THE POLITICAL HYPNOSIS OF THE OWL OF MINERVA

Abstract

In *Religion Within the Boundaries of Mere Reason* Kant elaborates on the “ethical commonwealth” – a concept that is essential for his view that a world state is inevitable in the future. It will be asserted that *Toward Perpetual Peace* is not fully representative of Kant’s views on international relations, because it has been written in a period when Kant was banned by the Prussian state to freely express himself. Since a cosmopolitan position follows from the central assumptions of Kant’s practical philosophy, it ought to be part of those approaches to international relations that are developed along Kantian lines. Rawls and Habermas fail to adopt a similar position, primarily because of, respectively, a refusal to adopt a global original position and a conception of human rights that is political (i.e., non-moral) in nature. The largely un-Kantian conclusions of Rawls and Habermas will be contrasted to cosmopolitan views on international relations.

STRUCTURE OF THE ARGUMENT

The purpose of this article is twofold. First, it is an interpretation of Kant’s views on international relations, in particular his prescriptions for a future world society. Second, much of its attention will be devoted to Rawls and Habermas, and the question why they have not adopted a Kantian position that is cosmopolitan in nature. The argumentation will proceed along the following stages.

(1) An interpretation of Kant’s views on international relations will be developed and indicated why it is essential not to limit a proper understanding of these views to a study of the essay *Toward Perpetual Peace*, but to look instead carefully into the substance of Kant’s entire system of practical philoso-
phy – something that requires an analysis of more writings that Kant has left behind than the study of the mentioned essay alone. It will be demonstrated why Toward Perpetual Peace is not the one ideal work for a successful enquiry into Kant’s views on international relations. Special attention will be devoted to Religion Within the Boundaries of Mere Reason, as a work that offers useful insights into Kant’s conception of a future world society, particularly if considered in relation to his entire system of practical philosophy.

(2) Rawls’s theory of international relations will be critically assessed, as well as compared to Kant’s conceptualization of a future world society. The critique will be based on Rawls’s failure to persuasively justify his refusal to postulate a global original position, as well as his failure to prove the rightfulness of his concept of liberal societies tolerating non-liberal but “well-ordered” ones as “decent” and as “societies in good standing”. It will also be asserted that Rawls has fallen victim to the habit of interpreting Kant’s views on international relations mostly on the basis of Toward Perpetual Peace.

(3) A critical analysis of some of Habermas’s primary positions on international relations will be offered, and demonstrated that they suffer from the same essential shortcoming Rawls’ position suffers from. True cosmopolitanism will be proposed as an alternative conceptualization of the problem of interest. Such a position would also have resulted from a different understanding of the issue of human rights than the one Habermas has provided. It will be argued that this alternative conceptualization follows from Kant’s system, but that Kant himself failed to make that clear in Toward Perpetual Peace – the study that Rawls and Habermas (and not only they) use as the matrix for the interpretation of Kant’s views on international relations.

KANT: A PHILOSOPHICAL APPROACH

Kant has developed the foundations of his philosophy in his major systemic writings. Among them, Religion Within the Boundaries of Mere Reason (1793; hereafter referred to as Religion) has been the latest large, systemic, and for our purposes relevant work before an important event occurred that has determined Kant’s writings in the coming years. As is well-known, Kant’s practical philosophy cannot be fully comprehended if the role that Providence plays in his system is discarded. But after the publication of Religion, Kant’s de-

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87 Some parts of the sections on Rawls and Habermas I have published elsewhere. In this article they are expanded, upgraded and put into perspective of Kant’s thought. The introduction of this perspective, as well as an extensive analysis of Kant’s position on international relations, are the primary novelties of this article.
ficient involvement with religious and theological matters is remarkable. This deficiency characterizes two of his works that are frequently cited in relative isolation of Kant’s other writings when his approach to international relations is being studied. They are in the first place Toward Perpetual Peace (1795; further in the text TPP), but also a number of relevant sections on “Public Right” of The Metaphysics of Morals (1797). How did this change of attitude in Kant’s thinking come about? How is it possible that in these two studies Kant fails to seriously concentrate on a concept that is essential for his system of practical philosophy, and that has the potential to answer critical issues pertaining to international relations as well: the concept of Providence, and the ideas that Kant derives from it88?

The explanation is to be found in a noteworthy event that occurred in 1794: the authorities of the Prussian state decided to undertake repressive actions against Kant – because of his writings on religious matters. After having published Religion (1793) and The End of All Things (1794), the Prussian King Frederick William authorized an official letter to Kant (signed by Frederick William’s “Minister of Education and Religious Affairs”) in which Kant was accused of “misusing” his philosophy to “distort and disparage many of the cardinal and basic teachings of the Holy Scriptures and Christianity”. The letter also demanded from Kant to “give an account of himself” and be guilty of no similar faults in the future, lest he be object of “unpleasant measures” for his “continuing obstinacy”89. It was dated October 1, 1794.

Eleven days later Kant indeed gave an “account of himself” and replied that his writings were purely philosophical and hence were not an attempt to evaluate the Holy Scripture and Christianity. Regarding the second point, however, Kant pledged “as your Majesty’s most loyal subject” not to discuss publicly on any form of religion, whether natural or revealed, either in lectures or in writings90. This is essential and it explains why TPP and The Metaphysics of Morals, written after the imposed ban on Kant to write about religious matters in any form, are devoid of the necessary theological component, including seriously elaborated concepts of God and Providence and the ideas derived from them (as obvious “forms of religion, whether natural or revealed”).

88 In TPP and the Metaphysics of Morals Kant does address the concept of Providence (or God), but generally more in passing, avoiding an elaboration of its role resembling the one Kant has provided in Religion and most of his other systemic writings.


90 Ibid., p. xxi.
In November 1797 (four months after the publication of *The Metaphysics of Morals*) Frederick William died and Kant was not bound anymore by his personal promise (given to the specific Emperor “as your Majesty’s most loyal subject”). In 1798, *The Conflict of the Faculties* appeared, containing Kant’s last major printed reflections on religion. Hence, in the period between Frederick William’s letter of 1 October 1794 and 1798, Kant did not publish on religious and theological matters. Regarding their relevance for Kant’s position on international relations, *TPP* (and the relevant sections of *The Metaphysics of Morals*) must therefore be viewed as incomplete statements about matters they address or fail to address.

Which writings are then the ones that can give us more complete insights into Kant’s views on relations among states as an element of his political philosophy and system of ethics? Apart from *TPP* and the mentioned sections of *The Metaphysics of Morals*, it is important to have an understanding of the ideas Kant develops in the *Groundwork of The Metaphysics of Morals* (1785), the *Critique of Practical Reason* (1788) and, as already underlined, in *Religion* (1793). These works are systemic writings in which Kant deals with his practical philosophy. The most important of them might well be *Religion*, because it was the last work of that type in which Kant has written as a philosopher who could still freely express himself. The implications of that are enormous. If *Religion* contains thoughts that are sufficiently relevant for a proper understanding of Kant’s position on international relations, it is an inescapable piece of reading on the subject. In the following I will attempt to make clear that this is certainly the case.

