

188 Andrea Faggion, Nuria Sánchez Madrid, Alessandro Pinzani (Eds.) *Kant and Social Policies*, Palgrave Macmillan, London, New York, 2016.

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The volume *Kant and social policies*, edited by A. Faggion, N. S. Madrid and A. Pinzani provides us with valuable analysis of Kant's political and juristic thought, as well as its relevance today.

The book contains seven closely connected articles. The first five texts deal from different perspectives with Kant's claims about redistributive justice and human rights, and they are accompanied by two other texts that follow-up: Faviola Rivera Castro's text about international law (*Rawls and Kant on Compliance with International Laws of Justice*, 125–148) and Joel Thiago Klein's text about the importance of public education (*Kant and Public Education for Enhancing Moral Virtue: The Necessary Conditions for Ensuring Enlightened Patriotism*, 149–174). The opening article *Kant on Citizenship, Society and Redistributive Justice* by Susan Meld Shell critically examines the most significant contemporary readings of Kant's theory of distributive justice and provides an original interpretation, well supported by intelligent arguments and corresponding references (1–24). In their text *The State Looks down: Some Reassessments of Kant's Appraisal of Citizenship* Alessandro Pinzani and Nuria Sánchez Madrid tried to point out some limitations of Kant's distinction between active and passive citizenship (25–48). At the same time, they labeled Kant's political thought as a mixture of liberalism and republicanism – but not reducible to either of them whose insights could be reappraised “in order to criticize certain dogmas that dominate our society” (p. 45). The Article *Kant For and Against Human Rights* by Agui-naldo Pavão and Andrea Faggion compares Kant's understanding of the only human right with The Universal Declaration of Human Rights and emphasizes their differences (49–64). Alberto Pirni tried to explain the foundations of rights and intersubjectivity in Kant's ethics (*The Place of Sociality: Models of Intersubjectivity According to Kant*, 65 – 92). The text by Helga Verden critically examines Kant's arguments about redistributive justice and the shortcomings of Rawls's and Nozick's interpretations (*Rawls vs Nozick vs Kant on Domestic Economic Justice*, 93 – 124).

It may seem as if one of the main aims of this book is to give us some kind of final answer to the question: in which category should Kant's philosophy of politics be put? Namely, there is a long tradition of understanding Kant as a “minimalist” libertarian, in the works of thinkers such as Nozick and many others. On the other hand, more and more interpreters stress the “socio-democratic”

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elements of Kant's claims on redistributive justice. If this volume (intentionally) fails to point out a simple answer to the former question, it is only because it actually uncovers in detail the complexity of Kant's view.

Kant's claims about redistributive justice are examined in detail in four texts of this volume. The crucial passage which is placed by the authors in the center of attention, and which was also the main motivation to attribute to Kant's political views some version of "state-welfarism", is the introduction of taxation in *Metaphysics of Morals*:

To the supreme commander (*Oberbefehlshaber*) 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. (AA 06:326)

What might seem as Kant's obvious recognition of the state's duty to care about the needs of individuals is rather a much more complicated problem, worthy of the greatest attention. 1) It seems that Kant actually rejects the idea that justice can require the redistribution of resources in response to needs (Varden, 99; AA 27: 517, 526). Moreover, Kant explicitly rejects juridical relevance of material inequality (AA 08: 289–290) and "mere" needs and wishes (AA 06: 213,230, see Shell, 3–4). 2) Libertarian readers, such as Nozick, go a step further and claim that such redistribution would always contradict a person's right to private property, and consequently a person's freedom, which was the basis of Kant's law theory. To avoid these problems some interpreters, such as Onora O'Neil, suggested that we should understand the former quote as the right of the state to enforce the duty of benevolence. However, as Shell and Varden argue here, O'Neil's thesis fails to address chiefly the juridical duty, for it is more concerned with (mere) ethics (6), and also fails to give a coherent solution to Nozick's problem of justice (100). 3) The quote itself, as it is shown in this volume, contains several very complex problems: Kant actually isn't addressing the rights of individuals (the satisfaction of their basic needs), but the right of the "supreme commander" related to the "duty of people" (*Phlicht des Volks*); it remains unclear what is the end of it, for Kant gave a complex explanation about what he means under the expression "for its own preservation".

