

WHEN THE STRICTEST RIGHT IS THE GREATEST WRONG: KANT ON FAIRNESS

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I. THE RIGHT OF THE STATE TO REDISTRIBUTE.

To the supreme commander there belongs **indirectly**, that is, insofar as he has taken over the duty of the people, the right to impose taxes on the people for **its own preservation**, such as taxes to support organisations providing for the poor, founding homes and church organisations, usually called charitable or pious institutions.

The general will of the people has united itself into a society which is to maintain itself perpetually; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves. For reasons of state (*Von Staats wegen*) the government is therefore **authorized** to constrain the wealthy (*die Vermögenden*) to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs. The wealthy have acquired an **obligation to the commonwealth**, since they owe their existence to an act of submitting to its protection and care, which they need in order to live; **on this obligation the state now bases its right** to contribute what is theirs to maintaining their fellow citizens. (MS 6: 325-6, my emphasis)²

The above passage belongs to Kant's account of the *Right of the State* (*Staatsrecht*) in the public right section of the *Doctrine of Right*. More precisely, it is part of the "general remark on the juridical effects that follow from the nature of the civil union" (*Allgemeine Anmerkung von den rechtlichen Wirkungen aus der Natur des bürgerlichen Vereins*). In this passage, Kant speaks not of a duty, but of a **right** which pertains to the supreme commander (*Oberbefehlshaber*) **indirectly**, as *Übernehmer der Pflicht des Volks* (as "overtaker" of the duty of the people). It is important to note that Kant is here explaining a right pertaining to the *executive* power of the state. In the previous sections, Kant explained the rights of the three powers of the state, as personified by the legislator (*Gesetzgeber*, RL §46), the commander (*Regierer*, §48) and the judge (*Richter*, §49), the so called *trias politica* (MS RL §45 at VI: 313); the "general remark" is clearly connected to these sections: § A refers to the former discussion of the right of the legislator in §§ 51-52, B refers to the discussion in § and C.³

Since the role of the *Oberbefehlshaber* consists not in making laws but in *enforcing* the laws of the *Gesetzgeber* (the legislative), there is reason to understand *Übernehmer* in the sense of *Ausführer* (the one that *executes*) of the duty of the people (whatever this duty is).⁴ Kant is therefore not saying that the supreme commander has a *duty* to provide for the poor, but that it has the *right* to tax the rich to support the poor, as the executive power in the state. The function of the supreme commander does is thus to *enforce* the duty of the people. The translation of *Übernehmer* as "taking over" the duty of the people is thus misleading. It suggests that the duty of the people has been somehow *transferred* to the supreme commander, who is

now the bearer of that obligation. In a similar line of (mis-) interpretation, Allen Rosen argued that the ruler takes *over the duty of benevolence* of the people (by which Rosen must mean *beneficence*), since “no other duty fits the description.” The ruler has thus a duty of benevolence towards its subjects which is derived “without reducing or eliminating” individuals ethical duty of benevolence. The right to tax is thus derived *indirectly* from the duty of benevolence of the people, Rosen argues.⁵

But what is the duty of the people (*Pflicht des Volks*) the *Oberfehlshaber* is enforcing with taxation of the rich? It cannot be the duty of beneficence of individuals: as an ethical duty, beneficence implies the free adoption of the moral end (the happiness of others) by individual agents. Beneficence cannot be coerced from outside by the state. However, since Rosen argues that the state has *itself* a duty of beneficence, it would be taxing individuals as a means to comply with *its own duty*, and not to make individuals comply with *theirs*. However, there still are several problems with this interpretation. Firstly, even if the *Oberhaupt*, who is a *physical* person, is also the bearer of duties of virtue, one should not confuse the *ethical motivation* of the *Oberhaupt* to comply with the regulative idea of Right (which is always *uncoerced*, since there is no greater authority above him) with the assumption that the *Oberhaupt* qua representative of the people has only duties of *virtue* towards the people. As I shall argue, whatever duties the *Oberhaupt* qua *Oberhaupt* has towards the people, these must be understood as juridical duties, although *non coercible* ones. This is necessary, in order to avoid state paternalism; a benevolent *Oberhaupt*, that is, one which uses state means to make people happy, is a form of despotism in Kant’s account. This does not apply to the *moral* *Oberhaupt*, who guides himself by the idea of the general will, even though he is not externally coerced to do so. I shall discuss this view in the next section, in conjunction with Kant’s criticism of Hobbes in *Theory and Practice*.

Kant argues that the general will of the people has united itself into a society, which is to perpetuate itself. For this end, namely, the perpetuation of civil society, the general will of the people has subjected itself to the internal state power, in order to maintain those members of society which cannot support themselves. For “a reason of state” (*Von Staatswegen*), which seems to follow directly from the previous argument about the united will of the people, the government is therefore justified (*ist also die Regierung berechtigt*) to constrain the rich to provide the means for the preservation of the poor. Kant then adds that the *existence* of the rich is at the same time an *act of subjection* to the protection and providence of the Commonwealth (*gemeinen Wesen*) to which they have obligated themselves (*wozu sie sich verbindlich gemacht haben*). In other words, the state bases its right to contribute what belongs to the rich to the preservation of their fellow citizens *on the existence of the rich*.⁶ Provision for the poor seems therefore to follow from the idea of a united will of the people. But what does this exactly mean?

In the *Common Saying*, providing for the poor was included among the state policies of “public happiness” such as population control, restrictions on imports or any other incentive to flourishing (TP VIII: 299). Since these policies aim to improve the strength and stability of the commonwealth and not to “make people happy against their will”, the state is *permitted* to implement laws aimed at public happiness. In the above passage of the *Doctrine of Right* (from the section on “The Right of States”), Kant seems to be making the same claim, namely, that

the preservation of the *state* itself requires maintaining those members of society who are not able to meet their basic needs. However, a closer look at the original shows that provision for the poor is not thought as a means to preserve the state, but the *people*. The aim of taxation of the rich is thus directly the preservation of members of the state, and not a mere means to the perpetuation of the state.

