Human Nature, Social Theory and the Problem of Institutional Design

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The philosophical concept of the self has had a hard time for a long time. The scepticism that lay behind Hume's 'bundle' theory has been made manifest in 'post-philosophical' claims that the self or subject is not so much (not even) a 'something' that ties together a bundle of sense impressions, but is rather to be seen as an effect of a system of power relations, or an illusory presupposition of the relational properties of syntax.[1]

These claims have, it is often repeated, undermined if not destroyed our faith in the autonomous, moral, culpable subject. Whatever the epistemological value of these speculations, this state of affairs is not merely an affectation of deconstructive theory; for even if some serviceable conception of self and subject can be salvaged and rehabilitated, the history of modern social and political thought seems to suggest two equally problematic alternatives: either the concept of human nature takes theoretical centre-stage (as, for example, in Hobbes), or (as in Marx) it is diminished to the point of being almost undetectable. If we adopt the first alternative and establish critique on the basis of an 'up front' model of human nature we are transported directly to the Aristotelian heart of the problem of moral evaluation of the human condition: *this is what we are, this is what we deserve / this is what we must strive for, this is what is possible,* and so on. In short, *this is human nature,* ergo, *this is what is Good.*

Burying the concept of human nature (and affecting a disdain for the essentialism that the idea appears to imply) does postpone this encounter with moral absolutism, but immediately raises difficulties at

the most fundamental level of sociological explanation. Briefly, sociological explanation must in some way account for the interaction between, on the one hand, 'history' and 'society' (social structure) and, on the other 'the individual'. A great deal of effort has gone into accounting for the nature of the 'social structure' or 'history', but the more we have been told about how history and society evolves, the less it seems we know about the properties and attributes of the human condition that makes social evolution possible.

Metaphysics and Method.

The tremendous difficulties involved in framing a viable conception of a social subject stem from the phenomenologically unavoidable assumption that the individual is not merely a *product* of history and society, but a *creator* of history and society in the sense that the human will is active in this respect. This dualism is, of course, the source of Kant's mystification at the very thought of what kind of a natural thing could constitute an *autonomous* will: what we wish to know and what we shall never know, says Kant, is the *origin* of this spontaneity.[2] We must agree that it would be unwise to attempt to plumb these transcendent depths. But, from the point of view of a serviceable social (and thus legal and political) theory we do need to become rather more candid about our methodological and theoretical deficiencies and ambiguities.

There are four such that must be mentioned; first, we need to distinguish, and give criteria for, free as opposed to unfree actions; secondly, in social science, we need to be aware of what is involved and presupposed by the aspiration to speak *critically* of structure and especially of ideologies – Marx's problem of false consciousness is, of course, a paradigm case for concern, but certainly not the only example; thirdly, in terms of legal and political theory, we need to establish the criteria by which we can evaluate the practical reasonableness of a particular institutionalisation of Right and thus explain the nature and scope of obligations that flow from this civil condition; fourthly, from the point of view of social policy and institutional design, we need to

develop the basis for a moral anthropology that would allow us to discuss the ways in which we might achieve the conditions that would give individual selves their best chance of development.

A Case of Neglect

If social theory is an attempt to understand the relationship between social institutions and the human personality, we might expect to find a vast repository of research and writing that explores, or at least anticipates, a synthesis between a model of the self and a model of society. But instead of finding a tendency towards the natural integration of these inquiries, compartmentalisation persists, and obstacles are and have been placed directly in the path of progress in this regard. One is the Durkheimian methodological precept that sociological effects must be explained by sociological causes, and that backsliding from this precept of method (which, we can note with some significance, usually appears as backsliding in the direction of *psychological* explanation) imperils the very foundation of the ontology of social theory: the axiom that society is an object *sui generis*.[3] There is something very similar in Marx where the pure or 'scientific' historical method of the later Marx repudiates the anthropological essentialism of the earlier Marx.[4] The idea seems to be that structural sociology must be self-sufficient and any concession to some causal properties residing elsewhere (in 'human nature', 'character', or in the 'species-being' and so on), weakens the scientific credentials of the theory.

There is, however, a very general point to be made here: we need a model of the individual that coherently posits action and reaction on the basis of some motivational properties within the structural context. For an interaction between structure and individual occurs only on the basis of a set of structural properties being brought into contact with a set of individual properties or attributes. We cannot attribute causal properties to the environment and a complete blank slate of inertia to the individual. Thus assuming some knowledge of *structural* properties, the question centres upon the specific properties of the individual: *how* and *why* does the individual react to the environment?

The *how* is explained by the attribution of a cognitive practical consciousness and physical capacities for action. The *why* rests upon assumptions made about motivation in general: needs, wants, perceptions of interest, and judgments about the rationality of appropriate means to the achievement and protection of those interests. Filling in the *why* part of this equation is equivalent to coming up with a comprehensive account of human nature. Needs, wants and interests are, of course, subject to perhaps constant change, and we must thus accept that human nature is not, therefore, fixed or historically immutable. But an historically *dynamic* conception of human nature, sensitive to this point, need not be a *relativistic* conception, on the contrary, an historically dynamic conception must posit or discover something *essential* about that nature.

The other obstacle is that what passes for modern psychology appears to have abandoned the quest for what seems to be a pre-requisite for an account of the human personality, namely, a theory of the human *psyche*. This state of affairs arises for many reasons: the rise of positivism, the aversion to destructive and irrational romanticisms, the promise of real progress in the development of Artificial Intelligence, and not least the fear of descending into the abyss of theological and *mythological* issues that, nevertheless, are unavoidable and central to this profoundly complex subject. Whatever the details, the point of departure for all concerned is to set about the task of developing an appropriate philosophical anthropology that aspires to a genuine integration of the sociological and the psychological. Thus given that there might be some agreement that there has been considerable neglect in this area, we might start with three simple questions: 'what is a theory of human nature a theory *of*?' 'Why haven't we got one?' and 'Why do we need one?'

