

Lecture Notes 8 : Social Justice

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Kant writes:

[someone] for whom things are going well while he sees that others (whom he could very well help) have to contend with great hardships, thinks: what is it to me? Let each be as happy as heaven wills or as he can make himself! I shall take nothing from him nor even envy him; only I do not care to contribute anything to his welfare. (*Groundwork* 4: 423)

Maxim passes CC, but not CW test.

Kant's political philosophy

In the first part of the *Metaphysics* Kant develops a theory of external freedom, i.e. freedom from constraints imposed by others. It is, moreover, concerned with 'external' action:

Right is therefore the sum of the conditions under which the choice of one can be united with the choice of all in accordance with a universal law of freedom. (*Metaphysics of Morals* 6: 230)

In further elaboration, Kant writes:

Universal law of right (ULR): So act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law. (*Metaphysics of Morals* 6: 231)

The use of coercion is justified if, and only if, the ULR is met.

Elements of just law

'Civil liberty', equality before the law, and 'political' freedom. The requisite form of independence for political freedom is present only in 'active citizens':

An apprentice in the service of the merchant or artisan, a domestic servant... all women and, in general, anyone whose preservation in existence depends not on his management of his own business but on arrangements made by another... these are mere underlings of the commonwealth because they have to be under the direction or protection of other individuals... (*Metaphysics of Morals* 6: 314)

This gives us a clue as to how important Kant thinks economic independence to be for the proper functioning of a democratic society. Starting from the premise:

- (1) Citizenship requires economic independence, he infers:
- (2) Only the economically independent are citizens proper.

But he might as well have inferred:

- (3) All must be made economically independent.

Was Kant a proto-libertarian?

Sometimes defended with recourse to Kant's general view about benevolence:

- (4) Duties of benevolence, i.e. duties to benefit others, belong to the ethical sphere, not to right proper.
- (5) But only duties of right can be coercively enforced.

Moreover:

- (6) Happiness is too indeterminate to be coercively enforced, and its enforcement would be unduly paternalistic.

∴ (7) Redistributive taxation cannot be coercively enforced.

The egalitarian reading

Libertarian readings of Kant seem to be contradicted by (numerous) passages like this:

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, foundling homes, and church organization, 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... (*Metaphysics of Morals* 6: 325)

Elsewhere in his writings, Kant explicitly supports state funding for public education and other social goods. He writes:

One can participate in the general injustice even if one does no injustice according to the civil laws and institutions. Now if one shows beneficence to a wretch, then one has not given him anything gratuitously, but has given him only what one had earlier helped to take from him through the general injustice. For if no one took more of the goods of life than another, then there would be no rich and no poor. Accordingly, even acts of generosity are acts of duty and indebtedness, which arise from the rights of others. (*Lectures on Ethics* 27: 416).

Coda: Commodification

Surrogacy contracts, prostitution, wage labour, etc...

Suggested Reading

- Rosen, A. (1993), *Kant's Theory of Justice*, Cornell UP, ch. 1, 5.
 Wood, A. (2008), *Kantian Ethics*, ch. 11.