

# KANT'S COMMERCIAL REPUBLICANISM

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In Kant's political writings, he rarely responds directly to eighteenth century debates on the free market. Because of this, scholars usually interpret Kant's views on this topic in either one of two ways. In one view, Kant is said to subscribe to the liberal economic outlook of his contemporaries, including Adam Smith.<sup>1</sup> Kant's wariness about the state ruling on behalf of the welfare or happiness of its citizens is often offered in support of this interpretation. The second view contends, however, that the former view overlooks Kant's amenability to wealth redistribution and other forms of state intervention. Pauline Kleingeld argues, for instance, that Kant's robust view of the state led him to reject the "radical" free trade positions of his contemporaries (Kleingeld 2012, 145). In contemporary terms, these two views might cast Kant's outlook as aligning either with an anti-interventionist libertarian outlook or a liberal welfare-oriented approach to the state and free markets.

In this article, I argue that these contemporary distinctions are not entirely helpful in assessing Kant's views on the free market. I contend that Kant's economic thought was influenced instead by a commercial republican outlook. Commercial republicanism is a term applied to thinkers in the eighteenth century who supported liberal economic policies on republican grounds.<sup>2</sup> To demonstrate this, I examine how Kant's account of freedom and support for various economic policies conforms to the commercial republican outlook held by his contemporaries, including Smith. This article also problematizes the commercial republican account of wage labor and its attempt to make the employment contract consistent with republican freedom—a view that was rejected by other republicans throughout the period.

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<sup>1</sup> See Samuel Fleischacker. "Values Behind the Market, Kant's Response to the Wealth of Nations." *History of Political Thought*, 17.3 (1996): 379-407.

<sup>2</sup> See Elizabeth Anderson. "Equality and Freedom in the Workplace: Recovering Republican Insights." *Social Philosophy and Policy*, 31.2 (2015): 48-69.

## I. Republicanism: Classical, Agrarian, Commercial

Although the term economic liberalism suggests the idea that the early pro-market outlook (developed by thinkers like Adam Smith) aligned with liberal political tenets, the dominant political framework in the eighteenth century was republicanism. In a general sense, republicanism is a body of political thought that is opposed to absolutism and favors the ideas of a mixed constitution, civic virtue, and political participation. Like liberalism, however, republicanism is also a contested term. Mainly, there are two competing interpretations of the history of republican thought. One interpretation, referred to as the civic humanist view, characterizes republicanism as a political theory committed to democratic self-rule.<sup>3</sup> The other interpretation, referred to as the neo-republican (or neo-Roman) view, interprets republicanism as a political theory that values democratic participation only as an *instrumental* good. Alternatively, the ultimate ideal in republican thought, according to the neo-republican interpretation, is a specific conception of freedom as a form of nondomination.<sup>4</sup>

Regardless of which interpretation is adopted, republican freedom played a central role in economic debates throughout the eighteenth century.<sup>5</sup> The concept has its origins in the legal category of *sui juris* in Roman law. *Sui juris* denotes the status of a free, independent person—or a person who is not under the power (*potestas*) of another—i.e. a person who is not a slave (Watson 2009, 18). As will be discussed later on, unlike a liberal (negative) conception of freedom, republican freedom emphasizes the importance of securing a subject's legal status so as to protect them from interpersonal forms of arbitrary power and domination. It emphasizes, moreover, the importance of *self-sufficiency*, construed in both economic and political terms. The reasoning here is that if one is self-reliant, they are protected from domination in interpersonal relations of dependency.

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<sup>3</sup> The writings of Hannah Arendt and J.G.A Pocock are commonly associated with this view. For a critique of this interpretation see Eric MacGilvray, *The Invention of Market Freedom* (Cambridge: Cambridge University Press, 2011) 36-38.

<sup>4</sup> On Pettit's view, the republican outlook associates democratic rule with the tyranny of a majority. Freedom requires, alternatively, that people be subject to universal laws, as opposed to the private interests of an individual (absolutism) or a majority (democracy). See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997) 30.

<sup>5</sup> As MacGilvray claims, "although it is true that not everyone who appealed to freedom as a political value in the pre-modern period is properly described as republican, it is nevertheless the case...that anyone who appealed to freedom as a political value would have defined the word in republican terms (2011, 16).

Originally, in the ancient republics of Roman society, this term was applied only descriptively. It was believed that free republics required an *unfree* class of laborers (i.e. slaves) to support a class of independent and politically active citizens. For classical republicans, moreover, any involvement in trade or labor, was associated with unfreedom. Cicero, for example, describes wage labor as “a contract to servitude” and trade as a “demeaning” activity, where profit is earned through the “dishonorable” act of telling “lies” (1991, 58). It was believed then, that if someone worked for another or was employed in a trade, they were unfit for citizenship and involvement in the political sphere. Only those who owned land and earned a living through the employment of workers or slaves were *sui juris* and therefore permitted to participate in the affairs of the republic.

In the seventeenth century, republicanism underwent a change. Due to the influence of natural law theory, some thinkers asserted that civil and political freedoms ought to be extended to all members in society (albeit not, on some accounts, to women). Elizabeth Anderson refers to this new development in republican thought as “radical republicanism” (2017, 52). She identifies it with the political outlook and constitutional reforms advanced in the seventeenth century by the Levellers and John Locke. These thinkers, on her account, sought to expand the franchise and advocated greater “equality under the law” on the basis of their commitment to republican freedom (2017, 54). Like the classical republican thinkers, radical republicans also viewed economic independence as a necessary requirement for political participation. Given, however, that radical republicans sought to extend political freedoms, some radical republicans used this as a justification for equalizing property ownership. This outlook is especially clear in republican thinkers like James Harrington (in the seventeenth century) and Richard Price (in the eighteenth century), who shared a vision of an agrarian society consisting of small-scale, independent landowners (these thinkers are also referred to as “agrarian republicans”). Price, for instance, employed republican arguments to criticize parliamentary enclosures, which consolidated small landholdings in favor of large-scale (i.e. capitalist) agricultural development.<sup>6</sup>

Agrarian republicans then, were less hostile to the activity of labor in comparison to their classical predecessors. The important caveat here is that labor was considered free only when it was self-governed—where a

