

# Approaching Perpetual Peace: Kant's Defence of a League of States and his Ideal of a World Federation

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The standard view of Kant's position on international relations is that he advocates a voluntary league of states and rejects the ideal of a world federation of states as dangerous, unrealistic, and conceptually incoherent. This standard view reigns in both the Kant literature and the debates among Kantian political theorists. However much John Rawls and Jürgen Habermas, for example, may disagree over whether Kant is right to defend a voluntary association of states, their dispute is premised on the standard interpretation of Kant's position. In *The Law of Peoples*, Rawls's appeal to Kant's purported reasons for rejecting the ideal of a world government serves as a theoretical short-cut, relieving him of the task of discussing the desirability of a world federation of states.<sup>1</sup> In Habermas's 1995 essay on Kant's *Perpetual Peace*, the case for transforming the United Nations into a cosmopolitan democracy with strengthened coercive powers is preceded by a lengthy argument showing that Kant's position in *Perpetual Peace* is riddled with contradictions and that Kant's own principles should have led him to argue for a federative state of states with coercive powers.<sup>2</sup>

In this essay I argue that the standard view of Kant's position is mistaken and that he in fact holds a third position that combines the defence of a voluntary league with an argument for the ideal of a world federation with coercive powers. I do so via an examination of the three main criticisms that are usually leveled against Kant. These criticisms can be found throughout the Kant literature and in the writings of Kant's opponents, but they are particularly central to recent attempts to use Kant against Kant to advocate the establishment of a world government. First, he is criticized for scaling back, on empirical grounds, the ideal of a state of states to that of a voluntary non-coercive league of states, while still maintaining that pure practical reason demands a state of states. Critics charge that consistency requires that he advocate a federative state of states with coercive powers, and that Kant's appeal to the fact that states do not *want* to join such an institution makes for a decidedly un-Kantian line of argument.<sup>3</sup> Second, critics object that a state of states is not a contradiction in terms and hence that Kant should not have rejected it on grounds of conceptual incoherence.<sup>4</sup> Third, critics regularly object that a mere league would not help bring about peace because there is no practical difference between a voluntary non-coercive league and no league at all.<sup>5</sup>

I here defend Kant against all three of these charges and argue that they rest on a misunderstanding of Kant's argument for the league of states, in particular a misunderstanding of the relationship between his defence of the league of states and his claim that reason demands a state of states. Kant does advocate the establishment of a non-coercive league of states,<sup>6</sup> at least in his mature political writings (such as *Perpetual Peace* and the *Metaphysics of Morals*), but he does so for reasons that both make good sense within the framework of his political theory and are compatible with the stronger ideal of a state of states.

Even though the argument presented here concerns the interpretation of Kant's theory of peace, it has implications for both lines of Kantian political theorists mentioned above. Against those who claim that their plea for a federative state of states with coercive powers is merely a Kantian improvement of Kant's own argument, I show that Kant's reasons for advocating a voluntary league instead of a state of states are not inconsistent and deserve to be taken seriously. Against those who use Kant, as for example Rawls does, to justify sidestepping a discussion of the ideal of a federal world government, I show that it is in fact inappropriate to do so.

In the first section I show why exactly Kant holds that states in the state of nature do not have a right to coerce other states into a state of states against their will, even though the analogy with the state of nature among individuals might seem to require such a right. In the second section I argue that Kant does not regard the state of states as conceptually contradictory and that his own defence of the ideal of a state of states is compatible with his view of state sovereignty. In the third and fourth sections I explain how, according to Kant, the voluntary league of states serves to bring a state of states nearer to realization, despite the league's lack of coercive authority. I end by indicating how Kant's revised view can be made productive for present-day philosophical purposes, suggesting several amendments to current Kantian political theories.

Before starting, I should make a terminological comment about the use of 'states' and 'peoples'. It is clear and uncontroversial that Kant is discussing the relations among states, not nations or peoples in an ethnic, cultural, or nationalist sense. The term '*Völkerstaat*' refers to a state of states, despite the fact that '*Volk*' is generally best translated as 'people.' Nowhere does Kant advocate the dissolution of existing states in favor of the formation of a single world state under which individuals would be directly subsumed. In the present case, Kant uses the term 'people' in the political sense of a group of individuals who are united under common laws, hence who form a state (cp. PP VIII, 344). Accordingly, Kant indicates at the beginning of his discussion of international right<sup>7</sup> in *Perpetual Peace* that he is discussing 'peoples as states' (*Völker als Staaten*) (354), and in the subsequent discussion he refers to a league 'of states' and a league 'of peoples' interchangeably. Elsewhere, Kant notes that 'right of peoples' (*Völkerrecht*, international law) is a misnomer and that the appropriate term would be 'right of states' (*Staatenrecht*, MM VI, 343; a people with alleged common ancestry he calls a '*Stammvolk*', MM VI, 311). To keep the discussion below focused on the relationships among 'peoples as states' and to avoid

nationalist misunderstandings, I use 'state of peoples' as synonymous with 'state of states.' This should not in turn lead to a statist misunderstanding. One should keep in mind that Kant conceives of the state as the political self-organization of a group of individuals and that he does not regard the rights granted to the state as independent from the rights of these individuals.

### I. The Potential Despotism of a Coercively Established State of States

One of the most infamous passages in which Kant defends the establishment of a league instead of a state of states is the following:

As concerns the relations among states, according to reason there can be no other way for them to emerge from the lawless condition, which contains only war, than for them to relinquish, just as do individual human beings, their wild (lawless) freedom, and to accustom themselves to public, binding laws, and to thereby form a (continually expanding) *state of peoples (civitas gentium)*, which would ultimately comprise all of the peoples on earth. But they do not want this at all, according to their conception of the right of peoples (thus rejecting *in hypothesi* what is right *in thesi*);<sup>8</sup> therefore, instead of the positive idea of a *world republic* (if not everything is to be lost) only the *negative* surrogate of a lasting and continually expanding *league [Bund]* that averts war can halt the stream of law-shunning and hostile inclination, but with a constant threat of its breaking out . . . (PP VIII, 357)

Kant here mentions the state of states ('state of peoples') as an idea of reason. Central to Kant's political theory is the view that the state of nature among individuals can be overcome only by their subjecting themselves to common public laws in a state. In the quoted passage, he claims that reason demands that states do the same and leave the international state of nature by giving up their external sovereignty, subjecting themselves to the public laws of a state of states (also called a 'world republic'). To the consternation of his readers, however, Kant nevertheless goes on to advocate the establishment of a voluntary league of states without coercive law enforcement.

