Kant on Property

(Penultimate version. Forthcoming in A. Gomes & A. Stephenson's *Oxford Handbook of Kant*)

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Introduction*

This paper provides an entry into historical and contemporary discussions of Kant on property. Sections 1–3 identify central textual-philosophical puzzles facing scholars working primarily with Kant's Doctrine of Right vis-à-vis property. I pay special attention to how Kant engages and transforms core, related proposals from Hobbes and Locke as well as to differences between what I call the 'libertarian' and 'liberal republican' interpretive traditions. Sections 4–6 contrast these relatively recent interpretive Kantian traditions with the preceding Rawlsian one as well as other Kantian positions that so far have received less attention. Here my focus is on Kantians who engage topics characteristic of liberal democratic thought, feminist philosophy, the philosophy of race, the philosophy of care, and the philosophy of sex and love so as to sketch the breadth of discussions in today's scholarship on Kant and property as well as indicate possible ways to bridge the gaps between the existing traditions.

1. Kant

The moral law, Kant argues, is the principle of practical reason, and the main reason *The Metaphysics of Morals* is divided into two parts—Part 1: Doctrine of Right and Part 2: Doctrine of Virtue—is that the moral law of freedom is realized differently in these two spheres.[1] The Doctrine of Virtue, like the *Groundwork for the Metaphysics of Morals* and the *Critique of Practical Reason*, starts from how we experience the moral law as a categorical imperative (a moral ought). This doctrine primarily focuses on how susceptivity to this imperative of our practical reason—what Kant sometimes calls 'moral feeling' (e.g., see R 6: 27, MM 6: 399-400)—enables us to act in morally responsible ways (realize virtuous internal freedom), including by learning to master perfect and imperfect duties. In contrast, the Doctrine of Right centrally focuses on the enforceable laws of external freedom that enable our rightful *inter*actions. The basic argument is that rightful external freedom requires us to regulate our interactions by the Universal Principle of Right, which states that 'Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law' (MM 6: 230).

Because right and virtue are enabled by laws of (external and internal) freedom, they do not contradict each other, but the spheres they enable and delimit are also not coextensive. One main reason why these spheres are not coextensive is that right is inherently coercive while virtue is not: what we can do to one another through right is limited to what we can do by means of coercion and coercion cannot reach our maxims. Virtue is therefore necessarily outside the reach of right because right is limited to interaction in the spatiotemporal ('empirical') world. Moreover, because 'coercion is a hindrance or resistance to freedom', it follows that 'if a certain use of freedom is itself a hindrance to freedom in accordance with universal laws', then it is wrong (MM 6: 232). Rightful uses

* Thanks to Lucy Allais, Elvira Basevich, Lisa Chason, Katerina Deligiorgi, Anil Gomes, Carol Hay, Sarah Holtman, Jon Mandle, Jordan Pascoe, Eric Miller, JP Messina, Japa Pallikkathayil, Susanne Sreedhar, Andrew Stephenson, James Warren, Shelley Weinberg, and Melissa Zinkin.

[1] I take myself to be following Gregor (1963) as I tell this story of the basic distinction between right and virtue.

of coercion (hindrances of freedom) are consequently limited to those that enable us to interact freely (hindrances of hindrances to freedom) under universal law. At the foundation of Kant's theory of right, there is correspondingly an innate right to freedom: '*Freedom* (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every human[2] by virtue of their humanity' (MM 6: 237). This innate right to freedom is matched with the duty of rightful honor, namely '*Be an honorable human being (honeste vive). Rightful honor (honestas iuridica)* consists in asserting one's worth as a human being in relation to others' (MM 6: 236). All principles proposed as part of Kant's theory of justice as rightful, human freedom must be consistent with these fundamental ideas regarding right and virtue unless one takes oneself to move beyond Kant in one's (possibly still Kant*ian*) philosophical theory. (More on this in the next section.)

As we strive to develop our philosophical accounts of property, Kant argues, we must take on the question of how it is 'possible for *something external to be mine or yours?*'—which, in turn, 'resolves itself into the question: how is *merely rightful* (intelligible) *possession* possible?' (MM 6: 249). In more familiar words, an account of rightful property relations requires us to explain how (spatiotemporal) objects can become 'mine or thine'. Moreover, because we are embodied (spatiotemporal) beings, from a legal point of view, everyone must have a 'right to be wherever nature or chance… has placed them' (MM 6: 262). Existing somewhere cannot, in other words, be a legal wrong as such. In addition, the fact of our embodied existence entails that the possessive relationship between my person and my body is *analytic* from a legal point of view—it is impossible to perceive an empirical (spatiotemporal) distinction between my body and my person—which means that my body is always only mine (MM 6: 249f.). This, in turn, leads us to the following question: what kinds of objects external to me—distinct from my body—can I make property claims on such that when I say of an object that it is *mine*, I am right about this? This question, in turn, requires us to answer another one: 'how is a *synthetic a priori* proposition about right possible?' (MM 6: 249). It is a *synthetic* a priori proposition because property requires a synthesis between me and an object that is external to or distinct from me such that the object is mine 'even though it is in a place quite different from where I actually am' (MM 6: 253). For example, my wallet is mine also after I put it down on your table. This kind of possession, Kant continues, must be understood not as 'in appearance' ('empirical' or 'phenomenal' possession) but as 'a thing in itself' ('purely rational' or 'noumenal' possession).[3]

Kant then proposes that there are three kinds of things we can acquire in accordance with the laws of external freedom because when we acquire things distinct from us as our own, we use the relational categories of the understanding, namely 'substance', 'causality', and 'community'. More specifically, the category 'substance' enables us to acquire things (property right), the category 'causality' enables us to acquire claims on others' performances (contract right), while the category 'community' enables us to acquire claims on other persons (status right) in that we get to 'make arrangements' about them (MM 6: 259f.). The last category—status right—is important when analyzing aspects of asymmetrical care relations, and I return to it toward the end of this chapter. For now, the focus is on property relations involving 'things' (private property) since this is how most property discussions to date have proceeded. To assist these explanations, it is useful to draw

[2] I've changed Gregor's 'man' to 'human' (and correspondingly 'his' to 'their') here to make it more consistent with the original German ('jedem Menschen').

[3] The reason for this is that while the analysis in the 1st Critique (of appearance) 'was concerned with theoretical cognition of the nature of things and how far it could extend' (which is only to a thing as it appears, or phenomenal appearance), the analysis in the Doctrine of Right is 'concerned with the practical determination of choice in accordance with laws of *freedom*, whether the object can be cognized through the senses or through the pure understanding alone, and *right* is a pure practical *rational concept* of choice under laws of freedom' (MM 6: 249).

attention to how Kant's position draws upon, yet differs from, his predecessors Hobbes and Locke in *Leviathan* and *Two Treatises of Government*, respectively.

