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## SOCIAL ASPECT OF HUMAN BEING

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### POTENTIAL OF THE KANTIAN NOTION OF SOCIAL JUSTICE

**Purpose.** This paper aims to show how the views of Kant persist in the modern debate on social justice and to outline the practical and political potential contained in his understanding of a just state system and international justice. To that end, I will present what Kant meant by a just state system and just relationships between states. Then, I will reference his understanding of social justice against three fundamental models of social justice thus far established in the philosophical tradition: the legal, distributive, and contractual justice. Finally, I will explain how the Kantian understanding of social justice is reflected in select modern interpretations of a just state system and justice in international relationships, and how we can grasp the current practice and the expected development of sociopolitical life in the framework of social justice as understood by Kant. **Originality.** The article presents the theoretical-conceptual and practical-political relevance of the concept of social justice, developed by I. Kant. It was shown that Kant considered justice to be the basis of all correct social relations, both at the level of individual states and in the sphere of international relations. According to Kant, the only just state system is a republic. In his opinion, justice in the field of international relations requires that they be based on the principles of federal unification of individual states. The concept of social justice developed by Kant can be identified as a form of classically understood contractual justice. In addition, Kant's notion of justice was correlated with the works of modern authors: John Rawls, Robert Nozick and Otfried Höffe, showing identical and different elements in them. **Conclusions.** The reflections above suffice to assert that the Kantian understanding of social justice primarily involves the following observations: 1. under a relevant contract, interested parties institute a public authority, i.e. a republican state (at the level of citizen-to-citizen relations) or a federal institution endowed with judicial or executive powers (in the international arena); 2. the institution of public authority (a republican state, a federal court or government) remains fair (impartial) in dealings with the governed; 3. the public authority has the right to intervene only in the circumstances of threat to the external freedom, equality and independence of the governed individuals; 4. the public authority is responsible only for guaranteeing just relations between individuals and the enforcement of their contracts. Furthermore, Kantian understanding of justice falls within the scope of the classical notion of contractual justice and remains present in the modern debates on justice, as exemplified by the thought of Rawls, Nozick and Höffe. Finally, the Kantian understanding of social justice remains topical and worthy of consideration during the design and the development of current and future solutions for a just public order, both at the national and international level.

**Keywords:** Immanuel Kant; justice; political system; republic; international relations; federation; just ordering of international relations in the future

#### Introduction

In *Perpetual Peace*, Immanuel Kant misquotes the evangelical call of Jesus Christ to seek the Kingdom of God (Matt. 6:33) in order to make the following appeal: "Seek ye first the kingdom of pure practical reason and its righteousness, and the object of your endeavour, the blessing of perpetual peace, will be added unto you" (Kant, 2012b, p. 366). The quote begs the observation that in the mind of Kant, interpersonal relations cannot possibly come to proper order in the absence of justice, neither in his time nor in the future. Kant devoted a sizeable part of his writings to the issue of just ordering of interpersonal interactions, firstly, between citizens of a single state

and secondly, between the states (nations) themselves. Moreover, it would not be a gross exaggeration to say that the sociopolitical analyses, particularly those concerning social justice, are amongst the more salient elements in the vast and multidimensional body of Kant's legacy (Kieliszek, 2010), or that his terminological propositions persist in the modern discussion on social justice. They preserve their practical and political dimensions, unceasingly valid especially with regard to the search for solutions which could help advance justice in social relations at the national and international level (Kieliszek, 2018b, 2020).

### Purpose

This paper aims to show how the views of Kant persist in the modern debate on social justice and to outline the practical and political potential contained in his understanding of a just state system and international justice. To that end, I will present what Kant meant by a just state system and just relationships between states. Then, I will reference his understanding of social justice against three fundamental models of social justice thus far established in the philosophical tradition: the legal, distributive, and contractual justice. Finally, I will explain how the Kantian understanding of social justice is reflected in select modern interpretations of a just state system and justice in international relationships, and how we can grasp the current practice and the expected development of sociopolitical life in the framework of social justice as understood by Kant.

### Statement of basic materials

#### *Kantian understanding of a just state system*

Kant commences his analysis of a just state system with the observation that man (considered as *homo noumenon*) is a free agent, i.e. a rational being endowed with free will. Consequently, Kant believes that human beings are materially distinct from other elements of the natural world by virtue of their morality, i.e. the human capacity to act in accordance with predefined rational (a priori) commands and prohibitions (Höffe, 2003). In the *Groundwork of the Metaphysics of Morals*, Kant (2012d) concludes that the supreme principle of morality is the categorical imperative, which obliges all people to treat humanity in every person never merely as a means, but always as an end in itself. Thus, the categorical imperative delimits an objective horizon for human practice, which involves setting the minimum conditions for a morally correct ordering of interpersonal relationships (Höffe, 2003).

