

# Patriotism, Peace and Poverty: Reply to Bernstein and Varden

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## Abstract

In this essay I reply to Alyssa Bernstein and Helga Varden's comments on my book, *Kant and Cosmopolitanism*. In response to Bernstein, I argue that Kant's opposition to the coercive incorporation of states into an international federation should be interpreted as permitting no exceptions. In response to Varden, I clarify Kant's conception and defence of patriotism as a duty, and I show how Kantian cosmopolitans can rebut Bernard Williams's 'one-thought-too-many' objection. I also explicate why, given a specific feature of Kant's defence of the state's duty to provide poverty relief, an international federation can be seen to have an analogous duty.

**Keywords:** Kant, cosmopolitanism, patriotism, international federation, peace, poverty relief, global justice, republicanism, coercion, self-government

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*Kant and Cosmopolitanism* (Kleingeld 2012) focuses on distinct aspects of Kant's cosmopolitan moral and political theory, such as his views on the relationship between cosmopolitanism and patriotism, the conditions for global peace, economic justice, cultural pluralism, Kant's early and late views on race, and his views on the psychological feasibility of the cosmopolitan ideal. In order to give sharper contours to Kant's theory, I contrast it with cosmopolitan positions defended by contemporaries such as Fichte, Cloots, Forster, Hegewisch, Wieland and Novalis. I argue that Kant's philosophical cosmopolitanism underwent many interrelated and radical transformations during the mid-1790s, and that the resulting view is both richer and philosophically stronger than is usually thought.

I am very grateful to Helga Varden and Alyssa Bernstein for their knowledgeable and constructive engagement with several of the

interpretative and philosophical theses I develop in this book.<sup>1</sup> They raise important questions for further clarification, in particular regarding the issues of the relation between citizens and their own states (section 1), the relations among states (section 2), and the possibility of extending Kant's argument regarding poverty relief from the level of the state to the international level (section 3). In each case, I shall argue, Kant's republicanism provides the key to the answer.

## 1. Patriotism

Looking at the late eighteenth-century German debate over cosmopolitanism, I was struck by the fact that most of the self-declared cosmopolitans expressed a commitment to patriotism. Kant even calls patriotism a cosmopolitan duty (*KC* 26, e.g. *MdS Vig* 27: 673–4).<sup>2</sup> Read in light of the meaning of the term that was common in those days, these statements are less puzzling than they might at first appear, and in the first chapter of the book, I explain a possible argument underpinning Kant's claim that patriotism is a duty. Interestingly, this account makes it possible to address a familiar objection formulated by A. John Simmons, namely, that Kantianism cannot justify a duty of special allegiance to the particular state that is mine.

After expressing a worry regarding the distinction between perfect and imperfect duties, Varden argues that my account of Kantian patriotism is unnecessary to answer Simmons's objection and that it runs into Bernard Williams's famous 'one thought too many' objection instead. Moreover, she questions its implications regarding patriotic feelings towards non-republican countries. In order to address these points, let me first explain the core of the argument for the duty of patriotism.

### *The Core Argument for the Duty of Civic Patriotism*

Nearly every time Kant discusses patriotism, he does so in connection with a discussion of republicanism (e.g. *GTP* 8: 291; *MdS* 6: 317, 343; *R* 19: 511). On Kant's account, the republic is, first of all, a political community of free and equal citizens who jointly, through their elected representatives, give themselves laws (*MdS* 6: 314). Second, it is a political community in which the legislative power is distinct from the executive and judicial powers (*MdS* 6: 316–17).

As I argue in the book, Kant uses 'patriotism' as the term for loyalty towards, and civic activity on behalf of, the political commonwealth in

which one is a citizen. Patriotism is contrasted with the instrumentalization of the republic in the service of one's private interests. This conception of patriotism stands in the republican tradition. Kant claims that patriotism is a duty, but he does not spell out the argument for this claim. In the first chapter of the book, I reconstruct his argument as follows, taking my cue from the fact that Kant posits a close connection between patriotism and republicanism.

The argument starts from Kant's thesis that the just state is a system of representative self-government (which he calls a republic). Kant writes: 'Any true republic is and can be nothing other than a representative system of the people, in order to protect its rights in its name, by all the citizens united and acting through their delegates (deputies)' (*MdS* 6: 341). The capacity crucial for citizenship is the capacity to vote (*GTP* 8: 295; *MdS* 6: 314).