2. Hobbes and Locke

Hobbes famously argues that the state of nature is characterized by misery and war because it is marked by 'three principall causes of quarrel. First, Competition; Secondly, Diffidence, Thirdly, Glory… [where t]he first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation' (Hobbes 1651/1996: 61-62[4]). These quarrels cannot in principle be stopped in the state of nature, which is why there cannot be a distinction between what is yours and mine there either. Hence Hobbes states that

> the notions of Right and Wrong, Justice and Injustice have there [in the state of nature] no place. Where there is no common Power, there is no Law: where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor the Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude. It is consequent also to the same condition, that there be no Propriety, no Dominon, no *Mine and Thine* distinct; but onely that to be every mans, that he can get; and for so long, as he can keep it. (Hobbes 1651/1996: 63)

The state of nature cannot be described in terms of justice and injustice because in this condition it is impossible to draw a distinction between 'yours and mine' beyond pointing to what each person is able to hold onto, control, or defend as theirs at any time. Hence, Hobbes continues, everyone must be seen as having a 'right of nature' to use their own power to preserve themselves (Hobbes 1651/1996: 64). Furthermore, because preserving themselves is impossibly difficult in the state of nature—where life is 'solitary, poore, nasty, brutish, and short' (Hobbes 1651/1996: 62)—both their 'Passions' and their 'Reason' recommend seeking peace by entering civil society or establishing a public authority: the 'Leviathan' (Hobbes 1651/1996: 87-8). The Leviathan, in turn, establishes peace insofar as it can make effective the laws of nature (Hobbes 1651/1996: 64-65), such as the principles of '*Justice, Equity, Modesty, Mercy*, and (in summe) *doing to others, as wee would be done to*' (Hobbes 1651/1996: 85). In so doing, the Leviathan transforms the laws of nature from binding '*in foro interno*' (in our desires) to binding '*in foro externo*' (in the world) (Hobbes 1651/1996: 79). Finally, because the establishment of the Leviathan must be understood as an 'Artificiall' agreement to bring about a 'Multitude… united in one Person' (Hobbes 1651/1006: 87), the way in which this artificial person determines the distinctions between yours and mine *is* the establishment of just property relations.

Locke challenges this account by, first, arguing that reason can do more than merely enable us to navigate the world prudently in the state of nature; reason gives us what we need to establish justice in this condition. Locke also introduces a distinction between property in persons and property in things before showing how only each person can own themselves, but through labor on a fair share of the natural resources of the world, they can obtain property in non-human objects and creatures in the state of nature. The fair share, in turn, is understood as determined by leaving enough and as good of the natural resources behind for others when one labors. In Locke's famous words:

[4] I am using the original pagination of *Leviathan* throughout this text.

> Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands… are properly his. Whatsoever then he removes out of the State that Nature hath provided and left it in, he hath mixed his *Labour* with, and joined to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common state Nature placed it in, it hath by this *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable *Property* of the Labourer, no Man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others. (II: 27[5])

So, our creative labor power is innately ours, but since humans do not have the knowledge necessary to create another human being (only God does)—indeed, the closest we have come today is to create artificially intelligent tools or machines—we cannot be seen as having property even in the humans that result from our procreative sexual interactions. When we use this power on unowned natural resources, we mix some of our power (labor) to make them more useful for humans and we thereby transform them into ours if we leave enough and as good of them behind for others. The enough-and-as-good proviso therefore states that everyone has a unilaterally enforceable right to acquire $1/n^{th}$ (where n=number of people) of the natural resources through labor since by only taking $1/n^{th}$ they leave 'enough and as good' natural resources behind for others. For example, if we are ten people arriving together on an uninhabited island and there are ten coconuts there, then each get to pick (labor on) one coconut each. More generally, these philosophical moves enable Locke to replace Hobbes's control-account of property with a labor-account, which, if successful, shows that just property relations—and just relations more generally—are obtainable in the state of nature. Hence Locke claims to have shown how each individual can acquire private property justly unilaterally or 'without any express Compact of all the Commoners' (II: 25).

Although realizing justice is possible in the state of nature, Locke thinks that doing so is very difficult given our unruly natures. Entering civil society is the *prudent* choice because 'the inconveniencies' of the state of nature (II: 127) make 'the enjoyment of the property … [the individual] has in this state… very unsafe, very unsecure' (II: 123, see also 124, 149, 222). The inconveniences of the state of nature, Locke contends, have three sources. Because the laws of nature are 'unwritten, and so no where to be found but in the minds of Men', there is no 'establis'd Judge' in the state of nature, and 'Men… who through Passion or Interest shall mis-cite, or misapply the laws of nature, cannot so easily be convinced of their mistake' (II: 136). Consequently, in the state of nature, where each person is 'Judge, Interpreter, and Executioner', it is difficult to ensure that right, rather than might, settles the boundaries of property (II: 136). In short, the three inconveniences characterizing the state of nature are the lack of posited laws, the absence of unbiased judges, and the unequal distribution of power among individuals. After all, in the state of nature, the specification of the laws of nature depends upon individuals' ability to interpret them; the judgement of particular cases is dependent upon their ability to judge impartially; and the enforcement of the laws of nature is dependent upon their individual actual power to do so. Hence, though Locke agrees with Hobbes that entering civil society is the prudent choice, he disagrees with him that it is something we can be forced to do in the name of justice. Acting imprudently, Locke argues, is unwise, but it is not to do wrong from the point of view of justice. Moreover, the public authority is a tripartite (legislative, judiciary, and executive) public authority who is entrusted though citizens' actual (explicit or implicit) consent to enforce the laws of nature on their behalf. This also

[5] This reference is to Locke's 2nd Treatise, section no. 27.

entails that the laws of a just state are co-extensive with the laws of nature ideally regulating individuals' interactions in the state of nature.

Kant follows Hobbes in his control-route to explaining property relations rather than Locke and his labor-route. In an argument that targets any labor account, Kant argues that 'The indeterminacy, with respect to quantity as well as quality, of the external object that can be acquired makes this problem (of the sole, original external acquisition) the hardest to solve' (MM 6: 266). To illustrate this problem, first notice in relation to the above coconut example that although it presupposes and appears to give us an empirical determination of what constitutes a fair ('enough-and-as-good') share of the natural resources (1 coconut each), it does not actually do so. Why? Because the ten coconuts are neither going to be equal in terms of quantity (size, weight, density, etc.) *or* quality (equally sweet, juicy, etc.). So, if I apply Locke's proviso, which particular coconut do I actually have a right to? Kant's argument here is that regardless of how we answer this question, it will be a fundamentally contingent answer, one that tracks my preferences and judgements, meaning it cannot be an objective determination of my 'fair' share. Hence, if I enforce this determination in my interactions with others, I subject them to my arbitrary or unilateral choice rather than to universal law—which goes against both Kant's innate right to freedom and Universal Principle of Right as well as Locke's own aim in this regard.[6] Because there is no one objective answer to this question, any enforcement of my determination of the laws of nature—whether we go with Locke's or Kant's general answer to the question of how to appropriate property—will result in an arbitrary unilateral use of force, which is inconsistent with the innate right to freedom and the Universal Principle of Right.

