

Kant on Peace and Conflict*

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1. Introduction

Immanuel Kant's (1724–1804) idea of perpetual peace as *the* ultimate purpose of politics and final end of the rule of law¹ has won much praise, but there has been considerable criticism of his vision as well. Interestingly enough, Kant has not only been reproached for utopian reverie. Apart from the question of whether perpetual peace might be a feasible goal, the very idea of everlasting peace itself has been rejected. It has been doubted that it can count as an appropriate final end of politics – and of moral and legal commerce as well. Human relations seem to be shaped by everlasting conflict, privately and publicly. Also, and this is crucial, antagonism need not at all be understood as something that should be abolished. On the contrary, only through conflict of interests, talents and perspectives human life can develop and flourish. To facilitate this, a sphere allowing for contest has to be set up and kept open, it seems. The idea of perpetual peace appears to be a sort of tranquilizer of evolution and growth. In accordance with this view, Friedrich Nietzsche (1844–1900) asks to rethink concord and peace. “Ye shall be those whose eyes always seek for an enemy – for *your* enemy. [...] Ye shall love peace as a means to new wars – and the short peace more than the long one,” says Zarathustra.²

However, this picture can be considered cynical. We might well point to the enormous destruction that a desire for never ending conflict has produced. In the face of the atrocities of the Thirty Years' War, Andreas Gryphius (1616–1664) famously wrote: “Was dieser heute baut, reißt jener morgen ein” (*What someone builds today, another soon tears down*)³ – and maybe just for the sake of destroying other people's goods and life. This attitude gives rise to acts of retaliation – and before long agents find themselves caught in a vicious circle. What exactly it had been that once triggered off fights often sinks into oblivion. Hence, striving for peace in order to stop senseless conflict is bound to become one of the most important tasks to which humans can be devoted. Religious thought has put special emphasis on this issue. Christian preaching, for instance, suggests not paying back what has been turned against you unjustly – taking an eye for an eye and a tooth for a tooth – but, instead, to resist evil by offering your left cheek too after your

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¹ Cf. Kant, *Metaphysik der Sitten*, p. 355.

² Nietzsche, *Zarathustra I, Vom Krieg und Kriegsvolke*, p. 58.

³ Gryphius, „Es ist alles Eitel“ (engl. “The Vanity of this World”), p. 5.

right cheek has been smitten.⁴ This conduct you are supposed to perform in order to break the vicious circle of strike and counter-strike and thus establish peace.

We see that there is no simple answer to the question of peace and war, war being taken broadly and including various kinds of conflict and antagonism. As we all understand, there can be shameful peace and just war, productive antagonism and disastrous conflict. Therefore, it will be important to distinguish carefully.

2. Between Nature und Freedom

When Kant introduces the idea of perpetual peace, he begins with a rhetorical showpiece full of irony. He refers to the signboard of a Dutch innkeeper picturing a graveyard and carrying the inscription “Towards Perpetual Peace.”⁵ Obviously, this witty illustration insinuates that there can be lasting peace for humans only when any of their activities have come to a definitive end – and for now they are supposed to stop off at the pub to seize the day and postpone eternal rest until later. Accordingly, Gottfried Wilhelm Leibniz (1646–1715), who was the first to mention this joke, comments: “The dead no longer fight; the living, however, are in a different mood (*humeur*).” As Bernard le Bovier de Fontenelle (1657–1757) reports, Leibniz was full of grief because he thought that so many and so frequently renewed peace treaties between the same nations redounded to their disgrace; and for this reason, he agreed with the message of the Dutch businessman’s store sign.⁶ Kant presents a peace project, but he rejects a concept that equates peace with deathly quiet. He cunningly uses Leibniz’s reminiscence as a *clausula salvatoria*, assuring politicians and rulers – some of whom can never get enough of war or at least do not want to see their political freedom of action restricted – that they have nothing to fear from the ideas of a philosopher. As regards the chances of achieving perpetual peace, the philosopher is aware of the fact that experience so far does not exactly speak in favour of its feasibility.

Moreover, Kant is by no means a pacifist. In his essay on *Perpetual Peace* as well as in other writings he emphasises the significance of war for the development of human capabilities and culture. Even the most superb of human gifts, freedom, needs conflict and war to unleash its potential. This claim is put forward, for instance, in Kant’s response to Johann Gottfried Herder’s (1744–1803) reflections on the *Älteste Urkunde des Menschengeschlechts* (Oldest Document of the Human Race) entitled *Mutmaßlicher Anfang der Menschengeschichte* (Conjectural Beginning of Human History). Kant outlines two main perspectives on this question. On the one hand, he depicts the

⁴ Mt 5: 38–39.

⁵ Cf. here and in the following: Kant, *Zum ewigen Frieden*, p. 343.

