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IMMANUEL KANT AND THE FOUNDATIONS
OF LIBERAL INTERNATIONALIST REFORM

by

ANTONIO FRANCESCHET, B.A., M.A.

A dissertation submitted to the Faculty of Graduate Studies and Research
in partial fulfilment of the requirements
for the degree of

Doctor of Philosophy

Department of Political Science

Carleton University

Ottawa, Ontario

April 1999

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INTERNATIONAL REFORM**

submitted by

Antonio Franceschet, B.A. (Hons.), M.A.

in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

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ABSTRACT

This dissertation explains two related things. First, the basis upon which Immanuel Kant argues for the necessity of international reform. Second, the reasons why there are conflicting understandings of Kant's international reform project at the heart of divisions within liberal internationalism. The dissertation is divided into two Parts that correspond to these problems.

Part 1 explains the genesis, justification and nature of Kant's concern with international reform. My approach here is to place Kant's explicit statements on such reform within the context of his theory of justice and its justification of the sovereign state. I argue that reform of the states system is not a special application of his political philosophy but is, rather, an intrinsic component of his theory of justice. Nonetheless, Kantian international reform is made problematic and ambiguous because of the problematic terms of his "doctrine" of state sovereignty—a doctrine that is constructed from a close reading of his vision of justice. I demonstrate that Kantian international reform is a necessary condition for the elaboration of an individual freedom that can only be imperfectly constituted by the sovereign state—and is perpetually threatened by anarchy among such states. This interpretation places Kant's international thought in a more complex light. I highlight the ambiguities within its structure that are produced by an extremely uneasy effort to render politics increasingly compatible with his understanding of an autonomous morality.

Part 2 places Kant's project for international reform within a historical and ideological context. I do so in two ways. First, I locate Kant's symbolic place within a more or less coherent tradition of "liberal internationalism." Here I explain why Kant is a foundational source for two very divergent strands in the historical development of liberal internationalism: one that is statist and another that conceives of the possibility of non-territorial governance. Secondly, I evaluate two recent and distinct research programmes that are animated by Kant's divided legacy: the "democratic peace" thesis and the "cosmopolitan democracy" model. Although Kant's international reform project is ambiguous enough to lend support to both contemporary interpretations of liberal internationalism, I argue that non-statist forms of this ideology are superior under globalizing conditions. The dissertation concludes by examining the reasons why liberal internationalism currently suffers from a foundational "crisis" and further claims that Kant is a useful model for both explaining and seeking ways to overcome its underlying causes.

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I have accumulated a number of debts in the course of writing this dissertation.

David Long agreed to supervise this dissertation despite his many duties as a member of the Norman Paterson School of International Affairs. His participation in this project is, therefore, a gift to myself and the Department of Political Science. Dr. Long's knowledge of liberal internationalist theory, in addition to his healthy skepticism in the way in which I presented my views on it, were extremely provocative and challenging. He has also assisted me with many of the details that make a big difference to a young scholar.

Tom Darby and John Sigler have provided me with a solid education since I first arrived at Carleton in 1993 as an M.A. student. Dr. Darby has taught me to examine politics in its most comprehensive form—through philosophy. He has encouraged my development with friendly and insightful advice. Dr. Sigler has been equally encouraging. His insistence that the discipline of International Relations is one that is inherently concerned with ethical questions is one of the main causes of this dissertation.

In retrospect, two meetings with the late philosopher Pierre Laberge gave me the idea to approach Kant in the manner that I did. Dr. Laberge's view that the key to Kant's international thought is a theory of justice was invaluable, even though I have not, ultimately, followed his particular intellectual path.

The Social Sciences and Humanities Research Council of Canada provided me with a valuable Doctoral Fellowship.

Most thankful am I for the role that my wife, Susan, played in shaping this dissertation. She contributed to improving the clarity and, hopefully, the overall quality of my work. This dissertation is dedicated to her.

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ABBREVIATIONS FOR KANT'S WORKS

C.Pur	<i>Critique of Pure Reason</i> , trans. Werner S. Pluhar. Indianapolis and Cambridge: Hackett Publishing Company Inc, 1996.
C.Pr	<i>Critique of Practical Reason</i> , trans. Lewis White Beck. Saddle River, New Jersey: Prentice Hall/Library of Liberal Arts, 1993.
CJ	<i>Critique of Judgment</i> , trans. Werner S. Pluhar. Indianapolis and Cambridge: Hackett Publishing Company Inc, 1987.
GMM	<i>Groundwork of the Metaphysic of Morals</i> , trans. H.J. Paton. New York: Harpertorch Books, 1964.
MM	<i>The Metaphysics of Morals</i> , trans. Mary Gregor. Cambridge: Cambridge University Press, 1996.
REL	<i>Religion in the Limits of Reason Alone</i> , trans. T.M. Greene and H.H. Hudson. New York: Harper & Row, 1960.
UH	"Idea for a Universal History With a Cosmopolitan Purpose," in <i>Kant: Political Writings</i> , ed. by Hans Reiss and trans. H.B. Nisbet. Cambridge: Cambridge University Press, 1991.
QE	"An Answer to the Question: 'What Is Enlightenment?'," in <i>Kant: Political Writings</i> .
TP	"On the Common Saying: 'This May be True in Theory, But it Does Not Apply in Practice'," in <i>Kant: Political Writings</i> .
PP	"Perpetual Peace: A Philosophical Sketch," in <i>Kant: Political Writings</i> .
CF	"The Contest of the Faculties," in <i>Kant: Political Writings</i> .
CBH	"Conjectures on the Beginning of Human History," in <i>Kant: Political Writings</i> .

References to C.Pur, C.Pr, CJ, and MM cite first the Academy pagination followed by the page number of the specific translations used.

INTRODUCTION

Since the rise of the modern states system there have been many proposals for its reform. This dissertation is concerned with the nature of, and relationship between, two specific cases of the desire to progressively alter the nature of international relations, one philosophic and the other ideological. In 1795, Immanuel Kant first published “Perpetual Peace,” an essay that offers a series of philosophic claims about the necessity and possibility of rendering the relations among sovereign states more peaceful, just, and—ultimately—compatible with the inherent freedom of human beings. Since that time, Kant’s claims have often been appropriated by liberal ideology—an ideology that, when applied to the relations among states, also aims to explain why international reform is necessary, in addition to prescribing what individuals and governments must do to attain it. This diverse body of ideas is “liberal internationalism.”

Any desire to reform international relations presupposes certain things about the nature of human beings, sovereign states and the type of interactions that generally pertain among them. In the case of Kant, a complex “critical” philosophical system is the foundation by which he justifies why, and explains how, a change to the putative nature of international politics is required. The aim of the present dissertation is to explain Kant’s conclusions and, further, to speculate on why his particular answers to the twin problems of injustice and war are so difficult to interpret equivocally.

The problem of interpreting Kant's meaning is important because his legacy has been central and yet ambiguous within the context of an evolving liberal internationalist tradition—a tradition that has become revitalized, if not hegemonic, since the end of the Cold War. The recent renaissance of liberal thought has led many scholars of International Relations to look to the past for “founding fathers” and “classic” articulations of the vision of a more peaceful and more just world order. Even though Kant has been invoked as such a foundation, it is, ultimately, impossible to perceive a coherent or unified ideological product; this is because contemporary liberal internationalists are divided on the very same ethical and practical conundrums upon which Kant's texts are, I think, unable to render decisive judgements. This dissertation thus also explores the reasons why the renewed interest in Kant's texts have actually exacerbated—rather than have conclusively settled—a series of pre-existing tensions and crises within liberal internationalism that have grown ever more salient in recent years.

There have been many previous efforts to interpret Kant's international theory, each of which reflect upon the tendency of other scholars to misinterpret his meaning. The most sophisticated of these accounts recognize two things: (i) that Kant's thoughts on international relations cannot be interpreted independently from his larger “critical” system; and (ii) that, ultimately, this system is fraught with paradoxes and dualities that do not integrate well with existing ideologies and paradigms in the discipline of International Relations. My aim in this dissertation is not to merely rehearse these two points with which I largely agree. Rather, it is to argue a specific

claim that has not been made with any frequency in the field: *viz.*, that Kant's international reform project is an integral part of his theory of justice. This theory of justice is only partially and schematically articulated in "Perpetual Peace," and, as a result, far too many scholars have attempted to give an account of this reform project without recognizing its inherent connection to the unique and problematic nature of Kantian justice. It is, I shall claim, the most disconcerting feature of his theory of justice—a deeply entrenched commitment to sovereignty—that renders his legacy in the post-Cold War era difficult to accept without substantial modification.

It is the lack of awareness of the key features of Kant's vision of justice, both domestic and international, that has led to an often superficial appropriation of Kant as a "liberal internationalist," a term that he would certainly not recognize. If liberals are to convincingly articulate the required principles and mechanisms of international reform in today's world—and I think that they are—a critical debate aimed at the rethinking of state sovereignty is required. Such a debate may indeed fruitfully draw on certain aspects of Kant's legacy of international reform, but it must at a minimum start with an awareness of the crippling limitations that his theory of justice imposes upon his vision of reform. These limitations are particularly acute in light of the contemporary, globalizing nature of world politics.

Compared to other interpretations of Kant, my dissertation is likely to appear strangely "conservative" regarding his meaning. For what it is worth, I wish to assure the reader that this is not a consequence of any ideological predisposition of the author but is, rather, a reflection of the subject matter and the method that I think is

appropriate for such a project. If there is little that is “progressive” or, as some in would wish it, “cosmopolitan” in my reading of Kant’s international reform project, it is because I have subordinated my reading of “Perpetual Peace” to his theory of justice that is found in the first part of his last major work, the “Doctrine of Right” in the *Metaphysics of Morals*. Indeed, it is only when this work is ignored, as it so frequently is, that any of the more daring attempts to depict Kant as a “revolutionary” have been attempted.

But my interpretive aims and methods follow a different path, one similar yet not identical to that of two distinguished and distinct Kant scholars, Thomas W. Pogge and Pierre Laberge. Both of these men have opted to pay special attention to the nature of Kant’s vision of justice through the statements that he makes about the interconnection of morals and politics in the *Metaphysics of Morals*. In assuming this general path as my starting point, I find a “disclaimer” by Pogge to be particularly germane and worth reproducing:

Being a reconstruction of Kant’s own position, the theory I shall sketch is not as progressive as many of his recent followers would like. But no purpose is served by torturing Kant’s own work until it matches what we now view as the most reasonable Kantian theory of justice for our time.¹

Laberge, too, has written about Kant’s theory of justice and has been one of the few to apply it the question of how to reform international relations.² He characterizes his

1 Thomas W. Pogge, “Kant’s Theory of Justice,” *Kant-Studien*, 79, 4 (1988): 407-8. Cf. Thomas W. Pogge, “Is Kant’s *Rechtslehre* Comprehensive?”, *The Southern Journal of Philosophy*, XXXVI, Supplement (1997): 180.

2 Pierre Laberge, “Kant on Justice and the Law of Nations,” in David R. Mapel and Terry (continued...)

approach as a “progressive-conservative” one because, although he thinks there is reason to hope for the meaningful reform of international relations on the basis Kantian principles, we ought not to project our own contemporary aspirations and preferences onto Kant’s texts; rather, we should consider faithfully the nature of the limits that he himself imposed upon all reform.³ Any such honest depiction of Kant’s theory of justice thus needs to accept the existence of something disturbingly “illiberal” about his vision of politics: his doctrine of sovereignty. Sovereignty is the most important limitation that Kant imposes upon himself. It is only when this is ignored that it is possible to construct a revolutionary vision of international reform.

Nevertheless, my reconstruction of Kant’s theory of justice has two distinguishing features. First, I develop a framework for interpreting Kant’s meaning that actually transcends the literal precepts of Kantian justice as found in the *Metaphysics of Morals*. This contrasts with Laberge, for example, because he only recapitulates Kant’s statements on justice and international justice with the aim of dispelling misinterpretation. However, as Fernando R. Tesón notes, Laberge’s work is thus ultimately only an *exegesis* rather than a reconstructive interpretation: “The difference is important, because the reconstructive approach implies sometimes disagreeing with the

2 (...continued)

Nardin, eds., *International Society: Diverse Ethical Perspectives*, Princeton University Press, 1998, 83-102.

3 *Ibid.*, 95.

philosopher and improving upon his or her arguments.”⁴ Laberge thus accepts all-too-faithfully the authority of Kant on international relations—to the point where he reproduces rather than explains and challenges the problematic facets of Kant’s doctrine of sovereignty. I thus ultimately follow Pogge, rather than Laberge, and attempt to explain how and why Kant arrived at the theory of justice in addition to criticizing its least defensible feature: the “dogma of sovereignty.”⁵

Second, unlike Pogge, I place Kant’s theory of justice within two distinct contexts, one philosophic and the other historical and ideological.⁶ My reconstruction of Kant’s vision of justice considers firstly how it emerges from his “critical” reaction to modernity and the rise of individual subjectivity. Kant’s justification of sovereignty is, I show, an ambiguous attempt to reconcile politics with what he views as the only plausible ground of the modern subject: an autonomous morality. But I also demonstrate that Kant’s critique of sovereignty, and the project to reform it by implementing domestic and international justice, are inherent parts of the same quest to domesticate political experience by the formal principles of morality.

The other context in which I place Kant’s theory of justice is that of the evolution of the liberal internationalist ideology. Kant’s concern with reforming interstate

4 Fernando R. Tesón, “Kantian International Liberalism,” in David R. Mapel and Terry Nardin, eds., *International Society*, 103.

5 Pogge, “Kant’s Theory of Justice,” 431-3; cf. Thomas W. Pogge, “Cosmopolitanism and Sovereignty,” *Ethics*, 103 (1992): 59 and Thomas W. Pogge, *Realizing Rawls*, Ithaca and London: Cornell University Press, 1989, 216.

6 Cf. Pogge, *Realizing Rawls*, 5-6.

relations for the sake of individual freedom makes his thought compatible with a wide range of subsequent internationalism. Nonetheless, the underlying ontological and ethical foundations of Kant's thought, especially his theory of justice, render his legacy within the history of this tradition less than stable. In spite of this, he continues to be a model for contemporary liberal internationalists who ignore (and sometimes even reproduce) the most problematic features of Kantian justice such as his vision of sovereignty.

This dissertation is divided into two Parts. Part 1 contains three chapters that reconstruct Kant's theory of justice and explain its application to international politics. Chapter 1 places Kant within modernity and explains why his "critical" philosophy is motivated by a desire to subordinate politics to his conception of an autonomous morality. Here I demonstrate that Kant's critique of previous modern discourses of science and politics ultimately leads him to accept a radical separation of politics and morals. Chapter 2 explores the significance of the central concept in Kant's philosophic system, the concept of "freedom." Kant's assumptions about the differences between politics and morals result in his attempt to divide freedom into two separate but related spheres, the "internal" and the "external." It is by reconstructing the relationship between these two forms of freedom that I develop a theoretical framework to explain Kant's theory of justice. Justice is necessary *because* of the very gap between the nature of politics and morals; and its realization is found in the reform of all political relations. Chapter 3 draws out the most salient political consequence of Kant's theory of justice, a "doctrine" of state sovereignty. Kant's

commitment to sovereignty is demonstrated to be an *a priori* requirement of justice. Remarkably, the form of this commitment is quasi-Hobbesian because the sovereign is, ultimately, illimitable and absolute in Kant's thought. However, I also demonstrate why Kant thinks that the perpetual reform of sovereignty is both necessary and possible. It is necessary because sovereignty is also, paradoxically enough, a *cause* of both domestic and international injustice. Nonetheless, Kant thinks that such reform is possible because the sovereign can be transformed and improved upon in the course of history. International reform is, thus, not a special application of Kant's philosophy to the relations of states, but rather an integral component of his theory of justice.

Part 2 contains three chapters that explain Kant's place within the evolution of liberal internationalism and its contemporary theoretical context. In Chapter 4, I outline an account of the evolving nature of liberal internationalist ideology through explaining the differing mechanisms that have been advocated to reform the states system. Additionally, I explain why different liberals have appealed to different ethical understandings of the sovereign state's capacity to produce the goals of individual freedom and international justice. Although Kant can be placed within the liberal internationalist tradition, the assumptions that contemporary scholars tacitly make about his vision of justice lead to contrasting Kantian legacies on the nature of reform. Chapter 5 examines the post-Cold War context by contrasting the construction of two distinct research programmes that have used Kant to explain and justify contemporary international reform. Here I juxtapose the advocates of the "democratic peace" thesis such as Michael Doyle with the work of democratic theorist David Held, an advocate

of the “cosmopolitan democracy” model. My evaluation of these two approaches to contemporary world politics examines the assumptions that each school makes about the capacity of democracy as a mechanism of producing the Kantian goals of peace, justice and individual freedom. I suggest that, in spite of certain difficulties in interpreting Kant’s meaning, the cosmopolitan democracy model is a superior basis for contemporary international reform. Chapter 6 claims that there is a foundational “crisis” of liberal internationalism that cannot be resolved simply through appeals to “founding fathers” such as Kant. This crisis is not merely a product of globalization nor changing circumstances, but is rather an inherent ontological feature of the internationalist tradition. The conclusion suggests the way in which a modification of Kant’s own theory of justice is a promising first step to overcoming such a crisis and providing a context in which liberal aspirations might be more coherently realized and debated in the present era.

PART 1

IMMANUEL KANT'S INTERNATIONAL REFORM PROJECT

CHAPTER 1

THE FOUNDATIONS OF KANT'S POLITICAL PHILOSOPHY: MORALS AND POLITICS

“Two things fill the mind with ever new and increasing admiration and awe, the oftener and more steady they are reflected on: the starry heavens above me and the moral law within me.”

-Kant¹

The wonder that Kant expresses in this statement is the inspiration of his critical philosophy. This “awe” is explicitly divided here by the two radically distinct forces that, when subjected to his scrutiny, form the main elements of a unique political philosophy. The individual occupies a special place in the cosmos because he is both a finite being that is determined by the laws of nature and a subject of the supersensible moral law. However, whereas the laws of nature are mechanical and cannot respect any phenomena nor beings as ends, the moral law obligates human subjects to act on principles that enshrine men and women as dignified ends.

The dualism expressed by this ontology pervades all of Kant's thinking, including his vision of politics and the nature of justice. Nature is an ultimate cause of injustice not because we suffer and are always left unsatisfied by our physical dependence upon

1 C.Pr, 162/169.

its objects; but, rather, it is because this dependence leads us to act on maxims of (self)-interest rather than the moral law that injustice arises. Even more dangerous, if man realizes that he is but a small and inconsequential object within nature's mechanism he may no longer conceive of his self and fellow beings as moral subjects at all. If we are not dignified ends within the causality of nature, why ought we respect each other as worthy of dignity? The problematic of Kant's critical philosophy is, then, to address man's dual position as a conditioned, finite being that is perpetually uncertain about the status of the moral principles that his reason unconditionally prescribes.

In this chapter I place Kantian political philosophy within the context of this larger critical system. I claim that critical political philosophy is motivated by, *inter alia*, the desire to produce the foundations for justice by restricting the scope of nature's laws and, more crucially, revealing the sovereignty of the moral law. Central to this argument is the fact that Kant's critique is aimed at overturning the assumptions of early-modern philosophers regarding individual subjectivity. Earlier moderns fail to recognize the inherent dignity of man because they ultimately depict him as helplessly determined by the mechanism of nature. Although, for example, Newtonian science and Machiavellian politics both purport to promote the supremacy of man over nature, they only enhance his domination by nature's forces because they portray him as motivated solely by the "amoral" goals of happiness and material satisfaction. The endless quest for scientific knowledge and the imperative of political expediency are shown by Kant to be inadequate depictions of the individual's will. His critical philosophy holds out an alternative ground for human subjectivity. Rather than an

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The Nature of Kant's "Critique" and Human Dignity

Until rather recently, Kant's philosophy was not viewed in terms of his contribution to political thought. The emphasis was instead limited to the epistemological revolution contained in the *Critique of Pure Reason* (1781). The context in which Kant's thought was typically viewed is the debate between rationalism and empiricism. From this point of view, the chief concern of critical philosophy is a defense of reason from David Hume's skeptical assault on the concept of causality. Kant's motives are thus confined to that of protecting the status of knowledge by, paradoxically, limiting and restricting that which can be coherently known by finite human beings. Although this portrait of the motives of critical philosophy is accurate, it is necessarily incomplete.

A revival of interest in Kant during the later part of this century has led to a deeper understanding of the political and moral foundations of his philosophy of critique. These motives are not merely to protect and elaborate upon modern metaphysics. Rather, this particular agenda must be viewed as being a subordinate part of a larger task—that of protecting and extending the "rights of man." Kant's resolution to the differences between rationalists and empiricists is thus a component of a broader critique of modernity for failing to recognize and enshrine the true subjectivity of man through a concern for his moral dignity.

Kant gains his inspiration for this overarching concern from Jean-Jacques Rousseau. The early-modern view is that nature is inherently indifferent to human dignity. Early-modern assumptions about subjectivity depend upon the presumed separation of the individual from an alienated, objective natural order that can no longer fulfil man's material and spiritual needs—at least not without his active willing over nature and other beings. Moreover, insofar as individual subjects are thought to be motivated (*viz.*, caused) by natural inclinations, they, too, are indifferent to each other's dignity. In criticizing this early-modern vision of individual subjectivity, Rousseau's two *Discourses* claim that modern science and politics in particular cannot solve the "problem" that he identifies—the restoration of man's natural dignity—for they are actually the twin causes of his corruption.² Kant was moved by Rousseau's indictment of modernity. Years before he articulated his own critical project he inscribed the following notation on a copy of his own *Observations on the Feeling of the Beautiful and the Sublime* (1764): "Rousseau set me right."³ Rousseau prompted Kant to re-evaluate and reflect upon his own assumptions about modern science and to become concerned with its impact upon morality and political affairs.⁴ When Kant

2 Jean-Jacques Rousseau, *The First and Second Discourses*, ed. by Roger D. Masters, trans. by Roger D. and Judith R. Masters, New York: St. Martin's Press, 1964.

3 See Susan Meld Shell, "Kant's Political Cosmology: Freedom and Desire in the 'Remarks' Concerning *Observations on the Feeling of the Beautiful and the Sublime*," in Howard Williams, ed., *Essays on Kant's Political Philosophy*, Cardiff: University of Wales Press, 1992, 81.

4 Susan Meld Shell, *The Rights of Reason: a Study of Kant's Philosophy and Politics*, The University of Toronto Press, 1980, 21. See also Richard L Velkey, *Freedom and the Ends of Reason: On the Moral Foundation of Kant's Critical Philosophy*, The University of (continued...)

eventually pronounced his critical philosophy, Rousseau's influence was unmistakable: the requirements of morality necessarily subordinate and determine the boundaries of modern knowledge and political agency.

Despite Kant's overarching view of the need to protect human dignity from an autonomously conceived science and politics, he opts not to follow Rousseau's radical prescriptions for what ails modern subjects. Instead, Kant seeks to find a way to preserve and improve upon the accomplishments of modern thought by restoring the force of morality as the ultimate foundation of human subjectivity and, ultimately, his view of justice.⁵ Kant's criticism of modernity is thus not a blanket rejection nor demolition project. The nature of his critique is first to restrict modern assumptions on the nature of subjectivity—insofar as they impinge upon human dignity—and then to legislate an autonomous *moral* realm that must subordinate both science and politics. In the *Critique of Pure Reason* Kant characterizes this as a “negative” restriction on modern reason's claim to know, and thereby to *condition*, the individual subject.⁶ An autonomous scientific knowledge cannot, therefore, constitute the grounds of authentic subjectivity. More crucially, as it is extended in the *Critique of Practical Reason* (1788), Kant's critique of modernity is deeply practical. Political

4 (...continued)
Chicago Press, 1989, 6-8.

5 As George Armstrong Kelley writes, Kant “withdraws from the bombardment of Rousseau's moralism, while accepting his insights on freedom,” *Idealism, Politics and History: Sources of Hegelian Thought*, Cambridge University Press, 1969, 99.

6 C.Pur, Bxxv/27.

action cannot have its own autonomous logic as Machiavelli suggests; it too must be subordinated to the requirements of morality.

Reminiscent of Aristotle, Kant states that although there is only one human reason, it has two distinct applications, “theoretical” and “practical.”⁷ “The theoretical use of reason is concerned with objects of the merely cognitive faculty....[which is] different from the practical use of reason,” which “deals with the grounds determining the will.”⁸ As with Aristotle, theoretical knowledge pertains to that which cannot change through human volition, while the practical admits of variation because of human agency. Unlike Aristotle, however, Kant associates theoretical and practical reason with radically contradistinct types of “causality”: the natural and the moral. The former pertains to the conditions of the mechanism of nature while the latter is the capacity of the individual will to determine itself independently from nature. Kant’s critique of modernity stakes out the limits and possibilities of both forms of reason and the types of causality with which they are associated. The aim is, as noted, to protect human dignity.

7 See Aristotle, *The Ethics*, Toronto: Penguin Books, 1993, Book VI, 1138b18-1145a11, 203-225; cf. GMM, 391/60.

8 C.Pr, 15/15.

Theoretical Reason: the Critique of Subjectivity as Knowing

The *Critique of Pure Reason* gives a paradoxical apology for metaphysics because it is based on a revolutionary rejection of its previously held foundations. A sound basis for knowledge of nature is only possible, according to this text, under the most strict of epistemological limits. The classic view of philosophy—as the (unfulfilled) desire for wisdom—must thus be regulated by agreed upon rules that prevent reason from falling into contradiction. These limits on the human capacity to *know* are peculiar to modernity, where subjects have taken an autonomous stance *vis-à-vis* nature. The quest for knowledge of natural causality cannot be governed solely by reason's self-generated, internal desire to possess wisdom; for Kant holds that the legitimate condition of reason's autonomy is the recognition of the “constitutional” limits to what it may claim to be able to represent as the truth.⁹ These limits on the capacity of modern rational subjects to delve into the prior determining causes of nature, both human and non-human, have the moral function of protecting human dignity. As Kant reflects in the Preface, he finds it necessary to “annul *knowledge* in order to make room for *faith*” in the authentic grounds of human autonomy.¹⁰

Kant is reacting to the consequences on modern subjectivity inherent in Newtonian science. Newton re-opened the ancient question of causality by proposing that the

9 On Kant's use of political and legal metaphors in the first *Critique* see Onora O'Neill, *Constructions of Reason*, Cambridge University Press, 1989; also Kimberly Hutchings, *Kant, Critique and Politics*, New York and London: Routledge, 1996, 1-37.

10 C.Pur, Bxxx/31.

mathematical deduction of matter in motion could establish that the laws of nature were determined by mechanism (i.e., the “universal machine” metaphor).¹¹ This view of the cosmos seemingly extends the sovereignty of man over nature because, as Francis Bacon for example believed, we could enhance the welfare of the species. By conceiving of nature as a hostile system of material causes that are inherently indifferent to our ends, or to the Good, nature becomes an object of manipulation for whatever smaller ends that individual subjects posit. Informed by this view of subjectivity, modern science assumes the conceit of total autonomy from nature.

To be sure, as Susan Meld Shell notes, “Kant concurred in this scientific understanding of nature.”¹² As long as humans are dependent upon nature, Kant thinks they can never mature morally and will always rely upon crude and debased inclinations as the sole motivation of action.¹³ But Kant’s sympathy with modern science has crucial limits that must be recognized. This is because, although he too opposes the subject to nature, it is not with the aim of enhancing human welfare or happiness. Instead, Kant thinks that nature cannot inform the grounds of true subjectivity because, when conceived as a mechanism, man cannot be coherently represented as a dignified end. The type of independence from nature that Kant’s critical philosophy seeks to establish is thus different in kind from other predominant views of modern science. As Shell claims, Kant quickly became disenchanted with this

11 Cf. Hobbes, *Leviathan*, ed. by C.B. MacPherson, Toronto: Penguin Books, 118-21.

12 Shell, *The Rights of Reason*, 11.

13 See GMM, 395/62-3; CBH, 226.

aspect of modernity: “the material comforts which modern science provides...[cannot] compensate for its devastation of our sense of harmony with nature and our feeling of importance within it.” As a result, “Kant set himself the difficult task of recovering and reasserting the spiritual assertions which science seemed irrevocably to destroy.”¹⁴

Under the assumptions of modern subjectivity prior to Kant, the quest for scientific knowledge potentially undermines human dignity. If the desire for knowledge of nature’s laws is motivated by happiness and material comfort within an alien cosmos, there can be no possible limit to what is transformed by scientific questioning. Material desires are boundless. The boundary that Kant is concerned will be violated by modern science is the dignity of each individual as an end. The problem, thus, is that earlier moderns do not view subjectivity correctly because they do not actually set apart man from the mechanism of nature that they have posited. Because humans are viewed solely in terms of the mechanistic workings of their desires, as in the case of Hobbes, Kant fears that individuals become a mere part of the mechanism of nature over which modern science seeks to establish control.¹⁵ An autonomous science is entirely incompatible with true human autonomy which, as will be claimed below, Kant asserts is the only objective end within nature. Kant’s critique of knowledge is thus an attempt to deny that subjectivity can be located merely in the desire to know and tame nature’s laws. If this desire is unchecked by the boundary of human dignity, science would indeed be autonomous and individuals would necessarily be reduced to

14 Shell, *The Rights of Reason*, 3.

15 See Hobbes, *Leviathan*, 82-3, 119, 183-8.

feeble and conditioned subjects, unable to free themselves from the necessity of nature and unable to live by laws that they themselves have legislated. If, as an autonomous science presupposes, human beings are only the products of mechanistic natural laws, they would be unable to develop, mature or progress as moral beings. By submitting subjects to natural laws, moral autonomy is canceled altogether. As Joseph Knippenberg writes, early-modern science “undermines man’s naive and prescientific belief that he is obliged to govern himself in accordance with the moral law.”¹⁶

The nature of Kant’s critique is not to reject altogether a role for modern science. Rather, it is to place limits on science that would deny its autonomy and thus make it impossible to be the grounding of true subjectivity. That is, knowledge must be subordinated to an autonomous morality. The *Critique of Pure Reason* is a guide to why knowledge must be limited in the interests of an overarching “faith” in the existence of free moral agency. It holds that a just epistemological “constitutional” order must regulate the use of reason—not only for its own good, i.e., to prevent it from collapsing into contradiction when it overextends itself—but also in the service of morality. Once a system of recognized limits is placed on knowledge, Kant claims that, even though humans inhabit a world of mechanistic natural laws that render each subject a conditioned part of the cosmos, moral autonomy is at least *possible*.¹⁷

16 Joseph Knippenberg, “The Politics of Kant’s Philosophy,” in Ronald Beiner and William James Booth, eds., *Kant & Political Philosophy: the Contemporary Legacy*, New Haven and London: Yale University Press, 1993, 157.

17 See Shell, *The Rights of Reason*, 4.

Kant's novel epistemology undermines the conceits of modern science by positing what he terms a "Copernican hypothesis."¹⁸ He claims that it is likely that the relationship between the subject and the object is wrongly conceived by previous moderns.¹⁹ The subject may not actually just passively absorb unmediated sensory impressions of an objective nature to learn nature's laws. Rather, the subject may actually determine or legislate such laws.²⁰ The manner in which Kant "tests" this hypothesis is a complex philosophical story, one which is beyond the modest scope of the present chapter. The most important part of this story is that the verification of this hypothesis vindicates a science that is subordinated to the requirements of moral autonomy.

Science is limited by an ontological boundary that Kant erects between the finite and partial knowledge of which subjects are capable and the infinitely complex, supersensible "thing-in-itself" from which such claims to knowledge are derived. Individuals cannot actually experience the world as it "is" because we can only absorb mere appearances. We make sense out of such experiences by way of concepts that reason legislates to our understanding. These concepts can bracket our perceptual experiences, but they cannot be conflated, according to Kant, with the actual underlying ontological structure of nature. The finite condition of humans therefore

18 C.Pur, Bxvii-xviii/21-2.

19 C.Pur, Bxx/24.

20 As Otfried Höffe notes, "Kant's revolution...enables human reason [to] liberate itself from the biases of the natural perspective, epistemological realism," *Kant*, trans. Marshal Farrier, Albany, SUNY Press, 1994, 38.

radically limits science by preventing us from ever really knowing “things-in-themselves.”²¹ Paradoxically, although the subject rationally legislates its experience of nature, it can never claim that its representations of that external reality constitute its true underlying properties. If it does, reason will only fall into contradiction. The mechanism of natural causality revealed by Newtonian science is thus not denied by Kant, only limited and placed within boundaries. The ultimate purpose of the Copernican hypothesis is, according to Kant, “negative.”²² Its vindication prohibits the grounds of modern subjectivity from being located in an autonomous capacity to know and to transform nature, both human and non-human. As William James Booth writes, although “[t]he Copernican revolution places man at the centre of its account of nature [it also] limits and undermines his pretensions.”²³

The restriction of modern knowledge claims is intended to protect the moral autonomy of the subject. If human beings are fundamentally and permanently ignorant about the underlying metaphysical structure of the universe, it cannot be claimed that the subject is conditioned by nature. More precisely, the subject’s moral choices are not predetermined by his animal status as an embodied being. Morality, and that which makes it possible, the autonomous will, is thereby made independent

21 C.Pur, Bxxvi/28.

22 C.Pur, A709=B737/665.

23 William James Booth, *Interpreting the World: Kant’s Philosophy of History and Politics*, University of Toronto Press, 1986, 17.

from the mechanism of nature.²⁴ A restricted reason limits the effects of natural causality to a province that does not threaten to submerge moral agency into a system of prior determinations over which man has no control.

But the result of Kant's critique of knowledge is the creation of a profound dualism. Insofar as the subject is an embodied and finite creature he is affected by the mechanism of nature. However, because the subject is also rational, he is endowed with a moral causality that allows him to overcome and domesticate the natural world within him, i.e., he is autonomous. Kant thus merely wishes to reconcile the mechanism of nature assumed by Newtonian science with the possibility of morality.²⁵

In the *Critique of Practical Reason*, he writes:

The union of causality as freedom with causality as the mechanism of nature, the first being given through the moral law and the latter through natural law, and both as related to the same subject, man, is impossible unless man is conceived by pure consciousness as a being in itself in relation to the former, and by empirical reason as appearance in relation to the latter.²⁶

The Copernican hypothesis ultimately permits Kant to posit an autonomous morality because he places morality as the unconditioned ground of subjectivity outside the realm of experience. Freedom, the basis of morality, is initially made into a regulative Idea that reason must assume but cannot demonstrate nor represent.²⁷ Although the individual is still subject to natural causality—indeed, his very finitude and physical

24 GMM, 389/57, 431/98; C.Pr, 33/33.

25 C.Pur, Bxxix/30-1; C.Pr, 4/4; GMM, 456/123-4; MM, 220/14.

26 C.Pr, 6n./6.

27 The other regulative Ideas Kant mentions in this context are God and the immortality of the soul, C.Pur, Bxxxii-xxxiii/28-9. Cf. C.Pr, 4/4, 114-134/120-140.

dependence upon nature ensures this—his freedom and dignity are preserved by the limits that Kant's critique places on knowledge.

Practical Reason: the Critique of Subjectivity as Political Autonomy

Kant's critique of science is important because it provides him with the tools for a similar critique of modern politics. Like Newtonian science, modern politics has been fancied as an autonomous realm in which the human will is unconstrained by moral considerations. The chief exponent of a politics for its own sake is, as noted above, Machiavelli. For him, modern subjectivity is located in the ability of the individual to act with *virtù*. To act with Machiavellian virtue is to engage in political affairs with excellence, as it was for the ancients. However, unlike the ancients, political action is executed by a will that is radically separate from other beings and any external criteria. Rather, the virtue of a subject is bound up with the ability of the will to impose itself on others. It is, simultaneously, the ability to tame the greatest of obstacles to this task, the unpredictable, rebellious natural cosmos that Machiavelli symbolizes as *Fortuna*. Insofar as other human beings also impede the only objective end of politics—i.e., the secure domination of a self-made order—they cannot be easily separated from the *Fortuna* that modern political animals are advised to impetuously seduce, and, where that fails, brutally coerce.

Machiavelli thus collapses virtue into his new vision of an autonomous politics. He does this by rendering classical Aristotelean virtue incompatible with true, manly

political action. Modern virtue is the ability to ignore (or only pretend to obey) external standards of action located within nature or a conception of the Good.²⁸ By changing the meaning of virtue to express only efficiency in fulfilling the situational necessities of politics, he seeks to remove any perceived incompatibility between virtue and politics in a peculiarly modern way. Practical action is to be based on contingent maxims that are generated by, internal to, and exhausted by politics. The autonomy of politics is generated by a close identification of *lo stato* with an end that justifies any means for its maintenance.

Kant's practical philosophy is a critique of the autonomy of politics presupposed by earlier modern visions of subjectivity found not just in Machiavelli but also in Hobbes, who sees man as a fundamentally conditioned being. The problem with such accounts of practical reasoning is that the human will has not actually been viewed as independent from natural causality. Consequently, human dignity is sacrificed. By rendering politics autonomous, Machiavelli subordinates the causality of the subject's will to the mechanism of nature, according to Kant. Although Machiavelli frequently casts modern *virtù* for the sake of statecraft as a new form of civic virtue, Kant holds that practical action guided solely by instrumental rationality is ultimately only an apology for self-interest based upon material or natural causes. The modern subjects who follow Machiavelli's maxims will inevitably lack true substantiality because, even though they endlessly try to overcome the obstacles of nature, they act only to increase

28 Niccolò Machiavelli, *The Prince*, trans. by Harvey J. Mansfield Jr., The University of Chicago Press, 61-2.

their dependence upon it because their motives are based on material principles rather than—as Kant holds necessary—formal principles of justice. In other words, it is the nature within them, rather than the nature external to them, that individuals based on Machiavelli's vision of subjectivity are unable to transcend. An autonomous politics cannot adequately ground modern subjectivity because it would only serve to undermine the individual's dignity. Political agents become the slaves of their contingent desires for the domination of others; and those unable to initiate the necessary means for an effective *stato* become victims of use and abuse as there are no objective ends nor formal restrictions on conduct.

In the *Critique of Pure Reason* Kant claimed it necessary to reconcile the assumptions of natural mechanism with human dignity. As long as knowledge is subordinated to the requirements of morality, such an arbitration is possible. Similarly, Kant claims that modern politics and human dignity need not be incompatible either.²⁹ To reconcile them, Kant thinks that politics must be subordinated to the pure practical reason of morality. As he writes,

A true system of politics cannot...take a single step without first paying tribute to morality. And although politics in itself is a difficult art, no art is required to combine it with morality. For as soon as the two come into conflict, morality can cut through the knot which politics cannot untie...For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance.³⁰

29 PP, 116-25.

30 PP, 125.

This passage indicates that an autonomous politics cannot persist without falling into contradiction and incoherence—a claim that was also made about speculative knowledge. If politics is to acquire some coherence and achieve practical ends, it must submit to the only authentic ground of subjectivity: morality. Politics must “bend the knee” for morality even though it can only achieve a degree of “lasting brilliance” from its association with the moral realm. However, by positing morality as the ultimate location of subjectivity, Kant creates a different ontological construct to support a division of politics and morals.

