

Selbständigkeit as Self-Imposed Independence: The Unity of Freedom and Equality under Kantian Citizenship

Nicholas Vrousalis

Erasmus University Rotterdam

vrousalis@esphil.eur.nl

Kant's theory of citizenship replaces the French revolutionary triptych of liberty, equality, and fraternity with freedom (*Freiheit*), equality (*Gleichheit*), and civil self-sufficiency (*Selbständigkeit*). The interpretative question is what the third feature adds to the first two—what does self-sufficiency add to free consent by juridical equals? This paper argues that *Selbständigkeit* adds a demanding unifying condition: the rights and powers constituting freedom and equality as a self-imposed unity. I will argue that Kant's account of that unity is inclusive of how commonwealth members produce their lives in a cooperative system under a diversity of productive powers—a division of labour. Independent citizens, for Kant, produce their status as free and equal with their state-conferred powers, unsubjected to the unilateral will of others. The empirical form of that ideal, according to Kant, is a republic of independent commodity producers. I will show that this inclusive reading of *Selbständigkeit* is exegetically and substantively superior to competing republican, libertarian, and proprietarian interpretations.

Keywords: Kant, mode of production, *Selbständigkeit*, solidarity, fraternity, Doctrine of Right, Metaphysics of Morals

Acknowledgements

Thanks to Micha Gläser, Benjamin Hofmann, AJ Julius, and Pauline Kleingeld for helpful comments on earlier drafts of this paper, as well as audiences in London, Patras and Rotterdam for helpful discussion.

Kant's theory of citizenship replaces the French revolutionary triptych of liberty, equality, and fraternity with freedom (*Freiheit*), equality (*Gleichheit*), and civil self-sufficiency (*Selbständigkeit*). The interpretative question is what the third feature adds to the first two—what does self-sufficiency add to free consent by juridical equals? This paper argues that *Selbständigkeit* adds a demanding unifying condition: the rights and powers constituting freedom and equality as a self-imposed unity. I will argue that Kant's account of that unity is inclusive of how commonwealth members produce their lives in a cooperative system under a diversity of productive powers—a division of labour. Independent citizens, for Kant, produce their status as free and equal with their state-conferred powers, unsubjected to the unilateral will of others. The empirical form of that ideal, according to Kant, is a republic of independent commodity producers. I will show that this inclusive reading of *Selbständigkeit* is exegetically and substantively superior to competing republican, libertarian, and proprietarian interpretations.

The paper is structured as follows. After introducing Kant's discussion of citizenship (section 1), I broach a distinction between the possession- and exercise-conditions of political power. The distinction enfranchises the idea of the mode of production, that is, the way in which members of a state exercise their productive powers and thereby help produce their own status as free and equal citizens (section 2). Kant's citizens, I argue, are not just consumers, but also producers of the public institutions of Right. I then explain why this inclusive interpretation of *Selbständigkeit* is exegetically superior to competing republican accounts (section 3), as well as to proprietarian and libertarian accounts of Kantian citizenship (section 4).

1. Kant on citizenship

Citizenship is a crucial premiss in the argument for the moral legitimacy of the rightful condition, discussed in *TP* (8: 290-297) and *DR* (6: 314-316).¹ Citizenship, as a set of public rights, has justificatory priority over private property, which means that Kant must define the former independently of the latter. To do otherwise would be viciously circular: an attempt to justify property by appeal to a set of public rights defined in terms of property. The crucial property-

¹ References are to the Academy edition of Kant's works in practical philosophy, translated into English by Mary Gregor as *Practical Philosophy*, in *The Cambridge Edition of the Works of Immanuel Kant*. Cambridge: Cambridge University Press, 1996. Abbreviations are as follows: *DR*=*Doctrine of Right*; *TP*=*On the Common Saying: That May be True in Theory But it is of No Use in Practice*. Kant's drafts of these texts have recently been translated by Frederick Rauscher and Kenneth Westphal, *Lectures and Drafts on Political Philosophy*. Cambridge: Cambridge University Press, 2018, abbreviated as *LDPP*.

independent premiss is provided in *DR* §46, which argues that legislative authority belongs to “the concurring and united will of all,” where “each decides the same thing for all and all for each”. And since, Kant adds, one “can never do wrong in what he decides upon with regard to himself,” it follows that the legislation of such a united will must be consistent with the demands of Right. Kant’s colegislating citizen has three normative attributes (*rechtliche... Attribute*): he² enjoys freedom (*Freiheit*), “the attribute of obeying no other law than that to which he has given his consent,” equality (*Gleichheit*), the attribute of “not recognizing among the people any superior with the moral capacity to bind his as a matter of right in a way that he could not in turn bind the other,” and civil self-sufficiency (*Selbständigkeit*),³ the attribute of “owing his existence and preservation to his own rights and powers as a member of the commonwealth, not to the choice of another among the people.” (*DR* 6:314) Freedom, equality, and civil self-sufficiency are the ideal expression of Kantian independence. What needs to be explained is what the third feature adds to the first two.

Now, Kant thinks that “the only qualification for being a citizen” is “being fit to vote”. But voter-fitness, he adds:

[P]resupposes the self-sufficiency of someone who, as one of the people, wants to be not just a part (*Teil*) of the commonwealth but also a member (*Glied*) of it, that is, a part of the commonwealth acting from his own choice in community with others. The quality of being self-sufficient, however, requires a distinction between active and passive citizens, though the concept of a passive citizen seems to contradict the concept of a citizen as such. The following examples can serve to remove this difficulty: an apprentice in the service of a merchant or artisan; a domestic servant (as distinguished from a civil servant); a minor; all women and, in general, anyone whose preservation in existence (his being fed and protected) depends not on his management of his own business but on arrangements made by another (except the state). All these people lack civil personality and their existence is, as it were, only inherence. (*DR* 6: 314; translation amended)

2 For Kant a citizen is, invariably, a “he”. *DR* contrasts with *TP* in that the former does not ascribe to women a naturalized property of being unfit to vote. Rather, in *DR*, Kant seems to be saying that women are dependent just by dint of extant social conditions. See J. Weinrib (2008) for a defence of this interpretation and Kleingeld (1993) for an influential discussion of Kant’s sexism.

