

Jeppe von Platz

Kant and the Question of Economic Inequality

1 Introduction

Kant rarely discusses what economic inequalities justice permits,¹ and what he says seems to indicate that he does not see economic equality as a central concern of justice. Citizens “are equal to one another as subjects,”² but this formal equality is “consistent with the greatest inequality in terms of the quantity and degree of their possessions.”³ So, though Kant says that the state may support “charitable or pious institutions”,⁴ it appears that economic equality is not a central concern of Kant’s theory of justice.

This apparent lack of concern for economic equality can support two sorts of criticism. First, the external critique that justice requires a concern with economic equality absent from Kant’s theory of justice. Second, the internal critique that Kant’s disregard for economic equality conflicts with central claims or aims of his political philosophy. Assessing the external critique leads to a conversation about justice; assessing the internal critique leads to a conversation about Kant’s theory of justice. In this essay I discuss a version of the internal critique raised by David James.⁵

James argues, first, that the way Kant’s theory of radical evil shapes his political philosophy commits Kant to a permissive view of economic inequalities, and, second, that because of this commitment the achievement of Kantian jus-

1 As Gregor says: “students of Kant will presumably be interested [...] in trying to develop on the basis of it a theory of distributive justice [...] Kant himself is not concerned with this problem.” (Gregor, Mary: *Kant’s Theory of Property*. In: *The Review of Metaphysics*, 41/4 (1988), 757–787, 762.)

2 Kant: TP, AA 08: 292. All references in footnotes are to the Academy Edition: Kant, Immanuel: *Gesammelte Schriften*, Hrsg.: Bd. 1–22 Preussische Akademie der Wissenschaften, Bd. 23 Deutsche Akademie der Wissenschaften zu Berlin, ab Bd. 24 Akademie der Wissenschaften zu Göttingen. Berlin 1900ff. Translations are from the *Cambridge Edition of the Works of Immanuel Kant*, Guyer, P. & Wood, A. eds. (Cambridge University Press, 1996 ff.)

3 Kant: TP, AA 08: 292.

4 Kant: MS, AA 06: 326.

5 James, David: *The Role of Evil in Kant’s Liberalism*. In: *Inquiry* 55/3 (2012), 238–261, and James, David: *Rousseau and German Idealism*. Cambridge 2013.

Jeppe von Platz, Philosophy, University of Richmond, jplatz@richmond.edu

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tice (liberty) precludes the achievement of Kantian virtue (autonomy). Behind this problem is a dilemma: *either* we allow economic advantages to be distributed by free market forces and accept resulting inequalities, *or* we use the coercive measures of the state to ensure a sufficient measure of economic equality. If we follow the first path, as James argues that Kant did, then we create a system of economic inequalities that leads to a society of interpersonal dependence and domination that, in turn, engenders the vices of culture and makes the achievement of autonomy impossible (or at least highly unlikely). If we follow the second path, as James suggests Fichte did, then we create a system of state coercion that also undermines autonomy. Since either path leads to a society that is inhospitable to the achievement of autonomy, the tragic outcome is that the achievement of justice (liberty) precludes the achievement of Kantian virtue (autonomy).

I argue, first, that Kant can (and should) be concerned with economic inequalities if and when they have the aforementioned corrupting effects, and, second, that Kant would reject that freedom and coercion conflict in the manner this supposed dilemma assumes. So, contrary to James's argument, Kant is sufficiently attuned to the question of economic inequality to avoid the supposed conflict between justice and virtue.

2 Rousseau's challenge

James argues that Rousseau's attempt to make freedom and dependence consistent leaves a key problem unsolved. In civil society we find a dangerous form of interpersonal dependence: "dependence on other human beings *as mediated by dependence on things*."⁶ In conditions of economic inequality, this sort of dependence leads to inflamed *amour-propre* and vice.⁷ Of course, in the *Social Contract* Rousseau indicates that economic inequalities are impermissible if they lead to domination,⁸ but James argues that this solution fails, since only virtuous citizens would support the legislation that is a precondition for virtuous citizenship.⁹ Rousseau's challenge, then, is to find a way to have civil society without social conditions where inflamed *amour-propre* and attendant vices grow at the expense of virtue and moral freedom. James argues that Kant tried but failed to solve this challenge.

⁶ James, David: *Rousseau and German Idealism*. Cambridge 2013, 38.

⁷ James, David: *Rousseau and German Idealism*. Cambridge 2013, 35, 38, 45.

