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Sovereignty and Autonomy of the Moral Subject¹

Abstract

RESEARCH OBJECTIVE: The following article aims at clarifying the relation between the notion of autonomy of the moral subject and its sovereignty.

THE RESEARCH PROBLEM AND METHODS: The notions of sovereignty and autonomy attributed to the moral subject seem to be used as synonyms. Yet in the political theory the two terms seem to have slightly different meaning. Is it justified to use these notions related to the moral subject as synonyms or should they rather be distinguished? Using the descriptive-analytic and comparative method the author examines the chosen sources considered as most important reference points for the matter.

THE PROCESS OF ARGUMENTATION: The article begins with the presentation of the conception of autonomy formulated by I. Kant as the most influential for the whole modernity. This conception can have a “moral realist” and “creative anti-realist” interpretation. Afterwards it presents the contemporary interpretation of autonomy by Kristine M. Korsgaard representing the “creative anti-realist” view. This creative anti-realist interpretation is confronted with its two critiques by John E. Hare and Charles Larmore.

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RESEARCH RESULTS: The result of the discussion in the article is the proposition to name the modern radical creative anti-realist interpretation of autonomy the sovereignty of the moral subject and thus distinguish between the notion of sovereignty and autonomy.

CONCLUSIONS, INNOVATIONS, AND RECOMMENDATIONS: This view of autonomy is connected with the naturalistic world view which by many modern philosophers is accepted without further questioning, whereas it is not the only possible position. We should keep questioning the so called "metaphysics of the modern world" and formulate an alternative which gives a more adequate place to the moral reasons in the world.

KEYWORDS:

sovereignty of the moral subject, autonomy, practical reason, moral principles, moral realism

SUWERENNOŚĆ I AUTONOMIA PODMIOTU MORALNEGO

Streszczenie

CEL NAUKOWY: Celem artykułu jest wyklarowanie relacji pomiędzy pojęciem autonomii podmiotu moralnego i jego suwerenności.

PROBLEM I METODY BADAWCZE: Pojęcia suwerenności i autonomii w odniesieniu do podmiotu moralnego są zwykle używane jako synonimy. Tymczasem w teorii polityki terminy te wydają się mieć trochę odmienne znaczenie. Czy jest zatem uprawnione używać ich w odniesieniu do podmiotu moralnego jako synonimów, czy też powinno się je jasno odróżnić? Używając metody opisowo-analitycznej oraz porównawczej, autor bada źródła uznane jako najistotniejsze punkty odniesienia dla postawionego problemu.

PROCES WYWODU: Artykuł rozpoczyna się prezentacją najbardziej wpływowej nowożytnej koncepcji autonomii sformułowanej przez E. Kanta. Koncepcja ta może być zasadniczo interpretowana z punktu widzenia tzw. realizmu moralnego lub twórczego antyrealizmu. Następnie zostaje przedstawiona współczesna interpretacja autonomii autorstwa Kristine M. Korsgaard reprezentująca „twórczy antyrealizm”. Na koniec koncepcja ta zostaje skonfrontowana z krytyką sformułowaną przez Johna E. Hare’a oraz Charlesa Larmore’a.

WYNIKI ANALIZY NAUKOWEJ: Rezultatem przeprowadzonej analizy jest propozycja, aby zastosować określenie suwerenności w odniesieniu do współczesnej, radykalnej, twórczo antyrealistycznej interpretacji autonomii

podmiotu moralnego. W ten sposób można dokonać rozróżnienia pomiędzy pojęciem suwerenności i autonomii.

WNIOSKI, INNOWACJE, REKOMENDACJE: Twórczo realistyczna interpretacja autonomii jest ściśle związana z naturalistyczną wizją świata, przyjmowaną bezkrytycznie przez wielu współczesnych filozofów. Nie jest to jednak jedyny możliwy światopogląd. Tak zwana „metafizyka nowożytnego świata” wymaga zakwestionowania i stworzenia alternatywnych wizji, w których znajdzie się odpowiednie miejsce dla moralnego (praktycznego) rozumowania.