The passage is generally regarded as inconsistent, and its standard interpretation leads directly to the first objection against Kant's advocacy of the league of states. Some commentators criticize Kant, others commend him for scaling back what reason demands on the basis of the empirical consideration that states do not want to join a state of states. But all agree that this argument is a decidedly unKantian move.<sup>9</sup> Kant is seen as arguing that the idea of a state of states is a good one in theory but unrealistic in practice, and this is exactly the kind of argument that he himself repeatedly repudiates, most notably in 'On the Common Saying: This May Be True in Theory, But It Does Not Apply in Practice'.

I would like to propose that the importance of the states' *wanting* to join a federative state of states can and should be interpreted differently, and that their not wanting to join is a good reason for Kant, given his other theoretical commitments, to advocate the establishment of a voluntary league. Let me point out first that Kant is not saying (as he is often thought to be) that one should *reject* the idea of the state of states. Nor does he claim that states *will never want* to join such a body. What he does say is that because states *do not want* to join a state of states and (mis)interpret international law as a right to remain in the state of nature, such a body is not able to 'halt the stream of law-shunning and hostile inclination' that is characteristic of the state of nature, and that the only thing that *can* halt it is a continually expanding league. Therefore, he claims, a league, not a state of states, is necessary for the purpose of leaving the state of nature (in order to 'halt the stream . . . ' of bellicosity). Kant presents us with a view as to how to start leaving the international state of nature; he does not say that we should reject the idea of a world republic as such.

In fact, Kant defends the state of states as ideal not only in the quote discussed here, but also in other, often-overlooked passages. In *Perpetual Peace* he expresses the hope that 'distant parts of the world can peaceably enter into relations with each other, relations which can ultimately become publicly lawful and so bring humanity finally ever closer to a cosmopolitan constitution' (PP VIII, 358).<sup>10</sup> He writes that justice requires 'an internal constitution of the state in accordance with pure principles of right, and then further, however, the union of this state with other neighboring or also distant states for the purpose of a lawful settlement of their conflicts' (PP VIII, 379). Similarly, he writes in the *Metaphysics of Morals* that before states leave the state of nature all international right is merely 'provisional', and that international right can come to hold definitively and establish a true perpetual peace only 'in a universal union of states [*Staatenverein*] (analogous to that by which a people becomes a state)', a body which Kant here also calls a 'state of peoples' (*Völkerstaat*, MM VI, 350).

Turning now to the question of how to square Kant's advocacy of a *league* of states with his defence of the *state* of states as an ideal, I start with a few words about the analogy between the state of nature among individuals and that among states. Many commentators claim that because Kant holds that the state of nature among individuals can be overcome only by establishing a state with common laws and law enforcement, he should also use the state as the model for overcoming the international state of nature.<sup>11</sup> Hence, he should have advocated a federation of states with coercive public laws and granted states the authority to force each other to join such a federal state of states.

Interestingly, in the texts from the 1780's (such as the 'Idea for a Universal History from a Cosmopolitan Point of View'), Kant himself defended this strong interpretation of the analogy between the two states of nature (cp. VIII, 24–5). But he later came to realize that the analogy fails in an important respect. As a result, he gave up this earlier view, explicitly denying that the analogy runs deep enough to yield a defence of a state of states as a matter of international right (right of peoples).

The disanalogy, he writes in *Perpetual Peace*, is that 'states already have an internal legal constitution, and thus they have outgrown the coercion of others to subject them to a broader legal constitution according to their [viz., others'] conceptions of right' (PP VIII, 355–6). This passage is cryptic, and Kant's growth metaphor is not helpful. One might be tempted to invoke the second and fifth Preliminary Articles in *Perpetual Peace*, which formulate versions of the principle of non-interference. But an appeal to this principle does not yet explain *why* Kant regards it as wrong to coerce states to join a state of states, especially given that he also believes that a state of states is mandated by practical reason.

There is, however, a way of understanding the importance of states *wanting* to join that makes good sense of the problematic passages and explains in what sense states have 'outgrown' the coercion by others. This reading is more plausible than the standard view because it does not require us to regard Kant as blatantly contradicting himself in one and the same paragraph and instead enables us to find a coherent line of argument that fits well with other major tenets of Kant's theory.

When *individuals* exit the state of nature, the state they form may not be perfect. Kant believes that it is always better than the state of nature that they left behind—since, on his view, any juridical condition, even one that is only partially in accordance with principles of right, is better than none at all<sup>12</sup>—even though it may (and is likely to) be the case that the most powerful individuals or groups are legislating and ruling in a despotic way. (Kant also holds, however, that such a despotic state can transform itself into a republican one, and that this improvement is propelled by the self-interest of peoples and their rulers, if not by their good will.)<sup>13</sup>

At the international level, however, the situation is quite different. When *states* exit the state of nature, a state of states with coercive powers is not necessarily better, in terms of *right*, than the international state of nature. There is an important disanalogy that explains why Kant advocates a voluntary and non-coercive league instead of a coercive state of states.

The disanalogy comes to light when one realizes that granting states a right to force other states into a federation with coercive powers, analogous to the right of individuals to force others into a state would mean, by analogy, that the strongest state (or group of states) would end up setting the terms, subjecting other states to its laws and interests. Kant believes that in the case of individuals leaving the state of nature, there is progress even if the newly formed state is despotic. In the case of states leaving the state of nature, by contrast, a despotic state of states might quash any already existing rights that are secured internally by the subjected states, and hence a despotic state of states can severely violate lawful freedom. After all, there is no reason to assume that the strongest state (or group of states) acts in accordance with the requirements of right (or that it acts *more* so than the dominated ones). The states with less power may be the ones that are the most in accord with justice. The state of states may be governed by laws that are inconsistent with the freedom (autonomy) of the member states, and a despotic federal state of states could, for example, destroy the 'republican' institutions

through which the citizens of a particular member state give laws to themselves.<sup>14</sup>

Yet it does not seem that the risk of bad consequences is itself the reason why Kant objects to coercing unwilling states into a federation. Kant does not say that it is, and indeed if it were, this would open him up to the objection that this consequentialist line of argument would commit him to endorsing cases in which a group of powerful 'republican' and rights-respecting states coercively forces unwilling despotic states into the federation. After all, such coercion would expand the external freedom of the population of such despotic states and it would seem that if the risk to freedom is a reason not to coerce just states into a federation, the chance to expand freedom would be a reason to coerce unjust states. But this is a strategy which Kant clearly does not endorse.

