

What is a Black Radical Kantianism without Du Bois? On Method, Principle, and Abolition Democracy

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Abstract:

This essay argues that a black radical Kantianism proposes a Kantian theory of justice in the circumstances of injustice. First, I describe BRK's method of political critique and explain how it builds on Kant's republicanism. Second, I argue that Kant's original account of public right is incomplete because it neglects that a situated citizenry's adoption of an ideal contributes to its refinement. Lastly, with the aid of W.E.B. Du Bois's analysis of American Reconstruction and his proposal of an "abolition democracy," I offer my refined universalizable standard for political critique. Du Bois reconceptualizes the requirements of justice to protect the political liberties and productive powers of black freedmen and the working poor. While originating with the political demands of black freedmen during the Reconstruction era, the universal protection of political liberties and productive powers offers a novel public standard for political judgment that should still anchor deliberation today.

Key words: Mills, Kant, Du Bois, Marx, abolition democracy, Reconstruction, race, class

Introduction

The late Charles W. Mills advances a powerful critique of political liberalism, asserting the centrality of racial subordination in modernity. Mills proposes an alternative approach to normative political theorizing: a "black radical Kantianism" (BRK) (1997, 11-19; 2015; 2017, 209-15). He maintains that Kant had pioneered modern scientific racism that rationalized slavery and colonial expansion (2014, 125; Lu-Adler 2023, 87-88; Valdez 2019). And yet, the project of a black radical Kantianism (BRK) aims to reshape Kant's republicanism in the light of "the realities of racial domination" (2018, 2). It promises a Kantian theory of justice suited for our times. In this essay, I show how a black radical Kantianism should rethink the requirements of justice in the light of the circumstances of injustice. With Du Bois as my guide, my account of

BRK focuses on the black American historical experience of the failure of Reconstruction to incorporate black freedmen (e.g., ex-slaves) into the polity as free, equal, and independent civic fellows. BRK puts pressure on an inherent weakness in Kant's system of public right. That weakness manifests in Kant's neglect to sketch the historical development of public standards of political judgment, or to anchor their development to excluded groups making public use of reason in the circumstances of injustice (Mills 2018, 3). My BRK intervention updates Kant's original account of public right by drawing on Du Bois's Marxist critique of exploitation in the wake of American Reconstruction and the U.S. Civil War. Given Du Bois's defense of black freedmen's political demands, I propose public standards of judgement that target the unequal effective capacity of wage laborers to command political liberty and productive power.

I develop the project of a BRK in three steps. Section I reinterprets Kant's system of public right (*Recht*) using a three-pronged method to guide its revision, incorporating the ideas of analytic inclusivity, practical philosophy, and ideology critique. Section II shows that Kant's system is vulnerable to ideological entrenchment because socio-historically situated agents struggle to determine the requirements of justice from the ground up; they need better guidance than the ideals that Kant proposes for making public use of their reason. Section III draws on Du Bois's defense of an "abolition democracy" to illustrate key features of an alternative BRK standard of political judgment to deliver justice for all (Du Bois 1998, 166-67; Kirkland 2022). The upshot is that BRK needs Du Bois in a way that Mills does not flesh out to theorize the concrete political interventions that, on the one hand, would have achieved substantive equal freedom for ex-slaves and, on the other hand, identify a normative ideal of freedom that supports the universal independence of all laborers. Du Bois thus pushes a Kantian political theory to prioritize the interests of politically excluded and exploited groups to refine the requirements of justice.

I. On Method

Kant's republicanism rests on the idea that all persons possess an innate right to freedom. Kant argues that the innate right to freedom is the sole innate right of humanity, which protects the exercise of the power of choice consistent with all persons doing the same:

Insofar as it can coexist with the freedom of every other in accordance with a universal law, [freedom] is the only original right belonging to everyone by virtue of their humanity. This principle of innate freedom already involves the following authorizations [...]: innate equality, that is, independence from being bound by others to more than one can in turn bind them (*MM* 238).

The innate right to freedom is the basis of Kant's normative ideal of freedom; it obligates persons to become members of a state and grounds the state's purpose to promote equal freedom for all its juridical subjects. For the state's expression of coercive power to be rightful, it must secure persons' independence from the undue impingements of another's power of choice. That is, one must remain "independent from being bound by others to more than one can in turn bind them." The freedom of one can only be constrained by the state protecting the freedom of all, resulting in a more perfect, universalizable scheme of rights.

Put differently, the innate right to freedom right is the basis of the a priori principle of justice, the Universal Principle of Right: "an action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with universal law" (*MM* 6: 230). The Universal Principle of Right structures "external relations" to specify a scheme of *acquired* rights in a system of "public right" (*Rechtslehre*). Public right encompasses the constitution, the law, and law-making; these are the principal joints through which the state creates the condition of justice and

gives determinate content to the law. At a minimum, public right protects basic rights, such as freedom of speech and association and the right to bodily integrity (Varden 2020, chp. 7). It should also recognize an inalienable entitlement to lead a life “in accordance with our own evaluative and moral judgments” (Stilz 2019, 23). Kant scholars have plausibly argued that freedom requires access to basic resources and formal equality of opportunity in a minimally just state. Kant includes a scheme of property and contract right, as well as the rather amorphous role of domestic right that affords a household the right to possess a caregiver’s reproductive labor “akin to the right of a thing” (*MM* 6: 358; Hasan 2018, 926; Cf. Pascoe 2022, 19-21). This tripartite scheme of public right—private, contract, and domestic—undergirds the acquisition of rights.

Mills argues that Kant’s republicanism in (1) intention and (2) conception does not redress racial subordination. The staunchest defenders of Kant accept that the first claim is at least partially true. Kant’s original system excludes blacks, people of color, and women as civic equals. In his intention, then, he flouts these groups’ claims to equal freedom. The second claim—that the very conceptual foundation of his republicanism is exclusionary—is far more controversial.¹ Mills supports the second claim about the inherent conceptual limitation of Kant’s ‘ideal’ theory. He calls for its *substantive revision* in the light of the circumstances of injustice. “The problem, in my opinion, has been less Kant’s own racism (since it is simply bracketed by most contemporary Kantians) than the failure to rethink Kant’s principles and ideals in the light of a modernity structured by racial domination” (Mills 2018, 3; Shorter-Bourhanou 2022, 531-32). In this essay, with the aid of Du Bois, I enrich Kant’s original account of independence to make the case for an unqualified right to political participation and access to productive capital.

Before laying out my Duboisian revision, I outline below three methodological features that characterize BRK’s method for “rethinking” Kant’s system of public right in the light of racial

reality. The method endorses analytic inclusivity, the idea that political philosophy is an action-guiding practical philosophy, and ideology critique. I consider each feature below.

i. Analytic Inclusivity

Mills's turn to Kant is in keeping with an inclusive analytic method. BRK canvasses available resources in the history of modern philosophy for political critique. It enlists historical figures besides Kant in its service, if their insights are useful for dismantling white supremacist power structures. BRK builds on a Kantian notion of freedom as the principled self-determination of a people who impose constraints on their institutions because those constraints are necessary to secure everyone's equal freedom. The project of BRK embraces a 'black radical' reading of *any* historical figure whose insights can promote a people's political and economic self-determination in the circumstances of injustice, that is, in circumstances that suppress rightful claims to freedom. The theoretical orientation of BRK can unify the likes of Kant, Marx, and Du Bois, for they each enrich the content that is subsumable under a normative ideal of *freedom* via public institutional arrangements (Wood 2017, 651). However, Kant's normative ideal of freedom is the lynchpin on which the project of a black radical Kantianism builds.

