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Kant's Political Justification of Social Welfare

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Abstract: Whether the justification at stake is ethical or juridical, all attempts to argue for the welfare principle in Kant's metaphysics of morals are unsuccessful. This principle cannot be justified a priori in Kant's context. However, it is not only possible but also necessary to argue for a certain degree of social welfare in politics as the practice of right; otherwise, Kant's project of political practice, with enlightenment as its core concept, will inevitably fail. Enlightenment requires that the state be committed to reducing the impact of an unequal social structure on individuals so as to preserve the possibility of their enlightenment. However, it also imposes limits on state-sponsored social welfare because excessive social welfare could lead to a general minority.

Keywords: Social welfare, innate right, politics, enlightenment

1 Introduction

There are two notable characteristics in contemporary political philosophy: One is the reactivation of Kantian elements, and the other is the increasing interest in social justice. Both are typically embodied in the theories of John Rawls and his followers. However, if we understand social justice as a theoretical assertion that public authorities should actively adjust social and economic inequality through the provision of social welfare, there are explicit rejections of this assertion in Kant's accounts of justice. For example, in the *Doctrine of Right*, Kant clearly excludes the welfare and happiness of citizens from the ends of the state (see MS, AA 06: 318).¹ In *On the Common Saying*, he claims that the principle of equality is consistent with the greatest social and economic inequalities and criticizes paternalistic governments established on the principle of benevolence (see TP,

¹ Kant's texts are cited according to Akademie-Ausgabe. Unless otherwise indicated, English translations are from *The Cambridge Edition of the Works of Immanuel Kant*.

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AA 08: 292). Rawls's methodological reference to Kant relies on his constructivist interpretation of Kant's moral philosophy but does not directly relate to Kant's philosophy of right or Kant's political philosophy; therefore, his reconstruction cannot truly reflect Kant's own position on this issue.

In Kant studies, the earliest attempts to reconcile the conflicts between Kant's philosophy and the welfare principle were in line with Rawls's reconstruction; that is, they attempted to derive an idea of social justice from Kant's discourse on human autonomy and dignity in his moral philosophy. This approach, which can be traced back to the project of "ethical socialism" of the Marburg School of Neo-Kantianism,² can be called "ethical justification". However, it ultimately fails in the strict sense of interpreting Kant because it collapses Kant's distinction between ethical and juridical lawgiving, which is essential to his systematic construction of the metaphysics of morals. Therefore, only a few researchers continue to insist on this approach.³ Recently, another attempt in Kant studies has become increasingly popular: deriving a duty of state to provide social welfare from Kant's *Doctrine of Right*. This approach can be called the "juridical justification". Advocates of this approach usually appeal to Kant's account of the duty of the state to support the poor (see MS, AA 06: 325–26), but their theoretical basis in fact relies on their reinterpretation of Kant's concepts of innate right and civil self-sufficiency. They not only oppose the classical liberal interpretation of Kant's philosophy of right but also tend to weaken (if not completely reject) Kant's distinction between ethical and juridical lawgiving. One fact is that Kant never advocates the welfare principle in the contemporary sense; therefore, any attempt to justify it in Kant's context must be more reconstructive than interpretative. However, attempts to argue this principle at the metaphysical level, whether by ethical or juridical justification, will inevitably conflict with Kant's basic prop-

2 Linden, Harry van der: "Cohens Sozialistische Rekonstruktion der Ethik Kants". In: *Ethischer Sozialismus: Zur politischen Philosophie des Neukantianismus*. Hrsg. von Helmut Holzhey. Frankfurt a. M. 1994, 146.

3 Jeffrie Murphy, for example, regards the state's duty to help the poor as a duty of beneficence but still claims that it rests "on the innate right of *freedom* in each person". He actually concludes by accusing Kant of lacking a clear argument on this issue, without attempting to offer a further reconstruction. Murphy, Jeffrie G.: *Kant: The Philosophy of Right*. London/Basingstoke 1971, 146. Allen Rosen does not insist that this duty can be derived from individual ethical duty but argues that the state, as a "moral person", itself has a duty of beneficence to support its members. Rosen, Allen: *Kant's Theory of Justice*. New York 1993, 191. Garrett Brown argues more directly based on the idea of the kingdom of ends that the state has an ethical duty to guarantee the basic needs of its citizens. Brown, Garrett W.: *Grounding Cosmopolitanism: From Kant to the Ideal of a Cosmopolitan Constitution*. Edinburgh 2009, 160.

ositions of the metaphysics of morals and, therefore, require an excessive revision of Kant's theory.⁴

In this article, I will propose an alternative approach to arguing for the welfare principle in Kant's context that is based on Kant's conceptual distinction between right and politics and that focuses mainly on the condition of the possibility of realizing principles of right in experience; therefore, it can be regarded as a "political justification". This approach, first arguing against ethical justification, acknowledges Kant's distinction between ethical and juridical lawgiving; second, arguing against juridical justification, it recognizes the classical liberal interpretation of Kant's philosophy of right and hence refuses to introduce any normative requirements into the ends of the state other than determining and guaranteeing individual freedom by establishing a rightful order of property. The welfare principle cannot be justified a priori in the metaphysics of morals; therefore, the only path left is in politics as the practice of right. I will argue that it is not only possible but also necessary to argue for social welfare within the practice of right, otherwise Kant's project of political practice, with enlightenment as its core concept, will inevitably fail. Certainly, it has already been noted in the Kant literature that some evidence exists in Kant's works in favour of social welfare policies, such as the right of the state to tax to support the poor and the distinction between active and passive citizens. However, most previous works fail to strictly distinguish between the metaphysical and the empirical elements in Kant's theory of external human freedom and thus often tend to claim that Kant's assertion of the human as one's own master (*sui iuris*) a priori contains a basis for social justice. In fact, however, only by introducing the empirical perspective of social and economic structure can the problem of structural injustice that must be solved by social justice truly emerge. Therefore, the welfare principle cannot be traced back to any rational right or duty that can be demonstrated a priori but can only be some kind of political arrangement based on empirical considerations. However, the requirement of enlightenment itself also determines the limits of social welfare in Kant's system. The continuous enlightenment of humans can only be driven by general antagonism and competition between individuals, whereas excessive social welfare would accustom people to dependence on the care and direction of others. Therefore, for the modern state, the key is to determine an empirical balance to ensure, on the one hand, that individuals will not be oppressed by an unequal social structure and will not be denied the possibility of enlightening themselves and, on the other hand, that they will not

⁴ Luke Davis recently rejects five defences of social welfare in Kant's context, all of which belong to the metaphysical defences. Davis, Luke J.: "Kant on Welfare: Five Unsuccessful Defences". In: *Kantian Review* 25 (1), 2020, 1–25.

lose the motivation to enlighten themselves because of a decrease in competitive pressure. This balance and the condition for its realization are not ready-made and invariable, nor can they be recognized a priori, as they must rely on historical conditions and people's own judgement.

2 Ethical justification and juridical justification

The ethical justification of social welfare usually appeals to the duty of beneficence in Kant's moral philosophy, which can be further traced back to the categorical imperative of treating the humanity in any person as an end in itself and not merely as a means. This duty obtains its clearest formulation in the *Doctrine of Virtue*: "To be beneficent, that is, to promote according to one's means the happiness of others in need, without hoping for something in return, is everyone's duty." (MS, AA 06: 453)⁵ Advocates of ethical justification often attempt to argue on this basis for a duty of the state to provide social welfare, or a Kantian socialist idea. However, Kant explicitly regards the duty of beneficence merely as an ethical duty, which means that, first, the subject of this duty can only be the individual and not the state, and second, that the agent can only discharge this duty through internal self-coercion and cannot be externally coerced by others, whether individuals or the state. Therefore, the greatest difficulty for the ethical justification is how to transfer an individual ethical duty to a principle of civil condition, which, according to Kant's distinction, belongs not to ethical lawgiving but to juridical lawgiving. Kant himself clearly states that the "duties of benevolence, even though they are external duties (obligations to external actions), are still assigned to ethics because their lawgiving can be only internal" (MS, AA 06: 220)⁶, and the concept of right "does not signify the relation of one's choice to the mere wish (hence also to the mere need) of the other, as in actions of beneficence or callousness" (MS, AA 06: 230)⁷. The ethical justification thus far fails to provide any convincing argument on this issue.

Of course, we can set aside the duty of beneficence and ask the question directly: Is juridical lawgiving possible for a law that requires the state to provide

5 "Wohlthätig, d. i. anderen Menschen in Nöthen zu ihrer Glückseligkeit, ohne dafür etwas zu hoffen, nach seinem Vermögen beförderlich zu sein, ist jedes Menschen Pflicht."