In order to clarify possible answers most of the articles refer to Kant's distinction between active and passive citizenship. Although every citizen of the state should have a guaranteed lawful freedom and civil equality, not all of them have self-subsistence (*Selbständigkeit*) or (economical) independence for the will of someone other. Kant calls those who lack self-subsistence passive citizens, and with regard to this dependency, renounces their right to vote (AA 06: 314).

Of course, many authors find this distinction problematic. It could be said that this account seems inconsistent with equal liberty, or with the initial independence of citizens (Shall, 2). Kant himself finds that the concept of passive citizenship actually contradicts the concept of the citizen of the state (AA 06: 314). However, he holds that there is nothing intrinsically wrong with dependence if it arises from one's own choice or natural incapacity, such as youth, etc. (Shall, 18) Kant's only hope is "that anyone can work his way up from passive condition to an active" (AA 06: 315).

Alessandro Pinzani and Nuria Sánchez Madrid listed three key limitations of Kant's account of passive citizenship. 1) They found Kant's argument that the poor should not vote, because they would sell their votes, double-edged – for the same argument could be used against the rich (buyers), and it was used for ostracism in Ancient Athens. 2) Kant addresses formal obstacles to attaining full active citizenship, while (intentionally or not) economic privileges and inequalities are left out of the consideration. 3) Kant is very insensitive to the gender issue, for he finds that a woman renounces her civil independence by entering into marriage.

However, Susan Meld Shell used this account to further her own argument. If we keep in mind that Kant is not focused on the status of independence of every private person *per se*, but on a general condition, that nothing prevents passive citizens to "work their way up" to an active status, we could shed a new light on his views on redistributive justice. Therefore, as Shall argued, what interest Kant it is not the satisfaction of basic needs, nor material inequality, but rightful conditions. Furthermore, this view is neither libertarian, nor socio-democratic, but it could justify some important welfare policies, such as the right to education, health care, etc.

It is important to underline that Kant's redistributive policies are not concerned for the individual

rights of persons. As A. Pavão and A. Faggion argued, Kant's understanding of human rights is somewhat narrower, for it actually contains only one innate right- freedom, insofar as it can coexist with the freedom of every other in accordance with a universal law (50). What libertarian critiques of redistributive policies oversee is that the mutual interdependence under the public rights of state (from which neither the rich are immune), more than the question of private rights, is that which could enforce redistribution (Shall, 21; Pinzani & Madrid, 36; Pavão & Faggion, 60; Varden, 106f).

Articles in this book rightfully emphasize that Kant's main concern is not the state's own material preservation, nor the preservation of its individual members, but the end of the redistribution, which has to be related to the "Rousseauan" conception of (*a priori* united) the general will of the people (Shall; Pinzani & Madrid; Pirni; Varden). Kant wrote:

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 (AA 06: 326)

Shall made a complex argument concerning Kant's distinction between civil union (juridical state) and society. Accordingly, the public society should be understood as "a creature of the state [...] owning its existence to the self-constitutive juridical act by which the state itself is formed" (Shall, 8). The end and justification of redistribution have to be, thus, understood in terms of the ongoing existence of people as members of society:

As member of the general will, in other words, each wills his *own* existence as citizen only insofar as he also, and equally, wills the civic existence of every other member of the people (Shall, 8)

Alberto Pirni made further arguments and tried to justify the *a priori* foundation of this intersubjectivity through the ethical idea of the realm of ends.

Taking the former arguments in consideration, it becomes obvious that Kant's requirements could not be reduced to merely negative conditions of individual independence, but rather that they advocate a positive task of a self-subsistence under the general will of the people, which was highly compatible with the ideals of the enlightenment. Therefore, the public education, which presupposes not mere learning but constant practicing of the public use of reason, becomes one of the crucial tasks of the state. Joel Thiago Klein dealt with this problem in his article.

Many more problems could arise if we raise this discussion to a higher level, concerning the issue of lawful interrelations between the states. In his article Faviola Rivera Castro analyses Kant view on international justice, by emphasizing, in contrast to Rawls, the contractarian solution and the importance of the relation between states, rather than the mere level of their development.

The volume *Kant and Social Policies* represents indispensable literature for Kant scholars. At the same time, it provides very appealing and engaging insight in Kant's thought for a broader audience. However, the most valuable benefit of this book is probably that it connects Kant's relevant arguments with contemporary concerns of our society.