2001

Review of Alexander Kaufman, Welfare in the Kantian State (1999)

Harry van der Linden
Butler University, hvanderl@butler.edu

The original publication appeared at:
van der Linden, Harry. Review of Alexander Kaufman, *Welfare in the Kantian State* (1999), *Kantian Review* 5 (2001): 136-39.

DOI: not available

Sassen (tr. and ed.), *Kant's Early Critics: The Empiricist Critique of the Theoretical Philosophy* (New York: Cambridge University Press, 2001).

3 This is the *Göttingen* or Feder/Garve review which appeared anonymously in the *Zugabe zu den Göttingischen Anzeigen von gelehrten Sachen* (19 Jan. 1782), 40–8. Reprinted in Immanuel Kant, *Prolegomena*, ed. Karl Vorländer (Hamburg: Felix Meiner Verlag), 167–74 and Landau, *Rezensionen*, 10–17; tr, in R. C. S. Walker, *The Real in the Ideal: Berkeley's Relation to Kant* (New York: Garland, 1989), pp. xv–xxiv, and in Sassen, *Kant's Early Critics*, 53–8.

4 Friedrich Heinrich Jacobi, 'On transcendental idealism', in *David Hume über den Glauben oder Idealismus und Realismus* (Breslau: Löwe, 1787), 209–30. Reprinted in Lewis White Beck (ed.), *The Philosophy of David Hume* (New York: Garland, 1983), tr. in Sassen, *Kant's Early Critics*, pp. 139–54.

5 See, for instance, Johann Schultz's complaint that the Deduction is obscure in his review of Ulrich's *Institutiones Logicae et Metaphysicae*, *Allgemeine Literatur-Zeitung* (13 Dec. 1785), 297–9; tr. in Sassen, *Kant's Early Critics*, pp. 210–14.

Welfare in the Kantian State. By Alexander Kaufman. Oxford: Oxford University Press, 1999. Pp. xii, 179. ISBN 0–19–829467–0 (cloth). £42.50, $45.00.

It is clear that Kant held that the state has the responsibility to contribute to the welfare of its citizens. In *The Metaphysics of Morals* (tr. M. Gregor), he wrote that the wealthy should be taxed to sustain 'those who are unable to provide for even their most necessary natural needs' (136/326). He also favoured public health care and education. It is less clear, however, that Kant's support of welfare legislation is consistent with the basic premisses of his political thought. Moreover, it is unclear how the welfare function of the Kantian state is to be morally grounded and how it should be further articulated. The main focus of Kaufman's slim book is to explore these issues.

Kaufman considers in the first two chapters several objections to the notion of a Kantian theory of social welfare. One objection is that taxation of the wealthy involves an unjust interference with their individual property rights. On this libertarian reading of Kant, individual property rights may be limited for no other purposes than protecting these rights and external freedom. Kaufman correctly

argues that this reading fails in that for Kant 'civil society must exist *before* conclusive right-claims can be established' (p. 11). The right to private property in the state of nature is provisional and can become conclusive only through the establishment of civil society. In regard to conclusive rights of property possession, 'the state must allocate property in such a way that a rightful condition of civil society is achieved and maintained' (p. 12). Kant held, and the logic of his property argument does not preclude him from holding, that restrictions on private property are warranted for the sake of maintaining or promoting a rightful civil society, including the sustenance of the poor.

A second objection is that social welfare legislation cannot be a proper aim of the Kantian legislator because Kant repeatedly states that juridical legislation should not be grounded in welfare or happiness. Kaufman replies that Kant only 'rejects a political principle which assigns to the sovereign the right and responsibility to determine *for* its subjects what the basis of their happiness should be and to secure that basis *for* the subjects, possibly independent of or contrary to their autonomous willing' (p. 38). This leaves open the possibility that the Kantian legislator designs welfare programmes that indirectly promote the happiness or welfare of its recipients by aiming directly at increasing, for example, their social and economic opportunities. Kaufman goes on to show that Kant's opposition to 'hedonic' legislation is directed at cameralist theorists such as Johann Heinrich Gottlieb von Justi (1717–68), who argued for a paternalistic welfare state with comprehensive social regulation (pp. 39ff.). Kant encountered cameralist thought in the works of Christian Wolff and Alexander Gottlieb Baumgarten. Here Kaufman covers rather unexplored ground in contemporary Kant scholarship, showing that what is often loosely described as Kant's critique of political utilitarianism was in fact a critique of cameralism (pp. 51ff.).