6 "[...] werden die Pflichten des Wohlwollens, ob sie gleich äußere Pflichten (Verbindlichkeiten zu äußeren Handlungen) sind, doch zur Ethik gezählt, weil ihre Gesetzgebung nur innerlich sein kann".

7 "[...] bedeutet [...] nicht das Verhältniß der Willkür auf den Wunsch (folglich auch auf das bloße Bedürfniß) des Anderen, wie etwa in den Handlungen der Wohlthätigkeit oder Hartherzigkeit".

social welfare? The answer to this question depends further on the answer to a more general question: for what kinds of laws or duties is juridical lawgiving possible? According to Kant, “juridical lawgiving is that which can also be external” (MS, AA 06: 220)⁸, and thus “the sum of those laws for which an external lawgiving is possible is called the Doctrine of Right (*Ius*)” (MS, AA 06: 229).⁹ However, what is the criterion for determining this possibility? It certainly does not just mean that external lawgiving is incapable of regulating the agent’s incentive. The distinction between direct and indirect ethical duty indicates that, even if only with regard to external action, there are still some laws for which ethical lawgiving is possible while juridical lawgiving is not. Kant does not explicitly answer this question in his works, but the entire *Doctrine of Right* can also be regarded as his answer: External lawgiving is possible for a law or a duty if and only if it can be justified (directly or indirectly) on the basis of the pure concept of right. Therefore, this question can be reformulated in another way: Can the welfare principle be justified based on the pure concept of right?

Although there are still fierce disputes on the relationship between the doctrine of right and the metaphysics of morals, the unique starting point of the doctrine of right is clearly stated as the only innate right:

Freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity. (MS, AA 06: 237)¹⁰

The aim of the *Doctrine of Right* is to construct an a priori system of conditions of this freedom. “Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.” (MS, AA 06: 230)¹¹ Both the rights of individuals and the laws of the political community ultimately serve to define and realize everyone’s innate right; therefore, the juridical justification usually argues for the welfare principle by reinterpreting either this freedom itself or its a priori conditions.

8 “[...] die juristische ist, welche auch äußerlich sein kann”.

9 “Der Inbegriff der Gesetze, für welche eine äußere Gesetzgebung möglich ist, heißt die Rechtslehre (*Ius*).”

10 “Freiheit (Unabhängigkeit von eines Anderen nöthigender Willkür), sofern sie mit jedes Anderen Freiheit nach einem allgemeinen Gesetz zusammen bestehen kann, ist dieses einzige, ursprüngliche, jedem Menschen kraft seiner Menschheit zustehende Recht.”

11 “Das Recht ist also der Inbegriff der Bedingungen, unter denen die Willkür des einen mit der Willkür des andern nach einem allgemeinen Gesetze der Freiheit zusammen vereinigt werden kann.”

According to Kant's definition, the innate right also means independence from being constrained by another's choice, which, in his further explanation, is equated with "a human being's quality of being his own master (*sui iuris*)" (MS, AA 06: 238)¹². However, there are various kinds of domination or constraints in society: direct and indirect, explicit and implicit, individual and structural. From which of these constraints does the freedom that belongs to everyone by virtue of humanity promise independence? Compared to the classical liberal interpretation, advocates of juridical justification tend to adopt a material understanding of independence. Leslie Mulholland believes that the innate right contains a right to physical survival, from which it can be derived that everyone must actually possess something external if it is essential for his or her survival; therefore, since the purpose of establishing a state is to realize everyone's innate right, the state naturally has a duty to satisfy the basic natural needs of the poor.¹³ Ernest Weinrib also claims that a person's independence would be lost if he or she lacked the necessary material means to satisfy his or her basic needs:

my inability otherwise to satisfy my basic needs may make me dependent on the generosity of others, that is, on that to which I have no right. In contrast to the situation under innate right, the actions of others can now directly and radically affect my survival.¹⁴

While both Mulholland and Weinrib limit the material condition of independence to the most necessary natural needs,¹⁵ Alexander Kaufman tries to argue for a higher degree of social welfare in Kant's context, thus proposing a higher criterion for independence beyond the inability to maintain one's physical survival, arguing that the polarization of wealth will also make the poor unable to maintain their independence in the face of the rich.

If some individuals are so poor that they lack the ability to maintain freedom of choice in the face of economic incentives offered by the better endowed, the necessary condition of equality has not been satisfied and a rightful condition does not exist.¹⁶

12 "[...] die Qualität des Menschen sein eigener Herr (*sui iuris*) zu sein".

13 Mulholland, Leslie: *Kant's System of Rights*. New York 1990, 395.

14 Weinrib, Ernest: "Poverty and Property in Kant's System of Rights". In: *Notre Dame Law Review* 78 (3), 2003, 816.

15 Arthur Ripstein also believes that "if all purposiveness depends on the grace of others, the dependent person is in the juridical position of a slave or serf", but he still claims that the redistribution does not have to be limited to what is required for physical survival. Ripstein, Arthur: *Force and Freedom: Kant's Legal and Political Philosophy*. Massachusetts/London 2009, 281, 284.

16 Kaufman, Alexander: *Welfare in Kantian State*. Oxford 1999, 29–30.

Rafeeq Hasan further argues that not only economic inequality but any “asymmetrical influence in a power relationship” will threaten one’s independence as required by the innate right.¹⁷

To some extent, of course, Kaufman and Hasan are right to argue that the capacity to maintain one’s physical existence alone is not sufficient to guarantee material independence, and there are many kinds of domination relationships in reality. As Karl Marx argues, modern society will continuously create new needs for individuals after their previous needs are satisfied. Therefore, in a society where the means of production are structurally unequally distributed, the dependence of man on man will inevitably originate from the dependence of man on things; this situation does not rely on individual morality or personal will but is determined by social structure.¹⁸ If we accept Kaufman’s and Hasan’s expansive interpretation of the independence at stake in the innate right, there is no reason to reject Marx’s critique of modern society; as a result, we must accept either his communist idea or a radical egalitarian project. There is no a priori criterion to prevent such a logical slippery slope as long as we adopt a material, i. e. an empirical, understanding of independence in Kant’s concept of innate right. However, introducing such an empirical concept, as a basic concept, into the metaphysics of right violates Kant’s own methodological commitment, which he held from the very beginning, that the metaphysics of right is an a priori “system derived from reason” (MS, AA 06: 205)¹⁹. For Kant, there can be only two kinds of a priori conceivable independence from being constrained by another’s choice. One is the absolute independence that requires everyone to “stop associating with others and shun all society” (MS, AA 06: 236)²⁰. The other is formal independence, that is, the external freedom to pursue in one’s own way an end set by oneself in interactions with others, insofar as it can coexist with others’ equal freedom. In our inevitable coexistence, only the latter is possible; therefore, the innate right relates to nothing more than the formal compatibility of everyone’s equal external freedom. Admittedly, Kant’s metaphysics of right also relies on empirical facts that serve as the anthropological premises of the entire system, such as the premise that human beings are rational and natural beings and thus have needs and desires, that human beings live on a spherical and finite earth, etc.²¹ These

¹⁷ Hasan, Rafeeq: “Freedom and poverty in the Kantian state”. In: *European Journal of Philosophy* 26 (3), 2018, 4.

¹⁸ Marx, Karl/Engels, Friedrich: *Collected Works*. Vol. 28. London 1986, 95.

¹⁹ “ein aus der Vernunft hervorgehendes System”.

²⁰ “[...] aus aller Verbindung mit andern heraus gehen und alle Gesellschaft meiden”.

²¹ Höffe, Otfried: *Kategorische Rechtsprinzipien: Ein Kontrapunkt der Moderne*. Frankfurt a. M. 1995, 128 f.

facts make human coexistence unavoidable and therefore make it necessary to define the boundaries of everyone's freedom. They do not change the formalistic character of Kant's concept of freedom in the innate right. As the sum of conditions of innate right, right is concerned only with the formal compatibility of the external use of everyone's choices, which is clearly confirmed in Kant's third description of this concept:

In this reciprocal relation of choice, no account at all is taken of the matter of choice, that is, of the end each has in mind with the object he wants; it is not asked, for example, whether someone who buys goods from me for his own commercial use will gain by the transaction or not. All that is in question is the form in the relation of choice on the part of both, insofar as choice is regarded merely as free, and whether the action of one can be united with the freedom of the other in accordance with a universal law. (MS, AA 06: 230)²²

In this external and formal union of actions, empirical factors such as the agent's economic situation, needs, the end of his or her action and its likelihood of being realized are not taken into account. Even if the sensible stimulus generated by these empirical factors can constitute obstacles to the agent's choice, that choice is still free as long as no one coerces him or her to make a deal. In this latter case, even if the agent makes a contract with someone to allow that person to temporarily determine his or her choice to perform a certain deed, he or she does not lose his or her independence; otherwise, the contract right endorsed by Kant in private right would be unjust, which is precisely indicated by

my possession of another's choice, in the sense of my capacity to determine it by my own choice to a certain deed in accordance with laws of freedom (what is externally mine or yours with respect to the causality of another) (MS, AA 06: 271)²³.