Mary Gregor's translation is ambiguous and could be interpreted as if "its own preservation" refers to the *state*, instead of to the *people*. However, Kant was himself aware of the ambiguity and added a parenthesis to show that "its own preservation" refers to the people (*des Volks*) and not to the state (*Dem Oberbefehlshaber steht indirect, d.i. als Übernehmer der Pflicht des Volkes, das Recht zu, dieses mit Abgaben zu seiner (des Volks) eigenen Erhaltung zu belasten*. MS VI: 326, my emphasis). This is reinforced further in the same passage:

This can be done either by imposing a tax on the property or commerce of citizens, or by establishing funds and using the interest from them, **not for the needs of the state** (for it is rich) **but for the needs of the people**. (MS 6: 326, my emphasis)

In contrast to the clearly instrumentalist passage in the *Common Saying*, the passage of the *Metaphysics of Morals* does not *reduce* provision for the poor to the perpetuation of the civil order. As Kant observes, the state has a right to charge the people with the duty of not knowingly let abandoned children perish despite the fact that these children are "an unwelcome addition to the population". There is no indication that saving and providing for "unwanted" children is an instrument for the preservation of the commonwealth.

Kant argues that providing for abandoned children should be done in a way that offends "neither rights nor morality," whether by imposing a special tax on wealthy unmarried people (*Hagestolzen beiderlei Geschlechts (worunter die vermögenden Ledigen verstanden werden)*)⁷ "who are partly to blame for there being abandoned children" or in another way (MS VI: 326-7). A *Hagestolze* is someone who remains unmarried *by choice*, although he or she has the financial means to start a family. Although the term is now restricted to older unmarried persons (50 years old onwards, usually of the male sex), Kant clearly has the first definition in mind. *Hagestolze* met traditionally with strong social disapproval and were also disadvantaged in terms of rights, as remaining unmarried was not only against the states' interest in high birth rates, but also associated with indecent behaviour. In Prussia, as Germany, there was a special legislation concerning heritage rights of wealthy unmarried people (*Hagestolzenrecht*).

As Kant notes, children were abandoned either out of necessity or out of shame (*Not oder Scham*). Assuming that the *Hagestolzen* would be averse to marriage but not to sexual life, they would be responsible for the latter, namely those born "out of lock" and abandoned for reasons of "social decency." By mentioning the taxation of unmarried people as a means of social redistribution, Kant could have had in mind precisely the Prussian *Hagestolzenrecht*. However, Kant's judgment on the matter is not that taxing the *Hagestolzen* is the uncontroversial rightful way to provide for abandoned children, but that in the lack of a better solution, i.e. one that violates "neither rights nor morality," taxing wealthy unmarried persons would be the best *possible* way to do so.

Kant justifies the right of the state to tax the wealthy to maintain the poor with the argument that the wealthy owe their existence (as a social class) to the public protection of their property and perpetuation of their social standing (through heritage laws, by enforcing private wills etc...). But their very existence as *beati possidentes* presupposes their subjection and consequently their obligation to the state. Based on that obligation, the state has a right “to contribute what is theirs to maintaining their fellow citizens.” Because the state has a *right*, it is also authorized to *coerce* what would be otherwise left to the good will of individual citizens. In his article “Poverty and Property in Kant’s system of Rights”, Ernst Weinrib argues that the destitute would not be able to consent to entering the state, since accepting a property regime would imply denying oneself access to the basic means of subsistence.⁸ In contrast to the pre-civil condition, in which all resources distinct from someone’s body are at everyone’s disposition, a property regime introduces the dependence of some on the property of others for their subsistence. Because property entails the danger of some persons being reduced to a mere means to others, it seems incompatible with the innate right and the duty of rightful honour (*honeste vive*). Ernst Weinrib sees in Kant’s introduction of a public duty to support the poor the only way of reconciling property with innate right. Because a public duty to support the poor is the precondition for a state in which property is consistent with innate right, unless this duty is fulfilled, the state “forfeits its legitimacy.”⁹

Despite the plausibility of Ernst Weinrib’s argumentation, the problem is Kant’s insistence that the state’s failure to be just *does not undermine its legitimacy*. A legitimate state is in Kant’s conception only the *republican state*, or *the state in the idea*. Although the well-being (*Heil*) of the state lies in the greatest possible conformity of the constitution with the principles of right (*salus reipublicae suprema lex est*, MS VI: 318), all existing state forms and consequently all existing states are merely approximations of the ideal republic in which alone the law is “self-ruling” and depends on no specific person (*wo das Gesetz selbtherrschend ist, und an keiner besonderen Person hängt*, MS RL §52 at VI: 340). Nevertheless, existing states must be regarded as legitimate.

The different forms of states are only the *letter (littera)* of the original legislation in the civil state, and they may therefore remain as long as they are taken, by old and long-standing custom (and so only subjectively), to belong necessarily to the machinery of the constitution. But the *spirit* of the original contract (*anima pacti originarii*) involves an obligation on the part of the constituting authority to make the *kind of government* suited to the idea of the original contract. Accordingly, even if this cannot be done all at once, it is under obligation to change the kind of government gradually and continually so that it harmonizes *in its effect* with the only constitution that accords with right, that of a pure republic, in such a way that the old (empirical) statutory forms, which served merely to bring about the *submission* of the people, are replaced by the original (rational) form, the only form which *makes freedom* the principle and indeed the condition for any exercise of *coercion*, as is required by a rightful constitution of a state in the strict sense of the word. (MS RL §52 at VI: 340-1)

Kant’s theory of the state provides the principles for an approximation to the ideal *Rechtstaat*. In principle, every state is able to reform itself and evolve as close as possible to the ideal republic. The historical origin of a given state (whether it has started with injustice or is the product of a revolution) is therefore irrelevant for its legitimacy. Despite Kant’s vehement

rejection of a right to revolution, he argues that if a revolution succeeds, the people has a duty to obey the new government, regardless of the injustice or violent means behind its access to power (MS VI: 323). Although a revolution is never justified, the newly instituted government must be nevertheless regarded as legitimate. The legitimacy of the pre-republican states lies neither in the way it was created, nor in the degree of its conformity with the principles of right. The distinctive feature of Kant's theory of the state is that state legitimacy is *future oriented*: it lies in the duty to bring existent constitutions as close as possible to the ideal republic.¹⁰ A government which does not provide for the poor would be no less legitimate in Kant's account than one which does. Weinrib's account of the state duty to provide for the poor as the condition for the legitimacy of the state fails, at least as an interpretation of Kant's legal theory.