In his search of the minimum conditions for morally correct dealings between people dictated by the categorical imperative, Kant observes in the *Metaphysics of Morals* that the only innate right enjoyed by every person is freedom, which is a matter of independence from the coercive will of another. Furthermore, Kant (2011a) asserts that this right may be enforced only if the person in question respects the freedom of another, which implies that all people are born equal and that no person may place another under obligations to which he could not freely assent (p. 330). In the book *On the Old Saw: That may be right in theory but it won't work in practice*, Kant (2012c) adds that relationships between people must rely primarily on the external respect for freedom, equality, and independence of the individual.

A vital component in the Kantian understanding of justice is the idea of the "unsocial sociability of men" (*die ungesellige Geselligkeit der Menschen*). Kant is deeply persuaded that every man has the innate paradoxical tendency (propensity) to antagonize other persons and to enter

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into proper relations at the same time. The "unsocial sociability" serves Kant (2012a) to explain in the *Idea for a Universal History with a Cosmopolitan Purpose* why conflicts (antagonisms) between people, even if yet undeveloped, pose a constant and real (that is requiring consideration at all times) threat in interpersonal interactions (p. 34).

In the *Metaphysics of Morals*, Kant predicates that guaranteeing to all men the rights they have by their very nature as human beings necessitates a rule of law. In other words, interpersonal relationships – perpetually tainted with the consequences of the "unsocial sociability of men" – need to be ordered by way of definite regulations equally binding for all members of the same community (Kant, 2011a). One could say that in the mind of Kant, a just ordering of relationships between people is materially contingent on the existence of positive law aimed to protect external freedom, equality and the independence of all members of a community (Höffe, 2003).

Furthermore, Kant notes that to effectively guarantee justice in interpersonal relationships, it is necessary to safeguard legal regulations against infringement (violation, breach, infraction, etc.) by individuals. When deliberating the issue in the *Metaphysics of Morals*, Kant (2011a) concludes that the only entity that can effectively secure people's respect for the laws is the public authority (the state), as it is the only institution which in itself (by its very nature) has the right to submit its citizens to measures of coercion (p. 322). Thus, Kant believes the existence of public authority (the state) to be necessary for two reasons. Firstly, the state is entitled to use coercive measures against people who treat others unjustly by remaining in breach of their legal obligations. Secondly, the state has appropriate instruments (such as punitive sanctions) to coerce a citizen into a mode of behaviour that is just towards others, which guarantees respect for the law (Höffe, 2003).

Moreover, as early as in the *Critique of Pure Reason* Kant indicates that the coexistence of an individual with others in a public order established in accordance with positive law, guarded by institutional authorities and guaranteeing equal protection of all the fundamental rights shared by all people, appears as not only rationally legitimate but even transcendently necessary. Thus, Kant (2013) believes that external freedom, equality, and independence of all men may effectively be protected only in a state that remains fair (impartial) in handling its citizens (p. 363). He explores this thought further in the *Metaphysics of Morals* by asserting that if in a given public order is based on positive laws, guarded by institutional authorities and guaranteeing equal protection of fundamental rights to all citizens, such a public order shall be deemed just because all the citizens stand on an equal footing. In other words, positive law grants them the same level of external freedom, equality, and independence and the public authorities treat them all as equals (Kant, 2011a).

In *Perpetual Peace*, Kant combines these lines of thought to conclude that the only just system imaginable is the republic. Only the republic is founded on the principles of (1) respect for external freedom and equality of all citizens and (2) their equal submission to the law, guarded by public authorities and made with their participation. In other words, in the mind of Kant, the sole just system is republicanism because only in its framework people's external (which is to say, lawful) freedom is [...] to be explained in this manner: *it is the right through which I require not to obey any external laws except those to which I could have given my consent*. In exactly the same way, external (which is to say, lawful) equality in a [republican; Z. K.] state is that relation of the subjects in consequence of which no individual can legally bind or oblige another to anything, without at the same time submitting himself to the law which ensures that he can, in his turn, be bound and obliged in like manner by this other (Kant, 2012b, p. 339).

*Kantian understanding of international justice*

In *Religion within the Bounds of Bare Reason*, Kant asserts that the consequences of the "unsociable sociability of men" extend beyond the sphere of relationships between people (citizens), reaching the domain of dealings between states (nations). Therefore, conflicts also pose a real threat at the level of international relations (Kant, 2011b, p. 37). Hence – as noted in the *Metaphysics of Morals* – the necessity to define the law of nations which would lay out just principles for the maintenance of mutual relations between states to minimize the risk of international conflicts (Kant, 2011a, p. 447).

