

International Right and Kant's World-Federation

Abstract:

Recent interpretations of Kant's international political philosophy have argued that the formation of a coercive world-state (*Völkerstaat*) is morally required. While these interpretations highlight the importance of a strong world government, they ignore Kant's alternative to a *Völkerstaat*, a world-federation (*Völkerbund*). For both theoretical and practical reasons, the *Völkerbund* plays a crucial role in cosmopolitan right, and Kant can only justifiably reject the formation of the *Völkerstaat* because of the structure of the *Völkerbund*. This article explains the constitution and functions of the *Völkerbund*, and thereby shows why Kant was not ultimately committed to supporting a coercive world-state.

In his later political writing, Kant advocates the formation of a world-federation, or *Völkerbund*, and often repudiates the formation of a coercive *Völkerstaat*. Recently, there have been three distinct interpretations of what this repudiation actually means for Kant's complete system of International Right. In the first reading, advocated by Kevin Dodson and Jürgen Habermas, (1) Kant's system actually *requires* a strong *Völkerstaat* with the power to compel peace in order to establish a complete rule of law.¹ In his surrounding works, Kant makes commitments that require a *Völkerstaat* for the sake of theoretical consistency, even if Kant seems to deny it in some passages. In the second reading, (2) the denial of the *Völkerstaat* is absolute. Not only does Kant repudiate a world-state, but

¹ As Dodson writes, "No state can seriously expect the united power of the whole to protect it when each state is able to exempt itself from such service as it sees fit" (5). Habermas similarly writes, "Habermas: 'Kant's concept of a permanent federation of nations that respects the sovereignty of each is, as I have shown, inconsistent. The rights of the world citizen must be institutionalized in such a way that it actually binds individual governments'" (127). Also see Pogge (1988), Allan Wood (1998), Carson (1988), Hoffe (1995) and Lutz-Bachmann (1997) (cited in Kleigeld n.3)

his system does *not* require it for theoretical consistency. Kant gives adequate reason to show that a central coercive power should not be instituted at all, even if his earlier work might seem sympathetic to it.² Most recently, a third reading has been advanced by Pauline Kleingeld and Georg Cavallar that aims to reconcile these first two interpretations.³ This third view holds that (3) the Völkerstaat is long-term aim in Kant's system but that Kant recommends the non-coercive Völkerbund as an intermediate step to foster a cosmopolitan ethos, which eventually produces Kant's ideal of the Völkerstaat without directly imposing it.

A primary motivation for the first and third readings is an analogy between the domestic and international state of nature. Kant frequently uses this comparison to explain why states must yield to a central authority.

Just as omnilateral violence and the need arising from it must finally bring a people to decide... to enter into a *civil condition*, so too must the need arising from the constant wars by which states in turn try to encroach upon or subjugate one another at last bring them, even against their will, to enter into a cosmopolitan constitution. (TP, AA 8:310)

² See Cavallar (113-115). He reads Kant as transitioning away from a preference for a coercive world federation (in the work prior to 1790s) to a non-coercive federation in his *Theory and Practice, Perpetual Peace* and *The Doctrine of Right*.

³ Kleingeld writes, "Kant does advocate the establishment of a non-coercive league of states..., but he does so for reasons that both make good sense within the framework of his political theory and are compatible with the stronger ideal of a state of states" (305). Similarly, Cavallar says, "The true Kantian endorses a free federation of states. Kant was aware of the fact that this federation could not guarantee peace. Therefore he hoped that a world republic with public coercive laws might evolve at a later stage of development" (130).