Critics of the classical liberal interpretation can certainly continue to argue that a fair contract must presuppose the equality of the parties. However, unless we also adopt a formal understanding of equality, i. e., equal freedom or equal authori-

22 “[...] in diesem wechselseitigen Verhältniß der Willkür kommt auch gar nicht die Materie der Willkür, d. i. der Zweck, den ein jeder mit dem Object, was er will, zur Absicht hat, in Betrachtung, z. B. es wird nicht gefragt, ob jemand bei der Waare, die er zu seinem eigenen Handel von mir kauft, auch seinen Vortheil finden möge, oder nicht, sondern nur nach der Form im Verhältniß der beiderseitigen Willkür, sofern sie bloß als frei betrachtet wird, und ob durch die Handlung eines von beiden sich mit der Freiheit des andern nach einem allgemeinen Gesetze zusammen vereinigen lasse.”

23 “der Besitz der Willkür eines Anderen, als Vermögen sie durch die meine nach Freiheitsgesetzen zu einer gewissen That zu bestimmen, (das äußere Mein und Dein in Ansehung der Causalität eines Anderen)”.

zation of reciprocal coercion, equality will not only lack an a priori criterion but will also be impossible in reality because there cannot be two people who are perfectly equal in social position, resources and ability. To make the principle of equality workable, a somewhat abstract criterion is necessary, which means that some differences in reality must be abstracted. However, if this criterion is derived from experience, it will not have general necessity, as required by Kant in the metaphysics of right. The independence contained in Kant's concept of innate right must be conceivable a priori; therefore, any attempt to extend it to a material concept not only brings too many empirical elements into the interpretation of Kant's metaphysics of right but also essentially deviates from his basic position.

The second important piece of evidence applied by the juridical justification is Kant's account of civil self-sufficiency (*Selbstständigkeit*, *sibisufficientia*)²⁴, which is regarded in *On the Common Saying* as one of the three a priori principles of the civil condition and in the *Doctrine of Right* as one of the three attributes of a citizen. In both works, civil self-sufficiency is concerned with the same theme: the right of individuals to participate in state legislation. It is surprising that Kant here divides the members of the community into active and passive citizens (citizens and *Schutzgenossen* in *On the Common Saying*) and holds that only the former have the right to participate in legislation because the latter lack self-sufficiency, that is, the quality

of being one's own master (sui iuris), hence having some property (and any art, craft, fine art, or science can be counted as property) that supports him – that is, if he must acquire from others in order to live, he does so only by alienating what is *his* and not by giving others permission to make use of his powers – and hence [the requisite quality is] that, in the strict sense of the word, he *serves* no one other than the commonwealth (TP, AA 08: 295)²⁵.

According to this criterion, “a domestic servant, a shop clerk, a day labourer, or even a barber” (TP, AA 08: 295),²⁶ “the woodcutter I hire to work in my yard”, the “blacksmith in India, who goes into people's houses to work on iron with his hammer, anvil, and bellows”, “the private tutor”, the “leasehold farmer”,

24 *Selbstständigkeit* should be translated as self-sufficiency, which is different from independence (*Unabhängigkeit*).

25 “[...] sein eigener Herr (*sui iuris*) sei, mithin irgend ein Eigentum habe (wozu auch jede Kunst, Handwerk oder schöne Kunst oder Wissenschaft gezählt werden kann), welches ihn ernährt; d. i. daß er in den Fällen, wo er von Andern erwerben muß, um zu leben, nur durch Veräußerung dessen, was sein ist, erwerbe, nicht durch Bewilligung, die er anderen giebt, von seinen Kräften Gebrauch zu machen, folglich daß er niemanden als dem gemeinen Wesen im eigentlichen Sinne des Worts diene”.

26 “[...] der Hausbediente, der Ladendiener, der Tagelöhner, selbst der Friseur”.

(MS, AA 06: 314–15)²⁷ – in a word, all wage labourers who sell their labour power (rather than a product) to individuals or private institutions – are passive citizens “because they have to be under the direction or protection of other individuals, and so do not possess civil self-sufficiency” (MS, AA 06: 315)²⁸. In terms of this account, we can *prima facie* state that, first, Kant describes self-sufficiency here as “the quality of being one’s own master (*sui iuris*)”, this phrase also appearing in his explanation of the innate right; second, Kant holds that how one acquires life necessities can affect one’s self-sufficiency. On this basis, there would be two approaches to arguing for social welfare. The first is to apply this account to interpret the innate right and thereby claim that this right requires the elimination of any relationships that include domination mediated by property in economic activities.²⁹ The second concentrates on the relationship between citizens and community and tries to argue that a rational civil condition itself requires that all members of the state be capable of participating in the legislative general will; therefore, the state has a duty to eliminate natural and social factors that prevent its members from maintaining their self-sufficiency.³⁰

With respect to this account, there are at least three points to be clarified in advance. First, civil self-sufficiency should not be equated with independence in the innate right.³¹ While the latter relates to human freedom, which theoretically precedes citizens’ rights, the former focuses on the relationship between the individual and state legislation in public rights. With regard to civil self-sufficiency, Kant is not concerned with whether a labourer would lose his or her innate right because a passive citizen can still enjoy his or her freedom as a human being and equality as a subject in the civil condition. For Kant, the problem of wage labour with regard to civil self-sufficiency is that the employers can control their employees’ vote. With regard to private rights, there would be nothing wrong with this control if it were the result of a contract based on free choice; one can even directly buy another’s vote, which would not violate the latter’s innate right. However, the employers’ control is obviously unjust within public rights because in this case, legislative power would be controlled by private will. In short, the innate right relates to the choice of action, while civil self-sufficiency relates to

27 “Der Holzhacker, den ich auf meinem Hofe anstelle, der Schmied in Indien, der mit seinem Hammer, Ambos und Blasbalg in die Häuser geht, um da in Eisen zu arbeiten, [...] der Hauslehrer [...], der Zinsbauer [...]”.

28 “[...] weil sie von anderen Individuen befehligt oder beschützt werden müssen, mithin keine bürgerliche Selbstständigkeit besitzen”.

29 Hasan, 2018, 10.

30 Holtman, Sarah: *Kant on Civil Society and Welfare*. Cambridge 2018, 55.

31 Davis, 2020, 10.

the will of legislation. Second, here, Kant confuses qualification with the ability to participate in legislation; in other words, he mistakenly regards an ability that can only be judged empirically as an a priori premise of qualification and thus deprives some people of their right to participate in legislation. However, according to an a priori argument, a rational state should be established based on the united will of all as rational beings, which already requires that everyone have the right to participate in state legislation. Therefore, third, Kant himself is here confusing the a priori and the empirical level in his argument.³² Self-sufficiency is, first and foremost, an a priori principle of the civil condition but is surprisingly determined by contingent economic factors. Kant is right that the domination relationship in wage labour can distort the result of democratic decision-making, but as an empirical factor, it cannot serve as the basis of an a priori principle. Moreover, from the practical perspective, this distortion cannot be eliminated but will rather be aggravated by depriving some people of the right to participate in legislation. As Wolfgang Kersting criticizes, it degrades a general rational state to a state of property owners.³³

Neither ethical nor juridical justification can be convincing in Kant's context, so the only proper remaining approach to interpreting his account of the duty of the state to support the poor is the instrumentalist interpretation.³⁴ Kant's account is as follows:

To the supreme commander there belongs indirectly, that is, insofar as he has taken over the duty of the people, the right to impose taxes on the people *for its own preservation*, such as taxes to support organizations providing for the poor, founding homes and church organizations, usually called charitable or pious institutions. The general will of the people has united itself into a society which is *to maintain itself perpetually*; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves. *For reasons of state* the government is therefore authorized to constrain the wealthy to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs. (MS, AA 06: 325–326; my emphases)³⁵

32 Riedel, Manfred: "Herrschaft und Gesellschaft: Zum Legitimationsproblem des Politischen in der Philosophie". In: *Materialien zu Kants Rechtsphilosophie*. Hrsg. von Zwi Batscha. Frankfurt a. M. 1976, 139.

