

# A Feminist Perspective of Kantian Justice

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## **Abstract**

This essay expands on Immanuel Kant's approach to justice theory. The primary features of the method are closely related to Kant's ethical philosophy. The foundation of his moral philosophy is the Supreme Principle of Categorical Imperative, sometimes referred to as a Principle of Universalizability. Discussions of various formulations of the categorical imperative provide us a variety of concepts, such as duty, freedom, and right. In 'The Metaphysics of Morals', Kant makes a distinction between two crucial ideas that are central to his Moral and Political Philosophy: the notion of virtue and the doctrine of right. The word "right", as used by Kant, suggests a set of laws. In the same way, he employs the word "justice". According to him, the idea of justice is independent of a person's feelings, aspirations, or inclinations; therefore, the application of the laws of justice is not dependent on the good intentions of an individual. In actuality, human legislation addresses it. He places a strong emphasis on autonomy and reason as the qualities that distinguish moral beings and political ideas. He distinguishes between sensation and reason, and he denies the latter any role in the development of moral principles. The feminist perspective is brought into foreground by this method.

**Keywords:** Justice, Right, Virtue, Reason, Emotion.

## **1. Introduction**

The study of ethics in philosophy addresses laws, practices, and conventions from a theoretical standpoint. Immanuel Kant believes that reason is very important and that reason forces us to follow moral imperatives. The rational part of human action, which is governed by legal ideas to achieve certain objectives, is the unquestionable foundation of Kant's moral philosophy. We must have free will in our acts. We behave solely in accordance with the concept of freedom as free beings. Autonomy of the will is the term used to describe this notion of independence. He meant to convey the idea that if an individual chooses to live his life according to universal principles, his independence will serve as a safeguard, preventing him from being controlled by others. He felt that reasonable people who choose to live by rules, morals, and conventions should have the freedom to do so because these characteristics would support their authoritative assertions. Kantian ethical theory, which maintains that men's justice ethic is superior in directing morality and disregards the reality that equality and liberty were intended to signify different things for men and women, is what this study aims to investigate.

## **2. Need of the Study**

In order to trace the sociological changes that humanity has undergone from antiquity to the present, the study looks at history and customs. It pays close attention to morals and ethics as well as the choices that individuals make throughout their lives in a variety of situations and at various times.

### 3. Objective

To examine the idea of justice through the lens of Kantian philosophy

### 4. Literature Survey

The foundation of Kant's moral philosophy is the idea that human behaviour is logical and subject to laws in order to achieve particular objectives. Humans must have free will in order to make decisions. We behave within the entire ethical bounds of the law since we are free beings. Autonomy of the will is the term used to describe this concept of independence. Kant believed that moral obligations, often known as imperatives, must be imposed on us by reason.

According to Kant, everyone is bound by the imperative, which comes from pure reason, according to a 1948 research on 'The Moral Law: Kant's Groundwork of The Metaphysics of Morals' by Paton, H.J. (Trans. & Anal.). It is therefore a priori and universal; this unqualified requirement is often referred to as the "moral imperative".

In his translation of Immanuel Kant's book 'Fundamental Principles of The Metaphysics of Morals' (2005), Thomas Kingsmill Abbott recognises that the Formula of Autonomy is known as the Supreme Principle of morality in Kant's moral philosophy because it is a fact that everyone has an obligation to act morally and that we all do so voluntarily. This essentially means that our words, ideas, and actions will all mirror the law if we strive to live according to the universal norm and demonstrate to the world what justice is all about.

According to Kant's perspective, women cannot achieve the fullness of moral being and trying to behave rationally like men takes away from their intrinsic beauty, as noted by Moira Gatens, editor of the book 'Feminist Ethics' (1998).