Although Kant doesn't think there is a solution to this problem of indeterminacy in the state of nature, like Locke, he thinks that there must be some sort of answer; otherwise, we would be embodied beings who could not exercise our freedom at all when interacting (because we would have to ask others' permission to do so). Moreover, we would end up with a Hobbesian (or legal positivist) position, according to which the distinction between mine and thine is left to the discretion of the public authority (and right becomes reducible to might). Hence, Kant continues the argument quoted above regarding the impossibility of determining the 'quantity' and 'quality' of acquisitions of objects by saying that '… there must be some original acquisition or other of what is external, since not all acquisition can be derived. So this problem cannot be abandoned as insoluble and intrinsically impossible' (MM 6: 266, cf. 312-13).

Kant's proposal, in turn, is that we appropriate property rightfully by following this three-stage process, the first two steps of which can be completed in the state of nature:

> (1) *Apprehension* [must be] of an object that belongs to no one … This *apprehension* is taking possession of an object of choice in space and time, so that the possession in which I put myself is *possession phaenomenon*. (2) *Giving a sign* (*declaration*) of my possession of this object and of my act of choice to exclude everyone else from it. (3) *Appropriation* … as the act of a general will (in idea) giving an external law through which everyone is bound to agree with my choice. – The validity of this last aspect of acquisition, on which rests the conclusion 'this external object is *mine*,' that is, the conclusion that my possession holds as possession *merely by right* (*possession noumenon*), is based on this: since all these acts *have to do with a right* and

[6] For example, Locke says that his theory shows how the state of nature is 'a *State of perfect Freedom* [for everyone] to order their Actions… within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Men… [and] A *State* also *of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another… and [no] Subordination or Subjection.' (II: 4, see also I: 67 and II: 3, 6f, 54f, 61, 87). For more on these discussions, see Varden (2006b, 2010b, 2016, 2021).

> so proceed from practical reason, in the question of what is laid down as right abstraction can be made from the empirical conditions of possession, so that the conclusion 'the external object is mine,' is correctly drawn from sensible to intelligible possession. (MM 6: 258-59)

The first two steps, which also appear to be the historically prominent way people have started to acquire property, are to take control over something unowned and then mark it as one's own by means of, for example, a symbol or a fence. The reason why I cannot rightfully enforce what I have so apprehended—why there is a third step, of appropriation, which invokes an appeal to the general (public) will or civil society, according to Kant—is that enforcing my choice about what area of land or which objects are mine would be to subject others to my choice about the matter and not to universal laws of freedom. In addition, a version of the indeterminacy question ultimately arises here too: there will always be more than one way to specify the location of boundaries when disagreements regarding property lines occur. For example, suppose that you build your farm on the western side of the river and I on the eastern side, then we find gold in the river: where should the property line be drawn in the river? There is not one, but several reasonable answers to this question.

3. Libertarian and Liberal Republican Interpretive Traditions

There are two prominent broad traditions of interpretation of Kant's views on this topic: what I will call the 'libertarian' and the 'liberal republican' traditions. Somewhat simplified, their core disagreements concern *to what extent* Kant thinks we can realize just property relations in the state of nature and exactly what Kant thinks just states can and must do to secure domestic economic justice.[7] Still somewhat simplified, these disagreements often center around determining what Kant means by saying that property acquisitions in the state of nature are 'provisionally', but not 'conclusively', just. For example, Kant says that 'Possession in anticipation of and preparation for the civil condition, which can be based only on a law of a common will, possession which therefore accords with the *possibility* of such a condition, is *provisionally rightful* possession, whereas possession found in an *actual* civil condition would be *conclusive* possession' (MM 6: 257). Kant continues similarly by later arguing that 'The principle of external acquisition is as follows: that is mine which I bring under my *control* (in accordance with the law of outer *freedom*); which, as an object of my choice, is something I have the capacity to use (in accordance with the postulate of practical reason); and which, finally, I *will* to be mine (in conformity with the idea of a possible united *will*)' (MM 6: 258). Those who interpret Kant in a libertarian (minimal state) way—such as Byrd and Hruschka (2010)—typically argue that Kant views the rights of the state (public right) as more or less coextensive with individuals' innate and private rights (in the state of nature). Because we tend to disagree on issues involving property and are liable to take from and do other bad things to one another, establishing civil society is seen as the rational, prudent solution by providing legal, peaceful resolution to conflicts (legislative and judiciary power) and upholding the rule of law (through its related executive powers of deterrence and retribution).[8] This is why and how the state transforms the provisionally

[7] Another set of disagreements concerns what kind of work Kant thinks only what he calls 'international' and 'cosmopolitan' institutions can do to establish just domestic property relations. For reasons of space, I set these disagreements aside here.

[8] This argument is then sometimes combined with Kant's emphasis on assurance (see, e.g., MM 6: 256), which opens the door for arguing that Kant's libertarianism is combined with a Hobbesian-type argument regarding the right to force people into civil society. For two examples of such interpretations, see Byrd (1989) and Williams (1992).

rightful property claims in the state of nature into conclusive property claims in civil society by establishing the public, tripartite (legislative, judicial, executive) authority.

In contrast, those who follow Weinrib's (1995) and Ripstein's (2009) liberal republican lead, tend to argue that Kant's account of public right is both more ideal and more extensive than Byrd and Hruschka (2010) recognize.[9] On these interpretations, Kant does not propose the public authority as only prudentially necessary because he does not see public right as merely enabling us to deal with fundamentally irrational conflicts—or what Locke (and Hume and Rawls) call 'inconveniences'—that tend to arise in the state of nature. Instead, they argue that there are also ideal problems regarding indeterminacy—problems we cannot solve individually regardless of how reasonable and virtuous we are—that tend to arise in this pre-state condition. Some of the sources of conflict in the state of nature do not, they argue, issue from unreasonableness but from reasonableness since there is not one but several plausible ways to apply the principles of innate and private right in particular circumstances of interaction. Consequently, they continue, the only way to settle this disagreement without subjecting each other to our arbitrary, private choices or opinions about the matter (our 'unilateral' choice)—which is inconsistent with the innate right to freedom and the Universal Principle of Right—is to construct a will that represents our shared, general will or a public authority (an 'omnilateral' choice). The establishment of civil society is therefore not merely a prudential but an ideal means through which we can make our property claims rightfully enforceable.[10] For these reasons, liberal republican interpreters tend to emphasize Kant's claim that the state of nature, at its best, is 'devoid of justice' (MM 6: 312) and that rightful uses of coercion are impossible there, which is why we can be coerced to enter civil society. Regardless of this dispute, notice that both libertarian and liberal republican interpretations view Kant as agreeing with Hobbes that justice cannot exist in the state of nature and that we can be forced to enter civil society; they just disagree whether the reason is merely prudential or also ideal in nature. In addition, both read Kant as disagreeing with Hobbes's claims that this impossibility of justice in the state of nature entails that there cannot be provisional justice in that condition, that there cannot be injustice there, or that the public authority can determine property relations any way it deems best.

