

Perpetual Peace and Liberal Peace: Three Misunderstandings

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In the definitive articles of *Toward Perpetual Peace* (1795), Kant advocated three main institutional reforms to eliminate the greatest self-inflicted tragedy of humanity, i.e. war. Kant thought that if national governments become “republican” (i.e., what we would now call liberal-democratic), an international federation of states (along the lines of the UN or the EU) is established, and a certain degree of permeability between states to allow visits by foreigners (“the right to visit”) ensured, an ever-lasting peace among nations would eventually occur. In the 1980s, Michael Doyle (1983a; 1983b) interpreted a two hundred year absence of conflicts between democracies – an historical fact whose significance is challenged by only a few (Spiro 1996; Archibugi 1997; Gowa 1999; Henderson 2002) – as a striking piece of evidence in favor of Kant’s theory. Doyle’s claim sparked one of the most important research programs in the social sciences of our times – the Democratic Peace Theory (henceforth DPT) – a program that interestingly sits at the intersection of political philosophy, political science, and international relations.

Shortly after its affirmation as a leading research program, DPT began to influence the foreign policy of major democratic countries and in particular that of the US. One form or another of DPT has shaped the background knowledge, the conceptual apparatus, and the policy agenda of the allegedly declining hegemon and of its allies. More significantly, DPT defined the *prospective view* of major democratic powers, namely the way in which they have looked at the evolution of world affairs and conceived of the means to steer such evolution. Across the divide between republicans and democrats, five different US administrations, from R. Reagan to B. Obama, have made statements that resonate DPT main tenet: democracies promote peace (at least in their mutual relations) and therefore the security and the US – and that of its allies – depends on the diffusion of domestic democratic institutions and values, in particular in the part of the world where they have

not triumphed yet. The higher the number of states that undergo successfully the transition from autocracy to democracy, the larger the 'zone of peace' becomes, the fewer the threats existing democracies will have to face.

With so strong an impact on the political agenda, it is no surprise that DPT keeps receiving much scholarly attention. In fact, after 30 years the debate on the connection between democracy and peace shows no visible sign of decline. Rarely, though, DPT scholars have paused to ask whether the interpretation of Kant from which they moved their first steps is adequate and no one has ever thought of the possibility that certain hermeneutical mistakes set DPT on the wrong path, thereby making it vulnerable to the serious criticisms and retorts recently presented (Rosato 2005). The most important "stumbling blocks" DPT is facing, however, seem to originate precisely from a dubious understanding of the normative horizon offered by Kant. Rethinking the interpretation of Kant dominant among DPT scholars can therefore be of some significance, not only for the sake of the history of philosophy but also to have a better model to think of international relations today. This paper identifies three main hermeneutical mistakes (or I should say dubious readings) and attempts to show the impact that they had on DPT. Because of their systematic importance, the paper focuses on the three definitive articles and discusses one interpretative mistake for each of them. The last section sums up the results and offers a synthetic comparison between the Kantian Model (as reconstructed) and DPT (as practised).

1. Republicanism and liberalism

The First Definitive Article contains the prescription for each and every state to become "republican." It reads: "The Civil Constitution of Every State shall be Republican." Three main features characterize a republican constitution: *freedom* of each member of the society, *dependence* of everyone upon a single and unified legislation, and legal *equality* for everyone, i.e. non-discrimination before the law. Two additional requirements are: a) rulers must legislate by interpreting the general will; b) there must be a sharp distinction of powers; in particular, the legislative is to be well separated from the executive (Kant 1795; 101). These constitutional features

are thought to be relevant for the cause of peace because only in a republic people influence the decision on whether the state should enter a war. Since the people itself would suffer from the atrocities of a violent conflict, there are reasons to believe that they “will have great hesitation in embarking on so dangerous an enterprise”. The opposite is the case for a despotic regime. The despot here is not a fellow citizen, but the owner of the state. As such, he can wage war with great ease, because “a war will not force him to make the slightest sacrifice so far as his banquets, hunts, pleasure palaces, and court festivals are concerned.”¹ The despot, continues Kant, can thus “decide on war, without any significant reason, as a kind of amusement, and unconcernedly leave it to the diplomatic corps (who are always ready for such purposes) to justify the war for the sake of propriety.”²

Some points in this argument that links republican representative government with peace need to be clarified. To begin with, Kant does not say that it is *impossible* that citizens will chose to embark on a bellicose adventure. He merely says that it is *unlikely*.³ Hence the First Article leaves open the possibility that democratic citizens, after due reflection, may find the costs of war worthwhile. Security, greed, national pride, or some combination of these factors can outweigh the cost a people is willing to pay. This leads to the second point: the logic Kant is using is merely utilitarian. As far as the first article is concerned, the republican people can be as attracted by violence (and by the gains one can attain through it) as any other kind of people (or despot). Kant’s point can thus be reduced to this: as long as there is a owner of the state, there won’t be careful cost-benefit calculus that at least is expected to avoid “inefficient” wars. This by itself shows that Kant was well aware that republican government, understood as popular control of the rulers, by itself is

¹ *Kant. Political Writings*, p.101, Ak. VIII, p.351.