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<sup>6</sup> See S.J. Thompson. “Parliamentary Enclosure, Property, Population, and The Decline of Classical Republicanism in Eighteenth-Century Britain,” *The Historical Journal*, 51.3 (2008): 621-642. Thompson argues that Price’s use of republican ideas in his critique of parliamentary enclosures (which consolidated small landholdings) represented a broader ideological movement in the eighteenth century.

necessary requirement for the self-governance of labor was the possession of land.<sup>7</sup> Articulating this outlook, Abraham Lincoln, one of the many Americans influenced by agrarian republicanism, writes: “The prudent, penniless beginner in the world, labors for wages awhile, saves surplus with which to buy tools or land, for himself; then labors on his own account another while...[this] is free labor” (1953, 478-479). Lincoln makes it clear that “free labor” is distinct from “hired labor,” claiming that those who remain hired laborers do so on account of the fact that their “dependent nature” prefers it (1953, 479). For the agrarian republicans then (like the classical republicans), wage labor was viewed as the antithesis of economic independence. As Alex Gourevitch describes it, on the agrarian view, “economic independence” entailed the “control over one’s labor and property – a lack of subjection to the commands of others in how one performs one’s daily activity” (2015, 49).

While many eighteenth century republicans remained hostile to wage labor (and commerce more broadly, as will be discussed below), there also emerged a pro-market republican outlook during this period. This view is best articulated in Smith’s description of commercial society in the third book of the *Wealth of Nations*. Here, Smith contends that the most “important” effect of introducing commerce and manufactures in Europe was that it brought about “liberty and security” for individuals (WN III.IV.12)<sup>8</sup>. Smith attributes this to the impersonal nature of market relations. He states that in contrast to feudal relations, where “tenants and retainers” are dependent on a single lord for their subsistence, in market societies “tradesman[s] or artificer[s]” derive their subsistence not from any one particular person, but potentially “a hundred or a thousand different customers,” and therefore are “not absolutely dependent upon any one of them” (WN III.IV.4). For Smith then, in market societies, sellers of goods and the wage-laborers they employ are not subject to the forms of “servile dependency” that characterized feudal relations of production (WN III.IV.4).

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<sup>7</sup> This departs from the classical view, where it was believed (as Anderson describes it) that, “free citizens should not have to work at all, even for themselves, as self-employment in a trade focused the mind on base private interest and supposedly made people unfit to consider the public interest” (2017, 54).

<sup>8</sup> Abbreviations are from the Liberty Fund reprintings of the Glasgow editions originally published by Oxford Clarendon Press: Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations*, ed. R.H. Campbell, A.S. Skinner and W.B. Todd (2 vols., Oxford, 1976) henceforth WN; Adam Smith, *The Theory of Moral Sentiments*, ed. D.D. Raphael and A.L. Macfie (Oxford, 1976) henceforth TMS.

In contrast to the classical and radical/agrarian republican outlooks, Smith identifies employment in commerce (including wage labor) with independence and republican freedom. For this reason, some scholars, like Anderson, refer to Smith as a commercial republican thinker. On her account, commercial republicanism “extolls the promise of commerce for securing people’s independence from subjection to arbitrary government, whether of the state or of private parties” (2017, 56). She views Smith as the central figure of this tradition, given his belief in the ability of commerce to increase opportunities for personal independence (2017, 56-57).<sup>9</sup> Commercial republicans therefore invert the classical and radical republican view by showing how commercial society and wage labor are compatible with independence and freedom. For Smith, this was justified, moreover, on account of his contractual view of wage labor (WN I.X.C.12). On this view, it was enough for producers to own their labor power (and possess the right to alienate it) to be considered independent. In arguing this, Smith departed from agrarian republicans who identified ownership of property in land with economic and political independence.

## II. Republican Freedom and Hereditary Privilege

This section introduces Kant’s republican conception of freedom and examines his application of it to the discussion of hereditary privilege. This feudal custom relates to economic concerns because it was viewed as a barrier to upward mobility in the eighteenth century. In Germany, moreover, although the process of state building was underway, the authorities of the old estate society continued to hold significant political power. The feudal custom and practice of hereditary privilege thus was not yet abolished. As Reidar Maliks details, three political positions dominated the eighteenth century German political landscape: the traditionalist defense of the old *Reich*, enlightened absolutism, and liberalism, backed by the emerging bourgeoisie (2014, 17-23). It was with the first group that the custom of hereditary privilege found its ideological support. As Maliks summarizes, traditionalists, including Justus Möser and Johann Gottfried Herder, defended the practice on the grounds that freedom was a *privilege* not a universal right. From the perspective of these thinkers, “social conventions and membership of traditional estates, guilds, and towns (characteristic of

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<sup>9</sup> Anderson distinguishes commercial republicanism from laissez-faire capitalism (2017, 57). I find this distinction faulty given that Kant and Smith promote wage labor and do not adopt the more radical anti-capitalist position of the agrarian republicans. I depart thus from her exact usage of the term.

the late feudal old *Reich*) determine a person's legal status, not natural rights" (2014, 45). In response to this view, Kant contends that hereditary privilege violates the innate right of freedom and the equality of opportunity granted to all through this fundamental right.

Kant introduces the idea of equality of opportunity in his discussion of the three principles of public right. In his discussion of equality, the second principle of right, Kant claims that economic inequalities that result from hereditary privilege are inconsistent with right (TP 8:292). Kant states that because "birth is not a *deed* of the one who is born," they "cannot incur by it... any other subjection to coercive laws than merely that which is common to him along with all others" (TP 8:293). In claiming that none can by birth or descent obtain a "superior" status of rank, Kant contests the traditionalist position that viewed rights as privileges. After asserting one cannot bequeath one's rank, he writes:

He may bequeath anything else, whatever is a thing (not pertaining to personality) and can be acquired as property and also alienated by him, and so in a series of generations produce a considerable inequality of financial circumstances among the members of a commonwealth (of hireling and hirer, landowners and agricultural laborers, and so forth); but he may not prevent their being authorized to rise themselves to like circumstances if their talent, their industry, and their luck make this possible for them. (TP 8: 293)

This point will be returned to below. It is important to note, however, that Kant assumes as long as people are equal before the law, other forms of inequalities that exist within the private sphere of the market or household are permissible. To understand how Kant views these inequalities to be consistent with right, a closer examination of his understanding of freedom is required.