Allow me to state the obvious. BRK is not skeptical about universal political morality. Even in his critique of 'ideal theory,' Mills does not abandon abstract ideals nor doubt their suitability to guide collective action and judgment.² Whatever 'black radical' modifications one makes, one cannot reject the normative ideal of freedom that defines the system of public right (*Rechtslehre*) without damaging the integrity of 'Kantian' republicanism. Mills draws precisely on Kant to reorient moral thinking in a messy politics. "A black radical Kantianism cannot be so different that it denies the validity of basic moral proscriptions" (Mills 2018, 21). Mills continues,

“the key principles and ideals of Kant’s ethico-political thought are [...] *very attractive*: the respect for the rights of individual persons, the ideal of the *Rechtsstaat* (admittedly somewhat modified from Kant’s own version), and the vision of a global cosmopolitan order of equals” (Mills 2018, 3; Mills 2017, 73; Cf. Shelby 2013, 145). One might believe that adopting any facet of Kant’s theory is a mistake or that universals are disposable, but that is not BRK’s position. For those skeptical of the idea that persons have an innate right to freedom, that they can self-impose meaningful normative constraints on political judgment, or that the state can ever adopt normative constraints in the first place, the project of BRK is not for them.

The modern black radical tradition is especially instructive for theorizing freedom. Ultimately, on my view, BRK does well to move beyond Kant to redefine the normative ideal of freedom in circumstances that Kant (and most canonical Anglo-European philosophers) neither consider nor portend. BRK fleshes out guidelines for public reasoning to deliver justice for all in a way that Kant’s original theory cannot. I develop Du Bois’s Marxist critique of structural domination in the late 19th-century U.S. to advance BRK. But the cross-pollination of Africana and late modern European philosophy is inevitable and, arguably, long underway (Shelby 2021, 46-48). Mills himself is keen to “de-ghettoize” Africana and Afro-modern philosophy to transform Kantian theories of justice (2018, 2). Admittedly, a wide gap emerges between Kant’s and Kantian theory. Nevertheless, the adjective “Kantian” is an appropriate description because the normative character of BRK’s reworked ideals cleaves to Kant’s original theory.

ii. The Idea of a Practical Political Philosophy

A *practical* political philosophy intervenes in extant polities to help agents figure out how to share power and resources. It proceeds from a first-personal deliberative stance to determine

universalizable standards of political judgment. The role of a practical political philosophy is to capture what justice requires in the circumstances that people find themselves in. Philosophers are, then, supposed to guide reasoning on a publicly acceptable basis. BRK assumes that a political philosophy should be an action-guiding practical philosophy that has purchase for modern times. Unfortunately, Kant's sketch of the development of public standards of judgment simply omits that the color (and gender) line is co-original with the formation of most modern republics and molds public moral perceptions.³

One cannot say that Kant ignores that there are serious obstacles to social cooperation. On the contrary, his theory of justice delineates key features of the human condition—production, reproduction, and rightful possession—as providing the indispensable content of a practical political philosophy in his tripartite scheme of public right. However, Mills contends that Kant's original formulation of public right *resembles* an “ideal theory” because it smuggles in “ideological” abstractions that *misrepresent* circumstances or omit relevant particulars that should factor into universalizable standards of judgment.⁴ Namely, Kant's theory misses the big picture that many groups are stuck in powerless positions; and their powerlessness is a serious obstacle to the social cooperation of civic equals. Notwithstanding Kant's eventual scrutiny of particularly nasty features of modern racial realities (e.g., slavery, warfare, and colonialism), the task of restructuring institutions to achieve universal equal freedom in the face of racial realities is another matter still.⁵ In other words, there are many aspects of racial reality that constitute serious injustices that fall outside the rather narrow scope of outright enslavement and colonial subjugation.⁶ By his own admission, Kant's original scheme of public right rationalizes nested inequalities of power among minoritized groups of laborers.

Kant's mature political theory of *The Metaphysics of Morals* (1797) and *Perpetual Peace*

(1795) is not well suited to guide public reasoning in the light of racial (or gender) realities. His theory lacks a *critical* social theoretical account of how social identity can undermine—or protect, as the case may be—a person’s effective power of choice in a system of public right with respect to their access to rights and resources. It grants that substantive freedom positions a person to be an active citizen and independent laborer but does not posit that everyone should possess the social goods that would deliver independence, including access to political rights and productive assets. Justice does not require the latter’s equal distribution. As a result, paradoxically, Kant’s republicanism does not flag racial and gender dependencies in the political economy as illegitimate obstructions of choice, even though his system of public right is supposed to rest on the recognition of all persons’ innate right to freedom.

In contrast, Mills explains that in the history of modern Western civilization certain groups have limited choices because they are “subpersons” (*Untermenschen*) subject to structural domination, especially as a category of excluded and exploited laborers. Their interests do not, in fact, constrain institutional arrangements, even though all persons have inalienable moral entitlements “independent of white social recognition” (Mills 2015, 11-30). The concept of “subpersons” captures groups’ *asymmetrical social powers* to pursue their capacity for choice effectively (Mills 2017, 92-112; Mills 1997, 16-17, 20; Mills 2014, 125). “Subpersons” do not actually enjoy the rights and privileges of civic fellowship because their innate right to equal freedom is not “fully socially recognized” (Mills 2017, 45). In “reality,” whiteness, maleness, and property amass social power (Mills 2018, 14-15). BRK is thus a tall order. It must sketch a public standard of political judgment that frees *all* groups from structural domination. The upshot is that a polity must *achieve* universal equal freedom as a political *byproduct* of its institutional practices.⁷

iii. Ideology Critique

While there is no foolproof way for a theory to avoid ideological complicity with the status quo, foregrounding racialized asymmetries of social power is crucial for course-correction in public deliberation (Anderson 2017, xx-xxii). Mills instructs philosophers to rebuild Kantian republicanism: abstract from reality *without* idealizing away racialized groups' asymmetrical social powers. Unequal "social power," Huaping Lu-Adler elaborates, is a "defining feature" of racism, "whereby the dominant group is 'in a position to exclude racial others from primary social goods, including rights, to prevent their access, or participation, or expression, or simply to demean or diminish the other's self-respect.'" (2023, 82). Mills has a rather expansive view of the relevant social goods that create unequal social dynamics. Below I follow Du Bois's analysis of Reconstruction to highlight that political exclusion and exploitation create inequalities in groups' effective power of choice for republican citizens and wage laborers that *should be corrected by the state*. Du Bois's insights are thus especially instructive for reworking a Kantian ideal of public right to secure equal freedom for propertyless laborers via the state.

Note that even an a priori principle of justice only takes root through deliberation on the ground, so to speak, as a people embed their acquired rights within an existent system of public right. Agents must figure out what sort of moral constraint each person's innate right to freedom should impose on laws and institutional arrangements. Kant identifies this process as the creation of an omnilateral will. "Only the concurring and united will of all, insofar as each decides the same thing for all, and all for each, and so only the general united will of the people, can be legislative" (*MM* 6: 314). The people's deliberation closes the gap between ideal and reality. As Anna Stilz puts it, an "actual, popular will" expresses a "shared set of judgments" to devise a "public scheme of rights" (2019, 94-95). I demonstrate in Section III that what counts as a violation of external

freedom—or a fundamental interest of freedom that should inform omnilateral willing—is at the heart of BRK’s contribution to theorizing Kantian justice in a new key. BRK foregrounds the black historical experience to make the case that political exclusion and exploitation are relevant obstacles to freedom and thereby challenges the white public’s ideological entrenchment.