A response to the first question, which is more or less sound but not immediately helpful, is, as suggested earlier, that it is an attempt to offer a fundamental account of the motivational core of the human condition. From here we might go on to talk about this motivational core (perhaps ambiguously) in terms of 'the self', 'self-consciousness',

'the sub-conscious' or 'the unconscious', 'the psyche', 'the personality', or of a variety of 'drives' (rational, biological and/or spiritual); or perhaps as Susan James has reminded us, in the 17th Century terms of 'the emotions' or 'the passions' conceived as 'those aspects of the soul' that ultimately determine and explain our behaviour from an understanding of what we really are, or what we can become.[5] These suggestions, however, raise a subsidiary set of more familiar philosophical problems: the problem of freedom or autonomy as opposed to determinism; the scope of prudence, practical rationality, moral rationality, and, of course, *all* of these in relation to each other *and* in relation to society or 'history' and institutions.

If we pick any one topic from either set of questions we can expand and ramify the area of inquiry into complex combinations and permutations of the problem. Does, for example, the notion of prudence cash out as a rationality of self-interest? Does self-interest mean mere appetite, or does self-interest begin from self-knowledge and move to some harmonious set of aspirations consistent with this self-knowledge? Does self-knowledge imply a set of obligations that relate to the interests of others, and might these other-regarding interests be taken into account as a matter of duty to one's own *long term* interests? What does 'long term' mean? Does it mean until death, or after it; and is death and its possible aftermath (and, its consequences for living morality) part of a self-understanding of one's own nature and human nature in general? Does knowing what one wants *after* self-knowledge mean transforming appetites into rational and autonomous goals and projects? Does self-knowledge mean knowing what it is to be a self in particular, or what it is to be human in general? This is already becoming dauntingly complex, and it could get worse. Here is what the excellent electronic resource of *The Human Nature Review* (directed by Ian Pitchford and Robert M Young) has to say about the problem:[6]

> Our goal is to bring into communication the variety of approaches to the understanding of human nature which have a regrettable tendency to be less in touch with one another than they might. We make welcome writings and discussions on

> anthropology, archaeology, artificial intelligence, behaviour genetics, cognitive science, developmental psychology, economics, ethology, evolutionary biology, evolutionary psychology, genetics, law, linguistics, neuropsychology, neuroscience, palaeoanthropology, philosophy, politics, primatology, psychiatry, psychology, psychotherapy, sociology, sociobiology, and debates about them; history, philosophy and social studies in the human sciences; Darwinian scholarship; hermeneutics; *verstehen;* biography and autobiography; psychoanalytic and psychodynamic approaches and so on.

The passage finishes with the inevitable disclaimer:

> This list of topics and disciplines is meant to be suggestive, not exhaustive.

There is, of course something slightly ridiculous about this avalanche of disciplines, but the complexity and multi-disciplinarity of the subject matter *is* genuinely demoralising and disturbing. For it would be difficult to deny that all and any of the activities mentioned above are relevant and important to what we might coherently, despite the ambiguity, wish to intend by the phrase 'human nature'. Our brief reflections thus function better as a response not to the question of 'What is a theory of human nature a theory *of*', but rather, to the question "Why haven't we got one?'; the answer quite clearly being: 'Because it's too complicated to frame as an object of coherent inquiry'. How might we respond to this?

The third question: '*Why do we need one?*' gives us an option, and might rescue the project from the spiralling complexity we have just encountered. Our suggestion is that we might escape the overwhelming appearance of the problem we face and discover what the central requirements of a serviceable theory of human nature are by inspecting the explanatory gaps, implications and often, apparent paradoxes in the theoretical models and assumptions on which we are forced to rely in the social and political sciences. Let us examine three familiar, albeit complex and contentious issues in social, political and jurisprudential thought that might serve as illustrations of the approach: the idea of

the social contract; the classical sociological problem of accounting for a nexus between structure and individual behaviour, and the problem of articulating a concept of human freedom.

Social Contract Theory

Here we have the enduring and sensible idea that authority is to be distinguished from brute force on the basis that the former stems from the consent of the people, and that its exercise should be directed to their well-being. The concept of human nature is central to this discourse[7] and articulates some familiar contradictions: one is the paradox in the general notion of 'being objective' about our natural inadequacies, vices and limitations; the other, famously, surfaces in the debate about whether attributes of 'human nature' are universally innate or whether they are socially determined. The view that certain vices are innate in our natures informs what is widely interpreted as the pessimistic absolutism of Hobbes, whereas the optimistic account of man's naturally co-operative nature seems to support the participatory and democratic constitutionalism more readily associated with Locke and Rousseau. This is an example of being presented with what G.D.H. Cole referred to as 'the social contract formula'.[8]

Broadly speaking, in Hobbes, legitimate civil order is explained as a means to the end of self-preservation. In his model of the self, the emphasis is on what are alleged to be the *naturally* definitive human attributes of insecurity, vulnerability and anxiety made manifest in the perilous, brutal and conflictual condition of human association. Prudential reason, according to Hobbes, tells us that merely for our individual self-preservation we must seek peace and the possibility of a form of association beyond the continual fear of violent death; only the institutionalisation of a sovereign law-giver to whom allegiance and complete obedience is due can secure this condition for us. This 'absolutist' model is traditionally contrasted with the 'constitutional', and *necessarily* democratic and participatory alternatives that, true to 'the formula', turn upon different 'variables': the assumptions of more sanguine conceptions of human nature alleged to be found in Locke's and

Rousseau's versions of the contract model. The point to be made is that, in this way, notoriously, an anthropological model of human nature can theorise us all into, or out of, any hope of constitutional rights. Let us bear this in mind as we move to the second illustration.

