

Immanuel kant on law and justice assignment

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Emmanuel Kant on Law and Justice To be moral living human beings there must be a guiding action. This action varies depending on the degree of obligation: law, rule or maxim. A law should promote and protect the common good. Above all, a law must be just and reasonable to follow. A rule is a prescribed guide for conduct or action that indicates how we ought to act to behave in certain situations. Rules are not strictly legislated but are nevertheless obligatory guidelines for actions. A maxim is a general truth or rule of conduct.

Emmanuel Kant's political teaching may be summarized in a phrase: publican government and international organization. In more characteristically Kantian terms, it is doctrine of the state based upon the law (Orchestrates) and of eternal peace. Indeed, in each of these formulations, both terms express the same idea: that of legal constitution or of "peace through law. Orchestrates is a doctrine in continental European legal thinking, originally borrowed from German Jurisprudence, which can be translated as a "legal state", "state of law", "state of Justice", "state of rights" or "state based on Justice and integrity".

It is a "constitutional state" in which the exercise of governmental power is constrained by the law, and is often tied to the Anglo-American concept of the rule of law, but differs from it in that it also places an emphasis on what is just (i. e. a concept of moral rightness based on ethics, rationality, law, natural law, religion or equity). In a Orchestrates, the power of the state is limited in order to protect citizens from the arbitrary exercise of authority. In a Orchestrates the citizens share legally-based civil liberties and they can use the courts.

A country cannot be a liberal democracy without first being a republic. German writers usually place Emmanuel Kant's theories at the beginning of their accounts of the movement toward the republic. Kant's approach is based on the supremacy of a country's written constitution. This supremacy must create guarantees for implementation of his central idea: a permanent peaceful life as a basic condition for the happiness of its people and their prosperity. Kant proposed that constitutionalism and constitutional government ought to be sufficient to guarantee this happiness.

Kant had thus rephrased the main problem of constitutionalism: "The constitution of a state is eventually based on the morals of its citizens, which, in its turn, is based on the goodness of this constitution." A Kantian justice system would thus solely focus on what was done, rather than on the character of the person who did it. No excuses regarding a criminal's genome, upbringing, history of mental illness, or socioeconomic status can exonerate him from receiving punishment for the criminal act.

The fact that a man was abused during his childhood does not justify his infliction of similar abuse on others later in life. Many duties are developed into laws because society has deemed them important for the protection of the individual. There are some laws that are written to safeguard the individual and others for the community. All laws must be written to Emmanuel Kant on law and justice By Joanne and minority consequently all laws must possess certain common traits. Emmanuel Kant believed that all humans are born inherently bad and must try hard to be good.

This model of thought is of immense help to understanding what actions Kant saw as necessary for the creation of Justice within the real world, since, once again, every individual's worldview is based upon that individual's own set of experiences. " Pure reason is a perfect unity; and therefore, if the principle presented by it proves to be insufficient for the solution of even a single one of those questions to which the very nature of reason gives birth, we must reject it, as we could not be perfectly certain of its sufficiency in the case of the others". Critique of Pure Reason, 3) Kant on Contemporary Issues
Contemporary Issue: A proposal by the government to legalize theft.

According to Emmanuel Kant's theories and views he would try to oppose this law. The general definition of theft is the taking of another person's property without that person's permission or consent with the intent to deprive the rightful owner of it. Emmanuel Kant would consider this an immoral action on the individual's part therefore resulting in punishment.

When someone is punished for something it is because they did something abominable. Humans act not only on impulse as effected by laws of nature, but also out of conscience choice based on principles and these principles tell us how we ought to act. Our conscience as a capacity has a monumental sense of value and personal responsibility. If theft were to be legalized, it would result in a never-ending chain of people committing evil actions to further their own need.

People would become more selfish and greedy. Because Kant believes humans are born inherently bad we must strive every day to avoid temptation which we can only be redeemed by good behavior and the grace of This would also go against Kant's ideal Justice system. " Nothing can
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escape our notice; for what reason produces from itself cannot lie concealed, but must be rough to the light by reason itself, as soon as we have discovered the common principle of the ideas we seek. " (Critique of Pure Reason, 5).

Kant's theory is his belief that it should always be possible, within our power, to do the right thing. Kant believes that rational humans are agents, they have plans, and they make deliberate choices. It is this fact about humans that Kant's ethical theory seeks to enshrine and protect. Human agency should never be sacrificed for anything less valuable and everything is less valuable. Justice has a moral obligation to always do. The first duty of Justice is to never treat people as mere means to one's own ends.

But treating a person as an end in themselves is to do more than respect this duty: it is also to assist them in achieving their morally lawful ends. For these reasons Emmanuel Kant would not allow to legalize theft. Our government, Justice duty and morality would all be altered if such a thing were to happen and that was Kant's biggest fear that our humanity would be consumed by materialistic things. We need laws and peace in order for us, as people, to be rational human beings. " Germany. - Understandings of the Rule of Law - Wise Deer Iffier University?? zit Berlin.