SŁOWA KLUCZOWE:

suwerenność podmiotu moralnego, autonomia, rozum praktyczny, zasady moralne, realizm moralny

1. INTRODUCTION

The sovereignty and autonomy, when attributed to the moral subject, come usually as synonyms. At the same time the term autonomy seems to be more widespread in the philosophical texts. The legitimate question then arises: Are these two terms really synonyms or is it maybe more reasonable to distinguish between them? The following article aims at presenting a particular understandings of how sovereignty and autonomy of the moral subject relate to each another. This understandings represent a proposition of reconciliation of the autonomy of the moral subject with the existence of legitimate moral sources outside of her. It seeks to solve this seemingly insurmountable dichotomy by making a clear distinction between sovereignty and autonomy of the moral subject and by branding the former as inadequate for defining the moral condition of agents. The notion of sovereignty attributed to the moral subject is understood here as capacity to legislate moral laws with absolute independence of any external authority. Whereas autonomy is conceived as ability of the moral subject to recognize and embrace as her own moral principles and values which are being discovered and formulated through interaction with the objective reality (realities) which cannot be simply identified with the subject itself or one of its capacities.

2. ON KANT'S CONCEPTION OF AUTONOMY

Probably the most famous, paradigmatic example of the use of the word "autonomy" in reference to the moral subject is Immanuel Kant's argument in his *Groundwork of the Metaphysics of Morals*. The notion of autonomy helps Kant to determine the nature of the human subject's quality of being morally good. He starts his argument by stating that, according to the common sense, the good will constitutes the highest good,² since it is good in itself:

The good will is good not through what it effects or accomplishes, not through its efficacy for attaining any intended end, but only through its willing, i.e., good in itself (...) (Kant, trans. 2002, *Gl*, 4:394).

Will, if it is to be considered as morally good, is supposed to have duty (*Pflicht*) as its unique motivation. The moral worth of an action lies in the fact that it is performed "out of duty" (*aus Pflicht*) (Kant, trans. 2002, *Gl*, 4:400-401). It cannot be found neither in possible effects of the actions performed nor in the ends achieved through them, because in this case the source of morality would lie outside of the human subject. The moral quality of the human agent is connected to her rational nature. This occurs when she acts out of duty understood by Kant as "the necessity of an action from respect for the law"³ (Kant, trans. 2002, *Gl*, 4:400). Duty conceived in this way is something that can characterize distinctly a rational being, for only rational beings are able to generate in themselves a representation (*Vorstellung*) of the practical law. In this ability of representing the moral law or, in other words, of formulating "maxims" morally determining actions consists the faculty of practical reason (Kant, trans. 2002, *Gl*, 4:400-402). The necessity of acting out of respect for the rationally

2 Kant affirms: "This will may therefore not be the single and entire good, but it must be the highest good, and the condition for all the rest, even for every demand for happiness (...)" (Kant, trans. 2002, *Gl*, 4:396). In this way Kant finds himself deeply rooted in the classical ethical tradition. His reference to Aristotle seems quite obvious (Aristotle, *Nicomachean Ethics*, I).

3 Wood translates "*aus Achtung*" and "*aus Pflicht*" into "from respect" and "from duty," whereas "out of respect" and "out of duty" may seem a more natural translation.

recognized moral principles, i.e. out of duty is precisely what constitutes for Kant the goodness of the moral subject. What makes a human being morally good is neither being motivated by some kind of instinctive inclination (*Neigung*) nor by a sheer obedience to any external authority, but by the respect for the rationally recognized moral law in first place. It is his autonomy.

The whole consideration of autonomy, as well as sovereignty, is in general strongly connected with the more basic concept of freedom, as Alfred R. Mele rightly observes (Mele, 2005, p. 109). Yet Kant's notion of autonomy is intertwined with the notion of duty. It seems quite paradoxical to the common contemporary way of thinking according to which the sense of duty is something that limitates our freedom. However on Kantian conception there is a perfect harmony between duty and freedom because both are intrinsically connected to rationality. According to Kant to be autonomous for a human subject means to act rationally i.e. to let one's will be fully determined by the "subjective principle" (maxim), which is a subjective representation of the universal, and thus objective, practical law (Kant, trans. 2002, *Gl*, 4:401). Autonomy is the freedom to choose what reason recognizes as the right thing to do, the freedom to allow one's will to be determined solely by the principles of practical law and not by some kind of "heteronomous" force from within or from without. Thus autonomy for the moral agent is, returning to the beginning of Kant's argument, the necessary condition for being morally good. But autonomy is not good in itself, it is the good will, the will determined by the principles of the practical law. Autonomy for Kant, at least on his argument laid in the *Groundwork*, is therefore in a certain sense instrumental. It is "only" a quality, even though the decisive one, which is supposed to characterize the process of adoption of the moral principles by the will of the agent. The will (and thus the agent) is not morally good because it is autonomous, but because it autonomously lets itself be determined exclusively by the principles of the moral law. The moral agent is good because it conforms with the principles of the moral law recognized by the practical reason.