The other major disagreement between the libertarian and the liberal republican regarding public right concerns what Kant means when he says that the idea of rightful property relations 'should be understood [as] not only a right to a thing (*ius in re*) but also the *sum* of all the laws having to do with things being mine or yours' (MM 6: 261). As we noted above, they agree that according to Kant Hobbes is wrong to think that the state can determine property relations in any way it deems useful. But what, then, are the restrictions on what sum of laws the just state upholds? As entailed by the above, the libertarian (minimal state) interpretations typically argue that the state establishes public right only so that it can enforce innate and private right. The liberal republican approaches, in contrast, argue that the state is additionally responsible for reconciling its monopoly on coercion with the rights of each of its citizens, which it does only if it also establishes certain systemic measures through public law. For example, these thinkers tend to argue that the state's provision of unconditional poverty relief is one of these necessary (a priori) public right measures. Providing unconditional poverty relief is constitutive of establishing civil society, and it involves

[9] There were earlier writings in English that were written in the same spirit. For two excellent examples, see Ebbinghaus (1953) and Pogge (1988). Though I am insufficiently familiar with the relevant German scholarship to provide an adequately nuanced historical overview, a starting point is the related, pioneering work of Kersting (1984).

[10] This question, which involves why Kant thinks that property relations are only 'provisionally' (and not 'conclusively') rightful in the state of nature (see below), has received (and continues to receive) a tremendous amount of attention in Kant scholarship. In addition to the aforementioned books by Byrd and Hruschka, Holtman, Ripstein, and Weinrib, the following publications are useful as entrances into this literature: Ebbinghaus (1953), Kersting (1984/1993), Flikschuh (2008), Varden (2008 and 2010a), Hodgeson (2010), Hasan (2018), Messina (2019), Pogge (1988), and Waldron (2006).

securing for each citizen somewhere legal to exist (in spacetime) that also guarantees legal access to means and from which people can begin to work their way (back) to an independent existence. Without such unconditional, legally guaranteed access to both a place to be and to means, a citizen can find themself in a situation in which any legal access to means is subjected to another private person's choice—and, so, the only way to act (even standing still somewhere) involves doing something that the laws deem a crime—and this the state cannot permit because if it does, then it fails to represent each person's innate right to freedom. After all, the innate right to freedom is exactly independence from having one's freedom subjected to another (private) person's choices and instead having it subjected to universal law only (MM 6: 237). In order to make property relations rightfully enforceable (to 'conclude' property rights), these thinkers propose, it is insufficient merely to enforce the innate and private right claims made in the state of nature (by the public authority's positing, applying, and enforcing of related private and criminal law). Hence, the state must take further systemic measures to deal with problems regarding poverty through public right (law), which means that the rights of the state are not co-extensive with provisional (innate and private) rights in the state of nature.

It is furthermore common for these liberal republican interpreters to argue that other systemic issues, such as regulation of roads, the economy, and financial systems, are constitutive of the public authority's responsibilities insofar as necessary for legal interaction between any two citizens (such as roads) and insofar as it permits its citizens' legal access to means to become dependent on systemic interaction. If the public authority does not regulate these systems through public law, they argue, it fails to provide conditions in which all citizens can interact in ways consistent with their innate right to freedom or as regulated by the Universal Principle of Right, namely by having their exercises of freedom only coercively restricted by and fundamentally dependent on law and not by or on someone's arbitrary, private (unilateral) choice. Finally, on this point, notice that these arguments about unconditional poverty relief and systemic matters regarding land, the economy, and financial systems are a priori in nature, which is also why libertarians (of any stripe) are more likely to find them convincing. After all, they conceptually follow from principles of freedom libertarians tend to be committed to already.

4. The Rawls-Nozick Discussions

A peculiar fact of history is that the above approaches (based in Kant's Doctrine of Right) entered the English-speaking scene in earnest only after a couple of decades where the Kantian discussions of property had been dominated by (theorizing inspired by) John Rawls and Robert Nozick.[11] This section therefore starts by giving an overview of these historically earlier Kantian (Rawls-Nozick inspired) discussions. This is important in part because these Rawls-Nozick discussions were incredibly influential both in general and in making the above Doctrine of Right discussions so focused on ideal theory discussions regarding possible redistribution so as to enable rightful property relations among free and equal citizens. Consequently, core contributions in terms of ideas and questions of competing interpretive and Kant-inspired philosophical traditions are difficult to appreciate without understanding also these earlier, Kant*ian* discussions.

Rawls's 1971 *A Theory of Justice* together with Nozick's 1974 (Lockean-Kantian) libertarian response in *Anarchy, State, and Utopia* set the stage for Kantian (and other) discussions of property in the English-speaking world for decades to come.[12] These two books inspired an enormous amount of work encompassing philosophical conceptions of domestic economic justice ranging from right-

[11] In Europe, the philosophy of Jürgen Habermas was more influential than Rawls's well into the 1990s.

[12] By now, prominent thinkers in several different philosophical traditions have written book-length engagements with Rawls's philosophy. See, for example, Sandel (1982), Cohen (2008), and Nussbaum (2013).

wing libertarianism to left-wing social welfare/socialist democratic positions. Moreover, Rawls's original theory of justice as fairness in *A Theory of Justice* was an attempt at a procedural interpretation of Kant's practical philosophy—understood in terms of his ethics and the categorical imperative—that utilized a constructivist framework of rational choice within an empirical framework. In his 1993 *Political Liberalism*, the theory of justice as fairness was transformed in that it was situated within the context of liberal, modern democracies (as characterized by the fact of reasonable pluralism). Here justice as fairness was presented as one of a family of liberal, political conceptions of justice that forms a basis for an overlapping consensus among citizens who also have comprehensive conceptions[13] of justice and the good. Both versions of Rawls's theory made abstract Kantian moral ideas of freedom and equality operable in human political societies via a procedure of hypothetical consent, meaning that persons or citizens committed to them could thereby be seen as hypothetically ('rationally' and 'reasonably') consenting to them. These Kantian discussions regarding property were dominated by a focus on which (re)distributive principles of justice should regulate property-affecting interactions between independent, morally responsible ('free and equal') citizens.