If the republic and the role of its citizens are described in terms of self-government, this means that a republic cannot exist as such when its citizens act on the principle of giving no special attention to their own state. Certainly, agents are required to promote justice in general; but justice requires republics, and republics need their own citizens to fulfil their specific role. A system of *self*-government is impossible if the citizens, as a matter of *principle*, *renounce* their special role as citizens in their own republic. By definition, non-citizens cannot take over that role.

Because citizens play a unique and necessary role in their own republic, the maxim 'promote the establishment of republics in general for the sake of justice, but pay no special attention to one's own republic' cannot at the same time be willed as a universal law. For if this maxim were a universal law, republics could not exist; and so it would be incoherent to promote republics for the sake of justice while at the same time refusing, as a matter of principle, to do what it takes for republics to exist. But if one modifies the maxim such that it reads 'promote the establishment of republics in general for the sake of justice, while acknowledging one's special role as a citizen in one's own republic' no such contradiction arises, and this maxim can be willed as a universal law. For in the case of the modified maxim, promoting republican institutions in general does not run counter to the conditions of the possibility of particular republics. Therefore, citizens have a duty to pay at least some special attention to their own republics, in keeping with their essential role in a system of self-government. This, it seems to me, is an entirely Kantian argument for the existence of a duty, on the

part of citizens, to adopt the maxim to pay some *special* attention to one's *own* republic.<sup>3</sup>

In my view, this 'Kantian patriotism' answers Simmons's objection. His objection is that universalist theories may well provide justification for a general duty to promote *justice in general*, but that they cannot give a justification for any duty of *special* allegiance to the *particular* state that is *mine* (Simmons 1999: 753). The Kantian argument, as I have reconstructed it, combines the claim that we have a general duty to promote justice with a principled account of why citizens have a special duty towards their *own* state. This special duty is suitably expressed in terms of the eighteenth-century understanding of civic 'patriotism'. This is the sense in which Kant understood the term, although the term has since acquired additional meanings.

Varden argues that my reply to Simmons is not necessary, because any non-voluntarist Kantian position will suffice. Varden does not explain which aspect of the non-voluntarist account of political obligation she has in mind as doing the work. If what she has in mind is the same feature of Kant's political philosophy as the one I point to, then we simply agree that Kant's account can indeed answer Simmons. But if, as her talk of 'political obligations' seems to imply (258), what she is thinking of is the general Kantian argument for why one ought to obey the laws of the state, then I doubt that this general account of political obligation would provide a satisfactory reply. For Simmons's objection is not that Kantians cannot explain political obligation, but that they cannot explain why citizens have any *special* obligation to their *own* state that they do not have to states, say, in which they are foreign residents. If the general account of political obligation extends to the obligation to obey other states if one resides elsewhere, it still makes it hard to see how there could be a *special* obligation to the *particular* country in which one is a citizen. To address this worry, I develop the argument in terms of the conditions under which a system of self-government is possible.

It is true that the argument is not based on anthropology, as Varden rightly points out, nor on received benefits, affection or consent. It is indeed a moral argument. The 'love' of civic patriotism is what Kant would call 'practical', not 'pathological' love (cf. *MdS* 6: 449–51). The former does not rule out the latter, however. Before I address Varden's worries regarding the possibility of patriotism based on affection and regarding patriotic attachments to non-republican states, I first address Williams's objection.

### *Williams's One-Thought-Too-Many Objection*

Bernard Williams famously claimed that a man who decides to save his wife instead of a stranger from drowning, and whose thought is ‘that it was his wife and that in situations of this kind it is permissible to save one’s wife’, has ‘one thought too many’ (Williams 1981: 18). Varden argues that my account of patriotism cannot answer Williams’s ‘one thought too many’ objection. For, she claims, Williams’s objection is that universalists must regard special obligations towards those to whom we have special relationships as *exceptions* to the universalist rule. As Varden puts it, the Kantian lifesaver would be reasoning ‘(#1) “I should save all the drowning persons” and then the thought, (#2) “but I should make an exception for my wife”’. By contrast, Williams argues, the lifesaving husband should have merely one thought, namely, that he should save his wife *because it is her*. Applied to the case of patriotism, this yields the following problem, according to Varden:

Correspondingly, in the patriotism case, if we follow Kleingeld’s interpretation of Kant, then it seems that Kant reasons as follows: I have an obligation to support all just institutions (thought #1), but I should make an exception for my own state because of my special obligations to it (thought #2). But if this is Kant’s view, then it seems that his account also here involves one thought too many (255).

Let me first address the original case in Williams, and then its extension to patriotism.

