” (Sloan, 1989, p. 62). The act is of constitutive character and, keeping that in mind, the question arises if the Charter is coherent with the premises of peace appointed by Kant.

1. NATIONS AS STATE PARTIES OF A PEACE TREATY. REQUIREMENTS FOR CONCLUDING A PEACE TREATY

Kant derives the concept of the state in the *Perpetual Peace* from the theory of the social contract, and thus a state is “a society of human beings” and not the property of a ruler (Rauscher, 2017). The definition gets close to the idea of a nation because of the specification that “no one but itself has the right to rule and to dispose”. The words ‘nation’, ‘state’ and ‘people’ are interspersed in the second point of the *First Section Containing the Preliminary Articles of Perpetual Peace between States*, and this simply underlines the continuous inseparability, interdependence and interaction of these ideas since the promulgation of works of Johann Gottfried von Herder, and the French revolution in the 18th century (Ishijama., Breuning, 2011, p. 634). Opening the Preamble of the Charter with the words “We the People of the United Nations determined” emphasizes the mentioned convergence of the meaning of states, nations and people.

The definition of nation in the view of the Charter of the United Nations is based on the designation of the states able to participate in the organization. Membership in the Organization is open to all peace-loving states which accept obligations contained in the Charter and in the judgement of the Organization. They must be able and willing to carry out these obligations (see Chapter 2, Article 4(1) of the Charter). Visible acceptance and willingness can only be sufficient with the true ability of a state to handle these obligations. Also, in *Perpetual Peace*, this condition is stated as a way a state can obtain power: “The practicability or objective reality of this idea of federation which is to extend gradually over all states and so lead to perpetual peace can be shewn. For, if Fortune ordains that a powerful and enlightened people should form a republic, – which by its very nature is inclined to perpetual peace – this would serve as a centre of federal union for other states wishing to join, and thus secure conditions of freedom among the states in accordance with the idea of the law of nations. Gradually, through different unions of this kind, the federation would extend further and further” (Kant, 1917, p. 134, 135).

Nevertheless, it must be noted that the Charter in Article 2(6) constitutes a law that affects the relationship between UN and third states: “Chapter 2 of the Charter sets out rules regarding the acquisition, suspension and loss of the membership in the organization” (Fassbender, 1998, p. 576), and consequently conditions for being a State Party. However, the Security Council may take preventive or enforcement measures against any state. Obviously, the provenance of the exemplary right of the Security Council to act upon third states is not based on the states’ will, it is rather the character of the Charter and the organization itself that made it possible to be legally and practically universally effective.

What are the requirements for peace as an agreement set in *Perpetual Peace*? The binding treaty must be contracted in good faith on the part of the participating parties: “There may be a mental reservation of old claims to be thought out at a future time, which are, none of them, mentioned at this stage, because both parties are too much exhausted to continue the war, while the evil intention remains of using the first favourable opportunity for further hostilities. Diplomacy of this kind only Jesuitical casuistry can justify: it is beneath the dignity of a ruler, just as acquiescence in such processes of reasoning is beneath the dignity of his minister, if one judges the facts as they really are” (Kant, 1917, p. 108). The mentioned “evil intention” as an opposition to good faith is a factor that abolishes the eternal nature of peace as a treaty, “thus the state of peace must be *established*” (Kant, 1917, p. 118). Therefore, awareness must accompany the conclusion of a treaty is essential and it must be noted that in Kantian view, lack of knowledge, a misunderstanding or mistakes may make an agreement invalid.

2. PRINCIPLES OF FEDERATION

The objective of creating a federation of nations was declared by Kant in following sentences:

This would give rise to a federation of nations which, however, would not have to be a State of nations. That would involve a contradiction. For the term “state” implies the relation of one who rules to those who obey—that is to say, of lawgiver to the subject people : and many nations in one state would constitute only one nation, which contradicts our hypothesis, since here we have to consider the right of one nation against another, in so far as they are so many separate states and are not to be fused into one (Kant, 1917, p. 129).

The Kantian idea stressed the importance of the independence of participating states by denying the concept of a state of nations. Accordingly, a member of the United Nations must be a sovereign state. The notion of the individual self-determination of each state in the Charter comes close to the Kantian idea of federation. However, there are requirements that a state must meet to be autonomous, but the main emphasis lies in the internal situation of a state and its abilities to execute its functions. Therefore, in *The Kantian Theory of International Law*, Fernando R. Tesón states that “the notion of state sovereignty is redefined: the sovereignty of the state is dependent upon the state's domestic legitimacy; and therefore the principles of international justice must be congruent with the principles of internal justice” (Tesón, 1992, p. 54). The sovereignty of nations is crucial for the Charter and the arbitral intervention of other states (mostly more powerful) is prohibited, and for this reason the Article 2(7) states as follows “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” In that view, the essence of independence is found in domestic jurisdiction as in the case of the Kantian concept. Robert Araujo, in *Sovereignty, Human Rights, and Self-Determination: The Meaning of International Law* also confirms that perspective: “Article 2.7 guaranteeing [...] interference in *matters which are essentially within the domestic jurisdiction of any state*, this protection is relative and would not protect the State from infractions of international law such as those dealing with self-determination and the protection of fundamental rights of individuals” (Araujo, 2000, p. 1488). Djura Ninčić also raises Article 78 in relation to the problem of the autonomous functioning of the state within the UN: “Article 78, on the other hand, extends the scope of the principle of sovereign equality to the relations *among the members of the United Nations in general*. It provides that *the trusteeship system shall not apply to territories which have become members of the United Nations, relations among which shall be based on respect for the principle of sovereign equality*. It is thus confirmed that the principle of sovereign

equality constitutes the *basis of the entire legal system of the United Nations*” (Ninčić, 1970, p. 36). Historically, by suspending in 1994 the operation of the Trusteeship Council, the UN have shown determination to achieve its mission of employing universal equality among all nations, and not only current Member-States. Withdrawing from supremacy over trust territories and supervising their administration was considered a step towards decolonisation and admitting the right to fair treatment of all nations.

3. SUPREMACY OF THREE SEPARATE POWERS OVER THE NATIONS

Nevertheless, taking into account the supreme role of the International Court of Justice brings the independence of domestic jurisdictions into reconsideration. In this view, the question arises regarding the influence of the supremacy of international judicial power over the autonomy of states. Therefore, what are the reasons regarding the idea of eternal peace for establishing and the functioning of an institution whose power to control exceeds the boundaries of one state? While searching for the grounds for the existence of a body superior to particular states, it is important to recognize Kantian ethics as a source of nonrelative basic provisions:

Kant insists that pure ethics, or pure duty, be separated from historical and cultural contingencies. The whole enterprise of moral philosophy, for Kant, is based on that part of practical knowledge that is pure, perceived by human beings a priori, that is, independent of their experiences and traditions. The nonrelative character of Kantian philosophy is easy to see in the realm of individual or personal morality. Indeed, the examples that Kant gives are of this type. Yet, there is every reason to extend Kant's moral universalism to political morality as well (Tesón, 1992, p. 82).

In this view, imposing universally-binding morality in republican peace-loving constitutions seems valid. Furthermore, it is possible to derive the legitimacy and foundations of the rulings of International Court of Justice from the Kantian normative argument for the primacy of human rights. The legitimacy of supremacy of international law was also explained by Gerald Fitzmauer:

The important principle of the subordination of the principle of the sovereignty of each State to the supremacy of international law – in short, of the sovereignty of the rule of law in the international field which might indeed be called the first and greatest principle of international law. From it all the rest follows: without it there may be customs, practices, habits, courtesies... but there is no law (Fitzmaurice, 1957, p. 6).

The author clearly refers to a basis equivalent to Kant's: a general justice as a social necessity (see Ramcharan, 2015, p. 259).

Kantian thought concerning courts includes the principle that it is obligatory and necessary that rulings must legally bind the states, which are subjects in hearings:

It is quite comprehensible that a people should say :-*There shall be no war among us, for we shall form ourselves into a state, that is to say, constitute for ourselves a supreme legislative, administrative and judicial power which will settle our disputes peaceably.* But if this state says:--*There shall be no war between me and other states, although I recognize no supreme law-giving power which will secure me my rights and whose rights I will guarantee* ; then it is not at all clear upon what grounds I could base my confidence in my right, unless it were the substitute for that contract on which civil society is based-namely, free federation which reason must necessarily connect with the idea of the law of nations, if indeed any meaning is to be left in that concept at all (Kant, 1917, p. 135).

The opening Articles of the Chapter XIV *The International Court of Justice* of The UN Charter harmonize with the stated principle of supremacy of three divided powers over the states. Yet from the perspective of Article 93.1, it is impossible to be a State Party of the UN Charter and not to be subject to the jurisdiction of the Court. Moreover, in light of Article 93.1, the power of the Court may reach further than the United Nations, facily the significance of the intention of utmost extension of justice and moral principles in the sense of the Charter. Bertrand G. Ramcharan also writes in favour of this concept: “The International Court of Justice has invoked the concept of obligations *erga omnes*, that is to say of obligations not only to particular countries but to the world as a whole” (Ramcharan, 2015, p. 12). Therefore, the universal character of the institution seems to be firm and clear.