When analysing international relationships in the *Metaphysics of Morals*, Kant begins by considering them in a state of nature, yet unordered by the duties of positive law. He notes that in the state of nature, every state has the right to defend its interests "by its own force". Moreover, he predicates that even if a war does break out for a legitimate cause, it should be waged in a manner lenient enough to allow for the cessation of hostilities. Kant rules out the possibility of a punitive war, a war of extermination or subjugation in a state of nature. Furthermore, he declares that no country may "use" its own or foreign citizens as spies, assassins, poisoners, snipers or propagandists spreading false rumours. In addition, he asserts that in the state of nature, the victor cannot exact compensation from the defeated party when concluding peace. However, both parties should exchange the prisoners of war (regardless of any potential discrepancies in their number) and grant amnesty to those imprisoned at the time of hostilities. The victor cannot degrade the defeated party to a colony, for its citizens still have the right to live in an independent state. Finally, Kant declares that in the state of nature, individual countries have the right to remain neutral towards others that stand in conflict. In particular, they are entitled to ensure their security, especially by forming an alliance (confederation) with other states uninvolved in the conflict for the common defence against potential threats (Kant, 2011a).

However, Kant believes that in the state of nature, international relations will always remain unjust. To remedy that, individual states – especially if contiguous – should "leave" the state of nature by forming a confederation of states whose relations would be governed by relevant treaties. Therefore, according to Kant, individual countries should voluntarily come to an agreement under which they would assume relevant duties for future dealings with one another and third parties. Additionally, Kant concludes that it is through international treaties that the states "leave" the state of nature and the public right of nations comes to fulfilment. Besides, upon their conclusion, the treaties become the foundation of the peaceful and just settlement of any disputes that could arise in the future between the contracting parties. To ensure peaceful and just settlement of any potential disputes between member states, Kant proposes that the confederation should institute an independent judicial authority – or better yet, a governmental one – for settling the disputes in accordance with the relevant contractual obligations (Kant, 2011a, p. 454).

In the *Metaphysics of Morals*, Kant proceeds to analyse international relations in the situation when the material interests of a state or a confederation, and particularly their future peaceful growth, are threatened by armed aggression or another violent action of an enemy state or a group of states. According to Kant, any state or group of states which explicitly violates public international treaties should be declared an enemy, an aggressor, etc. Besides, a potential (and likely) threat to the material interests of states and the international peace is posed by any state lacking a just internal system, i.e. any non-republican state. The absence of justice in citizen-to-citizen relations and the handling of the citizens by the authorities, which is an inherent trait of any non-republican state, poses a constant threat to the future peaceful development of relations

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between the non-republic in question and other states. Kant observes that in the face of such a threat – not only potentially, but also very likely – to any state's material interests and international peace presents itself, the state in question has the right to use any available measures for its defence and the protection or restoration of international peace, ideally in cooperation with its allies. The only restrictions in the choice of measures acceptable to suppress an enemy state, an aggressor, etc. are identical to those applicable in the state of nature. In particular, the enemy state must not be annihilated, and its lands must remain united. Defensive actions should be taken with the ultimate goal of transforming an aggressive enemy state into a republic (Kant, 2011a, p. 453).

In his search for minimum conditions ensuring a just ordering of international relations under relevant treaties which allow the states to "leave" the state of nature, Kant in the *Metaphysics of Morals* identifies two elements. Firstly, the citizens must have some level of legislative authority, i.e. material influence on their national lawmaking. Secondly, the citizens must be guaranteed external freedom, equality and independence by the state. Thus, according to Kant, the mere conclusion of treaties to which the states mutually agree is insufficient to deem their relations just. To make that determination, the states must not only conclude the treaties but also grant their citizens a level of legislative authority and ensure their external freedom, equality and independence (Kant, 2011a, p. 448).

In *Perpetual Peace*, Kant analyses which definitive contents should be contained in a contract governing relations between states to deem that contract just. In practical terms, the text may be regarded as Kant's general template (form) for just diplomatic treaties governing international relations (Blaszke, 2013, p. 101).

In section one, Kant observes that the contracting parties should mutually agree to: 1. refrain from any secret clauses since these usually lead to future wars; 2. refrain from treating other states as objects of trade (purchase, exchange, donation, etc.); 3. initiate proceedings aimed at absolute abolition of standing armies; 4. refrain from contracting debts; 5. refrain from interference in the affairs of other nations; 6. in the event of war, refrain from actions such as employment of assassins, breach of capitulation or support for treachery, for such actions invariably shatter the confidence of one party towards another and thus significantly impair future peace negotiations. According to Kant, the first, the fifth, and the sixth law must be enforced immediately, at the moment of the conclusion of the treaty. The others – the second, the third, and the fourth – may be postponed temporarily, but should always remain a goal which the contracting parties shall strive to attain (Kant, 2012b).

In section two, Kant expounds the global aims which, once attained, would signify that international relations across the globe have been ordered in a just fashion. In the original order, these are: 1. the establishment of the republican system in all states across the world; 2. the organisation of all amicable states into federations; 3. respect for the principles of universal hospitality by all states, which includes non-hostile treatment of foreign visitors but – as explicitly emphasised by Kant (2012b) – without philanthropy and privileging "guests" to the detriment of own citizens.