In interpreting *Religion*, let me begin with highlighting something that is significant for an understanding of Kant’s conception of the relations among states. It is also important for comprehending the role “perpetual peace” plays in his approach to international relations. For Kant, namely, the aim of perpetual peace cannot be achieved by political means alone. In his own words:

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91 Because *The Conflict of the Faculties* does not elaborate in depth on Kant’s essential notions on international relations, I will not analyze this work here. It suffices to mention that the second part of *The Conflict of the Faculties* offers some empirical evidence for Kant’s belief that the human race is progressing toward the better. This evidence is based on the perceived enthusiasm for the French revolution among disinterested observers of the event (Ak. 7:85 – edition of the Prussian Academy). But in light of the fact that in *Religion* Kant offers a broad and organized elaboration of his notions related to ethics and political philosophy, including international relations, it is justified to say that this work was Kant’s latest systematic and openly expressed elaboration on the matter.
“Such is therefore the work of the good principle – unnoticed to human eye yet constantly advancing – in erecting a power and a kingdom for itself within the human race, in the form of a community according to the laws of virtue that proclaims the victory over evil and, under its dominion, assures the world of an eternal peace.”

What can be concluded from this? Evidently that the success of the project sketched in TPP must depend on something other than politics. That something is for Kant “the work of the good principle”, i.e. the moral progress of the human being. But moral progress has a point of convergence with political progress. This point of convergence is fully outlined in Religion, and that is one of the primary reasons why Religion ought to be given serious consideration.

But where do moral and political progress converge? In the previous citation, it has been pointed out that Kant talks about “the good principle” working “within the human race” in the direction of the creation of “a community according to the laws of virtue”. This statement should not be understood independently from Kant’s perception of Christianity as a religion that sends us a moral message that calls for the unity of humanity – a unity that will in the final instance result in the formation of a world state. That indicates why issues pertaining to international relations occupy such a salient place in Religion. Kant asserts there that the ultimate aim of human progress is that “the human being ought to leave the ethical state of nature in order to become a member of an ethical community (commonwealth)”.

Here I partially follow the argument in Howard Williams, Kant’s Political Philosophy (Oxford: Basis Blackwell, 1983). Williams perceives Religion, possibly overemphasizing its role, as “perhaps the most committed of Kant’s works” (p. 261).

It is possible to translate the German term Gemeines Wesen as “community” or as “commonwealth”. Both terms have been used by different translators, as well as by different Kant students. My belief is that in most contexts the term “commonwealth” gives a closer sense of the meaning of Gemeines Wesen. Besides, it is the German term Gemeinschaft that is commonly translated with “community”. I will thus use the term “commonwealth” more frequently here, although not exclusively.

Ibid., A122, B129 and 130, Ak. 6:94.
The idea of an ethical commonwealth is anticipated already in the *Groundwork of the Metaphysics of Morals* and in the *Critique of Practical Reason*. In both works Kant writes about the *summum bonum*, or of the highest good, and defends the position that this can be attained in a perfect community only. In *The Critique of Practical Reason* he refers to the achievement of the “highest good in the world” as to the “necessary object of a will determinable by the moral law”\(^{96}\). In the *Groundwork*, Kant describes the perfect community by using the term “Kingdom of ends”\(^{97}\). Let us for a moment call to mind something that is essential for Kant and central to the concepts that are addressed here: the idea of the free person. Only a person with a free will is capable of acting morally, because he *wills* to act morally. Hence, the achievement of the highest good and the Kingdom of ends is only possible by free individuals.

In political commonwealths all citizens are in an ethical state of nature\(^{98}\). That is not the case in an ethical commonwealth, in which they are “united under laws without being coerced, i.e. under *laws of virtue* alone”\(^{99}\). The concept of the ethical commonwealth, moreover, extends to humanity in general\(^{100}\). Kant: “Hence, a multitude of human beings united in that purpose [of a political community] cannot yet be called the ethical community as such but only a particular society that strives after the consensus of all human beings (indeed, of all finite rational beings) in order to establish an absolute ethical whole of which each partial society is only a representation or schema”\(^{101}\).

An ethical commonwealth ("a universal republic based on the laws of virtue”\(^{102}\)) is something humans ought to aspire, but that can only be achieved with the help of Divine intervention\(^{103}\). Kant: “Hence an ethical community is conceivable only as a people under divine commands, i.e. as a *people of God*, and indeed in accordance with the *laws of virtue*”\(^{104}\). In other words, no matter how unachievable the ethical commonwealth might appear to us, Providence will give us the help we need – but not if we remain inactive. On the contrary,

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\(^{96}\) *Critique of Practical Reason*, Ak. 5:122  
\(^{97}\) *Groundwork*, Ak. 4:433 (and elsewhere)  
\(^{98}\) *Religion*, A124, B132, Ak 6:95  
\(^{99}\) Ibid., A123, B131, Ak. 6:95.  
\(^{100}\) Ibid., A 125, B133, Ak. 6:96.  
\(^{101}\) Ibid., A125, B133, Ak. 6:96.  
\(^{102}\) Ibid., A128, B136, Ak. 6:98.  
\(^{103}\) Ibid., A132, B140, Ak. 6:99.  
\(^{104}\) Ibid., A132, B140, Ak. 6:99.
we ought to direct our efforts toward our moral improvement and the creation of this ethical commonwealth\textsuperscript{105}.

The ultimate purpose of politics is the goal of an ethical community in which individuals are guided by “(the duties of) virtue”. This means that Kant is entirely clear about the need for the subjection of the political sphere to ethical principles. The highest political good and the highest moral good, however, can only be achieved simultaneously. And that can happen exclusively in a world community, a community of human beings, in a world state – not in a federation of states. That might strike us as contradictory, having in mind that Kant advocates a federation of states in \textit{TPP}: “The idea of the right of nations presupposes the \textit{separation} of many neighbouring states independent of one another; and though such a condition is of itself a condition of war (unless a federative union of them prevents the outbreak of hostilities), this is nevertheless better, in accordance with the idea of reason, than the fusion of them by one power overgrowing the rest and passing into a universal monarchy...”\textsuperscript{106} And: “...a federative condition of states having as its only purpose the avoidance of war is the sole \textit{rightful} condition compatible with the \textit{freedom} of states”\textsuperscript{107}.

How to explain this discrepancy in Kant’s thoughts, apart from raising the issue of the ban on his freedom of expression at the time when \textit{TPP} was published? It might be argued that the ethical commonwealth Kant envisions as the Church: “An ethical community under divine moral legislation is a \textit{church} which, inasmuch as it is not the object of a possible experience, is called the \textit{church invisible}...”\textsuperscript{108} But at a variety of other places in the \textit{Religion}, Kant makes clear that the ethical commonwealth is more than one particular church. It is \textit{the} one, true, invisible Church, but also “a universal \textit{republic} based on the laws of virtue”\textsuperscript{109}. The invisible church, the universal republic or world republic, “the good principle” working within the human race toward “a community according to the laws of virtue”, the \textit{sumnum bonum}, the perfect community, the Kingdom of ends, the ethical commonwealth – all these terms refer to Kant’s view of the point of convergence of moral and political progress of the human. This point is thus also one at which the Church and the political community converge. Consequently, the ethical commonwealth is more than the Church.

\textsuperscript{105} For Kant’s own formulation, see ibid., A133, B141, Ak. 6:100-6:101.
\textsuperscript{106} \textit{TPP}, Ak. 8: 367.
\textsuperscript{107} Ibid., Ak. 8:385.
\textsuperscript{108} \textit{Religion}, A134, B142, Ak. 6:101.
\textsuperscript{109} Ibid., A128, B136, Ak. 6: 98 (my emphasis).
Elsewhere in *Religion*, Kant writes that the “the will of the world ruler… invisibly binds all together, under a common government, in a state inadequately represented and prepared for in the past through the visible church”\(^\text{110}\). The “church invisible”, on the other hand, is the true representative of the morally progressed human, subject to a *common* government in a *common* state. Accordingly, this “church invisible” and the world state are the indispensable embodiments of a future humanity – a community of human beings who are united in an ethical commonwealth.