Nations can be subject to judgements in the same way as individuals: “Nations, as states, may be judged like individuals” (Kant, 1917, p. 128). Therefore, parties are in the position as people, and not communities, so it is impossible to spread and diminish moral responsibility within a group. In the own sake of a nation is to demand the same procedure for itself as for its neighbours. Hierarchy is also established by the Charter, because nations undertake to comply with the decisions of the International Court of Justice (Article 94(1) of the Charter). Only states can be subjects to the sentences (Article 34(1) of the Statute of the International Court of Justice), so parties of a hearing are in the position of equality to one another. Therefore the rules of procedure held by the International Court of Justice may be considered as consequences and results of the idea of sovereign equality. In the chapter entitled *Accepting the jurisdiction of the Court through treaties* of the *Handbook on accepting the jurisdiction of the International Court of Justice* the range of subject-matter of the proceedings of the Court is rendered as follow: “Article 36(1) of the Statute of the Court provides that the Court has jurisdiction in all matters specially stipulated in treaties and conventions that are in force on the date of the institution of proceedings. In such instances, the jurisdiction of the Court is treaty-based and the Court may be seized by means of a written

(unilateral) application” (2014, p. 13). Consequently, the jurisdiction of the Court as an impartial, independent superior body reflects *iuris cogentis*, and thus, the Kantian principle for striving for peace. Norms on which the Court should give its rulings are basic objective criteria, and one that is also consistent with Article 38(2): “This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto”. Accordingly, a UN member state, being peace-loving, is bound by them. While adjudicating, “the Court remains under a duty to act solely in a judicial capacity, and must be careful not to overstep the norms of justice, or other accepted standards of equity and reasonableness prevailing in the international community” (2014, p. 99).

In one of the preliminary articles, Kant states that “no state at war with another shall countenance such modes of hostility as would make mutual confidence impossible in a subsequent state of peace: such are the employment of assassins (*percussores*) or of poisoners (*venefici*), breaches of capitulation, the instigating and making use of treachery (*perduellio*) in the hostile state” (Kant, 1917, p. 114). Recognizing the consequences of changes of human attitudes during war, Kant tries to avoid the infiniteness of hostility coming from the post-war lack of trust. Confirming the thought, Kant adduces the concept of state of nature and refers it to the condition of judiciary towards the circumstances: “war, however, is only our wretched expedient of asserting a right by force, an expedient adopted in the state of nature, where no court of justice exists which could settle the matter in dispute” (Kant, 1917, p. 114). A similar guiding purpose is related to exercising the power of the Security Council with regards to its functions assigned to it in the Charter, basically in Article 24:

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

In Chapter VI *Pacific Settlement of Disputes*, peaceful positive methods which allow the Security Council to react to an international dispute are enumerated. Keeping in mind the danger of a military intervention’s influence on hostility, the UN has adopted the Security Council’s access to using forces in a limited scope in the Chapter VII *Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*. Measures allowed in the Security Council’s procedure of action are adjusted to the requirements imposed by Kantian ideas on obtaining eternal peace by

maintaining trust among nations. However, the practice of international law has shown that implementing tools for keeping peace in the world does not come easily in reality. In the book *The UN Security Council and the Responsibility to Protect* struggles with which the Security Council has to manage are enlightened:

Some states also fear that the responsibility to protect, though universal in theory, will be applied selectively in practice. Great powers and their allies may be able to use their leverage to prevent timely and decisive action by the Security Council in the event of their failure (or their friends' and allies') to protect their own populations. The veto power of the permanent Security Council members has indeed often been used to prevent international censure for illegal acts by great powers and their allies, and the veto could prove an obstacle to the uniform application of the third pillar of R[esponsibility]toP[rotect] in all conflict areas.

Nevertheless it must be noted that the legitimacy of the Security Council's decisions concerning the use of armed forces is disputable, if we consider the UN as a peace-loving union.

CONCLUSION

Although it seems impossible, Kant conjoins principles of human rights, justice and morals with politics. This forms an particular aim that United Nations try to reach:

the organisational evolution of the UN points to the enlightened ideal of a world republic: Based on a 'constitutional' Charter the United Nations establish a universal league of states for one main purpose: the enforcement of the Kantian peace imperative. The UN substitutes the modern ambition to construct a global rule of law for the security dilemma of the initialstate of nature, its two basic principles of non-intervention and of sovereign equality of states embody Kantian notions and the International Court of Justice and first and foremost the Security Council represent the attempted rapprochement to the republic of peoples' public powers envisaged by Kant (Raubert, 2009, p. 76).

It appears to be evident that Kant declares the supremacy of morals over politics, but stating their unity and compatibility as conditions for establishing eternal worldwide peace is a highly elaborate task for the nations. Although the guarantor of a peace-treaty is 'nature', Kant imposes an obligation on Nations to be peace-loving and to declare it within a treaty meeting certain requirements. Then, with a similar visionary eagerness, as stated in the Charter of the UN the Member-States shall "practice tolerance and live together in peace with one another as good neighbors" (Preamble of the Charter of the UN). The postulate of togetherness and community brings nations to creation of the federation which functioning must be secured by three separated powers. The essential idea consequent to *The Perpetual Peace* and The Charter is to never cease to call upon maintaining international peace and security to exert practically the concept of eternal peace.

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“Lack of interest in politics”: a result of non-democratic experiences or of the non- existence of the Kantian republican state in the 21st century?

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Abstract

This essay examines the appearance of distrust, disinterest and aversion to politics and political participation in today’s democracies by taking the Kantian concept of a republican state into account. The goal is to find out reasons for the lack of interest in politics by investigating certain aspects in today’s democracies that might be not in compliance with the Kantian understanding of republicanism. The essay will start with an examination of the republican state and why it is mostly referred to as being much as the parliamentary democracy we know today. Then, these results will be compared with modern democracies (USA, Switzerland and Germany) in order to find the underlying reasons for the lack of interest in politics and how it might be possible to overcome it.

Key words: politics, lack of interest in politics, republicanism, republican constitution, people’s sovereignty, perpetual peace, democracy, non-democratic experience, *betzavta* method, responsibility

INTRODUCTION

Every once in a while a politically engaged citizen goes to the polling station to perform his utmost civic duty making a decision after which his will gets proper representation and power. We call it democracy. But what we can observe lately in society is a disappointment in democracy that leads to a lack of interest in politics and decreases the participation in political decisions and elections.

The German word *Politikverdrossenheit* combines the aspects of lack of interest, disappointment, distrust and the resulting aversion against politics. I will stay with the term “lack of interest in politics” in the following paper, but I want you to keep the stronger meaning of the German word in mind, which includes not only disinterest, but also the aforementioned aspects of distrust, disappointment and aversion.

Why does this happen in our Western representative democracies, even though they are commonly reputed to be the best form of government there is? Why does this happen in states whose constitutions are highly influenced by thinkers like Immanuel Kant? This question came to my mind when I participated in the Israeli educational method *Betzavta* that has well shown that there is a huge problem in forming consent between individuals or political parties. This struggle of forming consent is always present and, of course, necessary in our modern democracies. But why are so many people unsatisfied? Why do so many people still refuse to vote? I started to think more about the concept of representative democracies and whether they fulfill the requirements of the Kantian republican state, that he presented in his writing “Perpetual Peace”.

This is the starting point from which I want to examine democracy. My goal is to investigate the ratio between today’s democratic states and the republican state from Kant’s point of view in order to find an answer to the question: Why is there a lack of interest in politics? I will start with a section of “Kant’s understanding of republicanism” and give a brief look at what is said about the republican constitution in his political writings. In the following section “Modern democracies from Kant’s point of view”, I will compare modern democracies with the Kantian republican state, to find out what are the similarities, the differences and find first aspects that could have something to do with the lack of interest in politics. These results will be further examined in the section “Reasons for political disinterest”, where I will also take the experiences of the *Betzavta* method into account. Afterwards, I will finish the paper with a proper

‘conclusion’ about what has been said and how we may counteract against the lack of interest in politics by our societies.

1. KANT’S UNDERSTANDING OF REPUBLICANISM

In this section I want to introduce the republican constitution and how it relates to freedom, sovereignty, representation and democracy. What Kant says about the republic and democracy is in some points irritating and controversially discussed among scientific interpretations. The goal for this short paper is to show why the Kantian republic is mostly referred to as being much like the parliamentary democracy we know today, although Kant seems to be a staunch opponent of democracy in some aspects. In his philosophical sketch “The Perpetual Peace”, he states in the first definitive article what kind of constitution is necessary to achieve this aim of perpetual peace. It is the republican one. The headline of the first definite article says: “The civil constitution of every state should be republican” (Kant, 1991, p. 99).

For Kant, it is the only constitution that can guarantee peace on a rightful basis. In comparison to it, there could not be any peace among despotic states who have no principles of right in the own state and would never be as trustful as states with a system of law (Gerhard, 1995, p. 79). The republican constitution consists mainly of four important points: the freedom for every single individual and their equality before the law, as well as self-reliance as people within society and their dependence on the political body whose power binds them and whose fate they necessarily share (Gerhard, 1995, p. 87). About the aspect of freedom, it has to be underlined that the term “republic” is equal to a state, in which the aim of freedom for everyone is fulfilled in terms of restrictions that apply for everyone equally. Therefore, when Kant points out that this constitution is derived from everyone's will, as it “springs from the pure concept of right” (Kant, 1991, p. 100), it is about the freedom of all men in dependence on the external right:

Right is the restriction of each individual’s freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law) (Kant, 1991, p. 73).

There is an obvious connection to Kant’s moral philosophy, where freedom is not defined as doing whatever you want, but as restricting yourself by own laws of reason. These principles of constitution lead to the question of power. Who is sovereign in this republican state? Kant repeats that the legislative power can only belong to the common will of the people. So, only the

consistent and unified will of the people as the general common will can be legislative (Kant, 2014, p. 432).

However, in “Perpetual Peace” we apparently find a different opinion. There he states, that there are three different possible ways of sovereignty (autocracy, aristocracy and democracy) and more than that, he sentences democracy to necessarily be despotism (Kant, 1991, p. 100/101). Is this a contradiction? And if it is not a contradiction, then how could this common will be sovereign?