Kant’s Contribution to Modernity: the Autonomy of Morals

Kant’s critique of modernity ultimately contributes to the modern ethos because he posits another foundation for the sovereignty of man or subjectivity. Morality is the only unconditioned ground upon which human dignity can be ensured. It is the only possible realm of individual subjectivity that can coherently and authoritatively command and determine all of the conditioned aspects of experience. It cannot, as Kant states, be “subordinated to any other object.”³¹ The early-modern political thinkers who located the grounds of subjectivity in other, non-moral grounds could

31 GMM, 437/105.

not but sacrifice human dignity. For if “all value were conditioned—that is, contingent—then no supreme principle can be found for reason at all.”³² The “supreme principle” at which Kant arrives is the categorical imperative, generically identified as *duty for its own sake*.³³ Without the categorical imperative there can be no dignity because “...morality is the only condition under which a rational being can be an end in himself...[and] a law-making member in a kingdom of ends. Therefore morality, and humanity so far as it is capable of morality, is the only thing which has dignity.”³⁴

In order to posit morality as the autonomous ground of subjectivity, Kant states that we must, *contra* Hobbes, eliminate from consideration all of the prior *material* causes that affect the will.³⁵ We must also separate the will from being informed merely by a sense of its own *efficient* causality, in contrast to Machiavelli. Lastly, the will must not act for the sake of any ends other than, as we shall see, the kingdom of ends, the only morally objective *final* cause. This is because all particular ends pertain only to happiness, which, although substantive in Aristotelean political science, is not for Kant a sign of moral perfection. All of these causes are subject to corruption from the phenomenal world of appearances and therefore risk placing human dignity on quicksand. What remains, therefore, is the *formal* cause—the cause that specifies the

32 GMM, 428/96.

33 GMM, 392/60.

34 GMM, 435/102.

35 See Hobbes, *Leviathan*, 95-99.

conditions under which willing is possible. Morality is thus initially characterized by Kant as having an entirely *a priori* or formal character. The will is to be determined only by the law that it can coherently give to itself—the law which *any* rational being could itself both legislate and obey unconditionally. At one point Kant writes that the free will is “in a sphere entirely different from the empirical, and the necessity which it expresses, not being natural necessity, can consist only in the formal conditions of the possibility of law in general.”³⁶ Morality is thus totally separated from the contingent world of lived experience. To be moral requires the subject to extirpate all heteronomous causes of the will.³⁷

An autonomous morality legislates that to which the individual is not naturally inclined: to act on maxims that are objectively abstracted from all material principles of interest.³⁸ If politics were the autonomous ground of subjectivity, the will would operate on the basis of experience of the phenomenal world. That is, if we follow Machiavelli’s advice to act on the basis of what men *actually* do, rather than what they *ought* to do, morality would be impossible.³⁹ Thus Kant holds that

[i]t would be better to maintain that there are no practical laws but merely counsels for the service of our desires than to elevate merely subjective principles to the rank of practical laws, which must have an objective and not

36 C.Pr, 34/34.

37 See GMM, 389/57.

38 GMM, 407/75.

39 Machiavelli, *The Prince*, 61.

just subjective necessity and which must be known *a priori* by reason instead of by experience no matter how empirically universal.⁴⁰

Hence, for example, the end of “success” in executing the projects of the will is morally irrelevant. This is because the moral law “refers only to the will, irrespective of what is attained by its causality.”⁴¹ Once morality is “scrupulously separated”⁴² from the contingent realm of experience, the necessary condition for true autonomy is established. The will becomes independent of the world of natural laws and the necessities of political expediency. Kant’s view of subjectivity is therefore grounded upon one thing only: the law which the will has by itself formulated as universal. The essence of his transformation of modern subjectivity is the claim that the true measure of agency lies in the ability of finite rational beings to free themselves from natural causality and inclination and to become self-legislating.

Nevertheless, Kant’s relocation of the grounds of true agency presupposes that, although morality is autonomous, it does not and cannot actually govern man as he empirically exists. Just as his critique of an autonomous science does not ultimately deny that individuals are subject to the forces of natural mechanism, his positing of an autonomous morality concedes that man is finite and thus an inhabitant of an empirical world that is recalcitrant to moral virtue.⁴³ Indeed, it is the ontological division

40 C.Pr, 26/27.

41 C.Pr, 21/19.

42 GMM, 389/56.

43 GMM, 408/75.

between man's moral and phenomenal selves that enables an autonomous morality at all. This is because morality must be autonomous *from* something; for Kant it is from nature and animal instinct. An autonomous morality allows us to domesticate and transcend the world of inclination that inhabits us as we inhabit the natural cosmos. But morality can never succeed fully in enabling a transcendence of ourselves; individuals can never coincide with the perfectly "good will," and the species as a whole is nothing less than "warped wood."⁴⁴ As Kant states,

When applied to man...[morality] does not borrow in the slightest from acquaintance with him (in anthropology) but gives him laws *a priori* as a rational being....for man, affected as he is by so many inclinations, is capable of the Idea of a pure practical reason, but he has not so easily the power to realize the Idea *in concreto* in his conduct of life.⁴⁵

It is only because the subject is so divided by his rational capacity to obey laws and his natural inclinations to make an exception for himself that duty is a meaningful moral concept.⁴⁶ God and the beasts are exempt from duty because the former is not subject to instinct and the latter lack a rational will that could intervene with and subordinate inclinations.⁴⁷

By positing an autonomous morality, Kant believes he has identified the conditions under which the nature of modern subjectivity is constitutive of human dignity, without resorting to Rousseau's seemingly blanket rejection of modern science and

44 UH, 46.

45 GMM, 389/57.

46 GMM, 412/80.

47 Cf. Aristotle, *Politics*, trans. T.A. Sinclair, Toronto: Penguin Books, 1992, Book I, 1253a28, 61.

politics. The critical project is at root designed to provide the principles by which man becomes truly sovereign by limiting and overriding his own natural causality.⁴⁸ Thanks to morality, each individual becomes his own “Prince,” dominating and mastering himself rather than others and thus creating a variant of subjectivity that recognizes the dignity of each, including himself, as an end.⁴⁹ Moral autonomy is thus for Kant the edification of modern subjectivity that earlier philosophers were content to allow remain trapped within the “womb of nature.”⁵⁰

Nonetheless, in my view, Kant’s autonomous morality does not, tragically, overcome Machiavelli’s legacy of political autonomy. From one point of view, Machiavelli does not deny the existence of morality altogether. His vision of political autonomy holds that questions of good and evil—and the standards employed to distinguish them—are ideals of *private* conscience and thus irrelevant in matters of statecraft. Kant’s positing of an autonomous morality ultimately mirrors Machiavelli. In holding *either* politics *or* morals to be the exclusive sites of modern subjectivity, both Machiavelli and Kant assert that they occupy ontologically contradictory spheres. Where these two thinkers actually differ, then, is only the question of which of these two radically opposed spheres—politics or morality—ought to form the *determining* foundations of individual subjectivity.

48 See GMM, 426/93.

49 See MM, 380/146, 397/158.

50 CBH, 226.

When questions of politics and ethics are reduced to the nature of the individual will, it is not surprising that the two become separated in modernity. By reducing politics to the domination accomplished by the willing subject, Machiavelli drains it of ethical content and thereby makes morality a matter of private conscience. The radically separated individuals he depicts are concerned only with surviving the onslaught of nature or, if they possess *virtù*, with achieving a degree of permanence through their power over *Fortuna*.⁵¹ Similarly, by restricting ethics to a realm of pure practical reason and duty for its own sake, Kant strips politics of any *inherent* connection to morality. This is because an autonomous morality must be located completely outside the phenomenal realm of human interests and conditioned ends which constitute politics. Kant locates individual subjectivity on an ontologically higher plane than the ambiguous business of politics. Politics can be touched by, but never be truly constitutive of, ethical life. In thus elevating morality beyond the realm of experience, Kant reinforces Machiavelli's alienation of politics from morality because, in the end, he finds it doubtful "whether any genuine virtue is actually to be encountered in the world."⁵² Because the motives involved in politics are invariably mixed and corrupted with the particularity and contingency of interests, morality for Kant seems to also become a matter of private conscience.

Although Kant reproduces Machiavelli's chasm between politics and morals, he actually wishes to bring them together again through the realization of justice. The

51 Machiavelli, *The Prince*, *passim*..

52 GMM, 408/75.

most important consequence of Kant's reaction to pre-critical philosophy is the ontological chasm he opens between the moral autonomy of subjects and the political world that is itself devoid of moral content. This dualism creates the necessity of a project to reform politics. This project is one of transforming relations among individuals to reflect, but at the same time not sacrifice, their sacred moral autonomy. Alternatively stated, Kant holds that the goal of politics is to subordinate its practice—to the largest and widest possible extent—to the same pattern or logic of universal, formal principles that is found in morality.

Conclusion

This necessarily condensed discussion of the foundations of Kant's political philosophy shall serve as a foundation for this dissertation. The main elements of Kant's political philosophy have been shown to emerge from his unique response to early-modern depictions of individual subjectivity. Although he accepts the notion that man is radically distinct from the natural cosmos, he contests the location of individual subjectivity in the capacity to *know* the world and—more crucially—to *will* upon maxims of political expediency. Kant proposes an alternative ground of subjectivity that he claims is the only authentic ground of man's freedom from nature and inherent dignity: an autonomous morality. The Kantian political project is, however, fraught

with ambiguity. The source of this ambiguity is his own ontological separation of morals and politics that results from his peculiar depiction of human subjectivity. The nature of this ambiguity is that the core of Kant's critical system, the "architectonic" symbol of freedom that determines the shape of his theory of justice, is divided. Kant's political philosophy is divided by his concept of freedom into two ontological spheres: the moral and the political. It is because freedom constitutes the framework that justifies Kant's doctrine of sovereignty that a detailed examination of this concept is now in order.

CHAPTER 2

THE AMBIGUITY OF FREEDOM IN KANT'S THEORY OF JUSTICE

“The concept of freedom...is the keystone of the whole architecture of the system of pure reason and even of speculative reason.”

-Kant¹

Human freedom is at the core of Kant's philosophy. We cannot adequately explain any particular aspect of his thought without ultimately viewing it in relation to this concept—what Kant claims is the “keystone” of his critical philosophy. The present chapter reconstructs and interprets the central place of freedom in shaping Kant's theory of justice with the aim of developing a theoretical framework. The purpose of this framework is to explain the place of sovereignty in Kant's theory of justice in Chapter 3. It is because freedom is the ground, and, therefore, the justification, for Kant's vision of political reform that this mode of analysis is justified.

Kant's treatment of the concept of freedom is affected deeply by the ontological division of morals and politics identified in the previous chapter. The gulf between morals and politics is ostensibly united by their mutual connection to the subjectivity

1 C.Pr, 3/3.

and will of “man,” i.e., by the location of true subjectivity within our universal moral capacities. However, individuals are also divided by a radical difference between the noumenal world of pure morality and the phenomenal world in which politics occurs. For this reason, Kant’s theory of justice is divided by two distinct sides of freedom, the “internal” and the “external.” The distinction that Kant makes between these two sides of individual freedom constitutes his most profound statement on the relationship between an autonomous morality and political practice. It is by reconstructing Kant’s arguments in favour of their distinction that we see the basic structure of his theory of justice: the pure practical reason of morality associated with inner freedom *informs*—and thereby subordinates—the structure of outer freedom and the political reality with which it is associated.

Nonetheless, my theoretical framework also reveals that there is profound ambivalence within this internal/external division that Kant posits. His distinction between the two sides of freedom does not merely indicate that morality must subordinate and determine the political world. It is also predicated upon a great limitation on the extent to which politics *can* (and therefore *ought*) to be subordinated to morality. In actuality, Kant argues that the morality of internal freedom must only legislate the basic universal *form* of external freedom and politics. Morality cannot, however, legitimately legislate the *ends* that are essential to the categorical imperative of internal freedom into the external realm of rightful or just political relations among individuals. This relationship between the two sides of Kantian freedom produces ambiguity and confusion, for it is not at all clear that moral ends can possibly be, nor

ought to be, completely abstracted from politics in the manner that Kant sometimes seems to suggest. This is because there is evidence from Kant's own texts, and the logical consequences of such remarks, that he was uncertain about the stricture against moral ends as the incentive for political practice and reform. It is my argument that Kant's symbol of freedom is the interpretive key to explaining the shape of his theory of justice generally. As will be shown below, it is the ambiguities produced by this peculiar division of freedom that account for the paradoxical nature of the doctrine of state sovereignty and vision of international reform that emerge from the Kantian understanding of justice.

There are three sections in this chapter. In the first I situate Kant's reputation as a political philosopher within differing contemporary depictions of his view of the nature of freedom. Although there have been attempts to characterize him as a proponent of either "positive" or "negative" freedom alone, Kant's theory of justice is far more complicated than the terms of this distinction (famously posited by Isaiah Berlin). In section two I construct a theoretical framework to explain the reasons why Kant's theory of justice takes the form that it does. In separating "internal" from "external" freedom, Kant articulates his view of the proper relationship between morality and politics and the fundamental logic of political reform. My framework demonstrates that the realization of justice is how politics is to be subordinated to, and informed by, the same formal principles found in morality. Section three shows the limits and ambiguities within the Kantian vision of reform that are inherent in his conception of justice. This is done by demonstrating how the basic autonomy of

morals that is a metaphysical foundation of his philosophy dictates that politics be concerned primarily with formal principles of justice alone, and then only indirectly with the realization of moral purposes.

The Two Sides of Freedom and Their Place in Kant's Theory of Justice

Isaiah Berlin's essay "Two Concepts of Liberty" is an important reference point for any discussion of freedom in modern political thought. There are few clearer expressions of the divisions and dilemmas inherent in the concept than the distinction Berlin makes between "negative" and "positive" freedom. The former pertains to the absence of external impediments and non-interference with the subject; the latter concerns the ideals of self-mastery and self-determination.² Nonetheless, one difficulty with this distinction is that it is sometimes held to be of trans-historical significance, illuminating various "doctrines" of liberty from the Greeks to the present.³ Berlin's distinction between positive and negative freedom is enabled by a historically specific shift in Western political thought. It is only possible to distinguish positive and negative liberty properly in light of the transformations inspired by modern subjectivity. That

2 Isaiah Berlin, *Four Essays on Liberty*, Oxford University Press, 121, 131.

3 See for example John Gray, "Introduction," in Zbigniew Pelczynski and John Gray, eds., *Conceptions of Liberty in Political Philosophy*, London: The Athlone Press, 1984, 5.

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politics. We cannot therefore simply associate Berlin's positive liberty with Kant's "internal" (moral) freedom and negative liberty with what Kant calls "external" (political) freedom. Berlin assumes that negative and positive freedom are ultimately and necessarily in "direct conflict" with each other.⁵ This contrasts greatly with Kant's presentation of these terms. Indeed, Kant's theory of justice is structured upon the ostensible compatibility of the positive and the negative dimensions of freedom as he defines them. My framework will show, among other things, that negative and positive freedom in Kant's thought are not incompatible. This is because they are rooted within the context of a larger, more significant, division that Kant makes between the internal and external sides freedom. This framework will also show that Kant's own ambiguity and ambivalence on the meaning of freedom emanates from the division between internal and external freedom.

It is no small wonder that there is a great deal of disagreement over how to characterize Kant's political thought. In my view, this is especially true when Berlin's assumptions shape the debate. Berlin refers to Kant as the paradigmatic example of a philosopher of positive freedom, citing the categorical imperative and the moral autonomy it presupposes as evidence. In this way Kant is a foil for Berlin to criticize the positive conception of freedom as a potentially despotic deviation from the original, negative essence of liberty in modern liberalism.⁶ Elie Kedourie amplifies and extends Berlin's perception, linking Kant's ideal of individual self-determination to the

5 Berlin, *Four Essays on Liberty*, 131.

6 *Ibid.*, 135-6.

historical development of the chauvinistic politics of nationalism.⁷ However, both authors minimize or ignore the existence of another dimension of freedom in Kant's texts, one which is much closer to—but by no means coeval with—the negative freedom that they seem to prefer in classical liberalism.⁸ The difficulty with the Berlin and Kedourie depiction of Kant's politics is that it relies upon a caricature or stereotype of his morality. This problem is a consequence of their apparent ignorance of his theory of justice that is designed to establish the proper relationship between morality and politics.

To scholars who have paid closer attention to Kant's texts, Berlin's and Kedourie's statements are bizarre and misleading. Some have thus sought to counter such misrepresentations, and, in so doing, may have gone too far in the other direction. For example, Howard Williams demonstrates the lack of evidence for the Berlin and Kedourie positions,⁹ and argues that Kant's politics are actually premised on a "negative concept of freedom."¹⁰ Similarly, Otfried Höffe denies altogether the view that Kant's conception of political liberty is oriented by the essentially and exclusive moral principle of "positive" autonomy found in the *Groundwork of the Metaphysic*

7 Elie Kedourie, *Nationalism*, Fourth Edition, Oxford: Basil Blackwell, 1993, 14-17.

8 Although Berlin admits that there exist some important expressions of negative freedom in Kant's thought, he denies their importance by suggesting that they are exceptional deviations from, rather than fundamental to, Kant's political position, *Four Essays on Liberty*, 153n.. Kedourie steadfastly refuses to consider that self-legislation or autonomy is but one aspect of Kant's thought on freedom that co-exists with statements that resemble a more "classical" liberalism, see his "Afterward" in *Nationalism*, 137.

9 Howard Williams, *Kant's Political Philosophy*, Oxford: Basil Blackwell, 1983, 68.

10 *Ibid.*, vii.

of *Morals* or the *Critique of Practical Reason*.¹¹ The Williams and Höffe positions rest correctly on the fact that Kant, in this theory of justice in the *Metaphysics of Morals*, explicitly denies that his moral principle of autonomy can or ought to directly *constitute* the political relations among wills in civil society, or, as we shall see, states in international society.

Although scholars such as Williams and Höffe are correct to insist that Kant's theory of justice is not simply the application of the moral, categorical imperative to politics, they tend to overreact to the misreading found in Berlin and Kedourie. This is because they take Kant's own insistence upon the purely formal structure of justice as a set of determinative principles that do not contain moral ends or purposes. As my framework shows, however, there is profound ambiguity within Kant's theory of justice because it is not at all clear whether the relationship between morals and politics upon which it rests, is ultimately, purely formal. Williams' and Höffe's depiction of Kant's concept of political freedom begins to resemble too greatly the classical heritage of mere negative liberty, rather than the profound challenge it is to the underlying ontological and moral assumptions of earlier liberalism. The problematic consequences of Kant's fundamental dualism are thereby ignored rather than explained.

What is at stake in interpreting the nature of Kant's view of freedom is the nature of justice and the reform of state and society it supports. In my view, although justice is constituted by the foundational dualism within Kant's philosophy of freedom, it is

11 Höffe, *Kant*, 174; see also Otfried Höffe, "Even a Nation of Devils Needs the State," in Howard Williams, ed., *Essays on Kant's Political Philosophy*, 128.

also made ambiguous as a consequence. The crucial dichotomy that is relevant is between the “internal” (moral) and “external” (legal-political) spheres and the tension between them.¹² As a consequence of this division, the character of Kant’s connection with modern liberal political values cannot be straightforward. As Charles Taylor notes, Kant’s writings display a strong “libertarian” concern for non-interference with the individual¹³ *and* a vision of political society as a positive ideal—as something which “integrates the free subject into the community of men.”¹⁴ In light of the above methodological and substantive points, my theoretical framework takes the division between the *internal* and the *external* sides of freedom to be the more crucial—and, as will be demonstrated, the more problematic and puzzling—key to understanding Kant’s theory of justice.

The Moral Legislation of Politics

The division that Kant makes between the internal and external sides of individual freedom constitutes his theory of justice and stakes out the basic conditions of political

12 See Charles Taylor, “Kant’s Theory of Freedom,” in Zbigniew Pelczynski and John Gray, eds., *Conceptions of Liberty in Political Philosophy*, 100-122.

13 *Ibid.*, 114.

14 *Ibid.*, 108.

reform. Yet this distinction also greatly complicates the nature of these things. The distinction constitutes his thought on justice because it is the principal means by which he communicates an idea of how an autonomous morality must gradually inform and subordinate politics. However, the distinction also complicates this Kantian project of reforming the political world in line with universal moral precepts because, by separating the internal from the external sides of freedom, he also places some strict limitations on the *extent* to which morality can and ought to inform the political world. The ensuing analysis is a reconstruction of Kant's distinction between the internal and external sides of freedom. The purpose of this exercise is not merely to clarify Kant's texts but to build a framework for explaining two specific things: his doctrine of state sovereignty and his project for international reform. If, as I shall argue in Chapter 3, the nature of these things is ambiguous, it is in large part a consequence of the dualistic structure of freedom in his thought, especially as it is expressed in the *Metaphysics of Morals*.

Prior to the *Metaphysics of Morals*, Kant did not give a definitive and systematic division to freedom between a moral (noumenal) realm and a political (phenomenal) realm, each of which are located separately inside and outside of the individual.¹⁵ Such a division, however, is anticipated in the *Critique of Practical Reason* in passages such as this:

Empirical grounds of decision are not fit for any *external* legislation, and they are just as little suited to an *internal*, for each man makes his own subject the

15 See Pogge, "Kant's Theory of Justice," 409f.

foundation for his inclination, and in each person it is now one and now another inclination which has preponderance.¹⁶

What is already evident here is Kant's view that the two sides of freedom have one overriding similarity: they are both based on *formal* principles, not on *ends* or material incentives. It is only seven years later, in the *Metaphysics of Morals*, that Kant explicitly grounds his theory of justice in relation to a division between internal and external freedom and, as I shall demonstrate, a clear *priority* of formal over material principles. This book is structured by a separation between a "Doctrine of Right" (the conditions of external freedom) and a "Doctrine of Virtue" (internal freedom). As Kant writes,

This distinction, on which the main division of the doctrine of morals as a whole also rests, is based on this: that the concept of *freedom*, which is common to both, makes it necessary to divide duties into duties which are of *outer freedom* and duties of *inner freedom*, only the latter of which are ethical.¹⁷

However, even though this division in the *Metaphysics of Morals* is Kant's most mature statement on freedom, we cannot ignore his previous declarations on this concept in the *Groundwork* and the other *Critiques*. The interpretive framework that follows claims that the morality of internal freedom is intended to *subordinate* politics insofar as it provides it with a *formal* structure. Internal freedom *informs* external freedom; but this attempted subordination produces ambiguity at the heart of Kant's theory of

16 C.Pr, 28/28, emphasis added.

17 MM, 406-7/165.

justice and the view of political reform it supports (see Table 1 for a schematic overview of the ensuing analysis).

Table 1— The Two Sides of Freedom According to Kant's Theory of Justice

Side	Negative (<i>Willkür</i>)	Positive (<i>Wille</i>)	MOTIVE to ACT
Internal Freedom MORALITY ↓	Independence from nature or material causes (i.e., inclina- tions). ↓	Autonomy: obedi- ence to the objective laws that one's rea- son produces. ↓	Incentive is internal and autonomous: duty or rever- ence for the moral law. ↓
The <i>moral</i> realm subordinates and gives <i>form</i> to the <i>political</i> realm without losing its auton- omous status.			
↓ External Freedom LEGALITY (POLI- TICS) The necessity of a sovereign	↓ Justice (<i>Recht</i>): the equal limitation of outer freedom of choice of subjects.	↓ Original Contract (Idea): common sub- ordination to a re- publican order of laws to which one consents.	↓ Incentive is external and heteronomous: obligation is an impure mix- ture of coer- cion, self-inter- est (and, in- creasingly, duty).

Internal freedom: negative and positive

Internal freedom only becomes “internal” once Kant places the subject into a phenomenal world of other wills “external” to it. That is, it is only once he turns his attention to the more concrete and conditioned world of politics and the external

relations among individuals that the word “internal” becomes pertinent. Internal freedom is, strictly speaking, *apolitical* because its pure moral autonomy depends upon it being divorced from experience.¹⁸ It is that part of man which is noumena, and thus the incentive to act is purely from duty and from no other heterogeneous or material factors.

In his ethical writings Kant divides the inner (moral) side of freedom into the “negative” (*Willkür*) and “positive” (*Wille*).¹⁹ In the *Critique of Practical Reason*, for example, he writes the following:

The sole principle of morality consists in independence from all material of the law (i.e., a desired object) and in the accompanying determination of choice by the mere form of giving universal law which a maxim must be capable of having. That independence, however, is freedom in the negative sense, while this intrinsic legislation of pure and thus practical reason is freedom in the positive sense.²⁰

Negative freedom refers here to an important characteristic feature of Kant’s view of subjectivity, *viz.*, the will overcoming nature and the material impulses and desires that it causes. By contrast, positive freedom is the will determining itself through self-legislation. Kant views these two aspects of freedom to be necessarily compatible and

18 GMM, 455/123.

19 Again these terms bear a surface resemblance to those used by Berlin. Few have done more to clarify the different ways in which Kant speaks of freedom than Lewis White Beck, “Kant’s Two Concepts of the Will in Their Political Context,” in Beiner and Booth, eds., *Kant & Political Philosophy*, 38–49. Beck notes that Kant switches back and forth, often inconsistently, between two distinct connotations of the same word. However, Kant is most consistent when he uses two different words—*Wille* and *Willkür*—that refer to two senses of inner freedom. Kant distinguishes between the meanings of these words in GMM, 445/114 and 452-3/120; cf. C.Pur, A553-4=B589/549.

20 C.Pr, 33/33-4.

to “reciprocally imply each other.”²¹ Negative freedom precedes and enables positive freedom. Thus, to strive towards the ideal of the “good will” that is autonomous and self-legislating, the individual must first make fundamental *choices* about which maxims to follow, and such choice is essentially a negative task of purging material causes.²² The negative and positive distinction is also important because, as will become apparent below, they have correlates in the realm of external freedom where Kant uses the *Wille* and *Willkür* terminology again.²³

To understand the meaning of the positive dimension of inner freedom it is necessary to consider Kant’s view of the moral law *qua* categorical imperative. This law contains several ambiguities, most of which are beyond the scope of this analysis. The ambiguities stem from the different, related formulations that Kant gives to this imperative. Although Bernard Carnois claims that there are five distinct representations of the moral law by Kant,²⁴ I am concerned only with the three most prominent in the *Groundwork of the Metaphysic of Morals*: (i) autonomy; (ii) universality; and (iii) the humanity principle. Whereas the first two principles give inner freedom (or morality) a formal character, the humanity principle goes beyond formalism by imposing *ends* upon individual subjects.

21 C.Pr, 29/29.

22 GMM, 409/76.

23 See MM, 214/13.

24 See Bernard Carnois, *The Coherence of Kant’s Doctrine of Freedom*, trans. by David Booth, Chicago and London: The University of Chicago Press, 1987, 47.

The *autonomy* of the will is the supreme condition of, and logically prior to, the other formulations of the categorical imperative.²⁵ Kant states that it is “the Idea of the will of every rational being as a will which makes universal law.”²⁶ Without autonomy, morality would be impossible. For, unlike negative freedom (*Willkür*), autonomy (*Wille*) is not merely a choice among *many* different possibilities via the rejection of the heteronomous grounds of action. Autonomy means that only *one* choice can be considered moral: that which reason legislates as objectively necessary. The ideal of autonomy as positive freedom has, as will be shown below, a rough correlate in external freedom (or the political world): it is Kant’s concept of active citizens in a republic built upon the idea of an “original contract.” However, it is the distinguishing feature of internal autonomy that its motives are—unlike in the external, political world—absolutely pure and self-legislated. The only incentive for action under the autonomy formula is pure duty: “...the necessity for me to act out of *pure reverence* for the law is what constitutes duty, to which every other motive must give way because it is the condition of the good will *in itself, whose value is above all else*.”²⁷

The categorical imperative is renowned for its insistence on *universality*. Kant is concerned to provide a formal means for the will to abstract and negate from its choice everything that is heteronomous. As he writes in the *Critique of Practical Reason*,

25 GMM, 434/101.

26 GMM, 431/98; see also TP, 64.

27 GMM, 403/71; see also MM, 375/141.

“[o]nly a formal law, i.e., one which prescribes to reason nothing more than the form of its universal legislation as the supreme condition of maxims, can be *a priori* a determining ground of practical reason.”²⁸ In the *Groundwork* he states this formal requirement as follows: “...I ought never to act except in such a way *that I can also will that my maxim should become a universal law*.”²⁹ As I shall claim below, this dimension of internal freedom provides the basic *form* for justice and the external freedom it supports.

Hegel is among the first to make the most frequent complaint about Kant’s morality—namely, that it is only formal and does not therefore prescribe concrete duties or substantive ends.³⁰ Internal positive freedom appears to be entirely indeterminate and empty because, in removing everything concrete, the autonomous will does not relate to the content of duties. This would be true were it not for the third formulation of the categorical imperative; the moral law also gives internal freedom content by prescribing an unconditioned and objective end, the end Kant calls “humanity.”³¹ The humanity principle states that man is an objective end and must be treated only as an end in himself and never as mere means. The sovereignty of man is thus grounded in the very definition of freedom: “Now morality is the only condition under which a rational being can be an end in himself; for only through this

28 C.Pr, 64/67, emphasis added for the sake of clarity.

29 GMM, 402/70.

30 G.W.F. Hegel, *The Philosophy of Right*, trans. T.M. Knox, Oxford University Press, 1967, §134, 89.

31 See MM, 237/30.

is it possible to be a law-making member of a kingdom of ends. Therefore morality, and humanity so far as it is capable of morality, is the only thing which has dignity.”³² It is because man is the only creature that can set *ends* undetermined by the natural causality of the phenomenal world and its material causes that he is capable of morality. Kant claims that it is because of this dignified position in the cosmos each individual must be recognized as an objective end imposing duties on all to legislate humanity as an end that cannot be subordinated to any instrumental purposes. The existence of objective ends legislating morality means that, as Höffe notes, Kant’s ethics are not merely formal, but are substantive too.³³ This substantive end, once recognized by the will, necessarily engenders a *material* cause of the will insofar as it requires us to recognize others in our experience as ends and to treat them accordingly. Nonetheless, the extent to which this material end informs Kant’s theory of justice and thereby motivates political reform is an extremely ambiguous question, one that ultimately affects the character of his project of international reform.

External freedom and justice

As Leslie Arthur Mulholland writes, the basis of Kant’s account of ethics, “including political and social ethics,” is “the contention that consciousness of the moral law must

32 GMM, 435/102.

33 Höffe, *Kant*, 137; see also William Galston, “What is Living and What is Dead in Kant’s Practical Philosophy,” in Ronald Beiner and William James Booth, eds., *Kant & Political Philosophy*, 214.

precede any understanding of freedom and rights.”³⁴ Although this kind of priority within Kant’s vision of the moral sphere over the political is true, it is also crucial to realize that morals and politics are, by nature, ontologically alienated. By articulating a theory of justice, however, Kant attempts to provide the determinative principles by which to reconcile these two spheres while maintaining the sovereignty of morality over the political—the moral law provides the form, but not the substantive content, of justice. Thus justice and the rights which constitute it are derived from the structure of the moral reasoning that constitutes internal freedom.

It is my argument that in Kant’s theory of justice internal freedom and morality *informs* and therefore *subordinates* external freedom and politics. This Kantian doctrine points to a reform project of the political world in line with universal moral principles. However, there are crucial limits that are placed on this reform project that are revealed in Kant’s distinction of the internal from the external sides of freedom. The present reconstruction of Kant’s distinction between internal and external freedom reveals how morality subordinates politics and provides the critical tools for rational reform. For, in the “Introduction” to the “Doctrine of Right” in the *Metaphysics of Morals*, Kant claims that the questions of justice that constitute external freedom are animated by the same general principles that characterize morality.³⁵ As we shall see, this means that morality subordinates nature insofar as the contingent and lawless

34 Leslie Arthur Mulholland, *Kant’s System of Rights*, New York: Columbia University Press, 1990, 3.

35 MM, 216/10.

relations among individual wills are reformed on the basis of the universal and lawful principles that comprise morality. To see why and how politics must submit to the *formal* principles of morality we must examine first how the structure of external freedom is imbued with the same *a priori* formal structure that characterized the categorical imperative above.

We already know from the previous chapter why politics must submit to morality. Politics is the realm of natural inclinations and phenomenal appearances; and therefore the standards that might possibly constitute and give shape to its boundaries, and our action within those parameters, cannot be taken from politics. Politics cannot be sovereign. This is because the political world is *essentially* one of contingent, not formal-universal causes, i.e., within the mechanism of nature and the political relations that emerge from it, there is no inherent respect for man's humanity. Hence Kant writes that politics must at the very least "pay tribute" to morality³⁶ by adhering to the formal universality of moral principles. The formal causality found in morality must be made to precede all material causes in our conception of politics, i.e., politics must be primarily conceived *a priori* rather than, in Machiavelli's terms, how things are actually done. As Kant writes,

To ensure that practical philosophy is at one with itself, it is first necessary to resolve the question of whether, in problems of practical reason, we should begin from its material principle, i.e., its end (as an object of the will), or from

36 PP, 125.

its formal principle [...]. The latter principle must undoubtedly take precedence.³⁷

Elsewhere he writes: “[t]hus it is based on *a priori* principles, for experience cannot provide knowledge of what is right, that there is a *theory* of political rights to which practice must conform before it can be valid.”³⁸ It is because form takes priority over matter that morality subordinates politics.³⁹

Kant’s theory of justice is thus an attempt to reconcile morality and politics in a way that enshrines and ensures the autonomy of the former and—equally important—provides a basis for the reform of the latter. Indeed, it is the absolute autonomy of morals that makes inner freedom the appropriate formal model for external freedom. This distinction itself expresses the direction of political reform. However, Kant’s theory of justice is made complex and ambiguous because, as we shall see below, it is not simply a *moralization of politics*. The autonomy of morals does not only legislate the formal requirements of just politics—it also demands strict limitations upon the influence of moral ends within the political world. That is, constitutional limits are imposed on the project of rationally reforming politics in line with morality. Hence, my interpretive framework here incorporates the crucial *differences* according to Kant between principles of morality and principles of politics, even though the former should supply the form for the latter.

37 PP, 121-2.

38 TP, 86.

39 See Pogge, “Kant’s Theory of Justice,” 409.

The application of the formal principles of morality to politics through *a priori* principles results in two related dimensions of Kant's concept of external freedom. The next chapter demonstrates why Kant's doctrine of state sovereignty receives its most explicit justification from these aspects of outer liberty. The first aspect is a form of negative freedom that Kant calls Right (*Recht*). The second aspect is a positive freedom enabled by Right that Kant calls the Idea of an "original contract." These two related dimensions of external freedom receive their shape from the two correlate dimensions of inner freedom, i.e., negative (*Willkür*) and positive (*Wille*).

Kant's account of external freedom relies on a contrast with lawlessness or anarchy.⁴⁰ All of the forms of freedom are rendered impossible in the state of nature. Liberty under anarchic conditions is unstable, insecure and radically contingent because we are subject to random violence and unsanctioned coercion upon our will by others. As a consequence, the condition of anarchy completely negates the very possibility of the *ends* that each individual will can set. The justification for reforming politics by transcending the state of nature is purely *a priori* and does not therefore lie in any conceivable calculation of interest and self-interest. Therefore the necessity to "domesticate" man's phenomenal side is not grounded upon empirical, but rather transcendental, considerations. As Allen D. Rosen notes, the requirement of justice has a fundamental "*structural*" rationale: "in the event of a dispute between individuals

40 MM, 316/93.

about their respective rights, no impartial system of adjudication could ensure non-arbitrary settlement.”⁴¹

External freedom is interrelated, then, with justice (*Recht*) and the conditions which are necessarily opposed to the state of nature: a state with sovereignty, the subject of the next chapter. Here Kant uses the analogue of *Willkür* found in internal freedom to give shape to its phenomenal, political realization. Right has the “negative” connotation of independence from the constraints imposed by other wills.⁴² This independence is logically impossible in the state of nature. In order to secure a condition of Right, Kant posits a “universal law of justice” that stipulates a *limit* upon each individual’s external freedom in order to ensure a basic compatibility of each will’s external freedom. Rosen notes that this universal principle is actually an “externalized” version of the entirely formal *universality* principle of the categorical imperative.⁴³ As Kant states, “[a]ny action is *right* if it can coexist with everyone’s freedom in accordance with a universal law.”⁴⁴ More generally, “Right is...the sum of conditions under which the choice of one can be united with the [negative] choice of another in accordance with a universal law of freedom.”⁴⁵ The external freedom of Right, then, is moral insofar as it imposes categorical duties that are abstracted from

41 Allen D. Rosen, *Kant’s Theory of Justice*, Ithaca: Cornell University Press, 1993, 10; see MM, 312/89-90.

42 MM, 237/30.

43 Rosen, *Kant’s Theory of Justice*, 12-13.

44 MM, 230/24; cf. PP, 99.

45 MM, 230/24.

any material ends. However, it is entirely political because it concerns only external relations among individuals, and how their actions affect each other.⁴⁶

Kant's concept of external freedom is not, however, merely the negative liberty of *frei Willkür* under a system of binding laws restricting the freedom of each. This is because the freedom of Right described above is a crucial prerequisite for what Kant calls the Idea of an "original contract."⁴⁷ It is this aspect of Kant's concept of freedom that legislates most explicitly a project for the continual reform of state sovereignty, as will be discussed in the next chapter. The Idea which political practice must gradually approximate is that of a republican constitution. This is because only this arrangement of external freedom realizes concretely moral *autonomy* in the political world. The Idea is not merely based upon Right, but also functions to secure external relations in a way that is wholly consistent with our unique human capacity to set *ends*. Here Kant pays homage to Rousseau by stating that it is only the common subordination of each individual to a system of laws to which he has freely consented that is truly legitimate.⁴⁸ This notion of self-legislation is different from the mere instrumentality of exiting the state of nature. As Kant writes,

And one cannot say: the human being in a state [that approximates the Idea] has sacrificed a *part* of his innate outer freedom for the sake of an end, but rather, he has relinquished entirely his wild, lawless freedom in order to find

46 See Laberge, "Kant on Justice and the Law of Nations," 87.

47 MM, 313/90; TP, 77-9.

48 See MM, 223/16, 313-15/90-3; TP, 78-9. For Rousseau's formulation of freedom as obedience to self-determined laws, see *The Social Contract*, trans. G.D.H. Cole, London: Everyman's Library, 1986, 195-6.

his freedom as such undiminished, in a dependence upon laws, that is, in a rightful condition, since this dependence arises from his own law-giving will.⁴⁹

The Idea of an original contract thus gives external freedom the shape of positive *autonomy* that animates the categorical imperative.⁵⁰ It is for this reason that Taylor notes that Kant's republicanism "is also constitutive of moral agency."⁵¹ Nonetheless, there are also profound limits imposed on the moral impact upon politics that Kant's concept of freedom reveals.

