

Kantian perspectives on democratic peace: alternatives to Doyle

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As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high.

Francis Bacon²

Abstract. The article argues that Doyle's interpretation of Kant's first definitive article in *Perpetual Peace* is mistaken. I distinguish between Kant's pragmatic argument (his democratic peace proposition) and his *a priori*, or transcendental claim. Both are distinct from Doyle's approach which emphasizes institutional restraint and shared cultural norms. Doyle must be criticized for taking Kant's transcendental claims as statements that can be verified empirically. I propose that we drop Doyle's juxtaposition of liberal and illiberal as a fallacy of essentialism. Kant's distinction between republican and despotic is a methodological abstraction belonging to ideal theory (the system of rights). Kantian non-ideal theory (his political philosophy) sees the distinction among states as a matter of degree rather than kind. Kant favours an inclusive global federation encompassing liberal as well as non-liberal states, rather than an exclusive federation and 'separate peace' of liberal states.

The last years have witnessed 'Kant's startling comeback' in moral and political philosophy and an unprecedented boom of congresses, books and articles about Kant's essay *Zum ewigen Frieden* (1795), his theory of international relations and international right.³ The new interest in Kant's philosophy of international relations

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² Francis Bacon, *The Advancement of Learning* (New York: Everyman's Library, 1962), book 2, section 23, para. 49 (p. 206).

³ See William A. Galston, 'What Is Living and What Is Dead in Kant's Practical Philosophy?', in Ronald Beiner and William James Booth (eds.), *Kant and Political Philosophy: The Contemporary Legacy* (New Haven, CT and London: Yale University Press, 1993), pp. 207f. for the current 'return to Kant'. The most important collections of essays on Kant's concept of peace are: Otfried Höffe (ed.), *Immanuel Kant. Zum ewigen Frieden*. Klassiker Auslegen (Berlin: Akademie Verlag, 1995); Wolfgang Beutin (ed.), *Hommage à Kant. Kants Schrift 'Zum ewigen Frieden'* (Hamburg: Bockel, 1996); Reinhard Merkel and Roland Wittmann (eds.), *'Zum ewigen Frieden'. Grundlagen, Aktualität und Aussichten einer Idee von Immanuel Kant* (Frankfurt am Main: Suhrkamp, 1996); Matthias Lutz-Bachmann and James Bohman (eds.), *Frieden durch Recht. Kants Friedensidee und das Problem einer neuen Weltordnung* (Frankfurt am Main: Suhrkamp, 1996); Pierre Laberge, Guy Lafrance and Denis Dumas (eds.), *L'Année 1795: Kant, Essai sur la Paix* (Paris: J. Vrin, 1997). An excellent study is Volker Gerhardt, *Immanuel Kants Entwurf 'Zum ewigen Frieden': eine Theorie der Politik* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995). See also Georg Cavallar, *Kant and the Theory and Practice of International Right* (Cardiff: University of Wales Press, 1999). Several relevant essays are included in Hoke Robinson (ed.), *Proceedings of the Eighth International Kant Congress*, 5 vols. (Milwaukee: Marquette University Press, 1995).

is paralleled by the focus on the liberal or democratic peace, the claim that liberal democracies (usually) do not fight each other. There has been an emerging consensus among researchers that the ‘absence of war between democracies comes as close as anything we have to an empirical law in international relations’.⁴ Proponents of the liberal peace proposition admit, however, that liberal, Western-style democracies are not inherently peaceful, since they sometimes go to war against non-democratic regimes.⁵ Academic interest in Kant and the liberal peace are not unrelated phenomena. Starting with an article in 1983, Michael W. Doyle, who sees Kant as ‘one of the greatest of liberal philosophers’,⁶ has offered a highly controversial (and I think mistaken) reading of Kant’s political philosophy and the democratic peace hypothesis.⁷ His main theses can be summarized as follows overleaf:

Kant is often highly praised. See for instance Daniele Archibugi, ‘Models of international organization in perpetual peace projects’, *Review of International Studies*, 18 (1992), p. 310; Howard Williams and Ken Booth, ‘Kant: Theorist beyond Limits’, in Ian Clark and Iver B. Neumann (eds.), *Classical Theories of International Relations* (Houndmills, UK: Macmillan, 1996), p. 95; Chris Brown, *International Relations Theory: New Normative Approaches* (New York: Columbia University Press, 1992), p. 14.

⁴ Jack S. Levy, ‘Domestic Politics and War’, *Journal of Interdisciplinary History*, 18 (1988), p. 662; cf. ‘The Causes of War: A Review of Theories and Evidence’, in Philip E. Tetlock et al. (eds.), *Behaviour, Society and Nuclear War* (New York: Oxford University Press, 1989), vol. 1, p. 270.

⁵ Comprehensive and updated lists of publications on the topic can be found in Michael Mousseau, ‘Democracy and Compromise in Militarized Interstate Conflicts, 1816–1992’, *Journal of Conflict Resolution*, 42:2 (1998), pp. 228–30; Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, NJ: Princeton University Press, 1993), pp. 151–65; James Lee Ray, *Democracy and International Conflict. An Evaluation of the Democratic Peace Proposition* (Columbia, SC: University of South Carolina Press, 1995), pp. 213–28; Rudolph J. Rummel, *Power Kills: Democracy as a Method of Nonviolence* (New Brunswick, London: Transaction Publishers, 1997), pp. 213–30; Andrew J. Enterline, ‘Regime Changes and Interstate Conflict, 1816–1992’, *Political Research Quarterly*, 51 (1998), pp. 406–9; Michael D. Ward and Kristian S. Gleditsch, ‘Democratizing for Peace’, *American Political Science Review*, 92 (1998), pp. 60–1. Ray, *Democracy*, pp. 21–30 discusses new evidence for the peace proposition. See also the most recent special issue of *Journal of Conflict Resolution*, 42:3 (1998), pp. 252–387, and the selection of essays in Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller (eds.), *Debating the Democratic Peace. An International Security Reader* (Cambridge, MA: MIT Press, 1997).

⁶ Michael W. Doyle, ‘Kant, Liberal Legacies, and Foreign Affairs’, *Philosophy and Public Affairs*, 12 (1983), p. 206.

⁷ Doyle has repeated his main theses about Kant in various articles following the 1983 piece. Doyle expanded his historical and empirical material. In terms of philosophical analysis and textual exegesis, the changes have been marginal. Doyle offers a summary of his understanding of Kant (as well as Schumpeter and Machiavelli) in ‘Liberalism and World Politics’, *American Political Science Review*, 80 (1986), pp. 1151–69. Doyle’s major work of that period is *Empires* (Ithaca, NY: Cornell University Press, 1986). Subsequent publications have been ‘Liberal Institutions and International Ethics’, in Kenneth Kipnis and Diana T. Meyers (eds.), *Political Realism and International Morality: Ethics in the Nuclear Age* (Boulder, CO and London: Westview Press, 1987), pp. 185–211; ‘An International Liberal Community’, in Graham Allison and Gregory F. Treverton (eds.), *Rethinking America’s Security Beyond Cold War to New World Order* (New York: Norton, 1992), pp. 307–33; ‘Liberalism and International Relations’, in Ronald Beiner and William James Booth (eds.), *Kant and Political Philosophy: The Contemporary Legacy* (New Haven, CT and London: Yale University Press, 1993), pp. 173–203; ‘Voice of the People: Political Theorists on the International Implications of Democracy’, in Geir Lundestad (ed.), *The Fall of Great Powers: Peace, Stability and Legitimacy* (London: Scandinavian University Press and Oxford University Press, 1994), pp. 283–310; ‘Die Stimme der Völker. Politische Denker über die internationalen Auswirkungen der Demokratie’, in: Otfried Höffe (ed.), *Immanuel Kant. Zum ewigen Frieden. Klassiker Auslegen* (Berlin: Akademie Verlag, 1995), pp. 221–43; ‘Reflections on the Liberal Peace and its Critics’, in Brown/Lynn-Jones/Miller, *Democratic Peace*, pp. 358–63; ‘Michael Doyle on the Democratic Peace—Again’, *ibid.*, pp. 364–73; *Ways of War and Peace: Realism, Liberalism, and Socialism* (New York, London: Norton, 1997), pp. 251–300. Some of Doyle’s articles have been reprinted, e.g. the 1986 piece in Paul R. Viotti and Mark V. Kauppi, *International Relations Theory. Realism, Pluralism, Globalism*, 2nd edn. (New York: Macmillan, 1993), pp. 262–85, or the 1983 article in Brown/Lynn-Jones/Miller, *Democratic Peace*, pp. 3–57.

