

# Toward Perpetual Peace

## A Philosophical Sketch

Immanuel Kant

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis . . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported between brackets in normal-sized type.

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## Contents

Introduction . . . . .	1
<b>Section I: Preliminary articles for perpetual peace among states</b>	<b>1</b>
1: ‘No peace treaty is valid if it was made with mental reservations that could lead to a future war.’ . . . . .	1
2: ‘No independent states, large or small, are to come under the dominion of another state by inheritance, exchange, purchase, or gift.’ . . . . .	2
3: ‘Standing armies are eventually to be abolished.’ . . . . .	2
4: ‘National debts are not to be incurred as an aid to the conduct of foreign policy.’ . . . . .	3
5: ‘No state is to interfere by force with the constitution or government of another state.’ . . . . .	3
6: ‘No state during a war is to permit acts of hostility that would make mutual confidence impossible after the war is over—e.g. the use of assassins and poisoners, breach of capitulation, incitement to treason in the opposing state.’	4
<b>Section 2: Definitive articles for perpetual peace among states</b>	<b>5</b>
First article: ‘The civil constitution of every state is to be republican.’ . . . . .	6
Second Article: ‘The law of nations is to be founded on a federation of free states.’ . . . . .	9
Third article: ‘The law of world citizenship is to be united to conditions of universal hospitality.’ . . . . .	11
<b>Two additions</b>	<b>13</b>
1: Nature as a guarantor of perpetual peace . . . . .	13
2: The secret article . . . . .	18
<b>Two appendices</b>	<b>19</b>
1: The friction between morality and politics with regarding perpetual peace . . . . .	19
2: How the transcendental concept of <i>public law</i> harmonizes morality with politics . . . . .	26

## Introduction

A Dutch innkeeper's sign had a burial ground painted on it, with the mocking inscription 'Eternal Peace'. This could have been aimed

- generally at mankind, or
- specifically at the war-hungry rulers of states, or
- merely at the philosophers who dream this sweet dream of eternal peace.

The author of the present essay wants to set one condition regarding relations between rulers and philosophers. The attitude of practical politicians to political theorists is at once condescending and offensive, complacently regarding them as pedants whose empty ideas pose no threat to the State. The State has to proceed on empirical principles;

so the theorists are allowed to play their games without attracting the attention of statesmen, who know how the world works! My condition is this: the practical politician must maintain this attitude in times of trouble, and mustn't suspect some *danger to the state* in things that the political theorist says openly and with no hidden purpose. With this saving clause the author regards himself as expressly and rigorously protected from any malicious interpretation of his words. ['saving clause' translates Kant's Latin *clausula salvatoria*. Though mainly a technical term in music theory, this has other meanings too; 'saving clause' is not one of them, but one suspects that Kant thought it was. Anyway, whatever he meant by it, he clearly intended the phrase as pompous or mock-solemn, like the rest of the sentence.]

## Section I: Preliminary articles for perpetual peace among states

### 1. 'No peace treaty is valid if it was made with mental reservations that could lead to a future war.'

Otherwise this would be only a truce, a suspension of hostilities, not *peace*, which means the *end* of all hostilities—so that it's really redundant to qualify 'peace' with the adjective 'perpetual'. There may be existing states of affairs that could be causes of future wars—ones that the parties to the peace treaty don't know about, and perhaps couldn't know except through clever forensic digging in dusty documents—but

these are all, *all*, annihilated by the peace treaty. When one or both parties •sign a peace treaty only because they are too exhausted to continue the war, and in bad faith •enter into the treaty with a •silent• mental reservation concerning issues that are to be confronted later on, that's a bit of Jesuit casuistry. [In that sentence, 'that' refers not to the treaty but to the mental reservation. Kant aims to head off any such plea as: 'I'm not morally bound by the treaty that I signed, because I signed it with a mental reservation that excluded clauses x and y from what I intended.'" Some Jesuit casuists—i.e. theoreticians of practical morality—have attributed that kind of moral force to 'mental reservations'.]

It's beneath the dignity of a sovereign to *make* such a 'mental reservation', and it's beneath the dignity of a sovereign's ministers to *act upon* it.

But if 'enlightened' concepts of statecraft lead to the view that glory of a state consists in its growing power, however it is achieved, then what I'm saying here will strike people as merely academic and pedantic.

