

Kant and Classical Liberalism: Friends or Foes?

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Abstract

This paper explicates and defends Immanuel Kant's claims that respect for individual freedom justifies taxation to support the poor only to the extent that individuals receiving assistance are brought up to the level of subsistence and nothing more. I show that the promotion of individual autonomy lies at the center of Kant's moral theory and that his political philosophy aims to establish and secure the external conditions that make individual freedom possible. Although Kant argues that one way of securing these external conditions legitimately is through coercion, he also claims that coercion is justified only in the limited cases where it is used to hinder hindrances to freedom.

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I. Introduction

Many contemporary academics familiar with Immanuel Kant's practical philosophy come to Kant by way of John Rawls. Rawls argues that taking seriously the central tenets of Kant's moral theory requires a political philosophy that advocates, among other things, a significant redistribution of resources and a state entity that can facilitate this redistribution. As a result, many academics familiar with Kant via Rawls incorrectly assume that Kant himself advocated for such political solutions. Kant advances a political philosophy that is almost the opposite of what Rawls proposes, appearing to be more in line with the tenets of classical liberalism rather than the views associated with contemporary political liberalism. Put differently, Kant's practical philosophy lends itself to a type of liberalism that recognizes the importance of individual freedom and self-determination, but takes the promotion of these values to justify

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coercion within only a fairly narrow range of circumstances, both from state and nonstate entities.

One of the most significant points of disagreement between Rawls and Kant is on taxation and the conditions under which the state is justified in using coercion to expropriate property from the rich and distribute it to the poor. Kant claims that respect for individual freedom justifies taxation to support the poor only to the extent that individuals receiving assistance are brought up to the level of subsistence and nothing more. To defend this account of Kant's philosophy, I will show that the promotion of individual autonomy lies at the center of Kant's moral theory, and that his political philosophy aims to establish and secure the external conditions that make individual freedom possible. Although Kant argues that one way of securing these external conditions legitimately is through coercion, he also claims that coercion is justified only in the limited cases where it is used to hinder hindrances to freedom.

My discussion is divided into four parts. The first part examines Kant's account of autonomy and its central role in his moral and political philosophy. Part 2 examines the connection between individual freedom and civil society, including the limited role of coercion in establishing and maintaining this rightful condition. The third part examines Kant's account of a specific instance of coercive action—taxation—and the conditions under which taxation to support the poor is justified. Finally, I consider some implications of this position, draw similarities between Kant's position and those more traditionally aligned with classical liberalism, and show why the classical liberal should embrace Kant rather than reject him.

II. Kant's Account of Freedom

For Kant, autonomy is the "supreme principle of morality" and involves "choos[ing] only in such a way that the maxims of your choice are also included as universal law in the same volition" (Kant 1785, 4:440). An individual is autonomous when he adopts principles for action consistent with the categorical imperative (Kant 1785, 4:421), the formal principle against which we can test practical maxims to determine if they are consistent with the moral law. Principles that fail when tested against the categorical imperative fail because they are contradictory: either it is not possible to conceive of the action that comes as a result of universalizing that maxim (i.e., a contradiction in conception), or the result of universalizing the maxim somehow is self-defeating (i.e., a contradiction in the will).

The person who adopts contradictory maxims is not free, at least not in the fullest sense. Kant distinguishes between two different states of freedom in relation to the will, a free *Willkür* and a free *Wille*. A free *Willkür* is possessed by an individual with “freedom of choice” or “independence from being *determined* by sensible impulses,” while a free *Wille* is “the positive concept of freedom” or “the ability of pure reason to be of itself practical” (Kant 1797, 6:213–4). Complete freedom requires both.

Consider lying, behavior that Kant seems to believe always is wrong (see Kant 1785, 4:403; Kant 1788, 5:21; Kant 1797, 6:420; etc.). Lying fails when tested against the categorical imperative because it contains a contradiction in conception. An individual who lies acts on a maxim similar to the following: “When it is to my advantage to do so, I will make a false statement to someone else when he believes that this false statement is true.” What makes lying wrong is not that I cannot conceive of a world in which this principle can be universalized, but rather that universalizing this principle is self-defeating. That is, in a world in which everyone lies when it is convenient, lying serves no purpose because a lie is likely not to be believed. Lying is wrong, therefore, not because it is harmful to someone else, but because it is behavior inconsistent with reason (i.e., adopting a principle of action that is self-defeating), and that I would act in such a way is a failure to respect my dignity as a rational being. To put lying in the context of *Willkür* and *Wille*, although the liar may possess the external freedom to act how he sees fit, he has chosen to act from a principle grounded in something other than reason. Thus, we could say that the liar possesses a “free will” (*Willkür*) because he has the power to determine whether he adopts moral, immoral, or nonmoral maxims, but he lacks complete freedom (in the sense of a free *Wille*) because he failed to display reason by freely choosing to adopt moral maxims.