How does Kant account theoretically for his view of a continuous progress of the human race to the better (formulated in *Religion* in a variety of ways, e.g. as “the continuous advance and approximation toward the highest possible good on earth”\(^\text{111}\))? This question cannot be answered without taking a look at one of the main features of Kant’s practical philosophy: duty. Let us recall that for Kant it is our duty to act in accordance with the moral law. Similarly, it is our obligation to assume that humanity continuously progresses toward the better. Acting in accordance with the moral law means, among else, to treat human beings always as ends, and never only as means towards other ends. That will finally result in that what Kant calls the “Kingdom of ends”. In *TPP*, Kant writes that it is our duty to realize the “condition of public right, even if only in approximation by unending progress” and that consequently perpetual peace will be realized at an accelerated pace\(^\text{112}\). Hence, it is duty that is the basis of perpetual peace, the Kingdom of ends, the world state, the church invisible, the ethical commonwealth. Our obligation to assume that all these concepts will be realized, makes them realizable.

It is useful to link these thoughts with Kant’s postulations on the immortality of the soul and the existence of God. Kant derives the postulate on the immortality of the soul from his understanding that the highest good (morality) can only be accomplished by assuming an endless development of the human capacity for the good. The highest good can only be achieved in eternity. Because of that, it is our moral duty to assume the immortality of the soul\(^\text{113}\). Concerning the existence of God, Kant provides us with a related argument: the achievement of the highest good is not possible without God, and hence it is duty that makes us postulate God’s existence\(^\text{114}\). Kant: “Now, it was a duty for us to promote the highest good; hence, there is in us not merely the warrant

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\(110\) Ibid., A170, B180, Ak. 6:122.

\(111\) Ibid., A196, B205, Ak. 6:136.

\(112\) *TPP*, Ak. 8:386.

\(113\) See *The Critique of Practical Philosophy*, Ak. 5:122 and 5:123.

\(114\) Ibid., Ak. 5: 124.
but also the necessity, as a need connected with duty, to presuppose the possibility of this highest good, which, since it is possible only under the condition of the existence of God, connects the presupposition of the existence of God inseparably with duty; that is, it is morally necessary to assume the existence of God.”115. And: “… the moral law leads through the concept of the highest good, as the object and final end of pure practical reason, to religion, that is, to the recognition of all duties as divine commands, not as sanctions… but as essential laws of every free will in itself…”116. It can be seen here in Kant’s own statement that the moral law and the concept of the highest good lead to religion, and that hence Religion is the logical extension of The Critique of Practical Reason and of the Groundwork, as well as, arguably, the culmination of Kant’s thoughts on practical philosophy.

There is, however, one important difference between our obligation to assume perpetual peace and related concepts (e.g., the ethical commonwealth and the Kingdom of ends) and our duty to assume the immortality of the soul and the existence of God. In the first case, the fulfilment of our duty (our realization of the moral law and our assumption that perpetual peace will be realized in the future) will finally result in perpetual peace, whereas our moral duty to assume the immortality of the soul and the existence of God will not result in these assumptions becoming reality. Although this difference is noteworthy, it does not undermine Kant’s argument. What might undermine his argument, however, is the very concept of duty.

Kant assumes, namely, fulfilling his duty to the moral law, that God exists. But obligation to the moral law is that of which God is the author117. Hence, the author of our obligation to the moral law appears to be invented by the moral law himself. In other words, the creator of our obligation to the moral law is a product of the moral law. That is clearly impossible. This critique of the circularity in Kant’s argument is something that might be added to Hegel’s indictment of the categorical imperative as being “empty”. It is also the shortest formulation I was able to develop about what is, debatably, one of the weakest elements of Kant’s entire practical philosophy. An elaboration of this issue would obviously be detrimental to the thematic unity of this article and thus I

115 Ibid., Ak. 5:125.
116 Ibid., Ak. 5:129
117 For an elaboration of the argument that God is not the author of the moral law, but of our obligation to the moral law, see the paper Kant’s Moral Constructivism and his Conception of Legislation, presented by Patrick Paul Kain at the 1998 20th World Congress of Philosophy in Boston (retrieved from http://www.bu.edu/wcp/MainTEth.htm).
will not continue along the lines of my briefly stated argument. It is important, however, to make this point, accentuating my view that a central weakness of Kant's practical philosophy ought to be sought in its primary assumptions related to the conceptualization of deontology. In other words, if neither Kant's primary assumptions are brought into question, nor his deductions, his conclusions also cease to be open to rebuttal.

Let us return to Kant's concept of international relations. Kant's apparent incoherence in advocating in TPP a federation of states, instead of a world state, indicates that his aims there were quite different from those in Religion. In Religion he endeavoured to give an account of the final condition which humanity ought to attain (and is gradually attaining). In TPP he was concerned with the intermediate phase, the stage humanity ought to aspire in the more immediate future. At that stage, a world state is still not achievable – because of the imperfections of humanity. After humans have made sufficient moral progress, a universal state and Church will become possible. Before that, a federation of states will have to do.

In interpreting Kant's view on international relations, one therefore needs to have a clear picture of the stage of the future Kant is referring to: the far future (i.e., the approximation of the final stage of human development) or the more immediate future. Religion deals more with the former, TPP with the latter. There are at least two crucial reasons why it is justified to believe that Kant cared more about the former. First, in Religion he made a systematic attempt to position his thoughts from that work in the framework of his entire system of practical philosophy. For instance, the ethical commonwealth from Religion is an extension of the Kingdom of ends from the Groundwork. It is also an extension of the “highest good in the world as a necessary object of a will determinable by the moral law”, Kant refers to in The Critique of Practical Philosophy. Second, Kant must have been less dedicated to the thoughts he expressed while his freedom of speech was limited than to those he elaborated on in the periods when he could freely express himself. Hence, Kant's reflections on the future world (society), including the role Providence plays in its establishment – notions that are elaborated on in Religion – appear to deserve a greater deal of attention than his thoughts on this and related subjects that are expressed in TPP (and the mentioned sections in The Metaphysics of Morals).

There is one other problem Kant has exposed himself to in TPP: the “status quo bias”. Although this bias is usually not associated with Kant, I believe he has fallen victim to it at the time while the ban on his freedom of expression was in place. Since in that period Kant could not have expressed his thoughts on matters that might have an underpinning in religion, his key conceptions about the ethical commonwealth, the one true Church and one world state, he
could possibly not have developed further in *TPP*. It left him with the possibility to discuss international relations in an aborted form, and Kant opted for the least painful solution – to discuss his concepts on relations among states from the point of view of the present state of affairs and the relatively near future. That skewed his thoughts in *TPP* toward the status quo in international relations.

But is the attainment of something that goes far beyond the status quo realistic? Although Kant believed that humans do not have the capacities to achieve the ethical commonwealth and a universal state on their own, he thought that the help of Providence will finally result in the development of a community of humanity and a world state. It is however debatable whether Kant unambiguously advocates one global state in *Religion*. Even though he uses the term “republic” in describing the ethical commonwealth, Kant’s references to it through the expression “church invisible” do indeed instil some ambiguity. In order to shed some light on this uncertainty, it is useful to consider, in addition to Kant’s own statements, what the logical implications of his fundamental ideas are for international relations.

