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**The University of South Bohemia in České Budějovice**

**Faculty of Theology**

**Department of Philosophy and Religious Studies**

Doctoral thesis

**Contemporary Visions of  
Kant's Political Philosophy**

Supervisor:

Assoc. Prof. Dr. Jakub Sirovátka

Student:

Nenad Miličić T17384

České Budějovice, March, 2022.

A thesis submitted for the degree of Doctor of Philosophy

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'I declare that I am the author of this graduation thesis and that I used only sources and literature displayed in the list of references in its preparation.'

České Budějovice, March 31<sup>st</sup>, 2022.

Student: Nenad Miličić

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## **Acknowledgements**

First, my most profound appreciation goes to my supervisor, Assoc. Prof. Dr Jakub Sirovatka, whose knowledge and commitment inspired and motivated me. I came to grow both professionally and personally thanks to you. Jakub, thank you for your ideas, understanding and support, broad-mindedness, and guidance throughout my research. I show gratitude for his valuable advice and feedback. I am also grateful for you being enthusiastic and an example of discipline, teaching me that limits are there to be broken. I also want to thank the Theology Faculty, the University of South Bohemia, the Department for Philosophy and Religious studies for granting me a scholarship, and GAJU for additional financial support during my research. I appreciate the effort of the faculty administrative team, who also contributed to my thesis, making the procedural things run smooth and easy.

Special thanks go to Assoc. Prof. Dr Mašan Bogdanovski, as it is his “fault”, that I did not fall in despair during the writing-up. Furthermore, I am grateful to the National Library of Serbia for providing facilities and services during my study research stays. Also, I am thankful to other colleagues from Belgrade who deserve a special mention for encouraging words or for merely understanding my periods of silence and disappearance when they needed my presence the most – they have been able to understand the best, the process I have been going through.

I owe immense gratitude to Assoc. Prof. Dr Takeshi Hamano for guiding and mentoring me during my study research stay at the University of Kitakyushu, Japan and for collaboration in writing a version of Chapter Seven, “The processes of Globalisation”, that has been published in *Theoria*, Beograd.

In Budweis, my most enormous gratitude goes to Tomaš Edl, whose friendship has immeasurably enriched my life. I am also grateful to others who have been like excellent fellows. While writing this thesis, I have also counted on the acquaintance of many colleagues from the Theology Faculty. It was a great pleasure working with numerous colleagues from different offices during my PhD studies, particularly with the 217– office crew.

Most importantly, I bestow thesis to my family, my parents for their unconditional love, and my sister and her family for sharing good and evil over the years. I am also thankful to all members of my extended family that have surrounded me with love and encouragement throughout these years. Finally, a special thanks go to my wife Filis and son Filip for their patience and love, for providing a warm ambience, and for understanding and respecting my philosophical and scientific ambition.

## **Chapter 1. Introduction**

Historians of philosophy are almost entirely focused on the philosophy in *Three Critics*, and they neglect Immanuel Kant's political writings. On the other side, historians of political thought do not appreciate Kant's work thoroughly because he did not have a masterpiece in that field. My goal is to compile Kant's critical period work in political philosophy and discuss it as a *Forth Critic* and equally essential part of his philosophical system. The research will start as an overview of the ideas from Kant's theoretical and practical elements of transcendental idealism and continue with his philosophy of law insights. It will encompass the analysis of the "Critique of Pure Reason" for the section on Kant's theoretical philosophy, "Critique of Practical Reason" and "Groundwork of the Metaphysics of Morals" for the section on Kant's moral philosophy and the first part of the "Metaphysics of Morals" called the "Doctrine of Right" regarding Kant's philosophy of law, alongside with the secondary literature sources.

Furthermore, the thesis will aim to examine Kant's essays published continuously in the "Berliner Monatsschrift" journal in the last two decades of the eighteenth century. Most important among them elaborated in the thesis are: "An Answer to the Question: What Is Enlightenment?", "Idea for a Universal History with a Cosmopolitan Purpose", "On the common saying: That may be correct in theory, but it is of no use in practice", "Toward Perpetual Peace", and the second part of Kant's work "Conflict of the Faculties". Those sources will cover all the chapters regarding Kant's political philosophy. This should create a solid argumentative foundation for investigating not only historical but also contemporary philosophical issues regarding the international law theories and phenomena such as Globalisation.

Kant's perspective is a central point of political philosophy and has a stable position in theoretical research in this field. Even today, his influence is immeasurable and crucial in contemporary political philosophy discussions, especially those related to international issues. There are many reasons for revisiting Kantian political thinking. Despite many books and papers written about that topic lately, there is still a considerable space for discussion on the topic. I aim to fill in some gaps and strengthen the idea of how much value Kantian political philosophy has in this historical moment. It is the moment when a lack of morals and populist political behaviour is set as an underlying benchmark of the political world. As a result, the public sphere usually perceives the world of politics with disrespect. The moment begs the

question, is it possible to act in politics and still hold some traces of dignity and enlightened humanity?

That is why Immanuel Kant's work in ethics and politics must be considered repeatedly. His vast contribution is presented in the idea that he is requesting from us to respect the formula of the humanity of categorical imperative in which we have to "Act in such a way that you treat humanity, whether in your person or the person of any other, never merely as a means to an end, but always at the same time as an end."<sup>1</sup> Kant explained how individuals "conforming their wills to self-imposed laws through moral insight, thereby grant themselves autonomy."<sup>2</sup>

Kant was an optimistic philosopher in search of all the lines which can link us to humanity and not separate us from it. Because of that, his realm of ends has unique implications regarding global human solidarity. The realm of ends is imagined as a thought experiment in which everyone acts from good rational will only and makes our actions complementary with the world. Nevertheless, he understands "the systematic combination of various rational beings through communal laws" as a realm.<sup>3</sup> In this way, Kant opens a possibility of the domain for all rational beings, giving them the prospect of creating their own laws by all individuals as members of the realm. "Consequently, every rational being must act as if he were by his maxims at all times a law giving member of the universal kingdom (realm) of ends."<sup>4</sup>

"Each individual is not only a subject, but also a sovereign legislator in the realm of ends, the moral realm."<sup>5</sup> No locks on doors, alarms on cars, and other security defence were not needed in Kant's realm of ends and "all maxims ought to harmonize from one's own legislation into a possible realm of ends as a realm of nature."<sup>6</sup>

We must postulate some practical and moral philosophy ideas for this to be possible. Kant presupposes the existence of concepts previously elaborated in his theoretical philosophy and for which he found that he was unable to prove or disprove them. However, in his practical philosophy, those are the key concepts, and they must be postulated because the further

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<sup>1</sup> Kant, Immanuel, and Jerome B. Schneewind. *Groundwork for the Metaphysics of Morals*. Yale University Press, 2002. p. 29.

<sup>2</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p. 134.

<sup>3</sup> Kant, Immanuel. "Groundwork for the Metaphysics of Morals. Edited and translated by Allen W. Wood." *New York* (2002): 52. p. 51.

<sup>4</sup> Kant, Immanuel. (1785) "Groundwork for the Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 87.

<sup>5</sup> Ladd, John. "Translator's introduction." *Immanuel Kant: Metaphysical Elements of Justice* (1999). p. xvi

<sup>6</sup> Ladd, John. "Immanuel Kant, Metaphysical Elements of Justice." (1999). p. 54.

development of moral philosophy is not possible without them. “These postulates are those of immortality, of freedom considered positively and of the existence of God.”<sup>7</sup> They are presumptions and necessary conditions of morality, and they need to exist and be accurate so that human beings can act morally. The idea of (innate) freedom is essential to Kant’s political philosophy. Acting from moral duty and social and political activity are inseparable in his work, and in that way, this would be presented throughout the dissertation.

Furthermore, the concepts postulated in his moral philosophy are applied in Kant’s legal and political philosophy. He uses his insights from ethics to resolve the questions of the state of nature, property rights, social contract, and basic human rights. These issues pass through the filter of the universal laws whose formulations Kant envisioned and designed. He tries to: “show how the Categorical Imperative may be used to test the moral status of the rules in a body of positive law”<sup>8</sup> Kant’s rigorous starting point initiated in his ethics will create a complex theory of natural rights and arguments that always need to be assumed considering this relation.

Additionally, Kant is marking world–cosmopolitan citizenship as a “category of public right that turned out to provide a way to capture theoretically the fact that peace requires the legal regulation.”<sup>9</sup> He proclaimed cosmopolitan right as a goal of civil history and lifted political consciousness on a global theoretical level. The world is going incredibly fast toward a new social and political order, sometimes with consequent brutality, creating a contemporary civil condition in globalisation processes. These processes produce common global political problems, such as climate change, pollution, and many others, which cannot be solved not otherwise than through international action. As a result, politically, the world is becoming one genus. If this is accurate, then Kantian political philosophy is inevitable.

If we compare Kant’s thought with the political philosophy of “two other great German thinkers, Hegel and Marx, statism advocated by Hegel and working–class dictatorship advocated by Marx have been rejected.”<sup>10</sup> Their philosophies are not entirely focused on international relations and the global world. So, humanity from the second formulation of the categorical imperative and the cosmopolitan right theory must become the foundation for all

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<sup>7</sup> Kant, Immanuel. “Dialectic of Pure Practical Reason.” Chapter. In *Kant: Critique of Practical Reason*, translated by Mary Gregor, 2nd ed., 87–118. Cambridge Texts in the History of Philosophy. Cambridge University Press, 2015. p. 106.

<sup>8</sup> Ripstein, Arthur. *Force and freedom*. Harvard University Press, 2010. p. 2.

<sup>9</sup> Kleingeld, Pauline, Jeremy Waldron, Michael W. Doyle, and Allen W. Wood. *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*. New Haven, Yale University Press, 2006. p. xvi

<sup>10</sup> Williams, Howard L., ed. *Essays on Kant's political philosophy*. University of Chicago Press, 1992. p.xiii



political philosophy actions if we want to obtain a more secure future. The world of politics is the most responsible for humankind's morality, and every politician's performance in his acts towards others should be carefully examined in accordance with the filter of the categorical imperative.

This dissertation will not be only a historical overview of Kant's practical and political philosophy but profound analytical research of his practical and political arguments and proper assessment of his legacy with an attempt to answer several contemporary theoretical questions. Furthermore, the dissertation will link Kant's thought and existing philosophical problems and offer new arguments. Besides, it will bring some new critical perspectives regarding the discussions arising from the analysis of his work, which will be presented in the first part of the research. In Kant's philosophical sketch "Towards Perpetual Peace", his vision of a cosmopolitan condition that will come provides an endless source of arguments and material for current international law and Globalisation theories.

"Real peace, according to Kant, requires the rule of just laws within the state, between states, and between states and foreigners, and it requires that this condition be a global one."<sup>11</sup> The philosophical significance of "Towards Perpetual Peace" is not primarily in its legal and political inquiry but in the idea that peace is the highest philosophical concept. Peace a priori must come first before all other philosophical investigations because everything that happens in the realm of culture and other relevant human activities stops in the state of war. The fundamental problem, such as peace among people, can't be theoretically comprehended and practically solved without philosophical insights and perceptions.

However, Kant's writings are often viewed as classic though. On the contrary, they are timeless, and we should not frame them in a historical perspective or recycle them. On the contrary, his writings should be realised to flatten out inconsistencies in his thought and set them correctly in the contemporary situation. Nevertheless, Kant's political philosophy, especially in international law and cosmopolitan right theory, remains as relevant to our times as it was in his time. His "classic position on these matters continues to play a vital role in the contemporary discussion of politics and peace and of related issues, such as citizenship, globalization, the United Nations, and the role of the state in the post-cold war world."<sup>12</sup>

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<sup>11</sup> Kleingeld, Pauline, Jeremy Waldron, Michael W. Doyle, and Allen W. Wood. *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*. New Haven, Yale University Press, 2006. p. xv

<sup>12</sup> Ibid.

## **Research aims and objectives of the dissertation**

The primary objective of this dissertation is to reconsider and discuss arguments from Kant's political philosophy and analyse how his standpoint influenced and how can resolve some of the contemporary political issues. That will be achieved through careful, precise, and clear analysis of Kantian thought concerning the "ever-changing historical context"<sup>13</sup>. Such an approach will help to avoid deceiving and misinterpreted arguments. Another aim is to put a new perspective on his philosophical teachings and confront contemporary political theories. Finally, the goal is to oppose Kant's thought with contemporary thinkers like Karl Popper, John Rawls, Jürgen Habermas, and many others, mainly from a communitarian theoretical background.

This dissertation will evaluate the essential parts of Kant's thought concerning the topic. His theoretical, moral, and legal philosophy and the concept of enlightenment and his influence on liberal thought will be analysed. Furthermore, I will discuss the state's role in the framework of republican constitution theory, rights of nations and cosmopolitan rights as crucial elements of his thought and aim to adequately synthesise the arguments for and against Kant's visions in political philosophy. Finally, I will discuss his thought's consequences on today's open political affairs.

## **Study objective and research questions**

This dissertation aims to find plausible arguments of all relevant Kant's political philosophy viewpoints and challenge them to contemporary political theories. That will provide a specific filter of ideas for further philosophical research.

The main questions which will be addressed are:

- Can we determine the genesis and origin of Kant's political thought?
- Why is Kant's political philosophy still a central point of various philosophical debates?
- What is Kant's role in contemporary political philosophy?
- What are the essential theoretical trends in current political theories?
- Does a man have any natural capacities that would indicate that humankind will always progress and improve so that evil and war will vanish in the future?

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<sup>13</sup> Ibid.

## **Research design and methodology**

Since it is pure qualitative research, data for the assessment was collected during the writing up. The literature was separated into primary and secondary literature sources. Kant's work has been studied from English language translations mostly with a considerable editorial methodology, including translators' introductions, general introductions, and explanatory notes to each text. At the same time, the rest of the literature was published originally in the English language. This dissertation was planned at multiple levels and layers. It started from a historical survey of the substantial ideas which are the foundation of Kant's political philosophy. Then, it presented a precise analysis of the Kantian standpoint in this field of research. In the end, it confronted his ideas with the thoughts of significant thinkers of our time. The heuristic methodology was adequately used for each research segment following the research requirements. The qualitative method varied from hermeneutical, dialectical, to analytical, but in the end, it remained logical and rational – critical.

## **Dissertation structure**

This dissertation is separated into nine chapters, including this Introduction. Chapter Two, "Theoretical, Practical and Legal Groundwork of Kant's Political Philosophy", introduces the research context and delivers theoretical, ethical, and legal arguments from Kant's philosophy. Providing at the same time definitions for essential concepts to understand better his political philosophy and its meaning in practice. It explores the genesis and origin of Kant's political thought. Consequently, Chapter Two focuses on the historical overview of Kant's metaphysics, theoretical and moral philosophy and natural right theory as an international relations theory framework underlying the essential arguments required for further research and debate within the current political philosophy scene. It also reviews ideas concerning the state of nature theory and those related to civil condition constitution in Kant's legal and political philosophy. Finally, Chapter Two examines the history of fundamental human rights theory. Kant's influence was enormous, and the chapter concludes that the innate right to freedom could be perceived as the core element of his political thought.

Chapter Three, "Foundations of Kant's Political Thought", presents the framework that structures Kant's political thought and topics addressed in the dissertation. The section defines the enlightenment backgrounds of Kant's philosophy as a form of practical and political thought and introduces the issues that emerge from Kant's reasoning. It goes beyond, focusing on the fundamental arguments of Kant's political theory. The ideas reviewed include Kant's

relationship with the classical and contemporary liberal political theory and Kant's theory of public reason. Distinguishing between his and the thought of the relevant thinkers from other traditions suggests using the former as a critical analytical lens to study political affairs. Chapter Three also introduces the structure of the arguments that will follow in the later sections of the dissertation. It also summarises the most relevant literature and philosophical ideas, analysing political theories' philosophical discourses, including Kant's. Chapters one, two and three have a preparatory role of providing a foundation for further research.

Chapter Four, "Immanuel Kant's Vision of the Right of Nations", presents his theory of the right of nations, which is the essential part of present-day international law debate. In his philosophical work, "Towards Perpetual Peace", Immanuel Kant inquires conditions for co-existence between the states. According to Kant, three elementary conditions lead us toward perpetual peace: republican government, Federation of Free States, and cosmopolitan right of a person to world citizenship.

Federation of Free States has an important place in Kant's vision of nations' rights, which final goal is perpetual peace. It is crucial for a better understanding of Kant's position on the rights of nations. It is also the most objected part of Immanuel Kant's political philosophy by various contemporary critics and therefore demands further exploration and analysis. For this reason, it is a central part of the dissertation which will be used as a basis for the later development of arguments. At first, a brief overview of the history of the law of nations, considering the discussions that preceded Kant's theory, will be given. Further analysis of Kant's work should clear his position and offer an argument supporting his general ideas, reply to the objections and critics of his views, and evaluate pro and contra opinions. Finally, the consequences of such argumentation and their influence on contemporary political theories will be discussed.

Chapter Five, "Reformulations of Kant's International Law Theory", shows us why Kant's thought is essential in contemporary international law debate. I aim to examine potential reformulations of his theory to avoid the misleading interpretation of Kant's arguments. The chapter leans back to Kant's standpoint on international law, the most contrasting part of his political philosophy. I examine Kant's work to provide arguments in support of his ideas and reply to his argument's objections. I debate the consequences of opponents' arguments on contemporary political thinking. I consider the possibility of consent between the model solutions arising from the contemporary international law theory and Kant's original position. The possibility of an appropriate consensus solution will be considered.

Chapter Six, “Kant on Just War and Cosmopolitan International Order”, and its subsection on “Challenges of Cosmopolitanism and Globalisation”, investigates the third group of questions related to Kant’s political thinking. In its argumentative line, it relies on the previous two chapters. First, it identifies global and cosmopolitan open issues through Kantian lenses. Specifically, the chapter identifies contemporary political just war theories and thinkers close to the Kantian political tradition. Then, the chapter explores and analyses the Kantian impact on just war and international order. Besides, it clarifies some of the theoretical issues and problems described in Chapter Five. Furthermore, it discusses Kant’s cosmopolitan right and contemporary challenges regarding the theory. The section’s primary goal will be to re-define arguments from Kant’s conception of cosmopolitan right and examine how this perspective can solve some of the existing current political challenges such as Globalisation.

Chapter Seven, “The Processes of Globalisation”, opens a new debate mode. Instead of a direct analysis of Kant’s work, it discusses the methodological and moral issues of the Globalisation course and the problems that occurred in the last forty years. Globalisation will be observed as a phenomenon that dominates our historical moment. The chapter will revisit Popper’s liberal standpoints and his critique of the social sciences methodology considering contemporary theories of globalisation. Neoliberalism as complete theoretical removal from the worldview and values of liberalism will be carefully analysed since it is the most controversial consequence of the world’s transformation. Paradoxically, the neoliberal economic programme permanently threatens traditional liberal principles, including Kant’s arguments, invoking different values. Finally, I will clarify which aspects of globalisation’s theories require further research.

Chapter Eight, “Contemporary Political Philosophy”, explores the topic, relying primarily on Kant’s perception of the “self” and philosophy of law theory in his work. Claims that a profound change of the liberal political practice during the last three decades of the 20th century will be discussed. The chapter will try to provide answers and explain the contemporary philosophical position of some prominent authors in the field of contemporary political theory. The goal is to illuminate the positioning of the social philosopher within the modified social, political, and justice theories caused by the recent changes in global politics and how these changes affect all spheres of social life today. Later, I will examine the arguments presented in the literature and do the comparative analysis of the authors from the field of liberal and communitarian background in political theory. I will be arguing that in the contemporary neoliberal world, armed with an additional sophisticated economic and political device, the

position of the welfare society and the sovereign state suffered the fundamental transformation. Finally, I will explain which model solution deserves attention and further research.

Chapter Nine, “Concluding Remarks”, summarises the dissertation’s theoretical, empirical, and practical contributions. It synthesises the dissertation findings and discusses the relevance and implications of such results to the broader debate of Kant’s political philosophy theory and practice. Alongside conclusions, the two last sections outline the limitation and caveats of the research and a series of questions for further investigation.

Concluding remarks investigate the primary motivation of the dissertation to expand the understanding of Kant’s political philosophy. Moreover, how it contributed to examining Kant’s political philosophy concerning contemporary political thought. An additional aim is to explain what was previously called Kant’s “Forth Critic” and together with the studied works of Hobbes, Pufendorf, Grotius, De Vattel, Lock, Rousseau, and Mill, form the complete picture of the modern political philosophy related to the issues discussed in the thesis. It also debates the approach that Kant’s political philosophy is a foundation for contemporary political science. Accordingly, the research observed the various authors involved in the Kantian contemporary vision of political philosophy. The section will also examine the findings of different contemporary philosophical approaches regarding Kant’s political philosophy application, including liberalism and communitarianism.

## **Evaluation of Research Objectives**

I assert that the process has achieved the desired goal and produced expected results to determine the research objectives and evaluation. This is best seen through the results achieved during the work on the dissertation. The version of Chapter Four, “Immanuel Kant’s Vision of the Right of Nations”, was published in *Theoria*, journal of Serbian Philosophical Society, (volume 61 issue 1, <https://doi.org/10.2298/THEO1801147M>) the first part of Chapter Six “Kant on Just War and Cosmopolitan International Order”, was published as “Kant on Just War and International Order” in *Philosophy and Society*, the journal published by the Institute for Philosophy and Social Theory, University of Belgrade (volume 32 issue 1, <https://doi.org/10.2298/FID2101105M>). A version of Chapter Seven, “The Processes of Globalisation”, was published in *Theoria*, journal of Serbian Philosophical Society, alongside Associate Professor Dr Takeshi Hamano as my co-author (volume 63 issue 3, <https://doi.org/10.2298/THEO2003017M>).

Inconsequential part of the Chapter Eight is related to two publications, first is book review published as “International Justice After The Cold War: Essays with Applications (Aleksandar Jokić, International Justice After the Cold War: Essays with Applications, New York, Peter Lang, 2018, 405 p.)” in *Sociological Review* (2019, volume 53, issue 2, DOI:10.5937/socpreg53–22352) and “Critical Observations on the Contemporary International Justice” published in *Philosophical Studies*, annual M51 journal of Serbian Philosophical Society, (<https://www.researchgate.net/publication/344175677> Critical Observations on the Contemporary International Justice, volume35/2019, ISSN0350–106X).

Besides, research during the work on the dissertation led to the publication of an article “Foucault’s Concept of Clinical Gaze Today” Co-authored with Aleksandar Ristić and Adriana Zaharijević published in Springer Nature journal *Health Care Analysis* (volume 29, issue1, June 2021 DOI: 10.1007/s10728–020–00402–0) that is not included directly in the dissertation text but is partly related to the topic. All the articles are published in academic peer-reviewed database indexed journals that encompass and present key trends in contemporary theory.

To a wider extent, conducted research shows immense potential for further research. The topic is relevant for multiple explorations. First, the historical overview in the preparatory chapters gives a solid foundation in Kant’s insights and the whole modern political thought. Second, the universality of the topic related to Kant’s moral and legal philosophy creates an opportunity for a multidisciplinary approach because it is so closely related to the inquiries in applied ethics, sociology, and international relations theory. Third, its contemporary part provides a prospect for investigating many current topics. Forth, universal values elaborated in the dissertation eventually can find their way to the broader audience interested in social and political issues and hopefully to those who are decision-makers in the body-politics.

Finally, I have no other alternative but to fully agree with Kant’s statement at the end of the essay on eternal peace: “If it is a duty to realize the condition of public right, even if only in approximation by unending progress, and if there is also a well-founded hope of this, then the *perpetual peace* that follows upon what have till now been falsely called peace treaties is no empty idea but a task that, gradually solved, comes steadily closer to its goal.”<sup>14</sup>

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<sup>14</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy.", (Cambridge university press, 1996), p. 351.

## **Chapter 2. Research context**

### **Theoretical, Practical and Legal Groundwork of Kant's Political Philosophy**

#### **Kant's Theoretical Philosophy**

I will begin my research with some insights into Kant's theoretical thinking without entering the subtle details which are part of today's theoretical philosophy research. Instead, I will provide a brief and sketchy outline of his ideas, which are necessary for broader understanding and can be found helpful for interpreting Kant's practical philosophy. Furthermore, if we want to genuinely comprehend Kant's legal and political philosophy, connecting all elements of his thought would be necessary.

Although for much of his career he was an enthusiast of Leibniz–Wolf rationalism, Kant will say the following in his transition to what we now call critical philosophy: “I freely admit that the remembrance of David Hume was the very thing that many years ago first interrupted my dogmatic slumber and gave a completely different direction to my researches in the field of speculative philosophy.”<sup>15</sup> So the first question that arises is, how does Kant understand philosophy's task and which questions are genuinely philosophical? He says that a man who wants to be a philosopher must use his mind freely, not imitate others and “have the courage to use its own understanding”.<sup>16</sup>

If one wants to think philosophically, one must ask the following questions: “What can I know about the world as it is?”<sup>17</sup> What ought I do? What may I hope for? What is a Humanity? His first question is metaphysical and epistemological, the second is moral philosophy, the third is teleological – religious<sup>18</sup>, and the last is anthropological and political. The first three questions are all related to the last one and all together form Kant's transcendental idealism system. So, the question *What is a Humanity?* in this way becomes an important and permanent question of his philosophy. “This final question, there is good reason to believe, is the controlling

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<sup>15</sup> Hatfield, Gary. "Immanuel Kant: Prolegomena to Any Future Metaphysics: That Will Be Able to Come Forward as Science: With Selections From the Critique of Pure Reason." (2004). p. 10.

<sup>16</sup> Schmidt, James, ed. *What is Enlightenment?: eighteenth-century answers and twentieth-century questions*. Vol. 7. Univ of California Press, 1996. p. 1.

<sup>17</sup> Scruton, Roger. *Kant: A very short introduction*. Vol. 50. OUP Oxford, 2001. p. 19.

<sup>18</sup> Kant, Immanuel. "The conflict of the faculties (MJ Gregor, Trans.)." Lincoln & London: University of Nebraska Press. (Original work published 1798) (1979). p. xi



question of Kant's entire philosophical career-and, of course, is itself one way of articulating the project of resolving the issue of the relationship between nature and freedom."<sup>19</sup>

It is often said that Kant made a Copernican twist in his theoretical philosophy. What is that? According to Kant, a mind is not adapting to its objects. On the contrary, the objects of consciousness adapt to the mind's structure and processes. Kant emphasises the role of subject and reason in the world we know. If intuition must be compatible to the foundation of the objects, Kant says, "then I do not see how we can know anything of them *a priori*; but if the object conforms to the constitution of our faculty of intuition, then I can very well represent this possibility to myself".<sup>20</sup> As we can see, he was not satisfied with the static subject-object relation and non-critical faith in human epistemological abilities. If we want to know and answer the question, what can I know? –We must critically reassess our powers of knowledge. From the object of knowledge, we must move to the subject of knowledge "and transcendental idealism as the only way to achieve that."<sup>21</sup>

Kant is different from earlier philosophers; he distinguishes the question about the origin of knowledge from the issue of values. He warns us that something we don't know; we can't dogmatically identify with something existing. We cannot mix the metaphysical and empirical spheres if we want to think critically. On the question, what can I know? Kant replies in his *Critique of Pure Reason*. The title of his work says that he does not want to start non-critically from the capability of our reason to find out the world. He is starting with the wish to deal with the criticism of sources of knowledge. Kant believed that although all our knowledge begins with experience, it does not follow that arises in experience. Yet, all our knowledge begins with the sense experience, proceeds with understanding, and ends with a reason.

That is Kant's way to overcome the divergence between rationalism and empiricism. Kant "attempted to give an account of philosophical method that incorporated and avoided errors of both."<sup>22</sup> He created new synthetic philosophy. Likewise, he believed that the world is a mechanical reflection of reality or the construction of innate ideas in us. "Neither experience

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<sup>19</sup> Rossi, Philip J. "Globalization and Cosmopolitanism: Tracing a Kantian Trajectory to Peace." *Globalization* 1:1-2006. p. 5.

<sup>20</sup> Kant, Immanuel. "Critique of Pure Reason." *Trans. and ed. P. Guyer and AW Wood. Cambridge: Cambridge University Press* (1998). p. 110.

<sup>21</sup> Kant, Immanuel. *The Cambridge companion to Kant and modern philosophy*. Cambridge University Press, 2006. p. 83.

<sup>22</sup> Scruton, Roger. *Kant: A very short introduction*. Vol. 50. OUP Oxford, 2001. p. 21.

nor reason is alone able to provide knowledge. The first provides content without form, the second form without the content. Only in their synthesis, the knowledge is possible.”<sup>23</sup>

Kant says that: “our cognition arises from two fundamental sources in mind, the first of which is the reception of representations (the receptivity of impressions), the second the faculty for cognizing an object by means of these representations (spontaneity of concepts); through the former, an object is given to us, through the latter it is thought in relation to that representation (as a mere determination of the mind).”<sup>24</sup> Therefore, knowledge has two sources: sensibility and reason. Both are indivisible. “Thoughts without content are empty, intuitions without concepts are blind”.<sup>25</sup>

Therefore, we can identify two basic types of knowledge. A priori knowledge, from the processes of the mind and independent of sensory experience, which is rational, necessary, and universally without exception, true or false and “opposed to them are empirical cognitions, or those that are possible only a posteriori, through experience”<sup>26</sup>, which is empirical, contingent, and can never be judged as true or false. Since truth and falsity can be recognized only through subject–predicate propositions, Kant makes the following division on analytic and synthetic judgments and concludes that predicate explicates the meaning already contained in the subject in an analytic proposition. For example, a triangle has three angles and that in a synthetic proposition predicate adds to our knowledge of the subject that logical analysis can’t and amplifies our understanding of the subject. For example, the impact causes a billiard ball to move.

The relationship between propositions is following, a priori – analytic propositions express knowledge, they are necessarily and universally true or false, and they can be confirmed by logical analysis alone, without any experience. For example, Kant claims that material objects are extended in space, an example of a priori analytical proposition. On the other hand, a posteriori “judgments of experience, as such, are all synthetic.”<sup>27</sup> For example, material objects with weight are a classic case of synthetic a posteriori proposition because we must measure the weight empirically.

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<sup>23</sup> Ibid., 27.

<sup>24</sup> Kant, Immanuel. "Critique of Pure Reason." *Trans. and ed. P. Guyer and AW Wood. Cambridge: Cambridge University Press* (1998). p. 193.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., 137.

<sup>27</sup> Ibid., 142.

Yet, the only way to expand our knowledge is synthetic propositions a priori. Synthetic a priori propositions are necessarily and universally true propositions without any experience in which predicate adds to our understanding of the subject, something that cannot be known by mere logic. According to Kant: "That seven should be added to five I have, to be sure, thought in the concept of a sum = 7 + 5, but not that this sum is equal to the number 12. The arithmetical proposition is therefore always synthetic; one becomes all the more distinctly aware of that if one takes somewhat larger numbers, for it is then clear that, twist and turn our concepts as we will, without getting help from intuition we could never find the sum by means of the mere analysis of our concepts."<sup>28</sup> Everything that happens has a cause,  $7+5=12$ , and the proposition that the world must have a beginning in time are synthetic a priori propositions.

The structure of the mind is seen subsequently—sensibility (*Sinnlichkeit*) with its forms of sensibility—space and time. Then, understanding (*Verstand*) with its categories of understanding and, in the end, pure reason (*Vernunft*). Kant is trying to prove that a human mind is not a blank slate where you can imprint reality. On the contrary, the human mind has its subjective forms. What are the subjective forms of mind? Like I already said, these are space, time, and categories of reason (quantity, quality, relation, and modality). Kant "infers that the ideas of space and time are not only "intuitions," but "a priori intuitions."<sup>29</sup> With these forms, we build all our knowledge. Space and time are sensual forms, and they exist only in that way. That is why the sensual experience has only phenomena. It is similar to categories of reason. "They arise independently from sensibility"<sup>30</sup> but don't transcend the limits of the phenomenological world.

The phenomenal knowledge is recognized by the senses and can be measured. Kant is evident in this matter: "appearances, to the extent that as objects they are thought in accordance with the unity of the categories, are called phaenomena."<sup>31</sup> On the other hand, "things that are merely objects of the understanding and that, nevertheless, can be given to an intuition, although not to sensible intuition then such things would be called noumena."<sup>32</sup> Noumenal

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<sup>28</sup> *Ibid.*, 144.

<sup>29</sup> Walsh, W. H. "Kant's Transcendental Idealism." *Kant on Causality, Freedom, and Objectivity* (1984): 83-96. p. 86.

<sup>30</sup> Kant, Immanuel. "Critique of Pure Reason." *Trans. and ed. P. Guyer and AW Wood. Cambridge: Cambridge University Press* (1998). p. 253.

<sup>31</sup> *Ibid.*, 347.

<sup>32</sup> *Ibid.*

knowledge (of things in itself – *Ding an sich*) is speculative, metaphysical, abstract, and intellectual knowledge by reason.

Furthermore, Kant introduced the notion of transcendental, thus instituting a new meaning. This concept is related to the condition of the possibility of knowledge itself. Although he also opposed the notion transcendental to the notion transcendent, the latter meaning goes beyond any possible understanding of a human being. For Kant, transcendental meant knowledge about our cognitive faculty about how objects are possible a priori: “I call all cognition transcendental that is occupied not so much with objects but rather with our mode of cognition of objects insofar as this is to be possible a priori. A system of such concepts would be called transcendental philosophy.”<sup>33</sup>

Another issue in Kant's theoretical thinking necessary for understanding his practical philosophy is the notion of self. Since Kant believes that nothing about transcendental things can be known beyond the world of experience, not even whether they exist, the question arises as to whether some reliable knowledge of oneself is possible. Kant thinks that even this knowledge is not possible. The “I think must be able to accompany all my representations. For otherwise something would be represented in me that could not be thought at all, which is as much as to say that the representation would either be impossible or else at least would be nothing for me”<sup>34</sup>, says Kant, introducing the notion of the transcendental unity of apperception into his critique. However, this means only that my entire experience belongs and must be united in one subject to be organized in any way. Experience is always subjective and always unique. It belongs to only one subject. One cannot peek into someone else's experience, and the existence of an outside world that could bring objectivity cannot be proven. The unity of apperception is synthetic because different notions are connected to it. However, even this unity is a pure form and does not give us any picture of ourselves. No particular perception corresponds to the notion of *self*, and therefore that notion also refers to the *noumenon*, that is, the thing in itself.

Theoretical thinking is powerless in answering questions that are beyond our experience. For example, questions about the immortal soul, freedom, God, and boundaries of the world are staying without an answer in the theoretical, but not in a practical way. However, many questions remain open for discussion, like in every great philosophy. The next step is a

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<sup>33</sup> Ibid., 149.

<sup>34</sup> Ibid., 246.

historical overview of the practical and moral philosophy ideas connected to Immanuel Kant's political philosophy problems.

## **Kant's Ethics**

How did Kant answer the question: What is humanity? I have already mentioned that Kant thinks that the other three questions he asked are contained in the last one. These are the problems of Kant's practical philosophy. This section should summarise all arguments forming the structure of Kant's practical philosophy to provide the source for further research. In the final section of the "Critique of Practical Reason", Kant says: "Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: the starry heavens above me and the moral law within me."<sup>35</sup> The starry heavens above reveal a multitude of worlds, and that humanity is only a tiny spot in the existing universe. Like one of the animals, the human being has no value in that universe.

On the other hand, moral law increases a human being and his value infinitely, making him different from animals, and making him a person. Moral law in a human being is not a cosmic gift. It is an act of a human being himself, which reveals that it is free of nature determinism and determines himself. For Kant, a human being is a practical being. The mind that determines what ought to be done has priority over a mind that answers what a human being can know. Every human interest, even that one from knowledge, is primarily practical. A human being's role in the world is not in his bare existence, but it is a possibility to have decisions and actions. A human being leaves his animal framework; it becomes his creator, a responsible subject in the world. The basis of people's humanity lies in the autonomy of moral consciousness. With the help of duty, a human being leaves nature's mechanism, giving his dignity to himself. How is a human a moral being? Kant doesn't think we must make a list and a scale of moral values prescribed to people. His intention is to create something new and different with the theory of morality and moral laws.