⁶ For references cf. Cavallar, *Pax Kantiana*, pp. 21–22 and Gerhardt, *Kants Entwurf, Zum ewigen Frieden*, pp. 35–36.

evolution of humankind from its beginnings within the framework of the “history of nature,” and on the other hand, he describes the development of humankind in terms of a “history of freedom.”⁷ One fine day, that much seems certain, nature must have emancipated man from seamlessly fitting into its sphere. “Everything in nature works in accordance with laws,” Kant affirms.⁸ Human beings, however, have been enabled to “cavil with the voice of nature” (*mit der Stimme der Natur zu chikaniren*) and to “make the first experiment in free choice” – with innumerable others to follow suit.⁹ Man’s dismissal from nature’s bosom has proved to be a release from fetters, but also a challenge and a task. Kant gives a rather dramatic touch to his description of the new situation:

[Man] stood, as it were, on the brink of an abyss; for instead of the single objects of his desire to which instinct had up to now directed him, there opened up an infinity of them, and he did not know how to relate to the choice between them; and from this estate of freedom, once he had tasted it, it was nevertheless wholly impossible for him to turn back again to that of servitude (under the dominion of instinct).¹⁰

Since then, human history has been a “history of freedom” – and at the same time part of the “history of nature”, because humans have of course not ceased to belong to nature. The way they see themselves has split into two different pictures though, and Kant pays attention to both. He knows that cutting off one of them would be tantamount to ignoring one side of specifically human existence. This is why the discussion of their complex relationship is at the heart of Kant’s philosophy.

At this point, however, we can and should ask: Why, after all, does Kant *conjecture* about human history, its beginnings and its course? And what he presents is indeed conjecture, as he himself admits.¹¹ But why does Kant not limit himself to exploring the relationship between nature and freedom through transcendental investigations into the sources of human activity, such as the quest for knowledge, the ability to act knowingly and willingly, the susceptibility to beauty – investigations that he conducts in his three *Critiques*? It is Kant’s idea of freedom, which needs to be mastered and shaped, that motivates his look into human history; here he hopes to find at least traces of progress towards a beneficial use of this superb but dangerous gift. Kant is well aware of the volatility of human freedom, which allows for everything from utmost wickedness to amazing charity. Nothing, he thinks, is as frightening as the lawless freedom of human

⁷ Kant, *Mutmaßlicher Anfang*, p. 115. The English translations of Kant’s writings are taken from the *Cambridge Edition of the Works of Kant*, ed. by Paul Guyer and Allen W. Wood (general editors), Cambridge: Cambridge University Press 1992.

⁸ Kant, *Grundlegung*, p. 412.

⁹ Kant, *Mutmaßlicher Anfang*, p. 112.

¹⁰ Kant, *Mutmaßlicher Anfang*, p. 112.

¹¹ Kant, *Mutmaßlicher Anfang*, pp. 109–110.

beings; even a wild beast seems to be more predictable so that we know how to deal with it.¹² It is therefore not surprising that Kant declares: “The history of freedom begins with evil.”¹³

Despite this gloomy starting point, Kant sees no reason for resignation – because it is the history of *freedom*, and therefore it is in the power of human beings to bring about “self-improvement”.¹⁴ At the same time, Kant emphatically refers to nature the history of which, he says, “begins [...] with the good, for it is the work of God,” whereas freedom is “the work of the human being.”¹⁵ In nature, he finally sees nothing less than a “guarantee” for turning human freedom into something good as well.¹⁶ In his piece on the *Idea for a Universal History*, written a little earlier than the *Conjectural Beginning*, he promises a “consoling outlook on the future” provided by the “presupposition” of a “plan” that underlies nature and the dynamics of its evolution.¹⁷

3. Conflict and Unity

The dual perspective that Kant adopts when discussing peace and war as extreme cases of human relations makes his position notoriously difficult, and we will hear critical voices later. First, we need to clarify: How does Kant evaluate conflict and unity among human beings both in terms of the history of nature and the history of freedom? Being prone to conflict *and* searching for concord, both of these features are “obviously part of human nature”, argues Kant.¹⁸ There seems to be an inherent ambiguity that characterises human beings. Kant coins his well-known phrase of the human being’s “unsociable sociability” (*ungesellige Geselligkeit*) to capture this ambivalence. Incontrovertibly, there is the human “propensity to enter into society,” which is combined, however, “with a thoroughgoing resistance that constantly threatens to break up this society.”¹⁹ Kant explains these two dispositions as follows.

“Human beings have an inclination to *associate* with one another because in such a condition they feel themselves to be more human, that is to say, more in a position to develop their natural predispositions,” he states in *Idee zu einer allgemeinen Geschichte* (*Idea for a Universal History*).²⁰ In his *Kritik der Urteilskraft* (*Critique of the Power of Judgment*), Kant elaborates on what he is hinting at here. It is a natural “drive” (*Trieb*), Kant says in his third *Critique*, which causes humans to join together in society. Their

¹² Kant, *Naturrecht Feyerabend*, p. 1320.