In the further part of the deliberations conducted in *Perpetual Peace* (i.e. in the two supplements: *Concerning the Guarantee of Perpetual Peace* and *A Secret Article for Perpetual Peace*), Kant declares that in a justly ordered framework of international relations, all the individual states must uphold the rule of law. In other words, the law must occupy a supreme role in their political systems, apply to all the authorities, define the scope of responsibility as-

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sumed by the authorities and guarantee external freedom, equality and independence to the citizens. Additionally, Kant (2012b) observes that the development of trade and economic relations between the states fosters the continuance of international peace because, in the long run, peaceful relations always prove more lucrative to the states and their citizens than international wars.

In the final portions of *Perpetual Peace*, i.e. the *Appendix*, Kant analyses the profile of rationally desirable politicians and national leaders, particularly in the context of their responsibility for international peace. Kant observes that the positions of politicians and leaders should be occupied solely by people (social activists) who prioritise the public good over private interest. Furthermore, according to Kant, all actions taken by politicians and leaders, all their agreements and, particularly, all the contracts they conclude with the representatives of foreign states should be transparent. That is because all the agreements, commitments or contracts that are not publicly available always carry the seed of injustice and may become the trigger for conflict in the future. Kant goes as far as to conclude that all secret undertakings of politicians and state leaders are always lawless. Finally, Kant (2012b) asserts that in their effort to establish a just public order at the national and international level, politicians and state leaders should favour evolutionary over revolutionary change.

The postulate to strive for evolutionary attainment of a just social order combined with an explicit rejection of revolutionary change reappears in the following observation from the *Metaphysics of Morals*:

The attempt to realize this Idea [of justice; Z. K.] should not be made by way of revolution, by a leap, i.e. by the violent overthrow of an already existing [unjust; Z. K.] defective constitution (for there would then be an intervening moment in which any rightful condition would be annihilated). But if it is attempted and carried out by gradual reform in accordance with firm principles, it can lead to continual approximation to the highest political good, perpetual peace. (Kant, 2011a, p. 459)

In *Perpetual Peace*, Kant reaches the conclusion that in the evolutionary formation of a just international order, a key role will be played by republican states. Kant predicted that individual republics would gradually influence other non-republican states – both in the sociocultural and the politico-economic dimension – until the point when they all adopt the republican system. In the mind of Kant, the evolutionary formation of a just international order shall commence when at least one state truly becomes a republic and has enough economic, political and cultural clout to effectively influence other states and to instigate the process of their regime transformation in the same direction (Kant, 2012b, p. 345). Kant notes that this process cannot involve the acquisition (subjugation, occupation, etc.) of other states. Each state has to respect the independence of others and the gradual adoption of the republican system should always occur by peaceful means (Kant, 2012b, p. 356).

Finally, Kant observes that international peace shall be forged with the ultimate goal of creating multiple federations, made up of neighbouring or nearby republics, which would include all nations in the world. Individual federations should strive to conclude just contracts to establish mutual bonds and maintain "perpetually" just relations. Kant finishes his analyses in *Perpetual Peace* by asserting that due to the lasting consequences of the "unsocial sociability" of the human nature, full attainment of a just international peace is impossible. Mankind may only approximate this state – gradually, but with ever greater accuracy (Kant, 2012b, p. 374).

*Kantian understanding of social justice as a form of commutative justice*

The study of social justice has led to the differentiation between its three fundamental (classical) forms of types. Firstly, we can speak of legal or general justice (*iustitia legalis*), which governs the relationships between an individual and society. This concerns the duty of individual people to respect the rights (claims, demands, expectations, etc.) of their community or group. The civil obligation to pay taxes or undertake military services are examples of such duties. Secondly, justice may be viewed in the context of distribution (*iustitia distributiva*) which governs the relations between individuals and society. In this case, the focus falls on the obligation of the community to honour the commitments made to its members in the areas such as security or access to basic education. Thirdly, justice may be understood as commutative or contractual justice (*iustitia commutativa*) which governs the relationships between individuals in accordance with the principle of equality between the obligations of one party and the entitlements of another. Thus, it concerns legitimate rights that may be enforced in the relationships between individuals. For instance, in the framework of commutative justice, people are mutually obliged to discretion, honesty and sincerity with every lie, slander or rumour constituting a breach of this obligation (Jaroszyński, 1993; Nowak & Cern, 2008; Sutor, 1994).