The recent secondary literature on the Kantian state's provision for the poor leaves us with good suggestions concerning what Kant should have said, given his theoretical commitments, or how the shortcomings of Kant's legal theory can be improved. Unfortunately, none of these contributions has succeeded in explaining why the state ought to provide for the poor independently from those instrumental reasons of state, which are uncontroversial in Kant scholarship. In the following section I shall develop an interpretation of the supreme commander's duty to provide for the poor based on Kant's account of wide right or *Billigkeit* (*fairness*). I back up this claim with a passages of the *Metaphysics of Morals* and of Kant's lectures in which Kant questions the character of the duty of beneficence as a duty of virtue, given the fact that need is often the result of previous injustice. The problem is that although the destitute have a right to *collective aid*, unlike *strict right*, these rights cannot be juridically enforced. This has led to the wrong conclusion that the state or the supreme commander has a duty of virtue towards its subjects.

III. THE COURT OF CONSCIENCE AND THE COURT OF JUSTICE

Consider the following passage of the *Common Saying*:

I will surely not be reproached, because of these assertions, with flattering monarchs too much by such inviolability; so, I hope, I will also be spared the reproach of overstating the case in favour of the people when I say that the people too has its inalienable rights against the head of state, although these cannot be coercive rights. (TP VIII: 303)

In this passage, Kant is making an objection against Hobbes, according to whom the head of state has no obligations towards its subjects and therefore *cannot do them wrong* (*de Cive*, Chap. 7, §14). Kant adds that Hobbes would be right if one understood wrong (*Unrecht*) as that kind of violation (*Läsion*) which involves a corresponding a right to coerce (*Zwangsrecht*) by the part of the wronged person against the one who wrongs her. However, such a proposition, namely, that subjects have coercive rights against the head of state, would be "appalling" (*erschrecklich* TP VIII: 304). The conclusion we can derive from the above passage is that, contra Hobbes, subjects *have* inalienable rights against the head of state, although subjects cannot *coerce* the head of state to respect these rights. In this sense, the *implications* of

Kant's theory may be the same as the Hobbes'; for what is a right which cannot be externally coerced? The question is thus why Kant thinks we should acknowledge such non-coercive rights of the people and which are those rights.

Kant's reason for denying subjects coercive rights against the head of state is that to enforce them would require another coercive power *above the state*. Consequently, the supreme commander would no longer be the supreme commander (MS VI: 319). Because coercive rights against the commander would be self-contradictory and the laws underlying these alleged rights are not fit for external legislation, Bernd Ludwig concludes that these laws cannot be juridical ones. The only motive (*Triebfeder*) the supreme commander could have for bringing the government closer to the idea of the original contract (the united will of the people) would be self-constraint (*Selbstzwang*), i.e. *ethical* motivation. Whether the supreme commander would orient herself by the idea of the rights of the people would thus depend on whether she is a *moral* politician (*moralischer Politiker*, see TP VIII: 372). Natural right is thus the "doctrine of virtue of the government."¹¹

However, we do not have to go into the domain of Ethics and regard the duty of the supreme commander towards its subjects as a duty of virtue. As Kant stresses, subjects have rights, despite the fact that these are non-enforceable ones. Ludwig argues that such rights are not addressed in the *Doctrine of Virtue* because they are significant neither to the person who has an ethical duty nor to the person to whom the duty is directed.¹² Since ethical duties must be self-compelled, they cannot be claimed from outside with appeal to the notion of a corresponding right. The notion of rights is therefore superfluous to Ethics. Although this is correct, we do not need to disagree with Kant's understanding of Ethics for rejecting the interpretation of the right of the people against the *Oberhaupt* as ethical rights.

As Kant stresses in his lectures, ethics is opposed to *strict right* but *not to right as such*.¹³ Since the state is required for the omnilateral enforcement of right, public right must be regarded as *ius strictum*, that is, as including only those laws which can be externally coerced. However, Kant acknowledges that there are juridical rights which cannot be externally enforced, i.e. rights in a wider sense (*ius latium*, MS VI: 234). Identifying the rights of subjects as *wide rights* instead of transforming them into ethical (pseudo-) rights has the advantage of making better sense of Kant's objection against Hobbes. It neither plays down the notion of rights nor renders it an "appalling proposition" by accepting the right to coerce the head of state. Furthermore, there is another important reason for maintaining the notion of rights in this case. It is only when individual's have rights that they can be said to be *wronged*. Identifying where states can wrong their subjects is of great importance for the improvement of existing governments even if subjects cannot legally coerce respect for their rights. As I will show in this section, this is precisely the reason why Kant acknowledges non-coercive rights of the people against the head of state. In contrast, no one is wronged if I fail to comply with my duty of benevolence towards them. True, I fail to treat them as ends in themselves, but am not using them merely as means to my ends.

Kant's discussion of wide right appears in the context of his concern to distinguish the "wavering principles" of *ius aequivocum* (ambiguous right) from the "firm basic principles" of

strict right, which are the principles of the state. As Kant stresses, “without making incursions into the domain of ethics, there are two cases which lay claim upon a decision about rights”, (*ohne ins Gebiet der Ethik einzugreifen, gibt es zwei Fälle, die auf Rechtsentscheidung Anspruch machen*, MS VI: 233). These are equity or fairness (*aequitas, Billigkeit*) and the right of necessity (*Nothrecht, ius necessitatis*), both instances of ambiguous right. Only equity turns out to be a true matter of right (=right without coercion) whereas necessity is coercion without right and consequently no true right at all.

As I shall explain, *ius aequivocum* is the tendency to mistake objective Right with the subjective verdict of a court of justice. In other words, *ius aequivocum* is a *vitium subreptionis*. The fact that Kant associates equity with ambiguous right does not disqualify equity *as such* as genuine source of rights: it is not a matter of beneficence or kindness to others, but of *justice*, based on the principle of right and not on the principle of ethics.¹⁴ Equity belongs to the category of ambiguous right because despite having a right, the right holder does not have the conditions required for a judge to determine how her claim can be satisfied (MS VI: 234). The ambiguity of equity lies on the distinction between *what is right in itself* as opposed to what is *laid down as right*, that is, *statutory law*. Although we can recognize as private individuals what would be a fair decision in a given situation, a public court of law must orient itself by statutory laws for its verdict.