¹³ Kant, *Mutmaßlicher Anfang*, p. 115.

¹⁴ Kant, *Mutmaßlicher Anfang*, p. 121.

¹⁵ Kant, *Mutmaßlicher Anfang*, p. 115.

¹⁶ Kant, *Zum ewigen Frieden*, p. 360.

¹⁷ Kant, *Idee*, p. 30.

¹⁸ Kant, *Idee*, p. 20.

¹⁹ Kant, *Idee*, p. 20.

²⁰ Kant, *Idee*, pp. 20–21.

“suitability” (*Tauglichkeit*) and “tendency” (*Hang*) to do so generate “sociability” which has to be seen as a “property belonging to humanity.”²¹ It is a property belonging to humanity, because sociability enables human beings to communicate their thoughts as well as their feelings to one another and thus connects them not only by reason and the language they share but also by the bonds of sympathy. Living in these relationships with others, humans feel inspired to develop their capacities, their skills, taste and imagination. Kant provides an eloquent example by staging a solitary human being abandoned on a desert island. Thus isolated, he or she would not care about adorning their hut or themselves, they would not bother about seeking out or planting flowers to decorate their dwelling place. Kant concludes:

Only in society does it occur to him to be not merely a human being but also, in his own way, a refined human being (the beginning of civilization): for this is how we judge someone who is inclined to communicate his pleasure to others and is skilled at it, and who is not content with an object if he cannot feel his satisfaction in it in community with others. Further, each expects and requires of everyone else a regard to universal communication, as if from an original contract dictated by humanity itself.²²

In stark contrast to sociability, however, there is another tendency among human beings that is at least equally strong: the “tendency to isolate themselves, because they encounter in themselves the unsociable trait that predisposes them to want to direct everything only to their own ends and hence to expect to encounter resistance everywhere, just as they know that they themselves tend to resist others.”²³ But anyone who harbours the suspicion that Kant deplores or condemns unsociability as something apt to undermine humanity is mistaken. Kant holds that “it is this resistance that awakens all human powers and causes human beings to overcome their tendency to idleness and, driven by lust for honour, power, or property, to obtain for themselves a rank among their fellows, whom they can neither *endure* nor *do without*.”²⁴ It is in this way that “the first steps are taken from brutishness to culture,” he argues. Culture, Kant says, “consists, actually, in the social worth of human beings.”²⁵ Talents are only developed, taste is only formed if there is this social sphere, which is bursting with competition, as we might add. We can easily include this element into Kant’s example quoted above. It is more than likely that the ambition to grow most beautiful flowers, to display delicate taste, and charm the others by exquisite entertainment will arise. Sociability, which unites human beings, and

²¹ Kant, *Kritik der Urteilskraft*, pp. 296–297.

²² Kant, *Kritik der Urteilskraft*, p. 297.

²³ Kant, *Idee*, p. 21.

²⁴ Kant, *Idee*, p. 21,

²⁵ Kant, *Idee*, p. 21.

contest as one kind of antagonism, which sets them apart, seem to complement each other.

But Kant does not shy away from appreciating tougher forms of antagonism as well. Released from the all-encompassing guidance of nature and henceforth committed to freedom and choice, human beings will see inequality arising between them. Different ways of life, such as that of the shepherd and the farmer, inevitably lead to violent discord – and to war when contact with one another cannot be avoided.²⁶ In the light of the history of nature – and it is nature that opened up this framework for conflict by setting human beings free – war and the threat of war are nevertheless to be welcomed. It was by the harsh force of war that humans have spread across the entire globe. What else would have made them move even to the most inhospitable regions, to polar seas and deserts? Discovery of significant resources out there – an abundance of fish, for example, as well as mineral resources – brings about trade and traffic and thus benefit for all.²⁷ According to Kant, war has also brought “something noble” to mankind, not just devastation and suffering. It has produced “the lust for honour without any self-serving motivation” and “military courage” (*Kriegsmut*), displaying sublimity in the warrior, “who is not frightened, who has no fear, thus does not shrink before danger but energetically sets to work with full deliberation,” as Kant puts it in a passage from the third *Critique*.²⁸ Even though Kant shows respect for the bravery revealed by war, he quotes “the saying of a certain Greek” in that same context: “War is bad in that it makes more evil people than it takes away.”²⁹

The most important effect that war had on the development of humankind, however, concerned the use of freedom. War and the continual threat of war have forced human beings to cultivate the gift of freedom – and, as Kant aims to show, will ultimately lead to perpetual peace for this very reason. The permanent threat of war, Kant surmises, has tempered despotism and fostered freedom “since wealth is required for a state to be a power, yet without *freedom* there is no industriousness that can produce wealth.”³⁰ Kant claims that the argument also applies when we look at poor countries. Instead of wealth, we will find “extensive concern for the preservation of the commonwealth, which is only possible when people feel free in it.”³¹ Taught by the effectiveness of ideologies, we might disagree with this argument and assert that a suitable enemy stereotype, which portrays him as something despicable, could do the job as well and perhaps even better.