3 Mary Gregor renders both *Unabhängigkeit* (as a feature of the innate right to freedom) and *bürgerlichen Selbständigkeit* (as a feature of civil status) as “independence,” using the “civil” operator to distinguish the latter from the former. On the interpretation I will present, Kant uses *Unabhängigkeit* to refer to the content of innate right, whereas *Selbständigkeit*, along with freedom and equality, are the complete public expression of that content. In keeping with recent scholarship, I render *Selbständigkeit* as “self-sufficiency”.

Kant's passive citizens⁴ enjoy freedom and equality if they possess legal standing as parts (\neq members) of the commonwealth and if any of their number "can work his way up from this passive condition to an active one." (*DR* 6: 315) Both conditions are satisfied, he implies, in the case of apprentices, domestic servants, minors, and women, albeit *passively*. Minors, for example, enjoy a right "to the care of their parents until they are able to look after themselves," (*DR* 6: 280) a right entailed by their innate right to independence. It follows that enjoyment of innate right is compatible with *de facto* lack of control over its exercise-conditions. On the interpretation I will present, civil self-sufficiency just is control over these exercise-conditions, the unity of freedom and equality as a self-imposed maturity on and by the citizens themselves.

I will show that this interpretation of civil self-sufficiency is key to understanding Kant's disenfranchisement not only of apprentices, domestic servants, women, and minors—all of whom are subject to fiduciary "status" relationships—but also of wage labourers and landless peasants. In the *DR* passage immediately following the definition of civil self-sufficiency (see the quotation above), Kant writes:

The woodcutter I hire to work in my yard; the blacksmith in India, who goes into people's houses to work on iron with his hammer, anvil and bellows, as compared with the European carpenter or blacksmith who can put the products of his work up as goods for sale to the public; the private tutor, as compared with the school teacher; the tenant farmer as compared with the leasehold farmer, and so forth; these are mere underlings of the commonwealth because they have to be under the direction or protection of other individuals, and so do not possess civil self-sufficiency. (*DR* 6:314-315; translation amended)

The Indian travelling blacksmith⁵ contrasts with those subject to status relations, in that she is merely contractually bound to "let and hire" her productive powers to her employer(s) (*DR* 6: 285).⁶ But the blacksmith's position is similar to those subject to status relationships in that she, too, lacks

4 There is some evidence that Kant borrows the distinction between active and passive citizens from the French constitution of 1791 and the writings of Sieyès (Maliks 2014, Davies 2020). In section 3, I will argue that Kant's interpretation of the distinction differs from Sieyès' in important respects.

5 Moran (2021, 4) discusses the origins of Kant's example.

6 The labour contract normally counts as a status relation, what Kant calls *locatio (conductio) personae*, the granting of my powers to a principal as her agent in return for payment. The Indian blacksmith case seems to involve not a labour contract, but rather "granting another the use of my powers for a specified price," which Kant classifies as *locatio operae* (*DR* 6:285). The argument that follows applies to both sets of cases.

civil self-sufficiency. According to Kant, the Indian blacksmith enjoys freedom and equality insofar as she *could* come to own enough iron and thereby come to bind her employer to as much as the employer actually binds her. This is the significance of Kant’s equal opportunity proviso, that “anyone can work his way up from this passive condition to an active one.” (*DR* 6: 315) But the blacksmith presently lacks iron ownership, which means she lacks independent use of her productive powers: in order to exercise these powers she must get permission from the iron owner(s) to use the iron, which means she must put her powers at their disposal. She therefore lacks civil self-sufficiency. Like the minor, the Indian blacksmith enjoys innate right, but only passively, subject “to the choice of another among the people” (*DR* 6:314).⁷

The rest of this paper argues for three claims. First, *Selbständigkeit* is the idea that freedom and equality must be self-imposed by free and equal citizens. According to Kant, only those who enjoy such inclusive independence are fit to vote. Second, the relationship between citizenship and property, for Kant, does not have the educational, psychological, or anti-corruption significance it has for Sieyès, for the French constitution of 1791, or for contemporary republican interpretations of Kantian citizenship. Rather, property is necessary for individual independence only insofar as it provides control over the *exercise conditions* of citizens’ rights and powers. By enjoying means to the exercise of their powers, including their productive powers, Kant’s citizens independently facilitate the conditions of their mutual independence. Third, Kant takes independent commodity production as the empirical form of the self-imposed unity of freedom and equality in the modern state.⁸ That is, Kant’s citizen uses her productive powers to produce external means for others, without having to make these powers into their means. In depending only on the *content* of exchange relationships—what she produces with her own powers—each member of the commonwealth depends only on her own “ability, industry, and good fortune” (*TP* 8:296). Sections 2, 3, and 4 defend each of these three claims, respectively.

2. Citizenship and *Selbständigkeit*

7 Kant’s active/passive distinction immediately recalls language users and smokers. An active language user, for example, is dependent for the exercise of her linguistic powers on the language or linguistic community as a whole. But, unlike the passive user, she is not dependent on any particular language user for the exercise of that power—the production of linguistic meaning. If the social generation of linguistic meaning was the only feature of human interaction, then Kantian independence would only be about subjection in the give and take of linguistic representations. But humans are spatiotemporally located embodied beings, who can make things other than words into their means. They can make their own bodies, the bodies of others, as well as nonhuman animals and objects into their means. All of these facts are, for Kant, assimilable into a non-empirical argument for the rightful condition.