Kant's criticism of hereditary privilege relates to his conception of "innate equality," which is entailed in his conception of freedom (MM 6: 237). Kant defines equality in the *Metaphysics of Morals*, as "independence from being bound by others to more than one can in turn bind them; hence a human being's quality of being *his own master (sui iuris)*" (MM 6:237-38). Hereditary privilege violates this principle because it creates an intermediary power between subjects and the king, which "coercively prevent others from attaining by their own merit the higher levels of subordination" (TP 8:293). In other words, those with less privilege are asymmetrically bound by those with greater privilege in regard to rank and economic status. In addition to claiming that people are not responsible for the family they are born into, Kant also claims that no subject would

willingly consent to such a situation. He writes, "Since we cannot admit that any human being would throw away his freedom, it is impossible for the general will of the people to assent to such a groundless prerogative" (MM 6: 329). Kant concludes that the sovereign ought to gradually phase out positions of nobility and let the "natural division into sovereign and people," replace that of "the division into sovereign, nobility and commoners" (MM 6: 329).

The emphasis Kant places on the idea of being one's "own master," brings his account of freedom in line with the tradition of republican thought. During the period of the French Revolution, republican ideas circulated throughout Germany.<sup>10</sup> Kant's critique of hereditary privilege, for instance, accords with the criticism of the French nobility put forward by Rousseau and Emmanuel Joseph Sieyès, whose ideas influenced the *Declaration of the Rights of Man and the Citizen* (1789). Other German intellectuals also (initially) received the news of the French Revolution favorably and viewed it as confirming their growing support for political freedom, i.e. the idea that citizens have the right to participate in government.<sup>11</sup> However, because many Germans favored a form of republicanism that was compatible with constitutional monarchy, the radical turn towards popular sovereignty and the experience of the reign of terror caused many to withdraw their support.<sup>12</sup>

While thinkers within the tradition of republicanism diverge in important ways, they unite in their conceptualization of freedom as nondomination. As discussed above, this idea of freedom is rooted in Roman law and the legal category of *sui juris*. Importantly, on the republican outlook, domination is distinct from interference (or negative freedom). As Pettit argues, there can be domination without interference (a "non-interfering master"), and interference without domination (a "non-mastering interferer") (31). An example of the former case would be a master who does not interfere with the choices of their slave. In this instance, while the slave is free to choose, it is a freedom that is dependent on the goodwill of the master. Because the master still possesses the power to interfere, the slave remains unfree, even though in possession of certain

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<sup>10</sup> See Hans Erich Bödeker, "The Concept of the Republic in Eighteenth Century German Thought," *Republicanism and Liberalism in America and the German States 1750-1850*, eds. Jürgen Heideking and James A. Henretta (Cambridge: Cambridge University Press, 2004) 35-52.

<sup>11</sup> Bödeker, "The Concept of the Republic," 36-7. For more on how Kant and other German intellectuals reacted to the French Revolution see Reidar Maliks, *Kant's Politics in Context* (Oxford: Oxford University Press, 2014) 41-49.

<sup>12</sup> Bödeker, "The Concept of the Republic," 48.

negative freedoms. Domination refers not to a specific act of interference then, but “the capacity to interfere arbitrarily” in one’s choices (Pettit 23).

Kant’s account of freedom is in accord with this view insofar as it characterizes freedom as the possession of a certain status (*sui juris*) that protects an individual from interference, and not freedom from interference as such. This may not be initially apparent. In the *Metaphysics of Morals*, Kant claims that external freedom requires “independence from being constrained by another’s choice” (MM 6: 237). One is externally free then when their choices are not constrained by the choices of others, where choice is defined as the ability “to do or to refrain from doing as one pleases...joined with one’s consciousness of the ability to bring about its object by one’s action.” (MM 6: 213). The emphasis on choice might lead one to believe that Kant is strictly concerned with freedom as a form of non-interference. This is not Kant’s view, however. He makes this clear, for instance, in claiming that the type of freedom protected under the doctrine of right is not “lawless” freedom—or the natural freedom people possess in a state of nature—but lawful freedom (MM 6: 316). The type of freedom protected under the doctrine of right concerns not the ability to do whatever one wishes; it does not concern the “end” each subject seeks out, i.e. the “matter” of one’s choice (MM 6: 230).<sup>13</sup> Rather, it concerns what Kant refers to as the “form” of one’s choice (MM 6: 230). Form, alternatively, relates to “the way choices are reciprocally related” (Maliks 68).<sup>14</sup>

For Kant, for the form of one’s choice to be free it must be independent from the constraint of other private wills (MM 6: 237). This is possible only under a system of equal laws, where all possess the legal status of being one’s “*own master*.” Kant’s account of external freedom refers then to the position and juridical status of the chooser as opposed to the particular choices made available to them. As Maliks summarizes, “Lawful freedom is choice-making that is compatible with the equal freedom of others. It means that a person is legally independent from the arbitrary wishes of another, and lives under law” (69). The emphasis Kant places on being one’s

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<sup>13</sup> As Arthur Ripstein points out, it is difficult to conceive how an equal system of negative freedom could be established. Any attempt to protect one person’s negative freedom will necessarily entail hindering another person’s negative freedom (2009, 33).

<sup>14</sup> Ripstein distinguishes this in terms of one’s capacity to choose, as opposed to the particular choices one makes. On this account, a person can fail to achieve their purposes, but still possess their freedom if their *means* to set and pursue self-chosen ends remain within their control and not another’s. In sum: “You are independent if you are the one who decides what ends you will use your means to pursue, as opposed to having someone else decide for you” (2009, 33-34).



own master (*sui juris*), i.e. being free from the subjection to another's private will (as opposed to non-interference), puts his account of freedom in line thus with the republican commitment to nondomination.<sup>15</sup>

Kant's political outlook also expresses the traditional republican commitment to a separation of power. Kant supports a division of power under a republican constitution, where the role of the executive is limited to executing the law, not creating it (PP 8: 352). The creation of law is the responsibility of legislators who construct laws on the basis of a hypothetical contract (i.e. where a law is just if it is in accord with the principle of right and people can *in theory* consent to it) (PP 8: 297). Through this division of power, and the establishment of constitutional law, citizens are protected from the arbitrary abuses of rulers (who are also subject to the rule of law) and other members within society.<sup>16</sup> For Kant then, the type of freedom secured under the doctrine of right refers to an *interpersonal* form of freedom, where people are protected from the arbitrary authority of a ruler, as well as other subjects.