1. At the domestic level, 'institutional features lead to caution' on the side of a liberal democratic government as the consent of citizens is required before military action can be taken.⁸
2. At the international level, a 'principled respect for nondiscriminatory human rights' produces a consensus among liberal states to respect each other's 'moral personality', especially in terms of non-intervention. They create a separate peace among themselves.⁹
3. Intra-liberal relations are marked by social and economic interaction and interdependence, Kant's 'spirit of commerce' (Kant 1991, p. 114), as liberal states have material incentives to promote the welfare of other liberal states as trading partners.¹⁰
4. Doyle draws a clear-cut distinction between '[d]omestically just republics, which rest on consent' on the one hand, and 'nonliberal states, which do not rest on free consent' on the other.¹¹ Liberal states are often engaged in war with non-liberal states, because the very factors that promote peace among liberals, namely 'constitutional restraint, shared commercial interests, and international respect for individual rights', provoke conflicts with non-liberals.¹²
5. Liberal states all wind up on the same side in case of war.¹³

Doyle argues that these five theses are in fact Kant's. For him, the conduct of modern liberal democracies verifies the First Definitive Article. Doyle writes that Kant 'builds an account of why liberal states do maintain peace among themselves ... He also explains how these republics would engage in wars with non-republics and therefore suffer the 'sad experience' of wars that an ethical policy might have avoided'.¹⁴

In recent literature, Doyle's name has been constantly connected with Kant's political philosophy and his democratic peace proposition. Most authors assume that Doyle's interpretation of Kant is authentic.¹⁵ There has been almost no alternative interpretation of Kant's legacy. Some reject Kant's position, assuming it is identical with Doyle's. Christopher Layne titles his article 'Kant or Cant', ignores Kant's writings, turns to the empirical evidence, doesn't find any, and finally implies that we may indeed spell the name of our poor friend in Königsberg with a 'C': all that the democratic peace proposition offers is empty talk. Others, especially philo-

⁸ Doyle, *War and Peace*, p. 286. See also John MacMillan, 'A Kantian Protest Against the Peculiar Discourse of Inter-Liberal State Peace', *Millennium: Journal of International Studies*, 24 (1994), p. 550.

⁹ Doyle, *War and Peace*, p. 287; 'Liberalism', pp. 1157, 1160; 'Liberal Legacies', pp. 226f. and 230.

¹⁰ Doyle, *War and Peace*, p. 287.

¹¹ Doyle, 'Liberalism', p. 1161.

¹² Doyle, 'Liberal Legacies', p. 324f.

¹³ *Ibid.*, p. 217; 'Liberalism', p. 1156.

¹⁴ Doyle, 'Liberalism', p. 1159.

¹⁵ Examples: Ray, *Democracy*, pp. 3f.; Diana T. Meyers, 'Kant's Liberal Alliance: A Permanent Peace?', in Kenneth Kipnis and Diana T. Meyers (eds.), *Political Realism and International Morality: Ethics in the Nuclear Age* (Boulder, CO and London: Westview Press, 1987), pp. 212–9; Christopher Layne, 'Kant or Cant: The Myth of Democratic Peace', *International Security*, 19 (1994), pp. 5–49, especially pp. 8f. Other authors include Francis Fukuyama, Jack Levy, and Bruce Russett. See MacMillan, 'Kantian Protest', pp. 549f. for references.

sophers who are more familiar with Kant's philosophy, have dismissed Doyle's interpretation as at odds with Kant's texts and basic premises.¹⁶

The starting point for this article is an attack on liberal authors like Doyle and their interpretation of Kantian political philosophy. In the first section, I will argue that Kant's claim in the First Definitive Article is more modest than, and different from, Doyle's international theory, as well as methodologically complex. I distinguish between Kant's pragmatic argument (his democratic peace proposition) and his *a priori*, or transcendental claim. Both are distinct from Doyle's interpretation which emphasizes institutional restraint and shared cultural norms. The second section presents an alternative and more convincing interpretation of the First Definitive Article. Authors like Doyle must be criticized for taking Kant's transcendental claims as statements that can be verified empirically. I propose that we drop Doyle's juxtaposition of liberal and illiberal as a fallacy of essentialism. Kant's distinction between republican and despotic is a methodological abstraction belonging to ideal theory (the system of rights). Kantian non-ideal theory (his political philosophy) sees the distinction among states as 'a matter of degree rather than kind'.¹⁷ Kant's political philosophy is evolutionary. States and their constitutions can be located along a continuum stretching from the *a priori* ideal of a republic to totalitarian systems.

The third section points out that Kant offers convincing reasons to respect the integrity or 'moral personality' of most states. Kant's system of international right does not allow for double standards. With minor exceptions, all its principles apply equally to liberal and non-liberal states. The fourth section takes this line of reasoning even further. Kant favours an inclusive global federation as a first step, offering legal as well as pragmatic considerations. As a later stage of development, he advocates a world republic which goes beyond a loose federation and/or the separate peace of liberal states.

1. Kant's claim about republicanism and peace: readings of the First Definitive Article

This section and the next argue that there are three ways to interpret Kant's claim about the link between republicanism and peace. Two of them, which I call the radical democratic peace hypothesis and the republican or transcendental peace hypothesis, are the most convincing ones. They differ from Doyle's reading.

The First Definitive Article of *Zum ewigen Frieden* suggests that 'the civil constitution (*bürgerliche Verfassung*) of every state shall be republican' (Kant 1991,

¹⁶ Thomas Pogge, 'Kant's Theory of Justice', *Kant-Studien*, 79 (1988), p. 431; MacMillan, 'Kantian Protest', pp. 549–62; *On Liberal Peace: Democracy, War and the International Order* (London: I. B. Tauris, 1998); Howard Williams, 'The Idea of a Liberal Democratic Peace' (manuscript); Pierre Laberge, 'Kant on Justice and the Law of Nations', in David R. Mapel and Terry Nardin (eds.), *International Society: Diverse Ethical Perspectives* (Princeton, NJ: Princeton University Press, 1998), pp. 82–102; Cecilia Lynch, 'Kant, the Republican Peace, and Moral Guidance in International Law', *Ethics and International Affairs*, 8 (1994), pp. 39–58; Alan Gilbert, 'Must Global Politics Constrain Democracy?', in Christine Chwaszcza and Wolfgang Kersting (eds.), *Politische Philosophie der Internationalen Beziehungen* (Frankfurt am Main: Suhrkamp, 1998), pp. 244–96.

¹⁷ MacMillan, 'Kantian Protest', p. 553; Rummel, *Power Kills*, pp. 5, 51f., 149.

p. 99).¹⁸ Kant gives the following justification: ‘The republican constitution ... offers a prospect of attaining the desired result, i.e. perpetual peace’ (ibid., p. 100). Kant argues on two different levels that the republican constitution might favour peace.¹⁹ The first, pragmatic consideration is based on the human desire for happiness. Kant is convinced that we can presuppose this desire, intention, or purpose [*Absicht*] in all human beings.²⁰ If someone wants to avoid the miseries of war as sources of unhappiness, we can assume that (s)he will prefer peace. As the people suffer most by the deprivations of a war, we can also presume that they will ‘have great hesitation in embarking on so dangerous an enterprise’ (Kant 1991, p. 100). The despotic leader, on the other hand, suffering nothing personally even if he should lose the war, does not even have a prudential reason to avoid it. Kant’s argument is based on the ‘enlightened self-interest’ of republican citizens. They might even be ‘a nation of devils’ as long as they possess understanding (*Verstand* as opposed to practical reason) and are willing to follow it (Kant 1991, p. 112). Prudence and expediency tell them that in case of war they would have to fight, risking their lives and facing possible mutilation or injury. In addition, they would have to finance the war. After the war, they would have to repair the devastation and take upon themselves the burdens of debt (cf. Kant 1991, p. 100). On this pragmatic and empirical level, the possible vote of citizens against war does not, at least in Kant’s account, differentiate between various types of war. No matter whether they are defensive or aggressive, whether they are led against illiberal states or not, Kant assumes that republican citizens are in general more reluctant to go to war than a despotic ruler. When Kant enumerates the reasons for their reluctance, none of them refers to legal aspects, in particular to the constitution of the enemy (cf. Kant 1991, p. 100). We must keep this in mind, because Doyle interprets Kant in a way where these distinctions become important. For Doyle, Kant’s peace proposition explains why ‘liberal states do maintain peace among themselves’ while at the same time ‘these republics would engage in wars with nonrepublics’.²¹ If the above mentioned passage

¹⁸ In this article, I have used Hans Reiss (ed.), *Kant’s Political Writings*, 2nd enlarged edn. (Cambridge: Cambridge University Press, 1991). References to Kant’s writings are included in the text, as they are quite frequent. In some cases I have made changes in passages where I could not agree with the translation.