²⁶ Kant, *Mutmaßlicher Anfang*, pp. 118–120.

²⁷ Cf. Kant, *Zum ewigen Frieden*, pp. 363–365.

²⁸ Kant, *Zum ewigen Frieden*, p. 365 and *Kritik der Urteilskraft*, pp. 262–263.

²⁹ Kant, *Zum ewigen Frieden*, p. 365. Kant probably alludes to Antisthenes. Cf. Sambursky, *Zum Ursprung eines nicht nachgewiesenen Zitates*.

³⁰ Kant, *Mutmaßlicher Anfang*, p. 120.

³¹ Kant, *Mutmaßlicher Anfang*, p. 120.

In any case, reservation against the formation of states that are not exposed to some kind of resistance colours Kant's idea of peace, as we shall see. If they lack any kind of opposition, he thinks, they are in danger of becoming despotic. And Kant is certain: the existence of all kinds of resistance and opposition to which human beings and their institutions are subjected by their equals will inevitably suggest a strategy for solving the problem of how to deal with this situation that leaves no one out.

4. Freedom, Antagonism, and Peace under the Law

Apparently, we cannot get rid of our natural inclination towards conflict. However, Kant repeatedly mentions that humans would by no means gain from the extinction of conflict. To understand peace as the absence of any friction would mean to misunderstand the idea of *human* peace. "The Arcadian life of shepherds, in full harmony, contentment, and mutual love" would be disastrous for human thriving, Kant observes in his *Idea for a Universal History*. And this is why: "All human talents would thus lie eternally dormant, and human beings, as good-natured as the sheep that they put out to pasture, would thus give their own lives hardly more worth than that of their domesticated animals."³² Accordingly, peace must be *established* (*gestiftet*). We cannot and should not return to the paradise of unchallenged innocence – even though human beings will always yearn for something like Eden. But there would be no "worth" in this kind of *status naturalis*. We must move on instead of going back – "until complete art again becomes nature" (*bis vollkommene Kunst wieder Natur wird*).³³ And yet it will be nature that is enriched by the "worth" arising from freedom. There is a lucid passage from Kant's *Vorlesung über Ethik* (Lectures on Ethics), where he spells out this idea:

Freedom is [...] part of the capacity which gives all others their infinite usefulness, it is the highest degree of life, it is the property that is a necessary condition at the basis of all perfection. [...] If all creatures had a faculty of choice [only] bound to sensuous drives, the world would have no value; the inner value of the world, the *summum bonum*, is the freedom to act in accordance with a faculty of choice that is not necessitated. Freedom is therefore the inner value of the world.³⁴

"Value," however, provided by freedom is not to be confused with "goodness." The history of freedom "begins with evil" – and there is ample evidence for this claim when we turn to what experience reveals. But how can we establish goodness for which we long just as much as we are susceptible to evil that arises from untamed conflict – with others and perhaps also with ourselves? In other words: How can we gain at least some control of this ambivalence, which we cannot dissolve?

³² Kant, *Idee*, p. 21.

³³ Kant, *Mutmaßlicher Anfang*, pp. 117–118.

³⁴ Kant, *Moral Mrongovius*, p. 1482.

As we know, Kant's answer is that we have the ability and the duty to give shape to freedom in the guise of lawfulness. The state of lawlessness, which is the state of nature (*status naturalis*) after nature has set humans free from its guidance, is a state of war on principle. If there are conflicts, and due to the differentiation of human beings and their diverse ways of life there will certainly be conflicts, those coexisting in the state of nature "do one another no wrong at all when they feud among themselves; for what holds for one holds also in turn for the other, as if by mutual consent (*uti partes de iure suo disponunt, ita ius est*)."³⁵ Nonetheless, Kant argues, it is against natural human right as such to be willing to be and to remain in a condition without any right, that is, a condition in which no one can be assured against random violence and arbitrary use of force in his relations to any other person. Or, to put it the other way round, it is a natural right of human beings to enter into relations of right instead of accepting lawlessness. Why is this so?