33 Kersting, Wolfgang: "Politics, Freedom and order: Kant's Political Philosophy". In: *The Cambridge Companion to Kant*. Ed. by Paul Guyer. Cambridge 1992, 357.

34 Gregor, Mary: *Laws of Freedom*. New York 1963, 36.

35 "Dem Oberbefehlshaber steht indirect, d. i. als Übernehmer der Pflicht des Volks, das Recht zu, dieses mit Abgaben zu seiner (des Volks) eigenen Erhaltung zu belasten, als da sind: das Armenwesen, die Findelhäuser und das Kirchenwesen, sonst milde oder fromme Stiftungen genannt. Der allgemeine Volkswille hat sich nämlich zu einer Gesellschaft vereinigt, welche sich immerwährend erhalten soll, und zu dem Ende sich der inneren Staatsgewalt unterworfen, um

In this passage, Kant clearly emphasizes three times that the reason why a state should support the poor is to maintain its own existence (as a state, as a society or as a people in the collective sense³⁶). What is noteworthy here is actually that the state has the “right to impose taxes on the people for its own preservation”. Therefore, if there is a duty of the state, it is not a duty to individuals but one to itself. This duty is derived from neither the duty of beneficence nor the moral person of the state but from the categorical imperative “*exeundum e statu naturali*”.³⁷ For Kant, the property right creates the primary condition for defining the boundaries of everyone’s external freedom; since the state of nature is a condition in which there are no rights, the property right can only be possible in a state. Therefore, the state constitutes an indispensable and constitutive basis for the reality of the concept of right, and it should maintain itself perpetually merely for the sake of right.³⁸ In this regard, supporting the poor is only a means to the self-preservation of the state, but as Kaufman is right to ask, is this means absolutely necessary?³⁹ To preserve itself, the state must satisfy the necessary natural needs of the poor, but in any case, this can only be an empirical judgement. It would be better to regard Kant’s accounts, including those of poorhouses, foundling homes and church organizations, as empirical examples of the application of this duty.

die Glieder dieser Gesellschaft, die es selbst nicht vermögen, zu erhalten. Von Staatswegen ist also die Regierung berechtigt, die Vermögenden zu nöthigen, die Mittel der Erhaltung derjenigen, die es selbst den nothwendigsten Naturbedürfnissen nach nicht sind, herbei zu schaffen [...]”.

36 Allen Wood rejects the understanding of ‘the people’ as a collective person, instead regarding this term as referring to the sum of all individuals as members of a state, and claims that the end of this duty is not the self-preservation of the state itself but the physical survival of individuals as its members. Wood, Allen: *Kantian Ethics*. Cambridge 2008, 196. However, the natural death of individuals is inevitable, making it impossible for a state to ensure the permanence of its members as individuals. Ripstein, 2009, 273 f.

37 LeBar, Mark: “Kant on Welfare”. In: *Canadian Journal of Philosophy* 29 (2), 1999, 235. One of the difficulties juridical justification must face is that it cannot properly explain the duty of the state to provide social welfare. Weinrib, for example, can only understand it in such a convoluted fashion that, on the one hand, the state has a duty to individuals to provide social welfare while, on the other hand, individuals have no right to require this welfare but are only beneficiaries of this duty. Weinrib, 2003, 818.

38 Paul Guyer tries to justify the welfare principle by means of Kant’s argument about property rights and claims that one cannot rationally consent to a system of property unless the state promises to provide basic welfare to those who cannot maintain themselves. Guyer, Paul: *Kant on Freedom, Law and Happiness*. Cambridge 2000, 258. Guyer’s justification obviously relies on a voluntarist reading of Kant’s social contract with regard to the argument for the property right; however, as Wolfgang Kersting argues, Kant’s social contract is non-voluntarist, and his argument for the property right and the state is independent of the social contract. Kersting, Wolfgang: *Wohlgeordnete Freiheit: Immanuel Kants Rechts- und Staatsphilosophie*. Paderborn 2007, 272.

39 Kaufman, 1999, 26.

Similar to Kant's empirical account of civil self-sufficiency, these accounts do not belong to the metaphysics of right in the strict sense. This reading also implies that even if the welfare principle cannot be justified at the metaphysical level, it is still possible to justify it at the empirical level, that is, in politics as the practice of right.

3 An alternative approach: political justification

If the state's provision of life necessities to the poor is merely an empirical means of self-preservation, it may not exhaust the redistributive methods available to the state for this purpose. In this sense, an instrumentalist interpretation is not necessarily a minimalist or a libertarian interpretation. As Kant states very clearly in *On the Common Saying*:

If the supreme power gives laws that are directed chiefly to happiness (the prosperity of the citizens, increased population and the like), this is not done as the end for which a civil constitution is established but merely as means for securing a rightful condition, especially against a people's external enemies. A head of state must be authorized to judge for himself and alone whether such laws pertain to the commonwealth's flourishing, which is required to secure its strength and stability both internally and against external enemies, not in order, as it were, to make the people happy against its will but only to make it exist as a commonwealth. (TP, AA 08: 298–299)⁴⁰

This passage makes it clear that the state should provide and promote social welfare only for the purposes of securing a rightful condition. Kaufman suggests that we should distinguish between the preservation of a civil society's "mere empirical existence" and that of its "rightful condition" and claims that the principle of equality, as one of "the two substantive conditions", requires symmetric reciprocal coercion between individuals; the state thus has a duty to eliminate economic inequalities that may undermine this symmetric coercion.⁴¹ However, first, it should be noted that the "rightful condition" (der rechtliche Zustand)

⁴⁰ "Wenn die oberste Macht Gesetze giebt, die zunächst auf die Glückseligkeit (die Wohlhabenheit der Bürger, die Bevölkerung u. dergl.) gerichtet sind: so geschieht dieses nicht als Zweck der Errichtung einer bürgerlichen Verfassung, sondern bloß als Mittel, den rechtlichen Zustand vornehmlich gegen äußere Feinde des Volks zu sichern. Hierüber muß das Staatsoberhaupt befragt sein selbst und allein zu urtheilen, ob dergleichen zum Flor des gemeinen Wesens gehöre, welcher erforderlich ist, um seine Stärke und Festigkeit sowohl innerlich, als wider äußere Feinde zu sichern; so aber das Volk nicht gleichsam wider seinen Willen glücklich zu machen, sondern nur zu machen, daß es als gemeines Wesen existire."

⁴¹ Kaufman, 1999, 29 f.

refers to a Zustand rather than a Bedingung, as Kaufman misunderstands it. Second, equality, as one of the constitutive principles of civil society, is only a formal principle; as Kant notes, it can be “consistent with the greatest inequality in terms of the quantity and degree of their [the subjects’] possessions” (TP, AA 08: 291)⁴². Indeed, when Kant talks about the duty to secure a rightful condition, he is referring not only to the state’s preservation of its mere empirical existence but also to a normative requirement according to which in experience, the state should conform most fully to the principles of right. In the *Doctrine of Right*, Kant argues not only that the state has a duty to preserve itself as a commonwealth but also that it should most fully realize the principles of right. The former is actually included in the latter because the existence of the state is a necessary premise for the realization of the principles of right. As Kant states,

the well-being of a state must not be understood as the welfare of its citizens and their happiness; for happiness can perhaps come to them more easily and as they would like it to in a state of nature (as Rousseau asserts) or even under a despotic government. By the well-being of a state is understood, instead, that condition in which its constitution conforms most fully to principles of right; it is that condition which reason, by a categorical imperative, makes it obligatory for us to strive after (MS, AA 06: 318)⁴³.

This duty originally stems from an individual duty set by Kant through his reinterpretation of Ulpian’s first formula “*honeste vive*”: “Do not make yourself a mere means for others but be at the same time an end for them.” (MS, AA 06: 236)⁴⁴ That is, one should actively realize one’s own innate right in relationships with others. This duty is at first an individual duty to oneself, but it is transformed to a duty of the state in the construction of the commonwealth: the state should continuously improve its constitution to most fully realize principles of right. What is noteworthy here is not how a state in idea preserves itself but rather how the principles of right can be realized in experience.⁴⁵ From this perspective, the

42 “[...] besteht aber ganz wohl mit der größten Ungleichheit der Menge und den Graden ihres Besitzthums nach”.

