

elected, let alone unchecked by constitutional limits, one can at most hope that they freely choose to exercise their power in the right way. By contrast, in a republican democracy citizens vote on and influence political power and make sure that rulers further the general good and accept the burden of representation.

Important as this may be, it remains true that the logic of the first definitive article is a merely consequentialist one. Citizens will veto those wars that do not further the general good, something that is clearly compatible with the possibility that an aggressive foreign policy does further the general good of a specific nation. The cost–benefit calculation may suggest that war is in the best interest of a demos, not merely in the interests of absolute despots who use the lives of their subjects and resources of their countries to further their plans. To be sure, the argument could be made that citizens who have been socialized for long enough in the context of only republican institutions, and are hence habituated to deliberately taking into consideration the interests and rights of all fellow citizens (not only their own), will oppose “convenient” wars that are against the interests and rights of other human beings. Yet nothing in the way on which Kant explains the first definitive article suggests this further deontological argument. Without the other two articles, the first is limited to halting a bellicose attitude that is against the general good of a particular country.

2.3 The Second Definitive Article

The second definitive article contains the following prescription: “The right of nations shall be based on a *federalism* of free states” (ZeF 8:354). Here Kant envisages an institution that enables the diverse nations to overcome the anarchical state, or as it is usually referred to, “state of nature” which, by and large, still characterizes international relations. The transition resembles the move of individuals from the state of nature to the civil condition, but the analogy has its limits. For Kant, established states, unlike individuals in the state of nature, are already rightful entities whose autonomy is to be respected. For this reason, they cannot be forced to give up their sovereignty. As he puts it, “as states, they already have a rightful constitution internally and hence have outgrown the constraint of others to bring them under a more extended law-governed constitution in accordance with their concepts of right” (ZeF 8:356). But since reason dictates the duty to achieve peace, and peace requires “a pact of nations among themselves,” it follows that “there must be a league of a special kind, which can be called a *pacific league* (*foedus pacificum*)” (ZeF 8:356).

Among the many interpretative challenges posed by the second definitive article, two deeply interrelated questions are particularly relevant for contemporary debate. The first relates to Kant’s rationale for preferring a federation

over a world republic, which includes the question concerning the powers of this supranational institution. The second concerns the criteria by which states qualify to enter the federation. Are only republics qualified to enter, or is any kind of state permitted? Since the last four sections of this essay focus on the first problem, we can confine ourselves now to some considerations concerning the second.

Unfortunately, Kant does not clearly indicate the membership criteria of his federation. We are thus left with the task of reconstructing his view from bits of textual evidence and, perhaps more importantly, systematic considerations that measure how well each of the two competing hypotheses squares with the general picture offered by Kant. Depending on the answer, we will attribute to Kant a model similar either to the European Union (EU) or to the United Nations (UN), just to mention the two most obvious examples, thereby shaping the normative indication of the second definitive article in profoundly different manners. In the first scenario, similar to that of the EU, Kant is suggesting a clear division of the world into two main zones: one that includes the already righteous states, and another that encompasses all the others. This is obviously the picture that Rawls assumes in *The Law of Peoples*, with one significant variation; namely that the club generously opens up its doors not only to liberal peoples, but also to the good enough, the “decent” ones. In the second scenario, more like that of the UN, the federation is a heterogeneous institution, where different kinds of regimes can meet and have permanent channels of diplomatic communication.

The key text in favor of the restricted reading, at times defended by careful interpreters such as Norberto Bobbio (Bobbio 2005, xiv), is probably the very title of the second definitive article.¹⁸ There, Kant talks of a “federalism of *free* states” (ZEF 8:354; my emphasis). Since republics are the only “free” states, one would think that Kant is giving a rather clear indication, but this is not case. Indeed, “free” can also mean “independent” or “sovereign,” or “not being under the command of anyone.” As aptly pointed out by Eberl and Niesen, this is precisely the way in which Achenwall conceives of a “free” state (Eberl and Niesen 2011: 247). By characterizing potential members of the federation as “free states,” Kant is better understood as emphasizing that they have surged to the level of full recognition in the international arena and/or that they are

¹⁸ Although Bobbio seems to take the restricted reading for granted, he does provide an indirect reason for supporting it. He argues that the restricted access would explain why Kant feels confident that the lack of coercive powers on the part of the federation does not make it pointless: Since republics are pro-peace, they can reasonably be expected to externalize this attitude toward other republics without coercion. Obviously, if this were the case, the second definitive article would have scant, if any, force of its own: Its peace-promoting potential would seem to rest entirely on that of the first.