According to the Philosopher Ho-Won Joung, this ambiguity comes from the Kantian differentiation between an abstract form of republic as a norm that cannot to be reached completely, and republic as an empirical and politically accessible community (Joung, 2006, p.33). Kant mentioned this separation of the Platonic ideal (*respublica noumenon*) and the example representing that ideal in the world of experiences (*respublica phaenomenon*), in his writing The Contest of Faculties (Kant, 1991, p. 187).

That means that Kant distinguishes between two kinds of sovereigns: the original sovereign and the derivative (or practical) sovereign. In other words, there is a dualism involved that strictly distinguishes between the a priori common will that forms the legislative power on the one hand and the current, visible ruler of the state (the derivative sovereign) on the other hand (Joung, 2006, p. 43). It could be said, that there is a tension between a necessity a priori and a possibility a posteriori (Joung, 2006, p. 49).

With this in mind, it is possible to understand the confusing statement in “Perpetual Peace”, that the derivative sovereign (the empiric, political ruler) can be either “... an Autocracy constituted by the power of a Monarch, or an Aristocracy constituted by the power of the Nobles, or a Democracy constituted by the power of the People.” (Kant, 1991, p.100) This derivative sovereign is not to be mistaken as the original sovereign, which only can be the general will of the people. We need to understand that the republic itself (*respublica noumenon*) as well as the general will of the people as the original sovereign is an ideal and can never be reached completely by the empiric republican state (*respublica phaenomenon*). Nevertheless, the ideal is essential for the empirical implementation! The ideal serves as a guideline that shows the strict requirements for a perfect rightful state that has to get a proper implementation in reality in the best possible way.

The question is now: “How do we get a *respublica phaenomenon* that comes close to the ideal of *respublica noumenon*?”. By this question, we get to the main point that distinguishes the republican form of government to a despotic one: it is representation. The aim is to represent the

original sovereign by approaching the general will of the people through the derivative sovereign. For Kant, this is the transition from theory to practice:

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 (Kant, 1991, p.79).

This quotation shows that the change from a priori necessity to a posteriori possibility is fulfilled by the representation of the original sovereign through a derivative sovereign, who is making decisions as if a whole people has consented to it. It is understandable that Kant assesses the mode of government as more important than the derivative sovereign, because it is the most decisive factor in terms of creating a republic. It can be said that every kind of derivative sovereign, whether it be autocracy, aristocracy or democracy or whatsoever, needs to have a republican government and the accompanied representation to make sure that it will not develop into a despotic form of government, where the executive power would be also the lawgiver at the same time.

Now, with this background information, let's have a look on Kant's statement that leads to controversial discussions:

...a Democracy, in the proper sense of the word, is necessarily a despotism because it establishes an executive power in which All resolve about, and, it may be, also against, any One who is not in accord with it; and consequently the All who thus resolve are really not all; which is a contradiction of the Universal Will with itself and with liberty (Kant, 1991, p.100).

Kant refers to a "democracy in the proper sense of the word" (Kant, 1991, p. 100) which is nothing more but a non-representative, direct democracy. Although Kant sees the people as the one and only legislative power, as aforementioned, he is aware that this aim is hypothetical. If we would have a derivative, current sovereign of the state who would be visible as the whole people itself, there would be no representation at all. It would be a state where everyone wants to be ruler over everyone and by that it would be a contradiction to the aspect of freedom (we investigated in the beginning) and the general will itself.

Kant indeed states that the representation is greater if less people have the power, but it is not a cancellation of democracy; it was rather used to show that if we speak of a direct democracy as a derivative sovereign, then it would be a direct contradiction to republicanism, while it would be at least possible in the two other forms (autocracy and aristocracy), provided

the derivative rulers would just act like “servants of the state” (as Friedrich the 2nd introduced his office) and by that, be representatives that are separated from legislation and under the regulation of law (Kant, 1991, p. 101).

To sum this up: Kant states that the only way to have a republican form of government in a democracy is by a representative system, while the other systems are (at least) more or less representative. But we need to add to this that Kant was aware of the fact that autocracy and aristocracy are always in danger of becoming despotic. So he simply assumes that they at least “will be associated with a form of government which accords with the spirit of a representative system” (Kant, 1991, p. 101), whereas his offense against democracy (in the true sense of the word) derives from its impossibility of being a republic at all.

When we now think about the gravity of representation in Kant’s political writing it is hard to imagine that Kant really could disagree to the system of parliamentary democracy, because if the constitution of a state achieves the separation of power, and if it is built in a way that it represents the will of the people in the regulation of rights, then parliamentary democracy (with the parliament as the visible, derivative sovereign) is the only known form of government which fulfills the strict requirements of republicanism (Gerhard, 1995, p. 90).

2. MODERN DEMOCRACIES FROM KANT’S POINT OF VIEW

In the previous section we investigated why the Kantian republic is mostly referred to as a parliamentary democracy and we discovered that it fulfills the requirements of freedom, separation of powers and representation. What could Kant think about other systems that are seen as democratic systems, but differ from the parliamentary democracy? Could there still be some constitutional problems, or observable differences, between a parliamentary democracy (e.g. Germany) and the Kantian republic that could be a reason for the lack of interest in politics?

In this section we will have a brief look on some today’s states (USA, Switzerland and Germany) from Kant’s point of view. In order to find a possible breeding ground for political aversion among the people, we will investigate one issue for every state that Kant would consider as problematic or even contradictory to the people’s sovereignty.

Starting with the United States of America as a “federal presidential constitutive republic”, we have a representative democracy with a separation of powers as following: the president as the derivative sovereign and the “commander in chief” of the military forces, the Congress as the strongest representative organ, whose most important power is to control government spending and the highest court as the juridical power (Foreign Policy Association,

2011, pp. 5-8). Taking this political system into account, it is most interesting to focus on the power of the president as the derivative sovereign and examine whether the function of this office is in compliance with the republican constitution. So, I would like to ask a controversial question: Is it possible to evaluate the president as an absolute monarch? This question has arisen, because it has a direct connection to one of the main points in the republican motivation, which is that the question of war and peace should not be made by one or few, but only by the will of the people.

According to that, Kant himself pointed out what the difference between an absolute monarch and a limited monarch is:

What is an *absolut* monarch? He is one at whose command war at once begins when he says it shall do so. And conversely, what is a *limited* monarch? He is one who must first ask the people whether or not there is to be war, and if the people say that there shall be no war, then there will be none. For war is a condition in which *all* the powers of the state must be at the head of state's disposal (Kant 1991, p.186, 187).

Interestingly, it is not easy to place the office of the president of the United States into the position of a limited monarch (which actually should be the equivalent today). Although concrete war declarations are not that common anymore, war and military strikes by the United States (among others) still take place. Has the question, whether there should be war or not, ever been posed to the people?

The United States constitution states the following about the office of the president:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states when called into the actual service of the United States.
-Article II, Section 2 of the U.S. constitution

Although the president's authority to conduct war is not as arbitrary as it would be in an absolute monarchy, as it has to be authorized by Congress and conferred by statute, one aim of the above quoted "commander in chief clause" is to repel invasions on the United States. This power cannot be stripped by Congress and it enables preventive military actions without precise permission by Congress or law (Adler, 2006, p. 525).

This "commander in chief clause", that (e.g.) President Bush took advantage of during his term allowed him to establish military tribunals and take actions that he perceived as necessary to maintain national security and common defense. The war in Iraq can be seen as such a case, as it was presented to the people as a preventive act against a possible nuclear threat (Greiner, 2011, p. 124). It's hard to say if the political framing of the Bush administration, which successfully

connected Iraq with the attack on the World Trade Center on 11th September 2001 in order to obtain the consent of society by explaining actions as preventive war, would be in harmony with what Kant wrote about the derivative sovereigns and the use of their executive power (Gershkoff, Kushner, 2005, pp. 525-537).

In other words, they (the monarchs) should treat the people in accordance with principles akin in the spirit to the laws of freedom which a people of mature rational powers would prescribe for itself, even if the people is not literally asked for its consent (Kant, 1991, p.187).

The critical reactions against some controversial political actions show a high aversion among the people and it is motivated through actions taken by governments that are not in accordance with principles akin to the spirit to the laws of freedom. This aspect of a government that is able to influence the will of people and take actions on own behalf is for sure the first possible reason for distrust and aversion towards established political powers.

Let's find another aspect by taking this time the direct democracy of Switzerland into account. The first question that arises is of course: can the Swiss form of direct democracy be considered despotism as the Kantian prediction would assure? Or, in other words, we should investigate if direct democracy is a true direct democracy (in the proper sense of the word). The Swiss form of government has some representative aspects, that are not ideally a direct democracy as it might have existed in Ancient Greece, where the government was supposedly a mixture of decisions made through direct participation of the citizens and declarations 'by turn', by a randomly chosen elite (Mowlam, 1979, p. 181).

So, it is to be said in the beginning that it is not the despotic form of government Kant referred to. Nevertheless, Switzerland has the most direct form of government can be observed nowadays and we should investigate if it has a negative influence on the people according to the correlation of freedom and representation that we investigated in the first chapter. However, first we must generate a brief understanding of how direct democracy works and if it fulfills public demands and increases political participation, like many supporters of direct democracy emphasize. If this is not the case, it could be another possible breeding ground for a lack of interest in politics and it would support the Kantian statement, according to which the general will of the people in Switzerland is not truly represented, because of too little representation through the elected representatives.

The procedures of direct democracy in Switzerland roughly work as follows: The Swiss electorate has three possibilities to directly participate in the political decision making process by constitutional initiative, constitutional referendum and legislative referendum. For every change

in the constitution, the Parliament has to submit the amendment to the people (constitutional referendum); for any change in law, the parliament has to submit for popular approval (legislative referendum); and, in addition to the constitutional referendum, it is possible for the people to introduce amendments to the federal constitution by themselves (constitutional initiative) (Mowlam, 1979, p. 184, 185).

