
Ethics and the Common Good: Abstract vs. Experiential

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In "History, Reason and Hope: A Comparative Study of Kant, Hayek and Habermas,"¹ Professor Richard B. Day endorses the theory of communicative action put forth by Jürgen Habermas as further contributing to Immanuel Kant's ideal of an "ethical commonwealth" in which every individual is treated "always at the same time as an end, never simply as a means." Conversely, Day holds that Friedrich Hayek's vision of a spontaneous order of free markets facilitated by limited, constitutional government "collapses Kant's project rather than continuing it" and is therefore inimical to the Kantian ideal.

I shall argue, on the other hand, that Kant is not the final word on personal or political ethics. Indeed, his thought suffers from a fundamental weakness that is retained by both Habermas and Professor Day and, to a lesser degree, by Hayek. The latter theorists have failed to incorporate into their thinking several advances over Kant's ethics and epistemology that profoundly affect how we ought to think about universals, including most especially that of the ethical. The result of this failure is a highly abstract view of ethics, both personal and political, that does not take into account the concrete circumstances of morality and also does not consider that rigid adherence to abstract principle may have adverse, even

¹ Richard B. Day, "History, Reason and Hope: A Comparative Study of Kant, Hayek and Habermas," *Humanitas* 15: 2 (2002), 4-24; hereinafter cited in the notes as "Day."

disastrous, consequences. There is an alternative to this flawed view which holds that moral universality and practical action can be synthesized. Contributors to the latter approach include Irving Babbitt, Benedetto Croce, and the contemporary theorist Claes Ryn, among others. In what follows, I shall demonstrate the deficiency, first of all, of Kant's ethical philosophy and, secondarily, of the positions espoused by Habermas and Day. I shall also present reasons why the alternative theory, sometimes called value-centered historicism, is superior when judged by its experiential results and why Hayek's social and economic prescriptions are largely compatible with this alternative theory.

In order to complete the critique of Kant, it will be necessary to contrast the epistemological foundations underlying his ethics with those underpinning the more recently developed ethical theory mentioned above. The latter epistemology was made possible by the emergence of philosophical insights that recognize the creative imagination, or intuition, as synthetic activity. Explicating the concept of synthetic imagination, for which ironically Kant's own work prepared the way, is essential to showing the possibility of man's grasping the particular situation in which he must act, including the likely consequences of pursuing alternative possibilities. The creative imagination points the way to remedying a major defect in Kant's ethics and in derivative ethical theories.

Before the conception of the creative imagination was formulated, intuition had been viewed as images in memory that resulted from the more or less random combination of discrete sense impressions. From this perspective, all that mankind could know directly from experience were isolated and transitory particulars that lacked any comprehensive meaning. To surmount this problem classical and Christian thinkers from Plato through St. Thomas Aquinas and beyond envisioned a realm of universals in which the good, the true, and the beautiful existed as eternal and unchanging forms. Man, according to this line of thought, could escape from meaninglessness in this world by adhering to unchanging rules of ethics, rationality, and aesthetics as determined by reason. For centuries morality in the West was defined as following eternal rules, which could be applied to different circumstances through casuistry. Gradually, however, the hold on man of universals that were no longer part of specific experience weak-

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ened together with the authority of unchanging moral rules. After the skeptical criticism of Hume took hold in the eighteenth century, leading thinkers believed that there was little certainty remaining except in mathematics and abstract logic, which did not depend on knowledge from outside the mind itself.

The invaluable contribution of Kant (1724-1804) was to rescue thought from this philosophical cul-de-sac with his revolutionary concept of the “synthesis *a priori*,” which was elaborated in the *Critique of Pure Reason*. Kant agreed with Hume that the discrete representations of intuition are insufficient to provide true knowledge of the world outside our individual minds. But, he argued, our reasoning faculty is so structured that it combines or synthesizes what is manifold in different intuitions into “pure concepts of the understanding,” or “categories of reason.” For Kant, these categories, along with derivative concepts that logically follow from them, enable us to have *a priori* knowledge of external objects but only as they *appear to us* through their surface manifestations (as phenomena), not as they *truly exist* in themselves (as noumena).

Through his categories of reason Kant restored to the Newtonian laws of cause and effect much of the respect that they had lost under the pressure of Humean skepticism. For Kant these laws were sufficient to explain all that occurs in nature and in human behavior. But though these laws could account for the workings of human behavior, they could not possibly be associated with morality, in Kant’s view. Only autonomous actions—actions freely chosen—could be moral. And mankind cannot freely choose behavior that is causally influenced by laws that we cannot even comprehend at the deepest (noumenal) level, much less independently control.

Kant’s “Categorical Imperative” Deficient

From his belief that universal knowledge concerning empirical experience was utterly inaccessible, Kant deduced that, for morality to exist, it must be based on *a priori* reasoning. While the natural scientists could establish ostensibly universal laws by inductive reasoning—that is, by raising particular experience to the level of generality—“it is otherwise with moral laws. These are valid as laws only in so far as they can be seen to have an *a priori*

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basis and to be necessary.”² For Kant, in other words, moral laws must be universal, which meant for him that they must always be present in the same way in relation to every possible action.

Kant believed sense experience beyond human understanding or control.

Like Aristotle, Kant held that virtuous actions must be chosen for their own sake, but he disagreed with Aristotle’s definition of morality as comprising the kind of actions that will contribute to a special form of sustained happiness that is distinct from the temporary pleasures that result from indiscriminately indulging one’s fluctuating impulses.³ Not recognizing the qualitative distinction drawn by Aristotle and other thinkers, Kant viewed every form of happiness, satisfaction, or feeling of wellbeing as influenced by natural impulses, which are experienced through the senses in ways that differ from one situation to the next. And since Kant believed the senses—and hence all experience dependent on them—to be utterly free of man’s initiative or control, it followed that actions whose success was dependent on their particular experiential consequences could be neither autonomous nor universal and hence could not be moral. Kant therefore concluded that, for actions to qualify as moral by meeting the requirements of universality and autonomy, they must be based on a principle of pure reason sufficient to stand on its own internal logic and wholly independent of the practical results to be expected in any particular instance. To be virtuous, one must consciously act according to rules previously calculated by reason to be right or just, and the incentive for observing those rules must be respect for duty alone.

Kant believed he had found the rational principle on which to ground morality in his famous “categorical imperative,” which he formulated variously in different writings. One version calls upon individuals to act only on a maxim that you can at the same time will to become a universal law. Another holds that one should act so as to treat humanity in oneself and others only as an end in

² Kant, *The Metaphysics of Morals*, in *Kant’s Ethical Philosophy*, trans. James W. Ellington (Indianapolis and Cambridge: Hackett Publishing Co., 1994 [1797]), 14; except where otherwise explicitly stated, references to *The Metaphysics of Morals* hereinafter cited in the notes will be to this edition.

³ Kant uses terms like happiness and pleasure interchangeably. Aristotle, on the other hand, draws a sharp distinction between mere pleasure and true happiness. The latter, for Aristotle, results from the virtuous actions of a person of high character over a lifetime. Aristotle, *The Nicomachean Ethics*, trans. J. A. K. Thomson (Harmondsworth: Penguin Classics, 1976), 73-76 (1097a-1098a), 97 (1105a), 326-28 (1176a-1177a). Kant, *The Metaphysics of Morals*, 14.

itself, and never merely as a means. A third formulation says to act so that your will can at the same time regard itself as giving in its maxims universal laws. Kant believed each of these versions to be logically implied by the others. To act only according to rules that each individual would be willing for all persons to follow meant, for example, that no one should treat others merely as means and not ends, since no person would want to be treated that way in turn.⁴

Yet, notwithstanding a superficial plausibility, the categorical imperative proves inadequate as a basis for ethical universality. In the first place, Kant claimed to have entirely excluded from his conception of moral principles anything that “can be learned from experience,” declaring that, “if one let himself be so misled as to make into a moral principle anything derived from this source, he would be in danger of the grossest and most pernicious errors.”⁵ But what Kant actually had done was to take certain conclusions drawn from parts of his own personal experience that were especially appealing to him—e.g., that justice requires certain types of egalitarianism but not others—and to make of them *a priori* principles from which all other principles were to be derived by logical deduction. In effect, his premises and logical methods became a closed dogmatic system to which all were expected to subscribe on pain of being considered not only immoral but insufficiently “rational.” That Kant’s premises were no less grounded in dogmatic faith than the church doctrines that he dismissed as immature and unenlightened can be seen in his principle of inevitable human progress. Despite what all of history tells of the rise and fall of civilizations and the flourishing and disintegration of cultures, Kant declared as a rational postulate that, through reason alone, “*man* as an entire species” will, over the course of many generations, “make perpetual progress towards a morally superior state” and that this will occur “even although the ends of *men* as individuals run in a diametrically opposite direction.”⁶ Kant conceded that this process, which he attributed to “nature” and to

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⁴ Warner A. Wick, “Kant’s Moral Philosophy,” introduction to *Kant’s Ethical Philosophy*, xvi-xx.