Kant intends to reveal the essence of human moral reason and explore the law and reasons of moral life. Without revealing the rightness of the moral reason, it is impossible to understand the reason itself. Therefore, ethics must be rigorous science based on principles. For this purpose, in the preface of the "Groundwork of Metaphysics of Morals", Kant divides all rational knowledge on philosophy and science. Science is further divided according to the

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<sup>35</sup> Kant, Immanuel. "Critique of Practical Reason" in "Immanuel Kant: practical philosophy." Cambridge University Press, 1999. p. 269.

“ancient Greek philosophy, on logic, physics, and ethics”.<sup>36</sup> Knowledge is material or formal. “Formal philosophy is called logic”<sup>37</sup>, and this knowledge is not empirical. Instead, it is grounded in universal and necessary laws, driven by reason, and demonstratable. Then again, material knowledge, which includes both reason and experience, “is once again twofold”<sup>38</sup>: natural or knowledge of freedom. Science on freedom is ethics. Ethics is the science about morality.

In his attempt of further subdivision of philosophy, Kant wants to define the area of ethics as science even more closely and explain on what grounds his ethical theory will be built. Based on experience, we see that philosophy is empirical and philosophy, if derived a priori, is pure philosophy. If it is formal, pure philosophy is logic; if limited to determinate objects is called metaphysics. “In this way, there arises the idea of a twofold metaphysics, metaphysics of nature and a metaphysics of morals. Ethics empirical part might be given the special name practical anthropology, while the rational part might properly be called morals.”<sup>39</sup> Now, when he adequately located metaphysics of the morals, Kant describes the primary goal of his *Groundwork* and states that the “*Groundwork of Metaphysics of Morals*” aims to search for the supreme principle of morality, separated from every other moral investigation. He wants to establish a supreme moral principle grounded in reason – a priori. This simply means that he wants a clear cut from previously established moral theories, which have empirical content like happiness, feelings, and utility for its foundation. Furthermore, Kant sketches the sections of his work and explains how his topic research will develop.

Kant sees human reason as a principle of organization and order. The reason is active on the theoretical and practical levels. Just as knowledge is impossible without order, human action cannot be imagined without it too. It means that in practical activities such as ethics, we are faced with the difference between the universal and the general, already seen in Kant's theoretical philosophy. Since, as in knowledge, the order must rule in the field of morality, then moral law must have the same form as natural law, which is the form of generality and necessity, that is, universality.

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<sup>36</sup> Wood, Allen W., ed. Immanuel Kant, "Groundwork for the metaphysics of morals". Rethinking the Western tradition. Yale University Press, 2002. p. 3.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., 4.

Furthermore, Kant asks the following: What is “good without the limitations”<sup>40</sup>? Good will is guided by reason and ulterior motive, unlike a pure will which is always driven by the possible consequences. Good will is good by virtue of intrinsic value and enables human acting. If someone expects something in return, then the *will* is not good without the limitation. On the other hand, when someone helps another person because she believes that it is her duty to do so, the *will* is good without limitation. The *good will* is right when it is done respecting the duty.

The concept of duty contains one of the goodwill. “Duty is the necessity of an action from respect for the law.”<sup>41</sup> If guided by desire, interest, self-love, and utility, an act is not moral. “An action from duty has its moral worth in the aim that is supposed to be completed by it, but rather in the maxim in accordance with which it is resolved upon; thus, that worth depends not on the principle of the actuality of the object of the action, but merely on the volition, in accordance with which the action is done, without regard to any object of the faculty of desire.”<sup>42</sup> Indeed, a human being as a social being acts in that way. But, as a moral being, one responds with his free will, which is determined by the moral law. It is not given, but it is a freedom that must be deserved.

A human being does not act morally because it is free but because he ought to be free. “The moral law in its purity and authenticity is to be pursued nowhere else than in a pure philosophy; hence metaphysics must go first, and without it, there can be no moral philosophy at all; that which mixes those pure principles among empirical ones does not even deserve the name of a ‘philosophy’.”<sup>43</sup> They don’t advise the human what he should do but command him what he ought to do. Almost no one would approve arbitrary exceptions to some moral rule. However, it is usually considered that we must add some external content to this form of the universality of moral law. Kant disagrees with this idea. He believes that the same form of law embodied in the concepts of its general and necessary validity is sufficient for understanding morality. That is why Kant’s ethics were often characterized as formalistic.

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<sup>40</sup> Ibid., 9.

<sup>41</sup> Kant, Immanuel, and Jerome B. Schneewind. "Groundwork for the Metaphysics of Morals". Yale University Press, 2002. p. 16.

<sup>42</sup> Wood, Allen W., ed. Immanuel Kant, "Groundwork for the metaphysics of morals". Rethinking the Western tradition. Yale University Press, 2002. p. 15.

<sup>43</sup> Ibid., 6.

“Now, all imperatives command either hypothetically or categorically. The former represents the practical necessity of a possible action as a means to achieve something else which one will. The categorical imperative would be that one which represented an action as objectively necessary for itself, without any reference to another end.”<sup>44</sup> Hypothetical imperatives are rules which tell us to act in some manner. The usual form is: If you want X, you do Y, and they are driven by desire, inclination, or preference. Kant states: “If the action were good merely as a means to something else, then the imperative is hypothetical.”<sup>45</sup>

Instead of hypothetical, morality should be composed of categorical imperatives. Categorical imperatives are principles that tell us how to act unrelatedly to any desire. A supreme moral principle commands us to act on valid, necessary, and universal laws. Every man must be mindful of the categorical imperative, the principle of freedom. Kant believes that the moral law must be purely formal in line with his basic idea. Its primary and most famous formulation is thus only one: “Act only according to that maxim whereby you can at the same time will that it should become a universal law.”<sup>46</sup>

Therefore, one is acting according to the categorical imperative so that others can do it in the same way. It “is the idea that every person gives the moral law to himself.”<sup>47</sup> The basic test for such action is to ask ourselves a simple question: What if everyone does that? We must act so that we are motivated by the universal rule. “The categorical imperative tells us whether or not we may act on any plan of action, and from this, we can learn what acts we may or may not do.”<sup>48</sup> It implies that we simply test the maxims of our actions through a test exemplified in a categorical imperative, that is, to ask ourselves whether the principle of our activities can be universally valid. “A maxim is the subjective principle of the volition”<sup>49</sup> The process of testing the maxims of our actions through the categorical imperative was called universalization.

Achieving this principle, which is on the other side of the experience and human interests, a human being provides his personality and personality of the others. If we want to become moral persons, we must obey the categorical imperative and act in the line of duty. The essential

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<sup>44</sup>Ibid., 31.

<sup>45</sup> Ibid.

<sup>46</sup> Kant, Immanuel, and Jerome B. Schneewind. "Groundwork for the Metaphysics of Morals". Yale University Press, 2002. p. 24.

<sup>47</sup> Ladd, John. "Translator's introduction." *Immanuel Kant: Metaphysical Elements of Justice* (1999). p. xvi

<sup>48</sup> Wood, Allen W., ed. Immanuel Kant, "Groundwork for the metaphysics of morals." *Rethinking the Western tradition*. Yale University Press, 2002. p. 89.

<sup>49</sup> Ibid., 16.



features of the categorical imperative are that it is not related to the moral acts and their consequences but to the maxims. We must Do X, regardless of any desire or consequence, and act according to the moral law. The categorical imperative is driven by reason. Our reason tells us to do so. After testing our maxims, we determine what is and what is not duty.

The following important term that emphasises willingness from the basic formulation of the categorical imperative is *will*. Kant believes that it is morally necessary for our *will* to be free. Namely, the very idea of morality presupposes freedom: if we cannot freely choose actions, then there is no sense to talk about moral responsibility. Actions under threat or coercion are usually not considered valid. Only if the *will* is free, we can, as individuals, be autonomous. “The supreme condition of its harmony with universal practical reason, the idea of the will of every rational being as a will giving universal law.”<sup>50</sup> If the will is not creating its own universal legislation, all maxims should be forbidden and not tolerated by the principle of autonomy. The *will* is not only subject to the law but is a subject that must also be considered as legislating to itself. The *will* is autonomous if it is self-legislating and not influenced by any outside element.

On the other hand, the heteronomy of the *will* is the “source of all ungentle principles of morality.”<sup>51</sup> This is because heteronomous *will* acts according to naturally caused inclinations’ influence. This simply indicates that our morality’s source is not in our reason but in some external entity. That means that all ethical principles like hedonism and utilitarianism necessary lead us to heteronomy of the *will*. Whether it rests now on inclination or representations of reason, only hypothetical imperatives are possible through this relation.

A goal of Kant’s ethics is obvious: respecting the human personality. He claims that our motives and choices must respect our rationality and points out this is the right approach “For the object, as an effect of my proposed action, I can, of course, have an inclination, but never respect, just because it is merely an effect and not the activity of a will.”<sup>52</sup> A human being is uplifted in character only when it acts morally.

Only a human being is a purpose for itself. We never should treat people instrumentally without their consent. A human being cannot be used merely as a means. In contrast to heteronomous based ethics, the universal value protected by the categorical imperative is human dignity. Kant points out this through the already mentioned second formulation of the

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<sup>50</sup> Ibid., 49.

<sup>51</sup> Ibid., 58.

<sup>52</sup> Ibid., 49.

categorical imperative, which is the most appropriate for this research: “Act in such a way that you treat humanity, whether in your own person or the person of any other, never merely as a means to an end, but always at the same time as an end.”<sup>53</sup> Here, we must direct our attention to the phrase merely as a means. Kant wants to say that we never should treat people instrumentally without their consent. For example, if we are in the store in a classical customer–seller relationship, that is fine. Still, if we use other people to achieve some other goal, like slavery, that is morally unacceptable.

Kant’s idea of people as ends for themselves will lead us to another formulation of the categorical imperative: the formula already mentioned above of the realm of ends. So, he is speaking about how people should behave between them. Still, they must build stronger moral relationships founded on a good rational will and build a society on those principles. This formula envisioned in Kant’s thought experiment in which everyone is acting from good rational will only tell us how our actions can become complementary with the world and how the society can exist in a mutual peaceful condition. We must postulate some ideas in our practical moral philosophy to make this possible.

Some ideas must be assumed in practical acting because theoretical philosophy and science can say nothing about them. They are the necessary condition for the existence of morality. Therefore, postulates are conjectures of morality, and if we want to obey the moral law, we must assume the existence of freedom, an immortal soul, and God. I know what I must do from the moral law. For the realisation of the moral world, or the possibility to make this moral world thinkable, I need postulates. Practical reason demands postulated ideas of immortal soul, freedom, and God. There is no time for moral life to be worthy of happiness without our immortal soul. Kant thinks that without freedom individual’s moral act is impossible. If I am not free, I am no longer responsible for anything. There is no guarantee that the moral actor will be treated with merit without God because someone must judge our acts. Postulates need to be true so that human beings can act morally for a lifetime.

Or as Kant says: “These postulates are those of immortality, of freedom considered positively and of the existence of God. The first flows from the practically necessary condition of a duration befitting the complete fulfilment of the moral law; The second from the necessary presupposition of independence from the sensible world and of the capacity to determine one’s will by the law of an intelligible world, that is, the law of freedom; The third from the necessity

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<sup>53</sup> Ibid., 29.

of the condition for such an intelligible world to be the highest good, through the presupposition of the highest independent good, that is, of the existence of God.”<sup>54</sup>

In ethics, Kant often divides things into those that fall on the side of reason and those that fall into the realm of desires, instincts, and inclinations or, in a word, that includes all—happiness. In contrast to animal nature, human beings do not have to follow their instincts. They have a reason which decides. Rationality is not directly linked to happiness, and the satisfying reason will not necessarily make you happy. “For this reason, again, morals is not properly the doctrine of how we are to make ourselves happy but of how we are to become worthy of happiness.”<sup>55</sup>

The following distinction in developing arguments in Kant's political thinking is between ethical and juridical legislation. The difference between (moral) internal and (legal) external lawgiving. In moral philosophy, we are our own lawgivers. We are giving ourselves maxims that we follow. So, ethics deals with internal lawgiving. Our own free will and autonomy of reason give us moral laws. On the other hand, external lawgiving are laws (rights) brought up by someone else. The next step of Kant's practical philosophy is how external lawgiving is possible.

### **Kant's Natural Rights Theory**

Kant was a vigorous proponent of the 18<sup>th</sup>-century natural rights theory. Together with his moral philosophy, a key component of his political thought. The main point of view of his natural right theory can be found in his work “Metaphysics of Morals”, especially in the first part of the book called “Doctrine of Right” in M. Gregor's translation or “Metaphysical Elements of Justice” as J. Ladd translated it. I will use both translations simultaneously to better understand Kant's arguments on this matter. The chapter will also provide a comparative analysis with other modern political thinkers.

This part of the book is different from the Doctrine of Virtue and Kant's moral philosophy. In the introduction to the doctrine of right (justice), Kant answers the question: What is the doctrine of right? He puts it in the following way: “The sum of those laws for which an external lawgiving is possible is called the Doctrine of Right (Ius). If there has been such lawgiving, it is the doctrine of positive right, and one versed in this, a jurist (iurisconsultus), is said to be experienced in the law (iurisperitus) when he not only knows external laws but also knows

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<sup>54</sup> Kant, Immanuel. “Dialectic of Pure Practical Reason.” Chapter. In *Kant: Critique of Practical Reason*, translated by Mary Gregor, 2nd ed., 87–118. Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 2015. p.106.

<sup>55</sup> *Ibid.*, 244.

them externally, that is, in their application to cases that come up in experience. Such knowledge can also be called legal expertise (*iurisprudencia*), but without both (elements) together, it remains mere juridical science (*iurisscientia*). The last title belongs to systematic knowledge of the doctrine of natural right (*ius naturae*), although one versed in this must supply the immutable principles for any giving of positive law.”<sup>56</sup>

The next question raised is, what is right (justice)? Kant notes that observed simply from the jurist perspective, and the answer may seem redundant. However, from a jurist and positive law perspective, it is laws of a “particular country at a particular time.”<sup>57</sup> This is correct, but we obviously need a more comprehensive definition of this concept that will not be related to any empirical principles but will explore the causes in the pure reason. If it is grounded only in the positive law, the purely empirical right theory will be superficial and empty inside its theoretical core.

The universal principle by which one can distinguish right or wrong<sup>58</sup> must be found on a metaphysical basis. The concept of justice applies only under three conditions. “First, it applies only to the external relationship of one person to another in which” their actions influence each other “directly or indirectly. Second, the concept applies only to the relationship of a will to another person’s will”<sup>59</sup>, and not to his inclinations which involve acts of generosity and kindness. Third, the concept of justice does not consider the matter content of the will, that is, the end that a person intends to realize through the object that he wills.

In applying the concept of justice, we think only about the form of the relationship between the individuals’ free will and whether the action of one of them can be affected by the freedom of the *other* under universal law. “Right is, therefore, the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.”<sup>60</sup> Hence, the universal principle of right (justice) is: “Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with universal

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<sup>56</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 386.

<sup>57</sup> Ladd, John. "Immanuel Kant, Metaphysical Elements of Justice." (1999). p. 29.

<sup>58</sup> *Iustum et Iniustum* (Gerecht and Ungerecht – not recht unrecht) MM 6:230

<sup>59</sup> *Ibid.*, 30.

<sup>60</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 387.

law. If then my action or my condition generally can coexist with the freedom of everyone in accordance with a universal law, whoever hinders me in it does me wrong; for this hindrance (resistance) cannot coexist with freedom in accordance with universal law.”<sup>61</sup>

Consequently, we can get the idea that anyone can be free as long as his external action does not trespass the freedom of another human fellow. The maxim to act rightly in this way can be observed as the requirement of ethics. So, the formulation of a universal law of right (justice) is thus: “act externally in such a way that the free use of your will is compatible with the freedom of everyone according to a universal law.”<sup>62</sup> Kant wants us to constrain our freedom to those conditions and distinguish between those fields of human beings acting related to hindrance and coercion with legitimate usage and those who are morally acceptable. The aim is therefore not “to teach virtue, but only to give an account of what is (right) just”<sup>63</sup>

When he makes a general division of rights, Kant does it in the following direction: “As systematic doctrines, rights are divided into natural right, which rests only on a priori principles, and positive (statutory) right, which proceeds from the will of a legislator.”<sup>64</sup> Then the rights are divided into innate and acquired. “An innate right is that which belongs to everyone by nature, independently of any act that would establish a right; an acquired right is that for which such an act is required.”<sup>65</sup> And then concludes that there is only one innate right: “Freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity.”<sup>66</sup> From this, we can realize that conjecture of freedom is the only foundation for the state for Kant.

### **State of Nature**

One of the crucial aims of Kant’s political philosophy is overcoming the inner contradiction of the concept of freedom which must be understood as the feature of good will. “There are two aspects of this freedom. Kant calls them negative and positive freedom. Negative freedom is the capacity to act independently of foreign, external causes; in other words, it is freedom from

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<sup>61</sup> Ibid.

<sup>62</sup> Ladd, John. "Immanuel Kant, Metaphysical Elements of Justice." (1999). p. 30.

<sup>63</sup> Ibid.

<sup>64</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 393.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

external constraint. On the other hand, positive freedom is the property of the *will* to be a law to itself. That is, it is the property of autonomy.”<sup>67</sup> In his view, positive freedom is essentially illegal. Freedom is an expression of brutality outside of reason and on reason-based law. To demonstrate all the ambiguity of the concept of freedom, Kant introduces the notion of the state of nature and says: “A non-judicial state of affairs, that is, one in which there is no distributive legal justice, is called the state of nature (*status naturalis*).”<sup>68</sup>

The remarkable difference between Hobbes's and Kant's broader picture of the state of nature initially does not exist. For both philosophers, the state of nature is a stateless, pre-political state of absolute egoistic freedom and the non-existence of any law. People in the state of nature have no rights because no one can secure them any right. On the other hand, their “freedom” is absolute. Yet, it is tough to maintain such “freedom” in a situation of war of all against all, which makes “the life of man, solitary, poor, nasty, brutish, and short.”<sup>69</sup> Although at first sight, it may seem that these two philosophers have the same explanation for leaving such a state of nature, from the further analysis, I will indicate that the attitude against Hobbes<sup>70</sup> is prevailing. Then again, in a distinct way than Hobbes and Kant, John Lock believes that human nature is not essentially egoistic but has a notion of morality based on the natural law. He envisioned the state of nature, and in the “Two Treatises on Government”, he says: “The state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”<sup>71</sup> So, quite the opposite, he believed that humankind is not warlike. However, although considerably more peaceful, this Lockean natural state also has specific problems. Eventually, property disputes must arise. Kant was aware of this problem, and he will debate it in the opening chapters of the “Doctrine of Right” extensively.

After Locke, another significant philosopher deals with this issue. That was a famous Genevan Jean-Jacques Rousseau. He influenced Kant's thinking enormously and inspired the additional development of state of nature and natural right theory arguments with his work “Discourse on

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<sup>67</sup> Ladd, John. "Translator's introduction." *Immanuel Kant: Metaphysical Elements of Justice* (1999). p. xvi — xvii

<sup>68</sup> Ladd, John. "Immanuel Kant, *Metaphysical Elements of Justice*." (1999). p. 114.

<sup>69</sup> Thomas, Hobbes. "Leviathan". JCA Gaskin edited with an Introduction and Notes." (1998). p. 84.

<sup>70</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice", in "Immanuel Kant: practical philosophy.", (Cambridge university press, 1996), p. 290.

<sup>71</sup> Locke, John. "Two treaties of government and a letter concerning toleration." *Yale University Press, New Haven (1690)* (2003). p. 102.

the Origin and Basis of Inequality Among Men". It is presented as a hypothetical history of humankind and a profound critique of Hobbes's previous social contract theory and Lock's natural law theory. He claims that: "The philosophers who have examined the foundations of society have all felt the necessity of going back to the state of nature, but none of them has reached it."<sup>72</sup> Rousseau presents a new conception of a state of nature in the second discourse and explains how people may have created civil society.

His main idea is that human beings developed the negative characteristics Hobbes describing during civilization after leaving the state of nature. While they are in an uncivilized state of nature, humans look out for themselves and look kindly on others. "It appears at first that men in that state since they have neither any kind of moral relation among themselves nor known duties could be neither good nor evil."<sup>73</sup> Only morally wicked persons look out for themselves by looking at others, wishing to be better than the rest. In the actual state of nature, vanity did not exist. Rousseau "ought to say that, since the state of nature is the state in which the care of our self-preservation is the least prejudicial to that of others, this state was consequently the most conducive to peace and the best suited to the human race."<sup>74</sup>

After Hobbes, Lock and Rousseau as his theoretical predecessors, Kant brings about another "conceptual distinction between the state of nature (that is, a stateless society) and the civil society (that is, a society subject to political authority)."<sup>75</sup> He understands the state of nature as warlike even when no evident violence appears because there is always a possibility of conflicts. However, he clarifies that "the distinction is made only for theoretical, ethical purposes and does not imply that any actual historical conditions such as a state of nature ever existed before the beginning of civil society."<sup>76</sup> Instead, the state of nature is established as a hypothetical thought experiment to demonstrate how justice and legal order are suspended without the state. A state of nature is incompatible with an individual's innate right to freedom and autonomy.

In the state of nature, human beings acquire a kind of lawless freedom. But nevertheless, their innate right extends only to negative lawful freedom because it comes from their nature as

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<sup>72</sup> Rousseau, Jean—Jacques. "The Major Political Writings of Jean—Jacques Rousseau: The Two" Discourses" and the" Social Contract". University of Chicago Press, 2012. p. 96.

<sup>73</sup> Ibid., 113.

<sup>74</sup> Ibid., 114.

<sup>75</sup> Ladd, John. "Translator's introduction." *Immanuel Kant: Metaphysical Elements of Justice* (1999). p. xxxvii

<sup>76</sup> Ibid.

moral legislators. "Negative freedom is a necessary condition of positive freedom because a person must be negatively free in order to be positively free. In other words, a person can set the moral law to him or herself only if they are free from external constraint."<sup>77</sup> Whether individual or governmental, any violence or lawlessness represents a restoration of the state of nature and consequently injustice. For every individual is mandatory to leave the state of nature. It is a requirement of justice. Coercion is thus legitimate under these conditions, which explains why we can force others to leave the state of nature. "Thus, a lawful liberty to which everyone has a right is substituted for a lawless one in which no one has a (secure) right."<sup>78</sup> Overall, Kant's legal and political philosophy establishes the notion of the state of nature to demonstrate the rational foundation of numerous individuals' rights and duties and not describe the civil state's historical beginning.

### **Forming of the Civil Condition**

The state of nature situation recognizes some societal elements related to rights such as marriage, family, and many others, but it is a lawless condition. So, what is opposite to a state of nature (*status naturalis*) is not a "condition that is social, and that could be called an artificial condition (*status artificialis*), but rather the civil condition (*status civilis*), that of a society subject to distributive justice."<sup>79</sup> In a further division, Kant explains: "The first and second of these conditions can be called the condition of private right, whereas the third and last can be called the condition of public right."<sup>80</sup> That is why Kant makes the transition from the state of nature to the civil juridical state.

Kant realises that state governments use hindrance and coercion to achieve their goals. But, in Kant's arguments, the state exists as a condition that will provide future realisation and lead us to freedom for every citizen. "The main function of the civil state is to maintain the rule of law, to guarantee and protect the rights of its subjects. This he calls the juridical condition of society, the state of public justice, legal justice."<sup>81</sup> But, at the same time, we must obey the prescribed laws and build morality through individual autonomy. His argument is straightforward: at

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<sup>77</sup> *Ibid.*, xvii

<sup>78</sup> *Ibid.*, xxxvii

<sup>79</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 451.

<sup>80</sup> *Ibid.*

<sup>81</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 397.



times, any form of political state requires its citizens to obey its commands simply because they are its commands.

He will emphasize this position several times in the Doctrine of Right: "The highest division of natural right cannot be the division into natural and social right; it must instead be the division into a natural and civil right, the former of which is called private right and the latter public right. A state of nature is not opposed to a social but to a civil condition, since there can certainly be a society in a state of nature, but no civil society (which secures what is mine or yours by public laws). This is why right in a state of nature is called private right."<sup>82</sup>

If their vision of the state of nature was similar, Hobbes and Kant have entirely opposite views in some aspects of the social contract theory. In the essay "On the common saying: That may be correct in theory, but it is of no use in practice", throughout part two, Kant criticises Hobbes's social contract theory. The contract establishing people into civil constitution ("*pactum union civilis*") is essentially different from every other in the principle of its institution."<sup>83</sup> In all social contracts, we can find a multitude of people joining together for some common purpose. Still, in *pactum union civilis*, the unconditional and first duty is the connection which is the purpose for itself, and in which you can't avoid mutual conflict. Such duty will be found in society only if society is in the state of civil condition that creates a political community – the commonwealth. "Supreme formal condition of all other external duties is the *right* of human beings under public coercive laws."<sup>84</sup>

Kant explains his theory of the social contract in the hypothetical form. Sovereign must look at the original contract as on the idea of the reason that compels him to set laws as if they could arise from the *will* of all people and to observe every subject, insofar as he wishes to be a citizen as if he had joined the others by voting for such will. In other words, a historical event in which all the people or their representatives met and decided to appoint a particular sovereign never happened, but every law or every decision of the ruler must be put to the test considering whether it is such that everyone can accept it in this one situation. This situation should then serve us to derive general principles on which the state should rest. Through these lines, we can

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<sup>82</sup> Ibid.

<sup>83</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice", in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 290.

<sup>84</sup> Ibid.

see how Kant uses his method grounded in its theoretical and ethical thinking to test the basic principles of his legal philosophy and make sure are they in accordance with the universal law.

“Thus, the civil condition, regarded merely as a rightful condition, is based a priori on the following principles: 1. The freedom of every member of the society as a human being. 2. His equality with every other as a subject. 3. The independence of every member of a commonwealth as a citizen.”<sup>85</sup> In brief, all individuals have a right to pursue their own well-being in their own way as long as they do not disturb another’s human being freedom. Also, every individual in the state is formally equal to every other individual and has an equal coercive legal right. The only exception is the sovereign because no one should coerce the ruler. Sovereign “give his laws in such a way that they could have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he has joined in voting for such a will.”<sup>86</sup> In this way, the independence principle allows citizens to be their own legislators.

“Now this is an original contract, on which alone a civil and hence thoroughly rightful constitution among human beings can be based and a commonwealth established.”<sup>87</sup> Essential for applying innate right to freedom and consequently the original contract is the property right: “with which I am so connected that another’s use of it without my consent would wrong me. The subjective condition of any possible use is possession.”<sup>88</sup> Kant is furthermore defining the notion of possession in the following way: “something external would be mine only if I may assume that I could be wronged by another’s use of a thing even though I am not in possession of it.”<sup>89</sup>

This insight will open an exciting debate between Kant and his enlightenment predecessor John Locke. On this issue, Locke will say: “Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his.”<sup>90</sup> Kant objects to Locke’s standpoints regarding property right theory extending the debate to three

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<sup>85</sup> Ibid., 291.

<sup>86</sup> Ibid., 296—297.

<sup>87</sup> Ibid., 296.

<sup>88</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 401.

<sup>89</sup> Ibid.

<sup>90</sup> Locke, John. "Two treaties of government and a letter concerning toleration." *Yale University Press, New Haven (1690)* (2003). p.111

different property types. The first type of property coincides with Lock's position. For Kant, the right to use external objects is implied in the very notion of an innate right to freedom. To exercise freedom, one must be able to use things as seen. However, things often require more than simple possession, and the argument needs further explanation.

Additionally, Lock continues with the same line of argument and says: "For this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough and as good, left in common for others."<sup>91</sup> Kant, on the other hand, says that: "it would be self-contradictory to say that I have something external as my own if the concept of possession could not have different meanings, namely sensible possession and intelligible possession, and by the former could be understood physical possession but by the latter a merely rightful possession of the same object."<sup>92</sup> From this, we find out that Kant makes a subtle distinction between a simple appropriation of the land through the quality labour in the state of nature envisioned by Locke and acquisition of property in a way that human beings can possess things intelligibly and not simply physically. He also thought that someone's one-sided pronouncement or a claim to some object (land in Lock's case) would violate the freedom of others.

What rights do people acquire, and which is gone in a shift from the state of nature to the civil condition? John Lock is clear about it and says: "But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require; yet it being only with an intention in everyone the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse); the power of the society, or legislative constituted by them, can never be supposed to extend farther than the common good."<sup>93</sup> Although the authority in the conclusion of a social contract is transmitted to the established government, it does not mean complete hegemony of the government over the citizens. John Lock is therefore always ready to return to the state of nature in case of a malign government. On the other hand, Rousseau implies that if a social contract is appropriately established and protects the public interest and common good, a

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<sup>91</sup> *Ibid.*, 112.

<sup>92</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 401.

<sup>93</sup> Locke, John. "Two treaties of government and a letter concerning toleration." *Yale University Press, New Haven (1690) (2003)*. p. 156.

rebellion cannot even happen. It will be contradictory that the sovereign does not lead the state according to the principles of the "general will", which "is always right and always tends toward the public utility"<sup>94</sup> and enhances: "whoever refuses to obey the general will shall be forced to be free."<sup>95</sup>

Kant, regarding this matter, has a somewhat different opinion. Justifying civil disobedience against the government in an already established civil condition would be contradictory. In the concluding remarks on the original contract in "On the common saying: That may be correct in theory, but it is of no use in practice", Kant categorically states that: "any resistance to the supreme legislative power, any incitement to have the subjects' dissatisfaction become active, any insurrection that breaks out in rebellion, is the highest and most punishable crime within a commonwealth because it destroys its foundation."<sup>96</sup> Like Hobbes, he does not promote and encourage complete submission to a government even if it is unjust. Still, he claims that achieving moral freedom is possible only through obeying the public laws of the republican state. The explanation for such an approach Kant will offer in the argument about the public use of reason will be analysed in the subsequent chapter of this thesis.

The role of the state in Lock's work can be perceived from the following: "The commonwealth seems to me to be a society of men constituted only for the preserving and advancing their own civil interests. Civil interest I call life, liberty, health, and indolency of the body; and the possession of outward things, such as money, lands, houses, furniture, and the like."<sup>97</sup> The main goal of the Lockean state is, therefore, to preserve the well-being of men in society. Alternatively, Kant proclaiming freedom, equality, and independence for a civil interest builds to some extent a distinct viewpoint. His idea is that the state should be established on "moral" grounds.

Although this moral grounding of the state might sound a little bit intimidating to those in favour of Lock's natural rights theory, Kant proceeds his argumentative line in the way that is coming together with Lock's insights. Kant ground his initial position on the application of the

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<sup>94</sup> Rousseau, Jean-Jacques. *The Major Political Writings of Jean-Jacques Rousseau: The Two "Discourses" and the "Social Contract"*. University of Chicago Press, 2012. p. 195.

<sup>95</sup> *Ibid.*, 189.

<sup>96</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice", in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 297.

<sup>97</sup> Locke, John. "Two treaties of government and a letter concerning toleration." *Yale University Press, New Haven (1690)* (2003). p. 218.

categorical imperative as a necessity for the prospect legal theory and says: "A (morally practical) law is a proposition that contains a categorical imperative (a command)."<sup>98</sup> However, later, he continues and claims that the state has the authority to use hindrance and coercion if it is consistent "with freedom in accordance with universal laws."<sup>99</sup> Furthermore, he again associates the notions of freedom, duties, moral imperative and right as a foundation of the natural right theory and says: "The reason is that we know our own freedom (from which all moral laws, and so all rights, as well as duties, proceed) only through the moral imperative, which is a proposition commanding duty, from which the capacity for putting others under obligation, that is, the concept of a right, can afterwards be explicated."<sup>100</sup>

Rights and obligations among persons can only arise due to an agreement between them. Therefore, my act can only attach to others if they agree to it, not infringing their freedom. Kant's natural right theory supports the idea that ethical and political views can be warranted by reason alone.

For concluding remarks on the theory of rights, I can say that Hobbes and Kant have similar viewpoints regarding the state of nature, while Lock and Rousseau share a vision of peaceful humankind. However, we notice a divergence between Hobbes's and Kant's views concerning the social contract. Through the establishment of the commonwealth, Hobbes surrenders all power to the law giving Sovereign and forms obeying subject. On the other hand, Kant begins his quest of a priori founding citizens' innate right to freedom who will be the co-legislator and active participant in the legal and political life of the state. Lock and Kant will develop property rights theory as an important foundation of the state. Everyone's freedom is in accordance with the universal law. In a certain sense, Kant upgraded the basics of Locke's views on this issue. Differently from them, Rousseau claimed that: "the first person who, having enclosed a plot of ground, thought of saying this is mine and found people simple enough to believe him was the true founder of civil society."<sup>101</sup> He was also aware that return to the state before private property is not possible or required, and despite his critique of private property, he never required its abolition. So, Kant answered many questions raised by his

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<sup>98</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 381.

<sup>99</sup> Ibid., 388.

<sup>100</sup> Ibid., 395.

<sup>101</sup> Rousseau, Jean—Jacques. "The Major Political Writings of Jean—Jacques Rousseau: The Two" Discourses" and the" Social Contract". University of Chicago Press, 2012. p. 124.

predecessors and managed to open several more delicate political issues that will be debated until today.

### **Kant and Human Rights**

One of those issues is the fundamental human rights theory, briefly discussed in this section. First, I will observe Kant as a forerunner of the Universal Declaration of Human Rights, focusing on some rights having universal value even if any state institution does not protect them. In Kant's philosophy of public right, three types of rights have in common the ability to differ from positive rights, from which it follows that their justification is not a consequence of the general will of the state. On the contrary, they protect people's fundamental interests and characteristics, so they are universal, inalienable, and are not subject to change or repeal. So, the scope of human rights covers the innate right to freedom, cosmopolitan right of hospitality, public use of reason. Freedom is perceived as the natural right that human being has regardless of any social or state institution and "no one can coerce me to be happy in his way (as he thinks of the welfare of other human beings). Instead, each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end which can coexist with the freedom of everyone in accordance with a possible universal law."<sup>102</sup>

If we refer to fundamental human rights as moral rights, they do not have any legal strength, and their function is purely regulative. Nevertheless, on the other hand, observed as a juridical thing, a fundamental human right, is part of a coercive state legal system. "In emphasizing the rights of individual persons, Kant sets himself against every form of utilitarianism as well as traditional forms of natural law theory. He believes that neither morality nor law should be founded on social utility, the general happiness, or the common good; they must be founded, instead, on the rights of the individual."<sup>103</sup>

Such a statutory right would indicate that the political principles are increasingly closer to the abstract normative principles and ideal that individuals and nations progress towards peace through culture and civilisation. Peace is a necessary state for the possibility of progress and morality in the world. "These emancipatory experiences were articulated in popular sovereignty and human rights ideas at the close of the eighteenth century. Since the era of the

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<sup>102</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 291.

<sup>103</sup> Ladd, John. "Translator's introduction." *Immanuel Kant: Metaphysical Elements of Justice* (1999). p. xv

American and French revolutions, political life has been conditioned by an egalitarian universalism based on the intuition of the inclusion of the other under equal rights.”<sup>104</sup>

### **Chapter 3. Foundations of Kant's Political Thought**

Kant additionally expressed his viewpoint on political matters in numerous essays and reviews from his so-called critical period. Most important among them and those which will be further elaborated in the thesis are: “An Answer to the Question: What Is Enlightenment?”, “Idea for a Universal History with a Cosmopolitan Purpose”, “On the common saying: That may be correct in theory, but it is of no use in practice”, “Toward Perpetual Peace”, and “The Contest of Faculties”. Majority of these essays Kant published in “Berlinische Monatsschrift” journal, which had an essential role in spreading and affirming enlightenment philosophy in Germany at that time. Although in a shadow of Kant's major works, his political essays create independent construction, and as such, they are inseparably rooted in the construction of transcendental idealism. English translations of those texts could be found in the Cambridge edition of his work.<sup>105</sup>

#### **Enlightenment**

By approaching Kant's thought from its practical and political view, I will start from the assumption that the question, “What is Enlightenment?”, introduced a long time ago, remains open for us today, and requires further analysis. Kant's answer to the question emerged in the December 1784 “Berlinische Monatsschrift” issue. His style was politically straightforward, and in the opening line of the first paragraph, he provides the answer: “Enlightenment is the human being's emergence from his self-incurred minority. Minority<sup>106</sup> is an inability to make use of one's own understanding without direction from another. This minority is self-incurred when its cause lies not in lack of understanding but in lack of resolution and courage to use it without direction from another. Sapere Aude!<sup>107</sup> Have the courage to make use of your own

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<sup>104</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p. 84.