**2: 'No independent states, large or small, are to come under the dominion of another state by inheritance, exchange, purchase, or gift.'**

Unlike the ground that it occupies, a state isn't a piece of property—it isn't *owned*. It's a society of men that can't rightly be commanded or disposed of by anyone, except of course, by itself. A state is a **tree** with its own roots; to incorporate it into another state—treating it as a mere **branch** that can be grafted—is to destroy its existence as a moral person. It's to reduce it to a mere thing, thus contradicting the idea of the original contract without which no right over a people is conceivable.<sup>1</sup> It is common knowledge what dangerous situations have arisen, even very recently, from this kind of thing. It is a European practice that is unknown in the rest of the world, namely:

It is thought that states can *marry* one another, this being a new kind of industry for gaining power and territory by means of family alliances, with no expenditure of resources.

This principle also covers any state's fighting an enemy using soldiers hired from another state that has no quarrel with that enemy; because this practice uses and *uses up* subjects as though they were merely convenient commodities.

**3: 'Standing armies are eventually to be abolished.'**

That's because their constant appearance of war-readiness is a continuing threat to other states, encouraging a never-ending arms-race, a competition for which state can mobilize the largest army. This makes peace eventually more of a burden than a short war, so that a standing army is itself a cause of offensive war undertaken in order to relieve the state of this burden of peace! And there's another point: Paying men to kill or to be killed seems to be using them as mere machines—as tools in the hand of someone else (the state)—which doesn't sit well with individual human rights. (As for periodic voluntary military exercises of citizens, to secure themselves and their country against foreign aggression, that is entirely different.) The accumulation of treasure also has the effect that other states see it as preparation for war, because of these three—

the power of armies,  
the power of alliances, and  
the power of money

—the third may well be the most dependable weapon. The other states may think they are compelled to make a pre-emptive attack against the wealthy state; though this whole danger is lessened by the fact that it's hard to discover how wealthy a given state is.

<sup>1</sup> A hereditary monarchy isn't a state that another state can inherit; though another physical person can inherit the right to govern it. If the ruler of x becomes through inheritance the ruler also of y, y acquires a ruler but x doesn't acquire a state!

**4: 'National debts are not to be incurred as an aid to the conduct of foreign policy.'**

There's nothing wrong with this way of seeking aid, within the state or from outside it, in support of the domestic economy—the improvement of roads, new settlements, creating reserve stores of commodities as insurance against unfruitful years, etc. But as a tool for use in the struggle of national powers against each other, this credit system—the ingenious invention of a commercial people in the present century—is a dangerous kind of money-power. The debt it involves keeps growing, unnoticed, and the debtor state isn't pulled up short by demands for repayment, because the creditors don't all require payment at one time. And in time it grows to be a war-chest bigger than those of all the other states combined. The only way it can get used up is through a loss of tax income [to pay the interest?]; that certainly will eventually happen, but it can be kept at bay for a long time because of the stimulus the credit system gives to industry and commerce and thus to tax revenues. This ease in making war, together with rulers' lust for power—something that seems inborn in human nature—is thus a great hindrance to perpetual peace. All the more reason why there should be a preliminary article of perpetual peace forbidding this credit system; and states that don't use it are justified in combining against any state that does, because they will be harmed by their entanglement in that state's inevitable bankruptcy.

**5: 'No state is to interfere by force with the constitution or government of another state.'**

For what is there to authorize it to do so? [In the rest of this paragraph, 'scandal' (German *Skandal*) is being used in something like its theological sense (quoting the Shorter Oxford) of 'moral perplexity caused by the conduct of a person looked up to as an example'. The Latin *scandalum acceptum* is a technical term from Thomist theology.] You might think that state x is authorized to interfere with state y if y's subjects behave in ways that create a scandal for x's subjects—for example, the authorities in x see that y allows its subjects to engage in polygamy and polyandry, and think 'We ought to *do something* about this or the infection will spread.' But that's not right. A better response to that kind of thing is to exhibit y not as a temptation but as a *warning* of what can happen if a state lets its people behave lawlessly. In such a *scandalum acceptum*—i.e. letting that behaviour happen rather than stepping in and putting a stop to it—the leaders of x are perhaps setting a bad example to others, but they aren't doing harm.