Useful interpretations of Kant’s republican constitution are: Howard Williams, *Kant’s Political Philosophy* (New York: St. Martin’s Press, 1986), chs 4–8; Patrick Riley, *Kant’s Political Philosophy* (Totowa, NJ: Rowman and Littlefield, 1983), chs 1 and 5; Jeffrey G. Murphy, *Kant: The Philosophy of Right* (Macon: Mercer University Press, 1994); Wolfgang Kersting, *Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie* [1984] (Frankfurt am Main: Suhrkamp, 1993), part C: ‘Das Staatsrecht’; Claudia Langer, *Reform nach Prinzipien. Untersuchungen zur politischen Theorie Immanuel Kants* (Stuttgart: Klett-Cotta, 1986), Drittes Kapitel: ‘Prinzipien des Republikanismus’; Leslie Arthur Mulholland, *Kant’s System of Rights* (New York: Columbia University Press, 1990), ch. 10: ‘The State and Constitutional Rights’; Ingeborg Maus, *Zur Aufklärung der Demokratietheorie. Rechts- und demokratietheoretische Überlegungen im Anschluß an Kant* (Frankfurt am Main: Suhrkamp, 1994).

¹⁹ Kant’s distinction is well described by Leslie A. Mulholland, ‘Kant on War and International Justice’, *Kant-Studien*, 78 (1987), pp. 25–41, particularly 36. Other useful and reliable articles on Kant’s concept of peace are: Julius Ebbinghaus, ‘Kants Lehre vom ewigen Frieden und die Kriegsschuldfrage’ [1928], in *Gesammelte Aufsätze, Vorträge und Reden* (Hildesheim: Georg Olms Verlagsbuchhandlung, 1968), pp. 24–57; Georg Geismann, ‘Kants Rechtslehre vom Weltfrieden’, *Zeitschrift für philosophische Forschung*, 37 (1983), pp. 363–88.

²⁰ Cf. *Foundations of the Metaphysics of Morals*. Trans. Lewis White Beck (Indianapolis: Bobbs-Merrill Comp., 1980), p. 33.

²¹ Doyle, ‘Liberalism and World Politics’, p. 1159.

is Kant's main argument in favour of the democratic peace proposition, then Doyle cannot support his double thesis about intra-liberal peace and aggression towards non-liberals with the help of Kant's writings. Kant's republican citizens would have to opt for pacifism independent of the international context, no matter against whom the particular war in question is directed. In short: on an empirical level, Kant claims that it is simply *more likely* that the republican constitution fosters peace. I will call this first Kantian argument his 'democratic peace proposition': Provided that citizens have the right to decide upon wars themselves, republics are more likely to be peaceful in their foreign relations, no matter whether they face liberal or illiberal states.

The second argument provides an *a priori* claim on a transcendental-rightful level. Though Kant did not develop it explicitly, it can be found in his writings, particularly in a passage of *The Contest of Faculties*. Kant claims *a priori* that one who does not want justice does not want peace. The idea of republicanism is based on the idea of justice. The principles of a juridical, legal community of free and equal human beings are the guiding principles of public right. 'Thus as far as right is concerned, republicanism is in itself the original basis of every kind of civil constitution'. The republican constitution 'springs from the pure concept of right' (Kant 1991, p. 100). As a consequence, only republicanism can lead to peace in principle. Someone who does not want republicanism implicitly denies the 'pure concept of right'²² and thus does not want peace. Kant defines right as 'the sum total of those conditions within which the will (*Willkür*) of one person can be reconciled with the will of another in accordance with a universal law of freedom' (Kant 1991, p. 133). This implies that rights are reciprocal; that human beings as persons are bearer of rights; that rules should govern the interrelations of persons.²³ The principles of republicanism as well as international right are derived from the same principle of justice. In one of his reflections, Kant refers to the *respublica noumenon*, to the concept of a completely pure state constitution (XIX, refl. 8077, 609, 30–3).²⁴ This idea of a republic is paralleled with the traditional concept of an invisible church as the original, underlying idea (*Urbild*) of the visible church (XIX, refl. 8076, 603, 14–21). Based on the pure concept of right, the idea of the republican constitution excludes *eo ipso* war, which is the ultimate opposite of this concept. This sounds very plausible. The main problem with this claim on the transcendental level is that it cannot be verified. It does not relate to any possible (historical) experience.

²² In this article, 'right' stands for *Vernunftrecht*, 'law' for positive laws as distinguished from a subjective entitlement. *Rechtlich* is translated as 'rightful', *rechtmässig* as 'lawful' or 'just', and *gesetzlich* as 'legal'. *Rechtspflichten* are translated as 'juridical duties' or 'duties corresponding to rights', and normative *Völkerrecht* as 'international right', as opposed to positive 'international law'. The terms 'principle of justice' and 'principle (or concept) of rights' are synonymous, and are a translation of *Rechtsprinzip*. Mulholland, *Kant's System of Rights*, pp. 5–10 points out the difficulties of an accurate translation. See also Georg Geismann, 'World Peace: Rational Idea and Reality. On the Principles of Kant's Political Philosophy', in Hariolf Oberer (ed.), *Kant. Analysen—Probleme—Kritik*. Vol. II (Würzburg, Königshausen und Neumann, 1996), p. 265.

²³ For a full analysis, see Mulholland, *Kant's System*, pp. 140–98.

²⁴ Immanuel Kant, *Kant's gesammelte Schriften*, ed. Preußische Akademie der Wissenschaften; vol. XXIII ed. Deutsche Akademie der Wissenschaften zu Berlin; then by Akademie der Wissenschaften der DDR (until 1991) and Akademie der Wissenschaften zu Göttingen (Berlin, Leipzig: de Gruyter, 1900ff.). This edition is referred to with Roman (volume) and Arabic numbers (pages and sometimes lines).

The noumenal republic and its empirical schemes or imperfect realizations are distinct from each other, but related. The *respublica phaenomenon* can attempt to approach the 'mere idea' of a genuine republican constitution (XIX, refl. 8077, 612, 3–5). Kant concedes that this effort 'in the world of experience' includes 'innumerable wars and conflicts' (Kant 1991, p. 187). We might read this as an early philosophical support for contemporary theories that the process of democratization is dangerous and often violent. Authors such as Doyle argue that democracies have to be well established to be (at least partly) peaceful.²⁵ Kant is convinced that any actual republican constitution is in the long run 'the best qualified to keep out war'. Kant specifies that the republican constitution has to be 'attained as a whole' first (Kant 1991, p. 187) before it can foster peace. Kant refers to principles like the separation of powers, and a constitution that guarantees external, legal freedom and legal equality. In this passage, Kant's reasoning moves towards his first, 'democratic peace proposition' (provided that citizens have the right to decide upon wars themselves, republics are more likely to be peaceful in their foreign relations). It emphasizes more the imperfection of human endeavour. Stressing the difference between noumenal and phenomenal republics, Kant points out that the former cannot be realized completely 'in the world of experience' (Kant 1991, p. 187). All we can hope for is attempting to 'continually approach' the republican ideal through 'gradual reform' according to *a priori* principles (Kant 1991, pp. 124 and 129; XXIII, p. 141). This would mean that actual republics never correspond completely to the republican idea and are thus not necessarily peaceful. Again, this has important consequences for Doyle's interpretation. If republicanism is a matter of gradual reform and approaching an ideal, then the blunt juxtaposition of liberal and illiberal regimes does not work. States would have to be located along a continuum. In addition, it might be difficult to assess precisely which states follow or embody the 'spirit' of republicanism and which not (Kant 1991, p. 101). It might be argued that some states, though officially republics or democracies, have deviated from normative republican principles, whereas other, 'despotic' states have actually moved towards republicanism. These are some of the tensions connected with what I call Kant's normative peace proposition.