One of Charles Mills's important objections to contemporary liberal philosophy—originally inspired by feminist philosophy and formulated in response to the classic discussions between Rawls(ians) and Nozick(ians)—in *The Racial Contract* (1999) is that their singular focus on ideal theory meant that they typically fail to pay due attention to the non-ideal world in which we actually live our ever so human lives. Later, Mills added that solely focusing on ideal theory in these ways entails that we unintentionally 'whitewash' the current legal-political status quo.[14] This is because ideal discussions typically focus on the principles that ought to constitute legal-political institutions, while questions about the actual, non-ideal human world we inhabit tend to be viewed as a less important, applied, or non-ideal aspect of philosophy. Since our actual words are deemed less philosophically important by our inherited philosophical practice, they do not receive the same focus and scholarly attention and resources as ideal discussions. For example, areas of philosophy such as feminist philosophy, philosophy of race, philosophy of sex and love, and environmental philosophy have often (explicitly or implicitly) been viewed as 'philosophy light' by the most influential philosophical voices. A common view is that these areas of philosophy simply involve the easy task of applying the ideal principles to particular circumstances—something, according to these prejudices, anyone who knows a good deal about the general philosophical principles can do with little effort. Hence, though many mainstream philosophers would say these non-ideal, real world circumstances are unfortunate, they do not consider it as revealing a significant philosophical (or professional) problem that mainstream academic philosophy has failed to engage sufficiently, say, the conditions of Indigenous peoples, the problems of racism generally and as internally related to European colonialization, conditions of women, sex workers, and people identifying as LGBTQIA+, totalitarian and fascist regimes and movements, and environmental challenges facing our planet. I believe Mills is correct in this criticism of the canon, as well as in his general claim that we need both non-ideal *and* ideal theory. I also believe that the Kantian tradition is slowly responding to the importance of this (and other similar lines of) criticism, as reflected in the fact that this chapter didn't stop at the end of the previous section. It can also be seen in the wide range of approaches currently found in contemporary Kantian scholarship on property.

5. Beyond Ideal Theory

[13] Comprehensive conceptions include assumptions about or views on metaphysics, religion, and happiness, about which one cannot reasonably expect all citizens to agree.

[14] See, for example, Mills (2012).

In short, as the Kantian tradition slowly diversified, the ideal work was complemented—significantly due to the efforts of women Kant scholars and Kantian philosophers of color—by theories that pay much more attention to the (re)distribution needed to make relations involving human vulnerability, asymmetrical (including systemic) dependence, and historical oppression and violence more just. To start, these issues were central to subsequent explorations of global justice (initiated especially by Pogge [1998][15]), feminist philosophy (started by Okin [1989] and O'Neill [1989][16]), the philosophy of race (launched by Mills [1999]), the philosophy of care (originated by Kittay [1999]),[17] and health care (begun by Daniels [1985]).[18] In addition, some Kantians—in my view, most persuasively Rawls's student Onora O'Neill—argued that Rawls's (earlier and later) philosophy cannot capture important Kantian insights regarding objectivity. Both versions of justice as fairness were contingent in the wrong ways, she argued, because they idealized particular kinds of life (because of how the earlier theory originally used risk assumptions as well as the list of primary goods, while the later theory was conditioned by the fact of reasonable pluralism characteristic of liberal, modern democracies) rather than using abstractions that capture objective values or features that we all share simply by virtue of being human beings.

What were the implications of this challenge for O'Neill's discussions of property? A central move in response to her worries about Rawls's approach was to turn to Kant's own theory of justice as found in *The Metaphysics of Morals*—with its Doctrine of Right and Doctrine of Virtue—rather than to start only with Kant's ethics like Rawls did. She originally read Kant's political philosophy as a right-wing libertarian (minimal state) position (like Byrd and Hruschka above), which led her to conclude that a better Kantian theory would utilize ideas found both in Kant's Doctrine of Right and in his Doctrine of Virtue. Supplemented by his account of perfect and imperfect duties, O'Neill then argued that such a reconstructed Kantian account would better envision just property relations in our societies characterized by vulnerable human agents than Kant's own or Rawls's Kant*ian* theory.[19] Another early, important Kant-based approach came from O'Neill's student, Katrin Flikschuh, who argued in her *Kant and Modern Political Philosophy* (2000) that, for Kant, global justice regarding property is a precondition for just domestic property relations.[20] Despite these lines of criticism, for a long time, Rawlsianism was regarded as *the* Kantian contemporary political theory in the English-speaking world and beyond.[21]

Others went in different directions, in part because they didn't follow O'Neill's lead of turning to Kant's Doctrine of Right in *The Metaphysics of Morals*, but followed in Rawls's footsteps instead. [22] Hence, thinkers like Mills and Kittay also did not utilize Kant's Doctrine of Right as they

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[15] Pogge (1988) is also an important, early article on Kant's Doctrine of Right.

[16] For a good collection of feminist articles on Rawls, see Abbey (2013).

[17] For an overview of much of this literature, see Bhandary (2020).

[18] Rawls on environmental concerns was a slow topic to emerge. For an overview of some of the early literature, see Thero (1995).

[19] O'Neill's engagement with Rawls, which space does not permit me to recap here, is a fascinating, rich philosophical interchange. See O'Neill (1989, 1998, 2000). For a recent Kantian, feminist account that also places Kant's imperfect duties at the center of the analysis, see Hay (2013).

[20] Rawls and Nozick naturally also inspired scholarly interpretive debates about how to understand their positions—too many to mention here without offending those left out. For two useful overviews of Rawlsian scholarship, however, see Mandle and Reidy (2014) and Wenar (2017).

[21] For a more direct engagement with the differences between Rawls, Nozick, and Kant on the topic of domestic economic justice, see Varden (2016).

[22] Again, a main reason for this was probably that Kant's Doctrine of Right can so easily be read as right-wing libertarianism (as O'Neill originally did), in which case many preferred Locke's writings on private property (as Nozick did), or as legal positivism, in which case Hobbes's *Leviathan* is more tempting for many. Early monographs on Kant's legal-political philosophy typically reveal a mix of approaches where those who stayed closer to Kant's text tend to

developed their positions, but stayed within the theoretical framework of Rawls's theories of justice as fairness. Relatively quickly, however, however, and in increasing numbers, Kant scholars followed O'Neill's—and much before her, Ebbinghaus's (1953) and Gregor's (1963)—basic move of turning their attention to Kant's Doctrine of Right. As noted above, some, such as Byrd and Hruschka, agreed with O'Neill's (and Gregor's) original, fundamentally right-wing libertarian ('minimal state') take on Kant's Doctrine of Right, while others, such as Weinrib and Ripstein argued for the liberal republican interpretation. In addition, a liberal democratic strand—spearheaded by Maus (1992) and recently further developed by Marey (2018)—appeared.[23] This approach focuses attention on Kant's arguments that active citizens can vote (as colegislators) and that the public authority is a means of self-government—and, so, on Kant's Rousseauan roots.

The principles and ideas informing contemporary Kantian work on property tend to draw on some combination of the resources available in all the above literature. Hence, it is now a body of work that includes much (critical) work on central questions not only of domestic distributive justice that ranges from right-wing libertarian to Marxist or materialist conceptions,[24] but also global distributive justice (from statist to world state conceptions),[25] feminist philosophy (from rejecting to transforming Kant on gender),[26] the philosophy of race (from using Kant's related writings to reject the Kantian approach as a whole to using them to understand racism and racialization),[27] the philosophy of care (from leaving Kant behind to developing Kantian theories of care),[28] animals and environmental philosophy (still in its infancy, but quickly growing).[29] In addition, of course, it

attribute to him either a right-wing libertarian or a legal positivist approach—and if they try to make the Kantian position more receptive to human needs and vulnerability, they tend to go to Kant's ethical ideas, such as those explored in the *Groundwork for the Metaphysics of Morals*, the *Critique of Practical Reason*, and the Doctrine of Virtue in *The Metaphysics of Morals*. For example, compare also the works of Gregor (1963), Murphy (1970), Riley (1982, 1983), Williams (1992), Mulholland (1990), Rosen (1993), and Kaufman (1999) on this point.