The Limitations of Moral Freedom and Kant's Ambiguity

In this section my approach shifts from being primarily exegetical because I consider the ambiguities that are produced by Kant's dualistic understanding of freedom and I ask why they arise. By examining the distinction Kant makes between internal and external freedom we have learned *how*, through justice, morality subordinates and thereby "domesticates" politics. Nonetheless, this framework is incomplete. This is because the distinction between internal and external freedom in the *Metaphysics of Morals* is not merely about moral legislation—it is equally about the restriction of the

49 MM, 316/93.

50 See GMM, 431/98; C.Pr, 33/33-4.

51 Taylor, "Kant's Theory of Freedom," 110.

moral sphere's involvement in politics. For Kant also limits and circumscribes the determining influence of morality on politics. He describes these limits by positing two related distinctions. He first claims a difference between *morality* and *legality*, which are based on the radically different types of incentives that underlie internal and external obligations. He then speaks about the difference between *form* and *ends*, which arises when the material and teleological purposes of the categorical imperative—inherent in the humanity principle—are removed from the scope of external freedom.

The distinction between *morality* and *legality* is necessary for Kant given his view of the nature of subjectivity. The autonomy of morals from the empirical and conditioned world of material interests is an essential feature of his theory of justice. To be considered moral, an action must be performed *for the sake of duty* alone; the incentive to act must be an absolutely unconditioned one. Even though the *Critique of Practical Reason* only anticipates the full division between internal and external freedom, in it Kant notes the importance of the two different kinds of motive that inspire them:

What is essential in the moral worth of actions is that the moral law should directly determine the will. If the determination of the will occurs in accordance with the moral law but only by means of a feeling of any kind whatsoever, which must be presupposed in order that the law may become the determining ground of the will, and if the action does not occur for the sake of the law, it has legality but not morality.⁵²

52 C.Pr, 72/75.

By the *Metaphysics of Morals* he states that morals (virtue) and politics (legality) are “distinguished not so much by their different duties as by the difference in their lawgiving....”⁵³ Moral lawgiving has the inner incentive of duty alone, but legal lawgiving can at best only coincide with the act prescribed by morality because its incentive is conditioned, and therefore, ultimately “*pathological*.”⁵⁴ When the heteronomous incentives of “inclinations and aversions” that emanate from relations in civil society and the laws of the state inspire action, it is only legality that forms the basis of obligation. Kant is concerned here that the mere performance of duties prescribed by external relations will be falsely portrayed as having an inherently moral quality: “when one’s aim is not to teach virtue but only to set forth what is *right*, one may not and should not represent that law of right as itself the incentive to action.”⁵⁵ The danger with the illusion that the state or any other worldly authority must teach virtue is that it will inevitably start imposing the contingent and materially based ends, that are external and therefore *political* in nature, upon individuals. As Höffe states, “Kant rejects the position that the law and the state should promote the citizen’s morality (virtue). Such moralizing tends toward totalitarianism.”⁵⁶ Thus the distinction between morality and legality is aimed at limiting the extent to which morality can legitimately legislate external relations in a phenomenal world. But it also

53 MM, 220/21.

54 MM, 219/20.

55 MM, 231/25.

56 Höffe, *Kant*, 171.

prevents the imposition of ends upon individuals that would negate their autonomy altogether.

The distinction between legality and morality actually emanates from a much more fundamental division in Kant's theory of justice between *formal* and *material* causes. Kant apparently abstracts or purges all *ends* and purposes from justice. As noted above, the categorical imperative has both a formal dimension of pure universality in addition to a teleological and substantive *humanity* principle that produces an internal obligation to act as a member of the "kingdom of ends." In defining Right, Kant initially allows only the formal cause of universality to determine the shape of external freedom; all legislated moral ends must be abstracted. Therefore, Right concerns only the *form* of the relations of individuals in a shared external world, not their internal wishes, desires or ends (no matter how potentially "moral" such goals might be).⁵⁷ This is contrasted sharply with morality. So much is evident when Kant introduces his explicitly apolitical "Doctrine of Virtue," the second part of the *Metaphysics of Morals*:

The doctrine of right dealt only with the *formal* condition of outer freedom (the consistency of outer freedom with itself if its maxim were made universal law), that is, with right. But ethics goes beyond this and provides a *matter* (an object of free choice), an end of pure reason which it represents as an end that is also objectively necessary, that is, an end that, as far as human beings are concerned, it is a duty to have.— For since the sensible inclinations of human beings tempt them to ends (the matter of choice) that can be contrary to duty, lawgiving reason can in turn check their influence only by a moral end set up against the ends of inclination, an end that must therefore be given *a priori*, independently of inclinations.⁵⁸

⁵⁷ MM, 230/23-4.

⁵⁸ MM, 381/146.

Kant wishes here to forestall any “incursion into ethics...” by politically expedient goals.⁵⁹ For all political ends can ultimately be traced back to the antecedent prior causes that are rooted in non-formal aims of interest and self-interest.⁶⁰ Kant’s modification of his moral theory to include a distinction between internal and external freedoms is a result of his view that the obligations imposed by the categorical imperative could not simply be created nor introduced into the phenomenal world of political reality, at least not without being compromised severely. This is why, as Pogge notes, the categorical imperative, which dominated the discussions in the *Groundwork* and second *Critique*, does not play central role at all in the “Doctrine of Right.”⁶¹ The distinction thus clarifies Kant’s philosophy because it answers the question of “the appropriate extent of morally mandated coercion: Force may (and should) be used for justice only. Persons should be coerced exactly insofar as it is necessary to meet reason’s demand for the compatibility of our domains of external freedom.”⁶² However, this solution is not entirely unambiguous in its results. It has opened up controversy over how to interpret the application of Kant’s theory of justice to the reform of politics.

In truth, Kant does not actually wish to limit the extent to which politics is reformed on the basis of moral principles, he wants to increase it. However, this

59 MM, 233/26.

60 PP, 116.

61 Pogge, “Kant’s Theory of Justice,” 409.

62 *Ibid.*, 411.

interpretation of his dualistic concept of freedom reveals something important about his political philosophy in general. The two above distinctions actually serve to limit and restrict the legislative force of morality within the political world. This restriction is based on Kant's firm conviction that although all proper political reform is based upon universal principles derived from morality, all such reform projects are doomed at best—and dangerous at worst—unless the essential *autonomy of morality* is preserved. In other words, the ultimate location of human subjectivity must be kept firmly in the realm of pure practical reason; and politics must always be kept in a subordinated realm of experience. This deeper ontological vision is confirmed in the *Critique of Practical Reason* as follows: “respect for the [moral] law is not the drive to morality: it is morality itself...by rejecting all the rival claims of self-love, [that] gives authority and absolute sovereignty to the law.”⁶³ However, what is key here is that this supreme justification produces ambiguity and paradox at the heart of Kant's political philosophy. The goal of subordinating politics to morality is complicated by the restrictions and legislative limits inherent in the distinction between internal and external freedom. On the one hand, the absolute autonomy of the moral realm appears to deny that *any* activity or institution in the political sphere can contribute to individual autonomy. As Rosen notes, “[t]he complete absence of external freedom would not diminish positive or negative [i.e., inner] freedom in the slightest....The justification of external freedom cannot, consequently, be derived from the moral

63 C.Pr, 76/79.

necessity of inner freedom.”⁶⁴ Politics cannot, it would seem, simply be used as an instrument for realizing the kingdom of ends on earth.

However, this view of Kant cannot be sustained. Ambiguity creeps into Kant’s thought because there are clear instances where his justification of society and external freedom logically entail the moral ends of inner freedom. The politics of external freedom cannot be ends in themselves for Kant; consistent and universal external liberty must receive its value from what it secures for the ultimate ground of our dignity: our moral autonomy. Hence politics would seem to have an implicit moral purpose or end. Does this purpose actually have a relationship to practice? In the *Critique of Practical Reason*, for example, Kant stresses that although morality cannot be enforced, the legal framework of the state provides a much needed push-start towards individual moral realization:

Certainly it cannot be denied that in order to bring an as yet uneducated or a degraded mind into the path of the morally good, some preparatory guidance is needed to attract it by a view to its own advantage or to frighten it by fear of harm. As soon as this machinery, these leading strings, have had some effect, the pure moral motive must be brought to mind.⁶⁵

Politics has a moral function, therefore, in providing the mechanism by which a “master” or sovereign agency breaks the “self-will” of each individual and forces him “to obey a universally valid will under which everyone can be free.”⁶⁶ As Patrick Riley states, Kant’s thrust here is that the phenomenal world of (just or rightful) politics and

64 Rosen, *Kant’s Theory of Justice*, 43.

65 C.Pr, 152/158.

66 UH, 46.

universal laws creates “a kind of environment or context for good will by bracketing out occasions of political sin (such as others’ domination) that might tempt (though never determine) people to act wrongly.”⁶⁷ Although the machinations of the sovereign state’s agency can never be moral in themselves, they can serve indirectly certain moral ends by transcending the state of nature. We need to recall that the purpose of justice is to facilitate a reconciliation of morals and politics in a way that upholds the true nature of subjectivity. By giving each individual consistent domains of external liberty, and enforcing such domains from unlawful coercion, the moral end of autonomy would seem to be the ambiguous goal of the reform of politics for Kant. Moreover, as we shall see in the next chapter, the justification of the sovereign state is bound up with this relationship between morals and politics found within Kantian justice.

The existence of injustice requires political reform. Nonetheless, the nature of this reform is made problematic by the peculiar nature of Kant’s theory of justice. Even if we accept that politics has a “moral” function by providing a stable context outside of the state of nature, the entirely *formal* structure of equal domains of external freedom may not exhaust his vision of politics. Are there any other moral ends besides a basic independence from lawlessness that can be facilitated through political reform? If anarchy is a real world impediment to moral autonomy that can be overcome by justice, might there not be hope after all for politics to achieve the more profound

67 Patrick Riley, “Elements of Kant’s Practical Philosophy,” in Biener and Booth, eds., *Kant & Political Philosophy*, 20.

moral goals through reform? More specifically, is the kingdom of ends an ideal that can be promoted by the external relations of politics? Is politics merely *formal* as he states over again, or is there also a *material* principle inherent in Kant's thought that promotes the humanity principle of treating each individual as an end? It is generally agreed that the ideals of the individual good will and the kingdom of ends have *some* bearing on the external and phenomenal world of politics for Kant. The question is, however, do these moral principles act as mere regulative ideals or is there a material basis for their realization too? Here there is mixed evidence in Kant's own texts that allow for two divergent interpretations.

The conservative answer to this question—both interpretively and politically—is that the kingdom of ends is merely regulative and therefore only in the *service* of experience. Although all ends must be abstracted from Right, Kant suggests frequently that the systematic harmony of purposes that motivates our inner freedom serves merely as a symbolic device when we organize external relations.⁶⁸ In this case, “the *idea* of an ethical commonwealth generated by the good will serves as a kind of utopia that earthly politics can legally approximate through peacefulness, both internal and international.”⁶⁹ But in such a reading, the mere symbolic application of the good will and the kingdom of ends to politics is limited. Moral ends are still ontologically

68 C.Pr, 70-1/74.

69 Riley, “Elements of Kant's Practical Philosophy,” 11.

alienated from the political world, and their practical legislation onto reality must always be *formal*. This reading of Kant is present in the work of Laberge and Höffe.⁷⁰

A much more radical response to Kant's ambiguity emerges if we follow Pogge, for example, and focus on Kant's concept of progressive Enlightenment.⁷¹ Pogge suggests the notion of Enlightenment means that the material purpose or end of the categorical imperative is projected into politics as well. And there is evidence, both in terms of the texts and logical implication, that Kant considered his politics to have this material dimension too, although it occupies a secondary position relative to the formal cause. This possibility emerges only when we consider that Kant's concept of history serves to bridge the sharp chasms between nature and moral freedom that he first posits. The material principle of Enlightenment is, most generally, that reason is promoted and advanced in the political world. As Pogge writes:

Kant introduces the material aspect of pure practical reason in his theory of *justice*. This engenders his *material* principle of justice which demands (roughly) the thriving of reason and the promotion of its development in the species and in each particular person. This principle, as opposed to the formal one, is teleological...[and gives] politics some definite long-term goals.⁷²

This material principle hence gives political reform a much more profound moral incentive that appeared to be initially restricted or disallowed by the terms of Kant's distinction between inner and outer freedom. However, if the formal grounding of political freedom and justice is not jeopardized by the introduction of material causes

70 Laberge, "Kant on Justice and the Law of Nations"; Höffe, *Kant*, *passim*..

71 Pogge, "Kant's Theory of Justice."

72 *Ibid.*, 413.

into the project of reforming reality, Kant does not see a problem with such incentives. As we shall see in the next chapter, the moral incentive of a kingdom of ends justifies political action, reform and institutional change under the strict condition that the formal mechanisms guaranteed by the sovereign are not destroyed by revolutionary upheaval. For reform and change are part of a slow process:

All man's talents are now gradually developed, his taste cultivated, and by a continual process of enlightenment, a beginning is made towards establishing a way of thinking that can with time transform the primitive natural capacity for moral discrimination into definite practical principles; and thus a *pathologically* enforced social union is transformed into a *moral whole*.⁷³

Thus the (material) purposes of politics emerge in an ambiguous fashion in Kant's thought. The aim is to condition man to act in such a way that a kingdom of ends is possible; but this conditioning cannot teach virtue directly—the sovereign can provide only the underlying conditions in which the moral choice of each to become a member of such a kingdom is enabled. As William A. Galston states, “Kant's teleological doctrine of human perfection thus exerts an irresistible pressure on the limits of the neutral state.”⁷⁴ “[I]t is here that the inner tension of his politico-moral becomes most manifest.”⁷⁵

73 UH, 44-5.

74 Galston, “What's Living and What's Dead in Kant's Practical Philosophy,” 220.

75 *Ibid.*, 216.

Conclusion

Kant's theory of justice is constituted by a fundamental distinction between internal and external freedom. The present chapter outlined a theoretical framework to reconstruct the relationship of these two sides of freedom in order to explain the ambiguous nature of Kantian political reform. The foundation of the subjectivity of man discussed in Chapter 1 is crucial to understanding the purpose of justice. This is because the absolute autonomy of morals demanded by Kantian subjectivity creates a necessary dualism in his thought between morals and politics. It is the ontological alienation of the latter from the requirements of the former that is the cause of injustice and the requirement of political reform. Nonetheless, my framework revealed that the two sides of freedom that Kant uses to articulate the principles of justice and the necessity of reform also contain ambiguity. Although external freedom (and therefore politics) is supposed to receive its shape only from the *formal* principles of internal freedom (that is, morals), it transpires that Kant is not able to sustain this distinction as rigidly as he at times suggests is necessary. Thus, although Kant's theory of justice would seem initially to suggest that the reform of politics requires only a transcendence of the state of nature in order to secure equal domains of external freedom, there are conflicting elements in this theory that suggest that justice requires the gradual realization of a kingdom of ends in order to realize increased internal freedom.

The one aspect of Kant's theory of justice that now requires elaboration is his doctrine of state sovereignty. Justice and political reform depend upon the agency of the sovereign state; it is the mechanism that creates the possibility and implements the reality of external freedom. But the nature of Kant's commitment to the sovereign state is complicated by the bifurcation of freedom upon which his view of justice relies. Moreover, the context of international relations in which there exists a plurality of sovereign agents poses an additional and arguably unique challenge to Kantian justice that requires explanation.

CHAPTER 3

KANT'S DOCTRINE OF STATE SOVEREIGNTY AND INTERNATIONAL REFORM

"It is arguable that Kant accepts too much sovereignty for one who is arguing against Hobbes."

-Patrick Riley¹

"To Kant, the sovereignty of man is a political tragedy."

-Jens Bartelson²

For Kant, sovereignty is the key mechanism by which nearly all political reform occurs. It is the way in which politics is domesticated to approximate the formal principles of morality. However, state sovereignty also presents Kant with a profound set of moral difficulties that potentially render his account of justice incoherent. For, although sovereignty is a necessary cause of justice, it is also a cause of injustice both domestically and internationally. In this chapter I demonstrate that his advocacy of international reform is consistent with, and a crucial part of, his general attempt to articulate the conditions of justice as a means by which individuals gain some means

1 Patrick Riley, *Kant's Political Philosophy*, Totawa, N.J.: Rowman and Littlefield, 1983, 117.

2 Jens Bartelson, *A Genealogy of Sovereignty*, Cambridge University Press, 1995, 214.

or measure by which the large discrepancy between morality and politics might be reconciled.

The approach I adopt here is to reconstruct and categorize the many (often conflicting) statements that Kant makes on the concept of sovereignty, and—for the sake of convenience—call them his “doctrine” of sovereignty. I then interpret this paradoxical doctrine in light of the nature of Kantian justice that my theoretical framework of the previous chapter constructed. I argue that Kant’s famous call for international reform is a product of the problematic role that sovereignty plays within realizing justice.

The first section is a detailed textual analysis of Kant’s doctrine of sovereignty. Here I show that his view of sovereignty is often ambiguous because it rests on two distinct grounds: first, a “dogmatic” and *a priori* formal justification; and, second, a call to constantly reform the empirical existence of all sovereigns everywhere. The main finding of this analysis is that Kant’s view of sovereignty is fundamentally dualistic because of the bifurcated structure upon which justice depends. The second section explains the genesis and nature of Kant’s call for international reform found in “Perpetual Peace” through an examination of the justifications he employs, and mechanisms he proposes, to support such a project.

The justifications for international reform, especially those found in “The Doctrine of Right,” are key because they point to contradiction within sovereignty that potentially renders Kantian justice impossible, i.e., sovereignty as a cause of both justice and injustice. I will use my theoretical framework to disentangle two distinct

justifications of international reform that have, for the most part, been conflated by Kant scholars (an honest tendency given that Kant himself often does much the same thing). The first justification is entirely formal and is concerned only with injustice among sovereign states as agents; the second is concerned with removing the constraints imposed upon reform within states by the international context, and thus with the existence of injustice within states. In the former instance, reform of interstate relations is required for the exact same reasons that it was of individuals in the state of nature. Kant's argument here is entirely formal in that interstate reform is required by justice *qua* justice and its transcendental principles; as a consequence, sovereign states become the subjects of his theory of justice in a way that was only possible for individuals, i.e., obligations are imposed upon them in order to balance and limit their freedom. The second justification by Kant is not purely formal because it considers the negative *consequences* that international anarchy (and especially war) have upon the realization of justice within the state. Quite simply, he thinks that any freedom obtained by individuals within the sovereign state is liable to be insecure, incomplete, and incoherent as long as there is unmitigated anarchy among states. Within this justification, states are not the subjects of justice as much as they are tools that must be made adequate to the task of maximizing individual freedom; the purpose of international reform here is thus more clearly that of increasing justice for individuals rather than for states. When considered together, these two justifications suggest something very important and arguably original for the time in which Kant lived: the conditions of justice at the international and domestic levels are, in fact,

closely interrelated. I argue that, because Kant's theory of justice gives priority to the formal principles over material ones, he is often led to suggest that states are analogous to individuals. However, it is the second, material, justification that serves as a more solid ground for reform because the crucial connection between individual freedom and justice is more obviously served by its expression.

With respect to the question of how international reform is to occur according to Kant, I focus on the two separate yet related mechanisms, both of which rely upon the existence of sovereign states. The difficulty with many scholarly accounts of his position on international relations in "Perpetual Peace" is that they deal only with the mechanisms for reform without placing them in the context of Kantian justice. This can only lead to a distorted or incomplete account of the limits and possibilities of reform that Kant had in mind in 1795 and hence to anachronism on the part of modern interpreters. My argument in this section is that Kant's choice of mechanisms reflects the conflict between the differing justifications for reform. For, although his purely formal justification of reform demands a global sovereign and the elimination of independent states, his material justification permits him to circumvent this necessity by pointing to the likely terrible consequences of such a transformation. The mechanisms that Kant selects for reform suggest that, ultimately, his material principles of justice have a more prominent role in his international thought. This is because each of the two indicates that Kant is willing to tolerate the continued existence of the state of nature among states because they are likely to permit more individual freedom as imperfect tools of reform than would be in a world-state. The agency of states is,

as it was for domestic reform, the medium through which gradual alterations of the phenomenal world of politics are to be effected.

The first mechanism is the republican constitution, the only form of sovereignty that is, in Kant's view, capable of reconciling its inner sovereignty with its exercise of external relations with other states to transcend the *effects* of anarchy. The second mechanism is Kant's concept of a teleological history. Although this process also relies upon the agency of sovereign states, it does so *in spite of* the particular aims and intentions of states. In the first mechanism, Kant implies that sovereign states are capable of self-reform to overcome anarchy. In the second, he concedes that such self-reform is unlikely given that it relies upon the discretion of sovereign states with little incentive or opportunity to reform under existing anarchic conditions. A teleological conception of history is thus crucial because it outlines a path by which sovereign states are pushed in the direction to which they are naturally averse: pacific relations in a federation of republican states that alleviates the insecurity and tyranny that Kant associates with anarchy. Although these two mechanisms suggest that Kant is willing to subordinate the formal requirement of a world-state that his theory of justice ought to have rationally legislated, his materially-inspired principles are to have a formalizing *effect* on international relations. This is because the aim of international reform is still only that of reconciling the freedom or external sovereignty of states, not the imposition of ends upon each state.

Kant's Doctrine of State Sovereignty

In his study of sovereignty, F.H. Hinsley distinguishes its “internal” from “external” dimensions. The former refers to the presence of an absolute authority within the state and consequent establishment of a domestic political order. The latter points to the absence of such an order among states without and the subsequent anarchy that sovereignty thus creates. He claims that, “[i]n theory this is not a paradoxical outcome but a logical consequence of the sovereignty concept.”³ By this reasoning, the internal and external sides of state sovereignty—and the juxtaposition of political society and interstate anarchy they create—are two sides of the same coin, a “logical” and necessary result of the concept.⁴

Kant recognizes, yet rejects as necessary, the “logical” results of sovereignty’s division into internal and external. More specifically, although Kant recognizes that interstate anarchy is an inevitable result of state sovereignty, his theory of justice leads him to suggest that there is a requirement—indeed, a moral duty—to attempt to reconcile what he perceives to be an inherent contradiction between internal and external sovereignty. In other words, on the basis of his understanding of justice, Kant

3 F.H. Hinsley, *Sovereignty*, Second Edition, Cambridge University Press, 1986, 158. Cf. Hedley Bull, *The Anarchical Society: a Study of Order in World Politics*, London: Macmillan, 1977, 8.

4 Bartelson places this distinction within a specific historical context, see *A Genealogy of Sovereignty*, *passim*..

claims there is a need to reform interstate relations just as there is a need to create civil society domestically.

Kant does not have a neatly articulated “doctrine” of state sovereignty in any single one of his texts. Thus any effort to contrive a coherent, systematic and formally defended position on state sovereignty risks reading into Kant a posture with which he could not possibly agree nor recognize.⁵ In presenting a “doctrine” of sovereignty I intend merely to assemble the most salient attitudes that he expresses on this subject in order to clarify their place and meaning within his theory of justice. There are two very different types of statements on sovereignty in Kant’s texts, each of which have different implications. One type posits an *a priori* necessity for an absolute sovereign agent that is beyond questioning; the other is a call to continuously *reform* all sovereign states everywhere in order to perfect their internal constitutions and transcend the anarchic condition among them. Remarkably, both of these elements rely on the concept of freedom for support.

In the “Doctrine of Right,” Kant posits the *a priori* necessity of an absolutist sovereign agent in the state.⁶ This defence of sovereignty gives systematic definition to various statements in his other political writings to the effect that “man is *an animal*

5 Cf. Quentin Skinner, “Meaning and understanding in the history of ideas,” in James Tully, ed., *Meaning and Context: Quentin Skinner and His Critics*, Cambridge: Polity Press, 1988, 34-5.

6 MM, 276/64-341/112.

who needs a master."⁷ Now, this demand for sovereignty is made from *pure practical reason*. What this means is that sovereignty is explained as necessary if we follow the logic of *a priori* reasoning that transcends all possible experience.⁸ Man needs a "master" because, in a world shared by individual agents, there can be no external freedom without some absolute will to ensure a legal-political framework for justice. For otherwise the individual "certainly abuses his freedom in relation to others of his own kind."⁹ The inherent inclinations of each individual to make an exception from universal principles of justice require a sovereign enforcement agency. As Kant writes, a sovereign is needed "to break...[our] self-will and force [each] to obey a universally valid will under which everyone can be free."¹⁰

It is important to realize that Kant is not making an anthropological claim that individuals are empirically evil and thus need a Leviathan to produce order.¹¹ It is instead the purely transcendental argument that in a state of nature (or anarchy) there can be no universally rightful condition. This is because, in the absence of a sovereign, "each has its own right to do *what seems right and good to it* and not to be dependent upon another's opinion on this."¹² Kant states that in such an anarchic condition

7 UH, 46.

8 TP, 73.

9 UH, 46.

10 UH, 46.

11 MM, 312/89; TP, 71-2; cf. GMM, 389/57.

12 MM, 312/89-90.

freedom is impossible for one basic reason: there are no protections from the coercive imposition of one's will upon another. This situation is morally unacceptable because it logically negates our universal capacity to set and follow our own *ends* autonomously—the essence of our humanity.¹³ Kant derives two unconditional duties from this realization: a duty of individuals to leave the state of nature and join civil society;¹⁴ and a duty to obey the sovereign.¹⁵ Both of these requirements involve the legitimate coercion of the individual in order to limit her freedom so that it may be made compatible with the freedom of others.¹⁶

What is notable about Kant's *a priori* argument for sovereignty is its apparently dogmatic and absolutist character. Kant claims that the people must never question the historical origins nor legislative legitimacy of the sovereign's will.¹⁷ At one point he introduces the "principle that the presently existing legislative authority ought to be obeyed, whatever its origin."¹⁸ In addition to dogmatism, scholars have long wondered why Kant relies on such an absolutist conception of sovereignty to

13 MM, 237/30.

14 MM, 307/89; cf. TP, 73.

15 MM, 320/96-7; TP, 81. See Peter Nicholson, "Kant on the Duty Never to Resist the Sovereign," *Ethics*, 86 (1976): 214-30.

16 See MM, 230-1/24; TP, 75; PP, 99; UH, 46-7.

17 This questioning is wrong if it undermines the sovereign, the ultimate judge of what is a threat. Of course, Kant attempts to assure his contemporary sovereigns that the public use of reason and criticism are not threats to the foundations of their political orders. See QE, 54-60.

18 MM, 319/95.

underwrite his understanding of public legal justice.¹⁹ Kant asserts that the sovereign is the highest, supreme power that is entirely *illimitable* because it is not subject to law nor bound by legal duty.²⁰ It is famously known that—despite his admiration for the historical meaning of the French Revolution²¹—Kant refuses the right of rebellion to all peoples, no matter how grievously abusive and authoritarian the regime.²²

Kant does not view his apology for an absolute and illimitable sovereign as “dogmatic” in a technical sense. Sovereignty is entirely consistent with the critical method of *a priori* reasoning and the morality of the categorical imperative.²³ There can be no coercion employed against the sovereign because it would negate entirely the transcendental framework of justice. Opposing the sovereign would only destroy that which enables an escape from anarchy. As Nicholson states, for Kant, it would be contradictory and incoherent to think that it is “just to resist the source of justice.”²⁴ Additionally, just as he opposes acts of deceit or lies, Kant’s objection to disobedience of the sovereign is rooted in the formal requirement of universalizability. Therefore, regardless of the consequences for which we might hope in opposing an unjust

19 See Pogge for the charge of “dogmatism,” “Kant’s Theory of Justice,” 431-3, and Pogge, “Cosmopolitanism and Sovereignty,” 59. As Rosen notes, there is an incompatibility between Kant’s absolutist statements on sovereignty and his subsequent demand that states be republican (i.e., divided constitutionally), see *Kant’s Theory of Justice*, 143-4.

20 MM, 317/94; TP, 75. Cf. Hobbes, *Leviathan*, 313.

21 CF, 182-3.

22 MM, 371/136.

23 See MM, 216/10.

24 Nicholson, “Kant on the Duty Never to Resist the Sovereign,” 223.

sovereign, resistance is forbidden because it makes the coherent possibility of *any* civil constitution impossible when universalized. As he notes in “Perpetual Peace,” “any *legal* constitution, even if it is only in small measure *lawful*, is better than none at all....”²⁵ This *de facto* notion of what constitutes an acceptable sovereign suggests that all empirically existing states are compatible with freedom insofar as they are a bulwark against lawlessness.

There is however another side of Kant’s doctrine of sovereignty. Alongside the statements I have noted above there is an unmistakable and sustained call for the transformation and continual *reform* of all sovereigns everywhere. The main reason for this seemingly contrary position is that—in spite of whatever *a priori* arguments exist in favour of sovereignty—the actual or phenomenal reality of sovereign power poses immense threats to human freedom. There is no shortage of evidence of this sentiment, but perhaps the most clear expression is in “The Contest of the Faculties”:

In the face of the omnipotence of nature, or rather its supreme first cause which is inaccessible to us, the human being is, in his turn, but a trifle. But for the sovereigns of his own species to also consider him as such, whether by burdening him as an animal, regarding him as a mere tool of their designs, or exposing him in their conflicts with one another in order to have him massacred—this is no trifle, but a subversion of the purpose of creation itself.²⁶

Here there is an explicit acknowledgment by Kant that it is not merely the lawlessness of the state of nature that is a threat to human freedom. The cure of sovereignty can be almost as bad as the disease called anarchy (though never, according to Kant, quite

²⁵ PP, 118n.

²⁶ See CF, 185; I am using Riley’s slightly altered translation of this paragraph, “Elements of Kant’s Political Philosophy,” 20. See also MM, 345/115-6.

as bad).²⁷ For sovereign agents are liable to treat their subjects as mere means rather than ends, thus negating the basis of humanity altogether. Moreover, the immoral situation of lawless anarchy is now reproduced *among* the sovereign states, creating an endless incentive for war and the systematic negation of freedom that results from its outbreak. Thus, the enabling condition for justice inside of the state produces a situation of international injustice that demands reform.

Kant's doctrine of sovereignty becomes profoundly complicated by the question of reform. The initial view that any empirically existing sovereign agency is a sufficient mechanism for freedom is now called into question. This is because he introduces an external *standard* for the reform of sovereignty—the “original contract”—that is a goal so lofty that no amount of political improvement could totally satisfy its requirements.²⁸ Similar to Rousseau's view of sovereignty, this “Idea” supports a legislator that wills *only* that which individuals would consent to, thus being entirely compatible with a society of autonomous or law-giving members. According to Kant, no empirically existing sovereign is entirely adequate or compatible with freedom when judged against this standard. In the “Doctrine of Right” his absolutist statements on sovereign legitimacy are therefore closely followed by assertions on the necessity for reform towards the only constitution which can *approximate* the “original contract,” a republican constitution. As he writes:

27 See PP, 113.

28 MM, 340/112; TP, 79; cf. CF, 187.

...the spirit of an original contract involves an obligation on the part of the constituting authority to make the *kind of government* suited to the system of an original contract. Accordingly, even if this cannot be done all at once, it is under obligation to change the kind of government gradually and continually so that it harmonizes *in its effect* with the only constitution that accords with right, that of a pure republic, in such a way that the old (empirical) statutory forms, which served merely to bring about the *submission* of the people, are replaced by the original (rational) form, the only form which makes *freedom* the principle and indeed the condition for any exercise of *coercion*, is required by a rightful constitution of a state in the strict sense of the word.²⁹

The constant reform of sovereignty required by the standard of an “original contract” is especially important for international relations because—as we shall see below—once “domestic” anarchy is overcome by sovereignty, it is only the reform of sovereignty that can domesticate international politics.³⁰ A republican constitution ensures that sovereign agency is made responsive to the ends of its citizens and is thus entirely cautious about its external conduct.

How can these two distinct types of statements that constitute Kant’s doctrine of sovereignty be explained? An immediate option is to examine more closely those few occasions that he explicitly defines a “sovereign.” What we find, however, is not entirely helpful because there are two operative definitions. In the case of his dogmatic defence of sovereignty, Kant equates it merely with *any* existing legislative mechanism that transcends the state of nature.³¹ There is no question of a constitutional division of powers within the state nor of the requirement of consent by the

29 MM, 340/112.

30 See MM, 345/115.

31 In this definition the sovereign is the only a judge “competent to render a verdict having rightful force,” MM, 312/90.

people.³² The other definition of sovereignty in Kant's texts is predicated on the second, reformist element of the doctrine outlined above. Sovereignty is that which belongs "only to the united will of the people."³³ Under this definition the sovereign legislative agency is only one of three powers in a constitutionally divided state (the others being the executive and judiciary branches). Sovereignty is thus dependent here upon the restraints that Kant associates with the popular will.

The differences between the two types of statements that constitute Kant's doctrine of sovereignty are paradoxical, but not necessarily contradictory. To understand why this is so we must realize the dialectical and "top-down" nature of the reform process that Kant envisages. If we examine closely what he says about sovereignty it becomes clear that, true to the logic of sovereignty, reform must be self-generated and entirely initiated by the sovereign itself: "A change in a (defective) constitution, which may certainly be necessary at times, can...be carried out through *reform* by the sovereign itself, but not by the people...."³⁴ The "is" of actually existing sovereigns (found in first definition above) must contain the seeds of the sovereign that "ought" to be (of the second definition). Kant's view is that once the sovereign creates a mere lawful "civil union" out of anarchy, it alone will have the force and legislative legitimacy to

32 See Nicholson, "Kant on the Duty Never to Resist the Sovereign," 218.

33 MM, 314/91.

34 MM, 321-2/98. See Williams, *Kant's Political Philosophy*, ix.

progressively recreate itself in history and to produce a “society” based increasingly on the principles of the “original contract.”³⁵

Until now I have described only the main elements of Kant’s dualistic doctrine of sovereignty and suggested how they are related to one another. In the main, I have abstracted Kant’s attitudes towards sovereignty from his theory of justice in order to highlight their essential dualism. However, in order to explain this dualism sovereignty must be placed within his thought. Most generally, Kant’s position on state sovereignty is shaped by his vision of subordinating politics—to the greatest extent possible—to an autonomous morality. However, the chasm between morals and politics in Kant’s political thought that I have explored in the previous chapters complicates his view of sovereignty. My contention is that Kant’s doctrine of sovereignty is dualistic and ambiguous because it is justified by his bifurcated concept of freedom. Thus, it is here that Kant’s concept of freedom, as it is outlined in the previous chapter, serves as a useful analytic framework.

The justification of Kant’s absolutist and dogmatic statements on sovereignty is rather straightforward. As anarchy is always the antithesis of freedom, the sovereign

35 See MM, 307/85. The original contract is an Idea which we can only approximate in empirical reality. This means that the ideal of self-legislating citizens is approximated by the sovereign ruling *as if* the citizens were the ones who were truly sovereign. In other words, the discretion is with the sovereign to decide if the political community *could* rationally agree with his decision, see TP, 80-1. Kant’s ever changing empirical sovereign is, therefore, a surrogate for the aspiration of an authentically “popular” sovereign.

As Pogge notes, under Kant’s principle of Right, “[i]t is juridically permissible to maintain an inferior instantiation [of the constitution], and juridically impermissible for citizens to obstruct the sovereign’s efforts to do so,” “Is Kant’s *Rechtslehre* Comprehensive?”, 177.

state is necessitated by the requirements of external freedom. All lawless forms of coercion must be supplanted with a mechanism of lawful and legitimate coercion of a single agent. This agent, the sovereign, creates and enforces the necessary conditions of consistent domains of *external freedom only*. Because of this, sovereignty is directly justified only by a *formal* cause, as opposed to any possible *material* consequences. This consideration is extremely important because it means that state sovereignty is necessary *in spite of its consequences*. A relatively simple illustration of this logic can be found by referring to a feature of Kant's deontological ethics. For example, lying is unconditionally forbidden by the categorical imperative regardless of the outcomes. Hypothetically, this would mean that one must tell the truth *even if*, by so doing, the life of an innocent person is endangered because you have revealed her location to a tyrannical regime.³⁶ As we shall see, Kant realizes perfectly that there are problematic consequences posed by the empirical existence of sovereign states. These negative results, however, are entirely irrelevant in light of the formal or transcendental framework that justifies freedom.

The second, reformist element of Kant's doctrine of sovereignty has a more complicated justification. In order to grasp why, it is necessary to recall the distinctions Kant makes between internal and external individual freedom. This is because both the external and internal dimensions of freedom—in addition to the

³⁶ This aspect of Kant's ethics is notoriously controversial. This is because the requirement of universality implicit in the duty to obey the sovereign is matched by comments elsewhere that one ought not to comply with political authority when it is to do something morally evil. See REL, 98-9n.

formal and material demands upon which they are based—necessitate the perpetual reform of sovereignty discussed above. Kant immediately realizes the tragic (material) consequences of any commitment to state sovereignty. The state's internal sovereignty is compatible with the (formal) requirements of external freedom, but these requirements are immediately threatened by international anarchy. The immoral condition of anarchy that necessitated the (formal) justification of the sovereign state is (materially) *recreated* among sovereign states with no global authority to arbitrate differences. In other words, the (formal) requirement of individual external freedom creates internal sovereignty; but the (material) result of interstate anarchy is something (formally) forbidden by Kant's political theory. Anarchy is no less immoral among states for Kant than it is among individuals, and hence he realizes that there is a potential conflict between the (formal) requirements of external liberty inside the state and the (formal) requirements of just international relations. Thus, Kant realizes perfectly the "paradox" of sovereignty to which Hinsley alludes, between its internal and external dimensions. However, he rejects the necessity of this paradox because it would place the (formal) requirements of external freedom in contradiction. The political solution to this problem, as we shall see in the next section, is the reform of empirically existing sovereign states to the only type that Kant thinks can reconcile its internal and external sovereignty to transcend the effects of anarchy, i.e., a republican constitution.