What does explain the importance of states *wanting* to join, and what does find support in the texts, is Kant's view of the ideal state as the union of individuals for the purpose of being under common, self-given laws, along with his conviction that forcing states to join a state of states against their will would violate the autonomy of these individuals as well as the autonomy of the people they compose collectively. Kant regards states primarily as unions of individuals, and ideally as republican unions of politically autonomous (i.e., self-legislating) individuals. Forcing them into a state of states would run counter to the basic idea of the polity as a self-determining and self-legislating unity.

This is most clearly illustrated by cases in which a despotic state of states would destroy rights and freedoms secured within relatively just states. But it holds true even in cases in which the coercion is intended to be for the sake of the population's own good. For even if it seems that citizens of brutally oppressive states would prefer to live under a republican federation rather than their oppressive rulers, and hence that their autonomy might be served by coercing their state into a federation, it may in fact be that what they really want is to be in a position to decide for themselves in this matter. The people may well want to get rid of their despot, but it does not follow that they will want to join a particular state of states with its particular conception of justice. Thus, coercive inclusion of a state for the good of the population comes down to an essentially paternalistic line of reasoning that passes over the political autonomy of the people it purports to serve, and Kant's objections to paternalism are well-known. The individuals within despotic states may not want to join the coercing state (or group of states) on the latter's terms. This is also illustrated by the various unsuccessful attempts on the part of strong states that understand themselves as 'republican' or 'democratic' to impose their version of republicanism or democracy on the populations of heretofore despotic states—this was the experience of, for instance, revolutionary France at the end of the eighteenth century, and also of the Soviet Union and the U.S. in the twentieth century.

This seems to be what is meant by the passage, already quoted above, in which Kant claims that states have 'outgrown the coercion of others to subject them to a broader legal constitution according to their [viz., others'] conceptions of right' (PP VIII, 355–6). This claim does not mention risks, but rather indicates that the

autonomy of the individuals that make up states puts normative constraints on the way that states exit the international state of nature.<sup>15</sup> Thus, there is no parallel at the international level to a right that is granted to individuals in the state of nature, namely, the right to force other individuals to either enter into a state with them or leave them alone (cp. PP VIII, 349, note).

Kant's point is not that a state of states is more likely to be despotic (or likely to be more despotic) than its constituent states. Rather, his point is that the starting assumptions in the state of nature among individuals are relevantly different from those in the case of the state of nature among states. In the first case one starts with a universal state of nature, whereas in the second case the state of nature exists only in the external relations among states that internally already have a civil condition. Forcing *individuals* to leave the state of nature in order to have them subject themselves to common civil laws leads only to improvement (in Kant's normative terms), because it establishes a civil condition where there was none before. Forcing existing *states* into a state of states with coercive powers, by contrast, violates their people's autonomy (and may also lead to violations of rights and freedoms they have secured within their state). Therefore, there is no right to *coerce* unwilling states into a state of states. As Kant puts it in the *Vorarbeiten*, states are allowed to resist the attempt by others to force them to join a federative state of states 'because within them public law has already been established, whereas in the case of individuals in the state of nature nothing of the kind takes place' (XXIII,168).

Kant's argument does not depend on any particular assumption about the motivation of states to avoid joining the coercive state of states. It is valid regardless of whether the reason states do not want to join is the conscious attempt to protect the political autonomy of their citizens vis-à-vis an existing internally despotic state of states, or the states' stubborn or self-interested attachment to their external sovereignty on the basis of a mistaken view of international right. Moreover, it applies both to states that comply with the principles of right to a small degree and to those that are near-perfect republics. Kant's point in stressing the disanalogy is *not* to defend the isolationism or self-interested policies of imperfect states; rather, the point is that there is no general right to coerce unwilling states into a state of states. This does not imply that he approves of isolationism or of self-interested foreign politics, of course, and one should keep in mind that Kant also holds that duty requires that states join a league of states with an eye to promoting international peace, so they *ought to do so* even though they should not be *forced to do so*.

It is worth noting here that commentators who criticize Kant for downplaying the analogy between the state of nature among individuals and that among states often themselves fail to take seriously the problems connected with a strict analogy. Most of them (inconsistently) allow for voluntary joining and secession. The few authors who do follow the alleged analogy to its logical conclusion expose the dangers connected with this view. According to Thomas Carson, for example, in an essay entitled '*Perpetual Peace: What Kant Should Have Said*', neither democracy nor consent are required for the creation of a state of states:

[I]f . . . the creation of a world government would require that all nations have democratic or 'republican' forms of government, then the prospects for the creation of a world government are not good. It may seem unlikely that all nations would ever agree to a particular form of a world government. But this is not necessary for the creation of a world government. It would be enough if all great powers (or all nuclear powers) agreed to the idea of a world state. They could then unite and compel other nations to join.<sup>16</sup>

If the state of states is based on the sheer power of a few states with the weaponry that can compel all others, it is clear that the political autonomy of the citizens of the states that are so compelled has evaporated, and the despotic nature of this process is apparent.<sup>17</sup> Kant has good reason then, given his broader commitments, not to advocate the coercive formation of a state of states and advocate a league instead.

I believe that this reading of Kant's argument makes good sense of the passage quoted at the beginning of this section, but it does so in a way that departs from the received view that Kant settled for a league rather than a state of states on 'realist' grounds. Kant actually never gives up the ideal of a federal state of states for reasons of feasibility. Instead, his defence of a league of states is inspired by a concern that a state of states that is established by coercing unwilling states into it runs counter to the political autonomy of the citizens of the member states. True and durable peace does indeed require that states form a state of states (by analogy with the formation of a state), but Kant denies that the *way this goal is achieved* should be analogous as well. Kant's positive views as to how this goal ought to and can be achieved will become clear in sections III and IV below.

## II. Sovereignty and the Importance of Political and Moral Development

Kant presents a second argument in favor of a league of states (and against forcing states into a coercive state of states). It too is generally thought to be highly problematic, though I will again argue that the criticism rests on a misinterpretation.