[23] For more on all these and other interpretive debates—including how one can see the various interpretive traditions as linking Kant's legal-political philosophy to that of his predecessors Hobbes, Locke, and Rousseau—see "Introduction to Part II" in Varden (2020a). For a first book in English that helps us see more clearly the historical and intellectual context in which Kant was writing his legal-political philosophy, see Maliks (2014).

[24] The first article that interpreted Kant's Doctrine of Right as analyzing poverty as systemic injustice is, I believe, Weinrib (2003), though the literature by now is vast. For an excellent introduction to the Marxist/materialist work, see the 2017 and the forthcoming special editions of *Kantian Review* entitled *Kant and Marx* and *Radicalizing Kant* (respectively) as well as Huseyinzadegan (2019), Pascoe (forthcoming), and Valdez (2019).

[25] Four other publications that also provide valuable overviews of much of this literature are Kleingeld (2012), Flikschuh and Ypi (2014), Holtman (2018), and Loriaux (2020).

[26] For a useful collection of early feminist engagements with Kant's philosophy, see Schott (1997). The first article that articulated feminist concerns regarding marriage and economic justice through Kant's Doctrine of Right was, I believe, Herman (1993).

[27] To the best of my knowledge, the first article that uses Kant's racist writings on race together with his theory of evil to improve our understanding of the nature of racism was Allais (2016). For a current overview over much of this literature on Kant on race, see also Eberl (2019).

[28] Varden (2006a) was, I believe, the first article based in Kant's Doctrine of Right that focused not only on poverty but also on general problems related to dependency and care relations ('status relations'). I've taken up these themes several times since then (e.g., Varden 2007, 2012a, and 2020ab).

[29] See Allais and Callahan (2020) for a first anthology on Kant and animals. See Walla (2020) for more on Kant and the environment.

includes Kant-based responses to Rawlsian Kantian theories[30] and liberal democratic and Rawls-inspired responses to libertarian or liberal republican Kant-interpretations.[31]

6. Concluding Remarks: Building Bridges and Moving Forward

Kantian research on property will undoubtedly continue to grow in tandem with the work of thinkers from other traditions who engage Kant and/or Rawls in productive ways. We all publish in our own names and to the best of our ability, which hopefully means that our philosophical practice as a whole will continue to approach the truth rather than divert us from it. My aim in these concluding remarks is not to argue against the importance exploring different avenues, but to suggest one way forward that might bridge some of the current sprawl of approaches in constructive ways. To see this, first notice how it may be tempting to conclude from the above that the only way to make Kant's own theory of justice as rightful external freedom applicable to human life on planet Earth—and, so, enable us to conceive of rightful, external human freedom—and to our actual, deeply unjust societies is by leaving the basic principles of his philosophy behind or by adding something completely new to his theories of freedom. In other words, one might worry that there is no way internal to Kant's own practical philosophy to bridge his freedom-theories with the concerns central to the other types of theories. I don't think that this is correct. However, to conceive of an alternative route, we must pay attention to writings of Kant's that so far have received very little sustained attention, let alone in the context of legal-political philosophy.

A useful starting point here is the (to many, surprising) fact that Kant emphasizes that his writings on rightful external freedom do not yield a complete legal-political theory. Kant argues that more complete legal-political theories require us to accommodate concerns of human nature ('moral anthropology') (MM 6: 217) and human history ('the principle of politics') (SRL 8: 429, cf. TP 8: 277-8) within the framework set by our objective principles of rightful external freedom. If we pursue this route, we see the fruitfulness of taking the step not only from Kant's *Groundwork* to the Doctrine of Right—or from, say, Rawls to Byrd, Hruschka, O'Neill, Ripstein, and Weinrib (in this regard)—but also to Kant's account of human nature (in his writings on religion, history, and anthropology) as well as his writings on biological life and aesthetics (in the *Critique of Judgment*). More specifically, explorations of moral anthropology give us resources with which to see that once we have worked out what acting and interacting as morally free beings requires us (not) to do, our more complete theories make space for contingent concerns rooted in the animalistic, social, biological, and aesthetically attuned aspects of our being. Complementarily, Kant's accounts of how we need to account for the principle of politics give us ways to account for our inheritance of imperfect historical societies with deep-rooted, violent patterns of oppression.

Put another way, we can say that Kant's account of rightful external freedom gives us the fundamental principles of freedom—innate, private, and public right—that must fundamentally set

[30] Mills has stayed within the Rawlsian Kantian framework and written a several books and a series of papers on the need for political philosophy to develop solid non-ideal theory as part of their more complete approaches (e.g. Mills 2017). A new type of approach brings Kant (and Rawls) in conversation with W.E.B. Du Bois. See, for example, Basevich (forthcoming) and Kirkland (forthcoming). For a recent feminist engagement that focuses primarily on Rawls's later philosophy, see Hartley and Watson (2008), and for a recent collection that brings together Rawlsian and Kantians on feminist themes as well as the philosophy of care and race, see Baehr and Bhandary (2020). Varden (2020b), which appears in this latter anthology can be read together with Varden (2012a) to yield a more comprehensive Kant-based moral philosophical care theory that is consistent with the liberal republican tradition and Kant's account of status right.

[31] For example, Guyer (2000) and Holtman (2004, 2018) have proposed readings of Kant's account of property in the Doctrine of Right that renders it consistent with central ideas in Rawls's theory of justice as fairness. As entailed by the below, we can see Rawls's original position—and, so, also Guyer's and Holtman's approaches—as one way to accommodate moral anthropology and politics with regard to property relations between independent adults within public right and Kittay's alternative original position as one way to make public right responsive to care rights and duties.

the stage for all public reasoning. For example, the highest courts of justice must be deeply committed to developing legal reasoning based on these fundamental principles of freedom while all public leaders must learn to reason in terms of such principles rather than, say, their personal religious or ethical views when they represent our public offices. In addition, however, good societies require public leaders who can consider the relevant contingent—general and specific—features of human life, such as how we—*human* beings—suffer, how we are oppressed and violated, how what we inherit in terms of institutions and practices is often deeply bad, what we need to flourish and live well, etc. Such good public judgment is necessary both to figure out how, given the current complexity of our historical settings, we can work together wisely toward a better future for each and all.

Of course, none of this is to suggest that merely paying attention to these writings of Kant's is sufficient to overcome the problem. On the one hand, as the critical literature referenced in the previous section amply demonstrates, some of what we find in these writings is Kant's awful and disheartening racist, sexist, and heterosexist views.[32] On the other hand, a real problem with these works tracks the fact that Kant's did not fully realize that once we switch to engage these inherently contingent matters, we must switch from the top-down approach to a bottom-up approach that requires careful listening to and appreciation of the lives we are philosophically critiquing. Only in this way can we reasonably hope to avoid the problem of merely reproducing our own prejudices that track histories of deep dehumanization of various social groups in the ways Kant so often did. Rather, my suggestion is that the basic principles structuring Kant's ideal and non-ideal theories and their unity provide a very useful starting point as we strive to go beyond Kant's own writings and the existing Kantian canon by engaging current discussions in constructive ways.