8 On the distinction between ideal and empirical forms of independence, see Patellis (2013).

In *DR*, Kant makes citizenship track individual independence, not property.⁹ This section explains how specifically economic dependence precludes eligibility for the office of citizenship, in the strong sense that such dependence suffices to disenfranchise dependents in *both* fiduciary status relationships—e.g. the minor and the domestic servant—and non-fiduciary contractual relationships—e.g. the Indian blacksmith. The structure of this interpretation is as follows:

- (1) Active citizenship—fitness to vote—presupposes individual independence. “Being fit to vote presupposes the independence of someone who [...] act[s] from his own choice in community with others.” (*DR* 6: 314)
- (2) Individual independence presupposes freedom, equality, and civil self-sufficiency.
- (3) Active citizenship presupposes freedom, equality, and civil self-sufficiency. (from 1, 2) “[T]he attributes of a citizen are: lawful freedom, [...] civil equality, [...] and civil self-sufficiency...” (*DR* 6:314)
- (4) The Indian blacksmith lacks civil self-sufficiency. “[T]he blacksmith in India [...] ha[s] to be under the direction or protection of other individuals, and so do[es] not possess civil self-sufficiency.” (*DR* 6:315)
- (5) The Indian blacksmith lacks active citizenship. (from 3, 4)

The interpretative challenge consists in offering an account of civil self-sufficiency broad enough to explain why even wage labour, according to Kant, precludes civil self-sufficiency (claim (4)) and therefore citizenship (claim (5)). The only interpretation that makes these inferences exegetically palatable, I will argue, is the *inclusive interpretation of civil self-sufficiency*. According to the inclusive interpretation, you enjoy civil self-sufficiency if and only if the enjoyment of your rights and powers depends exclusively on the unsubjected exercise of these rights and powers, including your productive powers,¹⁰ as a member of the commonwealth. The inclusive interpretation represents legitimate public power as regulating the compossible choice sets of individual choosers who produce their own lives, including their status as members of the commonwealth, by freely exercising their commonwealth-conferred rights and (productive) powers. I now elaborate and justify these claims.

Suppose the European and the Indian blacksmith share a qualitatively identical productive power of working iron into hammers. Both produce, say, an equal output per hour out of equal inputs; both

⁹ This contrasts with the property-centred treatment of citizenship in *TP* 8:295. See footnote 21 and section 4 below.

¹⁰ A productive power is a nonnormative ability to bring about an effect by making a physical object into a means to that effect. I possess a productive power when I can cook an omelette in my kitchen; I also possess that power when I can cook an omelette at the cookshop under a division of labour with other omelette producers. A productive power contrasts with a productive *choice*, which is intentional exercise of a productive power.

serve the commonwealth by making it some hammers richer. Suppose, further, that both enjoy the same set of commonwealth-conferred legal rights to exercise these productive powers, in addition to the right to own iron. Kant implies that the Indian blacksmith owns no iron, such that, if she is to exercise her productive powers by working iron, she must ask permission from the iron owner(s).¹¹ The Indian blacksmith's ironlessness thereby gives the iron owner(s) discretion over the exercise of the blacksmith's productive powers—her ability to work iron into hammers. According to Kant, it follows that she lacks *Selbständigkeit*, since her labour process, and *therefore the conditions of exercise of her commonwealth-conferred legal rights and powers*, is *de facto* unilaterally controlled by others.¹² The Indian blacksmith's economic dependence therefore precludes her independence *tout court*, rendering her a mere mechanical part (*Teil*) of the commonwealth. Consider an analogy with musical production.

Suppose you control the musical instrument I need in order to perform as a member of the orchestra, such that that you can, by legal right, deprive me of it at will and at any time. It follows that I cannot exercise my music-making powers as an orchestra member by playing that instrument, except through your unilateral permission. That way my music-making, if realized at all, serves two masters: you and the orchestra. Kant's objection to this predicament is not that my dependence on you might make me fearful, obsequious or servile in my music-making, inclined to pursue your ends as opposed to mine, and so on. These empirically contingent effects on my psychology are not at the centre of Kant's democratic theory (which is why they are never mentioned).¹³ Rather, the ground of my exclusion from orchestra membership just is the dependence of the realization of my music-making ends on your unilateral will: even if I were to play, I would be less of an organic member and more of a mechanical part of the orchestra, one more lever for you to push. That dependence, Kant thinks, makes me ineligible for occupying the office of music-maker.

Contrast the case where I or the orchestra itself control(s) my instrument. The orchestra has elaborate public rules meant to serve the goal of music-making: who can occupy the office of violinist, pianist, and cellist, who can use the instruments under what conditions, and so on. Then, in setting the instrument as a means to the realization of my orchestra-conferred music-making

11 Rafeeq Hasan elaborates: "What the Indian blacksmith lacks is not the ability to use what is his: his tools and labor power. Rather, what he lacks is iron, that is, the raw materials, which he can transform through his productive activity into something of exchange value." (Hasan 2017, 921)

12 Ripstein (2017, 211) argues that Kant's account of citizenship presupposes a distinction between the possession- and exercise-conditions of political rights, but does not discuss human productive powers.

13 I discuss these broadly republican ideas in section 3 below.

powers, the *exercise* of these powers is subject to nothing but the end of music-making. I therefore no longer serve two masters.¹⁴ As an orchestra member, I am dependent on you, just as you are on me, for nothing but the mutual exercise of our orchestra-conferred musical powers, that is, for carrying out our respective parts in the division of musical labour. The orchestra's powers are now only the musicians' several powers, independently exercised.

The inclusive interpretation of *Selbständigkeit* supports this analogy between orchestra and modern state.¹⁵ Take the European blacksmith, who produces means that others need in order to set and pursue their ends as members of that state. By selling the hammers she makes in return for wigs, cloth, or money, she exercises her productive power without having to “alienate” it to others (*TP* 8:295). That way, she produces means that facilitate the unsubjected purposiveness of the wigmaker or the tailor, without making her own *purposiveness*—as opposed to its products—into their means. The European blacksmith thereby serves “no one other than the commonwealth,” (*TP* 8:295) the condition of her own independence. The Indian blacksmith, by contrast, serves two masters: the commonwealth and her employer(s). For to alienate your productive powers is to serve a (series of) private master(s), rather than the conditions of your own freedom. So, even if the Indian blacksmith were deemed fit to vote by dint of her independent-mindedness, she would still be bound to making her productive powers into the means of others.¹⁶ By the inclusive interpretation, she would thereby lack civil self-sufficiency and therefore fitness to vote. Crucially, the nature of the Indian blacksmith's servitude is independent of her psychological dispositions or the contingent content of her material ends, as opposed to the form assumed by the exercise of her own powers as subject to the choices of others.¹⁷ Her freedom and equality, if enjoyed at all, are not of her own making.

14 The orchestra analogy carries no presumption that my dependence on your unilateral will threatens the *orchestra's* music-making powers. It is perfectly conceivable that, barring barriers to entry, there are enough musicians and instruments to allow the orchestra to exercise its powers regardless of what I do.