In this section, I have suggested that Kant's political account of freedom was influenced by republicanism. The question that remains is whether or not Kant, like Smith, understood a market economy to be compatible with republican freedom. In the passages discussed above, Kant introduces the possibility that free labor markets do not conflict with republican freedom. He states that civil equality is "quite consistent with the greatest inequality in terms of the quantity and degree of their [individuals'] possessions, whether in physical or mental superiority over others or in external goods" (TP 8: 291-292). This departs from the principle held by classical or agrarian republicans, that material equality (in physical property, i.e. land) is important for political and civil freedom, and that wage labor is a form of domination. This problem in Kant will be explored below. Next, however, it will help to consider Kant's remarks on the concept of "commerce" more broadly.

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<sup>15</sup> Here I follow Ripstein and Maliks in their identification of Kant's conception of freedom with the republican conception of freedom as nondomination (Ripstein 2009, 42-43; Maliks 2014, 69-70). This is not to overlook the differences that exist between Kant's account of freedom with other republican and neorepublican thinkers (including Pettit). However, to the extent that Kant adopts the *sui juris* category (from Roman law), emphasizes the "form" not "matter" of choice, and views law as constitutive of freedom, I find this identification to be a plausible one.

<sup>16</sup> It is important to note that Kant, (like other republican thinkers) is critical of democracy. For Kant, rule by a democratic majority, like rule by an absolute sovereign, can result in the domination of a minority group (PP 8: 352).

### III. Virtue, Commerce, and *Doux Commerce*

In addition to their concerns about the proletarianization of the laboring poor, eighteenth century republican thinkers were also apprehensive about the effects of commerce on virtue. For republicans, a virtuous citizen was a subject who submitted their private interest, or will, to the collective interest of the community, i.e. the general will (MacGilvrey 2011, 102-103/111). On this view then, the concern was that commerce, being associated with self-interest, could thwart one's capacity for civic virtue. As an example of this outlook, Rousseau, in *Discourse on the Origin of Inequality*, comments on how people, who were once "free and independent," have become "slave[s]" to their "fellowmen" in seeking to satisfy growing needs; claiming, moreover, that the desire to earn more money leads people to "harm" one another and use them as means to the ends of making a profit (1987, 67-68).<sup>17</sup>

In many ways, this eighteenth century outlook was a continuation of ancient and Christian views that identified commerce and the pursuit of wealth with vice and corruption. In particular, these views reemerged in a debate elicited by a controversial text, *The Fable of the Bees*, by Bernard Mandeville. In this satirical text, Mandeville inverted the republican argument by claiming that private vices promote the public good. His argument elicited a variety of responses, including retorts by several Scottish Enlightenment thinkers. Francis Hutcheson and Andrew Fletcher's response, for instance, was more favorable to the classical view that commerce produces deleterious effects on society, whereas Hume aligned with Mandeville and attributed a positive societal function to commerce. Smith's treatment is more complicated in that he recognizes the negative effects of commerce on virtue, but ultimately attributes the pursuit of wealth to positive economic outcomes.<sup>18</sup>

In the *Critique of Judgment*, Kant too associates commerce with "self-interest, cowardice, and weakness" (CJ 5: 263). However, in other respects, Kant appears to side with the position of Mandeville and Smith. This is demonstrated in his discussion of unsociability. He writes:

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<sup>17</sup> Rousseau is also critical of wage labor. In *On the Social Contract*, he argues that in the ideal polity no one ought to be "so rich as to be capable of buying another citizen," nor anyone "so poor that he is forced to sell himself" (1987, 170).

<sup>18</sup> Consider, for instance, Smith's discussion of the "invisible hand," in *Theory of Moral Sentiments*, where he claims the idea that wealth will bring us happiness is a deception, but it is a deception that "keeps in continual motion the industry of mankind" (TMS IV.I.10).

Without those characteristics of unsociability—which are in themselves quite unworthy of being loved and from which arises the resistance that every man must necessarily encounter in pursuing his self-seeking pretensions—man would live as an Arcadian shepherd, in perfect concord, contentment, and mutual love, and all talents would lie eternally dormant in their seed; men docile as the sheep they tend would hardly invest their existence with any worth greater than that of cattle; and as the purpose behind man's creation, his rational nature, there would remain a void. (IUH 8: 21)

Kant's outlook here, is suggestive of the view that the pursuit of self-interest (despite its “unsocial” qualities) generates positive societal effects. While Kant is not directly addressing self-interest within the sphere of the market, it seems possible, given his outlook, that he would be immune to the concerns expressed by classical and radical republicans about civic virtue.

Kant's identification of commerce with peace, also provides further evidence that Kant rejected classical and agrarian republican concerns. This appears in his discussion of cosmopolitan right, which includes the right to “seek commerce” as a general right of hospitality (PP 8: 358). Kant's justification for commercial right is grounded in his assumption that commerce fosters relations of peace and civility. For example, in *Toward Perpetual Peace* Kant claims that the “*spirit of commerce* ... cannot coexist with war,” and that states are “compelled...to promote honorable peace” due to “the *power of money*” (PP 8: 368). In accord with this sentiment he also states that through relations of “trade,” people enter into “understanding, community, and peaceable relations with one another, even with the most distant” (PP 8: 364).

Kant's comments here accord with what historians now refer to as the “*doux-commerce*” thesis—or the idea that commerce tends to “soften” or “polish” manners (Hirschmann 1977, 2013). The characterization of commerce as a “moralizing” or “civilizing agent” was a common theme in eighteenth century discussions about the effects of commerce on civil society. Hume (who also favored free trade), for example, argues that the growth of industry leads to developments in liberal arts: where “the same age, which produces great philosophers and politicians, renowned generals and poets, usually abounds with skillful weavers, and ship-carpenters” (1987, 270). Laurence Dickey suggests that Hume, and others, found support for the *doux-commerce* thesis in the stoic concept of *Oikeiosis* (or “sociability” within Natural Law theory) (2001, 280). In line with this view, it was argued that because commerce brings people into greater forms of interaction with each other, people cultivate “other-regarding disposition[s],” and a growing sense of humanity and “cosmopolitan

fellowship” (Dickey 2001, 280). Demonstrating this perspective, Montesquieu claims, “the natural effect of commerce is to lead to peace,” and the “spirit of commerce unites nations” (2002, 338). From the *doux-commerce* outlook thus, the positive effects of commerce extend beyond private life into the public and international sphere.<sup>19</sup>

From these passages it appears that Kant understood commerce to promote positive virtues. This brings Kant’s outlook closer in line with the views of Smith and Hume. These observations do not yet demonstrate, however, Kant’s understanding of how the economy ought to be organized (given that “commerce” can occur in different institutional frameworks), nor does it make the connection between freedom and a market economy. It is to these latter points that we now turn.