For reasons of space, let me give only one illustration of some of these last points. Christopher Essert (2016) challenges Kantian property theories of the Doctrine of Right by arguing that they cannot, as they should, justify the importance of states fighting homelessness. Rightful external freedom accounts can only justify unconditional poverty relief and, indeed, this is a reason why many may be tempted to try alternative Kantian routes. However, if we complete the external freedom accounts with relevant arguments regarding moral anthropology and politics along the lines suggested above, solutions to these problems open up in better ways than in Essert's theory. Such approaches can hold onto rightful external freedom accounts' insight of why unconditional poverty relief is a minimal condition on a legitimate state *and* explain why fighting homelessness tends to be an early developmental project for good actual, historical states. Human beings need not only shelters (a place to exist and legal access to means) but also homes—and people in need of care, such as children, need homes even more than the rest of the population. In addition, given the histories of violence and oppression characteristic of the societies we inherit, homelessness is (unsurprisingly) positively correlated with societal groups whose identities make them vulnerable to oppressive and violating wrongdoing.

Great societies—including as characterized by just property relations—require wise statespersons able orient their people toward the truth about their history and present conditions. This is necessary to strive toward a more just future in wise ways, such as by erasing inherited systemic injustices and oppressive patterns regarding material resources and reforming institutions such that citizens can use them productively to realize themselves—on their own and together with others—in truly flourishing, free ways. Fighting homelessness is, in other words, non-accidentally a typical, developmentally early, constitutive part of such a positive development. Hence, truly great

[32] Hence a central aim in Varden 2020a is exactly to critique Kant's sexism and heterosexism and present an alternative Kantian approach—one that, in my view, is more faithful to the fundamental tenets of Kant's practical philosophy than Kant himself is.

leaders formulate their ideas in terms of principles of innate, private, and public right as well as in a way that is truthful to the complex historical, earthly realities facing us and thereby motivate citizens to strive to protect everyone better in the moment and work together toward a better future for their descendants. Such statespersons 'combine right and politics' wisely (PP 8: 386), namely as 'moral politicians' (PP 8: 372), and in this way live up to the trust put in them. They enable the development of public institutions through which we govern ourselves by means of principles that we can fully own as Earthlings capable of setting ends of our own in morally responsible ways.[33]

[33] For more on all of this, see Varden (2020a).

Bibliography

Abbey, Ruth (ed.) (2013), *Feminist Interpretations of John Rawls* (Penn State University Press).

Allais, Lucy (2016), 'Kant's Racism', in *Philosophical Papers*, 45/1-2: 1–36.

Allais, L., and Callahan, J. (2020), *Kant on Animals* (Oxford University Press).

Basevich, Elvira (forthcoming), 'Self-Respect and Self-Segregation: A Du Boisian Challenge to Kant and Rawls,' *Social Theory & Practice*.

Baehr, Amy R., and Bhandary, Asha (2020), *Caring for Liberalism: Dependency and Liberal Political Theory* (Routledge).

Bhandary, Asha (2020), *Freedom to Care: Liberalism, Dependency Care, and Culture* (Routledge).

Byrd, B. Sharon (1989), 'Kant's Theory of Punishment: Deterrence in Its Threat, Retribution in Its Execution', in *Law and Philosophy* 8/2: 151-200.

Byrd, B. Sharon, and Hruschka, Joachim (2010), *Kant's Doctrine of Right: A Commentary* (Cambridge University Press).

Cohen, G. A. (2008), *Rescuing Justice and Equality* (Harvard University Press)

Daniels, Norman (1985), *Just Health Care* (Cambridge University Press).

Ebbinghaus, Julius (1953), 'The Law of Humanity and the Limits of State Power', in *The Philosophical Quarterly*, 3/10: 14-22.

Ebertl, Oliver (2019). 'Kant on Race and Barbarism: Towards a More Complex View on Racism and Anti-Colonialism in Kant', in *Kantian Review* 24/3: 385-413.

Essert, Christopher (2016), 'Property and Homelessness', in *Philosophy & Public Affairs*, 44/4: 266–295.

Flikschuh, Katrin (2008), 'Reason, Right, and Revolution: Kant and Locke', in *Philosophy & Public Affairs*, 36/1: 375-404.
—— (2000), *Kant and Modern Political Philosophy* (Cambridge University Press).

Flikschuh, Katrin, and Ypi, Lea (eds.) (2014), *Kant and Colonialism* (Oxford University Press).

Gregor, Mary (1963), *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperatives in the Metaphysik Der Sitten* (Basil Blackwell).

Guyer, Paul (2000), *Kant on Freedom, Law, and Happiness* (Cambridge University Press).

Hartley, Christie, and Watson, Lori (2008), *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (Oxford University Press).

Hasan, Rafeeq (2018), 'The Provisionality of Property Rights in Kant's Doctrine of Right', in *Canadian Journal of Philosophy*, 48: 850-876.

Hay, Carol (2013), *Kantianism, Liberalism, and Feminism: Resisting Oppression* (Palgrave Macmillan).

Herman, Barbara (1993), 'Could It Be Worth Thinking about Kant on Marriage?', in Louise M. Antony and Charlotte E. Witt (eds.), *A Mind of One's Own: Feminist Essays on Reason and Objectivity* (Westview Press), 53-72.

Hobbes, Thomas (1651/1996), *Leviathan*, ed. Richard Tuck (Cambridge University Press).

Hodgeson, Louis-Philippe (2010), 'Kant on Property Rights and the State', in *Kantian Review*, 15/1: 57-87.

Holtman, Sarah W. (2018), *Kant on Civil Society and Welfare* (Cambridge University Press).
—— (2004), 'Kantian Justice and Poverty Relief', in *Kant-Studien*, 95/1: 86-106.

Huseyinzadegan, Dilek (2019), *Kant's Nonideal Theory of Politics* (Northwestern University Press).

Kaufman, Alexander (1999), *Welfare in the Kantian State* (Oxford University Press).

Kersting, Wolfgang (1984/1993), *Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie*, (de Gruyter, 1984/Suhrkamp 2nd ed. 1993).

Kittay, Eva (1999), *Love's Labor: Essays on Women, Care, and Dependency* (Routledge).

Kleingeld, Pauline (2012), *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship* (Cambridge University Press).

Kirkland, Frank (forthcoming). 'Black Radical Kantianism (BRK) or the Radicalization of Kant in Black (RKB): Kant & Du Bois', in *Kantian Review* (special edition on *Radicalising Kant*).

Maliks, Reidar (2014), *Kant's Politics in Context* (Oxford University Press).