A final objection is that positive law in Kant is too indeterminate to commit the legislator to promoting social welfare. In other words, the metaphysical principles of right are so formal that it becomes a contingent matter whether the Kantian legislator will actually seek to aid the poor. Kaufman rejects this objection insofar as it claims that Kant argued for positive law as largely indeterminate and held that his formal principles must not structure decisively the content of positive law. What is correct, however, is

that 'Kant offers no clear account of the relation between positive and natural law' (p. 141).

Kaufman argues that reflective (teleological) political judgement can solve this 'content problem' in Kant. Chapters 3–5 of *Welfare in the Kantian State* focus on the nature of reflective (political) judgement in general, while the sixth and final chapter seeks to ground Kant's social welfare proposals by way of reflective political judgements. The final chapter also offers an elaboration of Kant's welfare proposals, leading to a 'Kantian social welfare theory.'

The metaphysical principles of right stipulate that civil society be formed as a precondition for rightful property possession and the realization of equal liberty. Kaufman argues that reflective judgement exhibits further substantive implications of these principles through various analogies, such as the state as self-organized being and citizens as joint authors of the united will. He writes:

> These analogies jointly define a rightful condition as a state in which all members are assured equal access to the opportunity to realize an unconditioned form of purposiveness (humanity), and thus the capacity to define institutions and rules constitutive of an ideal civil society. (p. 147)

This implies a Kantian distributive principle in that allocable goods should be so distributed that they guarantee all citizens equal access to the opportunity to realize their purposive agency. Kaufman elaborates the principle as a demand for capabilities equality, drawing from A. Sen, but with the qualification that 'agency freedom [has] absolute priority over well-being freedom' (p. 154). With regard to the allocation of welfare resources in the United States, the Kantian distributive principle means that the poor should be provided with income supplementation, education, training and in-kind assistance. This latter form of assistance seems quite paternalistic and against the spirit of Kantian social welfare provisions. Kaufman replies too briefly by stating that 'the poor may not be well situated to form an undistorted perspective ... from which to calculate their optimal consumption [in terms of the development of capabilities]' (p. 160).

More generally, Kaufman's book would have gained in strength if it had further elaborated the Kantian distributive principle and theory of social welfare, while his analysis of reflective (political) judgement is too detailed in light of the main theme of the book. The

overhaul of welfare programmes in the United States under Clinton's presidency is not mentioned. A further exploration of how the Aristotelian-based capabilities approach accords with (and differs from) Kant's understanding of autonomous individual development and its preconditions would have been welcome. So would a detailed discussion of the implications of the Kantian distributive principle for existing economic institutions and international aid. Still, Kaufman offers an important and very closely argued contribution to Kant scholarship and any future work on Kant's understanding of social welfare must build on his study.

HARRY VAN DER LINDEN
Butler University, Indianapolis

Clemens Schwaiger, *Kategorische und andere Imperative: Zur Entwicklung von Kants praktischer Philosophie bis 1785*. Stuttgart-Bad Canstatt: Frommann-Holzboog, 1999. Pp. 252. ISBN 3–7728–1971–0. DM 88.00.

This very learned book may be viewed as the attempt to accomplish two different things. First, it is an attempt to trace the development of Kant's doctrine of the categorical imperative and its connections with imperatives of skill and prudence (which are usually lumped together under the title 'hypothetical imperatives'). Schwaiger is convinced that the 'long and tortuous path' that led Kant to differentiate between these different types of imperatives is important for the philosophical discussion of categorical imperatives in Kant. He views himself as 'providing the building blocks' for a commentary on that part of the *Groundwork* which first introduces the categorical imperative. Secondly, and more importantly – even if the author himself downplays this aspect of his work – it is a thoroughgoing revision of the history of the development of Kant's ethical theory.

One may doubt whether the distinction between imperatives of skill, prudence and morality (or 'wisdom', as Kant sometimes also called the latter) is as important to our understanding of the categorical imperative as Schwaiger believes he has shown. One might even argue that it stands in the way of a proper understanding of the categorical imperative. Kant uses the plural of categorical