There is another important dimension of the reformist side of Kant's doctrine of sovereignty. What is frequently overlooked by interpretively conservative scholars of

Kant's international theory, such as Laberge and Höffe, are the material incentives for reform. As I claimed in the previous chapter, although material incentives related to internal freedom and Enlightenment are of secondary importance when compared to the formal realm of external freedom, they are still important. Sovereignty is clearly in need of reform for Kant because its empirical existence is potentially a constant threat to the inner autonomy of individuals and their progress as rational, self-actualized beings. The wars that emanate from the clash of sovereign agents under anarchy require states to commit what morality forbids—the strategic use of its citizens as mere instruments for the state's survival. Indeed, the immoral consequences of war are most striking in many of Kant's writings.³⁷

The requirements and restrictions engendered by Kant's division between the internal and the external sides of individual freedom justify both the sovereign state *and* its necessary reform. Reform of the existing sovereign state is justified not only by the formal requirements of individual freedom, but also by its material requirements. Nonetheless, this reform project is not limited to the domestic sphere, but is necessarily international in scope.

³⁷ See for example PP, 94-5.

Kant's International Reform Project and Justice

Kant proposes an international reform project. Although this project is an essential component of his theory of justice, its particular nature is also a consequence of his dualistic doctrine of state sovereignty. In this section I explain Kant's aspirations for international reform by reconstructing his arguments that justify its necessity, and, subsequently, by considering the mechanisms of reform contained in "Perpetual Peace."

Kant's vision of reforming politics to approximate the formal principles of morality cannot arbitrarily end at the boundaries of the sovereign state—it must necessarily apply to *all* political relations. Nevertheless, the fundamental dualism animating Kantian justice profoundly affects the extent to which the international sphere is brought under the sovereign control of an autonomous morality. The ensuing analysis places two justifications and two mechanisms for international reform within the theoretical framework of Chapter 2 and the conflicting demands that Kant makes of sovereignty analyzed directly above. It transpires that there is ambiguity about the essential purpose of international reform: although there are suggestions that it is about the *domestication* of sovereign states (in the way that individuals were brought under control within the state), Kant ends up advocating merely the *reconciliation* of sovereign states. This is a consequence not only of the separate justifications he makes

for reform, but of the two distinct mechanisms that he advocates for its accomplishment.

The Justification of International Reform

In his provocative essay, "Why Is There No International Theory?," Martin Wight argues that there is a lack of serious theoretical reflection on interstate relations in the history of Western thought. He suggests that a true *theory* of politics may only be possible when there is a perceived chance of realizing some Good, or of at least achieving some progress in its direction.³⁸ Because the anarchy created by the independence of states prevents the achievement of such things in any meaningful sense internationally, the limits of reformative measures coincide with the boundaries among states. Accordingly, claims Wight, international *theory* is merely a weak and diffuse set of insights, unable to constitute a reality in which interstate *practice* is made compatible with any conception of the Good.³⁹ Wight's statements are typically realist in that they affirm an ontological difference between domestic and international spheres, the latter being extremely recalcitrant to progressive transformation.⁴⁰

38 Martin Wight, "Why is There No International Theory?," in Herbert Butterfield and Martin Wight, eds., *Diplomatic Investigations*, London: Allen & Unwin, 1966, 21-28. Cf. F.H. Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations Among State*, Cambridge University Press, 1963, 6.

39 Wight, "Why is There No International Theory?"

40 Cf. R.B.J. Walker, *Inside/Outside: International Relations as Political Theory*, Cambridge University Press, 1993.

Like Wight, Kant assumes that international relations are in many ways different from domestic politics in that its reform is far more difficult to achieve without the presence of an overarching global sovereign. Also like Wight, Kant is skeptical about—if not outright opposed to—the imposition of any conception of a universal Good onto a pluralistic interstate order.⁴¹ Nonetheless, Kant could not disagree more with a thinker such as Wight about the relationship between international theory and practice—especially when it comes to achieving a condition of interstate justice or Right—something that is entirely distinct from the Good.

Quite simply, Wight assumes the same thing that Kant thinks is all too common among other modern thinkers of international relations—men such as Grotius, Pufendorf and Vattel. Wight and these earlier philosophers assume that theory on the relations among states (or any politics for that matter) must conform with actual political practice. It is this point, no doubt, that Kant had in mind when he criticized the three prior to his time as “sorry comforters.”⁴² For Kant, however, in light of the absolute autonomy of morals, theory must legislate the conditions of political practice if it is to be coherent and supportive of justice.

As argued above, Kant holds that political practice must be subordinated as much as possible to formal principles that are derived from reason rather than experience. When one looks merely at interstate *practice* to guide *theoretical* principles of how

41 See Kant’s statements about the role of linguistic and religious differences in frustrating any potential attempts at global despotism, PP, 113-4.

42 PP, 103.

states ought to act, it is no small wonder that international theory would appear rather primitive if compared to politics within the state. This is because, principally, the absence of a global sovereign invariably makes the dynamics empirically different than external relations among individuals in states. However, by the terms of his theory of justice, Kant does not think that this material reality indicates any inherent and necessary ontological difference between domestic and international politics. On the contrary, he argues that all relationships between autonomous agents must to be considered from the standpoint of universal principles of Right. Kant thus asserts the existence of “an absolute and primary duty in all external relationships whatsoever among human beings who cannot avoid mutually influencing each other...” to submit to principles of justice.⁴³ By referring to “all” external relationships here he is including those of sovereign states. Thus, the fact that there is a separation between international and domestic realms caused by state sovereignty and the anarchy it creates, is, from the standpoint of Kantian justice, largely irrelevant. We cannot be satisfied to merely domesticate and reform politics within the state and permit anarchy to reign outside of its boundaries.

Kantian international reform is justified in the first instance by a simple extension of the purely *formal* principles of his theory of justice from individuals in the state of nature to sovereign states in anarchy. Paradoxically, of course, the very requirement of justice among states is a product of the existence of those sovereign agents that Kant

43 TP, 73

claims are absolutely necessary for justice among individuals. Under this justification, it is states—and not individual beings—that are the proper subjects of international justice. Kant relies here on a “domestic analogy” because the experience of reform within the state is logically applied to the international level simply because all political relations must be domesticated by the same logic of universal, constitutional relations found within the ideal of an “original contract.”⁴⁴

Laberge notes that on the basis of Kantian justice, his “ideal theory” of international relations would unquestionably demand a global sovereign to act as a mechanism of justice.⁴⁵ Pogge, too, claims that from the purely formal dimensions of justice Kant could only point in such a direction.⁴⁶ Both scholars note, however, that Kant explicitly rejects this avenue of reform because he views it as tantamount to a “soulless despotism.” Thus, Kant himself imposes limits on the entirely formal demands of his theory of justice in international affairs; and, as a result, his strict use of the “domestic analogy” breaks down. Given Kant’s doctrine of sovereignty explained in the section above, the global sovereign rationally prescribed by international justice would need to be an absolute and illimitable agent. Such an agent could only exist if the sovereignty of existing states were eliminated (or limited to the

44 The idea of the “domestic analogy” is analyzed with care in Hidemi Suganami, “Reflections on the Domestic Analogy: the Case of Bull, Beitz and Linklater,” *Review of International Studies*, 12 (1986): 145-158 and Suganami, *The Domestic Analogy in World Order Proposals*, Cambridge University Press, 1989.

45 Laberge, “Kant on Justice and the Law of Nations,” 90.

46 Pogge, “Kant’s Theory of Justice,” 428.

point where they would no longer be sovereign in any meaningful sense). Thus, given the dogmatism of Kant's view of sovereignty, international justice based on a purely formal justification would require drastic alteration to the status quo—it would require that existing relationships between citizens and sovereigns in all particular states be terminated, and that all rightful external relationships among individuals be enforced by the global sovereign. For moral reasons, Kant rejects this eventuality by supplementing his view of international reform with another justification.

Kant's second justification is not merely the formal one that states are in an unacceptable situation of anarchy but is instead based on the *material* elements of his theory of justice. This justification instead is different from the first because it looks at the *consequences* of international anarchy, especially the effects of anarchy on the realization of justice for actual individuals within existing sovereign states. Anarchy among states needs to be reformed because it is a detriment to the realization of reform within states; Kant thinks that any freedom obtained by individuals within the sovereign state is rendered insecure, incomplete and incoherent as long as there are wars among states. It is for this reason that the domestic and international realms are logically interpenetrated and linked. At one point Kant writes that "[t]he problem of establishing a perfect civil constitution is subordinate to the problem of a law-governed external relationship with other states, and cannot be solved unless the latter is also solved."⁴⁷ This comment is very important because, *inter alia*, it suggests that the

47 UH, 47, emphasis removed.

strategic pressures caused by anarchy among states create a nearly irresistible incentive to delay and stifle any reform of sovereignty within the state. The conditions of justice, the realization of external liberty among individuals, is always contingent therefore upon international relations.

Kant thus goes beyond a merely formal justification for international reform because a far more crucial and pressing incentive is that of the citizens' liberty. Unlike the first justification, states are not the only subjects of international justice in the sense that the ultimate purpose of reform is individual freedom. As Kant claims, "the hiring of men to kill or be killed seems to mean using them as mere machines and instruments in the hands of someone else (the state), which cannot be easily reconciled with the rights of man in one's own person."⁴⁸ This concern is articulated somewhat differently in the *Metaphysics of Morals*, where he notes:

For they [i.e., individuals] must always be regarded as co-legislating members of a state (not merely as means but also as ends in themselves), and must therefore give their free assent, through their representatives, not only to waging war in general but also to each particular declaration of war. Only under this limiting condition can a state direct them to serve in a way full of danger to them.⁴⁹

He also writes that within the context of international anarchy sovereigns feel justified in wasting material resources on war preparations that might otherwise improve the cultural conditions and well being of its people.⁵⁰ Kant hints here that the moral

48 PP, 94-5.

49 MM, 345/116.

50 UH, 47, 51.

realization of autonomous individuals is negatively affected by the wasted material resources spent on wars, and thus his often expressed view that internal freedom is not connected to the phenomenal world of politics is ignored. States are unable to perfect their formal constitutions in a state of war, and, moreover, they must use their citizens as fodder in their conflicts. To the extent that states are the subjects of international justice, it is because they are the (problematic) tools or mechanisms of individual freedom within states. Thus, Kant is here rejecting a simplistic and overly formal “domestic analogy” that his first justification would have required on its own.

A crucial effect of this second, material justification of international reform is that Kant recognizes that within his posited interrelation of domestic and international justice, the closest and most pragmatic fit between the individual’s freedom and sovereignty is at the state level. His rejection of a superstate and global sovereign takes this material cause as point of departure. States are certainly imperfect tools of justice in need of reform, but this reform should be allowed to proceed as much as possible in the context of an international anarchy that is weakened, if not abolished, by something other than a world government. As we shall see, this mechanism is a federation of republican states.

If the reformist element of Kant’s doctrine of sovereignty discussed above is contingent upon the production of freedom, international reform is rooted within the same set of moral concerns. Kant advocates international reform in order to reconcile internal and external sides of sovereignty. This reconciliation aims primarily to overcome the contradiction between realization of the formal principles of justice

within the state and the lack of the same among states. Thus there is a combination of formal and material causes rooted in the transcendental goal of freedom that justifies international reform. The justification of international reform in Kant's thinking is complex. On the one hand, international reform is a necessity simply because of injustice, i.e., states existing in a state of nature. This justification would be entirely formal and based on a strict "domestic analogy" in which states are imbued with the same characteristics as individuals and require a global sovereign. Ultimately, however, his use of such an analogy is weakened because of the fear of a world government. Rather than eliminating independent states, international reform becomes depicted as reconciling internal and external sovereignty.

The strict use of "domestic analogy" breaks down in Kant's thought for two key reasons. First, the internal freedom of individuals is unlike the internal sovereignty of states—it is a purely moral or noumenal realm that is unaffected by politics. Second, the balancing of the external freedom of individuals within the state requires a sovereign agent, one that is unavailable and undesirable among states. On the other hand, international reform is also justified by Kant in order to alleviate certain material, phenomenal conditions that would render the realization of justice within the state impossible. Here states are not so much akin to individuals in the state of nature so much as they are the problematic tools of reform that need to be tamed in the name of realizing individual freedom. Thus Kant slips back and forth between two justifications: one that appeals to justice *qua* justice as the ultimate ground for change to the way that states interact as legal persons, another that views states less as subjects

of international justice than the *cause* of injustice domestically when wars are imposed upon individuals.

The genesis and justification of Kant's international reform project have been located in the problematic terms of his own doctrine of sovereignty. The goal is to reconcile the internal and external sides of sovereignty—but this project is merely a part of Kant's overall desire to articulate the conditions under which politics may be made compatible with his conception of morality. Nonetheless, international reform is in some sense special or distinct from intrastate reform because, although the agency of the state is still central, the domestication of anarchy does not involve a global sovereign. Instead, Kant forwards two related yet distinct mechanisms for international reform that serve as a substitute for one.

The Mechanisms of International Reform

“Perpetual Peace” is Kant's most programmatic statement on international reform. Although it contains many indications of the ethical and political justifications for such reform, the main contribution of this essay is the elaboration of the mechanisms by which international change is to occur. These mechanisms will necessarily be misunderstood if they are interpreted out of context—more specifically, the Kantian position on international relations cannot be properly explained only through this essay because it lacks a systematic account of his theory of justice. Accordingly, I shall subordinate the mechanisms found in “Perpetual Peace” to my framework based on

Kant's theory of justice as it is most definitively presented in the *Metaphysics of Morals*.

Kant divides the essay into six Preliminary Articles, Three Definitive Articles, two Supplements, and a two-part Appendix. If "Perpetual Peace" is designed to be a hypothetical peace treaty among states, it is scarcely a conventional example of the type of document that the leaders and diplomats of real states might themselves construct. It is a highly eclectic, remarkably ironic, and—in spite of his efforts to the contrary—frequently turgid and pedantic. Nevertheless, as many modern commentators have noted, the prescriptions for reform that Kant made in 1795 are remarkably prescient in that they anticipate the efforts of international organization in our time.⁵¹ However, there has also been plenty of anachronism and distortion, too, among modern commentators that read into Kant certain tendencies that clearly exceed his intentions and the limitations he himself imposed upon the nature of international reform. This matter will receive sustained attention in Part 2.

In this section I explain the two main mechanisms of reform advocated in "Perpetual Peace" by situating them within two types of justifications that I have analyzed above. The mechanisms that Kant articulates are a consequence of his realization that his "ideal theory" of international relations, to use Laberge's term, is a non-starter. A purely formal theory of international justice would require a global sovereign as the *only* mechanism adequate to the task of ensuring the domestication

⁵¹ See for example Carl Joachim Friedrich, *Inevitable Peace*, Cambridge, Mass.: Harvard University Press, 1948, 30-33.

of the state of nature *qua* war among states. Kant thus relaxes the formal demands of international justice by nominating states as useful tools that have, as he claims, achieved *some* degree of justice within them and thus merit the opportunity to further their trajectories towards internal perfection. Thus Kant's material justification for reform ultimately trumps his purely formal one. As a consequence, the two most salient mechanisms that he actually advocates reflect the special agency he ascribes to states in order to accomplish a minimal agenda of not completely domesticating anarchy—but only reducing the problematic *effects* of anarchy. Rather than eliminating anarchy, the aim of international reform is limited to that of reconciling the sovereignty of each state such that their free choices do not result in the outbreak of wars that will violate the humanity of their citizens. As Laberge suggests, the mechanisms that Kant does explicitly endorse thus constitute his “non-ideal” theory of international relations.⁵²

What is key in the mechanisms discussed below is that, like reform within domestic society, nearly all progressive change is channeled through the agency of the sovereign (or in this case, the plurality of sovereigns). The “non-ideal” theory thus enshrines the sovereignty of states as a given foundation of international order, a commitment expressed clearly in the Preliminary Articles of “Perpetual Peace.”⁵³ It is a non-ideal

52 Laberge, “Kant on Justice and the Law of Nations.”

53 The Second Preliminary Article in particular is worth quoting: “No independently existing state, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift,” PP, 94. The Fifth Preliminary Article, too, is important: “No state shall forcibly interfere in the constitution and government of
(continued...)

theory because, when reform rests upon the discretion of states (i.e., self-reform), it becomes dependent upon a highly contingent and difficult set of conditions that cannot be achieved without painful episodes of war among existing states, each of which jealously guards its sovereignty. Nevertheless, Kant hopes that the progress of reforms towards justice within certain states will provide the impetus of realizing the limited form of international justice he advocates. If the two mechanisms of reform discussed below thus both rely upon the agency of sovereigns, the crucial difference between them pertains to the question of whether states intentionally *will* the reform of their interrelations or whether they are pushed into it by history *qua* nature.

Mechanism One: Republicanism/Federalism

As Nicholas Greenwood Onuf has written, the republican legacy is a complex part of Western political and international theory.⁵⁴ For the ancients, a “republic” was the shared experience of any political association. The interplay of natural and conventional conditions that made this experience “good” was its “constitution.” Onuf suggests that the republican tradition holds that common ends and purposes take precedence over individual autonomy and agency. However, this changes in modernity with the rise of individual subjectivity. Republicanism is no longer viewed

53 (...continued)
another state,” PP, 96.

54 Nicholas Greenwood Onuf, *The Republican Legacy in International Thought*, Cambridge University Press, 1998, *passim*..

as an intrinsic characteristic of the entire political community, but only as a form of government in the sovereign state that is clearly set apart from civil society. When Kant speaks of a republic he is using it in this modern sense, even though he hopes this form of government will serve the general will (a term he uses loosely to refer to the common good—something to which all independent citizens could conceivably consent).

The first mechanism that Kant advocates for international reform is the republican constitution. This corresponds logically to his view that the cause of war is the improper location of sovereignty in the state. As will be explored more fully in Part 2, Kant falls in a long line of liberals by claiming that the location of sovereignty within the state has a decisive effect on war.⁵⁵ That is, conflict arises from some “flaws” in the organization of domestic society and the particular state. Just as he contests the location of the true grounds of human agency in the amoral or material causes of subjectivity, Kant has very specific views on where the internal sovereignty of states ought to be placed.

The first two Definitive Articles of “Perpetual Peace” rely on the mechanism of the republican sovereign state as the agent of reform. We learned above that only a state that is reforming itself toward republican principles can reconcile the freedom of its citizens with the coercion required to produce a lawful society. Kant *internationalizes* the freedom-promoting effects of republican regimes because he claims they are the

55 See Michael W. Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism*, New York: W.W. Norton and Company, 1997, 205-6.

only ones capable of pacifying international relations. In the First Definitive Article he claims that, when states are constitutionally divided between the executive and legislative branches of government, they are republican in nature.⁵⁶ It does not matter if a state is formally ruled by a monarch or elected ruler, as long as it is the citizens who legislate foreign policy decisions through their representatives, the state is actually republican. It is one of his more well-known claims that, “[i]f, as is inevitably the case under this constitution, the consent of the citizens is required to decide whether or not war is to be declared, it is very natural that they will have great hesitation in embarking on so dangerous an enterprise.”⁵⁷

Although it is the citizens who decide whether to go to war in a republican constitution, this reform of international anarchy that Kant has in mind is still a very “top-down” mechanism. It should be noted firstly that the First Definitive Article records his rejection of (direct) democracy as “necessarily a *despotism*”⁵⁸ because it collapses the distinction between legislative and executive branches of government and, moreover, it negates the free choice of individuals by giving untempered power to an absolute majority.⁵⁹ Far more importantly, as we know from above, Kant’s sovereign is ultimately indivisible and illimitable—it is not necessarily bound or (by his

56 PP, 100.

57 PP, 100.

58 PP, 101.

59 Kant’s vision of citizenship includes only “active” or independent members of society, i.e., those who are free from an economic (or other kind of) dependency on others. Nevertheless, he holds that all “subjects” of the state should be granted legal “equality,” see TP, 74-7.

own vision of justice) required to act on the will of the people, only *as if* the people could consent to its decision.⁶⁰ The “original contract” that republican constitutions approximate is, after all, merely an Idea of reason and worldly proxy for a kingdom of ends.⁶¹

The Second Definitive article advocates the creation of a (*con*)*federation* of republican states as a quasi-constitutional regulator of their relations. Kant initially uses an analogy of domestic politics to describe its intent: “Peoples who have grouped themselves into nation states may be judged in the same way as individual men living in the state of nature, independent of external laws; for they are a standing offence to one another by the very fact that they are neighbours.”⁶² This statement is occasionally taken with similar ones to imply that Kant advocates a League of Nations that has some kind of status, majesty or power independent of the sovereign states that might be members. That is, just as Kant’s doctrine of *internal* state sovereignty requires the presence of a will over and above the wills of individuals, we would expect that he also supports a similar agent to perform much the same function among states. Nonetheless, as Hinsley notes, however, Kant’s view of federalism in the Second Definitive Article is not akin to the domestic experience.⁶³ The shape of Kantian federalism is actually determined by the particular justifications he employs for international reform.

60 TP, 79.

61 TP, 79; PP, 100.

62 PP, 102; cf. MM, 343/114.

63 Hinsley, *Power and the Pursuit of Peace*, 66.

Because he ultimately rejects a purely formal, ideal theory of international justice, the federalism he speaks of is only a surrogate for world-government that is rationally necessary. It is a second-best mechanism because justice among states must in the end be subordinate to justice among individuals, for states are only the rational tools that we have constructed for maximizing our external liberty.

Kant describes the development and form of his peace federation in a way that actually reaffirms the centrality of the (republican) sovereign state as the primary instrument of international reform. In a condition of anarchy there is ultimately little opportunity or incentive for states to concede or limit their sovereign powers to defend themselves. As a result, a state *qua* state is unlikely to enter into anything more than an extraordinarily loose League of Nations: "...a state which is self-governing and free from all external laws will not let itself become dependent upon the judgement of other states in seeking to uphold its rights against them."⁶⁴ This is comparable to Kant's statements that, in the state of nature among individuals, each is within his own right to rely on his own opinion of what is just and to further coerce the other to respect this power.⁶⁵ What this again suggests is that Kant is far more willing to tolerate anarchy among states than he is among individuals, in spite of his formal understanding of justice.

64 PP, 117.

65 MM, 312/89-90.

According to Kant, after many wars and failed attempts to secure peace, it will take the will of “one enlightened and powerful republic”⁶⁶ to establish pacific relations with its like-minded neighbours in order to create favourable conditions for other republics to co-submit to the rules of a federation. The federation is ultimately limited, however, by the discrete inclinations and free choice of the sovereigns who have joined. Each member state may finally decide to exempt itself from the whole and, moreover, choose to dissolve the association at any time. If they are true republics, however, these profound limitations do not pose a problem strictly speaking given Kant’s optimism in their responsiveness to the pacific ends of their citizens. He is very clear that the sovereignty of states as *representatives* (and mere tools) of their citizens cannot be transferred to a transcendent suprapstate agent. The federation he proposes aims only for peaceful relations not the construction of an “international state”⁶⁷: “[a] League of Nations in accordance with the idea of an original social contract is necessary, not in order to meddle in one another’s internal dissensions but to protect attacks from without.”⁶⁸

Kant’s reference to the “original contract” idea here is interesting because it again seems to render the relations among states as analogous to justice among individuals. Nevertheless, an interstate federalism is also totally unlike the realization of the contract within the state. Kant writes that because states “have already a lawful

66 PP, 105.

67 PP, 102.

68 MM, 344-345/114-115.

internal constitution...[they have] outgrown the coercive right of others to subject them to a wider legal constitution in accordance with their conception of right.”⁶⁹ The existence of a global superstate would thus destroy the grounds of individual freedom because it would sever the representative relationship between each citizen and the sovereign.⁷⁰ Thus, as I claimed above, the second, material justification appears to trump the pure formalism of Kant’s first justification.

A significant implication of Kant’s mechanism of the republican constitution is that, by itself, it suggests that individual external freedom is entirely compatible with state sovereignty (even with the “international problem,” i.e., anarchy). This is because the state with a republican constitution is viewed as essentially capable of willing self-reform in conjunction with other republics. The (re)location of sovereignty in the united will of a people in each state reconciles the contradiction between their internal and external sovereignty. It is crucial to underscore that, in this mechanism, all reform—and by the same token its absence—is at the discretion of the sovereigns. Moreover, it is *intentional*. The particular and individual sovereign must eventually recognize the long-term rationality of reform. On this point Kant writes that, “above all else a good will prepared to accept the findings of this experience” is needed.⁷¹

69 PP, 104.

70 See TP, 90-1; PP, 113-4; MM, 350/119.

71 UH, 47. See also Dominique Leydet, “Libéralisme politique et droit des gens: autour du Second Article Definitif,” in Pierre Laberge, Guy Lafrance, and Denis Dumas, eds., *L’année 1795: Kant, Essai sur la Paix*, Paris: Librairie J. Vrin, 1997, 182-196.

Even Kant's international federation is entirely dependent upon the deliberate will of sovereign states. Just as the sovereign rules domestically *as if* the citizens could consent to the legislation of any particular policy,⁷² the federation envisaged here is merely a surrogate or "substitute" for a real global sovereign (that would be demanded by Kant's theory of justice if states were formally conceived as individuals).⁷³ Kant's criticism of Grotius, Pufendorf and Vattel now seems overly harsh because he has left a remarkably wide latitude to states to define by themselves the practical terms of international reform or its absence. He himself could be construed as a "sorry comforter" rather than "revolutionary" cosmopolitan that his purely formal justification for international reform would require. It is quite possible that, by leaving all reform to the sovereign Kant ends up with a kind of autonomy of politics by default.

Mechanism Two: the Idea of a Universal History

There are crucial limits to Kant's conviction regarding the capacities of sovereign states, even republican ones, to reform themselves. In the *Metaphysics of Morals* and scattered in his essays there are indications that he realized that the mis-location of sovereignty within the state is not the only, nor even most important, cause of war. To some extent, the reasons for this are similar to his position on the subjectivity of

72 TP, 79.

73 PP, 104-5.

man noted in Chapter 1. Even if we relocate the ultimate grounds of subjectivity in our rational moral capacities, individuals still exist in the empirical or phenomenal world. We are therefore inescapably conditioned by a worldly context and are thus subject to inclinations based on interest. Equally, even if we locate the sovereignty of the state in the citizens, republican states are in a phenomenal context, i.e., anarchy, that renders self-reform a tremendously difficult (yet entirely necessary) struggle. But here is where the similarity ends. Whereas individuals have a state above them to prevent them from acting consistently on their natural inclinations to the detriment of others, states have no such authority above them. Because states are free to judge their own disputes with one another, that is, because there is no enforced legal restrictions on their action, international relations is an anarchic “state of war.”⁷⁴

Although Kant apparently criticizes any acceptance of the status quo of interstate anarchy (again, as “sorry comfort”), he actually condones as unavoidable the strategic reactions of states within this context: “unless one neighbour gives a *guarantee* to the other his request [to refrain from war] (which can only happen in a *lawful* state), the latter may treat him as an enemy.”⁷⁵ Indeed, because Kant claims that no state is obliged to be a self-negating pacifist in anarchy,⁷⁶ he as a philosopher must *supply* another “guarantee” for peace where states are unwilling or unable to do so themselves. This guarantee is the mechanism of nature *qua* history.

74 See PP, 102; MM, 343/114. See also REL, 89 n.

75 PP, 98, emphasis added to “guarantee”; cf. MM, 350/119.

76 MM, 349/118-9.

As Hannah Arendt notes, Kant has two distinct understandings of nature.⁷⁷ In one sense, the one assumed in Chapter 1 above, nature is merely the opposite of moral or rational causality. Here nature is a system of prior causes that shapes and determines all phenomenal beings. Moreover, this system is entirely indifferent, if not hostile, to human purposes and the species' moral development. By contrast, Kant's second conception of nature is markedly different and something that is co-terminus with human history. Here nature is a teleological system of purposes that uses the phenomenal realm to realize progressively the purposes or *ends* of the noumenal world in time. To a large degree, Kant's second understanding of nature is a sort of quasi-phenomenology of human evolution. This is because, contrary to his purely formal moral-political framework, the material principles and natural inclinations that we know all too well from concrete experience now have an important and progressive role. Thus, even though Kant always insists that the ultimate grounds of human agency remain concealed and spontaneous because they lie within the realm of noumena, he also claims it is possible to determine the causes of behaviour on a species-wide level from the standpoint of phenomena. The stimuli of human action from such a phenomenal point of view do not overstep the bounds of experience, "no matter how deeply concealed their [noumenal] causes may be...."⁷⁸ Given Kant's critical epistemology, it is crucial to realize that he does not think that history as mere

⁷⁷ Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. by Ronald Beiner, The University of Chicago Press, 1982, 14. See also Williams, *Kant's Political Philosophy*, 2.

⁷⁸ UH, 41.

events caused by human behaviour is inherently progressive. “Yet,” he claims, “if it may be *assumed* that nature does not work without a plan and purposeful end, even amidst the arbitrary play of human freedom, this idea may nevertheless prove useful.”⁷⁹ Thus the mechanism of nature is progressive because it is a *regulative* Idea that can be used to judge or mediate the meaning of such events in light of the moral goals that we are unconditionally required to pursue. The philosopher needs to “discover a *purpose in nature* behind the senseless course of human events and decide whether it is possible after all to formulate in terms of a definite plan of nature a history of creatures who act without a plan of their own.”⁸⁰ Even though nature is not really a great providential artist with the inherent goal of perfecting the human species, “we can and must *supply it mentally*” with such an aim.⁸¹

The Fourth Proposition of Kant’s “The Idea for a Universal History with a Cosmopolitan Purpose” suggests how the mechanism of history operates: “[t]he means which nature employs to bring about the development of the innate capacities [of the species] is that of *antagonism within society*, in so far as this antagonism becomes the long run cause of a law governed social order.”⁸² Kant also refers to this means as the dialectic of “asocial-sociability”. The gulf between phenomenal human nature

79 UH, 52, emphasis added.

80 UH, 42

81 PP, 109; cf. CF, 177.

82 UH, 44.

(“warped wood”⁸³) and moral rationality that exists within each of us serves to transform the external relationships among us. If nature (in the first sense) directs us to serve our inclinations and act on material causes, then reason is our innate capacity (given to us by nature in the second sense) to transcend human nature and obey formal causes and universal laws. By nature (as mechanism), individuals are likely to act only on material principles of self-interest until reason legislates they act on formal principles of rational obligation. What history does, however, is allow our flaws to contribute to our perfection:

And as far as reason is concerned, the result is the same as if man’s selfish tendencies were non-existent, so that man, even if he is not morally good in himself, is nevertheless compelled to be a good citizen. As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding)....the mechanism of nature can be applied to all men in such a manner that the antagonism of their hostile attitudes will make them compel one another to submit to coercive laws, thereby producing a condition of peace within which the laws can be enforced.⁸⁴

In “Perpetual Peace” Kant extends the influence of this mechanism from the realm of domestic society to the relations among states. As Laberge writes, given the constraints of anarchy that he largely accepts as profound, “one understands why, so as not to despair, Kant needed a philosophy of history according to which nature brings nations where they do not want to go.”⁸⁵ The same dialectic of asocial-sociability among individuals can be viewed among states, and not merely by analogy.

83 UH, 46.

84 PP, 112-3.

85 Laberge, “Kant on Justice and the Law of Nations,” 98.

The “guarantee” of perpetual peace *is* history because states under conditions of anarchy will certainly seek to exempt themselves from obligations to other states merely by asserting their sovereignty. This mere assertion of absolute negative freedom will cause disagreement and violent conflict. The results of such natural expressions of self-interest eventually engender rational commitment to pursue formal connections with, if not legal obligations to, other states. States are slowly led by the folly of their own short-term inclinations into an international federation.

It is crucial to perceive how this mechanism is both distinct from, yet related to, the previous one. Clearly the sovereign state is the agent of reform in both mechanisms. What sets apart the second, historical mechanism is that states reform in spite of their intentions and desires, just as rational individual devils within the state were able to transform their external conduct. The significance of this point is that Kant here demonstrates a large degree of distrust and skepticism that states are capable of self-reform for international justice. This stance clearly contradicts the implicit optimism in the state that animates his first mechanism. The regulative Idea of a progressive history obviates the need for Kant to worry about the lack of faith he ultimately has in sovereigns to perceive their rational obligations. In Part 2 of this dissertation I will show how Kant’s ambivalent optimism/skepticism in the capacity of the states is replayed among divergent forms of liberal internationalism in the twentieth century.

The interconnection of the two mechanisms flows from the agency Kant ascribes to sovereigns in achieving international reform. They are the subjects of the moral learning immanent in the dialectic of history. It is only when they have experienced

traumatic wars and reach complete “inner” exhaustion, that particular sovereigns will finally “take the step which reason could have suggested to them even without so many sad experiences.”⁸⁶ Kant even goes so far as to say that states are thus led, “even against their will, to enter into a cosmopolitan *constitution*.”⁸⁷ What this suggests is that even in spite of the essentially statist framework for change dictated by the terms of his theory of justice, Kant views international reform as part and parcel of his general plan of reforming politics for the sake of morals. Because, as we know, justice is not limited to purely formal principles, he suggests several times that the end goal of international reform is to create as best approximation as is possible for the kingdom of ends prescribed by morality. In this approximation, “[t]he peoples of the earth have thus entered into varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*.”⁸⁸ By reconciling the contradiction between internal and external state sovereignty, Kant envisages a political way to realize moral goals, all without—he hopes—sacrificing the essential autonomy of morals.

86 UH, 47.

87 TP, 90.

88 PP, 107; cf. MM, 352/121. This quotation certainly evokes Kant’s moral cosmopolitanism. But it might be objected that I have not sufficiently considered the contents of his Third Definitive Article in my analysis of the two mechanisms for international reform, i.e., the notion of cosmopolitan law. It should be recalled that nowhere does he indicate that the Definitive Articles correspond to clear and distinct mechanisms. I shall discuss recent efforts to transform this Article into something more than he intended in Chapter 5.

Conclusion

State sovereignty is a key component of Kant's theory of justice. But the ambiguous nature of justice renders his doctrine of sovereignty dualistic. The dualism of sovereignty is also evident in Kant's international reform project—a project required by the threat to justice *qua* justice by the mere existence of sovereign states. The formal elements of Kantian justice contribute to “dogmatic” conception of an illimitable and absolute sovereign within the state; and, ironically, to the necessity of a global sovereign that would domesticate and quash the independence of particular states. The material elements of justice, however, contribute to his “reformist” conception of a republican state that is open to the demands and claims of citizens; and, internationally, to the reconciliation of external sovereignty *via* a universalization of republicanism and the development of a federation of such states. Moreover, in both spheres, the international and the domestic, Kant hopes that the formal and material principle of justice will be realized by a progressive history.

In the main, Kant's doctrine of state sovereignty ought to strike the modern ear as antiquated, authoritarian and profoundly illiberal. But its reformist elements, including that of international reform, have proved to be rather popular among advocates of a particular modern ideology—liberal internationalism. However, the foundations of Kant's political thought, especially his vision of subjectivity and his theory of justice, have not been adequately understood nor criticized by many present

day exponents of Kantian peace plans. The extent to which these problematic foundations have been (uncritically) absorbed and reproduced is the subject of Part 2.

PART 2

KANT'S "LEGACY" AND CONTEMPORARY LIBERAL INTERNATIONALISM

CHAPTER 4

FREEDOM THROUGH SOVEREIGNTY? LIBERAL TRADITIONS AND THE KANTIAN "LEGACY"

In the years since the end of the Cold War there has been a re-ascendency of liberal internationalist theory and sentiment.¹ The apparent renewal of international organizations, democratic ideals, and free-market principles globally has caused scholars to consider whether the once predominant realist paradigm has been exhausted.² The rapid transformation of the seemingly fixed Cold War pattern of politics gave way to dramatic and concrete evidence that international "reality" was not as fixed as the realists had all along claimed. Nonetheless, the recent revival of

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- 1 On the renaissance of liberal perspectives in International Relations see Richard A. Matthew and Mark W. Zacher, "Liberal International Theory: Common Threads, Divergent Strands," in Charles W. Kegley Jr., ed., *Controversies in International Politics: Realism and the Neoliberal Challenge*, New York: St. Martin's Press, 1995, 107-150; Peter. Wilson, "Introduction," in David Long and Peter Wilson, eds., *Thinkers of the Twenty Years' Crisis*, Oxford: Clarendon Press, 1995, 2-14; and Charles W. Kegley Jr., "The Neoliberal Challenge to Realist Theories of World Politics: An Introduction," in Kegley, ed., *Controversies in International Politics*, 1-14. Cf. Frits Bolkstein, "The Liberal International: A Liberal Commitment to Internationalism," *The Washington Quarterly*, 12, 3 (1989), 101-110; Richard N. Gardner, "The Comeback of Liberal Internationalism," *The Washington Quarterly*, 13, 3 (1990), 23-39; Cf. William Pfaff, "Is Liberal Internationalism Dead?," *World Policy Journal*, 10,3 (1993), 5-15; and Joel Rosenthal, "Henry Stimpson's Clue: Is Progressive Internationalism on the Wane?," *World Policy Journal*, 14, 3 (1997), 53-62.
 - 2 See for example Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World*, Princeton University Press, 1993, 24. See also the debates in David A. Baldwin, ed., *Neorealism and Neoliberalism: the Contemporary Debate*, New York: Columbia University Press, 1993; Kegley, ed., *Controversies in International Politics*; and Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller, ed., *Debating the Democratic Peace*, Cambridge: The MIT Press, 1996.

liberal internationalism—which at various times was simply subsumed under the polemically-charged labels of “idealism” and “utopianism”—is not a monolithic phenomenon. Far from it, there are signs division among its advocates over the meaning and implications of the very things that are supposed to promote international peace, justice and—the highest of liberal goals—individual freedom.

Within this context it is arguable that the deepest theoretical and ideological division in liberal internationalism concerns the territorially-bounded, sovereign state and its ethical standing in world politics. On the one hand, there is the continued (yet qualified) support for the centrality of the state. On the other, there is the vague anticipation that this political unit is being transcended, and that it should therefore be supplemented by other forms of non-territorial governance.³ A decisive point of contention among liberal internationalists is, therefore, whether the sovereign agency of states is ultimately compatible with the goal of individual freedom generally. Related to this is the question of whether a liberal conception of international justice is to consist primarily of reconciling the external sovereignty of states or the promotion of individual freedom more directly.

Interestingly, a nearly unanimous item of agreement in the most recent liberal scholarship on international politics has been the importance of Kant as a foundational source of theory. This is an understandable consequence of the fact that his texts articulate a compelling early project to reform interstate relations. However, just as

3 Cf. James L. Richardson, “Contending Liberalisms: Past and Present,” *European Journal of International Relations*, 3 (1997): 5-33.

there are deep divisions among contemporary liberal internationalists, the actual texts of Kant do not, as we have already seen, provide as clear and uncontroversial a theoretical guide as those who invoke him might wish. The reasons for this can be derived from Part 1: the already ambiguous body of texts that Kant has left have been absorbed into an increasingly divisive contest between statist and non-statist forms of liberal internationalism. It is no small wonder, therefore, that his “legacy” has become a question of competing Kantian “legacies.”