Marey, Macarena (2018), 'The Ideal Character of the General Will and Popular Sovereignty in Kant', in *Kant-Studien*, 109/4: 557–580.

Messina, J. P. (2019), 'Kant's Provisionality Thesis', in *Kantian Review*, 24/3: 439-463.

Maus, Ingeborg (1992), *Zur Aufklärung der Demokratietheorie* (Frankfurt am Main).

Locke, John (1689/1988), *Two Treatises of Government*, ed. Peter Laslett (Cambridge University Press).

Loriaux, Sylvie (2020), *Kant and Global Distributive Justice* (Cambridge University Press).

Mandle, Jon, and Reidy, David (2014), *The Cambridge Rawls Lexicon* (Cambridge University Press).

Mills, Charles W. (2017), *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Oxford University Press).
—— (2012), 'Occupying Liberalism!', in *Radical Philosophy Review*, 15/2: 305-323.
—— (1999), *The Racial Contract* (Cornell University Press).

Mulholland, Leslie (1990), *Kant's System of Rights* (Columbia University Press).

Murphy, Jeffrey (1970), *Kant: The Philosophy of Right* (St. Martin's Press).

Nozick, Robert (1974), *Anarchy, State and Utopia* (Basic Books).

Nussbaum, Martha C. (2013), *Political Emotions: Why Love Matters for Justice* (Harvard University Press).

Okin, Susan Moller (1989), *Justice, Gender, and the Family* (Basic Books).

O'Neill, Onora (2000), *Bounds of Justice* (Cambridge University Press).
—— (1998), *Towards Justice and Virtue – A Constructive Account of Practical Reasoning* (Cambridge University Press).
—— (1989), *Constructions of Justice* (Harvard University Press).

Pascoe, Jordan (forthcoming), *Kant's Theory of Labor* (Cambridge University Press).
—— (2017), 'Working Women and Monstrous Mothers: Kant, Marx, and the Valuation of Domestic Labor', in *Kantian Review*, 22/4: 599-618.

Pogge, Thomas (1998), 'Rawls and Global Justice', in *Canadian Journal of Philosophy* 18/2: 227-256.
—— (1997), 'Is Kant's *Rechtslehre* Comprehensive?', in *Southern Journal of Philosophy* 36: 161–187.
—— (1988), 'Kant's Theory of Justice,' in *Kant-Studien*, 79: 407-433.

Rawls, John (1993), *Political Liberalism* (Columbia University Press).
—— (1971/1999), *A Theory of Justice* (Harvard University Press).

Riley, Patrick (1983), *Kant's Political Philosophy* (Rowman and Littlefield).
—— (1982), *Will and Political Legitimacy: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel* (Harvard University Press).

Ripstein, Arthur (2009), *Force and Freedom: Kant's Legal and Political Philosophy* (Harvard University Press).
—— (2006), 'Private Order and Public Justice: Kant and Rawls', in *Virginia Law Review*, 92: 1391–1438.

Rosen, Allen D. (1993), *Kant's Theory of Justice* (Cornell University Press).

Sandel, Michael (1982), *Liberalism and the Limits of Justice* (Cambridge University Press).

Schott, Robin (1997), *Feminist Interpretations of Immanuel Kant* (Penn State University Press).

Thero, Daniel P. (1995), 'Rawls and Environmental Ethics: A Critical Examination of the Literature', in *Environmental Ethics*, 17/1: 93-106.

Valdez, Inés (2019), *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft* (Cambridge: Cambridge University Press).

Varden, Helga (2021), 'Locke on Property,' in J. Gordon-Roth and S. Weinberg (eds.), *The Lockean Mind* (Routledge), 428-437.
—— (2021), "Kant and Arendt on Barbaric and Totalitarian Evil," in *Proceedings of the Aristotelian Society*, 121/2: 221-248.
—— (2020a), *Sex, Love, and Gender: A Kantian Theory* (Oxford University Press).
—— (2020b), 'Kantian Care', in Amy R. Baehr and Asha Bhandary (eds.), *Caring for Liberalism: Dependency and Liberal Political Theory*, (Routledge), 50-74.
—— (2016), 'Rawls vs. Nozick vs. Kant on Domestic Economic Justice', in A. L. B. Faggion, N. Sánchez Madrid, and A. Pinzani (eds.), *Kant and Social Policies* (Palgrave Macmillan), 93-123.
—— (2012a), 'A Kantian Critique of the Care Tradition: Family Law and Systemic Justice', in *Kantian Review*, 17/2: 327-356.
——2012b, 'The Lockean 'Enough-and-as-Good' Proviso - an Internal Critique', *Journal of Moral Philosophy*, 9: 410-422.
—— (2011), "'Coercion and the State." A review of Sharon Byrd and Joachin Hruschka's "Kant's Doctrine of Right: A Commentary', in *Jurisprudence,* 2/2: 547-559.
—— (2010a), 'Kant's Non-Absolutist Conception of Political Legitimacy: How Public Right "Concludes" Private Right in "The Doctrine of Right', in *Kant-Studien*, 3 (2010): 331-351.
—— (2010b), 'Lockean Freedom and the Proviso's Appeal to Scientific Knowledge', in *Social Theory and Practice*, 36/1: 1-20.
—— (2008), 'Kant's Non-Voluntarist Conception of Political Obligations: Why Justice Is Impossible in the State of Nature', in *Kantian Review*, 13/2: 1-45
—— (2007), 'A Kantian Conception of Rightful Sexual Relations: Sex, (Gay) Marriage and Prostitution', in *Social Philosophy Today*, 22: 199-218.
—— (2006a), 'Kant and Dependency Relations: Kant on the State's Right to Redistribute Resources to Protect the Rights of Dependents', in *Dialogue – Canadian Philosophical Review*,45: 257-284.
—— (2006b), 'Locke's Waste Restriction and His Strong Voluntarism', *Locke Studies*, 6: 127-141.

Waldron, Jeremy (2006), 'Kant's Theory of the State,' in Kleingeld, P. (ed.), *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, pp. 179-200. New York: Yale University Press.

Walla, Alice Pinheiro (2020), 'Kant and Climate Change: A Territorial Rights Approach', in B. Eggleston and D. Miller (eds.), *Moral Theory and Climate Change: Ethical Perspectives on a Warming Planet* (Routledge), 99-115.

Wenar, Leif (2017), 'John Rawls', in *Stanford Encyclopedia of Philosophy*, https://plato.stanford.edu/archives/spr2017/entries/rawls/.

Weinrib, Ernest J. (2003), 'Property and Poverty in Kant's System of Rights', in *Notre Dame Law Review*, 78: 795–828.
—— (1995), *The Idea of Private Law* (Oxford University Press).

Williams, Howard (2017), 'The Political Philosophies of Kant and Marx', in *Kantian Review*, 22/4: 619-640.
—— (1992), *Essays on Kant's Political Philosophy* (University of Chicago Press).

Wood, Allen (2017), 'Kant and Marx on Capitalist Exploitation', in *Kantian Review*, 22/4: 641-641.