In that regard, it deserves emphasis that it appears quite incongruous to envision an ethical commonwealth as the *summum bonum*, and at the same time to consider this highest good to be achievable only in a federation of states. Such a federation can only be necessary as an intermediate stage of development of international relations. Its rationale would be based in the need of humans to preserve a connection to their ethnic or political communities and not to be robbed of their cultural identity and specificity. But why the need for such ties in a community of humanity, in a commonwealth of the highest good? Can we imagine the highest good and a community of humanity as a condition in which humans are divided along ethnic and political lines? Such a division is conceivable only at some halfway stage on the path to a global state. That is the stage Kant elaborated on in *TPP*. But the only logical consequence of Kant’s concepts elaborated on in *Religion* is one global state. That state is an embodiment of the ethical community, as well as the worldly side of the church invisible.

The concept Kant has developed does not envision organizational solutions at the global level. He remains focused on the concepts of Providence and one true Church, believing that this will ensure that his entire project will succeed in the end. The true Church, not being any existing one, will be an

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118 Here I use the formulation “intermediate stage of development of international relations” as a logical extension of Kant’s teleological conception of history that is guided by Providence.
institutionalization of the moral progress of the human being. Although the natural path of history may gradually lead the human to a just and civilized order, justice and peace have to be instituted in the final instance as a result of conscious moral choice. In international relations, therefore, as in religious matters, Kant relies on the moral improvement of humanity and on justice as a point towards which history leads us. Accordingly, moral progress of the human will be institutionalized both in one true Church and in one global state. In other words, morally advanced humans (progressing in morality up to the far future) will be the essential ingredients in this religious and political order. Furthermore, only moral improvement of humanity (and world justice as its final result) can ultimately ensure peace. Hence, perpetual peace is also one important (though generally less visible) theme of Religion: Kant asserts there unambiguously that “the good principle” (i.e., moral progress) is the vehicle that “assures the world of an eternal peace” 119.

The future global order is thus one in which the state and the Church are in a harmonious relationship, because they aspire the same aims: justice and peace. In an ethical commonwealth, as envisioned by Kant, reasons cease to exist for competition for power among people and thus also between the global state and the one true Church. The ethical commonwealth is a just, peaceful and harmonious commonwealth in which the state and Church meet each other again, now not anymore as competitors, but as partners in a common project. Hence, the dialectical development throughout history of the relations between the state and the Church will move the Church from an intruder in political affairs, via an institution that is separated from the state (the contemporary situation in mostly liberal societies) to a future in which its competition with the state is superseded (aufgehoben). In such a future, the Church and (world) state are partners, forming an ethical commonwealth of morally perfected humans.

III. RAWLS AND THE APOLOGY OF THE STATUS QUO

If some status quo bias was understandable in Kant’s case (the ruthless pressure of Frederick William’s bureaucratic apparatus), an even stronger status quo bias appears to escape our understanding when Rawls’s views on international relations and international justice are concerned. How did Rawls develop his theory “along Kantian lines” 120, with the free individual being the

119 Religion, A173, B182, Ak. 6:124.
pillar of moral action, while ending up with a conception of international relations in his *Law of Peoples* (hereafter *LP*), according to which, it turns out, disadvantaged nations are being held collectively responsible for the unreasonable policies of their political leaders? In addition to that, Rawls refers in *LP* to Kant’s *TPP*, but fails to give any account of *Religion*.

What are the basic assumptions of Rawls’s theory? From *A Theory of Justice* (hereafter *TJ*) we know that Rawls considers a person’s race, gender, talents, wealth etc. as arbitrary from a moral point of view and therefore proposes a conception of justice that “nullifies the accidents of natural endowment and the contingencies of social circumstance”\(^{121}\). This “nullification” is to proceed according to rules that are based on two principles of justice. The first principle is that each person is to have an equal right to the most extensive basic liberties compatible with similar liberties of others. The second is that social and economic inequalities ought to be arranged in such a manner that: (a) they are to the greatest benefit of the least advantaged (and consistent with the “just savings principle”); and (b) they are attached to offices and posts open to all on the basis of conditions of fair equality of opportunity\(^{122}\). From this it would follow that, since race, gender, talents, wealth etc. are arbitrary from a moral point of view and hence inequalities based on them in a specific country ought to be nullified according to certain rules on a domestic level, global inequalities based on nationality and citizenship, since also morally arbitrary, ought to be nullified according to the same rules, but on a global level. In other words, since domestic contingencies have to be mitigated by domestic rules that follow from the two principles of justice, global contingencies ought to be mitigated by global rules that result from the same two principles.

But what appears to follow from the basic assumptions of *TJ*, Rawls fails to accept in other parts of this work\(^{123}\), while his unambiguous rejection of the consequences of these basic assumptions culminates in *LP*\(^{124}\). Accordingly, the cosmopolitan idea, including rules of distribution on a global level, Rawls

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122 Ibid., p. 302.
123 Ibid., e.g., p. 378 and p. 379.
124 This rejection appears also in Rawls’s 1993 article “The Law of Peoples” (John Rawls, “The Law of Peoples” in *On Human Rights*, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1993), pp. 41–82). The position Rawls takes there on the issue of the possibility of the development of rules of global justice, is further developed in his work of 1999, in line with his overall attempt to extend and possibly additionally clarify his 1993 article. Hereafter I will refer to the latest version of *LP*, i.e. to the publication of 1999, unless explicitly mentioned otherwise.
explicitly refuses to endorse. That is something we might not have expected, because Rawls’s primary objective in LP was nothing other than to draw the implications for the international realm of the liberal principles he has elaborated on in TJ.

How does Rawls derive non-cosmopolitan principles from the liberal idea? The basic element of this derivation is his application of the concept of the original position from TJ to representatives of peoples in the international realm. Thus, the parties to the deliberation in the global original position are not all individuals, but representatives of those individuals. Unlike the situation in the domestic realm, those who find themselves behind the “veil of ignorance” in a global original position are those who represent peoples. Everything else of interest here follows from this assumption.

(1) Rawls draws certain conclusions concerning the principles of international justice that would be agreed to by representatives of liberal peoples in a global original position. One of these principles is humanitarian assistance to “peoples lacking the resources to sustain just regimes”\(^\text{126}\). But the principle of global egalitarianism based on the issue of rightful ownership, as applied in the sphere of domestic politics, is lacking in his conception of the international realm\(^\text{127}\). Accordingly, in international politics Rawls is not concerned with just institutions that are essential for a reasonably egalitarian distribution of wealth (as he is in domestic politics), but with humanitarian assistance – based on that what the concern would be in the original position of the representatives of peoples lacking the resources to sustain just regimes. It is dubious, however, whether it is justified to morally equalize the role just institutions have to play in the distribution of wealth with the role of humanitarian assistance.

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\(^{125}\) Rawls, The Law of Peoples, p. 3.

\(^{126}\) Ibid., p. 37.

\(^{127}\) A full list of principles that would be agreed to by representatives of liberal peoples looks as follows (p. 37):
- Peoples are free and independent;
- Peoples are to observe treaties;
- Peoples are equal and parties to their agreements;
- Peoples have a duty of non-intervention;
- Peoples have the right of self-defence, but not the right of offensive war;
- Peoples are to honour human rights;
- Peoples are to observe certain restrictions in the conduct of war;
- Peoples have the duty to assist other peoples lacking the resources to sustain just regimes.

It is worth mentioning that the first seven of these eight principles Rawls also stipulates in his 1993 article, but that the eighth principle (humanitarian assistance) is to be found only in the extended 1999 version of LP.
assistance\textsuperscript{128}. The same problem from a different angle: is a genuinely liberal perspective compatible with a concept of special responsibilities to those that are close to you and only residual responsibilities to distant strangers?