The purpose of this chapter is to examine the evolving character of liberal internationalist thought and Kant’s place within it. A more or less common denominator of all such positions is the idea that the status quo of international relations can and ought to be *reformed*. Yet this broad description potentially masks profound differences among its advocates. My argument is that there are two distinct *sources* of division within liberal internationalism, each of which unsettle any false sense of overarching unity attributed to this so-called “tradition.”⁴ There is, first, and at the surface level, a series of disagreements about the *mechanics* of reform, that is, “how” to change the status quo of international relations. Secondly, what implicitly animates such mechanical questions are more profound divisions on the *ethics* of

4 On the problematic nature of international traditions see Walker, *Inside/Outside*, ch. 2; Timothy Dunne, “Mythology or Methodology? Traditions in International Relations,” *Review of International Studies*, 19 (1993): 305-318; and Jens Bartelson, “Short Circuits: Society and Tradition in International Relations Theory,” *Review of International Studies*, 22 (1996): 339-360.

reform—i.e., whether the selected instruments of reform are ultimately compatible with the liberal goals of individual freedom and international justice.

Many attempts to define liberal internationalism, much less Kant's place within this tradition, are inadequate because they fail to recognize the differences among its advocates, and, moreover, the distinct *mechanical* and *ethical* sources of these divisions. Both of these sources are interrelated and, I shall demonstrate, expressed most clearly in the statist and the non-statist orientations to reform to which I have alluded. Additionally, these divisions within liberal internationalism are not static, abstract points of debate that have permanently marked this tradition. Rather, they have emerged to become politically charged standpoints, shaped by historical events and circumstances. Changes within liberal philosophy more generally, in addition to the great "failures" to adequately reform interstate relations prior to the two World Wars of this century are particularly crucial to understanding why liberal internationalism is actually more divided than united—a point that critics and proponents alike have obscured.

In mapping out these disagreements among liberal internationalists I shall also explain Kant's ultimately contentious place within this diverse school. There are two reasons why his legacy has been invoked by both statist and post-statist liberals. First, his international reform project naturally lends itself to conflicting interpretations. Kant's bifurcated stance on the sovereign state, and the theory of justice from which I have derived it, have led to an equivocal legacy that can be shaped to fit radically different agendas. Also, the already complex shape and meaning of his international

reform project has never been interpreted on “neutral” ideological territory. Quite simply, liberal internationalists have, in some cases quite plausibly, created markedly different Kantian legacies that conform to varying perceptions of the requirements and ends of liberal international reform.

This chapter is divided into three sections. In the first, I identify the problems engendered by any attempt to characterize liberal internationalism as a coherent ideology or tradition. I claim that, in order to avoid caricature of what it consists, the differences within liberal internationalism must be acknowledged and explained. The following two sections explain these divisions in addition to the problems that arise with attempts to fix Kant’s legacy within the tradition.

Describing Liberal Internationalism

Liberal internationalism is by no means a clear category. It includes diverse assumptions, principles and moral commitments that do not always neatly agree with each other. In this section I consider some of the difficulties engendered by any attempt to define the liberal internationalist tradition and suggest a route to an adequate description of the main, and largely controversial, elements that have been embraced by its advocates. Additionally, I examine why Kant’s thought has played such a prominent role in attempts to fix the meaning of liberal internationalism. The

two distinct concepts denoted in the term “liberal internationalism” are controversial by themselves; and, when combined, they may assume much more—or less—than those who use it intend.

As Michael W. Doyle notes, “[t]here is no canonical description of liberalism.”⁵ Nonetheless, the ethico-political goal of individual *freedom* is usually placed at its centre.⁶ The meaning of freedom and how to achieve it has varied historically among liberals and the national contexts in which they have sought reform.⁷ Moreover, there are other ends to which liberals have subscribed that arguably support, and are dependent upon, freedom. For example, much stock has also been placed in the importance of legal (and even material) “equality” in addition to political “participation.” Indeed, these other ends can actually be conceived as the grounds of the systematic *limitations* on individual freedom that liberals must entertain in order to construct a coherent political position. As we have seen in Part 1 in the case of Kant, “justice” for liberal thinkers is viewed primarily as a matter of limiting individual freedom with a view to maximizing its enjoyment by each. The lack of a “canonical description” of liberalism is inevitably a consequence of the philosophical disagreements among liberals about the proper configuration of these core concepts. The ideal

5 Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism*, 206.

6 See John Gray, *Liberalism*, Second Ed., Minneapolis: University of Minnesota Press, 1995, 56-8; James Meadowcroft, “Introduction,” in James Meadowcroft, ed., *The Liberal Political Tradition: Contemporary Reappraisals*, Cheltenham, UK: Edward Elgar, 1996, 4.

7 See Isaiah Berlin, *Four Essays on Liberty*, also some of the contributions to Zbigniew Pelczynski and John Gray, eds., *Conceptions of Liberty in Political Philosophy*.

of reforming political society according to liberal precepts has not therefore produced a uniform, programmatic ideology but rather a range of alternative conceptions about the how best to define and promote the supreme liberal “good” of individual freedom.

Fred Halliday writes that, “[l]ike many concepts in social science and political theory, internationalism permits no simple, generally applicable definition.”⁸ Nonetheless he claims there are three beliefs that are shared by all self-described internationalists:

- that an “objective process,” *viz.*, the “internationalization of the world,” is occurring as a result of economic, communications and other technological advances;
- that such processes are transforming the nature of politics because actors, both states and non-sovereign agents, are responding to them;
- that these processes are ultimately *good* because they promote “understanding, prosperity, freedom, tolerance or whatever the particular [internationalist] advocate holds dear.”⁹

In this depiction Halliday is careful to separate the *process* of internationalization from the *ends* to which its various champions aspire. The implication of this is that “liberalism” cannot be conflated with “internationalism”; the two concepts are not coeval. Indeed, Halliday describes two other strands of internationalism, “hegemonic”

8 Fred Halliday, “Three Concepts of Internationalism,” *International Affairs*, 64, 2 (1988):188.

9 *Ibid.*.

and “revolutionary.” The former is really just “an extension of nationalism” because, in identifying the interests of all nations with its own, it seeks to subordinate others in the international system to its vision. Revolutionary internationalism is the ideal of exporting the principles that have radically reshaped one particular society to others. Here Halliday points to the French Revolution and, much more recently, Iran’s Islamicist revolution.¹⁰ A conceptual problem that arises is not merely that there are at least these three varieties of internationalism but also—something which Halliday does not seem to consider—they may actually overlap. For states that have been animated by liberal principles, such as Great Britain and the United States, have frequently been hegemonic in orientation. And revolutionary states such as France have been associated with the principles of liberalism too.

Halliday’s main contention is that all forms of internationalism share the conviction or hope that the “objective processes” he cites will produce valuable ends that cannot be restricted to any one, particular state: “[t]he thought [is] that there is an international interest beyond that of nations, and that these objective changes make it easier to promote....If states are not actually rejected as ineffective or necessarily undesirable, both *their effectiveness and legitimacy is seen as conditional to a considerable extent on this international interest.*”¹¹ This is an extremely important insight. In my view, however, what makes distinctly liberal versions of internationalism possible is the notion that one transcendent interest—i.e., individual freedom—can and ought to be

10 *Ibid.*, 194-5.

11 *Ibid.*, 188, emphasis added.

realized in all states. But I disagree with Halliday's over-emphasis on the so-called "objective forces," inherent in, say, modern capitalism, industrialization and technology, as the only inspirations of liberal internationalism. This is because such forces are not the exclusive causes of the liberal belief that the internationalization of freedom is necessary; it must be remembered that liberalism is an inherently universalistic ideology anyway. Thus when "liberalism" is conjoined with "internationalism" what is being expressed is the view that freedom cannot be realized only within any particular setting and must, therefore, be extended across state boundaries. Moreover, the very separation of political societies is the cause of conflicts among their states that contribute to individual oppression. Certainly the existence of international economic processes has been viewed as aiding the internationalization of freedom, but liberals have never—as I shall claim below—agreed totally on the nature of the so-called "objective forces" represented by internationalization, much less whether they were uniformly benign and beneficial to the goal of freedom. Halliday's depiction of internationalism in general does not suit something else about its peculiarly liberal articulation. Even though most expressions of liberalism include a conception of progress, the reform of political society advocated has always been framed as a conscious, deliberate project, rather than as the mere passive waiting for historical forces. Indeed, the starting point of an adequate (but minimalist) description of liberal

internationalism is the commitment to the reform of the status quo of international relations for the sake of individual freedom.¹²

Actually, rather than viewing reform as something that is achieved by the “objective” processes of internationalization (or globalization), I will argue that most liberals have conceived of the necessity and realization of such reform on the basis of their understanding of the domestic political experience. Liberal internationalists have consistently employed, to use Suganami’s phrase, the “domestic analogy” to formulate and justify an international reform project.¹³ Historically, as Stanley Hoffmann points out, although “[t]he international dimension of liberalism was never an after-thought....[it was also] little more than the projection of domestic liberalism worldwide.”¹⁴ However, this more or less shared vision of international reform masks some deep differences. In the subsequent two sections of this chapter I map out these differences in the two areas noted in the introduction—the mechanics and ethics of reform. The disagreements among liberal internationalists in each of these two areas must be connected to the historical changes within liberalism more generally.

Additionally, the differences among liberal internationalists converge on the controversial question that Halliday mentions in the above quotation: whether

12 Cf. Michael Joseph Smith, “Liberalism and International Reform,” in Terry Nardin and David A. Mapel, ed., *Traditions of International Ethics*, Cambridge University Press, 1992, 202.

13 Suganami, *The Domestic Analogy in World Order Proposals*, 1-6.

14 Stanley Hoffmann, “The Crisis of Liberal Internationalism,” *Foreign Affairs*, 98 (1995), 161.

sovereign states are viewed as effective, desirable agents in this process of reform—or as impediments that must be overcome. The difficulty with many attempts to define liberal internationalism is the assumption of one, unchanging answer to this question. Indeed, the differences between liberals have more often than not obscured by caricature in the International Relations literature ever since E.H. Carr’s influential polemic against the “utopians” of the inter-war period.¹⁵ The irony of Carr’s place in the discipline is that he glossed over several important political divisions among liberals in order to argue that they did the same. Whether intended or not, Carr’s caricature of this tradition of thought has become typical in the post-World War Two, Cold War construction of the discipline. Any attempt to define liberal internationalism through a historically static lens of what one particular liberal, or group of such thinkers, holds to be true of the nature of international reform is bound to be partial and distorted. Moreover, the inherent divisions within this body of theory between statist and non-statist visions of reform become progressively more salient the closer one examines the diverse contributions to liberal international theory. Attempts to define liberal internationalism without recognizing these differences are not merely flawed, they are ideologically-loaded in the sense that they close off legitimate alternatives to contemporary international reform without sufficient justification.

The differences among liberal internationalists explained in the ensuing analysis do not actually constitute a debate *per se*. Rather, various liberal-minded scholars have,

15 E.H. Carr, *The Twenty Years’ Crisis*, Edinburgh: R&R Clark, 1942, 54-80.

when they have recognized such differences, constructed a debate among thinkers across time. In such rival constructions of what this tradition consists, many philosophers have been judged retrospectively as being liberal internationalist despite the fact that they would not recognize nor identify with the term. Thinkers from John Locke, Adam Smith, and Kant to the disciplinary paradigms of the present are all placed within this political standpoint because they are held to endorse liberal reform of the unacceptable status quo of power politics and unmitigated anarchy.

The following two sections not only seek to describe the diverse nature of the liberal internationalist tradition but also to explain why it is possible to invoke Kant within it to support conflicting visions of reform. In explaining the grounds of distinct Kantian legacies, I shall start with the *mechanics* of international reform and then proceed to its *ethical* basis. There are some good reasons for this sequence, a reverse of the order in which I explained Kant's own international reform project. First, liberals have generally tended to been much more insistent on devising mechanisms for international reform than in articulating its ethical justifications. Second, as a consequence, Kant has been analyzed most frequently by liberals on the basis of the mechanisms he has put forward for reform, rather than—as I have argued should be the case—primarily from the particular ethical justifications that he uses to support these mechanisms. Nevertheless, even where scholars have taken the ethics of Kantian reform seriously, as I shall show in the cases of Doyle and Andrew Linklater, they have not paid sufficient attention to his theory of justice and the ambiguity within it. It is this ambiguity that has led to the possibility of two distinct Kantian legacies in our era.

The Mechanisms of International Reform

The common vision of reforming the status quo of international relations masks several differences among liberal internationalists. When these differences are acknowledged to exist, they are normally conceived to be only of a mechanical nature. What this means is that liberal internationalism is held to be concerned primarily with the question of how to produce necessary changes, and therefore with the issue of which instruments of reform are superior to the task. The “domestic analogy” is crucial to understanding the divisions among internationalists here because the competing liberal instruments with which to pursue individual freedom within the state have been, as Hoffmann suggests, projected outward as mechanisms for reforming the international realm.

Indeed, a distinctive “problem-solving” bias characterizes most depictions of what this position consists.¹⁶ Kjell Goldmann, for example, states that liberal internationalism is basically a project “to make international relations less conflictual by such attractive means as international institution building and cooperation.”¹⁷ It is also the promise that “international peace and security benefit if international institutions are

16 This term is borrowed from Robert W. Cox, “Social Forces, States, and World Orders: Beyond International Relations Theory,” in Robert O. Keohane, ed., *Neorealism and its Critics*, New York: Columbia University Press, 1986, 208.

17 Kjell Goldmann, *The Logic of Internationalism: Coercion and Accommodation*, London and New York: Routledge, 1994, x.

strengthened and cooperative ties multiply across borders. International law and organization as well as economic exchanges and other forms of communication will make war an increasingly unlikely occurrence.”¹⁸ This mechanical description of the nature of liberal internationalism is all too common in contemporary literature.¹⁹ It is a focus that is both radically incomplete and ahistorical. It is incomplete because, in restricting liberal internationalism to a set of recipes on “how” to reform interstate politics, certain deeper questions are ignored—or, what is more likely—their answers are merely assumed. The primarily ethical question of “why” reform is justified and necessary, in addition to the ontological question of “what” the international status quo consists, lie behind received convictions and conventions about such mechanical questions. It is misleading to assume, as does Goldmann, that one can discuss the different mechanisms for reform without at some point making undisclosed assumptions about the different conceptions that liberals have held about the ethics of

18 *Ibid.*, 1.

19 In the many recent discussions of liberal internationalism’s revival, the ethical goals of freedom and justice are mentioned, but quickly forgotten. Although freedom is held to be crucial to understanding the specifically liberal origins and character of this approach to politics, its realization does not seem to have any obvious or inherent connection to the mechanisms fulfilling the *internationalist* agenda. See for example Doyle, “Kant, Liberal Legacies and Foreign Affairs,” in Brown, *et.al.*, *Debating the Democratic Peace*, 3-53; Doyle, *Ways of War and Peace*, 204; Robert O. Keohane, “International Liberalism Reconsidered,” in John Dunn, ed., *The Economic Limits to Modern Politics*, Cambridge University Press, 1990, 165-94; and to a limited extent in Matthew and Zacher, “Liberal International Theory: Common Threads, Divergent Strands.” Cf. Stanley Hoffmann, *Janus and Minerva: Essays on the Theory and Practice of International Politics*, London and Boulder: Westview Press, 1987, 395.

reform.²⁰ Indeed, as I claim below, debate on the mechanisms of reform is implicitly animated by these more “foundational” assumptions. It is equally problematic to discuss the mechanisms of reform in a way that denies their historical specificity. The reason alternative mechanisms to transform international relations arise is the perception by liberals of differing contexts that the previous orthodoxies are inadequate and in need of revision. The wide variety of answers on the question of “how” to reform international relations thus exposes the complex historical and ideological development of liberalism within an era in which the states system emerges from the early seventeenth century.

There is a long history in Western political thought of plans for perpetual peace that anticipate a liberal internationalist concern with reform. Thinkers such as Émeric Crucé, Abbé Saint-Pierre, and William Penn, among others, are well known early advocates of international organization.²¹ Although not “liberal” in any meaningful sense of the word, such thinkers left a coherent legacy of planning institutions of law and dispute settlement to regulate relations among states. However, liberals such as Locke and Jeremy Bentham adopted the view that such institutions could function to

20 Goldmann wishes to conceive of liberal internationalism in pragmatic, non-foundational terms, and yet, he acknowledges that the reformative mechanisms he discusses are derived from “the liberal tradition of international ethics” and an ontology that the world is basically an anarchic realm of sovereign states that requires vigilant pacification *via* certain mechanisms, *The Logic of Internationalism*, xiii and xii.

21 See John Sylvester Hemleben, *Plans for World Peace Through Six Centuries*, New York: Garland Publishing Company, 1943; F.H. Hinsley, *Power and the Pursuit of Peace*; and Daniele Archibugi, “Models of International Organization in Perpetual Peace Projects,” *Review of International Studies*, 18 (1992): 295-317.

secure more peaceful international relations by taming the uncertainty that prevailed among sovereign states. Unlike the pre-liberals proponents of international organization, these thinkers relied upon their peculiarly liberal understandings of domestic society to frame their prescriptions for international reform (i.e., a “domestic analogy”).

For example, Locke claims that the “inconveniences” of pre-political life drive individuals into political society.²² The lack of stable (property) relations creates conflict in a generally peaceable state of nature. When individuals enter into a social contract they do so only if the form of sovereignty functions to secure their natural rights within a prudent and stable institutional framework. Individual misperception, fear, and insecurity are allayed by a democratically representative politics within the state, albeit one of restricted suffrage. Locke applies this view of domestic politics to his prescriptions for interstate relations. For him, an international society of states is not necessarily a “state of war,” if only the institutions can be established to remove misunderstanding and poor judgement on the part of states—both of which are caused by the nuisances of a poorly consolidated international society. Bentham too, stresses the importance of “personal decision and moral judgement” by state leaders, thus drawing “closely on the effects of human nature.”²³ International reform is achieved by the gradual removal of any “inconveniences” that may hamper state actors from

22 See John Locke, *Second Treatise of Government*, ed. by C.B. Macpherson, Indianapolis and London: Hackett Publishing Company, 1980, chaps. 1-3, and especially 8.

23 Doyle, *Ways of War and Peace*, 226; see also Smith, “Liberalism and International Reform,” 203.

perceiving correctly what is in conformity with natural rights (Locke) or calculations of the greatest good (Bentham).

The difficulty with any plan to reform interstate relations by the mere addition of international organizations and law is that such mechanisms are too formal. For they announce the possibility of international cooperation and peace without specifying either how it would be enforced or—at the very least—how reform would be implemented and practiced by states with little incentive to change. For *even if* international organization is created and laws are expounded, they are insufficient in an anarchic realm. There is little likelihood that the war-prone sovereigns of states will transform their relations without a global sovereign—a solution that is far too impractical and despotic to seriously entertain. Thus, despite the implicit use of a domestic analogy, international relations is only tenuously pacified rather than actually domesticated.

Hinsley writes that, “[a]fter the beginning of the eighteenth century it remained possible—if unusual—for men to suggest that international peace might be obtained by means other than international organization.”²⁴ Attempts to go beyond mere international organization can be located in liberals, from Adam Smith, to Bentham, Richard Cobden and John Stuart Mill, who promoted free trade or global commerce as equally, if not more, important than international organization. As Doyle notes, there is a strong history of “commercial pacifism” within liberal internationalism which

24 Hinsley, *Power and the Pursuit of Peace*, 33.

holds that “market societies are fundamentally against war.”²⁵ The mechanism of global commerce works as follows: free trade and the dispersion of wealth and welfare across artificial state boundaries create greater interstate peace. The rejection of mercantilism and the strict limitation on governmental interference in private, entrepreneurial interests restricts those sovereign states who would otherwise impose their conflicts upon individuals and impede the pursuit of happiness.²⁶ The internationalization of market society not only pacifies interstate relations, it also transforms domestic societies by checking the illiberal sovereigns who resist the reform of both spheres. This liberal mechanism is viewed as superior to international organizations alone because reform is not merely left to the constructive interventions of visionary statesmen, but is instead a “structured outcome of capitalist democracy.”²⁷

However, subsequent liberals are not only more skeptical of leaving international reform to the discretion of beneficent individual sovereigns, but also of the idea of rationally motivated capitalist exchange. This is because neither of these mechanisms can bind nor obligate states to transcend the anarchy that exists among states that are not, by their very internal structures, peace-seeking. In this view, the constitutions of states have a profound effect upon the nature of their interrelations. It is here that Kant and Woodrow Wilson are most frequently cited to support the idea that the supreme liberal internationalist mechanism is the democratic, self-determining state.

25 Doyle, *Ways of War and Peace*, 230.

26 *Ibid.*, 233-4.

27 Doyle uses this comment with specific reference to Joseph Schumpeter, *ibid.*, 250.

If the actual decision of whether to engage the state in war against other states is not located in the “people,” meaningful international reform is impossible. International organizations or a League of Nations can only function if comprised of “self-determining” peoples who are allowed to flourish.²⁸ International relations can thus only be reformed if particular nations are animated by the principle of “popular sovereignty” because such peoples have no interest in war. The revival of this mechanism of liberal internationalist reform after the Cold War is the focus of the next chapter.

Many contemporary accounts of the differing historical mechanisms of liberal reform essentially stop with, and recycle, the Wilsonianism of the early twentieth century. In so doing, the tendency has been to demonstrate merely how each of the above ways of reform have been modified and refitted to the post-1945 world of international organizations, both political and economic.²⁹ Or, more recently, the essential validity of the liberal internationalist view has been seen to have a very gradual, if seemingly delayed, triumph in the post-Cold War order.³⁰ After the decolonization process, and with the “third wave” of re-democratization in the 1990s,

28 Of course, many liberals have suspended this principle when discussing non-European or “Other” peoples. See, in the case of Wilson, Cynthia Weber, *Simulating Sovereignty: Intervention, the State, and Symbolic Exchange*, Cambridge University Press, chap. 5.

29 See Inis L. Claude Jr., *Swords Into Plowshares: The Problems and Progress of International Organization*, Fourth Edition, New York: Random House, 1984, 51, 54; see also Smith, “Liberalism and International Reform,” 215.

30 See Francis Fukuyama, *The End of History and the Last Man*, New York: Avon Books, 1992; also Bruce Russett, *Grasping the Democratic Peace*, *passim*.

the spread of “popular sovereignty” is interpreted as having come to prevail in, and pacify, the world. In other words, when it comes to describing the range of liberal mechanisms for international reform, most mainstream, state-centric commentators restrict their analysis to those mechanisms of reform first initiated in the eighteenth and nineteenth centuries. However, such accounts are incomplete because they overlook the emergence of an entirely different strand of non-statist mechanisms of reform proposed in the twentieth century.

David Long, among others, has analyzed the existence of an important, although less influential, tradition of liberal internationalist theory. He points out that, although there are several ways to divide liberal thought, an important split is between classical and “new” liberalism. This terminology is adapted from Michael Freedén’s work on the evolution of British liberalism.³¹ Freedén claims that, as the liberal ideology developed, it cleaved because its initially *laissez-faire* character became viewed as merely protecting vested interests of certain sections of political society. The radical origins of liberalism, as a commitment to overcoming vested interests, had been submerged until a “new” liberalism, exemplified in the thought of L.T. Hobhouse, J.A. Hobson, and John Maynard Keynes, emerged to promote a greater role for the state, the increased rational organization of the economy and society, and—most importantly—a more “positive” conception of individual freedom.³² Long applies this

31 Michael Freedén, *New Liberalism: an Ideology of Social Reform*, Oxford: Clarendon, 1978.

32 David Long, “The Harvard School of Liberal International Theory: a Case for Closure,”
(continued...)

analysis to internationalism, claiming a similar split among liberals over the question of “how” to reform internationally. The previous liberal answers to this question, i.e., free trade; international law; national self-determination; and a League of Nations, are all similar to the extent that they embrace as unproblematic the *laissez-faire* stance toward the economy and international organization. This classical liberal stance was judged by “new” liberals as being too formal in that it optimistically overlooks the material requirements for peaceful change. More critically, it is state-centric. Classical liberal internationalism assumes that meaningful and lasting reform can occur when it is directed by the wills of states—albeit, ideally ruled by the “people”—who are left to themselves to impose rightful limits on their sovereignty.

Michael Joseph Smith notes that, “[t]he liberal tradition has also served to ground dissent from a perceived statist bias among most international leaders. In these terms, the tradition remains alive and vital....”³² He could have added that this “dissent” from a statist bias exists equally *within* the liberal tradition. The emergence of a profound skepticism of the classical mechanisms of reform is historically rooted in the “shattered” confidence of liberalism from the Great War—one that has caused a “crisis” within internationalism.³⁴ Quite simply, the territorial state became viewed by

32 (...continued)

Millennium: Journal of International Studies, 24 (1995): 502.

33 Smith, “Liberalism and International Reform,” 220.

34 David Long, “Conclusion: Inter-War Idealism, Liberal Internationalism, and Contemporary International Theory,” in David Long and Peter Wilson, eds., *Thinkers of the Twenty Years’ Crisis*, 313.

many so-called “new” liberals as just too recalcitrant and obstinate of an agent to actually manage the reform of an enduring condition of anarchy. It is unsurprising that in this century there arose newer varieties of internationalism such as David Mitrany’s functionalist approach.³⁵ His position, and the neo-functionalist reformulation that followed,³⁶ downplay the importance of formal interstate mechanisms and legal-institutional frameworks in favour of transnational associations of legitimacy that transform human loyalties to particular states.³⁷ The contested question of “how” liberal internationalist reform is to be carried out has thus been enlarged to include this deep pessimism in the capacity of sovereign states, even though the majority of mainstream descriptions of this tradition ignore its importance.³⁸

The post-Cold War renaissance of liberal theory on international relations has been preoccupied with the question of which of the traditional mechanisms of reform are adequate to present circumstances, and which require revision according to these conditions. What is remarkable in this context is the near-universal reference to Kant’s philosophy by scholars for so many diverse attempts to characterize and justify a tradition of, or future plan for, reform. The sudden ubiquity of Kant as a foundational

35 David Mitrany, *A Working Peace System*, Chicago: Quadrangle Books, 1966.

36 Ernst B. Haas, *Beyond the Nation-State*, Stanford University Press, 1964.

37 See Charles Pentland, *Integration Theory and European Integration*, London: Faber and Faber, 1973, 70, 81; Paul Taylor, “Functionalism: the approach of David Mitrany,” in A.J.R. Groom and Paul Taylor, eds., *Frameworks for International Co-operation*, London: Pinter Publishers, 1990; and Cornelia Navari, “David Mitrany and International Functionalism,” in Long and Wilson, eds., *Thinkers of the Twenty Years’ Crisis*.

38 See for example Doyle, *Ways of War and Peace*.

source of liberal theory is perfectly plausible and, simultaneously, utterly remarkable. The widespread popularity of Kant is understandable because liberal scholars have been obsessed with the mechanics of reform rather than the ethics of reform. This priority reverses the direction of causality by which Kant himself articulates his reform project (as I argued in Chapter 3). Kant is perhaps the only intellectual forerunner to liberal internationalism that can, superficially at least, be used to lend support to any and nearly all of the different mechanisms described above. There is evidence in Kant of an economic libertarianism given his view that war is entirely incompatible with the “spirit of commerce.”³⁹ There is even more ample and convincing evidence of Kant’s support for a League of Nations; international law; and the pacific effects of the right type of constitution.⁴⁰ And, when read from a particular angle, Kant’s philosophy supports an increasingly post-statist, cosmopolitan world order in which pacifying forms of political representation are not tied exclusively to territorially exclusive statehood.⁴¹ Indeed, if Kant’s own statements on mechanisms for reform are detached from his theory of justice they are likely to be read in a variety of ways that he could not have anticipated nor likely have approved. And thus, the “problem-solving” bias

39 The Fourth Preliminary Article of “Perpetual Peace” is that states abolish all national debts, PP, 95.

40 Whether these constitutions can be properly called “democratic” in the case of Kant, as some contemporary liberal theorists claim, shall be discussed in Chapter 5.

41 See for example Mark F. N. Franke, “Kant and the (Im)Possibility of International Relations Theory,” *Alternatives*, 20 (1995): 280; David Held, “Cosmopolitan Democracy and the Global Order: Reflections on the 200th Anniversary of Kant’s ‘Perpetual Peace’,” *Alternatives*, 20 (1995): 415-29; Daniele Archibugi, “Immanuel Kant, Cosmopolitan Law and Peace,” *European Journal of International Relations*, 1, 4 (1995): 429-56.

of many contemporary International Relations theorists leads inevitably to some form of anachronism *vis-à-vis* the construction of a Kantian legacy.

On the other hand, the use of Kant's image to speak of the mechanisms of reform is rather curious. This is because the underlying ontological and ethical foundations of his political theory are decidedly at odds with the predominant Anglo-American versions of political liberalism. As noted above, the absolute autonomy of morals and the priority of formal over material causes that it engenders within his theory of justice is indeed a peculiar form of liberalism—one that has, as I have explored in the Part 1, several illiberal facets, especially when it comes to the sovereign state. Jens Bartelson similarly notes that the majority of internationalist references to Kant “neglect or distort some of his ideas by overlooking the foundations of his political philosophy, and instead merely reiterate...the problems that Kant himself sought to solve.”⁴² This ignorance of his critical philosophy justifies R.B.J. Walker's comment that it is only a “kitsch Kantianism” which underlies contemporary theorizing in international relations.⁴³

My own explanation for this problem within liberal internationalist theory is the excessive preoccupation its proponents have with simply the mechanics of reform rather than its ethical justification. This is the case with both statist and non-statist liberals. There is a two-pronged result of this bias: first, by focusing on such

42 Jens Bartelson, “The Trial of Judgement: a Note on Kant and the Paradoxes of Internationalism,” *International Studies Quarterly*, 39, 2 (1995): 256-7.

43 Walker, *Inside/Outside*, 161.

mechanical issues, important questions on the ethical foundations of international reform are obscured or merely assumed. This claim by no means suggests that the mechanics of reform are disconnected entirely from questions of justification—as I shall demonstrate below, they are intimately related. Rather, it is that the more salient inter-liberal debate on “how” to reform international relations is incomplete unless it is rooted explicitly in a debate about the ethics of individual freedom, state sovereignty and international justice. Second, Kant is not understood correctly in this context because his reform project cannot be explained solely on the basis of the mechanisms he forwards for reform. If his legacy has not been as coherent as many have wished to suggest, it is partly because his mechanisms are not a sufficient basis upon which to fix a firm foundation. Nevertheless, even if we transcend the mechanics of reform and attempt to build a coherent legacy on the Kantian ethics of reform, there is a near equally equivocal legacy.

Freedom, Justice and the Ethics of International Reform

Underneath the divisions among liberals about how to reform international politics there lingers a deeper, unresolved issue. What is ultimately at stake in the various and conflicting prescriptions regarding the mechanisms of reform is the *end* shared necessarily by all truly “liberal” strains of international thought. It concerns whether

the sovereign state enables or impedes the overarching goal of individual freedom and, more specifically, a freedom that is justly realized. This recalls Halliday's point that in internationalist thought generally, the legitimacy of the state is dependent upon the transcendent goal of the ideology with which an international reform agenda is coupled. In such a debate among liberals, the question of mechanism would be subordinate to, and judged by, an ethical standard or justification. It is within such a debate that Kant's ambiguous place within the liberal internationalist tradition is, in my view, explained more satisfactorily. This is because, within Kant's philosophy, as demonstrated in Part 1, the entire "international problem" is ultimately considered from a concern for individual freedom in a phenomenal world necessarily populated by sovereign states. In other words, Kant's reform project is an answer—one that is, as we have seen, highly complex and diverse—to an ethical question of sovereignty's relationship to the goals of freedom and justice. And, it transpires, his problematic stance on the ethics of reform has been invoked by contemporary liberal internationalists to support two distinct and rival visions of reform, one statist and the other post-statist. However, as I argue below, even when the ethical moorings of Kant's international project are taken more seriously, it is the ambiguity of his own theory of justice that has led to rival accounts of the nature of reform.

The basic liberal mechanisms of reform rely on a frequently unacknowledged ethical controversy. Historically, the question of sovereignty's compatibility with individual freedom appears much more salient in liberal experience of the so-called "domestic" context. This is because, although sovereignty provides a political and

legal framework that enables freedom from the coercion of others (i.e., some form of justice), its awesome power is a constant threat: the state can impose arbitrary and intolerable ends on the very same individuals, thus negating liberty altogether. In contrast to Hobbes' philosophy of the state, subsequent thinkers—many of whom are judged retrospectively as “liberals”—debated “how” to ensure that individuals consent to (or even make) the laws under which they are to live. Liberals have thus always been crucially divided over whether the state is compatible with individual liberty, and to what extent sovereignty aids or impedes its realization.

Nonetheless, the tension between state sovereignty and freedom is equally intractable and divisive when considered in the “foreign” or international context. The traditional perception of liberals—one that is certainly present in Kant's texts—is that the sovereign state's proclivity to make war is oriented by illiberal *purposes* and resultant in illiberal *consequences*. As regards purposes, the monarchic, aristocratic, mercantilist, and militarist classes capture the state and initiate wars for their narrow, sectional ends.⁴⁴ Such military adventures are enabled by the closed nature of the decision-making processes used by non-liberal forms of state sovereignty. Much more crucial, however, are the consequences: such wars destroy the grounds of individual freedom by imposing high (material and other) costs on citizens—the highest of which is life itself. In this context, the internationalized version of liberalism's sover-

44 On this point, see Doyle, “Kant, Liberal Legacies and Foreign Affairs,” in Brown *et.al.*, *Debating the Democratic Peace*, 5-6. This is a reprint of two influential articles that appeared in *Philosophy and Public Affairs*, 12, 3/4 (1983): 205-35/323-53.

eignty/freedom ethical dilemma concerns whether the state (and, collectively, the states system) is capable of (self)-reform towards the goal of promoting and protecting individual freedom.

To a limited extent, it is possible to differentiate liberals on this problem by referring again to the use of the domestic analogy. That is, some liberals are much more optimistic and confident about the chances of reforming and limiting the sovereign state's powers and juridical scope by fixing individual rights and duties through the appropriate constitutional barriers. The sovereign state's existence, shape, and powers are made contingent upon and justified by individual freedom. It is here that some conception of "popular sovereignty" becomes coextensive with liberal notions of legitimate rule. If a state transgresses the established conception of individual freedom, it is no longer truly "sovereign" because it has violated the popular will upon which it must be based. In such a case, rebellion and revolution have been justified.⁴⁵ State sovereignty is considered to be largely compatible with individual freedom insofar as it is constituted and legitimated correctly, i.e., with some view of its just organization.

Does this type of liberal optimism about sovereignty pertain in the "international" context? As argued above, liberals such as Locke, Bentham, and (to an extent) Kant, hold that institutional reform can occur successfully among sovereign states. The

45 See Locke, *Second Treatise of Government*, ch. 14. It should be recalled from the previous chapter that Kant's doctrine of sovereignty contains decidedly *illiberal* sentiments towards the rights of rebellion when compared to Locke.

possibility of individual freedom *through* the agency of state sovereignty is affirmed when states are viewed as capable of transforming their internal constitutions and, as a result, the conflictual relations among them. International law, organizations, and regulatory institutions are the mechanisms that mediate between the external and internal sovereignty of states; they act as a surrogate for a world government and thus serve a *quasi*-constitutional function.⁴⁶ This predominant resolution within liberal internationalism is, as Hoffmann has suggested about the tradition in general, “best at performing...negative tasks.”⁴⁷ Individual freedom is ultimately promoted by the coordinated effort of states to refrain from intervening in each others’ political affairs. The ethical bias of this particular position is nicely summed up by Doyle:

The basic postulate of liberal international theory holds that states have the right to be free from foreign intervention. Since morally autonomous citizens hold rights to liberty, the states that democratically represent them have the right to exercise political independence. Mutual respect for these rights becomes the touchstone of international liberal theory.⁴⁸

However, Doyle’s statement is too sweeping and, moreover, ahistorical. For there are other ethical stances within the development of liberal internationalism that are much more ambivalent, if not outright skeptical, about the compatibility of sovereignty and freedom.

In the previous section it was noted that “commercial pacifists,” for example, look not to what states could “do,” but to what they should refrain from doing. Anti-

46 See for example PP, 104-5 and 129

47 Hoffmann, “The Crisis of Liberal Internationalism,” 164.

48 Doyle, “Kant, Liberal Legacies and Foreign Affairs,” 10.

mercantilist free-traders such as Smith and Cobden are much less confident about the state as a pro-active force domestically—and this carries over into their views of international relations. Wealth, welfare and the moral improvement of both the individual and the species were things that could best be (spontaneously) generated by private interactions in civil society. Nonetheless, this classical liberal or *laissez-faire* skepticism about the state does not actually go so far as to challenge its existence. Although the state is not a direct instrument of individual freedom, sovereignty is viewed largely as a “necessary evil.” Therefore, in spite of an initial distrust about the state’s compatibility with individual freedom, commercial liberals ultimately share the view that, as long as the *source* of sovereignty is correctly fixed in the “popular will” (of the bourgeoisie!), the prognosis for progressive international reform is positive.

A much deeper distrust of sovereignty emerges from liberals who realize that it is precisely *because* of the international context that states are not adequate to the task of self-reform and cannot therefore function to secure individual freedom. Kant’s texts can be rightly invoked here too because, as I claimed in Chapter 3, he views interstate anarchy to be too hostile and competitive an environment for states to *purposefully* reform their relations. For one thing, many sovereigns—and particularly non-republican ones—are likely make exceptions for themselves from any peace agreements reached, and, therefore, other states would necessarily have to engage in strategic action in self-defence.⁴⁹ For this reason Carl Joachim Friedrich claims that

49 PP, 103.

Kant's vision of reform "rests squarely upon...[his] extraordinary philosophy of history."⁵⁰ Kant's teleological "guarantee" of international reform implies the insufficiency of sovereign states, even ones that are based on a large measure of domestic justice, to fulfil the requirements of individual freedom. For mere interstate anarchy can cause the imposition of wars upon individuals of any state.⁵¹ However, the fact that Kant requires a philosophy of history to envisage possible reform should be viewed as a consequence of a problematic application by Kant of his theory of justice to international politics (something that Friedrich does not consider). This is because Kant rejects a global sovereign required by his own formal principles of justice; his non-ideal vision of reform allows anarchy to continue undomesticated. It is only the worst *effects* of anarchy that Kant hopes will be pacified in time.