2. Readings of the First Definitive Article

So far I have argued that Kant's article can be interpreted in two ways. Either we stress the normative, transcendental level, or we follow the pragmatic, empirical argument, which is certainly more helpful for establishing that there are indeed fundamental differences between republican and non-republican states. Scholars disagree how to interpret and understand Kant's First Definitive Article. I do not think I can resolve all tensions, but do hope to contribute to some clarifications.

Doyle interprets Kant's article in the following way. First, he provides the famous quotation about republican citizens and their non-republican counterparts (Kant 1991, p. 100). In his interpretation, he stresses various elements and factors:

²⁵ Doyle, *War and Peace*, p. 264 specifies that representative government must be stable, that is, 'in existence for at least three years'.

'domestic restraints' that 'introduce republican caution', the 'rotation of elites ... encourages a reversal of disastrous policies', '(l)egislatures and public opinion further restrain executives from policies that clearly violate the obvious and fundamental interests of the public', constitutional restraints cause a delay and thus 'time for reflection'.²⁶ At the same time, Doyle admits that these restraints do not work towards non-liberal states.²⁷ This is not plausible, because if they are constitutive for republics or liberal states, then they should be effective independent of the international context. In addition, the first section has shown that Kant's democratic peace proposition does not stress constitutional restraint but the empirical will and the interests of the citizens. It is therefore necessary to review an alternative interpretation, where Kant's democratic peace proposition is transformed into a radically democratic peace proposition.

Our starting point is a passage in *The Metaphysics of Morals*. Three years after *Perpetual Peace*, Kant has shifted his focus. Whereas the 1795 essay criticizes direct, non-representative democracy as 'despotism' (Kant 1991, p. 101), Kant's major publication on legal philosophy seems to endorse an unmitigated rule of the citizens. Kant's emphasis is on the participation of citizens in the law-making process. Each citizen in a republic is entitled to 'give his free consent through his representatives' whether to declare war or not (Kant 1991, p. 167). Furthermore, each citizen must give one's explicit consent 'through his representatives not only to the waging of war in general, but ... to every particular declaration of war' (ibid.). Kant's standard is what the citizens have in fact consented to and not what they might have willed (which is his standard elsewhere; cf. Kant 1991, p. 79 and above). This right in turn implies that of withholding consent.²⁸ This argument specifies the constitutional implications of Kant's democratic peace proposition and its pragmatic dimension: citizens who are prudent and know how to promote their own interests will vote for peace. Kant's reasoning in the passage implies a representative democracy and reveals that Kant is almost a democrat: 'The representative system of democracy is one of equality in society, or the republic' (XXIII, 342; cf. 166).²⁹ Kant is 'almost' a democrat because his understanding of 'equality in society' is limited by his concept of independence. Not everybody in the Kantian republic is a citizen who has the right to be co-legislator (cf. Kant 1991, p. 77f.). The systematic problem we get is that Kant's reasoning probably undermines his distinction in *Perpetual Peace* between form of sovereignty and form of government (cf. Kant 1991, p. 100f.).

It seems that this argument brings Kant's theorem about the link between republicanism and peace closest to interpretations liberal authors like Doyle have offered. After all, Kant defines republicanism in a way most liberal authors appreciate. Its features are the separation of powers, a representative government, the principles of legal, external freedom and legal equality, and popular sovereignty, or 'common legislation' (Kant 1991, pp. 99–102, 139, 74–77). In fact, Doyle identifies Kantian republicanism with modern liberalism; he speaks of 'liberal republics'.³⁰

²⁶ Doyle, *War and Peace*, p. 280f.

²⁷ Ibid., pp. 281f.

²⁸ Cf. Sharon Anderson-Gold, 'War and Resistance: Kant's Doctrine of Human Rights', *Journal of Social Philosophy*, 19 (1988), p. 41.

²⁹ For a discussion of Kantian democracy and republicanism, see Langer, *Reform*, pp. 115f. and 122f.; Kersting, *Freiheit*, pp. 448–54.

³⁰ Doyle, *War and Peace*, p. 257.

However, this identification is highly problematical. Political scientist Ernst-Otto Czempiel³¹ has pointed out that a large section of empirical research about the conduct of liberal states in foreign relations is useless, as these states did or do not meet Kant's main criterion of civic participation. For Czempiel, not one single nineteenth-century democracy can be labelled Kantian. Even modern Western liberal democracies should be called 'collective monarchies' rather than democracies in the Kantian sense ('collective monarchies' is an unfortunate term. Czempiel probably means oligarchies). He argues that Kant's demand for popular votes upon war and peace has not been put into practice. In modern democracies, those who are most affected by war (for example, African Americans in the United States), either do not vote or have no say in foreign policy decisions. In case of war, the burdens of war are not equally distributed.

According to this line of reasoning, nothing less than universal suffrage will do to meet the demands of Kantian republicanism. Doyle by contrast is satisfied with male suffrage where 30 per cent have the right to vote. His list thus starts with the French Republic from 1790 to 1795 (a period that included the *terreur*) and the United States after 1776.³² Kant's own argument (Kant 1991, pp. 100, 166f.) supports a radical democratic peace proposition, in spite of the fact that Kant himself advocated the 'principle' of independence in some of his writings. He restricts the right to make public laws, that is the entitlement to be co-legislator, to adult males who are their own masters and own some property to support themselves (Kant 1991, p. 77f.). This empirical, material restriction of suffrage that Kant—for whatever reason—advocates, conflicts with his transcendental, formal framework that sees any human being as the bearer of duties and thus rights. I suggest a Kantian interpretation which goes beyond the letter (but hopefully not beyond the spirit) of Kant's philosophy in this respect.

The radical democratic peace proposition is the belief that an unmitigated influence of ordinary people on foreign affairs promotes the cause of peace. It argues that some types of liberal democracies still allow for interest groups to modify the popular will, or an uneven distribution of burdens caused by a war, or a deficient control of incompetent politicians. Oligarchic policies and intervention or subversive, covert action against democratic regimes undermine the promise of the democratic peace.³³ Kant's theorem, the close link between citizens' decisions and their burdens and suffering, must be strictly adhered to in order to be successful. Empirical research about the foreign policy of democracies has been ambivalent because the concept of democracy applied was non-selective, and Kant's theorem was ignored. This way the radical democratic peace proposition is an elegant and parsimonious way to solve the dilemma of current research. The radical democratic peace proposition emphasizes Kant's concept of popular sovereignty and interprets it as procedural. The supreme legislative power has its legitimate origin in the united will of the people (Kant 1991, p. 139). The true republic as the goal of the evolution

³¹ Ernst-Otto Czempiel, 'Kants Theorem und die zeitgenössische Theorie der internationalen Beziehungen', in: Lutz-Bachmann, *Frieden durch Recht*, pp. 300–23; see also 'Kants Theorem und die aktuelle Diskussion über die Beziehung zwischen Demokratie und Frieden', in Valério Rohden (ed.), *Kant e a Instituição da Paz. Kant und die Stiftung des Friedens* (Porto Alegre: Universidade/UFRGS, Goethe-Institut/ICBA, 1997), pp. 99–120.

³² Doyle, *War and Peace*, pp. 264 and 261.

³³ See Gilbert, 'Global Politics', p. 287.

of state constitutions is a representative democracy where popular sovereignty is restricted to legislation. Popular sovereignty might even be identified with the idea of right.³⁴ In pre-republican, and thus pre-democratic provisional states of affairs, the ruler has to resort to hypothetical universalization 'which accords with the *spirit* of a representative system' (Kant 1991, p. 101). The ultimate goal is *factual* universalization in the law-making process.

