

Phil 114, April 2, 2012

Immanuel Kant, *Metaphysics of Morals: The Doctrine of Right, Part II (Public Right), Sect. ii (The Right of Nations) Sect. iii (Cosmopolitan Right)*—skip the Appendix

Immanuel Kant, *Toward Perpetual Peace: First Definitive Article, Second Definitive Article, First Supplement*

We've seen Kant's account of why *individuals* have a duty of right to leave the state of nature.

He also claims that *states* are presently in a state of nature, which they have a duty of right to leave. Again, although they do not *wrong one another* by remaining in the state of nature (as if by mutual consent), they *do wrong in the highest degree* by remaining in it.

In this state of nature, states do have rights to declare and wage war. But these rights are limited.

*Right to go to war:*

- The supreme commander may not launch wars of conquest to aggrandize himself, wars of retaliation in reaction to personal slights (as opposed to offenses to his people themselves), or wars of religion for the glory of his faith. He cannot treat the people as though they were mere means as his disposal, like timber for building ships.
- Any rights to go to war must be derived from the duty of the supreme commander to the people. What is that duty? To ensure a rightful condition among the people. So, on what grounds, then, can a state go to war? *In order to preserve a rightful condition among the people.*
- This means, primarily, to defend or recover its rights, by force, when it believes it has been wronged by another state (e.g., its territory encroached upon) when—as in a state of nature—the option of a lawsuit is not available.
  - Note that a state's merely amassing superior power may be a sufficient threat to give other states the right to use force to prevent it. They don't have to wait to be actively wronged, if they have no assurance. (Compare the individual state of nature.)
- Do states have an “original” right to go to war with one another (which is not itself a response to a threat to their own rights)? Can they launch wars of conquest? The only possibility is “in order, perhaps, to establish a constitution more closely approaching a rightful condition.” But it is hard to think of a case in which conquest is necessary for that.

*Right in war:* a state's right to wage war only “in accordance with principles that always leave open the possibility of leaving the state of nature among states... and entering a rightful condition.”

- Thus, the war cannot aim at punishment. Punishment presupposes the superiority of one state over another. But in a rightful condition, states all would be equal.
- Nor can war aim at the annihilation of other states, which would go beyond a state's preserving its rights.
- Nor can one in war take anything from *private* individuals. If there is a right to redress or compensation, this is against the *state*.

*Right after war:* “to constrain each other to leave this condition of war and so form a constitution that will establish lasting peace”

*League or world state?*

The key thing we need is a way of settling disputes between states without war, which we achieve with a “league of nations,” “universal association of states,” or “a permanent congress of states.” “Only by such a congress can the idea of a public right of nations be realized, one to be established for deciding their disputes in a civil way, as if by a lawsuit, rather than in a barbaric way (the way of savages), namely by war.”

However, this congress of states is *not* itself a *state* of states, or a world state.

1. It is voluntary, can be dissolved at any time, and indeed may need to be renewed.
2. It involves no sovereign authority over states, just an association of equals.

*Why not?* Why is the state the necessary solution to the problem posed by the state of nature among individuals, but the state of states not the necessary solution to the problem posed by the state of nature among states?

One possibility is that the *problems posed by the state of nature among states are somehow different* from those posed by the state of nature among states.

But why?

- Kant grants that there are *assurance* problems.
- Presumably, there can be *indeterminacy* about the rights of nations, say, about where the borders are.
- And whenever any individual acquires property, he puts *everyone* else—including *foreigners—under obligations*. So why isn’t a world-state necessary for *truly* “omnilateral” authorization of acquisition?

Another possibility is that *we cannot expect a world state to achieve its purpose*.

- “as the range of government expands laws progressively lose their vigor, and a soulless despotism... finally degenerates into anarchy” “the graveyard of freedom”

A third possibility is that Kant is arguing hypothetically. *If* there is such a thing as the right of nations, this is what it would be. And it makes no sense to consider the *right of nations* unless there are *several distinct nations*—just as it would be incoherent to consider the right of individuals unless there were more than one person. So it makes no sense for an account of right of nations to consider a world state. Nevertheless, a world state would be the ideal.

In accordance with reason there is only one way that states in relation with one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) *state of nations*... that would finally encompass all the nations of the earth. But, in accordance with their idea of the right of nations, they do not at all want this... so (if all is not to be lost) in place of the positive idea of *a world republic* only the *negative* surrogate of a league that averts war, endures, and always expands can hold back the stream of hostile inclination...

*Can we expect perpetual peace?*

Kant is theoretically pessimistic about the possibility of achieving perpetual peace. But he does cite some modest *theoretical grounds* for optimism:

1. *Republican government*: If republican government takes hold, then the chances for peace improve. This is because republican states are less likely to wage wars, or at least offensive wars. Why? Because republican states requires the “consent of the citizens” to wage war.

When the consent of the citizens of a state is required in order to decide whether there shall be war or not (and it cannot be otherwise in this constitution), nothing is more natural than that they will be very hesitant to begin such a bad game, since they would have to decide to take upon themselves all of the hardships of war.

As so often with Kant, it is ambiguous whether this means *actual* or *hypothetical* consent.

*Actual consent*: Suppose that “republican” states go to war only if the people actually consent. Although rulers often don’t bear the costs of war, the people do. So, even if people are motivated only by self-interest, they will not consent to wage war (or at least offensive wars). So republican states won’t go to war (or at least not offensively).

*Hypothetical consent*: However, Kant goes on to stresses that “republican” doesn’t mean “democratic.” What is special about republican government is that acts of the executive, like waging war, are constrained by an independent legislative. If the laws are just, recall, then they must be such that the people could have consented to them, insofar as they were concerned to realize a rightful condition. Therefore, a republican state will only go to war to preserve a rightful constitution. So it will rarely go to war and never offensively.

Does history bear out Kant’s optimism? The rough empirical evidence is that while liberal democratic states—states with basic civil liberties and some measure of representative government—do wage war, even offensive war, they do not wage war *with each other*: with other liberal democratic states. Kant, by contrast, seems to predict that they should not engage in offensive wars at all. However, it is not clear whether Kant’s criteria either for the actual consent of the citizens or for republican government are met by “liberal democratic states.”

2. “*The spirit of commerce, which cannot coexist with war and sooner or later takes hold of every nation.*”

The desire for trade, which war disrupts, is another self-interested motivation for peace.

In any event, Kant doesn’t need much from these theoretical grounds for optimism. Kant’s point is that we are *practically entitled* to view perpetual peace as possible, so long as we *cannot theoretically prove* that it is impossible.

In this way nature guarantees perpetual peace through the mechanism of human inclinations itself, with an assurance that is admittedly not adequate for *predicting* its future (theoretically) but that is still enough for practical purposes and makes it a duty to work toward this (not merely chimerical) end.

This is a Kantian move that we have seen before. If we cannot *theoretically* know whether or not P, but morality, or practical reason, requires us to act as though P, then we are *practically* entitled to think that P.

- Earlier: P=that I am free.
- Here: P=that perpetual peace is possible.
- Other examples from Kant's *Critique of Practical Reason*:
  - P=that I am immortal, so that I will have enough time to achieve perfect virtue.
  - P=that there is a God, so that the good will prosper and the wicked suffer.

**Review Questions:**

1. Explain the following passage:

What is incumbent on us as a duty is rather to act in conformity with the idea of that end, even if there is not the slightest theoretical likelihood that it can be realized, as long as its impossibility cannot be demonstrated either.

2. What does history of U.S. military entanglements over the past fifty years suggest about Kant's suggestion that republican states are unlikely to go to war?