In the *Metaphysics of Morals*, Kant also distinguishes three types of social justice – i.e. the justice which shall govern both the relationships between citizens in the framework of internal public order and the international relationships between states – as exemplified by the following observation:

A rightful condition is that the relationship of men between each other contains the conditions under which each is able to enjoy his rights, and the formal condition under which this is possible in accordance with the Idea of a will giving laws for everyone, is called public justice. With reference to either the possibility or the actuality or the necessity of possession of objects (the matter of choice) in accordance with laws, public justice can be divided into protective justice (*iustitia tutatrix*), justice in men's acquiring from one another (*iustitia commutativa*) and distributive justice (*iustitia distributiva*). (Kant, 2011a, p. 404)

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The Kantian differentiation between the types of public (or social) justice, although resembling the classical division in terms of nomenclature and the number of identified variants, actually covers only the scope of commutative justice. Therefore, Kant proposes a framework derived from the classical division of social justice and concerning only contractual justice in its classical understanding (Heck, 2004). What are the grounds for this claim?

Firstly, only commutative justice assesses justice in social relationships by reciprocity and the equivalence of the services rendered by the parties, these criteria being irrelevant to the other two forms of social justice. Reciprocity means that the parties agree to maintain a specific mode of conduct in mutual relations and to render to each other a defined scope of services, etc. Meanwhile, equivalence implies that the obligations assumed by all parties govern (determine, limit, etc.) the future conduct of each party equally. As a result, all persons or states that assumed obligations to each other shall enjoy the same amount of external freedom (Höffe, 1991, 1999). Let us note that both criteria are inherent to social justice as understood by Kant, who asserts that the people who establish a just country jointly agree to respect the external freedom, equality and independence of each another. Simultaneously, Kant emphasises that no citizen of a just state may be in any way privileged, which means that the obligations are binding for all citizens equally, and are thus equivalent. Kant reaches similar conclusions when discussing international relations. In this arena, Kant notes that to attain justice in international relations, the states must mutually agree to respect the rights of their own and foreign citizens, to refrain from objectifying any other state, to refrain from forceful interference into the affairs of other nations and to respect the principles of universal hospitality, etc. Furthermore, Kant believes that such international obligations, once assumed, are binding for all states equally, and are thus equivalent.

Secondly, only contractual justice presupposes the moment of mutual performance of the obligations requiring the agents to actually exchange services (Höffe, 1991, 1999). Though never explicitly accentuated, this moment is undeniably present in Kantian analyses of social justice. It becomes manifest upon the consideration that in the mind of Kant, effective enforcement of obligations assumed by the citizens (in the framework of internal public order) or states (in the framework of the international order) requires the existence of an instance (institution) entitled – in the event of any negligence with regard to the obligations on the part of a citizen or a state – to take appropriate measures aimed at "coercing" the citizen or the state in question to compliance (e.g. through punishment). At the national level, such an institution is the public authority (the state), whereas at the international level – a competent court or even an international government. This implies, according to Kant, that a just social order necessitates an actual exchange, made between citizens and states alike, whereby the parties will mutually agree to respect the predefined principles and mutually entitle the relevant instance (institution) to take appropriate measures should the need arise.

*Kant's understanding of social justice in the modern debate*

Kant's understanding of social justice is a salient reference point for modern discussions on the topic. Notable thinkers in this domain include John Rawls, Robert Nozick and Otfried Höffe. Their accomplishments occupy a central place in the modern reflection on just public order and creatively expand the conclusions reached by Kant. The analyses of all three thinkers focus on social justice at the state level. However, it seems that the notional constructs developed by Rawls, Nozick, and Höffe may be used to establish a vision of a just international order congruent with their sociopolitical thought.

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*A Theory of Justice* by Rawls is arguably the most important work in the sociopolitical reflection at the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries, which opened the Anglo-Saxon philosophical tradition to continental thought, with particular emphasis on the legacy of Kant (Höffe, 2006, p. 263). According to Rawls, the essence of social justice resides in the act of "bracketing" all human attributes such as gender, skin colour, sexual preferences, political views, wealth, or social status by the public authorities in the course of their various interactions with the governed. Rawls believes that "bracketing" is a prerequisite for a just public order, for only that allows the public authority to treat all of the governed in the same manner. Thus, social justice according to Rawls may be described in terms of fairness of the authorities towards the governed. The main goal of the authorities is to guard the fundamental rights of the governed. The rights are dictated by the hypothetical contract that the governed conclude rationally, in disregard of their views or visions of a good life and in ignorance of their own interests and opportunities (Rawls, 1994, p. 191). Pursuant to this hypothetical contract, all individuals have the right to freely advance their own plan for personal growth. This right is limited only by the notion that this freedom shall not infringe upon the freedom of other individuals as defined by the contract in question. Since the contract reserves the same amount of liberty to all individuals, it should be deemed – according to Rawls – equally beneficial for all members of a community. Nobody loses upon the conclusion of the contract; to the contrary, everybody gains exactly the same – an identical amount of external freedom (Rawls, 1994, p. 146). It may be said that Rawls boils down the entire argumentation for social freedom to the mutual gain of the parties of the hypothetical contract (Polaczuk, 2015, p. 49).