Doyle and other authors have emphasized that liberal democracies do not go to war against each other, but are not inherently peace-loving and display 'imprudent aggression' towards non-liberal states.³⁵ This liberal peace hypothesis is contradictory. It cannot explain why democracies do not act in a way different from the behaviour of non-democracies in case of conflict. If the foreign policy of democracies is really dominated by democratic norms, constitutional restraint, and peaceful decision-making processes and a successful way to internalize these norms, then they must become effective independent from the context (the international arena). But they do not. We are left with two possibilities: if democracies are not completely peaceful, then either the liberal peace hypothesis is wrong, or the democracies we are talking about are not real democracies.³⁶ One explanation for the inconsistency is that the liberal democracies involved have not become Kantian democracies in the fullest sense.

We decide upon the outcome of our research and reasoning the moment we define democracy. For the radical democratic peace proposition, Kant's theorem includes the thesis that wars will stop as soon as all those who suffer from them can decide upon them. Against Kant's proposition, it can be argued (1) that history provides plenty of examples where public opinion in liberal democracies was not pacifistic, but supported aggressive policies. The Spanish-American War and enthusiasm at the outbreak of World War I usually serve as examples. (2) Usually only a small section of the population gets involved in war, namely young males without strong political influence. (3) Many citizens, even or especially in wealthy Western-style liberal democracies, might profit from a war. (4) Citizens might believe that the war's 'ensuing devastation' (Kant 1991, p. 100) will be marginal or affect the enemy's side, above all.³⁷ The first criticism might be countered with the argument that ordinary citizens are usually pacifistic unless manipulated by warmongers or the mass media. Italy in 1915, shortly before its government led the country into war, is a telling example. The majority of the population wanted to stay out of the war. Even if the majority of a population should support a war, we could say that the principle of popular sovereignty implies the right of citizens to make mistakes, or that in that particular case, support of the war was justified. Still, the first argument cannot be dismissed completely. The Kantian response to the second argument would be that this very reasoning proves that modern liberal democracies have not fully implemented Kant's requirements. If it is argued that citizens in many contemporary liberal democracies do not suffer directly from wars because the government keeps a professional army, then the proponent of the radical democratic peace proposition would argue that it should be replaced by a citizens' army to meet Kant's demands (Kant 1991, p. 95). The argument against the third criticism would

³⁴ Maus, *Aufklärung der Demokratietheorie*, p. 69.

³⁵ Doyle, *War and Peace*, pp. 252, 268f.

³⁶ Czempel, 'Kants Theorem', p. 102.

³⁷ These are some of the criticisms listed in Ray, *Democracy*, pp. 2f.

follow this line of reasoning. War profiteers in an egalitarian Kantian democracy would still have to pay a high price for war engagement, for instance because they or their children would have to fight. In terms of the fourth argument it is obvious that the democratic peace proposition cannot avoid the possibility that citizens actually might endorse pragmatic considerations or concepts of happiness very different from the ones mentioned in Kant's text. But supporters of the radical democratic peace proposition can always fall back upon Kant's insistence that citizens' participation makes war only more unlikely (as opposed to the claim that it becomes impossible).

Any liberal peace proposition has to work out carefully its definitions of both 'liberal' and 'war' to support the central theses. Neutral observers might get the impression that the definitions are manipulated. Scholars often wind up with definitions of liberal that exclude states which did fight wars against each other but include those who are candidates for the liberal camp.³⁸ Doyle sees three sets of rights as the basis of liberalism: the 'negative freedom' from arbitrary authority, liberal rights 'necessary to protect and promote the capacity and opportunity for freedom' such as rights to health care and employment, finally democratic participation and representation.³⁹ In addition, four essential institutions define liberalism. The first one repeats the specification of liberal rights and juridical equality. The last two refer to the rights of private property and a market economy. The second one is interesting and deserves full quotation: 'the effective sovereigns of the state are representative legislatures deriving their authority from the consent of the electorate and exercising their authority *free from all restraint* apart from the requirement that basic civic rights be preserved' (my emphasis).⁴⁰ The differences between Kant's ideal of republicanism and Doyle's liberalism are startling. Doyle ignores Kant's claim that the people themselves decide in matters of war and peace. Instead, the representative government exercises authority 'free from all restraint'. Doyle's emphasis of market and private property economy goes far beyond Kant's definition of a republic—but fits in with modern Western-style democracies. Doyle's definition of liberal is rooted in our present understanding. It gives us little insight for analyses of past centuries.⁴¹ It is anachronistic to refer to health care and employment rights and still believe that Kant's own definition or theory can be incorporated. Kant derives the only innate right he knows (to external freedom) from the moral duty formulated in the categorical imperative.⁴² Above all, Doyle eliminates the democratic, participatory element from Kant's republicanism which extends to foreign policy and has been emphasized in this section. The cornerstone of Kant's argument is removed.

³⁸ Ray, *Democracy*, p. 89 is honest enough to admit this manipulation.

³⁹ Doyle, 'Liberalism and International Relations', p. 173.

⁴⁰ *Ibid.*, p. 174.

⁴¹ David E. Spiro, 'The Insignificance of the Liberal Peace', *International Security*, 19 (1994), p. 57; Pogge, 'Kant's Theory', p. 431; Nicholas Greenwood Onuf, *The Republican Legacy in International Thought* (Cambridge: Cambridge University Press, 1998), p. 55.

⁴² Immanuel Kant, 'The Metaphysics of Morals', in *Practical Philosophy* (trans. and ed. Mary J. Gregor) (Cambridge: Cambridge University Press, 1996), pp. 393f.

3. A right of intervention in non-liberal states?

I have argued before that Kant's non-ideal theory did not simply juxtapose republican and despotic states. He introduced other types, states that are ruled according to the 'spirit' of republicanism, and emphasized any state's capacity to reform itself towards republicanism. Implicitly, Kant introduced further distinctions, denying the status of a 'moral person' only to those regimes that are labelled by modern standards as totalitarian. As a consequence, I criticize the attempt of some modern liberals to identify Western liberal, market-oriented democracy with the Kantian republic, and to deny the quality of a moral, or juridical, person to all non-liberal states. This has serious consequences for the right of intervention.

Kant's Fifth Preliminary Article on the duty of non-intervention (Kant 1991, p. 96) has been the focus of some recent articles.⁴³ There is widespread consensus that Kant's position is too extreme, and should be abandoned or modified. Strict non-intervention seems to be incompatible with endorsing republican principles. Some authors imply that Western liberal democracies have the right to intervene in non-liberal states; Doyle is the most interesting interpreter because he is very explicit on this point. As we have seen, Doyle differentiates between liberal practice towards other liberal societies and that towards non-liberal societies, thus advocating two theses. First, liberalism is said to have succeeded in establishing 'a separate peace among liberal societies'. Second, this very liberal practice supposedly has failed in guiding foreign policy outside the liberal world.⁴⁴ According to Doyle, liberal states are driven to intervene in non-liberal ones out of their moral desire to protect human rights. Liberal practice assumes that non-liberal enemies do not have the right to be free from foreign intervention. Doyle defends this practice by pointing out that it is logically contradictory to accept the right of non-intervention and human rights at the same time. 'Respecting a non-liberal state's state rights to non-interference requires ignoring the violations of rights they inflict on their own populations'.⁴⁵ Doyle takes it for granted that all non-liberal states violate the human rights of their citizens. He uses the language of modern human rights theories which is different from Kant's. Still, he wants to convince us that his arguments are supported by Kant. There is a structural tension between the level of human rights and normative individualism, and the level of international right—traditionally a right of sovereign states, as in Kant's Second Definitive Article. Normative individualism argues that humans are the relevant moral entity in political philosophy, and that states are only legitimate insofar as they protect and support the rights of these primary units. This is Doyle's implicit assumption. However, I think that Kant's position is different, that he does not eliminate the level

⁴³ Hans Saner, 'Die negativen Bedingungen des Friedens', in Höffe, *Zum ewigen Frieden*: pp. 43–67; Harry van der Linden, 'Kant: the Duty to Promote International Peace and Political Intervention', in Hoke Robinson (ed.), *Proceedings of the Eighth International Kant Congress* (Milwaukee: Marquette University Press, 1995), vol. II, 1, pp. 71–9; Friedrich Kambartel, 'Kants Entwurf und das Prinzip der Nichteinmischung in die inneren Staatsangelegenheiten. Grundsätzliches zur Politik der Vereinten Nationen', in Lutz-Bachmann, *Frieden durch Recht*, pp. 240–50; Hauke Brunkhorst, 'Paradigmenwechsel im Völkerrecht? Lehren aus Bosnien', in Lutz-Bachmann, *Frieden durch Recht*: pp. 251–71; Cavallar, *Theory and Practice*, ch. 5.

