

1 Introduction

Kant's theory of peace is likely the most popular part of his critical philosophy and certainly the one that reached the most diverse audiences, with an impact extending beyond the circle of interpreters or academics, a significant influence on policy makers, and concrete repercussions in the building of major regional and global institutions.¹ There are obvious reasons behind this popularity. One is the intrinsic importance of a philosophical project meant to overcome what Voltaire wittingly described as the self-inflicted human tragedy: war. Another is the attractiveness of a model based simply on three major reforms: (1) the overcoming of despotism through the republicanization of national regimes, (2) the building of a peace-promoting supranational institution, and (3) the recognition by all states of the cosmopolitan right of each human being to visit other states. Yet another reason is the style that Kant adopts, significantly more direct and enjoyable than the one reserved for the three critiques. When one takes a closer look, however, the model reveals a number of puzzles, problems, and difficulties: some long debated among generations of Kant scholars, others less analyzed but relevant to conceptualizing some important political issues of our world.

This Element has two major goals. On the one hand, it introduces the reader to Kant's theory of peace and to the way in which it fits within the broader context of the critical philosophy (Sections 1–3). On the other hand, it digs into one aspect of the model related to the “federalism of free states” (ZeF 8:354), an aspect that has generated much debate among Kant interpreters, given its centrality to the entire project and Kant's changing attitude toward the nature and the powers of the supranational institution that he advocates as a necessary ingredient of his model (Sections 4–8). The Element offers an interpretation of the Kantian federation that in many regards departs from the mainstream reading. Special emphasis will be placed on the problematic coexistence of two conflicting theoretical desiderata: on the one hand, the necessity of establishing an international institution, either in the form of a world republic or a federal state with coercive powers, for *securing* peace; on the other hand, the necessity of avoiding the risk of an excessive erosion of states' sovereignty.

These two major goals will be pursued in seven steps. In the first and second sections, the Element illustrates Kant's project of perpetual peace. Kant thought

¹ The present work expands and, where necessary, modifies my views of Kant's model for peace as offered in a number of publications (Caranti 2014, 2016, 2017a, 2017b, 2018). A few passages from those works have been reproduced without major changes. References to Kant's works follow the abbreviations adopted by the Kant Gesellschaft. For a list see www.kant-gesellschaft.de/en/ks/Hinweise_Autoren_2018.pdf. The English translation of Kant's works is that of the Cambridge edition.

that if we want to abolish forever interstate wars we need to globally implement three major institutional reforms: At the domestic level, all states should overcome despotism and become republican (in a sense that will be explained in due course); at the international level, all states should enter a supranational institution meant at the very least to serve as a forum for handling controversies peacefully; and at the cosmopolitan level, all states should recognize the right to visit on the part of foreigners entering their territory. These three reforms are the object of the three “definitive articles,” the backbone of Kant’s entire project. During the process leading to a global implementation of these reforms, political leaders should follow six additional rules that Kant calls “preliminary articles,” mainly meant to decrease the likelihood of war and keep international relation above a certain degree of civility, so that that very transition does not prove too difficult. Kant complements his project with two supplements and an appendix in two parts. Since excellent commentaries on *Toward Perpetual Peace* already exist, I will mention the essentials of the project and quickly move to the discussion of its most problematic and fascinating aspects, particularly those still in need of interpretive clarification.² Among these are: (a) the far-reaching theoretical consequences of the “division of work” between preliminary and definitive articles in terms of what we would today call non-ideal and ideal theory; (b) the ensuing survival in the model of some space for just war theory despite Kant’s harsh criticism of the “sorry comforters” (ZeF 8:355) Grotius, Pufendorf, and Vattel; (c) the probabilistic nature of the argument resting on citizens’ aversion to war (Caranti 2017a, Guyer 2006); (d) the question of whether only republics or any kinds of states are allowed to become members (Caranti 2017a, Cavallar 2015, Doyle 1983a, b, MacMillan 1995, Rawls 1999); and (e), the question of whether cosmopolitan right (the right to visit) is supposed to contribute to the cause of peace by merely enabling international economic interdependence or, more broadly, by fostering peoples’ reciprocal knowledge and understanding.