3. AUTONOMY VS. SOVEREIGNTY OF THE MORAL AGENT

Kant's conception of autonomy outlined briefly in *Groundwork* can be interpreted as an attempt to reconcile the subjective and the objective dimension of the moral law. On this view the autonomy of the moral agent can be accorded with the existence of the objective practical law accessible to every rational being.⁴ Autonomy as an expression of freedom of the human agent is fully compatible with the notion of duty, which is defined as respect or awe for the moral law. The fact that the moral law is an objective principle seems not to upset the autonomy of the moral agent. The key to this harmony between the subjective autonomy and the objective principles, between subjective freedom and duty, is the notion of reason. Kant, however further interpretations of his moral philosophy may differ, conceives morality as a domain of reason, precisely of practical reason. Every moral argumentation in which the notion of autonomy plays an important role cannot but do the same. The question which remains open is if the principles of practical law are being somehow discovered, read by the practical reason from the reality. In this case their validity is conceded upon them, at least to some significant extent, by a reference to something that is beyond the moral subject itself. Or they are maybe being formulated more or less independently of the reality external to the moral subject, and their validation depends exclusively on the considerations and decisions of the moral agent.

Many of the modern philosophers adopted the second view considering the first to be untenable. A typical contemporary representative of this attitude is Christine M. Korsgaard. She criticizes and

4 It is clearly visible in the following footnote to the main argument of Kant's *Groundwork*: "A maxim is the *subjective* principle of the volition; the *objective* principle (i.e., that which would serve *all rational beings also subjectively as a practical principle* if reason had full control over the faculty of desire) is the practical law" (Kant, trans. 2002, *Gl*, 4:401. The italics in the quotation inserted by M.B). We find similar statement at the beginning of the Kant's Second Critique: "[Practical principles] are subjective, or *maxims*, when the condition is regarded by the subject as holding only for his will; but they are objective, or practical *laws*, when the condition is cognized as objective, that is, as holding for the will of every rational being" (Kant, trans. 2015, *KrV*, 5:19).

rejects the “substantive moral realism” (Korsgaard, 1996, pp. 35-37) as a stance impossible to be reconciled with what she calls “the metaphysics of the modern world” (Korsgaard, 1996, p. 5) or “the metaphysics of the Modern Scientific World View” (Korsgaard, 1996, p. 36). The metaphysics of the modern world, according to Korsgaard, is on one hand characterized by the death of God, or at least by the impossibility of perceiving him as the source of ethics, and on the other hand by the fact that “the real is no longer the good” (Korsgaard, 1996, p. 4). This metaphysics is a result of a long process, of a revolution that brought us to consider the world as completely neutral for moral reasoning: “For us, reality is something *hard*, something which resists reason and value, something which is recalcitrant to form” (Korsgaard, 1996, p. 4). In such a world, void of moral significance, the only possible source of morality is human nature. As a consequence moral properties are nothing else than “projections of human dispositions” (Korsgaard, 1996, p. 91). We have to impose the moral meanings upon the morally neutral world. In this sense Korsgaard represents an anti-realist position.

At the same time adopting along with Hume an anti-realist position doesn't mean for her accepting his moral anti-rationalism – a conviction that morality is rather the domain of sentiments than reason. Korsgaard seems not to intend to follow this tradition continued in the 20th century by A.J. Ayer's and C.L. Stevenson's emotivism. The term emotivism was then picked up and applied in a broader sense by A. MacIntyre in his *After Virtue* where he defines it as “the doctrine that all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character” (MacIntyre, 2007, pp. 11-12). Such position excludes the possibility of moral reasoning whatsoever and this is very clearly not what Korsgaard is aiming at. If we want to avoid the substantive moral realism without falling into emotivism we need to adopt the procedural moral realism. Procedural moral realism doesn't have to assume the existence of intrinsically normative entities impossible to reconcile with the metaphysics of the modern world. And still it doesn't give up the possibility of reasonable argument on the morally right and wrong:

As long as there is some correct or best procedure for answering moral questions, there is some way of applying the concepts of the right and the good. And as long as there is some way of applying the concepts of the right and the good we will have moral, and generally normative truth. Statements implying moral concepts will be true when those concepts are applied correctly (Korsgaard, 1996, p. 35).