² *Ibid.*

³ Guyer (2006) rightly pointed out that Kant speaks the language of probabilities in this section of *Perpetual Peace*. For a longer discussion of this point see below.

not *sufficient* to ensure peace. After all, as history has abundantly shown and supporters of DPT have finally come to admit, sometimes a people (or a large majority) may strongly desire war.⁴

A closely related point. If the army of a nation is professional, let alone mainly made of private contractors, the cost/benefit calculation will more easily favor war than in the case in which army is based on conscription. Instead of considering whether I or my near and dear will risk their lives on the battle field, we, as republican citizens, are asked to make a considerably easier calculation as to whether the costs of this semi- or fully private army is a good investment, all things considered. Third, if the citizens are generally hostile to war for reasons of enlightened self-interest, it follows that – at this stage of his argument – Kant has still attributed to democratic peoples no deontological opposition to war that would resist the temptation to enter a profitable conflict. Since Kant meant to provide a recipe that would *guarantee* the elimination of war (not just its becoming less likely), it follows that he clearly did not intend his first article to be sufficient. In other words, contrary to what one often reads in contemporary international relation theory, Kant did *not* believe that the problem of war could be reduced to a question of rightful domestic institutions.⁵ In fact, the First Definitive Article, without the other two, does not guarantee *anything*, not even the elimination of conflicts between democracies. That Kant's project presupposes the convergence of many peace inducing factors, of which only one is the just internal constitution, is a point as trivial as ignored.⁶

One less trivial point usually overlook is that Kant's confidence in the pacific tendency of republics or what we call liberal democracies (at least if not threatened) is to be read without passing in silence Kant's general distrust of democracy, a distrust that should make readers a bit more careful than they usually are in identifying the Kantian republic and with what we now call a

⁴ In a reconsideration of his original theory, Doyle (1995, 101) recognizes that democracy, previously considered as a sufficient guarantee of peace, merely guarantees that the preferences of the average elector will determine the government, leaving thus completely indeterminate whether those are peaceful or bellicose.

⁵ See for example Archibugi and Beetham, 1998, 81-83. Although Archibugi does not say explicitly that Kant shares this view, it is quite clear from the context that this is conviction.

⁶ Michael Doyle is a significant exception. In his original 1983 essays as well as in his later reappraisals (1995, 2005, 2011) he has always stressed that Kant's recipe is made of three equally important ingredients. Similarly Bruce Russett (2001) insists that all three Kantian factors are crucial.

liberal democracy. Right after having exposed the general thesis of the First Article Kant adds few remarks “to prevent the republican constitution from being confused with the democratic one, as commonly happens” (Kant 1795; 100). Following Aristotle, Kant claims that the various forms of state can be classified by using two very different criteria; either by taking into account how many rule (the *forma imperii*), which gives us the usual tripartition in monarchy (that Kant calls here “autarchy”), oligarchy, and democracy; or they can be classified by considering the way in which the sovereign power is exercised (the *forma regiminis*), independently of how many exercise it. The last criterion is the most important, but unfortunately, also most difficult to interpret. Kant says that the *forma regiminis* “relates to the way – as defined by the constitution (i.e. an act of the general will whereby the mass becomes a people) – in which the state makes use of its plenary power.” (Kant 1795; 101) And there are only two ways in which a state can make use of its power, the republican and the despotic. A state is republican if, as we saw, the executive power is separated from the legislative. It is despotic if this separation does not occur and “the laws are made and arbitrarily executed by one and the same power.” (Kant 1795; 101)⁷ Moreover, for Kant “the legislative power can belong only to the united will of the people” and “the laws it gives must be absolutely incapable of doing anyone injustice.” (Kant 1797; 139) This repetition, almost word by word, of Rousseau’s notion of *volonté générale* suggests that by legislative power Kant means first and foremost the constitution which binds us together and that is in principle unanimously accepted by all citizens. Derivatively, however, the legislative power also encompasses all laws that should reflect what the general will would say in specific circumstances. A republic is thus a system in which no parliamentary majority, only in virtue of the fact of being majority, can enact partisan laws that are discriminatory against some citizens and cannot be interpreted as functional to the general good.