The Nexus Between Structure and Behaviour

Social Theory in its classical phase achieved an immense amount. Durkheim's account focused upon what, precisely, we refer to when we speak of 'society', and his analysis led us to an understanding of the social structure as a dynamic and evolutionary set of institutions that provide the immediate and crucial environment for the development of the individual. His work in *Suicide*, for example, showed that the social structure pervades our most intimate, private and 'free' decisions. He showed (at least statistically, and for the sake of argument) that there was an inverse relation between social integration and the rate of suicide. When asked how this structural attribute of the system became translated and manifest in real, existential distress and ultimately self-destructive action, his response ironically, was to posit a metaphysical basis for his entire anti-metaphysical, structural account. Alex Inkeles provides the invaluable reminder that:

> To the question of how the origin of suicide could lie in the degree of integration of a social structure, [Durkheim] replied by referring to man's 'psychological constitution' which, he said, 'needs an object transcending it'. This object is lacking in the weakly integrated society...[9]

Marx, of course, had his own version of the human *raison d'être* that appears less self-consciously in his earlier writings than in the austere volumes of *Das Kapital*. The 'species-being' of which Marx speaks might be described in terms of an emancipatory *telos* driven by the dialectical energy produced in the process of the alienation of Man's creative and productive essence; or it might be rendered less romantically in terms of the arithmetical injustices of the extraction of 'surplus value'. But when economic determinism and emancipation are whisked together with claims about men 'making their own history, but

not in conditions of their own choosing' we are still stuck with the familiar conundrum. Put simply, employing as we must, the *concept* of structure in social theory and explanation, we are obliged to account for a causal nexus, and, even though we need not espouse blanket determinism in social theory, this causal nexus must take the form of a model of the motivational profile of the human being in response to structural forces. Here then, is a common-sensically flexible ('bit of both') response to the sociological version of the Hobbes/Rousseau impasse. Let us move a little further into abstraction.

The Concept of Freedom

Mill's harm principle gave us a stubborn model of freedom, and Rawls, notwithstanding the complexity of the debate concerning the possibility of 'rational choice' among incommensurable conceptions of the Good, compounded it to the point where nowadays the maxim of prioritising 'the Right over the Good' is taken to mean that the only source of human value stems from, and probably consists *in*, the freedom of individuals to choose But is this a freedom, as an individual framer of ends, to be utterly devoted to choices that have merely the illusion of ethical and moral significance, and to demand respect for ourselves because of this tragic commitment?[10]

In our view, and particularly in the context of the attempt to achieve a methodological synthesis in the social, political and legal sciences, there is perhaps no more lucid expression of the problem we have inherited than that articulated by Lon L. Fuller. In a recently re-discovered series of lectures brought to us by Kenneth Winston,[11] Fuller recalls his unease with his own and the wider reception of J.S.Mill's *On Liberty* and the change from 'affirmative' ideas of freedom to purely 'negative' conceptions,[12] the latter denoting freedom *from* constraint. His dissatisfaction with this account and his concern to develop an alternative is henceforth placed at the heart of his sociological jurisprudence. Fuller says,

> …there has been a gradual shift in meaning, so that to be free
> now means primarily to be *unfettered*, I believe this is due to an

> increasing – and I believe, dangerous – tendency to take for
> granted the facilities offered by an organised and functioning
> society, and to take for granted the forms of participation that
> society accords to us. We can say, I believe, that the original
> meaning of freedom was an *affirmative* one.

Fuller asks whether we can continue with political philosophy without incorporating into our discourses the background idea of the need for freedom as *a sine qua non* of personal and social development *within* society. In other words, Fuller is suggesting that we must reaffirm that to be free is to be enfranchised, involved, and responsible. Freedom is a *means* by which we might come to an awareness of self through engaging in life, and this engagement is about creating and shaping relationships with the world, and with others, and in forging some stable and reciprocal intersubjective recognition of the value and function of these relations. This, we can say, is what is meant by institution building in its most fundamental sense: creating the conditions under which this self exploration through the exercise of freedom can take place.

This way of thinking does seem to offer an insight into the solution to the problem that Fuller formulates clearly and attempts to resolve in the essay referred to above, namely, if normative institutions are to be seen as means to valued ends, how can we, in the absence of dogmatic assurances about what constitutes rational ends, claim to have insight into what might constitute appropriate *means* to these ends? The benefits of this modification of the concept of freedom are thus twofold.

First, the bonus for legal theorists (concerned primarily with explicating a concept of law in relation to the central jurisprudential divide between Natural Law theory and Legal Positivism)[13] is to be given an insight into what Fuller could have meant by his reference to 'the internal morality of law'.[14] This morality (that we might now see as arising from our aspirations to freedom) is embedded in the mechanism of the evolution of formal legal processes from informal ones. In short, it seems that for Fuller, the *essential* aim of the legal enterprise is the practically reasonable supervision and development of the codified or

customary procedures by which the institutional commitment to *affirmative* freedom is regulated and co-ordinated.