In an important passage, at the beginning of his discussion of the principle of international right, Kant seems to reject the establishment of a state of states citing a 'contradiction' that would then ensue:

Peoples, as states, can be judged as individual human beings who, when in the state of nature (i.e., when they are independent from external laws), already harm one another by being near one another; and each of whom, for the sake of his own security, can and ought to demand that the other enter with him into a constitution, similar to that of a civil one, under which each is guaranteed his rights. This would constitute a federation/league of peoples [Völkerbund], which would not, however,



need to be a state of peoples.<sup>18</sup> Therein would lie a contradiction, because every state involves the relation between a superior (who legislates) to an inferior (who obeys, namely, the people), whereas many peoples within one state would make only one people, which contradicts the presupposition (since we have to consider the right of peoples vis-à-vis each other, insofar as they make up so many different states and should not fuse together into one state). (PP VIII, 354)

Interpreters often assume that Kant's phrase 'therein would lie a contradiction' refers to the conceptual incoherence of the very notion of a state of states.<sup>19</sup> In his widely used translation, H.B. Nisbet reinforces this assumption by rendering the clause as follows: 'For the idea of an international state is contradictory, since . . .'<sup>20</sup> According to this reading, Kant regards it as part of the concept of a state that it has full sovereignty. If states were to join in a state of states they would have to relinquish their sovereignty and hence cease to exist *as* states in the proper sense of the term. Abolishing their statehood in the act of joining, the states would actually form only *one* state, and not a state *of states*, and hence, Kant is thought to argue, the very idea of a state of states is contradictory.

On the basis of this interpretation, critics have complained that Kant neglects the possibility that states transfer only *part* of their sovereignty to the federal level of the state of states. They would have to give up only their sovereignty in their relations towards each other, and they could retain sovereignty in internal affairs. Kant is said to have been under the spell of a Hobbesian prejudice about sovereignty, a prejudice which, fortunately, is easily obviated without requiring any structural changes in Kant's political theory. The resulting (and purportedly more consistent) Kantian position would then be to advocate a world state.<sup>21</sup>

I would like to argue that the contradiction lies elsewhere. First, it is worth pointing out that the second objection sits very uneasily with the first one, although many commentators bring up both. If Kant rejects the state of states as a contradiction in terms, the argument targeted by the first objection would not only be bad but also entirely superfluous. If one can show that a square circle is conceptually contradictory, it is not necessary—indeed it is rather odd—*also* to argue that there are empirical reasons why people will refuse to draw one.

More importantly, Kant does not actually write that the concept of a state of states is contradictory. Rather, he claims that there is a contradiction between the concept of a state of states, on the one hand, and a fundamental 'presupposition' of international right, on the other. Conceptually, a state of states constitutes only one state. It is a presupposition of international right (right of peoples, right of states), however, that it concerns the interactions of a plurality of states. As *international* right, then, it cannot be grounded in the ideal of a world-wide state of states, because if there were such a global political body, there would strictly speaking be only one state, and then international right would not be applicable. Similarly, Kant starts off the follow-up discussion later in *Perpetual Peace* by saying 'The idea of the right of peoples presupposes the separation of many

neighboring states that are independent of each other' (VIII, 367, see also XXIII, 168). In short, when one is talking about *international right* one should address the legal regulation of the interactions among a plurality of different states, not the internal laws of a single world state.<sup>22</sup>

If this is Kant's argument, however, one might object that he could have gotten rid of the contradiction by replacing the 'right of peoples' with something like the 'right of a state of states'.<sup>23</sup> One might then regard his very assumption that it is important to establish international right as a questionable premise.

Kant's answer lies in his at first sight curious remark, in the quote at the beginning of this section, that states 'should not fuse together' (PP VIII, 354). This belief motivates his insistence on the establishment of international right ('right of states', as opposed to the establishment of the 'right of a state of states'). But it is not immediately clear *why* states should not fuse together, especially given Kant's conviction that the state of states is demanded by reason.

Kant's reason for believing that the states should not fuse together is not that they should preserve their sovereignty but that the kind of fusion he has in mind here is dangerous. He explains his objection to the fusion of states by asserting that it would be bad if states formed a so-called 'universal monarchy'. By the latter term he means a global empire that is formed when states 'fuse together' by being absorbed into a single strong hegemonic state (PP VIII, 367). *This* kind of non-federal world government, established by one imperialistic state that swallows all others, leads to 'soulless despotism' and the peace of a graveyard (PP VIII, 367).<sup>24</sup>

Kant's objection to the formation of a universal monarchy does not imply the rejection of a federal state of states. In the passages under consideration, Kant explains his rejection of the fusion of states in terms of his rejection of the formation of a coercive universal monarchy. It does not mean that he rejects the ideal of a global federation of states. If he were opposed to *any* transfer of external sovereignty, one would expect him to criticize strongly the creation of the United States of America, which he does not do (cp. MM VI, 350), and of course it would be odd for Kant to claim, as he does repeatedly, that the state of states is demanded by reason. As Sharon Byrd has pointed out,<sup>25</sup> however, many commentators mistakenly read Kant's arguments against the 'universal monarchy' as arguments against all forms of world government.

Thus, Kant can consistently reject the 'fusion' of states and yet defend the ideal of a global federation. In fact, on his view, the initial separation of states, reinforced by differences in language and religion, furthers the internal development within states (also called 'culture' by Kant), and this development will prepare humankind for the future establishment of a world federation of the right kind. Kant expects that cultural development within states will lead to 'greater unanimity on principles' (he presumably means moral and juridical-political principles, including the principles of international right). According to Kant, this increased consensus on normative principles will facilitate a non-despotic peace that peoples (as states) enter into willingly and autonomously (VIII, 367). Once enlightenment has progressed far enough and people have

learned to see beyond their cultural differences and achieved a proper understanding of and respect for the universal principles of human rights, republicanism, and international and cosmopolitan right, *then* the time will be ripe for the transition to a global juridical condition.<sup>26</sup>

### III. Whether the League of States Would Make a Difference

If we take Kant to endorse the state of states only after a certain level of development has been reached, then it becomes crucial to determine how he envisions the role of the league in the development toward a more secure peace. He clearly sees the league as promoting peace, but it is a point of contention in the literature whether it can actually do so.