For BRK, a practical political theory’s sketch of the process of deliberation necessitates rich descriptive models of society that broach racial realities. Sound descriptive models get deliberation started. Descriptions are still ‘philosophical’: they are informed by a commitment to secure equal freedom for all. But what do descriptions have to do with rethinking the system of public right? I submit that due to Kant’s failure to map the conceptual relation of ideals to particulars in the creation of an omnilateral will, his system exhibits and facilitates ideological entrenchment into the status quo. Not only is the principle of justice alone insufficient to guide deliberation, but it can be outright injurious, if deliberative agents are not instructed to incorporate particulars into their deliberation in the right way. Let’s take a closer look at the danger of ideological entrenchment by considering two ways to map the conceptual relation of ideals to reality.

II. Application v. Reconceptualization

Say one were to grant that Kant’s republicanism employs troublesome idealizations about society. One might object that idealizations would not reflect the cogency of a principle or ideal. “The mere presence of idealisations in [a theory’s] assumptions [...] is insufficient to establish that the theory is unsound because it fails to guide action” (Valentini 2009, 355). In his exchange with Mills, Tommie Shelby objects that a theory’s lack of an explicit solution to a problem does not mean it cannot be action-guiding (2013, 153-57). One might add that a principle’s indeterminacy

apart from particulars is a permanent feature of universalizable standards of judgment. One can fill in the relevant details later to theorize the transition from a less ideal to a more ideal society. That detailed descriptive models cannot be “read” or “deduced” from a theory does not on that measure alone count against it. It just comes with the territory of abstract normative theorizing.

In the opening paragraph of “Theory and Practice,” Kant himself instructs agents to “abstract” ideals “from numerous conditions which, nonetheless, necessarily influence their practical application.” A descriptive “middle term” is necessary to apply ideals to reality: “no matter how complete the theory may be, a middle term is required between theory and practice, providing a link and a transition from one to the other” (Kant 1970, 61). Following Kant’s lead, Robert Louden argues that Kant’s ethics is *incomplete*. It needs an entire middle theory—not just a middle term—to bridge reality: “The task of pure ethics is to locate and justify the fundamental a priori principles of morality. The task of impure ethics is to determine, based on relevant empirical information, how, when, and where to apply these principles to human beings in order to make morality more efficacious in human life” (Louden 2000, 180). Richer empirical knowledge should cover salient particulars to enlarge the scope of public judgment and cultivate public moral perception about what might count as violations of external freedom.⁸ But inadequate descriptions do not appear to be an ideological limitation of Kant’s republicanism.

Certainly, BRK calls for updated representations of reality to broaden the scope of public judgment (Mills 2017, 75). Mills echoes Onora O’Neill’s complaint that a theory suffers when untested assumptions about shared knowledge infect deliberation, for “even well-established descriptions may be evasive, self-serving or ideologically contentious” (1987, 66). Agents can have good intentions but no clue about the world. Blind spots sabotage deliberation. BRK replaces idealizations with sobering insights about racial ontology and the impact of racist ideologies on

public political culture. To be sure, understanding the legacy of historical injustices and social scientific accounts of structural inequalities should be part of a moral education for citizenship. Does this mean, pace BRK, that there is no danger of ideological entrenchment at the level of principle—that we need not ‘rework’ the ideals of the system of right—so long as updated empirical knowledge becomes common knowledge?

Not quite. Kant’s original defense of public right does not clarify the conceptual relation of ideals to reality. BRK completes—or ‘radically revises’—the system of public right by insisting that from the first-personal perspective principled deliberation is *never* “wholly” a priori, especially with respect to the just adjudication of property rights (*MM* 6: 237; Uleman 2010, 40). To be sure, core rights, such as the right to be free from physical harm and extreme poverty, create minimal justice.⁹ But BRK aims to create full justice by overturning relations of external freedom that constitute a condition of structural domination for propertyless laborers, one which persists after ‘core’ rights are met. The upshot is, as Sabina Vaccarino Bremner argues, “the relation between universal and particular can be understood as a two-way dependence rather than as mere application” (2023, 600). The determination of the content of a practical political principle must be linked with a context-sensitive assessment of dependent social relations fostered by the state and the economy.¹⁰ For, “there is no a priori answer as to which inequalities of influence will count as violations of external freedom,” writes Rafeeq Hasan. “Kant’s political philosophy directs us to concretize or actualize the formal idea of equal influence or symmetrical control, given the complex sociohistorical, economic, and institutional realities of the particular time and place” (2018, 923). As I explain with the aid of Du Bois in the next section, property right in particular invites scrutiny into whether it shores up asymmetries of social power. The fundamental interests

of freedom fundamentally involve empirical assessments and reassessments of the consequences of legislation to determine the requirements of justice anew in an ongoing fashion.¹¹

Two implications follow for the development of public standards of political judgment. First, the strategy of assuming a higher level of abstraction in the face of a messy reality will not do. The advice is akin to instructing Jacob to climb his ladder higher or the rebels of ancient Babylon to build a taller tower to reach the heavens. The move towards higher abstraction inflates the power of practical judgment that agents cannot harness independently of understanding their actual circumstances. Building an inclusive system of public right requires a distinctive kind of context-sensitive judgment about potential violations of external freedom requisite for external lawgiving (*MM* 6: 224). Some particulars provide insight into how one ought to go about judging them, as a people learn from experience and expand their sense of the rightful, state-backed interventions that must effectuate equal external freedom.

There are moments that Kant himself intimates that the abstract form of right cannot take shape without specifications about the “material” ends of an actual omnilateral will and its consequent impact on the public standing of actual peoples (*MM* 381). Such willing, he writes, should strive for “equality, in the effects and countereffects of freely willed actions which limit one in accordance with the general law of freedom” (Kant 1970, 76, 84-85). To be sure, Kant hardly scrutinizes the nested asymmetries of social power in politics and labor relations that BRK targets, revealing those inequalities as “the direct and indirect influence of [actions] on each other.” In any case, counterfactual appeals to what agents could not “possibly” consent to are uninformative apart from understanding the consequences of legislation and the experiences of actual people (*MM* 6: 314). The consultation of reason threatens to become *pageantry* that does not contribute anything constructive to deliberation, as Kant had feared (*PP* 8:374). An unbroken feedback loop

is essential to spell out the determinant content of what justice requires.

Still, one might object that context-sensitive assessments of consequences just is a call for better descriptions of a complex and changing world.¹² At best, BRK shows that a principle's content is underspecified until someone 'applies' it. But the objection misses the point. To grant that a principle's content is "under-specified" entails that it "cannot be directly applied" (Stilz 2009, 40). There is nothing to 'apply' apart from how *a people* understand their own interests, relationships, and reality.¹³ Save for the rudimentary provision of a stable government that protects basic liberties and bodily integrity, Kant does not delineate the freedoms his system protects. A principle's content is determined by its public interpretation—with the input of people on the ground. Conventions and contingency inevitably seep into any number of equally legitimate schemes that can come to define external freedom and satisfy Kant's original ideal of public right.¹⁴ But BRK is not the banal philosophical equivalent of *stuff happens*.¹⁵ Rather, in moving beyond Kant's original formulation, BRK insists that a special kind of feedback loop works best to build just institutions: the input of affected parties is crucial to determine external relations. One need not assume that whatever the oppressed say goes. Jameliah Shorter-Bourhanou reminds us, "the goal of BRK is to pay attention to the particularities of the experience of minoritized people due to global white supremacy" (2022, 536). BRK is thus supposed to sketch *a new standard of public judgment* that captures from the first-personal perspective how a people should go about reconstituting a scheme of external rights, *given the systematic destruction of the effective capacity for choice of "minoritized" groups*.¹⁶ It is the function of the philosopher to make this sketch.