Nevertheless, Kant's skepticism in the capacity of sovereign states to accomplish self-reform anticipates the anti-statist temper of many liberals of this century (even if not with the same underling reasons and justifications). Liberal optimism in the state, and any residual Kantian faith in historical teleology, for that matter, were challenged by events in the early twentieth century. As mentioned in the previous section, all of the traditional internationalist mechanisms of reform proved incapable of preventing major wars. The failure of liberalism's "promised land," to appear, according to Long,

50 Friedrich, *Inevitable Peace*, 27.

51 Kant's critique of democracy can also be read as a critique of popular sovereignty as a sufficient condition of peace, see PP, 100-1. This will be discussed further in Chapter 5.

led to a “shattered optimism.”⁵² As Richardson notes, international organizations became viewed in less sympathetic terms: “the idea that [such mechanisms]...might become a bulwark of privilege, a way of preserving the established order by other means, was expressed in the interwar period by the dissatisfied, ‘revisionist’ powers, and critics of liberalism such as E.H. Carr were quick to challenge the moral pretensions of the powers upholding the League of Nations.”⁵³ This critique of international organizations as merely the playthings of powerful states is actually echoed in the thought of liberals such as Mitrany.⁵⁴ Additionally, the phenomenon of nationalism made the idea of “popular sovereignty” far more problematic than classical internationalists had assumed. As Hoffmann states, “[s]elf-determination was seen as the necessary corollary of liberal self-government, and it was this conviction that reshaped the vision of final international harmony into a vision of nation-states with liberal regimes: Wilson’s dream.”⁵⁵ But after the horrors of the desire for national autonomy were demonstrated in major wars, many “liberals have moved from regarding nationalism as a liberating doctrine compatible with the goals of limiting state power and pacifying international competition to a recognition that unbridled

52 Long, “Conclusion: Inter-War Idealism, Liberal Internationalism and Contemporary International Theory,” 315 and 313.

53 Richardson, “Contending Liberalisms: Past and Present,” 17.

54 See Mitrany’s reflections on international organizations in *A Working Peace System*, 149-156.

55 Hoffmann, “The Crisis of Liberal Internationalism,” 163.

nationalism has proven in the modern era to be one of the strongest ideological weapons in the armory of independent sovereign states.”⁵⁶

It is my contention, however, that the result of this lost confidence in the state was not merely a change in liberal tactics for reform—for a profound *ethical* shift occurred too. The classical liberal belief in individual *freedom through state sovereignty* was no longer entirely hegemonic. The advent of non-statist mechanisms of reform such as Mitrany’s “functionalism” indicates the sentiment that a world of states actually constrains and negates the realization of individual freedom. For this reason, as Charles Pentland notes, functionalism views reform as occurring “not through, above or beyond, but *despite* the nation-state.”⁵⁷

During the Cold War the status of liberal internationalism is somewhat ambiguous. In the discipline of International Relations, American scholarship and political realism dominate. With the exception of functionalism and neo-functionalist approaches to international organization, liberal internationalism as a project for reform was an unpopular position that received sustained criticisms from eminent teachers such as Hans J. Morgenthau.⁵⁸ Nevertheless, many tend to characterize American foreign policy in these years as adhering more closely to principles of liberal internationalism

56 Smith, “Liberalism and International Reform,” 212.

57 Pentland, *Integration Theory and European Integration*, 81, emphasis added.

58 Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fourth Edition, New York: Alfred A. Knopf, 1967, 33-4.

than political realism.⁵⁹ Indeed, the lines between these two positions is blurred by the fact that the former is merely held by many Americans to be, *inter alia*, the opposite of narrow isolationism and the promotion of democratic values abroad.⁶⁰ But when the active role in constructing international organization and a world (capitalist) economic order is held to be in American interests, it is also conceived as being compatible with the essential principles of realism if, in Morgenthau's terminology, such a role does not confuse such particular interests with those of the world.⁶¹ Also during the Cold War, the rise of positivist-empiricist methodology in the field obscured the specifically liberal bias of those scholars who, while certainly favouring international reform, sought "value-neutrality." Thus a full-fledged renaissance of liberal internationalism did not start until the 1980s in the discipline of International Relations when the predominance of realism and positivism was being challenged.

However, the end of the Cold War is an extremely important event—it cast doubt on the adequacy of realist principles within the American academy and, throughout the 1990s, provided a context in which scholars believed a reconsideration of Kantian and/or Wilsonian principles was in order. However, these foundational figures, especially Kant, have not provided an entirely unambiguous legacy. Indeed, the most recent versions of liberal internationalism are as divided as ever on the issue of

59 See for example Hoffmann, "The Crisis of Liberal Internationalism," and Gardner, "The Comeback of Liberal Internationalism."

60 It must be stressed that liberal internationalism as a foreign policy posture is not, ultimately, the same thing as a systematic analysis of International Relations.

61 Morgenthau, *Politics Among Nations*, 10.

whether the sovereign state is adequate to promoting individual freedom, specifically, and the meaning of international justice, generally. Current liberal internationalist theory is polarized between a “conservative” or status-quo stance that seeks merely to deepen and widen the alleged pacifying effects of sovereign states based on democratic representation principles and a “cosmopolitan” version that envisages great limits of the statist framework for freedom and the decreasing importance of state sovereignty altogether.

A revival of specifically Kantian-inspired liberal internationalism started in the early 1980s and has, as noted above, guided an explosion of scholarship in the present decade. Nonetheless, just as Kant’s texts have been used to support arguments in favour of nearly all of the different liberal mechanisms for reform, he has been employed as a deeper philosophical source on the ethics of reform. More specifically, he has also been used to deliberate whether the state is compatible with individual liberty in its international setting and, relatedly, on the nature of international justice. Since the early 1980s, Doyle and Andrew Linklater have published contrasting views on the ethical nature of internationalism. These scholars are extremely important in the present argument for two reasons: first, they both turn to Kant’s “legacy” to support their arguments; and second, these arguments have been influential in the field, spurring differentiated Kantian “legacies” each of which now support, as the next chapter demonstrates, rather distinct research programmes. In each of their accounts, Kant’s “legacy” is one that grounds contrasting views of the sovereign state’s compatibility with freedom. I explain these distinct legacies by demonstrating that

Doyle and Linklater appeal to different elements of Kant's ambiguous vision of sovereignty and the theory of justice from which it is drawn.

By far the most dominant Kantian "legacy" in the discipline is initiated by Doyle. His seminal 1983 two-part article on Kant and liberalism has the virtue of giving both a philosophical and social scientific explanation of what is, according to at least one observer, "as close as anything we have to an empirical law in international relations."⁶² The "law" in question is the absence of major wars among liberal states since the early nineteenth century. Doyle claims there is a philosophical explanation in Kant's writings for two different liberal legacies: first, the increased mitigation of anarchy among liberal forms of sovereign states; and, second, the persistent reality of liberal aggression towards illiberal forms of sovereignty. Doyle looks to a singular "legacy" of Kant for an explanation for these two related liberal traditions. He identifies the republican sovereign state as the most important cause for both liberal legacies. Essentially, an equal balancing of individual arbitrary freedom within states has the external effect argued by Kant: republican states are more likely to coordinate their wills and act on basic principles of a specific type of international justice: i.e., co-existence and non-interference. However, the absence of this coordinating mechanism between the "inside" and the "outside" between liberal and illiberal regimes not only

62 Jack S. Levy, "Domestic Politics and War" in R.I. Rotberg and T.K. Rabb, eds., *The Origin and Prevention of Major Wars*, Cambridge University Press, 1989, 88.

permits anarchy to reign, it prompts wars of missionary liberalization by liberal states wishing to domesticate international relations.⁶³

A more detailed analysis and critique of Doyle's basic thesis about the relationship between democracy and peace is the subject of Chapter 5. What is of interest here is the specific way in which he constructs a legacy out of the ambiguous materials that are available from Kant's texts. Two related points are of outstanding significance in Doyle's depiction of the Kantian "legacy." First, because state sovereignty—at least in its liberal form—is the crucial mechanism of international reform, its existence is a "given" necessity. Second, the internationalist agenda as specified by this interpretation of Kant has already been largely achieved by "actually existing" liberal regimes;⁶⁴ the only remaining task for the transcendence of anarchy is the global elaboration of extant principles of liberal sovereignty. Doyle certainly acknowledges that there are social and political problems unresolved in liberal states. Moreover, he is concerned with explaining the more limited outcome of interstate peace rather than freedom. Nonetheless, in thus truncating Kant's vision, Doyle implicitly attributes to Kant the view that individual liberty is compatible with whatever existing amount of self-reform liberal sovereign states are capable. Thus, sovereignty is in principle fully compatible with individual freedom, and it is the foundation of international justice.

63 Doyle, "Kant, Liberal Legacies and Foreign Affairs," 30.

64 See Chris Brown, "'Really Existing Liberalism' and International Order," *Millennium: Journal of International Studies*, 21, 3 (1992), 313-28.

At roughly the same time Doyle published his statist reading of Kant's "legacy," Linklater's book, *Men and Citizens in the Theory of International Relations*, appeared. Linklater does not wish merely to vindicate classical liberal internationalism but to question its traditionally state-centric assumptions as regards the means to the end of universal emancipation. In this and subsequent publications, Linklater relies upon the notion of "critique" to illustrate the historical possibility of the reform of international relations.⁶⁵ He proposes that "an alternative framework with which to defend the internationalist" project is "exemplified" by Kant's legacy.⁶⁶ Human freedom can only be satisfied if we follow Kant's philosophical example and become aware "of the

65 Andrew Linklater, *Men and Citizens in the Theory of International Relations*, London: Macmillan, 1982, p. 11; see also Andrew Linklater, *Beyond Realism and Marxism: Critical Theory and International Relations*, London: Macmillan, 1990; Andrew Linklater, "The Problem of Community in International Relations," *Alternatives*, 15 (1990): 135-53; Andrew Linklater, "Citizenship and Sovereignty in the post-Westphalian State," *European Journal of International Relations*, 2, 1 (1996): 77-103; and Andrew Linklater, *The Transformation of Community: the Ethical Foundations of the Post-Westphalian Era*, Cambridge: Polity Press, 1998, 220.

It might be objected that Linklater's scholarly career does not support liberal internationalism, given his use of Hegelian and Marxist-inspired critical theory. But critical theory need not be incompatible with the essential goals of liberal internationalism. We must take Linklater's own statement of intent seriously: "[t]he specific contribution that critical theory can make to the next stage of international relations theory starts from the premise that the emancipatory project ought to be more central to the field. Critical theory presents the case for *recovering the old idealist programme*, modernised to take account of the various intellectual developments and debates which have shaped the field over the past sixty or seventy years," "The Question of the Next Stage in International Relations: a Critical-Theoretical Point of View," *Millennium: Journal of International Studies*, 21,1 (1992): 98, emphasis added. Cf. Beate Jahn, "One Step Forward, Two Steps Back: Critical Theory as the Latest Edition of Liberal Idealism," *Millennium*, 27, 3 (1998): 613-641.

66 Linklater, *Men and Citizens*, xi.

possibility of human intervention in the social world in order to modify its nature.”⁶⁷

It is on this basis that Linklater claims that the Kantian legacy supports “a radical transformation of the political world in the direction of that condition in which all human beings live in conformity with the imperatives grounded within their rational natures.”⁶⁸ Linklater certainly realizes that Kant places a high premium on the limited moral improvement of individuals within the framework of the state.⁶⁹ However, because sovereign states are morally subordinate to individual autonomy, they cannot be counted upon as the sole “trustees” of international reform.⁷⁰ Kant’s philosophy, as elaborated by Linklater, appears to anticipate a post-sovereign world order.⁷¹ He is thus skeptical that existing republican sovereign states are sufficient and exhaustive of human autonomy—even within Kant’s thought.⁷² Linklater’s Kantian legacy is an internationalism in which the *sine qua non* demand of sovereignty as a political device for ethical ends is eventually eclipsed because of its ultimately detrimental relationship to human freedom. This line of analysis, while less influential in mainstream scholarship than Doyle’s, has had its influence in the discipline.⁷³

67 *Ibid.*, 11.

68 *Ibid.*, 99.

69 *Ibid.*.

70 *Ibid.*, 116.

71 *Ibid.*, 114; see also 99.

72 *Ibid.*, 115-6.

73 As we shall see in Chapter 5, Linklater’s view that the republican sovereign state is an insufficient mechanism of internationalist reform in Kant’s thought is adopted or shared (continued...)

The question that inevitably arises is how are two such fundamentally contrasting explications of Kant's liberal internationalist legacy possible? One credible answer is suggested by Bartelson. In explaining the massively divergent depictions of Kant among scholars in International Relations, he claims that "what accounts for their contradictory character is the fact that, although they start out by accepting the distinction between the concepts of nature and freedom" in the *Critique of Pure Reason*, "they all conclude by giving the one concept a more privileged position than the other in their readings of his philosophy of politics...."⁷⁴ Thus, when *nature* is given priority, perpetual peace is merely a rational chimera; but when *freedom* is given more weight, perpetual peace is a real goal for which to strive and achieve in history. Although Bartelson does not consider Doyle and Linklater, we can extrapolate easily from his assessment. Both of these conceptions of Kant's legacy are one-sided because they over-determine one of two radically distinct existential poles between which humans are placed. This is because when either nature or freedom is prioritized within Kant's system, the solution to international anarchy rests on two substantially different visions: one statist and the other post-statist. As a result, the Kantian legacy becomes divided and contested when formulating the basis of the contemporary liberal internationalist agenda.

73 (...continued)

by Archibugi, "Immanuel Kant, Cosmopolitan Law and Peace," 446, 448-9, 452; John MacMillan, *On Liberal Peace: Democracy, War and the International Order*, London: I.B. Taurus Publishers, 1998; and Mark Franke, "Kant and the (Im)Possibility of International Relations Theory," 306, among others.

74 Bartelson, "The Trial of Judgement," 264.

Nonetheless, Bartelson's explanation of the divergent conceptions of Kant's intellectual legacy is far too general because it considers this problem of interpretation from the most abstract vantage point—metaphysics. Thus, although Doyle's statist internationalism gravitates closer to natural necessity than does Linklater's post-statism, such an explanation is not specific enough to account for the radically different views these scholars take on the ethical nature of international reform. It is necessary to go beyond the nature/freedom dualism itself and to explain, as I have done in Part, how this underlying chasm actually animates Kant's theory of justice. This is because Doyle and Linklater rely on implicit and unexamined understandings of just how the sovereign state is related to the goal of freedom in Kant's political theory.

Doyle certainly takes the goal of freedom to be a serious end of liberal internationalism. However, he absorbs the *formalism* of Kant's theory of justice. His position is thus more consistent with the "conservative" interpretive stance identified at the end of Chapter 2. Freedom is thus merely a regulative ideal, a symbolic device that is perpetually restricted in its application to the material world of politics. As a result, the phenomenally existing sovereign state—albeit one that is *republican*—is entirely sufficient for external individual freedom and thus effectively terminates the nature of international reform. Such reform consists merely of the continued diffusion of republican forms of sovereignty. Although Doyle certainly does not advocate a world state, his articulation of the Kantian legacy is based more upon Kant's *formal* reading of the meaning of international justice.

By contrast, Linklater's reading of Kant's liberal internationalist legacy clearly takes up the more radical interpretation to which I alluded at the end of Chapter 2. The cosmopolitan kingdom of ends of Kant's moral philosophy is viewed as a real goal that cannot be met merely through the agency of the (republican) sovereign state. Moreover, the division of humanity into exclusive territorial spheres governed by sovereign agents is only of transient significance to the realization of this moral goal. International justice for Linklater would thus seem to draw more upon Kant's second justification of international reform, the material one that places individual freedom at the centre. As a result, Linklater drops Kant's dogmatic justification of sovereignty and embraces the possibility of alternative frameworks for the promotion of individual autonomy.

Conclusion

The nature of internationalism is actually contested by those who have sought to advance international reform on the basis of liberal principles. The renaissance of liberal internationalism after the Cold War should not mask the profound differences among liberals historically and at present over the mechanics and ethics of reform. In this chapter I have explored these differences and have additionally explained them in relation to the ambiguous legacy that Kant has left for subsequent reformers of

international anarchy. Given the dualistic nature of his theory of justice, I have argued that his status as a foundational source of internationalism is understandably divided between statist and post-statist theorists, each of whom assume that the sovereign state has particular relationship to the ethical goals of individual freedom and international justice. The following chapter examines and contrasts how these two Kantian legacies have been refined and articulated as research programmes with radically different prescriptions for the requirements of contemporary international reform.

CHAPTER 5

THE POST-COLD WAR ERA: POPULAR SOVEREIGNTY OR COSMOPOLITAN DEMOCRACY?

The meaning of liberal internationalism—specifically its vision of progressive reform—is controversial and diverse because of its evolution. Kant’s symbolic place within this trajectory is equally complicated by the changing conceptions that liberals have historically held of international affairs. The focus of this chapter is to examine these claims within the contemporary, post-Cold War order. Since the changes to the nature of international relations after 1989, there has emerged not merely a revival of liberal internationalist thought, but increasingly refined accounts of what type of reform is adequate to the present world.

In particular, there have emerged two research programmes with distinct visions of reform based on the liberal ethical concerns that have been discussed above, freedom and justice. Interestingly, these two visions—the “democratic peace” (DP) thesis and the “cosmopolitan democracy” (CD) model—rely on the contrasting Kantian legacies revealed in the previous chapter. The present chapter compares these liberal visions of reform and makes two central claims. First, as with Doyle and Linklater, both the DP theorists and CD advocates construct their Kantian foundations from distinct, partial, and often unacknowledged assumptions about the actual nature of his theory of justice. However, in demonstrating this, I also reveal that these

distinct understandings are expressions of the two principal strands of liberal ideology—one classical, the other much more reformist.

The second claim is that, in spite of certain weaknesses, the CD model is a superior vision of international reform. The DP theory is too narrow a basis for such reform because it is constrained by an anachronistic conception of territorially fixed “popular sovereignty.” This commitment to popular sovereignty actually arises from an uncritical acceptance of Kant’s seemingly rigorous formalism in his theory of justice. This formal vision of the conditions of reform constrains the potential for autonomy in a context of globalization. The CD model, by contrast, draws upon other elements from Kant in an attempt to transcend the limiting role that sovereignty plays in his political thought. In place of popular sovereignty, it is Kant’s (admittedly vague) notion of “cosmopolitan law” that CD theorists employ to depict the type of reforms required to promote autonomy under globalizing conditions. Although this model exaggerates the role of “cosmopolitan law” in Kant’s thought, the attempt is nonetheless a genuine reflection of his vision that material factors, too, are required to achieve justice.

The reason why it is possible to use Kantian precepts to support two very distinct visions of international reform is because of the ambiguity inherent to his theory of justice that were discussed in Part 1. This ambiguity goes to the heart of why his legacy has become ammunition for both classical and reform liberals. As argued above, Kant makes a categorical distinction between politics and morality by explicitly stating that justice concerns only formal principles of Right and not material principles of

virtue.¹ From this, his claim that states must create and maintain consistent domains of external freedom for individuals by refraining from imposing ends to which they would not consent is justified. When classical liberals interpret Kant, however, they take this rigidly stated formalism to vindicate such ideas as “limited government” and mere “equality of right.” I suggest below that the DP theorists absorb this classical liberal stance *vis-à-vis* Kant’s meaning because they simply apply it, by analogy, to the relations among states. That is, they seek only to ensure that states act like individuals in liberal domestic society by recognizing formal principles of non-interference; and the way in which this is accomplished is through the mechanism of democracy inside the state, operating in much the same formal manner.

But the classical liberal reading of Kant’s theory of justice is, I shall claim, partial and potentially misleading. For Kant’s intention is merely to prevent attempts by the state or certain sectors of society from imposing their conceptions of “virtue” upon autonomous individuals (for whom moral action requires a purely “inner” inspiration).² As claimed above, there are indications that he conceived justice as having not only a formal basis, but also a material one. That is, reform is not merely about approximating the purely transcendental principles of Right—it is also about

1 MM, 1/14.

2 MM, 239/31.

activating and promoting certain material purposes or ends in the political world that correspond to and enable autonomy.³

Reform liberals have grasped upon the less well-defined elements of Kant's theory of justice that suggest that, once the basic, formal principles of external liberty have been realized, individual "welfare" is important too.⁴ I believe that this type of reading of Kant is what tacitly sustains the CD theorists' use of his legacy; for they hold that we ought not merely assume that a Rightful condition among states is the purpose of international reform. They also hold that the formal sovereignty of states must not subordinate the direct realization of individual autonomy because globalization means that its realization is affected by material factors that are not, ultimately, territorially fixed.

In both research programmes the concept of "democracy" is central. In DP theory it is the regime type that causes peace among similarly constituted states. In the CD model, democracy is not merely a type of constitution—it is a principle of governance that actualizes autonomy in a diversity of settings, local, national, and transnational. But this democratic preoccupation is ultimately a strange thing to combine with Kant's philosophy because, as noted previously, he explicitly condemns democracy as "necessarily a despotism," a form of rule that is entirely incompatible with freedom

3 See Pogge, "Kant's Theory of Justice," 413.

4 Although there are differences between them, John Rawls and Onora O'Neill can be characterized as Kantians of this sort. See Rawls, *A Theory of Justice*, Cambridge, Mass: Harvard University Press, 1971; and O'Neill, *Constructions of Reason and Towards Justice and Virtue: a Constructive Account of Practical Reasoning*, Cambridge University Press, 1996.

and perpetual peace.⁵ On the one hand, this suggests a large measure of superficiality on the part of contemporary liberals who fail to differentiate between “the ideas of republicanism, liberalism and populism in his writings.”⁶ On the other hand, a much more interesting possibility—one that I consider in this chapter—is that the peculiar connotations of democracy within DP and CD scholarship are being used for ideological purposes: either to support or deny the central role that state sovereignty has traditionally played within liberal internationalist reform projects.

The Democratic Peace Thesis: Popular Sovereignty and International Reform

The popularity of the DP thesis can be measured by the vast literature it has inspired. Indeed, with the remarkable degree of consensus on the theoretical significance of the “law” that democracies do not fight each other, some now speak of the DP as if it has achieved the status of “normal science” in International Relations.⁷ In this section I describe the context from which the DP thesis became popularized and explain the limited way it draws upon Kant’s legacy. For he is invoked to account for and justify

5 PP, 119.

6 Steve Chan, “In Search of the Democratic Peace: Problems and Promise,” *Mershon International Studies Review*, 41, Supplement 1 (1997): 64.

7 See Chan, “In Search of the Democratic Peace: Problems and Promise,” 85. On the idea that DP theory is to explain a “law,” see Levy, “Domestic Politics and War,” 88.

an extremely narrow conception of international reform. My analysis is restricted to the assumptions and claims of the most influential contributors to the DP scholarship. Although there are some differences among them, there is an implicitly shared commitment to “popular sovereignty” as a sufficient mechanism of international reform.

Although there were a few scholars working on the connection between democratic forms of government and interstate peace in the 1970s, it was, as noted in the previous chapter, Doyle’s work of the early 1980s that first created the impression that Kant anticipated and explained the current reality of inter-liberal state peace.⁸ However, it was not until after the Cold War that such a scholarly practice became so widely diffused. The practical significance of the so-called Kantian vision that democratic regimes objectively enjoy pacific relations became salient once the Soviet Union collapsed and a “third wave” of democratization swept the world.

In the most prominent DP literature of the early 1990s there are several references to Wilson’s legacy. He, too, is said to anticipate the idea of democratic pacification in a manner similar to that of Kant. Indeed, as Russett claims, Wilson’s Fourteen Points read as though they could have been penned by Kant.⁹ Given the profound scorn heaped upon Wilsonianism during the realist-dominated Cold War years, his rehabilitation required a few adjustments by contemporary DP scholars. Charles W.

8 Doyle, “Kant, Liberal Legacies and Foreign Affairs,” 3-57. See also Michael W. Doyle, “Liberalism and World Politics,” *American Political Science Review*, 80, 4 (1986): 1153-1169.

9 Bruce Russett, *Grasping the Democratic Peace*, 4.

Kegley Jr., for example, claims that Wilson's ideas were not flawed; he was just too ahead of his time for them to have any impact.¹⁰ Similarly, Russett claims that Wilson's ideals, as those of Kant's, could not be adequately tested, much less made to function, in a world in which too few democracies existed.¹¹ However, a "new world order" has produced an opportune context. As Chan describes it, "[i]n the wake of the 'third wave' of democratizing, democracies constitute for the first time a majority of the states in the international system."¹² This fact has provided the impetus for the neo-Wilsonian spirit that has penetrated not only the speeches of recent American presidents, but the International Relations academy. However, whereas Wilson's credo was that of "making the world safe for democracy," the proponents of the DP thesis suggest only "making the world safe *through* democracy." In other words, democracy is viewed as an independent variable of peace, rather than an institution that grounds individual freedom and justice.

This fundamental constriction of the Wilsonian world-view is largely conceded by some DP theorists. For example, Russett claims that the current world order favours an attempt on the part of liberal-minded advocates of peace to make exclusive use of democratization as a technique of pacification. He adds that the old "idealist" programme from the early part of this century was rightly tossed aside. The

10 Charles W. Kegley Jr., "The Neoliberal Challenge to Realist Theories of World Politics: an Introduction," 9-10.

11 Russett, *Grasping the Democratic Peace*, 9-11.

12 Chan, "In Search of the Democratic Peace: Problems and Promise," 59.

mechanisms of collective security “as embodied in the League of Nations,” international law, and any other such ideals associated with Wilson are tested-but-failed relics. “But the elements of trade and democracy,” however, “were never given a fair chance.”¹³ The relative absence of economic nationalism and the formal commitment to democracy by the majority of states today are viewed as the supreme terms of liberal internationalist reform for the present era. Theoretically, however, what is occurring here is a radical truncation of the Wilsonian legacy. But this very same pattern is evident in the way DP theorists draw on Kant, as will be demonstrated below. Nonetheless, the one aspect of Kant’s and Wilson’s intellectual legacies that is actually maintained is the notion of “popular sovereignty” as the path to peace (rather than democracy *per se*).

Ruminations on intellectual foundations occupy only a small place in the DP literature. As a more or less coherent research programme, its advocates are more interested in the rigorous construction and testing of theory. The widely accepted “fact” that “democracies” have not engaged in “war,” as variously defined by DP theorists, requires an explanation. Once this explanation is established as valid through testing, it garners profound significance for assessing the nature of international politics. As Doyle and Russett claim, if democracy indeed causes peace, it would discredit the realist claim that the anarchic structure of the states system determines the

13 Russett, *Grasping the Democratic Peace*, 9.

nature of relations among units.¹⁴ In other words, if the DP theorists' main hypothesis is verified, the democratic constitution of states can overcome the anarchy in which they are allegedly situated.

The most controversy sparked by the DP thesis has been whether its advocates have really proved that it is democracy, and not some other variable, which is responsible for existent pacific interstate relations. Several critics have claimed that the DP thesis actually has "extremely little explanatory power,"¹⁵ and some have provided a host of alternative explanations for the appearance of peace among liberal democratic states.¹⁶ As Chan writes, such critics normally argue that the statistical results confirming the DP thesis depend upon dubious "definitions of democracy and war." Moreover, the majority of critics "suggest that the generalizability of the phenomenon to specific spatial and temporal domains (the North Atlantic Area or the Cold War era)."¹⁷ In response, DP theorists such as Russett and John Owen have maintained that peace among democracies is caused by features intrinsic to democracy or liberalism, "rather

14 Doyle, *Ways of War and Peace*, 206, 211; Russett, *Grasping the Democratic Peace*, 24. Cf. Waltz, *Theory of International Politics*, Reading, Mass.: Addison-Wesley, 1979.

15 See Christopher Layne, "Kant or Cant: the Myth of the Democratic Peace," in Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller, eds., *Debating the Democratic Peace*, 159; 190.

16 See Raymond Cohen, "Pacific Unions: a Reappraisal of the Theory That 'Democracies Do Not Go to War With Each Other'," *Review of International Studies*, 20 (1994): 207-233.

17 Chan, "In Search of the Democratic Peace: Problems and Promise," 63.

than being caused exclusively by economic or geopolitical characteristics correlated with democracy.”¹⁸

Although I share the skepticism that many have expressed about the DP thesis, the dominant issues of its theoretical exactitude and empirical validity are of secondary importance in the present argument.¹⁹ Of more crucial significance is how this research programme as a whole, and the way it has been carefully circumscribed by its main proponents, shapes and constrains the contemporary debate about the limits of liberal internationalist reform. Equally important is the way in which the limited vision of such reformist measures—including both the nature of the means used and ends sought—is used to selectively constitute a Kantian legacy that is then represented as a prior foundation for reform. The ease with which DP theorists (and many of their critics) have crammed Kant’s political philosophy into a simplistic causal relationship between democracy and peace is remarkable. There is often little or no appreciation of the markedly different historical context in which Kant’s texts were written, and even less consideration of the larger philosophical edifice that grounds his perpetual peace project. Most DP theorists write as though Kant shared exactly the same political and analytical concerns as do they, and that his texts are therefore written

18 Russett, *Grasping the Democratic Peace*, 11; see also Owen, “How Liberalism Produces the Democratic Peace,” in *Debating the Democratic Peace*.

19 Cf. Scott Gates, Torbjørn Knutson, and Jonathan W. Moses, “Democracy and Peace: a More Skeptical View,” *Journal of Peace Research*, 33, 1 (1996): 1-10.

with the same intentions that contemporary self-described liberals hold.²⁰ One group of critics has stated this problem forcefully:

It is a sad testimony to the state of DP theorizing that so many authors hurriedly genuflect in front of the rumoured content of his essay [Perpetual Peace] before delving into their inductive pursuits. Kant's essay is the tip of a complex Enlightenment iceberg. It should be read more carefully before it is extolled as a trivial idol.²¹

Nonetheless, even though there is a great deal of “kitsch Kantianism” in the DP school, to recall Walker's phrase, it is important to consider just what elements of Kant's thought are actually being selectively absorbed. Although DP theorists attempt to draw upon a rather partial Kantian legacy, they absorb and endorse certain elements of his theory of justice that render their prescriptions for international reform extraordinarily limited.

The DP scholars' vision of Kant seems to be shaped by the post-Cold War context in which a very specific type of liberal international reform has become available. For example, on the one hand Russett speaks of the triumph of the “values of economic and especially political freedom” as something validating Kant's vision, making him the most relevant available philosophical foundation.²² Russett thinks that,

When democratic states were rare, the Kantian perspective had little practical import, and power politics reigned. But if the Kantian perspective is correct, recent events replacing authoritarian regimes with democratic values and institutions in much of Asia, Eastern Europe, and Latin America may have

20 See especially Owen, “How Liberalism Produces the Democratic Peace,” 88 n. 8, 94.

21 Gates *et. al.*, “Democracy and Peace: a More Skeptical View,” 6.

22 Russett, *Grasping the Democratic Peace*, 4.

profound significance not just for governmental practices, but for worldwide peace among states.²³

And yet, as this statement suggests, Kant's meaning is being radically shorn and stripped down to fit the contemporary expectations that Russett and other DP theorists hold. Leaving aside for a moment the fact that Kant thought his perspective had validity *in spite* of the existence of numerous democratic regimes, it is crucial to recall that his vision of international reform does not rely merely upon one single, domestically-based mechanism. DP theorists are thus engaged in reducing Kant's international reform project to the single mechanism of popular government within the sovereign state. With the notable exception of Doyle—for whom Kant's philosophy of history is also of crucial importance—the tendency has been to assume that Kant believed democracy to be a sufficient cause of peaceful and just interstate relations.²⁴ As noted above, Russett suggests that all “idealist” notions of international law, federalism or interstate peace Leagues are discredited by the experiences of the first half of this century. This is likely why he and other DP theorists practically ignore the Second and Third Definitive Articles of Kant's hypothetical peace treaty, i.e., they overlook his confederation of states and the ideal of cosmopolitan law. Indeed, if and when the practical content of these Articles is implied, it is quickly subordinated to the First Definitive Article, assumed to be coextensive with democracy: “Other influences, such as trade and a network of international law and

23 *Ibid.*, 24.

24 See Doyle, “Liberalism and World Politics,” 1158 and Doyle, *Ways of War and Peace*, 252.

organizations, as suggested by Kant, likely also play a role in directly *supplementing* and *strengthening* that of democracy.”²⁵ Many critics have pointed out that Kant’s project does not rely on such a slim basis as the spread of formally democratic state structures around the globe to produce peace.²⁶ As Gates *et. al.* state, “...the key to perpetual peace does not lie with one single factor, but in a complex web of things.”²⁷ But the Kantian legacy that DP theorists have consciously selected, that is, the democratic constitution, cannot be taken in abstraction from other elements of his thought.

To be clear, my argument is not simply that DP theorists should also consider the importance of the other mechanisms in Kant’s texts. The concern here, rather, is the ideological and theoretical effects of taking a “part” of his legacy and representing it as the “whole” nature of contemporary liberal international reform. By embracing almost exclusively the First Definitive Article of “Perpetual Peace,” the tradition is being radically abbreviated in favour of a type of classical liberalism. The tendency of DP scholars to reiterate the reformative powers of democracy is misleading if one examines closely the underlying assumptions they make about how it functions. It transpires that, rather than democracy *per se*, what is being advocated as a palliative for international anarchy is simply a form of “popular sovereignty” (albeit one that

25 Russett, *Grasping the Democratic Peace*, 41, emphasis added.

26 See Brown, “‘Really Existing Liberalism’ and International Order,” 313-28; John MacMillan, “A Kantian Protest Against the Peculiar Discourse of Inter-Liberal State Peace,” *Millennium*, 24, 3 (1995): 549-562.

27 Gates *et. al.*, “Democracy and Peace: a More Skeptical View,” 3.

ideally includes a set constitutional divisions that are advocated by philosophers such as Kant). Doyle, for example, states that in order

[t]o ensure that morally autonomous individuals remain free in those areas of social action where public authority is needed, public legislation has to express the *will of the people making laws for their own communities*....the effective sovereigns of the state are [therefore] representative legislators deriving their authority from the consent of the electorate and exercising their authority *free from all restraint* apart from the requirement that basic civil rights be preserved.²⁸

Democracy appears to be the more palatable contemporary shorthand for a peculiarly liberal configuration of internal sovereignty. As Doyle adds, under popular rule, “the state is subject to neither the external authority of other states nor the internal authority of special prerogatives held, for example, by monarchs or military castes over policy.”²⁹ The DP theorists thus express the classical liberal internationalist hope that the *external* sovereignty of states will be exercised with more restraint—and anarchy will thereby be mitigated—when *internal* sovereignty is located in the people. The extent to which “democracy” here merely resembles Enlightenment conceptions of popular sovereignty renders Russett’s claims that were noted above about the novelty of the DP mechanism suspect.

There are two kinds of problems that emerge from the attempt by DP theorists to restrict the terms of international reform to simply that of a system of sovereign states checked by the desires of their *demos*. One set of problems can be imagined simply

28 Doyle, “Kant, Liberal Legacies and Foreign Affairs,” 5, emphasis added.

29 *Ibid.*; cf. Russett, *Grasping the Democratic Peace*, 31.

by re-inserting this mechanism within the context of the Kantian philosophical edifice from which it was abstracted. On the one hand, it is grossly naive to assume that the so-called people are pacific. Kant himself seems to set the standard for naivete in his notorious statement, noted in Chapter 3, to the effect that citizens are inherently pacific under the right constitution.³⁰ On the other hand, his comment is so often taken out of context because Kant is not speaking about democracy but “republicanism,” as a specific “form of sovereignty”³¹ that he assumes democracy to be incapable of achieving. This republican “form” divides state power between executive and legislative branches whilst a united *demos* cannot, he asserts, be so divided. There is hence a problem with assuming that Kantian precepts support the DP hypothesis—he did not believe that merely placing the controls over foreign policy in the hands of the people will pacify state conduct.

Even if—as it is sometimes argued by DP scholars—democracy is nowadays more or less the same as Kant’s understanding of republicanism, a second problem arises. “Perpetual Peace” does not rest only on the First Definitive Article or republican sovereignty for a good reason: all forms of sovereignty, whether republican or democratic, are situated in a context of anarchy in which states have little incentive or opportunity to reform. As claimed above, Kant does not think that states are likely to merely *will* reform. It is for this reason that the second mechanism of a teleological history is the necessary guarantee for reform that he introduces. By exaggerating the

30 See PP, 100.

31 PP, 100.

reformative potential of popularly-controlled, and, of course, constitutionally divided, government in Kant's thought, DP theorists ignore all of those aspects in his texts that are skeptical of the capacity of *any* form of the sovereign state to reform.

It is unsurprising that Kant makes the *form* of sovereignty the concern of the First Definitive Article. It reflects his philosophical bias to the effect that formal principles are always logically prior to material ones when framing political reform. As noted in Chapter 3, Kant claims that the problem of injustice is initially solved by the mere existence of a sovereign capable of overcoming the state of nature domestically; it is the only *a priori* condition that is absolutely required before any material conditions of justice can be sought. This is because, formally at least, a sovereign is the only agent that can provide for equal domains of external liberty in society; but if Kant's theory of justice were limited—as it is by some scholars³²—to this purely formal dimension, a rather complacent liberalism necessarily results. A minimalist state would effectively reach the *telos* of individual freedom and terminate reform. Classical liberals in political theory typically argue that domestic political reform stops at the ethical limits of Kant's formalism; and as a consequence, they fail to envisage ways in which actually existing liberal states fail to achieve anything more than mere negative liberty.