Supporters of the political system in Switzerland state that the first and the last word always belongs to the people, the legislative sovereign, as they can control the elites via initiatives and referendum. Other people claim that it is a highly undemocratic system, where the actual power is transferred to interest group leaders who are not responsible to anyone (Mowlam, 1979, p. 182, 183).

I want to point out some critical voices to show some aspects that underline the emotional state of a citizen with a lack of interest in politics. The claim that people are more interested in politics and elections because of direct participation, is empirically refuted. Studies show that participation in the elections of the Federal Council, which serves as the executive head of government (the derivative ruler), has always been below the 49% since 1975. (Bundesamt für Statistik (Schweiz). Wahlbeteiligung an den Nationalratswahlen in der Schweiz von 1971 bis 2015.).

The lack of interest in politics is a phenomenon in the Swiss Confederation too. What are the reasons for that? One reason for the low level of participation in the Federal Council elections could be an awareness that the status quo will certainly not change. The Swiss people are aware of the fact that the executive is not that powerful as it is in representative states. It is possible that they simply do not see the need for the election of the Federal Council which consists of members of the same three major parties every time again.

But even in the more important elections concerning a direct system, made possible by the three ways of referendum and initiatives, we observe a low participation rate. The problem here could be that those people who go to elections because they do not like any of the proposed amendments, are the majority who vote anyway, and the other people, who do not really care about reforms, simply stay at home.

If there are no representatives who can decide on reform amendments, perhaps with a more objective view, it is not easy to create any new political direction. That leads to a standstill, which consequently makes people doubt the system in general. As another point we could add is that participation through referendums and initiatives is possible by breaking down difficult problems to a simple “yes-or-no-question”, and this can be seen as unsatisfying. For sure, Kant

would not be pleased with Swiss democracy, as there is not enough representation, neither through the elected representatives, nor through the public referendums or initiatives.

We will sum up and broaden these results in the next section. Now, we will have a look at parliamentary democracy in Germany. Germany, as a parliamentary democracy, is the one of these three states that is most similar to the Kantian republic, as we already have shown in the first section. Regardless, the same problems with the lack of interest in politics arise in Germany. Before we have a look on how this is possible, we should further investigate if there are still some aspects that Kant could possibly disagree with.

During my research, I found the most controversial aspect in the work of Ingeborg Maus. She considers the separation of powers to be unequal: judiciary and the executive on the one hand, and the legislature on the other. According to her, the highest power of a state that refers itself to people's sovereignty can only belong to the legislation that simply empowers the other ones. But in Germany, she observes the judiciary and the executive surpass legislation by interpreting rights at their own discretion (Maus, 2007, p.18).

In other words, the authorized ones surpass the authority. When there is a contract that stands to the principle of people's sovereignty, a nation always acts with the function of the lawgiver and by that it is always the higher instance to the opponent public authorities (executive and judiciary) and it controls them.

She thinks that there is a loose legislation in the juridical methodology: the courts are not strictly bound by law anymore and give space to surpass legislation together with the executive (Maus, 2018, Beitrag II).

Actually, every right, especially fundamental rights, require legislative form. But, indeed, the judiciary is able to interpret laws at will and work against legislature, as in the case of Germany, the powers overlap each other's responsibilities.

Would Kant agree with Ingeborg Maus's argument that there is an inequality among the powers that lead to less representation of the people's sovereignty? Giving a proper answer to that question would require a bigger examination, but I wanted to show this point of view as an example of controversial discourse that still exists in reference to the Kantian republic and what is really meant by that. Political distrust and disbelief in elections, called in this article "lack of interest in politics", like in every other example in this section, are recited shortage of representation. This shortage will be summarized in the next section.

3. REASONS FOR POLITICAL DISINTEREST

It is now time to focus on the lack of interest in politics that more or less manifests itself in our modern democracies. The most emphasized aspect of political participation we investigated is voting. Although there is a variety of forms to become politically active, the most common way is through suffrage. And with it, the lack of interest starts. The time for elections is the time where the citizens have the power to decide. However, they have to ask themselves such questions, as: Who is going to be their representatives? Who will change something about bad conditions? Who will keep their promises?

These questions also make visible the limitations of voting as a mechanism for popular control over political choices: Voters have a minimal impact on the selection of candidates, they cannot choose the agenda nor can they choose when to vote (Mowlam, 1979, p.180). Once representatives have been elected, however, it is not immediately possible to adjust any decision taken by them anymore. The direct way to judge false behavior or indecision of any kind is by subsequently choosing not to vote for them again next time. Negatively we could say: people give their actual governance into the hands of the elected representatives, so, aside from demonstrations, protests or citizen's initiatives, it is nearly impossible to influence the political decisions of the representatives at the legal level.

There is a long term of regency where institutions exclude people from making decisions and lead them to a position of control afterwards. Therefore, many people wish more direct democracy and the chance to change things immediately. But, as we have seen with the example of Switzerland, the level of participation is not higher and the results of initiatives mostly strengthen the status-quo. Additionally, there is the danger that populism becomes rampant by the fast simplification of serious problem into a simple yes-or-no-question. All of this contributes to the lack of interest in politics as well.

Furthermore, it is not easy to find a party that clearly shares the "same opinion" as you. As a result of the huge variety of political thoughts and statements, it is not surprising that parties have difficulties to "speak with one voice" and to produce a clear program. It is hard to keep up to with original goals when there are so many individuals with different needs and attitudes. In addition, experience has shown us that even if you are a staunch supporter of a political party and even if you would stand the inconvenience of some decisions, it could happen that your party either won't get enough votes or has to work with another party (that you wouldn't have elected) to receive enough number of votes for forming a government. It looks like citizens endure a

distortion of power and that might increase the dislike for politics in general and decrease the level of participation in political decisions and elections.

Even though it might seem so at this stage, the goal of this article is not to reject democracy, but rather supporting the state of mind that speaks in favor of representation and democracy and helps to work against the lack of interest in politics. But, before we try to approach this matter, I want to introduce the experiences I have had with the “Betzavta method”, which will lead me to a final conclusion.

The huge problem of forming consent between various parties or individuals is shown very well by the Israeli method *Betzavta* (which means “together”), which is based on interactive tasks in a group followed by reflection sessions afterwards: “The goal of the interactive task is for people to delve into their natural patterns and behaviors, while the reflection session afterwards gives an opportunity to reflect on that behavior” (Betzavta Method).

As a participant in this method, I remember the loose boundaries before every interactive task. The tasks were short, but they lead directly into dilemmas and conflicts that made the participants deal with their own freedom and the individual freedom of everyone else. It consequently made them think about what could be considered as right or wrong. Every participant experienced the difficulty of making decisions that involved not only themselves, but other people as well.

Betzavta’s uniqueness is that it combines the personal and the political, acknowledging that there is an individual in every group process and allowing for a ‘bottom up’ approach to learning. The themes are rooted in democracy education, but the individual is challenged to come to terms with their own dilemmas. This combination of the personal and the political is what is needed to affect society – an awareness of oneself in order to work together in a group and make positive changes in society (*Betzavta Method – Mellem Education*).

This personal connection that *Betzavta* tries to take into account, could support the disbelief in politics today in particular. It shows precisely the main factor that increases the lack of interest in politics and it goes even beyond democracy and representation. It is something that is directly connected to freedom in the Kantian sense: responsibility.

With freedom there comes responsibility. This may be one of the main clues concerning the history of enlightenment.

Enlightenment is man’s emergence from his self-incurred immaturity (Kant, 1991. p. 54).

The self-incurred immaturity was the first escape away from responsibility you could think of. The pathos of the Enlightenment, though it has never been really forgotten ever since it was formulated, needs to be remembered when we speak about the right to vote or the right to do and say what we want as far as it can be in harmony with the spirit of freedom in the Kantian sense.

The fear of responsibility may be one of the most fundamental reasons for a lack of interest in politics. Everything we found out in the sections above is built on the correlation of freedom and responsibility. Despite all the problems of representation that still need overcoming in order to approach the ideal of a *respublica noumenon*, we need to take responsibility for ourselves and for others.

Obviously, this can be a hard thing to do and it might feel easier to keep out of political decisions than to make decisions with the acknowledgment of being responsible for yourself and others.

CONCLUSION

The final section will be used for a summary of what has been said and for some small suggestions that we may focus on to possibly overcome these difficult conditions. Let us summarize the results by reformulating three different questions we investigated in the previous sections.

The first question “why is there a lack of interest in politics?”, as the general question was answered by explaining aspects of the lack of representation and, connected to that, the feelings of powerlessness, distrust and indifference.

We could formulate the second question as: “is there a lack of interest in politics because of the non-existence of a republican state?” This question was answered most certainly with “yes”. As the *respublica noumenon* is an ideal that can never be fulfilled completely, it sets a high goal for our *respublica phaenomenon* that has to deal with many problems as well as the lack of interest in politics. This ideal therefore can still be seen as improvable.

The third question we indirectly posed and answered was about the need to reconcile freedom and responsibility in our political and social mind. The conclusion was that it takes courage and will to take decisions autonomously. The overcoming of political disinterest needs the awareness to be responsible for oneself and others. It also includes acting as anticipated, as self-conscious, reasonable beings.

In the end, it can be said that even though we, as citizens, have to cope with bad experiences as being deceived by false promises, having the impression that we do not have a say in any decision, developing distrust in political representatives, dealing with social and global problems - we can in the end, hope to overcome it one day by merely reminding ourselves about the responsibility and freedom that every human being has in him or herself, at least from Kant's perspective.

The representation of our political will, as well as the making of decisions in general, are a huge factor in our everyday life, and because of its problematic ambiguity, it is a factor that develops the lack of interest in politics. However, it is to be said that I don't want to claim that the process of voting determines or reflects every kind of political participation, but it is for sure the most visible form of it as you can statistically estimate people's participation. Elections are just one sphere of broader problems in politics, but they are exemplary of the "fear of responsibility" that can be seen as the breeding ground for the lack of interest in politics.