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 in nature, an individual’s external circumstances, circumstances that are often beyond his control, play a significant role in determining whether it is possible for him to be autonomous in practice. Consider life for someone living in a condition where he constantly fears 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. It seems unlikely that an individual whose survival is

threatened constantly would be able to act from reason and not from basic instincts in response to external pressures.

The existence of a court or other arbiter who “could judge a dispute with rightful force” (Kant 1795, 8:346) is important even in less extreme cases. Consider interactions for individuals living outside of a civil condition. Suppose I pick a bushel of apples from a tree in an open field, and then you come along and take those apples, claiming that I picked them from your tree. How do we resolve the dispute if we cannot come to an amicable resolution? Without the existence of a court or arbiter whose decision we agree to abide by or who possesses the appropriate amount of power to enforce the decision, the physically stronger party can use his strength to impose his will on the other individual. Kant argues that resolving disputes through the principle of might makes right is wrong. A proper resolution requires us to enter a condition under an authority that gives laws publicly and “secure what is mine or yours” (Kant 1797, 6:255, see also 6:306 and 6:312). Kant refers to this condition as civil society, and its defining feature is *austeilende Gerechtigkeit* or distributive justice. While the contemporary use of “distributive justice” often is meant to identify conditions under which incidental inequalities in outcome do not arise, Kant’s condition of *austeilende Gerechtigkeit* means simply that laws exist “to determine for each what land is mine or yours” (Kant 1797, 6:267).

Since (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 through which to realize this security is the *austeilende Gerechtigkeit* of civil society, Kant concludes that individuals “do wrong in the highest degree” by failing to enter or remain in this condition (Kant 1797, 6:308). As a result, he claims that individuals are under a moral obligation to enter civil society. That this obligation for Kant is moral, and not merely practical, distinguishes his position from that of someone like Thomas Hobbes, who argued that the reason an individual ought to leave the state of nature and enter civil society is practical and connected to an individual’s desire to preserve his life.

III. Freedom and Coercion

Since individuals are under an obligation to enter civil society, and this condition is not something an individual can enter into alone as it requires mutual recognition, Kant claims that individuals are authorized to use coercion against others who refuse to enter into this condition with them. Although coercion violates individual freedom and is wrong as a general rule, if an individual's use of freedom "is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, it is right" (Kant 1797, 6:231). The person who refuses to enter into civil society with me is using his freedom in a manner that is itself a hindrance to freedom, and so I may justly coerce him in a way that respects both my freedom and his own.

Assume once again that we have a legitimate rights dispute. A claimant using his superior force to impose his will on another claimant is exercising unilateral coercion and would be unjust in doing so. But suppose that when threatened with force, the second claimant pulled out a gun and compelled the first to appear with him before a designated magistrate that both claimants recognized as being fair and impartial. Although the second claimant used coercion as well, this use was just because it was in response to an already occurring unjust use of force and was aimed at ensuring reciprocal external freedom.

The same reasoning applies to coercion by third parties, including the state. Kant's justification of state authority and the grounding for his justification of state coercion is found in the following passage from the *Metaphysics of Morals*:

The legislative authority can belong only to the united will of the people. For since all right is to proceed from it, it cannot do anyone wrong by its law. Now when someone makes arrangements about another, it is always possible for him to do the other wrong; but he can never do wrong in what he decides upon with regard to himself (for *volenti non fit iniuria* [no wrong is done to someone who consents]). Therefore only the concurring and united will of all, insofar as each decides the same thing for all and all for each, and so only the general united will of the people, can be legislative. (Kant 1797, 6:313–14)

In this passage, Kant claims that legislative authority extends from the united will of the people. Whatever laws are implemented under those conditions are consistent with right because everyone has consented to them, and no wrong is done to an individual by an action that he consents to (even if it harms him or otherwise makes him worse off). But what is the “united will of the people” and how do we identify it? Kant does not believe that the united will is equivalent to unanimous agreement or that every citizen must directly voice support for a particular law for that law to be legitimate. How, then, is it possible to arrive at a “concurring and united will of all” when there is disagreement, perhaps unresolvable, between individual members of a community?