<sup>105</sup> Kant, Immanuel, and Mary J. Gregor. "Immanuel Kant: practical philosophy." *Translated and edited by Mary Gregor* (1996).

<sup>106</sup> Unmündigkeit

<sup>107</sup> Dare to know

understanding! is thus the motto of enlightenment.”<sup>108</sup> He identifies two human being internal obstacles that keep him in an immature position: laziness and cowardice.

The broader historical framework from which Kant's political philosophy is more fully understood is the enlightenment. He fits the basic framework of the philosophical period of the era and follows his predecessors. As is well known, Enlightenment brings to an end the fundamental efforts of modern philosophy. If in the seventeenth century, doubting everything, Descartes<sup>109</sup> established that only reason is known and reliable. By demanding universal realization and the rule of reason, the Enlightenment only developed a seed that had already been sown. It was the era of optimistic enthusiasm and intense belief in the power of reason but also the political endeavour of creating classless and peaceful societies. Therefore, as Cassirer puts it: “The eighteenth century is imbued with a belief in the unity and immutability of reason. Reason is the same for all thinking subjects, all nations, all epochs, and all cultures.”<sup>110</sup>

The eighteenth century was the century of the Enlightenment where most men of letters were encouraged “with the conviction that improvement could be achieved through the effective education of mankind.”<sup>111</sup> This human progress is in close relation to Kant's idea of enlightenment. For him, this is a way to step up as a human being and build a moral society. Kant consequently defines Enlightenment not in terms of rational beliefs but rather in terms of the freedom to engage in public arguments, such as the spirit of enlightenment. “Kant describes a social ideal that is rooted in, but at the same time represents an advance on, the earlier Enlightenment ideal of intellectual independence.”<sup>112</sup> Freedom, therefore, is the necessary condition for the enlightenment of individuals and society. In his essay, Kant offers something that we can consider as a strong political vision of enlightenment and suggests a novel concept of freedom in line with his idea of civil and juridical condition.

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<sup>108</sup> Immanuel Kant, (1784) "An answer to the question: What is enlightenment?" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 17.

<sup>109</sup> Descartes, René. "*Meditations on first philosophy: With selections from the objections and replies*". Oxford University Press, 2008. p. 17.

<sup>110</sup> Cassirer, Ernst. "*The Philosophy of the Enlightenment*", trans. Fritz CA Koelln and James P. Pettegrove (Princeton, 1951) 165 (1951). p. 6.

<sup>111</sup> Williams, Howard. *Kant and the end of war: A critique of just war theory*. Springer, 2012. p. 1.

<sup>112</sup> Deligiorgi, Katerina. *Kant and the Culture of Enlightenment*. SUNY Press, 2012. p. 1.



Kant notices that enlightenment needs nothing more than the type of freedom which is at least harmful, the “freedom to make public use of one’s reason in all matters.”<sup>113</sup> Then again, it is evident that when an individual enters civil condition, everything seems conflicting. No matter how one believes his reason is free from all positions in the state comes the same request; “don’t argue”! Officer, tax official, priest or ruler would always ask the citizen to comply with the order and obey the law unconditionally.

Kant is trying to resolve this contradiction with the separation of the use of reason on public and private. “By the public use of one’s own reason, I understand that use which someone makes of it as a scholar before the entire public of the world of readers. What I call the private use of reason is that which one may make of it in a certain civil post or office with which he is entrusted.”<sup>114</sup> Kant believes that a civil servant in his office does not use his mind publicly because this use is not, nor it can be transparent to the entire public. Therefore, such use is private. We should not have a private opinion inside public institutions because we must respect the public institutions and their tasks. Thus, freedom of speech is reduced to academic freedom. According to Kant, obedience in the private domain of the service, no matter how it sounded to us today, provides guarantees that state institutions function without problems.

Defining the public use of reason as intellectual freedom Kant signals one of his main concerns regarding the enlightenment movement. The relationship Kant creates between freedom of thought and public use of reason “opens the conceptual space for considering the emergence and development of the social practices that flow from his almost, but not entirely, negative conception of enlightenment.”<sup>115</sup>

That will preserve public order and security. Kant sees the possibility of reform in establishing public scientific discussion through the dialogue of independent individuals. That will eventually lead to the government recognising the need for change. It is a kind of public dialogue that feeds into the ruler’s decision. He states: “A prince who does not find it beneath himself to say that he considers it his duty not to prescribe anything to human beings in religious matters but to leave them complete freedom, who thus even declines the arrogant name of tolerance, is himself enlightened and deserves to be praised by a grateful world and

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<sup>113</sup> Immanuel Kant, (1784) "An answer to the question: What is enlightenment?" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 18.

<sup>114</sup> Ibid.

<sup>115</sup> Deligiorgi, Katerina. *Kant and the Culture of Enlightenment*. SUNY Press, 2012. p. 57.

by posterity as the one who first released the human race from minority, at least from the side of government, and left each free to make use of his own reason in all matters of conscience.”<sup>116</sup>

Thus, Enlightenment is characterized by Kant as an ongoing process that needs emancipation, a mission, and an obligation for tolerance. One of such processes described by Kant is the following: “If it is now asked whether we at present live in an enlightened age, the answer is: No, but we do live in an age of enlightenment. As matters now stand, a good deal more is required for people, on the whole, to be in the position, or even able to be put into the position, of using their own understanding confidently and well in religious matters, without another’s guidance.”<sup>117</sup>

Although appears as a simple and short essay, “An answer to the question: What is enlightenment?” builds complex arguments related to the public use of reason which will be a theoretical basis and lighthouse for later political theories and still are part of the contemporary political philosophy debate.

### **Kant’s Philosophy and Liberal Political Theory**

The section aims to explain the ideas of Immanuel Kant that directly attaches him to the liberal way of thinking. Kant’s conception of freedom is the central element of his political philosophy. Together with the concepts of universalisation, equality, toleration, progress, and public use of reason, it will influence the liberal political theories in the nineteenth century. The human being is understood as an individual who possesses freedom. Kant formulates it in the following way: “As for the freedom (of every member of a state) as a human being I express its principle for the constitution of a commonwealth in the following formula: No one can coerce me to be happy in his way (as he thinks of the welfare of other human beings); instead, each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end which can coexist with the freedom of everyone in accordance with a possible universal law.”<sup>118</sup>

In a slightly different manner, Kant considers that freedom of every individual, as an innate right, is the entity which positive law cannot call into question. “Freedom (independence from

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<sup>116</sup> Immanuel Kant, (1784) "An answer to the question: What is enlightenment?" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 21.

<sup>117</sup> Ibid.

<sup>118</sup> Kant, Immanuel. (1793) "On the common saying: That may be correct in theory, but it is of no use in practice", in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 291.

being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity."<sup>119</sup> According to his foundation of moral law and the supreme moral principle, Kant, in various formulations of the categorical imperative, makes the rational human being responsible, both for himself individually and for the external world, envisioned through the notions of humanity and realm of ends. This freedom elaborated furthermore has its role in using public reason, and human beings can grasp it only when acting according to prescription, which can be found in "An answer to the question: What is enlightenment?"

Only in peace the idea of freedom can be realized. This responsibility to the world is also present in the idea of perpetual peace that Kant advocates. Perpetual peace is the idea of the reason that everyone should strive for. With his understanding of freedom, equality, tolerance, independence, and the public use of reason, Kant unquestionably influenced liberal thought. One of the things which connect them the most is faith in the values of the individual? Both Kant and the liberals believe that each individual is unique and wants to achieve the best in himself and develop a better and more righteous world. Or, as Waltz puts it: "Each man is an end in himself. The rights of one man before the law are the same as the rights of another. Kant is sharply critical of all practice contrary to this dictum."<sup>120</sup>

Some aspects of Kant's thought can be found in the political thinking of J.S. Mill, one of the most influential thinkers of classical liberalism. Mill perceived liberty as justifying the individual's freedom in opposition to unlimited state and social control. In the opening line of "On Liberty" he clarifies the topic of his famous work: "The subject of this Essay is not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual."<sup>121</sup>

Public opinion and freedom of speech can be interpreted in many ways. It represents essential guidelines for public policy dialogue in a civil condition. Mill's principle of harm is an excellent tool for providing a clear demarcation line for defining the concept of free speech. Mill formulates it in the following way: "That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of

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<sup>119</sup> Kant, Immanuel. (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 393.

<sup>120</sup> Waltz, Kenneth N. "Kant, liberalism, and war." *American Political Science Review* 56, no. 2 (1962): 331-340. p. 332.

<sup>121</sup> Mill, John Stuart. "On Liberty, Utilitarianism, and other essays". Oxford University Press, USA, 2015. p. 5.

their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."<sup>122</sup> The individual's autonomy, universality and idea of human progress connects the Kantian tradition with him. Mill's analysis of freedom of discussion will help us, above all, to understand the importance and the limits of freedom of the ratio of the collective and the individual so that potential problems show their determination by the principles of harm.

Public use of reason and conception of the liberty of thought is shown as an essential pre-condition of social progress. Mill does not allow any censorship. If the idea is wrong, it should be demonstrated in the public discussion through an open exchange of ideas. He claimed that truth is multi-dimensional and can be achieved only through dialogue. Argumentation similar to Kant's from "An answer to the question: What is enlightenment?" will occur. Mill said: "If not the public, at least the philosophers and theologians who are to resolve the difficulties, must make themselves familiar with those difficulties in their most puzzling form; and this cannot be accomplished unless they are freely stated and placed in the most advantageous light which they admit of."<sup>123</sup>

For him, public intellectual freedom and freedom of the press are essential weapons against the oppressive government. Freedom of character or individuality<sup>124</sup> allows people to be exactly who they are and develop their personalities according to their desires. Mill concludes that it is impossible to prescribe one form of life to society and that education is the key to building individuality. Education will, later on, be perceived as a cornerstone of its representative government theory.

Suppressing individual differences is a danger for democracy. Freedom of action is envisioned as the construct limiting society's authority over the individual. "Kant shares the major tenets of liberalism: the source of the individual's rights lies outside of the state; his freedom may be limited only when its exercise interferes with the rights of others; such limitation must be by known general laws before which all men stand equal; men's capacities are greater than is shown by their present accomplishments; and, finally, their potential will unfold in time, with education being one of the important means of progress."<sup>125</sup>

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<sup>122</sup> Mill, John Stuart. "On Liberty, Utilitarianism, and other essays". Oxford University Press, USA, 2015. p. 12/13.

<sup>123</sup> Ibid., 38.

<sup>124</sup> Ibid., 55.

<sup>125</sup> Waltz, Kenneth N. "Kant, liberalism, and war." *American Political Science Review* 56, no. 2 (1962): 331-340. p. 339.

## **Role of the State**

The government of the state must enable conditions for further human progress. In discussing the traditional division of the types of government in "Toward Perpetual Peace", Kant classifies governments in two dimensions. The foremost is the "form of sovereignty",<sup>126</sup> regarding who rules, and here Kant identifies the traditional three systems: either rule by one person, rule by a small group of people, or rule by all people. The second is the "form of government"<sup>127</sup> regarding how those people rule, and here Kant offers a variation on the traditional good–evil dichotomy: either republican or despotic. By republican, Kant has in mind the "separation of the executive power (the government) from the legislative power."<sup>128</sup> Despotism is a unity of power such that the same ruler both gives and enforces laws, essentially making an individual private will into the public will.

Republic in Kant's political system plays a crucial role. This form of government is based on legislative, perpetrator and juridical power. According to Kant: "Every state contains three authorities within it, that is, the general united will consists of three persons: the sovereign authority in the person of the legislator; the executive authority in the person of the ruler; and the judicial authority in the person of the judge."<sup>129</sup> Besides this division singularity of the Republic as the most perfect and ideal state form lies in the representative system, which guarantees that the legislator won't be the perpetrator of his own will. Republican form of government, unlike despotic, is the way for exiting the state of nature and creating the state and its continued existence.

Outside of the republican form of government, it is unlikely that individuals can develop a stable moral personality. It is easier to complete the demands of morality if one is a citizen of a just political form of government. Kant thinks there is a duty to move out of the state of nature and get into a civil society in which individual rights and civil liberties will be protected. Doing so is a *duty*, not merely an egotistic opportunity to improve one's welfare or well-being, even though one may result, in fact, profit from it. The Republic, then, helps to achieve the ends of

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<sup>126</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 324.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 457.

morality since it clears the ground for the individual to act in morally right ways, even if a republican form of government cannot guarantee that individuals will perform so.

### **Perpetual Peace as a highest political good**

Can the form of government stop all future wars? Is peace only an absence of war? Do we need cosmopolitan right as a fundamental principle to provide peace? Can the State of nature lead us to peace, or do we need a republican constitution? Is the relation between morality and politics pleonasm? Is world government with the coercive power of federation of states possible? Those are the questions that are still not debated. So, this section will have to briefly summarise Kant's political thinking on the topics and provide clear arguments for further discussion.

When "Toward Perpetual Peace" was published, few thinkers embraced this idea. The idea was disputed and considered unrealistic. Nevertheless, Kant's theory has many potential plausible arguments in contemporary political philosophy from today's perspective. That's put Kant to advantage among all other classical philosophers and destroys a myth that his political philosophy has no significant value because there is no Kant's masterpiece in this field of philosophy. The cosmopolitan right is an essential component of perpetual peace. Interactions among the people of the world, Kant notes, have increased in recent times. Violations of the cosmopolitan right would aggravate the trust and cooperation necessary for perpetual peace among states.

### **Summary**

Kant's theoretical philosophy can be considered a starting point for solving other open questions of his philosophy. By changing the viewpoint on the subject's perception, Kant opens the possibility for the subject to become active. In this way, with his reason and free will, he can discover universal laws in the field of morals and philosophy of law. Since they are a priori founded and universally valid, laws formulated in this way will become the foundation of Kant's future political philosophy. Kant set innate freedom as the basis of any future state. He created an unbreakable link between morality and positive law. In his opinion, this connection will establish a civil condition in which the human being will be able to fulfil its final end. This end can be achieved through the public use of reason described by Kant in his essay on enlightenment. Innate freedom and reason understood in this way become a universal value, and peace will be recognised as the only condition for the further development of all humanity.

In Second Definitive Article for a Perpetual Peace, Kant emphasizes: “In accordance with reason, there is only one–way the states in relation with one another can leave the lawless condition, which involves nothing but war. It is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always–growing) state of nations (*civitas gentium*) that would finally encompass all the nations of the earth. But, in accordance with their idea of the right of nations, they do not all want this, thus rejecting in *hypothesi* what is correct in *thesi*. So (if all is not to be last) in place of the positive idea of a world republic only the negative surrogate of a league that averts war, endures, and always expands can hold back the stream of hostile inclination that shies away from the right, though with constant danger of its breaking out.” “The Law of Nations Shall be Founded on a Federation of Free States”<sup>130</sup>

## **Chapter 4. Immanuel Kant's Vision of the Right of Nations**

### **Introduction**

Here, the aim is to show the relevance of Kant's theory in the field of international law presented in various small works as an equally essential part of his philosophical system. Kant's thinking is a crucial point of the present–day political philosophy and has a significant position in theoretical research on this topic. Moreover, his influence is essential in contemporary discussions, especially regarding the right of nations and international relations.

Immanuel Kant's work must be constantly considered. By marking the rights of nations (*ius gentium*) and world citizenship (*ius cosmopolitanum*) as a teleological goal of history, Kant has enlightened political consciousness. His formula of humanity must become the basis for all our procedures. The world of politics is the most responsible for the morality of humanity. The acting of every politician towards others should be in the spirit of the categorical imperative like Kant suggests in the appendix of his work “Towards Perpetual Peace”.

This chapter is an analytical approach to Kant's political philosophy and the topic of the rights of the nations (*ius gentium*) and a proper assessment of his legacy with an attempt to answer contemporary theoretical questions. Besides, it will bring new critical perspectives regarding the arguments that will arise from the analysis of his predecessors and Kant's work. Furthermore, a link between Kant's thought and existing philosophical problems will be made,

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<sup>130</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 328.

and new arguments offered. In Kant's philosophical sketch – "Towards Perpetual Peace", his vision of a cosmopolitan condition that will come provides an endless source of ideas for current political theories. However, Kant's position about the rights of nations persists as relevant to our times as it was in his own.

### **Law of Nations (*ius gentium*) and its history**

Firstly, we must see how the law of nations (*ius gentium*) has developed through history. Immanuel Kant was not the first philosopher who mentioned this subject. Since the Roman period, the Law of Nations has always been considered part of a Natural Law (*ius naturale*). Law of nations was never a part of a human (civil and canon) law, and it was interpreted rather like a set of customs or habits than positive law. In other words, it was not a part of any written code, and it did not have coercive power or any sanctions. It will also be helpful to observe the Law of Nations through the lens of authority because there is no coercive instrument for implementing such a law. What kind of law could regulate the behaviour of those who are members of different states? Aquinas describes four types of law<sup>131</sup>:

- Eternal law
- Natural law
- Civil law (Canon law)
- Divine law

Eternal law is God's order of the universe. Natural law is human existence, according to the eternal law. Unlike other creatures, people can contemplate how to achieve their final good. The natural law regulates human behaviour, but only abstractly, and there are no prohibitions according to this law. For example, natural law can tell us not to steal or kill, but not in a case, nor can it propose the penalty. Human right is a part of the natural law. Reason gives us the idea that something is wrong according to natural law, but there must be a positive law that will be coercive in such cases. The main function of the legislator is to define the natural law and to apply it in particular cases in which such law would be effective.<sup>132</sup>

Aquinas defines law as a rule brought for the common good by legitimate authority. The whole community must recognise this law as his own, which is his final element. Only legitimate

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<sup>131</sup> Frederick Copleston, "A History of Philosophy" Vol.2 Medieval Philosophy — From Augustine to Duns Scotus, (Doubleday, 1993.), p. 418.

<sup>132</sup> Ibid.



political power and authority can bring civil law. He also thought that the Law of nations is some sort of positive human law different from civil law and that this law can control matters of trade and commerce. The Law of nations incorporates what is mutual to every nation and manages relations between the states. He made several remarks on the relationship between nations but did not argue how this law could be improved.

### **Juridical Philosophy in the Second Scholasticism**

Francisco De Vitoria, the second scholastic Dominican thinker, educated in Paris, is the first to change the view and offer different argumentation about the law of nations. His juridical and political philosophy covers many topics interesting for this article, such as the nature of sovereignty, just war, the roles of borders and travelling, trade, immigration, and how various sovereign states can make one broader community. His definition of the law of nations is: “What natural reason has established among all nations is called the law of nations. (*“Quod naturalis ratio inter omnes gentes constituit, vocatur ius gentium”*)”.<sup>133</sup> According to Vitoria, the law of nations contains the law common to all peoples or nations and has its roots in reason. The Law of Nations includes the right to hospitality, freedom of travel and trade between nations and states, as they are common to all peoples. Vitoria enumerates different norms of the law of nations:

- Free access to all countries of the world (*ius peregrinandi*)
- Free trade (*ius negotiandi*)
- The right to become a citizen of another state
- Diplomatic immunity<sup>134</sup>

Vitoria extends this argument to the norms of *ius gentium*. He emphasises how their force of law, in contrast to the lesser obligatory force of mere *pacta* and *conditiones*, connects with the public power of a commonwealth: „The law of nations does not have the force merely of pacts or agreements between men, but has the force of law. The whole world, which is, in a sense, a commonwealth, has the power to enact laws which are just and convenient to all men.

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<sup>133</sup> Heinz—Gerhard Justenhoven, "Francisco de Vitoria: Just War as Defense of International Law" in *From Just War to Modern Peace Ethics*, (De Grauyter, 2012.), p. 129.

<sup>134</sup> *Ibid.*, 130.

Norms like these make up the law of nations. No kingdom may choose to ignore the law of nations because the authority of the whole world gives it".<sup>135</sup>

Vitoria is clear that the law of nations includes the strength of the positive law. He quotes that, like in the case of the positive law, the law of nations can incorporate the results of private and public contracts. Public contracts include regulations common to all nations and people, intending to protect the natural law. For example, the safety of ambassadors is necessary for the nations if they want to avoid war. However, such rules are not a part of the natural law.<sup>136</sup> According to this, the law of nations is like any other coercive law.

He does not describe how the law of nations can be implemented if no ruler has authority over the world. How can a ruler resolve or punish the violation of international law? He explains that under some circumstances, the ruler of one state has authority over strangers who are not under his government. Vitoria defines this as a just war. If there is an injustice or violation of the law of nations, only a legitimate ruler can punish the injustice. The same authority can be part of disagreement and, at the same time, the judge of it. He has a duty to protect the innocent as one of the possible causes of a just war.<sup>137</sup>

Some Spaniards used the sins of Indians for justification of the Spanish conquest of America. Vitoria thinks the same argument rulers can use to justify the attack on other Christian nations because some Christians also commit sodomy, blasphemy, and robbery. Vitoria thinks that every political community is sinful. Military intervention could be justified only in case of brutal violation of natural law such as the tyranny of barbarians over their people (subjects) or repressive laws against innocent people such as the human sacrifice of innocent people or cannibalism. Vitoria's thesis is that everyone with legitimate political power can defend the innocent. The ruler who intervenes in cases like this is, at the same time, the protector and the judge.

Although considering the criminal act committed, rulers have a right to react and be judges, as in the case described above. Their authority is the basis of the need to punish those who act unjustly. It is not clear who is proclaiming this law of nations. Vitoria thinks that relevant laws are rational and have worldwide consent, but it is unclear how to prescribe them. It is possible

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<sup>135</sup> Wagner, Andreas. "Francisco de Vitoria and Alberico Gentili on the legal character of the global commonwealth." *Oxford Journal of Legal Studies* 31, no. 3 (2011): 565-582. p. 9.

<sup>136</sup> *Ibid.*, 10.

<sup>137</sup> Del Moral, Ignacio de la Rasilla. "Francisco de Vitoria's unexpected transformations and reinterpretations for international law." *International Community Law Review* 15, no. 3 (2013): 287-318. p. 290.

to update the law of nations with time. A typical example of a right that belongs to the law of nations is the immunity of the ambassadors, accepted universally. Immunity does not have a basis in the civil law of the states but only in the law of nations. This custom indicates consent in the Law of Nations.

### **Renaissance of the Law of Nations**

Vitoria writes about the use of the law of nations to justify the Spanish conquest of America but deny that conquest was a crusade against immoral barbarians and the idea that war is lawful against those who offend the natural law. This natural community of humankind marks hospitality to strangers as one of the essential duties of the law of nations. The right to travel (*ius peregrinadi*) must apply to all nations. "It is the opportunity to move freely through the lands and to engage others in an exchange of goods and ideas is seemingly a precondition to the progress of civilisation." It would be breaking the law of nations to prohibit travelling if it caused no harm, and to those who are innocent of any crime. Although not entirely consistent, Vitoria's work is still an important part of the theory of the law of nations, especially if we consider that they originate from the late 16th century. "Franciscus de Victoria has pretended to transfer the Right of taking up arms to the inhabitants of a town, even without such a case of necessity, to have satisfaction for those injuries, which the prince neglects to revenge; but others justly reject his opinion".<sup>138</sup> This passage is one of many in which Grotius criticises his predecessors. Nevertheless, their thinking was a starting point for developing his theory of the law of nations.

In his book "The Rights of War and Peace (De Iure Belli ac Pacis)", Grotius criticises Vitoria's thoughts on this subject. Still, otherwise, he was significantly influenced by the Dominican author when it came to defending the rights of travel, trade, and access to the seas. Somehow, he synthesised the old and the new. Grotius was a thinker of early modern philosophy. Still, despite his writing style full of ancient poets and biblical quotations, some of the ideas he presented are indeed recognisable even today.

Grotius defines the law of nations: "But as the laws of each state respect the benefit of that state. So, amongst all or most states, there might be, and in fact, there are laws agreed on by

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<sup>138</sup> Hugo Grotius, *The Rights of War and Peace* (2005 ed.) vol. 1 (Book I) [1625] (Liberty Fund, Indianapolis, 2005.), p. 252.

common consent, which respect the advantage not of one body in particular, but all in general. This is called the law of nations when used in distinction to the law of nature.”<sup>139</sup>

Because of that, we can regard him as the initiator of modern international law. In his work, he presents the theory of natural law according to which individual interest and self-preservation are the foundations of civil society. Every law must be based on the fundamentals of natural law. We can derive the law of nations from natural law. Positive law always lays in some real power, while the natural law provides dignity and freedom to man because it is a principle higher than any human code. “Society of nations operates under, and the law of nations constitutes it.”<sup>140</sup>

Society of nations is in Grotius's work seen more like *the state of devils* in Kant's “Toward Perpetual Peace”. Grotius's political thought was, to some extent, determined by his role in one of the most significant sources of Dutch capital and power, the overseas trading and military activity of the Dutch East India Company. This first enormous corporation dominated the European overseas expansion in the 17<sup>th</sup> century. But, as the title of his major work clearly says, he was, above all, the philosopher in search of just war arguments.

### **Sorry Comforters**

In 1672, Samuel Pufendorf published “De jure naturale et Gentium”, influenced by Grotius's ideas on the law of nations. He argues that natural law does not extend beyond the limits of this life and merely regulates only external acts. In this way, he is trying to form a new natural law, free from Aquinas's conception. For him, the state of nature (*ius naturale*) is the state of peace. Nevertheless, this peace is weak and uncertain. Because of this, the roles of state and supreme sovereignty are necessary for developing the law of nations.

“In terms of public law, which recognises the state as a moral person, Pufendorf argues that the will of the state is nothing more than the sum of the individual wills associated with it. One of his ideas was to build a natural law that suits civil philosophy free from eternal eschatology and acknowledge the secular state, deriving political and juridical norms from no higher source than humans who need to live in the society”.<sup>141</sup> The state (*status civilis*) is a community based

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<sup>139</sup> Ibid., 94.

<sup>140</sup> Schwartz, Daniel. "Grotius on the Moral Standing of the Society of Nations." *Journal of the History of International Law/Revue d'histoire du droit international* 14, no. 1 (2012): 123-146. p. 127.

<sup>141</sup> Hunter, Ian. "The figure of man and the territorialisation of justice in 'enlightenment' natural law: Pufendorf and Vattel." *Intellectual History Review* 23, no. 3 (2013): 289-307. p. 292.

on social actions and human interactions. Man's prime goal is to strive toward welfare and moral perfection. Hence, the state needs to bow to a discipline essential for human safety. In the sense of obedience, this submission is the fundamental law of reason, which is the basis of the natural law. Nevertheless, humans have numerous characteristics that make them antisocial. Consequently, a series of contracts must be formed to offer adequate harm protection, both from others within the state and outside. The situation creates the following, obedience duty for the citizen and duty of security on the part of the sovereign. He also distinguished natural law from civil law and moral theology. "The duties of a man and the citizen will unite in a system where a *superior* establishes the right to govern others in exchange for protection and security. The authority of the superior arises from his capacity to protect and secure citizens from each other and external enemies".<sup>142</sup>

In the absence of a *superior*, men often act egoistically at the expense of others around them. Besides, an agreement to which one had once agreed may later become corrupt so that men strive for departing from what they had consented to initially. Therefore, men should gain for themselves as much protection and security against the wickedness of their fellows as possible. However, to achieve stability and security, it is not enough that few men form a company of mutual aid and exchange promises that they will direct actions to the common good. Something more solid has to be formed, the union of wills and strength. Pufendorf adds that the law of nations must create a common link between all peoples, as humanity.

Pufendorf made a significant breakthrough in the theory of the law of nations with his arguments concerning primary metaphysical position (influenced by Hobbes). Still, his ideas on this topic remain in his time frame. In any event, Pufendorf's major work on "The Law of Nature and Nations" still influences various theories in current social sciences. For this reason, it has to be continuously evaluated in the same way as the work of his successor, Emmerich de Vattel.

Vattel seems to be an author who had his philosophy, his ethics and political theory. His metaphysical background, unlike Pufendorf, is in Aquinas's natural law thought. In the centre of his philosophy lies the notion that human nature consists of goods and virtue, the rules for perfection rooted in the natural law. Justice is in harmony with natural law. Applying this structure to the term of a nation, Vattel argues that, if by the "natural law individuals are

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<sup>142</sup> Ibid., 293.

required to perfect their natural goods or cultivate their virtues, then, as collective individuals," the same applies to the nations, which arise here as a corporate nation–persons.

Moreover, just as the natural law drives individuals to enter political society "to perfect and protect their rational and sociable nature, so too, for the same reason, it requires nation–persons to enter a society of nations governed by a law of nations (*ius gentium*)."<sup>143</sup>

Hunter sees this as Vattel's territorial justice concept. Nations cannot be just in their relationship because it will break their sovereignty and nationally built morality. Every nation claims that justice is on its side in every case of the quarrel, and nations can't judge other nations in this case. In his "Law of Nations", Vattel develops a theory of the domestic state in which a member of one folk seeks justice as virtue through his national state inside their borders. That eventually leads to a Voluntary Law of Nations observed as a scope of rules, conventions, contacts, and treaties through which the states organise control of war and peace procedures without any obligatory principle of international justice.

His view on the domestic state is based on building a nation as a collective agent according to the natural legal obligation to preserve and perfect their inner nature. The nation is observed as a being, determined by its essential attributes, and it has its nature and can act under it. Unlike Pufendorf's, Vattel's superior needs to execute the will of a national corporate people who naturally want to be a part of a larger community and not only to protect and secure. Vattel's law of nations is the conception of a society of nations to protect itself, and each nation is bound to contribute everything in her power to the happiness and perfection of all others.<sup>144</sup>

The national state, the coercive instrument through which people want to cooperate and perfect their national virtues, is the foundation of the republican theory with territorial architecture. Vattel makes a theory of state and nation by introducing the term territory in Aquinas's natural law theory. From this theory, he derives the argument that every nation has to determine what is best for her, find her way of building virtue, and conclude what justice is. On the international level, the natural law's principle of justice would contradict national sovereignty and national interest. Instead, nations should cooperate and search for common virtue, leading them to a necessary and natural law of nations.

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<sup>143</sup> Hunter, Ian. "Kant and Vattel in context: Cosmopolitan philosophy and diplomatic casuistry." *History of European Ideas* 39, no. 4 (2013): 477-502. p. 492.

<sup>144</sup> Hunter, Ian. "The figure of man and the territorialisation of justice in 'enlightenment' natural law: Pufendorf and Vattel." *Intellectual History Review* 23, no. 3 (2013): 289-307. p. 299.

The fundamental hypothesis of this Voluntarily Law of Nations is that it has to be promulgated by the same civil laws which govern the state. This law must incline towards the universal principle of justice. Vattel's book "Law of Nations" operates as a diplomatic casuistry of his time. His arguments rely on the self-consciousness of the national ruler and not on applied moral philosophy. His point is different from Immanuel Kant's position of inner moral development of an agent, who will build moral community on the Republican ground and look for similar communities around, wishing to create a Federation of Free States.

### **Kant's Position**

The structure of "Towards Perpetual Peace" follows the model of many peace treatises written before, with a preamble, six preliminary articles, three definitive articles, a secret article and an appendix; however, its content is quite diverse. At the beginning of his philosophical sketch, Immanuel Kant had a different idea than his predecessors and sorry comforters, as he called them. He thinks that international law and international relations can be perceived from an alternative perspective that aims at a peaceful organisation of the states. He expresses contempt for those whose work justifies military aggression. However, their diplomatic and philosophically formulated codes do not and cannot have any legal force since the states, as such, are not obliged to a common external constraint. As one sees from the title of his work, his intention is not to write a new peace treaty (*pactum pacis*) or just war theory, diplomatic or jurist academic piece of work, but to give humanity a new perspective about these issues. He knows that all the peace treaty arguments are spent in the extensive work of his forerunners. Even a cursory perusal of Emerich De Vattel's comprehensive book "The law of nations" is enough to conclude that motives and starting hypothetical positions between them are very different. The gap between diplomatic case-study theory (casuistry) and cosmopolitan philosophy is wide.<sup>145</sup>

We can also discern that, like in his epistemology, Kant makes a Copernican twist concerning his predecessors. His idea is peace, established very firmly as a philosophical category. Peace is in his work in the same corpus of ideas with the truth, justice, and freedom. Peace is the first ground philosophical term and a juridical-political concept. He is fully aware that no philosophical knowledge, moral acting, or aesthetic judgment, is possible in the state of war.

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<sup>145</sup> Emerich De Vattel, "The Law of Nations or the Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns" (T. & J.W. Johnson, Law Booksellers, successors to Nicklin & Johnson, no.5 Minor Street, Philadelphia, 1844.), p. 192.

There is no legitimate solution for peace between jurisprudence and politics only. Therefore, peace is, before anything else, a philosophical category.

For Kant, no peace treaty, which includes issues of a future war, is valid. Silence about the exact causes of war and real pretensions of enemies is usually a characteristic of such peace arrangements. Therefore, he suggests that this is not a step towards perpetual peace, but only a temporary cease–fire, mainly because all the decisions about the future war are still in the hands of the mighty authority rulers and their ministers. They will always follow their interest in these matters and not the general will of their people.

The state is not a property (*patrimonium*), a piece of land, which can be an object of trade, but a community of people independent of all external influences. The idea behind the statement is “No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase, or donation”.<sup>146</sup> That also means that renting of standing army to another against fighting a mutual or different enemy is not justified. In Kant’s opinion, governments use people as objects, and they can do with them whatever they like. That is why standing armies (*miles perpetuus*) should disappear with time.

Standing armies pose a constant threat of war towards other states since they force those states into an arms race. That demands enormous costs, and peace eventually becomes even bigger torment than a brief war. Such armies become the cause of war themselves, intending to accomplish relief of their forces. If people are trained and paid to kill or be killed, they are nothing but machines without free will, but in the hands of someone else, in this case, their government. Under men’s natural right, this is dishonourable and something completely different from the situation in which people voluntarily practice army training to preserve their homeland from foreign attack.

Furthermore, piling up material wealth as a reliable war tool is also disgraceful, and the state should not fall into external debt. It is above suspicion if the reason for credit is an improvement of roads, new settlements, or the formation of supplies against unfertile years. However, as an opposing mechanism in the antagonism of powers, a credit system, which grows beyond sight, constitutes a dangerous money power because not all creditors require payment at one time.

Kant is more than clear about this matter: “The ingenious invention of a commercial people in this century. The dangerous power of money, namely a treasury for carrying on a war that

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<sup>146</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 318.



exceeds the treasuries of all other states taken together and that can only be exhausted by the deficit in taxes that is inevitable at some time (but that is postponed for a long time because trade is stimulated by the reaction of such loans, on industry and earnings). This facility in making war, combined with the inclination of those in power to do so, which seems to be implanted in human nature, is, therefore, a great hindrance to perpetual peace. Therefore, there would have to be a preliminary article forbidding it— even more because the bankruptcy of such a state, finally unavoidable, must entangle the other states in the loss without their having deserved it, and this would be doing them a public wrong. Hence, other states are at least justified in allying themselves against such a state and its pretensions.”<sup>147</sup>

### **Republican Constitution**

The next step in developing arguments toward perpetual peace is the idea that no state shall interfere by force in the constitution and government of another state, and any means cannot justify it. Kant sees only one exception: if one state with internal disagreement would divide into two parts so that both domains can represent themselves as states. In this case, another state can help the newly founded state. Different behaviour will lead to an international scandal. Kant highlights that the only proper way of establishing perpetual peace is building the civil constitution in every state on a Republican basis. The civil condition, regarded merely as a rightful condition, is a priori based on the following principles:

- The freedom of every member of society as a human being.
- His equality with every other as a subject.
- The independence of every member of a commonwealth as a citizen.<sup>148</sup>

Then again, slightly differently mentioned in the first definitive article of “Towards Perpetual Peace”<sup>149</sup>: “A constitution established, first on principles of the freedom of the members of a society (as individuals). Second, on principles of dependence upon single common legislation (as subjects). Third, on the law of their equality (as citizens of a state). The sole constitution that issues from the idea of the original social contract, on which all—rightful legislation of a people is based, is a republican constitution”.<sup>150</sup> Kant emphasises the same idea in various

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<sup>147</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy.", (Cambridge university press, 1996), p. 319.

<sup>148</sup> Ibid., 291.

<sup>149</sup> Ibid., 322.