15 The Kantian republic is unlike an orchestra, in that it has no material ends. Its sole end is the formal compossibility of the choices of all under universal laws of right, an end which justifies reciprocal coercion for its realization. For the metaphysically nonmysterious implications of the orchestra analogy for liberal political morality, see Dworkin (2000, 225-30).

16 That persons must *produce* their own independence, that is, set themselves means which might include material objects used by others, is no more a contingent fact than that human bodies can collide. More generally, persons are generically not just end-setters, but also means-setters: by creating laws, public offices and by engaging in Smithian “truck, barter, and exchange,” they authorize other persons to act in their name in pursuit of their own freedom. These claims, along with the idea that to have your powers under my unilateral discretion is to set *you* as a means, are all the inclusive interpretation needs. In *DR* §46, Kant makes this set of *a priori* propositions into elements of a theory of citizenship.

17 Kate Moran argues that an employment contract may constrain the blacksmith's normative ability to participate in politics. And since Kantian citizens, she argues, have a “civic duty” of political participation, the Indian blacksmith cannot adequately discharge her duty as a citizen (*Moral* 2021, 18ff). Both claims seem plausible, but there is scant evidence that the *DR* affirms them. The inclusive interpretation presupposes neither of these claims.

The orchestra analogy explains why Kant’s democratic theory is at least mildly progressive for his time (Maliks 2014, Weinrib 2008). Suppose that orchestra membership can be expanded in either of two ways: the orchestra itself provides more instruments to more musicians or more musicians bring their own instruments. Both arrangements allow for the free, unsubjected exercise of this extended membership’s music-making powers.¹⁸ In a similar vein, Kant proposes to extend individual independence—and therefore the franchise—by extending public poverty relief to “those who are unable to maintain themselves” (*DR* 6:326);¹⁹ by enforcing the opportunity of anyone to “work his way up from his active condition into an active one” (*DR* 6:315),²⁰ and by giving *every* active citizen an equal vote. This egalitarianism of voting shares is most explicit in Kant’s discussion of the estates. Having raised the question “how it came about that many human beings who could otherwise have acquired a lasting status of possession were *thereby reduced merely to serving [the landowner] in order to be able to live*” (*TP* 8: 296, my emphasis), Kant explains that enfranchisement should depend only on the “status of possession, not... the size of... possessions.” Possession, once again, matters because and insofar as it evinces independent use of one’s powers, including her ability to feed and protect herself by right.²¹

To sum up the argument so far: according to the inclusive interpretation of *Selbständigkeit*, an active citizen is someone whose exercise of her commonwealth-conferred political powers is not subject to another (set of) agent(s), just like the independent musician is someone whose exercise of her orchestra-conferred musical powers is not subject to another (set of) agent(s). Kant’s schoolteacher and European blacksmith, for example, enjoy both (a) a set of commonwealth-conferred political powers and (b) regulative control over their conditions of exercise.²² Kant’s

18 A further important parallel between state membership and orchestra membership is that one cannot contract her way into either. Just as I cannot, by right, purchase eligibility for the office of violinist, likewise I cannot, by right, purchase eligibility for the office of citizenship. “A citizen’s right to vote is not a private power to be used for private purposes.” (Ripstein 2009, 138)

19 In *DR* 6:314, Kant suggests that your dependence on the state for “being fed and protected”—as opposed to dependence on a unilateral will—does not make you a passive citizen.

20 Kant does not consider structural constraints. The individual blacksmith, for example, can become self-employed, but *all* blacksmiths cannot simultaneously become self-employed under the capitalist mode of production. Cohen (1983) discusses conceptual issues arising from this distinction between freedom *in sensu diviso* and *in sensu composito*.

21 Even in *TP*, which emphasizes property more strongly than *DR*, Kant adduces possession and property in order to contrast it with servitude and unilateral dependence on others. Inherited wealth, winning the lottery, and so on, only confer independence insofar as they facilitate independent exercise of one’s powers, including her productive powers.

22 Insofar as the orchestra musician gets her instrument from the orchestra, she is not dependent on a private will for the exercise of her musical powers. The European blacksmith, by contrast, must find a market for her products. In

private tutor and Indian blacksmith, by contrast, enjoy (a) but not (b): both must get permission to use their powers, which trivially entails that they lack control over their exercise-conditions. By the inclusive interpretation, the private tutor and the Indian blacksmith lack civil self-sufficiency (claim (4)). This, Kant thinks, suffices to disenfranchise them (by claims (3) and (4)): only the inclusively independent are fit to vote.

Contemporary liberalism solves this problem by severing the link between franchise and inclusive independence, thereby enfranchising wage labour. But this move, which proceeds by denying the presupposition in claim (1), misunderstands the spirit of Kant's argument. Kant wants to make inclusive independence, including control over the exercise-conditions of one's rights, central to political life in the modern state. The rightful condition, in other words, must be self-imposed in a sense stronger than merely being freely consented to by juridical equals: this is what *Selbständigkeit* adds to the *Freiheit-Gleichheit* diptych. And now it follows, by (2), that the Indian blacksmith lacks independence, *regardless of whether she enjoys a right to vote*. Kant's strictures evince a residual tension between economic and political freedom, which is, no doubt, why its philosophical representations have changed little in the two centuries intervening between Kant's time and ours.²³

I now argue that the inclusive interpretation of *Selbständigkeit* is exegetically superior to other competing interpretations of civil self-sufficiency and therefore provides a better understanding of Kantian citizenship. If I am right, then Kant's omnilateral will does not represent a republic of property owners united by state-enforced relations of property, contract, and status.²⁴ Rather, an omnilateral will represents a republic of free citizens, enjoying a self-imposed unity between the rights and powers they possess, on the one hand, and their conditions of exercise, on the other.

3. Against the republican interpretation

I have, so far, argued that Kant's ideal citizens enjoy inclusive independence, which precludes alien control over the exercise-conditions of their rights and powers, including their productive powers. This section rebuts a broadly republican interpretation of *Selbständigkeit*.

TP and *DR*, Kant implies that market dependence, as such, does *not* preclude independence (contrast the *LDPP* passage quoted on p. 12 below).

23 Marx would take up the contradiction between citizen and *bourgeois*, as well as the corresponding distinction between the possession- and exercise-conditions of political power, in his essay on the Jewish question, half a century after Kant. The distinction's most recent incarnation is Rawls' (1971, 223ff) seminal discussion of the basic liberties and their fair value.