(2) Rawls demonstrates why representatives of non-liberal but “well-ordered” societies would favour the same principles as representatives of liberal societies do. The term “well-ordered” is meant to denote those societies that are not liberal (i.e., in which some standard liberal democratic principles are not accepted, such as freedom of expression, freedom of association, equality in political representation or religious equality), but which, in spite of these “restrictions”, do respect basic human rights, are peaceful, while the regimes that govern them are legitimate in the eyes of their populations\textsuperscript{129}. As respectful of human rights, non-aggressive and sufficiently legitimate, they should be tolerated by liberal societies.

It is open to question whether Rawls’s view on the toleration of non-liberal societies and regime-types is to be based on liberal principles or on the principle of political pragmatism. If it is to be based on the former, the following problem arises: if representatives of non-liberal but well-ordered societies decide in the name of individuals with liberal worldviews living in those societies, the very principle of liberalism might be compromised – even if these individuals are a clear minority living in a non-liberal society, i.e. if the non-liberal regime-type governing that society is generally seen as legitimate by its population\textsuperscript{130}. In other words: should liberals insist on the preservation of individual freedoms of those who want to preserve them for themselves – even


\textsuperscript{129} Rawls, LP, e.g. p. 64

\textsuperscript{130} This argument is important as a critique of Rawls’s attempt to justify his failure to adopt a global original position. In addition to his belief that humanitarian assistance makes global distributive principles of justice redundant (we have seen why that is a dubious concept), Rawls also argues that global institutions applying his principles of justice would face a specific “discrimination problem”: discrimination between societies that have increased their wealth through prudence and those that have spoiled theirs through neglect (ibid., p. 117). But that argument fails to vindicate the critical consequence that follows from the failure to adopt a global original position, and that is the concept of individuals not being subject to Rawls’s own principles of justice. This results in:

1. an unjust distribution of wealth (according to Rawls’s primary criteria);
2. a situation in which, as I have argued above, non-liberal representatives of peoples in a global original position might compromise the very principle of liberalism.
if they are a minority in the society they live in – or should they give up on insisting on their values when some individuals in some societies are concerned? A committed liberal would presumably opt for the first possibility. On the other hand, if the toleration of non-liberal but well-ordered societies is to be based on political pragmatism, the question arises whether liberal values are to be better served by challenging the non-liberal values of those societies or by accommodating them (even if temporarily).

In any case, no matter whether Rawls founds his toleration of non-liberal but well-ordered regime-types on (possibly) liberal values or on values of (possible) political pragmatism, the very fact that these values are served only possibly, brings Rawls into serious trouble. Hence, another problem is added to Rawls’s failure to provide convincing reasons for his refusal to adopt a global original position\(^{131}\). The very fact that Rawls neither gives a persuasive

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\(^{131}\) For a standpoint defending the concept of a global original position that Rawls was familiar with while writing LP, see: Brian Barry, Theories of Justice (London: Harvester-Wheatsheaf, 1989). Barry is also not convinced by Rawls’s reasons not to adopt a global original position: “If Rawls’s arguments are valid for domestic justice, why would not the same arguments compel the representatives of countries to choose a global difference principle to govern relations among states? I must confess that I can see no reason” (p. 189). Barry’s confession explains his claim that, according to Rawls, the principles that would be chosen behind the “veil of ignorance” are those of liberal nationalism (p. 185).

For another statement in favour of a global original position, one that appeared after the 1993 but before the 1999 version of LP, see: Thomas W. Pogge, “An Egalitarian Law of Peoples”, Philosophy and Public Affairs 23 (1994): 195–224. Pogge argues against Rawls’s lack of egalitarianism on a global level, saying that a number of analogies of Rawls’s principles of justice can be drawn on that level (equality of chances to influence trans-national political decisions and equality of opportunity for similarly talented and motivated persons to obtain good education and professional positions irrespective of the society into which they were born), but wishes to limit his discussion only to the global analogy that can be developed from Rawls’s distribution principle (this analogy asserts that international social and economic inequalities ought to be arranged to the maximum benefit of the world’s worst-off persons).

For a more recent defence of Rawls’s rejection of a global distributive principle, see: Samuel Freeman, “The Law of Peoples, Social Cooperation, Human Rights and Distributive Justice”, Social Philosophy and Policy 23 (2006): 29–68. Freeman’s vindication of Rawls’s position on international justice (regarding the distribution principle) is based on an argument related to the consequences of the “dilution of political autonomy” that a global distribution principle allegedly entails: “...I conclude that the
justification for his decision not to adopt a global original position, nor a proof of the rightfulness of his decision to recommend a toleration of non-liberal societies by liberal ones (which makes Rawls qualify them as “decent” and as “societies in good standing”), undermines Rawls’s line of reasoning from its foundations.

(3) Rawls also deals with societies that are neither liberal nor well-ordered. They can be either “outlaw” societies or “burdened” societies. The first ones are those that “refuse to comply with a reasonable Law of Peoples”\textsuperscript{132}. The second ones are lacking the basic resources to become well-ordered. An appropriate Law of Peoples has to provide guidance to subjects living under the governance of “outlaw” regimes how to defend themselves against those regimes, as well as to how to reform them in the long run\textsuperscript{133}. It also has to design mechanisms of assistance aimed at helping “burdened” societies become well-ordered. This argument does not violate the liberal premises of Rawls’s theory. In that sense it is not open to rebuttal. On the contrary, it designs reasonable principles of a Law of Peoples aimed at helping some peoples deal with thuggish regimes and assisting others to acquire the lacking resources to become well-ordered. Rawls does assume, however, that the duty of assistance to these peoples is merely humanitarian in nature and does not entail any distributive principle. This is in line with his failure to postulate a global original position.

It ought to be clear now why I have argued at the beginning of this section that, following Rawls, we arrive at the conception that disadvantaged nations are to be held collectively responsible for the unreasonable policies of their political leaders. I have also argued that this non-liberal conception is the consequence of two premises, both of which are non-liberal in character as well. The first premise is that representatives to the deliberation in the global original position are not all individuals, but representatives of those individuals. The second is that these representatives of individuals (i.e., of individuals who are organized as peoples), do not only represent liberal societies, but also those that are non-liberal but well-ordered. It should not be surprising that a non-

\textsuperscript{132} Rawls, \textit{LP}, p. 90.
\textsuperscript{133} Ibid., p. 92
liberal position concerning the collective responsibility of nations for political mismanagement of their leaders is derived from two non-liberal premises. What is surprising is that Rawls’s initial assumptions concerning his theory of justice were fully liberal in character. How is it possible that Rawls inferred from these postulations something that is neither logical nor liberal, i.e. something that violates his theory both epistemologically and axiologically?

For an answer, let us take a look again at the issue of status quo bias. Rawls’s possible reasons for relaxing the criteria for societies to be accepted as decent members of a community of peoples could have been either that he considered the obstacle of enforceable international law as insurmountable, or that he believed that in a global context the concept of “reasonable pluralism” ought to be broadened (or both)\(^{134}\). No matter for which of these two possibilities we opt, it are not philosophical but primarily political criteria that Rawls appears to be following. In the case of international law being an insurmountable obstacle for accepting only liberal societies as the international community’s decent members in good standing – the criteria are obviously legal and political in nature. In the case of the assumed undesired consequences of a broadened concept of reasonable pluralism – the criteria are again chiefly political in nature\(^{135}\). Furthermore, these criteria are of a specific kind: they are based on a preference for the status quo. It is either existing international law that has to remain unchanged or that what is considered as politically reasonable is to retain its status.