The third common objection against Kant's views on peace (according to the standard interpretation) is that the league of states is not able to make any practical difference for promoting peace. The charge is that if the league is merely voluntary and non-coercive, only those states will join it that would not wage war anyway; moreover, if and when these states later change their position and do become bellicose, they will simply quit the league (as happened with the League of Nations in the 1930's).<sup>27</sup> Strong states will behave opportunistically, subjecting the interests of weaker states to their own, using the league as an instrument of foreign policy when this is useful to them, and quitting or simply disregarding the league when it is not. Thus, the league does not add anything substantive that goes beyond the mere subjective intention of the member states not to wage war, and hence it does nothing to promote peace. As Friedrich Gentz put it in 1800, 'A free treaty among states will be honored merely as long as none of those who signed it possess both the will and the power to break it; in other words, as long as peace, which the treaty is supposed to establish, would exist also without it'.<sup>28</sup>

Kant nowhere provides a detailed explanation of how the league of states is supposed to work. This is quite remarkable given the crucial role he accords to it, and it is hard not to agree with Gentz when he complains about this lack of detail.<sup>29</sup> However, we do find the beginning of an account in the *Metaphysics of Morals*, and it provides the rough outlines of a reply to the third objection.

In the *Metaphysics of Morals*, Kant conceives of the league on the model of a 'congress of states', where the ministers of courts and republics present their complaints and reports of hostilities in order to submit their conflicts to arbitration (MM VI, 350–51). The league of states would create a permanent institutional structure for conflict mediation, opening up channels for communication and offering structures for neutral arbitration and negotiation that would otherwise not exist or would have to be arranged on an ad hoc basis.

There *is*, then, a practical difference between a world with and one without a league of states, however sketchy Kant may be on specifics. The league goes beyond a mere treaty not to wage war. Without the league, states with conflicts have to work these out between themselves, and they may fail to seek out

impartial mediators and resort to violence instead. Third party states may offer themselves as mediators, of course, and Kant says as much in *Perpetual Peace*, where he points out that because a war may well go against the interests of third party states, these may do their best to bring about a settlement (PP VIII, 368). To point out that negotiations and mediation may also take place without a league of states, however, is to underscore rather than refute the potentially helpful role of a league. This is not to say that the league will always be successful, as we already saw acknowledged in Kant's hint at the constant threat of hostilities that would exist even with a league (PP VIII, 357). But one should not flatly dismiss the potential of the league as an institutional framework for helping states keep the peace. Furthermore, the League of Nations and the United Nations have shown that such a league can encompass a good deal more than a mere court of arbitration, including the regulation of trade and labor laws; support for economic and political development; educational, scientific, and cultural exchange, and more.

Such considerations shift the burden of proof onto those who imply that there is no value at all in creating channels for negotiation and mediation (and any other peace-promoting institutions that the league might provide for). It is easy, of course, for Gentz and later skeptics, to point to the failures of voluntary leagues to stop wars. These failures are clearly visible to all. But for the evaluation to be fair, skeptics need to take into account instances in which the league's mediation resolved a conflict that would otherwise have resulted in war or in which it shortened the war's duration. The empirical question is not whether voluntary international associations will themselves put an end to all international conflict: Kant agrees that they will not. Rather, the question is whether mediating institutions (even if voluntary) can prevent, postpone, or mitigate conflicts in a way that allows for internal improvement within states, and the gradual development toward a more peaceful world. This empirical assessment of the efficacy of a league of states is considerably more complicated than Kant's critics admit.

#### IV. The Process Toward Peace

Kant's well-known view is that peace is in every state's interest and that states will be moved to join a voluntary league out of sheer self-interest if not out of nobler motives. Underlying this confidence is his long-held assumption that the consequences of war will eventually become so costly and destructive that states have an interest in avoiding war (368). Even though they initially do not yet want to relinquish their sovereignty to a state of states, their self-interest will nevertheless move them to join a league.

In addition to the older theme that peace is in the states' interest, *Perpetual Peace* expresses Kant's further convictions that self-interest moves states internally in the direction of a republican government (see above, n. 13), and that republics, in contrast to despotic states, are naturally inclined to peace. This

is so because rulers of despotic states easily declare war, and they will simply make their subjects shoulder the burdens. Despotic states are therefore more prone to war, but they are also likely to succumb from within when these burdens get out of control, as in Kant's eyes had happened to the *ancien régime* in France. Once they start to crumble, they provide opportunities for reform, as Kant also thought had happened in France (MM VI, 341, cp. TP VIII, 311). By contrast, the government of a republic, in which the citizens themselves decide whether or not to go to war, is more pacific. Kant believes that citizens will realize that offensive wars go against their self-interest, and hence that a republic will not start such a war. Furthermore, once a republic has been formed, this may constitute a crystallization point or anchor for a pacific league, Kant writes, expressing a rosy view of the French conquests during the revolutionary wars (PP VIII, 351, 365–7). Thus, he believes that there are several factors that move humanity in the direction of peaceful republicanism.

Self-interest alone is not enough to make this peace durable, and Kant is the first to admit as much, mentioning the constant threat of the outbreak of hostilities that afflicts the league (357). Truly perpetual peace is a 'moral task' and peace is desired 'not just as a physical good but also as a condition that arises from the recognition of duty' (377), and only then can peace be truly perpetual. Kant believes, however, that the league of states does make a positive difference, however small perhaps initially, and that over time it will lead to more stability.<sup>30</sup>

Starting with his first writings on history, Kant's view was that the less war there is among states, the more this will allow for further political and moral development within states (cp. IUH VIII, 20–31; TP VIII 311–12, see also below). As long as states have to use large amounts of their resources for protection against threats by others, they cannot use these resources for, say, improving the education of their citizens. Moreover, war and the threat of war tend to curtail the external freedom of the citizens and distract efforts to improve the political system within the state. The absence of war will free up resources and enable a focus on the internal development of republican (current Kantians would want to say 'democratic') political institutions. This development will then reinforce the peace process and make it more secure. The idea behind this conviction is that a reduction of warfare is conducive to political and moral progress within states and that this progress in turn contributes further towards peace among states, and so on.<sup>31</sup> Once there is agreement on universalist normative principles (such as a republican constitution, human rights, etc.), then a voluntarily created state of states can be actively pursued.<sup>32</sup> Thus, when critics claim that Kant's peace theory is problematic because the league of states will not last,<sup>33</sup> they overlook the larger framework of Kant's view of history in which the role of the league is embedded.