I would like to emphasize, first of all, that Williams’s point is a point about *justifications*, not about exceptions. Williams writes: ‘surely *this* is a justification on behalf of the rescuer, that the person he chose to rescue was his wife?’ Williams represents Kantians as arguing

that moral principle can legitimate his preference, yielding the conclusion that in situations of this kind it is at least all right (morally permissible) to save one’s wife. ... But this construction provides the agent with one thought too many: it might have been hoped by some (for instance, by his wife) that his motivating thought, fully spelled out, would be the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one’s wife. ... [T]he point is that somewhere (and if not in this case, where?) one reaches the necessity that such things as deep attachments to other persons

will express themselves in the world in ways which cannot at the same time embody the impartial view, and that they also run the risk of offending against it. (Williams 1981: 18)

Williams's objection seems to be that the awareness of one's action being *justified* somehow means that it is not the kind of action that deep personal attachments call for.

The success of Williams's argument depends on the questionable assumption that acting out of direct concern for one's loved one can never constitute a serious moral error. His objection is successful only if it should be out of the question to even consider the possibility that it might be wrong, in a particular situation, to help a loved one. But surely such circumstances exist. Think, for example, of a parent refereeing a sports game who aims to give unfair advantage to his daughter, and think of cases we usually refer to as nepotism. The fact that such cases exist at all means that partiality *might not* be morally permissible in a given case, and that we ought to be alert to that possibility. In reply to Williams, then, I would like to argue that a referee who intentionally disadvantages the opposing team out of love for his daughter has *one thought too few*. He fails to realize that in situations of this kind it is not permissible to give advantage to one's daughter. And, conversely, I would like to argue that Williams's lifesaving husband has exactly what this partial referee is lacking, namely, a sound sense of justice (alongside his strong desire to save his wife). If your spouse strongly desires to rescue *you* because he loves *you*, and if he is aware of the fact that it is morally permissible to do so, this is no reason to be disappointed. After all, your spouse *wants to save you because it is you*. The alternative is to claim that true lovers cannot and should not have a moral conscience (see also Kleingeld and Anderson 2014).

Now how does this relate to the discussion of patriotism? I pointed out above that Williams's objection is not phrased in terms of exceptions, but in terms of a concern with justifications. My reconstructed Kantian justification of patriotism does not involve an *exception* from a general rule, either. Rather, it is a matter of applying a general principle, namely the categorical imperative, to provide a *justification* of patriotism. Therefore, in response to Varden, I would like to make the same point with regard to patriotism that I made with regard to the lifesaving husband. Having a moral justification for one's civic allegiance need not detract from the emotional ties one may feel to one's political community and one's fellow citizens. If the members of one's republic

justify their special allegiance to their shared political community in terms of a general moral principle, this is nothing to be disappointed about. It is good to know that one's fellow citizens have an intact sense of right and wrong. If my fellow citizens feel a desire to contribute to the public and political life of our republic, and if they reason, in a given case, that it is permissible (or even an imperfect duty) to do so, then all is well. In fact, there are strong historical reasons to hope that they do a careful moral check *especially* in the case of patriotism.

### *Patriotism in the Context of Non-Republican States*

Varden wonders why patriotism should be tied specifically to the republican form of government, and she worries that this rules out patriotism in the case of non-republican states as well as 'non-moralized' forms of patriotism. I believe these issues can be addressed, however. It is true that the argument for the *duty* of civic patriotism is tied to one specific type of government, namely, the republican state. For only in the case of the republic are the state's subjects also citizens, i.e. essential elements of a political system of self-legislation (*ZeF* 8: 352; *MdS* 6: 314).<sup>4</sup> Thus, this argument does not yield a moral duty to be patriotic towards a despotic state. Subjects of despotic states do have political obligations according to Kant – they should obey the law – but they do not have a duty of patriotism. In my view, this last claim is actually a virtue of the Kantian account.

The fact that subjects in despotic states have no *duty* of civic patriotism does not mean that they cannot be patriotic, however. In the book (*KC* 21–2), as well as in articles on patriotism in Kant and Kantianism (Kleingeld 2000, 2003), I distinguish between different kinds of patriotism. Patriotism can be prompted by other characteristics of one's country, for example, its natural beauty or its role in one's personal history. Furthermore, there is nationalist patriotism, nowadays often understood to be patriotism *tout court*, which refers to the special allegiance to one's nation understood as a group of shared ancestry. The fact that these forms of patriotism are not a duty does not mean that they cannot occur, whether in a despotic state or a republic. Whether they are desirable is a different matter, and I discuss that question at greater length in the two articles just mentioned. There I argue that other forms of patriotism, including the 'affectionate' patriotism mentioned by Varden (256), are permissible within strict moral and political constraints.