Secondly, the notion of affirmative freedom offers a much needed solution to the 'social contract' problem arising from an 'objective' model of human nature – that of theorising ourselves out of constitutional options - in that it does not oblige us merely to acknowledge a static analysis of what we are and accept the consequences; rather, we can fashion institutional relations geared to the exploration of what we *are* and perhaps the discovery of what we can *become.*

In the light of these observations two important but neglected ideas can contribute to interdisciplinary progress in this area. The first is Kant's distinction between 'autonomous' and 'heteronomous' freedom. This idea immediately suggests a duality of modes of social action with which we are intuitively familiar yet about which we remain methodologically sceptical and equivocal. On the one hand, we have the pristine idea of autonomous action: conscious moral and culpable freedom. On the other, we have the idea of the heteronomy of the external and coercive presence of 'society' permeating our lives, thoughts and actions. The implications for understanding autonomous and heteronomous aspects of *individual social action* should, therefore, be seen as vital to the understanding of the nature of sociological explanation. Let us remember that explanation in the social sciences must emerge from two unavoidable but apparently incompatible premisses: first, the Durkheimian recognition that the concept of social structure implies the idea of society as *a causal environment*, and secondly, as Weber insists is the point of departure for modern social theory, that social action is 'meaningful' in the sense that it must be seen as an aspect of 'the rational', not simply part of the continuum of 'the natural'. In respect of our cognitive interests, therefore, social action is not merely a natural product of 'nomological' causality, but becomes explicable because we *impute* purpose to it.

The second is the corpus of work on social structure and character formation produced by Erich Fromm. Fromm's analysis of character

types functions as the basis of a philosophical anthropology that provides what we have argued is the crucial nexus between structure and action. Our suggestion is that the Kantian analysis of freedom offers a direct link with a theory of institutions and ideology by showing that *heteronomous* freedom can be compatible with structural determinism, and that when heteronomous freedom is interpreted in the light of the concept of 'social character' we might arrive at a sociological model that can explain why choices – good and bad ones - *can* be made, and why 'better' institutions can increase the individual and thus collective take-up of 'better' options.

Kant: 'Autonomous' and 'Heteronomous' Freedom

How can we acknowledge the ubiquity of causality and yet regard ourselves as free? This is the essence of Kant's Third Antinomy. In *Religion Within the Limits of Reason Alone* Kant presents a philosophical anthropology in response to the question whether human beings are radically good or bad. His chapter, entitled "On the Nature of Radical Evil" begins with the uncontentious observation that our experience should incline us to the middle ground in this debate, or that we might conclude that man is as much the one as the other: partly good, partly bad. But this gentle commonplace introduces an insight into the logical limits of our knowledge and judgment in this regard.

Kant begins by demonstrating the non-empirical nature of human good and evil, not, as we might think, from the status of actions that are performed contrary to what he famously assumes to be objective and universally valid moral precepts, but - quite independently of the issue of the relativity or objectivity of morals - from the impossibility of observing a man's *maxims* for action:

> In order to call a man evil it would have to be possible *a priori* to infer from several evil acts done with consciousness of their evil, or from one such act, an underlying evil maxim; and further from this maxim to infer the presence in the agent of an underlying common ground, itself a maxim, of all particular morally- evil maxims.[15]

This follows first from the transcendental deductions Kant makes about the possibility of freedom, i.e. the idea of making sense of the possibility of imputing an action to an agent that has an explanation other than in the infinite regress of natural or material causation; and secondly, from the less obvious insight that, just as any particular morally good action flows *freely* from its coherence with a fundamental principle of good ('The Categorical Imperative') evil actions (i.e., not simply accidents or causally determined actions with evil consequences or aspects) similarly must flow from *freely chosen* principles (maxims) of evil. Thus in Kant's analysis of the propensities of our nature, we are introduced to the rather complex range of free, as opposed to naturally determined, action subsumed under the *general* heads of 'the moral', 'the rational', 'free' and 'spontaneous'.[16]

> ...let it be noted that by 'nature of man' we here intend only the subjective ground of the exercise (under objective moral laws) of man's freedom in general; this ground - whatever is its character - is the necessary antecedent of every act apparent to the senses. But this subjective ground, again, must itself always be an expression of freedom (for otherwise the use or abuse of man's power of choice in respect of the moral law could not be imputed to him nor could the good or bad in him be called moral). Hence the source of evil cannot lie in an object determining the will through inclination, nor yet in a natural impulse; it can lie only in a rule made by the will for the use of its freedom, that is, in a maxim.

Kant does not, then, allow the causal inputs of, for example, physical appetites, to be explained as natural, deterministic causes of evil, but rather, regards the indulgence of an appetite contrary to the moral law (i.e., contrary to the maxim of the Categorical Imperative) as an act that is in general 'rational' and 'free' (i.e. the product of some subjective activity falling within the ambit of moral scrutiny and imputation), but, in this case, *heteronomous,* that is, *free* action according to a maxim contrary to the moral law. Rational, free action that is to be regarded as *autonomous* is, of course, similarly opposed to natural determination and is willed on the basis of a maxim, yet that maxim proceeds from, and is consonant with, the universal validity of the Categorical Imperative.

The issue, that Kant says is of great importance, is that:

> ...freedom of the will is of a wholly unique nature in that an incentive can determine the will to an action only in so far as the individual has incorporated it into his maxim (has made it the general rule in accordance with which he will conduct himself); only thus can an incentive, whatever it may be, co-exist with the absolute spontaneity of the will (i.e. freedom). But the moral law, in the judgment of reason, is in itself an incentive, and whoever makes it his maxim is *morally* good. If, now, this law does not determine a person's will in the case of an action which has reference to the law, an incentive contrary to it must influence his choice, and since, by hypothesis, this can only happen when a man adopts this incentive (and thereby the deviation from the moral law) into his maxim (in which case he is an evil man) it follows that his disposition in respect to the moral law is never indifferent, never neither good nor evil.[17]

This is a pivotal moment in Kant's ethical theology. Whereas in the second Critique a dichotomy between heteronomy and autonomy is built on the distinction between sensuous appetite and moral reason as incentives to the will, this later probing in *The Religion* reveals a complexity: if we accept that the moral law resides within us, it is then, a permanent incentive to our will, but so too are our sensuous appetites. It is not that allowing sensuous appetite to operate as the incentive to the will is evil and following the moral law is good, rather says Kant, it is the adoption of a maxim that *subordinates* the moral law to the sensuous incentive which should be regarded as an evil act. Kant says:[18]

> Now if a *propensity* to this [i.e., to the inversion of the ethical order of the incentives] does lie in human nature, there is in man a natural propensity to evil; and since this propensity must in the end be sought in a will which is free, and can therefore be imputed, it is morally evil. This evil is *radical*, because it corrupts the ground of all maxims, it is moreover, as a natural propensity, *inextirpable* by human powers, since extirpation could occur only through good maxims, and cannot take place when the ultimate subjective ground of all maxims is postulated as corrupt;

> yet at the same time it must be possible to *overcome* it, since it is found in man, a being whose actions are free.