### 5. Discussion

The value of the obligation to uphold the moral law, as stated by Kant, is now acknowledged. In the 'Preface', H.J. Paton stated that ethics is concerned with the rules governing morally free behaviour.<sup>1</sup> The three most notable pieces in Kant's moral philosophy are 1) Fundamental Principles of the Metaphysics of Morals (1785), 2) Critique of Practical Reason (1788), and 3) The Metaphysics of Morals (1797). He asserts that we have an imperative, which is the formula of the command (of reason), that requires us to fulfil our obligations. According to Kant, all imperatives are categorical or hypothetical. According to Kant, the hypothetical is conditional, as in, " 'If I will this end, I ought to do such and such.' "<sup>2</sup> This helps one to comprehend the difference between the hypothetical and categorical imperatives. Thus, because hypothetical imperative does not originate from pure reason, it is neither universal nor a priori. It is based on our experience and fluctuates according to the situation, such as - I will pass the exam if I study well.

The categorical imperative, on the other hand, is unqualified. It suggests that we should fulfil our obligations regardless of the situation. We must therefore fight against our own self-interest. According to Kant, "To act for the sake of duty is to act on a formal maxim 'irrespective of all objects of the faculty of desire'."<sup>3</sup> This imperative is therefore derived from pure reason and applies to all people. Therefore, this imperative is applicable to all people and stems from pure reason. The word "moral imperative" also refers to this unconditional imperative, which is a priori and universal. Global warming, for example, is one of the main issues the world is currently dealing with. It is happening because of the rise in temperature brought on by the outer atmosphere's ozone layer being destroyed. The earth's water level

risers quickly as a result of the damaging UV rays that fall on the surface and melt the ice from the north to the South Pole.

There are tasks that humans must complete in order to prevent the destruction of the environment and the planet. Fulfilling obligations to one, society, the environment, the state, and the nation can take many different forms. Everybody is aware of the grave consequences of global warming. One of the main causes of global warming is that people are failing to fulfil their responsibilities to protect the environment. Everyone knows that in order to maintain the natural equilibrium, if a tree is taken down, four new plants must be planted. According to Kant, there must be respect for the law, which must be upheld, and an action must be taken out of duty, which is the obligation. According to Kant, "... a morally good action is one which is done out of reverence for the law, and that this is what gives it its unique and unconditioned value."<sup>4</sup> Since we now know that Kant's moral philosophy is predicated on the idea of duty or obligation, his theory is referred to as Deontological Theory (the Greek word "Deon" denotes "duty" or "obligation").

Two key tenets of Kant's categorical imperative are that 1) moral judgements are founded on universal principles that apply to all individuals, and 2) people should always be viewed as ends in and of themselves rather than merely as means.<sup>5</sup>

There are various formulations of Kant's categorical imperative. " ' Act only on that maxim through which you can at the same time will that it should become a universal law' ." <sup>6</sup> is the initial formulation. Kant argues that sentiment, wishes, or inclinations should not serve as the foundation for universal laws. Reason is supposed to guide these laws. In this way, the universalizability principle must apply to every human being. According to Kant's example, telling the truth and keeping your word are the two universally moral things that people should do.

Kant arrived at the second formulation after presenting the first one, which reads, "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end." <sup>7</sup> To demonstrate the aforementioned point, if someone makes a false promise to someone in order to accomplish a goal, then that person is being treated as a tool by a rational being in order to achieve his own goal. It seemed as if he viewed someone as an item or thing rather than a human being. Treating someone like a thing or object in order to make ourselves happy is wrong. In order to avoid using someone as a tool to accomplish a goal, all rational beings must be viewed as persons rather than objects or things.

Kant then refers to the "Formula of Autonomy". This formula is a synthesis of two prior formulations: the Formula of the End-in-Itself and the Formula of Universal Law. According to the Formula of Autonomy, only when our will is free are we required to act in accordance with moral laws without reservation. He made a distinction between the ideas of freedom and autonomy. Heteronomus will and Autonomus will are the two categories of volition that Kant identified. While the latter is free and autonomous, the former is guided by inclinations or wishes. Morality would not have been feasible if human will were not free. Therefore, the moral laws that are dictated by freedom must be followed by all rational beings. "... from a practical point of view every rational agent must presuppose his will to be free. Freedom is a necessary presupposition of all action as well as of all thinking." <sup>8</sup>, it affirms. Every action and every thought must be predicated on freedom. And in Kant's moral theory, this Formula of Autonomy is referred regarded as the Supreme Principle of morality.