⁵ Kant, *The Metaphysics of Morals*, 14.

⁶ Kant, *On the Common Saying: ‘This May be True in Theory, but it does not Apply in Practice’*, in Hans Reiss, ed., *Kant: Political Writings*, 2nd enlarged edition, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), 91 (emphases Kant’s); hereinafter cited in the notes as *Theory and Practice*.

“providence” used interchangeably, may be puzzling. “But . . . it will appear as necessary as it is puzzling if we *simply assume* that one animal species was intended to have reason, and that, as a class of rational beings who are mortal as individuals but immortal as a species, it was still meant to develop its capacities completely.”⁷

Another deficiency of the categorical imperative as a foundation for morality was its inadequacy as a guide to real actions. The admonition to treat persons not merely as means but also as ends may be desirable as a general aspiration, but what does it mean in practice to act only according to rules that we can will to be treated as universal laws? Does it mean that no person should pursue the academic life unless it is desirable for all persons to seek professorships? Does it mean that a woman *must* conceive and bear children, or at least attempt to do so, unless she is willing that no woman should have children? To skirt such questions, Kant suggested that universality is attained if a rule can be applied to all persons in like circumstances or to anyone answering to a certain description.⁸ But this approach only postponed the issue. Descriptions such as “in like circumstances” and “answering to a certain description” are not only imprecise, but they are based on empirical classifications that, according to Kant’s own theory, can have no place in defining morality.

To make matters worse, the categorical imperative, as an abstract rational construction, ran contrary to the spirit of the age. For in Kant’s time and thereafter human thought was turning increasingly to “history” or “historical experience” as the source of authoritative meaning. Hence the idea of a morality that was not intimately related to the concrete circumstances in which every human action occurs began to lose saliency. Contrast Kant’s position, for example, with the view expressed by his British contemporary Edmund Burke:

I cannot . . . give praise or blame to any thing which relates to human actions, and human concerns, on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour, and discriminating ef-

⁷ Kant, *Idea for a Universal History with a Cosmopolitan Purpose*, in Hans Reiss, ed., *Kant: Political Writings*, 44 (emphasis added).

⁸ Wick, “Kant’s Moral Philosophy,” xvii.

Categorical imperative lacks historical concreteness.

fect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind.⁹

Kant's categorical imperative had the advantage over older moral theories that obeying rules ostensibly of our own making is more flattering to some human egos (because requiring less humility) than obeying similarly abstract rules conceived as reflecting the will of a power infinitely higher than ourselves. But the major defect of the older systems of dogma—their failure to close the gap between unchanging universality and the infinitely changing conditions of human life—was not effectively addressed by Kant. While no less a figure than the Founder of Christianity Himself said that the measure of a person's morality is the concrete historical good wrought by his or her actions—"by their fruits ye shall know them"¹⁰—Kant held that ethics could give only broad maxims that provided little direction concerning how those maxims should be applied in specific circumstances. He argued, for example, that the categorical imperative makes it a duty for a person "to acquire or promote the capacity of carrying out all sorts of ends, as far as this capacity is to be found in man." But, he added, the imperative says nothing of "exactly how far one must go in this effort" and "makes quite optional the choice of the kind of occupation for which one should cultivate his talent."¹¹ Similarly, for Kant, it was the individual's duty to make the happiness of others an end. "But while I should sacrifice a part of my welfare to others without any hope of recompense because it is my duty, yet it is impossible to set definite limits on how far this is to go. . . . For to sacrifice one's own happiness, one's true needs, in order to promote the happiness of others would be a self-contradictory maxim if made a universal law. Therefore, this duty is only a broad one."¹²

The idea that one could "promote the happiness of others" without sacrificing one's own "true needs" was utterly alien to Kant. For him the measure of a deed's morality was not its contribution to mankind's highest potential but the extent to which carrying it out as a duty conflicted with one's own sense of wellbeing

Kant differed with Jesus, who said the concrete goodness of actions indicate their morality.

⁹ Edmund Burke, *Reflections on the Revolution in France*, ed. Conor Cruise O'Brien (Harmondsworth: Penguin Books, 1968 [1790]), 89-90.

¹⁰ Matt. 7: 20.

¹¹ Kant, *The Metaphysics of Morals*, 50-51.

¹² *Ibid.*, 52.

Actions motivated entirely by "love of neighbor" possessed no ethical merit for Kant.

or self-interest. As he saw it, "Love is a matter of sensation, not of willing; and I cannot love because I would, still less because I should." Hence, for Kant, actions that stemmed from genuine "love of neighbor" or from a person's natural inclination to help others were not, strictly speaking, ethical. The morality of an action or a law had no relation to the particular results intended or achieved—its "fruits"—but was wholly constituted by the degree to which one had sacrificed personal self-interest and happiness in doing one's duty according to a preconceived principle. In *World of Wonders*, the novel by Robertson Davies, the world-renowned magician Magnus Eisengrim publicly praises his childhood friend Dunstan Ramsey for the unusual kindness the latter had shown him during their boyhood together. When Ramsey later tells Eisengrim, "I didn't especially mean to be kind to you, when we were boys. I mean, it wasn't anything conscious," Eisengrim responds: "I'm sure it wasn't. But that's the point, don't you see? If you'd done it out of duty, or for religious reasons, it would have been different. But it was just decency. You're a very decent man, Dunny." In contrast with the more historically oriented theory of ethics that will be elucidated below, Kant attached no moral significance to "decent" behavior that is the product of habitual, hence largely subconscious or precognitive, good willing.¹³

Still, Kant was not entirely on the wrong track in identifying the ethical with the categorical imperative. Morality is nothing if not self-restraint, and ordering one's life according to the categorical imperative does entail self-restraint. Kant was also correct in recognizing that to act morally is to act with reference to a standard higher than one's narrow or arbitrary self-interest. Where he fell short was in dangerously equating that higher standard with abstract principles entirely unrelated to the expected consequences of specific actions. Because the categorical imperative, which addressed personal ethics, gave only broad maxims rather than specific commands, an element of discretion was left to the individual. And this element of discretion often served in practice to mitigate the dangers inherent in a moral theory that is oblivious of the actual consequences of conduct. What Kant called "political right," on the other hand, did endorse the idea of specific commands, coercively enforced, that all except the "head of state"

¹³ Kant, *The Metaphysics of Morals*, 41, 60, 69; Robertson Davies, *World of Wonders* (New York: Penguin Books, 1977), 34, 39.

were to obey without resistance.¹⁴ It is in Kant's political theory, therefore, that the pernicious effects of abstract moralism become most apparent.

Kant's Theory of "Political Right" Supports Tyranny

According to Kant's theory of political right, the highest form of society is a "civil state" or "commonwealth" that is based on what he terms the "original contract." The latter, which "legislates a priori, regardless of all empirical ends," is not an actual historical contract entered into by real persons. "It 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."¹⁵ The original contract is, in a sense, the categorical imperative writ large (i.e., for states or commonwealths). And, like the categorical imperative, it is to be judged not by the good that it fosters but only by whether it meets Kant's idiosyncratic conceptions of reciprocal justice.

The civil state comprising the original contract, according to Kant, is based on three *a priori* principles. First, it is to protect the "freedom of every member of society," with freedom meaning that "each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law—i.e. he must accord to others the same right as he enjoys himself." The second principle, "[m]an's equality as a subject," meant that each member of the state "is absolutely equal as regards his authority to coerce others to use their freedom in a way which harmonises with his freedom." However, the "head of state" (Kant's term for the executive organ of the government) is wholly above the law. "For he alone is not a member of the commonwealth, but its creator or preserver, and he alone is authorised to coerce others without being subject to any coercive law himself." In return for surrendering unlimited power to the government, the subjects receive formal equality before the law. As explained by Kant, however, this formal equality

Kant's "head of state" is above the law.

¹⁴ Kant, *Theory and Practice*, 75, 80-81. See also Kant, *The Metaphysics of Morals*, in Hans Reiss, ed., *Kant: Political Writings*, 132-36.