What are the implications of this for Rawls’s positioning in relation to Kant? It has been argued that TPP is more imbued with the political status quo than one would be inclined to infer from what Kant has articulated in Religion and other systemic writings. But Rawls’s references to Kant’s concepts of international justice and international relations fail to take into account Religion. On the contrary, they are fully based on Kant’s writings that were published

\(^{134}\) Here I follow Kok Chor Tan in assuming these two reasons as possible explanations for Rawls’s “relaxation of criteria”. Tan argues, however, that Rawls was not guided by the first but by the second reason, i.e. by his unwillingness to broaden the concept of “reasonable pluralism” (Tan, “Critical Notice: John Rawls, The Law of Peoples: With the ‘Idea of Public Reason Revisited’”, 129–31).

\(^{135}\) For Rawls’s account of reasonable pluralism, instructive is John Rawls, Political Liberalism (New York: Columbia University Press, 1993), pp. 36–38, 63–65, also footnote 27 on 24–25. That reasonable pluralism is primarily founded in the political realm can be easily concluded from the fact that Rawls repeatedly refers to it as to a “permanent feature of the public culture of democracy” (pp. 36, 136, 216–17). Accordingly, the undesired consequences of a broadened concept of reasonable pluralism have their principal basis in the political realm.
during the ban on his freedom of expression. Kant was forced in TPP to adopt a position on international relations that was taking the political status quo more into account than his philosophy would otherwise allow. Rawls was not the victim of any imposed ban. Bluntly formulated: Rawls banned philosophy voluntarily from his views on international relations, giving politics considerable freedom of reign\textsuperscript{136}. Hence, after reading Rawls’s relevant works dealing with international relations, published some 200 years later than Kant’s writings on the subject, one is inclined to conclude that philosophy is more suppressed nowadays by the political realm and the status quo than was the case in Kant’s time. Now it is not suppressed anymore by a ruthless bureaucracy, but by philosophy’s willingness to deprive itself of the ambition to develop social and political ideals that ought to be aspired. The development of those ideals appears then as a strategy that is inferior to the strategy of adjusting philosophy’s aspirations to the status quo\textsuperscript{137}.

In sum, Rawls’s views on international relations appear to suffer from three main shortcomings, which have both an epistemological and axiological side:

Rawls does not provide a convincing justification for his decision not to adopt a global original position, one that is an equivalent of the domestic original position.

Rawls fails to prove the rightfulness of his decision to recommend a toleration of non-liberal societies by liberal ones as members in good standing of the international community.

Rawls’s views that have their origin in an interpretation of Kant misfocus their attention on Kant’s writings during the ban. That moves Rawls even further in the direction of a conception of international relations that overemphasizes the political realm and the status quo.

\textsuperscript{136} Robert Taylor argues that the benefits of that what I call here Rawls’s subjection of philosophy to the political realm are increased political legitimacy and stability. But Taylor also believes that it is dubious whether the costs of Rawls’s jettisoning of some essential Kantian underpinnings of his theory (i.e., the conception of the free person) will be outweighed by these benefits (Robert S. Taylor, “Rawls’s Defence of the Priority of Liberty: A Kantian Reconstruction”, \textit{Philosophy and Public Affairs} 31 (2003): 246–71, at 271).

\textsuperscript{137} For another account of Rawls’s status quo bias, see: Aaron James, “Constructing justice for Existing Practice: Rawls and the Status Quo”, \textit{Philosophy and Public Affairs}, 33 (2006): 281–316. James disputes the conception that \textit{TJ} is less sensitive to existing practices than \textit{LP}, advancing the thesis that Rawls has reasoned from existing practices all along in his publications. He considers Rawls as being largely unconcerned with “pure moral ideals” (284–85), and rightly infers that he is “hardly immunized” against the charge of status quo bias (316).
IV. FROM HABERMAS TO A COSMOPOLITAN ALTERNATIVE TO THE POLITICAL STATUS QUO

Among the most relevant philosophers of the previous decades, it is not only Rawls who is susceptible to the charge of status quo bias and subjection of the free spirit of the philosopher to the limits posed by what is somehow judged to be politically feasible. Let us have a closer look at what Habermas has to say about Kant and international relations. After that a discussion will follow concerning the concept of a cosmopolitan order, an order that ought to be envisioned in the first place through philosophical discourse that transcends an uncritical acceptance of the perceived boundaries posed by the status quo and the political realm. There are two reasons why in this section I will discuss some of Habermas’s views on the matter. First, Habermas belongs, together with Rawls, to the group of political philosophers whose views marked the previous decades, including their views on international relations. He is thus an inescapable point of reference. Second, since Habermas treats the issue of human rights as an essential element in limiting the sovereignty of states, but fails to establish the link between them and a global state, I will contrast his views on human rights to those that advance one world state. As we will see, being a liberal with strong reservations regarding the possibilities for a global state, Habermas is in the same boat as Rawls is.

This subject matter can be addressed exceptionally well by referring to one of Habermas’s essays, the title of which indicates already how related it is to the theme of our concern: “Kant’s Idea of Perpetual Peace, With the Benefit of Two Hundred Years’s Hindsight” (hereafter “KIPP”). Habermas criticizes Kant there by making the following key assertion: “Because Kant does not escape the limited horizon of his historical experience, it becomes equally difficult to establish any moral motivation for creating and maintaining a federation of free states that are still dedicated to power politics. In order to provide a solution to this problem, Kant proposes a philosophy of history with a cosmopolitan intent, which is supposed to make plausible the improbable ’agree-


In more recent works Habermas deals again with the issues I am addressing here. For an illustration see Jurgen Habermas, “A Political Constitution for the Pluralist World Society”, in Between Naturalism and Religion (Cambridge: Polity Press, 2008), pp. 312-52. His argumentation, however, does not depart substantially from the 1997 essay and thus I will use this highly relevant publication as my point of reference for the themes of interest here.
ment between politics and morality’ through a ‘hidden intention of nature’\textsuperscript{139}. These two sentences contain three elements that are of paramount importance for Habermas’s understanding of Kant’s views on international relations:

Kant is deemed not to be able to escape the “limited horizon of his historical experience”, which affects his position on international relations, specifically his position concerning the feasibility of a federation of states.

The “agreement between politics and morality” is “improbable”.

It is “a hidden intention of nature” (read Providence) in which Kant seeks a solution for reaching this agreement.

The third charge against Kant is rightly guided and I will not argue against it (no matter whether I side with it as with a “charge”). The first two, however, appear problematic. In the case of the argument that Kant’s views are affected by his alleged incapability to escape a limited historical horizon, it is worth mentioning that Habermas does not perceive a problem of “limited horizon” in some of Kant’s views on international relations having been expressed during the ban on his freedom of expression. Consequently, he fails to notice the relevance of Religion for Kant’s views on international relations, including its relevance for precisely those issues Habermas deals with in his essay\textsuperscript{140}. In the case of Habermas’s opinion that an agreement between politics and morality is “improbable”, one is led to think that he is also not immune against the habit of subjecting philosophical space (specifically ethics) to the political realm. If an agreement between morality and politics is indeed improbable, which of the two should have supremacy? Which one ought to be subjected to the other? We know that Kant postulates the supremacy of morality, whereas it is