By the lights of BRK's method, most philosophical formulations of principled deliberation are incomplete: they ignore that it is impossible to determine the requirements of justice without asking the excluded what they need and respecting their deliberative autonomy to change the terms

of the conversation. An alternative formulation of a public standard of judgment must foreground the inputs and experiences of the “minoritized,” putting them in the driver’s-seat of their own emancipation. The upshot is that misleading idealizations about reality eclipse the moral power of excluded and exploited groups to redefine what justice requires from the ground up. Evidently, we cannot rely on Kant’s original theory alone to identify the concrete requirements of justice. For we would get what Kant and the ‘faithful’ exegeses of his texts give us—a rationalization to silence the excluded and overlook the asymmetrical dependencies they hide (Kant 1970, 75).

III. Black Radical Freedom

“The indeterminacy, with respect to quantity as well as quality, of the external object that can be acquired makes this problem the hardest of all to solve.” (MM 6: 266)

Philosophers would do well to look beyond Kant’s original theory to reconceptualize the ideal of public right in the light of racial reality. Even if one believes that Kant eventually condemns slavery, his mature political theory does not redress the plight of ex-slaves nor propose to incorporate them on an equal civic footing into a polity. On the contrary, Kant entertains anti-abolitionist sentiments that “freed ‘Negro slaves’ all became ‘tramps’” who would eventually die off (Huaping, 2022, 264; Pascoe 2022, 27). Even were one to simply disregard these vile comments, it is not clear that the ideal of public right offers much guidance for rethinking the free and equal terms of political belonging. On the contrary, without some significant modifications the ideal can obstruct progress. For it neglects the dialectical relation between an excluded group’s experience of their circumstances and what should come to count as a requirement of justice. Picking up where Kant drops off, BRK rethinks the requirements of justice with the aid of instructive particulars. Namely, BRK adjudicates a people’s fundamental interest in freedom by foregrounding the interests of the powerless in political and economic self-determination.¹⁷

Du Bois provides two insights for the development of a universalizable standard of judgment, putting BRK's method to use to dismantle white supremacist power structures. Contra Kant, Du Bois asserts that freedmen's vocal resistance should have (1) secured their equal public standing to contribute to an actual, popular will and (2) redressed the dependence of propertyless laborers on white-controlled assets and capital. Freedmen's insights into the effects of Reconstruction legislation were—and still are—germane for guiding public thinking about the redistribution of rights and resources *to advance justice for all by overturning unjustifiable structures of asymmetric dependence in politics and labor*. In other words, then as now, equal substantive freedom merits the universal protection of active citizenship and productive assets. These guidelines are not foolproof against the ideological encroachment of public reason but are well suited to disrupt the racialized asymmetries of social power that shaped the black postbellum experience and continue to inform structural inequalities.

i. Abolition Democracy, Step 1: Respect Black Freedmen's Authority as Co-authors of an Omnilateral Will

Du Bois maintains that slavery contradicts an innate right to freedom, defending juridical abolition without qualification, as well as political liberties. Abolition without the franchise is not freedom at all (2007b, 136-37). He supports BRK's basic premise: a system of public right should respect excluded persons' right to co-author an omnilateral will.¹⁸ Unlike Kant, Du Bois links abolition with the unprecedented "experiment" of an interracial democracy that supports blacks and non-black participation in the formal public sphere (1998, 638-39). He underscores that under the initiative of ex-slaves, Reconstruction legislation went a long way to expand political liberties for all. It eliminated property qualification for holding public office and extended suffrage—and a

public school system in the South—to uplift poor whites, who had never asked for these goods.¹⁹ The “power of the ballot” was needed for the “sheer self-defense” of politically unprotected and destitute groups (Du Bois 2007a, 13).

And yet, the ballot was not enough to “save black freedmen from a second slavery” (Du Bois 2007a, 13). The “emancipation” of “free” labor begins an era of freedmen’s “second slavery.” Although they were no longer themselves productive capital in their physical person, black wage-laborers remained subservient to white-controlled capital for subsistence. A constitutional republic ought to strive for the abolition of this “second” slavery, just as it once strived for the abolition of black chattel slavery and colonial practices. In foregrounding freedmen’s experience, Du Bois compels the white public-at-large to redistribute productive assets, in addition to political rights. He proposes the idea of an “abolition democracy” to encourage all persons to learn from the black postbellum experience (1998, 166-67). By recognizing ex-slaves’ demands, the polity could better adjudicate the concrete, material ends of an omnilateral will to overturn the asymmetrical dependence of *all* laborers on capital. On Du Bois’s view, the legal abolition of slavery was the *first* step in a still incomplete process of uprooting slavery as a social and economic system. The passage of the Reconstruction Amendments should not have been the only step taken to end slavery (Du Bois 2007a, 11; Du Bois 1998, 169); they were necessary but insufficient for emancipation. Additional measures reallocating resources were necessary to deliver equal freedom (Du Bois 1998, 538. Cf. Mills 2017, 122-27). Without access to assets, freedmen remained dependent on propertied whites—enslaved in all but name.

Du Bois’s account of abolition democracy builds on the distinction that Marx and Kant introduce between formal political inclusion and economic independence rooted in laborers’ effective capacity for self-determination in production; independence is the unalienated exercise

of one's productive powers. On the one hand, Marx objects that liberal regimes obscure the exploitation of propertyless laborers and the consequent alienation of their productive powers to those with unilateral control of productive assets and capital. The freedom to enter a wage contract betrays labor's coercive subservience in production.²⁰ On the other hand, as I've flagged above, Kant accepts that full citizenship presupposes the parasitic independence of some productive laborers at the expense of the disenfranchisement and exploitation of a propertyless class. Real emancipation, Du Bois claims, requires a command of both political liberty and productive power.

Note that Du Bois's critique of exploitation is peculiar because it draws on a Kantian notion of public reason. It rests on a normative ideal of freedom as self-determination that is tied to the historical development of universalizable standards of political judgment. His proposal of an abolition democracy equates the unconditional right to active political participation with that of an unconditional right to control one's productive powers. Just as juridical abolition without the ballot leaves one "free" in name only, so too if one cannot control one's laboring activities, one cannot control much.²¹ Ex-slaves' newfound freedom became a "mockery" because it boiled down to the "freedom" to serve white-controlled capital and cede mastery over one's productive powers.²² Ex-slaves' nominal political integration thus resumed their exploitation by propertied whites.