On this view it makes sense to ask moral questions, because there is a way of answering them rightly – it is through finding the correct procedure for arriving to the answers for moral questions. Korsgaard believes that Kant's ethics represents procedural realism of this kind. It is embodied by his conception of autonomy. The rightness of moral action depends on the way in which the moral agent arrives to a concrete judgment in given situation. It has to be characterized by the autonomy. Nothing external – heterogenous – to the moral subject can be decisive for her in the process of moral discernment. She can't be determined neither by inclination nor by authority of any kind. It must be her own reason that recognizes a moral principle and her will that embraces it as soon as it is recognized as such. There is no point of reference outside of the moral agent in this process of disclosure of the moral law. Korsgaard calls the activity that helps us to arrive to the moral conclusions the "reflexive endorsement" and sees the autonomy of the moral agent as the source of obligation (Korsgaard, 1996, p. 91). Once again autonomy understood by her as freedom from all external determination whatsoever. She puts it clearly: "It is not the bare fact that it would be a good idea to perform a certain action that obligates us to perform it. It is the fact that we *command ourselves* to do what we find it would be a good idea to do" (Korsgaard, 1996, pp. 104-105). For her it is the moral agent himself that is the source of every obligation and especially of the moral ones.

Korsgaard's way of understanding autonomy is in a sense more radical than that of Kant. Whereas for Kant moral agent is autonomous as long as she follows what she *recognizes as principles of practical reason*, for Korsgaard she is autonomous as long as she follows *principles formulated by herself*. Therefore for Kant autonomy of the moral agent is the rule of reason, and for Korsgaard autonomy means the self-rule. This more radical conception of autonomy may be called the sovereignty of the moral agent. Both names have something to do

with the law giving. The word “autonomy” originates from Greek *autonomia* which is a noun derived from the adjective *autonomos* meaning “having its own laws,” from *autos* – “self” and *nomos* – “law” (autonomy, (n. d.), 2011). It has become popular through the ethical writings of Kant, but it has also entered the political realm where it means “self-rule,” “independence.” The word “sovereignty” has a more political connotation from the beginnings of its use. It was introduced in the writings of Jean Bodin concerning the absolutist monarchy (Bodin, 1576/1995). According to him the royal sovereignty consists in the absolute power of a monarch to enact and change laws (Turchetti, 2017). The two terms are synonymous, but when we look at their definitions in various dictionaries we see that although both have the same meaning of independence and self-rule, only sovereignty is qualified by strong adjectives like “supreme,” “unrestricted” and “complete” (Sovereignty, 2011; 2014). This impression that sovereignty represents a greater degree of independence and self-rule than autonomy is confirmed when we take a look at the contemporary usage of the both adjectives in the political science. Autonomy is used to describe a certain amount of independence and self-rule enjoyed by a regional or a local government, whereas sovereignty is rather reserved to the government of a state.

In this sense what Korsgaard proposes is rather sovereignty and not autonomy of the moral subject. Her belief that the reflective endorsement “is the source of obligation, or even of all value” gets criticized by John E. Hare (2009, p. 93). He calls this position “the creative anti-realism” since it holds that the validity of moral principles is constituted by the reflective activity of the moral subject. According to Hare it is an interpretation of Kant’s autonomy shared by some contemporary secular Kantians such as John Rawls, J.B. Schneewind and Korsgaard herself which diverges from the original Kant’s conception of autonomy. He argues, similarly to what was presented above, that Kant is a “«transcendent realist» namely someone who *believes* that there *is* something beyond the limitations of our understanding” (Hare, 2009, p. 93. Emphasis original). It means that the principles of the moral law which we are obliged to follow as the members of the kingdom of ends, that has also its king – God, are not to be first established by some kind of our reflective activity but are to be discovered as already established for every rational

being (Kant, trans. 2015, *KrV*, 5:19). Hare argues not only that creative anti-realism cannot be attributed to Kant, but he attempts to show that the Kantian ethics doesn't stand without a reference to God (Hare, 2009, pp. 114-119).