⁷ Kant emphasize here the necessity of a separation between two powers, the legislative and the executive, and does not mention the judicial power. This has, however, little significance because in the *Metaphysics of Morals* he follows more closely Montesquieu by distinguishing between the “*ruling power* (or sovereignty) in the person of the legislator, the *executive power* (in the person of the individual who governs in accordance with the law), and the *judicial power* (which allots to everyone what is his by law) in the person of the judge (*potestas legislatoria, rectoria et judiciaria*.” (Kant 1797; 138)

The requirement that legislative power is to represent the general will is crucial to understand why for Kant democracy, at least “in the truest form of the word,” is necessarily a despotism, why the notion of a republican monarchy (or oligarchy) is not a contradiction, and how Kant can keep his faith in the peace potential of representative government, i.e. empowered people, while distrusting democracy. The key point is that any executive power must remember – when it makes decisions that necessarily affect the citizens – that it is obliged to interpret the general will as best as it can. This “burden of representation”, we might call it, hinges in the same way on one, some or all who are called to exercise power. A king can act “in the spirit of a representative system” if it does its best to interpret the general law in its ruling.⁸ *Mutadis mutandis*, the same can be said of the oligarchy.

But why does Kant say that the same does not apply to democracy, at least not to democracy “in the truest sense of the word”? Kant’s explanation is that democracy “establishes an executive power through which all the citizens may make decisions about (and indeed against) the single individual without his consent, so that decisions are made by all the people and yet not by all the people: and this means that the general will is in contradiction with itself, and thus also with freedom.” (Kant 1795; 101) Few lines later he adds that a democratic system makes impossible the proclaimed attitude by Frederick II to be the “servant of the state” – an emphatic way of saying that the executive power represent the general will. This is so “because everyone under it wants to be a ruler.” Democracy in the truest sense of the word is thus a system in which everyone is asked to represent his or her own interests only. This creates an attitude incompatible with the feature that should characterize the act of ruling, namely representing.⁹ While in the case of a monarchy or an oligarchy one can at least hope that the legislative power in its decrees is led by a sincere attempt to interpret the general will, in the case of a democracy, so understood at least, such hope would be

⁸ Kant makes this point clearly in the *Contest of the Faculties* when he claims that there could be monarchies in which the king is “acting by analogy with the laws which a people would give itself in conformity with universal principles of right” (CF: 184). Of course, this would still be a “defective system” because, unlike the case of an elected president, it is left to the good will of the king to be sincere and effective in this interpretation.

⁹ On the value of compatibility of democracy and representation and even more interestingly on the *value* of representation for democracy see Urbinati (2006).

impossible. Citizens are *expected* to represent themselves only. The more people are in power, the less likely it is they will remember the burden of representation – a burden that no political power, not even that “of the people by the people” can escape.¹⁰

This should help to see why Kant is so suspicious of democracy but it should also help us to conceive of a form of democratic regime that does not run the risks Kant foresees. If the supreme law and the spirit of republicanism have shaped the minds of the citizens in such a way that they elect representatives with a clear mandate to issue laws not only formally consistent with the constitution, but also capable of furthering the principles there expressed; if, in other words, the “burden of representation” is accepted by electors and elected, then there is no reason why a democracy could not be republican. Actually, if care for the general good is embedded in the polity, democracy – *by Kant’s own standards* – has a clear advantage over the other two *formae imperii*. In fact, they “are always defective” because the executive power is exercised by one or few who by definition cannot represent all. Especially if they are not elected, let alone if unchecked by constitutional limits, one can at most hope that they freely choose to exercise their power in the right way. In contrast, in a republican democracy citizens are expected to select the ruling class and influence the political power by having more than their own interest in mind. And they can control – rather than merely hope – that rulers further the general good and accept the burden of representation.¹¹

¹⁰ Notice how this democratic ‘perversion’ – by the light of Kant’s argument – is inevitable in the case of a direct democracy. In a direct democracy each citizen is literally speaking for herself only. This is where Kant departs from Rousseau most clearly. But although Kant is not explicit about it, one can reasonably infer that the same attitude can very well infect citizens who are called to elect their representatives. This is certainly the case if the power of the majority is not checked by a constitutional law that secures everyone’s freedom over and above the decision the majority. If this were the case, then again “all decide for or even against one who does not agree; that is, “all,” who are not quite all, decide, and this is a contradiction of the general will with itself and with freedom.” But, less obviously, the same holds also in the case in which a majority acts within constitutional limits but in a strongly partisan way. A constitutionally scrupulous legislative power may very well enact laws that protect the interests of some instead of all. Hence there are reasons to believe that the sheer presence of constitutional limits would not be sufficient to satisfy the rather high standards Kant imposes on his republic. A polity in which everyone votes by having only his own interest in mind seems to be as perverted and despotic as a direct democracy. The voter in this allegedly representative democracy is not called to represent anyone or anything, but herself and her interest. It does not matter if she recognizes the fundamental rights of other people. It still remains the case that in this regime the legislative is not thought as bound to “represent” the general good but only the good of a faction.