#### IV. Wage labor and Republican Freedom

As discussed earlier, an important claim advanced by Smith is that a market economy liberates producers from relations of servitude and protects their individual (republican) freedom. Kant, I argue, also identifies wage labor with freedom. Kant’s description of producers as free, however, is not entirely straightforward. On the one hand, Kant, like Smith, characterizes craftsmen, merchants, artisans, and leasehold farmers as independents, i.e. as subjects who possess the quality of “*being one’s own master (sui iuris)*” (TP 8: 295-96; MM 6: 314-15). On the other hand, however, and in contrast to Smith, Kant appears to identify wage earners as “passive” not “active” citizens (MM 6: 315). Passive citizens are *dependent* citizens, and therefore are disenfranchised citizens; they possess civil freedom but lack political freedom. Kant defines a “dependent” as “anyone whose preservation in existence (his being fed and protected) depends not on his management of his own business but on arrangements made by another” (MM 6: 314). Examples Kant provides here include a woodcutter for hire, a private tutor, and a tenant farmer (MM 6: 314-15). Much like Smith’s description of servants beholden to feudal lords, Kant says of these subjects that they are “underlings of the commonwealth because they have to be under the direction or protection of other individuals, and so do not possess civil independence” (6: 315).

Kant’s characterization of wage laborers as dependents (i.e. passive citizens), might imply that he did not view wage earners as free, in the

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<sup>19</sup> Hume, for example, associates refinements in the area of “commerce and manufacture” with the growth of knowledge in “the arts of government,” which leads to peaceful domestic and international relations (1987, 274).

republican sense of the term. If this were correct, his outlook would fall closer in line with the classical republican view. The important thing to note in response to this concern is that Kant does not identify dependency with an absence of *civil* freedom, but rather with an absence of *political* freedom. Thus, in his discussion of active and passive citizenship requirements, he concludes (of passive citizens): “This dependence upon the will of others and this inequality is, however, in no way opposed to their freedom and equality as *human beings*, who together make up a people” (MM 6: 315).<sup>20</sup> To recall, for Kant, people are free when they are free from forms of arbitrary authority. This, however, is secured through the establishment of a republican constitutional order, not through participatory forms of democracy. Thus, if one lacks political freedom, i.e. the right to vote, they still remain in possession of their civil status as a free person.<sup>21</sup> Kant reasons, moreover, that because positions of higher rank and active citizenship status are open to other members of society, such inequalities remain consistent with right—where “anyone can work his way up from this passive condition to an active one” (MM 6: 315).

Despite, however, Kant's assurance that wage laborers remain equal under civil law (even if they are disenfranchised), his description of them as dependents still raises some concern. For instance, Kant writes:

Thus the welfare of one is very much dependent upon the will of another (that of the poor on the rich); thus one must obey (as a child its elders or a wife her husband) and the other directs; thus one serves (a day laborer) and the other pays him, and so forth. (TP 8: 292)

Kant's comments here are consistent with his remark (quoted above) that dependents remain under their superior's “direction” (MM 6: 315). His claim that dependents are under an obligation to “obey” and “serve” private persons, moreover, appears to contradict his view that they possess equal

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<sup>20</sup> Specifically, passive citizens can “demand that all others treat them in accordance with the laws of natural freedom and equality,” but only active citizens “have the right to manage the state itself as active members of it, the right to organize it or to cooperate for introducing certain laws” (MM 6: 315).

<sup>21</sup> Kant, moreover, has pragmatic reasons for excluding dependents from the right to vote. Kant's worry is that if dependents are enfranchised, they will vote under the direction of their master. Kant was not alone in holding this view. Under the influence of the Abbé Sieyès, who feared that universal franchise would empower the aristocracy, the distinction between active and passive citizenship was enacted into law at the start of the French revolution (Maliks 2014, 84). Although, see Maliks for an overview of Kant's “radical” critics who argue in favor of extending the franchise (2014, 95-101).

civil freedoms. For, as discussed earlier, Kant is opposed to the existence of intermediary powers between citizens and the state. Maliks describes the problem as follows:

The remaining puzzle, which still lacks a satisfactory answer, is why Kant was prepared to accept that women and mere workers could be completely subservient in private relations. As contemporary Kantians have argued, it is difficult to see how their dependent position is compatible with their innate right to freedom as independence, since it renders them very much dependent on the arbitrary choices of a paterfamilias or an employer. That such private relations of dependence are sometimes chosen by the dependent person does not solve the problem, since, as Bergk rightly pointed out, giving up one's natural right to independence is to make oneself into a mere thing. (2014, 110)

Maliks, therefore, suggests that Kant does not provide a satisfactory answer as to why private forms of subjection are consistent with civil freedom. Presumably, Kant's claim that higher positions of rank remain open to dependents does not detract from the fact that people within these positions are still subject to forms of domination.

It seems possible, however, that Kant understood his account of contractual rights to refute these concerns. Contract rights are private, acquired rights, that grant individuals exclusive entitlements to acts performed by other persons. Specifically, Kant defines a contract as a "possession of another's choice, in the sense of my capacity to determine it by my own choice to a certain deed in accordance with laws of freedom" (MM 6: 271). Kant permits, then, the possibility that one's choice can be subject to another's control *without it violating their freedom*. Through a contract, Kant writes, "something is added to my external belongings; I have become enriched by acquiring an active obligation on the freedom and the means of the other" (MM 6: 274).