The third section focuses on the place of Kant’s peace project in the architectonic of the critical philosophy. I will address the question of compatibility between some aspects of the model and Kant’s epistemological and moral commitments as presented in the three critiques. On the one hand, the focus will be on Kant’s idea that nature “guarantees” that humankind, willingly or unwillingly, will reach a global durable peace. This thesis will be defended – to the extent that this is possible – in the face of three major challenges – epistemological, moral, and anthropological – raised against it (Caranti 2014, Eberl and Niesen 2011, Guyer 2006, Ludwig 2006). On the other hand, the

² Two recent thorough commentaries are Byrd and Hruschka (2010) and Eberl and Niesen (2011).

focus will be on the relationship between knowledge, morality, and politics. It will be highlighted how Kant interprets politics as relatively independent of morality, prescribing that politicians (*especially* the moral ones) interpret their role as irreducible to a mechanical application of the principles of right to the complexity of human affairs. It will be shown that moral politicians need to avoid two opposite and yet equally dangerous epistemological excesses: on the one hand, the disregard for the repercussions of their pursuing justice in a specific context, fueled by an acritical endorsement of the “*fiat justitia, pereat mundus* [Let justice be done, though the world perish]” maxim; on the other hand, the ultimately paralyzing attempt to predict with any degree of precision the consequences of one’s political initiative, an ambition that merely mimics the responsible attitude of the moral politician while in reality it turns out to be closer to a technical understanding of politics that Kant rejects and attributes to what he calls “political moralists.”

After having illustrated Kant’s project of perpetual peace and discussed its place in the critical system, Sections 4–8 focus on international right, with the second definitive article’s prescription to build a “federalism of free states” (ZcF 8:354); that is, an international federation among states to overcome – at least to a certain extent – the lawless, hence war-prone condition of international relations. Section 3 reconstructs the evolution of Kant’s thought on international right. A textual analysis will show how Kant reshapes the notion of international right itself over time, with a major breakthrough in *Toward Perpetual Peace*. Moreover, it will be shown that Kant progressively abandons the idea of conceiving the exiting from the state of nature at the international level in strict analogy with the domestic case, and thus moves from a preference for the institution of a supranational institution with coercive powers, either in the form of a world state or in that of a state of states, to one based on normative, not merely empirical or pragmatic considerations, for a league of states without coercive powers.

Section 5 discusses the arguments Kant offers to justify his preference for the federation of nations (*Völkerbund*) over the state of nations (*Völkerstaat*). I will distinguish three lines of argument – empirical, logical, and moral – and will suggest that Kant’s strongest argument in favor of the federation is the moral one, which turns on the moral personality of states, in turn ultimately resting on the freedom of citizens.

Section 6 confronts some of the most interesting readings on the federation *versus* world republic issue offered in the first two decades of the twenty-first century. I will focus on four major critics of Kant’s preference for the federation over the ideal of the world republic: Thomas Pogge, Jürgen Habermas, Pauline Kleingeld, and Otfried Höffe. Independently of their differences, they all

propose an “enhanced” league or minimal world republic as the kind of institution Kant either defended or should have defended, given the function the federation is supposed to play.

