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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.


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 juridal 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 judg­
ment 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 un­
conditioned 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, draw­
ing 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 paternal­
istic 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 de­
velopment 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 con­
tribution to Kant scholarship and any future work on Kant’s under­
standing of social welfare must build on his study.

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Clemens Schwaiger, Kategorische und andere Imperative: Zur Entwicklung
von Kants praktischer Philosophie bis 1785. Stuttgart-Bad Canstatt:

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

gether under the title ‘hypothetical imperatives’). Schwaiger is

convinced that the ‘long and tortuous path’ that led Kant to dифfer­
entiate between these different types of imperatives is impor­
tant 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
ethic 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