⁴⁴ Doyle, 'Liberal Legacies', pp. 206 and 323.

⁴⁵ *Ibid.*, p. 330. A comprehensive analysis of 'international intervention' is included in *War and Peace*, pp. 389–420.

of state rights in favour of human rights. In his account, states, even if they have only partially overcome the state of nature and must be labelled non-liberal by Doylean standards, should be regarded as 'moral persons'. I will turn to these considerations in the next section. Here I want to offer some preliminary considerations.

From a historical and psychological perspective, we have to ask if Doyle's assumption that liberal states are always driven by respect for human rights to intervene is convincing. It is not difficult to find examples where their 'vital interests', cultural prejudices like ethnocentrism, colonial or imperial aspirations, ideological convictions or their conception of foreign policy have influenced their policies more profoundly than a noble respect for human rights. Doyle's account of the history of European imperialism in the nineteenth century is consistently distorted. Though Doyle admits of a 'catalog of oppression and imprudence', he is not willing to abandon his idealistic and fanciful assumption. 'The protection of cosmopolitan Liberal rights thus bred a demand for imperial rule that violated the liberty of Native Americans, Africans, and Asians'.⁴⁶ Kant's account is less biased. He argues that the cosmopolitan right of hospitality must not be enforced. The natives can turn strangers away on condition that this does not cause their death. The (European) strangers in turn are obliged to behave 'in a peaceable manner', and if they don't, the natives act 'wisely' if they place restrictions on them (Kant 1991, pp. 105–7). If Doyle argues that European powers had to protect the property of European merchants,⁴⁷ Kant would counter that they should not have been there in the first place. Another argument against Doyle would emphasize different forms of intervention. A liberal state can refrain from a forcible, military intervention while at the same time protesting against human rights violations—diplomatically and/or with economic sanctions. Some forms of interference—in contrast to interventions—are not military.

In the following paragraphs, I will outline Kant's explicit arguments against a right of intervention. The first Kantian juridical argument would emphasize that it is unjustified to fight one violation of rights with another one. The obligation of non-intervention is unconditional. Allowing some states (the good ones) to intervene in others (the bad ones) violates the universal concept of justice. As a consequence, Kant did not allow any exceptions to the principle established in the Fifth Preliminary Article, that no state has the right to 'forcibly interfere in the constitution and government of another state' (Kant 1991, p. 96).⁴⁸ International right must be based on the mutual recognition of all states as autonomous, or juridical, persons. It requires recognizing 'the autonomy of all ... states' (Kant 1991, p. 96). The universal concept of right excludes any discrimination against particular states, therefore also against non-liberal ones.

⁴⁶ Doyle, *War and Peace*, pp. 273 and 272.

⁴⁷ *Ibid.*, p. 272.

⁴⁸ As Hurrell has pointed out, Kant never allows for any exceptions to a universal moral law or juridical right; cf. Andrew Hurrell, 'Kant and the Kantian Paradigm in International Relations', *Review of International Studies*, 16 (1990), pp. 201f. Since the publication of 'Über ein vermeintes Recht, aus Menschenliebe zu lügen' (1797), Kant's position has been the focus of disagreement and polemics; cf. Georg Geismann and Hariolf Oberer (eds.), *Kant und das Recht der Lüge* (Würzburg: Königshausen und Neumann, 1986).

The second and related juridical argument points out that international right should be based on the principle of equality, and this principle is violated if one state claims that it has rights (of interference) that are denied to others. States, including republics, have no coercive rights against others. Kant claims that the state of nature among states is different from that among individuals. The difference is rooted in the principle that states ‘have outgrown the coercive right of others to subject them’, because they ‘already have a rightful internal constitution’ (Kant 1991, p. 104). Kant does not distinguish between republican and non-republican, or liberal and non-liberal states here. He refers to a ‘rightful [*rechtliche*] constitution’ as distinct from one that is just, lawful or ‘*rechtmäßig*’ (Kant 1991, p. 118).⁴⁹ If our theory about the continuum of state constitutions is correct, then Doyle’s liberal states cannot be called ‘just’ but merely more ‘rightful’ than despotic ones. I do not intend to defend despotism; but Kant clearly points out that even non-republican or illiberal states should not be coerced, either into a federation or into assuming a republican constitution.

Kant’s third argument distinguishes between injury and ‘bad example’. Kant endorses the principle that ‘a bad example which one free person gives to another ... is not ... an injury to the latter’ (Kant 1991, p. 96). Historically, this is directed against the intervention of the coalition of European monarchs in revolutionary France. By standards of reciprocity and equality, the principle implies that the ‘bad example’ an illiberal state gives to a liberal one can, but should likewise not, be regarded as an injury. One central feature of Kant’s federation of states is that no state has the right to ‘interfere in one another’s internal disagreements’ (Kant 1991, p. 165).

Many contemporary interpreters are not happy with Kant’s unconditional duty of non-intervention, probably because of political history since the French Revolution, especially the rise of totalitarianism. As Kant interpreters at the end of a century which has witnessed the Holocaust and the Gulag Archipelago, we assume that there are indeed countries that are, by Kantian as well as general normative standards, not even ‘in small measure rightful’ (Kant 1991, p. 118). Kant argued that an imperfect constitution is still better than the state of nature or anarchy, but what if this constitution is so imperfect or non-existent that it amounts to the state of nature? Would not the state have destroyed itself as a moral person? We could systematize this moral argument and differentiate between political systems that deny certain rights and those that deny the status of personality to a section of the population. The relation of these humans to the rest of society and the government would be that of a state of nature. Thus they have no external obligation to the despot, but a coercive right against him. They have the right to rebellion with the aim of establishing a rightful condition. The despot would have to be seen as everyone’s enemy.⁵⁰ Historical examples are totalitarian systems like Hitler’s Third Reich or Stalin’s Soviet Union. This line of reasoning certainly goes beyond Kant’s texts, though it could be argued that it follows and applies Kantian principles. The totalitarian regime relapses into the state of nature and thus loses its moral personality. Other states no longer have duties towards this regime, only towards its people, who keep

⁴⁹ The translation has been altered; see fn. 22 for terminology.

⁵⁰ Leslie Arthur Mulholland, *Kant’s System of Rights* (New York: Columbia University Press, 1990), pp. 343–6 and 385.

their territory and their right 'to unite into a commonwealth' (Kant 1991, p. 170). We could go one step further and infer that in grave cases such as massacres, genocide, or acts 'that shock the moral conscience of mankind',⁵¹ humanitarian intervention is permissible or justified. If the previous reasoning is sound, it can be expanded to the problem of intervention. Governments that initiate these acts lose their status as moral persons and thus their right of self-determination. The perfect duty of non-intervention does not apply to them.

Even if we admit that not all states are moral persons and that Kant's system of rights (implicitly) allows for some exceptions, this does not get us as far as liberal authors like Doyle want us to get. In the above reasoning, the status of moral personality has been denied to a very small section of states. For example, though Kant would not have called the Prussia of his own time a republican or liberal state, he did not see it as despotic either. Kant argued that many elements of Frederick the Great's rule accorded with 'the spirit of a representative system' (Kant 1991, p. 101), and historically speaking, he was not that far away from the truth.⁵² Again, we have to break up Doyle's simple dichotomy between liberal and non-liberal states. We have to agree with John Rawls, who sees the necessity to expand our classification, and differentiates among liberal, hierarchical, and outlaw states.⁵³ Rawls' well-ordered societies, or Kant's despotic states following the spirit of republicanism, can be admitted to an international federation. Liberals can be a bit more liberal with non-liberals, without betraying their own principles.