If a state undergoes internal dissension that splits it into two parts, each claiming to be a separate state and laying claim to the whole, it may be all right for another state to help one of the sides; this isn't an infringement of article 5 because doing this doesn't count as interfering with the constitution of another state—it's not a state, it's an anarchy. But until the internal dissension reaches this critical point, such interference by foreign powers *would* infringe on the rights of an independent people struggling with its internal ills. It would itself be a scandal, and would render the autonomy of all states insecure.

**6: 'No state during a war is to permit acts of hostility that would make mutual confidence impossible after the war is over—e.g. the use of assassins and poisoners, breach of capitulation, incitement to treason in the opposing state.'**

These are dishonourable stratagems. Even in war there must be *some* confidence in the enemy's character; otherwise no peace could be concluded, and the hostilities would degenerate into a war of extermination. What is war? In the state of nature ·that obtains between states·, where there is no higher court to settle disputes through law, war is the sad recourse by which each state uses violence to assert its right and in which neither party can be condemned as wrong, because that would presuppose a juridical decision. In the absence of such a decision, the question of which side is right is answered by the outcome of the conflict (as though this were a so-called 'judgment of God'). There can be no question of one state's going to war to *punish* another state, because no state has authority over any other state.

It follows that a war of extermination, which can wipe out •both parties and •all justice, can lead to 'perpetual peace' only in the vast burial ground of the human race. Such a war, therefore, must be absolutely forbidden, as must any activities that lead to such a war. The examples that I cited ·in my statement of article 6 come under this ban, because they· do inevitably lead to a war of extermination. Once these vile practices are employed, they'll soon spread beyond the confines of the war. The use of spies, for instance—·though it may seem morally innocent because it· only makes use of the infamy of *others* (something that can't be entirely exterminated ·even in a war of extermination·!)—will carry this over into the state of peace and thereby cancel the spirit of peace.

\* \* \* \*

[The following paragraph and its long footnote are larded with Latin legal terms, which seem not to be needed for the main thrusts of what Kant is saying.] Although the laws—·my six 'articles'·—are all stated as outright prohibitions, they differ in how strict ·or strictly immediate· they are. Articles 1, 5, and 6 are of the strict kind that hold regardless of circumstances, demanding to be acted on right away. On the other hand, Articles 2, 3, and 4, though also laws that are to be obeyed, allow some latitude regarding *when* they are to be obeyed; with each of them, delay is permissible. But it's not permissible to lose sight of the purpose of the article in question. Article 2, for instance: state x has been deprived of its freedom, which could be restored by state y; if immediate restoration might actually harm x's situation, then it is permissible for y to delay it—but not until hell freezes over! [Kant uses a different but equivalent colloquialism.] Postponement is allowed so that the restoration of freedom isn't rushed into, thus thwarting the very purpose of the legal rule. [In the remainder of this paragraph, Kant says: The rule forbids an action, the •creation of a certain state of affairs; it doesn't forbid the •existence of the state of affairs. The action through which this state lost its freedom may have been universally regarded as lawful at the time it happened; it wasn't in fact lawful, and isn't so now; but this doesn't mean that any state has an immediate duty to move in and fix the situation by restoring the state's freedom to it.]

·THE REST OF THIS SECTION WAS A LARGE FOOTNOTE·

The question has been raised, not unreasonably, as to whether pure reason *can* be a source not only of laws saying 'Do x' and 'Don't do y' but also of permissions i.e. laws saying 'It is all right for you to do z'. [Kant's account of why this is questionable is condensed and hard to follow. The core of it seems to be that 'laws as such' involve 'practical

necessity’—they say ‘You *must* do x’ or ‘you *mustn’t* do y’—while a permission is essentially a statement of non-necessity, saying ‘You don’t have to do x’. Kant sorts this out by saying that there can be a ‘permissive law’ that says in effect ‘You must do x, but you don’t have to do x *yet*’, or—this being his present concern—one that says in effect ‘You must not permanently have relation R to another state, but you may have it for a while under certain circumstances’. He applies this also to the case discussed above, of a state that lost its freedom through some state action that can now be seen to be illegal. There is a prohibition against one state’s acquiring another in certain ways, and a permission to allow a wrongly acquired state to stay acquired at least for a while. Kant is at pains to say, again, that the permission holds only if the wrong acquisition •occurred ‘in the transition from the state of nature to a civil state’ and •was universally regarded

as legal at that time. He continues:] If the acquisition of the state had occurred in the civil state, it would be an infringement that would have to cease as soon as its illegality was discovered.