Towards the end of her discussion of patriotism, Varden anticipates my reply that what she means by patriotism is not the ('civic') form of

patriotism that is a duty. She proceeds to say that she would find this response unpersuasive in part because it involves a ‘technical’ use of the term patriotism that does not fit with common usage (258). I would like to reply, however, that it was the common sense of patriotism in Kant’s time, and it is Kant’s view that I aim to reconstruct. It is the republican sense of patriotism, which was common before nineteenth-century nationalist connotations started to dominate the understanding of the term.<sup>5</sup>

## 2. Coercion and the International Federation

Anacharsis Cloots, the Prussian-nobleman-turned-French-revolutionary-turned-world-citizen, claims that a commitment to social contract theory should lead one to endorse a single, global world republic under which all humans are subsumed directly – i.e. without any intermediate political entities. Cloots also holds that states are to be militarily coerced to join, and, if necessary, that their populations are to be coerced to undergo a process of re-education. Kant stands squarely in the social contract tradition, and he is often criticized for advocating the establishment of a loose league of states, with the argument that – given the structure of his argument for the state – he should have advocated the coercive establishment of a world state. In the second chapter of the book, I examine whether, given Kant’s core normative commitments in *Toward Perpetual Peace* and the *Metaphysics of Morals*, Kant can consistently resist Cloots’s line of argument, and I argue that he can.

Kant claims, in a crucial passage in *Toward Perpetual Peace*, that reason demands an international federation with coercive powers, but that because states do not want to join such a body, international right calls for forming a voluntary league of states. Most interpreters have criticized Kant’s line of reasoning, claiming that it amounts to watering down a rational demand for the sake of empirical feasibility. I argue, by contrast, that there are good reasons to read the passage differently. For if the states’ *wanting* to join is itself a normative condition for the establishment of an international federation with coercive powers, then their not wanting to join means that coercing them into joining is prohibited. I argue that his commitment to the political autonomy of peoples explains why the states’ not *wanting* to join a strong federation indeed constitutes a reason for Kant to advocate the establishment of a voluntary league. Furthermore, there are a number of passages that indicate that Kant continued to regard the stronger federation as the ultimate goal and that he saw the loose league as a first step on the road



to its establishment, but that he believed that a process of internal education and the improvement of political institutions was required before peoples would want to join. Read this way, Kant's argument is more consistent.

As Bernstein points out, Sharon Byrd and Joachim Hruschka have argued that Kant did defend a right on the part of states to compel each other with military force into a strong international federation. In *Toward Perpetual Peace*, Kant still called a right to wage war inconceivable, but Byrd and Hruschka claim that he defended just such a right in the *Metaphysics of Morals*, and that this later view, which is 'exactly the opposite' of the earlier position, is philosophically the stronger one (Byrd and Hruschka 2010: 194–5). If this were Kant's view, it would resemble Cloots's plea, in his address to the 'Société des amis de la constitution', on 1 January 1792: 'Because I want peace, I demand war' (Cloots 1980: 299).

Bernstein and I agree that this is not the view conveyed by Kant's texts from the mid and late 1790s.<sup>6</sup> She argues, however, that Kant's argument for his position should be interpreted differently. I attribute to Kant the view that the normative significance of the political autonomy of peoples is the reason why he opposes a right to the coercive incorporation of unwilling states into an international federation. Bernstein argues for a middle position between Byrd and Hruschka's and my interpretation. She argues that Kant does not seem to be absolutely opposed to coercing unwilling states into a federation (subject to strict conditions), but that he opposes it in 'many if not all cases' because of the risk that a war undertaken for this purpose will cause a backsliding into the state of nature (245).

First, Bernstein points out that not every purported state in fact contains a people (in Kant's relevant political sense) and that this raises important questions. Second, she argues that, in order to fully address the permissibility of coercing states into a federation (the 'narrower' question), one should address the 'broader question of whether [according to Kant] interstate coercion can ever be permissible' (235).

As for the first point, I agree. If what calls itself a state lacks the rule of law (which Kant regards as a minimal criterion for statehood), on his account it constitutes not a state but the mere sphere of influence of a bully with powerful weapons (a 'thug who happens to wear a crown', as Jeremy Waldron aptly puts it in a related argument regarding the

right to resistance, Waldron 2006: 196). Warlords and their victims do not form a state, and hence Kant would presumably regard it as permissible to render assistance to the victims. Note, however, that this would not constitute interference in another *state* (*ZeF* 8: 346), and my focus in the book is on the question of the legitimacy of states (or a federation) coercing other *states* (and hence their peoples) into a federation.

