

REDISTRIBUTION, FREEDOM, AND INDEPENDENCE

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I. INTRODUCTION

I argue that Immanuel Kant's theory of public right, as it is presented in "Doctrine of Right," requires the redistribution of wealth through taxation. I aim to show that the Kantian state exists to maximize individual freedom and that it must implement redistributive policies in order to maintain its existence. This analysis will go against the grain of traditional objections to the redistribution of wealth, including objections associated with Kantian ethical principles. To illustrate this claim, I will consider an argument put forward by Robert Nozick in *Anarchy, State, and Utopia*. In contrasting Nozick and Kant's conceptions of the state, I will show that the Kantian ideas at work in Nozick's world do not render redistribution impermissible in Kant's world. In this essay, I plan to achieve two related goals: first, to demonstrate that it is possible to conceive of the state in a way that makes redistribution a pre-requisite to the maximization of individual freedom, and second, to contradict the notion that Kantian ideas can be used to object to the redistribution of wealth.

II. THE KANTIAN STATE EXISTS TO MAXIMIZE INDIVIDUAL FREEDOM

My first claim is that the Kantian state exists so that each citizen may enjoy the maximum level of freedom. Establishing this claim will allow me to highlight the relationship between the redistribution of wealth and individual freedom in the Kantian state. A brief introduction to the "Doctrine of Right"—Kant's account of the legitimate reasons individuals may have to coerce one another—is necessary here. The starting point of the Doctrine of Right is the "universal principle of right," which states, "Any action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law."¹ Put more simply, all actions are right insofar as they coexist with the freedom of all others.

The universal principle of right is the foundation of Kant's doctrine because it secures humanity's sole innate right: the right to freedom. An innate right, he says, is a title (or a good reason) to coerce others that we have in virtue of our humanity. The innate right to freedom entails simply that all humans are entitled to be their own masters. We have access to a further set of rights: acquired rights, or titles to coerce that are *possible* in virtue of our humanity. We are not born with these rights, but we acquire them under appropriate conditions.

Kant divides the category of acquired rights into two classes: private and public right. Private right refers to the set of rights we can have in external objects, while public right

¹ Immanuel Kant and Mary J. Gregor, *Practical Philosophy* (Cambridge: Cambridge UP, 1996), 387.

refers to the set of laws that make private rights enforceable. The two sets of rights are causally connected; the possibility of the former generates the need for the latter. The possibility that humans can hold and enforce property rights, considered in tandem with the universal principle of right, leads us out of the state of nature and into civil society, where private rights can be enforced.

But one might ask why we must possess objects at all. We might avoid the difficulty inherent in enforcing private rights and choose to remain in the state of nature. However, such a choice is inconsistent with the universal principle of right. Under appropriate conditions, property ownership is entirely consistent with the freedom of all others. The universal principle of right tells us that whatever is not wrong is right, so it would be wrong to remain in a condition that is inimical to private possession. The possibility of private right gives rise to a “duty of right to act towards others so that what is external (usable) could also become someone’s [property].”²

Kant explains that we can fulfill that duty in one very specific way. In Kant’s view, it is not enough for individuals to merely declare their ownership of some piece of property. The only way to possess an object legitimately is to obtain the consent of everyone bound to respect that possession. Humans express their consent in the form of public law. Therefore, Kant thinks humans are compelled to leave the state of nature and enter a civil society governed by public law. All those who choose to remain in a state of nature are “wrong in the highest degree”³ because they trap themselves and others in a vicious cycle of retribution where no possessions are safe and individual freedom is restricted.

The duty to enter a civil condition gives rise to the “postulate of public right,” or the possibility that individuals could unite in a society governed by a set of external laws. We are now in a position to understand why it is correct to say that the Kantian state exists to maximize individual freedom: property is impossible outside a civil condition, yet individuals have the *right* to own property. Therefore, membership in a civil society is the pre-requisite to a certain set of rights. The state exists to facilitate access to those rights; it alone can guarantee the maximum level of individual freedom.

III. THE IDEA OF THE ORIGINAL CONTRACT REQUIRES THE REDISTRIBUTION OF WEALTH

The “idea of the original contract” is Kant’s term for the *idea* of a community’s decision to form a society. This is not a moment in history, but a conceptual tool with which we understand civic relationships. The idea of the original contract also serves as the link between the redistribution of wealth and the universal principle of right, or the principle that constrains our actions in accordance with the freedom of all. The idea of the original contract entails that the commonwealth is as identical to its constituents. The state and the people, in Kant’s view, are one and the same. Viewing civic society through the lens of the idea of the original contract, we imagine that the state’s citizens have abandoned their innate freedom and united as a whole to govern themselves and enjoy a secure, robust set of rights.