Du Bois hopes to make political liberty *real* rather than illusory by forcing capital to serve the interests of labor and thereby abolish capital's power to control politics and production. The implication is that American democracy can deliver equal freedom, provided that the state honors the demands of the powerless as co-authors of a public will and makes institutional provisions respecting their rightful claims. Unlike Marx, Du Bois does *not* discount a constitutional republic as a mere ideological adjunct to capital. Admittedly, it usually is. "Northern industry," he observes, "murdered democracy *so completely that the world does not recognize its corpse*" (Du Bois 1998,

167).²³ Still his dim hope is that the people can remake the terms of democratic development. And so, one can plausibly interpret his critique of Reconstruction as an adoption of BRK's method.

ii. Abolition Democracy, Step 2: Respect Black Freedmen's Productive Powers

By way of explaining why ex-slaves' nominal freedom became a "mockery," let's consider what it would have taken for them to have won control of their productive powers. Du Bois's discussion of ex-slaves' independence shares features with Kant's account of independence in pre-capitalist agricultural societies. Kant's original vision of independence assumes that, ideally, productive laborers are self-employed or masterless men.²⁴ They have human capital (i.e., training) and assets, with which they could avoid selling their labor power on the market. Notably, Kant identifies exclusive possession of productive assets as the empirical form of independence. For the lucky few who already happen to possess the requisite assets, or benefit from colonial land seizures, the state's coercive protection of private property offers them formidable "social recognition." But wage and domestic laborers are not their own "masters" because they lack "some property [...] to support them"; instead, they "owe their existence and preservation not to their own rights and powers as a member of the commonwealth," but "to the choice of another" (*MM* 6: 315). For Kant, independence is co-extensive with the effective capacity to control one's productive powers and to do so in an unalienated fashion, such that one has ultimate say over one's laboring activities.²⁵ While Kant does not consider independence in production a universal entitlement, he affirms that control over one's productive powers is essential for "self-mastery" (*sui iuris*), without which one flounders as a mere "underling" of the propertied class (*MM* 6:237, 270). He supports the expropriation of feudal estates to give male productive laborers a chance to become independent yeoman farmers, "self-employed craftsmen, professionals, artists and

scientists. Under the new economic order, these people do the same jobs, but own what they produce and sell it on the market; whereas, under the old [feudal regime], others own their products and use their labour to produce them.”²⁶

The self-employment of “masterless” yeoman farmers is precisely the rustic ideal of a just political economy that we find in the Reconstruction era. Du Bois recognizes that freedmen’s aspiration to achieve civic equality tested whether the postbellum republic would secure *independence* for a black yeomanry (Du Bois 2007a, 109-10).²⁷ Signing into federal law the Homestead Act of 1862, President Lincoln championed the rustic ideal of independence: “No community whose every member possesses the art [of deriving a comfortable subsistence from the smallest area of soil], can ever be the victim of oppression in any of its forms. Such community will be alike independent of crowned-kings, money-kings, and land-kings.”²⁸ Unsurprisingly, in this sociohistorical context, the relevant productive assets and human capital that black freedmen demanded were education, land, and farming implements. As newly minted citizens, black freedmen aspired to exclusive possession of “a forty-acre freehold [that] would have made *a basis of real democracy* in the U.S. [and] might easily have transformed the modern world” (Du Bois 1998, 538). Freedmen’s “land hunger” was “the absolutely fundamental and essential thing to any real emancipation of the slaves” (Du Bois 1998, 601). The possession of land ensured their independence from white-controlled capital and the exercise of their productive powers on their own terms. In Du Bois’s estimation, whether the federal government would support the ambition of black homesteaders—or their enslavement and expulsion from—Western territories had partly ignited the U.S. Civil War.²⁹

The twentieth century bore the transformation of the U.S. from an agrarian slavocracy to industrial capitalism. The demise of the rustic ideal of yeomanry signified a new era and a new

threat to democracy: industrialization.³⁰ As the mode of production shifted to largescale industrial production and the population grew, the form of laborers' relation to capital transformed dramatically. Exclusive possession of productive assets by individual families would no longer support their independence—not that it ever really did without first inflicting racist violence and expropriation of indigenous lands as a condition of its realization for a few white householders. For Lincoln's Homestead Act fueled colonial westward expansion and, eventually, black flight to urban metropolises to escape physical harm and rural poverty.³¹

Note that land is an excellent example of a productive asset that with industrialization became a means of production. William Edmundson helpfully explains that a productive asset and the means of production are both indispensable resources in production. Productive assets can be owned individually, whereas the means of production must be owned “severally” to retain its utility (use-value). By way of illustration, Edmundson notes that a person or many persons can each own a shovel without it losing utility (2020, 431). But a single person cannot exclusively possess a highway or a railroad without destroying its productive use-value: “If everyone owned his or her own stretch of highway, there would be no highway system. Unlike shovels, the utility of highways depends on their forming a more-or-less continuous network” (Edmundson 2020, 431; Cohen 1978, 32). In contemporary agribusiness, land cannot be owned individually to maintain a high crop yield; it must be owned severally to feed a growing population.

And so, what should we make of black freedmen's empirical picture of independence? Does history reveal their striving for equal freedom to be misguided and untenable because land has since become a means of industrial production? Du Bois publishes *Black Reconstruction* in 1935, mindful that the black-American community was disproportionately devastated by the Great Depression. Even as the political economy of the Reconstruction era crumbled, he writes the book

to underline *the conceptual link between laborers' control of their productive powers and their substantive freedom*. Propertyless laborers remain wholly dependent on those who monopolize the means of production. The development of capitalist production and inevitable economic crises have only exacerbated the asymmetries of social power between the haves and have-nots that continue to render American democracy a sham.

Since exclusive ownership of productive assets is not viable post-industrialization—if it ever really was—Du Bois proposes a “dictatorship of labor” to support universal independence in production. “‘Independence’ for the worker means not self-employment but a degree of control over the work process” (Foner 1995, xxxviii). The “dictatorship of labor” is the legacy of “abolition democracy” in the twentieth century:

After the Civil War, it was perfectly clear [...] *that freedom in order to be free required a minimum of capital in addition to political rights* and that this could be insured against the natural resentment of the planters only by some sort of dictatorship. Thus abolition-democracy was pushed towards the conception of *dictatorship of labor*, although few of its advocates wholly grasped the fact that *this necessarily involved dictatorship by labor over capital and industry*. (Du Bois 1998, 185)³²

Du Bois observes that cooperative control of the means of production emerges as the basis of a “real democracy,” which alone can overthrow the “monarchic” and “aristocratic” rule of industry over labor (1999, 91). The workplace, wages, and production must become objects of democratic control to abolish a lingering second slavery in the 20th century and beyond (Du Bois 1998, 585).

iii. Abolition Democracy, Step 3: Universal Emancipation

Du Bois’s account of abolition democracy links democracy to having a say in the formal public sphere and over one’s productive powers. By entering the public debate about the future of American democracy, freedmen examined in a new light the “monarchic” and “aristocratic” rule of industry over labor that had “murdered” democracy, which Kant’s original system of public

right cloaks, if not rationalizes.³³ Their vulnerability to a second slavery illuminates that all laborers who are dependent on white-controlled capital are likewise tyrannized. It is not just that the rich use their money to set the political agenda.³⁴ With few exceptions, for most of us someone else—or something else, such as the market—makes decisions for us about matters that should fall under our judgment and control (Anderson 2017, 69-75). Those who monopolize indispensable assets in labor processes exert unjustifiable control over us.