[Kant adds a further paragraph explaining why he has wanted to linger on this matter. It is to replace

permissions that are seen as exceptions to some law  
by

permissions that are built into a law,  
because only the latter of these leaves intact the notion of a law as something absolutely strict and in some way necessary. As Kant puts it:] Otherwise we shall have merely general laws (which apply to a great number of cases), but no universal laws (which apply to all cases) as the concept of law seems to require.

## Section 2: Definitive articles for perpetual peace among states

The natural state of men is not •peaceful co-existence but •war—not always open hostilities, but at least an unceasing threat of war. So a state in which there is no danger of hostilities needs to be *established*, and this will have to involve more than merely the absence of hostilities. Real security against outbreaks of war is something that has to be pledged to each person by his neighbour (a thing that can occur only in a civil state); without that pledge, each person may treat his neighbour as an enemy.

•START OF A FOOTNOTE•

We ordinarily assume that no-one may act in a hostile way toward someone who hasn’t actively harmed him. And that is quite correct if both men are under civil law, because by entering into a civil state they have given each other the required security through the government that has power over both of them. A man. . . in the state of nature deprives me of this security; and if he is in my vicinity he *harms* me—even if he doesn’t *do* anything to me—by the mere fact that he isn’t subject to any law and is therefore a

constant threat to me. So I can compel him either •to enter with me into a state of civil law or •to get right out of my neighbourhood. So the underlying postulate of all •three of the following articles is: *All men who can affect each other must stand under some civil constitution.*

[In this next sentence, Kant uses *Personen* = ‘persons’ to cover France and Germany as well as you and me; we’ll see in a moment that he counts nation-states as ‘citizens’ of the world-order and thus presumably as ‘persons’.] Such constitutions are of three types, which differ in what range of persons falls under their laws:

- (1) Constitutions that embody the civil law governing inter-relations amongst **men** in a nation-state;
- (2) The constitution that embodies international law governing the inter-relations amongst the **nation-states** of the world;
- (3) The constitution that embodies the law of world citizenship, governing the relations amongst **men and nation-states** considered as citizens of a universal state of mankind.

This isn’t an arbitrary classification; it goes to the heart of the idea of perpetual peace. For if even one pair of these items—•two men, two nation-states, or one man and one nation-state—were in a position to affect one another and yet were in a state of nature, war would necessarily follow, and freedom from war is the object of the present exercise.

•END OF THE FOOTNOTE•

**First article: ‘The civil constitution of every state is to be republican.’**

The only constitution which derives from the idea of the original compact, and on which all juridical legislation of a people must be based, is the republican.

•START OF A FOOTNOTE•

[Kant starts the footnote by stating and then trashing one suggested definition of ‘juridical [*rechtliche*] freedom’. He continues with a definition that he does accept:] My juridical freedom is my •right or• privilege of not having to obey any laws except those that I could have consented to. My juridical [*rechtliche*] equality with you in a state is the relationship between us such that if I am to constrain you by any law, it must be one by which I am also bound (and vice versa). . . .

The validity of these inborn rights [*Rechte*], which are inalienable and belong necessarily to humanity, is raised to an even higher level by the principle of the juridical [*rechtliche*] relation of man to higher beings (if he believes in them), because he regards himself by those principles as a citizen of a supersensuous [= ‘supernatural’] world. [The switch from ‘principle’ to ‘principles’ is Kant’s.] The situation about my freedom is this: Divine laws that I know only through reason don’t put any obligation on me except to the extent that I could have given my consent to them; because the very concept of God’s will is one that I have only through the law of freedom of my own reason. Take the most sublime being in the world that I can think of (apart from God): when I do my duty in my post as he does in his, there’s no reason under the law of equality why obedience to duty should fall only to me and the right to command only to him. The reason why this principle of equality doesn’t apply to our relation to God (as the principle of freedom does) is that God is the only being at which the concept of duty *stops*.

Regarding the right of equality of all citizens as subjects, the question arises: ‘Can a hereditary nobility be tolerated?’ The answer depends on how **rank** relates to **merit**:

Is the pre-eminent **rank** granted by the state to citizen x over citizen y (1) a consequence of x’s having more **merit** than y, or is it (2) the other way around?