If freedom is a property that humans share, a capacity of choice (*Willkür*) that is not necessitated and, for this reason, bestows value to both choice as well as its bearer, it is against humanity or, according to the terminology in *Religion*,³⁶ against the human "disposition to personality" (*Anlage für die Persönlichkeit*) to hinder, harm or destroy the use of this faculty. However, it will be hindered, harmed or destroyed unless any exercise of individual freedom is restricted in such a way that it can coexist with any other. This is only possible if there are rules, or rather laws, that govern the use of freedom. Kant argues that there are such laws – they are in fact nothing other than the form that freedom must take if it is to be preserved. Kant distinguishes between "external" and "internal" lawgiving. External lawgiving lays down the "conditions" under which "the choice (*Willkür*) of one can be united with the choice of another in accordance with a universal law of freedom."³⁷ The epitome (*Inbegriff*) of these conditions is right (*Recht*). Internal lawgiving refers to the maxims of individual action, which ought to be in accordance with the law of freedom. Morality consists in fulfilling this requirement. Obedience to juridical laws that prescribe the doing and not doing of certain actions can be enforced by the responsible institutions on behalf of the very principle of freedom: "as a *hindering of a hindrance to freedom*," as Kant formulates very precisely.³⁸ Compliance with moral laws, by contrast, is a matter of "free self-constraint" and thus no duty of right but of virtue.³⁹ While ethics aims at moral (and rightful) disposition, right aims at the legality of actions – regardless of the motives.

³⁵ Kant, *Metaphysik der Sitten*, p. 307.

³⁶ Kant, *Religion*, p. 27.

³⁷ Kant, *Metaphysik der Sitten*, p. 230.

³⁸ Kant, *Metaphysik der Sitten*, p. 231.

³⁹ Kant, *Metaphysik der Sitten*, p. 383.

This last point is important since Kant's idea of peace is based on nothing other than the universal validity and enforcement of right among human beings. We need not rely on morality to establish and secure the use of freedom under the law – and thus peace, which in Kant's understanding is peace under the law (*Rechtsfrieden*). Of course, compliance with the demands of morality will most compellingly lead to peace. Kant deals extensively with the alleged tension between politics, which should not concern itself with morality but with prudence and reason of state, and ethics – in the two-part *Appendix* to his essay *Zum ewigen Frieden* (Perpetual Peace). Its prospects, however, are not dependent on the pervasive dissemination of morality. Kant therefore spells out the conditions of perpetual peace in terms of right: of constitutional right (*Staatsrecht*), international right (*Völkerrecht*) and cosmopolitan right (*weltbürgerliches Recht*).⁴⁰ This approach is captivating because it puts traits of realism on the idea of perpetual peace, showing ways of advancing towards peace by establishing appropriate legal systems.

My discussion of the systems of public right will focus on the question of peace and its relationship to conflict. Does the concept of peace, and in particular perpetual peace as presented by Kant, allow for conflict – and, if so, in what way do peace and conflict go together?

5. Peace for a “Nation of Devils”?

As far as constitutional right is concerned, every state should set up a republican constitution. It is “the sole constitution,” Kant holds, “that issues from the idea of the original contract, on which all rightful legislation of a people must be based.”⁴¹ He thus takes up the thought introduced by the proponents of social contract theory that any political and legal authority needs justification and is limited by the demand for agreement with the united will of its subjects, and he argues that only a republican constitution meets these standards. Accordingly, the republican constitution is founded upon the idea of “external (rightful) freedom,” that is, “the warrant to obey no other external laws than those to which I could have given my consent.” Furthermore, the republican constitution insists on “external (rightful) equality” within a state, that is, “the relation of its citizens in which no one can rightfully bind another to something without also being subject to a law by which he in turn *can* be bound in the same way by the other.”⁴²

This republican constitution is “the only one that is completely compatible with the right of human beings” and, for this reason, “also the most difficult one to establish and even more to maintain”. It seems, Kant admits, that he is talking about a “state of angels,” but

⁴⁰ Kant, *Zum ewigen Frieden*, p. 365.

⁴¹ Kant, *Zum ewigen Frieden*, p. 350.

⁴² Kant, *Zum ewigen Frieden*, p. 350 (Footnote).

not about ordinary human beings, whose nature does not allow for this kind of “sublime” constitution.⁴³ Kant could be referring to David Hume’s (1711–1776) comments on those “reasoners” who put forward the idea of an original contract as the basic principle of any just government. Would they “look abroad into the world,” Hume says, “they would meet with nothing that, in the least, corresponds to their ideas, or can warrant so refined and philosophical a system.”⁴⁴ Once again: are we talking about a “state of angels” instead of human beings? Kant famously counters this objection by arguing that even a “nation of devils” would be able to introduce and organise a well-functioning state under the rule of law. Kant’s explanation of the problem, which even devils can and will solve, is as follows:

Given a multitude of rational beings all of whom need universal laws for their preservation but each of whom is inclined covertly to exempt himself from them, so to order this multitude and establish their constitution that, although in their private dispositions (*Gesinnungen*) they [i.e., these rational beings] strive against one another, these yet so check one another that in their public conduct the result is the same as if they had no such evil dispositions.⁴⁵

The only condition the devils confronted with this problem must fulfil is that they possess “understanding” (*Verstand*). If we concede this, Kant argues, it is possible and ultimately not only likely but inevitable that even a community of devils will agree to “submit themselves to coercive laws – and thereby bring about the condition of peace in which laws are in force.”⁴⁶ They do not have to give up their evil intentions and therefore do not have to transform themselves into morally good people, but are nonetheless compelled to be good citizens. Their task is merely to solve a rather technical puzzle: to direct the forces of their “selfish inclinations,” which inevitably lead to conflict, against one another in such a way that “the one hinders or nullifies the destructive effects of the other”.⁴⁷ The devils’ motive for accepting the job is their common interest in self-preservation. This interest, which according to Thomas Hobbes (1588–1679) is rooted in a “law of nature,”⁴⁸ is supposed to underpin a kind of pragmatic, strategic rationality that eventually will serve the purpose of practical reason.