But one doesn't have to share Hare's "theonomous" view of ethics in order to have a problem with creative anti-realism. We find another critique of the sovereignty of the moral subjects in the writings of Charles Larmore. He actually believes, unlike John E. Hare, that not only contemporary Kantians like Korsgaard and Rawls but Kant himself was a creative anti-realist: "Fundamental moral principles present themselves as categorically binding, whatever our interests and desires – about this Kant was right, but it does not follow (here Kant went wrong) that their authority stems from our imposing them on ourselves" (Larmore, 2008, p. 44). It seems that the fact that he considers Kant to be creative anti-realist causes Larmore's general dislike of the concept of autonomy of the moral agent. He usually uses it in English translation as self-legislation. Even though I have doubts, like Hare would, about his interpretation of Kant as creative anti-realist, I find his critique of creative anti-realism very relevant. He rejects the "naturalistic" worldview (Korsgaard's metaphysics of the modern world) "according to which reasons for thought and action can form no part of the world itself, which viewed through the lens of the natural sciences is normatively blank" (Larmore, 2008, p. 44). It's the hold of this view that forces us either to deny the rationality of morality or to see it exclusively in ourselves. Larmore conceives the practical reason as "capacity to recognize and heed the independent validity of reasons" (Larmore, 2008, p. 44). The reasons which we find confronting us with the reality of ourselves and our life in the world. He admits that we do impose on ourselves certain moral principles and that we can speak of self-legislation provided that it "is an activity that takes place in the light of reasons that we must antecedently recognize, and whose own authority we therefore do not institute but rather find ourselves called upon to acknowledge" (Larmore, 2008, p. 44).

Of course there's an old difficulty with stating the ontological status of these reasons, of identifying their place in the fabric of reality, and Larmore is fully aware of it. He proposes a following provisional solution to this problem:

Reasons, being essentially normative in character, cannot be equated with anything in nature. But at the same time, they manifestly depend on the physical and psychological facts being as they are. Equally clearly, they depend on our having possibilities of thought and action. In this sense, reasons exist only because we do, too, though this does not mean that they amount to the significance we bestow upon those facts. That one thing counts in favor of another is a relation (a normative relation) that in general we discover, not establish (Larmore, 2008, p. 129).

So according to Larmore the reasons to which the reason in general and the practical reason as part of our rational faculty as well are not simply entities that are to be found in the world. But they exist because of our existence and because of the way we are in the world, which also depends on how this world is in itself. The principles of practical reason cannot be therefore simply seen as the sense bestowed by ourselves to the morally meaningless world, but they are always a response to the reasons which we discover in our constant dialogue with reality.

4. CONCLUSION

We've seen that autonomy of the moral subject can be interpreted radically as its sovereign power to legislate moral law. This is what happens when we accept what Kristine M. Korsgaard called the metaphysics of the modern world according to which reality is completely void of moral significance. In this situation the only way to escape the dominance of irrational powers of chaotic nature over rational human beings is the ability of reason to constitute moral meanings. But can this reason found itself and its principles on its own? Can we really impose on ourselves, the others and the world principles of practical reason sovereignly determined on our own? If we go this way won't we rather fit into the Nietzschean scheme of the *will to power* disguised as the *will to act morally* (Nietzsche, 1887/2007)?

We don't have to accept the naturalistic world view with its tendency to objectify everything even though it holds in the modernity is very big as not only Larmore (2008, p. 44), but also Charles Taylor show (2011). The nature of the human subject is highly subjective

and it's real. We cannot treat values and moral reasons as other objects in the world, as we would all agree that we cannot treat human beings. The essential part of even though highly subjective but very concrete nature of human beings is reason. Principles of reason and also principles of practical reason are nothing that we *create* on our own. We have to discover and formulate them in the constant interchange between ourselves, the others and the world. But we never start from scratch. They are transmitted to us by the generations that preceded us in the languages of different religious and philosophical traditions. of course we have to embrace them as our own seeing that they make sense thanks to the use of our own reason. But the right notion of autonomy, and I believe that this is what Kant meant by it, is not the sovereignty of the moral subject understood as power to legislate the moral law, but it is rather the sovereignty of reason and the sovereignty of the moral law over his or her arbitrariness. Such understanding of autonomy can also be reconciled with the notion of "theonomy" conceived as the stance of a person who:

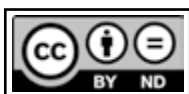
regards his moral principles as given him by God, and adheres to them partly out of love or loyalty to God, but he also prizes them for their own sakes, so that they are the principles he *would* give himself if he were giving himself a moral law (Hare, 2009, p. 115).

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