¹⁵ Kant, *Theory and Practice*, 73, 77, 79 (emphasis Kant's).

amounted to little more than, at one extreme, a ban on *hereditary* legal privileges based on social status and, at the other, a ban on slavery or indentured servitude. But the inheritance of wealth was acceptable.¹⁶ Moreover, according to Kant:

This uniform equality . . . is . . . perfectly consistent with the utmost inequality of the mass in the degree of its possessions, whether these take the form of physical or mental superiority over others, or of fortuitous external property and of particular rights (of which there may be many) with respect to others. Thus the welfare of the one depends very much on the will of the other (the poor depending on the rich), the one must obey the other (as the child its parents or the wife her husband), the one serves (the labourer) while the other pays, etc. Nevertheless, they are all equal as subjects *before the law*, which, as the pronouncement of the general will, can only be single in form, and which concerns the form of right and not the material or object in relation to which I possess rights.¹⁷

The third and final *a priori* principle on which the original contract was based was the “*independence* of each member of a commonwealth as a *citizen*.” While all members of the commonwealth are subjects and must obey the law and are to be equally protected by it, wrote Kant, not all are entitled to be a co-legislator through voting. One who does have that right “is a *citizen* (*citoyen*, i.e. citizen of a state, not *bourgeois* or citizen of a town).” And the “only qualification required by a citizen (apart, of course, from being an adult male) is that he must be his *own master* (*sui iuris*), and must have some *property* (which can include any skill, trade, fine art or science) to support himself.” Such independence was required for Kant because, in voting, a citizen was to reflect only his individual interest as it would be if stripped of all external influences other than the state itself. He was not to represent the interest of others on whom he might be materially or emotionally dependent, such as an employer, church, extended family, local or regional polity, etc., “for he must in the true sense of the word *serve* no-one but the commonwealth.” Institutions intermediate to the individual

Mediating structures a negative force for Kant.

¹⁶ Kant, *Theory and Practice*, 74-76 (emphases Kant’s). Kant’s contention that the head of state is above the law is in marked contrast with the English common-law tradition (from which American constitutional principles are largely derived). In England, noted the thirteenth-century English jurist Henry de Bracton, the king is “under God and under the law, because law makes the king.” Bracton, *De legibus et consuetudinibus Angliæ* (*On the Laws and Customs of England*), trans. Samuel L. Thorne (Cambridge: Harvard University Press, 1968-1977), v. 2, p. 33, <http://hisl.law.harvard.edu/bracton/Unframed/English/v2/33.htm>.

¹⁷ Kant, *Theory and Practice*, 75 (emphasis Kant’s).

and the state were a negative force for Kant since they interfered with the individual's ability to seek happiness in his own way, rather than as others think to be in his best interest. If the interest of groups or "factions" were to be reflected in laws, the rights of abstract individuals would be compromised. Believing that "only toward oneself can one never act unjustly," Kant argues *à la* Rousseau that laws that reflect the "general will" (i.e., the aggregate of individual wills as they would be if abstracted from the social relationships without which actual human life would be impossible) cannot "do an injustice to any one. . . . since all men decide for all men and each decides for himself."¹⁸

To summarize the foregoing, Kant holds that the state exists essentially for one purpose: to protect the right of all individuals to pursue happiness in their own way without interference from others. That this right is synonymous with ultimate justice follows from Kant's view that there exists no actual form of right or morality or happiness that transcends each individual's particular conception of those ends. Justice or morality is the right of each individual to be ruled by rational laws "which he (either alone or at least together with others) gives to himself," and the state exists to enforce those rational laws. "For all right depends on laws."¹⁹ But since there is, for Kant, no philosophically knowable right or happiness beyond the differing conceptions of each person, individuals invariably will disagree in their interpretations of the law. Therefore the government, representing the general will, must enforce its own interpretation of the laws, and, since there is no transcendent good to serve as a higher standard, the state's interpretation is necessarily sacrosanct. Hence, regardless of how heavy-handed or intrusive the government or how destructive its policies—even if every man, woman, and child in the entire nation staggers under its yoke and would sacrifice all to have it replaced—the people "can do nothing but obey." It might be different for Kant if the state's legitimacy were based on its success in promoting public welfare or happiness, but he believes that such a goal or standard of statecraft would be ethically invalid. "No generally valid principle of legislation can be based on happiness. For both the current circumstances and the highly conflicting and variable illusions as to what happiness is (and no-one can pre-

¹⁸ Kant, *Theory and Practice*, 74-79, 83n (emphases Kant's).

¹⁹ Kant, *The Metaphysics of Morals*, 23; Kant, *Theory and Practice*, 77.

scribe to others how they should attain it) make all fixed principles impossible, so that happiness alone can never be a suitable principle of legislation."²⁰ The legislator, Kant concedes,

may indeed err in judging whether or not the measures he adopts are *prudent*, but not in deciding whether or not the law harmonises with the principle of right. For he has ready to hand as an infallible *a priori* standard the idea of an original contract, and he need not wait for experience to show whether the means are suitable, as would be necessary if they were based on the principle of happiness. For so long as it is not self-contradictory to say that an entire people could agree to such a law, however painful it might seem, then the law is in harmony with right.²¹

Kant denies right to resist tyrannical government.

It follows, Kant writes, that "resistance against the supreme legislative power . . . is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. This punishment is *absolute*. And even if the power of the state or its agent, the head of state, has violated the original contract by authorising the government to act tyrannically, and has thereby, in the eyes of the subject, forfeited the right to legislate, the subject is still not entitled to offer counter-resistance."²²

Thus, Kant's theory of "political right" starts with the need for a state to enforce the right of all to pursue happiness in their own way and ends with a state that, even if utterly tyrannical and destructive of everyone's happiness, leaves the people without redress.

Kantian morality to be followed "irrespective of the good or ill it may produce."

Absolute tyranny in the name of universal right—what accounts for this contradiction at the heart of Kant's ethical philosophy? In part, it results from the fact that the principle underlying both the categorical imperative and the original contract is, by Kant's own admission, not universal in practice, since that would require being able to advance goodness in all circumstances, but only in theory—a theory that amounts, in practice, to a *priori* dogma, since it is to be followed "irrespective of the good or ill it may produce (for these can only be known by experience)."²³ Beneath the high-flown rhetoric, this dogma is what results when a certain form of resentment shared by Kant and Rousseau, among others, is made the sole criterion by which to determine what is moral or immoral, just or unjust, enlightened or unenlightened.

²⁰ Kant, *Theory and Practice*, 80.

²¹ *Ibid.*, 80-81 (emphasis Kant's).

²² *Ibid.*, 81 (emphasis Kant's).

²³ *Ibid.*, 86.

Kant's particular resentment is against any practices that show respect for the contributions of past generations, whether by giving the benefit of the doubt to long-accepted religious or other traditions (which, for Kant, was a sign of "immaturity") or by granting special dignity or status to aristocratic, ecclesiastic, or other historically evolved groups or institutions. Kant wrote, for example, that from the "idea of the equality of men as subjects . . . emerges this further formula: every member of the commonwealth must be entitled to reach any degree of rank which a subject can earn through his talent, his industry and his good fortune. And his fellow-subjects may not stand in his way by *hereditary* prerogatives or privileges of rank." Similarly, as the kind of law that would be "unjust" because, in theory, "a whole people could not *possibly* agree to it," Kant cited the example of a law that "stated that a certain class of *subjects* must be privileged as a hereditary *ruling class*."²⁴

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The government of King James II of Great Britain had upheld precisely the kind of hereditary institutions and religious traditions that, for Kant, constituted the alpha and omega of injustice. Still, in keeping with his principle that there is no law of right higher than the dictates of the "head of state" in any circumstances, Kant condemned the revolution of 1688 that had overthrown James along with several other revolutions that were praised by many as having righted serious constitutional violations. "[T]hese peoples have done the greatest degree of wrong in seeking their rights in this way, even if we admit that such a revolution did no injustice to a ruler who had violated a specific basic

²⁴ Kant, *An Answer to the Question: 'What is Enlightenment?'* in Hans Reiss, ed., *Kant: Political Writings*, 54-60; Kant, *Theory and Practice*, 75, 79, 83n (emphases Kant's). As an example of a political event that, from Kant's perspective, could be supported in theory by all disinterested people, Kant cited the French Revolution. The opposition of the thousands who were summarily executed by the Jacobins was discounted by Kant, for their perspective, as members of the aristocracy or clergy and their sympathizers, was, by a *priori* definition under the Kantian theory, "self-interested," hence lacking in moral suasion. "I maintain that this revolution has aroused in the hearts and desires of all spectators who are not themselves caught up in it a *sympathy* which borders almost on enthusiasm, although the very utterance of this sympathy was fraught with danger. It cannot therefore have been caused by anything other than a moral disposition within the human race." Kant, *The Contest of Faculties*, in Hans Reiss, ed., *Kant: Political Writings*, 182 (emphasis Kant's). This work of Kant's was first published in 1798, after the Reign of Terror had run its course.

agreement with the people," Kant wrote. "For the result usually affects our judgement of the rightfulness of an action, although the result is uncertain, whereas the principles of right are constant."²⁵

In the end, the contradictions in Kant's ethical theory that allowed him to condemn as evil actions that produce good while praising as good actions that produce evil can be traced to a deficiency in his concept of reason. While he believed that theory and practice were inevitably in tension, what was needed was a concept of moral universality that at one and the same time is both "constant" and able to take into consideration the envisioned "result," or purpose, of particular actions.