This conception looks plausible but can be criticised with good reason. Discomfort has been expressed with the design of Kant’s “nation of devils.”⁴⁹ They still seem to bear too many angelic traits. They are supposed to be evil, but their evil is limited to egoism and selfishness. They only have the inclination to exempt themselves from the universal law,

⁴³ Kant, *Zum ewigen Frieden*, p. 366.

⁴⁴ Hume, *Of the Original Contract*, pp. 277–278.

⁴⁵ Kant, *Zum ewigen Frieden*, p. 366. (Addition in brackets by me.)

⁴⁶ Kant, *Zum ewigen Frieden*, p. 366.

⁴⁷ Kant, *Zum ewigen Frieden*, p. 366.

⁴⁸ Cf. Hobbes, *Leviathan*, Part I, Chapter XIV, pp. 91–100.

⁴⁹ Cf. Ebeling, *Kants ,Volk von Teufeln’*, pp. 87–94.

which they are willing to acknowledge in principle.⁵⁰ This may be a distorted picture of the reality of evil. There may be a desire simply to cause devastation and suffering, a tendency towards destruction and self-destruction that cannot be contained by rational or “enlightened” self-interest. When Arthur Schopenhauer (1788–1860) analysed so-called “anti-moral” incentives, he added malice and cruelty to egoism or self-love in Kantian terminology. He demonstrates the difference by quoting two similar but clearly distinct maxims. The maxim of utmost egoism is: *Neminem iuva, immo omnes, si forte conducit, laede!* (Don’t help anybody; on the contrary, injure anybody if it is useful to you!), whereas the maxim of malice (*Bosheit*) does not know of any condition: *Immo omnes, quantum potes, laede!* (Injure anybody indeed, as much as you can!).⁵¹ The purpose of malice is nothing but the infliction of cruelty for its own sake.

Self-preservation, which Kant, together with Hobbes, considers the strongest force restricting the excesses of evil, is perhaps not as powerful as he thought. Nietzsche advised us to rethink the significance of self-preservation: “The wish to preserve oneself is the symptom of a condition of distress, of a limitation of the really fundamental instinct of life which aims *at the expansion of power* and, wishing for that, frequently risks and even sacrifices self-preservation.”⁵² If we accept Nietzsche’s position, we might be ready to take the next step too. Given that self-preservation is tied to the use of rationality, of “understanding” in Kantian terms, we might also question the scope and clout of rationality in the sense of technical-practical reason. Nietzsche’s outlook makes us doubt whether technical-practical or strategic reason is sufficient to stabilise the instinct for self-preservation in such a way that it does not push far in the direction of the uncontrolled exercise of power.⁵³ Outbursts not only of power but also of unrestrained violence, and yet well organised in terms of technical understanding, are and remain possible. In the face of this ever-present danger, any kind of lasting agreement, let alone the possibility of peace and perpetual peace, seems to be in tatters.

Now, Kant’s discussion of international right and the prospects for peace within its framework includes a detailed consideration of human malice.⁵⁴ What is it then that keeps Kant confident of peace, even perpetual peace? It is clear that, according to Kant, the gift or, if you prefer, the burden of freedom obliges human beings to lawgiving in order to resolve the problem that this gift or burden poses. Yet they do not seem to be left completely alone, abandoned by nature, which allowed for the emergence of freedom in

⁵⁰ This is Kant’s overall position. Cf., for instance, *Grundlegung*, p. 424; *Religion*, pp. 35–36.

⁵¹ Schopenhauer, *Über die Grundlage der Moral*, § 14, p. 732.

⁵² Nietzsche, *Fröhliche Wissenschaft* 349, p. 585.

⁵³ It can be argued that Kant also doubts this, as he makes a clear distinction between theoretical-strategic and genuinely practical reason, which constitutes a distinct faculty and is what makes a human being a “personality” in the first place. Cf. *Religion*, pp. 26–28.