Not **(2)**: if rank is decided by birth then obviously there is no guarantee that merit (political skill and integrity) will accompany it; a nobleman is not necessarily a noble man! Assigning rank on this basis would be on a par with giving the command to a meritless favourite; and the general will of the people would never agree to this in drawing up the original contract that is the source of all law. So the answer to the original question is: No, hereditary nobility is *not* to be tolerated. But **(1)** there's a kind of nobility that is allowable because it follows from merit: this is the rank of those who are high in the government, a position that has to be earned by merit. This rank doesn't belong to the person as his property; it belongs to his governmental position, and it doesn't infringe equality because when a man leaves his governmental position he gives up the rank it confers and returns to the level of ordinary citizen.

·END OF FOOTNOTE·

This constitution—the republican one that I introduced before embarking on that long footnote—is established firstly **(a)** by principles of the freedom of the members of a society (as human beings); secondly, **(b)** by principles of everyone's dependence on a single common system of law (as subjects); and thirdly **(c)** by the law of their equality (as citizens). On its legal side, then, the republican constitution is the one that is the original basis of every form of civil constitution. But that leaves open the question of how the republican constitution relates to the prospects for perpetual peace.

I answer that its prospects for creating perpetual peace are favourable. Here is why. In a republican system it must be the citizens, who are all legally on a par, who decide 'War or no war?', and in answering *that* they have to contemplate all calamities of war, in which they would have to

- fight,
- pay the costs of the war out of their own pockets,
- painfully repair the devastation war leaves behind, and,
- load themselves with a heavy national debt that would embitter peace itself and could never be amortised because of constant further wars.

Faced with all that, it is utterly natural for them to be very cautious about getting into such a dangerous game.

On the other hand, in a non-republican political system in which the subjects are not citizens, it's the easiest thing in the world to decide to declare war. The ruler isn't a member of the state—he's its *owner*—and a war won't cost him the least sacrifice of the pleasures of his table, his hunting, his country houses, his court functions, and the like. So he can decide on war for the most trivial reasons, as though it were a pleasure party, casually leaving it to his ever-ready diplomatic corps to come up with 'reasons' that will make the war seem respectable.

\* \* \* \*

People usually confuse the republican constitution with the democratic constitution; let us now separate them. The forms that a state can have can be classified either

- (1)** according to who has sovereign power in the state; or
  - (2)** according to how the sovereign power is used, by whoever has it, to administer the affairs of the state.
- (1)** The first classification is properly called a classification of forms of sovereignty, and there are only three of these:
- autocracy**, in which only one person, the monarch, has sovereign power;
  - aristocracy**, in which an associated group, the nobility, has sovereign power;

•**democracy**, in which all those who constitute society, the people, have sovereign power.

(2) The second classification is ·a classification of· forms of government, i.e. in terms of how states use their power (this being based on the constitution, which is the act of the general will through which the many persons become one nation). In this classification ·there are only two items·: a government can be either

•**republican** or  
•**despotic**

Republicanism is the political principle of the separation of the executive from the legislative power; despotism is the principle of the state's making the laws *and* administering them. In a despotic system, the public will is administered by the ruler (or rulers) as his (or their) own private will. Of the three forms of the state, **democracy**—in the proper sense of that word—is necessarily **despotism**; because it establishes an executive power in which 'all' settle things for each individual, and may settle some things *against* an individual who doesn't agree ·with the policy in question·; decisions are made by an 'all' that doesn't include everyone! In this the general will contradicts •itself and •freedom. [You may have noticed an oddity here. To show why democracy must be despotic, Kant should have contended that in democracy the legislative and executive powers are in the same hands. Perhaps that is buried in what he does say; but it is hidden from view by his emphasis on the matter of 'all' versus 'all but one' and the supposed threat of this to peace.]