24 This is the picture recently painted by Ripstein (2009).

Some Kant scholars defend the relevance of the mode of production to citizenship by appealing to a claim from cognitive, volitional, or motivational corruption. Luke Davies, for example, argues that, for Kant:

those who depend on private relations of authority for their survival are more likely to act in a way that advances the private interests of themselves or those on whom they depend when participating in lawgiving. (Davies 2021, 23)

This *corruption reading* of Kant's disenfranchising exclusions resonates with Claus Dierksmeier's idea that "having sovereignty over your own business and household would educate you to participate adequately in the affairs of political government and sovereignty." (Dierksmeier 2002, 50) In a similar vein, Jacob Weinrib cautions against the "potentially particularizing" nature of the will of dependent persons, who cannot, by dint of that dependence, "achieve the requisite level of impartiality to contribute to the general will." (J. Weinrib 2008, 11). Sarah Holtman underlines the possibility of "fearful decisions of subordinates" in response to power over them, which she contrasts to "the well-informed and skillful reasoning of those who comprehend and are committed to justice." (Holtman 2004, 100) And Rafeeq Hasan argues that "Kant's ostensible point about the passive citizen is that... he is likely to *feel pressured* into voting the interests of his boss..." (Hasan 2017, 922, emphasis added).

These broadly republican concerns are not Kant's concerns: his account of civil self-sufficiency is not premised on a corruption idea. For one, Kant never mentions the psychological dispositions presupposed by such an idea. Moreover, there is no reason to think that a disposition towards servility (Davies), partiality (Weinrib) or fearfulness (Holtman) will necessarily accompany the economically dependent.²⁵ Indeed, the self-sufficient might manifest these dispositions and to a greater extent. So there is no basis for the corruption idea in *DR*. Rather, as §46 makes clear from the outset, Kant is interested in the normative features that define independence and the accompanying relational features of agents "as members of the commonwealth". This is not to

²⁵ Nor is there any textual evidence that Kant's account is about the ways in which dependence on others hampers one's ability "to exercise her judgment independently of others." (Davies 2021, 21)

consider agents as psychologically or dispositionally rich social subjects, such that voter fitness is not an epistemic, cognitive, or motivational disposition.²⁶ Something else must be going on.

Kate Moran has recently traced the republican ideas underlying the corruption reading back to Sieyès and his discussion of the “lackeys of feudalism” (Moran 2021, 9). In that discussion, Sieyès offers an argument for why “women, children, and foreigners” should only be accounted as passive citizens, namely that they “contribute nothing to the maintenance of the public establishment”.²⁷ Davies draws a suggestive parallel between this argument and a striking passage from Kant’s drafts:

The possessors of land are the genuine state subjects because they depend on the land for *vitam sustinendo* [sustenance of life]. To the extent, however, that they farm only as much as they need to live they are not citizens of the state. For they could not contribute to the commonwealth. Only possessors of great amounts of land who have many servants, who themselves as servants cannot be citizens, could be citizens, and yet they are citizens only to the extent that their surplus is purchased by others who, as free citizens, do not depend on the land. But one must first have citizens before one have subjects of the state. Thus in regard to the commonwealth the *pactum civile* [civil contract] comes first, with the caveat that those whose existence depends on the will of another, thus those who do not enjoy a free existence, have no vote. (*LDPP* 23:137-38; translation amended)

This remarkable passage contains, in inchoate form, Kant’s critique of the landowning class. The first four sentences of the passage affirm the following claims: (i) landowners are (by definition) dependent on the land; (ii) only contributors to the commonwealth can be citizens; (iii) contribution just is production of a surplus; (iv) surplus production must flow beyond the land, in the sense of not being consumed by those dependent on the land. It follows from (i)-(iv) that only those who produce a surplus consumed by nonlandowners, viz. by those who “do not depend on the land,” can be citizens. On the inclusive interpretation, this passage says that the commonwealth’s surplus-producing productive powers must be exerciseable independently of the landowning class, which is

26 Moran (2021) makes a compelling case that these passages do not support *any* material reading of the relevant inequalities (whether in wealth, cognitive, or volitional capacities). She also argues that Kant’s pivotal example of the Indian blacksmith involves merely formal, as opposed to material, inequality.

27 Cited in Davies (2020, p. 17).

why only those who exercise their surplus-producing powers by selling to nonlandowners qualify for citizenship.²⁸

This early characterization of citizenship is even more exclusionary than the published account in *TP*,²⁹ but is in keeping with Kant's inclusive vision of the modern state as a system of cooperative production under a division of labour. That vision brings the contradictory status of the dependent producer, at once formally free and substantively unfree, sharply into view.

I now explain why the inclusive interpretation of *Selbständigkeit* is exegetically superior to another, property-based interpretation of Kantian citizenship.

4. The mutual indifference between citizenship and property

The inclusive interpretation contrasts with an alternative, *proprietary interpretation of civil self-sufficiency*, according to which you enjoy civil self-sufficiency if and only if your making a living depends exclusively on the exercise of your property rights as a member of the commonwealth. The proprietary interpretation has numerous exegetical advantages. It explains why the *DR* takes domestic servants, minors, and women to lack self-sufficiency. It also explains Kant's insistence, in *TP*, that property is the condition for citizenship (*TP* 8:295), as well as his belief that propertylessness—poverty—undermines self-sufficiency, which is why he argues for state-provided poverty relief (*DR* 6:326f).³⁰ According to the proprietary interpretation, the unsupported poor lack self-sufficiency, and therefore individual independence, because their making a living depends not *on their own property*, but on the property rights and associated powers of the propertied, including their benevolence and goodwill.

28 Davies argues that this passage makes citizenship track contribution to the state *in general*. This interpretation is too broad. Kant thinks that citizenship tracks contribution in the sense of citizenship being an attribute only of those who, as “heads of households,” possess an ability to produce a surplus which they realize by selling the surplus to other similarly-situated surplus producers. Crucially, these surplus producers are dependent on the market *only for the sale of their surplus product*, not for their subsistence—their “being fed and protected”. By contrast, those who lack a surplus-producing productive power, as well as those who produce a surplus for which there is no market, are not contributors to the commonwealth. They therefore do not contribute *only in that narrow sense*. This raises the question: what has surplus-production to do with the right to vote? The inclusive interpretation offers an answer to that question.