The question here is not merely what is *right in itself*, that is, how every human being has to judge about it on his own, but what is right before a court, that is, what is laid down as right. [...] It is a common fault (*vitium subreptionis*) of experts on right to *misrepresent*, as if it were also the objective principle of what is right in itself, **that rightful principle which a court is authorized and indeed bound to adopt for its own use (hence for a subjective purpose)** in order to pronounce and judge what belongs to each as his right, although the latter is very different from the former. (MS VI: 297, my emphasis)

A condition of public right requires that rights conflicts be settled by a public court of justice and not by the private agents themselves, as is the case in the state of nature. The interesting (and confusing) aspect of Kant’s theory in this respect is that although judgments of rights in the state of nature are “private”, they nevertheless are said to be *objective* (“right in itself”), whereas the decision of a public court of justice has despite its public validity a *subjective* character. “Subjective” in this case refers to the *principles* a court of justice is constrained to apply in its judgment, for statutory laws are *empirical* principles, as opposed to purely rational principles of right. Although a judge in her own private judgment will be able to recognize the equity claims of a certain person, as a *public* judge her judgment will be constrained by different (subjective) criteria from her judgment as a private person.

The right of necessity (*Nothrecht*) is the “seeming” right to take the life of an innocent in order to save one’s own life. Kant uses as an example the classic plank of Carneades: someone pushes another shipwreck from a plank in order to save herself from drowning. In contrast to other theorists who recognize a right to self-preservation, Kant argues that such an action can never be in accordance with the law, even if necessary to preserve one’s life. The agent is guilty not only from an ethical, but also from a *juridical* perspective: she is *wronging* an innocent person.

The true reason why such actions from “necessity” are nevertheless not punished by law is that it is not possible to *prevent* them with threats of punishment (MS VI: 236). Even if penal law were to punish with death whoever kills an innocent to save her life, this would not have the intended effect (deterrence) because a “threat of an ill that is still *uncertain* (death by a judicial verdict) cannot outweigh the fear of an ill that is *certain* (drowning).” No punishment threatened by the law could be greater than the imminent loss of the agent’s own life (MS VI: 235-6). Unless an agent is *ethically motivated* to spare the life of an innocent at the cost her own preservation, she would have no sufficient *prudential* reasons for doing so, at least psychologically. The *impossibility* of deterring anyone in such a condition is what creates the illusion that killing an innocent to preserve one’s life is *if not a right*, then at least *permissible* (not against right) or excusable. This is the reason why the right of necessity must be included under *ius aequivocum*: the tendency to mistake *Nothrecht* for a real right lies on the conflation between what is *prescribed* (or in this case, *prohibited*) by right itself (objectively, as the *court of conscience*) and what a court of justice *must decide* (subjectively). Although from the perspective of objective right we have the violation of another’s right, a court of justice will not punish this violation.

Although also part of *ius aequivocum*, equity claims are *genuine* juridical rights although no *coercive* rights.¹⁵ They are juridical because they are based on the principle of right and non-coercive because no judge can be appointed to render a public decision concerning this right (MS VI: 234). Kant gives the example of a trading firm (*Maskopei*)¹⁶ whose terms is that partners are to share profits equally. However, one partner has worked more than the others and therefore loses more when the company meets with reverses. By equity, the hard working partner would be entitled to more compensation than the other partners. Another example is the domestic servant whose agreed wage loses value due to inflation (*verschlechterte Münzsorte*, MS VI: 234). Equity would require that the servant be compensated accordingly. However, Kant argues that a court of justice would reject both equity claims. The reason lies on the available conditions for the decision of a public court of justice (MS VI: 296). Since there were no specifications in the contract concerning such possibilities, the judge would have no *determinate* conditions for making a judgement, since she is constrained to base her decision on what is *publicly stated* in the contract (*Declaration*).¹⁷ We thus have a case in which our conception of what would be just in a given situation, i.e. the verdict of *the court of conscience*, departs from what the *court of justice* must regard as just in the same case. Although the *court of conscience* declares that the more strictly we apply the statutory right, the more we *wrong* the person who has an equity claim (*summum ius summa injuria*), the court of justice is not allowed to proceed otherwise, if it is to preserve its public character. Equity is “a mute divinity who cannot be heard” (MS VI: 234) by a public court of justice (although it can still be heard by the court of conscience, i.e. by reason). The only possibility to address the equity claim in this case is that the other party (the other partners in the trading company, the servant’s employer) recognizes the equity claim and freely chooses to waive her right to enforce the precise terms of the contract.

The ambiguity of wide right lies in a tendency to conflate the verdicts of private and public reasoning about rights (or of *commutative* and *distributive* justice). Natural law can be recognized by everyone *a priori*: it is what is right *in itself*, before the court of conscience (*forum*

poli: the marketplace or also the court of heaven, MS VI: 235). Statutory right, in contrast, is based on *actual* civil constitutions and therefore on empirical principles (MS VI: 297). Given its public character, a court of justice (*forum soli*, the earthly court)¹⁸ is not allowed to make use of “guesses” (presumptions) concerning what is right in itself, but must restrict itself to contracts and existing regulations. But what does Kant mean when he says a judge would be “guessing” when judging an equity claim? In a lecture, Kant argues that if the intentions of agents could be made public, i.e. if we could know with certainty what the parties *actually intended* when making a contract, equity would no longer go unheard (Quote). This suggests that the problem with equity would be a mere epistemic limitation. A public judge would have to “guess” people’s original intentions, while having no appropriate evidence for his verdict. But this is implausible. Anyone can understand that it is a disadvantage to lose money when a currency is depreciated and that no one would have agreed to those terms if she could foresee inflation. It seems also clear that no one would willingly agree to do more for her company if she knew it would mean greater loss to herself at the end. If the parties did not state these details in the contract, it was because they did not foresee changes in the background conditions directly affecting her interests in the contract. If so, what is actually left for a judge to guess?

I take Kant to mean that the difficulty lies not on whether there is an equity claim or not, but on the possibility of determining *the extent* to which the equity claim can be satisfied. As Kant formulates in the *Maskopei* example of the *Doctrine of Right*, a judge would not have determinate information (*data*) to decide *how much* according to the contract the person should be compensated (*keine bestimmten Angaben (data) hat, um, wie viel nach dem Kontrakt ihm zukomme, auszumachen*, MS VI: 234). The problem is thus not indeterminacy concerning the possible intentions of the involved parties, but the public need for an efficient *unified* standard for decision making. This idea is further developed in Kant’s discussion of “subjectively conditioned acquisition through the verdict of a public court of justice”. Kant discusses in this section the different standards for determining the rightful owners of objects in the state of nature and in the civil condition.