Maybe this fear can be overcome by first looking back to it, as a well-known problem faced by humans ever since, and secondly by looking forward to a necessarily better future, as we have already taken multiple political and social steps into the right direction. We should remind ourselves and anyone else who refuses to go to elections that the more people vote, the higher the representation, as a simple, but, due to the contained aim of peoples sovereignty, highly important motivation.

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Kant and Confucius: On moral decision-making

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Abstract

The aim of this paper is to determine the patterns of moral decision-making in Kantian and Confucian thought and to assess the necessary preconditions of moral behavior for Kant and Confucius respectively. This paper focuses on comparing the way Kant is structuring constitutive elements of moral decision-making, such as will, reason, or moral autonomy to the way Confucius is structuring the relationship between elements such as duty, commands of *Tian*, or social relations.

Key words: Confucius, Kant, moral decision-making, moral philosophy, inclinations, comparative philosophy, Chinese philosophy

INTRODUCTION

This article is a result of a Polish-German workshop on freedom, authority, and shaping democracy in German and Polish civil societies. The aim of the workshops was to prompt reflection upon democratic forms and practices in order to deepen the understanding of the cultural differences between German and Polish democratic processes, but perhaps even more importantly, to highlight universally applicable issues related to the democratic framework.

The first starting point of this paper is the theoretical part of the workshops, which included analyzing Kant's influence on the development of the democratic framework within the German context. Apart from the theoretical content, the workshops consisted of an experimental, practical part, based on the "Betzavta/Miteinander" method of democratic education built upon experiencing the democratic process through interactions with other participants. This two-fold approach not only proved to be innovative but also served as an inspiration for the second starting point of this paper.

For such combination of theoretical studies with practice entrenched in social interaction closely corresponds to the Confucian method expressed in the very first paragraph of the *Analects*: "to learn and then have occasion to practice what you have learned—is this not satisfying? To have friends arrive from afar—is this not a joy?" (*Analects* 2003, 1.1) Here, the principal elements of Confucian approach are clearly laid out: one should not only attempt to intellectually grasp knowledge but also apprehend it practically; not only study on one's own but do so in a social context.

The Confucian framework serves also as another point of departure. The close relationship between ethics and politics, between proper functioning of a political system and the moral make-up of people constituting it, is a vital component of Confucian doctrine.

The main goal of this paper is thus to present the Kantian and Confucian moral decision-making process. The first part explores the question of justifiability of such a comparison. The second and third part aims at reconstructing the moral decision-making framework respectively in Kant's and Confucius's accounts. Finally, the last part attempts to view these frameworks side to side and draw conclusions as to possible interpretations of both Kant's and Confucius's philosophies.

1. KANT AND CONFUCIUS

What does Kant have in common with Confucius to even justify uttering the names of these two thinkers in one sentence? Nietzsche infamously called Kant the "Chinaman of Königsberg" (1966, §210), however, he probably meant it as an insult and definitely did not study Chinese philosophy extensively enough to form well-informed judgments in this matter (Ching, 1978, p.167). What is more, Kant himself referred to Confucius and Confucianism in highly unfavorable terms. In his lectures on *Physical Geography*, he states that: "Philosophy is not to be found in the whole Orient... Their teacher Confucius teaches in his writings nothing outside a moral doctrine designed for the princes...and offers examples of former Chinese princes...But a

concept of virtue and morality never entered the heads of the Chinese” (Ching, 1978, p.169). Even though from the current standpoint of knowledge on Confucius and Confucianism this statement sounds quite ridiculous, it was not at odds with the general European attitude shared in the late eighteenth and nineteenth century.

However, it has not always been this way: China was introduced to the European public through the favorable eyes of the Jesuits, who were very positive about incorporating Confucius into the philosophical pantheon and making his teaching a starting point for introducing Christianity to China. They presented Confucius as the “philosopher of the Chinese” in a work published in 1678 entitled *Confucius sinarum philosophus, sive, Scientia sinensis latine exposita (Confucius, Philosopher of the Chinese or, Chinese Knowledge Explained in Latin)*. However, following anti-Jesuit sentiments and the eventual papal suppression of the Society of Jesus in 1773, China lost its main advocate. As a result, Kant, whose initial remarks on China were at least without prejudice, abandoned Jesuit sources. According to Adrian Hsia, Chinese literary scholar and specialist on German and English literature, among others Kant consulted the following books: *Die heutige Historie oder der gegenwärtige Staat von allen Nationen*, compiled by Captain Salmon (the German translation was published in Altona in 1732), *Die Allgemeine Historie der Reisen oder Sammlung aller Reisebeschreibungen*, published in 21 volumes in Leipzig between 1747 and 1774; *Bibliothek der neuesten Reisebeschreibungen*, published in Frankfurt and Leipzig in 1780. All these works represented a very different approach to describing China: instead of the enthusiasm of the Jesuits, they presented the overly-negative accounts of travelers and merchants. As a result, “Kant now perceived the Chinese as total strangers to the concept of virtue, and the whole nation, including Confucius, was incapable of lifting itself to nobility and duty. In other words, categorical imperatives could never be developed in that country” (Hsia, 2001, p.22).

In his widely discussed (suffices to say, the discussion reached internet platforms such as Reddit and others, which are not necessarily associated with arcane topics such as Chinese philosophy) essay provocatively entitled *Western Philosophy is Racist*, a professor of philosophy and a specialist on Chinese philosophy Brian W. Van Norden states:

Kant is easily one of the four or five most influential philosophers in the Western tradition. He asserted that the Chinese, Indians, Africans and the Indigenous peoples of the Americas are congenitally incapable of philosophy. And contemporary Western philosophers take it for granted that there is no Chinese, Indian, African or Native American philosophy. If this is a coincidence, it is a stunning one. (Van Norden, *Western Philosophy is Racist*, 2017)

Van Norden goes as far as to outrightly point at Kant as the source of the parochial and indeed racist approach of Western philosophers toward all non-Western philosophical traditions. It is

not without a grain of salt that such a thesis should be accepted. Although a considerable number of scholars (see: Bernasconi 2001, Eze 2001, Mills 2005) agree with Van Norden in pointing out Kant's racist comments and casting a shadow on the supposed universalism of his moral theory, it is possible to look at Kant's views differently. If we follow Pauline Kleingeld's account, it could be argued that during the 1790s Kant "gave up the hierarchical view of the races in the context of his own political theory and theory of right. The time when he changed his views on race falls within the period during which his political theory and philosophy of right underwent significant transformations" (Kleingeld 2007, p.592). Kleingeld claims that Kant changed his views on race in the light of his own writings, which can be particularly clearly seen in the *Toward Perpetual Peace* and in the "description of the mental properties which he attributes to non-whites, and (...) in the harsh criticism of the injustice perpetrated by the European colonial powers" (Kleingeld 2007, p.592).

It exceeds the scope of this paper to discuss fully whether Van Norden is correct or not, but it is crucial to mention two things. Firstly, whether Kant, the disastrous Opium Wars and their destructive aftermath, or any other reason are to blame, it is a fact that Chinese philosophy has been largely overlooked and kept out of the usual history of philosophy curriculum. Indeed, what most of the students in the Western hemisphere learn as "philosophy" should rather be labeled "Western philosophy." Secondly, a doubt may arise: if so many prominent thinkers criticized Chinese philosophy for not being "philosophical" enough (e.g. Young Kun Kim, 1978, pp.173-180; Roetz, 2005, pp.49-65), then perhaps there is a grain of truth to it? The question whether Chinese philosophy, as well as other non-Western philosophies, should at all be labeled "philosophies" is certainly one worth asking because it forces us to rethink what we understand as "philosophy."

Carine Defoort in her article *Is There Such a Thing as Chinese Philosophy? Arguments of an Implicit Debate* describes four possible approaches towards and justifications for the question of existence of Chinese philosophy:

- 1) Chinese philosophy does not exist because the Chinese way of reflecting on things does not fulfill the requirements for philosophical reflection as understood in the West
- 2) Chinese philosophy does exist. If analyzed using Western categories, it will eventually reveal the same structures and tendencies that we find in Western philosophy.
- 3) It is possible that something called "Chinese philosophy" exists. However, the scope and content of the term "philosophy" itself has to be reevaluated and rethought. Encountering a different tradition is a chance to reformulate the way philosophy is understood.

- 4) Chinese thought is not a philosophy and for its own benefit should not be called so. Philosophy is a strictly Western phenomenon and as such imposing it on Chinese thought would be detrimental and reductive to the Chinese way of reflecting on things. (Defoort, 2001)

In other words, these four approaches could be grouped along two axes – descriptive and emotive:

One could defend or reject "Chinese philosophy" while valuing philosophy understood in a certain way; one could criticize the prevailing definition of philosophy via the defense of Chinese philosophy as providing a better alternative (or expanded) understanding of the discipline; or one could reject "Chinese philosophy" because one believes that traditional Chinese thought would be better off not being associated with that discipline, thereby questioning the value of philosophy. (Sor-hoon Tan, 2016, p.6)

Kant definitely belongs to the first group – he rejected Chinese philosophy as not adhering to a certain understanding of philosophy in general. However, it is crucial to point out that his dismissal of Chinese philosophy was based on false premises. Although Van Norden is highly critical of Kant's role in stigmatizing Chinese philosophy, he himself proposes to use a hermeneutic of faith. According to him:

Those who use a hermeneutic of faith read text in the hope of discovering truth, goodness, and beauty. They are open to the possibility that other people, including people in very different times and cultures, might know more about these things than we do, or at least they might have views that can enrich our own in some way. (Van Norden, *Taking Back Philosophy*, 2017, p.139)

Therefore, although Kant himself had an unfavorable opinion on Chinese philosophy and Confucius, we can still proceed with a meaningful comparison between these two thinkers, providing we accept two assumptions: first, since Kant's opinion was formed based on sources that were not credible, we are to dismiss it as misinformed. Studying Confucian texts, we can, without doubt, reject the claim that Confucius was a stranger to the concept of virtue, nobility, and duty. If anything, it is the opposite – he was much preoccupied with concepts at least within a similar scope of meaning. As to whether categorical imperative could have been developed within the Confucian thought – we have to give it a more detailed look. Second, in order to conduct a meaningful comparison between Kant and Confucius, it is necessary to assume that there is something that can be called "Chinese philosophy", be it in the second or third meaning listed by Defoort.