Because the Kantian state is made up of its citizens, it is bound by the universal principle of right. The state is a united body of individuals who cannot violate this principle;

² Kant and Gregor, *Practical Philosophy*, 406.

³ *Ibid*, 452.

therefore, the state's legislators cannot violate this principle. This restriction stems purely from the fact that its citizens are its legislators; they cannot authorize any action that they could not, themselves, perform.

It is important to note, however, that the idea of the original contract limits legislation to laws that are *a priori* possible. It forbids only those laws that violate individual freedom. It has nothing to say regarding laws that fail to reflect actual preferences. For example, citizens could not possibly consent to a law that creates hereditary nobility. Such a law would hinder the freedom of everyone outside the noble caste. But the idea of the original contract is consistent with majority rule. Citizens in the minority might not prefer the majority's policies, but if they could, in principle, consent to them, the majority's policies may become law. Kant's concern is not with the facts on the ground—whether citizens consent—but whether a state's laws are consistent with innate freedom and the universal principle of right.

There is one exception to this limitation on the rights of the state. Kant writes, “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.”⁴ Kant is explicit that the idea of the original contract guarantees that the state may take measures to protect its citizens. They are, after all, its constituent parts; in preserving its citizens, the state preserves itself. Kant is also clear in saying that this can be done through redistributive taxation. He writes, “The general will of the people has united itself into a society which is to maintain itself perpetually...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.”⁵ The burden of redistribution can be placed on the rich because the preservation of their property requires the preservation of the state.

It is now possible to understand why the redistribution of wealth is a pre-requisite to the maximization of individual freedom: in Kant's view of the state, as expressed by the idea of the original contract, the state's right to redistribute is a consequence of the existence of property itself. There can be no property without the state, and no state without its citizens. Therefore, property may (nay, *must*) be taxed to preserve the state and the citizens who comprise it.

IV. KANTIAN IDEAS CANNOT CHALLENGED REDISTRIBUTION IN THE KANTIAN STATE

Although Kant is clear that redistributive taxation may occur in a condition of public right, Kantian ideas are often associated with libertarian theories purporting to justify the minimal state and nothing more. Libertarian philosophers Freidrich Hayek, Wilhelm Von Humboldt, and Wolfgang Kersting have drawn on Kantian language to argue against the expansion of government. Moreover, words like “freedom” and “liberty” are often at the center of arguments against state power in contemporary political discourse. One would be forgiven for thinking that a state grounded in the innate right to freedom does not share anything in common with the modern welfare state.

⁴ Kant and Gregor, *Practical Philosophy*, 452.

⁵ *Ibid*, 468.

In order to debunk the view that Kantian ideas are inimical to the state's redistributive powers, I will consider a famous argument against the redistribution of wealth that draws on a Kantian idea. My aim is to show that even though this view incorporates one of Kant's ethical principles, the view in general is incompatible with the Kantian architectonic. The argument against the redistribution of wealth that I have in mind was put forward by Robert Nozick in *Anarchy, State, and Utopia*. In demonstrating that Nozick's use of the categorical imperative against redistribution does not threaten redistribution in the Kantian state, I hope to undermine the suggestion that redistribution is impossible in a state that exists to maximize individual freedom.

Nozick believes, in contrast to Kant, that the only legitimate function of a state is to create a monopoly on force in a geographic area. In a chapter entitled "Moral Constraints and the State," Nozick argues against redistribution on the basis that the state's actions are subject to "side constraints." He explains that idea of side constraints is derived from "the underlying Kantian principle that individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consent."⁶ Nozick, here, is referring to a concept Kant introduced in *The Groundwork for the Metaphysics of Morals* known as "the categorical imperative."

The categorical imperative is the fundamental principle of moral duty that binds us in virtue of our rationality. This means that we must only adopt maxims for action that take the form of the categorical imperative. Nozick cites what Kant calls the "humanity formulation" of the categorical imperative. This formulation states, "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, and never merely as a means."⁷

Nozick interprets the second formulation of the categorical imperative to mean that individuals are inviolable. Individuals, he says, cannot be used against their wishes as material objects can be used, even if they are being used for the greater good of society. Redistribution, then, is immoral because it requires the use of some individuals as mere means. This leads Nozick to the controversial claim that "taxation is on par with forced labor." He continues that, "Some persons find this claim obviously true: taking the earnings of n hours of labor is like taking n hours from the person; it is like forcing the person to work n hours for another's purpose."⁸ This conclusion is supposed to arise, in part, from the claim that the state must act in accordance with "side constraints" derived from Kant's categorical imperative. If such side constraints truly do follow from the categorical imperative, then it seems that Kant's argument for the redistribution of wealth in a condition of public right is contradictory.