In replying to these critics in Section 7, I will suggest that: (a) Kant never abandoned the idea that the only true guarantor of peace is a world republic or a federation with coercive powers; (b) the reason why he ended up advocating for a voluntary league without coercive powers is not that he “did not/could not” think of the solution of breaking down sovereignty, with some competences transferred to a supranational institution and others kept for nation states; it is rather that he *correctly* saw that at least in the crucial area of using force toward external actors – the area that matters most for a theory of international peace – a state may not compromise on its *exclusive* competence, if it is to remain sovereign at all; c) Kant thus favored the solution of the voluntary league because he wanted to avoid the merging of all states into one, a goal shared also by those critics who reproach him for his lack of courage and/or consistency; (d) the league, while by itself not a guarantee, would still be a significant peace factor because it would offer a permanent channel of diplomatic relations where states have the chance to have their controversies discussed and assessed by something like a third, independent party – the partial overcoming of the international state of nature through a court recently highlighted by Ripstein (Ripstein 2009: 228); and (e), despite his preference for the federation, Kant never ruled out the possibility – in fact he kept hoping – that states might voluntarily choose to dissolve in order to enter a larger global institution.³ Yet I will suggest that it is not entirely clear from a Kantian perspective how the transition should unfold without violating the basic rights of citizens who may oppose it.

Section 8 deals with the reading of Kant’s international right offered by Katrin Flikschuh. This reading is consonant with our suggestion that states cannot divide up their sovereignty as easily as Habermas and so many others assume. Yet, in overlooking how this extends to the strict impossibility on the part of states to compromise on their exclusive competence to go to war, I will argue that Flikschuh does not get to the heart of the paradox Kant is facing.

Both the overview of Kant’s theory of peace in Sections 2–3 and the relatively detailed analysis of international right offered in the remaining sections are carried out by staying close to Kant’s text. This should enable readers to grasp the intricate and interesting problems that Kant’s model reveals, despite its apparent simplicity.

³ For a similar position see Cavallar (2020: 154, 159).

2 Kant's Project of Perpetual Peace

Zum Ewigen Frieden: Ein Philosophischer Entwurf, published in 1795, was probably the greatest literary success Kant had in his life. Shortly after its publication, translations in French and English appeared, and by around the end of the century the essay had gained centrality in the intellectual debate in France and Germany. By the time Kant died (nine years after the book's appearance), his "philosophical project" had reached its tenth edition. After that, its popularity started to decline. Probably the cosmopolitan orientation of the essay, meant as an antidote to the excesses of nationalism, as well as its ahistorical, abstract, universal definition of the just state displeased the taste of an increasingly Romantic intellectual milieu. After various ups and downs of fortune, with "returns to Kant" especially in the aftermath of the two world wars – when both the League of Nations and the United Nations were inspired by Kant's plea for a global federation – a number of factors, including the birth of democratic peace theory in the early 1980s; the fall of the Berlin Wall (with the subsequent third wave of democratization), and the occasion of the 200th anniversary of its publication gave the essay a new elan. Today, one can hardly dispute that Kant's project (or better, the mainstream interpretation of it) is part of the background knowledge not only of philosophers but also of international relations scholars, historians, political scientists, and, most importantly, political leaders of contemporary liberal democracies.

Kant articulates his project according to the structure typical of the international treaties of his time. We thus have preliminary and definitive articles, supplements, and a two-part appendix. Undoubtedly the definitive articles are the center of the entire work. Here Kant provides his "philosophical project" in favor of peace. The other parts, albeit peripheral, are crucial for a proper understanding of the definitive articles themselves.

2.1 The Preliminary Articles

At the beginning of the essay Kant lists and briefly discusses six preliminary articles. They express obligations that heads of state should follow either strictly (*leges strictae*) or with some latitude as to the time of implementation (*leges latae*). Their main point is to ensure that some major factors generating hostility among states are removed. They are as follows:

1. No treaty of peace shall be held to be such if it is made with a secret reservation of material for a future war. (ZeF 8:343)
2. No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase, or donation. (ZeF 8:344)