¹¹ Of course even in monarchy it is possible that the monarch truly ‘represent’ the people. This is why we can have, without contradiction, a republican monarchy. A king or an elected president, as well as a republican oligarchy,

What we said should suffice to convince readers that the Kantian republic is an ideal-type that cannot be satisfied by the mere presence of election and not even by constitutional limits. The Kantian republic is an ideal that each concrete republic should always strive toward. If a polity is so divided that the promise of its republican constitution are constantly betrayed by the spirit (if not by the letter) of ordinary laws, or if a polity is so divided that the general good is rarely taken as supreme guidance of legislators, then ballots and supreme courts won't suffice. And what looks like a republic is actually a despotic regime or will be degrading rapidly toward one. This opens up a series of considerations, often overlooked by most DPT scholars. Let us try to list them in descending order of importance.

- 1) liberalism and republicanism are not the same thing; elections and constitutional limits are not enough for the standards of a republic. A republic, over and above a liberal-democracy, includes at least; a) active participation of the citizens, b) a legislative power that acts in the spirit (not just by the letter) of the constitution, c) an informed electorate that does not merely select leaders having in mind their private interest, c) citizens socialized within just institution long enough to have internalized the republican ethos and capable of reacting to any infringement of their fundamental freedoms.¹²
- 2) A republic is not merely a set of institutions. It includes a public ethics that, among other things, considers war acceptable only as a form of defense of one's own freedom or the autonomy of one's state, even to possible detriment of national interest, and independently of whether they face other democracies or autocracies.

can exercise power by making their best effort to interpret the general will. In the end, it does not matter how many people are in power. What matters is 1) that they be clearly distinguished from those who interpret the constitutional laws and check the conformity of general laws to them (the judiciary); 2) that they exercise power, i.e. issues ordinary laws or governmental decrees in the right manner, i.e. by having constantly in mind that the art of good ruling presupposes subordination of specific interest to the dictates of the general will. Only on this condition will the Rousseauian/Kantian criterion of legitimacy be satisfied and no one will be in the position to say that political power is exercised against his will.

¹² Also Chris Brown (1992, 41) doubts that the notion of liberal democracy usually assumed by democratic peace scholars captures Kant's notion of republic.

- 3) The republican state is an ideal that is to be continuously striven toward. No existing state can be said to have reached the ideal, nor is a state secured once for all in the progress made toward that ideal.
- 4) A republican government does not merely respond to the majority of the electors, but is judged by the conformity of its decisions to the best interpretation of constitutional values.
- 5) The notion of representative government includes much more than a mechanism that ensures the transmission of preferences from citizens to rulers. It presupposes an authentic interpretative effort to apply republican principles to all particular circumstances.

An obvious retort against this rich interpretation of the Kantian republic would point to Kant's famous disenfranchisement of various sectors of the population, in particular dependent workers (today we would call them precarious) and women. Notoriously Kant claims that these citizens should not be given the right to vote (let alone be voted). If a substantial part of the population is excluded from the right to contribute to form (or interpret) the general will, aren't we really in the condition Kant feared about democracy, i.e. some citizens "decide for or even against one who does not agree"? If what we called the burden of representation is not equally shared by all citizens, what guarantee do we have that the legislative power mirrors the *volonté générale* as opposed to the will of some faction in the society?

The key point against this too obvious retort is again the notion of representation. On our reading, being a citizen in a Kantian republic entails the ability to distance oneself from one's own interests, and a fortiori, presupposes a considerable amount of freedom from direct or indirect pressures and conditionings coming from other individuals. The Kantian citizen is a free, deliberative, autonomous citizen that accepts the burden of representation and upholds policies that are genuinely in the interest of the general good or, which is the same, that have a real chance to express the "general will." From this perspective, if some citizens are *de facto* dependent on others

for their subsistence and thus do not enjoy that required amount of autonomy, they are not given the right to vote, not because they are less worthy than “active citizens,” but simply because their condition of dependence makes them vulnerable to conditionings and influences by those from whom they “receive orders or protection.” (Kant 1797; 138) In a state in which votes can be “controlled” or “exchanged” in such a manner, and the powerful can dispose of a number of votes proportional to the number of dependants, laws can hardly be said to reflect the general will. After all, Kant is quite explicit as to the reason for excluding “apprentices,” “servants,” “minors (*naturaliter vel civiliter*),” and “women,” from the right to vote (Kant 1797; 139). What makes them “passive citizens” is that they all “are obliged to depend for their living (i.e. food and protection) on the offices of others (excluding the state)” (Kant 1797; 139). In similar conditions of dependence, there is no hope that they can live up to the high standards of deliberating capacity Kant requires from republican citizens. As Kant puts it succinctly: “they have to receive orders or protection from other individuals, so that they do not possess civil independence” (Kant 1797: 140) Kant’s exclusion thus appears as motivated by something nobler than chauvinism, namely the preoccupation that the powerful citizens do not increase their influence through the exercise of their power of blackmailing dependants.¹³