Kant then went on to his third formulation, which reads, "So act that your will can regard itself at the same time as making universal law through its maxim." <sup>9</sup> Therefore, "The universality of the moral law,

affirms the supreme worth of each rational person, and assigns freedom or autonomy to the will.”<sup>10</sup> is what the Categorical Imperative equations guarantee.

We shall now examine four examples that Kant put out. He uses the concepts of perfect obligation and imperfect duty as examples. The following are the suggested examples:

1. The illogical nature of suicide, where the maxim would be to refrain from taking one’s own life;<sup>11</sup>
2. The absurdity of breaking a promise—in this case, staying true to one’s word and stating the truth;<sup>12</sup>
3. The insanity of squandering one’s innate abilities and talents—the likely maxim would be—develop each person’s unique qualities;<sup>13</sup> and;
4. The illogical nature of turning away those in need—in this case, the maxim may be—always assist those who are less fortunate than oneself.<sup>14</sup>

Through these examples, Kant distinguished between external duties and perfect and imperfect duties. We know that an external obligation is one that is carried out for the benefit of others, while an internal duty is one that is carried out by the individual. Imperfect duties are likewise considered to be both internal and exterior, according to Kant, just as perfect duties are. According to Kant, the Doctrine of Virtue is associated with internal obligation, while the Doctrine of Right is associated with exterior responsibility.

We are presented with four possible duty combinations including perfect external responsibilities and imperfect external obligations, as well as perfect internal and imperfect interior tasks. In Kant’s opinion, As an illustration, Example 1: “Not committing suicide” is associated with internal perfect duty. Example 2: “Breaking a promise,” which refers to taking out a loan with no intention of repaying it, is associated with external perfect obligation.

Example 3: “Cultivate the talents of everyone” alludes to an imperfect internal duty.

Example 4: “Aiding others in difficulty” is an external imperfect duty.

We will now address the idea of justice from Kant’s perspective after discussing various groups of obligations. According to Kant, there are two different kinds of will that people possess. The emotional will, also referred to as “Lower Will”, is linked to an individual’s particular interests. The second will is referred to as the Higher Will” or rational will, and it is a free moral will. Kant believed that there would be no conflict when a person acted in accordance with their free moral choice.

The notion of freedom, which is at the heart of Kant’s critical philosophy, is addressed in his theory of justice. He asserts that there are two different kinds of freedom: inner and exterior freedom. While outward freedom serves as the cornerstone of his idea of justice, inner freedom is the fundamental element of his ethical philosophy.

Like Rousseau, Kant views equality and freedom as the two fundamental ideas of justice. It is crucial to remember that Kant’s ‘The Metaphysics of Morals’ is separated into two sections: the doctrine of virtue and the doctrine of right. The difference between the doctrines of virtue and right is closely tied to the fulfilment of one’s obligations, whether they are internal or external. According to the theory of right, freedom of choice is linked to right.

According to Kant, the idea of freedom is actually everyone’s autonomous right. There are two types of freedom: internal and external. His moral and political theory places a high value on the concepts of inner and outward freedom, which are the rights to freedom towards oneself and others, respectively. The moral autonomy of a rational person is guided by its freedom. Kant distinguishes between negative and positive freedom in this passage. While negative freedom focusses on dealing with external causes, positive freedom governs our internal responsibilities and external freedom guides our outward

responsibilities. It is a reality that everyone has an obligation to exercise their virtue and carry out the moral deed.

Kant asserts that the “Doctrine of Right” exclusively addresses “duties of outer freedom”—the ways in which one person’s actions impact other people, such as when contracts are fulfilled. Punitive prudential incentives are used by the state to compel these obligations. Moral obligations that should all be carried out with an ethical purpose are also considered to be part of right behaviour.