4. Kant's society of nations: an exclusive federation of liberal states or an inclusive, global federation?

Traditionally, the main problem Kant interpreters commenting on the Second Definitive Article have faced has been Kant's ambiguity about the type of federation he advocates. Kant seems to be wavering between a statist and cosmopolitan approach. Does Kant favour a free federation or a universal republic with coercive measures?⁵⁴ Here I want to emphasize another problem. When Kant writes about the 'federation of free states' (Kant 1991, p. 102), 'free' can be read as 'free from coercion' by other states or sovereign, but also as 'republican'. Doyle claims that Kant had an exclusive pacific federation of liberal republics in mind, that creates an 'ever-expanding separate peace'.⁵⁵ Proponents of the liberal peace proposition such as Russett and Fukuyama share this conviction.⁵⁶ I believe that Kant's federation is inclusive, that it is close to the Charter of the United Nations that accepts all peace-

⁵¹ Cf. Michael Walzer, *Just and Unjust Wars. A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), p. 107 and Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict* (Cambridge: Polity Press, 1996), p. 226. More literature on humanitarian intervention can be found in Cavallar, *Theory and Practice*, ch. 5.

⁵² See Cavallar, *Theory and Practice*, ch. 1.

⁵³ John Rawls, 'The Law of Peoples', *Critical Inquiry*, 20 (1993), pp. 36–68.

⁵⁴ See Cavallar, *Theory and Practice*, ch. 8 for a full analysis.

⁵⁵ Doyle, 'Liberalism', p. 1158.

⁵⁶ Russett, *Democratic Peace*, p. 32; Francis Fukuyama, *The End of History and the Last Man* (Harmondsworth: Penguin, 1992), pp. 282f.; Fernando R. Teson, 'Kantian International Liberalism', in Mapel/Nardin, *International Society*, pp. 103–13; see also MacMillan, 'Kantian Protest', p. 552.

loving states as members (Art. 4, 1). I will argue that Kant's political philosophy does not allow for the juxtaposition of an intraliberal 'zone of peace' and a zone of war between liberal and non-liberal states.⁵⁷

One passage in 'Perpetual Peace' might be read as suggesting that Kant's federation is exclusively constituted by republics (or, for that matter, liberal states). '(The) idea of federalism, extending gradually to encompass all states and thus leading to perpetual peace, is practicable and has objective reality. For if by good fortune one powerful and enlightened nation can form a republic (which is by its nature inclined to seek perpetual peace), this will provide a focal point for federal association among other states. These will join up with the first one, thus securing the freedom of each state in accordance with the idea of international right, and the whole will gradually spread further and further by a series of alliances of this kind' (Kant 1991, p. 104). The passage highlights the role the United States as a 'powerful republic' assumed in forming the League of Nations and later on the United Nations (and as cosmopolitan republicans, we should be grateful). However, the passage does not make it clear whether the other states also have to be republics like the nation that provided the 'focal point'. We do not find an explicit statement by Kant on that matter.

What we do find are passages that explicitly support the concept of an inclusive federation. For instance, Kant writes that it has only one goal, namely to 'protect one another against external aggression while refraining from interference in one another's internal disagreements' (Kant 1991, p. 165). The duty to respect all other states and to refrain from forcible intervention holds true for the federation as well. The federation disregards the domestic structure of states. It is a collective security arrangement 'which penalises aggression, not regime'.⁵⁸ In another passage where Kant illustrates his idea of a federation of states, he refers to the 'assembly of the States General at the Hague' after the Spanish War of Succession. 'To this assembly, the ministers of most European courts and even of the smallest republics brought their complaints about any aggression suffered by one of their number at the hands of another' (Kant 1991, p. 171). Kant takes it for granted that courts of European monarchs coexisted peacefully with small republics. He does not see this as a problem, because '*all* neighbouring states are free' to join a federation of states (*ibid.*, my emphasis), not just some. Apart from explicit passages my thesis is supported by a systematic interpretation of Kant's theory of international right.

1. The central concept of Kant's theory is the juridical freedom of states. Kantian international right requires recognizing 'the autonomy of all ... states' (Kant 1991, p. 96). The universal concept of right excludes any discrimination against particular states, therefore also against despotic ones (with the exception of totalitarian regimes, we might add). States have obligations even in the absence of reciprocity, for instance, the duty not to wage wars to advance one's rights.⁵⁹
2. Let us assume for the sake of argument that Doyle is right in his claim that 'free states' should be translated as 'republican' or 'liberal'. Why then does Kant—a philosopher who was always very careful with terminology—not write

⁵⁷ As before, I agree in my interpretation with MacMillan, 'Kantian Protest', pp. 553–62 and Laberge, 'Kant on Justice', pp. 95f.

⁵⁸ MacMillan, 'Kantian Protest', p. 559.

⁵⁹ *Ibid.*, p. 555.

‘republican states’? ‘Freedom’ is, after all, only one of the principles of the republican constitution, apart from equality and co-legislation (Kant 1991, p. 99). Thus, ‘freedom’ and ‘republican’ cannot be synonymous terms. In addition, Kant—in order to avoid an empty tautology—defines juridical freedom as ‘a warrant to obey no external laws except those to which I have been able to give my own consent’ (Kant 1991, p. 99). This also emphasizes the meaning of sovereignty.⁶⁰

3. Kant favours an inclusive federation because it would end international anarchy, or the international state of nature.⁶¹ All states are caught in this situation, republican as well as despotic ones, and it explains to some extent why republics have not always been peaceful in their foreign relations. The main task of Kant’s federation is to reduce and finally abolish the security dilemma. The at least partial overcoming of the state of war enables despotic governments to reform themselves at home. This line of reasoning is most explicitly expressed in the seventh proposition of ‘Idea for a Universal History with a Cosmopolitan Purpose’: ‘The problem of establishing a perfect civil constitution is subordinate to the problem of a law-governed (*gesetzmässigen*) external relationship with other states, and cannot be solved unless the latter is also solved’ (Kant 1991, p. 47; Kant’s emphasis). Kant writes ‘*abhängig*’ for ‘subordinate’, which is close to ‘dependent upon’. Kant’s argument is clear: ‘law-governed’ international relations are the precondition for domestic reforms towards a ‘perfect civil constitution’. If Kant’s federation was exclusive, it might create a ‘separate peace’ among republics, but would at the same time perpetuate the state of nature and the security dilemma between this republican federation and despotic states. As Andrew Hurrell put it: ‘Unless such a federation is able to become truly universal, its effect is merely to rearrange the units within the international anarchy, rather than overcome that anarchy’.⁶² As long as a considerable section of states is despotic, the federation has to include them to become truly universal. Hegel, in his criticism of international federations, seems to have had similar ideas. He argued that a federation ‘must generate opposition and create an enemy’.⁶³ Any exclusive federation—such as ‘fortress Europe’—would inevitably have other federations or single states as (possible) enemies. Of course, Hegel’s argument is based on the assumption that this federation is limited and exclusive, like the Holy Alliance after 1815 which he mentions in the text and might have had in mind. The seventh proposition in the ‘Idea’ argues that an exclusive federation would not only contradict basic premises of international right but would also be self-defeating, and should be rejected on pragmatic grounds.

⁶⁰ This argument follows MacMillan, ‘Kantian Protest’, p. 557.

⁶¹ International anarchy also includes the security dilemma; cf. Hurrell, ‘Kantian paradigm’, p. 195 and Czempel, ‘Kants Theorem’, pp. 305, 315 and 317. On international anarchy and the theory of political realism, see the comprehensive and reliable analysis in Doyle, *War and Peace*, pp. 41–201.

⁶² Hurrell, ‘Kantian paradigm’, p. 193. Daniele Archibugi shares the same conviction: ‘the creation of two opposing super-federations cannot but make any conflict even more dangerous, as the history of the Cold War demonstrates’; see Archibugi, ‘Models’, p. 309.

⁶³ Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right* (ed. Allen W. Wood, trans. H. B. Nisbet) (Cambridge: Cambridge University Press, 1991), § 324 Addition (p. 362).