In the state of nature, what belongs to each is determined by commutative justice, as a matter of personal rights. In a condition of distributive justice, however, what belongs to each person must be determined in accordance with public principles, which enable public justice to function *most readily* and *surely*. Although distributive justice is about “giving each what belongs to them”, this will be done differently from the way one would reason in the state of nature, i.e. in accordance with the principles of commutative justice. For the sake of a court’s verdict (*in favorem iustitia distributivae*), A’s *personal right* against B, who stole her horse, has to be treated instead as a right *to a thing*, namely as the right of C to the horse she acquired legally in the market. This is because although the seller’s acquisition of the horse is unlawful (the horse is stolen), C bought the animal in accordance with the rules of the market. Although *commutative justice* establishes the personal right of A against B in regard to her horse, and would thus recognize A as the legal owner, *distributive justice* will recognize C as the legal owner of the horse. This is because having to investigate the title of possession of every seller before buying something would go to infinity. Thus customers are not bound to investigate this every time. In a condition of distributive justice, what matters for rightful acquisition is merely that

it be *formally* correct, as specified in accordance with statutory laws (MS VI: 301). Conversely, a *right to a thing* in the state of nature may be treated as a *personal right* in order to satisfy the subjective conditions required for the verdict of a court of justice, as in the proposition “purchase breaks a lease” (*Kauf bricht Miete*, MS VI: 303)

So it is only for the sake of a court’s verdict (*in favorem iustitiae distributivae*) that a right to a thing is taken and treated not *as it is in itself* (as a right against a person) but as it can be *most readily* and *surely judged* (as a right to a thing), and yet in accordance with a pure a priori principle. - On this principle various statutory laws (ordinances) are subsequently based, the primary purpose of which is to set up conditions under which alone a way of acquiring is to have rightful force, conditions *such that a judge* can assign to each what is his *most readily and with least hesitation*. (MS VI: 302)

The reason why one must abide by what is laid down as right, as opposed to what we can recognize as right in itself, is that it is a necessary condition for the existence of a functioning system of public laws.¹⁹ For the sake of the same “public interest” in maintaining a system of public justice, equity must “remain unheard” by a court of justice. Unless judges restrict their verdicts to the application of statutory laws, a condition of public justice would be made superfluous and be replaced by the principles of private right. By this it becomes clear that the civil condition for Kant is not merely the use of state coercion for enforcing pre-civil rights; it also requires a the introduction of unified system of positive laws, whose institution will lead to different results from what we recognize as just according to common sense reasoning about justice. There is therefore a “price” to pay for living under a condition of distributive justice. The reason why we must be willing to pay this price, however, is not self-interest, but the fact that we have a *duty* to enter the civil condition and improve existing constitutions and forms of government towards the ideal republic.

IV. STATE PROVISION FOR THE POOR AS AN IDEAL OF JUSTICE.

What I have others must do without: - my powder takes away the flour of others (...) The sum of welfare does not increase according to the proportion of earnings: and I am always unjust, when I take away a considerable part of their welfare, since I only add a little to my own. (Praktische Philosophie Herder, XXVII: 51, my translation)²⁰

Kant is well aware of the historical and political sources of social inequality, which brings about both the needy person, who must depend on the beneficence of others and the “benefactor,” who is in a position to help. There are several such statements in Kant’s works in which he attempts to dispel the illusion that we are dealing of a meritorious duty instead of a duty of indebtedness. Although most of these passages can be found in Kant’s lectures and notes, there are also clear statements in Kant’s published, late works, which confirms that Kant did not abandon or revise his position. Consider the casuistic question Kant poses to the reader in the *Doctrine of Virtue*:

Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence. Under such

circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all? (MS VI: 454)

Given the systemic character of economic inequality, the duty to help alleviate the need of others acquires a problematic status. While it is true that as mere needy, vulnerable beings we are naturally dependent on each other's help and must thus regard ourselves as "united by nature in one dwelling place so that [we] can help each other" (MS VI:453), poverty-related dependence cannot be addressed in the same way. As the result of the injustice of actual governments, by which some are disadvantaged while others are benefited, helping others in need must be seen as a matter of *juridical* instead of ethical duty. We often fail to recognize this due to the complexity of systematic injustice: not only because the historical sources of injustice lie in the past, but because no particular individuals can be identified as perpetrators. As a distinctive feature of systemic injustice, Kant observes that...

One may take a share in the general injustice, even though one does nobody any wrong by civil laws and practices. So if we now do a kindness to an unfortunate, we have not made a free gift to him, but repaid him what we were helping to take away through a general injustice. For if none might appropriate more of this world's goods than his neighbour, there would be no rich folk, but also no poor. Thus even acts of kindness are acts of duty and indebtedness, arising from the rights of others." (Moral Collins, XXVII: 416)

And again...

If we have taken something away from a person and do him a kindness when in need, that is not generosity but a poor recompense for what has been taken from him. Even the civil order is so arranged that we participate in public and general oppressions, and thus we have to regard an act we perform for another, not as an act of kindness and generosity, but as a small return of what we have taken from him in virtue of the general arrangement. All acts and duties, moreover, arising from the right of others, are the greatest of our duties to others. (Moral Collins, XXVII: 432)

As these passages make clear Kant believes that the needy in this case have a *right* to help, as compensation for the injustice underlying their condition. The help they get from the charity of others is but a small, if not cynical compensation for the wrongs done to them in the first place in virtue of the "general arrangement." It is important therefore to clarify which is the right in question: it is **not a right to the beneficence of others** (for there is no such a right), but **a right to reparation or at least compensation for their condition of dependence** which forcefully results from the general arrangement of society. The poor has been wronged by society not because individuals are not beneficent enough, but because their economic dependence is a side effect of civil society. Beneficence as such cannot compensate the poor for the wrong done to them in society. The problem is that although this duty implies corresponding rights, it is not possible to identify *who should satisfy the claims of the poor and to what extent these claims must be satisfied*. A person could be entitled to more compensation for suffered wrongs than the mere provision for her basic needs (for instance, a poor person whose grandparents were slaves or whose family property was stolen during the Nazi regime).