Under the second reading, which absolutely denies the *Völkerstaat*, this analogy is somehow imperfect. There must be some difference between the domestic and international state of nature that explains why one requires a coercive sovereign and the other does not. Yet, the exit from the state of nature is so central to Kant's political philosophy, and this analogy is so consistent throughout the international writings, that it seems wrong to ignore the *Völkerstaat* as its logical consequent. Both the second and third readings see the *Völkerstaat* as required in Kant's system because the same reasons that call for a domestic state ultimately call for the formation of an international state.⁴

Despite the formidable argument that his analogy represents, this essay will support the second reading of Kant's international system of right. Kant absolutely denied the necessity of the *Völkerstaat*, and this denial is consistent with his broader views. The problem with past argument is that it has focused on the denial or support of the *Völkerstaat*, rather than developing Kant's positive arguments for the *Völkerbund*. The *Völkerbund* is an important international institution in Kant's system, and only by understanding the role it plays in the international context can the repudiation of the *Völkerstaat* make sense. I contend that the *Völkerbund* should be seen primarily as an

⁴ Commentators have further identified two primary arguments that Kant uses against the *Völkerstaat* and neither seems complete. First, the *Völkerstaat* is disfavored on practical grounds—it just could not work without descending into despotism. Yet, as Cavallar notes, “Does not Kant repeatedly argue that true, pure ideas in the moral and legal world retain their dignity and should be endorsed, regardless of their possible realization?” The empirical fact on the nature of world-state should not tarnish the rational ideal. Second, Kant suggests that there is a logical contradiction in the idea of a ‘state of nations’ because the *Völkerstaat* would dissolve all states into a single structure, and hence it would be meaningless to have a doctrine for the rights of nations (Zef, AA 8:354). Yet, commentators have also shown that just as individuals maintain sovereignty in the domestic case, a minimalist *Völkerstaat* can both maintain sovereignty in issues of war *and* ensure a system of national rights.

international legislative authority—a *worldly instantiation of the cosmopolitan general will*. While the Volkerbund also consists of a judiciary to interpret international law and arbitrate disputes, it differs from a Völkerstaat because it lacks any coercive executive power to enforce international law.

My argument will move in two stages. In §§1-3, I will show that by establishing an international legislature in the Völkerbund, Kant achieves his two primary goals without a Völkerstaat. First, Kant overcomes the mutual legitimacy of force characterized by the state of nature. The laws that are established and promulgated by the Völkerbund establish a rightful condition while still maintaining the executive sovereignty and freedom of nations. Second, the establishment of the Völkerbund promotes perpetual peace as a reasonable hope. Since there is no coercive international executive, the world-federation cannot *guarantee* peace, but Kant did not seek perfect guarantee. In the second stage of the paper, I will address the primary arguments that favor the Völkerstaat. In §4, I will address an important passage from *Towards Perpetual Peace* that seems to cut against my argument, and I will explain what differentiates the international state of nature from the domestic state of nature in §5.

1. THE CONSTITUTION OF THE VÖLKERBUND

The first step in the argument is to understand the role that the Völkerbund plays in international right, and how it differs from a Völkerstaat. Put simply, the Völkerbund retains the legislative and judicial roles that are familiar from states, yet the Völkerbund

does not have an executive that enforces the law. On first look, it seems strange to suppose the existence of a legislature without an executive because Kant refers to these as two of the three necessary authorities of a state. However, the Völkerbund is specifically *not* a state, and the absence of an executive is primarily what distinguishes it.

The Völkerbund should be understood only as the representative for a cosmopolitan general will, which decides on issues of international law and promulgates this law to states. When Kant ridicules the people who do not recognize a “supreme legislative power” with the purpose of abolishing war, he asserts the need for such a legislature specifically (Zef, AA 8:356). In describing his right of nations, Kant describes the rightful conditions as:

Of that external condition in which a right can actually be assigned to human beings can we speak of a right of nations; for, as a public right, it contains in its very concept the publication of a general will determining for each what is its own. (Zef, AA 8:383)

For there to be a rightful condition at all, there must be a body that makes the general will determinate and public. The goal and purpose of the Völkerbund is to establish this rightful condition, which requires the establishment of a legislature that represents the cosmopolitan general will. The laws that are passed by this body are understood to set the determinate rights of states. The Völkerbund thereby determines what is each state's own.