Therefore, in the notion of right, terms like “right”, “justice”, and so forth are employed interchangeably, implying a set of external principles.

We can conclude from the analysis that Kant’s moral philosophy is based on his theories of virtue and right. His moral theory aims to bring all of our faculties, tendencies, and wants under the authority of reason. The traits of autonomy and rationality that define moral beings and decisions are very important to him. In his political theories, Kant also highlights that the best way to uphold the rule of law and power is through the ethic of justice, which is regulated by laws, rules, and moral obligations. In these concepts, he also distinguishes between feeling and reason. Therefore, a person’s sentiments, objectives, or preferences have no bearing on his conception of justice.

### **Analysis from a feminist perspective**

The equality, right, obligations, autonomy, and respect for all people are the main tenets of Kant’s moral philosophy. Furthermore, he stresses that the fundamental basis of moral assessment is reason alone. He supports the idea that everyone is created equal and that no one should be denied this inherent equality. Even in his formulation, Kant suggests that in order to achieve oneness in any interaction between rational beings, love and respect should be embraced.

Kant states in “The Metaphysics of Morals” that “In terms of the object, acquisition in accordance with this principle is of three kinds: a man acquires a wife, a couple acquires children; and a family acquires servants. – Whatever is acquired in this way is also inalienable and the right of possessors of these objects is the most personal of all rights.”<sup>15</sup>

A person with possession is able to control or rule something, or we can say that we seize something by force. But what exactly did Kant mean when he said, ‘A man acquires a wife’? As far as we know, to gain is to possess. That being said, is Kant implying that a man ought to own a wife or exert control over her?

Even though we are all aware that there is a subtle distinction between ownership and right, the former refers to the entitlement, liberty, and authority that one possesses at birth. So, is a husband’s acquisition of his wife in a marriage institution a birthright? Or is the patriarchal structure of our culture to blame for this idea?

According to Kant, women cannot become fully moral beings, and attempting to act like men by intellectual endeavours deprives them of all their allure.<sup>16</sup> Kant states in ‘Anthropology from a Pragmatic Point of View’ that “Nature was concerned about the preservation of the embryo and implanted fear into the woman’s character, a fear of physical injury and a timidity towards similar dangers. On the basis of this weakness, the woman legitimately asks for masculine protection.”<sup>17</sup> The woman rightfully requests male protection because of this vulnerability. Women are inherently shy and afraid, which makes them incapable of doing academic work.<sup>18</sup>

Kantian morality disregards care, connection, emotions, and wants—qualities linked to female virtues—in favour of elevating reason as the most crucial tool, which is associated with male virtues. Emotions

like love, compassion, and a sense of belonging are considered feminine traits since they belong to the nurturer's realm. Political concerns, intelligence, and reason are considered to be traits of masculinity since they belong to the realm of the ruler and the defence. Regardless of gender, his ethical theory should support humanity's goal; yet, it becomes problematic when it highlights the importance of reason and its unbreakable connection to males. Why does Kant's treatment of women in society seem so uncivilised or primitive?

It has been assumed that because nurture is seen suitable for the private domain of society, it is less important and inferior. Because women's role as nurturers in the house and in private life is limited, their employment is essentially performed as a favour for the man who looks after them. They are not allowed to participate in the decision-making processes of public life because their compassion and emotion render them incapable of rationality or just ethics. In no public community were women treated as members of the public domain, nor were they allowed to use their brains or moral convictions.

## 6. Conclusion

The current research focusses on the establishment and upkeep of an unfinished, unjust, and unequal patriarchal ethical model in order to create a system that is fair and advantageous to all of humanity. Additionally, it examines the distinct viewpoint of women. The harmony of humankind is greatly threatened by partially patriarchal, unjust, and patriarchal viewpoints. We cannot anticipate complete change in any issue until we can affect a shift in perceptions of all social groups.

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