29 The big landowner, for example, who cannot find a market for her surplus product, or who sells only to other landowners, would not qualify for citizenship by the *LDPP* passage just quoted.

30 Kant mentions state-provided poverty relief in passing in *DR* (6:314) and defends it in *DR* (6: 326). For discussion of Kant's treatment of poverty, see Varden (2016) and E. Weinrib (2003).

It bears noting what the proprietary interpretation does *not* say. In the *TP* passage elaborating on the conditions of citizenship, Kant writes that “being one’s own master (*sui juris*)” means “having some *property* (and any craft, fine art, or science can be counted as property)... that is, if he must acquire from others in order to live, he does so only by *alienating* what is *his*” (*TP* 8:295). This would seem to encourage a comprehensive account of the possible objects of property, according to which the skilled are propertied, regardless of their ownership of external things. Indeed, if skill is property, then why not also the ability to work—one’s *labour power*? Taken in conjunction with the proprietary interpretation, this comprehensive account of the possible objects of property entails a libertarian idea of the state. According to that idea, self-sufficiency is basically self-ownership. Self-owners sell their property—their labour power—to other property owners, subject to a well-regulated system of contract and private property rights. Kant does not, however, affirm a comprehensive account of the objects of property and is therefore not a libertarian.³¹ The proprietary interpretation is nonlibertarian: it concerns property rights to external things only, not reflexive property rights to the owner or her powers.

Despite its exegetical advantages, I now show that the proprietary interpretation is both too narrow and too broad. The proprietary interpretation contradicts the inclusive interpretation in empirical cases of two kinds: (i) cases involving property but not civil self-sufficiency, (ii) cases involving self-sufficiency but not property. In respect of (i), consider wage labour. According to the inclusive interpretation, wage-labour undermines self-sufficiency by making the exercise of the worker’s productive powers dependent on the rights and powers of private employers—the owners of the means of production—both for *finding* employment and for the *exercise* of these productive powers once in employment. Yet one can imagine a wage labourer whose income and wealth exceed those of Kant’s civil servant and craftsman, both of whom he deems to be self-sufficient.³² In cases like the wage labourer, the proprietary interpretation generates false positives. In respect of (ii), consider cases of independent commodity production, in which each producer owns some,

31 Consider five reasons why Kant rejects libertarianism. First, Kant explicitly denies that a person’s body and her powers are ownable. These powers are the objects of innate right, not acquired right. And since all property rights are acquired rights (*DR* 6:237), one’s body and its powers are not ownable. Second, ownable objects have no rights (*DR* 6: 270). But persons do have rights, so persons are not ownable. Third, if mere skill or knowledge are property, then the skilled unemployed who lack rights to external things are not poor. But Kant does not exclude the skilled from poverty relief (*DR* 6:326). Fourth, if possession of skill or mere labour power count as property proper, then the skilled who lack external property—e.g. skilled domestic servants—cannot be counted as *passive* citizens. But Kant does so count them. Fifth, inclusion would make Kant’s *DR* attempt to *justify* private property viciously circular. So property, for Kant, is not comprehensive in its objects, as libertarians must think.

32 Cf/ Moran (2021), who makes a more general point about the merely formal nature of the wage labourer’s dependence.

but not all, of the means of production she needs in order to set and pursue ends. Each can recover her purposiveness by selling to others the net product of the exercise of her unsubjected powers. In these kinds of cases, Kant allows for self-sufficiency without property, such that the proprietary interpretation generates false negatives.

I now elaborate on these two kinds of cases, arguing for the exegetical superiority of the inclusive over the proprietary interpretation.

4.1 Property is insufficient for *Selbständigkeit*

I begin by defending two claims. First, the inclusive interpretation of *Selbständigkeit* can account for all the empirical illustrations that the proprietary interpretation can account for. Second, the proprietary interpretation generates false positives, that is, deems as involving self-sufficiency cases that Kant deems as not involving self-sufficiency.³³

Consider again Kant's contrast between the Indian and the European blacksmith. This seems to support the proprietary interpretation. After all, the Indian blacksmith lacks property rights in the means of production. But the proprietary interpretation fails to account for the contrast between private tutor and school teacher,³⁴ which says nothing about the private tutor's extent of property rights or her wealth and income. If her services are in especially high demand, for example, she might accumulate more property than the school teacher. By Kant's own lights, she still lacks self-sufficiency. The proprietary interpretation deems the rich private tutor self-sufficient and therefore generates false positives.³⁵

Unlike the proprietary interpretation, the inclusive interpretation can account for these contrasts. The Indian blacksmith, for example, lacks self-sufficiency because she cannot make a living by exercising her productive powers without asking permission from the owner(s) of the conditions of

33 A false positive accepts the null hypothesis that "this agent enjoys civil self-sufficiency" when the null hypothesis is, in fact, false. A false negative rejects the null hypothesis when it is, in fact, true.

34 Hasan helpfully elaborates: "in the case of the private tutor (passive citizen) versus the public school teacher (active citizen), the contrast seems to be that the tutor might have to tolerate abuses from a particular pupil or parents, because the fees they pay are necessary to sustain the tutor's survival, whereas the school teacher depends on a state salary and so can meaningfully reject behaviors that violate the terms of contract." (Hasan 2017, 922)

35 Moreover, since the proprietary interpretation posits property as *sufficient* for self-sufficiency, it leads to a vicious regress. Kant cannot justify private property—the starting point of the *DR*—by providing a justification—the conditions of citizenship—in terms of private property. Kant's vacillations on the logical priority of citizenship over property are recorded in *LDPP* 23: 137f.

production. The absence of inclusive independence, for Kant, makes her less than a member (*Glied*) of the commonwealth, and therefore unfit to vote. Similar considerations apply to the private tutor.

4.2 Property is unnecessary for *Selbständigkeit*

I now argue for two further claims. First, the proprietary interpretation generates false negatives, that is, deems as not involving civil self-sufficiency cases that Kant deems as involving self-sufficiency. Second, the inclusive interpretation offers a systematic explanation for why the latter set of cases involves self-sufficiency.