Bernstein wonders whether, on my interpretation, Kant would regard it as wrong if a republican federation tried to help the population of a ‘country in which the regime denies political rights and political representation to the vast majority of the population ... and there is widespread violence and brutality by the regime or by militias it tolerates’ (241). I believe he would not, because this country does not deserve to be called a state. The ‘widespread violence and brutality’ by the regime or even by independent militias indicates the absence of the rule of law. As Bernstein also notes, Kant distinguishes between ‘barbarism’ and ‘despotism’, characterizing the first by ‘force without freedom and law’ and despotism by ‘force and law without freedom’ (*ApH* 7: 330–1). Barbarism is associated with the state of nature and war (*KdU* 5: 430; *MdS* 6: 351; *R* 23: 162). ‘Despotism’, by contrast, is defined as a system in which the legislative and executive powers are united in the hands of a ‘private’ person who imposes laws on his subjects, as opposed to the ‘republican’ system of public self-legislation. Thus, if the ‘country’ Bernstein describes indeed resembles the barbaric rule of warlords instead of a despotic state in the sense defined by Kant, then, on my interpretation, assisting the population does not amount to intervention in another *state*.

In cases in which there *is* a genuine state, Kant rules out coercive intervention by any state in any other state. He could hardly be clearer: ‘no state shall forcibly interfere in the constitution and government of another state’ (*ZeF* 8: 346). When he discusses under that heading a case of civil war, he describes this in terms of a people struggling with its own internal infirmity, and he claims that third-party state intervention in such cases ‘would itself therefore be an offense and render the autonomy of all states insecure’ (*ibid.*). One may *disagree* with Kant on this count (or with the absolute nature of the prohibition); one may complain that he has not taken into account the misery and incapacitation on the part of the population that suffers from a despot who gives and enforces an unjust law; one may point out that sometimes populations of states may *ask* for help from the outside; or one may

complain that Kant's political notion of a people does not allow him to distinguish adequately between 'the people' and 'the state' in the case of unjust states; but as a matter of Kant *interpretation*, Kant's texts leave no room for any principle allowing states to intervene coercively in other *states* for the sake of helping their populations. Whether one should agree with him is of course a different matter.<sup>7</sup>

Bernstein argues that the argument in support of my interpretation of Kant's rejection of the states' right to coerce each other into a federation, in order to be complete, also requires a 'broader' discussion of states' coercive rights against each other in general. Furthermore, she argues that Kant does not rule out such coercion as absolutely prohibited, but that he regards it as wrong in many if not all cases, for the reason that it risks reverting to the state of nature. On her interpretation, it is the task of a 'moral politician' to judge whether this risk does indeed exist in any given case (247).

On this point, we hold different views. In order to answer the question whether, according to Kant, coercing an unwilling state into a federation is ever in accordance with the principles of right, it is not necessary to examine his views on interstate coercion more broadly. If one can identify the relevant principle, in Kant's texts, on the basis of which such action is wrong – and I argue that the relevant principle is the principle of the autonomy of a people – then the question can be settled quite independently from an examination of the cases in which coercion might be permissible (e.g. cases of self-defence). To illustrate, if I can justify the claim that it is wrong to feed me a lethal dose of arsenic for fun, on the basis of the principle that killing me for fun is wrong, this justification is complete even in the absence of a consideration of the broader question of the kinds of substances that it would be permissible to feed me. This is why I left these broader questions out of the discussion of the second chapter. My interest in this chapter is in Kant's view of the nature of the international federation and the road to its establishment. Certainly, however, for a full account of Kant's views of the prohibited, permissible and required forms of interaction among states in general, it is crucial to develop answers to the important questions Bernstein raises.

As the reason why Kant opposes coercive incorporation into a federation of states I identify his commitment to the principle of political autonomy and self-determination. The 'autonomy of states' is the principle Kant mentions as the reason to condemn interference in the 'constitution and

government' of another state (*ZeF* 8: 346). Furthermore, Kant writes that international law does not grant states a right to coerce each other into a federation, because 'states already have an internal legal constitution, and thus they have *outgrown the coercion of others* to subject them to a broader legal constitution according to their [namely, others'] conceptions of right' (*ZeF* 8: 355, emphasis added). This passage, too, expresses the prohibition in terms of a prohibition on heteronomy. ('Heteronomy' is perhaps a better term to express this idea than 'paternalism', although Kant's terminology of 'outgrowing' reminds one of outgrowing parental tutelage.)