43 “[...] worunter man nicht das Wohl der Staatsbürger und ihre Glückseligkeit verstehen muß; denn die kann vielleicht (wie auch Rousseau behauptet) im Naturzustande, oder auch unter einer despotischen Regierung viel behaglicher und erwünschter ausfallen: sondern den Zustand der größten Übereinstimmung der Verfassung mit Rechtsprincipien versteht, als nach welchem zu streben uns die Vernunft durch einen kategorischen Imperativ verbindlich macht.”

44 “Mache dich anderen nicht zum bloßen Mittel, sondern sei für sie zugleich Zweck.”

45 Howard Williams has actually noted that we should pay attention to how the principles of right can be realized in experience, but his argument for social welfare still mixes metaphysical (both ethical and juridical) and empirical elements. Williams, Howard: “Kant and Libertarianism”. In: *Kant on Practical Justification: Interpretive Essays*. Ed. by Mark Timmons and Sorin Baiasu. Oxford 2003, 271.

purpose that a state has the right to achieve through taxation cannot be limited to maintaining its empirical existence but must also include creating the necessary conditions for the continual realization of the principles of right. Therefore, even if the welfare principle does not belong to the a priori principles of right, it is still possible to justify it by exploring the conditions of the possibility of realizing these principles in experience.

This exploration, however, obviously transcends the scope of the metaphysics of right; it is no longer an issue of pure theory but relates more to practice. In *On the Common Saying*, Kant makes a clear conceptual distinction:

A sum of rules, even of practical rules, is called theory if those rules are thought as principles having a certain generality, so that abstraction is made from a multitude of conditions that yet have a necessary influence on their application. Conversely, not every doing is called practice, but only that effecting of an end which is thought as the observance of certain principles of procedure represented in their generality. (TP, AA 08: 275)⁴⁶

According to this distinction, while the metaphysics of right is only a pure theory of right, its practice is politics. As Kant defines it, politics is the “doctrine of right put into practice” (ZeF, AA 08: 370)⁴⁷; it “applies these concepts [of right] to cases of experience” (VRML, AA 08: 429)⁴⁸. In short, politics is practice aiming to realize principles of right in experience. Certainly, there can be a doctrine of politics as well (Kant does not strictly distinguish between politics as a doctrine and as an activity), but it focuses no longer on the principles that are derived from the a priori legislation of practical reason but mainly on the conditions of the possibility of their realization in experience. According to Kant in *Idea for a Universal History*, at least three conditions are required for the establishment of a perfect constitution: “correct concepts of the nature of a possible constitution, great experience practiced through many courses of life and beyond this a good will that is prepared to accept it” (IaG, AA 08: 23)⁴⁹. While the first condition can be provided by the metaphysics of right, the latter two obviously exceed the bound-

46 “Man nennt einen Inbegriff selbst von praktischen Regeln alsdann Theorie, wenn diese Regeln als Principien in einer gewissen Allgemeinheit gedacht werden, und dabei von einer Menge Bedingungen abstrahirt wird, die doch auf ihre Ausübung nothwendig Einfluß haben. Umgekehrt heißt nicht jede Hantirung, sondern nur diejenige Bewirkung eines Zwecks Praxis, welche als Befolgung gewisser im Allgemeinen vorgestellten Principien des Verfahrens gedacht wird.”

47 “ausübend[e] Rechtslehre”.

48 “[...] welcher diese Begriffe auf Erfahrungsfälle anwendet”.

49 “[...] richtige Begriffe von der Natur einer möglichen Verfassung, große durch viel Weltläufe geübte Erfahrungheit und über das alles ein zur Annehmung derselben vorbereiteter guter Wille erfordert wird”.

ary of pure theory and refer to two indispensable elements of political practice: the political judgement to combine the abstract principles of right with specific experience and a driving force toward the continual improvement of the present constitution. The disagreement between morals (right) and politics in *Toward Perpetual Peace* is largely due to the absence of these two elements in reality.

However, Kant's statement of the third condition, as well as his discussion of the moral politician in *Toward Perpetual Peace*, does not indicate that he pins the hope for political progress on the good will of the ruler or, as Luigi Caranti claims, appeals "to the morality of individual politicians"⁵⁰. He reiterates, rather, that the possibility of political progress does not depend on the morality of human beings. In fact, just before listing these three conditions, he puts forward a practical dilemma: the human being is an animal that has need of a master or it will misuse its freedom, "but then this master is exactly as much an animal who has need of a master" (IaG, AA 08: 23)⁵¹. Therefore, the statement of good will here is rather to highlight the difficulty of establishing a perfect constitution, even if it is only a constitution of the classical liberal state,

which has the greatest freedom, hence one in which there is a thoroughgoing antagonism of its members and yet the most precise determination and security of the boundaries of this freedom so that the latter can coexist with the freedom of others (IaG, AA 08: 22)⁵².

Surely, we can conceive of an ideal state a priori, by means of the principles of right, but even without considering threats from external enemies, the realization of these principles in experience still face enormous difficulties: How can the abstract principles of right be combined with specific experience to precisely determine the boundaries of everyone's rights and freedom in an increasingly complicated social life? How can a workable constitution and institutions be established to effectively secure these rights and this freedom? How can the abuse of public power be avoided? How can the constitution be continuously improved? And so on. Kant's answer in the *Idea for a Universal History* is quite clear: through the enlightenment of the people. This is certainly not a one-and-done solution. Kant simply expects that the continuous enlightenment of the people will continuously improve the constitution in history:

⁵⁰ Caranti, Luigi: *Kant's Political Legacy: Human Rights, Peace, Progress*. Cardiff 2017, 242.

⁵¹ "Aber dieser ist eben so wohl ein Thier, das einen Herrn nöthig hat."

⁵² "[...] die die größte Freiheit, mithin einen durchgängigen Antagonism ihrer Glieder und doch die genaueste Bestimmung und Sicherung der Grenzen dieser Freiheit hat, damit sie mit der Freiheit anderer bestehen könne".

This enlightenment, however, and with it also a certain participation in the good by the heart of the enlightened human being who understands the good perfectly, must ascend bit by bit up to the thrones and have its influence even on their principles of government (IaG, AA 08: 28)⁵³.

While Kant primarily takes a historical perspective in *Idea for a Universal History*, in *Toward Perpetual Peace* he also offers a political project of expression and action. Here, only one principle is given to reconcile the disagreement between right and politics, that of publicity, and its negative formula is as follows: “All actions relating to the rights of others are wrong if their maxim is incompatible with publicity.” (ZeF, AA 08: 381)⁵⁴ Kant claims that the incompatibility of wrong maxims with publicity is foreseeable a priori, but as Allen Wood points out, we cannot suppose that this means *absolutely a priori*, as in the metaphysics of morals. Instead, it is foreseeable a priori in the sense that one can foresee the result of one’s action through experience before that action is actually carried out.⁵⁵ The negative formula thus exactly expresses that a law or policy is wrong if I, as a politician, can foresee through my experience that it would unavoidably arouse “everyone’s opposition to my project” (ZeF, AA 08: 381)⁵⁶ once publicly declared. This foresight is obviously not the result of a solipsistic use of the politician’s reason; rather, it must presuppose a general consensus among the people in the public sphere. Kant’s appeal to the unavoidable opposition of the people thus presupposes that they have not only the ability to judge the rightfulness of laws or policies but also sufficient courage to publicly oppose those that are wrong and approve those that are right; therefore, the people must be enlightened. The general enlightenment of the people can guarantee not only the real possibility of general opposition to wrong maxims but also the rational character of their judgement, for reason’s claim is “never anything more than the agreement of free citizens” (KrV, B 766)⁵⁷. Therefore, Kant sets out a project of interrelationships between enlightenment, publicity, and well-ordered politics.⁵⁸ Each citizen should make use of his or her

53 “Diese Aufklärung aber und mit ihr auch ein gewisser Herzensantheil, den der aufgeklärte Mensch am Guten, das er vollkommen begreift, zu nehmen nicht vermeiden kann, muß nach und nach bis zu den Thronen hinauf gehen und selbst auf ihre Regierungsgrundsätze Einfluß haben.”

54 “Alle auf das Recht anderer Menschen bezogene Handlungen, deren Maxime sich nicht mit der Publicität verträgt, sind unrecht.”

55 Wood, Allen: “Kant’s Principles of Publicity”. In: *Politics and Teleology in Kant*. Ed. by Paul Formosa, Avery Goldman and Tatiana Patrone. Cardiff 2014, 78.

56 “[...] der Widerstand Aller gegen meinen Vorsatz”.