[This paragraph and the next are the only ones where *repräsentativ*

or any of its cognates occurs, except for one occurrence on page 24. Kant doesn't explain it, but his view seems to be that a strictly representative form of government is one in which no citizen of the state is ever thwarted by the law.] Every form of government that isn't representative is really a shapeless monster, because a legislator (who chooses what laws there will be) can't possibly also be an executive (who implements those choices); any more than in a syllogism such as:

(i) All men are mortal, and (ii) Hannibal is a man,  
therefore (iii) Hannibal is mortal

the work done by premise (ii) can be done by premise (i). Autocracy and aristocracy are always defective in leaving room for this to the extent that they do leave room for this mode of administration, but it is at least possible for them to govern in a way that conforms to the *spirit* of a representative system (as when Frederick II at least *said* he was merely the first servant of the State).<sup>2</sup> On the other hand, the democratic mode of government makes this impossible, because everyone wants to be in charge. So we can say:

the smaller the personnel of the government (the smaller the number of rulers), the greater is their representation and the closer •their constitution comes to the possibility of republicanism; so that there's room for hope that •it will through gradual reform finally to rise to the level of outright republicanism.

For these reasons it is harder for an aristocracy than for a monarchy to achieve the one perfectly legitimate constitution, and it is impossible for a democracy to do so except through violent revolution.

<sup>2</sup> High-flying epithets such as 'the Lord's anointed,' 'the executor of the divine will on earth' and 'the vicar of God', which have been lavished on sovereigns, are often condemned as crude flattery. I think this is wrong. Far from filling a monarch with pride, they should rather make him humble. . . . They should make him reflect •that he has taken on a job that is too great for any man, a job that is the holiest God has ordained on earth, namely to be the trustee of **the rights of men**, and •that he must always stand in dread of having in some way harmed ·these rights·, this apple of God's eye.

How the governing is done, however, matters much more to the people than does the form of sovereignty (though a lot depends on how suitable the form of sovereignty is to the purpose of ·good· government).<sup>3</sup> To conform to the concept of law, however, government must have a representative form, which is the only one in which a republican mode of government is possible; without a representative form, government is despotic and arbitrary, no matter what its constitution is. None of the ancient so-called ‘republics’ knew this, and they all finally and inevitably degenerated into despotism under the sovereignty of one, which is the most bearable of all forms of despotism.

**Second Article: ‘The law of nations is to be founded on a federation of free states.’**

Peoples, as states, can be judged to harm one another merely by their coexistence in the state of nature (i.e. while independent of external laws), just as individuals can. Each people can—and for its own security *should*—encourage the other peoples to enter with it into a constitution like a civil one; for under such a constitution each can be secure in its right. This would be a league of nations, but it couldn’t be an international state, a state consisting of nations. [Kant gives an obscure reason why it couldn’t be, and then says that anyway that isn’t the point:] Our concern is with weighing the rights of nations against each other, regarding them as distinct states and not amalgamated into one.

When we see how devoted savages are to their lawless freedom, in which they *prefer* •being constantly at one another’s throats to •having the ·peaceful· rational freedom that they could have if they **submitted to a lawful constraint** under laws established by themselves, we regard this with profound contempt as crudeness, barbarity, and a brutish degradation of humanity. So you’d think that civilized peoples (each united in a state) would be eager to escape—the sooner the better—from such a depraved condition. But, instead, each state places its majesty. . . .in being **subject to no external lawful restraint**; and the glory of its sovereign consists in the fact that while *he* isn’t in the least danger many thousands of people are ready at his bidding to sacrifice themselves for something that really isn’t any of their business. European savages differ from American ones mainly in knowing how to make better use of their conquered enemies than to *eat* them! They use them to increase their subject population and thus the quantity of cannon-fodder for ever bigger wars.

The depravity of human nature appears nakedly in the unrestrained relations of nations to each other (it is pretty well hidden *within* law-governed civil states by the constraint of government). So it’s astonishing that the word ‘law’ [German *recht*, which can also mean ‘right’] hasn’t yet been entirely banished from the politics of war as an academic irrelevance. . . . But it certainly hasn’t. Such 17th and 18th century legal theorists as Hugo Grotius, Samuel Pufendorf and Emerich Vattel are *sincerely* quoted to justify wars, although

<sup>3</sup> [Kant begins this note with a fierce put-down of a writer who seems to have thought] that the best-administered state also has the best mode of government, i.e. the best constitution. That is thoroughly wrong: examples of good governments prove nothing about the form of government. Who ever reigned better than Titus and Marcus Aurelius? Yet Titus was succeeded by Domitian and Marcus Aurelius by Commodus, though their unworthiness to be emperor was known early enough for them to have been excluded, and in each case the ruler had the power to make the exclusion. This could never have happened under a good constitution.

their legal codes—whether in their philosophical or their diplomatic versions—can't have the slightest *legal* force, because states as such are not under any common external authority;

and states presumably see this, because

there is no instance of a state having ever been moved to hold back from starting a war by an argument based on the views of such great men.