We are free when we act in accordance with the moral law (we are *autonomous* rational beings in this sense), yet *also free* when we consciously subordinate the moral law to our appetites. Evil is the *imputation* of the heteronomously *free* adoption of immoral maxims. Kant thus asks, how has this propensity insinuated itself in our nature and how is it to be overcome? From this theological perspective Kant supplies a suitably theological answer: it requires not just a 'change of heart', but a 'rebirth';[19] it must be effected by a *revolution* in man's disposition. But how can a man bring about this revolution by his own powers?[20] Duty, says Kant, bids us to do this, and duty demands nothing of us that we cannot do.[21]

There is no reconciliation possible here except by saying that man is under the necessity of, and is therefore capable of, a revolution in his cast of mind, but only of a gradual reform in his sensuous nature (which places obstacles in the way of the former). That is, if a man reverses by a single unchangeable decision that highest ground of his maxims whereby he was an evil man...he is...susceptible to goodness, but only in continual labour and growth is he a good man.

Social Theory

In the light of this discussion the move from the theological to the sociological is not so abrupt. Our suggestion is that, methodologically speaking, with an ontology of the self in place that includes this duality of freedom and an account of the inherent frailty of the human condition, we might begin to think of the 'hegemonic' character of a social system as a repository of values that, given certain processes of socialisation and channelling, might encourage the adoption of certain maxims. This is hardly a novel suggestion. In fact, it is an extremely plausible and well-subscribed view. The role of an ethical theory allied to, or integral with, this sociological approach would be to seek to provide the criterion by which such institutional processes were evaluated in terms of their contribution to personal growth and autonomy. This

latter suggestion, admittedly, meets with less enthusiasm, but this should not undermine the point that such a criterion is radically indispensable if we are to aspire to a *critical* social science. If this aspiration might for a moment be assimilated to a more general form of *hope* then we can see why Kant's fundamental questions are not only theologically, but ethically and *sociologically,* of great importance. What Kant teaches us is not that Reason guarantees our critical autonomy, rather, it appears to place antinomical obstacles directly in our path to such assurances. Navigating these obstacles does show us, however, that the substantive quest of moral philosophy – the rational justification of a supreme moral principle - is radically different from the philosophical-anthropological task of reconciling the idea of human freedom with structural determinism. It is also clear that these tasks are separate from the inquiry that analyses not only the curious *capacity* of the will to *choose* to deviate from what, subjectively, it might acknowledge as rational principles of action, but also, as requires little demonstration, its perennial *tendency* to so deviate.

In assembling such a methodological jig-saw puzzle we can at least see where and how ethical criteria might operate in relation to social theory and philosophical anthropology (i.e., a genuine psychology). If something like the Categorical Imperative, (and we have argued jointly and severally over the past 20 years for the adoption of Gewirth's argument for the Principle of Generic Consistency)[22] could be brought to bear on the problem, it would function simultaneously as *the* critical component of a social theory of interests and thus of institutional power. From the standpoint of the individual, cognisance of a categorical imperative does not allow us to transcend the determined context of history and the social structure (or our biology). This context is, as Durkheim tells us, the inescapably coercive and external environment in which social action takes place and only through which it can have communicable meaning. Rather, and to employ Gewirthian language, for the *prospective purposive agent* [23] it functions, as Kant says, as a moral compass. Such an aid to orientation seems indispensable to individuals if, as it appears, they have little option but to travel a route that, according to their natures, must vacillate between heteronomous and

autonomous self-actualisation.

Acknowledgment of this complex interplay between freedom and determinism is of the utmost importance. If we are to develop a model of the human will suitable for a morally critical social and political science that gives full expression to the *explanatory* dimensions of locating the individual within history and structure, both freedom *and* some account of the possibility of deterministic character formation and development must be possible. The heuristics of Kant's analysis of *heteronomous freedom* combined with the conceptual model of the mechanism of character formation offers a *coherent* explanatory link between, for example, Marx's structural theory of ideology that suggests that socio-economic conditions translate into internalized values appropriate to the maintenance and reproduction of the exploitative and competitive conditions of a capitalist economy; or Durkheim's structural account of the link between social integration and individual pathology, or indeed any attempt to link structural processes *causally* with individual moral phenomena.

Erich Fromm: The Idea of Social Character

The resonances in our foregoing discussions with Fromm's humanistic psychology and social theory are profound. His psychoanalytical work is a critique of the reductionism and physicalism operating in Freud's account of subconscious motivations. The enduring aim of his considerable output was to try to explain in a social-scientific way why the spiritual, as opposed to the sexual, significance of the Oedipal tie is the key to understanding the obstacles that block autonomous individual growth. Revised on this basis, psychoanalysis, Fromm argues, can assist us in identifying and modifying the behaviours, attitudes and relationships implicated in the individual and collective struggle towards personal and ethical responsibility. Fromm's explanation of the nature of the human condition requires us to contemplate a daunting task of synthesis: from mythopoeic reflection to a recognisably systematised process of ethical and sociological concept formation. There is, in principle, no objection to this meeting of the mythic and the analytical if it can be shown that the mythic is a proto-scientific expression of

the attempt to theorise the psyche and the social structure. A fascinating but unwise opportunity for lengthy digression presents itself at this point. We shall resist it without, however, wishing to conceal the fact that our defence of Fromm *is* based on our view that he offers a much better interpretation of an Oedipal *myth* than does Freud. One might reiterate the point made earlier that the mythopoeic associations of the most productive accounts of human nature might explain why contemporary psychologies and political theory have effectively abandoned the problem.