This past injustice is the cause of the present generation's disadvantage, just as inheritance rights enable wealth to be conserved within several generations and enlarges inequality between the members of society (TP VIII: 293, ll. 14-9). Compensation would require the possibility of determining how much a person has been the victim of systematic injustice, which seems, if not impossible, wholly unpractical for the system of justice. The indeterminacy of these rights in regard to its *addressees* (who has the duty to address these rights?) and to its *extent* (how much should be given to the person as a compensation?) has led to the illusion that a person who cannot provide for her most basic needs has *no right to subsistence* and that her survival must be instead the object of other's beneficence. If someone cannot claim a right to be helped *from me*, it does not entail that she has no right to subsistence at all.²¹ The diffusion of responsibility in this case can only be addressed as a matter of a *social duty*.

There is a clear a parallel between the impossibility of claiming subsistence rights against the state and satisfying equity claims in a court of justice; both are based on rights we can recognize privately through reason (as objective rights) but which fall out of the scope of public statutory laws. Both are matters of *wide right*. Strict right cannot address social inequality, as *material* injustice; it can only address *formal* inequality before the law, according to what is publicly specified in statutory laws ("laid down as right"). The reason for this is not that the Kantian state is a *Rechtsstaat*, whose function is only to apply the pure principles of Right, but the fact that distributive justice cannot appeal to the principles of commutative justice for compensating systemic injustice, since this would require investigating how each person came to be disadvantaged in society, as opposed to mere personal lack of industry or imprudence. We have therefore an *ambiguous right scenario* in which (i) our private intuitions about justice *differ* from a public conception of what is just and (ii) we tend to take the public verdict of justice to be what justice commands *objectively*. While equity tells us that victims of systemic injustice have a right to compensation, strict right does not see poverty and destitution as a violation of rights (no one is harming or taking away anything from the poor; no one is excluding them from opportunities of working their way up). The problematic aspect of Kant's theory of right is that while we must commit ourselves to a public system justice as a necessary condition for civil society, we nevertheless have the resources for recognizing rights which cannot be properly addressed by public justice.

The poor have thus an *equity claim* to compensation for their disadvantage in society. This means that granting a right to basic subsistence would be, again, "only a small return of what we have taken from him in virtue of the general arrangement". In other words, the poor has *at least* an equity right to basic subsistence against the commonwealth although this will be a *non-enforceable right* against the head of state. My interpretation is supported by Kant's claim that provision for those members who cannot provide for themselves can be derived from the united will of the people (*allgemeine Volkswille*, MS RL §C at VI: 326). As discussed before, the idea of the united will of the people is a device for evaluating the justice of a given law or state policy. Although in existing governments, legislation must be made *as if* it can be regarded as originated from the united will of the people (that is, even if the people itself cannot *actually* agree with the law), in the *ideal* republic legislation would be directly derived from the will of the people: what they must or cannot choose for themselves as rational beings. Provision for the poor would be thus a necessary law of the *republica noumenon*, provided there

were citizens who could not provide for themselves as a consequence of the social contract. However, unlike the Hobbesian state, the rationale of the Kantian state is not *self-preservation*, but the realization of Right.²² Providing for the poor belongs to the primary tasks neither of the executive power nor of the Kantian state. However, insofar as the executive power is bound to execute the laws providing from the united will of the people, and the united will of the people *wants the preservation of its members*, the head of state has an *indirect* right to provide to the poor, as the supreme proprietor (*Obereigentümer*) of the land. The role of this right is thus a merely *regulative* one: it is a right governments *ought* to address if they are to be closer to the ideal just state, but which failure to enforce does not undermine their legitimacy.²³ We can therefore conclude that although the Kantian state is no welfare state, the duty to approach the ideal just state will require the adoption of welfare policies. The institutionalization of aid has also advantages over individual beneficence in solving the problem of basic subsistence rights. It is also more compatible with the requirement to preserve dignity of persons. This is illustrated by one of Kant's comments on the second part of Gottfried Achenwall's *Ius Naturae* (*Erläuterung Achenwall* XIX: 578 N. 8000) in which Kant expresses some thoughts concerning provision for the poor.²⁴

[Poor houses. The helpless poor must be fed and when they are children, cared after. Why? Because we are humans and not beasts. This follows not from the rights of the poor as citizens but from their needs as human beings. **Not without debt (*nicht schuldfreye*), then otherwise it would be only a few.** Who should feed them? It is not the question, whether the state or the citizen, since when the state feeds them, the citizen also feeds them, therefore [the question is] only whether it should depend on the free will of the citizens or on coercion- as a gift or as a contribution (taxation). The latter brings about a concurrence of the candidates to aid: it is a *modus acquirendi* and also a title of claims. Who should however determine the [degree of] helplessness? The magistrate, who knows his citizens? And the contribution happens through collection, done by those who are even here the most liberal. The encouragement and directions in general through the cleric. All private beneficence can stay, but it is ignored by the magistrate and by the cleric. These are *opera supererogationis*. (*Erläuterung Achenwall*, XIX: 578 (N. 8000, 3-4. J 117), my translation and emphasis).

In the comment, Kant argues that the duty to help does not follow from the right of the poor as citizens, but from their needs as human beings. This is because “we are humans and not beasts”. Kant seems to be treating poverty as the object of a duty of beneficence. He adds however a very ambiguous, elliptic sentence: *nicht schuldfreye, denn da würde es wenige sein*. At first, Kant seems to be saying that the poor is itself to blame, otherwise there would be few poor people. But this seems implausible when considering that Kant is also talking about children: *hülfflose Arme müssen ernährt und, wenn sie Kinder sind, gepflegt werden*. Further, the idea that the poor is responsible for their own condition contradicts Kant's emphasis in the lectures that beneficence is just a poor compensation for previous injustice. Similar passages are very common in Kant's lectures and notes and the idea is by no means dismissed in the published works.²⁵ Therefore, it is implausible that Kant would now be condemning the poor for their situation. It makes more sense to interpret *nicht schuldfreye* as referring to the persons who have a duty to help: their obligation to help is not free of debt, that is, is by no means purely meritorious.²⁶ Their responsibility also explains the high number of persons in a situation of need. However, the question of who must

carry out provision for the poor, whether the state or citizens themselves, is secondary, for even when the state takes over this duty, it is ultimately the citizens who are the providers. The question is thus merely *how* this should be done, whether through the free will of the citizens (as a “free gift”) or via state coercion (as taxation). Taxation has the advantage of turning provision for the poor into a *modus acquirendi* and also into an *entitlement* (*titulus der Ansprüche*).