This interpretation of the Kantian federation as universal and inclusive is supported by a passage in *The Contest of Faculties*. In a famous section that interprets the enthusiastic reaction to the French Revolution as proof of a ‘moral tendency’ of humankind, Kant ponders Prussia’s unique geopolitical predicament. ‘(A) people which occupies extended territories in Europe may feel that monarchy is the only kind of constitution which can enable it to preserve its own existence between powerful neighbours’, Kant 1991, pp. 182f.). Prussia had indeed isolated and exposed territories in the South and the West, for example Ansbach, Ostfriesland, Kleve, and Mark. It had to face possible confrontation and war with three major powers: France, Austria and Russia. The passage might be read as an example of Kant’s attempts to soothe the censor.⁶⁴ However, it is in complete agreement with Kantian theory. Each state has a perfect duty towards itself, that is, not to allow its own dissolution, or ‘to preserve its own existence’. The duty to reform its own constitution is only an imperfect one, and thus subordinate. Kant maintains this distinction between perfect and imperfect duties in *Perpetual Peace*, where he differentiates between ‘*leges strictae*’ and ‘*leges latae*’.⁶⁵ The latter don’t have to be executed at once, they ‘allow some *subjective* latitude according to the circumstances in which they are applied’ (Kant 1991, p. 97). This would mean that despotic regimes, or despotic states that conform to the ‘spirit of republicanism’, are entitled to postpone domestic reforms as long as the international state of anarchy has not been (at least partially) overcome. An exclusive federation would not only perpetuate this state, it would also block those necessary reforms.

I do not want to overemphasize Kant’s footnote in the *Contest of Faculties*. It is useful as it highlights how Kant wanted his principles to be applied, and it further supports our previous arguments: ‘free’ should be read as independent or sovereign; Kant included despotic states such as the European courts in his federation; non-republics are capable of reform; the collective security federation would punish aggression, not regime type; all states suffer from the condition of anarchy, which has to be overcome to some extent to make domestic reforms possible; and any restriction on membership in the federation would thus be self-defeating.

The underlying assumption of Kant’s reasoning is that international right is distinct from, and methodologically independent from, municipal right. Kant is close to Rawls who thinks that the proper procedure is ‘two-level bottom-up ..., beginning first with the principles of justice for the basic structure of domestic society and then moving upwards and outwards to the law of peoples’.⁶⁶ For Kant, republican states have to find a *modus vivendi* with despotic ones, and both can find a common ground in certain general principles of international right, put down in the preliminary articles. This does not mean that Kant bestows legitimacy upon illegitimate despotic regimes. Kant sides with the ‘moral politician’ and takes prag-

⁶⁴ This is Fetscher’s claim, which relates to the complete footnote; cf. Iring Fetscher, ‘Immanuel Kant und die Französische Revolution [1974]’, in Zwi Batscha (ed.), *Materialien zu Kants Rechtsphilosophie* (Suhrkamp: Frankfurt am Main, 1976), pp. 269–90, especially 276, and Cavallar, *Pax Kantiana*, 16f.

⁶⁵ A reliable analysis of the systematic status of the so-called *Erlaubnisgesetze* is Reinhard Brandt, ‘Das Problem der Erlaubnisgesetze im Spätwerk Kants’, in Höffe, *Zum ewigen Frieden*, pp. 69–86.

⁶⁶ Rawls, ‘Law of Peoples’, p. 55. See the analysis of Wolfgang Kersting, ‘Weltfriedensordnung und globale Verteilungsgerechtigkeit. Kants Konzeption eines vollständigen Rechtsfriedens und die gegenwärtige politische Philosophie der internationalen Beziehungen’, in Merkel, *Frieden*, pp. 172–212, particularly pp. 206f.

matic considerations into account. It would be 'contrary to all political expediency' (Kant 1991, p. 118) to support an exclusive federation on moral grounds.⁶⁷

Kant's analysis of the international state of nature is highly Hobbesian, and, as a consequence, close to structural neorealists such as Kenneth Waltz. They define anarchy or the state of nature as a condition where a competent judge and effective law enforcement is absent. Proponents of the liberal peace like Doyle tend to downplay the effect of international anarchy, and overemphasize domestic factors. Both positions, structural realism and liberal internationalism, are one-sided if they ignore the domestic or the international dimension respectively.⁶⁸ The Kantian and also more convincing perspective is that both domestic and international levels count, probably more or less equally (there might also be differences depending on the historical period). As a consequence, republicanization is as important as overcoming international anarchy and the structural problems related to it, such as security, stag, prisoners' and other dilemmas.⁶⁹ There is a dialectical interplay between Waltz's two 'images'. (1) International anarchy might block domestic reforms (Kant 1991, p. 189). (2) Conversely, international anarchy might also trigger domestic reforms to make states more competitive in conflicts (Kant 1991, pp. 50f.). (3) Domestic reform might alleviate international anarchy (e.g. Gorbachev's Soviet Union and the end of the Cold War). (4) International semi-federal structures, cooperation, and interaction might make domestic reforms easier.

5. Conclusion

Kant's legacy differs profoundly from what Doyle suggests. I have tried to show this in terms of Kant's concept of a republic, of the right of non-intervention, and the federation of states. The radical democratic peace proposition presented in the second section looks good in theory, but may not work in practice. We might propose the provisional thesis that the more radical democracies in Kant's sense develop, the more peaceful this world becomes. Still, we may not see this development as desirable because peaceful democracies might remain peaceful even in face of a genocide abroad (in addition, the radical democratic peace proposition might be too left-wing for some). Kant's normative goal is an inclusive global federation and finally a world republic.

There is a final, and basic, difference between Kant and contemporary defenders of the liberal peace proposition. Unlike Doyle, Kant is not interested in lists of allegedly liberal or republican states to create theoretical or scientific knowledge. The task is not to convince ourselves and others that a liberal peace is possible, 'thus a moral obligation' and consequently in the long run 'inevitable', with Doyle predicting a global peace for the year 2113.⁷⁰ We would risk being ridiculed like

⁶⁷ This is Teson's position in 'International Liberalism', pp. 108f. Teson argues that Laberge's (and by implication, my) position amounts to an almost complete surrender to realism. We could counter this by claiming that Teson resembles Kant's 'despotic moralist' who errs in practice because he acts 'contrary to political prudence' (Kant 1991, p. 119). I would like to, but cannot go further into this topic.

⁶⁸ See Russett, *Democratic Peace*, p. 24 and his criticism of Waltz.

⁶⁹ See Doyle, *War and Peace*, pp. 118ff. for a good overview.

⁷⁰ Doyle, 'Liberal Legacies', pp. 228 and 352; cf. *Liberalism*, p. 1163.

Kant's politicians who create their own self-fulfilling prophecies (Kant 1991, pp. 177f.). For Hegelians, perpetual peace might be 'inevitable'. For critical philosophers like Kant, perpetual peace is a possibility and possible outcome of human history from the viewpoint of reflective teleological judgments.⁷¹ Kant wants to create sufficient certainty 'for practical purposes' (Kant 1991, p. 114). It is highly ironical that the contemporary liberal peace proposition emphasizes the empirical side of Kant's argument and neglects its moral dimension. This turns Kant's systematic framework upside down. Kant wanted us to act morally, promote republicanism and peace without the knowledge of a knockdown proof that it works.⁷² As Kant put it, 'it is no longer a question of whether perpetual peace is really possible or not, or whether we are not perhaps mistaken in our theoretical judgement if we assume that it is. On the contrary, we must simply act as if it could really come about (which is perhaps impossible) and turn our efforts towards realising it' (Kant 1991, p. 174). The contemporary discussion, in an attempt to meet scientific standards, is focused on exactly what Kant rejects as irrelevant. Perpetual peace is above all and in the first place a moral duty and hope, a matter of 'unscientific' moral action and belief. We should adhere to normative principles while at the same time knowing that our ways of realizing them are always deficient. Kant may help us to keep this balance, even if his stars are too remote for most of us.

⁷¹ I emphasize this difference in *Theory and Practice*, ch. 3.

⁷² Williams, 'Idea', pp. 6, 19f., and 22.