One last point. Kant could be wrong that dependants are really incapable of an autonomous formation of political will. He could also miss the point that attributing to them the right to vote is a way (perhaps the most effective way) to empower and thus emancipate them. After all, they would have at least something to exchange *via à vis* the powerful. But even if true, this is clearly irrelevant for the question we are discussing, i.e. whether Kant has a consistent theory of the republic and whether the rich interpretation we proposed is compatible with Kant’s distinction between passive

¹³ Anyone who has some experience of the phenomenon of the “exchange vote” – typical of some political realities (e.g. southern Italy) where local bosses literally exchange political consensus for some material benefits – knows that Kant foresaw with full clarity a degeneration of democracy and universal suffrage. Needless to say, Kant’s exclusion of all women as such, as opposed to all *dependent* women, is problematic. At best, this reflects the *de facto* almost universal condition of dependence of women in Kant’s times (but with considerable exceptions already then!) and at worst a patriarchic residuum. The point remains though that if one looks at the logic of Kant’s exclusions what makes women unfit to vote is not their gender, but their (contingent) socio-economic condition. If the latter changes for the better, there is truly no Kantian reason that could justify any discrimination.

and active citizens. If Kant makes a mistake in political science (failure to recognize the empowering, emancipating potential of the right to vote) this does not translate necessarily into a mistake in political philosophy. Kant does have a coherent vision of the republic and the ideal elements we highlighted – mainly, the burden of representation that (active) citizens are expected to accept and the autonomous condition that it presupposes – constitute a crucial, yet often overlooked, element of this vision.

2. *The Federation: Club of Democracies or Mixed IGO?*

The second definitive article contains the following prescription, “The Rights of Nations shall be based on a Federation of Free States.” Kant envisions here a form of international organization that enables the diverse nations to leave the state of nature, which today, by and large, still characterizes the international scene. The move to a civil condition closely resembles the passage imagined for the individuals before the creation of the national state, but the analogy has its limits. For Kant, an established state, unlike an individual in the state of nature, is already a rightful entity whose autonomy is to be respected. In fact, it can never vanish into a universal state and cannot be forced to give up its sovereignty. As he puts it, “states [...] already have a lawful internal constitution, and have thus outgrown the coercive right of others to subject them to a wider legal constitution.” (Kant, 1795; 104) But since reason dictates the duty to achieve peace and peace requires “a general agreement between the nations” it follows that “a particular kind of league, which we might call a *pacific federation (foedus pacificum)*” (Kant, 1795; 104) is required.

Among the many interpretative challenges posed by the second definitive article, the one that interests most here concerns the criteria through which states qualify to enter the institution. Are only republics allowed to enter the Federation or any kind of state is eligible? Unfortunately Kant does not provide a clear answer to this crucial point. His preferred membership criteria remain obscure and we are left with the task of reconstructing his view from bits of textual evidence and systematic considerations that measure how each of the two hypotheses square with the general

picture offered by the whole treatise. Depending on the answer, we will attribute to Kant a model similar to the United Nations or to the European Union, just to mention the two most obvious examples, thereby shaping the normative indication of the second definitive article in profoundly different manner. In the first scenario, Kant would be suggesting a strong division of the world in two main zones, one that includes the already virtuous states and another that encompasses all the others. This is obviously the picture that Rawls assumes in *The Law of Peoples*, with one significant variation, i.e. that the club generously opens up its doors not only to liberal peoples, but also to the good enough, decent ones. In the second scenario, the Federation will be a heterogeneous institution, of regional or global scope, where different kinds of regimes can meet and have permanent channels of diplomatic communication for the sake – mainly – of security or commercial exchange.

Democratic peace scholars – from the very beginning (Doyle 1983a) massively opted for the first interpretation and, despite the documented protests by various Kant interpreters (Cavallar 1999, McMillan 1994), retained this view of an allegedly Kantian “separate peace” among democracies (Russett 2001, 2006; Doyle 2011). Among DP scholars, Doyle meritoriously takes very seriously the issue at stake and attempts an answer to the “protests” leveled by some Kant scholars. Pressed to show where Kant would suggest a federation with restricted access – something taken for granted in 1983 – Doyle concedes that there are passages in favor of the more inclusive reading, but claims that more persuasive evidence – of textual and systematic nature – favors the “only republics” hypothesis. What is this evidence? To begin with, in an inspired plea for his project, Kant says that the most suitable constitution for approaching the ideal of perpetual peace is “perhaps that of republicanism in all states, individually and collectively [samt und sonders].” On Doyle’s reading, Kant is wishing here that republicanism triumph not only inside states (“individually”), but also “among them” (“collectively”). Since Doyle assumes that relations among states can be ‘republican’ on the condition that the federation is composed of republics only, it would follow that Kant is precisely advocating here a federation of republics.