Here, Jean-Jacques Rousseau’s influence plays a significant role in Kant’s discussion of the “concurring united will of all.” For Rousseau, when individuals encounter natural obstacles that they cannot overcome alone, they are presented with the following problem: perish, or “find a form of association that may defend and protect with the whole force of the community the person and property of every associate, and by means of which each, joining together with all, may nevertheless obey only himself, and remain as free as before” (Rousseau 1762, p. 54). Rousseau’s solution is that “each of us puts in common his person and all his power under the supreme direction of the general will; and in return each member becomes an indivisible part of the whole.” So what is created is a

public person, which is thus formed by the union of all the individual members, and each member has an equal voice (i.e., vote) in determining the actions of this public person. Since this entity is nothing other than the collected will of the people, and since each individual joined this whole to overcome freedom-limiting problems that they could not overcome alone and which could be overcome only through coordinated action, whoever refuses to obey the general will shall be constrained to do so by the whole body: which means nothing else than that he shall be forced to be free. (Rousseau 1762, p. 58)

Setting aside the various practical problems such as how individuals contract in and whether or not tacit consent counts, there is still something unsatisfying about a position that claims to maximize individual freedom by considering individual persons as “an indivisible part of the whole” and that claims that individuals who “refuse to obey the general will shall be constrained to do so.”

Perhaps such a position makes sense when it comes to practical, coordination matters (e.g., driving on the right side of the road), but it seems inconsistent with human freedom on moral, cultural, or religious issues (e.g., mandatory church attendance).

Kant seems to have recognized these concerns. Although he appears to adopt an understanding similar to Rousseau's as to what counts as "the united will of the people" and how it is represented, Kant severely restricts the justification of coercion by a sovereign against the citizens. In his "Theory and Practice" essay, Kant claims that inside civil society, only the head of state maintains the right to use coercion: "Whoever is *subject* to laws is a subject within a state and is thus subjected to coercive right equally with all the other members of the commonwealth; only one (physical or moral person), the head of state, by whom alone any rightful coercion can be exercised, is excepted" (Kant 1793, 8:291). But, as we have seen at 6:231 in *Metaphysics of Morals*, Kant limits this use of rightful coercion only to instances where coercion is used to hinder a hindrance to freedom. More simply put: the use of coercion against an individual is justified only as a defensive mechanism against that individual when he is acting in a manner that unjustly limits the freedom of other individuals, and it is justified only to the extent that it prevents that interference.

For anyone who wants to construct an internally consistent account of Kant's political philosophy, one challenge is how to reconcile this discussion of coercion with his comments on taxation. He writes that the state has "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 organizations" (Kant 1797, 6:236), and that a citizen "cannot refuse to pay taxes imposed upon him" (Kant 1793, 8:37). But it is not at all obvious why the state possesses "the right to impose taxes on people for its own preservation," never mind how the implementation of taxes for the purpose of supporting "the poor, foundling homes, and church organizations" is consistent with this objective. Resolving this apparent inconsistency can provide important insight into Kant's justification of coercion and his account of state authority.

IV. Kant on Justified Taxation

Thus far, I have shown that autonomy plays a central role in Kant's moral and political philosophy and that an individual has a moral obligation to enter into civil society as a practical prerequisite for

acting autonomously. I have also shown that coercion is justified when it is used to establish and maintain this civil condition. But there appears to be an inconsistency within Kant's political philosophy when looking at his comments on justified taxation. While Kant argues that coercive action is justified only as a means to hinder a hindrance to freedom, he also claims that the state may tax citizens to support the poor. But why does Kant believe that taxation to support the poor is a form of legitimate coercion? His argument rests on his (perhaps flawed) position concerning ownership of land, the relationship between land and other external things that can become private property, and the state's role in promoting individual freedom.

Most of Kant's comments on taxation can be found in a small section of his *Metaphysics of Morals* (Kant 1797, 6:323–28) and follow from his account of property rights being derived from the sovereign as the original proprietor of the land under his jurisdiction. He writes: "On this originally acquired ownership of land rests, again, the right of the supreme commander, as supreme proprietor (lord of the land), to *tax* private owners of land, that is, to require payment of taxes on land, excise taxes and import duties, or to require the performance of services (such as providing troops for military service)" (Kant 1797, 6:325). So, for Kant, the sovereign is justified in taxing private landowners to provide for the preservation of the state, either by paying for necessary services (e.g., military defense), helping individuals who are worse off due to no fault of their own (e.g., orphans), or supporting organizations that help these individuals and the community (e.g., the church).