57 “[...] jederzeit nichts als die Einstimmung freier Bürger”.

58 Keienburg, Johannes: *Immanuel Kant and die Öffentlichkeit der Vernunft*. Berlin 2011, 23.

own reason to participate in public discourse so that the citizens can enlighten themselves and reach rational consensus on public affairs to oppose wrong laws or policies in a negative sense and continuously promote political reform in a positive sense. Therefore, although Kant claims in the above passage from *On the Common Saying* that “a head of state must be authorized to judge for himself and alone”, he still insists that freedom of speech is “the sole palladium of the people’s rights” (TP, AA 08: 304)⁵⁹. This project certainly has its ideal dimension, but it also has an actual dimension because enlightenment or the realization of principles of right is not an all-or-nothing affair but must be a continuous historical process.⁶⁰ For Kant, the enlightenment of the people can promote not only the further reform of a republican constitution but also the republicanization of a non-republican constitution. The thesis in Kant’s philosophy of history thus obtains the further explanation that public participation and political enlightenment will lead the people to the continuous realization of the principles of right.

In his doctrine of politics, Kant does articulate a requirement on the abilities of citizens. Each citizen should be capable of making use of his or her own reason to participate in public affairs and contribute to shaping the commonwealth, to realize his or her rights,

for in such a whole each member should certainly be not merely a means, but at the same time also an end, and, insofar as it contributes to the possibility of the whole, its position and function should also be determined by the idea of the whole (KU, AA 05: 375)⁶¹.

This requirement, however, cannot be directly derived from principles of right. Concepts such as enlightenment, publicity and political judgement are indispensable for understanding Kant’s political thought but obviously have no place in the metaphysics of right. They can only be introduced in Kant’s system as conditions of practice of right. What is closest to this requirement in the metaphysics of right is Kant’s account of civil self-sufficiency, but as argued above, this account confuses some a priori and empirical elements; it can serve neither as a constitutive principle of civil society nor as a basis for other claims. Therefore, if we insist on using this concept in Kant’s context, a reinterpretation is necessary. Self-sufficiency, as a constitutive principle of civil society, must be derived a priori from the innate right; therefore, everyone must have the right or qualification to par-

⁵⁹ “[...] das einzige Palladium der Volksrechte”.

⁶⁰ O’Neill, Onora: “The Public Use of Reason”. In: *Political Theory* 14, 1986, 533.

⁶¹ “Denn jedes Glied soll freilich in einem solchen Ganzen nicht bloß Mittel, sondern zugleich auch Zweck und, indem es zu der Möglichkeit des Ganzen mitwirkt, durch die Idee des Ganzen wiederum seiner Stelle und Function nach bestimmt sein.”

ticipate in legislation by virtue of one's humanity. This qualification has nothing to do with an ability that can only be empirically identified. However, this kind of self-sufficiency is merely juridical self-sufficiency, and citizens in this sense are merely passive citizens. Only those who not only have the right but are also capable of publicly making use of their own reason to actively participate in legislation are active or enlightened citizens. Compared to juridical self-sufficiency, the latter can be marked as political self-sufficiency,⁶² and it is not a constitutive principle of civil society but only serves as a condition for realizing the principles of right in experience. With respect to political practice, even if everyone has the right to participate in legislation, it is not sufficient to guarantee well-ordered politics and the further realization of the principles of right. An enlightened and critical public sphere is more important than the democratic procedure. Even in a democracy, the danger of despotism still exists; if the people are only passive in exercising their right because of widespread political indifference or are incapable of publicly making use of their reason to supervise public power, for Kant, "this would be a sure sign that the people is corrupt" (MS, AA 06: 322)⁶³.

Kant's philosophy does contain some elements that might be considered more republican, such as his emphasis on political self-sufficiency and public participation, but these elements are within his doctrine of politics as the practice of right rather than within his metaphysics of right. These elements themselves are not ends but only means for realizing the principles of right in experience; they must be limited by these principles because "politics must always be accommodated to right" (VMRL, AA 08: 429)⁶⁴. In Kant's context, the only way to argue for social welfare might be by exploring the conditions of the practice of right or, furthermore, the conditions of the possibility of enlightenment.⁶⁵ I will argue below that this exploration can provide us with a basis not only for arguing for social welfare in Kant's context but also for imposing limits on social welfare, which has not been captured by any other attempt in the metaphysics of morals.⁶⁶

⁶² Kant does not use these concepts, but he does distinguish between juridical freedom and political freedom in his *Vorarbeiten zu Über den Gemeinspruch* (VATP, AA 23: 129).

⁶³ "[...] so wäre es ein sicheres Zeichen, daß das Volk verderbt".

⁶⁴ "[...] die Politik [muß] jederzeit dem Recht angepaßt werden".

⁶⁵ Thomas Pogge keenly notes that social welfare can be justified within Kant's theory only for two reasons: for the stability of the state itself and for enlightenment. Pogge, Thomas: "Kant's Theory of Justice". In: *Kant Studien*. 79 (4), 1988, 422. Pogge's argument for enlightenment is teleological, but I believe that both reasons can be traced back to the practice of right; therefore, there is actually only one reason.

⁶⁶ For example, when Sarah Holtman tries to respond to Onora O'Neill's concern about excessive welfare, she is unable to offer any limit on the welfare principle but simply concedes that "there is no blueprint here for states to follow". Holtman, 2018, 62.

If the welfare principle can be justified a priori, then it cannot be limited for any empirical reason. However, Kant obviously does not accept an unlimited welfare principle because it could lead to the greatest conceivable despotism.

4 Political enlightenment, social welfare and its limits

By exploring the conditions of the possibility of enlightenment to argue for social welfare, it is easy to understand, first, why it is necessary for the state to promote public education, especially for minors. In the *Lectures on Pedagogy*, Kant clearly notes that the ultimate purpose of education is to guide a child to the use of reason, “so that it may one day be free, that is, so that it need not depend on the care of others” (Päd, AA 09: 454)⁶⁷. This is the same as the purpose of enlightenment. Kant also believes that “public education is more advantageous than domestic, not only as regards skillfulness but also with respect to the character of a citizen” (Päd, AA 09: 453)⁶⁸. However, education alone is not sufficient to make enlightenment possible because education is also a component of society and thus is inevitably conditioned by specific social and political situations. As Kant observes in *What Does It Mean to Orient Oneself in Thinking*,

it is quite easy to ground enlightenment in *individual subjects* through their education; one must only begin early to accustom young minds to this reflection. But to enlighten an *age* is very slow and arduous; for there are external obstacles which in part forbid this manner of education and in part make it more difficult. (WDO, AA 08: 146)⁶⁹

Public education can surely promote enlightenment, but an ideal institution of education cannot be established independently of actual social conditions. In addition to external obstacles such as politics, religion, and the enlightenment of educators themselves, the popularization of public education is, like other forms of social welfare, largely limited by the financial capacity of government:

67 “[...] damit es einst frei sein könne, d. h. nicht von der Vorsorge Anderer abhängen dürfe”.

68 “Im Allgemeinen scheint doch nicht blos von Seiten der Geschicklichkeit, sondern auch in Betreff des Charakters eines Bürgers die öffentliche Erziehung vortheilhafter als die häusliche zu sein.”

69 “Aufklärung in einzelnen Subjecten durch Erziehung zu gründen, ist also gar leicht; man muß nur früh anfangen, die jungen Köpfe zu dieser Reflexion zu gewöhnen. Ein Zeitalter aber aufzuklären, ist sehr langwierig; denn es finden sich viel äußere Hindernisse, welche jene Erziehungsart theils verbieten, theils erschweren.”

There cannot be many such institutes, and the number of pupils in them cannot be large, because they are very expensive, and their mere set-up already requires a great deal of money. Things stand with them as with poorhouses and hospitals. (Päd, AA 09: 452)⁷⁰

In his time, Kant had to face the reality that “the governors of our world now have no money left over for public educational institutions or in general for anything that has to do with what is best for the world” (IaG, AA 08: 28; SF, AA 07: 92)⁷¹. Kant does not deny that governors should promote public education or other kinds of social welfare, but he is also aware of the limitations of education with respect to enlightenment.⁷² Thus, unlike Rousseau, Kant skips the option of education in his project of enlightenment in general and instead focuses on the question of whether enlightenment is still possible without the state-sponsored social welfare that could support it.