In establishing a rightful condition of law, the Völkerbund also establishes legal conditions under which disputes can be settled. For there to be determinate rights, there

must be an authority that has the normative power to interpret international law in particular cases. Therefore, the Völkerbund must also have a secondary judicial function. In the state of nature, conflicts between states can only be decided by force and war, yet in a rightful international condition there is the possibility of arbitration by lawsuit:

The *right to go to war*...is the way in which a state is permitted to prosecute its right against another state, namely by its own *force*, when it believes it has been wronged by the other state; for this cannot be done in the state of nature by a lawsuit (the only means by which disputes are settled in a rightful condition). (MS, AA 6:346)

Only by such a congress can the idea of a public 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..., mainly by war.
(MS, AA 6:351)

In these passages, Kant outlines that war is the only way to decide conflicts outside of a rightful condition, but he recognizes that a rightful condition between states can be realized by the establishment of a congress. Once this rightful condition is in place, conflicts can be resolved by arbitration rather than by war. In such cases, disputes of international law will be decided by the Völkerbund, which applies its previously established laws to the particular case. In this way, the Völkerbund further determines what the rights of states are by interpreting the cosmopolitan law.

So, the Völkerbund should be understood as the representative for the cosmopolitan general will in the form of a legislature and judiciary, however there is no

executive function that enforces the law or judicial decisions. While this might seem like a surprising suggestion, I will better explain how the Völkerbund satisfies two important conceptual gaps in Kant's international political philosophy without coercion. In §2, I show that by establishing a worldly instantiation of the cosmopolitan general will, a lawful and rightful condition holds. In §3, I will address a number of more pragmatic reasons to hope that the Völkerbund will promote peace.

2. THE THEORETICAL ROLE OF THE VÖLKERBUND: MAKING PUBLIC RIGHT DETERMINATE

Commentators who insist on a Völkerstaat as necessary argue that a Völkerbund without coercive power would be an *ineffective* agent of international Right⁵. Prior to Jürgen Habermas's famous essay, Kevin Dodson claimed,

Kant's proposed league is devoid of any real political authority, for it lacks the power to promulgate and enforce public laws on its members, such as is established by a civil constitution. The absence of legislative authority has far-reaching consequences for the viability of Kant's project.

(Dodson 6-7)

Dodson is here correct that the proposed league lacks the power to enforce laws on its members, but he is wrong when he states that it lacks the power to promulgate laws or a

⁵ Pauline Kleingeld, with the lessons of UN practices likely in mind, explains this worry as; "Strong states will behave opportunistically, subjecting the interests of weaker state to their own, using the league as an instrument of foreign policy when this is useful to them, and quitting or simply disregarding the league when it is not" (Kleingeld 314). Outfried Höffe, doubts the feasibility of a non-coercive world-state when he writes, "This lack of all public force may be welcomed by the individual state in their attempts to guard their sovereignty. But as a solution to the problem of legal security it contradicts the fundamental thesis of Kant's ethics of the state: the legal disputes are to be settled by an impartial and sufficiently powerful third party" (Hoffe 195).

legislative authority. It is precisely those two functions that give the Völkerbund its limited power. The Völkerbund is not meant to guarantee security in the way that most expect—hostile inclinations are constantly in danger of breaking loose. The Völkerbund is meant to satisfy those conditions necessary for a cosmopolitan right to exist. Only such a federation can both satisfy (1) the requirements of public right, and (2) the requirements for a rightful condition. So while Dodson and Habermas are correct to criticize the Völkerbund as relatively ineffective, that criticism ignores the primary moral role that the Völkerbund plays.

First, the Völkerbund is needed in order to issue the edicts that establish public right. Kant divides rights into two types; innate and acquired; “An innate right is that which belongs to everyone by nature, independently of any act that would establish a right; and acquired right is that for which such an act is required” (MS, AA 6:238). In Kant’s system, the only innate right is freedom, so all other rights must be established by an act. The Völkerbund is the institution through which those acts can occur and international acquired-rights are established. Kant elaborates this purpose in a particular comparison to the domestic state of nature;

it is true that the state of nature need not, just because it is natural, be a state of *injustice (iniustus)*, of dealing with one another only in terms of the degree of force each has. But it would still a state *devoid of justice (status iustitia vacuus)*, in which when rights are in dispute (*ius controversum*), there would be no judge competent to render a verdict having rightful force.