But why should the tax be levied against private landowners? Why single out the wealthy (i.e., landowners) to pay taxes, and not tax all of the citizens equally or proportionally based on their income, wealth, or consumption? Kant's answer to this question is practical: "The wealthy have acquired an obligation to the commonwealth, since they owe their existence to an act of submitting to its protection and care, which they need in order to live" (Kant 1797, 6:326). The poor would be under a similar obligation, but they are poor. They have nothing to contribute, and having the means to do something is a necessary precondition for being obligated to do it.

At this point, Kant moves away from this theoretical discussion of taxation and to a practical discussion of how best to take care of the poor and the destitute, as well as how much public funding these individuals should receive. He argues that the state should use

coercive taxation to support the poor, but that the poor should be supported only at a very basic level (Kant 1797, 6:326). Put differently, taxation to support the poor is justified only to the extent that the state redistributes the minimum amount necessary in order to secure the external conditions that allow for the possibility of autonomous action. His reasoning? “This arrangement does not make poverty a means of acquisition for the lazy . . . and so does not become an *unjust* burdening of the people by government” (Kant 1797, 6:326). This position is consistent with Kant’s general view that the state exists “to ensure the maximum degree of mutually consistent freedom of action for everyone by restricting actions that would limit others’ freedom” (White 2007, 173).

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 (through 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 (he 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 coercion 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 in the same principle that justifies any act of coercion—hindering a hindrance to freedom. And there lies the apparently difficulty. If hindering a hindrance to freedom is thought to be a response to a particular act, it may not be obvious how Rich’s failure to assist Poor (i.e., his lack of action) hinders a hindrance to freedom in the manner that Kant requires to justify coercion. In this 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 the conditions of coexistent freedom and distributive justice, a necessary precondition for the possibility of autonomous action.

V. Kant's Liberalism

That Kant would take this position on taxation is not surprising given his discussion of autonomy and the state's role 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, 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 destitute individuals' freedom. 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. Looking back, coercion was justified when it hindered a hindrance to freedom. While taxation is a form of coercion, it is justified coercion when the funds are used to remove individuals from an external condition that hinders their ability to be free by providing them with basic necessities. But providing anything beyond these basic necessities allows poverty to become "a means of acquisition for the lazy" and an "unjust burdening of the people by government."

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. Although Mill advanced what we now recognize as the harm principle at the beginning of *On Liberty*—"the only purpose for which power can rightly be exercised over any member of a civilized community, against his will, is to prevent harm to others" (Mill 1859, I.9)—toward the end of the book, he provides an example of justified coercion that is inconsistent with this

principle. He claims that an individual can be coerced legitimately for his own benefit:

It is a proper office of public authority to guard against accidents. If either a public officer or any one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty; for liberty consists in doing what one desires, and he does not desire to fall into the river. (Mill 1859, V.5)

While it is not surprising for someone to take the position that a public authority should guard against accidents of this nature, it does show that Mill believed there to be some flexibility with the harm principle and that there were additional conditions under which coercion is justified in civil society.

Similarly, Friedman and Hayek's support for certain types of coercive action within civil society seems to be based in a line of reasoning similar to Kant's. They argue for minimal wealth redistribution measures as a way of combating poverty. Friedman argues for a negative income tax (Friedman 1962, p. 191ff.) and Hayek for a guaranteed minimum income (Hayek 1979, p. 55), but neither provides a principled justification beyond their being distressed by poverty and how the poor would benefit from its alleviation (presumably by removing this thing that distresses them). But we are all distressed by abject poverty, especially when it affects those around us, and Friedman's observation that public charity alone is insufficient to care for the most destitute seems correct.

Although we can question the merit of working back from outcomes to principles in order to arrive at our preferred political philosophy, one virtue of Kant's account is that it provides a principled justification for the reasonable conclusion that, when private charity fails, the state should redistribute resources when necessary to ensure that no citizens face abject poverty that jeopardizes the possibility of autonomous actions. For liberals who share economic and political views similar to those of Friedman and Hayek, there is, therefore, much to love in Kant's practical philosophy. Kant presents a liberalism that recognizes the importance of individual freedom and self-determination, but takes the promotion of these values to justify state authority and the use of coercion within a narrow range of circumstances.

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