⁵⁴ Cf. Kant, *Zum ewigen Frieden*, pp. 344–345, 354–355, 358–359.

this world. The prospect of support from nature itself arises when Kant explores the possibility of connecting the histories of nature and freedom. Connecting them seems possible if we reflect on nature as something purposive. But originally, we know purposes only from human will and action, that is, as something that is bound to the exercise of human freedom and reason. Nonetheless, we also make use of the idea of purposiveness to understand nature. For instance, we work with the notion of the organic as opposed to the inorganic and thus differentiate between the two. Kant argues that we would not be able to understand the concept of an organism without explaining the interplay of its parts and the goal-directed movements of the whole organisation in terms of purposive interaction.⁵⁵ Organisms are products of nature whose parts are thought of “as existing *for the sake of the others* and *on account of the whole*.”⁵⁶ In many other respects, too, we conceive of nature in terms of purposiveness – in analogy to our perception of practical purposiveness in human art and action. But if we cannot do without understanding the “arrangement of nature in its parts” in terms of purposiveness, should we then allow for its “*purposelessness in the whole*”? Kant raises this highly significant question in his *Idea for a Universal History*.⁵⁷

Nevertheless, he is aware of the sensitive epistemic status of his claim that we can assume purposiveness in nature and the relationship of nature to human beings and their *free* purposes. Clearly, we do not *know* about this. We pass a judgment “through which no thing is actually cognized, but which only serves as a rule” for the power of judgment itself.⁵⁸ Human power of judgment, as Kant argues in his third *Critique*, has its own genuine principle, purposiveness, not least in order to “open up prospects that are advantageous to practical reason.”⁵⁹

Against the background of this argument, we must read his famous assertion that it is “the great artist nature from whose mechanical course purposiveness shines forth visibly” and who “guarantees” perpetual peace, “letting concord arise by means of the discord between human beings even against their will.”⁶⁰ It is in this context that Kant discusses the example of the “nation of devils.” His teleological approach, which can account for a general human interest in self-preservation and for the possibility of moral development as well, provides Kant with the “consoling outlook on the future” mentioned in the *Idea for a Universal History*. He even discerns empirical clues that speak in favour of his assessment, in particular the “*sympathy*” (*Teilnehmung*) with the good, with the ideal of right, bordering on “enthusiasm,” that the French Revolution evoked in the many people

⁵⁵ Kant, *Kritik der Urteilskraft*, § 65, pp. 372–376.

⁵⁶ Kant, *Kritik der Urteilskraft*, p. 373.

⁵⁷ Kant, *Idee*, p. 25.

⁵⁸ Kant, *Kritik der Urteilskraft*, p. 169.

⁵⁹ Kant, *Kritik der Urteilskraft*, p. 169.

⁶⁰ Kant, *Zum ewigen Frieden*, p. 360.

who took a lively interest in this event.⁶¹ Even though they probably would not dare to decide whether this revolution can be justified at such a cost of atrocity and misery, their “mind-set” as spectators nonetheless reveals and demonstrates in Kant’s view an overall character of the human race as a whole that can be regarded as a “moral character” due to its unselfishness (*Uneigennützigkeit*).⁶² There is therefore reason to hope for progress towards the better, all the more so as Kant is convinced that a phenomenon in human history such as the French Revolution “*will not be forgotten*” (“Denn ein solches Phänomen in der Menschengeschichte *vergißt sich nicht mehr*”).⁶³

The same could be true of those events that testify to the possibility of “barbaric devastation,” and which seem to undo all previous steps of culture and progress. These events too will not, or rather should not, be forgotten – in memory of human evil that unfolds and spreads in circumstances of lawlessness and the dismissal of right, stifling any kind of moral “enthusiasm.” Remembering them reminds us never to take the rule of law for granted. It must be established and upheld again and again.

No matter how we may respond to Kant’s teleological approach, to his confident look at human history and at nature as a power giving guarantees, the obligation remains to strive for exactly the kind of peace he had in mind: for “peace under the law” (*Rechtsfrieden*). Only within this framework can we hope to be able to settle conflicts in a manner that is not barbaric but follows rules to which everybody can consent and to which he or she is willing to be subjected for this reason. This is why Kant emphasises that he is concerned not with “philanthropy,” but with “right” when discussing the idea of peace.⁶⁴

Regarding cosmopolitan right (*Weltbürgerrecht*), it can be said that Kant’s ideas have not been unsuccessful, insofar as institutions such as the United Nations, founded after the Second World War, have been established. However, we must admit that there have been terrible attacks on right, peace and freedom that they could not prevent despite all their efforts. We may think of Pol Pot’s (1925–1998) reign of terror and today’s wars, such as the one launched against Ukraine. Obviously, violence and war have not disappeared. It seems that after certain conflicts have been settled and peace has been made, new discord continues to arise that we cannot resolve through legal means and other forms of civil procedure. Accordingly, the question is whether we should hold on to the idea of *perpetual* peace – and this is the last point I will discuss here.

⁶¹ Kant, *Streit der Fakultäten*, pp. 85–88.

⁶² Kant, *Streit der Fakultäten*, p. 85.

⁶³ Kant, *Streit der Fakultäten*, p. 88.