\textsuperscript{139} Habermas, “KIPP”, p. 119

\textsuperscript{140} Elsewhere, Habermas does address Kant’s understanding of religious issues. For such a discussion, see Jurgen Habermas, “The Boundary Between Faith and Knowledge: On the Reception and Contemporary Importance of Kant’s Philosophy of Religion”, in Between Naturalism and Religion (Cambridge: Polity Press, 2008), pp. 209–47. His approach fully recognizes the importance religion plays in Kant’s system, including its epistemological importance: “Here the epistemic dependence of philosophical concept building and theory building on the source of inspiration of religious tradition becomes abundantly clear” (Jurgen Habermas, “Die Grenze zwischen Glauben und Wissen. Zur Wirkungsgeschichte und aktuellen Bedeutung von Kants Religionssphilosophie”, in Zwischen Naturalismus und Religion (Frankfurt a.M.: Suhrkamp, 2005), pp. 216–57, at p. 234. I refer here to the German edition, because I give my own translation of the relevant paragraph, instead of using the English translation in the edition of Polity Press). Because Habermas recognizes the “epistemic dependence” of philosophy on religious traditions in Kant’s system, it surprises even more that he fails to seriously consider Religion as a relevant work for understanding essential elements of Kant’s political philosophy.
obvious from Habermas’s essay that his preference goes to the political realm. It appears possible, therefore, to subject Habermas to the third charge that was raised against Rawls’s position: misfocused attention regarding Kant’s writings and a subjection of philosophy and morality to the political realm. Although such subjection is typically not being related to Habermas, it is inescapable to draw the conclusion when reading “KIPP”.

The issue of human rights, essential in Habermas’s essay, sheds more light on this matter. Habermas notes that after WW II “the transition from international law to cosmopolitan law” (the latter based on the rights of the world citizen) was accelerated by: (1) the outlawing of war; (2) the expansion of criminal law, now to include “crimes against humanity”. With these two innovations, “…governmental subjects of international law lost their general presumption of innocence in a supposed state of nature”\textsuperscript{141}. Elsewhere, Habermas asserts that the sovereignty of states is “punctured” by the arrest of individual persons for crimes committed in the service of a state and its military\textsuperscript{142}. These developments are in line with Habermas’s favourable disposition to the idea of the international community being active in advancing and imposing human rights, including the idea of apprehension of criminals who committed crimes in the name of a state. Habermas also believes that the prohibition of intervention in international law ought to be revised, justifying this by the fact that human rights must frequently be implemented against the will of sovereign states\textsuperscript{143}. Current developments in the domain of human rights have “outstripped Kant”, says Habermas: the U.N. Charter imposes a general obligation on its member states to “observe and attempt to realize human rights”\textsuperscript{144}.

Habermas emphasizes, however, and this is crucial, that human rights differ from morality: “The conception of human rights does not have its origins in morality; rather, it bears the imprint of the modern concept of individual liberties and is therefore juridical in character”\textsuperscript{145}. In other words, the position Habermas takes is that international organizations ought to use the human rights issue to encroach upon the sovereignty of states, while human rights themselves have no moral but only a juridical basis. The question is whether such a basis is anything more than a political basis, one that is derived from the status quo in international relations. In addition to that, to deprive human rights of their moral origins might be another step along the path of

\textsuperscript{141} Habermas, “KIPP”, p. 126.
\textsuperscript{142} Ibid., p. 129.
\textsuperscript{143} Ibid., p. 130.
\textsuperscript{144} Ibid., p. 129.
\textsuperscript{145} Ibid., p. 137.
suppressing morality to the private sphere or *Sittlichkeit* (denoting that what is customary), i.e. to the prevalent norms in a community. This confusion of morality with conventionality could have filled Kant only with horror.

According to Habermas, the point of cosmopolitan law is “…that it goes over the heads of the collective subjects of international law to give legal status to the individual subjects and justifies their unmediated membership in the association of free and equal world citizens”\(^{146}\). Also: “…Kant’s idea of a cosmopolitan order must be reformulated if it is not to lose touch with a world situation that has fundamentally changed.”\(^{147}\). But why does Habermas not reformulate it along the lines of a cosmopolitan construction in a world that has fundamentally changed? Instead, he remains in the framework of the existing international order, deprives human rights of their moral significance, and in the end attaches moral weight to the political concept of democracy\(^{148}\).

Habermas does believe, however, that globalization “both divides the world and forces it to cooperative action as a community of shared risks”\(^{149}\). He thus accepts that globalization has also a positive side, although it needs to be restrained somehow. But to restrain globalization does not necessarily imply to give up philosophy’s theorizing on a world state.

Interestingly, it is precisely human rights that can serve as a link between liberalism and the concept of a global state. But the precondition is that they are not deprived of their moral basis. Habermas therefore failed to establish this link. He understood the importance of human rights for international justice, but in political and legal terms only. Had he conceived them as an element of the moral realm, he might have been directed toward the conception of a global state which would be a political and legal instrument in upholding their moral underpinning. But conceptualizing them as not having a moral basis, Habermas arrived at an understanding of human rights as an instrument for political goals. Accordingly, the idea of a world state he assessed on the basis its alleged political unfeasibility.

In contrast to Habermas’s position, cosmopolitan approaches are aimed at transcending the political status quo, including the one in international relations. That is a crucial difference between them and community-based theories. The latter ones are in one way or another apologetic to the status quo, in that they accept existing communities to be the necessary elements of our moral agency. It is always existing states, existing nations or existing civiliza-

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146 Ibid., p. 128.
147 Ibid., p. 126.
148 Ibid., p. 148.
149 Ibid., p. 131.
tions that have a moral value. This understanding of subsisting practices as being founded in morality is political in nature. On the other hand, philosophy has traditionally been subversive to the status quo.

If different forms of communitarianism are indeed theoretically related with and apologetic to the existing socio-political state of affairs, what is cosmopolitanism’s philosophical alternative? Is an alternative that attempts to transcend this state of affairs more than a utopia? If we recall Hegel’s position, so concisely and colourfully framed in his remark about the “owl of Minerva”, we face his belief that the status quo sets insurmountable limits to philosophy. What philosophy can do is to “capture its time in thoughts”. But Hegel was of course not a Kantian, emphatically not with regard to his deterministic understanding of the relationship between philosophy and that what Hegel considered as “reality”. Those whose philosophy has Kantian underpinnings, however, are not expected to have communitarian views or, related to them, views that are apologetic to the socio-political status quo. On the contrary, the alternative of cosmopolitanism ought to transcend them in the direction of some type of future global order. A philosophical conceptualization of such an order could possibly be one of the first steps toward its gradual establishment. The right time for the flight of the “owl of Minerva” might well be sunrise instead of dusk.

Paradoxically, the understanding of international relations Kant has expressed in *TPP* is also not fully Kantian. We have seen why that is the case. The consequence for international relations that Kant would have drawn from his overall system of practical philosophy could not have been anything other than the promotion of one world state (which implies more than a “limitation of cosmopolitan right to conditions of universal hospitality”). The ethical commonwealth, composed of free individuals who act on the basis of the categorical imperative, never using people only as means to other ends, is a commonwealth (“Kingdom”) of ends. Such a commonwealth cannot be anything less than a global state, one that is to be established when the human being, aided by Providence, reaches an adequate level of moral competence. Only then will the reason of his existence be justified. Those are some essential elements of Kant’s practical philosophy in a nutshell. In international relations, it is marked by liberal internationalism of the cosmopolitan type – one that regards a global state and perpetual peace as the ultimate objectives of political existence of the human. A federation of states (*TPP*) is only a stage toward these objectives. The title of Kant’s essay is sufficiently suggestive: it is an essay about a stage on the path *toward* perpetual peace and not yet about perpetual

150 *TPP*, Ak. 8: 357–360.
peace itself. Not being able to freely express his true views, Kant wrote a piece with a title that suggests that it deals with something less than that what Providence has destined the human to.