(MS, AA 6:312)

Without the Völkerbund, there is no means by which to determine the public right at all. As a legislative body, the Völkerbund can issue edicts that resolve the general disputes in rights, and through an interpretative judiciary can resolve particular disputes through arbitration. Once a legislative Völkerbund is formed, there will there be a competent judge with the power to issues “verdicts having rightful force.” In this way, the world is no longer in a state *devoid of justice*.

Second, the only situation under which a rightful condition is possible is “in accordance with the idea of a will giving laws for everyone” (MS, AA 6:306). To satisfy this requirement, a legislative Völkerbund is necessary as the instantiated approximation of the general will. As Kant makes explicit in the closing paragraphs of *Towards Perpetual Peace*, the existence of a right of nations requires such a rightful condition;

The condition under which a right of nations as such is possible is that a *rightful condition* already exists. For without this there is no public right, and any right that one may think of outside of it (in a state of nature) is instead merely private right. Now we have seen above that a federative condition of states having as its only purpose the avoidance of war is the sole *rightful* condition compatible with the *freedom* of states.

(Zef, AA 8:385)

As nations come together to form the Völkerbund, they abandon the state of nature and the mutual legitimacy of force. They establish the rightful condition under which they come to have a cosmopolitan right, and the principles of international right only now can

be said to rightly hold. As this passage shows, the “federative condition of states,” as the Völkerbund, is the “sole rightful condition” that Kant entertains.

Similarly, the Völkerbund is necessary as a body that can promulgate the edicts of public right. Kant maintains that Right is “conferred only by justice” and that justice can only come through *publicity* of principles (Zef, AA 8:381). In establishing a rightful condition, the Völkerbund also publicizes the edicts of international right, thus satisfying the “formal” constrain of Right (Zef, AA 8:381). So, Dodson is correct when he criticizes the Völkerbund for being unable to enforce public laws, but wrong when he suggests that it cannot promulgate them. While the Völkerbund cannot be as effective or as comprehensive as a Völkerstaat would be, it is not a useless apparatus. On the contrary, it is the device through which the international state of nature is dissolved. It does this not by enforcing rights, but by establishing and publicizing them. The security of these rights cannot be guaranteed, but only in this way can determinate rights even be said to exist and have moral force.

3. THE PRACTICAL ROLE OF THE VÖLKERBUND: ADVANCING PEACE

In the previous section, we saw how the Völkerbund fits within the conceptual scheme of Kant's political apparatus, but that alone does not make the Völkerbund an adequate model for cosmopolitan right. There must still be some reason to believe that the Völkerbund offers hope for achieving peace. In support of the reading that I have thus far offered, Kant does devote much of “Towards Perpetual Peace” to addressing this exact

need. He focuses on three particular mechanisms that promote peace; moral politicians, commercial greed, and the natural magnetism of right. These aspects of international relations are crucial because they explain how—even without a coercive Völkerstaat—a stable and peaceful international order is a reasonable hope. In each of these cases, we see that the public standard of right supplied by the Völkerbund nudges nations closer towards perpetual peace.

First, the Appendix of “Towards Perpetual Peace” introduces Kant’s idea of the moral politician as he discusses how morality and prudential politics can be conjoined, “I can indeed think of a *moral politician*, that is, one who takes the principles of political prudence in such a way that they can coexist with morals, but not of a *political moralist*, who frames a morals to suit the statesman’s advantage” (Zef, AA 8:372). He then goes on to explain that the moral politician takes the fulfillment of natural right as his own maxim, “even at the cost of sacrifices to their self-seeking inclinations.” This moral politician is motivated by duty even when the non-moral incentives are not present. The laws and public standard, which the legislative Völkerbund supplies, direct and coordinate such politicians when they exist. A clear and non-arbitrary conception of public right allows moral politicians to better promote the cause of peace by clarifying what specific actions are required.