<sup>150</sup> Ibid.

places. The crucial fact for the development of the Right of Nation's lies in a Republican–organized state that can, as such, subsequently join the Federation of Free States. To avoid republicanism being confused with the democratic constitution, Kant describes forms of the state. He is dividing these forms in the following way: either by number or by way of governance. According to the number of persons who have supreme power, the state could be:

- Monarchy
- Aristocracy      **FORMA IMPERII (FORM OF SOVEREIGNTY)**
- Democracy

According to the way, the superior of the state governs people:

- Despotic

**FORMA REGIMINIS (FORM OF GOVERNMENT)**

- Republic

The main attribute of republicanism as the political principle is the separation of the executive and legislative power. On the other hand, despotism is autocratic, managing the state with laws superior has given to himself. In this state, a regime handles the public will as its private. Of all three forms of sovereignty, that of democracy in the strict sense of the term is necessarily despotism. It establishes an executive power in which the majority will always outvote the one who disagrees. “It is in contradiction with the general will itself and the principle of freedom,” states Kant.<sup>151</sup>

A form of government (*forma regiminis*) that is not representative is not a system. The legislator cannot be in the same individual and, at the same time, the executor of his will. People as citizens deserve to decide, among many other things, if they want to go to war or not. That must be their consent because they are paying for it from their belongings. The situation is different under the constitutions in which subjects are not citizens. The superior is not a member of the state but the owner, and he could raise war without any significant reason.

## **Right of Nations**

Kant starts an argument of the necessity of the right of nations in part three of his work, “On the common saying: That may be correct in theory, but it is of no use in practice”. That was a

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<sup>151</sup> Ibid., 324.

reply to Moses Mendelssohn's view that humanity will never make any moral progress. The right of nations is seen as a condition in "which alone the predispositions belonging to humanity that make our species worthy of love can be developed."<sup>152</sup> Kant emphasises that nowhere human nature appears less loveable than in relations between nations and that no state is safe from the other, neither its independence nor its property. The will for conquering has always existed. In Kant's philosophical position, the right of nations must be designed on the federalism of free states. The only possible solution for this is international law, based on public laws accompanied by the power of the republican constitution. The federalism of republican states is building a peaceful alliance.

We observe the states with their people as free agents in their state of nature, independent from external coercive power. On the other hand, this presumes that all states of the alliance have their *republican* governance, which guarantees every man's fundamental human rights. In Kant's view, this alliance should be a union of people, which does not have to be a multinational state blended in one single entity.

Alternatively, Kant points out: "This would be a league of nations, which, however, need not be a state of nations. That would be a contradiction. In as much as every state involves the relation of a superior (legislating) to an inferior (obeying, namely the people). However, many nations within one state would constitute only one nation, which contradicts the presupposition (since here we have to consider the right of nations in relation to one another insofar as they comprise different states and are not to be fused into a single state)".<sup>153</sup> Once it is implemented, republican governance of the state determines the individuality of its people. Kant has in mind the Right of individual people in the universal relation and not people melted in one giant state with despotic governance.

In the "Metaphysics of Morals" (Doctrine of Rights), Kant puts the same idea in another phrase: "By a congress is here understood only a voluntary coalition of different states which can be dissolved at any time, not a federation (like that of the American states) which is based on a constitution and can therefore not be dissolved. Only by such a congress can the idea of a public

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<sup>152</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice", in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 305.

<sup>153</sup>Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 326.

right of nations be realized, one to be established for deciding their disputes in a civil way, as if by a lawsuit, rather than in a barbaric way (the way of savages), namely by war".<sup>154</sup>

Regardless of which phrase Kant is using, the idea remains the same. The concept of the right of nations assumes that many neighbouring countries exist independently and are divided from each other. Although such a condition means war *per se*, it is still, according to the ideas of our reason, better than the state of nature in which one of the countries takes over and conquers others and blends them in one universal despotic monarchy. If the extent of such power is greater and more prominent, the effect and influence of the civil laws and rights start to weaken, and we will have mindless despotism leading toward anarchy in the end. Therefore, to conclude, the republican system of government is the necessary condition (*conditio sine qua non*) for the next step in developing perpetual peace, which is for Kant, the Federation of Free states.

“Although Kant repeatedly compares external state relations to the interpersonal state of nature, he draws different conclusions regarding how the state of war between persons and the state of war between the states should be overcome”.<sup>155</sup> The crucial phase of establishing perpetual peace is the Federation of Free States. Like the social contract theory in which people live in a state of nature before the founding of civil society, the states exist in a natural state before the Federation of Free States. Just as individuals, who can be final referees of their decisions and behaviour, governments in a natural setting can decide about their interaction with the other governments. Like individuals in the natural state, which end in war and struggle, governments in a natural state end up in mutual hostility. Thus, governments in the natural state, a type of state that could just as well be recognised as the war of all against all, will enter into hostility with other states upon feeling obligated. The only outcome of such a state of affairs will be accumulative destruction, just as relations between individuals will end in wrongdoing and uncertainty. Regimes in a natural state view themselves as being in a persistent state of war with other countries. However, their interactions are much more complicated than the interactions of individuals who live in a natural state. Therefore, individuals and governments existing under a natural state have both similarities and differences. Before their agreement with the Federation of Free States, the regimes deal with the following types of interactions:

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<sup>154</sup>Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 488.

<sup>155</sup> Mikalsen, Kjartan Koch. "Kant and Habermas on international law." *Ratio Juris* 26, no. 2 (2013): 302-324. p. 305.

- Bilateral relation between two states,
- The multilateral connection between the states that are members of the federation,
- The relationship of the people of one state with the government of another.

Kant describes the states as moral agents who have obligations towards others. According to his moral philosophy, here lies the following reasoning model: each state (like each moral agent) should universally treat another. Kant thinks that the same moral law, which drives agents from the state of nature to a juridical society, will drive nations toward federation, a form of worldwide republicanism.

Kant sums out the aspects affecting the right of nations. In the field of international relations, governments act with no respect for justice and rights. This state of affairs is fundamentally unfair since powerful states benefit even without actual conflict. Besides, no government is willing to go beyond others in terms of reaching a moral plateau. Therefore, the states have to arise from the state of nature (*ius naturale*). The creation of the Federation of Free States is a necessary measure so that, within a setting of non-interference, national regimes would be able to provide standard safety against external attack. The Federation of Free States must have no leader. That must be a part of the constitution of a future Congress, where countries would be free to join as members or get out of the Congress.

Countries associate with the federation to leave behind their previous natural lawless state and conflict and preserve their security and stability. Two principal duties in case of security are set: non-interference in the internal activities of the member states and joint front against aggression. If the non-interference duty of member states is working right, we do not need the latter one within the field of international relations. As long as governments subscribe to the notion of non-interference, a joint defensive alliance is not an issue, regardless of whether the aggressor is a member of the Federation or an outsider.

A world federation is different from a peace treaty. A peace treaty may serve to end hostilities, but it will not change the circumstances, leading to a new war. Kant calls on all people and governments to hold the notion of rights and moral responsibility as a means of rejecting war and fighting. As the definitive source of ethical regulation, the reason levels absolute disapproval against war and, on the other hand, creates peace as a demanding obligation. Establishing peace must be a mutual contract among the nations, which Kant denotes as a pacific league. A peace treaty (*pactum pacis*) may lead to another war, while a pacific league will seek to end all wars. Kant claims the following: "Reason, from the throne of the highest

morally legislative power, delivers an absolute condemnation of war as a procedure for determining rights and on the contrary, makes a condition of peace, which cannot be instituted or assured without a pact of nations among themselves, a direct duty. There must be a league of a special kind, which can be called a pacific league (*foedus pacificum*), and what would distinguish it from a peace pact (*pactum pacis*) is that the latter seeks to end only one war whereas the former seeks to end all war forever".<sup>156</sup>

In Kant's view, this federation, which takes responsibility for justice and morality, seeks not to control a representative government but only to preserve the freedom of all countries, including the freedom of the member states. Just as in a society based on law, in which individual liberties come into harmony, in the world, federation regimes abandon the idea of interfering with another's sphere of freedom and contribute to an atmosphere of peaceful co-existence.

The right of nations consists of four elements:

- A state of nature is a state of war
- States are in the state of war in their external relations with each other
- Federation of Free States is based on the social contract
- This federation may have no form of sovereign power<sup>157</sup>

### **Cosmopolitan Goal**

The third condition of perpetual peace is providing citizens with the cosmopolitan right. Human relations on earth are founded on the principle of right. People can travel and cooperate without being treated with aggression. In the third definitive article, "Towards Perpetual Peace", Kant affirms universal hospitality within the context of cosmopolitan right. Not philanthropic one, but the one bared in the natural right. "Hospitality means the right of a foreigner not to be treated with hostility because he has arrived on the land of another. The other can turn him away if this can be done without destroying him, but as long as he behaves peaceably where he is, he cannot be treated with hostility".<sup>158</sup> What he can claim is not the right to be a guest but the right to visit. With the notion of hospitality, Kant develops the right to travel (*ius*

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<sup>156</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 327.

<sup>157</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 482.

<sup>158</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 329.

*peregrinadi*), which is already discussed in the article above. He was a historical witness of conflicts brought by the process of colonisation, and he was aware of its consequences. However, such acts of exploitation and manipulation did not pose an obstacle to people entering other societies and interrelating with their fellow humans. Even if they were savages, they could find themselves in a particular piece of land (earth). The people of one continent can visit other continents and establish collective relations.

In Kant's philosophy, the notion of a world federation reflects the idea of the cosmopolitan whole. According to Kant's view, nature reaches its ultimate goal only when mutual relations, in the context of civil society and human freedom, are not in a position of war. Under such conditions, natural capacities will accomplish their maximum abilities. Vital for creating such conditions is the establishment of a *cosmopolis* as a safety net against countries' pretension threats to each other. However, the desire for wealth and greedy regime leaders is an obstacle for founding a *cosmopolis*. If this continues, war and destruction will ruin chances for the cosmopolitan goal.

Finally, Kant summarises: "Now we come to the question concerning what is essential to the purpose of perpetual peace. What does nature do for this purpose, regarding the end that the human being's reason makes duty for him? Hence to the favouring of his moral purpose, and how it affords the guarantee that what man ought to do in accordance with laws of freedom but does not do, it is assured he will do, without prejudice to this freedom, even by a constraint of nature, and this in terms of all three relations of public right: the right of a state, the right of nations and cosmopolitan right".<sup>159</sup> His idea is that natural providence will lead to this end.

### **Objections and Modifications of Kant's Right of Nations Theory**

There are many possible ways of discarding Kant's ideas of perpetual peace. Complaints came right after Kant published his work at the end of the 18<sup>th</sup> century. His German idealism fellow, J.G. Fichte, was the first to comment on Kant's work. This review is particularly interesting because it was written in the same year and place, without any historical gap. We could observe this review as a proper examination of Kant's thought without any historical interspace. In this review, Fichte<sup>160</sup> evaluates Kant's arguments, sees this work as a complete result of Kantian Philosophy of Right (*rechtsphilosophie*), and elaborates further.

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<sup>159</sup> Ibid., 334.

<sup>160</sup> Fichte, Johann Gottlieb. "Review of Immanuel Kant, 'Perpetual Peace, a Philosophical Sketch' (Konigsburg, Nocolovius, 1759) (Translated by Daniel Breazeale)." In *Philosophical Forum*, vol. 32, no. 4. 2001. p. 312.

### **Fichte as a Contemporary of Kant**

After interpretation of preliminary articles of “Towards Perpetual Peace”, Fichte offers the insight: “In passing, Kant calls attention to the concept of a *lex permissiva*, which is possible only insofar as the law does not extend to certain cases. From this, the reviewer believes, one should already have been able to see that the moral law, this categorical imperative, cannot be the source of natural right since it commands without exception and unconditionally. Natural right, however, provides us only with rights, of which one may or may not avail oneself”.<sup>161</sup> Further arguments critique Kant’s natural law vision and division of powers in the Republican state. Fichte further examines the following sequence of Kant’s theory. First, according to Kant, every rightful constitution, concerning the persons within it:

- Obeys to the right of the state citizenship (civil right) of human beings within a nation (*ius civitas*)
- Obeys to the right of the nations of states in their relations with one another (*ius gentium*).
- Obeys to the right of the world citizenship, insofar as human beings and states stand in the relation of externally influencing one another and as citizens of a universal state of humanity (*ius cosmopoliticum*).

Fichte detects that there is no natural right (law) in the proper sense of the term. There is no rightful relationship between human beings, except under a positive law and some authority. The condition of being in a state is the sole, true natural condition or state of human beings. It is not possible to avoid the natural law if you want a proper deduction of the concept of right. In Fichte’s opinion, Kant did not explain the division of legislative from executive power with sufficient precision.

However, when he clarifies the arguments for the Federation of Free States, he stresses the following view. First, the states can have no other means for escaping from the lawless condition of war to one another than those available to individuals. Namely, just as individuals unite in a civil state, these warring states must unite in a state of nations, in which the positive laws will judge their conflicts. That is, anyway, the decision of pure reason, and the federation of nations proposed by Kant for the preservation of peace “is not more than an intermediary

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<sup>161</sup> Ibid., 315.



condition, through which the humankind may have to pass on its way to peace, just as the states undoubtedly firstly arose from the protective alliances of individual persons".<sup>162</sup>

## **Summary**

It seems like Fichte does not share Kant's idea that peace has to go over the borders of a national state and that peace is the foundation for all further political development. His assessment does not go outside natural law and republican governance frames. On the other hand, Fichte was right, and Kant fails to explain some essential elements of his theory in the "Towards Perpetual Peace" that originated in the Natural Law tradition. Those issues will be resolved in the "Metaphysics of Morals" two years later. Anyway, Kant's theory of rights and political philosophy got full revival after the fall of the Berlin wall. This event triggered a fundamental political change and new theoretical approaches to this question.

## **Chapter 5. Reformulations of Kant's International Law Theory**

### **Introduction**

The chapter aims to show contemporary political theories discussing the minimal intergovernmental model, multi-level approach or single world government. Kantian political philosophy is unavoidable in these discussions. Furthermore, I link Kant's thought and existing philosophical problems and offer alternative argumentation. Kant's position on international law and his political thought remains remarkable even in our times.

### **Contemporary Reformulations of Kant's International Law Theory**

#### **Minimal Intergovernmental Model**

One of the notable proponents of the minimal intergovernmental theory of the Right of the nations is the famous American philosopher, John Rawls. In his article "The Law of Peoples", he says: "I assume that the outcome of working out the law of peoples for liberal democratic societies only will be the adaptation of certain familiar principles of justice and will allow for various forms of cooperative association among democratic peoples and not for a world state. Here I follow Kant's lead in Perpetual Peace in thinking that a world government, by which I mean unified political regime with the legal powers normally exercised by central

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<sup>162</sup> Ibid., 319.

governments, would be either a global despotism or else fragile empire torn by frequent civil strife as various regions and peoples try to gain their political autonomy".<sup>163</sup>

### **Multi-Level Model**

The significant thinker who will revive Kant's ideas from "Towards Perpetual Peace" in the contemporary era is Jürgen Habermas, the German social philosopher. His work "Kant's Idea of Perpetual Peace: At Two Hundred Years Historical Remove" is a profound critic of the sketch with proper historical distance.<sup>164</sup> He speaks about the importance of grasping Kant's theory with all its historical background and without the state of nature concept because they are not anymore consonant with our experience. Habermas describes Kant's theory only by three main arguments: perpetual peace as a final goal, the Federation of the Free States as a project, and the idea of the cosmopolitan order as the solution of the proposed project. Habermas is developing arguments in the following direction. First, he thinks that the concept of the Federation of the Free States and the right of the nations need reformulation in the light of the contemporary global situation.<sup>165</sup>

Second, there is also a conceptual gap existing in the constitutional state's legal construction, says Habermas, which invites a naturalistic interpretation of the nation to fill in. "The scope and borders of republican states cannot be settled on normative grounds."<sup>166</sup> Although perpetual peace is an essential characteristic of the cosmopolitan order, it is still only the indicator of the final consequence. The main problem is how to specify the differences between the classical view of the law of nations as a right to have a just war and the cosmopolitan law, which is yet to come. In other words, how to justify the constitutional gap and what is specific for the *ius cosmopolitanicum*?

As we have already seen, Kant proposes a League of Nations, the Federation of the Free States or a Congress of Sovereign States. He draws a correlation between the state of nature and the social contract and the future forming of the federation. In the same way, as the social contract drives the state of nature between self-reliant individuals to an end, so the state of nature between aggressive countries should end as well. The order described as cosmopolitan is supposed to be different from an internal legal constitution since the states, unlike individual

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<sup>163</sup> Rawls, John. "The law of peoples." *Critical inquiry* 20, no. 1 (1993): 36-68. p. 46.

<sup>164</sup> Habermas, Jürgen. *Inclusion of the other: Studies in political theory*. John Wiley & Sons, 2018. p.165.

<sup>165</sup> Ibid.

<sup>166</sup> Habermas, Jürgen. "The European nation state. Its achievements and its limitations. On the past and future of sovereignty and citizenship." *Ratio juris* 9, no. 2 (1996): 125-137. p. 131

citizens, do not submit themselves to the public coercive laws of a superordinate power but hold their independence. The predicted Federation of the Free States that rejects war forever is supposed to maintain the sovereignty of its followers in their foreign relations. The perpetually connected states hold their highest constitutional authority and do not incorporate into a world republic. Instead of the definite idea of a world republic, Kant builds the negative substitute of a Federation of the Free States whose goal is to prevent conflict.

This federation is supposed to arise from sovereign agreements between the republican states, under the right of nations, which are now no longer in the state of nature. This association does not establish any coercive legal laws of the countries against one another but only unites them into a permanent voluntary alliance. Consequently, association into a Federation of the Free States goes beyond the weak obligatory power of the right of nations merely in respect of its durability.

The contradiction here is glaring. Kant wants to preserve the sovereignty of the Federation of the Free States members. He keeps them in a soft, voluntary alliance without any coercive power. On the other hand, the federation that establishes a perpetual peace is supposed to be different from the merely common condition. Habermas claims that the Federation of Free States members must subordinate their sovereignty to the mutually stated goal of not resolving their disagreements by war but by a process similar to a court of law. Habermas notes: "Without this element of obligation, the peace congress of nations cannot become permanent, nor can its voluntary association become enduring; instead, it remains hostage to an unstable constellation of interests and will inevitably fall apart, much as the League of Nations would years later".<sup>167</sup>

Kant does not grasp the Federation of the Free States as a union with common institutions. Naturally, therefore, this organisation does not have any coercive authority; this implies that the relationship between the states relies purely on moral grounds, but such trust even in his time, and especially today, is nothing but a philosopher's sweet dream. Nevertheless, Kant's Federation of the Free States project remains plausible in the historical sense.

Today we require reformulating the Federation of the Free States and blending it into the present situation. The new institutional design of the right of nations ranges from minimal intergovernmental models to proposals advocating a world government with full coercive authority. Proponents of the minimal intergovernmental prototype still hold the Kantian position and promote a league of states without coercive power. We can see that this is not a

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<sup>167</sup> Habermas, Jürgen. *Inclusion of the other: Studies in political theory*. John Wiley & Sons, 2018. p.169.

reformulation of Kant's theory and that all arguments Kant established are very similar. Two different types of reasoning are present among those who invoke a world government. We have philosophers who promote the state of states model and those trying to establish a theory of cosmopolitan democracy (multi-level model).

Conversely, Jürgen Habermas is going in another direction with his multi-level model theory. The Federation of Free States critic does not imply that he favours the idea of the world republic or state of states. In the "Kantian Project and the Divided West", Habermas points out the thesis about the process of constitution of international law.<sup>168</sup> Through careful analysis of Kant's arguments, he creates space to implement his theory. This theory implies reformulation of contemporary international legislature according to the idea of protecting fundamental human rights. Individual human rights are the cornerstone of Kant's cosmopolitan law (*ius cosmopolitanum*). This change is a proper synthesis between the world republic on one side and the free voluntary League of Nations on the other. In a multi-level global system, Habermas says, the classical function of the state as the guarantor of security, law, and freedom would be transferred to a supranational world organisation specialised in securing peace and implementing human rights worldwide.<sup>169</sup>

Kant says in the second definitive article: "Nations, like states, can be appraised as individuals, who in their natural condition (that is, in their independence from external laws) already wrong one another by being near one another; and each of them, for the sake of its security, can and ought to require the others to enter with it into a constitution similar to a civil constitution, in which each can be assured of its right. This suggested constitution would be a league of nations, which, however, not be a state of nations. That would be a contradiction, in as much as every state involves the relation of a superior (legislating) to an inferior (obeying, namely the people); but a number of nations within one state would constitute only one nation, and this contradicts the presupposition (since here we have to consider the right of nations in relation to one another insofar as they comprise different states and are not to be fused into a single state)."<sup>170</sup>

The contradiction comes from the fact that the price the citizens of a world republic would have to pay for the legal assurance of peace and civil liberties would be the loss of the practical ethical freedom they enjoy as members of a national community organised as an independent

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<sup>168</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd, 2006.p. 115.

<sup>169</sup> Habermas, Jürgen "The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society" (*Constellations* Volume 15, No 4, Oxford, 444—455 (2008), p.445.

<sup>170</sup> Kant, Immanuel "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." p.325.

nation–state.<sup>171</sup> Moreover, there is a fear that a world republic, in its federal structure, would unavoidably lead to social and cultural uniformity. In the second level rests the objection that a global state of nations would progress into a universal form of despotism. Kant seems to be worried that the alternative to the system of aggressive sovereign states would be the global control by a single world power. That idea will lead him to the option of the negative surrogate, the conception of a League of Nations. According to this view, the interpenetration of the positive law and political power does not aim at the legal type of modern government as such but at a democratically constituted rule of law.<sup>172</sup>

The final point of the process of legislation of political power is the very idea of a constitution that a community of free and equal citizens gives itself. At this point, we must differentiate between a state and a constitution. A state is a complex of hierarchically organised capacities that can exercise political power or implement political programs; a constitution, by contrast, defines a horizontal association of citizens by placing the fundamental rights that free and equal founders mutually grant each other.<sup>173</sup>

The *republican* conversion of the state power is a necessary change toward a constitution of international law. Completing the process of legislation of the international law sets the seal on the problem of the initial situation in which law serves as an instrument of power. “As a result, a constitutional state means that all authority mechanisms originate from the autonomously formed will of civil society. Legitimation requirements of a democratically constituted world society without the world government could be satisfied assuming that nation–states and their population undergo certain learning process.”<sup>174</sup> We can notice that Habermas’s attempts are directed with the real–world picture and emancipatory consciousness.

In other words, the general rational will of individuals is creating the constitution. Behind the logic of the social contract, the initial argument for the inner rationalisation of governmental authority is legally constituted but still not constitutionally guaranteed. Only fully developed democratic societies can solve this. Now, when he has a pattern, Habermas explains the transition from the law of nations to international law. This process is not the only constitution of international relations.

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<sup>171</sup> Habermas, Jürgen *The Divided West*. (Polity Press Ltd, 2006) p. 127.

<sup>172</sup> *Ibid.*, 131.

<sup>173</sup> *Ibid.*

<sup>174</sup> Habermas, Jürgen. "The constitutionalization of international law and the legitimation problems of a constitution for world society." *Constellations* 15, no. 4 (2008): 444-455. p. 445.

International relations are viewed as the logical continuation of the national to global state evolution. What is missing is a supranational power above the competing states that would provide the international community with the executive and sanctioning powers required to implement and enforce its rules and decisions. Classical international law is already a kind of constitution because it creates a legal community between parties with formally equal rights. This international proto constitution is substantially different from a republican constitution. It is composed of collective participants rather than individual persons, and it shapes and coordinates powers rather than founding new governmental authorities. Compared with a constitution in the strict sense, the international community of sovereign states has no necessary force of standard legal requirements. Only voluntary restrictions on sovereignty, the rejection of its core element, and the right to war can transform parties to treaties into members of a politically constituted community. A league of nations and the prohibition of war are logical extensions of a development connected with the membership status of the subjects of international law.

At the beginning of the reformulation process, there is only a softly constituted community of states. These states must be supplemented at the supranational level by legislative bodies. Besides, they need sanctioning powers if they want to become a community capable of taking political initiatives and executing joint decisions. In the progression of the international law constitution process, the priority of horizontal relations between the member states over centralised practical competencies points to an opposite evolutionary direction to that of the ancestors of the constitutional state. It proceeds from the non-hierarchical association of collective participants to the supranational and transnational organisations of international order.

The initial situation of classical international law has left permanent traces in the Charter of the United Nations. Sovereign equality remains mutually recognised by the community of the states and peoples.<sup>175</sup> Strictly speaking, when it comes to public security and the promotion of human rights, the world organisation has acquired the authority to intervene in the internal affairs of criminal regimes or failing states. In these two policy domains, the member states grant the UN Security Council the ability to protect the rights of citizens against their governments if necessary. Hence, it would be consistent to describe the world organisation as already a community of the “states and citizens.” In a similar spirit, the Brussels Convention

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<sup>175</sup> UN Charter (Art. 2, Para. 1)

presented its draft of the European constitution in the name of “the citizens and the States of Europe”.<sup>176</sup>

The reference to collective participants acknowledges the prominent position they will retain as the driving subjects of the development in a peaceful global legal order. The reference to individuals, by contrast, draws attention to the actual bearers of the status of the world citizen. The multilevel system outlined by Habermas would fulfil the UN Charter’s peace and human rights goals at the supranational level and address the problems of global domestic politics through compromises among major domesticated powers at the transnational level. This sketch is merely an illustration of a conceptual alternative to a world republic.

For example, Habermas’s idea intends to show that the state of states is not the only institution, which the Kantian project could adopt as an alternative to the surrogate of a league of nations. The type of a constitutional state projected onto a global scale alone does not fulfil the requirements for a cosmopolitan condition, understood in suitably abstract terms. Likewise, to the republican type of constitution, which Kant had in mind, liberal standards aim at a juridification of political power. However, in the latter cases, juridification means the power has to be set in national relations.

### **Reaction to Different Re-evaluations of Kant’s Theory**

Habermas’s multi-level model is a plan that assigns different responsibilities to different institutional levels. He claims that: “Global Three-level model consists in discriminating the three elements of statehood, democratic constitution and civic solidarity that are closely linked in the historical form of the constitutional state.”<sup>177</sup> He also believes that the politics of global distribution and similar issues will have to be negotiated among transnational regimes, in contrast to human rights and questions of war and peace, which he assigns to the UN.<sup>178</sup> On the supranational level, Habermas saw a reformed and strengthened UN that serves, among other things, as an executive authority responsible for securing peace and protecting human

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<sup>176</sup> Habermas, Jürgen. *The Divided West*. (Polity Press Ltd, 2006), p. 135.

<sup>177</sup> Habermas, Jürgen. "The constitutionalization of international law and the legitimation problems of a constitution for world society." *Constellations* 15, no. 4 (2008): 444-455. p. 445.

<sup>178</sup> Verovšek, Peter J. "Meeting principles and lifeworlds halfway: Jürgen Habermas on the future of Europe." *Political studies* 60, no. 2 (2012): 363-380. p. 374.

rights. He supports reorganizing the Security Council and limiting the veto power of its permanent members to make the UN a more representative and effective organization.<sup>179</sup>

He defends the formation of permanent international courts, where states and individuals have legal standing. Settling the conflicts between states and the conflicts between the private actors and a state, the function of such courts is to prosecute individuals for criminal acts performed in the service of a state. Finally, I must mention Habermas's proposition that, in addition to the consolidation of core institutions like the Security Council and the General Assembly, reforms should aim at separating these institutions from specialized UN organizations, such as FAO, IAEA, UNESCO, WTO and the World Bank. This way, the world organization would become an institution whose responsibilities are narrower than the present-day UN. Our policymakers experience a seemingly endless merry-go-round of international summits. Two or three congresses a year convened 150 years ago. Today more than four thousand assemble each year. They include summits of the UN, the Group of Seven, the International Monetary Fund, the World Trade Organization, the European Union (EU), the Asia-Pacific Economic Cooperation bloc, the regional forum of the Association of Southeast Asian Nations, and Mercado Común del Sur (Mercosur). "These summits and many other official and unofficial meetings lock governments into global, regional, and multilayered systems of governance that they can barely monitor, let alone control."<sup>180</sup>

The main difference between a world organization reformed along these lines and a world republic is that the former lacks sovereign powers to define the reach of its responsibilities. Unlike Kant's league, a reformed world organization has more extensive powers. It is supposed to serve as a supranational executive authority providing the international community with adequate means to put its rules and decisions into effect, even if Habermas emphasizes that the states are to remain in control of the means of coercion. His model also extends the scope of responsibilities. The league is established to deal with conflicts between the states, whereas the world organization is also supposed to protect fundamental human rights globally.

Finally, the division of the General Assembly into two chambers would make the UN, in contrast to Kant's intergovernmental league, an organization that recognizes two types of actors as legal subjects by international law, namely the states and individuals. The institutional mid-

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<sup>179</sup> Mikalsen, Kjartan Koch. "Kant and Habermas on international law." *Ratio Juris* 26, no. 2 (2013): 302-324. p. 308.

<sup>180</sup> Held, David, Anthony McGrew, David Goldblatt, and Jonathan Perraton. "Global transformations: Politics, economics and culture." In *Politics at the Edge*, pp. 14-28. Palgrave Macmillan, London, 2000. p. 487.



levelling between the supranational and national levels distinguishes Habermas's proposal from the league of states and the world republic. At this level, global players, such as the US, China, India, Russia, and politically integrated regional administrations following the EU model, are considered the central participants. They have to work out binding compromises on critical transnational issues—particularly economic, ecological, and energy issues— that increasingly overreach the national states' capacities. Besides, the delegation of transnational topics to interregional negotiations is supposed to reduce the world organisation's work, thus enabling it to deal more efficiently with global peace and human rights enforcement. Habermas seems to have two main reasons for rejecting the world republic, and these explain why he thinks there is a need for his multi-level system instead.

### **Civil Solidarity Argument**

The first issue of the multi-level model is the civil solidarity argument.<sup>181</sup> Habermas thinks that a world republic can never become democratic in any meaningful sense. The principal obstacle is the absence of an easy to perceive global collective identity that can adequately build solid civil solidarity. World republic would not have the necessary legitimacy. A political community that wants to recognize itself as a democracy must distinguish between the members and non-members. Civil solidarity is a part of the universal language, culture, and religious identity. Cosmopolitan solidarity, on the other hand, gathers humanity around public reactions of anger when confronted with violations of human rights and acts of aggression, as well as sympathy for those who suffer due to natural and humanitarian disasters. Because of the latter, an all-inclusive world organization could be empowered to pursue goals like human rights protection and international peace and security.

Further establishment of political goals and projects will be fragile because of the weak social links between the world citizens. It is hard for the citizens of one sovereign state to perceive themselves as a part of the worldwide community involved in the collaborative practice of (self) legislation. This proposition is like Mikalsen's claim that the cosmopolitan democracy concept is not self-contradictory in a formal-analytical sense. The claim is that "a global democratic state should be able to, but in fact, cannot link up with the actual self-understanding and motivations of the world citizens. Therefore, it would fail to be a realization of the idea of a society of self-determining free and equal persons."<sup>182</sup>

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<sup>181</sup> Mikalsen, Kjartan Koch. "Kant and Habermas on international law." *Ratio Juris* 26, no. 2 (2013): 302-324. p. 310.

<sup>182</sup> *Ibid.*, 310.

### **Imbalance Argument**

The argument of the world republic is not necessary for creating binding international law. Habermas develops this argument against the background of Kant's interpretation. Kant rejects the world republic because of the despotic governance possibility in favour of the negative surrogate of the League of Nations. Kant has concluded by observing the similarity between the state of nature among individuals and lawless international relations. According to Habermas, if the only way of overcoming the individual state of nature is *republican* governance, then the solution for differences between sovereign states goes toward a world republic.

Contrary to this type of reasoning, there are significant variances between the interpersonal and the international levels when it comes to developing necessary legal institutions. Habermas's objection has two aspects. The first is to consider that the states have established legal orders internally. National legal orders consequently make an institutional model for international law. One cannot merely copy national legal orders on the relationship between the states, nor can the rights of individuals be the only reference point for an international judicial order.

The states should be considered seriously as warrantors of legally secured freedom among individuals. But, first, one must not perceive national legislation in the same way as international legislation. Habermas suggests that we understand the establishment of a just system of international law as complementary rather than as analogous to the establishment of just national legal systems. The second reason why to think of the international rule of law as integral, and not like the national rule of law, is that promoting the rule of law in the two spheres of influence involves challenges that are in a certain way opposite and therefore call for different solutions.

Concerning this, Habermas distinguishes the concept of a state and the concept of a constitution.<sup>183</sup> The state is defined as a complex of hierarchical organizations capable of using political power. The constitution is defined as a horizontal association of citizens. He points to the troubled relationship between the state and the constitution at the national and international levels. Nationally, the hierarchical state component comes first. Internationally, one must think differently. If one tries to bring the international constitution in a parallel way, he will confront the lack of authoritarian state power. Classical international law does not have global control

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<sup>183</sup> *Ibid.*, 311.

over challenging states that would provide the global community with the executive and sanctioning powers required to implement and enforce its rules and decisions.

The deficiency of executive and sanctioning powers implies that what is necessary for forming a cosmopolitan legal order is, in the end, a world republic. However, the point of emphasizing the priority of the horizontal associations among the states is conflicting. First, Habermas shows that a legal constitution can be separate from a hierarchical state construction conceptually and in practice. For this reason, Habermas speaks of the classical European order of states as a proto-constitution that “creates a legal community among parties with formally equal rights”.<sup>184</sup> Emphasizing the imbalance between the national and the international cases is meant to show that binding state power by law externally is substantially different from the difficulty of binding state power by law internally—subsequently, the recent calls for a different solution than the latter.

## **Summary**

This chapter wanted to answer whether we should endorse or repudiate Kant's theory of international law. The concluding hypothesis is that the arguments for supporting Kant's ideas outweigh the arguments against doing so. Kant's contribution to building international law is massive. He offers a robust, steady, gradual theory of international law if we follow his philosophical system. He was the first philosopher who perceived peace on a metaphysical level as a priori category and tried to find a solution for the reformed right of nations. Kant offered a peaceful solution for the whole of humanity.

One could easily link Kant's thought with the conception of sovereignty. However, it is more than a juridical principle of international relations for Kant. For countries and peoples, it is an acknowledgement of their equality and dignity, a defence of their identity and national freedom. Sovereignty has a dual duty. First, to respect the sovereignty of the other countries. Second, to respect the dignity and human rights of all the people of the nation-state. The best way to protect sovereignty is a form of a republican constitution. Kant comprehends the state on the national level as the main character in this project. In case of failure, the primary responsibility lies with the government of that state and its citizens. Free moral agents (citizens) of every sovereign state have to build this constitution, without any foreign interference, just as Kant suggests in the fifth preliminary article of “Towards Perpetual Peace”.

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<sup>184</sup> Ibid., 312.

Furthermore, the relations of moral agents in the republican constitution are analogue to relations of sovereign states. Every other possibility would be to treat the others just as means and not as ends.

The next step of Kant's theory, the Federation of the Free states, is the one with the most objections. Kant's Federation of the Free states, Congress of States, and League of Nations or Pacific League are vulnerable to criticism. Firstly, because of slight semantic confusion, and secondly because it has some paradoxical inconsistencies in its structure and rules. Besides, the moral grounds of the Federation of the Free states, as the only argument for its justification, provide even more problems. Kant continually tries to resolve issues similarly to its transition from theoretical to practical reason. He is fully aware that the notion of peace has some antinomian matters, and because of this, he builds the voluntary negative surrogate approach in his international law theory.

Nevertheless, peace is the final and the ultimate goal of humanity, and the only acceptable means for reaching that goal need to be peaceful. Right of Nations – International law has to establish cosmopolitan law. From Kant's universalistic perspective, every human life has equal moral value. In this way, Kant's theory of international law offers an option to establish the doctrine of universal human rights. This argument is a starting point of his inner debate and academic discussion, which is still ongoing. Proofs for such claim could derive from various attempts of reformulation, improving, "perfecting", and reconsideration of this part of Kant's theory.