Habermas has not come to a similar conclusion while interpreting Kant. Instead, he reworked Kant's views in the direction of a political and community-based approach. Even if some degree of Habermas's (and Rawls's) liberal internationalism cannot be disputed, he is confident that sovereign states are the point of departure for a possible development of an internationalist position. His views on human rights point almost as clearly to that as does Rawls's refusal to adopt a global original position that is an equivalent of the domestic one. Is there anything even remotely Kantian in Habermas's concept in “KIPP” of international organizations encroaching upon the sovereignty of states, using human rights as a political instrument that is left without a moral basis? Instead of strengthening the moral foundations of human rights and using it for the development of a cosmopolitan position, Habermas is careful not to grant them such significance. On the contrary, he dispossesses them of their moral keystone. But if human rights are deprived of it, what is the rationale of using them as an instrument for puncturing the sovereignty of states? It can only be a political one\(^\text{151}\). Consequently, cosmopolitanism is robbed of an important theoretical and moral foundation. Moreover, one is inclined to wonder what are then the remaining reasons states can be called upon to respect human rights? On what grounds should their sovereignty be limited? Since these grounds are political\(^\text{152}\), they are not as firm as if there was also a moral basis to human rights. In fact, by leaving human rights without their moral underpinnings, Habermas gives up on true cosmopolitanism. And to make things worse, he appears to believe that by depriving human rights of their moral foundation he does not diminish but rather vindicate them\(^\text{153}\). Ethics as a curse, politics as the cure – a concept Habermas is commonly not associated with!

**CONCLUDING NOTE**

The primary weakness of Kant's understanding of international relations is not to be sought in his alleged utopian conceptions. Philosophy ought to

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151 How Habermas diminishes the value of morality, replacing the moral by the political, one can learn from, e.g., “KIPP”, pp. 148-49.

152 There are of course also legal grounds (e.g., treaties), but I include them into my broad conception of the political realm.

153 Habermas, “KIPP”, p. 140.
retain its capacity to transcend the political status quo. It should not be sacrificed for what appears to be politically realistic in the immediate future, even if that is democracy. Kant understood that. I indicated that the Achilles’ heel of his practical philosophy ought to be sought elsewhere, i.e. in its primary assumptions related to the conceptualization of deontology, assumptions that appear to be based on a circular argument concerning the role of duty. That might bring into question other elements of Kant’s practical philosophy that are deduced from these primary assumptions. But it is very difficult to accept Kant’s primary assumptions concerning the freedom of the individual, and at the same time to reject cosmopolitanism as their logical consequence, i.e. to promote some form of community-based approach in international relations.

Thomas Mertens published in 2002 an article that is thematically related to this one. He concluded it with the question whether Habermas and Rawls should not have designed “more revolutionary views on international relations”, faced with pressing global problems such as inequality, extreme poverty and a deteriorating natural environment. Perhaps unexpectedly, the answer to Mertens’s question is negative. If Kant failed to fully integrate TPP into his main systemic writings on practical philosophy because a ban was imposed on him, Rawls and Habermas voluntarily barred themselves from anticipating a global state. They remained intellectual subjects of the present world order. That is even more regrettable in light of the fact that we see a continuous increase in the number of liberal states during the previous decades, a development Kant of course had no insight in. Not only that liberal states do not wage wars against each other, but the similarity of their regime types also increases the likelihood of their eventual entering into what Kant called a “pacific union” in his Second Definitive Article of TPP. Such a union Kant perceived to be at least a prelude to a world state. Rawls and Habermas considered a

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154 To avoid any possible misunderstanding: I am in agreement with Kant’s notion of the freedom of the individual. My contention related to the apparent circularity in his argumentation might affect duty as the basis on which morality is founded, but it has no repercussions regarding the concept of the free individual as the core unit of morality.


156 Ibid., 78

157 See: Michael W. Doyle, “Kant, Liberal Legacies, and Foreign Affairs (parts I ands II)”, Philosophy and Public Affairs 12–3 (1983): 205–35 (I) and 12-4: 323–53 (II). Doyle’s article provides empirical evidence for the continuous increase in number of liberal states and for the hypothesis that liberal states do not wage wars against each other. It is important to note that Doyle published his article in 1983, i.e. before the collapse
world state not only as unrealistic, but also as undesirable. Their conceptions of respectively the global original position and human rights are possibly the best evidence for that. A lack of design of “more revolutionary views on international relations” is therefore a necessary consequence of their stances. Had they designed something more revolutionary, they would have violated their underlying beliefs.

Benjamin Barber once raised his concerns about the “conquest of politics”\(^\text{158}\). In his opinion, philosophy was conquering politics and he saw Rawls as one of the philosophical conquerors. The adequate political response is “strong democracy”\(^\text{159}\). But Barber’s diagnosis of the problem is erroneous. Rawls and Habermas prove that they are rather the political conquerors of philosophy, even though they conquer, as does Barber, in the name of democracy. Rawls was the one who opened a new space for philosophy in \textit{TJ}. In \textit{LP} he finally closed that space. But philosophy retained a role – one that has been largely downgraded to a political function.

Politics entering the moral realm, however, does not leave the political realm unaffected. If the boundaries between politics and ethics become porous, as they eventually do in democracies, the political sphere becomes susceptible to moral thinking. In other words, as philosophy becomes politicized, (democratic) politics becomes moralized. It is important to keep in mind, however, that the former ought not to be a pre-condition for the latter. The role of philosophy should be to help moralize politics without loosing its dignity as a discipline that does not hesitate to transcend the political status quo.\(^\text{160}\) Both Rawls and Habermas have ceased to perceive its role in such a perspective.


\[^{159}\text{See Benjamin R. Barber, }\textit{Strong Democracy: Participatory Politics for a New Age}\textit{ (Berkeley: University of California Press, 1984).}\]

\[^{160}\text{Such a conception is also in line with the ninth proposition of Kant’s }\textit{Idea for a Universal History With a Cosmopolitan Aim}. Kant asserts there that “the perfect civil union of the human species” will be furthered by philosophy, specifically by its cosmopolitan endeavors: “A philosophical attempt to work out universal world history according to a plan of nature that aims at the perfect civil union of the human species, must be regarded as possible and even as furthering this aim of nature” \textit{(Ak. 8:29).}\]
POLITIČKA HIPNOZA MINERVINE SOVE

Sažetak

U Religiji u granicama pukog uma Kant razvija pojam „etičke zajednice“ – pojam koji je ključan za njegovo shvatanje o neizbežnosti svetske države u budućnosti. Iznećemo tvrdnju da spis Ka večnom miru nije u potpunosti reprezentativan za Kantovo razumevanje međunarodnih odnosa, budući da je pisan u vreme kada je pruska država postavila ograničenja Kantovoj slobodi izražavanja. Kako kosmopolitsko stanovište proizlazi iz osnovnih pretpostavki Kantove praktične filozofije, trebalo bi da bude i sastavni deo onih pristupa međunarodnim odnosima koji imaju kantovska obeležja. Rols i Habermas propuštaju da prihvate takvo stanovište, prevashodno usled nespremnosti da postuliraju globalni prvobitni položaj (Rols), kao i koncepcije ljudskih prava, koje je političke, a ne moralne prirode (Habermas). Rolsove i Habermasove u velikoj meri ne-kantovske zaključke suprotstavićemo kosmopolitskim shvatanjima međunarodnih odnosa.