As a final step, once legal peace is established, the prospect is opened up for ever more moral learning. In a particularly salient passage on the relationship between the Doctrine of Right and the Doctrine of Virtue, Kant writes that when laws secure freedom externally, inner freedom (morality) will 'liven up' and this,

in turn, will enhance obedience to the laws. Thus, the legal peace is gradually made more secure because peaceful behavior will no longer be inspired merely by anxious self-interest but be backed up by peaceable dispositions:

A firmly established peace, combined with the greater interaction among people [*Menschen*] is the idea through which alone is made possible the transition from the duties of right to the duties of virtue. Since when the laws secure freedom externally, the maxims to also govern oneself internally in accordance with laws can live up; and conversely, the latter in turn make it easier through their dispositions for lawful coercion to have an influence, so that peaceable behavior [*friedliches Verhalten*] under public laws and pacific dispositions [*friedfertige Gesinnungen*] (to also end the inner war between principles and inclinations), i.e., legality and morality find in the concept of peace the point of support for the transition from the Doctrine of Right to the Doctrine of Virtue. (XXIII 354–5, *Vorarbeiten* to the *Metaphysics of Morals*).

We find this developmental view in many other texts from the 1780's and 1790's (e.g., the 1784 essay, 'Idea for a Universal History from a Cosmopolitan Point of View',<sup>34</sup> the third essay in 'On the Common Saying', 1793).

Current Kantian theorists do not share all of the particulars of Kant's teleological assumptions regarding the historical development of humankind, but significant aspects of the view are still present. For instance, Rawls maintains that the more the law of peoples is observed, the more 'moral learning' takes place. By this he means a psychological process by which peoples will tend to accept the law of peoples as an ideal of conduct and transform what once was a mere *modus vivendi* into something more stable.<sup>35</sup>

One might wonder, though, whether Kant's developmental perspective does not indirectly undermine his own argument for a state of states. If self-interest leads to the formation of republics, and if republics are naturally peaceful, then it would seem that a league of republics would forever do away with war even in the absence of any federal coercive authority. Or, put differently, it is unclear why perpetual peace would require a state of states instead of a mere league of republics. Kant's claim that republics are naturally peaceful is often quoted in contemporary theories of international relations, ever since Michael Doyle showed that it is confirmed empirically when narrowed to the thesis that democracies do not wage war against each other (rather than in the broader version that they do not wage war in general).<sup>36</sup> On the basis of this assumption, then, one might believe that a global democratization would be enough to durably do away with war, as indeed Rawls holds in *The Law of Peoples*.<sup>37</sup>

Kant has several answers to this question. For one thing, truly perpetual peace should be backed up by the appropriate normative convictions, not just by the fact that it is in everyone's interest, because a peace that is based merely in self-interest is not really secure.<sup>38</sup>

Furthermore, the fact that humans are *free*, coupled with the propensity towards evil that is rooted in human nature, means that they in principle pose a threat to each other's external freedom, and this threat needs to be countered with a system of public and coercive laws. Kant believes that this last point also holds at the level of the interaction of states, as is clear from the passage quoted at the beginning of section II above.

Finally, even a general 'moralization'<sup>39</sup> of humanity would not make the state of states superfluous. This is clear from Kant's handling of a related worry with regard to the state. Kant argues that the state is morally necessary even for 'good-natured and justice-loving' individuals (MM VI, 312). The reason for this is presumably because their unrecognized prejudices or one-sided perspectives might be at odds with the demands of justice or produce conflicts that need to be settled. Hence, true peace requires not just the absence of hostilities, but also the lawful arbitration of conflicts by an authority established over the individuals; the same argument would hold in the case of states.

In the *Metaphysics of Morals*, Kant invokes the problem of size (not the problem of states never wanting to join) as grounds for ruling the perfect realization of the ideal of a state of states impossible. Echoing a widely held view, he writes that if a state of states becomes too large, it becomes impossible to govern it and to protect each member; but if there were more than one such body this would reintroduce war, and therefore perpetual peace is an 'unrealizable idea' (MM VI, 350). But he does not give up the idea, stating that the 'continual approximation' is possible and a duty (350). Thus, even if one disagrees with Kant's assessment that a global federal state of states is impossible for reasons of size, as some recent commentators do,<sup>40</sup> one should not accuse him of inconsistently having given up the ideal on the basis of its impracticability.

## V. Kant and Kantian Theories of International Relations

The core of Kant's argument, then, is that the full realization of perpetual peace does require a federal state of states backed up by the moral dispositions of the individuals within the member states, but that this goal should be pursued mediately, via the voluntary establishment of a league, and not via premature attempts to institutionalize a state of states immediately. Out of concern with the protection of autonomy, Kant holds that the right way to approximate the state of states is to develop a league of states first. Citizens and politicians ought to work practically towards the establishment of a league, but the ultimate goal they should have in mind in doing so is a situation in which all states have become republics and their citizenry has become enlightened enough to *want* to submit to the public and enforceable laws of a republican state of states. This ideal of a fully realized perpetual peace may well remain out of reach—indeed Kant thinks it will—, yet it remains for him an ideal that one can and ought to strive for and that can be approximated.

Kant's position as presented here is thus much more consistent and more nuanced than is usually thought. He does fail to provide sufficient details regarding the preferred structure of the league and the federative state of states, however, and regarding the question of how one determines whether the time is ripe for moving from a league to a federative state of states. At one point Kant expected the process toward the state of states to take 'thousands of years' (Lectures on Anthropology XXV, 696–7), and hence he may have viewed the second issue in particular as not pressing. Current Kantian theorists have developed accounts to amend this deficit, in light of the real achievements and real disasters of the past hundred years. The current world is very different from the one Kant had in mind. There already is a league of states, comprised of the vast majority of states on the globe. The UN certainly has its problems, as Kant expected it would, but it can also boast some important successes. Furthermore, in significant respects the world is already engaged in a process of transition towards more binding structures (as indicated, for example, by institutions such as the International Criminal Court and the World Trade Organization, and the fact that states can now be punished for violating human rights). Any appropriation of Kant's theory of peace needs to take these changed circumstances into consideration, as most Kantian theorists are well aware.<sup>41</sup> If my interpretation is correct, however, Kant's own argument is not only compatible with these developments but also suggests some interesting amendments to current Kantian theories of peace. I will merely give some hints here. I do not aspire to defend the Kantian position per se but only to show how Kantian theories might be affected if one takes into account Kant's arguments as presented in this essay.

Those who, like Rawls, reject any type of world government can no longer justify their view by an appeal to Kant. Rawls now *lacks* an argument for the rejection of the ideal of a world republic of the sort that Kant holds up as ideal. The reasons Rawls adduces to motivate his rejection of world government in general and that he borrows from Kant are actually, for Kant, merely reasons to reject a hegemonic state (i.e., a 'universal monarchy', see above). Although this does not of course mean that a Rawlsian could not craft an argument for rejecting the Kantian ideal, at the least there is a need for more discussion.