While agreeing that the existence of the rule of law constitutes an important disanalogy between the interpersonal and the international state of nature, Bernstein offers an interestingly different explanation for Kant's opposition to the coercion of unwilling states into a strong federation. The reason she attributes to Kant is that if the people in the target state resist incorporation, this might cause much destruction and ultimately even revert them to the state of nature, abolishing the rule of law. On her view, Kant would regard such coercion as permissible only if it is undertaken for the purpose of securing a lasting peace under the rule of law, if such coercion is necessary and effective for achieving this purpose, and if it is undertaken by agents who have the authority to do so. Yet Kant would regard such coercion as impermissible 'in many if not all cases', because these conditions are hardly ever met (245). On Bernstein's view, Kant would regard it as the task of a 'moral politician' to judge whether interstate coercion is permissible in any given case. The concern with preserving the rule of law, she argues, is what really motivates Kant's opposition against coercing other states.

Certainly Kant regards the preservation of the rule of law as crucial, but I believe that his opposition to coercing unwilling states into a strong federation is absolute. In addition to the passages from *Toward Perpetual Peace* just quoted, Kant writes that reason 'delivers an absolute condemnation of war' undertaken for the sake of right (*ZeF* 8: 356). Kant does not – to my knowledge – discuss cases in which the 'risks' of forced incorporation are minimal and coercion into a strong federation is permissible or even required. He does discuss cases in which war is permissible, but these involve various forms of self-defence.

Byrd and Hruschka have argued that Kant changed his position in the *Metaphysics of Morals*. If this is correct, one would expect Kant to argue explicitly in favour of war to bring about a world federation.

Bernstein provides an explanation for why he does not do so, while still holding that such coercion is sometimes permissible. Yet I do not see Kant arguing that there is a right (albeit one that is subject to strict conditions) to wage war for the purpose of establishing a global international federation with coercive powers. Furthermore, if Kant defended such a right, it would be inexplicable why he argues that existing states do not have the right to bring ‘newly discovered’ territories – even those that are still in the state of nature – into the civil condition, nor a right to ‘use force’ to ‘establish a civil union with them’ (*MdS* 6: 266, 353). Kant ends the Doctrine of Right in the *Metaphysics of Morals* by stating that practical reason issues an irresistible ‘veto’: ‘there ought be no war!’ – neither between individuals nor between states (*MdS* 6: 354). Perpetual peace requires a ‘universal union of states (analogous to that by which a people becomes a state)’ (*MdS* 6: 350). The *road* to perpetual peace, and the *only* way to approximate it, he claims in its final sentence, is ‘gradual reform’ (*MdS* 6: 355).

### 3. Poverty Relief

The fifth chapter of the book deals with cosmopolitanism and trade. I discuss the arguments of Dietrich Hermann Hegewisch, one of Kant’s contemporaries, who radicalized Adam Smith’s ideas into the ideal of a world-wide free market. I contrast Hegewisch’s theory with Kant’s view of economic justice, which is the view that trade should first of all be just, and that any liberalization of trade should take place within the constraints imposed by requirements of justice. One of those requirements is that the state should relieve the poverty of those who cannot relieve it themselves. Varden has argued that Kant defends the view that the state should provide ‘*unconditional* poverty relief’ (Varden 2010) and that anything less would be inconsistent with the basic right to freedom. In my book, I disagree and argue that, on Kant’s view, the state’s obligation to relieve poverty is restricted to those who are unable to support themselves. Kant writes that the government is ‘authorized to require the wealthy to provide the means of sustenance of those who are unable to provide for even their most necessary natural needs’ (*MdS* 6: 326). He writes that the state is to ‘maintain those members of the society who are unable to do so themselves’ (*ibid.*). Thus, I argue that the state’s duty is not unconditional but conditional upon the poor being unable to support themselves.<sup>8</sup>

Varden replies by insisting that ‘the right to poverty relief must be unconditional because it cannot matter why I ended up with nothing’

and that ‘all that matters in such a situation is that I have nothing’ (260). In turn, I would emphasize that the texts quoted above speak clearly of a duty to maintain those who are ‘unable’ to support themselves. In addition, let me mention several considerations that explain Kant’s view. I subsequently address Varden’s objection concerning my extension of Kant’s argument from the level of the state to the level of the international federation.