Despite the crucial flaws in Kant's own ethical philosophy, his epistemological contributions would prove seminal, laying the groundwork not only for major advances in the theory of knowledge but also of ethics. Thus, Kant's discovery of synthetic wholes as products of the human mind—though applied by him only to the general, as distinct from universal, categories of abstract physical science—soon gave rise to the study of other, more concrete wholes of human experience. Especially important, as mentioned earlier, was the interpretation of the imagination (or intuition) as having synthetic powers. Kant and his predecessors had regarded the imagination as an essentially passive recipient of random sense impressions. The active power of the mind was the intellect. But gradually, commencing with Vico (1668-1744), whose work apparently was unfamiliar to Kant, the imagination came to be interpreted as a synthetic activity, intermediary between sense and intellect. In the writings of Fichte (1762-1814), Schiller (1759-1805), Schelling (1775-1854) and others in Germany, and of Samuel Taylor Coleridge (1772-1834) in England, the view gained ground that synthetic wholes are primary and that "sense impressions," far from being fundamental, are products of a process of intellectual abstraction that cuts a part out of its context in a larger whole and labels it an "impression."²⁶

Continuing scholarly attention to the role of the synthetic imagination throughout the nineteenth century gave rise in the twentieth century to new interest in the complementary relation

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²⁵ Kant, *Theory and Practice*, 82.

²⁶ Claes G. Ryn, *Will, Imagination and Reason: Babbitt, Croce and the Problem of Reality*, 2nd expanded edition (New Brunswick and London: Transaction Publishers, 1997), 51-52, 70.

of imagination and will. Of particular importance was their combined effect, along with that of ratiocination, on man's perception of the whole of human experience, including its ethical and epistemological aspects. As mentioned above, important contributors to this work include Irving Babbitt (1865-1933), Benedetto Croce (1866-1952), and, more recently, Claes Ryn.

Having in mind absolutists like Kant, at one extreme, and relativists like the postmodernists of our own time, at the other, Babbitt wrote in 1924:

The person who confides unduly in "reason" is . . . prone to set up some static "absolute"; while those who seek to get rid of the absolute in favor of flux and relativity tend at the same time to get rid of standards. Both absolutists and relativists are guilty of an intellectual sophistication of the facts, inasmuch as in life as it is actually experienced, unity and multiplicity are indissolubly blended.²⁷

Unity and multiplicity in life "indissolubly blended."

Kant himself knew from direct experience that human beings possess the ability to restrain their natural inclinations. But, believing that the will that seeks particular results in the moment of action has no such power of restraint, he attributed the "moral strength of the will" that is necessary for free choice to abstract reason, which he termed "rational will." "[E]very man has . . . a metaphysics within himself," Kant explained, ". . . for without a priori principles, how could he believe that he has within himself a power of universal legislation?"²⁸

Like Kant, such thinkers as Babbitt and Croce (who separately arrived at similar insights) attribute to direct experience the recognition that men and women have the strength that makes possible free choice, but, for them, this moral power is a distinct aspect not of abstract reason but of the same will that manifests itself in particular actions. Man is intuitively aware, writes Babbitt, of an ever-present conflict at the center of his experience between two competing qualities of will, and it is this inner conflict that constitutes man's fundamental moral predicament. The "lower will," which is alternately described as man's "impulsive," "natural," or "ordinary" self, is toward self-indulgence or arbitrariness for oneself or one's group. The "higher" or "ethical" will, which is

Universal power of self-restraint a distinct aspect of the will that acts in particular circumstances.

²⁷ Irving Babbitt, *Democracy and Leadership* (Indianapolis: Liberty Fund, 1979 [1924]), 194.

²⁸ Kant, *The Metaphysics of Morals*, 11, 15, 64.

*Ethical will
“a check upon
expansive
emotion.”*

a constant will to goodness, is experienced in particular actions as an “inner check” on merely selfish impulse in behalf of a unifying and more deeply fulfilling goal. The higher will “is not itself an expansive emotion but rather a judgment and a check upon expansive emotion.”²⁹ To the extent that man disciplines his impulsive self, including even his strongest passion, in deference to this universal purpose, he not only unifies his own personality and achieves lasting happiness (as distinguished from momentary pleasure), but “he will find that he is moving toward a common center with others who have been carrying through a similar task of self-conquest.”³⁰

*Philosophical,
as distinguished
from pragmatic,
reason capable
of describing
life as directly
experienced.*

Babbitt knows experientially that man’s higher and lower selves exist over time in simultaneous tension and unity, yet the pragmatic reason of a Kant could only conceive of universality and particularity as radically separate. That is because the abstract “concepts” or “facts” produced by Kant’s kind of rationality are not true to actual experience but are rules of action procured by the will for purposes of practicality. Because, for Babbitt, rationality of that kind could not describe life as it is actually experienced—as, in Babbitt’s phrase, “a oneness that is always changing”³¹—he tends to emphasize the role of the imagination, or intuition, in grasping the universal while downplaying the role of reason. But Babbitt is unaware that, in criticizing the deficiencies of the “reason” that is incapable of describing life as it is directly experienced, he is in fact using a kind of reason that is capable of such a task. Croce calls that reason philosophical reason. According to Croce, the reason of philosophy raises to the conceptual level what man already knows about himself intuitively and experientially. Its object is human self-knowledge, and because what is known is what has become embodied in actions that have created new reality, philosophical knowledge is, in a broad sense, historical. The facts with which philosophical reason is concerned are not, like those of pragmatic “reason,” rules or principles of action (which, given the element of novelty and change that is a permanent aspect of the human condition, must necessarily be provi-

²⁹ Irving Babbitt, *Rousseau and Romanticism* (New Brunswick, NJ: Transaction Publishers, 1991 [1919]), 157.

³⁰ Babbitt, *Democracy and Leadership*, 335.

³¹ *Ibid.*, 170.

sional and somewhat arbitrary) but are what Croce terms the universal categories or ends of human action.³²

Referring to the same intuitive experience that Babbitt delineates as the distinction between the higher and lower will, Croce describes a tension in individuals between desires that will enhance the humanity that each shares with all others—the life of the universal Spirit—and a lower form of desires that, although offering temporary gratification, are inimical to a more centered and harmonious existence. For Croce, actions that make the most effective use of particular circumstances in support of man’s higher purpose are moral or ethical, whereas those that pursue efficiency in the service of lesser goals are merely economical or practical. The moral and merely economical forms of practical action (Babbitt’s higher and lower will) are universal categories of mind or spirit. They are universal because always present in human consciousness as distinct types of valuation. The purpose of the economical category is effectively to use the particular means present at a given moment to produce new historical reality of whatever worth one chooses. That of the ethical category is to create, from among the totality of possibilities inherent in a situation, the one addition to actuality that will best contribute to the health and unity of the universal spirit.

All Action Is Self-Interested

Croce emphasizes that the difference between merely economic actions and actions that are moral is not that the former attempt to attain efficiency while the latter do not. Nor is the distinction one of “self-interested” versus “disinterested” actions. All actions, moral or otherwise, are economic and all are self-interested, since all are intended to achieve a particular purpose envisioned as desirable by a particular individual who is confronted with a particular situation. The distinction between moral and immoral lies in the *quality* of the end intended. While merely economic actions are directed toward some form of narrow self-indulgence or group imperialism, ethical actions pursue purposes that are simultaneously good for the individual and for all persons because in-

Moral actions determined not by disinterestedness but by quality of the end intended.

³² Joseph Baldacchino, “Babbitt and the Question of Ideology,” in *Irving Babbitt in Our Time*, ed. George A. Panichas and Claes G. Ryn (Washington: The Catholic University of America Press, 1986), 116, 118.

*Ethical
universality
orders
changing
particularity
to its eternal
purpose.*

spired by the universal will.³³ Moral actions accomplish their purpose by restraining and balancing those volitional impulses that, if given free rein, would disturb the unity of the spirit and contribute to its disintegration. In each particular situation, the individual's imagination presents images of a multiplicity of possible ends or desires that might be satisfied with the means presently at hand. Among this panoply of potential ends, one is intuited as most effectively advancing humanity's highest potential. In the moment of action, the ethical form or category, experienced as conscience, favors that singular end while discouraging all others, thereby ordering changing particularity to its eternal purpose. In individual moral actions, universality and particularity merge to create specific new incarnations of goodness in the world.

The ethical universal or transcendent good, far from being an unworldly abstraction, assumes concrete historicity. As these new instances of morality enter human experience, they can inspire further moral achievements, but never as a pattern to be mechanically imitated. Since morality involves the imaginative ordering of particular situations to create new ones required by universal goodness, and since no two historical situations are identical, morality can never emerge from mere repetition of past moral deeds or from mimetic adherence to previously conceived rules or dogmas.