Fromm's arguments start from the historical acknowledgment that far from witnessing the progress of mankind to a more rational, cooperative state consonant with its technological progress, we have instead seen the contradictory processes of economic development create social and political turmoil and dislocation, and far from securing peace and the eradication of poverty, we see conflict and atrocity. We witness systematic brutality and human catastrophe requiring no elaboration here other than to say that the attempt to explain the scale of human depravity by reduction to some single economic or environmental factor, is implausible. A synthesis of the structural, the moral (or rational) and the spiritual is required to comprehend these pathologies.

Fromm suggests we take stock of the simple facts of the human condition: we are biological beings with considerable limitations in comparison with other animals. A human infant is not only helpless at birth but this vulnerability lasts for years. We have little physical strength, stamina or endurance compared to domestic animals, insects or predatory mammals. Yet as a species we are, in many respects highly successful. We have little or no *instinctual* capacity for adaptation, but an inordinate amount of intellectual ability to fathom imaginative ways of securing our continued subsistence. Fromm sees this as a fundamental characteristic of the species: the inverse relationship between our instinctual nature and our adaptive capacities. This highly developed consciousness is not merely quantitatively superior to the rest of the animal world, it is qualitatively different in a most profound way. The

conscious awareness and imaginative capabilities we possess separate us from the most impressively intelligent animal species. We have an awareness of self identity, individual identity and the conscious awareness of danger and the possibility of the imminence, and certainty of our eventual, death.

This much is uncontentious either in philosophy, biology, social theory or even competing schools of psychoanalysis. But Fromm's insight is to conceive of consciousness *per se* as a *problem* - not merely a cognitive-practical capacity to be described, nor merely a complex of mechanical drives to be systematised, but as the locus of a spiritual and emotional struggle between, on the one hand, a potentially autonomous, life-affirming force for progress and personal and collective integrity – what he describes as a *productive* orientation – and, on the other, the *non-productive*, life-denying degradation of the spirit offered by the 'escape from freedom'.

The Frommian approach sees the logical dilemma of conceptualising human nature in its apparently contradictory manifestations by first showing why a 'Hobbesian' pessimism is well-founded, not only in our experience of history, but as a conceptual result of the analysis of consciousness *per se.* The existential problem of the conscious individual is that he is *conscious of,* not a *part of* the world; conscious of others but forever separate from them. The fundamental requirement of conscious survival is to forge relations with the world and with others. This can be done in many ways – productive or otherwise. Pessimism or optimism in the account of human nature is not, then, precisely defined in terms of whether we accept that the *natural and automatic* tendencies of the individual involve a rejection of conscious responsibility and an acceptance of *necrophilic* (regressive and life-denying) responses to the existential problem. Rather, pessimism is more accurately understood as accepting the naturalness and *inevitably* of this life-denying tendency. A defensible optimism seems to start from an acknowledgment that death (and its analogues in human destructiveness) present a broad and accessible route out of the existential distress of consciousness, and that love, creativity, sociability and autonomy

present an arduous and perhaps lonely route to growth and integrity.

Either way, we must face the fact that, on an interpersonal level, failure to develop productive, life affirming potentials takes the form of infatuation or fixation without integrity. Throughout his writings relationships springing from this lack of integrity are characterised as sadistic/masochistic or submissive/dominant relations of co-dependence, leading to heartbreak and disillusionment. On a larger scale we see the recurrent themes of transcendence mirrored in the persistence and influence of forms of social organisation that, in what Fromm calls *non-productive* orientations to the symbols and imperatives of nation, race, church, family and state, offer the individual the chance to abrogate responsibility in an act of complete surrender to all-embracing institutions.

The model of human nature and social structure that Fromm employs is accessibly presented in the first chapter of his book, *The Sane Society*,[24] and perhaps even more concisely in his letter to Dobrenkov of 1941. In this he says:

> My own concept of the nature or essence of man…is that it is characterized by two factors: instinctive determination has reached a minimum, and brain development an optimum. The change in quantity of both factors is transformed into a change in quality, and the particular contradiction between the lack of instinct and brain power is that point in animal evolution at which man *qua* man emerges as a new species. Man as man by virtue of this particular constellation is unique in animal development, and for the first time "life becomes aware of itself "… From there I take the second step: the contradiction inherent in man's existence requires a solution. Man could not live, act and remain sane, unless he can succeed in satisfying certain necessities which are the psychological concomitants of the biological essence of man. He needs to be related to other human beings. He needs to have a frame of orientation [and an object of devotion] which permits him to place himself at a certain point on an ordered picture of the universe. He needs to have a character structure (in the dynamic sense) which is a substitute for instincts inasmuch as it permits him to act semi-automatically, without having to make a decision before every action, and to

act consistently. These general human necessities constitute, in our view, human nature in its psychological aspect as a result of its biological contradiction.[25]

He goes on to explain the link between personality and society:

> This concept of human nature and its necessity does not imply which *particular* kind of frame of orientation…and which *particular* kind of character traits an individual or a group has. These are all created within the historical process, as adaptations to the particular social structure in which individuals live. One social structure will be conducive to cooperation and solidarity another social structure to competition, suspiciousness, avarice; another to child-like receptiveness, another to destructive aggressiveness. All empirical forms or human needs and drives have to be understood as results of the social practice…but they all have to fulfil the functions which are inherent in man's nature in general, and that is to permit him to relate himself to others and share a common frame of reference…

He ends this passage with a remark reminiscent of Kant's view[26] of the dynamic of conflict underpinning the creation of civil societies:

> The existential contradiction within man (to which I would now add also the contradiction between limitations which reality imposes on his life, and the virtually limitless imagination which his brain permits him to follow) is what I believe to be one of the motives of psychological and social dynamics. Man can never stand still. He must find solutions to this contradiction, and ever better solutions to the extent to which reality enables him…The question then arises whether there is an optimal solution which can be inferred from man's nature, and which constitutes a *potential* tendency in man.