However, this is not the case. When we understand the state in Kant's terms, we can easily show that Nozick's side constraints do not restrict the state's legislative powers. Nozick assumes that a government that redistributes wealth uses its wealthy citizens as means. But to say that this is true of a Kantian government reflects a misunderstanding of the idea of the original contract. Because all legislative power emanates from the united will of the people, and because legislative power is constrained by the universal principle of right, the Kantian state can never do injustice to the people who determine its laws.

⁶ Robert Nozick, *Anarchy, State, and Utopia* (New York, Basic, 1974), 32.

⁷ Kant and Gregor, *Practical Philosophy*, 80.

⁸ Nozick, *Anarchy, State, and Utopia*, 169.

The categorical imperative would perhaps be violated if Kant thought of the state as an individual actor. If the Kantian state were thought to act like Robin Hood, a character who takes from the rich and gives to the poor, Nozick's arguments would apply. Certain breeds of consequentialists might say that he is morally correct, but Kant would never say that Robin Hood acts in accordance with the categorical imperative. Robin Hood is, in fact, using the wealthy as a means to improving the status of the poor. For both Nozick and Kant, the fact that Robin Hood generates positive utility by taking wealth from those who do not need it and giving it to those who do is irrelevant.

However, Kant does not conceive of the state as an individual apart from its constituents. The idea of the original contract guarantees that the state is identical to the people who comprise it. The Robin Hood example is therefore not analogous to the Kantian state. A better analogy to redistributive taxation is the choice to sacrifice some hours of leisure in order to work for a living. Like an individual who chooses to work to support herself, redistributive policies are measures the Kantian state takes to support itself. Redistributive tax policies are not the product of a unilateral will, as in the Robin Hood case, but the result of a legislative body's decision to provide for its continued existence.

We, therefore, have no reason to believe that the categorical imperative imposes "side constraints" on the Kantian state. This is because Nozick presupposes a view of rights in the state of nature that is incompatible with Kant's beliefs. Nozick's first line in *Anarchy, State, and Utopia* is "individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do. How much room do individual rights leave for the state?"⁹

Property rights are innate rights, for Nozick; they are as secure insofar as property holders can deter others from stealing. Individuals exit the state of nature only to avoid certain inconveniences. Individuals, in Kant's view, leave the state of nature not in order to avoid inconveniences, but in accordance with obligations generated by the universal principle of right. Nozick and Kant present internally consistent yet mutually exclusive accounts of the relationship between a state and its citizens; they start from different premises and arrive at different conclusions. Therefore, Nozick's forced labor argument cannot defeat any policy implemented in the Kantian state. I have endeavored to show, over the course of this discussion, that Nozick's vision of the state does not, and cannot, bleed into Kant's. Nozick may share Kant's concern for individual freedom, but his account of the state is not definitive. Kant shows us that there is another way to understand the structure of civil society—and that it leads us to perfectly opposite results.

V. CONCLUSION

Kant's political philosophy, like his critical work, is an effective tool for uprooting our assumptions. Analysis of the Doctrine of Right reveals what some have thought to be a chimera: a political entity grounded in personal liberty that resembles the modern welfare state. The foregoing interpretation of Kant's work demonstrates that it is possible to conceive of the redistribution of wealth as a pre-requisite to the right to own property and, moreover, that the possession of property is tantamount to a commitment to preserve

⁹ Nozick, *Anarchy, State, and Utopia*, xix.

the lives of one's fellow citizens. Nozick's account of the state is merely one perspective from which the relationship between a body of laws and its citizens can be approached, but we can say confidently that it is not the only perspective from which to approach this relationship. In this paper, I have presented two competing pictures of the state and its relationship to human freedom; I will leave it to the reader to evaluate the relative merits of each philosopher's sketch. But in an age of ubiquitous and intensifying political rhetoric, the value of a return to Kant's political philosophy is abundantly clear. Filtered through contemporary paradigms, the Doctrine of Right shows us that freedom and liberty do not have any political slant; they do not sit on a particular side of the aisle. From the bare fact that humans are innately free, we can show that all people are entitled to a certain minimum standard of living. We can show that others are obligated to provide the resources to maintain the lives of their fellow citizens. Kant's work invites us to revise our assumptions in the hopes that, through discourse and inquiry, we may one day subscribe to the ideals he introduced to the world.

WORKS CITED

- Kant, Immanuel, and Mary J. Gregor. *Practical Philosophy*. Cambridge: Cambridge University Press, 1996.
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