According to Rawls, Kantian overtones are apparent chiefly in the theory of the hypothetical contract. Rawls constructs the idea in the spirit of the so-called Kantian contractualism. Following the example of Kant, Rawls determines that the justest social order necessitates the lack of privilege of any participating individual. In other words, both Rawls and Kant assess the justice of the national or international order by the fairness of public institutions to the governed. Additionally, both thinkers are persuaded that public authority guards the rights of the governed (citizens, states) and has the right to take appropriate measures only if a citizen or a state infringes upon the external freedom of another citizen or state, accordingly. Obviously, the observations of Kant and Rawls show certain differences. For instance, Kant uses the contract, concluded by citizens or states with the view of establishing just relationships, to legitimate the need for public institutions. In contrast, Rawls views the social contract as a tool for defining the mutual obligations of individuals functioning within the same social system. Furthermore, in the mind of Kant, mutual obligations assumed by the citizens of a given country or by states as part of international relations are the consequence of the categorical imperative. Conversely, Rawls believes that mutual obligations of the individuals functioning within the same social order arise from the hypothetical contract they have concluded (Hudzik, 2002, p. 79). Let us note that some modern commentators have assessed that the concept of social justice formulated by Rawls blindly follows the Kantian understanding of justice, as it succumbs to the same illusions. For instance, Alasdair MacIntyre accuses Rawls of repeating Kant's mistakes, the gravest of which is the belief that public authorities which treat the governed with fairness are capable of overcoming different contradictions and conflicts that will emerge in social relationships (Filipowicz, 2007, p. 552).

In his flagship work *Anarchy, State, and Utopia*, Nozick presents the idea of public authority (the state) as the so-called "night-watchman" ("minimal state"). He seems highly critical of

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Rawls' theory, claiming that any proposal to provide public authorities with the competence extending beyond the bare minimum is illegitimate (Nozick, 1999, p. 181). According to Nozick, the function of public authorities should be limited to that of a watchman who ensures the safety of all community members; no other obligations can rationally be justified. Therefore, a system may be deemed just only when its public authorities serve the role of the "night-watchman" and no privilege is granted to any of the governed. In other words, in a just social order as understood by Nozick, institutions of public authority have the right to intervene only if an individual actually infringes upon the rights of the governed. Nozick (1999) argues that in the absence of infringement, public authorities in a just social system must always remain passive (p. 5). Moreover, the only rights of individuals that fall under the protection of public authorities in a just social system are the right to free self-determination, the right to exist, and the right to use the products of one's own economic activity (work) (Nozick, 1999, p. 205).

The Kantian thread in the thought of Nozick is the notion that public authority is a fair (impartial) entity guaranteeing the respect for rights enjoyed by the governed. Although Kant and Nozick share that understanding of public authority (Brighouse, 2007, p. 128), they materially differ with regard to the situations which require its intervention. According to Kant, public authorities are generally authorised to intervene upon the factual violation of the rights of the governed. However, they may also take preventive or educational measures. According to Nozick, a just social order prevents public authorities from engaging in such modes of activity; any attempt at taking preventive or educational measures by public authorities invariably yields an unjust social system.

Höffe challenges the interpretations of justice proposed by Rawls and Nozick. In the case of Rawls, he criticizes the unconvincing argumentation of the claim that just public authorities must treat governed individuals with fairness (impartiality). Additionally, he believes that Rawls fails to identify any factual gain by the individual parties to the hypothetical contract under which they agree to be governed by public authorities (Höffe, 1999). He also takes a critical view of Nozick's understanding of social justice, which he describes as a manifestation of simplistic naivety. According to Höffe, if no institution is authorised to use coercive measures against community members, but the community is nevertheless obliged to ensure the safety of its members, social interactions become an impossibility. To genuinely guarantee the safety of community members, some public authority must be authorised to use coercive measures against the individual shall the need arise. Höffe (1992, 1999) argues that the mutual respect of the rights enjoyed by individual members necessitates public authorities which – whenever any member infringes upon the rights of another – is a real possibility due to the confrontational nature of human beings – are entitled to use appropriate measures of duress (coercion) to restore order in the social relationships in question.

The conclusions reached by Höffe echo the Kantian thought in two respects. Firstly, Höffe follows Kant in justifying the existence of public authorities in a just social system with the confrontational nature of human beings, i.e. their constant inclination to enter into conflict. Kant and Höffe agree that only the existence of public authority minimises the risk of outbreak and gradual escalation of conflicts, which have a destructive impact on any community and violate the rights of its members. Secondly, both Kant and Höffe argue that to attain justice in a community, its members must agree to mutually respect their absolute and inalienable rights, including the right to enforce their external freedom, provided that they do not infringe upon anyone's external freedom in the process.

