

Chapter 8

Kant's Politics

Kant's account of morality focuses on a person's capacity to be the agent and owner of his own actions, not merely a conduit for social and psychological forces or influences over which he has little or no control. His discussion of this connection between morality and freedom centers on autonomy of the will. Because morality is connected with autonomy, and autonomy is connected with an individual's ability to participate in the process of rational deliberation and choosing ends for himself, it appears as if an individual alone should be the sole determining factor in whether he becomes virtuous. But that is not the case.

Minimally, certain preconditions must be met in order for it to be possible for an individual to develop virtue. For example, morality requires individuals to adopt principles of action freely and via reason, not merely as a response to desire or because they have been conditioned to do so. If it's not actually the case that it is possible for human beings to be free in a substantive way to determine the principles on which they act, then both morality and virtue would not be relevant concepts when applied to human beings.

While this precondition relates to human nature itself, other preconditions relate specifically to the external conditions in which individuals live. For example, Kant believed that liberty (i.e., external freedom) is a precondition for the possibility of autonomy (i.e., internal freedom). Put differently, it is not possible for a human being to possess autonomy unless he also possesses liberty. Here, liberty should be understood not just as an individual possessing external freedom or the ability to move about or otherwise do as he sees fit, but also in terms of having a sense of self-security and not living in fear of bodily harm. Someone who lives in constant fear of sudden and violent death or is otherwise always afraid of being severely harmed is not free in in

any meaningful way to act as he sees fit because his actions are determined by his circumstances.

This relationship between liberty and autonomy produces a few interesting, and perhaps unexpected, consequences. One consequence is that it creates a connection between human virtue and living in civil society. Specifically, living in civil society makes it possible for an individual to become virtuous. Kant believes that this happens in two ways. First, living in civil society provides better protection from liberty-infringing acts performed by other people, acts that when performed frequently make it more difficult for people to act from reason and not from an emotional response such as fear. Second, living in civil society also helps an individual to refine his talents and reason completely, a necessary component of virtue and something that Kant believed cannot be done in isolation.

The previous chapter identified and examined one component of freedom that is connected with adopting principles of action that are consistent with the moral law. A second component is that an individual must be free from external forces that could determine the maxims he adopts. Although autonomy is connected with an individual's ability to participate in the process of rational deliberation and act on maxims that are not contradictory, an individual's external circumstances, circumstances that are often beyond his control, can play a significant role in determining whether it is possible for him to be autonomous in practice.

Consider someone who lives in constant fear of sudden and violent death, or, perhaps less violent but similarly difficult, someone who is in extreme poverty and lives with a real risk of death from starvation or exposure. A person whose mere survival is under constant threat likely will respond to these external pressures and act from basic instincts and not reason. Kant argued that this is the life of the person who lives outside of what he called "civil society." Civil society is a relationship between individuals in which they recognize each other in certain ways. The defining feature of civil society is that it contains "distributive justice," by which Kant meant (1) an individual's liberty and property is secured by juridical law and (2) there is an arbiter who possesses the power to render decisions on legal disagreements and then enforce these decisions.

Kant claimed that individuals are under a moral obligation to enter into this civil relationship with the other people around them to mutually

recognize and respect liberty and property rights. This obligation follows from (1) individuals are under a moral obligation to act autonomously; (2) autonomous action is possible in practice only if an individual's life, health, liberty, and possessions are secured; and (3) the only mechanism to realize this security is by living in civil society. While I'm under a moral obligation to enter into this relationship, it is important to notice that this is something I cannot do alone. While I can recognize and respect the rights of others, they also need to recognize and respect my rights.

So, what happens if they don't agree to act in this way? If people around me do not act in ways that respect my liberty and property rights, Kant argued that I'm justified in using certain kinds of coercive force to get them to do so. At first, it seems weird that Kant argued that coercion under certain circumstances is consistent with a moral philosophy that focuses on individual freedom. When I coerce others in this way, aren't I violating their freedom? If they don't want to recognize and respect me in this way, why am I justified in forcing them to do so?

Although coercion violates individual freedom and is wrong as a general rule, if Person A is using his freedom in a way that violates the liberty or property rights of Person B, then an action that aims to prevent that rights-violating act by Person A is consistent with promoting rights generally and is therefore justified. So, if someone refuses to enter into a condition of civil society with me, I may justly coerce him to do so. The one requirement for this use of coercion to be justified is that I have to coerce him in a manner that recognizes him as a person who also has liberty and property rights.

Assume that we have some sort of legitimate rights dispute. I picked a bushel of apples but you claim that they are yours because I picked them from your tree. If you pull out a gun and tell me that if I don't give you the apples you'll shoot me, thereby using your superior force to impose your will on me and simply take the apples from me, then that use of coercion does not recognize my rights in the appropriate manner and is unjust. But suppose that you pull out your gun and use your superior force to compel me to appear before a designated arbiter, one who was widely recognized as both fair and impartial, who could settle the claim about the apples. This use of coercive force would be justified because it was done in a manner that respected both of our rights.

This aspect of justified coercion highlights the second component of Kant's concept of distributive justice. The first component is that each individual's liberty and property rights are secured by law. The second component is that there exists an arbiter who is able to resolve disputes, has the power to enforce resolutions of these disputes, and has the power to punish people who violate the rights of others.