3. Standing armies (*miles perpetuus*) shall in time be abolished altogether. (ZeF 8:345)
4. No national debt shall be contracted with regard to the external affairs of a state. (ZeF 8:345)
5. No state shall forcibly interfere in the constitution and government of another state. (ZeF 8:346)
6. No state at war with another shall allow itself such acts of hostility as would have to make mutual trust impossible during a future peace; acts of this kind are employing assassins (*percussores*) or poisoners (*venefici*), breach of surrender, incitement to treason (*perduellio*) within the enemy state, and so forth. (ZeF 8:346)

A good part of the hermeneutical challenge posed by these articles has to do with a precise understanding of the sense in which they are “preliminary.” Prima facie they seem to be guidelines that responsible, moral rulers should follow *before the reforms spelled out in the definitive articles are fully implemented*.⁴ They make the transition to the world envisaged by the three definitive articles as easy as possible, or perhaps, more modestly, they ensure that, while waiting for the realization of the three definitive articles, the situation does not worsen to a point of no return. As such, they recall the tradition of natural law, strongly interested in introducing some elements of lawfulness into the otherwise lawless context *par excellence*; that is, war (*inter arma enim silent leges*).

But here comes the first interpretative problem. Kant ridicules the work of Grotius, Pufendorf, and Vattel, whom he dismisses as “sorry comforters” because they propose precepts to make the waging and the conduct of war (*ius ad bellum* and *ius in bello*, respectively) less lawless and arbitrary, as opposed to finding solutions that will prevent all wars in the first place. And yet one may legitimately wonder whether the preliminary articles are meant to do anything different from what Kant had bitterly reproached them for. To be sure, in one sense preliminary articles are different. They are not merely counsels aimed at making war *less arbitrary* from a moral point of view. Their main point is rather that of making war *less likely*. Even the recommendations such as the prohibition against using assassins and poisoners within an enemy state (article 6), which may appear as inspired by humanitarian preoccupations, are rather explicitly meant to prevent the breach of any confidence between enemies “during a future peace” (ZeF 8:346). This is an entirely

⁴ Eberl and Niesen distinguish three distinct phases in the evolution toward a global legal condition: the state of nature among states, a transitory phase, and finally public international right (Eberl and Niesen 2011: 100–1, 129). The second phase corresponds to a time in which the preliminary articles are implemented to some extent.

different perspective, one that squares perfectly with the essay's general orientation, in line with a tradition of thought – that of the peace treaties – different from and concurrent with that of the natural law; this is precisely because the former, unlike the latter, aims to abolish war, not to legalize or humanize it.⁵ Moreover, while for the authors of the natural law tradition the regulation of an otherwise lawless reality was the end point of the project, for Kant it is nothing but a preparatory stage, very much as an anesthetic is merely the preparation for surgery aiming at the eradication of an illness. To continue with the metaphor, there is nothing wrong in relieving patients from immediate, acute suffering by using painkillers, thereby making them better able to endure the necessary treatment. But limiting one's therapeutic strategy to palliatives is at best ineffective and at worst counterproductive in that it delays the identification – let alone the solution – of the problem.

Having said that, it would be a serious mistake to downplay the importance of these articles and to consider them as entirely dispensable, even if the three definitive articles are fully and globally implemented. It is important to realize that even in this case, the preliminary articles would still have a role, because, as we shall see, in the final version of Kant's project even the implementation of the three definitive articles will *not* yield a condition in which war is truly abolished. To anticipate a point that will be discussed in some detail in the last four sections of this Element, Kant's mature preference for a voluntary league with no coercive powers, rather than a world republic or a federation with coercive powers, implies the acceptance that the state of nature at the international level is never completely overcome. Indeed, Kant is very clear – and he never changed his mind about this – that the only true guarantor of peace is a state of states or a world republic. But since he rejects this solution in favor of a voluntary league (for reasons that we will discuss in due course), it follows that even if all states are republics, there is a voluntary league among them, and the right to visit is globally respected, there is no guarantee that conflicts will not re-emerge somewhere. As he puts it, the “surrogate” of the federation “can hold back the stream of hostile inclination that shies away from right, though with constant danger of its breaking out” (ZeF 8:357). In the *Metaphysics of Morals* he repeats the point even more clearly, saying that the impossibility of creating a world state is the reason why “*perpetual peace*, the ultimate goal of the whole right of nations, is indeed an unachievable idea” (MS 6:350). If this is the case, the preliminary articles will never go out of fashion, so to speak.