While Rawls's theory 'makes room for various forms of cooperative associations and federations among peoples' (Rawls 1999: 36), a world federation of states is explicitly not part of the ideal, and peoples are to remain 'free and independent' (p. 37). The realist utopia he outlines includes what he calls a mere 'confederation' of independent states ('peoples', in his terminology), and when Rawls mentions the possibility and permissibility of states joining together to form federations, he always speaks of such federations in the plural (e.g., p. 70). In light of Kant's theory as interpreted above, what is missing here is the *ideal* of a lawful and enforceable global arbitration of conflicts. Rawls believes that the lack of enforcement of the law of peoples is not a problem, because in the realist utopia as he envisions it the members of the confederation will not have reasons to wage war against each other (e.g., p. 9, 19). As we saw above, however, on



Kant's view a 'league of republics' is not enough, because even law-abiding peoples may find themselves in disagreement on important matters and hence in need of a lawful and enforceable settlement of their disputes. So Rawls still faces the problem that if the confederation he envisions arbitrates in a binding and enforceable way, this significantly diminishes the independence of the constituent states and makes the confederation assume traits of a federation after all; if, on the other hand, it does not arbitrate in such a way, there is no mechanism to settle disputes among 'well-ordered peoples'.

Furthermore, the interpretation here proposed also shows that consistent Kantian theorists need not and should not accept the view that states should be coerced into a federative world state. In fact, the interpretation here proposed outlines a third Kantian answer (Kant's answer) to the traditional dilemma of global order, viz. the dilemma that without a world government one cannot cure the ills of anarchy but that with it one faces the risk of world-wide despotism. This answer, moreover, shows that Kant takes the risk of despotism very seriously.

To those who still defend the ideal of state-like political structures at the global level but who steer clear of the view that these should be established coercively, Kant's position suggests an increased focus on the proper emergence of these structures and their democratic legitimacy. In this connection it is interesting that in his more recent work, Habermas distances himself from his 1995 position mentioned at the beginning of this essay. His focus is no longer on bringing about state-like political structures at the global level. He now believes that doing so is impossible because of the lack of a cosmopolitan consciousness on the part of the populations of the world's states. In fact, he now believes that a federative world state is *never* possible, on the grounds that successful political integration requires a particular kind of collective identity, and no *particular* collective identity could ever be available at the global level. Only universalist morality would be available to motivate people to act as citizens of the world, and as a matter of empirical psychological fact, Habermas claims, this is not enough. What is left then is the promotion of a 'world domestic policy without a world government' (*Weltinnenpolitik ohne Weltregierung*). Habermas suggests that a dynamic array of deliberative democratic processes and organizations, at the national, international, and transnational levels, can greatly increase the level and legitimacy of binding regulation concerning matters of global concern. Thus, it is possible to continue the transformation of international law into a cosmopolitan order (a process that Habermas recognizes is already underway) without leading to a centralized world government.<sup>42</sup>

Habermas's shift towards viewing the *attitudes* of the populations of the world as a crucial factor in assessing the feasibility of the federative state of states is very much in line with Kant's argument as presented above, especially with Kant's emphasis on the importance of peoples *wanting* to join. But instead of making this shift on the basis of an appeal to empirical psychology and an assessment that a political world organization will always and structurally lack sufficient legitimacy for more than a very elementary role, Habermas might be

advised to draw more closely on Kant to revise this into a stronger argument. A stronger version would be something like the view that any expansion of the reach and powers of currently existing globally regulating institutions (such as the UN, WTO), or the establishment of additional ones, should proceed only via fully democratic processes. Indeed, what Kant's argument as presented in this essay suggests is that this is the only way to secure the legitimacy of such global political structures. Even if the states of this world may not (or not yet) want to sacrifice their external sovereignty by subjecting themselves to a global political system, there is still much that can be done to move in the *direction* of a legitimate world government. A fully legitimate world government may remain out of reach. The extent to which the necessary cosmopolitan will and consciousness on the part of the world's population will actually develop, however, and hence the extent to which a non-despotic global legal order can be realized, should not be limited in advance on grounds of empirical psychology but can rather be treated, in typical Kantian fashion, as an open question.

The thoughts expressed in this final section, however, are just a few tentative suggestions as to how the re-interpretation of Kant's theory of peace that I advocate in this essay might affect Kantian political theory. In the present context, I cannot discuss them in sufficient detail nor do justice here to the complexity of current Kantian political theory. Whether or not these speculations are plausible, they should not distract from the main thesis of this essay: that Kant's argument for the league of states is different and much more consistent than is usually thought. According to Kant the creation of a league of states is not itself the ultimate ideal. Rather, it constitutes a first important step on the road towards an ever greater transnational regulation of the interaction among states, a process that should be guided by the ideal of a global federative state of states.<sup>43</sup>

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## NOTES

<sup>1</sup> Rawls 1999: 36. Strikingly often Rawls writes that he is 'following Kant's lead', endorsing what he sees as Kant's rejection of world government (p. 36) and the argument for the *foedus pacificum* (e.g., pp. 10, 19, 21, 22, 54).

<sup>2</sup> Habermas 1997: 114–126. On Habermas's more recent shift away from this position, see section V below.

<sup>3</sup> For example, Allen Wood claims that the argument of *Perpetual Peace* would seem to require a state of states but that the account is riddled with perplexities. Thomas Pogge similarly calls Kant's account 'extremely unsettled' and portrays Kant as experimenting

with one argument after another without developing a single one successfully, trying to evade the demand for a world state that his theory commits him to. Pogge 1988: 427–433; Wood 1995: 11. See also, Carson 1988; Cavallar 1999: 123; Dodson 1993; Habermas 1997; Höffe 1995 and 1998; Lutz-Bachmann 1997.

<sup>4</sup> Carson 1988: 177, 202; Guyer 2000: 416; Kersting 1996.

<sup>5</sup> This criticism was formulated as early as 1800 (see Gentz 1800). Cp. also Habermas 1997: 117–8.

<sup>6</sup> There are a few authors who have (rightly) argued that Kant defends the ideal of a state of states; but they go too far in the other direction, saying that the ‘impression’ that Kant ‘seems to favor the league of nations’ is ‘misleading’. In arguing that Kant defends a state of states instead of a league of states these authors tend to appeal to what they believe would be consistent for Kant to say, less to what he does say. Cp. Byrd 1995: 178–9; Axinn 1989: 245–9.