When helping others, we are morally required to avoid humiliation to the person helped and creating *dependence; begging*, a practice not only humiliating, but also “closely akin to robbery,” since it manipulates the feelings of pity of other persons, ought to be avoided.²⁷ Contributions should be collected neither by voluntary contributions, assets gradually accumulated nor pious institutions, but by legal levies only. Pious institutions make poverty “a means of acquisition for the lazy” and impose an unjust burden on the people (MS VI: 326). Institutions ought to be regularly reformed in order adapt to the needs of the time, to avoid dependency and begging and to ensure that the taxation of the wealthy is *just*.²⁸ This is only possible if collection of contributions and provision for the poor has a public, institutional character. By creating an entitlement to state help, the state makes it possible to *select* the candidates for help, thereby avoiding dependence. The most vulnerable and destitute in society is thus liberated from having to beg for help and their needs can be treated as they ought to, namely as matters of *right*.

However, not being able to determine with exactitude the extent to which a person has been affected by general injustice, it is not possible to determine how much one should be compensated. Similarly to equity cases, an official determining whether a person is entitled to state aid would have to appeal to what is certain by the standards of statutory law. All we have before us is the degree of concrete disadvantage (one’s ability to provide for herself), but no record of the systemic disadvantages suffered by agents and their ancestors. While having to reconstruct a history of injustice for each individual would be too burdensome, if not impossible, granting basic aid to the poor would not impair the functioning of a system of distributive justice.

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ABSTRACT: In this paper, I put forward an interpretation of the Kantian state that offers an alternative to the traditional minimalist and to recent welfare interpretations of the Kantian state. I show that although the Kantian state has no duty to redistribute, Kant's conception of equity or fairness (*Billigkeit*, MS RL VI: 234) allows the state to recognize redistribution as belonging to the ideal republic (*republica noumenon*), towards which all states have a non-coercible obligation to strive. I back up my interpretation with passages of the *Metaphysics of Morals* and of Kant's lectures in which Kant questions the character of the duty of beneficence as a meritorious duty, given the fact that need is often the result of previous injustice of governments. The problem is that although the destitute have a right to collective aid, unlike strict right, these rights cannot be juridically enforced. This has led to the wrong conclusion that the state or the supreme commander has a duty of virtue towards its subjects and that the poor have no right to aid.

KEYWORDS: Kant's legal philosophy, economic justice, beneficence, equity, redistribution.

NOTES

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2 „Dem Oberbefehlshaber steht indirect, d.i. als Übernehmer der Pflicht des Volks, das Recht zu, dieses mit Abgaben zu seiner (des Volks) eigenen Erhaltung zu belasten, als da sind: das Armenwesen, die Findelhäuser und das Kirchenwesen, sonst milde oder fromme Stiftungen genannt.

Der allgemeine Volkswille hat sich nämlich zu einer Gesellschaft vereinigt, welche sich immerwährend erhalten soll, und zu dem Ende sich der inneren Staatsgewalt unterworfen, um die Glieder dieser Gesellschaft, die es selbst nicht vermögen, zu erhalten. Von Staats wegen ist also die Regierung berechtigt, die Vermögenden zu nötigen, die Mittel der Erhaltung derjenigen, die es selbst den nothwendigsten Naturbedürfnissen nach nicht sind, herbei zu schaffen: weil ihre Existenz zugleich als Act der Unterwerfung unter den Schutz und die zu ihrem Dasein nöthige Vorsorge des gemeinen Wesens ist, wozu sie sich verbindlich gemacht haben, auf welche der Staat nun sein Recht gründet, zur Erhaltung ihrer Mitbürger das Ihrige beizutragen.“ (MS VI:326)

3 Bernd Ludwig has rearranged §§45-50 of the *Right of the State (Staatsrecht)* and set the *Allgemeine Anmerkung* in conformity with its title, at the end of Staatsrecht section. See Ludwig, *Kants Rechtslehre*, Felix Meiner Verlag, 1988.

4 According to the *Grimm* dictionary of the German Language, *Übernehmer/übernehmen* can be understood both in a wide or narrow sense. In the wide sense: entrepreneurs, negotiatores, operis conductores [Apinus gloss. novum (1728) 201] In the narrow sense: der unternehmer, richtiger doch weniger vorkommend übernehmer ist derjenige, welcher gewerbemässig eine bauarbeit ... ausführt Schönemark-Stüber hochbaulex. 856.

5 Allen Rosen, *Kant's Theory of Justice*, Cornell University Press, Ithaca and London, 1993, p. 179.

6 Weil **Ihre Existenz** zugleich ein Akt der Unterwerfung...ist...**auf welche** der Staat nun sein Recht gründet, zur Erhaltung ihrer Mitbürger das Ihrige Beizutragen.

7 Mary Gregor's translation of *Hagestolzen* as "elderly unmarried people" is therefore not appropriate.

8 Ernest J. Weinrib, "Poverty and Property in Kant's system of Rights." *Notre Dame Law Review*, No. 78, Vol. 3, April 2003.

9 Ernst J. Weinrib, op. cit. p.818.

10 See Bernd Ludwig, *Kants Rechtslehre*, Felix Meiner Verlag, 1988, pp. 170-171 and Reinhard Brandt, *Rechtsphilosophie der Aufklärung, Symposium Wolfenbüttel 1981*, Walter de Gruyter, 1982, p. 268.

11 Ludwig, *Kants Rechtslehre*, pp. 172-1 (see also footnote 169).

12 Ibid., p. 173.

13 „Die Ethic wird dem *Iure stricto* entgegengesetzt und nicht dem *Iure* überhaupt.“ *Moral Mrongovius*, XXVII: 1421u, *Moral Collins*, XXVII: 272u, *Moral Brauer*, Me 41u-42.