The possibility that one can come to acquire another's choice without violating their independence is attributed to the consensual nature of the act. For Kant, contracts are the result of a "united will" (MM 6: 271). That is, one can only come to acquire a right to the deeds of others if it is the result of a mutual agreement and never through a *unilateral* acquisition (MM 6: 271). Ripstein summarizes the view as follows:

If I consent to your use of my person (or powers) or property, I have decided how they will be used, and so your use of them is an exercise of my freedom. If I consent to your doing something that injures me or damages my property, the injury or damage results from the exercise of my choice. (2009, 110)

Thus, through contracts, acts that would otherwise be coercive become expressive of freedom. Granting another the use of your powers or the right to set ends for you, becomes permissible in this context.

This is equally true in the case of employment contracts. Kant explicitly makes reference to the employment contract in his discussion of contracts to let and hire (*locatio operae*) (MM 6: 285). These contracts entail “granting another the use of my powers for a specified price” (MM 6: 285). Importantly, for Kant, the employment contract is *unlike* a slave contract, which Kant rejects the grounds for (MM 6: 283; MM 6: 330; TP 8: 292). Bergk’s criticism, in the quoted passage above, overlooks then the fact that Kant does not permit contracts that entail the complete alienation of one’s freedom (i.e. voluntary slave contracts), and therefore would oppose an employment contract based on these terms. For Kant, to renounce one’s freedom is to renounce all obligations and make any contract null. Conversely, employment contracts (ideally) grant others the use of your powers, but within certain limits and through mutual agreement. Kant is especially clear on this point, warning that if a person signs a contract that is “indeterminate” in quantity, the employer can “use the powers of his subject as he pleases” and is essentially a slave (MM 6: 330). To prevent this, “Someone can therefore hire himself out only for work that is determined as to its kind and its amount, either as a day laborer or as a subject living on his master’s property” (MM 6: 330). Kant suggests then that workers may be subordinate to their employers, but not subordinate in the sense that would entail a real loss of freedom. To ensure this, Kant contends that contracts must specify the quality and quantity of work in order to limit the scope of the employer’s authority. Workers must serve their employer, but in doing so they are following through with the terms of an agreement they negotiated and consented to.

In characterizing contractual relations as free relations, Kant’s commentary can be interpreted as responding to classical concerns about wage labor. For, although Kant characterizes wage laborers as servile, passive citizens, he views them as free citizens (in the republican sense of the term), nonetheless. Kant’s identification of wage labor with free labor brings his views, moreover, closer in line with “laissez-faire republicanism” in the nineteenth century.<sup>22</sup> On this outlook, and in contrast with the radical and classical republican view, ownership of *property in the person* (i.e.

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<sup>22</sup> Gourevitch mischaracterizes Kant as a thinker who, like Cicero, identifies wage labor with dependency and therefore falls in line with the classical republican view (2015, 49). As I have argued, although Kant describes wage-laborers as “dependents,” Kant views wage laborers as lacking *political* freedom, but not as lacking *civil* freedom (i.e. republican freedom).

labor power) is viewed as sufficient grounds for economic independence. On this view, moreover, wage labor is not servile labor, because it is the outcome of a voluntary contract between employers and employees.

An important question that remains, however, is whether or not Kant (or the commercial republican view) is successful in making this argument. There are, on the one hand, reasons to be skeptical here. One reason being that Kant, and other defenders of the right of contract, overlook structural forms of coercion that put workers and employers on unequal footing. Workers, insofar as they lack access to land, resources, and wealth, are forced to become wage earners, and possess, moreover, significantly less bargaining power in disputes with their employers. To say workers “freely” enter into employment contracts, overlooks the structural conditions that coerce workers into accepting non-ideal conditions and pay. This was, moreover, why agrarian republicans like Richard Price opposed the removal of small proprietors from the land through enclosure and engrossing. In line with this view, Carole Pateman argues that the characterization of the employment contract as an expression of freedom is a fiction that masks relations of subordination (1998). In sum, a defense of Kant’s views would have to respond to criticisms of contractarianism and make a case for its compatibility with republican values. This problem, I would add, remains true for contemporary republican thinkers who also maintain that free market practices (including wage labor) are compatible with a republican commitment to nondomination.<sup>23</sup>

On the other hand, however, (and in response to these concerns) Kant may have assumed, like Smith, that competitive market conditions enhance republican freedoms, because workers are free to leave their employers in the case of abuse. This refers to the idea of a “right of exit.” The problem with this response, is that although workers are not subject to any single employer in a free labor market, they are still subject to employers *as a class*, insofar as they are forced to sell their labor to access their means of subsistence. Alternatively, Kant may have believed that a state welfare system could protect workers from domination in private labor markets. The next section further elaborates Kant’s views on this topic to better assess this possibility.

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<sup>23</sup> Some contemporary republican thinkers view the free market and capitalism to be compatible with republicanism (albeit under certain conditions). For example, although Anderson is critical of workplace domination, she does not argue against free markets or capitalism. *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk about It)* (Princeton: Princeton University Press, 2017). In another example, Robert Taylor argues, “the proper republican attitude toward competitive markets is celebratory rather than acquiescent” (2017, 7).



## V. Intervention: Wealth Redistribution and Protectionism

As noted in the introduction, several scholars have objected to the characterization of Kant as a free market thinker. Many would dispute, for instance, F.A. Hayek's claim that Kant's political philosophy provides grounds for rejecting a model of welfare state liberalism. Hayek associates Kant's political philosophy with his own neoliberal outlook, claiming, for instance, that both defend a "negative" conception of justice, which is opposed to a liberal "social justice" theory (1998, 42-44/62; 2011, 287). This section will consider some evidence in favor of the view that Kant was amenable to a non-interventionist approach to the market, and then examine two views Kant held that complicate such an interpretation. Ultimately, I will suggest that, in the eighteenth century, support for intervention was not necessarily inconsistent with support for a free market economy.<sup>24</sup>

Hayek's claim is presumably rooted in Kant's criticism of paternalism and his identification of the just state with freedom (MM 6: 230). Because the basis of the state is external freedom, Kant rejects the possibility that the state has a duty to secure the individual well-being or happiness of its subjects. Kant writes that "the concept of an external right" is grounded in the idea of "freedom in the external relation of people to one another," and that, moreover, it "has nothing at all to do with the end that all of them naturally have (their aim of happiness) and with the means for attaining it" (TP 8: 289). From this, Kant declares that a "paternalistic government," or a government "established on the principle of benevolence," is "the greatest despotism thinkable" (TP 8: 290). Kant suggests then that directing people in their pursuit of happiness or welfare is an infringement on the freedom of individuals to choose their own ends. This outlook is not far from the Smithian view that the state should limit its involvement in the economic activity of its citizens.