⁸ Rousseau, Jean-Jacques: *The Social Contract*. Ed. Victor Gourevitch. Cambridge 1997, 56, 78.

⁹ James, David: *Rousseau and German Idealism*. Cambridge 2013, 48.

James's argument moves from Kant's theory of evil to Kant's principles of justice and his permissive view of economic inequalities, and from there to the problem that a society structured by Kant's principles of justice is inhospitable to virtue and autonomy. Here's the argument in overview:

- (1) Because Kant's liberalism is shaped by his theory of radical evil, Kant is committed to a permissive view of economic inequality.
- (2) Because Kant is committed to a permissive view of economic inequality, a society structured by Kant's principles of justice will suffer relations of dependence and domination that make the achievement of virtue and autonomy impossible (or very unlikely).
- (3) So, realizing Kantian justice (liberty) precludes realizing Kantian virtue (and autonomy).

If sound, James's argument is devastating, for then the realization of Kantian justice precludes the achievement of virtue and autonomy and Kant's practical philosophy is truly tragic. In the following I discuss and reject (1) and (2) and thus dismantle James's support for (3).

3 Radical evil and Kant's liberalism

The first step in James's argument is to link Kant's theory of justice to Kant's theory of evil – in a slogan: “Kant's theory of radical evil shapes his liberalism.”¹⁰

James's main support for this claim is the passage in *Perpetual Peace* where Kant asserts that “the problem of establishing a state [...] is *soluble* even for a nation of devils.”¹¹ Though he does not distinguish these clearly, James uses this passage to support three significantly different interpretive claims.¹² First, a Kantian republic is *especially suited for* evil beings, so that “human beings get to live in the kind of society and under the kind of constitution that is best suited to their radically evil nature.”¹³ Second, a Kantian republic must

10 James, David: *The Role of Evil in Kant's Liberalism*, In: *Inquiry* 55/3 (2012), 238–261, 256; James, David: *Rousseau and German Idealism*. Cambridge 2013, 84.

11 Kant: Zef, AA 08: 366.

12 Cf. James, David: *The Role of Evil in Kant's Liberalism*. In: *Inquiry* 55/3 (2012), 238–261, 239 and 243–245; James, David: *Rousseau and German Idealism*. Cambridge 2013, 54f., 61–64, 76, 84f., 87.

13 James, David: *Rousseau and German Idealism*. Cambridge 2013, 84.

be *acceptable to* evil beings, so that “Kant describes the constitution to which even a nation of devils could agree.”¹⁴ And, third, a claim about the *maintainability* of a republican society: that even devils could willingly support and maintain a Kantian constitution. However, even if a Kantian constitution is suitable for, acceptable to, or maintainable by devils, this does not show that Kant’s theory of evil shapes his theory of justice. To support that conclusion, James needs to show that Kant’s principles of right are determined by reference to what is suitable for, agreeable to, or maintainable by evil beings. James does not deliver such an argument.

Even worse, James overlooks a fourth and more straightforward reading of the devils passage. On this reading, Kant is merely responding to the worry that a just republic is impossible, since it requires a superhuman degree of virtue of citizens so that it “would have to be a state of *angels*,”¹⁵ by pointing out that since justice requires only outward conformity with duty, and outward conformity can be secured by coercion, a just republican society does not presuppose a high degree of virtue of the members of society – indeed, *even* a nation of *devils* could be made to act justly. So, the fact that human beings are of less than angelic virtue does not imply that justice is impossible. On this reading, the devils passage offers no support for the claim that Kant’s theory of evil shapes his political philosophy.

It is also worth noting the absence of devils and radical evil from the Doctrine of Right. Alas, James’s treatment of Kant’s political philosophy rarely deals directly with the Doctrine of Right. It is an obvious weakness that James presents a theory about Kant’s liberalism without discussing the universal principle of right, the innate right to freedom, the discussion of the consistency of freedom and coercion, Kant’s theory of property, the distinction between private and public right, the principles of private and public right, or Kant’s discussion of republican citizenship in terms of freedom, independence and equality.

In addition, in the *Doctrine of Right* Kant explicitly rejects the close relation between evil and right that James attributes to him. When explaining the transition from private to public right, Kant writes:

[H]owever well-disposed and law-abiding human beings might be, it still lies a priori in the rational idea of such a condition (one that is not rightful) that before a public lawful condition is established individual human beings, peoples and states can never be secure against violence from one another.¹⁶

¹⁴ James, David: *Rousseau and German Idealism*. Cambridge 2013, 76.