Finally, every time this paper mentions Confucius, it actually refers to a certain construct. We know that Confucius existed and with some degree of certainty, we can reconstruct his

personal history. However, like Socrates, Confucius did not leave any written sources of his doctrines. Everything we have was written by his disciples or disciples' disciples. In the case of Socrates, what we have to do is to distinguish between Plato presenting Socrates' views and Plato presenting his own views. In case of Confucius, what we have to do is to navigate between generations of disciples presenting what has been passed down as Confucius's sayings but at the same time advancing their own agenda (such as making their particular strain of Confucianism look more prominent or more "true" to the Confucian spirit). Therefore, every time a phrase "Confucius said..." appears in this paper, it actually means: "what we find in canonical Confucian writings and what based on literary and historical analysis can be reasonably attributed to Confucius..."

The main sources used in this paper for reconstructing Confucius's views in respect to moral decision-making are firstly the *Analects (Lunyu)*, and secondly, the *Classic of Family Reverence* (also known as the *Book of Filial Piety, Xiaojing*). As for Kant's views with respect to moral decision-making, the *Groundwork of the Metaphysics of Morals* will serve as the main source.

2. MORAL DECISION-MAKING ACCORDING TO KANT

What does the process of making a moral decision look like according to Kant? The pillar of moral decision-making is the relation between will and reason. We utilize reason to direct our will in order to achieve certain goals and to satisfy our needs. However, in this respect reason seems to be highly ineffective. Therefore,

since reason is nevertheless given to us as a practical faculty, that is, as one that is to influence the *will*; then, where nature has everywhere else gone to work purposively in distributing its capacities, the true vocation of reason must be to produce a will that is good, not perhaps *as a means* to other purposes, but *good in itself* for which reason was absolutely necessary. (Kant 1988, 4:396)

As a result, by fulfilling the true purpose of reason, which is establishing good will, we achieve a state of happiness and contentment, even if we fail to successfully pursue other goals commonly associated with happiness. Being concerned with one's happiness is not to be overlooked, because it is indeed an important component of duty. If we are unhappy and unsatisfied, "under pressure from many anxieties and amid unsatisfied needs," we can easily surrender to "a great temptation to transgression of duty" (Kant 1988, 4:399).

But what is duty? To begin with, the concept of duty "contains that of a good will though under certain subjective limitations and hindrances, which, however, far from concealing it and

making it unrecognizable, rather bring it out by contrast and make it shine forth all the more brightly” (Kant 1988, 4:397).

There are three propositions describing the nature of duty. Firstly, we have to determine whether an action seemingly in conformity with duty is done “from duty or from a self-seeking purpose” (Kant 1988, 4:397). The second proposition refers to the fact that the moral value of an action is determined by a maxim according to which this action is conducted and not by its intended outcome. A maxim is “the subjective principle of volition” (Kant 1988, p.14). According to Kant:

an action from duty has its moral worth not in the purpose to be attained by it but in the maxim in accordance with which it is decided upon, and therefore does not depend upon the realization of the object of the action but merely upon the principle of volition in accordance with which the action is done without regard for any object of the faculty of desire. (Kant 1988, 4:400)

The content of the third proposition is: “duty is the necessity of an action from respect for law”(Kant 1988, 4:400). Kant distinguishes between inclination and respect – we can have an inclination towards a particular effect of an action, but respect is only due to what “I cognize immediately as a law for me,” which signifies “consciousness of the subordination of my will to a law without the mediation of other influences on my sense” (Kant 1988, p.14). Respect restricts our egoism and self-love.

To summarize it, an action from duty is to eliminate all inclinations that influence will and to remove all objects of the will. As a result, the will is left without anything that “could determine it except objectively the law and subjectively pure respect for this practical law (Kant 1988 4:400-401).

Going back to the relation between will and reason, it could be said that whether the outcome of an action is going to be moral or not, is determined by the mutual interactions between will, reason and subjective conditions (incentives).

The way reason can affect will is twofold. It can either infallibly determine will, or determine it not adequately. The consequence of the infallible determination of the will is its functioning as a “capacity to choose only that which reason independently of inclination cognizes as practically necessary, that is, as good” (Kant 1988, 4:412). The consequence of not adequate determination is giving way to subjective conditions – incentives – influencing will by the means of feelings. It results in will not being in conformity with reason and not being thoroughly good. This opens the way for disobedience (towards the commands of reason) and subjectively contingent actions (Kant 1988, 4:413).

The result of an action conducted by will infallibly determined by reason is consistent with an imperative. Imperatives are formulas of command of reason: a “representation of an objective principle, insofar as it is necessitating for a will” (Kant 1988, 4:413). All imperatives can be divided into two types: hypothetical or categorical. The former “represent the practical necessity of a possible action as a means to achieving something else that one wills (or that it is at least possible for one to will).” The latter represents “an action as objectively necessary of itself, without reference to another end” (Kant 1988, 4:414). Hypothetical imperatives can be further divided into technical (belonging to art) and pragmatic (belonging to welfare) (Kant 1988, 4:417). Although there are infinite numbers of hypothetical imperatives, there is only one categorical imperative, however, it has threefold formulation:

- 1) “act as if the maxim of your action were to become by your will a universal law of nature” (Kant 1988, 4:421).
- 2) “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” (Kant 1988, 4:429)
- 3) A condition of will’s harmony with universal practical reason, “the idea of the will of every rational being as a will giving universal law”. (Kant 1988, 4:431)

All these complex deliberations can be concluded in a surprisingly simple recommendation:

Inexperienced in the course of the world, incapable of being prepared for whatever might come to pass in it, I ask myself only: can you also will that your maxim become a universal law? If not, then it is to be repudiated, and that not because of a disadvantage to you or even to others forthcoming from it but because it cannot fit as a principle into a possible giving of universal law, for which lawgiving reason, however, forces from me immediate respect. (...) I at least understand this much: that it is an estimation of a worth that far outweighs any worth of what is recommended by inclination, and that the necessity of my action from pure respect for the practical law is what constitutes duty, to which every other motive must give way because it is the condition of a will good in itself, the worth of which surpasses all else. (Kant 1988, 4:403)

Although incentives could be a powerful driving force for doing what is objectively good, they cannot be trusted as reliable. First, their results are merely contingent and in two different situations can lead to two completely different results. Secondly, according to Kant, their power is only of perfunctory nature. What has the power to truly compel rational beings to act in a particular way is duty:

For, the pure thought of duty and in general of the moral law, mixed with no foreign addition of empirical inducements, has by way of reason alone (...) an influence on the human heart so much more powerful than all other incentives, which may be summoned from the empirical field, that

reason, in the consciousness of its dignity, despises the latter and can gradually become their master; (Kant 1988, 4:410-411)

Furthermore, because of their wavering nature, they can actually act as an interfering factor to the dictates of reason. If we were to ground duty in some tendencies, desires or other incentives, we would never arrive “at duty but instead at the necessity of an action from a certain interest. This might be one's own or another's interest. But then the imperative had to turn out always conditional and could not be fit for a moral command”(Kant 1988, 4:433). Kant calls this “the principle of the autonomy of the will.”

3. MORAL DECISION-MAKING ACCORDING TO CONFUCIUS

To reconstruct the process of making a moral decision according to Confucius, we should start from paragraph 2.4 from the *Analects*:

The Master said: When I was fifteen I set my heart on learning. At thirty I took my stand. At forty I was without confusion. At fifty I knew the command of *Tian*. At sixty I heard it with a compliant ear. At seventy I follow the desires of my heart and do not overstep the bounds.

Before we proceed any further, we must first clarify the obscure looking term “*Tian*.” Conventionally, it has been translated as “Heaven.” However, “its conventional English rendering (...) cannot but conjure up misleading associations” (Ames and Rosemont 2009, p.85). As a result, our “understanding of *Tian* is painfully vague,” but it is so “precisely because it is vague within the Chinese tradition itself” (Ames and Rosemont 2009, p.85). Although *tian* does not speak in any direct way (*Analects* 17.19), it:

communicates effectively although not always clearly through human-generated oracles, through perturbations in the climate, and through alterations in the natural conditions that contextualize the human world. *Tian* participates in a discourse with the most worthy persons in the human community. It is assumed that a failure of order in the human world will be reflected in ominous happenings in the natural environment. (Ames and Rosemont 2009, p.86)

Thus, in paragraph 2.4 we see Confucius presenting himself as someone, who understands the commands of *Tian*, hears them with a compliant ear, and “who unfailingly devotes himself to a continual process of learning” (Olberding 2013, p.10). However, it is not just learning for the sake of learning, since as Confucius says in 2.15: “If you study but don't reflect you'll be lost. If you reflect but don't study you'll get into trouble.” The goal of Confucian education is to set a person on a course of becoming a *junzi* – which means a consummate,

ideally ethical and capable person, who practically embodies a set of virtues, with *ren* (benevolence/consummate conduct, humanness) as its pinnacle. It is an unceasing effort of becoming a benevolent, consummate person. As a result “at all times you are to do what it is appropriate for you to do (...) in the roles and activities that locate you in family and community, and that indeed come to constitute you as a person” (Ames and Rosemont 2009, p.27).