From all the arguments presented above, the one called cosmopolitan democracy attracts most of the attention. The nation States would have to give up their sovereignty to a certain extent and transfer it to the supra-national level, and Habermas has in mind as a multi-level legal order. Habermas continually tries to modify Kant's theory and solve the paradoxical Kant's arguments discussed above. In this struggle with Kant's ideas, his own opinion has altered several times during the last 20 years. We should keep in mind that his efforts are always optimistic, honest, and emancipatory. From the devoted supporter of the concept of cosmopolitan democracy and international law with supranational and transnational coercive powers, his opinion slides into a not as extreme position with time. He realised that not every humanitarian intervention is necessarily compatible with the Kantian platform and advance toward a proper civil constitution. This point of view is also unfamiliar with Kant's analogy amongst moral citizens and the state. Implementing international laws by force is alien to Kant's ethical theory and international law theory. Suppose we have a moral responsibility

toward others and are concerned about how their governments treat citizens of other states. In that case, we must find a peaceful solution instead of punishment and just war.

Oppositely, today's globalised world is the reality, and the focus on the nation–states look like a retrograde idea. In this fast–shifting world, there is a need for changes in the current situation. Development of the conceptual international law framework based on the interdependence of the communities is necessary, and in consequence, we must accept some of the arguments Habermas offers. If we do not continue to elaborate those arguments in searching for better solutions and fail to find an answer for Kantian ideas.

## **Chapter 6. Kant on Just War and Cosmopolitan International Order**

Kant's legal and political philosophy is essential for understanding and advancing international order. The chapter aims to posit arguments that confront the claims that Kant was just war theorist. Since that is the contested part of Kant's political philosophy, mostly due to the misleading interpretation of his argumentation, I present Kant's standpoint on the matters of just war and international order and discusses potential ambiguities between Kant's and his critics' theories. Furthermore, the consequences of opponents' arguments considering states of states, world republic and cosmopolitan democracy in contemporary political philosophy are debated. Finally, the possibility of consent between the three model solutions arising from the contemporary international order theory and Kant's position are compared and analysed.

### **Introduction**

The chapter aims to show the relevance of Kant's theory in the field of legal and political philosophy and inquire about his position regarding just war theory and their interrelatedness within the contemporary international order theory. In the initial section of the chapter, I describe Kant's perspective of the just war theory and examine his standpoint on the matters of war and international order. At the same time, I try to determine how current political philosophy, laid in the Kantian legacy, and especially his political theory insights, could resolve the present theoretical ambiguities in what we call liberal democracies.

As an essential component of international order theory, the just war theory has been repeatedly discussed in philosophy. It is a doctrine studied by many philosophers throughout history. The main idea of doctrine is to support war as a morally justifiable act through a series of standards, all of which must be met for a war to be well–thought–out as just. Just war theorists divide

rules of war into *Jus ad Bellum*, the set of rules that nations must follow in going to war, *Jus in Bello*, the set of rules that nations must follow during the war<sup>185</sup> and *Jus Post-Bellum* as the set of rules concerning justice after the war.<sup>186</sup>

As is well known, Kant disapproves of philosophies which are containing the arguments of just and regular war theory kind in their research and says: "It is surprising that the word right could still not be altogether banished as pedantic from the politics of war and that no state has yet been bold enough to declare itself publicly in favour of this view; for Hugo Grotius, Pufendorf, Vattel, and the like – although their code, couched philosophically or diplomatically, has not the slightest lawful force and cannot even have such force (since states as such are not subject to a common external constraint) – are always duly cited in justification of an offensive war, though there is no instance of a state ever having been moved to desist from its plan by arguments armed with the testimony of such important men."<sup>187</sup>

In contrast, advocates of the revised modern just war theory developed their ideas in such an approach presenting Kant as a consecutive just war theorist, not essentially different from his predecessors. The interest has been keen on founding arguments highlighting Kant's just war position in the recent period. Much of the contemporary philosophical enquiries have been constructed in that way. For example, the inquiry that defends the juridical state of states or world republic perspective has been pursued by Byrd and Hruschka<sup>188</sup> and Höffe<sup>189</sup>. Orend<sup>190</sup> claims that Kant is a just war theorist, and the critique of Kant's perspective and attempts of its reformulation (see, for instance, Habermas<sup>191</sup>) can be found in many recent papers written on the subject.

Unrelatedly of the theoretical position that one advocates, there is no doubt that Kant's practical thinking, presented in his various works, is a central argumentation for research in

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<sup>185</sup> Masek, Lawrence. "All's Not Fair in War: How Kant's Just War Theory Refutes War Realism." *Public Affairs Quarterly* 16, no. 2 (2002): 143-154. p. 143.

<sup>186</sup> Orend, Brian. "Jus post bellum: The perspective of a just-war theorist." *Leiden Journal of International Law* 20, no. 3 (2007): 571-591. p. 571.

<sup>187</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 326.

<sup>188</sup> Byrd, B. Sharon, & Joachim Hruschka (2008), "From the state of nature to the juridical state of states." *Law and Philosophy* 27: 599–641.

<sup>189</sup> Höffe, Otfried (1998), "Some Kantian reflections on a world republic." *Kantian Review* 2: 51–71.

<sup>190</sup> Orend, Brian. "Kant's Just War Theory." *Journal of the History of Philosophy* 37, no. 2 (1999): 323–353.

<sup>191</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006

contemporary political philosophy. Kant's influence is indispensable in current inquiries regarding just war theories and international order. There are reasons for revising Kantian political philosophy because only in his work, "we find a theory concerned with the problem of how to overcome the danger of war, in favor of a worldwide order of law and peace"<sup>192</sup> Wars, humanitarian crisis and global decadent political behaviour are set as a standard of the world at present. Harbom and Wallensteen<sup>193</sup> provide the data on 122 conflicts identified in the period from 1989 until 2006<sup>194</sup>.

"State law, a national system of public legal justice, is, for Kant, instrumental to morality."<sup>195</sup> Legal and political input closely connected with his ethics are best presented through the second categorical imperative formulation. It demands that we must: "Act in such a way that we treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end."<sup>196</sup> Kant was searching for all the ideas that can connect us to justice, and with his peace theory, he "has an important contribution to make to the debate on just war thinking".<sup>197</sup>

The world of politics is the most responsible for the morality of humankind, and the acting of every government authority towards others should be like the one Kant<sup>198</sup> suggests in the appendix of his work "Towards Perpetual Peace." The philosopher's task is to determine the right moral way. He "clearly subordinates politics (and indeed everything else) to morality, but at the same time bases politics on the right, not on utility or happiness."<sup>199</sup> That is the only possible approach to Kant's political philosophy and the topic of the just war legacy. Besides, it brings new theoretical perspectives regarding the argumentation that will arise from an analysis of Kant's work.

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<sup>192</sup> Höffe, Otfried (1998), "Some Kantian reflections on a world republic." *Kantian Review* 2: 51—71 p. 51.

<sup>193</sup> Harbom, Lotta, and Peter Wallensteen. "Armed Conflict, 1989—2006." *Journal of peace research* 44, no. 5 (2007): 623-634. p. 624.

<sup>194</sup> The civil wars in Syria (2011), Libya (2014) and Ukraine (2014, 2022) are not included in this list.

<sup>195</sup> Riley, Patrick. "Federalism in Kant's political philosophy." *Publius* 9, no. 4 (1979): 43-64. p. 44.

<sup>196</sup> Kant, Immanuel, and Jerome B. Schneewind. (2002) "Groundwork for the Metaphysics of Morals". Yale University Press. p. 38.

<sup>197</sup> Williams, Howard. *Kant and the end of war: A critique of just war theory*. Springer, 2012. p.3

<sup>198</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 338.

<sup>199</sup> Riley, Patrick. "Federalism in Kant's political philosophy." *Publius* 9, no. 4 (1979): 43-64. p.45.

After the preliminary draft of the just war theory, an overview of Kant's argumentation has been presented in the debate to explain Kant's standpoint on the just war theory and international order. These and correlated questions and arguments are discussed below in subsections 2 and 3. A particular line of thought runs through these sections and serves as a central thread in the discussion: just war theory and its role within the international order. In this part of the chapter, the author draws on recent research. In the part that follows, however, the focus is on contemporary attempt to make changes of Kant's theory. Additionally, I show how the distortion of Kant's standpoint may be misleading for the contemporary theory of justice and try to define his position.

### **Kant's Standpoint on Just War and International Order**

"Toward Perpetual Peace" structure follows the characteristic form of earlier peace treaties. Although Kant listed all the just war theory problems in the preliminary articles, later, he perceives just war theory from an alternative perspective, aiming, above all, at a peaceful organisation of the nation-states. He expresses disapproval on those thinkers whose work justifies military aggression, although their diplomatic and philosophically formulated codes do not have any legal force since the states are not obliged to a common external constraint. As one sees from the title of his work, his intention is not to write a new peace treaty or just war theory, but to give humanity a new theory solution for the issues of war.

His idea is peace, established very firmly as a notion in his political philosophy. Peace is in his work in the same corpus of ideas with the truth, justice, and freedom. He is fully aware that no philosophical knowledge, moral acting, or aesthetic judgment is possible in the state of war. There is no legitimate solution for peace between people in the field of jurisprudence and politics only.

Kant holds that a peace treaty is not valid in places where the settlement includes in itself the elements of a future war. Silence about actual causes of war and real pretensions of enemies are usually typical for such peace arrangements. Therefore, he suggests that this is not a step towards perpetual peace but only a provisional end of hostilities. For Kant, "peace is not merely the absence of open fighting, in the form of an ongoing cease-fire; it is a positive condition in which states accept that disputes will be resolved peacefully, that is on their merits."<sup>200</sup> Unfortunately, all the decisions about future war are in the hands of the mighty authority rulers.

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<sup>200</sup> Ripstein, Arthur. "Just war, regular war, and Perpetual Peace." *Kant-Studien* 107, no. 1 (2016): 179-195. p. 190.



They will always follow their interest in these matters and not the general will of their people. This kind of decision making would not lead us toward perpetual peace.

The state, for Kant, is not a property, a piece of land, which can be an object of trade, but a community of citizens independent of all external influences. The idea behind the statement is: "No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase, or donation".<sup>201</sup> Such a state also means that renting of standing army to another against fighting a mutual or different enemy is not justified. In Kant's <sup>202</sup> opinion, governments use citizens as objects, and they can do with them whatever they like.

The next step in developing arguments for preventing war is the idea that states should not intrude by force in the constitution and government of another state. No possible means can justify it. Kant sees only one exception: if one state with internal disagreement would divide into two parts so that both parts can represent themselves as states. All other activities will lead to international disorder.

Kant highlights that the only suitable way of avoiding warring is building the civil condition in every individual state. It "is important not only because it is the only constitution that is fully in accordance with external right, but also because it is the only constitution that by its nature leads to peace."<sup>203</sup>

"The civil condition, regarded as a rightful condition, is a priori based on the following principles: the freedom of every member of the society as a human being, his equality with every other as a subject, the independence of every member of a commonwealth as a citizen."<sup>204</sup>

Then again, this formulation is differently stated in the first definitive article of "Towards Perpetual Peace": "A constitution was established, first on principles of the freedom of the members of society. Second, on principles of the dependence of all upon single common legislation. Third, on the law of their equality. The sole constitution that issues from the idea

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<sup>201</sup> Kant, Immanuel (1795) "Toward Perpetual Peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 318.

<sup>202</sup> Ibid.

<sup>203</sup> Kleingeld, Pauline, and P. Guyer. "Kant's theory of peace." *Cambridge Companion to Kant and Modern Philosophy* (2006): 477-504. p. 483.

<sup>204</sup> Kant, Immanuel (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 305.

of the original social contract, on which all-rightful legislation of a people is based, is a republican constitution.”<sup>205</sup>

Kant emphasises the same idea in various places. The crucial argument for developing the future international order is laying in a “possibility of a fully lawful state at the national level is therefore dependent on some sort of world order—an order which he commonly called the *foedus pacificum*.”<sup>206</sup> The state constituted as a republican society should afterwards join the federation of free states.

The primary quality of the republican political system is the separation of the executive and legislative power. In contrast, despotism is autocratic managing of the state with laws superior has given to himself. Kant “focuses on the threat of despotism and on separating legislative and executive authority as a barrier to despotism.”<sup>207</sup> Of all three forms of sovereignty, that of democracy in the strict sense of the term is necessarily a despotism because it constitutes an executive power in which the majority will always outvote the one who disagrees. That contradicts the general will itself and the principle of freedom, states Kant.<sup>208</sup>

People as citizens deserve to decide, among many other things, if they want to go to war or not. This waging war must be with their consent because they are paying for it with their own life. The situation is different under the constitutions in which the subjects are not citizens. The superior is not a member of the state but the owner, and he could raise war without any significant reason. The Republican constitution is, therefore, the barrier to the warring intentions of the superior.

The following stage of Kant’s journey from the spheres of private and public law took him to the areas of international order. “The problem of establishing a perfect civil constitution is dependent on the problem of a lawful external relation between states and cannot be solved without the latter.”<sup>209</sup> Ensuing the same thought pattern, Kant sought to “derive the forms and

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<sup>205</sup> Ibid., 319.

<sup>206</sup> Riley, Patrick. "Federalism in Kant's political philosophy." *Publius* 9, no. 4 (1979): 43-64. p. 52.

<sup>207</sup> Nardin, Terry. "Kant's republican theory of justice and international relations." *International relations* 31, no. 3 (2017): 357-372. p. 358.

<sup>208</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 324.

<sup>209</sup> Kant, Immanuel (1784) "Idea for a Universal History with a Cosmopolitan Aim" Rorty, Amélie, and James Schmidt, eds. *Kant's Idea for a Universal History with a Cosmopolitan Aim*. Cambridge University Press, 2009. p.16.

practices of an ideal international law from the juridical postulates of practical reason.”<sup>210</sup> Kant starts to build an argument of the necessity of the international order in part three of his work, “On the common saying: That may be correct in theory, but it is of no use in practice”, such as a response to the view that the human race will never make any moral progress. The international order is seen as a condition in “which alone the predispositions are belonging to humanity that makes our species worthy of love can be developed.”<sup>211</sup>

Kant emphasises that nowhere human nature appears less attractive than in relations between the nations and that no state is safe from the other, neither its independence nor its property. The will for conquering has always existed. Nevertheless, Kant’s philosophical position from “Towards Perpetual Peace” states that the international order as “the right to go to war is, strictly speaking, unintelligible.”<sup>212</sup> It should be based on universal laws and not on brute force, and it must be designed on the federalism of the free states. The only possible solution for this is an international order based on public laws accompanied by the power of the republican constitution. The federalism of republican states is building of a peaceful agreement. Only republican states should constitute some future league of nations because they are peaceful by nature. We observe the states with their people as free agents in their state of nature, independent from external coercive power. Then again, this presumes that all states of the alliance have their republican governance, which guarantees all the fundamental human rights to every man. In Kant’s view, this alliance should be a union of people, which does not have to be a multinational state blended in one single entity.

The concept of international order assumes that many neighbouring countries exist independently. Although such condition means war *per se*, it is still, according to the ideas of our reason, better than the state of nature, “a condition that is not rightful, that is, a condition in which there is no distributive justice.”<sup>213</sup> Suppose the extent of such power is significant and more prominent. In that case, the effect and influence of the civil laws and rights start to weaken, and we will have mindless despotism leading toward complete anarchy in the end.

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<sup>210</sup> Fine, Robert. "Cosmopolitanism and natural law: Rethinking Kant." *The Ashgate research companion to cosmopolitanism*, Farnham: Ashgate (2011): 147-162. p.147.

<sup>211</sup> Kant, Immanuel (1793) "On the common saying: That may be correct in theory, but it is of no use in practice" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 305.

<sup>212</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 328.

<sup>213</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 451.

Therefore, to conclude, the republican system of government is the necessary condition for the subsequent step in the prevention of war, which is for Kant, the federation of the free states.

Kant repeatedly compares external state relations to the interpersonal state of nature. He “draws different conclusions concerning how to overcome the state of war between persons and the state of war between the states.”<sup>214</sup> The crucial stage in setting up warless conditions is the federation of the free states’ solution. Analogically<sup>215</sup> to the social contract theory in which people live in a state of nature before the founding of the civil society, the states exist in a natural state before the federation of the free states. Just as individuals, who can be final referees of their decisions and behaviour, governments in a natural setting can decide about their way of interaction with the other regimes. Like individuals in the natural state, which end in war and struggle, governments in a natural state end up in mutual hostility.

Governments in a natural state are in the situation we define as the war of everyone against everyone.<sup>216</sup> The only outcome of such a state of affairs can be accumulated destruction, just as relations between individuals will end in wrongdoing and insecurity. However, interactive communications between governments are much more complicated than connections among individuals who live in a natural state. Therefore, individuals and nation–states existing under a natural state have both similarities and differences. Before their agreement with the federation of free states, nation–states deal with the following types of interactions: the two–sided relationship between two states, the multilateral relationship between the states that are members of the federation, and the people’s relationship of one state with the government of another. Kant describes the states as moral agents who have obligations towards others. According to his moral philosophy, here lies the following reasoning model: each state (like each moral agent) should universally treat another. Kant thinks that the same moral law, which drives agents from the state of nature to a juridical society, will move nations toward federation, a form of worldwide republicanism.

Therefore, the states must arise from the state of nature (*ius naturale*). The creation of the federation of free states is a necessary measure so that, within a situation of non–interference, national states would be able to provide general safety against external impact. The federation of free states must have no leader. This fact must be a part of the constitution of a future

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<sup>214</sup> Mikalsen, Kjartan Koch. "Kant and Habermas on international law." *Ratio Juris* 26, no. 2 (2013): 302-324. p. 305.

<sup>215</sup> Analogy as a perfect similarity of two ratios of dissimilar things (Hirsh, 2012:483)

<sup>216</sup> Hobbes, Thomas (1651), "Leviathan", Prepared for the McMaster University Archive of the History of Economic Thought, by Rod Hay." *Green Dragon in St. Pauls Churchyard* p. 80.

congress, where countries would be free to join as members or get out of congress. "Only by such a congress can the idea of a public right of nations be realised, one to be established for deciding their disputes in a civil way, as if by a lawsuit, rather than in a barbaric way (the way of savages), namely by war."<sup>217</sup>

Nation–states associate with the federation to leave behind their previous natural lawless state and conflict and preserve their security and stability. Two significant duties in case of security are set: non–interference in the internal activities of the member states and a unified front against aggression. If the non–interference duty of member states is working right, we do not need the latter one. If governments subscribe to the conception of non–interference, the idea of a cooperative defensive alliance is not an issue, regardless of the aggressor is a member of the federation or an outsider.

Kant articulates the following: "There must be a league of a special kind, which can be called a pacific league (*foedus pacificum*), and what would distinguish it from a peace pact (*pactum pacis*) is that the latter seeks to end only one war whereas the former seeks to end all war forever."<sup>218</sup> This league, which takes responsibility for justice and morality, seeks not to control a representative government but only to preserve the freedom of all countries, including the freedom of the member states. Just as in a society based on law, in which individual liberties come into harmony, in the world, federation regimes abandon the idea of interfering with another's sphere of freedom and contribute to an atmosphere of peaceful co–existence.

The right of nations consists of four elements: the state of nature is a state of antagonism, the states are in the state of war in their external relations with each other, a federation of free states is based on some form of the social contract, and this federation may have no form of sovereign power.<sup>219</sup>

The consecutive essential principle of war prevention and perpetual peace constitution provides citizens with the cosmopolitan right. The right that allows people to travel and cooperate without being treated with aggression. Kant formulates it in the following lines: "Hospitality means the right of a foreigner not to be treated with hostility because he has arrived on the land

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<sup>217</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 488.

<sup>218</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 327.

<sup>219</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 482.

of another. The other can turn him away if this can be done without destroying him, but as long as he behaves peaceably where he is, he cannot be treated with hostility.”<sup>220</sup>

One can privilege the right to be a guest but the right to visit. With his concept of hospitality, Kant is developing the right to travel. Articulated like this, the right to travel “is directed against all kinds of authority over a foreign country, i.e. against imperialism and colonialism.”<sup>221</sup> Kant was a historical witness of conflicts brought about by the process of colonisation, and he was aware of its consequences. However, such acts of exploitation and manipulation did not pose an obstacle to people entering other societies and interrelating with their fellow humans. The people of one continent can visit the other continents and establish mutual relations. The governments, in this case, must “respect human rights not only of their own citizens but also of foreigners.”<sup>222</sup>

In Kant's philosophy, the notion of a world federation reflects the idea of the cosmopolitan whole. According to Kant's view, nature reaches its goal only when mutual relations, in the context of civil society and human freedom, are not in a situation of war. Under such conditions, natural capacities will complete their maximum abilities. “Construction of a cosmopolitan world order in which the relations among nations provide a set of moral and political conditions that, instead of constantly offering a setting for war, open possibilities for securing lasting peace.”<sup>223</sup>

Vital for creating such conditions is the establishment of a *cosmopolis* as a defensive safety net against countries' pretension threats to each other. However, the desire for wealth and greedy government leaders are obstacles to founding this defensive safety net. If this continues, war and destruction will ruin the chances for the cosmopolitan goal.

Finally, Kant summarises on the topic considering what is substantial to the purpose of perpetual peace and what nature does for this purpose: “Hence to the favouring of his moral purpose, and how it affords the guarantee that what man ought to do in accordance with laws of freedom but does not do, it is assured he will do, without prejudice to this freedom, even by

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<sup>220</sup> Ibid.

<sup>221</sup> Höffe, Otfried. "Some Kantian reflections on a world republic." *Kantian Review* 2 (1998): 51-71. p. 55.

<sup>222</sup> Kleingeld, Pauline, and P. Guyer. "Kant's theory of peace." *Cambridge Companion to Kant and Modern Philosophy* (2006): 477-504. p. 477.

<sup>223</sup> Rossi, Philip J. "Kant's Cosmopolitanism: Resource for Shaping a 'Just Peace'." (2012). p. 219.

a constraint of nature, and this in terms of all three relations of public right: the right of a state, the right of nations and cosmopolitan right.”<sup>224</sup>

His teleologically formulated idea is that natural providence will lead to this end. As one can see, Kant, unlike the other cosmopolitan thinkers, does not share the opinion that the state is simply a political construction that does not contain any moral value. If this is true, then the state is merely a constructed institutional entity designed to coordinate the political relationships between people.<sup>225</sup>

### **The Juridical State of States, World Republic, and Cosmopolitan Democracy as a possible resolution for Kant's International Order Theory**

Proponents of the state of states model and philosophers who want to impose that Kant was simply another just war theorist are more than willing to modify Kant's theory of the federation of the free states. They are trying to use “Kant against Kant to advocate the establishment of a world government.”<sup>226</sup> In the work of Sharon Byrd and Joachim Hruschka, we can find such an interpretation of Kant's arguments.<sup>227</sup> They believe that Kant changed his own opinion, or plan as authors state, and that his work on the topic of war and peace is not consistent.

In that period, Kant was a mature thinker without any radical revolution in his life and work. Therefore, the presumption that he drastically changed his opinion on this matter is hardly reliable. “When it comes to Kant's work, “Towards Perpetual Peace” takes up where “The Metaphysics of Morals” stops.”<sup>228</sup> From my point of view, the diverse interpretation of Kant's perpetual peace task is speculative. Therefore, “Perpetual peace as a concrete regulative principle for the refashioning of just war theory”<sup>229</sup> must be a guideline for relevant research on the topic. Kant's thoughts from perpetual peace must be taken in the same manner as even

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<sup>224</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 334.

<sup>225</sup> Brown, Garrett Wallace. "Bringing the state back into cosmopolitanism: The idea of responsible cosmopolitan states." *Political Studies Review* 9, no. 1 (2011): 53-66. p. 56.

<sup>226</sup> Kleingeld, Pauline. "Approaching perpetual peace: Kant's defence of a league of states and his ideal of a world federation." *European Journal of Philosophy* 12, no. 3 (2004). p. 304.

<sup>227</sup> Byrd, B. Sharon, and Joachim Hruschka. "From the state of nature to the juridical state of states." *Law and Philosophy* 27, no. 6 (2008): 599-641.

<sup>228</sup> Williams, H., 2012. *Kant and the end of war: A critique of just war theory*. Springer.

<sup>229</sup> Rossi, Philip J. "Kant's Cosmopolitanism: Resource for Shaping a 'Just Peace'." (2012). p. 220.

he suggests himself. The beginning of his work is a philosophical essay that reconsiders the peace projects of that era.<sup>230</sup> So, the initial grasping of Kant's reasoning is mistaken.

Kant presents enough passages with different argumentation, and I will try to offer them here. He imagined legal relations among the nations as an analogy to those of individuals in the state of nature. For him, "the state of nature is deeply immoral—and indeed every state of nature, including that pertaining between states—so that the aim must always be to overcome this as well."<sup>231</sup> He attempted to overcome this state of natural position and find a solution for legal world order in the formula of a state of states as the consequence of international relations, a worldwide republic consisting of the nation—states instead of persons. However, Kant almost immediately realizes that this solution bears uncertainties and that what is right *in hypothesis* does not work very well in practice. The single world state is not the correct theoretical answer as it may appear at the first look. Sometimes, Kant's argumentation is not entirely coherent in every part of his work. He offers negative surrogates instead of the final solutions. Still, he is always unequivocal when he argues about the things which are not acceptable in the future international order.

On the other hand, the line of thinking in Byrd and Hruschka's article claims that the international order arguments are laid in the "Doctrine of Right". They make an analogy between the position of individuals in the state of nature and the position of states in international relations, quite oppositely from Riley<sup>232</sup>, who claims that: "Kant did not believe that states were in quite the same position as men in a state of nature, that they were under the same obligation to leave that condition as natural men." After a detailed analysis of the Doctrine of Right, Byrd and Hruschka concluded that Kant changed his position since the first edition of the "Towards Perpetual Peace". Their arguments related to Kant's explanation of exiting the state of nature and entering the juridical state with republican governance. They argue that Kant's final stand on world peace was that all nations of the world must join a juridical state of the nation—states, much like the individual nation—states we inhabit today. This juridical state of the nation—states would be equipped with a judiciary and coercive power to enforce the judgments it reaches.

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<sup>230</sup> Abbe St. Pierre and Treaty of Utrecht

<sup>231</sup> Joas, Hans, and Wolfgang Knöbl. *War in social thought*. Princeton University Press, 2012. p. 52.

<sup>232</sup> Riley, Patrick. "Federalism in Kant's political philosophy." *Publius* 9, no. 4 (1979): 43-64. p. 54.



Nevertheless, Kant points out: "This would be a league of nations, which, however, need not be a state of nations. That would be a contradiction. In as much as every state involves the relation of a superior (legislating) to an inferior (obeying, namely the people). However, many nations within one state would constitute only one nation, and this contradicts the presupposition."<sup>233</sup>

Once it is implemented, republican governance of the state determines the individuality of its people. Kant has in mind the right of individual people in the universal relation and not people melted in one giant state with despotic governance. In the "Metaphysics of Morals", he puts the same idea in another phrase: "By a congress is here understood only a voluntary coalition of different states which can be dissolved at any time, not a federation which is based on a constitution and can therefore not be dissolved. Only by such a congress can the idea of a public right of nations be realised, one to be established for deciding their disputes in a civil way, as if by a lawsuit, rather than in a barbaric way, namely by war".<sup>234</sup>

Their commentary adopts thinking that Kant's statements on legal philosophy were unsatisfactory before the Doctrine of Right. Kant's lectures in 1784, in "On the common saying: That may be correct in theory, but it is of no use in practice", of 1793, in "Towards Perpetual Peace" of 1795, and in his short comments in many other works, are steps toward the system of legal philosophy that unfolds in the "Metaphysics of Morals" (Doctrine of Right) of 1797. "They are steps towards his system, but they do not already contain the system itself."<sup>235</sup> Their approach is described in the following: "The dramatic change in Kant's theory of the state and the ideal international arrangement for states can be traced to Kant's deeper development of the concept of a *juridical state* (rechtlicher Zustand) in the Doctrine of Right."<sup>236</sup>

Byrd and Hruschka suggest that it is plausible that Kant makes mistakes while he is trying to establish his theory. They presume this as Kant's final position and that he should be perceived as a just war theorist. They appear to endorse the extremely subverting idea that Kant allows

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<sup>233</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 326.

<sup>234</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 488.

<sup>235</sup> Williams, Howard. *Kant and the end of war: A critique of just war theory*. Springer, 2012. p. 54.

<sup>236</sup> Byrd, B. Sharon, and Joachim Hruschka. "From the state of nature to the juridical state of states." *Law and Philosophy* 27, no. 6 (2008): 599-641. p. 604.

wars to be waged to force other states into a peaceful federation of states or what they describe as a juridical state of states. This view opens the way for Kant's doctrine to be arranged by those enthusiastic proponents of the modern just war theory "who wish to extend their economic and political system to new territories by force if necessary."<sup>237</sup> The lack of agreement is based on the idea that Kant's loose, negative surrogate of the federation of free states is the correspondent to his arguments on the state of nature. Most of Byrd and Hruschka's argumentation is trying to identify the state of nature with the state of states.

In contrast, Kant's entitlement to human freedom lies in how "the international order providing conditions for peace comes about as a voluntary federation of states. Unlike the coerced movement that brings individuals out of the juridical state of nature, movement out of the international state of nature is, in an important measure, uncoerced."<sup>238</sup> On the other hand, Byrd and Hruschka reflect relations among states in analogy with those of individuals in the state of nature. As individuals must enter a legal condition to overcome the state of nature, nation-states must also enter a legal condition like that of civil society, known in Kant's writings as the federation of the free states. Byrd and Hruschka find further divergence in the following parts of Kant's quotes: "However, what holds in accordance with a natural right for human beings in a lawless condition, cannot hold for states in accordance with the right of nations (since, like states, they already have a rightful constitution internally and hence have outgrown the constraint of others to bring them under a more extended law-governed constitution in accordance with their concepts of right)."<sup>239</sup>

Moreover, in the "Metaphysics of Morals", Kant discusses the original right free states have to wage war against each other in the state of nature (for example, to establish a state approaching the juridical state).<sup>240</sup> Byrd and Hruschka neglect the rest of the text. After this sentence, Kant continues in the following way: "As regards the original right that free states in a state of nature have to go to war with one another (in order, perhaps, to establish a condition more closely approaching a rightful condition)." The first question is: "What right has a state against its subjects to use them for war against other states? To expand their goods and even their lives in

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<sup>237</sup> Williams, Howard. *Kant and the end of war: A critique of just war theory*. Springer, 2012. p. 55.

<sup>238</sup> Rossi, Philip J. "Kant's Cosmopolitanism: Resource for Shaping a 'Just Peace'." (2012). p. 229.

<sup>239</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 327.

<sup>240</sup> Byrd, B. Sharon, and Joachim Hruschka. "From the state of nature to the juridical state of states." *Law and Philosophy* 27, no. 6 (2008): 599-641. p. 624.

it, or to put them at risk, in such a way that, whether they shall go to war does not depend on their own judgment, but they may be sent into it by the supreme command of the sovereign?"<sup>241</sup>

If one takes a straight look at these two pieces of Kant's work, he will immediately see that in the "Metaphysics of Morals" (Doctrine of Right), we could find only several<sup>242</sup> paragraphs dedicated to the problem of the just war. Yet, even there we can see that "practical reason pronounces in us its irresistible veto: there is to be no war, neither war between you and me in the state of nature nor war between us as states, which, although they are internally in a lawful condition, are still externally (in relation to one another) in a lawless condition; for war is not the way in which everyone should seek his rights."<sup>243</sup> Then again, "Towards Perpetual Peace" is entirely dedicated to this problem. "Although there are discrepancies between the Doctrine of Right and Perpetual Peace in the way they adopt the possible legitimacy of the just war, they are far from being entirely incompatible with one another."<sup>244</sup>

There is only one way the states concerning one another "can leave the lawless condition, which involves nothing but war. It is that, like individual human beings, they give up their lawless freedom, accommodate themselves to public coercive laws, and so form a state of nations that would finally encompass all the nations of the earth".<sup>245</sup>

Instead of the definite idea of the world republic, Kant suggests that the negative substitute of a league that prevents war is the only institution that can stop aggression. However, it is fragile and can easily be broken. Does Kant have elements of just war theory in his philosophy? "Although Kant accepts the regular war account of what war is, he rejects its account of its justification."<sup>246</sup> Would he be familiar with the right to conduct the war counter to non-republican states? Kant clearly says: "No state shall forcibly interfere in the constitution and

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<sup>241</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 483.

<sup>242</sup> Kant's discussion of a number of matters that lie within the scope of classical just war theory is included under the more general heading of *The Right of Nations* (das Volkerrecht), a relatively brief section of nine pages in toto (AA 6: 343 – 351 [§§53– 61]); this is followed by a section on *Cosmopolitan Right* (das Weltburgerrecht) (AA 6: 352 –353 [§ 62]) and a "Conclusion" (AA6: 354 – 355) (Rossi, 2012:217)

<sup>243</sup> Kant, Immanuel (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 491.

<sup>244</sup> Williams, Howard. *Kant and the end of war: A critique of just war theory*. Springer, 2012. p. 7.

<sup>245</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 328.

<sup>246</sup> Ripstein, Arthur. "Just war, regular war, and Perpetual Peace." *Kant-Studien* 107, no. 1 (2016): 179-195. p. 190.

government of another state".<sup>247</sup> The goal of perpetual peace is happening only by the enlightened improvement of the establishments of all states until they reach the form of government in Kant's political theory known as republicanism. This development could be achieved only in a peaceful manner. The republican nation cannot use force as a solution for peace. This case is in contradiction to the idea of right. Further argumentation goes in the direction of the problem of international legal order in the contemporary era seen through the existence of the League of Nations and the United Nations.

Habermas is another significant thinker who will revive Kant's ideas of international order in the contemporary era.<sup>248</sup> He describes Kant's theory only by three main arguments: perpetual peace as a final goal, the federation of free states as a project, the idea of the cosmopolitan order as the solution of the proposed project. The critics like Kleingeld<sup>249</sup> reacted that "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." At the same time, Habermas is "sceptical of grandiose plans for a world state or global federal republic."<sup>250</sup>

Many Habermas's arguments concerning this matter are already explained in the Chapter Five of this thesis (see p.64 and onwards) and here I will try to expand those which are related to the issues of just war. Habermas states that: "Kant recognized, however, that the idea of a world republic could degenerate into something different from a supranational legal order."<sup>251</sup>

Kant's suggestion for a cosmopolitan "international order is on the establishment of an adjudicatory order for the settlement of disputes that would otherwise lead to war."<sup>252</sup> The new institutional design of the international order ranges from minimal intergovernmental models to proposals advocating a world government with full coercive authority. Proponents of the minimal intergovernmental prototype promote a league of states without coercive power. On

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<sup>247</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 319.

<sup>248</sup> Habermas, Jürgen. *Inclusion of the other: Studies in political theory*. John Wiley & Sons, 2018. p. 165.

<sup>249</sup> Kleingeld, Pauline. "Approaching perpetual peace: Kant's defence of a league of states and his ideal of a world federation." *European Journal of Philosophy* 12, no. 3 (2004). p. 304.

<sup>250</sup> Scheuerman, William E. "All Power to the (State-less?) General Assembly!" *Constellations* 15, no. 4 (2008): 485-492. p. 485.

<sup>251</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006. p. 123.

<sup>252</sup> Rossi, Philip J. "Kant's Cosmopolitanism: Resource for Shaping a 'Just Peace'." (2012). p. 230.

the other hand, the world republic advocates like Höffe<sup>253</sup> see its character as minimal statehood. Höffe suggests that the *Preamble to the General Declaration of Human Rights* (1948) “demands more than this and specifies three tasks for the United Nations: protection of human rights, encouragement of international cooperation and encouragement of social progress and better living conditions under greater freedom.” Two different types of reasoning are present among those who invoke a world government. We have philosophers who promote the state of states model and those trying to establish a theory of cosmopolitan democracy.