Rationality Grounded in Imaginative Vision

*Philosophical
knowledge
always
historical.*

Besides the economical and moral categories, Croce has discerned two other universal forms of willing—the aesthetical and the philosophical. Unlike the economic and moral categories, the aesthetical and philosophical forms do not themselves bring new reality into the world of practice. Still, their proper functioning not only is essential to practical activity, but it also has profound effects on such activity's moral quality. The goal of the philosophical or conceptual category is true knowledge of the never-to-be-repeated situation in which each practical action takes place. Philosophical knowledge is always historical, for every new situation or basis for action is the result of concrete actions by oneself and others in the near and distant past. Knowledge, Croce explains, "is as active as action; . . . its work consists in setting and

³³ Benedetto Croce, *The Philosophy of the Practical* (New York: Biblo and Tannen, 1967), 312-13, 348-50. See also Joseph Baldacchino, *Economics and the Moral Order* (Washington, DC: National Humanities Institute, 1985), 23-28.

solving problems, and not merely in passively receiving fragments of reality.”³⁴ To transcend the present situation in new action, one first must perceive present reality in all of its complex particularity. That kind of perception is synonymous with making conceptual judgments about existing circumstances.

For Croce, then, philosophical knowledge or reason is conceptual knowledge, is historical knowledge, is knowledge of the concrete situation, is perception of reality: all of which is necessary for successful action—and especially moral action—to occur. The philosophical category does not form its judgments of reality independently, however, but depends for its work upon cooperation from the aesthetic category. The latter is imagination or intuition. One of its roles is the creation of visions or images of conceivable realities that are not, or not yet, historically actual. Aesthetical activity can be quite elaborate and sustained, or it can arise in a flash and fade as rapidly. Among its products are formal works of art, including poems, novels, paintings, sculptures, and music. But daydreams and reveries, too, are creations of the imagination, as are the visions of potential reality that are conjured in the mind’s eye as part of preparation for practical willing. As we shall see, imagination is also at the bottom of our everyday perception of life.

Just as philosophical knowledge, for Croce, is not passive but active, the imagination, too, is an active power—one that intentionally provides fundamental, albeit precognitive, coherence to life. It is imagination or intuition that gives human beings a comprehensive experiential sense of what living in the world is about. What we call “direct experience”—which includes our deepest sense of what should be admired and what should be despised—is the developing product of imaginative synthesis or intuition.³⁵

To grasp the enormous influence of the aesthetic category on the world of action, it is important to realize that *intuition orients ratiocination*. Croce defines philosophical knowledge, or perception, as consisting of an imaginative reconstruction of experience (the aesthetic category) combined with the reflective judgment (philosophical category) that this historical reconstruction is real, i.e., that it is a proper basis for practical activity.

*Intuition
orients
ratiocination.*

³⁴ Benedetto Croce, *History as the Story of Liberty* (Indianapolis: Liberty Fund, 2000 [1938]), 32.

³⁵ Claes G. Ryn, “Imaginative Origins of Modernity: Life as Daydream and Nightmare,” *Humanitas* 10: 2 (1997), 43.

*Rational
conceptions
grounded in
intuitive
worldviews.*

Formulated differently, our rational conceptualizations of the way the “real world” operates are grounded in the intuitive worldviews that are held *before* we begin to study or to think or to reflect. “Before we can reflect,” Ryn observes, “there must be imaginative wholes upon which to reflect. Whenever we set forth an idea or a definition, to say nothing of an entire ideology, intuitively integrated experience of life steers the effort”³⁶

Perception Influenced by Moral Character

Though the active imagination greatly influences our view of reality and hence our rationality, it often produces a fanciful sense of life in its various dimensions. The quality of one’s imagination is intimately connected with the quality of one’s moral character. Since there is a tension in all persons between higher and lower inclinations of will, all individuals have a rather solid sense of the pleasures that result from allowing morally undisciplined desires to determine their actions. By contrast, the deeper, more lasting satisfaction that comes from ordering one’s will to the higher and common good is strongly experienced only by the relative few who have made the necessary moral effort over time. Those in the latter group tend intuitively to view life and its possibilities differently from those who have lived morally less ordered lives. Only men and women of high character allow themselves to view the world without pleasing illusions and thus to recognize the need for difficult self-improvement by all persons, beginning with self. Well accustomed to deriving meaning and happiness from personal obligation, such individuals are aided in imaginatively apprehending life’s transcendent purpose by noble examples drawn both from history and the arts. They creatively apply this intuitive sense of direction to present circumstances.³⁷ Those, on the other hand, who customarily follow their strongest passion without regard to universality will gravitate toward visions of life that accentuate the variegated, if fleeting, pleasures and thrills that

³⁶ *Ibid.*, 42-43.

³⁷ That is, a person who has been working to shape his or her life according to ethical universality is able intuitively to distinguish the good from the bad in history or tradition—the particular actions that were moral from those that served lesser purposes—and then to let love of the former and abhorrence of the latter inspire a new moral action that is uniquely appropriate in the actor’s momentary situation. See Babbitt, *Democracy and Leadership*, 127-28.

flow from morally unchecked activity. Such visions tend to ignore the less pleasant—often abominable—results of an uncentered existence. Any pangs of conscience are dismissed as mere residue of superstitious dogmas.

To the extent that morally uncentered imagination becomes culturally predominant, entire civilizations can be captivated by worldviews that engender illusion. The crisis of the modern world is at bottom a crisis of moral character in which a perversion of the imagination provides excuses for individuals *en masse* to avoid responsibilities to self and others. Under the influence of Rousseau and similar thinkers, it has become common in recent centuries to ignore the experiential moral tension within each individual and to project the blame for continuing evils outward onto social institutions such as the family, the church, or the government. That this form of imaginative vision has become popular is hardly surprising. How convenient to be able to assume the mantle of moral reformer or servant of humanity—ergo, to be a worthy individual—by devoting one’s life to demanding that others conform to one’s own desires rather than having to assume the hard work of reforming self. The latter requires humility and inner struggle. The former is fully compatible with arrogance and often serves as an excuse for power-seeking or aggression.

Morally uncentered imagination distorts perception of oneself and the world.

Discursive reasoning, then, always rests on an underlying imaginative apprehension of life that is more or less true to historical reality depending on the degree to which ethical universality is present as an ordering category. It follows that persons of obvious intelligence but weak character could devote a lifetime to brilliant writing and philosophical argument yet seem to get everything that really counts hopelessly out of kilter. It also follows that scholars, politicians, or others possessing equal intellectual capacity and access to the same information could argue interminably concerning subjects about which each cares deeply without ever reaching agreement on fundamental points. It happens all the time. Not a day goes by in which “experts” of towering reputation in the same area of competence are not heard at academic conferences or on television shouting the other down—each one’s expressed perceptions passing the other’s like proverbial ships in the night.

Far from drawing its participants toward unity, “dialogue” of this type is a source of further antagonism. As is true of praxis,

intuitive wholes, together with philosophical reasoning based thereon, will either serve or thwart universality depending on the presence or absence of the common good as an ordering valuation. As shaped by the higher will, imagination and reason work together and can foster genuine communication and pull men and women—and even separate nations and cultures—toward genuine community. But vision and reasoning directed at practicality alone serve to distort man’s grasp of reality, bringing discord and despair.

Moral Universality Emerges from Individual Creativity

Circumstances are the means from which action shapes new reality.

We have seen that morality, for thinkers like Croce and Babbitt, results from creative action and that such action always occurs in particular circumstances that are never experienced identically by any two individuals or even by the same individual from one moment to the next. Croce explains that all actions are tied to specific circumstances because these are identical to—indeed, *are*—the means that will be reordered through practical volition to create new historical circumstances. The latter in turn constitute the means for still further actions in a process that never ceases so long as history continues to unfold.³⁸

To act is by definition to change one’s present position in relation to the world. There is a sense, therefore, in which the theoretical act takes precedence over the practical act, since there would be no action if we did not first have some apprehension of existing circumstances. But the theoretical act is historical. It can tell us about the present, which is the result of previous actions, but it can tell us nothing of incipient actions that have yet to occur. “Volition is not the surrounding world which the spirit perceives; it is a beginning, a new fact.”³⁹

Contrary to Kant, therefore, we do not first have a concept of the good and then act correspondingly. We do not first know something and then will it. “What is known exists,” Croce writes, “and it is not possible to *will the existence* of what *exists*: the past is

³⁸ The circumstances in each case are partially constituted by the infinitely complex and continuously developing experience and abilities brought to the occasion by the acting individual, which is one reason among many that no two situations can be identical. Another is that every situation is affected by previous situations. See Croce, *Philosophy of the Practical*, 241.