In fact, it is within the family setting that we set on the course of becoming a consummate person capable of following the desires of their heart without overstepping the bounds: “The *junzi* [exemplary person] works on the root – once the root is planted, the *dao* [way] is born. Filiality [*xiao*] and respect for elders [*ti*], are these not the roots of *ren*[exemplary conduct]?” (Analects 1.2). Originally, the Chinese character *xiao* was “a highly stylized picture of a gray-haired old person and a young child” (Ames and Rosemont 2009, p.1). Usually, the term is translated as “filial piety,” “filiality” but according to Roger T. Ames and Henry Rosemont Jr., although “to the extent that the pious are deferential, the term is not altogether misleading (...). But it is to *people* living and dead in *this* world that Confucians defer, not to religious figures, usually associated with the Abrahamic traditions, who inhabit another, transcendent world. Moreover, ‘piety’ often carries a sense of the ‘sanctimonious’ that is absent from the Chinese *xiao* (Ames and Rosemont 2009, p.1). Therefore, they choose to render *xiao* as “family responsibility,” “family deference,” “family feeling,” or most of all – “family reverence.”

Let us go back for a moment to Kant. One of the most striking initial differences between Kant’s and Confucius’s stances is their approach to a moral example. According to Kant, one could not “give worse advice to morality than by wanting to derive it from examples. For, every example of it represented to me must itself first be appraised in accordance with principles of morality, as to whether it is also worthy to serve as an original example, that is, as a model” (Kant 1988, 4:d408).

On the one hand, it would seem that this puts the whole *Analects* in a bad light. In the end, the *Analects* are comprised of numerous descriptions of proper behavior that are meant to serve as an example to be followed. Leading by an example is a recurring Confucian trope, most clearly formulated in paragraph 2.1: “The Master said: When one rules by means of virtue (*de*) it is like the North Star – it dwells in its place and the other stars pay reverence to it.” An exemplary person should simply act in a certain way, and others will be compelled to follow their example the same way stars revolve around the North Star.

On the other hand, however, the numerous exemplifications evoked in the *Analects* are by no means to resemble biblical parables. Neither are these examples to be treated as guidelines for direct emulation nor is morality to be derived from them. They are ex-post examples – showing

how the implementations of the same superior rule can differ depending on the context.

Let us return to the issue of family reverence (*xiao*) and consider the following case: a son is aware that his father committed a theft – he stole a sheep (see: *Analects* 13.18). When the authorities ask the son whether he knows who is behind the theft, the son faces a dilemma: should he fulfill his duty towards the ruler, denounce his father and follow the law, but break the rules of family reverence (*xiao*)? Or should he break the law but protect his father? This is a good moment to ask the Kantian question: “can you also will that your maxim became a universal law?” Seemingly, it is not much of a moot point – there seems to be no obstacle to willing that filiality becomes a universal law. Of course, based on the definition from *Analects* 1.11 – “One who does not alter his late father’s *dao* for three years may be called filial” – some could argue that the concept of filiality entails moral heteronomy. As it will be shown later, “observing father’s *dao*” does not mean absolute allegiance or suspending one’s autonomy. There is, however, a more serious problem. Therefore in this particular case, the universalization formula would take the form: “can you will that lying to protect your family members become a universal law?” It seems that if Kant was faced with such a dilemma, his answer would be straightforward: the only decision from duty is to denounce one’s father, because lying “does harm to humanity in general, inasmuch as it vitiates the very source of the right” (Kant 1993, 426). Although family dedication predisposes us to protect our beloved and hide their misdemeanors, no rational being would wish for lying and hiding the truth to become a universal law.

However, is this situation indeed as unequivocal as it seems to be? The first issue we encounter is the formulation of the opposition between duty and inclination: duty is here understood as telling the truth to the authorities, whereas family inclination leads us to conceal it. In Confucius's world, this situation could be described the other way around: it is a duty to act in accordance with family reverence, even though we might have tendencies inclining us towards a different action. Therefore, although the son may be frightened of the consequences of not giving away his father to the authorities, or perhaps his personal character predisposes him to tell the truth because he strongly condemns theft, his duty is to be a good and devoted son. The reason he acts this way is not because of certain feelings or tendencies, but indeed because of a superior and absolute duty stemming from his basic human relationship – a relationship, which underpins the whole structure and functioning of society.

Apart from the relation between husband and wife, older and younger brother, ruler and subject, and between friends, the relation between father and son is one of the five fundamental human relationships. They are a warp and weft of the social fabric and the basis of the proper functioning of the world. In paragraph 12.11 of the *Analects* Confucius was asked about

governance. His answer was: “Let the ruler be ruler, ministers ministers, fathers fathers, sons sons.” Apparently, what is needed for effectively governing a state is for everybody to act accordingly to their social role and properly situate themselves within the five relations.

Another example of how all-encompassing the indications of the family reverence are is the principle of observing the three-year period of mourning after the death of one’s father. During this period, a good soon should abstain from extravagant dishes, temporarily resign from the official posts he is holding and refrain from living in luxurious conditions. Let us look closer at paragraph 17.21:

Zai Wo asked about the three year mourning period. “A full year is already a long time. If a *junzi* [exemplary person] were not to participate in *li* [rituals] for three years, surely *li* would decay; if he did not participate in music for three years, surely music will collapse. As the grain of the old year is exhausted, the grain of the new year is harvested, the cycle of firewood has gone round – a full year is enough.”

The Master said, “Would you feel comfortable eating rice and wearing brocaded clothes?”

“I would.”

“If you would be comfortable, do it. When the *junzi* is in mourning, fine foods are not sweet to him, music brings no joy, living in luxury brings him no comfort, therefore, he does not indulge in these things. Now, if you would be comfortable, do it.”

Zai Wo went out. The Master said, “Yu is not *ren*. A child has lived for three years before he leaves his mother’s arms. The three year mourning period is common to mourning throughout the world (*tianxia*). Did not Yu receive three years love from his parents?”

Certainly, the objections raised by Zai Wo (in the last section referred to as “Yu”) are very reasonable: even one year is long enough for a mourning period, especially if we consider how disorganized would a state be if every now and then an important minister or other official were to withdraw from the public life. Over such a long period, even taking care of one’s family and fulfilling one’s role as the head of the family would be jeopardized. Despite these reasonable objections, Confucius remains adamant in his stance. In paragraph 14.40 he gives an example of Gaozong, who was a king from the Shang dynasty (c.1600 BCE – c.1046 BCE). According to Confucius, following his father’s death, in order to observe the three year mourning period, Gaozong left all the matters of his kingdom in the hands of the prime minister.

Zizhang said, “The Documents say, ‘During Gaozong’s period of mourning for his father, for three years he dwelt in his mourning hut and did not speak.’ What does this mean?” The Master said, “This did not necessarily apply only to Gaozong. All the ancients were thus. When the ruler died, the officers of state gathered themselves and for three years took their orders from the prime minister.”

Ultimately, to participate in fundamental human relationships simply means to be a human being. Indeed, it is not possible to talk about a human being outside the social realm.

When Confucius encounters two Daoist hermits, they say to his disciple: “The world is inundated now. Who can change it? Would you not be better off joining those who have fled from the world altogether?” However, Confucius vehemently rejects such possibility and exclaims: “I cannot flock together with the birds and beasts!” (Analects 18.6). To leave the social realm and to abandon the rituals constituting this realm would mean to relinquish one’s humanity and for Confucius it is unthinkable. When Confucius makes his strong claim about the three year mourning period being wide-spread not only among the revered ancients he takes as a moral example but also throughout the world known to him, it is clearly an overstatement. Even if we assume that all the ancients were indeed following this custom, Confucius’s contemporaries definitely did not adhere to it to the extent Confucius would be pleased with. However, when he uses the term *tianxia* – “all-under-Heaven,” it is not meant to be descriptive but rather normative: for a human being to truly be a human being, in its fully social and relational sense, it is necessary to meaningfully perform the ritual actions that externally express the cornerstone of what constitutes a human – the five relationships.

However, the duty that arises from one’s own humanity is not to be understood as “absolute allegiance” (Hsü Dau-Lin 1970, p.27). It does in no way indicate thoughtless following orders. To some extent it is the opposite – “loyalty and obedience are subordinate to one’s obligation to do what is appropriate in the larger familial, moral, and indeed spiritual context of assumed personal responsibilities” (Ames and Rosemont 2009, p.25). Confucius’s stance on this topic is clearly and explicitly revealed in chapter fifteen of the *Classic of the Family Reverence*.

Master Zeng said, “Parental love (*ai*), reverence and respect (*jing*), seeing to the well-being of one’s parents, and raising one’s name (*ming*) high for posterity—on these topics I have received your instructions. I would presume to ask whether children can be deemed filial simply by obeying every command of their father.”

“What on earth are you saying? What on earth are you saying?” said the Master.

(...) if confronted by reprehensible behavior on his father’s part, a son has no choice but to remonstrate with his father, and if confronted by reprehensible behavior on his ruler’s part, a minister has no choice but to remonstrate with his ruler. Hence, remonstrance is the only response to immorality. How could simply obeying the commands of one’s father be deemed filial?”