This lip-service that every state pays to the idea of *law* [*recht*] shows that there is to be found in man—*asleep* in him!—a higher natural moral capacity that he can't disown and that will eventually enable him to get the mastery over the source of evil in his nature, and to hope that others will do the same. If that were not there in human nature, states wanting to wage war would never use the word 'law' except perhaps to sneer at it like the Gallic Prince who said that law is 'the privilege that nature gives the strong to force the weak to obey them'.

States don't plead their cause in a law-court; their only way of bringing a suit is by war. It may be clear who won the war, but no question of law or right is settled; there's no right or wrong here, because on the international scene each state is the judge of its own case. A peace-treaty may bring to an end this particular war, but it doesn't end the state of war, i.e. the state in which new 'reasons' for hostilities can always be found. Individuals in a lawless condition are subject to a natural law that says 'You should extract yourself from this condition'; but states aren't subject to a law of nations telling them the same thing. That is because as states they have their own internal juridical constitution, so that

constraint by others, according to *their* ideas of right, based on some juridical constitution that is broader than that of any individual state

is something that states have *outgrown*. This is true despite the fact that reason from its throne of supreme morally legislating authority absolutely condemns war as a legal recourse and makes a state of peace a direct duty, although peace can't be established or secured except by a compact among nations. So there must be a special sort of league that can be called a **league of peace**, aiming to make an end to all wars forever, to be distinguished from a **treaty of peace** which only ends one war. [In this work as Kant wrote it, this paragraph down to here is a single sentence.] This league doesn't encroach on the power of the state; its aim is just to maintain and secure the freedom of the state itself and of other states in league with it, with no need for them to be constrained by civil laws as men in a state of nature must be.

This idea of *federation* that is gradually to spread to all states and thus lead to perpetual peace—is it practicable? Yes, and this can be shown. If it so happens that a powerful and enlightened people can make a republic for itself, which by its nature must be inclined to perpetual peace, this provides a centre from which other states can be drawn into the federal union, thus securing freedom in accordance with the law of nations. By more and more such associations, the federation can be gradually extended.

We can understand a people's saying:

'There is to be no war among us, for we plan to make ourselves into a state; i.e. to establish a supreme legislative, executive, and judicial power that will reconcile our differences peaceably.'

But when this state says:

'There is to be no war between myself and other states, although I don't acknowledge any supreme legislative power by which our rights are mutually guaranteed', we *don't* at all understand what basis the state can have for confidence in its own rights unless it is the free federation

that reason necessarily ties to the concept of *the law of nations* if that has any real meaning left. [Kant builds into that sentence a clause calling this federation ‘a substitute for civil social order’; he means that the federation of nations would keep them at peace in a manner analogous to that in which ordinary civil government keeps individual people at peace.]

The concept of a law of nations as a law about the making of war really doesn’t mean anything, because:

such a war-law would be a law for deciding what is right •by unilateral maxims through force, not •by universally valid public laws that put limits on the freedom of each one.

The only conceivable meaning for a law like that would be: It is right that men who choose to destroy each other should find perpetual peace in the vast grave that swallows both the atrocities and their perpetrators. For relations among states the only reasonable way out of the lawless condition that promises only war is for them to behave like individual men, that is

give up their savage (lawless) freedom, get used to the constraints of public law, and in this way establish a continuously growing superstate to which, eventually, all the nations of the world will belong.

But their conception of the law of nations won’t let them do this; they reject in practice what is correct in theory; so if anything is to be rescued from all this, and we can’t apply the positive idea of a world-republic, we’ll have to settle for the negative idea of an alliance that averts war: while that

lasts and spreads it will hold back the torrent of hostility and lawlessness, but it will always be in danger of a new bursting of the banks. [Kant decorates that thought with a brief quotation from Virgil].<sup>4</sup>

### **Third article: ‘The law of world citizenship is to be united to conditions of universal hospitality.’**

This article like the preceding ones is not about •philanthropy but about •right. Hospitality means the *right* of a visiting foreigner not to be treated as an enemy.