³⁹ Croce, *Philosophy of the Practical*, 40-41.

not an object of volition.”⁴⁰ Thus, practical, including moral, action comes *before* knowledge. In the moment of action we create new historical reality that did not exist moments earlier. Such action is will and imagination operating simultaneously and inextricably, since it is impossible to act without awareness of what we are doing. While in the process of acting we have an intuitive sense of the purpose toward which the particular action is directed—be it the universal end or some lesser goal. But just as in listening to music or poetry we must experience the performance directly and inarticulately before we can form conceptual judgments about what has been heard, we experience moral as well as merely economic actions performed by ourselves and others in the same sequence. While it is either occurring or being absorbed imaginatively, as in reading or listening to a historical narrative, an action is experienced intuitively as ethical or unethical. Only afterwards is its morality or lack thereof raised to the level of conceptual knowledge or perception.⁴¹

We do not first know the good and then will it but create the good through moral action.

This is not to say that all individuals and groups do not either explicitly formulate or develop over time particular rules or principles of conduct to help influence prospective department. Because all persons are perennially conflicted with higher and lower impulses, we know that no one can be expected at all times to act out of genuinely moral motives. Hence the universal moral category itself requires us to formulate laws and norms of behavior in order to support its high purpose. To the extent that such rules “are formulated with genuine sensitivity to the demands of ethics,” Ryn observes, “they tend to induce in those who attempt to respect them a sense of that universal right which lies beyond all specific rules.”⁴² But the classifications of behavior embodied in such laws and norms are not themselves universal categories. At their best such principles offer pragmatic guidelines for action based on generalizations of the types of action that have advanced or hindered the common good in the past. But precisely because they are generalizations of past experience, such laws or maxims cannot possibly anticipate the specific needs of every possible future situation. “The future, that which is not, is not an object of

⁴⁰ *Ibid.*, 50 (emphases Croce’s).

⁴¹ *Ibid.*, 39.

⁴² Ryn, “History and the Moral Order,” in Francis Canavan, ed., *The Ethical Dimension of Political Life* (Durham: Duke University Press, 1983), 100.

knowledge," writes Croce.⁴³ Rather, when moral action occurs, such rules are transcended by the needs of the particular situation. The uniqueness of circumstances calls for *creative mediation* between the moral universal and the never-to-be-duplicated situation of the acting individual in that particular moment. Thus all ethical universality known to man is embodied in concrete historical examples. Every moral action is midwifed by individual creativity. Each is *sui generis* with regard to its concrete specifics.

Practicality, moral and otherwise, requires human beings to work together and to think ahead. We could not live without plans for the future—some personal, others shared—but such plans exist as wholes in the imagination only and remain subject to revision or termination from moment to moment in response to ever-changing conditions that cannot possibly be known in advance. Much confusion arises, Croce writes, from thinking of plans as single actions consisting of many steps, with each step considered as means to a single end—completion of the plan. In reality, even the simple intention of a single person, such as entering a room to watch television, requires a series of actions. More elaborate blueprints such as those developed by large corporations and by governments can require countless actions over many years by innumerable persons. Those persons cooperate to serve joint ends, but each participant brings unique experience to the common enterprise. Because each person's life experience is different, each possesses knowledge that is available to no other. With that special knowledge comes responsibility to advance the universal good as only the particular person can from his or her own individual position. Should it become morally necessary, every person is free to back away from or say no to further participation in a collective enterprise. The freedom to withdraw from projects inimical to the universal good always exists regardless of the economic or coercive power aligned in their behalf, though the costs sometimes may be severe.

Illustrating the never-ending creativity that is essential to every action, including moral action, Croce writes:

The will . . . changes at every moment, as the movement of a swimmer or of an athlete changes at every moment, according to the motion of the sea or of the rival athlete, and according to the varying measure or quality of his own strength in the course of

⁴³ Croce, *Philosophy of the Practical*, 43.

the volitional process. Man acts, case for case and from instant to instant, realizing his will of every instant, not that abstract conception which is called a plan. Hence also arises the confirmation of the belief that there do not exist fixed types and models of actions. He who seeks and awaits such models and types does not know how to will. He is without that initiative, that creativeness, that genius, which is not less indispensable to the practical activity than to art and philosophy.⁴⁴

Ethical Universality and the Good Society

Given the identification of ethical universality with a distinctively high quality of creative practicality in changing circumstances, rather than with machinelike imitation of abstract rules or precepts, what are the implications for the best type of society? Most generally, it can be said that, compared with societies that view morality as conforming to pre-existing rules, those that recognize individual creativity as necessary to moral action will tend to place greater value on decentralization and on the accommodation of diverse competing interests. A society of this kind will see the need to place restrictions on certain types of behavior through law. In light of the inner tension between good and evil within every person, it would be unrealistic to expect people always to live up to the commands of moral conscience for the sake of morality alone. By having government enforce penalties for kinds of activity that have proved especially harmful to human dignity, society can enlist men's desire to avoid punishment—though itself merely an economic end—in the service of the higher good. To allow broad scope for individual moral creativity, however, it will limit the number of laws and regulations to the fewest practicable. And, to reduce the element of uncertainty that makes moral and other actions always difficult, such a society will avoid changing the law except when absolutely necessary.

Creative dimension of morality calls for a system of laws that are relatively few and stable.

Rather than favor plebiscitarian government designed to rush into law the passing whims of the majority, this kind of society will favor law that embodies the "deliberate will" of the people. The will of the people is to be "refined" through much reflection and debate by representatives chosen for nobility of character.⁴⁵ In this form of government, as Burke said, legislators

⁴⁴ *Ibid.*, 49-50.

⁴⁵ In the words of *Federalist* 10, the purpose of such government is "to refine and enlarge the public views, by passing them through the medium of a chosen

Multiple sources of autonomous authority indispensable to creation of goodness.

owe to the people “an entire devotion to their interest,” but not “an abject submission to their occasional will.” Recognizing, moreover, that, being human, even the best government officials are not immune from the temptation to act arbitrarily, the good society will attempt to place restrictions on the scope of governmental power through cultural and constitutional restraints. Among such restraints will be the promotion of multiple and overlapping sources of independent authority at levels between the isolated individual and the central government. Such autonomous groupings include local, state, and provincial governmental bodies, as well as such private institutions as nuclear and extended families, churches and other religious bodies, business, labor, and agricultural associations, fraternal and service organizations of every stripe, orchestras, bands, and choral societies, theater, dance, and opera companies, schools, universities, libraries, museums, and myriad other entities, large and small. Because opportunities to create goodness are increased and facilitated by the existence of variegated circumstances and perspectives, every effort is made to enhance or preserve the independence and vitality of intermediate institutions and to prevent their becoming mere agents or “cogs in the wheel” of concentrated hierarchical power.⁴⁶

Universality embodied in highest attainments of distinctive nations and cultures.

The same diversity and openness to morally ordered competition that is valued within nations is also valued at the international level. Because universality is embodied in the highest attainments of diverse and distinctive civilizations and cultures, trends toward multilateral governance will be resisted in favor of the continued authority of independent nations. From this perspective, Ryn writes, what is most conducive to international harmony is not “the kind of ecumenism that seeks to promote harmony by having different societies erase whatever is distinctive in favor of homogeneity.” Rather, what is called for is a humanistic cosmopolitanism that encourages “particular peoples to be themselves in the sense of living up to their own highest standards. Sound

body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations.” James Madison, *Federalist 10*, in *The Federalist* (Washington: Regnery Publishing, 1998), 109.

⁴⁶ Burke, *Reflections*, 191. For the indispensability of autonomous groups and institutions to the development of vital communities, which are the seedbeds of the moral imagination, see Robert A. Nisbet, *The Quest for Community* (New York: Oxford University Press, 1953).

cosmopolitanism must itself be derived from what is most exemplary about the culture that most immediately nourishes it. For a vivid and concrete sense of the good, the true and the beautiful to be possible, that sense must be deeply rooted in the soil of a particular culture and be alive with the best that this culture has wrought." Most needed for international peace to prevail is that independent nations pursue policies toward one another that are "informed and shaped by a morality of self-control and by corresponding cultural discipline and sensibility,"⁴⁷ rather than, as Kant believed, "a universal federal state" intended to let nations avoid war while otherwise pursuing their own narrow interests.⁴⁸

Good laws and constitutions and the presence of diverse centers of power—all support the freedom of individual action that is conducive to historical universality. Still, such conditions are never an adequate substitute for a high degree of moral character among a people. To the extent that moral goodness sinks below a certain level, respect for law will diminish along with the respect for authority that it needs to remain effective. Without the "inner check" of moral universality to provide social order, the outer checks imposed by government will become ever more tyrannical. For that reason the good society will seek to structure its institutions and culture in ways that are most conducive to the development of personal moral sensibility among its members.

Individual freedom together with high degree of character conducive to ethical society.