In opposition, Jürgen Habermas goes in another direction with his cosmopolitan democracy theory. His criticism of the federation of free states does not imply that he favours the idea of a world republic or state of states. In the “Kantian Project and the Divided West”, he points out the thesis about the process of “constitution of international law”<sup>254</sup> This theory implies change of international legislature with the idea of defending human rights. These rights are the cornerstone of Kant’s cosmopolitan law. In a multi-level global system, Habermas says, “the classical function of the state as the guarantor of security, law, and freedom would be transferred to a supranational world organisation specialised in securing peace and implementing human rights worldwide.”<sup>255</sup>

Kant, on the contrary, says in the second definitive article of perpetual peace that this constitution should be in the form of the league of nations and not a state of states and emphasises: “That would be a contradiction, in as much as every state involves the relation of a superior to an inferior; but a number of nations within one state would constitute only one nation, and this contradicts the presupposition (since here we have to consider the right of nations in relation to one another insofar as they comprise different states and are not to be fused into a single state)”<sup>256</sup>

In other words, the general rational will of individuals is creating the constitution. The international order is viewed as the logical continuation of the national to global state evolution. What is missing is a supranational power above the competing states that would provide the international community with the executive and sanctioning powers required to implement and

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<sup>253</sup> Höffe, Otfried. "Some Kantian reflections on a world republic." *Kantian Review* 2 (1998): 51-71. p. 59.

<sup>254</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006. p. 115.

<sup>255</sup> Habermas, Jürgen. "The constitutionalization of international law and the legitimation problems of a constitution for world society." *Constellations* 15, no. 4 (2008): 444-455. p. 445.

<sup>256</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 325.

enforce its rules and decisions. The classical international order is already a kind of constitution because it creates a legal community between parties with formally equal rights. "This international proto-constitution differs in essential respects from a republican constitution."<sup>257</sup>

It is composed of collective participants rather than individual persons, and it shapes and coordinates powers rather than founding new governmental authorities. Compared with a constitution in the strict sense, the international community of sovereign states has no necessary force of standard legal requirements. Only voluntary restrictions on sovereignty, the rejection of its core element, and the right to war can transform parties to treaties into members of a politically constituted community. A league of nations and the prohibition of war are logical extensions of a development connected with the membership status of the subjects of international order. States must be supplemented at the supranational level by "legislative and adjudicative bodies."<sup>258</sup> Besides, they need sanctioning powers if they want to become a community capable of taking political initiatives and executing joint decisions. In developing a process of constitution of international law, a priority of horizontal relations between member states over centralised practical competencies points to an opposite evolutionary direction to that of the ancestors of the constitutional state. It proceeds from the non-hierarchical association of collective participants to the supranational and transnational organisations of international order.

Unlike Kant's league, a reformed world organization has more extensive powers. It is supposed to serve as a "supranational executive authority",<sup>259</sup> providing the international community with adequate means to put its rules and decisions into effect, even if Habermas emphasizes that the states are to remain in control of the means of coercion. His model also extends the scope of responsibilities. The league is established for the sole purpose of dealing with conflicts between the states, whereas the world organization is additionally supposed to protect fundamental human rights globally.

World republic would not have the necessary legitimacy. A political community that wants to recognize itself as a democracy must distinguish between the members and non-members. As we see, the argument of the world republic is not necessary for creating binding international law. Habermas develops this argument against the background of Kant's interpretation. Kant

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<sup>257</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006. p. 133.

<sup>258</sup> Ibid.

<sup>259</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006. p. 158.

rejects the world republic because of the despotic governance possibility favouring the negative surrogate of the *foedus pacificum*. Kant has concluded by observing the similarity between the state of nature among individuals and lawless international relations. Therefore, only one option is the legitimate one, and that is the world republic as a minimal state.<sup>260</sup> Conversely, according to Habermas<sup>261</sup>, if the only way of overcoming the individual state of nature is *republican* governance, then the solution for differences between sovereign states goes toward a world republic.

The states should be considered seriously as warrantors of legally secured freedom among individuals. But, first, one must not perceive national legislation in the same way as international legislation. Habermas<sup>262</sup> suggests that we understand the establishment of a just system of international law as complementary rather than as analogous to the establishment of just national legal systems. The second reason why to think of the international rule of law as integral, and not like the national rule of law, is that promoting the rule of law in the two spheres of influence involves challenges that are in a certain way opposite and therefore call for different solutions.

The deficiency of executive and sanctioning powers implies that what is necessary for forming a cosmopolitan legal order is, in the end, a world republic. However, the point of emphasizing the priority of the horizontal associations among the states is conflicting. First, Habermas shows that a legal constitution can be separate from a hierarchical state construction conceptually and in practice. For this reason, Habermas speaks of the classical European order of states as a “proto–constitution that creates a legal community among parties with formally equal rights.”<sup>263</sup> Second, and more crucially, emphasizing the imbalance between the national and the international cases is meant to show that the challenge of binding state power by law externally is substantially different from the difficulty of binding state power by law internally, and subsequently the recent calls for a different solution than the latter.

### **Critical Observations**

Although Kant discusses the issues of *Jus ad Bellum*, *Jus in Bello* and *Jus Postbellum* in his political philosophy, his consideration of the topic has the goal to constitute peace as the highest

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<sup>260</sup> Höffe, Otfried. "Some Kantian reflections on a world republic." *Kantian Review* 2 (1998): 51-71. p. 57.

<sup>261</sup> Habermas, Jürgen. *The Divided West*. Polity Press Ltd. 2006.

<sup>262</sup> *Ibid.*

<sup>263</sup> Mikalsen, Kjartan Koch. "Kant and Habermas on international law." *Ratio Juris* 26, no. 2 (2013): 302-324. p. 312.

political good. Kant “can have a conception of right in war, against the background of his more general view that war is by its nature barbaric and to be repudiated entirely.”<sup>264</sup> However, he cannot be proclaimed as a just war theorist like Orend<sup>265</sup> suggests, only because he discusses those issues. In the same manner, we can develop the theoretical position that Descartes and Spinoza were medieval scholastics because they addressed the issue of substance, for example. Just because Kant was not a pacifist and postulates some self-defence arguments, in the Doctrine of Rights does not necessarily mean that he was a just war theorist. The missing element and the reason why we cannot claim Kant to be a just war theorist is the moral justification of the punitive warring between the nation-states. I conclude that supporting Kant's ideas outweigh the arguments against doing so. Kant's contribution to building an international order is immeasurable. He offers a robust and steady theory of international order if we follow his philosophical system.

Also, one could easily link Kant's thought with the conception of sovereignty. “World organization must be worked out in terms of sovereignty, in terms of a free federation of corporate bodies voluntarily obeying international law, and not a world law for individuals.”<sup>266</sup> However, for Kant, sovereignty is more than a juridical principle of international order.

Furthermore, the relations of moral agents in the republican constitution are analogue to relations of sovereign states. Every other possibility would be to treat the others just as means and not as ends. The next step of Kant's theory, the federation of the Free states, is the one with the highest level of objections. Kant's federation of the free states, congress of states, and league of nations or pacific league is vulnerable to criticism. Besides, the moral grounds of the federation of the free states, as the only argument for its justification, provide even more problems. Kant is aware that his regulation of international relations has some antinomian elements, and because of this, he builds the voluntary negative surrogate approach in his international order theory.

Peace is the final and the ultimate goal of humanity, and the only acceptable means for reaching that goal need to be peaceful. Hence, worldwide peace has no less status for Kant than the highest political good<sup>267</sup>, and international order must establish cosmopolitan law. From Kant's universalistic perspective, every human life has equal moral value. In this way, Kant's theory

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<sup>264</sup> Ripstein, Arthur. "Just war, regular war, and Perpetual Peace." *Kant-Studien* 107, no. 1 (2016): 179-195. p. 180.

<sup>265</sup> Orend, Brian. "Kant's Just War Theory." *Journal of the History of Philosophy* 37, no. 2 (1999):323-353.

<sup>266</sup> Riley, Patrick. "Federalism in Kant's political philosophy." *Publius* 9, no. 4 (1979): 43-64. p. 54.

<sup>267</sup> Höffe, Otfried. "Some Kantian reflections on a world republic." *Kantian Review* 2 (1998): 51-71. p. 51.



of international order offers an option to establish the doctrine of universal human rights. This argument is a starting point of his inner debate and an ongoing academic discussion. Proofs for such a claim could derive from various attempts to reformulate, improve, “perfect”, and reconsider this fragment of Kant’s theory.

From all the arguments presented above, the one called cosmopolitan democracy attracts most of the attention. Habermas continually tries to modify Kant’s theory and solve the paradoxical Kant’s arguments discussed above. The nation–states would have to give up their sovereignty to a certain extent and transfer it to the supra–national level, and Habermas has a multi–level legal order in mind. From the devoted supporter of the concept of cosmopolitan democracy and international law with supranational and transnational coercive powers, his opinion slides into a not as much of extreme position with time. He realised that not every humanitarian intervention is necessarily compatible with the Kantian platform and advances toward a proper civil constitution. This point of view is also unfamiliar with Kant’s analogy amongst moral citizens and the state. Implementing international laws by force is alien to Kant’s ethical and international law theories. Suppose we have a moral responsibility toward others and are concerned about how their governments treat citizens of other states. In that case, we must find a peaceful solution instead of punishment and just war.

There is a need for changes in the current situation in this fast–shifting world. Development of the conceptual international order based on the interdependence of the communities is necessary, and in consequence, we must consider some of the arguments Habermas offers. Suppose we do not elaborate those arguments searching for better solutions and fail to resolve from the Kantian standpoint. In that case, the possibility of ending up in some hegemon ruled world republic or juridical states of states remains plausible, and one of the imaginable insinuations could be the further analysis of the cosmopolitan right.

### **Peace, Challenges of Cosmopolitanism and Globalisation**

The phenomenon of world unification is not something unknown on the historical stage. On the contrary, attempts to unify the world have existed throughout the whole history of humankind. As the first effort of this kind, many historians highlight Alexander the Great’s attempt to “Hellenize” the territories he conquered. Another example is the Roman empire and its juridical codes that dominated the world in history. Finally, among the significant cases of earlier attempts of world unification, historians stress the emergence and development of monotheistic religions that aimed to spread their learning to the whole world.

The idea of universalising the world, to use the term in Kant's spirit, was present in Kant's era of Enlightenment. However, Kant builds the cosmopolitan right theory from a different perspective. Thomlinson points this out and says: "It is Kant, indeed, who in his famous seminal text on cosmopolitanism not only looks back for his model to classical Greece and Rome but forwards."<sup>268</sup> Kant's approach is not cyclical but teleological, and the idea of progress through reason dominates his standpoint. Pogge defines this type of Kant's argumentation as "enlightenment", which supposes to "promote the development and flourishing of reason."<sup>269</sup> That means that events in history may have similarities, but each one is unique and mysterious to human reason. That is leading us to oppose views on the notion of cosmopolitanism, the visions of different dimensions of contemporary cosmopolitanism, and its developments.

The Kantian classical cosmopolitan approach in international relations is still actual, besides many alterations since his time. One classical view we can find in Dowdeswell: "Kant's Cosmopolitanism is based upon universal and fundamental moral principles, the first of which is that all human beings are part of a universal moral community in which each person is equal in dignity and worth."<sup>270</sup> Literature review on the topic will reveal many theoretical positions in contemporary political philosophy and compare them. Another goal is to put an innovative vision of Kant's philosophical principles and confront them to existing concepts. I will analyse viewpoints within the cosmopolitan right theory and its processes from several angles and critically reflect on the thinking that will appear problematic during the research. The analysis starts from Kantian ideas that are substantial for developing the concept of cosmopolitanism.

### **Cosmopolitan Right, International Relations, and the Global issues**

Which writings are the ones that can give us insights into Kant's cosmopolitan theory? The main arguments can be found in section three, on the public right titled "On Cosmopolitan right" in "Doctrine of Right", in the third definitive article in "Towards Perpetual Peace", and in "Idea for a Universal History with a Cosmopolitan Aim". All the works take a different approach to the same topic. In the following, I will discuss Kant's universal and teleological insights because they contain many essential hints for Kant's understanding of politics and

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<sup>268</sup> Tomlinson, John. "Cultural globalization." *The Blackwell companion to globalization* Malden, MA: Blackwell Publishing (2007): 352-366. p. 358.

<sup>269</sup> Pogge, TW. "Kant's Theory of Justice." *Kant-Studien* 79, no. 4 (1988): 407-433. p. 415.

<sup>270</sup> Dowdeswell, Tracey. "Cosmopolitanism, custom, and complexity: Kant's cosmopolitan norms in action." *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 3, no. 3 (2011): 176-196. p.176.

international relations. This section should display the hypothesis that Kant's cosmopolitanism is to be interpreted as a view that contains at its essence the thought of a world state as the destination of humanity's historical progress. "All natural predispositions of a creature are determined sometime to develop themselves completely and purposively."<sup>271</sup>

I will begin with something significant for understanding Kant's concept of the relations among states in a relationship similar to one in the state of nature. It is also crucial for comprehending the role perpetual peace plays in his approach to international relations. For Kant, namely, the aim of perpetual peace cannot be achieved by political means alone. The success of the peace project depends on something other than politics. For Kant, that something is the work of the ethical principle, the moral progress of the human being. Of course, moral progress has a point of meeting with political progress. However, where does morality match political development?

In the "Metaphysics of Morals", Kant defines freedom as follows: "(independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity."<sup>272</sup> Moreover, freedom is a condition of any practical action: freedom of will to exercise other rights when needed. Kant illustrates the legal and political context by which he wants to bring all people into a similar, rightful social position to be inclusive members of society. Therefore, Kant primarily talks about morality and freedom of will when he talks about right. Thus, innate freedom is a natural right that humans have independently of any social organisation.

Then again, in the second proposition in the "Idea for a Universal History with a Cosmopolitan Aim", he will emphasise individuals' predisposition toward social organisation and says: "In the human being (as the only rational creature on earth), those predispositions whose goal is the use of his reason were to develop completely only in the species, but not in the individual."<sup>273</sup> Morality matches social and political development, not in progress of the individual and its reason and freedom, but initially in the society, later in the state, and in the

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<sup>271</sup> Immanuel Kant (1784) "Idea for a Universal History with a Cosmopolitan Aim", in Rorty, Amélie, and James Schmidt, eds. *Kant's Idea for a Universal History with a Cosmopolitan Aim*. Cambridge University Press, 2009. p. 11.

<sup>272</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 393.

<sup>273</sup> Immanuel Kant (1784) "Idea for a Universal History with a Cosmopolitan Aim", in Rorty, Amélie, and James Schmidt, eds. *Kant's Idea for a Universal History with a Cosmopolitan Aim*. Cambridge University Press, 2009. p. 11.

end in a cosmopolitan community of nations. Finally, Kant tries to resolve the tension between the individual and society in the following way. The footnote of the first definitive article for perpetual peace defines external, rightful freedom as: "it is the warrant to obey no other external laws than those to which I could have given my consent."<sup>274</sup>

To strengthen this natural right and resolve the tension between the individual and society to protect human beings' need for socialisation legally, Kant introduces a form of public human right as a citizen of the Earth: cosmopolitan right. Thus, the third definitive article of Perpetual Peace prescribes: "Cosmopolitan right shall be limited to conditions of universal hospitality."<sup>275</sup> The right to hospitality does not include the right to a settlement because a special agreement must regulate this right in accordance with the law of each state. Kant points out that prescribing and ensuring the cosmopolitan right "is not a question of philanthropy but of right."<sup>276</sup>

Therefore, this fundamental right does not protect human beings as citizens of a particular state but as people who encounter other people who inhabit the Earth. "This right, since it has to do with the possible union of all nations with a view to certain universal laws for their possible commerce, can be called cosmopolitan right (*ius cosmopoliticum*)."<sup>277</sup> As in the case of natural, innate rights, which a person has regardless of the civil status and will of one state, the justification of the right to visit other states, does not depend on the specific positive legislation of each state. Kant was the first philosopher to move a part of his theory of mandatory public right from the framework of an individual state to the framework of the whole world by demanding that cosmopolitan law, as the right of a citizen of the Earth, be a positive legal right. In this way, he surpassed the traditional understanding of international law, whose collective subjects, states, and individuals only indirectly enabled membership in the association of free and equal citizens of the world. Kant's cosmopolitan citizen anticipated the contemporary individual with guaranteed fundamental human rights.

The subsequent issue is about Cosmopolitanism being understood as Globalisation realised. The recent literature on Kant and Globalisation deserves special attention. The scope of

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<sup>274</sup> Immanuel Kant, (1795) "Toward perpetual peace: A philosophical sketch" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 323.

<sup>275</sup> Ibid., 328.

<sup>276</sup> Ibid.

<sup>277</sup> Immanuel Kant, (1797) "Metaphysics of Morals" in "Immanuel Kant: practical philosophy." (Cambridge university press, 1996), p. 489.

published work on the topic in the last forty years is enormous. I will emphasise some of the authors, such as Choi.<sup>278</sup> In his work “Beyond Kantian liberalism: Peace through globalisation?” he explains that the main goal is to redefine and discuss arguments from Kant’s conception of cosmopolitan right and analyse how this perspective can solve some of the current political challenges of Globalisation. That will be achieved by thoroughly analysing Kantian political thinking concerning the contemporary Globalisation processes. Discussion about the “distributional theory of liberal peace”,<sup>279</sup> which critiques the “Kantian democratic peace hypothesis”,<sup>280</sup> would be an indication for exploration. Such an approach should help to avoid equivocal arguments.

Choi claims that although Globalisation is a phenomenon that dominates the spirit of our historical time, its effect on international conflict and issues of war remains unexplored. Proponents of the contemporary interpretations of Immanuel Kant’s perpetual peace arguments suggest each element of the Kantian peace, such as “democracy, economic interdependence, and international organisations”,<sup>281</sup> as a solution for stopping the persistent nature of international wars. Still, these explanations miss the fundamental meaning of Kant’s peace theory. Choi notes: “it is not an individual element which leads to a less conflictual world, but rather all three elements working in conjunction which creates perpetual peace.”<sup>282</sup> So, in the social sciences literature regarding Globalisation today, we can find versions of the Kantian cosmopolitan theory. Nevertheless, by examining only one of the elements of Kant’s theory, we draw conclusions that contradict the original theory entirely. For example, failing to perceive Globalisation as a multidimensional process, scholars refer to simply one of its characteristics “such as trade or foreign direct investment (FDI), and find its effect on international peace to be detrimental, while other studies report that globalisation has a pacifying effect on international conflict.”<sup>283</sup>

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<sup>278</sup> Choi, Seung-Whan. "Beyond Kantian liberalism: Peace through globalization?." *Conflict Management and Peace Science* 27, no. 3 (2010): 272-295. p. 272.

<sup>279</sup> Schneider, Gerald. "War in the era of economic globalization." *The Blackwell Companion to Globalization*, Malden, MA: Blackwell Publishing (2007): 630-643. p. 632.

<sup>280</sup> *Ibid.*, 630.

<sup>281</sup> Oneal, John R., and Bruce Russett. "The Kantian peace: The pacific benefits of democracy, interdependence, and international organizations, 1885–1992." *World politics* 52, no. 1 (1999): 1-37.

<sup>282</sup> Choi, Seung-Whan. "Beyond Kantian liberalism: Peace through globalization?." *Conflict Management and Peace Science* 27, no. 3 (2010): 272-295. p. 272.

<sup>283</sup> *Ibid.*, p. 273.

Alternatively, one exceptional analysis of the “Kantian peace” is provided explained through the “Kantian variable” method we can find in Oneal and Russett’s article. Their goal is to explore, are there any objective pacific benefits of Kantian main political ideas using “Kantian variable”? They say: “In keeping with the Kantian perspective, we expand our analysis beyond the democratic peace (and liberal peace theory) incorporating the influence of economically important trade and joint memberships in international organisations.”<sup>284</sup> Instead of economic policy and trade only, they will focus their research on the level of democracy, including fundamental human rights, independence, and level of participation in the international governmental organisations. “Kantian variable” is the statistical method that analyses randomly (pooled cross) sampled individual states (in pairs (dyads)) and their relations at different points of time.<sup>285</sup> The research was done for all three elements of “Kantian peace theory”. It showed the following results: “compared with the typical dyad, the risk that the more democratic dyad will become engaged in a dispute is reduced by 36 percent. If the dyad is more autocratic, the danger of conflict is increased by 56 percent. A higher dyadic trade-to GDP ratio cuts the incidence of conflict by 49 percent.”<sup>286</sup> Their subsequent research,<sup>287</sup> “The Third Leg of the Kantian Tripod for Peace: International Organizations and Militarized Disputes,” limited only on statistics regarding the last element of the “Kantian variable” provide even higher results. “Kantian variables reduce the likelihood of a dispute by 72 percent.”<sup>288</sup>

## **Summary**

Insufficiently comprehensive interpretation of Kant’s political philosophy and its sometimes external use for research purposes has led to doubts about Kant’s political philosophy. The result is the same, whether a just war theory or Kant’s cosmopolitanism. Ambiguity around Kant’s ideas is created. Perhaps some of the answers can be put down in the following. Before, when the issues of just war and cosmopolitanism were debated in the academic community, they used to have a certain a priori and closed (metaphysical) form. Today, when the issues of

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<sup>284</sup> Oneal, John R., and Bruce Russett. "The Kantian peace: The pacific benefits of democracy, interdependence, and international organizations, 1885–1992." *World politics* 52, no. 1 (1999): 1-37. p. 3.

<sup>285</sup> 1885 -1992

<sup>286</sup> Oneal, John R., and Bruce Russett. "The Kantian peace: The pacific benefits of democracy, interdependence, and international organizations, 1885–1992." *World politics* 52, no. 1 (1999): 1-37. p. 26.

<sup>287</sup> Russett, Bruce, John R. Oneal, and David R. Davis. "The third leg of the Kantian tripod for peace: International organizations and militarized disputes, 1950–85." *International Organization* 52, no. 3 (1998): 441-467.

<sup>288</sup> *Ibid.*, 462.

just war and cosmopolitanism have gained more extensive empirical content, and the phenomenon can be observed daily, the structure of its interpretation has also changed. Rossi, for example, says that Kant's work: "provide a particularly useful lens through which to examine the dynamics of globalization for their effectiveness in promoting an international order capable of securing a just and stable world peace."<sup>289</sup> The prevailing belief is that these issues can be solved by a deeper analysis of the process of globalization, given that this process carries some tensions and contains elements and contradictions of both just war theory and cosmopolitan right theory.

## **Chapter 7. The Processes of Globalisation**

Therefore, my next aim is to revisit Popper's critique of the social sciences methodology in light of contemporary theories of globalisation. This approach should point out the ambiguities that the Globalisation theory authors in social sciences make by referring to Kant's arguments incoherently. Frequent selective references to Kant, adding the adjective "Kantian" to concepts that Kant himself never discussed, understanding Kant's teleology as a "historical" necessity, created a series of arguments that can be explained analogously using Popper's critique of the methodology of the social sciences. Concerning this matter, Hacoen will notice the following: "His political philosophy provides an ideal site for investigating the dilemmas of liberal cosmopolitanism. He reworked Immanuel Kant's cosmopolitanism into liberal politics and shares some of the problems of his universalism. Kant assumed the convergence of separate national histories into a universal history issuing in a world federation, guaranteeing rights to all members—individuals and states alike."<sup>290</sup>

In addition to this analysis, I will try to describe the phenomena accompanying this analysis. Popper's standpoint contributes to the establishment of new arguments in the current debate between the pros and cons of globalisation. Here, neoliberalism, the dark side of globalisation, is carefully scrutinised since it is the most controversial consequence of the world's transformation. Not only does neoliberalisation accelerate the rapid growth of the free market, but its consequences are such that most sovereign nation-states have abandoned the previously de rigueur welfare policies.

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<sup>289</sup> Rossi, Philip J. "Globalization and Cosmopolitanism: Tracing a Kantian Trajectory to Peace." *Globalization* 1: 1-2006. p.162.

<sup>290</sup> Hacoen, Malachi Haim. "Dilemmas of Cosmopolitanism: Karl Popper, Jewish Identity, and "Central European Culture"." *The Journal of Modern History* 71, no. 1 (1999): 105-149. p. 109.

Paradoxically, the neoliberal economic programme, invoking liberal values with little in common, encourages activities that threaten traditional liberal values. Against such an approach, I oppose the arguments presented in Popper's critique of historicism and holism in order to revise the methodology that provides the grounds for current globalisation theories through philosophical research. Furthermore, I integrate the facts into a coherent critical argument to point out the shortcomings of these theories and how they can be corrected. Finally, in proposing plausible solutions for the new role of the sovereign nation–state in correcting the negative consequences of the globalisation process, I clarify which aspects within the theories of globalisation require further philosophical research.

## **Introduction**

This chapter aims to inquire about the current globalisation processes and their interrelatedness with global theory, neoliberal ideology, and Popper's liberal philosophy, in line with the concept of sovereignty. In the first part of the chapter, the arguments of a contemporary global theory are described, and its ideological side, distinguished as neoliberalism, examined. At the same time, I seek to determine how Popper's liberal political philosophy, especially his methodological insights, laterally associated with the concept of sovereignty, can be used to resolve the current theoretical ambiguities. This issue is investigated from a sociological and philosophically reflexive point of view, even though much of what is illustrated is also relevant to a broader range of social sciences.

The global theory has been discussed in the social sciences since the early 1980s. The global theory also has its other side, neoliberal ideology. These two sides of the same coin are often critiqued together, and I seek to evenly analyse the arguments from both perspectives. As is well known, Karl Popper disapproved of researchers using social science methods that contained holistic and historicistic types of arguments in their research, presenting them as a significant threat to liberal values. However, advocates of globalisation theory developed their ideas within such approaches (see, for instance, Fukuyama)<sup>291</sup>. In the post–Cold War period, interest has been keen on founding sociological concepts highlighting the liberal–democratic ideal's superiority. Much of contemporary social sciences enquiry has been constructed in that way. Sociological–scientific research from a holistic perspective has been pursued by Giddens<sup>292</sup>, for example. On the other hand, opposite attitudes and critiques of neoliberalism

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<sup>291</sup> Fukuyama, Francis (1989) "The end of history? ", *The national interest* (16): 3—18.

<sup>292</sup> Giddens, Anthony (1993). "Modernity, history, democracy". *Theory and Society*: 289—292.



can also be found in the work of the contemporary researchers of the historicistic 'neo-Marxist perspective' (see, for instance, Harvey)<sup>293</sup>.

Today, regardless of the theoretical position that one advocate, the COVID-19 pandemic give us cause for reconsideration of globalisation theory. In only a few months since the virus outbreak, we can observe how "globalisation in times of corona will structurally change the prevailing view on the relevance of borders and buffers."<sup>294</sup> The consequences of closing state borders and lockdowns have already been devastating for the global economy, but essential changes are required. The impact of the COVID-19 pandemic may lead to the structural transformation of the globalisation process. Despite the confrontation with the pandemic in our everyday lives, supervenient neoliberal economic policies are still increasing.

In the situation of ever more desired solidarity, multinational companies are trying to sell ventilators and other medical equipment necessary for the battle against the pandemic for higher prices under unbelievable conditions. It is an extreme example of the unregulated global free market and a clear sign that we need a different social arrangement than the one provided by the neoliberal political economy: neoliberalism with its practices and policies such as the one described above abuses the fundamental values of liberalism. Under the pretext of being economically efficient and protecting basic human rights, neoliberalism seeks to control human and natural resources in all possible ways through an excess emphasis on the freedom of individuals and fewer regulations and controls for redistribution by the state.<sup>295</sup> As a result, the principles of equity, equality and freedom of choice that underlie all liberal values have been violated in the worst way. We are in a paradoxical situation, where an ideology that claims to protect human rights at its foundation violates those rights most brutally.

While 'the COVID-19 coronavirus pandemic gave scholars and social theorists an excellent opportunity to think about how this situation can change our ideas about the world'<sup>296</sup>, Klein<sup>297</sup>

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<sup>293</sup> Harvey, David. *A Brief History of Neoliberalism*. Oxford University Press, USA, 2007.

<sup>294</sup> Brakman, Steven, Harry Garretsen, & Arjen van Witteloostuijn (2020). "The turn from just—in—time to just—in—case globalisation in and after times of COVID—19 An essay on the risk re—appraisal of borders and buffers." *Social Sciences & Humanities Open*: 100034. p. 3.

<sup>295</sup> Friedman, Milton. *Capitalism and freedom: With the assistance of Rose D. Friedman*. University of Chicago Press, 1962. and Friedman, Milton. *Bright promises, dismal performance: An economist's protest*. San Diego: Harcourt Brace Jovanovich, 1983.

<sup>296</sup> Zhyhal, Ivan. "Living under Coronavirus Conditions: Between "Bare life" and Everyday Practices" *Revista de Filosofie Aplicata* 3, no. Summer (2020): 3-33. p. 24.

<sup>297</sup> Klein, Naomi. *The Shock Doctrine: The Rise of Disaster Capitalism*. New York: Picador, 2008.

has warned of the possible outbreak of neoliberalistic “disaster capitalism” at the global level. Many theories outlined in the past few decades in social sciences are now under scrutiny, especially those historicistically established ones which predict a *flat*, borderless world (Friedman, 2005).<sup>298</sup> The pandemic phenomenon<sup>299</sup>, of course, can be analysed at various levels. One example is the following statement: “Such a focus on individual responsibility, necessary as it is, functions as ideology the moment it serves to obfuscate the big question of how to change our entire economic and social system. The struggle against the coronavirus can only be fought together with the struggle against ideological mystifications, plus as part of a general ecological struggle.”<sup>300</sup>

Therefore, we can see that the neoliberal demeanour has the pretension to be a social theory, determined by general laws of social sciences. Following Popper’s argument, we will open a debate that raises the following question: why is it possible to predict natural phenomena but not social actions? Why are we not capable of establishing applicable unconditional scientific predictions in the sphere of the social sciences? Should the criticism toward historicism and holism used in Popper’s analysis be chosen to criticise the neoliberal political economy? These and related questions and arguments are discussed in sections 4 and 5. The discussion is mainly carried on at a methodological level, presenting concrete examples in the presentation of the arguments.

How historicism–holism matters are dealt with here contrasts with the ways found in previous debates on the topic? Time distance and many new data and experiences collected by various recent encounters, such as the pandemic and ecological issues, have created a new field of research. Much of the previous research is marked by ambiguity in terms of its basic concepts and argumentation. We have tried to avoid this by defining concepts carefully and by formalising arguments when appropriate. I have also tried to avoid the limitations of global

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<sup>298</sup> Friedman, Thomas L. *The World is Flat: A brief history of the twenty-first century*. New York: Farrar, Straus, and Giroux, 2005.

<sup>299</sup> In a sociological study of the early global pandemic of avian influenza (aka bird flu) in the 1990s, Davis (2005) explored ways in which the economic globalist system sustained by neoliberal ideology hindered the global response to the pandemic flu, including interfering with the fair and immediate distribution of an effective vaccine (large international medical corporations were only eligible to develop it with the investment of large amounts of capital) to people in both domestic and international society.

<sup>300</sup> Žižek, Slavoj (2020a). "Is Barbarism with a Human Face Our Fate?". *Critical Inquiry*, March 18. <https://critinq.wordpress.com/2020/03/18/is-barbarism-with-a-human-face-our-fate/>

theory by analysing the problem at a very profound methodological level, as it pertains to social science in general, and I have sought to reach conclusions about fundamentals before turning to issues that are more specifically sociological.

After a preliminary sketch of a global theory, different views are presented in the debate to explain globalisation from its market-oriented perspective. We start by discussing various types of criticism along with the negative consequences of neoliberal ideology. In this part of the article, we draw heavily on sociological research. In the section that follows, however, the focus is on matters that have received less attention in the study. A particular line of thought runs through this section and serves as a central thread in the exposition: globalisation from its ideological side – neoliberalism and its problems.

I present a framework of how particular social phenomena formally viewed as typical are composed of several layers covering different aspects of social life. As shown here, global theory offers explanations of the social phenomenon of world unification, while neoliberal ideology uses the same global theory semantics but only offers dubious economic practices. Accordingly, we discuss how historicistic and holistic perspectives may be preferred by researchers who want to describe a society in a simplified, non-methodological fashion. We further discuss the possibilities of finding applicable social planning concepts and reinventing sovereignty. In conclusion, I show how applying a historicistic and holistic perspective may be risky for matters of global justice.

### **Globalisation: Social Theories of the World Shift**

Globalisation refers to a historical process that transforms the spatial organisation of social relations, generating transcontinental or interregional systems of interaction and power. In particular, as Wallerstein<sup>301</sup> explores, one of the significant consequences of globalisation was a unification and integration of all territories into a coherent economic sphere in the restructuring of the political, technological and even cultural structures of different regions into a coherent global system. Browning says, for instance, that “globalisation is primarily a theory that links political economy to a wider web of social relations to provide a comprehensive

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<sup>301</sup> Wallerstein, Immanuel. *The modern world-system: Capitalist agriculture and the origins of the European world-economy in the sixteenth century*. Vol. 974. New York: Academic Press, 1974.

explanation of the present. Its key concept, globalisation, is highly suggestive and captures undoubted features of the present, and yet it is ambiguous and elusive.”<sup>302</sup>

Since the end of the 20th century, with the ending of the most dominant international political system – the Cold War–era bipolar order – we have begun to witness the advent of a new model of globalisation and its consequences. Social theorists such as Beck<sup>303</sup> and sociologists such as Giddens<sup>304</sup> and Held<sup>305</sup> have theorised the course of this latest globalisation from its early stages at the turn of this century. According to Beck<sup>306</sup>, contemporary globalisation has to be understood as a process of radical transformation of our social world more than before. He means that globalisation not only has an effect on the macro–structure of our economic and political status quo, it also influences our sense of individual living in modern civil society. In the same vein, Giddens<sup>307</sup> noted that it facilitates our ontological questioning by increasing our sense of personal freedom and choice in everyday life (e.g. intimate relationships and daily activities in our locales) in the global context. From those accounts, it appears that globalisation must be identified as a question of our existence in the new century, as well as a radical shift in the political economy of the world today: hope and anxiety increasingly coexist within globalisation. While those theorists of globalisation have stressed the advent of a transnational civil society as a result (Beck, for example), instead of early modern civil society segmented by national borders, it should be noted that they have also focused on the socio–political differentiation progress in that process within the turbulence of the post–Cold War world.<sup>308</sup> In reality, while globalisation was expected to unite the world into a coherent social structure in the conquest of political and cultural differences, one must remember how many civil wars and political conflicts among different social and cultural groups occurred at the end of the last and the beginning of this century.<sup>309</sup>

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<sup>302</sup> Browning, Gary K. "A globalist ideology of post-Marxism? Hardt and Negri's empire." In *Taking Ideology Seriously*, pp. 87-102. Routledge, 2018. p. 195.

<sup>303</sup> Beck, Ulrich. *What is Globalization?* Cambridge: Polity Press, 2000.

<sup>304</sup> Giddens, Anthony. *Runaway world: How globalization is reshaping our lives*. Taylor & Francis, 2003.

<sup>305</sup> Held, David. "Regulating globalization? The reinvention of politics." *International sociology* 15, no. 2 (2000): 394-408.

<sup>306</sup> Beck, Ulrich. *What is Globalization?* Cambridge: Polity Press. 2000

<sup>307</sup> Giddens, Anthony. *Runaway world: How globalization is reshaping our lives*. Taylor & Francis, 2003.

<sup>308</sup> Held, David. "Regulating globalization? The reinvention of politics." *International sociology* 15, no. 2 (2000): 394-408.

<sup>309</sup> Harbom and Wallenstein (2007:624) provide the data on 122 conflicts identified in the first 17 years after the Cold War ended. The civil wars in Syria (2011), Libya (2014) and Ukraine (2014, 2022) are not included in this list.

In a reflection of the social theories of globalisation mentioned above, Held and McGrew summarise globalisation as follows: “today, goods, capital, people, knowledge, images, communications, as well as crime, culture, pollutants, drugs, fashions, and beliefs, readily flow across territorial boundaries. Transnational networks, social movements, and relationships are extensive in virtually all areas of human activity.”<sup>310</sup> In addition to theoretical debates to identify what globalisation is, it is also pertinent to introduce a critical inquiry into the outcome of this profound social change over the last several decades. For those advocates, globalisation is an objective and a spontaneous, historically necessary planetary process aimed at creating a networked global economic system. At the same time, it is exclusively a project of political domination for its opponents.<sup>311</sup> This world integration process is based on the former’s sound business and economic basis. For the latter, it amounts to fragmentation, creating an ever more profound social gap between the worlds and conflicts of the social classes. According to Held and McGrew<sup>312</sup>, theoretically, these currents can be divided into the following schools of thought: globalists (including types of cosmopolitans and communitarians) and (anti-globalists) sceptics.