[In what follows, Kant distinguishes **(1)** what the foreigner has a right to from **(2)** what he doesn’t have a right to, and he isn’t utterly clear about what line he is drawing. The best guess seems to be that he is distinguishing

- (1)** being peacefully allowed to •set foot on the territory and to •ask to be accepted into that society from
- (2)** being accepted into the society.

The present version will track the German as closely as possible, occasionally using those numerals to help sort things out.]

It is all right to refuse him **(2)** this ‘acceptance into the society’ if the refusal doesn’t have fatal consequences for him; but as long as he conducts himself peacefully and doesn’t push forward, he is **(1)** not to be treated with hostility. It’s not that he has a right to be **(2)** received as a **guest** (he couldn’t have *that* right unless a special friendship convention were in play), but just that he has a right to **(1) visit**, a right that all men have to offer themselves as potential members of any society. All men have this right by virtue of their common possession of the surface of the earth, where (because it is a

<sup>4</sup> A people that has just ended a war would do well to follow its day of •thanksgiving with a day of •repentance, in order to ask. . . .for heaven’s forgiveness for the constant wicked pride that leads the nations to •refuse to bring their relations with one another under the constraint of a system of laws and instead to •resort to the barbarity of war even though that never really settles anything. The war-time thanks for victories in battle, the hymns sung to the •God of Hosts. . . ., contrast sharply with the moral idea of the •Father of Men. For they not only show indifference to how nations seek their rights but also express joy at how many men’s lives they have taken or at least ruined.

·finite· sphere) they can't spread out for ever, and so must eventually tolerate each other's presence.

Originally no-one had more right than anyone else to any particular part of the earth. This community ·of all men· is divided up by seas and deserts—uninhabitable parts of the earth—but ships and camels (ships of the desert) enable people to •approach each other across these ungoverned regions and, using mankind's common right to the face of the earth, to •create a possibility of ·peaceful· interaction. The inhospitality of coastal people (e.g. those on the Barbary coast) in robbing ships that come near or making slaves of stranded travelers, and the inhospitality of desert people (e.g. the Bedouin Arabs) who see the approach of nomadic tribes as conferring the right to plunder them, is thus opposed to the natural law. ·You get a measure of how bad this conduct is from seeing how weak, how un strenuous, that natural law is:· all it does is to lay it down that people arriving from foreign parts have **(1)** the right to *try* to interact with the locals. In this way distant parts of the world can come to relate peaceably with one another, in ways that will eventually be covered by laws, moving the human race ever closer to a constitution establishing world citizenship.

Compare that ideal with the inhospitable conduct of the 'civilised' countries of Europe, especially the ones driven by commerce. Their wrong treatment of the lands and peoples they visit (here 'visit' = 'conquer'!) is terrifying in its extremes. When ·these Europeans·, these 'civilised' intruders, first came upon America, the Negro lands, the Spice Islands, the Cape etc., they regarded them as lands without owners, for they counted the inhabitants as nothing. In India, under the pretence of intending to establish trading posts, they •brought in foreign soldiers to oppress the natives, •started up widespread wars among the various Indian states, and

•spread famine, rebellion, treachery, and the whole litany of evils that afflict mankind.

[Kant attaches to the first word of this paragraph a very long discussion of what name it is best for a European to use for 'that wonderful country'.] China and Japan, who have had experience with such 'guests', have wisely refused them entry:

- China lets them come up to the border but not to cross it;
- Japan allows only the Dutch to land on its shores, but it treats them like prisoners, not allowing them to interact in any way with the native Chinese.

The worst of this (or from the moral point of view, the best!) is that nothing was gained from all these outrages, because all these trading companies are on the verge of collapse. The Sugar Islands [in the Caribbean], that place of the most refined and cruel slavery [where purchasers of slaves paid for them with sugar], have produced no real revenue except indirectly and nastily by providing sailors for warships, thus contributing to the conduct of war in Europe. And these atrocities are the work of powers that •make a great show of their piety, and—drinking injustice like water—•regard themselves as being, in the matter of correct religious belief, the chosen people!

The peoples of the earth have now gone a good distance in forming themselves into smaller or larger communities; this has gone so far that a violation of rights in one place is now felt throughout the world. So the idea of a *law of world citizenship* is not a legal flight of fancy; rather, it is necessary to complete •the unwritten code of civil and international law and also •mankind's written laws; and so it is needed for perpetual peace. Until we can establish a law of world citizenship, we mustn't congratulate ourselves on how close we are coming to that.