If poverty relief were an unconditional state duty, this would mean that, if I simply refused to support myself although I could perfectly well do so, the state would have to support me. As Kant puts it, this would allow ‘lazy people’ to instrumentalize the republic for private gain and ‘use poverty as their livelihood’, and he rejects this as an unjust burden on the rest (*MdS* 6: 326). Furthermore, the quoted passages seem to imply that he would disagree with Varden’s claim that ‘when I have nothing, I do not have the means’ to relieve my own poverty (260). Being poor does not generally rule out having the capacity to work and earn income, i.e. the capacity to relieve one’s poverty (unless there are no possibilities to earn a living). According to Varden, this argument is not open to Kant, however, because the appeal to work makes individuals dependent on the arbitrary choice of another (namely, of potential employers or customers), which would run counter to the citizens’ right to freedom. It seems to me, however, that Kant’s position allows him to address this worry through public laws outlawing discrimination and arbitrariness in employment and commerce. Kant fails to discuss this explicitly, and more should certainly be said about related issues. Because the right to freedom does not play an explicit role in Kant’s defence of state poverty relief, however, let me move to that defence for further clarification.

What exactly is Kant’s reasoning in favour of state poverty relief? Discussing the ideal republican state, Kant writes:

The general will of the people has united itself into a society which is to maintain itself in perpetuity, and to this end it has subjected itself to the internal authority of the state in order to maintain those members of the society who are unable to do so themselves. On behalf of the state the government is therefore authorized to require the wealthy to provide the means of sustenance of those who are unable to provide for even their most necessary natural needs. The wealthy have obligated themselves to the commonwealth, since their existence is also

an act of subjection to its protection and care required for their survival. On this the state now bases its right to have them contribute their share for the maintenance of their fellow citizens. This can be done either by imposing a tax on the property or commerce of citizens, or by establishing funds and using the interest from them. (*MdS* 6: 326)

I read this difficult passage as saying that the republic must provide poverty relief to those who cannot maintain themselves because the republic must maintain its citizens in order to maintain itself – after all, the republic *is* the collective body of the citizens. On the ‘idealized’ conception of Kant’s social contract theory, when the people subject themselves to the authority of the state, they aim to maintain their society durably, and this includes maintaining those who are unable to do so themselves. The wealthy, too, are conceived as having made this commitment, and hence they can be taxed. If *they* had turned out poor, *they* would have benefited.

If this is indeed Kant’s argument, it can be extended to the global level. Varden argues that it cannot, because Kant would hold that ‘states are neither rich nor poor’ because they do not have private property, and that Kant’s poverty relief argument therefore does not apply at the global level. I have argued that, given the logic of Kant’s argument, it *can* be extended to this level (261). Let me explain this further.

The argument for poverty relief is grounded in the feature of a republic as a collective body, a commonwealth of citizens, and it turns on the ‘maintenance’ of this collective. Kant’s ultimate cosmopolitan ideal is an international federation of republics, which is a commonwealth of republics that is structurally similar to a republican state (even though the path *towards* it is not similar). If so, the analogy does work. For Kant does not ground his argument in a claim about rights to property, but in terms of the joint subjection to common laws and the idea that this political community is to maintain itself and thus its members. Surely the republican ‘sovereign’ cannot be rich or poor, on Kant’s view, because the sovereign is not the kind of thing that can own private property. But in a different respect, a republic, as a system of public institutions, can certainly be rich or poor. Kant even says with so many words that states can be rich (*MdS* 6: 326). If many citizens are poor and there not enough rich citizens to tax, and if, as a result, poverty can no longer be relieved and there are insufficient public resources to maintain the state’s other institutions, then a republic can rightly be

called poor. Because there is a sense in which republics, as members of the federation, can be unable to maintain themselves, the very same argument that Kant mentions for poverty relief at the domestic level also applies at the global level of an international republican federation.

Varden claims that ‘internally just states do not (ideally, in principle) need to be guaranteed poverty relief by the world republic’ (262). But it is unclear to me why Kant should be thought to hold this view. Even just states can be hit by natural disaster or suffer from unexpected economic downturns, to mention just two possibilities, and end up being too poor to maintain their public institutions.

Kant’s reason for arguing in favour of an international federation with common binding laws is that this is the only way to end the state of nature among states, which is a state of war. Even republics may have disputes with each other. Not because they are aggressive – because according to Kant republics are not – but for the same reason that even ‘good-natured and justice-loving’ individuals need to enter a state (*MdS* 6: 312). They may simply disagree on what right calls for, perhaps as the result of seeing only their side of the issue, and hence, Kant argues, they need public laws, a judiciary to arbitrate and law enforcement. On Kant’s account, mutually binding agreements at the international level are not merely a matter of prudential reasons, as Varden argues they are, but a matter of right (*MdS* 6: 350, 354). Kant writes in the *Metaphysics of Morals* that before states leave the state of nature all international right is merely ‘provisional’, and that a truly perpetual peace requires ‘a universal union of states (*Staatenverein*) (analogous to that by which a people becomes a state)’, a body which Kant here also calls a ‘state of peoples’ (*Völkerstaat*) (*MdS* 6: 350). Kant writes that, although this idea cannot be realized fully, it should nevertheless be approximated, via the formation of a congress of several states that can expand gradually (*ibid.*).