¹⁵ Kant: Zef, AA 08: 366.

¹⁶ Kant: MS, AA 06: 312.

While this passage can be interpreted in different ways, it at least indicates that the “public lawful condition” is required whether or not human beings are evil. Indeed, Kant’s definition of public right leaves out any reference to dispositions: public right is “a system of laws for a people [...] which, because they affect one another, need a rightful condition under a will uniting them.”¹⁷ James’s claim that Kant’s political philosophy is shaped by his theory of radical evil is contradicted by these passages.

So, we should reject that Kant’s theory of justice (and his liberalism in general) shaped by his theory of evil.

4 The problem of economic inequality

Since James argues that Kant’s commitment to a permissive view of economic inequalities results from the way his political philosophy is shaped by his theory of evil, it follows from what I argued above that we also may question whether Kant really is committed to a permissive view of economic inequalities. This opens up the possibility that Kant might not, after all, hold an unduly permissive view of economic inequality. Yet the second step in James’s argument can stand free of the first. If, as James argues, a Kantian society inevitably contains economic inequalities of a degree and kind that make virtue and autonomy impossible (or very unlikely), then the tragedy remains. So, the second part of James’s argument works (or does not work) whether or not Kant’s principles of right are shaped by his theory of evil. James merely needs to show that a society structured by Kant’s principles of justice inevitably contains the sort of economic inequalities that engender corrupting relations of dependence and domination, so that Kantian society must be marred by inflamed *amour-propre* and the vices of culture.

James’s argument that a Kantian society inevitable contains such corrupting economic inequalities is that Kant’s principles of justice commit him to a free market capitalist design of the economic system, and that in such a system the distribution of economic advantages is the outcome of unplanned, spontaneous processes – think of Adam Smith’s invisible hand or Hayek’s catallaxy.¹⁸ Such a distribution of economic advantages will contain substantial inequalities of wealth and income, and these inequalities will lead to interpersonal dependence and domination, inflamed *amour-propre*, and the vices of culture.

¹⁷ Kant: MS, AA 06: 311.

¹⁸ James, David: *Rousseau and German Idealism*. Cambridge 2013, 85; James, David: *The Role of Evil in Kant’s Liberalism*. In: *Inquiry* 55/3 (2012), 238–261, 257.

The key moves in this argument are: first, the claim that Kant is committed to a Hayekian free market system for the distribution of economic advantages, and, second, the claim that such a system inevitably contains the corrupting economic inequalities.

Exactly which principles of public right Kantian contractualism supports is a hard question, and it is therefore hard to say which principles ought to structure the distribution of economic advantages.¹⁹ I am inclined to read Kant as more of a republican than a liberal (Hayekian or Rawlsian), but even if, for the sake of argument, we grant that Kant affirms some form of Hayekian liberalism, we should not conclude that Kant must therefore embrace vice-generating relations of dependence and domination. This step in James's argument mischaracterizes Hayekian liberalism, and so is not a fair critique of Kant, *even if* Kant was a liberal of this sort.

A Hayekian liberal cannot assign intrinsic value to economic equality, and so cannot make equality a primary requirement of justice. But a Hayekian liberal can and should give economic equality derivative value and require that it be pursued by the state, if a measure of equality is required to secure other requirements of justice. If some measure of economic equality is necessary for important social ends such as freedom, prosperity, or social stability, then Hayekian liberals can endorse political measures that ensure the required measure of equality. More concretely, even if Kant was a Hayekian liberal, he could still maintain that economic equality is a legitimate political goal, insofar as a measure of economic equality is necessary for avoiding the autonomy-destroying cultivation of *amour-propre* and vice.

Of course James might object that Kant's philosophy is tragic, because Kantian justice *precludes* the pursuit of economic equality that is a precondition for the achievement of virtue. Here is where James could argue that Kant faces a dilemma.²⁰

The dilemma is that Kantians face a choice between two unacceptable options: *either* we allow that economic advantages are distributed by a spontane-

19 Some find in Kant a support of economic egalitarianism, others find its rejection. For the former, see e.g. Rawls, John: *Kantian Constructivism in Moral Theory*. In: *John Rawls: Collected Papers*. Ed. Samuel Freeman. Harvard 2001, 303–358; Guyer, Paul: *Kantian Foundations for Liberalism*. In: *Kant on Freedom Law and Happiness*, Cambridge 2000, chap. 7; *Kant's Deductions of the Principles of Right*. In: *Kant's System of Nature and Freedom*, Cambridge 2005, chap. 9. For the latter, see e.g. Hayek, Friedrich: *The Principles of a Liberal Social Order*. In: *Studies in Philosophy, Politics, and Economics*. Chicago 1967, 160–177; and Robert Nozick's *Anarchy, State, and Utopia*. Oxford 1974, 32, 228.