This question also leads Kant to an inquiry into the subjective possibility of enlightenment, and once he gives a positive answer to this, the minority from which humans need to extricate themselves is naturally viewed as self-incurred:

Enlightenment is the human being's emergence from his self-incurred minority. Minority is inability to make use of one's own understanding without direction from another. This minority is self-incurred when its cause lies not in lack of understanding but in lack of resolution and courage to use it without direction from another. Sapere aude! Have courage to make use of your own understanding! is thus the motto of enlightenment. (WA, AA 08: 35)⁷³

70 “Solcher Institute können nicht viele und die Anzahl der Zöglinge in denselben kann nicht groß sein, weil sie sehr kostbar sind, und ihre bloße Einrichtung schon sehr vieles Geld erfordert. Es verhält sich mit ihnen, wie mit den Armenhäusern und Hospitälern.”

71 “[...] unsere Weltregierer zu öffentlichen Erziehungsanstalten und überhaupt zu allem, was das Weltbeste betrifft, für jetzt kein Geld übrig haben”.

72 Kant, of course, does not deny the importance of education, but he also does not suggest, as Robert Louden claims, that “humans can only achieve their *Bestimmung* with the help of education”. Louden, Robert B.: “‘Total Transformation’: Why Kant Did Not Give up on Education”. In: *Kantian Review* 21 (3), 2016, 406. The core concept of Kant's conception of human *Bestimmung* is enlightenment, not education. On Louden's reading, enlightenment is completely dissolved into the concept of education, but education is only one means of obtaining enlightenment. Compared to the education of minors, Kant is more concerned with the enlightenment of those whom “nature has long since emancipated [...] from other people's direction (*naturaliter maiorennnes*)” [“die Natur längst von fremder Leitung frei gesprochen (*naturaliter maiorennnes*)”] (WA, AA 08: 35).

73 “Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit. Unmündigkeit ist das Unvermögen, sich seines Verstandes ohne Leitung eines anderen zu bedienen. Selbstverschuldet ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschliebung und des Muthes liegt, sich seiner ohne Leitung eines andern zu bedienen. *Sapere aude!* Habe Muth dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung.”

Enlightenment requires the agent's resolution and courage to make use of his or her own reason, but the conditions of the possibility of individual enlightenment have not yet been revealed. Kant admits that laziness and cowardice are almost human nature; it is usually comfortable to stay in one's minority, whereas the attempts to use one's own reason "will be crude, and in general also bound to greater hardships and dangers than when still under the command but also the care of others" (RGV, AA 06: 188)⁷⁴. Thus, it is very difficult for solitary individuals to spontaneously think for themselves; therefore, a more plausible method for humans to enlighten themselves is for them, as the public, to learn to make use of their own reason in the public sphere. The public sphere serves here as a mechanism of enlightenment, in which everyone is constantly stimulated by others to argue for their own opinions and interests and thus must learn to use their own reason more and more purposively. Under the premise of unavoidable coexistence and the unsocial sociability of human beings, the formation of the public sphere is inevitable; therefore, the enlightenment of humans is also inevitable. Of course, there must be freedom as well, namely, "freedom to make public use of one's reason in all matters" (WA, AA 08: 36)⁷⁵. This is a necessary objective premise for the formation of the public sphere, but it also describes a merely passive kind of freedom: at the very least, the governors should not hinder "their people's own weak and slow endeavours in this regard" (IaG, AA 08: 28)⁷⁶. Because freedom is not an all-or-nothing affair in reality, it will always be possible for people in any society to further enlighten themselves; therefore, the minority of human beings is self-incurred.

Since Kant emphasizes in more than one text that the minority from which enlightenment requires people to extricate themselves is self-incurred, we certainly cannot regard this statement as a merely strategic manoeuvre for dealing with censorship in Prussia. From a contemporary perspective, the main problem with this conception may be its neglect of the impact of social and economic structures on the possibility of individual enlightenment. It is understandable that Kant is not concerned with social and economic structures in the metaphysics of right because this is only an empirical phenomenon that cannot be grasped

74 "[...] werden freilich roh, gemeinlich auch mit einem beschwerlicheren und gefährlicheren Zustande verbunden sein, als da man noch unter den Befehlen, aber auch der Vorsorge anderer stand".

75 "[...] nämlich die: von seiner Vernunft in allen Stücken öffentlichen Gebrauch zu machen".

76 "[...] die obzwar schwachen und langsamen eigenen Bemühungen ihres Volks in diesem Stücke wenigstens nicht zu hindern".

a priori.⁷⁷ However, the same neglect within the practice of right would create great difficulty for Kant's project of political enlightenment. In this regard, the contemporary theory of structural injustice constitutes a direct challenge to his identification of this "self-incurred minority". Kant certainly acknowledges the existence of external obstacles to enlightenment, be they political, religious or economic, but he still believes that these obstacles have not completely eliminated the subjective possibility of individual enlightenment and thus appeals to the people's initiative to break the cycle between external obstacles and the general minority. The phrase "self-incurred minority" expresses, more or less, a

77 Recently, some interpreters have suggested that Kant also had consideration for social injustice, which is mainly referred to as the "general injustice" noted in the *Lectures on Ethics*: "One may take a share in the general injustice, even though one does nobody any wrong by civil laws and practices. So if we now do a kindness to an unfortunate, we have not made a free gift to him, but repaid him what we were helping to take away through a general injustice. For if none might appropriate more of this world's goods than his neighbour, there would be no rich folk but also no poor. Thus, even acts of kindness are acts of duty and indebtedness, arising from the rights of others." ["Man kann mit Antheil haben an der allgemeinen Ungerechtigkeit, wenn man auch keinem nach den bürgerlichen Gesetzen und Einrichtungen ein Unrecht thut. Wenn man nun einem Elenden eine Wohlthat erzeiget, so hat man ihm nichts umsonst gegeben, sondern man hat ihm das gegeben, was man ihm durch eine allgemeine Ungerechtigkeit hat entziehen helfen. Denn wenn keiner die Güter des Lebens mehr an sich ziehen möchte, als der andre, so wären keine Reiche aber auch keine Arme. Demnach sind selbst die Handlungen der Gütigkeit Handlungen der Pflicht und Schuldigkeit, die aus dem Recht anderer entspringen."] (V-Mo/Collins, 27: 416) Kevin Dodson believes that Kant regards "economic egalitarianism as the standard of social justice". Dodson, Kevin E.: "Kant's Socialism: A Philosophical Reconstruction". In: *Social Theory and Practice* 29 (4), 2003, 529. Allen Wood also asserts that "poverty itself represents a form of social injustice". Wood, 2008, 199. However, there is no evidence that this is an injustice of social structure rather than an injustice of public laws or institutions. A passage that Dodson and Wood both cite from the *Doctrine of Virtue* to support their interpretation precisely proves the latter because Kant explicitly notes that the so-called general injustice is "the injustice of the government" ["die Ungerechtigkeit der Regierung"] (MS, AA 06: 454). The claim that "none might appropriate more of this world's goods than his neighbour" might stem from an epistemic deficiency in "the instinct of benevolence" ["den Instinkt der Gütigkeit"] (V-Mo/Collins, AA 27: 416), which misunderstands an act of repayment as mere benevolence. See also Moran, Kate A.: "Neither Justice nor Charity? Kant on 'General Injustice'". In: *Canadian Journal of Philosophy* 27 (4), 2017, 479. In another paragraph, Kant explicitly criticizes an egalitarian claim derived from this instinct, for in this case "there would have to be the greatest abundance of everything, and it would all be passive, as when children enjoy something which one of them shares out to the rest, so long as it lasts" ["alsdenn aber müßte alles in größtem Ueberfluß seyn, es wäre alles paßiv, so als wenn Kinder zusammen was genießen, wo eins dem andern was giebt, so lange was da ist"] (V-Mo/Collins, AA 27: 416). Here, Kant not only stresses the importance of private property but also notes that egalitarianism would cause the general minority of humans.

libertarian position according to which the intellectual minority of individuals is ultimately due to their own choices:

It is because of laziness and cowardice that so great a part of humankind, after nature has long since emancipated them from other people's direction (*naturaliter maiorenes*), nevertheless gladly remains minors for life, and that it becomes so easy for others to set themselves up as their guardians. (WA, AA 08: 35)⁷⁸

However, the contemporary theory of structural injustice opposes this position and tries to argue that the possibility of individual choice and intellectual development is largely conditioned by a social structure that does not directly result from any individual's own choices and actions.⁷⁹ For those least advantaged members of society, not only their final ends and hopes for themselves but also their realized abilities and talents are largely determined and limited by their position in the social structure.⁸⁰ Social structure in this sense, as Marx also summarizes, becomes "a material power above us, growing out of our control, thwarting our expectations, bringing to naught our calculations".⁸¹ Kant's distinction between the public and the private use of reason further aggravates his difficulty. Enlightenment requires individuals' public use of reason, that is, participation in public communication in the public sphere outside of private life and work. Therefore, to enlighten themselves, individuals must have not only freedom but also necessary leisure time to make use of their own reason in the public sphere. However, if some people have to limit their life activities to the productive process for their physical survival, which, in Kant's view, is not a proper occasion for the public use of reason, they not only lack the opportunity to enlighten themselves but also lose their self-consciousness as human beings in the productive process. As Marx states,

labour, the only connection which still links them with the productive forces and with their own existence, has lost all semblance of self-activity and only sustains their life by stunting it.⁸²

78 "Faulheit und Feigheit sind die Ursachen, warum ein so großer Theil der Menschen, nachdem sie die Natur längst von fremder Leitung frei gesprochen (*naturaliter maiorenes*), dennoch gerne zeitlebens unmündig bleiben; und warum es Anderen so leicht wird, sich zu deren Vormündern aufzuwerfen."