The end of black laborers' structural dependence on white-controlled capital—i.e., the abolition of “second” slavery—paves the way forward to the “universal emancipation” of laborers as such, black and nonblack.³⁵ Whatever a state does to help one group find independence in production, it should do the same to uplift all laborers. The inputs and experiences of black freedmen thus spell the promise of the *universal emancipation* of labor from capital and the restoration of the moral integrity of a fledgling democracy.³⁶ “The particular interests of dependent workers in this society were potentially identical with the general interest in universal republican liberty” (Gourevitch 2015, 140). Du Bois quotes at length Marx's letter to President Lincoln after Lincoln's 1864 reelection. In it, Marx complains:

the workmen [...] of the North [...] allowed slavery to defile their own republic. [...] The workingmen of Europe felt sure that as the American War of Independence initiated a new era of ascendancy for the Middle Class, *so the American Anti-Slavery war will do [the same] for the working classes*. They consider it an earnest sign of the epoch to come to that it fell to the lot of Abraham Lincoln, the single-minded son of the working class, to lead his country through the matchless struggles for the rescue of the enchained race and the Reconstruction of a social world. (Du Bois 1998, 219)³⁷

Just as freedmen led the push to extend the franchise and a public school system, from which poor whites benefitted downstream, so too did their exploitation set the political stage for the redress of the exploitation of all laborers (Du Bois 1998, 125-26; Balfour 2011, 33). Du Bois flags that ex-slaves facilitated “the Reconstruction of a social world.” They reshaped the standard of omnilateral

willing to end the exploitation of laborers who were dependent on white-controlled capital, and, ultimately, free all laborers from the “monarchy” of capital in production and politics. For “emancipating one class of laborers emancipated all” (Du Bois 1998, 525). He concludes, “Here is the real modern labor problem. [...] The emancipation of man is the emancipation of labor, and the emancipation of labor is the freeing of that basic majority of workers who are yellow, brown, and black” (Du Bois 1998, 16).³⁸

The upshot of presenting Du Bois’s critique of Reconstruction as a reworked black radical ideal of public right is that we can appreciate that the normative foundation of his recommendations is *not* race-specific. His critique of Reconstruction does not fit into contemporary debates about racially exclusive reparations. In a short op-ed in *The Crisis*, he rejected cash payments to descendants of slaves (Du Bois 1916, 133). They are beside the point.³⁹ The implicit commitment of *Black Reconstruction* is not to reparations, but to an interracial vision of a democratic government of free, equal, and independent civic fellows. As Lawrie Balfour observes, “Du Bois’s preoccupation with the condition of former slaves does not indicate narrowness of perspective[;] he links their fate to the prospects for democracy more generally” (2011, 25). On my interpretation of abolition democracy, Du Bois’s main concern is to show that the exploitation of black freedmen reveals American democracy on the whole to be a sham, one that rationalizes the structural domination of capital over the propertyless as a class. Ex-slaves offered a new take on an old ideal: liberty for all. Foregrounding their demands would do much to achieve substantive equal freedom for all by protecting basic political liberties and productive powers as an alternative universalizable public standard of political judgment. *Du Bois invites all Americans to mold their democratic aspirations after those of black freedmen—to learn from ex-slaves and black Americans how to do democracy.*⁴⁰

Laborers of any social background should have a voice where it matters most—in the workplace. Because each laborer cannot be a lord over their own parcel of land, laborers must work together to exercise joint control over production. That’s the catch. An abolition democracy requires a commitment to *interracial* civic fellowship; that commitment must underlie the “public democratic ownership of industry” to secure the universal independence of propertyless laborers as a class (Du Bois 1999, 91). Du Bois argues that breaking poor whites’ investment in a white supremacist racial reality would advance their political and economic prospects too, but only through an interracial labor alliance (1998, 706-7; cf. Blum 2023). Controversially, he supports investment in the poor white communities that policed a regime of catastrophic anti-black violence before and after the Civil War. In *Black Reconstruction*, he considers the insistence of the ruined planter class to have the value of their lost property “restored” by the state, at least enough for them *to retain independence against rising industrial capitalists* (518-23). But if they want to regain independence, they would have needed to welcome blacks as their civic fellows, a prospect that the ruined planter class and poor whites passionately rejected to their own economic downfall, as they sank into the propertyless laboring class in a rapidly industrializing sham democracy (Du Bois 1998, 527-28). The historical failure to shore up interracial civic fellowship thus soured the American labor movement to the detriment of all laborers.⁴¹

And so, black freedmen’s unmet demand that all groups should enjoy the effective capacity to express their political and productive powers remains the ultimate “test” of whether the unprecedented “experiment” of American democracy can deliver justice for all (Du Bois 1998, 183). To pass the test, a democracy would have to advance the *universal* independence of labor from an exploitative production process (Du Bois 1999, 79-80; Burden-Stelly 2018; Basevich 2022b). Du Bois grants that American democracy “splendidly” failed the test with the end of the

Reconstruction era, when it dismantled the Freedmen’s Bureau, exacerbating exploitation, colonial empire-building, and naked white supremacist violence (1998, 633). Still, he stresses that the “rebuilding, whether it comes now or a century later, will and must go back to the basic principles of Reconstruction in the United States during 1867-1876—Land, Light and Leading for slaves *black, brown, yellow and white* under a dictatorship of the proletariat” (1998, 635).

IV. Conclusion

In the wake of Mills’s death, we are left to carry on his legacy. In this essay, I illuminate the promise of his final project of a black radical Kantianism with the aid of Du Bois’s Marxist critique of Reconstruction. I began by presenting three features of BRK’s distinctive method for guiding a theory to scrutinize white supremacist power structures, that of analytic inclusivity, practical philosophy, and ideology critique. Next, I put the method of BRK to work to rethink Kant’s original ideal of public right. I added two conceptual guardrails to guide public deliberation: (1) uplift the voices of the excluded and (2) redress the asymmetries of social power that structure their experiences of the circumstances of injustice in politics and production.

My interpretation of Du Bois’s vision of an abolition democracy identified an alternative universalizable standard of political judgment, which appeals to the still unmet demands of black freedmen to make their nominal freedom real. I presented the novel determinant content of the requirements of justice as part of a reworked ideal of public right, which should protect the exercise of political liberty and productive powers *for all* (Mills 2017, 83). Following Du Bois, I submit that notwithstanding the “splendid” failure of Reconstruction, black freedmen’s striving for equal freedom remains crucial for “rebuilding” the republic to safeguard the political and economic self-determination of all “whether now or a century later.”

References:

- Anderson, E. 2017. *Private Government*. Princeton: Princeton University Press.
- Balfour, L. 2011. *Democracy's Reconstruction*. New York: Oxford University Press.
- Blum, L. 2023. "Race and Class Together." *American Philosophical Quarterly* 60(4): 381-95.
- Basevich, E. 2020. "Reckoning with Kant on Race." *Philosophical Forum* 51(3): 221-45.
- Basevich, E. 2022a. "What is an Anti-Racist Philosophy of Race and History? A New Look at Kant, Hegel, and Du Bois." *Critical Philosophy of Race* 10(1): 71-89.
- Basevich, E. 2022b. "The Promise and Limit of Kant's Theory of Justice: On Race, Gender, and the Structural Domination of Laborers," *Kantian Review* 27 (4): 541-55.
- Beiser, F. 1992. *Enlightenment, Revolution, and Romanticism*. Cambridge: Harvard University Press.
- Burden-Stelly, C. 2018. "Du Bois in the Tradition of Radical Blackness: Radicalism, Repression, and Mutual Comradeship, 1930–1960." *Socialism and Democracy* 32(3): 181-206.
- Cohen, G. A. 1978. *Karl Marx's Theory of History*. Oxford: Clarendon Press.
- Darby, D. 2020. "Rights Externalism and Racial Injustice," *Proceedings of the Aristotelian Society* 120(3): 253-76.
- Du Bois, W. E. B. 1916. "The Latest Craze," *The Crisis* 11: 133.
- Du Bois, W. E. B. 1998. *Black Reconstruction*. New York: Free Press.
- Du Bois, W. E. B. 1999. *Darkwater*. Mineola: Dover.
- Du Bois, W. E. B. 2007a. *The Souls of Black Folk*. New York: Oxford University Press.
- Du Bois, W. E. B. 2007b. *The Suppression of the African Slave*. New York: Oxford University Press.
- Du Bois, W.E.B. 2007c. *John Brown*. New York: Oxford University Press.
- Edmundson, W. A. 2020. "What are 'The Means of Production?'" *Journal of Political Philosophy* 28(4): 421-37.
- Edmundson, W. A. 2023. "Lincoln as Political Philosopher." In: *Oxford Studies in Political Philosophy Volume 9*. Edited by David Sobel and Steven Wall, 260-87. New York: Oxford University Press.
- Estlund, D. 2020. *Utopophobia: On the Limits (If Any) of Political Philosophy*. Princeton: Princeton University Press.
- Fisette, J. R. 2021. "At the bar of conscience: A Kantian argument for slavery reparations." *Philosophy & Social Criticism* 48(5): 674-702.
- Foner, E. 1995. *Free Soil, Free Labor, Free Men*. New York: Oxford University Press.
- Gilabert, P. 2023. *Human Dignity and Social Justice*. New York: Oxford University Press.
- Getachew, A. 2019. "The Limits of Sovereignty as Responsibility." *Constellations* 26(2): 225-40.
- Gould, C. 1978. *Marx's Social Ontology*. Cambridge: MIT.
- Gourevitch, A. *From Slavery to the Commonwealth*. New York: Cambridge University Press, 2015.
- Hagen, W. M. 2011. "European yeomanries: a non-immiseration model of agrarian social history, 1350–1800." *Agricultural History Review* 59(2): 259-65.
- Hasan, R. 2018. "Freedom and poverty in the Kantian state." *European Journal of Philosophy* 26(3): 911-31.
- Hegel, G. W. F. 1962. *Philosophy of Right*. New York: Oxford University Press.