The Basic Character Frames

Character structures are the frames of orientation and devotion that, according to Fromm, replace our instinctual dispositions. This notion is a sociologically and ethically sophisticated rework of the idea of character typology first suggested by Freud. Fromm starts from the idea of the individual presented with the problem of consciousness of the world and the task of relating both to things and persons. The

oppositions lately noted of 'productive' and 'non-productive' provide an axis on which to locate the ethical orientations of character structure. In what follows we offer a very general, and what is intended to be an uncontentious, overview of Fromm's ideas that might serve as a basis for further discussion about the principles of method and ontology. Thus, although we see no immediate objection to their validity and broad utility, we do not expect acceptance of the details and specific orientations and typologies that Fromm presents. They should be seen, however, as illustrations supporting our contention that social and political science requires a theory of character structure.

Fromm chooses to speak of 'receptive', 'exploitative', and 'hoarding' character structures. All of these are indispensable frames of orientation to action in the sense that we must be receptive to what the world might offer us, we must seek to *take* or fashion from it what is required for our subsistence and well-being, and we must, in the sense of a fundamental notion of property or a wherewithal to establish ourselves as viable agents within it, preserve or lay by that which is essential to this project. We might note that he also introduces the idea of the recent historical emergence of a 'marketing' character structure, that he presents again as a necessary set of dispositions and motivations seen as indispensable to our physical and emotional viability in the intensely commodified social relations of production of advanced, and now corporate and globalised, capitalism.[27]

If we accept that all individuals are to some extent and in some degree a 'blend' of all three character traits, the receptive, exploitative and hoarding orientations, and accept that there might be a wide range of behavioural expression of these traits approximating to the existential extremes of productive, as opposed to non-productive, inputs of behavioural energy channelled into and through them, and further consider that these expressions of character might be affected by social and historical circumstances, we might fill in a large methodological gap in our attempt to theorise what we have referred to as 'the nexus between (social) structure and personality'. A person thus might express both receptive and exploitative aspects of character in a pro-

ductive way by, for example, being open to ideas or advice and keen to make the best of scarce resources. The hoarding aspect of a person's nature might be similarly productive in that rather than squander or waste the fruits of his or her labour, he or she might soberly contemplate the likelihood of leaner times in the future and consume what might be available at present in a cautious and temperate fashion. The *non-productive* expression of these basic and generic traits, however, might, with little imagination required, be seen as a refusal to help oneself or an unreasoned demand that others provide for one; that the labour of others might be plundered opportunistically and that everything, once acquired, be locked away and hoarded – i.e., *never put to use.* The general idea of 'productive' versus 'non-productive' orientations is thus, for the sake of exposition, perfectly clear.

Conclusion: Kant, Fromm and the Implications for Method

What we have tried to do in this paper is give an account of the vital and potentially coherent role that a theory of human nature can play within what we might comprehensively refer to as modern social theory. In this we include modern political philosophy and legal theory. The account of heteronomous freedom prefigures and clarifies much that was later incorporated into the idea of *verstehen* developed by Weber and, methodologically, is best summarised in Weberian terms. Sociologically, the genuine core of 'neo-Kantian' thinking begins from a systematic examination of what is implied by taking the decision to distinguish 'the rational' (i.e., action to which reason or purpose can be imputed), from the '*non*-rational' (i.e., nomologically ordered, natural phenomena). Where such imputation is made, our subject matter becomes that of social action and our cognitive interests demand a form of explanation appropriate to it (i.e., a 'meaningful' or 'interpretative' explanation as opposed to a nomological or 'covering law' account).[28] We hope to have shown thus that this aspect of the transcendental philosophy should be seen as a methodological device to allow us to proceed in social theory, not a metaphysical attempt to explain or exalt the mysterious origin of the spontaneous will.

With Fromm, we have the opportunity to introduce a scheme of orientation to social action by way of the notion of character structure. This allows ideal-typical modelling of individual and institutional behaviour on the basis of 'productive' *versus* 'non-productive' behaviour, the 'productive' here serving as the criterion of rational (autonomous and free) as opposed to *irrational* (heteronomous and free) social action. In this scheme the simultaneous co-existence of both autonomous and critical thought and action on the one hand, and institutionally or structurally determined actions on the other, synchronically and diachronically, within individuals, and within groups or classes, can be seen to be coherent and plausible possibilities. Not least, proponents of structural theories and policy makers informed by such theory should grasp this opportunity to defend first, the logical coherence of the very idea that structural phenomena translates causally into patterned individual and group behaviour; and secondly, be less reticent about responding to the logical scandal that *most* individuals subject to alleged structural processes of cause and effect do not behave according to the theory.

An important example (offered merely as a concluding illustration of the methodological significance of the foregoing reflections) is the thesis that a causal relationship exists between economic inequality (implying *relative* conceptions of poverty), and the incidence of crime (and/or violent or anti-social behaviour). Why do most individuals subject to the forces of inequality and poverty *not* behave criminally or antisocially? The answer is either that the theory is not true, or, if it is true, then it must be the case that where the (structural) causal properties remain constant, the individuals *unaffected* by them must in some significant way be different from the ones that *are* affected. This problem, of course, merely becomes one place removed if we interpose the idea that the social structure does not operate directly on the individual, but creates socialising cultures that do.