A good example of how such obligation works in practice is given in paragraph 18.1 of the *Analects*: “Weizi left him; Jizi became his slave; Bigan remonstrated with him and died. Confucius said, “There were three *ren* men of Yin.” As Robert Eno explains:

The three men named were relatives of the evil last king of the Shang (Yin), Zhou. Weizi, an older half-brother, fled from the capital. Jizi, an uncle, finding his remonstrances useless, feigned madness and became a palace slave. Bigan was disemboweled as a penalty for his advice. (Eno 2012, p.82)

All of these three men are undoubtedly people of *ren* – consummate behavior – even though the means they adopted to “do the right thing” are very different. It seems as if there could not be more dissimilar actions that to either flee from the court, stay but feign madness, or stay and face the cruel punishment. However, all of these three actions meet the exorbitant standards expected from people considered to be consummate (*ren*). It is because these actions were neither aimed at any kind of personal gain nor were they a result of blind obedience. What these actions were aiming at, was a fulfillment of absolute, unwavering duty, a duty to what is right or appropriate (*yi*). Confucius observes that: “The *junzi*’s [consummate person’s] stance towards the world is this: there is nothing he insists on, nothing he refuses, he simply aligns himself beside right (*yi*).” According to Ames and Rosemont, *yi* means:

one’s sense of appropriateness that enables one to act in a proper and fitting manner given the specifics of a situation. (...) *Yi* is the fittingness in relations that over time produces the fiduciary community and the feelings of credibility and mutual trust that emerge to give one a real sense of belonging in that community. (Ames and Rosemont 2009, p.90)

As a result, moral decision-making is not about striving for a will unhindered by tendencies or incentives. It is rather about the preemptive regulation of these tendencies and incentives, about “proceeding along one’s path in life disposed toward excellence in one’s habits of conduct” (Ames and Rosemont 2009, p.51).

For Confucius, the efforts to shape one’s actions are endless. However, it is not because we have to cleanse our decision-making from interfering factors, but rather it is because the process of aligning all of our impulses, tendencies, feelings or preferences alongside the paths charted by the cluster of Confucian virtues and the duty stemming from them is a life-long, unceasing project. This project commences within the most familiar ground – family – and is guided by the virtue of family reverence (*xiao*).

Under such guidance, it is possible to gradually extend oneself within one’s locality, which “provides the groundwork which makes it possible to enter unfamiliar terrain and treat others with a similar sort of decorum and respect” (Froese 2008, p.263). Dispositions to behave in a particular way emerge “spontaneously out of a cultivated sense of appropriateness within the family and communal relations” (Ames and Rosemont 2009, p.46).

Confucian moral decision making could be compared to effortlessly playing an intricate, yet beautiful musical piece. This metaphor is especially fitting due to the role of music in the Confucian thought. Paragraph 3.23 of the *Analects* is especially informative in this respect. In Edward Slingerland's translation, it reads as follows:

What can be known about music is this: when it first begins, it resounds with a confusing variety of notes, but as it unfolds, these notes are reconciled by means of harmony, brought into tension by means of counterpoint, and finally woven together into a seamless whole. It is in this way that music reaches its perfection. (*Analects* 2003, 3.23)

Slingerland further comments that music “serves as a model or metaphor for the process of self-cultivation: starting in confusion, passing through many phases and culminating in a state of *wu-wei* [non-action] perfection” (Slingerland 2003, p.27). To achieve a virtuosic level, one has to start learning at a young age, continuously practice basic musical exercises, gradually widening one's scope of abilities, and only eventually one can achieve a level of effortless musical proficiency. Similarly, it takes a comprehensive vision of a life-long moral education that encompasses every sphere of life to produce someone, who, like Confucius, “can follow the desires of their heart and do not overstep the bounds.”

As a result, all the inner drives rooted in the empirical make-up of the self, are bundled up together and in harmonious unison effortlessly directed towards a truly moral action from duty derived from the notion of one's humanity itself.

CONCLUSION

In the end, what is it that we gain from comparing the moral decision-making process in Kant and Confucius? There two main goals to achieve here. The most immediate one is to identify differences and possible similarities between different modes of moral decision making. We can see the dividing line: where Kant stresses eliminating the different tendencies influencing and obfuscating will, Confucius emphasizes the need for a preemptive regulation of such tendencies and striving for excellence in such conduct. While for Kant it is crucial to achieve the ability to exceed the limiting factors such as social setting, individual predispositions or innate character, and not allowing them to be the main constituents of our moral life (Höffe 2005, p.186), Confucius insists on perceiving the moral subject not “merely as the rational subject, nor consequently deprive it of all its emotionality” (Lee 2013, p.55).

For Kant, whether an action can be classified as moral or not, is determined by the mutual interactions between three factors: will, reason and various subjective conditions.

The virtue of the last factor lies mostly in its absence: the truly moral action, an action done purely from duty is the result of eliminating the inclinations influencing will. If we were to act from inclinations, it would result in an action guided by a particular interest. In consequence, categorical imperative would fail to represent an objective principle.

The relation between the first two factors relies on reason infallibly determining will in such a way that the latter chooses what is good regardless of one's inclinations. The infallibly determined Kantian will is a necessary condition for choosing what is good. Confucian moral action has its preconditions as well: properly situating oneself within the five relations, actively striving to become a consummate person, and aligning oneself with the commands of *Tian*.

Where Kant seeks the harmony between the will and universal practical reason, Confucius seeks the harmony between duty and heteronomous drives, between commands of *Tian* and personal preferences, and between what is universal and particular. Ames and Rosemont observe that for Kant the "substance of our autonomy, then, is an inner rational faculty uncorrupted by external circumstances that enable us to comply with moral imperatives, an autonomy that is devoid of our particularities as unique persons living in a particular time and place" (Ames and Rosemont 2009, p.37).

For Confucius, on the other hand, it is "loving others," connecting with them in a meaningful and patterned fashion that is "a precondition for behaving morally—that is, for being appropriate and meaningful (*yì*) in one's actions" (Ames and Rosemont 2009, p.52). The moral value of an action is facilitated by the process of realizing humanness – a life-long effort to become a *jūnzǐ*, a person of *ren*, a consummate person, who embodies a comprehensive set of virtues and who does what is appropriate under all circumstances. There is a strong temporal component to being able to make a truly moral decision – it took Confucius his whole life to obtain the ability to follow "the desires of his heart" without "overstepping the bounds."

Finally, where Kant warns us that although feelings and inclinations can be instrumental in facilitating moral action, we should keep our vigil to avoid false friends, Confucius stresses "the importance of being motivated to meet your responsibilities with the proper attitude" (Ames and Rosemont 2009, p.27). For Confucius, thus, fulfilling one's duty is not enough to constitute a truly moral action – it is also necessary to "feel the right way." This is why, when asked whether taking care of one's parents can be called family reverence (*xiao*), he ardently replied: "even hounds and horses can require care. Without respectful vigilance, what is the difference?" (Analects 2.7).

There is also a second goal to be achieved from comparing Kant and Confucius. By placing these two thinkers face-to-face, they can mutually shed a light on each other. This way,

without reducing one to another, different shades of each respective doctrine can be highlighted. One of the areas where such a comparison can prove fruitful in bringing about a more nuanced approach is the debate deontology vs. virtue ethics. Although there is a considerable amount of scholarship (Van Norden 2007; Yu 2007) arguing to understand Confucius and his thought through the lenses of virtue ethics or using Confucius as an example of a virtuous moral exemplar (Zagzebski 2017), this is only one side of the coin. A very different account of Confucius's thought is presented by Lee Ming-huei, who follows footsteps of Mou Zongsan in interpreting Confucius by means of Kantian philosophy (Lee 2013, p.48) and placing Confucius within the deontological framework. He argues, that "though Confucius and Mencius have a different understanding of the structure of the moral subject from Kant's, this does not prevent both ethics from belonging to deontological ethics" (Lee 2013, p.55). He uses the response to Zai Wo's questions from *Analects* 17.21 as an example of Confucius's deontological views:

Confucius, on the contrary, asks Zaiwo whether or not he feels at ease in his heart, which means that Confucius establishes the meaning of "three-year mourning period" on the basis of the agent's motivation. This is a viewpoint of "*Gesinnungsethik*," and therefore it implies a deontological viewpoint. (Lee 2013, p.50)

A somewhat parallel argument can be made about Kant. The account of Kant that Ames and Rosemont offer, although much milder, could be linked to a long line of critics, such as Hegel or Bernard Williams, who according to Robert B. Louden "stand united in their condemnation of Kant's ethics for precisely this reason: it is charged with 'empty formalism' and 'abstract universality'" (Louden 2010, p.350). In contrary to such views, Louden develops a rich argument for Kantian moral anthropology. According to him, Kant was absolutely aware that "those who are concerned to make morality efficacious in human life need to learn more about the distinctive features of human nature (Louden 2010, p.355). It is indeed that a part of Kant's diagnosis of human nature is the condemnation of affects and passions and an attempt to prevent them from occurring at all. However, there are some tendencies that can help the goals of morality. Susceptibility to politeness is one of them. According to Louden's account of Kant "because of our nature, we are susceptible to influence through politeness and this influence can and should be used in cultivating moral character. (...) Politeness helps morality by cultivating self-restraint." Here is where Kant comes surprisingly close to the Confucian theme of the importance of civility and the description offered in *Analects* 12.1 of what the virtue of *ren* is supposed to mean – *keji fuli* – to restrain oneself and return to the rules of proper behavior (rituals) *li*.

It is not that we are now to perceive Kantian philosophy as some slightly different iteration of virtue ethics and Confucius's thought as mere footnotes to the deontological moral

anthropology. However, perhaps it is possible to acknowledge the elements in Kantian philosophy that Monika Betzler calls “ethics of virtue” (Betzler 2008) – elements that “are not to be assimilated into virtue ethics” but can help us recognize that “virtue is a core element is his [Kant’s] ethics” (Betzler 2008, p.27). Similarly, we do not have to accept Lee Ming-huei’s argument in its sometimes problematic totality, especially the premise that “consequentialism and deontology are jointly exhaustive and mutually exclusive” (Van Norden 2013, p.56), but we can follow his lead in nuancing Confucius’s thought and analyzing it from different standpoints.

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