So-called globalists need to understand globalisation as a historical necessity. For them, the world of national economies, sovereign states and self-supporting cultures belong to the past. Unsustainable economic forces, transnational financial capital, corporations, and the world economic arbiter of the IMF transform sovereign countries and their economies into their local units. “State sovereignty over commodity and capital movements is willingly surrendered to the global market.”<sup>313</sup> Another prominent thinker similarly articulates this standpoint: “Competitive capitalism allied to liberal democracy is the culmination of historical development, a social order that reconciles economic efficiency with a mass democratic representation.”<sup>314</sup> Globalisation refers to the tendency towards the disappearance of national states and the slow abolition of their autonomy and sovereignty. Alternatively, speaking subtly, globalisation in that account gives the state no choice but to accommodate itself to the

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<sup>310</sup> Held, David, and Anthony McGrew. "Globalization and the liberal democratic state." *Government and opposition* 28, no. 2 (1993): 261-288. p. 262.

<sup>311</sup> Sassen, Saskia. "Two stops in today's new global geographies: shaping novel labor supplies and employment regimes." *American Behavioral Scientist* 52, no. 3 (2008): 457-496.

<sup>312</sup> Held, David, and Anthony McGrew. *Globalization/anti-globalization: Beyond the great divide*. Polity, 2007. p. 5.

<sup>313</sup> Harvey, David. *A Brief History of Neoliberalism*. Oxford University Press, USA, 2007. p. 66.

<sup>314</sup> Giddens, Anthony. "Modernity, history, democracy." *Theory and Society* (1993): 289-292. p. 289.

restructuring of the international world.<sup>315</sup> While some globalists expect that the reconstruction of sovereign states according to globalisation can result in an alternative civil society in a positive manner<sup>316</sup>, others see it as giving rise to a grave risk to our lives as a consequence of the dismantlement of the welfare state. For example, Bauman sharply warns about the shift as follows: "The most irritating of the barriers which the tide of globalisation must sweep out of the way is that of the sovereign nation–state: a nation–state trying in earnest to balance the books in order to protect its subjects and promote (as much as it can afford) the standards of just distribution and decent provision."<sup>317</sup>

Globalisation is signified according to several dimensions: technological evolution, time and space compression, and the reduction of distance and time required for increasingly diverse communications.

Contrary to globalists, so–called anti–globalists have a sharper negative view of the process of globalisation in a straightforward way.<sup>318</sup> They find that the globalisation process presented as an inevitable historical process, like natural events, is not sustainable for a more extended period. Their view is that globalisation creates three major financial and trade blocs, the European, Pacific–Asian, and American, not–unifying but dividing the world. However, instead of removing the barriers and sweeping away nation–states, the end of the prior and the beginning of this century indicate not only the non–disappearance of a nation–states but also an era of proliferation of newly independent states. Sovereign countries with strong economies are not merely passive but are themselves the creators of globalisation;<sup>319</sup> they set up rules that shape the world economy. For those strong opponents to the development of contemporary globalisation as a historical consequence, it can be feasible for them to understand that the basic structure of international dependence and reconstruction of social systems seen in the contemporary mode of globalisation is partly or mainly an inheritance of early colonisation and the former Cold War order. Such a historical legacy of our world history still very much affects the present structure of the global world in the 21st century.

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<sup>315</sup> Sassen, Saskia. "Two stops in today's new global geographies: shaping novel labor supplies and employment regimes." *American Behavioral Scientist* 52, no. 3 (2008): 457–496.

<sup>316</sup> Beck, Ulrich. "World at Risk." Trans. Ciaran Cronin. Cambridge: Polity, 2009.

<sup>317</sup> Bauman, Zygmunt. "Space in the globalising world." *Theoria* 48, no. 97 (2001): 1–22. p. 9–10.

<sup>318</sup> Held, David, and Anthony McGrew. "The end of the old order? Globalization and the prospects for world order." *Review of International Studies* 24, no. 5 (1998): 219–245. p. 220.

<sup>319</sup> Ulrich Beck (see 2002:42) defines this as 'Global unilateralism'.

Above all, with the growth of the interdependence of societies and states, there is an expanding circle of activity that has become transnational and cannot be managed exclusively within individual countries. The globalisation of the world economy is a typical case of the structure of global dependence, for instance. Nevertheless, one must realise that capital and the production–consumption system are by no means distributed fairly throughout the world. On the contrary, the superiority of multinational economic forces is increasing mobile capital and corporations at the expense of local economies and countries: “The concept of globalisation defines a universal process or set of operations which generate a multiplicity of linkages and interconnections which transcend the states and societies which make up the modern world system.”<sup>320</sup>

From the aspect of the international economy, globalisation refers to the production and distribution of products and services of similar type and quality worldwide. It is, therefore, a form of standardisation of goods and services, not their individualisation. Corporations that manage to perfect their products and services and adapt them to the global market trend become leaders. “As the new telos of capitalism, globalisation is much broader and fast in the scope and scale of the movement of capital and commodities.”<sup>321</sup> The most contradictory outcome of economic globalisation is the growth of the global market at the cost of increasing inequality and unfair distributions of capital, assets, products, and services in both global and domestic societies. No matter that radical economic globalists (e.g. Friedman<sup>322</sup>) claim “the world is flat” (no borders, no controls and no regulations except those which facilitate its free trade). It is necessary to acknowledge that “the global economy is skewed in favour of those already wealthy and most wealth continues to reinforce this pattern rather than draw more people into the shares” and “this is backed up by a liberal ideology that has proven itself as a powerful way.”<sup>323</sup>

Indeed, instead of the peaceful integration of the world, we have its fragmentation, in the form of the rise of political populism, religious fundamentalism, and aggressive, xenophobic

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<sup>320</sup> Held, David, and Anthony McGrew. "Globalization and the liberal democratic state." *Government and opposition* 28, no. 2 (1993): 261-288. p. 262.

<sup>321</sup> Heron, Taitu. "Globalization, neoliberalism and the exercise of human agency." *International Journal of politics, culture, and society* 20, no. 1 (2008): 85-101. p. 87.

<sup>322</sup> Friedman, Thomas L. *The World is Flat: A brief history of the twenty-first century*. New York: Farrar, Straus, and Giroux, 2005.

<sup>323</sup> Francis, Michael. "Global Structures of Inequality and Unequal Distribution of Wealth." In *Decent Work and Economic Growth*, pp. 490-498. Cham: Springer International Publishing, 2020. p. 8.

nationalism, with physical violence as the most crystalline form of this process. The globalisation process's pro and con views have resulted in a reconsideration of solidarity and social justice in the new light between the local and the global. Nevertheless, I want to emphasise that both sides commonly regard globalisation as a situation of increasing social uncertainty and contingency and the restructuring of society as a reaction to this. Beyond national borders and their control by the legitimated sovereign state, our lifeworld has become stretched beyond our sense of imagination and capacity. Using the metaphor of "juggernaut" (Giddens) or the reconfiguration of "risk" in the course of modernity (Beck), one may say that any theoretical debates on globalisation are intellectual challenges for realising how society can embrace several different degrees and levels of contingent outcomes occurring in every aspect of the world – the economic, the political and the cultural, among others.

Considering those implications, one can conclude that there are two underlying trends in debating globalisation. One is a theoretical exploration of globalisation: as we have seen, objective social processes are increasingly gaining a comprehensive, global character. In this sense, globalisation refers to the development of modern technology, communication and scientific research, the unification of economic and political institutions and models in various parts of the world, and the interconnection of different national and regional cultures and civilisations. Those theoretical explorations of contemporary globalisation yield both positive and negative consequences of globalisation through the restructuring of our social system and everyday life. However, they seemingly agree with the point that, in recognising the process of globalisation as a natural process of the social evolution of the world, or "within the globalisation", they do not give up drawing a better picture of globalisation that would entail the development of social justice and imagining a cosmopolitan sense of the world's diversity in that account.

### **Neoliberalism as an Ideological Side of the Global Political Economy**

We have observed that, in order to reconstitute a possible humane global society, some social theorists did not mean to neglect the increasing complexity and uncertainty of the world in its description. Nevertheless, the ongoing social process is reluctant to tackle such complexity and uncertainty and increase social disparity and the problematic distribution of well-being. In turn, a utopian ideology of the achievement of the free market is sustained by the re-organised or



“disorganised”<sup>324</sup> capitalism around the globe. As Browning<sup>325</sup> indicates, this ideology, which has radically affected the reconstruction of domestic economic, political, and even cultural structures, is found to be a central dogma of the contemporary world: it is a new political economy of neoliberalism.

According to Braedley and Luxton’s genealogy of neoliberalism<sup>326</sup>, it is a political philosophy that can be understood in the context of modern liberalism. For them, liberalism’s primary value is individual human freedom from coercion and servitude, which neoliberals believe is inevitably tried to capitalism as a system that promotes expansions of wealth and allows people the freedom to pursue wealth, and therefore to pursue their desires<sup>327</sup>. Historically, they have been opposed to anything related to collectivism and economic redistribution by the state or other authorities since they insist that they offer an individual’s freedom and choice according to their own will. More importantly, instead of organisational activities and social interventions of the state, which have long been demonstrated by the welfare state, they see the facilitation of individual contentions as a valuable source of social good.<sup>328</sup>

As a result of this, the world economy is more important than sovereign states, and it has global supremacy over the local. In a more nuanced way, in the neoliberalistic ideology, the state, for the sake of the accumulation of further capital and making common cause with the global market, is highly encouraged to relax legal regulations, reduce taxation, and privatise. As Harvey defines it: “neoliberalism is in the first instance a theory of political, economic practices which proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices.”<sup>329</sup>

Policies related to the redistribution of capital are reformed or dismantled since they interfere with market growth and economic competition. Individual freedom is respected and supported, but there is no organisational support for maintenance or rehabilitation for one’s wellbeing is

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<sup>324</sup> Lash, S., and J. Urry. "The end of organised capitalism" Polity, 1987.

<sup>325</sup> Browning, Gary K. "A globalist ideology of post-Marxism? Hardt and Negri's empire." In *Taking Ideology Seriously*, pp. 87-102. Routledge, 2018. p.193.

<sup>326</sup> Braedley, Susan, and M. Luxton. "Competing philosophies." *Neoliberalism and everyday life* (2010): 3-21.

<sup>327</sup> *Ibid.*, 7.

<sup>328</sup> *Ibid.*, 8.

<sup>329</sup> Harvey, David. *A brief history of neoliberalism*. Oxford University Press, USA, 2007. p. 2.

shrunk to the mantra of “freedom of choice of individuals” attached to the strong connotation of “self-responsibility”. Although several countries commenced early neoliberal reforms of the state (e.g. the UK, the US, China and Chile)<sup>330</sup>, the influence of radical neoliberalistic policy reform has been found in many post-socialist countries.

For instance, the breakdown of socialism in the countries of Eastern Europe has resulted in neoliberalism being a boosting formula, which has proven to be economically superior for those who spread it. “The general circulation of ideas about globalisation has been stimulated by the neoliberal discourse and policies that were adopted and canvassed by leaders of global powers governments, international institutions, and global corporations in the wake of the downfall of communism in the Soviet Union and Eastern Europe.”<sup>331</sup> Now neoliberalistic social reform is profoundly seen in other aspirational states of the world, such as in Asia<sup>332</sup> and Africa.<sup>333</sup>

This support also “comes from supranational organisations and the adjudication of international courts”<sup>334</sup>, which have the power to make decisions that are often inconsistent with the theory of positive international law but are purely a political-economic mechanism for controlling the global speculative capital market. “Neoliberals are convinced that global markets can both make economies more efficient and meet demands for redistributive justice”<sup>335</sup> Ironically, thanks to such neoliberalistic social reform, those states can be involved in the global market of free trade and gain capital accumulation at the cost of increasing economic disparity, the breakdown of social cooperation and a lack of an adequate welfare programme for their populations.

Therefore, the neoliberal project is extremely controversial and not concerned with the principles of justice. Harvey accounts for the political consequence of neoliberalistic social reform, stating that the “profoundly anti-democratic nature of neoliberalism backed by the authoritarianism of the neoconservatives surely should be the focus of the future political

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<sup>330</sup> Ibid.

<sup>331</sup> Browning, Gary. *Global theory from Kant to Hardt and Negri*. Basingstoke and New York: Palgrave Macmillan, 2011. p. 83.

<sup>332</sup> Ong, Aihwa. "Neoliberalism as Exception: Mutations in Citizenship and Sovereignty." Durham, NC: Duke University Press, 2006.

<sup>333</sup> Poku, Nana, and Jim Whitman. *Africa under neoliberalism*. Routledge, 2017.

<sup>334</sup> Habermas, Jürgen. *The divided west*. John Wiley & Sons, 2014. p. 73. see also Habermas, Jürgen. "Crossing Globalization's Valley of Tears." *New Perspectives Quarterly* 17, no. 4 (2000): 51-57.

<sup>335</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p. 90.

struggle.”<sup>336</sup> As Harvey observes, the unfortunate consequence of neoliberalistic social reform with rapid privatisation in the domestic economies of many countries in South America is a severe insolvable increase in social disparity and inequality among the people. In 1994, Forbes magazine’s list of the wealthiest people in the world revealed that Mexico’s economic restructuring had produced twenty–four new billionaires under the enormous severe financial crisis of the state.<sup>337</sup> The point here is that the more the world becomes ‘flat’ through the growth of the global economic market, along with neoliberalism, the more the socio–economic lives of the people of the world grow. So does the state that goes in hand with the global neoliberalist market, neglecting the increasing social gap between the people in domestic society.

Finally, given that the origin of contemporary neoliberalism is oriented to the traditional philosophical ideas of liberalism, we must proceed in our debate to the question of the development of alternative civil society in the era of globalisation. As seen above, neoliberalism is a mix of distorted and not–entirely–puzzled–out liberal ideas obtained by conservative selection and interpretation of traditional liberalist ideas. From that perspective, a nation–state is perceived as a necessary evil whose only function is to prevent the *bellum omnium contra omnes*. Therefore, it should only take care of the criminal law and maintain public and social order. The government needs to deal with the problems of regulating the economy, public health, social protection, culture, and education as little as possible, leaving these things to the free market. In contrast to those ideas, the most radical problem of neoliberalistic political and economic thinking is, we argue, that it only sees the external economic dimension of globalisation, which is regarded as equally essential as the movement of the planet, meaning that it cannot be a matter of will or choice. They are constructing a simplified utopianism from the emerging reality, idealising themselves and scorning the world of sceptics.<sup>338</sup>

Another deficiency of neoliberalism is the argument that every individual sovereignty, and even the sovereignty of national states, has historically been overcome and become obsolete. All human communities must join the world centre of military, political, economic, and cultural

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<sup>336</sup> Harvey, David. *A brief history of neoliberalism*. Oxford University Press, USA, 2007. p. 205.

<sup>337</sup> *Ibid.*, 103.

<sup>338</sup> In the neoliberalistic policy reform, of the risks individuals face due to the decline of adequate social or organisational aid provided by the state is, rather, employed to facilitate an increasing chance of ‘change’ or ‘success’ of the individual, highlighting one’s responsibility in the guise of personal freedom of choice. See Brown et al. on the analysis of the degeneration of national health policy for the youth in the UK, Canada, and Australia (Brown, Shoveller, Chabot and LaMontage, 2013).

power. We argue that the reinvention of the nation–state is essential since it will otherwise only support and regulate a robust process of homogenisation of globalisation regarding its economic and political reconfiguration. However, the role of the new nation–state should be viewed in respect of individual human rights and cultural diversity – contrary to the old idea of the ‘nation–state’ based on an imaginary nationalism – instead of following the dominant (and strong) ideological enforcement of the world’s neoliberalisation. That is because nation–states are still independent players in the world, all being involved in a global society. Given that globalisation today is full of complexity and uncertainty, the possibilities remain that the state is playful enough to affect and transform global society. Therefore, Beck says with expectation: “one can say contradictory things about the modern state: on the one hand, it is withering away, but, on the other, it must be re–invented, and both for a good reason.”<sup>339</sup>

### **Popper’s Liberal Critique in Response to Neoliberal Globalisation**

The cost of neoliberal economic policy is that it has led to a profound social gap between individuals across the world. Such socio–economic relations must be theoretically reformulated and based on a correct setting. Under the circumstances as such, what kind of critical interventions can we elaborate on through philosophical debate? For such purposes, we intend to criticise a neoliberal aspect of the globalisation theory through the lens of Karl Popper, a prominent liberal thinker. He offers his unique vision of the social sciences.

His perspective on the field came through contemplation of the nature of the social sciences, which requires that all facts must be systematically described and explained. Popper describes the quality of scientific prediction, which provides the basis for his critical review of *historicism* and *holism*. It is essential to highlight that Popper does not try to refute historicism. Instead, he wants to show that this method is flawed and not productive in social sciences. He convincingly illustrates how attractive social ideals, which have the most desirable goals, such as social justice, well–being and economic prosperity, can lead to disastrous consequences during their realisation.

The collapse of communism and the rise of the neoliberal tradition inspired various authors to construct early global theories. After all, the neoliberal economic concept and its opponents

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<sup>339</sup> Beck, Ulrich. *The reinvention of politics: Rethinking modernity in the global social order*. John Wiley & Sons, 2018. p. 139.

created a vast number of arguments in the social sciences.<sup>340</sup> We must emphasise that early global theory authors typically developed their theories around historically based arguments. Many of them used the authority and argumentation of respectful philosophers of *modernity*, such as Kant, Hegel, and Marx. They sought to reformulate arguments containing historicism elements and create new global theories.

Along with this, in recognition of the increasing social injustice of the world in this century, how can we weave a further theoretical intervention into the legacy of the modern? In that context, it is pertinent to note that, today, the question of modern science, as the principle code set of the constitution of the modern social system, is at stake.<sup>341</sup> In the same vein, we believe that Popper's critique of *historicism* and *holism* in the construction of society is highly applicable to the problem of the theoretical foundation of global theory and especially its neoliberal context.

Before examining his philosophical elaboration of the social sciences methodology, let us draw out the three conventional but dominant assumptions of society. "First, society is simply considered to be a collection of individuals, and every property of it is a result of aggregation of the properties of its members (individualism, atomism, and reductionism). Second, society can be characterised as a totality transcending its membership and is endowed with properties that cannot be traced back to either the properties of its members or the interactions among the latter, which idea calls for a conceptualisation of holism or collectivism, as we further discuss later. Lastly, society is observed as a system of interrelated individuals, that is, a system, and while some of its properties are aggregations of properties of its components, others are derived from the relationships among the latter (systemism)."<sup>342</sup>

All knowledge about society in the social sciences generally takes one of those assumptions or a combination of them. For instance, within sociology, an early sociologist attempted to

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<sup>340</sup> Chelcea, Liviu, and Oana Druță. "Zombie socialism and the rise of neoliberalism in post-socialist Central and Eastern Europe." *Eurasian Geography and Economics* 57, no. 4-5 (2016): 521-544. and Bohle, Dorothee, and Béla Greskovits. "Neoliberalism, embedded neoliberalism and neocorporatism: Towards transnational capitalism in Central-Eastern Europe." *West European Politics* 30, no. 3 (2007): 443-466.

<sup>341</sup> Latour, Bruno. *We have never been modern* Harvester Wheatsheaf, New York, 1993. and Haraway, Donna. "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." *Feminist Studies* 14, no. 3 (1988): 575-99. and Woolgar, Steve, and Bruno Latour. *Laboratory life: the construction of scientific facts*. Princeton University Press, 1986.

<sup>342</sup> Bunge, Mario. "A systems concept of society: Beyond individualism and holism." *Theory and Decision* 10, no. 1 (1979): 13-30. p. 13.

theorise modern society as a consequence of particular historical development, as well as premising *the social* as a whole in a social world.<sup>343</sup>

In an account of his analysis of modern knowledge from those perspectives, Popper describes his project as follows: "The topic of my address is prediction and prophecy in the social sciences. I intend to criticise the doctrine that it is the task of the social sciences to propound historical prophecies and that historical prophecies are needed if we wish to conduct politics in a rational way. I shall call this doctrine *historicism*. I consider *historicism* to be the relic of ancient superstition, even though the people who believe in it are usually convinced that it is a very new, progressive, revolutionary, and scientific theory."<sup>344</sup>

For Popper, rationalisation (in modern science) can reduce the unknown probability and unforeseen events in society by emphasising the reduction of complexity by knowledge. This process of rationalisation presents us with a prophetic picture of the future. Popper shows "that for strictly logical reasons, it is impossible for us to predict the future course of history"<sup>345</sup>

On the other hand, today's globalised world rests on the premise of this fatalism. This premise of historicism and holism as such is significantly represented by Fukuyama, for example, when he declared "the end of the history" at the advent of globalisation. Following the spirit of Hegelian legacy, he states: "What we may be witnessing is not just the end of the Cold War or the passing of a particular period of post-war history, but the end of history as such: that is, the endpoint of mankind's ideological evolution and the universalisation of Western liberal democracy as the final form of human government."<sup>346</sup>

Along with the notion of historicism, Popper often refers to the notion of holism.<sup>347</sup> Although arguable, Popper's philosophy of science in this line is thankfully insightful. One concern is that he, at a glance, adopts the notion of holism to mark the interaction between individuals as members of societies, as a source of generating contingencies on the established rationality. Against the grain of his focus on the communications between individuals, we argue that the

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<sup>343</sup> Durkheim, Emile. "The rules of sociological method (SA Solovay and JH Mueller, Trans.) New York." (1966).

<sup>344</sup> Popper, Karl. *Conjectures and refutations: The growth of scientific knowledge*. Routledge, 2014. p. 336.

<sup>345</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. xi

<sup>346</sup> Fukuyama, Francis. "The "end of history" 20 years later." *New Perspectives Quarterly* 27, no. 1 (2010): 7-10. p. 7.

<sup>347</sup> Demeulenare suggests that the idea of *holism* is often interpreted in a different way to this conventional sense of *holism* in traditional social science (Demeulenaere, 2000:3). An attempt to link the two meanings of *holism* sometimes can create confusion and misunderstanding. Popper, in the literature we are using in this article, clearly utilised the notion of holism (traditional social sciences meaning) to point out collectivist doctrines which are advancing the primacy of the group over the individual.

most valuable implications of Popper's holism should be drawn from the point that he probably paid more attention to the potential of our collective actions beyond a mass of individuals. He states that these groups are organic entities with their human rights: they can act and influence their members and shape their fates; groups as such (collectives) are subject only to their development laws. He states: "the social group is more than a simple total of its members, and it is also more than the merely personal relationships existing at any moment between any of its members."<sup>348</sup>

Historicism, which is partly entailed by holism (collectivism), suggests that history unfolds relentlessly and necessarily according to certain principles or rules and moves towards a definite end. Accordingly, the connection between holism and historiography reflects how holists stress that individuals are shaped within the social group they belong to. At the same time, historicism, even though it implies a sense of holistic connotation, instead claims that the social group is doomed by the exclusive conditions of the internal principles which determine its progress. Socialisation under the principle of this historicism, indeed, might call for the risk of being exclusive and the interrelated attitude concerning collective action, no matter how much it, supposedly represents a sense of a holistic view for the members, as well as the respect of individuals within it.

After all, these opinions, in the pursuit of the rational truth in scientific endeavour, lead to the concept of what Popper calls the "historicism doctrine of social sciences"<sup>349</sup> In a nutshell, he claims that the primary task of social sciences is to make predictions about the social and political development of humankind, and the function of politics, once key predictions are achieved, is to reduce the births pangs of future social and political development.

Popper thinks that the historicism view of social sciences is problematic in two ways. First, theoretically, it is wrong in the sense that it grounds itself in the principles of natural science and its methodology, which is absurd and socially dangerous because it inevitably leads to totalitarianism and authoritarianism. Second, Popper defends his view against a holistic kind of thinking or "so-called biological or organic theory of social structure"<sup>350</sup> in this account, stating that the social group is nothing more than the total number of its individuals and that

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<sup>348</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. 15.

<sup>349</sup> Popper, Karl. *Conjectures and refutations: The growth of scientific knowledge*. Routledge, 2014. p. 336.

<sup>350</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. 17

what is happening in history is mainly contingent and unpredictable, the result of individual actions.

To a large extent, there is no doubt that social planning with a pre-established schematic plan is ill-founded and inevitably catastrophic precisely because human actions have consequences that cannot be determined or foreseen in advance. Popper, therefore, stands at the point of view called 'historical indeterminism'<sup>351</sup>: "the idea that history does not involve itself with everything following fundamental laws or principles. That such rules, principles, and final predictions in social sciences are absent is uncertain as several social scientists and philosophers have explored through their critical analysis of the modern (e.g.)<sup>352</sup>, and historical necessity as such does not exist. Exact and detailed scientific, social predictions are, therefore, impossible."<sup>353</sup>

The differences between people in social politics are revealed through critical discussion, by argument, and never by force. Popper's strategy is more of an attempt to see the phenomenon more deeply, and he finds that every form of totalitarianism is constantly grounded on historical beliefs. Popper argues that historicism has its foundations in one of the eldest dreams of humanity. It is "a dream of prophecy."<sup>354</sup> We cannot predict future events and construct any reliable proficiency from historicist arguments. The historicists' views that have become apparent can be reassembled in the following way. They believe that it is possible to apply the same method as in the natural sciences, unaware that natural and social sciences rules are not comparable. Hence, Popper sees this argumentation as the problem and asks: "why is it possible at all to predict the eclipse of the Sun and the Moon, but not the revolution?"<sup>355</sup>

The additional issues Popper sets are those that attempt to demonstrate that historicism is founding its theoretical approach on an incorrect hypothesis regarding natural sciences. Popper, therefore, stands it out clearly: "Admittedly, all theoretical sciences are predicting sciences. Admittedly there are social sciences that are theoretical. But do these admissions imply – as the historicists believe – that the task of the social sciences is historical prophecy? It looks like it: but this impression disappears once we make a clear distinction between what I shall call

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<sup>351</sup> Popper, Karl. R. (1972). *Objective knowledge*. Vol. 360. (Oxford: Oxford University Press), p. 12.

<sup>352</sup> Appadurai, Arjun. *Banking on Words. The Failure of Language in the Age of Derivative Finance*, Chicago, University of Chicago Press, 2016.

<sup>353</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. 12.

<sup>354</sup> *Ibid.*, 32.

<sup>355</sup> Popper, Karl. *Conjectures and refutations: The growth of scientific knowledge*. Routledge, 2014. p. 337.



scientific prediction on the one side and unconditional historical prophecies on the other. Historicism fails to make this important distinction.”<sup>356</sup>

Popper's argument here can be reviewed in this way. With regard to the notion of prediction, Popper emphasizes the difference between conditional and unconditional scientific predictions. This indicates that these changes are interrelated. “Ordinary predictions in science are conditional.”<sup>357</sup> He uses several examples, primarily from economics, in which he notes that an economist, under certain social conditions, such as the lack of goods on the market, can predict the development of the black market. On the other hand, Popper finds out that: “Unconditional scientific predictions can sometimes be derived from these conditional scientific predictions, together with historical statements which assert that the conditions in question are fulfilled.”<sup>358</sup>

So, Popper claims that these two types of predictions can be mixed and create a false picture of unconditionality. Here he gives us the example from medicine which suffers from the same deficiency as the one from the economy, and concludes that these predictions do not have theoretical justification and that they “may be based, for example, on a dream--and by some accident, they may even come true.”<sup>359</sup> This means that the prediction in sciences is also conditioned and limited.

Furthermore, Popper develops two distinct arguments. First is that the social scientist from a historicist background use only conditional scientific predictions. The other is that they cannot make any long-term predictions because society is not “well – isolated, stationary, and recurrent. These systems are very rare in nature; modern society is surely not one of them.”<sup>360</sup> Popper compares this sort of prediction with those related to the circularity of the seasons, which is possible only in the solar system. “Contrary to popular belief, the analysis of such repetitive systems is not typical of natural science. These repetitive systems are special cases where scientific prediction becomes particularly impressive-but that is all.”<sup>361</sup>

That is why historicists make fundamental mistakes in their theories. In “The poverty of historicism”, Popper takes this in the following way: “such predictions are possible because of

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<sup>356</sup> Ibid., 339.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid., 340.

the immutability of our solar system, which is isolated from other operations by the vast quantity of space. Therefore, unconditional prophecies are opposed to conditional scientific predictions.”<sup>362</sup> Social scientists make mistakes when using predictions that are typical for natural sciences and especially physics. To recapitulate the argument, Popper explains it as follows: “From it, the history-oriented social scientists try to make the essence of their learning, and they fail to see how this kind of prediction works only in those systems that are isolated, static, and repetitive. But not as a method of scientific prophecy applied to human society and the history of humankind, which, of course, are not isolated systems, but are continually changing, developing, and not repeating.”<sup>363</sup>

Events in the history of humankind are exceptional, and as such, they cannot be repeated. For this reason, it is not possible to make historical, scientific predictions. Suitably, Popper raises the question: “it is a fact that we can predict solar eclipses with a high degree of precision, and for a long time ahead. Why should we not be able to predict revolutions?”<sup>364</sup> The idea that the eclipse is predictable does not provide us with a reason to think that we can foresee the upcoming revolutions or similar social events. Popper distinguishes what he calls social trend and what he considers scientific law, claiming that: “While scientific law is universal in its form, this trend can only express a single existential statement.”<sup>365</sup>

That is one of the most convincing arguments against historicism, and it is clear that historicists cannot make a difference between scientific trends and laws. This impossibility to methodologically ground their opinion makes social scientists from historicism backgrounds believe it is plausible to describe this modification by discovering the systems known throughout history. So, they thought that this would enable them to predict any future social event. Thus, this distinction is important because particular prophecies can be founded on conditional predictions and can only be drawn from universal scientific laws. Scientific predictions cannot be based on scientific trends for a simple reason. By changing the conditions, the very essence of the scientific trend changes. According to Popper, “there is no doubt that the habit of confusing the laws and trends, together with the intuitive observation of trends, such as technical progress, inspires the central doctrine of historicism.”<sup>366</sup>

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<sup>362</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. 118.

<sup>363</sup> Popper, Karl. *Conjectures and refutations: The growth of scientific knowledge*. Routledge, 2014. p. 340.

<sup>364</sup> *Ibid.*, 338.

<sup>365</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. 106.

<sup>366</sup> *Ibid.*

He does not call into question the reality of scientific trends. Also, he agrees with the idea that those trends can be practical or useful. Yet, the historicism approach, in the end, demands scientific explanation. Popper, for example, that the growth of knowledge and the increasing amount of information available to humanity has a significant position in the progress of humankind. In particular, it is unarguable that there is an underlying relationship between developments in scientific and technological knowledge and changes induced by globalisation processes. In summary, human history is influenced by the growth of human knowledge. Popper stresses that it is necessary to demonstrate that no one can scientifically predict the level of knowledge in the future and clearly says: "We cannot predict, by rational or scientific methods, the future growth of our scientific knowledge."<sup>367</sup>

I would now turn and draw a brief parallel between Popper's argument and Kant's philosophy of history that I described in previous chapters of the thesis. The growth of human knowledge and Kant's ethical and teleologically oriented argumentation come into close contact here. According to Popper, Kant's idea of human progress would be a utopian dream. In denying Kant's and all similar standpoints, he claims: "The democratic equivalent of this fairy-tale is the superstition that enough people of good will may be persuaded by rational argument to take planned action."<sup>368</sup> Although he never directly refers to Kant, we can see that some of Popper's arguments similarly challenge his standpoint as it does with historicism and holism.

Popper's analysis of these philosophies of history is reasonable. Society is, by him, seen as whole group of all its members, and the activities of its members are shaping society, not the opposite. Still, we can test social theories<sup>369</sup> "by way of predicting that certain developments will take place under certain conditions."<sup>370</sup>

As a result, Popper promoted what he calls piecemeal social engineering and modified utilitarianism as an accompanying ethical theory. According to his viewpoints, this is the crucial social sciences method by which the nation-state can set up its development. Applied to the globalisation process, this social development method attempts to put the right thing in the right place. The method does not try to oblige any member of society to a prejudiced notion of good. This argument will later fall under the communitarian critique of liberalism. The only thing that distinguishes Popper's views from liberals or communitarians and separates him

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<sup>367</sup> Popper, Karl. *The poverty of historicism*. Routledge, 2002. p. xii

<sup>368</sup> *Ibid.*, 42.

<sup>369</sup> Such testing only refutes possibility of predicting historical developments related to the growth of human knowledge

<sup>370</sup> *Ibid.*

from both sides of the debate is his unique ethical view on modified utilitarianism. As Popper says, it is “the art of minimising the total amount of suffering, rather than relying upon positive utilitarianism.”<sup>371</sup>

### **Sovereignty in the Neoliberal Era**

From Popper's account, we can reconceptualise the role of the sovereign state contra neoliberal global governance using his concept of piecemeal social engineering, which rejects the idea that social injustice can be fulfilled without the sovereign nation–state. The abolition of existing institutions and the removal of all constitutive elements which compose the nation–state would create a vacuum with unforeseeable consequences. It would completely change human rationality. On the other hand, a state must be perceived as political and, above all, legal creation and not as a nationalistic historical entity. As Esping–Andersen proposed in her research on the transition of the welfare state in the age of globalisation<sup>372</sup>, the state is still undoubtedly responsible for the lives of people in this era. Therefore, the nation–state is the only guarantor of fundamental human rights protection. Unlike his liberal colleagues, Popper significantly deviates from the liberal tradition of promoting the idea of effective mechanisms for the acquisition of wealth rather than tackling the social problems of society. Rational social planning is reflected in the reduction of human suffering. The role of the nation–state is to create an environment for such planning and bring about new social dynamics and structures that will correspond with the contemporary globalised era.

From another point of view, political philosophers have called the principle of sovereignty into question in recent decades, but it is still a central part of the social sciences. Changes in the global market, the rise of the neoliberal economy and political transition in the former communist bloc states have inspired political thinkers to create a new vision of sovereignty. With the help of the IMF and a significant number of freshly created non–governmental organisations, the transition was accomplished. As a result, the old concept of sovereignty became outdated, and the advocates of global theory started to diminish, terminate and criticise the role of the nation–state.

To explain this, Dabhbhour states: “The critique of sovereignty in recent philosophy focuses on what is usually called classical or Westphalian sovereignty. Sovereignty generally denotes the

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<sup>371</sup> Popper, Karl. *Conjectures and refutations: The growth of scientific knowledge*. Routledge, 2014. p. 345.

<sup>372</sup> Esping–Andersen, Gøsta & United Nations Research Institute for Social Development (1996). *Welfare States in Transition: National Adaptations in Global Economies*. (SAGE).

idea of authority over persons or property. The classical conception, often traced philosophically to Hobbes and legally to the 1648 Treaty of Westphalia, applies the notion of absolute authority to the internal relation between the state and its subjects. For a state or ruler to have sovereignty in this sense is to have absolute authority over a territory and its inhabitants.”<sup>373</sup>

Such sovereignty needs re-visiting in new, changed global relations because it is still a dominant part in evaluating the legitimacy of global political powers. Accordingly, Dahbour continues: “That is the idea that sovereignty constitutes the ultimate authority over a territory and its people when there is no higher arbiter or ruler, not when the scope of the authority is absolute or undivided. A corollary of this idea is that the highest authority is not a ruler or governmental institution, but the people from which the government or ruler derives their authority. The people, in other words, not the state, are sovereign.”<sup>374</sup>

Therefore, the new and changed classical concept of sovereignty with a sharp division of powers predicated on citizens’ government control is a possible solution for regulating erroneous globalisation processes. Meanwhile, it would not signify the revival of the totalitarian control of the state over the freedom and individual rights of people, what Chelcea and Druță<sup>375</sup> term ‘zombie socialism’ in accordance with neoliberal governmentality in the states of Central and Eastern Europe. The new constitution of the concept of sovereignty in which citizens establish their sovereignty over the nation–state is going to lead towards better international relations. With this reformulation, sovereignty, viewed as an anachronism, will get a new theoretical substance.

German social philosopher Jürgen Habermas investigated this topic and offered a plausible solution to the problem. He is a “philosopher capable of drawing on important sociological insights that deal with the problems and challenges posed by globalisation.”<sup>376</sup> In his work “Postnational Constellation”, Habermas realised that, with the fall of the Berlin Wall, modern society had begun the globalisation process, troubled with defects, but at the same time, a

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<sup>373</sup> Dahbour, Omar. "Advocating Sovereignty in an Age of Globalization." *Journal of Social Philosophy* 37, no. 1 (2006): 108-126. p. 109.