Second, the first supplement of *Perpetual Peace* is dedicated to the various natural mechanisms that encourage long-term peace. This section is meant to show how “what man *ought* to do in accordance with laws of freedom but does not do, it is assured he *will*

do” (Zef, AA 8:365). The first natural device that Kant appeals to, ironically enough, is how the self-interest of individuals allows for a system to be built that leads to peace. In this fact, Kant sees that nature wills the end of peace because even that which seems most inimical to it, pure self-interest, can be bent for the purpose of Right. Kant correctly anticipates that the “power of money may well be the most reliable of all the powers...to promote honorable peace” (Zef, AA 8:368). In what might be the most prescient observation of the essay, Kant suggests that the nature of commerce and process of globalization will produce a series of incentives for peace that arise not from duty, but from greed. The Völkerbund aligns with this incentive towards peace in two ways. First, commerce can only flourish in a stable and peaceful international order, and insofar as the Völkerbund is a peace-making organization it will curry favor from those who wish to gain from the stability. Second, the public laws and Right are able to establish the international norms that make commerce possible. By setting a public standard for business transactions, commerce has the reliable background conditions needed for success.

Third, Kant devotes much of his essay to explaining how the concept of Right is important to even prudential politicians. He scolds philosophers such as Grotius, Pufendorf and Vattel for providing justification for waging war because he believes that even prudential politicians care about justifying themselves;

“This homage that every state pays the concept of right (at least verbally) nevertheless proves that there is to be found in human beings a still greater, though at present dormant, moral predisposition to eventually become master of

the evil principles within him (which he cannot deny) and also to hope for this from others.” (Zef, AA 8:355)

Furthermore, he suggests that this homage is inescapable, and rather than repudiate the concept of Right as meaningless, politicians “give it all the honor due to it, even if they should think up a hundred pretexts and subterfuges to evade it in practice” (Zef, AA 8:376). For this reason, the decisions of the legislative Völkerbund hold even more weight because prudential politicians are no longer able to twist and alter the concept of Right to their advantage. These politicians will still pay homage to the right, but now that Right has a public standard, such homage will actually advance the cause of peace.

In order to understand the argument here, it is important to see that Kant does not treat perpetual peace as guaranteed but merely as a goal worthy of hope. Kant focuses his arguments on getting *towards* perpetual peace because he believes that nations will never fully achieve a stable and everlasting peace. However, people *will* be able to come ever closer and closer to it. If the coercive Völkerstaat was the final ideal for global affairs, then we would reach actual perpetual peace through its constitution—as in the domestic case. Yet, this is not how Kant frames the issue; he does not aim to show how permanent peace can actually be achieved but only how it can be approached;

So *perpetual peace*, the ultimate goal of the whole right of nations, is indeed an unachievable idea. Still, the political principles directed toward perpetual peace, of entering into such alliances of states, which serve for continual *approximation* to it, are not unachievable. Instead, since continual approximation to it is a task based on duty and therefore on the right of human beings and of states, this can

certainly be achieved.”

(MS, AA 6:350)

Without the Völkerstaat, there will always be a possibility that war breaks out. Yet, even with this possibility, the Völkerbund is a more reliable guarantee of freedom than any necessarily despotic Völkerstaat. The Völkerbund of perpetual peace is admittedly a shaky, limited structure, but over time it will allow nations to crawl closer and closer to the ideal. The legislative Völkerbund is the *ideal* way to *pursue and approximate* peace.

4. KANT'S ARGUMENT FOR THE VÖLKERBUND

In the introduction, I contrasted my reading of Kant's international political philosophy with two rival interpretations. In the first interpretation, Kant's political philosophy ultimately requires a coercive Völkerstaat, despite what might seem like denial. In the third interpretation, the Völkerbund is a transition towards an eventual Völkerstaat. In support of these readings, commentators have offered a positive argue that centers on one important passage from *Towards Perpetual Peace*;

In accordance with reason there is only one way that 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) *Völkerstaat (civitas gentium)* that would finally encompass all the nations on earth.

(Zef, AA 8:357 rev.)