Utopian fantasies to the contrary, every nation and civilization has elite groups whose members wield an influence that is disproportionate to their numbers. In some times and places that role has been filled by men of extraordinary military genius or valor, in others by religious leaders or by sages, in still others by artists or poets or scholars. In contemporary Western culture, people whose names are "household words"—celebrities—are widely viewed as worthy of adulation. Some celebrities—those who have attained public recognition for valuable contributions to civilization—actually deserve the respect they receive. But many in the United States and other countries are idolized and feted merely because they are "famous for being famous," and, in some instances, for being infamous.

⁴⁷ Ryn, *A Common Human Ground: Universality and Particularity in a Multicultural World* (Columbia and London: University of Missouri Press, in press), 21-22.

⁴⁸ Kant, *Theory and Practice*, 74-76, 90-92.

*Persons of
limited
cultural range
easily
manipulated.*

Undiscriminating taste in its choice of heroes is symptomatic of a society that restricts the development of the person to a limited range of experience, a society that makes little effort to acquaint its members with qualities of life that over the centuries have been found most rewarding. Absorbed for the most part in the most recent moral, aesthetic, and intellectual fads, Ryn has noted, people in this kind of society will experience and value much that comes their way from one day to the next, but they are not well positioned to assess their own preferred enjoyments authoritatively. Unacquainted with and unprepared to appreciate the historical and cultural achievements of their own society, much less those of other civilizations, such a people may enjoy the latest fashions in popular music but lack the needed cultivation of taste to appreciate a Bach or a Mozart. They may enjoy television “sound bites” but have little capacity for sustained historical and philosophical reflection. They may develop the technical and utilitarian skills to produce and to acquire creature comforts but know little of what is needed to satisfy moral and spiritual needs. Should members of this kind of society feel a gnawing discontent, they will be unable to identify its sources. Having failed to develop depth of perception, they will prove easy marks for governmental propaganda and corporate advertising campaigns.⁴⁹

In contrast, the society that grasps and cherishes the universal in its particular manifestations will tend to favor as leaders persons who, through persistent inward effort, have elevated their own sense of what it is to be fully human. As leaders, such individuals will promote forms of education and culture that have served to direct and ennoble their own lives. For them, based on personal experience, the most important purpose of education and upbringing, and of culture as a whole, is to foster the moral, aesthetic, and intellectual range of experience that will enable persons to make informed discriminations. Care will be taken to assure that the rising generation is not limited to the popular tastes of the hour but, rather, is prepared—through upbringing, education, and the work of religious, cultural, and other institutions—to absorb mankind’s principal achievements in ethics, philosophy, history, and the arts. So equipped in their youth, the society’s adult members will be able in varying degrees to evaluate the wide range of historical attainments in relation to each other as

⁴⁹ Ryn, *A Common Human Ground*, 106.

well as to more current developments. Mindful of its debt to the past for all that can be known of human excellence, a culture such as this will have a deep respect for tradition. Its traditionalism will neither be rigid nor blind, however, but will be continuously self-questioning and self-refining. Aware that not all traditional beliefs and norms were inspired by moral motives and that some that were so inspired may have grown harmful to universality in changed circumstances, this kind of society will continuously re-evaluate present beliefs with reference to what is imaginatively known of the transcendent purpose they are supposed to serve.⁵⁰ As Walter Lippmann, a former student of Babbitt's, once observed, it is by ordering his natural impulses according to the universal standard partially embodied in historical tradition that the individual becomes civilized and thus capable of adding his own unique contribution to civilization's inexhaustible need for elevation and advancement.⁵¹

*Self-refining
traditionalism
source of
inspiration for
human
excellence.*

Communicative Abstraction—Habermas

Jürgen Habermas's theory of "communicative action" has several advantages over Kant's categorical imperative.⁵² Since Habermas would base social norms on an ongoing social consensus, his approach to ethics to some degree allows the results of envisioned actions to be taken into consideration. This favorably contrasts with Kant's insistence that the results of actions or public laws, whether anticipated or realized in experience, could have no bearing on their morality. Also to his credit, Habermas recognizes that normative truth does not occur in an ahistorical vacuum, as Kant argued, but within a shared cultural "horizon," or a *lifeworld* of pre-given interpretive patterns.⁵³

As an ethical theory, however, the Habermasian system shares most of the deficiencies of Kant's ethical thought. Like Kant, he views morality primarily in terms of rational principles. But, as Croce demonstrates, while reasoning is an essential step in ascertaining one's situation in preparation for action, morality itself emerges from action of a special quality, not words. More specifi-

⁵⁰ Ryn, *A Common Human Ground*, 106; Ryn, *Democracy and the Ethical Life*, 87-88; Baldacchino, *Economics and the Moral Order*, 32.

⁵¹ Walter Lippmann, *The Public Philosophy* (New York: New American Library, 1955), 105.

⁵² For a brief summary of Habermas's theory, see Day, 18-22.

⁵³ Habermas, *The Theory of Communicative Action* (Boston: Beacon Press, 1981), I, 335, cited in Day, 19.

cally, morality results from *acting* in a way that synthesizes an unchanging will to create goodness with the particular means available in ever-changing circumstances.

View that
communicative action
offers
sufficient
grounding
for ethics
simplistic.

Habermas identifies rationality as “a disposition of speaking and acting subjects that is expressed in modes of behaviour for which there are good reasons or grounds.”⁵⁴ But “disposition” is more a function of will than of rationality. One’s disposition is bound up with one’s character, which in turn is shaped by the predominant quality of one’s actions—and hence one’s imaginative vision—over time.⁵⁵ Though an interactive relationship exists, our rationality is more fundamentally affected by our actions than the converse. Babbitt observes, for example, that those who make a habit of yielding to their strongest impulse of the moment will tend to erect elaborate, albeit false, rationalizations for continuing their self-indulgence. The quality of their imagination will be distorted by their lower will, and this will adversely affect their perception of reality—i.e., their rationality. “The egocentric individualist,” he notes, “is . . . prone to give fine names to his own unrestraint. As Plato says, he will call insolence breeding, anarchy liberty, and waste magnificence; and may even go to the point of deifying his own impulses.” Such a man, Babbitt adds, “also frequently calls what is at bottom only an hypostasis of his ordinary self in its dominant desire either progress or justice.”⁵⁶ Since the distorting effects of flawed motives on rational perception are inevitably carried over into any attempt to communicate, Habermas’s view that communicative action offers sufficient grounding in itself for all universally valid claims is simplistic, if not painfully naive.

Lacking a qualitative conception of normative obligation, Habermas, like Kant, identifies all self-interest with what Babbitt terms man’s “lower self” and what Croce identifies as the merely economic category of action. Since there is for Habermas or Kant no supra-individual quality of will to serve as a standard of moral criticism, no person’s interests or desires can be judged ethically superior, on their own intrinsic merits, to any other’s. Hence, “only those norms are accepted as valid that express a *general will*,” meaning for Habermas that all social norms and regulations

⁵⁴ Habermas, *Communicative Action*, I, 22, cited in Day, 18.

⁵⁵ See Aristotle, *The Nicomachean Ethics*, 76 (1098a), 84 (1101a), 97 (1105a).

⁵⁶ Babbitt, *Democracy and Leadership*, 256-57.

must give equal weight to the interests of every individual who is affected, and with no individual allowed to speak for or represent any other affected individual.⁵⁷ This last is on a par with saying that, in setting standards of virtuosity in instrumental music, Itzhak Perlman, violinist, and Tiny Tim, ukulele strummer, deserve equal weight in the discussion, since each would be affected.

A necessary consequence of Habermas's failure to acknowledge the existence within individuals of a supra-individual check on volitional impulses is to leave only "enlightened self-interest" as a possible motive for self-constraint. Individuals may agree, for example, to obey a consensus concerning what beliefs and behaviors should be forbidden as interfering with the ability of all to believe and act as they please (save for the limitations imposed by the consensus itself). Such individuals may accept intellectually the terms imposed by the consensus in exchange for the protection provided for each, freely and without criticism, to indulge his or her own narrowly selfish impulses (again provided that the consensus itself is not violated). This, as cited earlier, was the rationale given by Kant for his concept of "political right." But sophisticated egotism of the kind favored by a Kant or a Habermas can carry a society only so far. As Ryn has noted, "in a society where men are growing insensitive to the demands of the ethical life, their enlightened self-interest, too, will be increasingly difficult to discern. . . . Whereas ethical conscience, the will to the common good, used to give to the constitution and the laws generally an aura of dignity which made it easier for the citizens to recognize allegiance to the lawful order as being in their long-term interest, they are now going to look at the laws with less reverence and not be as predisposed against breaking them, if it would serve their own immediate goals and go undetected."⁵⁸ Yet the inherent *telos* of Habermas's *a priori* principles is precisely to punish and remove from society all norms and laws that reflect the ethical universal. Since the process through which normative regulations arise is to reflect only the "general will," i.e., the popular will purged of all higher influences, the result is preordained: Other than violence and some forms of theft or fraud, all is acceptable

Effect of Habermas's a priori principles is to discourage social norms that reflect the ethical universal.