It might be said that this objection trades on an equivocation in that the nature of the structuralist claim is quite openly and specifically *statistical* as opposed to individualistically psychological. The response

might be that the claim is about the relationship between two *structural* properties, one cause and one effect, such that there is predicted and observed a greater social *incidence* of a phenomenon (such as suicide in less 'integrated' societies), and similarly the claim is that structural inequality breeds (causes) a greater social incidence of all manner of violent behaviours. We have, of course, discussed this matter above in respect of Durkheim, and we can only urge the reader to recall the latter's expanded explanation of the relationship between the two structural properties cited. Let us also recall his methodologically astonishing reference to the psychological nexus that, prior to this elaboration, was unobtrusively implicit in, yet, it appears, crucial to, the ontological account of the causal processes in question.

Durkheim's account of the psychological *ennui* that innately infects the individual has, in fact, a great deal of resonance with both Kant and Fromm's views as we have presented them There is thus an extremely important distinction to be made between, on the one hand, having a *statistical* grasp of the sociological incidence of behaviours, and, on the other, possessing an insight into the moral and psychological mechanisms through which these structural phenomena are experienced and made manifest in one individual rather than in another similarly located.

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Endtnotes

1. See e.g., A. McHoul, & W.Grace, *A Foucault Primer: Discourse, Power and the Subject* (Victoria: Melbourne University Press, 1995) pp.vii-xi.

2. Immanuel Kant, *Religion Within The Limits of Reason Alone* (Harper Torchbooks, USA 1960) p. 45. See also John R. Silber's important introductory essay at *pp. lxxxvi – lxxxviii.*

3. Emile Durkheim, *The Division of Labour* (The Free Press, New York [George Simpson Trans.] 1947).

4. See, for example, the introduction in Lloyd D. Easton and Kurt H. Guddat. [Eds.] *Writings of the Young Marx on Philosophy and Society* (Anchor Books, Doubleday and Co., New York, 1967).

5. See Susan James, *Passion and Action: The Emotions in Seventeeth Century Philosophy* (Oxford University Press, Oxford, 2001) Chapter 1.

6. This excellent resource is at: http://human-nature.com

7. There is no more emphatic assertion of this than that found in Thomas Hobbes, *Human Nature* (in *Human Nature and De Corpore Politico*, J.C.Gaskin [Ed.] Oxford University Press, Oxford, 1994) Part 1, Chapter 1.

8. Introduction to Jean-Jacques Rousseau, *The Social Contract and Discourses*, (Dent, Guernsey Press, Everyman's Library, GDH Cole [Trans], 1983) p.*xviii.*

9. Alex Inkeles, (quoting from Durkheim's *Suicide)* in Robert K. Merton, *Sociology Today* (Basic Books Inc., New York, 1960) p. 252

10. For Rawls, two axioms about the self create the architecture of liberal pluralism: (i) the individual is a thing which values *above all else* the capacity to choose, and (ii) it is an individual who subscribes to *the truth* of a version of incommensurability theory: i.e., that there is no objectively determinable *Good* and, in relation to competing conceptions of the Good, no '*better*' life. This, taken at face value, and at least in its effects, is close to a reproduction of the 'emotivist' impoverishment of the individual's moral choices that Alasdair MacIntyre asks us to consider in his critique of Rawls in *After Virtue* (Duckworth, London 2nd Edn. 1985) pp. 11-14 . See also MacIntyre, *Whose Justice? Which Rationality?* **(**Notre Dame, University of Notre Dame Press, 1988) pp. 338-9).

11. Kenneth I. Winston [Ed.] *The Principles of Social Order – Selected Essays of Lon L .Fuller* (Oxford, Hart Publishing, 2001).

12. See Fuller's lectures annotated (and entitled) by Winston "The Case Against Freedom" Ibid. p.317.

13. See, for example, Lon.L. Fuller , 'Positivism and Fidelity to Law - A Reply to Professor Hart' (1958) 71 Harv. L. Rev. 30 at 632.

14. Lon L. Fuller *The Morality of Law* (Yale University Press, New Haven, [(revised edition] 1969) Chapter 3, pp. 95 -151.

15. Kant (fn.2) p. 16.

16. Ibid.

17. Ibid. pp. 16, 17.

18. Ibid. p. 32. Original emphasis: the square brackets contain the translator's interpolation contained in a footnote to this passage.

19. Ibid. p. 43. Kant refers to John III, 5 and Genesis 1.

20. Ibid.

21. Ibid.

22. See, in particular, Deryck Beyleveld, *The Dialectical Necessity of Morality* (Chicago, University of Chicago Press, 1991) pp. 13 - 46.

23. For a definition of a 'PPA' see Ibid. *p.xxxvi.*

24. Erich Fromm, *The Sane Society* (London, RPK, 1956).

25. The full text can be seen at:
http://www.marxists.org/archive/fromm/works/1969/human.htm

26. See W.Hastie, [Trans.] Kant's *Principles of Politics, including his essay on Perpetual Peace. A Contribution to Political Science* (Clark, Edinburgh, 1891), *http://oll.libertyfund.org/Intros/Kant.php* : 4th proposition.

27. The connection between Fromm's notion of the ascendancy of the 'marketing

character' and MacIntyre's analysis of the 'emotivist' and 'managerialist' ethos of contemporary society is very close. *Cf. e.g.,* Erich Fromm, *To Have or To Be* (Abacus, Little Brown and Company, Reading, 1992) pp.145-152; and MacIntyre's and Fuller's remarks in (f.n.10) *supra.*

28. For a comprehensive account of the issue of practical rationality in the construction of ideal typical models of social action, see   Stuart Toddington, *Rationality, Social Action and Moral Judgment* (Edinburgh University Press, Edinburgh, 1993).