This reading can be questioned both textually and systematically. Textually, the German expression “samt und sonders” is commonly used to reinforce the idea that a certain concept applies *überhaupt*, i.e. in general to each member of a set. Instead of referring to the relations between republics, in the passage under consideration Kant seems to be reiterating the familiar hope that republicanism extends as much as possible to each polity. After all, in Kant’s times republics were very few (France, the Swiss cantons, and the United States). Therefore Kant’s wish is quite naturally understood as the hope that domestic republican institutions spread beyond this limited circle. Only with some stretch can one read in Kant’s hope a preoccupation for a much more sophisticated thing such as the membership criteria of a yet-to-be constituted supranational institution. Systematically, even if we concede that “samt und sonders” applies to international relations among states, the expression is at best ambiguous. Kant may be referring to the opportunity to shape the procedures and decision mechanisms of the federation in line with republican principles, as opposed to prescribing the restrictive membership criteria Doyle reads into the expression. Republicanism among states can very well mean that the internal procedures of the federation are to be inspired by republican values and ideals (e.g. democratic procedures of decision making and balance of powers), not that the members of the federation be republics.

The second piece of evidence Doyle mentions is that the first definitive article is indeed *definitive*, by which Doyle means that “in a formal sense, the states he [Kant] refers to later in the treaty have already “signed” the first article.” (Doyle: 210). It would be unthinkable – this seems to be Doyle’s reasoning – that the prescription to institute a republican constitution could be obeyed permissively, perhaps after having joined a mixed federation. A state cannot enter the federation if it has not already reformed its internal institutional structure. In order to secure perpetual peace, states must sign each of the three definitive articles, and above all, they must do it *in the order in which they are presented*.

There is little to quarrel with Doyle’s idea that each of the three articles is necessary to ensure peace or that each of them is equally important. This is in fact one of the virtues of his

interpretation over those who emphasize the primacy of domestic institutions at the detriment of international and cosmopolitan right, thereby instituting something like a lexicographic priority of the first article over the other two. But saying that each article is necessary and equally important does not say anything as to Kant's view on how we should progress toward the respect of each of them. And, clearly, the fact that the first definitive article is the first in the order of presentation is insufficient evidence to conclude that Kant meant that the prescriptions contained in the two subsequent articles apply only to those countries that have already complied with the first. Not only is this view unsupported by textual evidence, but systematically, as it will be shown momentarily, it makes Kant a very poor service.

The last and "more significant" piece of evidence is that, before peace has been institutionalized through the implementation of the three articles, international relations are in the state of nature and the existing "international law" is by itself no guarantee that states will not turn any possible controversy into a full-fledged war. Doyle reminds us that Kant lists three cases in which a state has a *right* to wage war: 1) perception of having received an injury, 2) threat posed by a neighboring state that prepares for war, or 3) threat by a neighboring state that increases alarmingly its power. If Kant himself thought that international law is no guarantee of perpetual peace – this seems to be Doyle's point – then clearly no endorsement of international treaties or cosmopolitan rights by any number of states will be a guarantee of peace. Short of a world government, only when international treaties are signed among republics does each national player know that all others have independent reasons to stick to the treaty. And this independent and publicly known reason is people's natural aversion to war for the costs that it brings (the utilitarian logic of the first article).

No matter how rightly construed on the interdependence of the peace inducing mechanisms of the three definitive articles, this last argument is similarly dubious. Again, it shows at most that only the combined presence of republican institutions and the federation produces a sufficient guarantee of peace. But, leaving aside that if this were the case, then one does not see what role

would be left to play for cosmopolitan right, which however Doyle seems to recognize as important as the first two, this is perfectly compatible with the possibility that, in a transitional stage, when we are still striving to reach perpetual peace, the international institution that best helps this approaching is a mixed federation, not the club of democracies Doyle envisions. Put it differently, it is almost a truism, given Kant's logic, that a federation among democracies is a better guarantee of perpetual peace than a mixed federation. The point we are discussing, though, is whether Kant thought that a mixed federation is the best means of approaching that goal. And to that problem, Doyle's reminder that republican institutions are indispensable for a reliable federation does not speak.