Needless to say, Rawls, Nozick, and Höffe are not the only authors to delve into the matter of social justice; nor are their analyses the only ones that could reveal some link or convergence with the Kantian notion of justice. However, they appear to be most important philosophers participating in the debate on the perspectives for creating a social order which reconciles the freedom of all its members in a just fashion. Their merit lies in the novel contributions they made to the debate, which has continued in recent decades. Rawls complements the understanding of social justice with the notion of the maximum fairness of social institutions to the governed; Nozick, with the observation that only the public authority bearing the minimum scope of competence may be deemed just, and Höffe, with the assertion that the development of just relations between members of a community is the responsibility of the relevant public institution.

*The Kantian understanding of social justice in its practical and political dimensions*

Kant's understanding of social justice has practical and political dimensions which are interesting to contemplate in detail.

Firstly, we cannot overlook the fact that some Kantian ideas have come to fruition. International organisations such as the United Nations, the European Union and the European Court of Human Rights, irrespective of their faults and limitations, may be perceived as the embodiment of Kant's vision of institutions created to guard social justice and materially involved in tasks such as the peaceful settlement of social disputes, concern for sustainable growth of individual states and the "promotion" of republican values.

Secondly, Kant's warning of the threat posed by states which have an unjust internal organisation – which Kant understood as a non-republican regime which objectifies the citizens – is invaluable for the design of new practical and political solutions aimed to establish or foster just and peaceful social relations at the national and international level. This implies that the states such as North Korea or Iran should come under particular scrutiny, as their unjust (non-republican) internal organisation poses a real threat for the continuance and the strengthening of just and peaceful international relations. Actions should be taken to transform such states into republics and incorporate them into the federations of other republican states.

Thirdly, we should be sensitive to all the violations of applicable treaties in which the states agreed to uphold a determined mode of conduct or perform specific actions. As aptly noted by Kant, such situations always pose a real risk for the continuance or the future attainment of social justice (Lasoń, 2010). A case in point is the annexation of Crimea by Russia in 2014, which constituted a violation of the agreement made in Budapest two decades earlier, which obliged Russia to respect (and even protect) the territorial integrity of Ukraine in exchange for material benefits.

Fourthly, Kant's analyses provide us a fuller insight into the utopian character of any desire to build a perfectly just world in the future. Kantian accomplishments dispel any potential expectations that an adequate remodelling or ordering of social structures could suffice to create a world of perfect justice. By discussing the "unsocial sociability of men", Kant accurately observes that people will always face conflicts of interest, which may be minimised but can never be eradicated from the realm of social interactions. Consequently, those interactions can never be ordered and shaped in a perfectly just fashion (Kieliszek, 2018a, 2019).

Fifthly, Kant suggests that adequate education of future generations, with particular emphasis on cultivating reliability, honesty, and a peaceful attitude to others, may effectively contribute to the attainment of social justice. In other words, if people wish to gradually approach a just order of the world in the future, it is in their common interest to foster adequate morality in future gen-

erations. Consequently, in the long run, the optimal way to attain and uphold social justice at the national and international level is not through political agreements, which generally demonstrate short-lived effectiveness, but through the systematic moral elevation of future generations to a sufficient level (Kieliszek, 2018b, 2020).

### Originality

The article deals with theoretically and politically relevant concept of 'social justice', developed by I. Kant. It was shown that a) Kant considered justice as the basis of proper social relations for individual states, as well as in terms of international relations; b) Kant believed that the republic is the only justified system of government; c) according to Kant, justice in international relations could be based only on the principles of federal association of different states; d) the concept of 'social justice' by Kant can be identified as a form of negotiated justice. In addition, the Kant's concept of justice was compared with the studies of contemporary authors, such as John Rawls, Robert Nozick, and Otfried Höffe, pointing out the similarities and differences.

### Conclusions

The reflections above suffice to assert that the Kantian understanding of social justice primarily involves the following observations: 1. under a relevant contract, interested parties institute a public authority, i.e. a republican state (at the level of citizen-to-citizen relations) or a federal institution endowed with judicial or executive powers (in the international arena); 2. the institution of public authority (a republican state, a federal court or government) remains fair (impartial) in dealings with the governed; 3. the public authority has the right to intervene only in the circumstances of threat to the external freedom, equality and independence of the governed individuals; 4. the public authority is responsible only for guaranteeing just relations between individuals and the enforcement of their contracts.

Furthermore, Kantian understanding of justice falls within the scope of the classical notion of contractual justice and remains present in the modern debates on justice, as exemplified by the thought of Rawls, Nozick and Höffe. Finally, the Kantian understanding of social justice remains topical and worthy of consideration during the design and the development of current and future solutions for a just public order, both at the national and international level.