Kant thinks that “alienating what is yours,” serving “no one other than the commonwealth,” and “being [your] own master” are extensionally equivalent. Giving others permission to use your powers, by contrast, is a form of servitude. He elaborates:

Someone who makes an *opus* can convey it to someone else by alienating it, just as if it were his property. But *praestatio operae* is not alienating something. A domestic servant, a shop clerk, a day laborer, or even a barber are merely *operarii*, not *artifices* (in the wider sense of the word) and not members of the state, and are thus also not qualified to be citizens. Although a man to whom I give my firewood to chop and a tailor to whom I give my cloth to make into clothes both seem to be in a quite similar relation to me, still the former differs from the latter, as a barber from a wigmaker (even if I have given him the hair for the wig) and hence as a day laborer from an artist or craftsman, who makes a work that belongs to him until he is paid for it. The latter, in pursuing his trade, thus exchanges his property with another (*opus*), the former, the use of his powers, which he grants to another (*operam*). (TP 8: 296)

The relevant contrast, for my purposes, is that between barber and wigmaker: the former, Kant says, is relevantly like domestic servants, shop clerks, and day labourers in that she must give others permission to use her powers. Not so in the case of the wigmaker, who can exercise her own powers independently of such use—she merely sells the *product* of that exercise. Crucially, Kant adds that the wigmaker enjoys such self-sufficiency “even if I have given him the hair for the wig”. By contrast, the proprietary interpretation deems the wigmaker to *lack* self-sufficiency, because she does not own hair. So the proprietary interpretation generates false negatives. This conclusion

impugns Rafeeq Hasan’s proprietary elaboration of the Indian blacksmith’s status. Hasan suggests that, unlike the Indian blacksmith, the European blacksmith:

owns not only his tools and his labor but also necessary raw materials. If he does not like the terms a particular customer offers and cannot find another buyer, he is still free to consume the product for himself, perhaps by decomposing it into its raw materials and selling those on the market, or trading his product for food. (Hasan 2017, 921)

The problem with this interpretation is that *both* wigmaker and Indian blacksmith lack raw materials (hair and iron, respectively). Yet, according to Kant, the former *is* her “own master” and therefore self-sufficient.³⁶

The inclusive interpretation can account for these contrasts. What matters for the inclusive interpretation is not the origin of the subjection of the Indian blacksmith’s labour—which could be structurally-conferred propertylessness, *à la* Hasan—but only the fact that her setting and pursuing the end of iron production depends upon *giving others permission to use her productive powers to bring about that end*. As I understand him, Kant is saying that the concern with propertylessness is derivative of a more fundamental concern with the independent (although possibly joint) exercise of the human productive powers, a proper subset of our powers as members of the commonwealth. Just like an orchestra of independent musicians, where each exercises her share of the musical powers unsubjected to alien control, so under legitimate public power each commonwealth member exercises her share of the productive powers unsubjected to alien control.³⁷ This makes her into an organic member of the commonwealth, not a mere mechanical part.

So how is the hairless wigmaker self-sufficient and the ironless blacksmith not self-sufficient? By the inclusive interpretation, you enjoy self-sufficiency if your (structurally-conferred) social position in the economy allows you to exercise your productive powers without having to give others permission to use them. It is therefore possible that the wigmaker borrows hair from a

36 Kant adds that only the wigmaker “makes a work that belongs to him until he is paid for it.” (*TP* 8:295) But this criterion cannot account for his other examples, such as the schoolteacher, who does not make anything that belongs to her until she is paid. Note that a civil servant barber is clearly self-sufficient, by Kant’s own lights.

37 Crucially, these powers are *unownable*, since Kant rejects a comprehensive account of the possible objects of property (see footnote 31 and the main text appended to it).

merchant, which she uses to produce wigs, which she sells back to the merchant.³⁸ By contrast, if iron is very scarce or monopolized, then the blacksmith will not receive iron from a merchant in return for hammers. Instead, she will have to work *for* the iron owner(s).³⁹ This is how Kant can consistently hold that the wigmaker empirically enjoys self-sufficiency, whereas the Indian blacksmith—who, by dint of inadequate access to capital, must alienate her powers—lacks it.⁴⁰

If this interpretation is correct, then one need not *own* all of one's inputs to enjoy inclusive independence. Rather, the question seems to be whether, in general economic equilibrium, any one agent unilaterally controls the labour process of any other(s). In a commodity economy of independent producers without a high concentration of *labour-commanding* pecuniary wealth, as was prevalent in Kant's time, even the hairless wigmaker can preserve her Kantian independence.⁴¹ The empirical form of inclusive independence, in other words, is independent commodity production. Contrast a capitalist economy, in which the concentration of labour-commanding wealth guarantees that some—the owners of that wealth—will unilaterally subsume the productive purposiveness of others.⁴² According to Kant, this economy jeopardises the membership status of the latter and therefore their fitness to vote.

The empirical forms of inclusive independence are, of course, peripheral to Kant's main project in *DR*, which is to justify property rights by appeal to an independent premiss about the conditions of citizenship. But the contrasts he draws between empirical cases ostensibly illustrating these conditions can only be coherently explained by appeal to inclusive independence: independent control over the exercise-conditions of one's rights and powers, including one's productive

38 Wig merchants make money by selling wigs at the market price, so they must buy below that price. Note that Kant's own description of the origin of the wigmaker's inputs—"I have given him the hair for the wig"—is unhelpful, because it poses the question anew: where did I get the hair and how is the wigmaker guaranteed inputs after I run out? Kant himself would have been familiar with the *Verlagssystem*, the German version of the putting-out system, which began to flourish in Prussia in the middle of the 18th century (Kisch 1968).

39 And if Prussian hair is as scarce as Indian iron—e.g. if too many Prussians are bald—then Kant's wigmaker may have to put her powers at the disposal of hair owners. Kantians may have overlooked the connection between freedom and baldness!