- Hegel, G. W. F. 1977. *Phenomenology of Spirit*. New York: Oxford University Press.
- Huseyinzadegan, D. 2019. *Kant's Nonideal Theory of Politics*. Evanston: Northwestern University Press.
- Holtman, S. 2014. "Kant, Justice, and Civic Fellowship." In *Politics and Teleology in Kant*. Edited by P. Formosa, A. Goldman, and T. Patrone, 110-44. Cardiff: University of Wales Press.
- Kirkland, F. 2022. "Framing Mills' Black Radical Kantianism: Kant and Du Bois." *Kantian Review* 27(4): 635-50.
- Kant, I. 1996. *The Metaphysics of Morals (MM)*. New York: Cambridge University Press.
- Kant, I. 1970. "On the common saying: this may be true in theory, but it does not apply in practice." In *Kant's Political Writings*. Edited by H.S. Reiss, 61-92. New York: Cambridge University Press.
- Kant, I. 1996. *Perpetual Peace (PP)* in *Kant's Practical Philosophy*. Edited by Mary Gregor, 311-52. New York: Cambridge University Press.
- Louden, R. B. 2000. *Kant's Impure Ethics: From Rational Beings to Human Beings*. New York: Oxford University Press.
- Lu-Adler, H. 2022. "Kant and Slavery—Or Why he Never Became a Racial Egalitarian." *Critical Philosophy of Race* 10(2): 263-94.
- Lu-Adler, H. 2023. *Kant, Race, and Racism: Views from Somewhere*. New York: Oxford University Press.
- Marx, K. 1978. *The Marx Engels Reader*. New York: Norton.
- Mills, C. W. 1997. *The Racial Contract*. Ithaca: Cornell University Press.
- Mills, C. W. 2015. "Racial Rights and Wrongs." *Radical Philosophy Review* 18(1): 11-30.
- Mills, C. W. 2017. *Black Rights/White Wrongs: The Critique of Racial Liberalism*. New York: Oxford University Press.
- Mills, C. W. 2018. "Black Radical Kantianism." *Res Philosophica* 95(1): 1-33.
- Mills, C. W. 2014. "Kant and Race, *Redux*." *Graduate Faculty Philosophy Journal* 35(1-2): 125-57.
- Moody-Adams, M. 2022. *Making Space for Justice*. New York: Oxford University Press.
- O'Neill, O. 1987. "Abstraction, Idealization, and Ideology in Ethics." *Royal Institute of Philosophy Lecture Series* 22: 55-69.
- Pascoe, J. 2022. *Kant's Theory of Labour*. New York: Cambridge University Press.
- Patellis, I. 2013. "Kant on Independence, Ideal and Empirical," *Kant Studien* 104(4): 442-65.
- Shelby, T. 2013. "Racial Realities and Corrective Justice: A Reply to Charles Mills," *Critical Philosophy of Race* 1(2): 145-162.
- Shelby, T. 2021. "The Afro-Analytic Marxism and the Problem of Race," *Proceedings and Addresses of the American Philosophical Association* 95: 37-60.
- Shorter-Bourhanou, J. 2022. "Reinventing Kant?" *Kantian Review* 27(4): 529-40.
- Stilz, A. 2009. *Liberal Loyalty*. Princeton: Princeton University Press.
- Stilz, A. 2019. *Territorial Sovereignty*. New York: Oxford University Press.
- Uleman, J. 2010. *An Introduction to Kant's Moral Philosophy*. New York: Cambridge University Press.
- Valdez, I. 2019. *Toward Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft*. New York: Cambridge University Press.
- Valdez, I. 2023. "Empire, Popular Sovereignty, and the Problem of Self-and-Other-Determination." *Perspectives on Politics* 21(1): 109-25.
- Vaccarino Bremner, S. 2023. "Practical judgment as reflective judgment: On moral salience and

- Kantian particularist universalism.” *European Journal of Philosophy* 31(3): 600-21.
- Valentini, L. 2009. “On the Apparent Paradox of Ideal Theory.” *The Journal of Political Philosophy* 17(3): 332-55.
- Varden, H. 2020. *Sex, Love, and Gender: A Kantian Theory*. New York: Oxford University Press.
- Vrousalis, N. 2022. “Interdependent Independence: Civil Self-Sufficiency and Productive Community in Kant’s Theory of Citizenship.” *Kantian Review* 22: 443-60.
- Vrousalis, N. 2023. *Exploitation as Domination*. New York: Oxford University Press.
- Wood, A. 2017. “Kant and Marx on Capitalist Exploitation,” *Kantian Review* 22(4): 641-59.
- Ypi, L. 2012. *Global Justice & Avant-Garde Political Agency*. New York: Oxford University Press.
- Ypi, L. 2014. “Commerce and Colonialism in Kant’s Philosophy of History.” In *Kant and Colonialism: Historical and Critical Perspectives*. Edited by Katrin Flikschuh and Lea Ypi, 99-126. New York: Oxford University Press.
- Ypi, L. 2020. “Democratic Dictatorship: Political legitimacy in Marxist perspective.” *European Journal of Philosophy* 28(2): 277-91.

¹ I submit that Kant’s concept of domestic right should either be significantly revised, if not altogether dropped. Jordan Pascoe convincingly demonstrates that Kant’s treatment of domestic right rationalizes the “enclosed dependence” of reproductive laborers, who as wage laborers tend to be women of color (2022, 42).

² BRK endorses “ideal theory” in the narrow sense in that abstract principles and ideals are indispensable for political critique. See (Estlund 2020, 16-18).

³ Holtman shows that the first-personal perspective is underdeveloped in Kant’s political theory—a weakness that BRK punctuates (2014).

⁴ “‘Ideal Theory’ as Ideology” is reprinted as chapter five in (Mills 2017).

⁵ Kant’s “second thoughts” about race is not pertinent to BRK, although some challenge the textual evidence in support of Kleingeld’s view. For further discussion, see (Lu-Adler 2022, 263-94; Lu-Adler 2023, 87-88).