79 Young, Iris M.: *Responsibility for Justice*. Oxford 2012, 52.

80 Rawls, John: *Political Liberalism*. New York 1996, 270.

81 Marx, Karl/Engels, Friedrich: *Collected Works*. Vol. 5. London 1975, 47.

82 Marx/Engels, 1975, 87.

Kant's project of enlightenment of course does not need to presuppose overly ideal conditions. What he expects is the slow but continuous development of enlightenment in history; not everyone immediately, but an increasing number of people would participate in the enterprise of enlightenment, which would be the fundamental driving force of historical progress. Such optimism might stem from Kant's observation of the historical transition from the medieval to the modern world, but it is not endorsed by social dynamics based on an analysis of the economic structure of modern society. As Hegel reveals through the so-called dialectic of civil society, modern society can create increasing wealth to satisfy the increasing needs of humans, but

the specialization and limitation of particular work also increase, as do likewise the dependence and want of the class which is tied to such work; this in turn leads to an inability to feel and enjoy the wider freedoms, and particularly the spiritual advantages, of civil society.⁸³

Marx further predicts that if capitalism is allowed to develop naturally without limitation and correction, modern society will eventually split into two great hostile classes, and the majority of members of society will be thrown into the class "which has to bear all the burdens of society without enjoying its advantages, which is ousted from society and forced into the sharpest contradiction to all other classes".⁸⁴ In this case, not only is the expansion of enlightenment no longer possible, but a revolution that can subvert the present order may also break out from such a social structure. Therefore, by introducing a perspective based on the social and economic structure, we can find that simply to maintain its empirical existence, the modern state must moderate the class differentiation and opposition resulting from the natural development of capitalism by engaging in redistribution to eliminate the structural risk of revolution predicted by Marx. In this way, we can better understand Kant's claim that the state should satisfy the basic natural needs of the poor for its self-preservation. However, social welfare at this level alone cannot provide the necessary material conditions for the practice of right. The modern state, which has rudimentarily realized democratic principles and created vast material wealth through the free market, should be committed to reducing the impact of an unequal social structure on individuals so as to preserve the possibility of their further enlightenment. Only in this case can the principles of right be continuously realized in experience.

⁸³ Hegel, G. W. F.: *Elements of Philosophy of Right*. Ed. by Allen Wood. Trans. by H. B. Nisbet. Cambridge 1991, 266 f. (§ 243–245).

⁸⁴ Marx/Engels, 1975, 52.

However, the social welfare provided by the state is not unlimited, and it is also impossible for Kant to accept an egalitarian project. This is not only because politics must be limited by principles of right and the state's capacity to provide social welfare relies on its financial capacity but also because enlightenment itself must tolerate or even requires a certain degree of social and economic inequality, whereas excessive social welfare or egalitarianism would rather lead to a general minority. When the inequality within a social and economic structure is alleviated to such an extent that it no longer provides the decisive suppression of individual enlightenment, the problem of "self-incurred minority" will truly emerge: why would individuals be willing to overcome their laziness to enlighten themselves in the public sphere? In *Idea for a Universal History*, Kant explicitly claims that the fundamental driving force of enlightenment is the antagonism between individuals in society, which is further driven by the unsociability in human nature, that is, humans' selfish inclination:

Now it is this resistance that awakens all the powers of the human being, brings him to overcome his propensity to indolence, and, driven by ambition, tyranny, and greed, to obtain for himself a rank among his fellows, whom he cannot stand, but also cannot leave alone. (IaG, AA 08: 21)⁸⁵

By contrast, Marx requires the elimination of all "antagonism that emanates from the individuals' social conditions of existence" to create a realm of freedom for the development of human capabilities.⁸⁶ However, as Jon Elster also criticizes, it is difficult to imagine that individuals would initiate engagement in creative activities unless they at least sometimes act in a selfish manner.⁸⁷ Kant believes that such a society is not only impossible but also not worth expecting. In a society where all social resources are absolutely equally distributed, it would no longer be possible or necessary for individuals to improve their position and situation through their own efforts, and thus their enlightenment would also no longer be possible. Without this antagonism in society,

all talents would, in an arcadian pastoral life of perfect concord, contentment and mutual love, remain eternally hidden in their germs; [...] Thanks be to nature, therefore, for the incompatibility, for the spiteful competitive vanity, for the insatiable desire to possess or

85 "Dieser Widerstand ist es nun, welcher alle Kräfte des Menschen erweckt, ihn dahin bringt seinen Hang zur Faulheit zu überwinden und, getrieben durch Ehrsucht, Herrschaftsucht oder Habsucht, sich einen Rang unter seinen Mitgenossen zu verschaffen, die er nicht wohl leiden, von denen er aber auch nicht lassen kann."

86 Marx, Karl/Engels, Friedrich: *Collected Works*. Vol. 29. London 1987, 264.

87 Elster, Jon: *Make Sense of Marx*. Cambridge 1985, 87.

even to dominate! For without them all the excellent natural predispositions in humanity would eternally slumber undeveloped (IaG, AA 08: 21)⁸⁸.

Therefore, we can understand why Kant so fiercely criticizes the paternalistic government established on the principle of benevolence, for here

the subjects, like minor children who cannot distinguish between what is truly useful or harmful to them, are constrained to behave only passively, so as to wait only upon the judgment of the head of state as to how they should be happy and, as for his also willing their happiness, only upon his kindness (TP, AA 08: 290–291)⁸⁹.

Kant's criticism of paternalistic government is thus not, as Kaufman claims, only directed toward the cameralist thought of his time⁹⁰ but is based on more general considerations. Not only is a paternalistic government inconsistent with principles of right, but it also makes the people's enlightenment, and thus the practice of right, impossible; in this sense, it is "the greatest despotism thinkable (a constitution that abrogates all the freedom of the subjects, who in that case have no rights at all)" (TP, AA 08: 291)⁹¹. This criticism can also be applied to governments that provide excessive social welfare.

Therefore, in Kant's context, we can justify the welfare principle by reason of political practice, but we can also impose limits on its application based on the same reason. For the modern state, the key is to determine an empirical balance to ensure, on the one hand, that individuals will not be oppressed by an unequal social structure and thus will not lose the possibility of enlightening themselves and, on the other hand, that they will not lose the motivation to enlighten themselves due to a decrease in competition. This balance and the conditions of its realization are not ready-made and invariable, nor can they be recognized a priori. Rather, they depend on historical conditions and the people's own judgement.

88 "[...] würden in einem arkadischen Schäferleben bei vollkommener Eintracht, Genügsamkeit und Wechselliebe alle Talente auf ewig in ihren Keimen verborgen bleiben: [...]. Dank sei also der Natur für die Unvertragsamkeit, für die mißgünstig wetteifernde Eitelkeit, für die nicht zu befriedigende Begierde zum Haben oder auch zum Herrschen! Ohne sie würden alle vortreffliche Naturanlagen in der Menschheit ewig unentwickelt schlummern."

89 "[...] also die Unterthanen als unmündige Kinder, die nicht unterscheiden können, was ihnen wahrhaftig nützlich oder schädlich ist, sich bloß passiv zu verhalten genöthigt sind, um, wie sie glücklich sein sollen, bloß von dem Urtheile des Staatsoberhaupts und, daß dieser es auch wolle, bloß von seiner Gütigkeit zu erwarten".

90 Kaufman, 1999, 39.

91 "[...] der größte denkbare Despotismus (Verfassung, die alle Freiheit der Unterthanen, die alsdann gar keine Rechte haben, aufhebt)."