<sup>7</sup> I follow common practice and translate Kant’s ‘*Recht*’ in this context as ‘right’, to indicate that it does not connote a legal claim but a complete condition of external lawfulness (‘external’ lawfulness here in contrast to ‘inner’ moral lawfulness).

<sup>8</sup> In ‘On the Common Saying’, Kant explains this terminology: ‘in *thesi*’ means ‘in theory’, ‘in *hypothesi*’ is equivalent to ‘in practice’, TP VIII 276. On the states’ interpretation of international right as a right to remain in the state of nature, see the *Vorarbeiten to Perpetual Peace*, XXIII, 169.

<sup>9</sup> Dodson’s formulation is representative: ‘This argument, however, explicitly accepts the subordination of considerations of justice to empirical judgments of what is realistic in the near future ... In putting forth this argument, Kant succumbs to the very same weakness that he so often warns us against—leaving us with only a ‘surrogate’ arrangement so that something can be salvaged’ (Dodson 1993: 7).

<sup>10</sup> In the comments to the third Definitive Article, VIII, 358. Earlier in the text Kant made clear that a league of states would not have public laws, hence this quote suggests the ideal of a state of states.

<sup>11</sup> See note 3 above.

<sup>12</sup> PP VIII, 373, note.

<sup>13</sup> See the famous passage in which Kant states that the problem of creating a good state can be solved ‘even for a people of devils (if only they have understanding)’ PP VIII, 366.

<sup>14</sup> This is suggested by Geismann 1983: 367.

<sup>15</sup> One may want to disagree with the strong non-interventionist conclusions that Kant draws from this line of reasoning, but the reasoning itself does not need to be read as flagrantly inconsistent. For a critique of Kant’s non-interventionism, see Tesón 1991: 67–8.

<sup>16</sup> Carson 1988: 211. The world government would have ‘military forces sufficient to dismantle and defeat any national army in the process of creation’ (185—note also the ‘far reaching intelligence network’ of the world government, and Carson’s assumption that one can prevent a military take-over just by having rules against it, 203–4). Cp. also Axinn 1989: 249: ‘We may use violence to compel membership in an international federation. Things seem quite unKantian, yet we have merely put together Kant’s own positions’.

<sup>17</sup> Commentators who criticize Kant’s defence of the league of states on the grounds that the league is likely to have many flaws and who argue that only a state of states would be able to solve these problems often overlook the fact that the state of states itself, if pursued instead of a league, is also likely to be flawed.

<sup>18</sup> This remark indicates that the *term* ‘*Völkerbund*’ itself is neutral as to whether or not the institution has the power to enforce its laws (cp. *Idee*, VIII, 24, line 23–28, where the

term is clearly used to refer to an international federative union with public binding laws and the authority to enforce them). This neutrality is hard to preserve in the English translation. 'Federation' has the connotations of a strong centralized government; 'league', on the other hand, suggests a loose association. I have translated 'Völkerbund' as 'league of peoples' wherever it is clear that Kant is speaking of a voluntary association without coercive powers, but in this particular case it seems good to point out the ambiguity in the term. The same ambiguity is found in Kant's use of the latinized versions of the term, e.g., the word 'federalism' in the second Definitive Article of *Perpetual Peace*. Here too, however, the larger context dispels this ambiguity.

<sup>19</sup> See above, note 4.

<sup>20</sup> Kant: *Political Writings*: 102.

<sup>21</sup> Kersting 1996: 437–8.

<sup>22</sup> Kant's argument here underscores once more that the term 'people' should be read in the political sense. After all, if the term were used in the nationalist sense one could easily conceive of a state comprised of multiple peoples.

<sup>23</sup> See MM VI, 311, where Kant himself uses this term (*Völkerstaatsrecht*).

<sup>24</sup> On the concept of the 'universal monarchy' in the eighteenth-century discussion, see Cavallar 1992 and Brosbach 1998.

<sup>25</sup> Byrd 1995: 186–87, n. 58.

<sup>26</sup> This developmental view also underlies Kant's view in the *Religion*, where he warns against 'the premature and therefore (since it comes before people have become morally better) harmful fusion of states' (Rel VI, 123n.); cp. 'Conjectural Beginning of Human History' VIII, 121. For a discussion of Kant's attempt to reconcile national differences with global unity, see McCarthy 1999.

<sup>27</sup> See also Habermas 1997: 117. Despite the many parallels that do indeed exist between the league proposed by Kant and the twentieth-century League of Nations one should not forget that the latter failed to follow Kant's proposal in important respects, for example, because its members did not give up their standing armies.

<sup>28</sup> Gentz 1800: 479.

<sup>29</sup> *Ibid.*, 478, n.

<sup>30</sup> This role of the league is hinted at by Pogge 1988: 430 and Cavallar 1999, ch. 8.

<sup>31</sup> The developmental perspective here also explains why Kant does not discuss the worry that the members of a state of states might lapse back into hostility. On the foundations and epistemic status of Kant's belief in progress, see Kleingeld 1995.

<sup>32</sup> PP VIII, 367. This is also Fichte's interpretation, in his review of *Perpetual Peace*. Fichte presents Kant's view as being that the league is merely an intermediate stage on the way to a state of states. Fichte (1971): 433.

<sup>33</sup> This critique too found its classic formulation in Gentz 1800: 478.

<sup>34</sup> According to the 'Idea for a Universal History', the development of the use of reason, over the course of human history, culminates in the self-transformation of society into a moral community. The peace that was initially established out of self-interest will eventually be endorsed for moral reasons and thereby made durable. On the coherence of Kant's notion of moral development, see Kleingeld 1999.

<sup>35</sup> Rawls 1999: 44–45.

<sup>36</sup> Doyle 1983 and 1993.

<sup>37</sup> Rawls 1999: 8.

<sup>38</sup> See also Paul Guyer's explanation of why a republic is not sufficient for peace in Guyer 2000: 415–420.

<sup>39</sup> This is a term used by Kant, cp. C1, A748/B776; IUH VIII 26.

<sup>40</sup> See Dodson 1993: 8, with appeal to technological developments; Axinn 1989: 248.

<sup>41</sup> See especially Habermas 1997.

<sup>42</sup> See Habermas 2001: 110–1.

<sup>43</sup> I would like to thank Joel Anderson, Eric Brown, Larry May, Sarah Holtman, Thomas Pogge, and Allen Wood for their helpful comments on an earlier draft of this paper. I would also like to thank Philip Rossi for valuable comments on a shorter version of this paper, presented at the Central Division meeting of the APA, 2003.

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