There is also some textual evidence that Kant was concerned about the negative economic effects of intervention. Fleischacker, for instance, interprets an early passage from *Idea for a Universal History* as suggestive of this view (1996, 385). In the passage, Kant suggests that constraints on political or civil freedoms hinder "trade" and can weaken a nation's

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<sup>24</sup> A market economy is an economy where the distribution and production of goods and services are coordinated through the market as opposed to the state. It should be noted that market economies come in a variety of institutional forms: the function of the state can be minimal or robust in terms of its ability to regulate markets or redistribute wealth. Views that favor the former approach are described as libertarian or neoliberal, and views that favor the latter, liberal. On both outlooks, however, markets play a primary role in supplying goods and services.

international standing (IUH 8: 27-28). Kant also contends that hindering subjects in their pursuit of “well-being,” “hampers the liveliness of enterprise generally (IUH 8: 28). As further evidence of this interpretation, Fleischacker also points to Kant’s characterization of sumptuary laws (laws that prohibited the importation of luxury goods) as paternalistic (1996, 386-7; LA 25: 1299).<sup>25</sup> Kant’s comments here are not very surprising given his familiarity with Smith’s writing. Kant read Smith’s *Theory of Moral Sentiments* in the 1770s and is believed to have read the *Wealth of Nations*, quickly after the release of the German translation in 1776.<sup>26</sup>

A closer examination of the economic views of Kant’s adversaries also lends support for the view that Kant was in agreement with Smith’s economic outlook. As Maliks details, Kant’s criticism of paternalism can be read as a response to enlightened absolutism, which was a dominant political outlook of the period. According to this school of thought, represented by thinkers like Christian Wolff, the role of the state is to “promote human perfection” (Maliks 2014, 18). Importantly, in order to achieve perfection, the state was held responsible for the welfare of its subjects. On Wolff’s view, as Maliks summarizes, “monarchs could intervene in the economy to encourage growth in rural areas and towns, build infrastructure, subsidize the arts, promote public health, and supervise public morals” (2014, 21-22).

Other thinkers associated with this school of thought include Johann Heinrich Gottlob von Justi and Joseph von Sonnenfels, who both produced important texts in the area of cameralist thought.<sup>27</sup> Cameralists believed that the strength of the sovereign (and the state) was tied to wealth, which was derived through the revenue of the sovereign’s subjects. As Keith Tribe summarizes: “The political power of a ruler was therefore directly linked to the economic welfare of that ruler’s subjects: the (political) happiness of a

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<sup>25</sup> Fleischacker points to this passage to suggest that Kant is being ironic (not critical) of Smith in the published version of his lectures on the same topic (1996, 386-7). Here Kant writes: “when Adam Smith says unjustly of these chiefs of state: ‘they are themselves without exception, the greatest spendthrifts of all,’ he is effectively refuted by the (wise!) sumptuary edicts promulgated in many countries” (AN 7: 209).

<sup>26</sup> Kant was an early reader of *The Wealth of Nations* then, given it was only widely discussed in Germany in the mid 1790s (Fleischacker 1996, 379-82).

<sup>27</sup> Cameralism is sometimes referred to as a German variety of mercantilism, although, like mercantilism, its meaning is contested. Keith Tribe defines Cameralism as “a form of academic pedagogy aimed at the future administrators of the eighteenth-century German territorial states” or the “economics of state administration.” It was a popular field of academic discourse from the 1720s-1790s (2006, 525).

ruler rested upon the (economic) happiness of his subjects” (2006, 529). Unlike the Smithian view, however, it was believed that economic prosperity was the outcome of proper government oversight and management—i.e. not the invisible hand of the market. Justi and Sonnenfels’ writings offered thus various instructions related to forms of economic regulation.<sup>28</sup> To the extent Kant criticizes these cameralist views, it seems plausible that he sides with the liberal economic outlook. Maliks draws a similar conclusion and categorizes Kant’s political thought as aligning with the outlook of the emerging Prussian bourgeoisie (2014, 19). Contending that Kant “supplied Germany’s growing middle classes with a metaphysical foundation for their liberal aspirations” (Maliks 2014, 22).

As mentioned, however, insofar as Kant appears to permit state intervention in the economic realm, there are some problems with this interpretation. Two examples of this include a footnote where Kant favorably discusses import restrictions (TP 8: 299), and passages from the *Metaphysics of Morals* on wealth redistribution (MM 6: 326). In these passages, Kant claims that the state is responsible for protecting the prosperity of its citizens (through prohibitions on imports) and providing for the subsistence needs of the poor (through the taxation of the rich). In regard to the latter, Kant’s comments do not explicitly state the extent to which the poor should be supported. It is clear, however, that he believes that the state has a duty to do so. He reiterates this claim in a separate discussion on foundations or state-established institutions (MM 6: 367). Here, he promotes the existence of institutions for the “poor, invalids, and the sick” (MM 6: 367). Interestingly, he notes, that it may be more consistent with freedom to support the poor and sick “with certain sums of money” so they can board where they choose, adding that when boarded in “splendid institutions, serviced by expensive personnel” their freedom is limited (MM 6: 367).

Some scholars conclude from these passages that, according to Kant, freedom entails some basic assurance that subsistence needs are met. On this view, poverty relief is a duty of the state because it is tied to freedom.<sup>29</sup> In line with this interpretation, Pauline Kleingeld argues that Kant’s support for an interventionist state distinguishes his economic outlook from “radical” free trade proponents in the eighteenth century, including Smith

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<sup>28</sup> Tribe claims that the Cameralists were not entirely opposed to free trade. Cameralists did, however, ascribe a greater regulatory role to the state in the market. Keith Tribe *Governing Economy: The Reformation of German Economic Discourse* (Cambridge: Cambridge University Press, 1988) 55-90.

<sup>29</sup> See Allen W. Wood, *Kantian Ethics* (Cambridge: Cambridge University Press, 2008) 196.