With this in mind we can perhaps address a point that has recently generated a good amount of controversy among interpreters. This concerns the very

⁵ See on this Archibugi (1995).

survival of just war theory in Kant's thought. On the one hand, at least one preliminary article of *Toward Perpetual Peace* (the sixth, see above in Section 2.1) seems to be fully in the natural law tradition that Kant ridicules. Moreover, and most importantly, as particularly emphasized by a recent commentary (Eberl and Niesen 2011), there are sections in the *Metaphysics of Morals* where Kant gives very serious consideration to the eighteenth-century views in international law which permit wars in self-defense, even *pre-emptive* ones (*ius ad bellum*) (MS 6:346), as well as to prevalent contemporary views on moral conduct during war (*ius in bello*) (MS 6:347) and after war (*ius post bellum*) (MS 6:348–9). Byrd and Hruschka think that “Kant’s position in the *Doctrine of Right* on the right to wage war is exactly the opposite to his position in *Perpetual Peace* where he says ‘a right to wage war’ is unconceivable” (Byrd and Hruschka 2010: 194–5). The survival of these elements is problematic not only because Kant scorns the “sorry comforters” but also because, as recently noticed by Ripstein, one may wonder “how Kant can have a conception of right in war against the background of his more general view that war is by its nature barbaric and to be repudiated entirely” (Ripstein 2016, 180). Ripstein’s solution is that Kant innovates over what he calls the regular war tradition and the just war tradition by claiming that, in a dispute between two states, no claim may be put forward in which one party assumes itself to be in the right because there is really no higher impartial authority that can decide on the matter. States cannot appeal to a moral or legal universal code to claim they are on the side of justice, because by doing so they would be simultaneously prosecutors, judges, and executioners in their own cases. And yet, since they incarnate a rightful public condition, however defective, they can still appeal to right to justify their recourse to violence. In particular – Ripstein seems to suggest – state A can require from other states all sets of actions and omissions evidently necessary to have its juridical condition, which minimally includes its existence and independence, respected. For example, if threatened or attacked by another state they have a right to self-defense (*ius ad bellum*), they have a rightful claim that acts of hostility that would make “mutual trust impossible during a future peace” be banned (*ius in bello*), and they have a right to be assured that “the victor will not impose compensation for the costs of the war” (*ius post bellum*), because this would imply that other states are entitled to judge the moral quality of the war fought by A, while only a third independent party is entitled to make this judgment.⁶

⁶ In his more recent *Rules for Wrongdoers* (2021), Ripstein further develops this idea by arguing that even if there is an *ius ad bellum* (an attacked state still has a right to defend itself, although this should not be viewed, as the tradition suggests, as a compensatory or remedial war), this is fully

I am not sure that Ripstein's suggestion holds. If there is no third independent party, who is entitled to judge whether, for example, a certain act disables mutual trust or disrespects other states' independence? Still, his analysis nicely illuminates a problem with which Kant evidently struggles. Hence, I would complement his suggestion by expanding a point we already made. There are three main reasons why a theory of the morality of war survives in Kant. To begin with, since a full implementation of the three definitive articles is still to be reached (and probably never will be reached without some shortcoming or imperfection in one of the three dimensions), we are still in the condition whereby war may break out at any time. Secondly, even if one day the three definitive articles are fully implemented, humanity may (at least for some time) experience setbacks. Republics may fall back to despotism, states may abandon the global federation, states may stop recognizing the right of foreigners to visit them. Finally, and more profoundly, the mature Kant rejects the solution of a world republic, which by his own standards would be the sole true guarantee of peace. As we shall see, the normative price to pay, that is, the melting of all states into one, would be too high. All this generates an intrinsically precarious condition that means the normative precepts on the morality of war are always valid. Considerations concerning when one can recur to interstate violence, how war should be conducted, and what to do when the conflict is over, are never – and unfortunately never likely will be – outdated. There is no contradiction between having a theory that spells out the conditions that make war less and less likely and keeping a suboptimal theory of the morality of war, given its residual possibility.