Why then should we part in favor of the alternative view? In addition to the textual evidence that Doyle himself acknowledges,¹⁴ and that therefore we don't discuss, there are strong systematic reasons that point in that direction. To begin with, if, by the logic of Doyle's own argument, the federation is meant to improve the relations between republics, which should already be quite peaceful (at least toward one another), what *significant* role is left for the federation, i.e. a role that is compatible with the status of the second definitive article wherein it is presented? What added value does the federation bring to those specific international relations that are – by the logic of Doyle's reading – already in excellent shape? To be sure, even inter-democratic relations, as we know from history, are subject to controversies and tensions. In fact, they have been actually quite frequent throughout history (and still happen today). Thus the permanent diplomatic channels ensured by the presence of a federation could still be of some use. But, leaving aside that historical democratic controversies have *not* been settled by the presence of a federation (Layne 1996), if the relations between two democracies would really need the presence of a joint peace treaty to remain peaceful, then two embarrassing consequences would follow: 1) the normative logic of the theory would collapse (democracies are supposed to respect each other, not to avoid wars between them only if they find them ultimately inconvenient); 2) the role of the federation would be reduced to

¹⁴ For a summary of Cavallar's and MacMillan's textual points see Doyle (2011, 209-210).

avoid rare cases in which democracies find war between them useful – perhaps in cases in which the normative dissuaders are weaker than the benefits democratic *demoi* envisage. This would be a truly diminished role for the federation, that can hardly be compatible with the status Kant assigns to the second article, namely that of a definitive article as important as republicanism within states. Much more plausible is that the Federation is thought as providing those war avoiding incentives when and where they are most needed, i.e. in the relations between democracies and autocracies, and between autocracies. The presence of permanent diplomatic channels seems to be way more important in cases in which neither mutual trust nor mutual respect can be assumed.

Moreover – as McMillan noticed and Doyle acknowledged – Kant himself indicated as example of the federation the Dutch States-General in the Hague in the first half of the XVIII century, to which “the ministers of most European courts and even of the smallest republics brought their complaints about an aggression suffered by one of their numbers at the hands of another” and “all neighboring states” (Kant 1797, 171) were free to join. Kant insisted that these ministers promisingly thought of Europe as a single federated state “which they accepted as an arbiter in all their public disputes”. Clearly this is the example of a mixed federation, not that of a club of republics, a club that at the time Kant is referring to would have probably included only the Swiss Cantons (and not all of them) and later, when Kant writes, only the French Republic, the United States (north of the Dixon-Mason line), and the Swiss Cantons themselves. What role would such a restricted federation play? What real contribution to world peace could it give?

But there is something more that escaped the attention of McMillan and others. In the upcoming paragraph Kant talks of a “*peaceful* (if not exactly amicable) international community of all those on earth’s peoples who can enter in active relations with one another.” (Kant 1797; 172) Here the only membership criterion that Kant mentions is the ability for peoples of the earth to enter into active relations with one another (thereby creating the risk of conflict), not the justice of their internal institutions. Combined with Kant’s idea that all peoples (already in his times) are in the

condition to enter in active relations with one another, this explicitly shows that Kant thought of a federation in which *any* state can and should enter.

This brings us to the final point. If the federation is thought as encompassing *any* willing state, its role squares much better with the logic of gradual progression toward peace that seems to pervade Kant's project. The inclusion of as many existing states as possible seems to parallel Kant's point in the third definitive article in which he clearly thinks of economic interdependence as a peace inductive factor that should affect all kinds of states, not just the relation among republics. Moreover, only if open to any state can the federation play the role of institutional defender of cosmopolitan right, which, in the absence of a world republic, is destined to remain at the discretion of states' good will. Inclusion in the federation, from this perspective, is the first step to help despotic states to make their spontaneous transition toward more just institutions and the only instrument available to give cosmopolitan right some institutional protection.

3.2 Genus and Species: The Right to Visit and Economic Interdependence

Kant complements his "recipe" for perpetual peace with a recommendation that concerns what he calls cosmopolitan right (*Weltbürgerrecht*). We read that, "Cosmopolitan right shall be limited to conditions of universal hospitality," which is to be understood as a "right of resort, for all men are entitled to present themselves in the society of others by virtue of their right to communal possession" (Kant 1795, 106). Kant seems to think that an essential pacifying factor is the possibility for individuals to visit foreign countries without danger to their security. Much of the effort to interpret the third article turns on the explanation of this point. Many have emphasized the classical liberal idea according to which international trade favors peace. Using the suggestive formulation of the French polemist Bastiat, if goods don't cross frontiers, sooner or later cannons will. According to this theory, by guaranteeing that individuals are permitted to move across frontiers, Kant would be securing a prerequisite of international trade.

There is little doubt that this idea is part of what lays behind the third definitive article. When Kant explains nature's guarantee of the possibility of a cosmopolitan right, he affirms that, "Nature unites nations [...] by means of the mutual self-interest. For the *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war" (Kant 1795, 114). There is no indication, however, that the significance of the article is limited to the idea of economic interdependence. To be precise, it is not even certain that this is the core of the article. To begin with, Kant emphasizes the possibility of visiting other countries is a *right* of all human beings. As such, it is not a question of philanthropy. This is important because Kant anticipates a right to be a citizen of the world before the establishment of a federal world state. It will be recalled that the Second Definitive Article had indicated a federation of States that maintain their full national sovereignty, as the only realistic goal, in place of the ideal, a world government. Since we are working within the hypothesis of a federation without coercive powers, the third definitive article evidently introduces a right that has normative force even if there is no institution – national or supranational – enforce it. The right of resort posits the rights of individuals, as independent and prior to the rights of citizens, thus laying the foundation for the contemporary doctrine of human rights. To be precise, the focus of the article is the recognition of individual rights that lays between the merely moral "right of man" Kant, like Locke, assigns to individuals already in the state of nature and rights included in a system of laws and protected by appropriate institutional mechanisms.