In my view, the DP literature is very similar in its complacency about what forms of governance are adequate to human freedom internationally. By overlooking the Second and Third Definitive Articles, in which Kant gives some reasons for going

32 See Laberge, "Kant on Justice and the Law of Nations," and Höffe, *Kant*, and Höffe, "‘Even a Nation of Devils Needs the State’: the Dilemma of Natural Justice," 120-142.

beyond the framework of the purely formal principles of republican sovereignty, DP theorist reproduce the assumptions of classical liberals. Because they closely identify democracy with popular sovereignty, the DP scholars limit contemporary liberal internationalist reform to the extant framework of territorial states. Democracy in this sense thus only reinforces the statist framework of international relations, a grid that Kant himself realizes cannot ultimately satisfy the conditions of individual freedom. The actually existing sovereign state, in addition to the states system, are never completely reformed such that individual autonomy can be said to have been finally achieved. But, as demonstrated in Part 1, a more complete understanding of Kant's theory of justice reveals that he goes beyond his initial formalism to consider how the material requirements of autonomy must also be satisfied. DP theorists appear to take the view that the most minimal conditions of democratic control over foreign policy are the effective *telos* of international reform. For example, Doyle writes that the Kantian view of "political society" is one which has already, "from a formal-legal point of view, solved the problem of combining moral autonomy, individualism, and social order."³³ Russett, too, conceives the formal structures of actually existing, democratic procedures and safeguards as sufficient to international reform.³⁴ Moreover, as Chan

33 Doyle, *Ways of War and Peace*, 257.

34 Russett, *Grasping the Democratic Peace*, 15.

notes, “researchers analyzing the democratic peace have shown a greater interest in the spatial spread of formally democratic structures than in their temporal resilience.”³⁵

To summarize the points above, rather than simply taking the ideal of democracy from Kant’s legacy, DP theorists have really taken (out of context) that element of his thinking dedicated to popular sovereignty. But what they are actually absorbing from the First Definitive Article is his view that a popular *form* of sovereignty is a cause of peace. Thus the DP theorists take from Kant’s legacy only his initially strict formalism that is a part of his theory of justice. As claimed above, however, there is potential tension between such formal principles of justice and material principles in Kant’s thought. For while he consistently places a *priority* upon formal causes, he also places great stock in a principle of Enlightenment. This principle is the historically dynamic ideal that material causes and purposes have a progressively greater role in determining the political structures that are initially only formal.³⁶

The DP theorists’ attempt to take Kant’s vision of the popular sovereignty mechanism from “Perpetual Peace” does not merely do injustice to his larger political philosophy, it is an inadequate basis for contemporary international reform. By following the classical liberal tendency to restrict justice to the purely formal dimensions of his legacy, international transformation is limited to that of regulating relations among formally democratic states (or, more ambitiously, to that of expanding the circle of democracies). Indeed, such states are treated in DP theory as largely

35 Chan, “In Search of the Democratic Peace: Problems and Promise,” 66.

36 See Pogge, “Kant’s Theory of Justice.”

analogous to individuals in classical liberalism—without, of course, the overarching sovereign. As a result, where formal democracy prevails, the same complacency noted above *vis-à-vis* the requirements of domestic reform is reproduced at the international level. As Doyle claims, “[i]nternational peace is not a utopian idea to be reached, if at all, in the far future; it is a condition that liberal states have already experienced in their relations with each other.”³⁷ Moreover, if liberal internationalist reform is restricted to the purely formal realm of interstate peace among constitutional democracies there is the implication that individual freedom or autonomy is satisfied within the institutional machinery of each sovereign state. However, by looking merely at the formal external relations of sovereign, democratic, states the DP theorists are blind to a massive range of material changes in the world that must be addressed before any celebrations of having completed liberal internationalism’s agenda can begin.

Cosmopolitan Democracy and Liberal International Reform

In this section I claim that the CD model, as developed by a mere handful of theorists, is a substantial and novel contribution to liberal internationalist scholarship, one that

37 Doyle, “Kant, Liberal Legacies and Foreign Affairs,” 54.

is ultimately superior to the DP approach. In the main, advocates of this approach do not employ the terms “liberalism” nor “internationalism” to describe themselves. This does not impose a tremendous barrier to my argument, however. On the one hand, it is perhaps because liberalism is so widely associated with a sovereign state-based programme for reform that CD scholars have had little incentive to use such labels. On the other, however, the inspiration of the CD project is compatible with the ethical aims of liberalism in general, albeit a liberalism that is reformulated to reflect better the requirements of individual autonomy in a changed political context. Indeed, the model is more compatible with a tradition of reform liberalism because, in this strand of ideology, democracy has never been simply coeval with popular sovereignty but is associated with expanding citizenship to include once marginalized sectors of society and with promoting equality of opportunity. Indeed, the chief exponent of the CD model, David Held, explicitly claims to be sympathetic with (a substantially reformed) liberalism that takes up this larger agenda.³⁸

In many ways, CD theory continues the tradition of non-statist forms of international liberalism discussed in the previous chapter. The liberal internationalism implied by the CD research programme is one that is skeptical of the assumption that the liberal democratic state can be the exclusive anchor of individual autonomy in the present world. In place of territorially-based popular sovereignty, CD theorists speculate on the possibility of several overlapping, non-territorial forms of democratic

38 See David Held, *Models of Democracy*, Stanford University Press, 1987, 289.

governance that would both restrict and complement the existence of formally sovereign states. Held's recent book, *Democracy and the Global Order*,³⁹ is the most complete elaboration to date on this approach; but other scholars such as Daniele Archibugi and, to some extent, Linklater, add important insights to its meaning.⁴⁰

All three of these authors connect Kant's legacy to the possibility of non-statist frameworks of international reform that are designed to promote freedom in a radically changing, globalizing context. As with the DP theorists, CD proponents appear to frame their understanding of Kant's legacy in the light of how they view the post-Cold War world. Held, for example, shares the sense of optimism found within DP scholarship about the dramatic increase in democratic regimes in the recent past. However, he is much less sanguine about the extent to which this phenomenon fulfils the liberal aim of freedom or autonomy. Quite simply, CD theorists argue that the increase in the number of formally democratic states worldwide is of limited significance in a globalizing world order. Indeed, what distinguishes them from mainstream liberal internationalists is that they do not look merely at the formal structures of governments, but the also material changes introduced into the world by

39 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Stanford University Press, 1995.

40 Archibugi, "Models of International Organization in Perpetual Peace Projects," 295-317; Daniele Archibugi, "From the United Nations to Cosmopolitan Democracy," in Daniele Archibugi and David Held, eds., *Cosmopolitan Democracy: An Agenda for a New World Order*, Cambridge: Polity Press, 1995, 121-162; Linklater, "Citizenship and Sovereignty in the Post-Westphalian State," 77-103; and Andrew Linklater, *The Transformation of Community: the Ethical Foundations of the Post-Westphalian Era*.

transnational processes that go beyond the limited reach of any particular sovereign state.

Archibugi and Held enumerate several important phenomena that have come to our attention in the post-Cold War era that have been ignored by DP theorists. First, “despite the geographic extension of liberal democratic regimes,...for millions of people there has been no noticeable improvement—and in some cases drastic reduction—in the quality of their political associations.”⁴¹ Second, disintegrative forces within state—the Yugoslav case being the most salient example—have been unleashed and intensified throughout the past decade. As Held notes, “local groups, movements and nationalisms are questioning the nation-state from below as the representative and accountable power system.”⁴² Indeed, it is the failure of liberal democracy to include a diversity of women, indigenous peoples and the poor that have in some cases led to such challenges. Thus the ability of states to effectively maintain “domestic peace and the protection of the safety of their citizens and those citizens’ property” is increasingly questioned by disaffected groups that, at the very least, want increased autonomy and recognition of their cultural specificity.⁴³ Perhaps most crucially, despite the recent increase in the number of democratic regimes the existing institutional structure of interstate affairs has been remarkably recalcitrant to reform.

41 Daniele Archibugi and David Held, “Editors’ Introduction,” in *Cosmopolitan Democracy*, 3.

42 Held, *Democracy and the Global Order*, 267; see also Linklater, *The Transformation of Community*, 31.

43 Archibugi and Held, “Editor’s Introduction,” 4-5.

That is, the major democracies have been unwilling “to extend their model of governance to interstate relations...[and are reluctant] to be called into account on matters of security and foreign affairs.”⁴⁴

As these points suggest, the CD theorists do not see the emerging reality of post-Cold War international relations to be worthy of the complacent stance the DP advocates appear to have taken regarding reform. This is principally because they do not look merely at the formal structure of state constitutions as the most significant basis for judging the current nature of international relations. As a result, a more complicated, and not necessarily optimistic, picture comes into focus. The notion of “popular sovereignty” loses its appeal and cannot be conflated, as the DP theorists appear to do, with a commitment to full, inclusive democracy. This is to say that, it is not merely that it is naive to think that popular sovereignty is a sufficient mechanism for peace, as realists have complained.⁴⁵ It is, rather, that the classical liberal assumptions about this concept have not, in fact, included into its definition of the “popular” several marginalized groups from within nor, it transpires, from across states. Additionally, the acceleration of processes of globalization render existing, territorially rooted, notions of popular sovereignty inadequate because of the resultant decrease in the autonomy of states. Even popularly elected governments cannot respond to the interests of those to whom they are accountable because they are

44 *Ibid.*, 5.

45 See Kenneth N. Waltz, “Kant, la démocratie e la paix,” in Pierre Laberge, Guy Lafrance, and Denis Dumas, eds., *L’année 1795: Kant—Essai Sur La Paix*, Paris: Librairie J. Vrin, 1997.

enmeshed in processes over which they lack the power or incentive to halt. Thus, independent states can no longer be the sole instrument of promoting individual freedom. The formalism of the DP research programme leads it to consider only the legal reality of each state's independent constitution, i.e., its sovereignty.⁴⁶ Consequently, the erosion of the state's actual *autonomy* because of globalization is ignored.⁴⁷ By contrast, the CD theorists hold that the increased transborder flows of *inter alia* goods, money, advertising images, and cultural commodities attest to the increased power of multinational corporations and financial markets. Additionally, there is increased attention to the environmental, health and migrant population crises. These things are largely the effects of the interconnections between states and societies that are being rapidly intensified and "mediated by such phenomena as modern communication networks and new information technology."⁴⁸

If democratic control of the institutions of governance create the conditions of individual freedom, globalization poses a profound crisis for classical liberal democratic precepts.⁴⁹ The assumed conjunction of democracy and territoriality that

46 Cf. Alan James, *Sovereign Statehood: The Basis of International Society*, London: Allen and Unwin, 1986.

47 The distinction between a state's formal sovereignty and actual autonomy in international affairs is made by, among others, Mark W. Zacher, "The Decaying Pillars of the Westphalian Temple: Implications for International Order and Governance," in James N. Rosenau and Ernst-Otto Czempiel, eds., *Governance Without Government: Order and Change in World Politics*, Cambridge University Press, 1992, 61-2.

48 Held, *Democracy and the Global Order*, 253; cf. Linklater, *The Transformation of Political Community*, 30-1.

49 Cf. Hoffmann, "The Crisis of Liberal Internationalism."

animates the ideal of popular sovereignty is under increased assault in our daily, concrete experience. As Held claims,

[s]ome of the most fundamental forces and processes that determine the nature of life chances within and across political communities are now beyond the reach of individual nation-states. The system of national political communities persists of course, but it is articulated and rearticulated today with complex economic, organizational, administrative, legal, and cultural processes and structures that limit and check its efficacy. If these processes are not acknowledged and brought into political processes themselves, they may bypass or circumvent the democratic state system.⁵⁰

There are several gaps between traditional liberal internationalist expectations, such as those found in DP theory, and actual material circumstances—each of which point to a net decrease in the choice that individuals exercise over the ends and obligations that are imposed upon them. Formal state authorities have decreasing control over actual economic systems; sovereign states can little evade the incentives to participate in the management of issue-areas through intergovernmental organizations and regimes;⁵¹ citizenship in national communities, and the rights and duties upon which it is constituted, fails to match “the development of regional and international law which subject individuals, non-governmental organizations and governments to new systems of regulation.”⁵² From these observations CD theorists make a fundamentally

50 Held, *Democracy and the Global Order*, 260-1.

51 Zacher, “The Decaying Pillars of the Westphalian Temple: Implications for International Order and Governance,” 61-2.

52 Archibugi and Held, “Editors’ Introduction,” 5.

Kantian claim: that the realization of freedom within a domestic context is always contingent upon and made vulnerable by international (and now global) forces.⁵³

Therefore, it is not merely the prospect of interstate violence that is the threat to freedom—it is a much more complex and widespread set of ends that are being imposed upon individuals without their consent or participation that is the main concern of CD advocates.⁵⁴ The neo-Wilsonian notion of making the world safe for democracy is replaced with the more radical ideal of democratizing world politics by supplementing the already emerging system of international governance with representative mechanisms. What is advocated is the re-conceptualization and fortification of democracy “both *within* preestablished borders and *across* them.”⁵⁵ The “constitutive principles of democracy such as respect for minorities, the independence of judicial power and the guarantee of fundamental rights” should be internationalized to overcome the gaps identified above.⁵⁶ What the CD model represents, then, is a much more ambitious and expanded vision of liberal internationalist reform. Its proposals involve the development of global channels of democratic representation and legitimacy and the eventual restriction of sovereign state power. This model is unlike previous federalist models in that it does not seek to “abolish existing states nor replace their powers with an entirely different institutional

53 Held, *Democracy and the Global Order*, 267.

54 *Ibid.*, 226.

55 *Ibid.*, xi.

56 Archibugi and Held, “Editors’ Introduction,” 8-9.

framework.”⁵⁷ Such an attempt would be hubris anyway in light of the nationalist pressures and cultural particularities that challenge existing states. Rather, existing states would be “‘relocated’ within an overarching democratic law.”⁵⁸ As I shall argue below, the CD model goes far beyond what Kant would advocate despite the fact that his ideal of “cosmopolitan law” is its inspiration. This is because sovereign states would eventually be legally subordinate to cosmopolitan democratic law:

What is necessary is to deprive states of some of their more coercive and restrictive powers: in the former case, those powers that are deployed against the welfare and safety of citizens; in the latter case, those powers which are deployed to forestall or inhibit collaborative relations among states on pressing international questions.⁵⁹

Obviously this type of change to the nature of international relations would be profound. We need only think of the recent reluctance of the United States, the self-perceived leader of the democratic free world, to agree to the provisions of the new Permanent International Criminal Court or the Ottawa Convention to ban Anti-Personnel Land Mines to realize this.

Many elements of the CD model are not entirely innovative. As noted above, the model is to an extent an updated and international version of reform liberalism in comparison to the classical liberal internationalism of the DP theorists. Although the CD theorists advocate restrictions to sovereignty that exceed what many other liberals

57 Archibugi and Held, “Editors’ Introduction,” 14; and Held, *Democracy and the Global Order*, 230.

58 Held, *Democracy and the Global Order*, 233.

59 Archibugi and Held, “Editors’ Introduction,” 14.

are willing to countenance, they are actually interested in bringing under control or domesticating certain elements of global civil society that wield massive amounts of unaccountable power, such as multinational corporations. Thus the restrictions to state sovereignty envisaged by the CD model do not jettison the idea of popular control over governmental institutions altogether. On the contrary, claims Held, *“Sovereignty is an attribute of the basic democratic law, but it could be entrenched and drawn upon in diverse self-regulating associations, from states to cities and corporations,”* all without the illusion that each of these agents can remain entirely autonomous from a cosmopolitan legal order.⁶⁰

Such statements resemble the non-statist orientation of Mitrany, who, as noted in the previous chapter, can be read as advocating a reformed liberal internationalism that anticipates the concerns, if not the actual proposals, of Held and his collaborators.⁶¹ Interestingly, the CD theorists do not claim this more recent and perhaps more obvious connection to reform liberals in the international realm. They instead go back much further for theoretical antecedents: “[f]or more than three centuries, thinkers...have sought to create international institutions capable of acting as arbiters between states and, in the final analysis, as the foundation of a legally based international relations.”⁶² The “thinkers” in question include Émeric Crucé, Abbé de

60 Held, *Democracy and the Global Order*, 234, emphasis in original.

61 Although the CD model is not, of course, “functionalist” like Mitrany’s system.

62 Archibugi and Held, “Editors’ Introduction,” 9; see also Archibugi, “Models of International Organization in Perpetual Peace Projects,” 295.

Saint-Pierre, Rousseau, and Bentham among others. However, it is the legacy of Kant that CD theorists have invoked most frequently. As is the case with the DP thesis, the presentation of Kant's meaning and significance is affected by the way in which this particular group of scholars views the present world order. Kant's legacy is thus situated within a concern CD theorists have with building institutions transnationally that will enhance individual autonomy.

Nonetheless, it should be noted that the CD theorists recognize that Kant's texts also pose some serious limitations as a guide for new visions of contemporary international reform. As Linklater, for example, points out, "[i]magine ways in which individuals could come together as world citizens who participated in joint rule was not one of Kant's concerns and it has hardly been central to the subsequent political theory of the inter-liberal peace."⁶³ CD scholars thus consciously aim to transcend Kant while preserving those features of his thought that can be adapted for present purposes; what is interesting is the way in which they seek to do this.

The CD theorists go beyond Kant's actual international reform project as it is articulated in "Perpetual Peace." Although they do not describe their rejection of certain elements of Kantian justice in the following terms, it is clearly the *effect* of their re-description of his legacy. For the transnational institutional frameworks of democratic law that they propose actually violate the *a priori* terms of Kant's theory of justice. For it must be recalled that the confederation of states that Kant proposes

63 Linklater, *The Transformation of Community*, 174.

is a loose, voluntary association that serves no purpose other than the avoidance of war.⁶⁴ There is no independent, representative body over and above the contingent wills of the sovereigns. Although the CD model does not wish to eliminate states, it clearly removes the discretion they have to make exceptions for themselves from international agreements and rules that Kant ultimately leaves them. As Held notes, although the democratic transnational institutions that the CD model envisages would initially require the popular consent of national communities, thereafter the agreements reached would be legally binding.⁶⁵ The representatives of these overlapping institutions would serve their constituents rather than merely their national governments.

But what about the danger of “soulless despotism” that Kant believed would accompany any attempt at supranational state-building or world government?⁶⁶ The CD theorists acknowledge this by noting that Kant did not see how anything wider than a state could be a feasible system of representative rule.⁶⁷ But this argument is misleading. Kant’s objection to supranational institutions is much deeper than a concern with feasibility. As we know, he simply held as dogma the view that an effective and functioning system of justice could rely only upon *one* illimitable legislator, the sovereign. He could not envisage the overlapping, mutually constitutive

64 MM, 350-351/119-120.

65 Held, *Democracy and the Global Order*, 231.

66 PP, 113.

67 Held, *Democracy and the Global Order*, 230.

relations among different governmental bodies encompassing many states, even though his republicanism should have logically demanded something similar within the state. Nonetheless, Held thinks that any “Kantian” objections about the potential despotism of supranational democratic institutions of governance can be overcome: “[cosmopolitan democracy] connotes nothing more or less than the entrenchment of and enforcement of democratic public law across all peoples—a binding framework for the political business of states and societies and regions, *not a detailed regulative framework for the direction of all their affairs.*”⁶⁸

The priority of formal principles over material causes in Kant’s theory of justice would seem to be the greatest impediment to making his thought commensurable with the CD model or any other non-statist schemes of international reform for that matter. As Laberge claims, many neo-Kantian scholars have attempted to redefine his thought with an eye to issues of global distributive justice and the plight of the suffering, i.e., human needs.⁶⁹ However, Laberge claims that they overlook Kant’s view that all political relations must be justified and organized around principles that scrupulously ignore such material realities. That is, Kant’s initial view of justice requires only the observance of the legal conditions of external liberty, “*even if*” certain undesired material ends are permitted to exist or are created.⁷⁰ From this more “conservative”

68 Held, *Democracy and the Global Order*, 233, emphasis added.

69 A prominent example is Onora O’Neill, “Transnational Justice,” in David Held, ed., *Political Theory Today*, Oxford: Polity Press, 1991.

70 Laberge, “Kant on Justice and the Law of Nations.”

(i.e., literal) interpretation of Kant's philosophical meaning we are required to discount the novel material constellations that are being produced by globalization. The progressive increase in the flows of communication and commerce across state boundaries and the realization of novel intergovernmental and supranational political and legal institutions are all irrelevant from a strictly formal reading of Kantian justice. The DP scholars follow this narrower realization of Kant's legacy.

However, Laberge's insistence on taking Kant's formalism seriously should not be taken too far. That is, we can realize the priority of formalism within Kant's thought and still imagine—as did he—the ways in which the material factors of politics gain an increasingly greater significance to the organization and justification of political institutions. Indeed, this is the reading of another prominent Kant scholar, Pogge, mentioned above. In his view, Kant's understanding of Enlightenment should be viewed as a process in which the material ends of politics progressively gain greater consideration. This process is enhanced through time as the solidification of legitimate mechanisms of conflict resolution among individuals and states becomes increasingly accepted and habitually respected.⁷¹ As the anarchy *problématique* fades—both domestically and internationally—the material ends constitutive of individual autonomy become increasingly important to the realization of justice. Viewed from this perspective, the CD model may actually realize a crucial dimension of Kant's legacy just as it tacitly transcends its formalism and the dogmatic statism it sustains.

71 See Pogge, "Kant's Theory of Justice." Cf. Linklater, *The Transformation of Community*, 312.

To be sure the line between interpretation and revisioning Kant's thought is fuzzy, but there is much incentive to err on the side of making his legacy practically important. A fundamental insight of Kant's political theory is to realize that individual freedom is not only determined by the conditions of domestic politics, but by causes outside of the state. This insight is not fundamentally altered by globalization, it is, rather, made more complicated because the constructed distinction between the "inside" and "outside" of states—a barrier that Kant's thought contributes to as much as it tries to overcome it—is increasingly untenable.⁷²

The CD theorists have thus understandably grasped upon what is perhaps the least understood element of "Perpetual Peace": the idea of cosmopolitan law that is outlined in the Third Definitive Article.⁷³ Whereas the DP theorists almost entirely construe Kant's relevance through the lens of the First Definitive Article, the CD advocates have nearly done the same with the Third. What Kant actually claims in this Article is that states must grant hospitable treatment to foreign individuals on their soil because people hold certain inalienable rights; and he condemns colonialism and slavery. Kant states that this cosmopolitan law is not a "utopian" nor unrealistic thing, but a distinct supplement to state and international law.⁷⁴ According to CD theorists, this rather sketchy set of statements "decidedly broadens the theoretical statements on juridical

72 Bartelson, "The Trial of Judgement," 255-279.

73 PP, 105-6.

74 PP, 106; see Archibugi, "Immanuel Kant, Cosmopolitan Law and Peace," 429-456.

pacifism,” and in a way that overcomes the traditionally statist and undemocratic nature of interstate relations hitherto advocated by liberals.⁷⁵

On the one hand it is tempting to include the CD theorists with others that Onuf states “have made much of Kant’s cosmopolitanism—perhaps too much.”⁷⁶ On the other, however, CD theorists readily concede that Kant’s cosmopolitan law at best *anticipates* what they advocate because, in the end, “he failed to indicate the means whereby cosmopolitan law was to be enforced.”⁷⁷ The reconstruction of Kant’s notion of cosmopolitan law may well serve as a practical ideal in proposing alternative forms of democratic governance and international reform. However, this particular explanation about why it appears in so limited and rudimentary a form in Kant’s actual texts is also unconvincing because it is not grounded in a full appreciation of his theory of justice. Although it is certainly true that Kant provides the grounds for thinking about cosmopolitan citizenship as the embodiment of the moral kingdom of ends, the “dogma” of sovereignty is, in my view, the actual cause of his unwillingness to articulate a means of its enforcement. Ultimately, Kant’s international reform project relies upon state action and discretion, and thus cosmopolitanism is a *moral* rather

75 Archibugi, “Models of International Organization in Perpetual Peace Projects,” 312.

76 Onuf, *The Republican Legacy in International Thought*, 243.

77 Archibugi, “Models of International Organization in Perpetual Peace Projects,” 314. Compare this to Held, who states that the problem is that Kant did not “elaborate adequately the conditions of such [universal] hospitality” that cosmopolitan law encompasses, *Democracy and the Global Order*, 228 and also 223.

than *political* phenomena.⁷⁸ Only Archibugi has gone some way towards recognizing the reasons for this.⁷⁹ That is, it is not merely that Kant failed to complete his picture of an enforceable cosmopolitan law: it is rather that, had he done so, he would have certainly contradicted the content of his other Definitive Articles. What is missing is a more explicit account of why a “critique” of Kant’s limited and ultimately statist international reform project is necessary. Although such a critique is assumed by their vision of contemporary world politics and their depiction of what is an adequate Kantian legacy, it has not been done in systematic relation to his theory of justice.

Conclusion

This chapter has compared two distinct research programmes that advocate international reform. I have suggested that these programmes are animated by contrasting types of liberal ideology that draw upon Kantian foundations. One potential problem with this exercise is stated by Onuf: “[t]hat Kant came to conclusions that liberals now identify with does not mean that he started from liberal

78 On this distinction see Pogge, “Cosmopolitanism and Sovereignty.”

79 Archibugi, “Immanuel Kant, Cosmopolitan Law and Peace,” 450-1.

premises....[a]ny such reading of Kant is highly anachronistic.”⁸⁰ It is certainly true that Kant would not have recognized the concept of “liberalism.” Nonetheless, his international reform project anticipates the concerns of a subsequent tradition of liberals, and, more crucially, his legacy has been consistently employed as an ideological tool to redefine the nature of this tradition.

In the 1990s the dominant liberal internationalist vision of reform in International Relations has been the DP thesis. Although DP scholars have maintained a limited focus on the causal relationship between democracy and peace, their use of Kant as a foundation reveals that there is also an ideological core of classical liberalism behind their scientific pursuits. A bias arises from restricting liberal reform to the mechanism of popular sovereignty, which is only one of the paths to peace advocated by Kant. This limited focus is a result of an unacknowledged tendency of DP theorists to absorb only the formal principles of his political theory. As a consequence, the reform prescribed by this approach is too limited and state centric to satisfy autonomy in an era of globalization.

As I have demonstrated, the CD model expands the meaning of liberal international reform through an appeal to Kant’s notion of “cosmopolitan law.” The connotation they attach to this notion exceeds the limits that have been imposed upon international relations by his statist framework. Kant did not, of course, foresee a world in which the territorially exclusive domains of formal justice that are bound up with sovereign

80 Onuf, *The Republican Legacy in International Thought*, 241 n. 93.

states would be challenged by global processes. Nonetheless, the CD theorists arguably revise his meaning in a way that ultimately coheres with certain less well-defined elements in his thought. These elements hold that material principles of justice must also be considered when determining the boundaries of the political world. For there is a duty to alter such boundaries to gradually correspond with the purposes inherent in the inner dignity of each member of the species. It is this teleological element within Kant's thinking that potentially lends his ideological support to a reformed liberalism of international relations.

CHAPTER 6

THE “CRISIS” OF LIBERAL INTERNATIONALISM: KANT AND THE FOUNDATIONS OF REFORM

Although the early post-Cold War years heralded a renaissance of liberal internationalism, there has since then been a growing sense that there are profound underlying problems with the liberal vision of international reform. Although liberalism does not at present appear to have any serious rivals ideologically, its traditional project of gradually improving the nature of international relations has also become the focus of more recent criticism. Some of the most sophisticated criticism has come from those somewhat sympathetic to liberal internationalism. Stanley Hoffmann, for example, suggests that this approach is in “crisis” because of its own conceptual incoherence and the radically changed (and changing) nature of world politics since these concepts were first articulated.¹

This final chapter follows Hoffmann’s advice that the most adequate response to this crisis is to examine and reflect upon the “flaws and limitations” of liberal internationalism.² Nonetheless, my view is that the crisis is much more profound than Hoffmann or others realize. It is not merely, as he suggests, that liberalism has too

1 Hoffmann, “The Crisis of Liberal Internationalism.” For Hoffmann’s self-description as a liberal see *Janus and Minerva: Essays on the Theory and Practice of International Politics*, 395; cf. his *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics*, Syracuse University Press, 1981, 8-10.

2 Hoffmann, “The Crisis of Liberal Internationalism,” 160.

many diverse moral commitments to form a unified project. Nor is it simply, as he also rightly intimates, that the unpredictable processes of globalization render the realization of these commitments far more fragile and contingent. Although these factors are important ways in which we *know* a crisis to be present—they are not sufficient causes of the crisis. Rather, the reason for liberal internationalism's crisis lies within the formal terms of the international "problem" that liberals have themselves traditionally constructed. I claim below that a crisis of liberal internationalism emerges from the problematic terms of its ontological and ethical "foundations."

The future of liberal internationalism would indeed be bleak if there were a uniform response to this crisis. Hoffmann's assessment of the possibilities of improving liberal theory is blinkered by a focus on mainstream theoretical and policy-making circles. He ignores a crucial positive manifestation or consequence of the crisis: the potential for meaningful theoretical development within the liberal tradition that emanates from attempts to come to terms with change. Quite simply, liberal internationalism's contemporary crisis would be truly intractable and permanently debilitating if there was no debate within (see Chapters 4 and 5). But the debates between statist and post-statist liberals, and the varying mechanisms for reform they prescribe, indicate that the crisis of liberal internationalism actually has a longer history than the end of the Cold War.

This chapter is divided into two sections. First I outline the *foundational* nature of the crisis of liberal internationalism and suggest that the best way to overcome it is to jettison its traditional ontological and ethical commitments. Moreover, if the liberal

ideal of international reform is still a worthy project—and I think that it is—it will need to be substantially revised in ways that have been suggested by the post-statist liberal theorists such as the advocates of cosmopolitan democracy. The traditional framing of this project is becoming ever more inadequate to contemporary global conditions. This is because the overarching goal of promoting individual freedom cannot be met if reform is equated merely with domesticating sovereign states in anarchy. I claim that the fundamental task facing liberals is to re-articulate the preconditions of individual freedom in a globalizing world order in which state autonomy is rapidly declining anyway. As suggested in the previous chapter, the aim of a revised liberal internationalism ought to be examining ways to democratize world politics rather than merely domesticating interstate relations. Such a revision would, however, fundamentally challenge the foundational liberal internationalist assumption that freedom is achieved best through the mechanism of state sovereignty.

The second section aims to draw together the elements of this dissertation by claiming that Kant's thought is a useful "model" by which to understand the crisis of liberal internationalism. As Bartelson has suggested, Kant's contribution to the present is that his thought provides a complex exemplar of the most profound ontological and ethical dilemmas that form the basis of the internationalist tradition.³ Moreover, Kant's thought may provide a model of the requirements of transcending the limitations of the traditional internationalism. I consider the alternatives to

3 Bartelson, "The Trial of Judgement: Kant and the Paradoxes of Internationalism."

reconstructing Kant's thought from the contradictory intellectual materials that comprise his legacy and conclude that Kant can be a relevant source for a revised liberal internationalist approach to world politics if one crucial and foundational aspect of his political philosophy is abandoned: his dogmatic, absolutist vision of state sovereignty as the guarantor of meaningful individual political freedom and justice.

Liberal Internationalism's Foundational "Crisis"

International Relations has been profoundly shaped by the perceived failure of liberal internationalism to live up to its promises. In 1939, E.H. Carr claimed it was the dangerously wide gap between the utopian postulates of liberals and the reality of power politics among states that caused the "crisis" in which Europe found itself leading up to World War II. In spite of his noted tendency to ignore the diversity of inter-war liberal thought, Carr's book is a good starting point. He claims that liberal internationalist reform failed to keep the peace in Europe because its concepts were woefully abstract and removed from the particulars of conflicting political interests, and the perceptions of different national actors.⁴ Instead, the mantra of a "harmony of interests" masked the reality that the prevailing liberal world order actually

4 Carr, *The Twenty Years' Crisis*, 81-112.

promoted a particular set of states' interests while failing to provide openings or legitimacy to the demands of others.⁵ In such a context, the requirements of peaceful change and reform were actually subordinate to maintaining a status quo that benefitted the most powerful few.

Carr's perception of the defects of liberal internationalism in 1939 are still relevant sixty years later. His critique is implicitly echoed in recent critiques of the tradition. Craig N. Murphy, for example, writes about liberal internationalism from a Gramscian perspective. Although Murphy claims some sympathy with the reformist aims of liberalism, he notes that its (many unfulfilled) promises of peace, freedom and justice obscure fundamental conflicts between classes and, moreover, among states and regions.⁶ The accelerated globalization of financial markets and expansion of free trade zones may enhance net wealth, but inequality has only increased.⁷ Commerce and international organizations may now increasingly pacify interstate relations, but universal freedom is threatened by a wider range of constraints imposed on individuals by these inequalities.

Hoffmann's warnings of a crisis of liberal internationalism come from a different perspective, that of a realist-skeptic. Yet he echoes Murphy's misgivings. This is

5 *Ibid.*, 54-80.

6 Craig N. Murphy, *International Organization and Industrial Change: Global Governance Since 1850*. New York: Oxford University Press, 1994, 13-22.

7 See Richardson, "Contending Liberalisms"; cf. Andrew Hurrell and Ngaire Woods, "Globalisation and Inequality," *Millennium*, 24, 3 (1995): 441-70. See also David Held, "Democracy and Globalization," *Global Governance*, 3 (1997): 253-255.

because Hoffmann sees a cluster of tensions and unresolved paradoxes in the liberal world-view that have not been—and perhaps cannot be—reconciled. Reminiscent of Isaiah Berlin, he suggests that liberal internationalism succumbs to the “the fallacy of believing that all good things can come together.”⁸ But the promise of international harmony is compromised, according to Hoffmann, by simultaneous commitments by contemporary liberals to the ideas of national self-determination, self-government, state sovereignty, global commerce, and, now more than ever, human rights.⁹ The idea that these things might in practice actually conflict with one another has been brushed aside by selective application or hypocritical amnesia by Western leaders.

The sense that there is a widening gap between the “promises” of liberal internationalism and “experience” is a persistent if not inherent feature of the tradition. It is unreasonable to expect, however, that “actually existing” liberal states, to again use Brown’s phrase, could respond to contemporary international problems coherently, given the wide array of views articulated by liberal theorists.¹⁰ The crisis of liberal internationalism is far too profound to be solved merely by a re-ordering of the mechanisms of reform. It is, rather, a deeper problem: the traditional ethical and ontological foundations of the tradition are the actual cause of crisis. As argued above, the ethical foundations of traditional liberal internationalism have presupposed a

8 Hoffmann, “The Crisis of Liberal Internationalism,” 167. Cf. Berlin, *Four Essays on Liberty*, 118-153.

9 Hoffmann, “The Crisis of Liberal Internationalism,” 169.

10 Brown, “‘Really Existing Liberalism’ and International Order.”

fundamentally positive association between state sovereignty and freedom. Although this presupposition is continuously challenged by others in the tradition, it still garners implicit support among mainstream theorists such those who subscribe to the democratic peace thesis.

The reason that many contemporary liberals persistently assume that state sovereignty is a central mechanism of international reform is the existence of an underlying ontological foundation that has not yet been adequately challenged. To understand this ontology it is necessary to recall the discussion above about individual subjectivity. In spite of Kant's attempted re-articulation of subjectivity, modern liberal political thought has conflated the nature of individuality and statehood. This conflation has profoundly affected how international reform has been framed by liberals. Onuf claims that liberal internationalism is historically connected to the rise of radical individualism directly after the French Revolution. He suggests that prior to the early nineteenth century, international thought contained a "republican" tradition in which the idea of a common good or shared purposes among humans and states predominated international thought. Republicanism was eclipsed, however, by the radical individualism of liberalism. Consequently, according to Onuf, the "territorially demarcated...sovereign state has been well served by the rise of the autonomous individual and the rise of rights and duties. *Extended by analogy to the state in relation to other states, rights and duties give the state the appearance of living*

beings.”¹¹ States are given far more ontological substantiality by the way in which the liberal vision of autonomous individuals has been projected onto impersonal states.

As argued above, the use of “domestic analogy” has largely framed liberal visions of the nature of international reform. The idea that radically autonomous individuals at one time inhabited a pre-political world called the “state of nature” is tremendously important as an organizing principle for the traditional liberal vision of political reform. The justification of the impersonal sovereign state is the liberal way to domesticate this state of war among autonomous individuals and produce a civil society. However, historically, it is only *after* the domestication of this anarchic space that the larger question of how to democratize the state was contemplated and debated by various liberal-minded philosophers. For many traditional liberals, including Kant, the formation of a political society *via* the sovereign precedes the reform of that agent; and thus sovereignty precedes the freedom promised by reform. In other words, the problem of anarchy is perceived to be a temporally prior—and therefore more ontologically significant—threat to the realization of individual freedom than the problem of taming the sovereign.

Perhaps unsurprisingly, once it was realized that a “problem” emanated from the domestic “solution” of sovereignty, external reform of interstate relations relied upon the same ontological vision of radically autonomous individual states and a lawless context of international anarchy that needed domestication. In spite of the differences

11 Onuf, *The Republican Legacy in International Thought*, 147, emphasis added.

enumerated above regarding liberal mechanisms for taming interstate relations, the underlying ontology of domesticating anarchy has been extremely resilient in liberal internationalism. The task of international reform for the sake of individual freedom has been restricted to re-enacting the fiction of a social contract among states.¹²

As claimed above, this ontological foundation animates democratic peace theory and other descriptions of the internationalist tradition. For example, Kjell Goldmann characterizes the tradition as one that “promises...to circumvent the contradiction between national independence and international security.”¹³ He adds that such a promise necessarily presupposes an “anarchy model of international politics.”¹⁴ Although he too overlooks the diversity of liberal internationalism, Goldmann’s description is essentially correct of the mainstream of the tradition. The putative contradiction of state independence and international security (*viz.*, internal and external sovereignty) arises by an implicit dependence on the (domestic) *analogy* of relations among autonomous individuals in the “state of nature,” and the lack of personal safety for the lives and property within.

In employing this form of the domestic analogy, liberals have implicitly held that the reform of international politics inherently involves the same kind of impediments to overcoming the “state of nature” that existed *within* the state. International anarchy is comprised of sovereign states that behave predictably like pre-political individuals

12 See Linklater, *Men and Citizens*, 47.

13 Goldmann, *The Logic of Internationalism*, 2.

14 *Ibid.*.

did before the establishment of a sovereign state. However, for a variety of ethico-political reasons, the domestication of anarchy cannot imitate the domestic “solution” to lawlessness by creating a sovereign global state. Traditional liberal internationalists have of course rejected a world state or government as the appropriate response to international anarchy.¹⁵ As I shall claim below, this fact too is crucial to explaining the inherent, foundational crisis that liberal internationalism faces. Liberal internationalism is in a state of crisis because there is a large gap or chasm between its concepts and experience.¹⁶ When committed to the domestic analogy, internationalist theory is in my view inherently crisis-ridden because it advocates the domestication of autonomous agents in anarchy whilst denying the very possibility and desirability of ever reaching this goal. As my study of Kant has demonstrated, anarchy is ultimately interminable when state sovereignty is viewed as inviolable. And, insofar as his liberal internationalist reform projects follow this path it becomes necessarily enmeshed in a foundational crisis. As Bartelson notes, “...the very same anarchy that the proposed reforms are designed to remedy, is also the primary obstacle to their successful implementation, either by constraining reformative action or by being reproduced by it unintentionally, or both.”¹⁷ Liberal internationalism is an “inside-out” approach to politics.¹⁸ It aims

15 *Ibid.*.

16 See Bartelson, “The Trial of Judgement,” 256.

17 *Ibid.*, 259, see also 257.