⁶⁴ Kant, *Zum ewigen Frieden*, p. 357.

6. Finite Versus Perpetual Peace

Pavel Kouba (b. 1953) has argued in favour of a concept of peace that is mindful of the radically *finite* nature of peace. Before we hear his arguments, however, we should remember why Kant defended the idea of *perpetual* peace. If we conceive of peace as a state, which is desirable, of course, but lasts only for a while, hopefully for a long while, we will think of peace as a temporary state. Peace, or more precisely: this particular peace, would be nothing more than an episode in the constant succession of peace and war, war and peace. If we were to accept this idea of peace, however, we would in principle be agreeing to live in the state of nature in which there is no law that binds human freedom. If severe conflicts occur, we will not be able to exclude the possibility of war in order to pursue our right. Yet “war is only the regrettable expedient in the state of nature (where there exists no court that could adjudicate the matter with legal authority) to assert one’s rights by means of violence. In war neither of the two parties can be declared an unjust enemy (since such an assessment presupposes a judicial decision). It is rather the *outcome* of the war (or ‘divine judgment’, as it were) which decides whose side is right.”⁶⁵ Accordingly, right is degraded when turned into a matter of contingency. For this reason, Kant thinks we should not abandon the idea of *perpetual* peace because only in this form is the idea of peace worth our utmost commitment.

Kouba claims that there is a difference between right (*Recht*) and justice (*Gerechtigkeit*), which, he says, Kant neglects but which is crucial for a proper understanding of politics. Politics, he wants to show, is more than “doctrine of right put into practice” (*ausübende Rechtslehre*) as Kant would have it.⁶⁶ While war or violent insurrection are clearly condemnable according to principles of right, both can be just; and there can be situations in which they belong to the options of genuine political action. In the same way, there can also be an unjust peace. Right, Kouba argues, is only one aspect of justice. Politics cannot be conceived without including the possibility of insisting on a non-legal perspective in the interest of justice. In contrast to right, which ensures freedom, that is, “independence from being coerced by the choice (*Willkür*) of another” due to the “equality” (*Gleichheit*) of all before the law, justice rather means and has to do with a provisional balance of “basic forces” (*Gleichgewicht der Grundkräfte*) in societies.⁶⁷ Moreover, justice is linked to respect for “another freedom” (*andere Freiheit*), Kouba maintains, that is, “the other meaning of freedom” (*die andere Bedeutung der Freiheit*) and not merely freedom of everybody else who is free in the same way (*im gleichen Sinn*).⁶⁸ Because of this, Kouba holds, there cannot be a universal law of justice; it has to

⁶⁵ Kant, *Zum ewigen Frieden*, pp. 346–347.

⁶⁶ Cf. Kant, *Zum ewigen Frieden*, p. 370. Cf. Kouba, *Endlichkeit des Friedens*, p. 15.

⁶⁷ Kouba, *Endlichkeit des Friedens*, p. 18.

⁶⁸ Kouba, *Endlichkeit des Friedens*, p. 21.

be established by a “creative act” (*einen schöpferischen Akt*), as he puts it, that evades the simple disjunctive “self-will or compliance with the law.”⁶⁹ Peace, in Kouba’s view, is a state resulting from actions like these and therefore not a state that is exclusively and definitely based on right. Every peace has its costs; and these costs, Kouba is convinced, can or will most likely pave the way for new conflicts. Accordingly, peace will always be a finite peace and never *the* final peace.

Despite these thoughtful and challenging considerations, I would assume we nonetheless cannot do without the *idea* of perpetual peace. Giving up on the idea at least of the unrestricted validity of right, where right is founded on laws of freedom, we would be left with no picture of what a solid framework for coping with disagreement and discord might be after all. Justice, as Kouba explicates it, appears to be too fragile and partial an instrument to bear this burden. Not least for this reason, Kant seems to hold that right and legal security (*Rechtssicherheit*) override any non-legal enforcement of justice. Peace is therefore to be understood as “peace under the law” (*Rechtsfrieden*). Only peace under the law ensures that the fundamental equality of all human beings and nations, in which they join together, is respected. Relying instead on the provisional equilibrium of “basic forces” (*Gleichgewicht der Grundkräfte*) in societies and relations between nations to determine what is just and unjust amounts to opting for the maintenance of the state of nature where peace and any other kind of order is established *and* dissolved through contingent (and changing) balances of power – and nothing else. Kant rightly prefers to appeal to the power of practical reason, which for him goes hand in hand with human freedom.

As we have seen, Kant develops a very nuanced account of the human propensity towards conflict, which is ineradicable, and the human longing for peace, which is just as deep-rooted. This tension presents human beings with an existential problem that will not go away but must be resolved in morally, legally and politically appropriate ways. Kant proposes a solution that has not lost its pertinence to this day.

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⁶⁹ Kouba, *Endlichkeit des Friedens* p. 21.

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