<sup>374</sup> Ibid.

<sup>375</sup> Chelcea, Liviu, and Oana Druță. (2016)"Zombie socialism and the rise of neoliberalism in post—socialist Central and Eastern Europe." *Eurasian Geography and Economics* 57, no. 4—5: 521—544.

<sup>376</sup> Lachapelle, Erick (2005). "Morality, Ethics, and Globalisation: Lessons from Kant, Hegel, Rawls, and Habermas", *Perspectives on Global Development and Technology* 4 (3): p. 641.

progressive idea that should be further designed and critically shaped. He also noted that the widening social gap<sup>377</sup> was becoming more prominent, and, as a mechanism for preventing it, he suggested the survival of the sovereign nation–state to the extent to which concern for the individual's social status would be its principal task. "Regarded as an ideal type, the change from princely to popular sovereignty also transforms the rights of "subjects" into the rights of human beings and citizens: into liberal and political civil rights, which guarantee both private and political autonomy."<sup>378</sup>

The sovereign national state should also consider the regulation of speculative capital and not allow this capital to be uncontrolled and destructive. The classical function of the state as the guarantor of security, "law and freedom should be transferred to a supranational world organisation specialised in securing peace and implementing human rights worldwide."<sup>379</sup> "While the state's sovereignty and monopoly on violence remain formally intact, the growing interdependencies of a world society challenge the basic premise that national politics, circumscribed within a determinate national territory, is still adequate to address the actual fates of an individual nation–state."<sup>380</sup>

Therefore, the sovereign state needs to put itself in the market, not to limit the national economy at state borders to encourage healthy competition, but to point towards piecemeal social engineering and not to allow the domination of speculative capital. The sovereign country should respond to the emergence of the global order by its transformation and opening it to multilateral cooperation<sup>381</sup>, while retaining all those mechanisms which will maintain a state of social equilibrium. "In complex societies, it is the deliberative opinion– and will– formation of citizens, grounded in the principles of popular sovereignty, that forms the ultimate medium for a form of abstract, legally constructed solidarity that reproduces itself through political participation."<sup>382</sup>

The mentioned neoliberal model of sweeping away the nation–state or the radical reconstruction of the sovereign state to accommodate global capitalism, where things should

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<sup>377</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p. 59.

<sup>378</sup> *Ibid.*, 65.

<sup>379</sup> Habermas, Jürgen. "The constitutionalization of international law and the legitimation problems of a constitution for world society." *Constellations* 15, no. 4 (2008): 444-455.

<sup>380</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p.70.

<sup>381</sup> Sassen, Saskia. "Two stops in today's new global geographies: shaping novel labor supplies and employment regimes." *American Behavioral Scientist* 52, no. 3 (2008): 457-496.

<sup>382</sup> Habermas, Jürgen. *The postnational constellation: Political essays*. John Wiley & Sons, 2018. p.76.

change fundamentally, is troubled. However, the possible rise of hyper neoliberal “disaster capitalism”<sup>383</sup> can be assumed in a time of increasing financial socio-economic disturbance on the globe: what we must recognise is, perhaps, that the current international social circumstances surrounding COVID-19 might quickly result in a call for an immediate reconstitution of the sovereign state in that manner. Although the neoliberal approach is doomed to failure, with the elimination of all institutions and relations of the nation-state, the correctives of individual rational behaviour would disappear. It would be impossible to start from scratch. So, in the process of shaping social life, we should not destroy the institutions and rules that give us some framework for successful social reforms.

## **Summary**

The outcome of the arguments reviewed and presented in this article can be summed up as follows. In theory, globalisation is an optimistic idea, having many humanitarian values. The declared goal of globalisation is the spread of the system of democracy and universal human rights. The number of democratically proclaimed countries in the world is growing every year. In a world where we identify democracy with civilisation as such, life under authoritarian systems seems to be lagging, uncivilised. Today, “at the beginning of the 21st century, the *conditio humana* cannot be understood nationally or locally but only globally.”<sup>384</sup> However, a global theory that describes these processes cannot be scientifically based if it is grounded in historicistically based arguments. An alternative methodological resolution is needed. The COVID-19 incident shows how planning with a pre-established schematic plan cannot work and how the global situation may suddenly change. Depending on its form, the globalisation process opens two entirely different directions that we, as humankind, can reach. In the social sphere, the ambiguity of globalisation is more than evident.

In practice, neoliberalism is the dark ideological side of a process that needs reformulation. Among the social sciences, economics is, for example, one of the most scientific disciplines, but it often tends to oversimplify our social world regarding economic rationality. The decisive influence of supranational institutions such as the International Monetary Fund, the World Bank, the G8, and NATO slowly turns the global elite into true sovereignty, a decision-maker beyond which there is no higher instance or democratic control. Economically dependent

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<sup>383</sup> Klein, Naomi. *The shock doctrine: The rise of disaster capitalism*. Macmillan, 2007.

<sup>384</sup> Beck, Ulrich. "The cosmopolitan society and its enemies." *Theory, culture & society* 19, no. 1-2 (2002): 17-44. p. 17.

sovereign states turn out to be local executors of the decisions recommended by supranational institutions. The proclamation of the abolition of the nation–state and sovereignty are an expression of this effort.

Popper's vision and some other social sciences theories can provide arguments for such a reformulation. The rejecting of historicism and holism is necessary for that. The piecemeal social engineering concept provides conceivable solutions for the better–defined policies in the domain of public health, social services, and education, and finally has its value in preserving the nation–state and its sovereignty. Together with the concept of piecemeal social engineering, a step–by–step approach in resolving current social problems is a must in the further development of global theory. Globalisation reveals to us that complexity and uncertainty are the nature of our society. Reflexive social sciences and related humanities such as philosophy must struggle with the increasing contingency of the whole world, rather than providing an excessive reductionism with the hyper–rationality of the world.

Still, the disagreement between global theory and neoliberalism does not have to be permanent. The revisited nation–state could be a solid basis for the resolution of the problem. If it moves toward a more socially and democratically regulated form of globalisation, humanity can save itself from the risk of an ecological, pandemic, or nuclear disaster, the dangerous growth of poverty or global terrorism. The actual conflict lies in the social nature, the traditional form of globalisation: whether it leads to the gradual and free spread of economic benefits or the globalisation of poverty, a war of various civilisations or their mutual enrichment, global democracy or an authoritarian world, ecological balance, or the unsustainable destruction of the natural environment. A human or non–human, democratic or authoritarian character of globalisation is a problem that we must try to observe in all its transformations. The COVID–19 pandemic does not signal just the limit of economic globalisation. It also signals the even more fatal limit of nationalist populism, which insists on full state sovereignty.<sup>385</sup>

Therefore, the conclusion is that some of the ideal settings of neoliberals can by no means be considered correct. If this theory is to maintain its dominant role in the world political stage, then it is necessary to make significant corrections. It is, therefore, clear that we must investigate the solution to the problem. In attempting to gradually transform some aspects of

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<sup>385</sup> Žižek, Slavoj (2020b). "Monitor and punish? Yes, please!" The Philosophical Salon, March 16. <https://thephilosophicalsalon.com/monitor—and—punish—yes—please/>



neoliberalism's academic setting, we must distinguish how the prefix does not conform to its predecessor theory and its already proven values. For example, the neoliberal doctrine in economics, which creates ways that promote free-market, for-profit corporate solutions, may succeed in producing company profits but ultimately fails in terms of democracy, fairness, and justice. So, the question is, how can globalisation be used to stabilise the world economically and to reduce negative social consequences, whether it is for individuals or states? Do we need a new immense prophetic social narrative after fascism, communism, and neoliberalism, or should we try the piecemeal social engineering approach? Can a re-visited *cosmo-politically* transformed nation-state be an initiator of the required social changes?

## **Chapter 8. Contemporary Political Philosophy and Kantian Tradition**

It covers the crucial elements of the contemporary political philosophy that correlate Kantian tradition, providing the basic scholarly argumentation, underlining the essential questions, and indicating the role of the public and academic sphere. The goal is to analyse and evaluate Kantian contributions and influences on contemporary political philosophy. It is more than a helpful line of argumentation for scholars interested in inquiring about the extensive account of issues arising from present political philosophy. My goal will be to confront the arguments close to Kant and his thought, considering both philosophers in the Kantian tradition against various opponent thinkers. The topic will be related to liberal democracy, the community's common good, and cosmopolitanism.

### **Introduction**

The primary theoretical debate in the contemporary era that includes a lot of arguments from Kant's political philosophy is the one between liberalism and communitarianism. Throughout political philosophy essays, Kant offers arguments in favour of what we today may call deontological liberalism. The ideas correlated with liberal thinking prevail over those related to the common good and community issues. For the purpose of the research, I will label Kant as a liberal philosopher. Essential characteristics of liberalism are individual liberty, free market, and democracy.

In contrast, communitarianism appeals to community accepted values, a person's social identity and limited economic policies. Karl Popper and John Rawls will be shown as typical representatives of liberalism and followers of the Kantian tradition. At the same time, the

critique of Michael Sandel, Charles Taylor, Alasdair Macintyre, and Michal Walzer will be presented from the Communitarianism perspective. However, this type of division is not perfectly precise, and in Sandel's and Walzer's thinking, we trace elements of different theories.

### **Cosmopolitan Open Society**

Even though he was always declaring that his primary interest was nature, Popper was always best known for his political thought by the wider public. "Like Kant's, Popper's liberalism is embedded in a comprehensive philosophical perspective on the nature of human knowledge, rationality, freedom of thought and action."<sup>386</sup> The most famous political philosophy was his critique of a closed society and spirited defence of freedom, individualism, cosmopolitanism, and democratic society.

His most significant works from social philosophy are "The Poverty of Historicism", already elaborated to some extent in the previous chapter and "The Open Society and Its Enemies", which in this chapter will serve as an example for the basic ideas of classical liberal political theory. Where is the origin of his political thought? As we can see: "Popper's cosmopolitanism involved limited conceptual innovation. His central ideas belonged to Kant: the state as a legal and political entity (not a cultural-historical one), the parallels between civil, national, and cosmopolitan rights, the universality of the moral imperative."<sup>387</sup> Popper applies his earlier constructed social sciences methodology and assumes that Plato's, Hegel's, and Marx's political theories are full of opposite and non-falsifiable propositions and must be entirely rejected. Plato's pessimistic historicism and essentialism presented in his Theory of Forms includes arguments on the degeneration of the society, division of the classes, state identification with its leader – king philosopher, monopoly over education and training, censorship, and autarky. Hegel's dialectical historical progress – the cunning of reason offers similar argumentation. While Marx will be observed through the critique of capitalism and the historical necessity of the class struggle and the concept of emancipation, which is the only thing that deserves analysis, according to Popper. A most essential part of his disagreement is also against historicism, the idea that, like scientific laws, there are laws of history with predictive value, allowing us to look and, more importantly, plan in advance.

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<sup>386</sup> Gray, John. *Liberalisms* (Routledge Revivals): Essays in Political Philosophy. Routledge, 2013. p. 11.

<sup>387</sup> Hacohen, Malachi Haim. "Dilemmas of Cosmopolitanism: Karl Popper, Jewish Identity, and "Central European Culture"." *The Journal of Modern History* 71, no. 1 (1999): 105-149. p. 142.

### **Popper's Liberal Critique of Collectivism and Totalitarianism**

Collectivism has its roots in antiquity and begins with criticism of Plato's conception of ethical collectivism and his view that Greek Polis comes before individuals who live in it. For Plato, only Polis has reality. Popper's liberal perspective perceives this as a dangerous idea to open society. The view that some collective social entity such as city, state or race has supremacy over actual living persons with their fundamental human rights is a central political principle of all totalitarian systems. Popper says: "Plato considers justice not as a relationship between individuals, but as a property of the whole state."<sup>388</sup>

Other typically closed society ideas are those of national – socialism and communism. Those ideas emphasised the supremacy of the race to justify their politics, while communists have spoken of class aims and interests to which the individual must bend. Nevertheless, the concept of race or class must never overpower individuals. "The magical or tribal or collectivist society will also be called the closed society, and the society in which individuals are confronted with personal decisions, the open society."<sup>389</sup>

National socialism and Marxism are connected through the identical form of creating judgements. That is the belief that it is possible to find out the direction of the historical movement of humankind. If you claim that you know the path into the bright future, then you can recommend to the people which way to follow. From this principled faith arises political fanaticism. "Their doctrine is that the state is everything, and the individual nothing; for he owes everything to the state, his physical as well as his spiritual existence."<sup>390</sup>

### **Democracy**

Like in Kant's case, the use of violence or revolution is not an option for Popper. Abolition of property is a dangerous social experiment. The market should be free from state intervention and regulated through Piecemeal Social Engineering and modified utilitarianism as the solutions for the progress of the democratic society. Modified utilitarianism aims to reduce the suffering of those who are not better off. "Such considerations lead us back to our plea for piecemeal, and against Utopian or holistic, methods of social engineering. And they lead us back to our demand that measures should be planned to fight concrete evils rather than establish some ideal good. State intervention should be limited to what is really necessary for the

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<sup>388</sup> Popper, Karl, Alan Ryan, and E. H. Gombrich. "The Open Society and Its Enemies, Princeton and Oxford." (2013). p. 87.

<sup>389</sup> Ibid., p. 165.

<sup>390</sup> Ibid., p. 246.

protection of freedom.”<sup>391</sup> Instead of believing prophecies, we must learn to make our fate and put the power under control. Developing of cosmopolitanism, liberalism and the innate human right to freedom is understood as the only barrier against all forms of despotism.

### **John Rawls and Kantian Interpretation**

Rawls is the second author whose arguments I will present in the chapter. He was a unique political philosopher. In his works “Justice as Fairness”, “A Theory of Justice”, “Political Liberalism”, and “The Law of Peoples”, American philosopher follows the Kantian and liberal tradition. He creates a political theory whose impact will surpass all other political views of the second half of the twentieth century. His main idea is to develop a fair society and distributive justice theory. Rawls outlines the importance of adequately founded social order in the Theory of Justice. He claimed that society is well ordered if it is designed to improve the good of its members and standardizes and controls the conception of justice. An individual’s duty in society is to accept the same principles of justice. Institutions must adequately fulfil the justice principles. The role of the public conception of justice is the constitution of the society. “Institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life.”<sup>392</sup>

Kant’s vision of the original contract, which must be a basis for establishing the civil constitution, appears reformulated in Rawls’s theory of justice. “Kant does not postulate an actual social contract, which might be broken, and his original contract is hypothetical, expressing the general will as it is given a priori.”<sup>393</sup> Original Position is thus: “hypothetical thought experiment comparable to the state of nature which aim is organisation and the design of society. The original position of equality corresponds to the state of nature in the traditional theory of the social contract. But, of course, this original position is not thought of as an actual historical state of affairs, much less as a primitive condition of culture. Instead, it is understood as a purely hypothetical situation characterised so as to lead to a certain conception of justice.”<sup>394</sup> In the original position described by Rawls, no one knows who will be in society. In order to emphasise the assumption of equality, no one should be aware of his social position,

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<sup>391</sup> Ibid., p. 338.

<sup>392</sup> Rawls, John. "A theory of justice: Revised edition". Harvard university press, 1999. p. 5.

<sup>393</sup> Pogge, T.W. "Kant's Theory of Justice." *Kant-Studien* 79, no. 4 (1988): 407-433. p. 419.

<sup>394</sup> Rawls, John. "A theory of justice: Revised edition". Harvard university press, 1999. p. 11.

material wealth, class, gender or race, personal properties (intelligence, strength or other abilities).

Veil of ignorance is the additional hypothetical construction in Rawls's theory. From the original position, citizens are making choices about their social order behind the veil of ignorance without knowing what gender, race, abilities, tastes, wealth, or position in the society they will have. Veil of ignorance will be the best way to select just and fair policies. "The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances."<sup>395</sup> Rawls foresees his veil of ignorance similarly to Kant's categorical imperative. "Thus, when Kant tell us to test our maxim by considering what would be the case were it a universal law of nature, he must suppose that we do not know our place within the imagined system of nature."<sup>396</sup>

Rawls came with two egalitarian principles of justice: "First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all."<sup>397</sup> The first principle is about fundamental human freedoms that include freedom of speech, liberty, and the pursuit of happiness, while the second one is called the difference principle and considers citizens have the same opportunity to hold office and in its second part shows that there is a solution for the issue of inequality as long as it makes the worst person better off. Therefore, the difference principle is an idea that considers how to evaluate distributive justice and achieve maximum benefit for disadvantaged individuals regardless of initial inequality. "Those who have been favoured by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out,"<sup>398</sup> says Rawls.

Chapter forty of Rawls's theory of justice is entirely devoted to the Königsberg philosopher. The Kantian interpretation of justice as fairness discusses issues of equal liberty and priority of right. "It seems appropriate to at this point to note that there is a Kantian interpretation of the

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<sup>395</sup> Ibid.

<sup>396</sup> Ibid., 118.

<sup>397</sup> Ibid., 53.

<sup>398</sup> Ibid., 87.

conception of justice from which this principle derives,”<sup>399</sup> Rawls assert. He thinks that some of the interpretations of Kant focusing on the notions of generality and universality lose from sight the critical idea of autonomy.

Rawls believed, following Kant, that an individual acts free and autonomously only when the person himself chooses the law of his action as a free and equal rational being. If a free and rational human being acts upon these rules because of his natural gifts or social position, such actions can be considered heteronomous. Rawls will therefore assume: “Now the veil of ignorance deprives the persons in the original position of the knowledge that would enable them to choose heteronomous principles.”<sup>400</sup>

Rawls wants to reformulate Kant within the setting of empirical theory, and he continues to use Kant's interpretation further in his work. “The original position may be viewed, then, as a procedural interpretation of Kant's conception of autonomy and the categorical imperative within the framework of an empirical theory.”<sup>401</sup> To put Kant in an empirical context was a challenging task for Rawls. One of the most efficient criticisms of these arguments will come from Michal Sandel in his work “Liberalism and the Limits of Justice.”

### **Sandel's Critique of Deontological Liberalism**

Communitarianism emphasises the connection between the individual and the community based upon the belief that a person's social identity and character are shaped by community relationships. One of the main tasks of communitarianism is to compete against liberal individualism and extreme economic policies. Understood as a collection of interactions among a community of people who share a common tradition, culture, and history. Communitarianism appeals to community accepted values. It critiques the liberal theory but also the diagnosis of existing liberal society. Michael Sandel is famous for his critique of John Rawls's *A Theory of Justice*. Although his work is often labelled as communitarianism because his critique of “rights” grounded liberalism, he for himself claims that this label fits his critique only partially and that he does not find himself constantly on the communitarian side.

In his book, “*Liberalism and the Limits of Justice*”, Sandel is making a critique of what he defines as deontological liberalism: “a liberalism in which the notions of justice, fairness and individual rights play a central role, and which is indebted to Kant for much of its philosophical

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<sup>399</sup> Ibid., 221.

<sup>400</sup> Ibid., 222.

<sup>401</sup> Ibid., 226.

foundation.”<sup>402</sup> Deontological liberalism is thus by Sandel defined as a theory of justice, which has primacy between moral and political ideals. Its central argument can be expressed in the following way: society, composed of a multitude of individuals with ambitions, interests, and perceptions of the good, is in the best way ordered when it is regulated by principles that don't presume any conception of the moral *good*. Therefore, Sandel's critique of Deontological Liberalism focuses on “whether rights can be identified and justified that does not presuppose any particular conception of a good life.”<sup>403</sup>

The main objection is that liberalism founded on these deontological principles prioritises the concept of right over good when we speak about justice. This is the Kantian liberalism that Sandel wants to challenge. His aim is to debate two arguments, the limits of justice and its primacy and liberalism as well. The concept of right understood this way cannot distinguish between numerous existing rights. All rights have the same strength and legal value because all rights must be universally valid. “In short, the ideal of a society governed by neutral principles is liberalism's false promise.”<sup>404</sup>

Two significant limitations of deontological liberalism are universality and the notion of self. The individual in the liberal society presented by Rawls in the spirit of Kantian tradition would be an object of criticism in a vast part of Sandel's book. The two main objections are the primacy of justice over good and rootless individuals over the community. The main argument against the primacy of justice in relation to the notion of good is that it is impossible to establish any order in legislation due to universalisation. All laws should apply equally in a given universalisation, and none can take precedence over the other. As for the idea of self, Sandel believes that the Rawlsian individual behind the veil of ignorance is thoroughly cleansed of content. He believes that such an imagined individual cannot be the subject of any social organisation. It simply lacks two key characteristics, namely altruism and benevolence. In his sociological objection, as he calls it, Sandel emphasises “the pervasive influence of social conditions in shaping individual values and political arrangements.”<sup>405</sup> Liberal “neutral self” is impossible because we can never entirely break away from the impacts of our conditioning and its own roots.

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<sup>402</sup> Sandel, Michael J., and T. Anne. *Liberalism and the Limits of Justice*. Cambridge University Press, 1998. p. 1.

<sup>403</sup> *Ibid.*, X

<sup>404</sup> *Ibid.*, 11.

<sup>405</sup> *Ibid.*

## **Charles Taylor, Alasdair Macintyre, and Michael Walzer's Communitarian Critique of Liberalism**

Canadian philosopher from Montreal is known for his contributions to political philosophy. Taylor is associated with a communitarian critique of liberal theory's understanding of the self. In his 1991 "The Malaise of Modernity", Taylor argued that modernity and enlightenment political theorists and John Rawls have neglected how individuals arise within the context supplied by societies. Instead, Taylor emphasises the importance of social institutions and authority in developing individual meaning and identity. A more realistic understanding of the "self" recognises the social background against which life choices gain importance and meaning.

At the beginning of his book "The Malaise of Modernity", Taylor states that society fell into a state of illness. He believes that overemphasised individualism stems from liberal political theory. Tocqueville, Kierkegaard, and Nietzsche are perceived as the philosophers who, in the best way, show the phenomenon that Taylor defines as a *loss of meaning* characteristic for liberal and enlightenment thinkers. Further, he presents an argument that criticises the instrumental reason's development. He claims that instrumental reason suffers from circularity and calls this phenomena eclipse of ends, predicting the image of the robot envisioned as the best friend of the liberal narrow and flat individual. This will create a society without control-oriented only cost-benefit analysis, expert bureaucracy, and moral relativism in the political field. As he points out, his moral vision of individualism will be elaborated through his Ethics of Authenticity or shallow authenticity.

He thinks that the main problem of Morality in Modernity is its detachment from individuality (how to find myself? religion, natural law, hierarchy). Taylor says that the only solution for this is the reappearance of the individual in nature and environment. He notes that small businesses are vanishing and predicts Global Neoliberal corporative culture raising. He is disappointed with the idea that Science is becoming scientism (instrumentalism). The way to stop this is to develop the concept of *meaningful democracy* (we can't abolish the market, but we can restrict it). Human control of the market, technology, bureaucracy, and politics. "What our situation seems to call for is a complex, many-levelled struggle, intellectual, spiritual and



political, in which debates in public arena interlink with those in a host institutional setting, like hospitals and schools.”<sup>406</sup>

The Scottish American philosopher Alasdair MacIntyre who has contributed to moral and political philosophy with his work *After Virtue* (1981), is one of the most significant contemporary communitarian philosophers. Although it is not explicitly designed as a critique of Kant's and Rawls's liberalism, MacIntyre's work offers a lot of remarkable arguments regarding the moral foundation of liberal political theory. In his book, he envisioned that the individual's moral life is incompatible with liberalism because morality outside the community is impossible.

MacIntyre's intention is to find his political theory through ethical criticism. He will present a form of history of ideas and try to bring back the virtue ethics in contemporary debate. He claims that human nature imagined by Aristotle and the virtues of justice, courage, and honesty have eternal value. Liberalism is criticised as a radical anti-teleological view. Virtues are rooted in practices (human nature and proper functions). MacIntyre begins its criticism of contemporary morality with Charles Stevenson's emotivism, claiming that this ethical theory is a classical result of liberalism.

Global neoliberal society is endangering the identity and integrity of the individual. Liberalism presumes a mistaken conception of the person and underestimates the importance of communal life. His main idea is that liberal individualism and altruism are not compatible and that person in such a society cannot develop any meaningful moral virtue. “Managerial role in emotivistic society and the concept of their ambiguous responsibility. Thus, there is a good deal of evidence that actual managers do embody in their behavior this one key part of the Weberian conception of bureaucratic authority, a conception which presupposes the truth of emotivism.”<sup>407</sup>

Walzer, in his work, makes a difference between the three types of justice. Legal, political, and social justice. In “The Communitarian Critique of Liberalism”, he criticizes the social and political justice element and tries “to investigate the power of its current American versions and then offer a version of my own, less powerful, perhaps, than the ones with which I shall begin, but more available for incorporation in liberal politics.”<sup>408</sup> He doesn't want to reject communitarianism, but he notices that this type of critique must reappear in some more

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<sup>406</sup> Taylor, Charles. *The malaise of modernity*. House of Anansi, 1991. p. 102.

<sup>407</sup> MacIntyre, Alasdair. *After virtue*. A&C Black, 2013. p. 27.

<sup>408</sup> Walzer, Michael. "The communitarian critique of liberalism." *Political theory* 18, no. 1 (1990): 6—23. p. 7.

coherent form. The problem is in two contradictory approaches against liberalism, namely practical and theoretical.

The practical approach “holds that liberal political theory accurately represents liberal social practice.”<sup>409</sup> Communitarians depict isolated individuals, rational egoists protected by fundamental human rights. Individuals that are coming from nowhere or hiding behind the veil of ignorance and without any history or tradition. Although, especially in the cases of Taylor and Macintyre, written in marvellous philosophical language, criticism does not hold to the essence of legal and political justice. Walzer furthermore presumes that the sociological argument of liberal theory is maybe correct. If society is decomposed into the difficult cooperation of individuals, then we might reasonably believe that liberal politics is the best option to deal with the difficulties of decomposition. Suppose we must create an artificial, non-traditional, and ahistorical society out of many encumbered selves.

He asks why it is a problem to take the state of nature or the original position as our conceptual starting point? Why not accept procedural Justice's priority “over substantive conceptions of the good, since we can hardly expect, given our fragmentation, to agree about the good?”<sup>410</sup> Walzer replies to Sandel's question, “whether a community of those who put Justice first can ever be more than a community of strangers? The question is good, but its reverse form is more immediately relevant: If we are a community of strangers, how can we do anything else but put Justice first?”<sup>411</sup> When he resolved the issue of the “self” in his own way, Walzer is passing to the second level of criticism.

The second critique covers the area of liberal theory and liberal reality, which is often ambiguous. The deep structure of liberal theory can actually be perceived as communitarian, and on the other hand, communitarianism has no capacity to change already existing social and governmental structures. Walzer claims that goods are culturally and socially embedded and that principle of inequality cannot be solved in this way. He believes in Complex equality—the idea that different spheres of reality need different equality and that equality of welfare is different from one of the resources. Common goods: physical security, political liberty, a greater degree of social equality and culture in which a significant percentage of the population

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<sup>409</sup> Ibid.

<sup>410</sup> Ibid.

<sup>411</sup> Ibid., 9.

is engaged. "Liberalism is a self-subverting doctrine; for that reason, it really does require periodic communitarian correction."<sup>412</sup>

## **Chapter 9. Concluding Remarks**

This chapter outlines the dissertation conclusions. The first section discusses the theoretical contributions of the thesis. The following section describes the limitations faced and caveats found during the research. The final chapter provides ideas and recommendations for further investigation.

### **Theoretical Contributions**

The primary motivation of this dissertation was to widen our understanding of Kant's political philosophy and contribute to the investigation of Kant's political philosophy in the academic world today. Research started with an overview of the ideas from the theoretical and practical elements of Kant's system of transcendental idealism and continued with his legal philosophy insights. The research encompassed the analysis of the "Critique of Pure Reason" for the section on Kant's theoretical philosophy, "Critique of Practical Reason" and "Groundwork of the Metaphysics of Morals" for the section on Kant's practical philosophy and the first part of the "Metaphysics of Morals" called the "Doctrine of Right" concerning Kant's legal philosophy. This study reading and assessment of Kant's significant works in the field helped me to determine the genesis and origin of Kant's political thought.

Furthermore, I have investigated Kant's essays published continuously in the "Berliner Monatsschrift" journal in the last decade of the eighteenth century. Most important among them elaborated in the thesis are: "An Answer to the Question: What Is Enlightenment?", which was used in the section related to the Enlightenment, "Idea for a Universal History with a Cosmopolitan Purpose", used in the subsection of the Chapter Six regarding Cosmopolitan Right, "On the common saying: That may be correct in theory, but it is of no use in practice", which clarified the issues on the relationship between practice and state right in the section on the state of nature and the social contract in the research context and on the relationship concerning theory and practice in international law in chapters four, five and six. "Toward Perpetual Peace" is elaborated in all the chapters regarding Kant's political philosophy.

Additionally, for the purpose of rounding up what I was previously called Kant's "Forth Critic" and together with the studied works of Hobbes, Pufendorf, Grotius, De Vattel, Lock, Rousseau,

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<sup>412</sup> Walzer, Michael. "The communitarian critique of liberalism." *Political theory* 18, no. 1 (1990): 6—23. p. 15.

and Mill formed the complete picture of the modern political philosophy related to the issues discussed in the thesis. This created a solid foundation for investigating contemporary philosophical issues regarding the international law and order theories and phenomena such as cosmopolitanism and globalisation.

This dissertation has approached Kant's political philosophy as a foundation for contemporary political science, making its theoretical implications relevant to other social sciences academics or even for other projects in international relations. However, this dissertation makes evident the necessity of implementing Kant's political philosophy in contemporary political theory and its integration in today's international relations policies, positively influencing the United Nations transformation process (Chapter Five).

Accordingly, the research observed the different authors involved in the Kantian contemporary vision of political philosophy. This analysis suggests that most of Kant's political philosophy and philosophers first can be divided into two broad theoretical groups: the followers and the sceptics based on his views on just war theory, international relations and the cosmopolitan right. Moreover, after resolving the issues presented in Chapter Five and the first part of Chapter Six, I proceeded with the inner criticism of Kant's legacy. During the research, I have singled out thinkers who belong to the Kantian tradition, used Kant's arguments for their study, and compared their insights on the topic. Habermas, Popper, and Rawls are pointed out as most significant. The dissertation has also examined the Cosmopolitan right issues and their influence in the Globalisation process. Finally, the analysis has helped identify the other schools of thought that are different in their conceptualisation of Globalisation.

Finally, the dissertation has also examined the arguments of different contemporary philosophical approaches regarding Kant's political philosophy application, including liberalism and communitarianism (Chapter Eight). The analysis has shown that although arguments for defending both schools of thought, those favouring liberalism prevail and outnumber those related to the common good and community. Moreover, it seems that communitarian critique of the liberal "self" is not sufficient to make any deeper social changes or to overpower the central narrative of the liberal tradition.

As an idea and a political philosophy approach, Kantian arguments have been the subject of a more comprehensive, robust, centuries-long debate that, now after first division on followers and sceptics, has divided philosophers into following broader groups. The first group generally consists of philosophers who disapprove of Kant's political philosophy from an anti –

modernity and anti-enlightenment perspective, often putting many authors in the same box, not realizing how significant the differences are between their argumentations. The second group mainly involves philosophers and international relation theorists that consider Kant's political philosophy a helpful framework to adjust and moderate their theories in the contemporary social and political sciences. Finally, inside the second group, we can make a further division on analysers or historians of philosophy, immanent critique philosophers, and transitional theorists. Historians usually reinterpret Kant's work to clarify terminological inconsistencies. Critiques are trying to revive Kant's thought and frame it in today's context. At the same time, transitional theorist usually takes particular elements of Kant's philosophy as a cornerstone of their future theories, often ignoring the rest of Kant's work.

Besides, this dissertation has identified a third group of reformist philosophers who take Kant's political philosophy arguments as their starting theoretical position. Reformists like Habermas and Rawls have a different perspective than the immanent critique thinkers like Popper on issues related to Kant's political philosophy, particularly on who should reform and constitute a new international relations order.<sup>413</sup> Nevertheless, the specific ideas of Habermas and Rawls have found their way in the formulation of new, Kantian inspired international relations and political theories.

There are two powerful narratives on Kant's political philosophy: ethics and enlightenment. The first narrative promotes Kant's moral philosophy as a means to achieve practical new political theory. The second narrative, enlightenment, suggests that for Kant's political philosophy to succeed, one needs to "follow" the requirements of the contemporary epoch and exclude the elements of Kant's theory which does not fit into the model. For example, in Habermas's philosophy, the Kantian project is adopted in the effectiveness narrative. The official academia defines Kant's political philosophy contributions as theoretical insights outside modern political philosophy university courses and is not valid for classic teaching material. On the other hand, Kant's political philosophy arguments implemented correctly should, in turn, contribute to bringing a new theoretical perspective in the sphere of international relations and, as such, find its way in academia.

The theoretical contribution of the dissertation can be briefly reviewed in the following. First, it emphasises a profoundly philosophical component of Kant's writing. No matter how much some philosophers have tried to diminish the significance of Kant's work in political

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<sup>413</sup> Habermas

philosophy, it always reappears. Whether through interpretations of Kant's original work or the work of the most influential philosophers of our time, his arguments are inevitable. Peace, the central concept of Kant's political thinking, is envisioned as a primarily philosophical category, only legal and political afterwards. Kant knew very well that peace for people is an unconditional situation. Everything creative and valuable in the realm of human history and culture happens in a time of peace. So, the issue of the possibility of peace a priori must precede all other philosophical questions that Kant raises in his work.

However, Chapter Eight brings to the front the importance of proper analysis and implementation of Kant's political philosophy in contemporary theories and approves the challenging nature of such a concept. Therefore, such divergent views would not threaten Kant's political philosophy value.

Philosophers may dispute over some elements of analysis, to some extent because they belong to a different school of thought, follow different methodologies, and come up with various interpretative contexts to the original text. For example, they can discuss formalism or rigorism, the possibility of universality justification and alike. Still, no one can deny that Kant presents a highly moral and peaceful vision of the world of ultimate value in his political philosophy.

### **Limitations and Caveats**

This research has faced some limitations and caveats. First, it was tough to determine the proper extent of Kant's theoretical philosophy arguments (Chapter Two). Although it may seem simply irrelevant for further investigation, the initial intention was to present Kant's political philosophy as an integral part of his system of transcendental idealism and a fourth critique as it was stated. Chapter Three managed to cover only limited amount of argument's regarding Kant's ideas about fundamental human rights, right to rebellion and use of public reason. The chapter had merely an introductory role and there was a potential risk that a more comprehensive approach would lead to what was regarded as a preparatory chapter prevailing central part of the thesis. Chapters five and six suffers from the intersecting of some arguments, but exclusion of those arguments would create a gap in that part of the dissertation. The discourse analysis developed in Chapter Six would lack a qualitative authentication in different case. Second part of the Chapter Six is deficient for a broader analysis of Kant's teleological arguments concerning the concept of cosmopolitanism, but such an approach could be led to the creation of gap between the Chapter Six and Chapter Seven. Unfortunately, these limitations have not been addressed due to being beyond the scope of this dissertation.

### **Further Research**

The design of Kant's political philosophy raises many questions that deserve further scrutiny. When we talk about the possibilities for further research, we must keep in mind that Kant is one of the most influential persons in the entire history of philosophy. As it is an absolute classic, the possibilities are innumerable. Here, for a start, I will only emphasize those conceived but not realized investigations due to the time limit. First, it is essential to examine Kant's theoretical influence in what is today known as Rawls against Habermas debate on the public sphere. Kant's use of public reason is the theoretical foundation for both philosophers. Yet, they will come to a completely opposite visions in their debate. This topic is fascinating because it is a rare case in the history of philosophy. To have two giant figures of philosophy debating together at the same time is not happening very often in history of philosophy and it could be compared only with Newton against Leibniz discussion.

Furthermore, the debates on constitutionalism, global justice, fundamental human rights, sovereignty, welfare, secularism, and religious tolerance in Kant's thought are topics which were just mentioned briefly or not at all elaborated in this dissertation. However, they have a significant impact on contemporary political philosophy. Kant's thinking also continues through the debates in international relations that have been recently established into relevant philosophical and many interdisciplinary journals. The legitimacy for such research could be evaluated using the context applied in Chapters five and seven. I believe that Kant's political philosophy, if ever significantly implemented, will only succeed if it becomes a vehicle for socially just and healthy political development.

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