⁶ As I have argued elsewhere, the argument that Kant’s rejection of slavery and colonialism entails his commitment to racial justice betrays a rather thin conception of racial justice, as if the latter only required ending slavery and colonization (Basevich 2020; Basevich 2022a). Further, the juridical recognition of persons as equal rights-bearers is compatible with multiple forms of racial bigotry rooted in social and cultural denigration.

⁷ Pablo Gilabert helpfully distinguishes status-dignity from condition-dignity. “Workers toiling in a sweatshop [...] enjoy little condition-dignity. But they retain status-dignity, a [...] moral standing which ought to be recognized even if it is not in fact recognized, and on account of which condition-dignity must be aimed” (2023, 187). See also Derrick Darby’s defense of social recognition as a form of rights-ascriptions (2020).

⁸ For an excellent account of the debate about moral salience between Herman and O’Neill, see Vaccarino Bremner (2023).

⁹ My discussion of the minimal ‘core’ of Kant’s theory of justice draws on Stilz (2019, especially 112-14) and Varden (2020).

¹⁰ BRK’s method complements Hegel’s critique of Kant’s empty formalism. “If we demand of a principle that it should also be able to serve as the determinant of a universal legislation, this

presupposes that it already has content; and if this content were present, it would be easy to apply the principle” (1962, §135; 1977, 256-62). See also (Huseyinzadegan 2019, 10-15).

¹¹ My presentation of BRK is indebted to Lea Ypi’s account of the “dialectical method” of “activist political theory” (2012, 40-41, 162).

¹² In response to Herman’s early work on the “rules of moral salience,” O’Neill dismisses Herman’s suggestion of supplementary rules as “redundant” in moral reasoning. Descriptions do not bear on the underlying normative basis of practical judgment.

¹³ Juergen Habermas argues that it is inappropriate for a Kantian political theory to impose philosophical standards of governance ‘extrinsic’ to a process of democratic legitimation.

¹⁴ Frederick Beiser observes:

The principle of freedom does not specify exactly what counts as interference with my liberty; the principle of independence does not define exactly the conditions of citizenship; and the principle of equality does not tell us precisely what rights we should have, only that everyone should have the same rights. It would seem that the precise limits of my freedom, the specific qualifications for voting, and the exact kind and number of my rights can be specified in many ways, all of them consistent with reason. What determines the appropriate interpretation of these principles appears to be a matter more of judgment than of reason, for only judgment ascertains how to interpret them in specific circumstances. (1992, 42)

¹⁵ In *Liberal Loyalty*, Stilz explains why one ought to honor involuntarily acquired political obligations to a state whose precise content appears arbitrary and inadequate (2009).

¹⁶ Du Bois cautions that members of oppressed groups will not automatically understand their circumstances nor what to do about them. Philosophical interventions in debates about rights and resources must aid the public use of reason *for the oppressed too*.

¹⁷ Du Bois defends the ‘method of the excluded group’ (1999, chp. 6). See also (Moody-Adams, 2022; Getachew 2019, 228-31).

¹⁸ BRK’s premise that abolition necessarily supports the democratic authority of ex-slaves is not Kant’s premise (Lu-Adler 2022, 271-75).

¹⁹ They never asked for their goods because their vision of self-improvement was owning slaves. (Du Bois 1998, 12, 27, 125-26; Balfour 2011, 33).

²⁰ Marx writes that “Labour is therefore not voluntary, but coerced; it is forced labour. It is not the satisfaction of a need; it is merely a means to satisfy needs external to it” (1978, 74).

²¹ For an excellent discussion of the link between freedom and the unalienated exercise of productive power, see (Vrousalis 2023, chp. 2; Gould, 1978, 111-19).

²² “The most piteous thing amid all the black ruin of war-time, amid the broken fortunes of the masters, the blighted hopes of mothers and maidens, and the fall of an empire,—the most piteous thing amid all this was the black freedman who threw down his hoe because the world called him free. What did such a mockery of freedom mean? Not a cent of money, not an inch of land, not a mouthful of victuals,—not even ownership of the rags on his back. Free!” (Du Bois 2007a, 100).

²³ For an instructive outline of democratic deliberation that scrutinizes the ideological entrenchment of the interests of capital, rather than that of labor, see (Ypi 2020; Valdez 2023).

²⁴ Cf. (Anderson 2017, xxii).

²⁵ Nicholas Vrousalis observes that for Kant independence “just is independent possession and use of one’s rightful powers, including one’s productive powers” (2022, 445).

²⁶ Patellis (2013, 458). Ypi notes that “commercial interdependence” galvanized the historical advance of cosmopolitan right and underwrote its empirical form (2014, 104-6).

²⁷ The rustic ideal of yeomanry also informed the pre-industrial European ideal of economic justice: “What proportion of Europe’s landed peasantry belonged to such a yeomanry or large-holding family farmer stratum on the eve of 1789? In East Elbian Europe, including Russia, probably half the villagers holding arable farms possessed full holdings yielding them and their dependents, in peaceful times, a socially acceptable standard of living” (Hagen 2011, 263).

²⁸ Quoted from (Edmundson 2023, 277).

²⁹ States in the Western territories, such as Kansas and Missouri, debated whether their antebellum state constitutions should protect slavery, support black homesteaders, or simply forcibly expel all non-whites—whether they were free, colonized, or enslaved. (Du Bois 2007c, 135-36). See also (Du Bois 1998, 168).

³⁰ Anderson writes, “The Industrial Revolution was a cataclysmic event for egalitarians, a fundamental turning point in egalitarian social thought” (2017, 6; Edmundson 2023, 281). For an illuminating philosophical discussion of the demise of the rustic ideal of yeomen farmsteads and the rise of industrial agricultural production, see (Edmundson 2020, 431).

³¹ Pascoe shows that Kant’s original, chauvinist model of productive independence sanctified the realm of domestic right to exploit caregivers (2022, 20-25).

³² Emphasis added.

³³ Kant could not have anticipated how capitalism would destabilize his empirical picture of productive independence (Du Bois 1999, 91).

³⁴ Although consistent with it, my interpretation of abolition democracy does not amount to Rawls’s defense of the fair value of political liberty.

³⁵ My interpretation of abolition democracy as the foundation for the universal emancipation of labor is indebted to a conversation with Robert Gooding-Williams in the spring of 2023.

³⁶ Cf. Marx’s Paris Manuscripts: “From the relationship of estranged labour to private property it further follows that the emancipation of society from private property, etc., from servitude, is expressed in the political form of the emancipation of the workers; not that their emancipation alone was at stake but because the emancipation of the workers contains *universal human emancipation* and it contains this, because the whole of human servitude is involved in the relation of the worker to production, and every relation of servitude is but a modification and consequence of this relation” (1978, 80).

³⁷ Emphasis added.

³⁸ Thanks, Robert Gooding-Williams, for pointing me to this passage.

³⁹ Racially exclusive reparations are *compatible* with my interpretation of abolition democracy. Once a polity eliminates structural inequalities—i.e., ends second slavery—the question of atonement emerges. But one cannot atone for an action one has not stopped doing yet. See also (Fisette 2021).

⁴⁰ Cf. (Ypi 2012, 32).

⁴¹ “[T]here was a unique chance to realize a new modern democracy in industry in the southern United States which would point the way to the world. This, too, if done by black folk, would have tended to a new unity of human beings and an obliteration of human hatreds festering along the color line” (Du Bois 1999, 137; Du Bois 1998, 318, 524-25).