⁵⁷ Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification," in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: MIT Press, 1990), 63, 65 (emphasis Habermas's).

⁵⁸ Kant, *Theory and Practice*, 74; Ryn, *Democracy and the Ethical Life*, 25.

Wrong
solution for
systemic
problem.

and permitted except revealing one's belief, through word or deed, that not all ways of life are equally acceptable.

Ironically, the kind of society that one might expect when there is no pull toward community higher than the right of each person "to go to hell in his or her own way" is a major concern of Habermas's. He attributes the lack of standards to what he terms the "depoliticized public realm." The existing politico-economic system, he explains, requires for its perpetuation wide-scale "political abstinence." Toward that end, it promotes—through education, modes of entertainment, and other means—"an orientation to career, leisure, and consumption" together with "the expectation of suitable rewards within the system (money, leisure time, and security)." While the preceding is a pretty fair description of current Western society, Habermas's proposed antidote to such ethically neutralized, self-steering systems⁵⁹—namely, rational consensus through ordinary conversation of a people for whom the wisdom of the ages is largely *terra incognita*—can only exacerbate the problem.

The Freedom to be Moral—Hayek

Hayek, unlike Kant and Habermas, intuitively recognizes that the intended results of actions, rather than the adherence of actions to *a priori* norms, is the appropriate criterion for judging their ethicality. An additional contrast is that Hayek intuitively recognizes that good habits and salutary traditions are essential supports for moral action. Particularly important, Hayek stresses, are constitutional and other restraints on government, since arbitrary government is a major obstacle to the individual creativity that is conducive to the good society. For these and other reasons, Hayek's practical prescriptions are largely compatible with the thought of Babbitt and Croce. But though intuitively on the same wavelength as the latter thinkers, Hayek, unlike them, is not sufficiently aware of the creative imagination and its contribution to a kind of rationality that can explain the synthesis of moral universality with changing circumstances. Owing to this epistemological weakness—which places him somewhere between the *a priori* abstractionism of a Kant and the concrete universalism of a Croce—Hayek frequently uses key terms (e.g., "abstract," "ends,"

⁵⁹ Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (Boston: Beacon Press, 1975), 37, 58; Day, 20.

“means,” and “will”) in novel ways that detract from the persuasiveness of some of his most valid conclusions.

In “History, Reason and Hope,” Professor Day scores major points against Hayek by calling attention, among other things, to his:

- assertion of the “primacy of the abstract” in shaping morality.
- belief that habits and traditions constitute “a system of rules of action” and that these rules are not “actions of the mind,” but something that “happens to the mind.”
- insistence that moral judgments are “judgments about means,” rather than ends, and that the kind of society he favors is “merely means-connected and not ends-connected.”
- argument that public laws cannot, even in principle, express the “will” of the people.⁶⁰

Upon examination, however, each of these Hayekian formulations either means something different from what might be expected or else has an experiential referent that is open to a more plausible interpretation than the one given by Hayek. Curiously, for example, when Hayek speaks of the “primacy of the abstract,” he is referring not to the abstract rationality of a Kant but to its very opposite—perception of “concrete particulars.” Acknowledging that his own usage is counterintuitive, Hayek writes:

Hayek's terminology sometimes confusing.

We simply have no other suitable term to describe what we call ‘abstract’ than this expression which implies that we deal with something ‘abstracted’ or derived from some other previously existing mental entity or entities which in some respect are richer or ‘more concrete’. The contention which I want to expound and defend here is that, on the contrary, all the conscious experience that we regard as relatively concrete and primary, in particular all sensations, perceptions, and images, are the product of a superimposition of many ‘classifications’ of the events perceived according to their significance in many respects. These classifications are to us difficult or impossible to disentangle because they happen simultaneously, but are nevertheless the constituents of the richer experiences which are built up from these abstract elements.

Hayek’s reference to the mind’s imposition in perception of abstract “classifications” of various significance may be his way of groping toward an understanding of the imagination’s synthetic power. Whatever the purpose, these musings have little direct bearing on his ethical thought. Hayek himself refers to his thoughts on this topic as “half-baked,” adding that his “main con-

⁶⁰ Hayek, *New Studies*, 35, 43, 85 and 86, cited in Day, 11, 13 and 15; Hayek, *Law*, II, 110, cited in Day, 15.

cern" is "not . . . to argue the truth of my contention but to ask what is its significance if true."⁶¹

That Hayek conceives of habits and traditions as composed of moral rules that operate us, rather than the converse, follows from his naturalistic belief that what he calls the Great Society evolved through a process of natural selection similar to Darwin's.⁶² In Hayek's view, those civilizations prospered and grew that happened by accident to have developed norms that facilitated both lawful limits on government and the emergence of a spontaneous moral order based largely on free exchange. Because such accidental norms and traditions and the institutions they spawned enabled individuals to achieve happiness in their own way, they naturally "valued" these means to satisfy their own ends. Hence they put restrictions on actions that, though likely to achieve someone's immediate purpose, threatened to undermine the existing order and with it the future happiness of all. But it does not follow—because Hayek attributes the spread of such "traditional and largely *moral practices*"⁶³ to natural and unintentional forces—that alternative explanations are precluded. Raeder has noted, for example, that the social doctrine articulated by Hayek is identical, "in all essential respects," to "the implicit political creed" espoused by Burke.⁶⁴ Yet Burke attributed the gradual embodiment of the good in tradition not to natural selection but to the deliberate choices of innumerable individuals in infinitely varied circumstances over many years: choices that were guided by what Burke called the "moral imagination."⁶⁵ Explicating Burke, Babbitt writes: "A man's imagination may realize in his ancestors a standard of virtue and wisdom beyond the vulgar practice of the hour; so that he may be enabled to rise with the example to whose imitation he has aspired." Babbitt adds that, for Burke, the moral imagination does not merely repeat or imitate social tradition but refines and improves it. Burke, he explains, "saw how much of the wisdom of life consists in an imaginative assumption of the experience of the past in such fashion as to bring it to bear

⁶¹ Hayek, *New Studies*, 35-36.

⁶² *Ibid.*, 9 and 9n14.

⁶³ Hayek, *The Fatal Conceit: The Errors of Socialism* (Chicago: University of Chicago Press, 1988), 6 (emphasis Hayek's), cited in Day, 12.

⁶⁴ Linda C. Raeder, "The Liberalism/Conservatism of Edmund Burke and F. A. Hayek: A Critical Comparison," *Humanitas* 10: 1 (1997), 70.

⁶⁵ Burke, *Reflections*, 171. For the relation between will and tradition in Burke's thought, see Joseph Baldacchino, "The Value-Centered Historicism of Edmund Burke," *Modern Age* 27: 2 (Spring 1983).

as a living force upon the present."⁶⁶ What is here said of Burke could equally serve to explain the role of tradition in Hayek's thought.

Professor Day's concerns about Hayek's use of such terms as "ends," "means," and "will" are easily answered, though probably not to his satisfaction, when it is realized that Hayek employs these words in a special way. Hayek writes, for example, that "Will always refers to particular actions serving particular ends, and the will ceases when the action is taken and the end (terminus) is reached." But since the laws of a free society are intended not to compel people to pursue particular purposes but rather to enable them to act as they see fit within prescribed limits, such rules, Hayek argues, cannot be described "as the expression of a *will* (popular or other)."⁶⁷ For the same reason, he says, laws defining just conduct cannot be said to be directed toward ends, but rather to serve as means to be used by the citizenry in free pursuit of their ends. Croce would say, however, that the concrete end of such laws is to enable (though not compel, which would be impossible) individuals creatively to mediate between the ethical universal and particular circumstances. And that end, which is to serve as means to good actions, would persist in the midst of change for as long as it continued to serve its purpose.

A defect in Hayek's thought is its failure sharply to distinguish between actions compatible with merely "enlightened self-interest" and those that effectively advance moral universality. But despite this philosophical deficiency, which is far more pronounced in Kant and Habermas, Hayek's prescription of a free society under constitutional government is well suited to meeting the needs that stem from the omnipresent tension between good and evil within every human being.

Hayek's social prescriptions well suited to counter human moral weakness.

Despite Kant's towering philosophical contributions, his work provides an inadequate standard by which to measure personal and political ethics. The pure Kantian doctrine, far from assisting in thinking about the common good, puts abstractions in the place of more historically and experientially grounded philosophy. For reasons given above, the expected consequences of particular actions are an essential component of moral deliberation. By contrast, a morality that does not accommodate concrete situations evades the needs of real life.

⁶⁶ Babbitt, *Democracy and Leadership*, 127-28.

⁶⁷ Hayek, *New Studies*, 85.