Even more importantly, Kant talks about a right of all individuals "to present themselves in the society of other [*sich zur Gesellschaft anzubieten*] by virtue of their right to communal possession of the earth's surface" (Kant 1795, 106). The German expression "sich jdm. zur Begleitung anbieten" commonly means "to offer one's readiness to accompany someone." Hence, "sich zur Gesellschaft anzubieten" may also be translated as "to offer one's readiness to socialize." This important semantic nuance is not completely rendered by Nisbet's translation, but it is crucial to grasp what Kant has in mind. He seems to be appealing to a right to apply to enter into a new

society. Clearly, we are dealing with something more (or at least different) than a mere right to cross frontiers, to exchange goods, and to do business in a foreign country. This is rather a right to come to know each other, to get in contact with foreigners to lay down the basis of a community wider than the national one. In this sense, the third article pertains to *cosmopolitan* right. Through the Third Definitive Article, Kant paves the way of a global community that is best understood as the social side of a supranational entity, of which the federation of peoples and later on the world republic is the institutional *coté*. On the present reconstruction, then, the third article focuses on the conditions that avoid peoples' reciprocal closure. It deals with those "good practices" needed to make sure that societies influence one another, know one another, and thus decrease the level of reciprocal diffidence. Mutual knowledge is thus the primary goal of the Third Definitive Article and the exchange of goods is just one of the means through which that end is effectively rendered. By contrast, DPT scholars tend to reduce this article's significance to the creation of commercial interdependencies between countries. To be sure, Kant's emphasis on the incompatibility between war and the commercial spirit shows that this liberal insight is endorsed by him. One should not forget, however, that this is just one aspect of a much richer and more complex theory of cultural exchange and general interconnectedness among peoples.

One last element needs to be emphasized. What we said about economic interdependence without qualifications holds for interconnectedness per se. A world characterized by profound bonds of mutual dependence but also by unjust international and global rules – pretty much like the one we inhabit in the globalization era – can easily turn the peace potential of interdependence into a cause of war. Africa and the Middle East – just to give an example – have become more and more indispensable sources of energy and raw materials for the western countries. Conversely, their economy and the quality of their political regimes are closely dependent on the decisions and actions of western countries. If this mutual dependence grows within global rules that - -to name one problem – recognize the worst dictator as legitimate owner of the country's resources, then it is not difficult to predict that these dependencies will be causes for international crises if not full

fledged conflicts. The language of the Third Definitive Article – the vindication of a “Right to visit”, as opposed to some impersonal, objective recommendation to leave frontiers open, immediately evokes the normative dimension of the overall project, and therefore suggests that what is needed is not economic interdependence *per se* but interdependence inspired by respect of all parties involved. Not just international trade, but *fair* international trade.

4. Conclusions

The three interpretative mistakes we analyzed by no means exhaust the points in which the mainstream DPT reading of Kant could be challenged. They already suffice though to show how different the Kantian original is from the model assumed today. Kant thought that peace had to be pursued through a constant diffusion of domestic institutions founded on republican principles. Existing liberal democracies are the best approximation we have, but still sheer approximations. As such they remain in need of continuous improvement and by no means are they free from the possibility of regression. To conflate the ideal with the practical realization, as it is often done, makes progress impossible and regress most likely. Kant also thought that *each* state could and should enter a Federation (of regional or global scope). This decreases the likelihood of war by offering channels of diplomacy and an independent arbitration of controversies particularly needed in the relations between states with highly different values and institutions. And he finally thought that the interconnectedness and mutual knowledge of people and peoples further eliminates some causes of conflict, if such interconnected (including the economic relations) is practiced by respecting what we would now call human rights. DPT assumes that peace is to be pursued through unforced diffusion of liberal democratic institutions as they are now, a federation between liberal democracies that excludes any other form of state (with the possible exception of *decent* peoples), and the increase of one kind of global relations – economic relations – with scant attention to fairness of such economic interdependence. The models are therefore very different and the difference affects, among other things, the way in which one views the evolution of world affairs,

the role one assigns to institutions and individuals, the decisions of foreign policy one is likely to adopt. This is not to say that one model is necessarily better than the other (although our intuition is that Kant's model has many virtues DPT lacks). Our goal was merely to correct some hermeneutical mistakes and to highlight its consequences in the shaping of a model that still today greatly influences the foreign policy of powerful national players.