Kleingeld, Cavallar and Höffe all direct attention to this passage to demonstrate that the Völkerstaat is Kant's ideal.⁶ This is the solution that is most in "accordance with reason," and hence forms the highest goal in Kant's rationalistic system. These commentators feel that this passage and others like it show that the Völkerbund is only a temporary solution to a problem that can only be permanently solved by a Völkerstaat

In support of my reading, I need to better explain why the above passage does not, actually, call for the formation of the Völkerstaat. To do so, I want to direct attention to the passage that immediately follows the Kleingeld/Cavallar/Hoffe quotation, and which better explains the Völkerbund's role;

But, in accordance with their idea of the right of nations, [peoples] do not at all want [the Völkerstaat], thus rejecting in *hypothese* what is correct in *thesi*; so (if all is not to be lost) 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 right, though with constant danger of its breaking out.

(Zef, AA 8:357 rev.)

This passage contains Kant's most explicit argument for the Völkerbund—though in a complicated and twisting way. First, Kant identifies the crucial factor that leads to the repudiation of the world-state as the fact that peoples "do not at all want" the Völkerstaat. Here, Kant gives the determining power to the will of the peoples; it is because they do not want the Völkerstaat that it is denied. At first, this seems too *a posteriori* for Kant's

⁶ Hoffe: pg 198, Kleingeld: pg 306, Cavallar: pg 122

political philosophy. As he writes, “it is just the general will given *a priori* (within a nation or in the relation of various nations to one another) that alone determines what is laid down as right among human beings” (Zef, AA 8:378). Whether Right requires a world-state should seemingly be settled by pure reason. On second look, however, it is not clear why we should see the claim that people “do not at all want” the Völkerstaat as *a posteriori*. I suggest that we read this as a claim about the “general will given *a priori*.” If the general will given *a priori* does not at all want the Völkerstaat, then that is sufficient reason why it is inconsistent with International Right just as Kant seems to treat it as sufficient reason in the passage.

The reason to understand why the general will (given *a priori*) would not want the Völkerstaat can also be understood by looking at the details of Kant’s practical philosophy. First, we should remember that the universalization test for the FUL has two phases, one formal and one conative. Even if it is logically possible to have a maxim against helping others, for example, one cannot will that no one ever help him. The failure of such a maxim is not purely formal but involves the knowledge that the costs of never receiving help are too large for it to be reasonably willed. Similarly, even without any formal constraints against national anarchy, this surely cannot be willed. The cost of anarchy is just too high for agents to will the dissolution of the national state. Oddly enough, the opposite holds for the international sphere. The costs of having a Völkerstaat are too high for agents to will its formation. After all, it is not just *likely* that such a

system would descend into despotism and anarchy, but it is a “law of nature” (Guyer: 2000 417).

In each of these cases, the issue is not decided *a posteriori* by a vote of the world demos. It is “willed” because it would be unreasonable to will such burdens onto oneself. I suggest that this explains the “rejecting in *hypothesi* what is correct in *thesi*.” That which is correct “in *thesi*” is the establishment of the Völkerstaat—as outlined in the Kleingeld/Cavallar/Hoffe quotation above. However, because the general will “alone determines what is laid down as right among human beings,” and because the general will “does not at all want” a world-state, the Völkerstaat is rejected “in *hypothesi*.”

Staying with the passage, Kant does not treat the rejection of the world-state as an end to the argument. In Kant’s political philosophy, the exit from the state of nature is of foremost importance. When Kant writes that “(if all is not to be lost),” he means that all would be lost if international society remained in the state of nature, and it is out of this necessity that the Völkerbund is born. Since (P1) agents must exit the state of nature and (P2) the most effective means—a Völkerstaat—is too costly, then (C) “in place of the positive idea” of a Völkerstaat Kant introduces “the negative surrogate of a *league*.” The goal of this negative surrogate is still the same as the positive idea: to “hold back the stream of hostile inclination that shies away from right.” Just as with a national state that aims to use coercion to temper unrightful inclination, the Völkerbund as negative surrogate has the same explicit purpose. By establishing an international condition of law, the Völkerbund is able to overcome the international state of nature. However, this

condition is not as perfect as the domestic state because there remains a “constant danger” of hostile inclinations “breaking out.”