14 *Die Billigkeit (objektiv betrachtet) ist keineswegs ein Grund zur Aufforderung bloß an die ethische Pflicht Anderer (ihr Wohlwollen und Gütigkeit), sondern der, welcher aus diesem Grunde etwas fordert, fußt sich auf sein Recht (...)* (MS VI: 234) [Equity (considered objectively) is in no way merely a basis for calling upon another to fulfill an ethical duty (to be benevolent and kind). One who demands something on this basis stands instead on his right, except that he does not have the conditions that a judge needs in order to determine by how much and in what way his claim could be satisfied]

15 „Die Billigkeit ist ein Recht, welches aber keine Befugniß giebt, den andern zu zwingen, es ist ein Recht aber kein Zwangs-Recht [...]Denn damit einer mich zu zwingen befugt sey, so muß erstlich die Handlung aus dem Recht des andern gelöst entspringen [**Collins/ Brauer: dem Recht des andern selbst entsprungen seyn**], denn aber muß sie auch auf äußerlich hinreichende Bedingungen der Imputation des Rechts [256] beruhen, diese werden durch Beweise, die äußerlich sufficient sind, dargethan. Coram foro interno ist die Billigkeit strenges Recht, aber nicht coram foro externo. Die Billigkeit ist also ein Recht, wo die Gründe der äußeren Imputation coram foro externo nicht gelten, wohl aber vor dem Gewißen gelten.“ *Moral Mrongovius*, XXVII: 1552-3, *Moral Collins*, XXVII: 433u, *Moral Brauer* Me 269.

16“Genossenschaft” in modern German.

17 See *Moral Mrongovius*, XXVII: 1552-3, *Moral Collins*, XXVII: 433u, *Moral Brauer* Me 269.

18 See Höffe, “Der Kategorische Rechtsimperativ,” p.51

19Similarly, Byrd and Hruschka argue that the rationale of the rules of distributive justice is to protect the proper functioning of the public judiciary itself. Unless contracts are enforced, distributive justice would lose its meaning. *Kant's Doctrine of Right. A Commentary*, Cambridge University Press, 2010, pp. 225-6.

20 (...) *was ich habe: müssen andre entbehren: – mein Puder entzieht andern das Meel: (...) Nach der Proportion des Erwerbs steigert sich nicht die Summe der Wohlfart: und ich bin stets ungerecht, wenn ich vielen einen beträchtlichen Zusatz zu ihrer Wohlfahrt wegnehme: da ich nur einen unbeträchtlichen meiner eignen zusezze.*

21 In the state of nature, there would be presumably *no need* to postulate a individual right to subsistence, since persons would not be legally prohibited from satisfying their basic needs by simply using the natural resources available to them. A right to

subsistence seems only to arise when providing for one's subsistence can be hindered. This hindrance is however only indirectly due to the introduction of private property. The real cause instead the radically unequal distribution of wealth, where some have a lot and others have nothing.

22 Reinhard Brandt, *Eigentumstheorien von Grotius bis Kant*, Frohmann-Holzboog, 1974, p.180-1.

23 See *Erläuterungen Achenwall*, XIX: 504, N. 7737 „Die idee des socialcontracts ist nur die Richtschnur der Beurtheilung des Rechts und der Unterweisung der prinzen imgleichen einer möglichen Vollkommenen Staatserrichtung, aber nach dieser idee hat das Volk nicht wirkliche rechte. Es scheint nichts natürlicher, als daß, wenn das Volk rechte hat, es auch eine Gewalt habe; aber eben darum, weil es keine rechtmäßige Gewalt etabliren kann, hat es auch kein strictes recht sondern nur ein ideales.

24 „Armenanstalt. Hülflose Arme müssen ernährt und, wenn sie Kinder sind, gepflegt werden. Warum? weil wir Menschen und nicht Bestien sind. **Dieses [folgt] fließt nicht aus dem Rechte der Armen als Bürger sondern aus ihren Bedürfnissen als Menschen. Nicht schuldfrey; denn da würden es wenige seyn.** Wer soll sie ernähren? Es ist nicht die Frage, ob der Staat oder der Bürger, Denn wenn sie der Staat ernährt, so ernährt sie auch der Bürger, sondern nur, ob es vom freyen Willen des Bürgers oder vom Zwange abhängen soll — als Geschenk oder als Contribution (Steuer). Das letztere bringt Concurrenz der Candidaten zur Verpflegung hervor: es ist ein *Modus acqvirendi* und auch ein *titulus* der Ansprüche. Wer aber soll die Hülflosigkeit bestimmen? Der Magistrat, der seine Bürger kennt? Und der Beytrag geschieht durch collecten durch die, welche selbst hiebey am freygebigsten sind. Die Aufmunterung und Verweise im Allgemeinen durch Geistliche. Alles Privatwohlthun kann bleiben, aber es wird von Magistrat und Geistlichen ignorirt. Es sind *opera supererogationis*.“ (Erläuterung Achenwall XIX: 578 (N. 8000, 3-4. J 117).

25 See for instance GMS IV: 423 and MS VI: 345.

26 *Die Wohlthätigkeit gegen andere, muß mehr wie eine Schuldigkeit, als wie eine Großmuth und Gütigkeit angepriesen werden, und ist es auch in der That, denn alle gütige Handlungen sind nur kleine Ersetzungen unserer Schuldigkeit.* (Moral Mrongovius, XXVII: 1570) [The beneficence towards others should be praised more as a indebtness than as a gracious act and goodness, and it is in fact like this, because all beneficent actions are only small compensations of our indebtness. My translation]

27 *Durch Almosen werden die Menschen erniedriget. Es wäre besser auf eine andere Art dieser Armuth abzuhelfen, damit nicht Menschen so niedrig gemacht würden, Almosen anzunehmen.* Moral Mrongovius XXVII: 1570) [Through monies persons are humiliated. It would be better to help the poor in another way, so that persons are not humiliated by having to accept monies. My translation]

28 So hat man gefunden: daß der Arme und Kranke (den vom Narrenhospital ausgenommen) besser und wohlfeiler versorgt werde, wenn ihm die Beihülfe in einer gewissen (dem Bedürfnisse der Zeit proportionirten) Geldsumme, wofür er sich, wo er will, bei seinen Verwandten oder sonst Bekannten, einmiethen kann, gereicht wird, als wenn – wie im Hospital von Greenwich – prächtige und dennoch die Freiheit sehr beschränkende, mit einem kostbaren Personale versehene Anstalten dazu getroffen wer|den. – Da kann man nun nicht sagen, der Staat nehme dem zum Genuß dieser Stiftung berechtigten Volke das Seine, sondern er befördert es vielmehr, indem er weisere Mittel zur Erhaltung desselben wählt (MS VI: 367)

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