Most of us, including Kant, would associate this arbiter with the state and its institutions. Lawmakers create the laws, which, presumably, stem from the will of the people and their desire to protect and promote their freedom; judges act as the arbiters of legal disputes, including determining when people break the law; and our police enforce both the laws and the decisions made by our judges. Simply put, the civil state, which Kant separates from civil society, is the set of public institutions that aim to uphold and maintain civil society.

Civil society maintains the external conditions that make it possible for human beings to become autonomous. The civil state helps to maintain civil society. While the most obvious way of maintaining civil society is resolving disputes between individuals, the state is also able to establish laws and policies that proactively prevent disputes. Proactively preventing disputes is the purpose of all laws that establish property rights.

Kant argues that the state is also able to proactively prevent problems in other ways. One way is that the state should use coercive taxation to support the poor, but only at a very basic level. Why only at a basic level? Remember that coercion is justified only to prevent actions that hinder freedom. When someone is in such extreme poverty that they are facing starvation or their lack of very basic resources otherwise affects their decision-making process, Kant believes that the state is justified in redistributing resources to eliminate this situation. This redistribution is not just for the benefit of the people who are poor, but also for the people who are not poor and are having their resources taken from them. Civil society is a condition you enter into with the people around you. Someone who is in extreme poverty cannot enter into this condition.

Consider the following scenario: Three people inhabit a small island. The island has more than enough supplies to keep all three alive until the end of their natural lives. But due to a combination of ingenuity, work ethic, intelligence, and fortune, those supplies are not distributed equally. One person,

call him Rich, is recognized as the rightful owner of the vast majority of the supplies. The second person, call him Poor, possesses nothing but the shirt on his back. While he may be able to acquire enough to sustain himself in the short term (collecting water, catching fish, etc.), his long-term prospects are poor and he always worries about where his next meal will come from, if he will have appropriate shelter during the next storm, and so forth. The third person, call him Rex, possesses just enough to sustain himself. He also possesses a monopoly of force (has the only gun, is the strongest, etc.).

Under these circumstances, if Rich does not give to Poor voluntarily, Rex would be justified in using coercive force to take some of Rich's resources and give them to Poor. The amount of resources that Rex would be justified in taking from Rich would be equal to the amount needed by Poor to get him up to the level of subsistence and provide a safety net so that Poor is not afraid of starving, going without shelter, or lacking other basic necessities. But what would justify Rex's coercion of Rich must be rooted the same principle that justifies any act of coercion—hindering a hindrance to freedom.

And there lies the apparently difficulty. If coercion that promotes freedom is thought to be a response to a particular act, it may not obvious how Rich's failure to provide assistance to Poor (i.e., his lack of action) accomplishes this goal in the manner that Kant requires to justify the use of coercive force. In the case of Rich, Poor, and Rex, coercion is justified using similar reasoning that justified its use in the previously referenced discussion of an individual looking to leave the state of nature. In both cases, coercion is justified as response to inaction that prevented the establishment of a condition that secured distributive justice, a necessary precondition for the possibility of autonomous action.

That Kant would take this position on taxation is not surprising given his discussion of autonomy and the role of the state in securing an external condition that makes autonomous action possible. Autonomy is connected with an individual's ability to participate in the process of rational deliberation, but an individual's external circumstances, circumstances which are often beyond his control, play a significant role in determining whether it is possible for him to be autonomous in practice. One function of Kant's political philosophy is to examine how these external conditions can be established such that all individuals have the opportunity to be free.

If state authority is justified because it helps to secure the external conditions that make autonomy possible, then some degree of taxing the rich in order to support the poor is legitimate. What is at issue is not fairness, but the freedom of the individuals who are destitute. Without state support to provide the basic necessities, these individuals would be in constant fear of lacking what is necessary to survive. For Kant, no one can be autonomous when living in this condition. This position is not unique to Kant, although the justification may be. Support for similar positions can be found in the writings of John Stuart Mill, Friedrich Hayek, and Milton Friedman, all of whom are generally recognized as either classical liberals or as espousing the tenets central to classical liberalism.

In this way, civil state institutions can help maintain civil society. But while civil society cannot exist without these institutions, these institutions can exist without civil society. Think of any state that uses its overwhelming power to enforce an unjust condition. While extreme cases are easy to identify (e.g., Nazi Germany), this arrangement likely describes most states throughout the course of history. In the United States, it is clear that black Americans lacked access to distributive justice during the time of slavery, Reconstruction, or before the civil rights movement of the 1950s and 1960s. It wouldn't be unreasonable to argue that poor, black Americans today still lack complete access to distributive justice, especially when compared to rich, white Americans.

Once an individual has entered into this condition of civil society with the people around him, Kant argues that securing your external freedom is no longer a concern. Instead, the focus then shifts to an individual becoming autonomous, for which the cultivation of virtue plays a central role. Kant claims that human reason does not come fully formed and does not operate on instinct. Instead, it requires practice, experience, and instruction to improve, both at the level of the individual and at the level of humans generally. Receiving this type of training is dependent not only on the immediate assistance of one's fellow community members, but also on the evolution of reason that is passed down from generation to generation.