(2012, 145). Kleingeld concludes as much not only from Kant's remarks on wealth redistribution, but also on the basis of his support for protectionism. In disagreement with Fleischacker's interpretation of Kant, she points to the footnote where Kant (against the free trade outlook of Smith) advocates "restrictions on imports" on the grounds that it is beneficial for the prosperity of the country, and therefore, also its ability "to resist foreign enemies" and "maintain itself as a commonwealth" (TP 8: 299). Kant also appears to support protectionist policies in his discussion of colonialism. Kant claims that China and Japan "wisely" place restrictions on trade with other countries (PP 8: 359). Some scholars, including Peter Niesen, conclude from this that Kant is critical of colonialism not only as the "imposition of political order," but also as the imposition of "a particular economic order by outside forces" (2007, 95).<sup>30</sup> He writes, "Kant's opposition to colonialism is fueled by doubts about the universal introduction of a proto-capitalist private law system [that] would entail open borders for economic interaction on a global scale" (Niesen 2007, 100). In other words, Niesen assumes that Kant's critical stance on colonialism translates into a criticism of free trade and capitalism.

Kleingeld and Niesen's assumption that Kant's economic thought is categorically distinct from an eighteenth century pro-free market outlook overlooks how in making exceptions to the principle of non-intervention, Kant did not depart from other eighteenth century free market advocates. On the topic of free trade, Smith, for instance, does not oppose all prohibitions on imported goods. Of the four exceptions to free trade that Smith permits, the one that is most similar to Kant's passage (quoted above) is his support for the British Navigation Acts (WN IV.II.30). Smith also includes as an exception to free trade, the removal of restrictions on manufactured goods that are widely produced in the home country (WN IV.II.40). Smith remarks, that were prohibitions removed immediately, it may "deprive all at once many thousands of our people of their ordinary employment and means of subsistence" (WN IV.II.40). Smith ultimately thinks that such a possibility is unlikely, given the ability of people to take up employment elsewhere, but his comments point to his amenability to government intervention for the sake of the nation's economic welfare. As recent scholarship emphasizes, moreover, Smith was also not opposed to wealth redistribution.<sup>31</sup> Smith includes in the final book of the *Wealth of Nations* several examples of public goods that the state may be responsible

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<sup>30</sup> See also Sankar Muthu, *Enlightenment Against Empire* (Princeton: Princeton University Press, 2003).

<sup>31</sup> Fleischacker writes that Smith's economic thought "contributed far more to the birth of what today we call distributive justice than is usually noticed" (2004, 62-3).

for paying, including public education. Smith also favors progressive taxation. This includes his suggestion to tax luxury vehicles at a higher rate for tolls in order that “the indolence and vanity of the rich is made to contribute in a very easy manner to the relief of the poor” (WN V.I.D.5). In response to house rent taxes falling “heaviest upon the rich,” he writes, “in this sort of inequality there would not, perhaps, be any thing very unreasonable” (WN V.II.E.6). And that, moreover, “It is not very unreasonable that the rich should contribute to the public expense, not only in proportion to their revenue, but something more than in that proportion” (WN V.II.E.6).

Lastly, Kant's comments on Japan and China do not necessarily support the view that he was opposed to free trade. After all, on Kant's account, both countries do not completely cut off trade, they only restrict it; allowing “access, but not entry” in China, and access to the Dutch, though not with the “natives,” in Japan (PP 8: 359). What is completely cut off, however, is the possibility of contact with the “natives” and “entry” beyond, presumably, the nation's ports or commercial centers (PP 8: 359). It is possible to interpret his comments here as a praise of Japan and China's ability to steer off European attempts at *political* conquest. In other words, that Kant favorably views the regulation of trade in these countries, not as ends in themselves, but rather as means to the ends of warding off political annexation.

It is, moreover, anachronistic to interpret Kant's critical remarks on colonialism as an implicit critique of free trade (and therefore capitalism).<sup>32</sup> As Dickey discusses, free trade ideas in the eighteenth century were often combined with anti-imperialist politics. Dickey examines how, in tying commerce to universal benevolence, the *doux-commerce* thesis informed criticisms against British policy in the American colonies during the eighteenth century (2001, 298-299). Benjamin Franklin, for instance, under the influence of David Hume's “Jealousy of Trade” essay, criticized the regulatory policies of England as “selfish,” and put forth suggestions for England to adopt a *laissez-faire* approach in the colonies (Dickey 2001, 294). Smith also employed the argument for free trade in his defense of American independence. According to Smith, moreover, the injustice of European colonialism was not the imposition of economic order through free trade policies, but instead the imposition of economic order through monopoly (often in the form of joint-stock companies) and regulation—i.e.

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<sup>32</sup> This is rooted in a contemporary view that associates free trade practices with neo-imperialism.

through *mercantilist* policies.<sup>33</sup> It seems equally anachronistic to interpret Kant's reference, to "commercial" countries, who are responsible for colonial violence, with capitalist countries. Likely, such a term was associated with the mercantile policies that dominated European political and economic practices (especially colonial land appropriation) during this period.

In sum, while Kant's support for wealth redistribution and state intervention conflicts with some contemporary forms of free market fundamentalism, it was not entirely at odds with an eighteenth century free market outlook, which was equally amenable to forms of wealth redistribution, state intervention, and anti-imperialism. While Kant's apparent support for import restrictions does raise concern about the extent to which he fully adhered to Smith's economic account, in a general sense, his views on hereditary privilege, commerce, and wage labor, align with the commercial republican views of his contemporaries.

## VI. Conclusion

In this article I've argued that Kant's economic outlook aligned with the "liberal" economic views of his contemporaries. The term liberal is, however, somewhat of a misnomer, given that early free market advocates adhered to a distinct set of republican values. This is why I suggest that Kant be situated within the tradition of commercial republicanism, a term that more aptly describes the position of pro-market thinkers in the eighteenth century. In emphasizing the republican underpinnings of economic liberalism in the eighteenth century, moreover, many scholars differentiate early, from twentieth century and contemporary free market approaches. Kant is helpful here, because unlike other thinkers (Smith for example), he offers a developed philosophical account of freedom, which underpins his discussion of economic mobility, employment contracts, and state intervention. To better understand the philosophical assumptions supporting commercial republican thought (and how it might differ, or not, from other forms of economic liberalism), Kant is actually a useful thinker to turn to then, even if his economic commentary is minimal in comparison to his contemporaries.

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<sup>33</sup> Kant also charges "trading companies," which are "on the verge of collapse," for their participation in the political oppression of foreign countries (PP 8:359).

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