40 It bears noting that access to capital need not involve *ownership* of capital, which could be borrowed.

41 Doesn't the hair merchant possess unilateral control over the wigmaker's labour process? One still influential answer is due to Karl Marx: "[T]he merchant induces a number of weavers and spinners, who until then wove and spun as a rural, secondary occupation, to work for him, making their secondary into their chief occupation; but then he has them in his power and has brought them under his command as wage labourers." (Marx 1973, 510ff)

42 In the section on "What is Money?", coming just after his discussion of contract, Kant argues that money is "the universal means by which men exchange their industriousness [*Fleiss*] with one another." (*DR* 6:287) The paragraph that follows offers an inchoate statement of Adam Smith's labour theory of value. As many have noted, Kant has a limited conception of civil society, such that Smithian "commercial society" and the role of capital only feature incidentally in his writings. But Kant sees further than his contemporaries, in trying to enfranchise productive purposiveness—labour power—into his theory of the state.

powers.⁴³ Omnilateral rule, on this view, reflects the possession and exercise of citizens' collectively self-imposed individual powers as free and equal consumers and producers of the institutions of Right.⁴⁴ Kant's account of citizenship, in other words, presupposes the inclusive interpretation of *Selbständigkeit*.

The inclusive interpretation, I have argued, accounts for Kant's discussion of the ideal and empirical forms of citizenship better than competing theories. Now, Kant was not and could not have been an anticapitalist: like Sieyès, his main concern was to eradicate the juridical vestiges of feudalism. But Kant went further than Sieyès, by thinking of the modern state explicitly in terms of a diversity of human productive powers, whose mode of *exercise* independently of unilateral permission matters for human freedom. The inclusive interpretation of *Selbständigkeit* explains how this enfranchisement of human production might work as part of Kant's broader theory of justice. Its application to the modern capitalist state, moreover, helps unearth an important tension at its foundations:

Kant would acknowledge that the empirical conditions within the State prevent the freedom envisaged by the idea of the State from being realized. The formal equality of each person within civil society is empirically contradicted by his actual economic and social dependence on other persons. (Williams 1983, 180-1)

Most theories of citizenship since Kant have had to grapple, implicitly or explicitly, with this problem.

Conclusion

Kant thinks that public power enjoys legitimacy only insofar as it legislates on behalf of free, equal, and economically independent citizens. It follows that a public power legislating on behalf of economically dependent citizens would lack legitimacy. This is why Kant—eager to preserve the

43 What about an ironmongery composed of many workers? If some of its workers are wage labourers, then considerations similar to the Indian blacksmith apply: the employed iron worker is unilaterally subject to the iron owner(s) for the exercise of her powers, just like the domestic servant. But this is not the case for a jointly owned ironmongery, where there is no unilateral discretion, other than that mandated by democratic decisions and market-imposed considerations of efficiency.

44 Nonworkers, including the disabled, can share in this representation insofar as they are supported by the state: as its *members*, they have a stake in and share of control over the commonwealth's powers, including its productive powers.

legitimacy of public power but under no illusions about the pervasiveness of economic dependence—is wont to disenfranchise the dependent. But Kant’s obsolete distinction between active and positive citizens has a singular virtue: unlike contemporary Kantian defences of the liberal capitalist state, fidelity to Kant’s own position need not pretend that the denizens of such a state can all be independent. For all its emphasis on inclusion, liberal capitalism presupposes that some of its colegislators must remain dependent on the unilateral will of some ruling class—whether private owners of the means of production or unelected bosses and managers of these means. In other words, the liberal capitalist state purchases inclusion at the cost of illegitimacy. The revolutionary implication is not to preserve the letter of Kant’s argument through an indefensible exclusion of passive citizens. Rather, it consists in preserving the spirit of Kant’s argument by removing the source of that illegitimacy: the capitalist mode of production.

References

- Cohen, G.A. (1983). "The Structure of Proletarian Unfreedom." *Philosophy and Public Affairs* 12: 3-33.
- Davies, L. (2020). "Active Citizenship and Kantian Republicanism." In *Humanity and Personality in Kant*. Georg Olms Verlag.
- Davies, L. (2021). "Kant on Civil Self-Sufficiency." *Archiv für Geschichte der Philosophie*.
- Dierksmeier, C. (2002). "Kant on *Selbständigkeit*". *Netherlands Journal of Legal Philosophy* 1: 49-63.
- Dworkin, R. (2000). *Sovereign Virtue*. Harvard.
- Hasan, R. (2017). "Freedom and Poverty in the Kantian State." *European Journal of Philosophy* 26: 911-931.
- Holtman, S. (2004). "Kantian Justice and Poverty Relief." *Kant-Studien* 95: 86-106.
- Kant, I. (1996). *Doctrine of Right*. In M. Gregor (trans.) *Practical Philosophy*. Cambridge.
- Kleingeld, P. (1993). "The Problematic Status of Gender-Neutral Language in the History of Philosophy: The Case of Kant". *Philosophical Forum* 24: 142-168.
- Kisch, H. (1968). "Prussian Mercantilism and the Rise of the Krefeld Silk Industry: Variations upon an Eighteenth-Century Theme." *Transactions of the American Philosophical Society* 58: 3-50.
- Maliks, R. (2014). *Kant's Politics in Context*. Oxford.
- Marx, K. (1973). *Grundrisse*. Penguin.
- Marx, K. (1976). *Capital*. Vol. I. Penguin.
- Moran, K. (2021). "Kant on Travelling Blacksmiths and Passive Citizenship" *Kant-Studien* 112: 1-22.
- Patellis, I. (2013). "Kant on Independence, Ideal and Empirical." *Kant-Studien* 104: 442-465.
- Rawls, J. (1971). *A Theory of Justice*. Oxford.
- Ripstein, A. (2009). *Freedom and Force*. Harvard.
- Ripstein, A. (2017). "Embodied Free Beings Under Public Law." In S. Kisilevsky and M.J. Stone (eds.) *Freedom and Force: Essays on Kant's Legal Philosophy*. Hart.
- Varden, H. (2016). "Rawls. vs. Nozick vs. Kant on Domestic Economic Justice." In *Kant and Social Policies*. Cham, Switzerland: Palgrave Macmillan: 93-123.
- Weinrib, E. (2003). "Poverty and Property in Kant's System of Rights." *Notre Dame Law Review* 78: 795-828.

- Weinrib, J. (2008). "Kant on Citizenship and Universal Independence." *Australian Journal of Legal Philosophy* 33: 1-25.
- Williams, H. (1983). *Kant's Political Philosophy*. St. Martin's Press.