20 James, David: *Rousseau and German Idealism*. Cambridge 2013, 179–193 and 220–222.

ous process (the free market) *or* we take political control of the distribution of economic advantages. The first route leads to the autonomy-destroying system of economic inequalities. The second route requires the state to secure the unwilling cooperation of citizens by force, which violates liberty and thereby also prevents the achievement of autonomy. Since neither option allows the achievement of autonomy, it appears that we cannot have both autonomy and civil society.

This dilemma assumes a choice between an unregulated spontaneous process and a coercive system of regulation. But we should reject this assumption: a spontaneous process can be regulated, and regulation need not be coercive in a way that conflicts with liberty.

First, it is easy to see why one might assume that a spontaneous order must be unregulated – it is, after all, spontaneous. Yet a spontaneous social order develops when individuals interact within a system of roles and rules, and we can regulate the process that creates a spontaneous social order by controlling these roles and rules. To illustrate, if you want to make rock crystal, you insert a string into a solution of water and sugar; the crystal is created by atoms solidifying to form the crystal on the string. The process is spontaneous, and you do not control the behaviour of the individual atoms. But you can control the process in a number of ways by controlling the conditions. If for example you add food colouring you can control the colour of the crystals, if you keep the string and glass clean you get clearer crystals, and so on. Similarly, we can control the spontaneous social order that a free market generates (i.e. the distribution of economic advantages) by controlling the roles and rules of that market. Controlling these conditions does not mean that the individuals interacting in the market are not freely choosing or that the result is not a spontaneous order. Smith, Hayek and Rawls all make use of this insight. Indeed, the system generated by the principles of Rawls's justice as fairness provides a counterexample to James's dilemma. In such a system, the distribution of economic advantages results from a spontaneous order process (individuals freely interacting in the marketplace), yet institutional background conditions secure that the resulting order is fair, without the state deciding who gets what or why they get it.

Second, the political regulation of external freedom need not be unduly coercive and so need not be inconsistent with liberty. This insight is captured in Rousseau's ideas of popular sovereignty and the general will: when laws are just and are generated by a democratic process, they express the general will of the people and thus of every subject as citizen. Members of actual bodies politic might be tempted to break even just laws, so to offer assurance and secure

compliance laws must enjoy what Habermas calls dual validity²¹; laws must express the general will (and so be just), while carrying sufficient sanctions to make it rational for citizens to obey them independently of their justice. The point remains: a system of just laws does *not* force the wills of those subjected to it in a manner that is inconsistent with their autonomy, for such laws express only what subjects will as citizens, when deliberating from the standpoint of the general will.

So there is a path between the horns of James's dilemma, a path followed by contractualists like Rousseau, Kant, and Rawls; to construct a society where the distribution of economic advantages generated by the market are acceptable to each. If inequalities create corrupting relations of dependence and domination, then that is sufficient reason for disallowing these inequalities and we should structure the economic system to avoid them. In such a system, liberty is maintained, since the state does not coercively determine the choices of individual citizens, and since the laws express the will of those subject to them; and virtue and autonomy are possible, since the corrupting economic inequalities are prevented.

5 Conclusion

James argues that the way that Kant's political philosophy is shaped by his theory of radical evil leads Kant to a permissive view of economic inequality, which, in turn, leads to a conflict between justice (liberty) and virtue (autonomy). I have argued, first, that we should doubt that Kant's political philosophy is shaped by his theory of evil; second, that Kant need not embrace an unduly permissive view of economic inequality; thus, third, the supposed conflict between justice and virtue disappears.

I have not offered a full account of how Kant would answer the question of economic inequality. However, my argument suggests an answer: for Kant, relations of economic inequality are impermissible if they threaten the achievement of autonomy of those who are in these relations. Some might be dissatisfied with such an instrumentalist approach to economic inequality and worry that its commitment to economic equality is too shallow. Discussing these dissatisfactions would take us from the discussion of the internal coherence of Kant's practical philosophy, and into the realm of external critique and the discussion of justice as such.

²¹ Habermas, Jürgen: *Between Facts and Norms*. Cambridge, MA 1996, 28.