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## ПОТЕНЦІАЛ КАНТІВСЬКОГО ПОНЯТТЯ СОЦІАЛЬНОЇ СПРАВЕДЛИВОСТІ

**Мета** статті – показати, як погляди Канта присутні у сучасних дискусіях щодо соціальної справедливості; окреслити практичний та політичний потенціал, що містяться в його розумінні справедливої державної системи та міжнародного правосуддя. Реалізація мети передбачає: а) прояснення позиції Канта щодо справедливої державної системи та справедливих відносин між державами; б) пов'язування його розуміння соціальної справедливості з трьома основними моделями соціальної справедливості, встановленими у філософській традиції: правовою, розподільчою та договірною; в) пояснення способу відображення кантівського розуміння соціальної справедливості у сучасних інтерпретаціях справедливої державної системи та у міжнародних відносинах. **Наукова новизна.** У статті представлена теоретико-концептуальна й практико-політична актуальність поняття соціальної справедливості, розробленого І. Кантом. Було показано, що: а) Кант вважав справедливість основою всіх правильних соціальних відносин, як на рівні окремих держав, так і в сфері міжнародних зв'язків; б) на думку Канта, єдиним справедливим державним устроєм є республіка; в) за Кантом, справедливість в області міжнародних відносин вимагає, щоб вони ґрунтувалися на принципах федеративного об'єднання окремих держав; г) розроблене Кантом поняття соціальної справедливості може бути ідентифіковане як форма класично зрозумілої договірної справедливості. Крім того, кантівське поняття справедливості було співвіднесене з працями сучасних авторів: Джон Ролз (англ. John Rawls), Роберт Нозік (англ. Robert Nozick) й Отфрід Гьоффе (нім. Otfried Höffe), – було показано в них тотожні та відмінні елементи. **Висновки.** Кантове розуміння соціальної справедливості містить такі моменти: а) відповідно до певного договору зацікавлені сторони запроваджують державний орган, тобто республіканську державу або федеральну установу, наділену судовими або виконавчими повноваженнями; б) інститут публічної

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влади залишається справедливим у відносинах з керованими; в) державна влада має право втручатися лише в обставинах загрози свободі, рівності та незалежності керованих осіб; д) державна влада відповідає лише за гарантування справедливих відносин між особами та виконання їхніх контрактів. Правомірність кваліфікації Кантового розуміння справедливості як договірної ілюструється думками Ролза, Нозіка та Гьоффе.

*Ключові слова:* Імануїл Кант; справедливість; політична система; республіка; міжнародні відносини; федерація; справедливе впорядкування міжнародних відносин у майбутньому

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## ПОТЕНЦИАЛ КАНТОВСКОГО ПОНЯТИЯ СОЦИАЛЬНОЙ СПРАВЕДЛИВОСТИ

**Цель** статьи – показать, как взгляды Канта присутствуют в современных дискуссиях о социальной справедливости, определить их практический и политический потенциал, содержащийся в его понимании справедливой государственной системы и международного правосудия. Реализация цели предполагает: а) прояснение позиции Канта относительно справедливой государственной системы и справедливых отношений между государствами; б) увязывание его понимания социальной справедливости с тремя основными моделями социальной справедливости, установленными в философской традиции: правовой, распределительной и договорной; в) объяснение способа и отображения кантовского понимания социальной справедливости в определенных современных интерпретациях справедливой государственной системы и в международных отношениях. **Научная новизна.** В статье представлена теоретико-концептуальная и практико-политическая актуальность понятия социальной справедливости, разработанного И. Кантом. Было показано, что: а) Кант считал справедливость основой всех правильных социальных отношений, как на уровне отдельных государств, так и в сфере международных связей; б) по мнению Канта, единственным справедливым государственным устройством является республика; в) согласно Канту, справедливость в области международных отношений требует, чтобы они основывались на принципах федеративного объединения отдельных государств; г) Кантом разработано понятие социальной справедливости, которое может быть идентифицировано как форма классически понимаемой договорной справедливости. Кроме того, кантовское понятие справедливости было соотнесено с трудами современных авторов: Джон Ролз (англ. John Rawls), Нозик (англ. Robert Nozick) и Отфрид Гьоффе (нем. Otfried Höffe), – были показаны в них тождественные и отличительные элементы. **Выводы.** Кантовое понимание социальной справедливости включает такие моменты: а) согласно соответствующему договору заинтересованные стороны вводят государственный орган, то есть республиканское государство или федеральное учреждение, наделенное судебными или исполнительными полномочиями; б) институт публичной власти остается справедливым в отношениях с управляемыми; в) государственная власть имеет право вмешиваться только в обстоятельствах угрозы свободе, равенству и независимости управляемых лиц; д) государственная власть отвечает только за обеспечение справедливых отношений между лицами и за выполнение их контрактов. Правомерность квалификации понимания Кантом справедливости как договорной иллюстрируется мыслями Ролза, Нозика и Гьоффе.

*Ключевые слова:* Иммануил Кант; справедливость; политическая система; республика; международные отношения; федерация; справедливое регулирование международных отношений в будущем

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