Kant’s claim, in the *Metaphysics of Morals*, that perpetual peace *will never* fully be realized raises many difficulties of its own, which he does not address in detail. Because Varden’s comments concern Kant’s ideal as such, I leave these difficulties aside here. The fact that, on Kant’s account, the republican principle dictates both the internal political institutional arrangements within states and the relations among them means that the *ideal* of perpetual peace is consistent with individuals’ basic right to freedom. For according to the ideal, the individual citizens of republics, through their representatives, choose to form a federation



that is itself republican in structure. Because Kant's cosmopolitan ideal, then, is a system of self-legislation all the way up, it is exactly the political system that the right to freedom requires.

### Notes

- 1 I am also grateful to Marina Oshana for organizing the author-meets-critics session at the 2013 Pacific Division meeting of the APA on which this printed exchange is based. I would like to thank the audience at that session, as well as Richard Aquila and two anonymous reviewers for the *Kantian Review*, for helpful comments and suggestions.
- 2 Abbreviations: *ApH* = *Anthropology from a Pragmatic Point of View*; *G* = *Groundwork for the Metaphysics of Morals*; *GTP* = *On the Common Saying: This may be Correct in Theory, But it is of No Use in Practice*; *KC* = *Kant and Cosmopolitanism*; *KpV* = *Critique of Practical Reason*; *KdU* = *Critique of Judgement*; *MdS* = *Metaphysics of Morals*; *MdS Vig* = *Metaphysics of Morals Vigilantius*; *R* = *Reflexionen*, unpublished remains; *Rel* = *Religion within the Boundaries of Mere Reason*; *ZeF* = *Toward Perpetual Peace: A Philosophical Sketch*. Bracketed numbers give page references to Bernstein's and Varden's articles in this issue.
- 3 Varden expresses the concern that my account of special duties in terms of perfect and imperfect duties does not explain how this distinction corresponds to the difference between enforceable duties of right and non-enforceable duties of virtue (253). The answer is that the two distinctions are not meant to correspond. I do not mean to imply that perfect duties are enforceable. The Kantian duty of patriotism is an ethical duty and as such it is not enforceable; the distinction between perfect and imperfect duties here is a distinction within the set of ethical duties, and I use it in the sense in which Kant uses it in the *Groundwork*.
- 4 By 'democracy' Kant understood what we would now usually call *direct* democracy. In *Kant and Cosmopolitanism* (Kleingeld 2012), I claim that what Kant called 'republicanism' is what we now usually call representative democracy with a separation of powers. The subtle differences between Kant's use of the term 'democracy' and our current understanding of it need to be kept in mind in order to avoid confusion.
- 5 Maurizio Viroli, in his book about republican patriotism, even argues that this is 'the only real' sense of patriotism (Viroli 1995). Rather than assuming that 'patriotism' has only one 'real' meaning, however, I find it more useful to distinguish between the different meanings that the term has accrued over time.
- 6 In fact, there seems to be only one sentence that can be read in support of Byrd and Hruschka's reading (*MdS* 6: 344, ll. 25–32), but this sentence does not so much indicate Kant's endorsement of a right to war as his announcement that he is going to discuss the issue. In his actual discussion of the right to war, Kant does not designate the formation of a state of states as a permissible ground for war (*MdS* 6: 346). For an interesting recent interpretation, see also Eberl and Niesen (2011: ch. 3).
- 7 Kant's discussion of the right of states to divest an 'unjust enemy' of its power proceeds in terms of self-defence; it does not amount to a right to military intervention for the sake of establishing an international federation. Importantly, Kant stresses that the *people* who are united in such a state should be given the opportunity to 'adopt a new constitution' (*das Volk ... eine neue Verfassung annehmen zu lassen*) (*MdS* 6: 349), which may be contrasted with states heteronomously imposing one.
- 8 Kant's restriction to those who 'are unable to support themselves' does not imply that the state should provide support for all children within its territory – although

it could be read that way – but only for children who are poor. Kant argues that it is the task of the parents to take care of their children: parents have a ‘duty to preserve and care for’ their offspring, and children have an ‘original innate right to the care of their parents until they are able to look after themselves’ (*MdS* 6: 279).

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