18 Scott Burchill, “Liberal Internationalism,” in Scott Burchill and Andrew Linklater with Richard Devetak, Matthew Paterson and Jaqui True, *Theories of International Relations*, New York: St. Martin’s Press, 1996, 26, 61.

to transform external relations of states to resemble the type of politics that putatively appears under the institutions of the liberal state. “Not surprisingly,” states Bartelson,

internationalism turns out to be a brand of modernism insofar that it celebrates the deliberate reform of the human condition, but with the important difference that internationalist expectation does not confine itself to the domestic sphere where reformative actions already abound, but seeks to overcome this very differentiation between domestic and international.¹⁹

In the previous two chapters I explained why liberals over the past two centuries and presently believe that some version of “popular sovereignty” reconciles the continued existence of sovereign states with the possibility of individual freedom. This reconciliation permits the softening of anarchy’s worst *effects* among liberal states, but does nothing to prevent a continued “state of war” that characterizes relations with or among illiberal states. The gradualist strategies of reform advocated by liberals who subscribe to the ontology of domesticating international relations thus do not, tragically, overcome the inside/outside dichotomy.²⁰ Indeed, this division is ultimately reinforced by the commitment to state sovereignty within traditional liberal internationalism.

This ontologically-grounded crisis of liberal internationalism has become increasingly manifest in the past decade. Indeed it is ironic that, at the very moment when liberalism has seemingly prevailed, the signs of its inherent crisis have

19 Bartelson, “The Trial of Judgement,” 259.

20 See Walker, *Inside/Outside*.

increased.²¹ The end of the Cold War and the flourishing of global economic liberalization engendered by processes of globalization have not actually solidified the status of the traditional internationalist programme. On the contrary, recent developments have revealed concretely just how limited, historically and culturally, the liberal international reform project is in the face of change and contingency.

The sudden disappearance of the Soviet threat left a massively disorienting effect in scholarly and political circles—the vocabulary of *realpolitik* was clearly inappropriate to describe and account for the experience of the early-1990s. The leadership of the former “evil empire” renounced previously held imperialist designs and modified its strategic doctrines. Brave citizens in Eastern Europe were throwing off the shackles of authoritarianism in the name of freedom, both political and economic. With the end of the East-West divisions, the United Nations was seemingly reinvented as an institution capable of real collective security in a dawning “new world order.” The “end of history” was proclaimed by Francis Fukuyama in 1989—and, he claimed, the globe was awakening under the embrace of a vindicated liberal ideology.²² In this context, a renaissance of the liberal internationalist vision of reform was all too likely. But the ensuing terrain of the 1990s has not been an easy one with which to cope for liberals; especially because the predominant tenets of reform reflect a set of ontological presuppositions incubated in the eighteenth and nineteenth centuries. Rather than

21 See Jef Huysmans, “Post-Cold War Implosion and Globalisation: Liberalism Running Past Itself?”, *Millennium: Journal of International Studies*, 24, 3 (1995): 484.

22 Francis Fukuyama, “The End of History?”, *The National Interest*, 16 (1989): 3-18 and his *The End of History and the Last Man*.

allowing a simple renaissance of liberal internationalism, the end of the Cold War has actually exposed liberal internationalism's most profound weaknesses—the assumption that the nature of international reform is the domestication of sovereign states, by, for the most part, sovereign states.

As argued in the previous chapter, the range of threats to individual freedom today cannot be confined to those emanating from interstate conflict—they emerge from the changing conditions of politics globally. The crisis of the traditional liberal internationalist programme is therefore intensified by the processes of globalization. A project for reforming the interactions of states to make them peaceful is still a noble aim in light of the goal of freedom; but the transformations—both intended and unintended—being wrought by globalization make this goal, and the classic means toward it, appear woefully inadequate.²³ This is because globalization is associated with a profound weakening of state autonomy, if not the formal sovereignty that states still claim. Indeed, the problem for liberal internationalism as it has been conventionally framed may not be that it has yet to succeed. It is, rather, that it has largely done so already. That is, the goal of domesticating interstate relations has largely been achieved already.²⁴ Sovereign states have on balance been tamed by their own citizens and, increasingly, have ceded crucial powers in the face of the global economy. Thus the assumed foundational belief of autonomous states, standing like titans against each

23 Cf. Charles R. Beitz, *Political Theory and International Relations*, Princeton University Press, 1979, 4-5.

24 Cf. Linklater, *The Transformation of Community*, 8.

other, is no longer the most useful nor accurate depiction of the nature of late-twentieth-century politics. As Pierre Hassner notes,

It is not only the order of Yalta (bipolarity and the Cold War) and the order of Versailles (the borders and states that emerged from the Austro-Hungarian empires) that are being challenged. The order of Westphalia—the idea of a system based on territoriality and the sovereignty of states—is also being called into question.²⁵

A problem with the traditional liberal internationalist vision is that it has been fixated on finding ways of constraining and channeling state power. However, the threats to peace, security and individual freedom today do not merely emerge from interstate violence. In Hoffmann's opinion, for example, it is not only the "Moloch of [state] power," that is the problem, it is, to the contrary, the "chaos from below" resulting from the "disintegration of [state] power" that is problematic.

Wars among states are only one of the perils of the post-Cold War international system. What is now at stake is the very nature of the state. The "Westphalian" system that has inspired all theories of international relations presupposed well-determined states, clashing or cooperating.²⁶

The end of the Cold War and globalization have led not merely to the triumph of universalism, but to particularisms that cause the fragmentation and dissolution of existing states. In other words, classical liberal internationalism assumes a stable foundation of sovereign states, and liberal democratic ones at that, that can not be taken for granted.

25 Pierre Hassner, "Beyond Nationalism and Internationalism: Ethnicity and World Order," *Survival*, 35, 2 (1993):53. Quoted in Huysmans, "Post-Cold War Implosion and Globalisation: Liberalism Running Past Itself?"

26 Hoffmann, "The Crisis of Liberal Internationalism," 167.

The globalization of the economy and the development of a transnational culture have always been liberal mechanisms for domesticating sovereign states. But their unprecedented and largely unforeseen (at least by liberals) acceleration has had unintended consequences. To a large extent, as Jef Huysmans notes, the processes of globalization flow perfectly from liberalism's premises: "[T]he very liberal value of freedom...[sustains] the unconstrained movement of goods, services, capital and people." On the other hand, however, the "intensification of [such] flows challenge the core elements of the liberal *institutional* order."²⁷ This institutional order is the assumed foundation of autonomous states that are able to respond to the demands of their citizens. The traditional liberal idea that reform consists of domesticating sovereign states in anarchy is problematic because states have been systematically giving up autonomy in the face of market pressures. Using the European Union as an example, Hoffmann states that "many of the powers given up by the states have gone not to central institutions, but to the markets."²⁸ But the globalized market economy has "not merely, and beneficially, constrained the power of states....It has also deprived them of some of their ability to perform necessary tasks, to carry out the basic functions liberalism never intended to remove from them."²⁹

27 Huysmans, "Post-Cold War Implosion and Globalisation: Liberalism Running Past Itself?," 481.

28 Hoffmann, "The Crisis of Liberal Internationalism," 165.

29 *Ibid.*, 175.

As Zacher suggests, however, there has been a steady increase in the number of international regimes to deal with the so-called “basic functions” of governance. Although “states have sought to evade international constraints on their behaviour...they have found themselves increasingly pressured or motivated to enter into a variety of international regimes or governing arrangements.”³⁰ It is therefore possible that Hoffmann exaggerates the extent to which decreasing levels of state autonomy have left a vacuum of competent authority to govern altogether. In other words, he may overlook the promise of international regimes as a complex and sophisticated layer of governance without actual (world) government.

Nonetheless, this does not obviate Hoffmann’s more fundamental complaint, one that is not addressed satisfactorily by pointing to the existence of international regimes or international organizations. This complaint is that the withdrawal of the state from control over the economy—long advocated by traditional liberal internationalists—is creating “a global economy that is literally out of control, [and] not subject to rules of accountability and principles that apply to relations between individuals and states.”³¹ Although state power has been largely domesticated in a way envisaged by early liberal reformers such as Kant, the so-called “spirit of commerce” has itself “created a formidable anonymous new power” in the market.³² Hoffmann states that liberalism’s

30 Zacher, “The Decaying Pillars of the Westphalian Temple: Implications for International Order and Governance,” 62.

31 Hoffmann, “The Crisis of Liberal Internationalism,” 175.

32 *Ibid.*.

success in taming states *via* economic globalization has been at the unintended cost of sacrificing the democratic control that liberals had assumed citizens must have, through their representatives, over the limits of their free choice. The global economy

affects both states and individuals but is treated as if it were merely an extension of the individual's sphere of protected freedoms. What is desperately needed is a theory that acknowledges the public aspects and effects of such private activities across borders and establishes a kind of common government for those activities—just as within civil societies liberalism aimed at setting up legitimate institutions in order to rule out the flaws of a “state of nature.”³³

There are a few remarkable aspects of Hoffmann's claim that a novel “theory” is required to “establish a kind of common government.” First, it implicitly suggests that existing international regimes are inadequate because, *inter alia*, they do not actually compensate for the decline of state autonomy. This is because there has not been a corresponding transference of democratic accountability to these regimes, even when they have been given a mandate to oversee a liberalized global economy. Second, Hoffmann is raising the crucial point that liberal internationalism's preoccupation with domesticating sovereign states in anarchy is woefully at odds with the emerging conditions of world politics. Hoffmann's arguments actually parallel the recent developments within the tradition aimed at overcoming this crisis. In my view, his call for a new liberal “theory” aimed at “common government” over the transactions within global civil society—rather than the mere domestication of interstate relations—is something ultimately consistent with the aims of cosmopolitan democracy scholars.

33 *Ibid.*, 175-6.

When the assumptions and concepts of previous epochs do not adequately explain nor provide the basis for meaningful political reform, the basic conditions for a crisis have been met. I have relied upon others such as Hoffmann to construct a description of this crisis; but the actual causes of the crisis are, in my view, largely internal to the ontological commitments underlying the traditional liberal internationalist vision of reform. This vision relies upon a domestic analogy in which the evolution of interstate relations is inherently similar to the conditions that gave rise to the sovereign state. That is, reform is viewed as that of domesticating the interactions of radically autonomous agents in a “state of nature” or anarchy. However, a global sovereign is a non-starter in traditional internationalism. This is important because, in remaining attached to the ontology of domestication, a concern with the democratization of international relations is *a priori* foreclosed within traditional accounts of internationalism. One can trace this to the historically specific nature of liberal reform in its earliest stages. Three centuries ago, the fear of anarchy and the desire to subordinate individual subjectivity within the domestic sphere were believed to find their solution in the sovereign state. But it was only after society was ordered or domesticated by an impersonal state that a liberal concern with democratizing this agent was born: the desire for “popular sovereignty” with a progressively expanding vision of the scope of suffrage. Nevertheless, by subscribing *only* to the desire to domesticate international society, and *not* a global sovereign, there is no extant object to democratize for traditional liberal internationalism. Democratization has been viewed as a possibility only *vis-à-vis* the particular sovereign state for liberal internationalism because it has

been struck within an ontology of domesticating autonomous agents within a state of nature.

The underlying notion that reform should be animated by a view of domesticating autonomous states in anarchy, just as individuals were supposedly tamed within the domestic context by the sovereign, leads to a grossly inadequate agenda for contemporary world politics. What is required in order for liberal internationalism to become an adequate vision of reform is to detach it from a traditional dependence on the domestic analogy. To remain stuck within the conceptual parameters of traditional liberal internationalism and insist that it is only the interactions of states that is sufficient concern for individual freedom is to relegate liberal internationalism to a growing irrelevance.

Kant as a Model of Liberal Internationalism

In this dissertation I have undertaken to explain two related things: first, the nature of Kant's commitment to international reform; second, the reasons why conflicting understandings of his reform project lie at the heart of contemporary divisions within liberal internationalism. The purpose of this last section is to make explicit the relationship between these two theoretical problems and draw together the explanations that have been developed above. In so doing, I want to emphasize the peculiar

limits and possibilities of Kant's thought within the context of the crisis of liberal internationalism noted above, and the divisions among its contemporary exponents that are likely to become much more salient in the years ahead.

I have argued that any explanation of Kant's international reform project must take his theory of justice seriously, especially as it is systematically outlined in the *Metaphysics of Morals*. In Part 1, I constructed a theoretical framework from the main elements of Kantian justice in order to explain the unique genesis and justification of his concern with international reform. In spite of the systematic nature of his theory, its articulation as an international reform project is highly ambiguous and problematic.

In Chapter 1 it was argued that Kantian subjectivity leads to a radical alienation of politics from morals, the latter of which is deemed absolutely autonomous. It is the very wide gulf between politics and morals that necessities a political reform project in general, and of interstate politics in particular. Although moral autonomy cannot be directly manufactured within the political world, it can at the very least be preserved (and, to an ambiguous extent, promoted) if the external relations of individuals are domesticated and made compatible with morality's formal structure. Politics is made increasingly compatible with morals only by making it resemble the logic of the categorical imperative *via* a public system of rights in which all individuals are recognized as legal ends. Such a public system of external freedom appears initially to be coeval with justice for Kant; the perfection of such justice is ensuring that everyone's negative liberty is restricted in such a way that all have consistent domains of freedom.

Sadly, Kant thinks that political reform requires an absolute agent in order to secure the basic conditions of a minimally rightful condition—i.e., justice requires an illimitable sovereign. All reform is to be mediated through the legislative force of the sovereign and thus, the sovereign state is a prerequisite of freedom. Nevertheless, because state sovereignty is justified only by its relationship to individual freedom, its moral status is rendered fundamentally suspect for two reasons. First, most generally, Kant's bifurcated vision of freedom complicates the ends to which sovereignty is alleged to contribute. As argued in Chapters 2 and 3, the idea that sovereignty can be justified only by formal principles of justice cannot be sustained within the context of Kant's own framework. This is because he draws implicitly upon the material or "moral" principle of treating humanity as an end to justify reform, thus betraying his own commitment to a politics that is concerned only with formal "legality." What this means is that sovereignty must be measured in some relation to its efficacy in promoting the kingdom of ends too. But Kant himself shows that the extent to which the sovereign contributes to these moral ends is dubious, especially in the context of international politics.

Thus, the second, more specific, problem generated by Kant's view of sovereignty pertains directly to international politics. Although sovereigns provide the necessary conditions for freedom, they also logically negate these requirements by their mere independence from one another. In other words, their external sovereignty contradicts the formal justification of their internal sovereignty. This is because, when individuals are sacrificed in interstate conflicts that necessarily arise in a state of nature,

the formal and material conditions of freedom have been negated. Sovereignty is thus rendered incompatible with freedom because, in the context of international anarchy, (i) individuals have ends imposed upon them that violate their external freedom, and (ii) politics requires what (Kant's own) morality expressly forbids: a systematic violation of the categorical imperative.

Kant's advocacy of international reform is, ultimately, a complicated product of his view of the justice produced by state sovereignty. Prescriptions for international reform centre upon the painful task of overcoming the contradiction between internal and external sovereignty through two related mechanisms, each of which rely upon the sovereign state's agency. The republican constitution (and a federation of such constitutions) in addition to a teleological history operate through the agency of sovereign states. In the former mechanism, the states have been directly pacified by a hypothetical dependence upon the desires of citizens to be free from international conflict. In tandem, several such states will, Kant hopes, form a pacific confederation, one that also realizes freedom progressively in each state. In the latter mechanism, it is the phenomenal actions of sovereigns that promote the goal of interstate peace in a long-term historical trajectory. The conflicting wills of sovereigns clash, thus "causing" a dialectic of asocial-sociability in which individuals and states learn to calculate the necessity of rational constitutional relationships among themselves. Sovereigns are thus led to republicanism and confederation in spite of their conscious intentions and desires.

Kant's texts have been invoked by a wide range of contemporary thinkers to support the necessity of reforming of international relations. This is remarkable because of the peculiar nature of Kant's justification of reform, especially the largely "illiberal" features of his doctrine of sovereignty—a doctrine that massively limits the nature and shape of reform that his texts can be said to support. But subsequent waves of liberal internationalists have not, mistakenly, I believe, focused sufficiently on the problematic foundations of Kant's thought. If they had, they would be in a better position to see the underlying limits and tensions of all liberal projects to reform interstate relations within an assumed context of anarchy. Indeed, in order to acquire a better view of the contemporary crisis of liberal internationalism, I think it is necessary to realize how Kant's problematic biases are reproduced within the tradition.

The link between Kant's concern for international reform and contemporary divisions within liberal internationalism is that the former's texts are held to contain a useful "model." That is, Kant's "legacy" is held to contain insights, explanations and prescriptions to serve as guideposts for contemporary international reform. But rather than a coherent "legacy," there have been competing Kantian "legacies." This is understandable because, as I have claimed, Kant's own ambiguity in his theory of justice and international reform has made his thought malleable enough for widely distinct interpretations of his meaning. These interpretations have been used in the context of different liberal visions of the conditions of contemporary reformative practice. The most salient divide between liberal internationalist thinkers has been over the sovereign state and its moral and practical status in achieving reform. It is my

view, however, that all modern attempts to render Kant's legacy into a foundation for present day reform are potentially problematic. The problem lies not merely in the fact that such interpretations are partial or one-sided—as suggested above, perhaps the only way to build a coherent Kantian legacy is to disregard certain elements of his philosophy. Rather, it is that the different contemporary attempts to use his international thought do not adequately realize the profound limits imposed on Kant's meaning by his theory of justice. By ignoring the justificatory foundations of Kant's political thought, contemporary thinkers have read an incomplete script by an author who is, when read closely, widely out of step with the requirements of contemporary reform under conditions of a profound crisis.

Actually, Kant is a more appropriate model *of* the problematic and limited traditions of liberal internationalism rather than simply a model *for* its contemporary application to world politics. If we take the effects of his theory of justice seriously, his thought actually reflects the problems within traditional liberal internationalism, problems that lie at the heart of its current crisis. Indeed, when the disconcerting facets of his theory of justice and doctrine of sovereignty are recognized, his thought is arguably a wholly inadequate model *for* present conditions. But these problems have not, in the main, been recognized adequately in international theory.

The Possibility of Reflective Judgements?

The idea that Kant's thought is a general model of the problematic foundations of internationalism has also been stated by Bartelson.³⁴ However, he claims that there is within Kant's philosophical corpus a way of thinking that offers an escape from the ontological crisis that characterizes the tradition generally. Kant's international thought and the tradition it inspires can be made to reflect contemporary conditions better, argues Bartelson, if we consider the principle of "reflective judgement" found in the *Critique of Judgement* (1790). Thus Kant can also be reinterpreted into an appropriate model for contemporary internationalism. Bartelson's interpretive strategy is, however, not convincing because it fails to recognize the centrality of Kant's theory of justice, and the problematic view of sovereignty it supports. If there is a genuinely Kantian solution to the problems of his own theory of justice—and the narrow view of internationalist reform it supports—it is, I shall argue, more likely to be found in modifying its dogmatic reliance upon sovereignty rather than the idea of "reflective judgement" alone.

I have drawn from Bartelson's argument that the "foundations" of Kant's philosophy are "also what make modern internationalism look paradoxical."³⁵ However, as I stated, Bartelson's focus on the division between reason and understanding (or freedom and nature) as a cause of paradox is too general to understand the

34 Bartelson, "The Trial of Judgement."

35 *Ibid.*, 255.

basis of Kant's international reform project. This is so for two reasons. First, Kant justifies and explains the necessity of such reform through a much more specific and definitive theory of justice, albeit one that is certainly informed by the crucial metaphysical dualism that Bartelson identifies. Second, subsequent liberal internationalists have not, actually, absorbed Kant's underlying ontology and epistemology *per se*. The divide between nature and freedom, for example, is scarcely an explicit concern of most liberals, especially ones rooted in Anglo-American philosophic traditions. Instead, it is the foundation of Kant's theory of justice that is congruent with subsequent assumptions in traditional liberal internationalism about the positive relationship between sovereignty and freedom. Kant's view that freedom can be made compatible with sovereignty has, as I claimed, been implicitly absorbed by thinkers such as Doyle and others who subscribe to the democratic peace thesis. Kant's view that the nature of reform is domesticating states in anarchy much the same way individuals were brought to justice within the state has been a more direct link to the problematic features of the tradition.

Bartelson claims that "[w]e ought to reconceptualize some of the foundations of internationalism before we turn to more practical matters, and [that]...this reconceptualization can partly be carried out by reinterpreting Kant's vision of the internationalist *problématique*."³⁶ If this is true, it would seem that this reinterpretation of Kant is required specifically of his theory of justice, as the most salient and

36 Bartelson, "The Trial of Judgement," 256.

problematic foundation of his international reform project. However, Bartelson does not pursue this interpretive strategy—he claims, instead, that there is a possible resolution to the “conceptual tensions” within Kantianism and liberal internationalism within in Kant’s concept of “reflective judgement.”³⁷

Bartelson’s reinterpretation of Kant is motivated by the sentiment, common to post-structuralists, that the deep ontological foundations of the Enlightenment ought to be dissolved or made contingent in order to free us from their constraints upon thinking. He thus identifies elements in Kant’s thought that help in this task, while rejecting those which do not. The dualism of freedom and nature, and the divided faculties of reason and understanding to which they correspond, are rightly believed by Bartelson to cause Kant’s paradoxical view of international reform. The gulf between these polarities is claimed to ultimately inspire a need to domesticate political experience and to bring man’s finite nature under sovereign control. But this project is doomed to misfire because, as claimed above, the problematic division between subject (the sovereign state) and structure (i.e., anarchy) is perpetuated by the very terms of international reform. This is because sovereign states are deemed to be the only agents capable of overcoming the conditions which make them sovereign states—their very external independence from one another. Bartelson claims that “internationalists ought to abandon the intuitions that make internationalism prey to [such] paradox...in favour of more attention to the contingency and particularity of

37 *Ibid.*, 257.

morality and history.”³⁸ Kant is a model of the internationalist tradition to the extent that the effects of his dualism have been absorbed and reinforced by subsequent liberals. But Bartelson claims that the tradition has not paid attention to Kant’s “later” thought, namely, his philosophy of judgement (and, to some extent, history). These things represent “an attempt, however vague and unfinished, at a...redescription of ourselves and our political world.”³⁹

The nature of this redescription is, according to Bartelson, found in a crucial distinction that Kant makes in the *Critique of Judgement* between “determinative” and “reflective” judgements.⁴⁰ The former are judgements in which particulars are subsumed under given universals or general *a priori* rules. Here there is nothing peculiar or unique to the faculty of judgement because it is, as Kimberly Hutchings notes, “directly dependent upon the understanding and the power of theoretical reason.”⁴¹ What excites Bartelson is the possibility of “reflective” judgements. Kant claims that, where there is no extant universal available to subsume the particulars of contingent experience, the philosopher must creatively *supply* such a judgement by which to reflect on experience independent of all previously established foundations.

38 *Ibid.*, 257.

39 *Ibid.*.

40 *Ibid.*, 270. See CJ, 169-70/3-9.

41 Kimberly Hutchings, *Kant, Critique, and Politics*, 23.

Judgement here is autonomous “in the sense that it lacks a foundation outside of its own activity.”⁴²

Reflective judgment thus seems to offer an exit from the impasse between nature and freedom that animates Kant’s “early” thought, one that has not been adequately applied to his international reform project in Bartelson’s opinion. But contemporary liberal internationalists are stuck in a crisis that is the “residue of the very vocabulary that Kant himself sought to circumvent [with reflective judgement],” and should therefore be willing to seek liberating potential of its *groundless ground*.⁴³ The foundational assumptions of morality and politics typically associated with Kant’s thought are therefore made radically contingent by reflective judgement.⁴⁴ Bartelson hopes that his reading of Kant’s third Critique will lead liberal internationalists to reconsider the contingency and particularity of the foundations they implicitly assume. Such a manoeuvre would serve to “open up” and question the fixed nature of political identity presupposed by traditional internationalist positions, especially that of the sovereign state.⁴⁵ As he claims,

[M]ost versions of modern internationalism have quite uncritically assumed that the modern subject and the sovereign state can and will remain identical with themselves in the course of internationalist transformation, an assumption that

42 Bartelson, “The Trial of Judgement,” 270.

43 *Ibid.*.

44 Bartelson makes a similar claim for Kant’s concept of “historical signs,” as something that “furnishes us with an understanding of history as radically contingent,” *ibid.*, 274.

45 *Ibid.*.

helps to explain why modern internationalism has remained insensitive to the historicity of both.⁴⁶

Bartelson rightly supposes that the most profound cause of the crisis of liberal internationalism—the gap between experience and expectation, as he puts it—are assumptions its advocates hold about the permanence of autonomous subjects in anarchy. He also forwards a compelling case that the use of “reflective judgements” would be a way to overcome these foundational assumptions and the Kantian dualism that oftentimes supports them. In my view, however, this is a very weak and ultimately unconvincing basis for addressing the problems of Kant’s international theory and for making it adequate for the contemporary world. For Bartelson exaggerates the importance of the role the *Critique of Judgement* can be expected to play in a Kantian vision of politics. This creates two related problems. First, Kant wrote the *Critique of Judgement* at least five years prior to articulating fully his theory of justice and thoughts on international relations. Thus he did not himself see his principle of “reflective judgement” as a solution to a problem he had yet to formulate. More seriously, however, is the second problem with Bartelson’s reinterpretation. As Bartelson concedes, the need for reflective judgments arises only when there is an absence of relevant standards for determinative judgements. There is no statement in Kant that reflective judgments should be employed if we are unsatisfied with, or feel like, rejecting established or existing *a priori* determinative and rational foundations. The problem, then, with Bartelson’s analysis is that he does not articulate how often

46 *Ibid.*, 275.

nor when reflective judgements are likely to prevail in our reckoning of political matters. Reflective judgements are only good or germane when the standards for determinative judgements are impossible to locate. When it comes to politics and international relations, Kant's *Metaphysics of Morals*, again, written *after* the third Critique, elaborates an entire system of determinative principles that cannot be ignored, despite the fact that many of these principles have rightly proved to be rather unpopular and banal.⁴⁷

As Kant writes in the Preface to the "Doctrine of Right," the formal principles of justice he outlines are *a priori*, but in need of application to the concrete: "for in the application of these principles to cases this system itself cannot be expected, but only approximation to it."⁴⁸ These principles are determinative because they are legislated by a transcendental faculty of reason; and the context onto which they are legislated is characterized by the uncertainty of a contingent natural order that can only be led slowly to approximate what holds in reason alone. The wide, gaping division between freedom and nature thus continues to prevail in Kant's ethico-political thought; for the task of philosophy is to subordinate the particular relations of concrete humans to those universals revealed by reason: "...and we shall often have to take as our object the particular nature of human beings, which is cognized only by experience, in order

47 See Hannah Arendt's comments on the banality of the *Metaphysics of Morals*, *Lectures on Kant's Political Philosophy*, 7-8.

48 MM, 205/3.

to *show* in what can be inferred from universal moral principles.”⁴⁹ Thus the space for reflective judgment seems to be truncated considerably by the terms of Kant’s theory of justice. Certainly Kant intends the *Critique of Judgement* to resolve the gap between freedom and nature, but the possibility of reflective judgment is, as Hutchings notes, “not directly practical...since the principle peculiar to judgement is purely subjective, it legislates for itself, unlike understanding and reason.”⁵⁰ Kant’s concept of reflective judgement does not thus override nor suspend the determinative foundations set out in his theory of justice. At best, such judgement can offer “hope” by permitting the philosopher to assess the course of history in order to steer “the realm of right [increasingly] towards the realm of virtue.”⁵¹ Thus the dualistic foundations of Kant’s political thought cannot convincingly be dissolved, much less transcended, by reflective judgement alone.

A Change from Within Kant’s Theory of Justice

Any attempt to render Kant’s international thought a more adequate model *for* future liberal internationalist theory, such as the cosmopolitan democracy model, must confront more directly the terms of his theory of justice. It is necessary to confront the problematic role that Kant ascribes to sovereignty in achieving political reform.

49 MM, 217/10.

50 Hutchings, *Kant, Critique and Politics*, 23.

51 *Ibid.*, 41.

For although Kant's dogmatic attachment to state sovereignty does not exhaust his theory of justice, it certainly limits his vision of the nature and limits of international reform in a way that parallels the problems that the tradition of liberal internationalism currently faces. In the ensuing analysis, I draw upon Pogge's claim that an improved Kantian politics requires above all a crucial modification to his theory of justice; I then suggest the important implications this would have if applied to Kant's legacy to liberal internationalist theory.

Prior to the *Metaphysics of Morals*, Kant did not have a systematic position on politics. Kant aims in this text to supply the determinative principles of politics that Bartelson assumes are sparse enough to let a much more contingent set of judgements reign. Indeed, Kant's view is that contingency and groundlessness are the inherent problems of politics, not a solution. Uncertainty is to be gradually eliminated or subdued by the transcendental, rational framework erected in the "Doctrine of Right." As Pogge notes, the main innovation that Kant's theory of justice adds to his philosophy is a conception of external duties among autonomous agents that is "argued for by appeal to pure practical reason."⁵² It is thus remarkable that, given its crucial nature, so many International Relations scholars have failed to make this element of Kant's thought more central to their accounts of his international reform project.

⁵² Pogge, "Kant's Theory of Justice," 412.

Nonetheless, although Kant's theory of justice determines the shape of his international reform project, it is not an unambiguous relationship. Although Laberge is one of the few to actually demonstrate the signal importance of the Kantian view of justice to international reform, he ultimately fails to take into account the underlying ambiguities in this vision. As I argued in Chapter 2, the division between internal and external freedom is crucial to Kantian reform because it indicates how an autonomous moral realm is to subordinate and inform politics. It was also noted that justice involves primarily formal principles that are abstracted from, yet resemble, the demands of the categorical imperative. In my view, Laberge wrongly insists that these formal principles of external freedom among individuals and states are the *only* relevant and coherent principles by which to explain Kant's international position. My interpretive framework demonstrated that Kant's theory of justice, and hence his international reform project, is actually made ambiguous because it also relies upon material principles too, ones that at first seemed to be disallowed from his framework of justice by the distinction between "legality" and "morality." The tensions within a strictly Kantian view of justice affect the structure of his position on state sovereignty. As I claimed, state sovereignty is rendered dualistic in Kant's account of international reform because there are two very distinct concepts of freedom, i.e., internal and external, that are employed as justification.

It is ultimately Kant's position on sovereignty that makes his thought a useful model of the liberal internationalist tradition for two reasons. Firstly, as we have seen, Kant's own ambiguity on sovereignty reflects the divisions among successive waves of

liberals on the adequacy of the state as an agent for international reform. His theory of justice provides not only a strong justification for the continuing centrality of the state, it also provides the grounds for a strong critique of its empirical existence. Although there are cosmopolitan claims to universal community in Kant's thought, they do not, as stated in Chapter 3, suggest the necessity of weakening state sovereignty. Indeed, this restriction on cosmopolitanism to simply a *moral* community over and above sovereign states indicates a crucial problem with Kant's theory of justice and project for international reform it inspires: nearly everything relies upon the discretion of sovereigns. Hence, the second, and more problematic, way in which Kant's thought is a model of traditional liberal internationalism is that its dogmatic attachment to sovereignty leads to a limited vision of international reform that is prevalent in the state-centric side of the tradition. Although Kant's insistence upon sovereignty is far more absolutist than subsequent liberals, it is motivated by the very same excessive fear of anarchy, and leads to similar assumptions that international reform can proceed only through a domestication of relations among states by states. Thus the application of Kant's thought to contemporary politics may ultimately lead to a worsening of the crisis of liberal internationalism outlined above. If Kant's thought is to make a positive contribution to future attempts to articulate international reform—that is, if he is to be a model *for* a renewed liberal approach to world politics—we need to confront and overcome the role that sovereignty plays in his theory of justice. Pogge has articulated this strategy in a way that can, I think, be applied to international relations theory; this approach actually coheres with the aims

of the cosmopolitan democracy model, but has a more accurate depiction of the inherent limits of any Kantian foundation.

To confront the worst defects of Kant's political legacy we need to consider why he insists upon the necessity of "absolute sovereignty." As explained in Chapter 3, justice consists of a necessarily formal demand for consistent and universal domains of external freedom among individuals in society.⁵³ The most intolerable situation according to Kant is anarchy or lawlessness because it is the absence of any such reliable legal system and therefore a complete negation of freedom. It is Kant's fear of the state of nature in general that leads his theory of justice to support the absolute necessity of a sovereign agent. It is precisely the lack of enforceable determinative judgements in society that causes Kant to endorse the sovereign in the manner that he does. Indeed, the sovereign is the mechanism by which the problem of political contingency is thought to be solved by Kant—rather than, as Bartelson suggests, the use of reflective judgements. Within the uncertain realm of politics, the sovereign is required because, as Pogge notes, "[p]rovisions must be made[,] through codification and adjudication, for determining definitively what the laws are, and how they apply to particular cases." For this the sovereign is the "mechanism of authoritative determination."⁵⁴

As argued in Chapter 3, Kant's doctrine of sovereignty is an ambiguous foundation for liberal international reform. On the one hand, he suggests that any existing form

53 Pogge, "Kant's Theory of Justice," 414.

54 *Ibid.*, 415.

of sovereignty is adequate to the goal of freedom. On the other hand, he claims that all existing sovereigns must submit to reform because they are incompatible with freedom in light of the transcendental standard of the “original contract.” Kant certainly hopes that this ambivalence shall be resolved progressively through a teleological history in which sovereigns submit to (self-)reform (and perhaps it is here, if anywhere, that reflective judgements can play a role).

Kant’s thought is perhaps the most extreme case of the traditional view that international reform requires the domestication of anarchy without world government. The experience of justice in domestic society is the obvious touchstone and model for Kant’s vision of international reform, and yet—as we have seen—this model cannot be fully implemented by the formal demand for internal sovereignty, i.e., a world state. What is needed to overcome this paradoxical and crisis-ridden foundation for international reform is a modification to Kant’s theory of justice. Kant’s demand for sovereignty is rooted in the conviction that justice and freedom need ultimately depend upon the Hobbesian dogma of absolute sovereignty. What is interesting is that Kant drops his strict formalism when it comes to just international reform, as argued in Chapter 3. He does so by departing from a strict usage of the domestic analogy that would have required him to advocate a world government. But Kant does not drop his formalism from his vision of domestic justice. His theory of justice leads him to argue that without an absolute determinative mechanism such as the sovereign, no civil

constitution nor juridical state could exist.⁵⁵ Now, although other liberal internationalists certainly do not follow Kant in this “illiberal” tendency, they do share in his contractarian bias.⁵⁶ By this I mean that traditional internationalism shares in the Kantian ontology that the nature of politics is primarily that of bringing order among a contingent realm of autonomous agents in anarchy. Kant was among the first thinkers to apply the analogy of autonomous individuals to the emerging world of sovereign states in the late eighteenth century.⁵⁷ In so doing, international relations became viewed “as a state of nature analogous to the one in which social contract theorists presumed to have existed formerly among individuals.”⁵⁸ The conviction that international relations requires domestication, rather than democratization, follows from this early-liberal fear of anarchy and desire for order. Yet this desire is frustrated by the realization that such a domestication project cannot actually alter the basis of state sovereignty, at least not without risking the elimination of the inner conditions of justice. Thus, the compromises that traditional liberal internationalists have made with the sovereign state arise from their deep acceptance of the anarchy *problématique* as the overarching concern of politics.

There is, however, a possibility of altering Kant’s theory of justice for the better in such a way that might open up a necessary revision of traditional liberal international-

55 *Ibid.*, 424.

56 On the contractarian elements of Kant’s international thought see Linklater, *Men and Citizens*, chap. 6.

57 See Onuf, *The Republican Legacy in International Thought*.

58 Linklater, *Men and Citizens*, 47.

ism. Following Pogge, I noted in Chapter 2 that there is a priority in Kant's political thought of the formal over material causes. This hierarchy is a consequence of his insistence on the absolute autonomy of the moral realm. But, as Pogge notes, when considered fully, it appears entirely unnecessary for Kant to assume the type of sovereign agent that he does in order to produce a minimal condition of consistent domains of external freedom. And thus,

A very disturbing implication of Kant's theory of justice is its demand for an absolute sovereign....If we are interested in a Kantian theory of justice that might be acceptable today, then, it seems we shall have to modify Kant's own account so as to block out or mitigate that implication.⁵⁹

There are three related reasons why this modification of Kant's own theory might positively affect his problematic legacy to a liberal internationalism in crisis:

First, it would render his thought more adequate to the massive historical changes that have occurred since the late eighteenth century—changes that have only accelerated with globalization. Kant's formalism might suggest that we need to hold onto his transcendental principles of justice regardless of changing historical circumstances like globalization. But it should be pointed out that, in practice, today's existing juridically competent constitutional states “lack an absolute sovereign in any comprehensible sense.”⁶⁰ And thus, by Kant's own logic, even contemporary modern Western societies are technically immobilized by life in a state of nature. In truth, such

⁵⁹ Pogge, “Kant's Theory of Justice,” 431.

⁶⁰ *Ibid.*, 433.

societies do not need such a sovereign because they have realized many of the constitutional principles that Kant assumed would evolve through struggle in history.

Second, in removing the formal requirement for an absolute sovereign, Kant's political thought becomes more consistent with itself and with modern liberalism. As Pogge notes, not only would civil disobedience and conscientious refusal be now permitted, for example, by Kantian politics, but an authentic separation of powers would become possible. Kant's much desired goals of a republican state and federal international system are actually thwarted by the permanent reserve of emergency powers that he allows for the sovereign. Again, such a redescription of Kant's thought means that we relax even further the priority of formal over material causes in his theory of justice. If his excessive formalism is rejected, his weak "surrogate" confederation of sovereign states for international justice begins to lose its appeal. Without a dogmatic view of sovereignty, Kant's model would "come closer to [his own] republican ideal insofar as world law would reflect democratic procedures rather than the distribution of power among governments."⁶¹ As claimed in Chapter 5, it is only once Kant's political thought is purged of this dogmatic formalism *vis-à-vis* the sovereign state that it could actually support something resembling the cosmopolitan democracy model.

Finally, Kant's political and international theory would begin to enable, rather than impede, the realization of Enlightenment that he claims to advocate. Kant frequently

⁶¹ *Ibid.*, 433.

invokes the existence of important material purposes within politics that he hopes to one day be realized. But his anachronism concerning sovereignty, and the formalism that has supported it, have unnecessarily subordinated these purposes. It is long past the time where it is adequate to merely “hope,” with Kant, that these ethico-political purposes can be accommodated by the discretionary will of sovereign states. By removing the absolute and artificial connection that the sovereignty symbol has been given with freedom and justice in Kant’s thought, we would be better equipped to actually practice rather than merely hope for Enlightenment. One of the things that this would require, in my view, is a constant questioning of the received answers presented to us by foundational figures such as Kant. This would also require that we avoid making any “founding father” the artificial arbiter of divisions among contemporary scholars trying to make sense of a radically changing world politics. It would be far more honest if we instead started an intellectual debate from the place where Kant wishes his politics to end: a conviction that the public use of reason and open debate among liberal minds will gradually lead us away from an initial preoccupation with anarchy and coercion. This conviction is essential to the recognition that the moral foundations of any claim to sovereignty are ultimately contingent upon the progress they allow in creating increased autonomy and the space for reflection.

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