5. BREAKING THE ANALOGY

In the last section, I gave some reason to see why the analogy between the domestic and international states of nature is not perfect. In order to show that the *Völkerstaat* is not the necessary result for international society, this analogy must be fully addressed. As stated, the most significant difference is in the general will; in the case of the domestic state of nature, the general will resoundingly favors the state over anarchy, while in the case of the international state of nature, the general will rejects a world-state. For Kant, it is clear that such a “soulless despotism, after it has destroyed the seeds of good, finally deteriorates into anarchy” (Zef, AA 8:367), hence it would be unreasonable to will its formation. Yet, this dissimilarity—while perhaps sufficient—is not the only way to distinguish the domestic and international state of nature.

First, Kant has importantly distinct concerns in mind for the domestic and international situations. In domestic Right, Kant is focused on three issues; property, contract, and civil relationships. With international Right, Kant is concerned with only one; ending war. As he writes in *Perpetual Peace*, “a federative condition of states having as its only purpose the avoidance of war is the sole *rightful* condition” (Zef, AA 8:385). For Kant’s system of international right, it is adequate to assume that states can regulate domestic right themselves. The *Völkerbund* would grant states the internal sovereignty to

decide such issues, and only regulate the external actions that states take. For this reason, the Völkerbund does not need to have the extensive structure that the domestic state must.

As Kant himself says in regard to the analogy:

What holds in accordance with the natural right for human beings in a lawless condition, “they ought to leave this condition,” cannot hold for states in accordance with the right of nations (since as 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 the concept of right).

(Zef, AA 8:355)

Because the states have already established domestic Right, the Völkerbund is concerned only with ensuring peace. Besides, the republican states under the Völkerbund’s law are already disposed to avoid war. The legitimacy of the Völkerbund acts mostly as a coordination mechanism towards peace, minimizing the need for any coercion.

The limited concern of international Right is even more important for the claim to coercion that the Völkerstaat would make. When supporters of the Völkerstaat advocate for coercive rights, they are claiming the right to wage war for the sake of ending war. Any such justification is questionable. As Kant writes, “the first question is: what right has a state *against its own subjects* to use them for war against other states, to expend their good and even their lives in it” (MS, AA 6:344). Likewise, we ask what right the Völkerstaat has against its cosmopolitan citizens to use them for war on rogue states. As in the domestic case, this right may only come from the consent of the governed (MS, AA

6:345). If the consent is present, then an alliance of states themselves are able to wage a just war in accordance with the edicts of cosmopolitan right, and the Völkerstaat is rendered extraneous. When this is the case, those that support war are more likely to suffer its costs than those that are merely at the command of the Völkerstaat. Seeing the Völkerstaat in this light shows the significant differences between domestic and international cases.

A Hobbesian reading of Kant's political philosophy might motivate those who favor the Völkerstaat as necessary for justice. While these two great thinkers differ extraordinarily, they both agree on the importance of the exit from the state of nature. Furthermore, they recognize that this necessity is tied intricately to the use of sovereign force. In so far as readers are motivated by Hobbesian commitments, it is helpful to also see the distinction that Hobbes himself draws between the domestic and international spheres of justice.

In all times kings and persons of sovereign authority, because of their independency, are in continual jealousies and in the state and posture of gladiators..., which is a posture of war. But because they uphold thereby the industry of their subjects, there does not follow from it the misery that accompanies the liberty of particular men. (L78)

Hobbes too recognized meaningful differences between the domestic and international states of nature—in particular the greater misery involved in the domestic case. I maintain that such differences are crucial in understanding why the analogy between the

international and domestic context is not perfect. There are important conceptual and practical differences that should affect any theory.

In Kant's political philosophy, effectiveness is not the primary criterion that determines global political organization. On the contrary, Kant recognizes that peace is impossible to guarantee. Kant's international political structure is more focused on establishing the conditions under which legitimate rights can be said to exist. While the *Völkerbund* may not be a perfect international structure, it is accepted because it the solution most in accordance with the cosmopolitan general will. Since such a limited structure still replaces the legitimacy of force with the legitimacy of cosmopolitan law, the international state of nature is dissolved through a public standard of Right.

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