Much more could be said about the preliminary articles. For example, the prohibition of standing armies is intriguing. By that Kant means professional forces (either composed of citizens or foreign mercenaries), contrasting them with a system of conscription. Kant was mainly worried that the existence of professional forces may incentivize a race among states to have the strongest army. But there is an additional, perhaps even more important point. Republican citizens may find a war advantageous if they have hired professionals to do the fighting. This would risk undermining the whole first definitive article, whose logic, as we shall see in a moment, is that republics are more peace prone because in a republican system those who make the decisions (citizens) want to avoid the hardships of war. After the repeated experience of contractors, especially in Afghanistan and in Iraq, today we know that a further complication is the creation and expansion of a war industry that again risks defusing the

independent of the *ius in bello*. Both sides (aggressor and victim) have to conduct war in a manner (avoidance of perfidy, for example) that does not remove the possibility of a future peace.

peace potential of the first definitive article. Those (privately) interested in the material advantages of war are well positioned to exploit citizens' confidence that the fighting will not touch them or their nearest and dearest. The case of the 2003 Iraq war is telling: Recall Dick Cheney, and the huge profits made by the contracting company Halliburton for which he had worked until taking office, and from which he allegedly kept receiving remuneration while in office.⁷

Let us also pause on the fifth preliminary article, because it helps to complete the picture of Kant's model in a way that could hardly be obtained by looking merely at the definitive articles. Given two states, A and B, the fifth article forbids A's interference in B's internal affairs, even if B looks "scandalous" to A; that is, if the injustice perpetrated in B by the rulers arouses feelings of solidarity for the victims among the citizens of A. Kant here condemns any sort of crusade led by "virtuous" states (the "republican" or "liberal-democratic" ones) against despotic regimes.⁸ The overthrowing of despotism cannot result from the initiative of republican states more or less sincerely interested in the affirmation of justice outside of their borders. Only from the perspective of impersonal spectators can we rejoice in the removal of a dictatorship and the rise of a new "republic," which is, in fact, precisely what Kant does regarding the French Revolution (SF 7:85). In short, this refutes the crusade model that certain realist authors (and self-interested politicians) have construed and attempted to pass as inspired by Kant.⁹ At the same time, however, the article authorizes external intervention in cases in which a country is so divided that it can no longer guarantee a juridical condition. Whether this makes Kant's theory compatible with, or even attuned to the principles of the contemporary responsibility to protect, as some argue (Roff 2015), is a theme for debate. Certainly it is Kant's considered position that if a state falls into barbarism; that is, into a condition of force without law and freedom, as per the definition of the *Anthropology* (Anth 7:331), then an intervening state does no wrong, not because the conditions are outrageous enough to license intervention, but because there is no juridical condition to respect. It is also true, however, that for Kant nothing could be done against states that are *not* so divided but yet commit humanitarian offenses that the responsibility-to-protect doctrine considers as sufficient for triggering intervention, up to its most serious form, that is, the military one.¹⁰

⁷ See Rosenbaum (2004).

⁸ According to Losurdo (1983), one of the goals of the rule of noninterference stated in the fifth preliminary article, which, significantly, had already appeared in the 1793 French constitution, was to protect France from external reactionary forces that wanted to restore the *ancien régime*.

⁹ For a criticism of these attempts see Caranti (2006) and Russett (2005).

¹⁰ To recall, the threshold is: "large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or