supposed to remain free – that is, independent – even if they join the federation.¹⁹

Moreover, Kant never explicitly restricts access to the federation to republican states. When he introduces the idea that if a people manages to form a republic, it can be “a focal point of federative union for other states” (ZEF:356) he does not say that these states must be republics. Of course, this is what he may have in mind, but the thought makes perfect sense even if one understands it in the sense that the new republic promotes and invites a federation with other states before their transition to the republican form, perhaps as a way of facilitating it. Moreover, in *The Contest of the Faculties* Kant argues that one should respect republics not only in “form” (i.e., representative, constitutional republics) but also in “mode,” namely regimes in which those who hold power act “by analogy with the laws which a people would give itself in conformity with universal principles of right” (SF 7:88). The references to these *ante litteram* “decent peoples” indicate how Kant rejected a sharp division between virtuous and nonvirtuous states, which in turn counts as indirect evidence in favor of the open-access reading.

One systematic argument in favor of the open-access reading is that the alternative reading is committed to assigning to the federation the impoverished role of improving relations *between republics*. These relations should already be quite peaceful, given the logic of the first definitive article. To be sure, even inter-republican relations, as we know from history, are subject to controversies and tensions; in fact they have been quite frequent and still occur today. Hence, the permanent diplomatic channels ensured by the presence of a federation would still be of some use. Yet the role of the federation would be reduced to avoiding the comparatively rare cases in which republics find war between them useful and possible deontological dissuaders are not strong enough to halt the bellicose pursuit of their interests. This diminished role for the federation can hardly be compatible with the status Kant assigns to the second article, namely that of a definitive article as important as republicanism within states. Much more plausible is that the federation is thought of as providing those war-avoiding incentives when and where they are most needed; that is, in the relations between democracies and autocracies, and between autocracies. The presence of permanent diplomatic channels seems to be far more important in cases in which neither mutual trust nor mutual respect can be assumed.

¹⁹ The restricted-access reading does not rest merely on this passage. Michael Doyle (2012) backs it up through a series of arguments crafted to respond to the protests of some Kant scholars, such as Cavallar (1999) and MacMillan (1995). I offered my reply to Doyle’s points in Caranti (2017a: 143–6).

Over and above systematic considerations, Kant's own example of the federation was the assembly of Dutch States General at the Hague in the first half of the eighteenth century: "ministers of most of the courts of Europe and even of the smallest republics lodged with it their complaints about attacks being made on one of them by another" (MS 6:350). Kant also says that "each neighboring state is at liberty to join" the "association" or "permanent congress of states" (MS 6:350). Finally, he insists that these ministers promisingly thought of Europe as a single confederated state, "which they accepted as an arbiter in all their public disputes." Clearly this is the example of a mixed federation, not that of a club of republics, a club that at the time Kant is referring to would have probably included only the Swiss cantons (and not all of them) and later, at the time Kant was writing, only the Swiss cantons themselves, the French Republic, and perhaps the United States (depending on whether the fact that slavery was allowed in most states counts as a sufficient reason to disqualify the latter as a republic).

That is not all. In the paragraph that follows the example of the assembly of Dutch States General, Kant describes the federation as a "rational idea of a peaceful, even if not friendly, thoroughgoing community of all nations on the earth that can come into relations affecting one another" (MS 6:352). Here, the only membership criterion is the ability of peoples to enter into active relations with one another (thereby creating the risk of conflict and the corresponding war-averting institutional response), not the justice of their internal institutions. Combined with Kant's idea that all peoples (already in his times) were in a condition to affect one another (ZeF 8:360), this indicates quite clearly that Kant was thinking of a federation which nonrepublican states could and should enter. Now the question becomes: any non-republican state? Well, there seem to remain two categories of states that even on the open-access reading could not be accepted into the Federation. On the one hand, Kant describes as an "unjust enemy" the state "whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible" (MS 6:349). These are not only despotic states, but also ones that are aggressive toward other sovereign entities. The obvious question arises of what sense it would make to open the doors of a league for peace to states that publicly announce a violent manner of conducting their external affairs. On the other hand, Kant also has the notion of barbaric states, which, as we discover in the *Anthropology*, are characterized by force without law and freedom. It is not the compression of freedom that disqualifies them (this happens in "merely" despotic states). Unlike the case of "unjust enemies," what causes the problem is not their external behavior. Rather it is the absence of the rule of law that disqualifies them. In order to sign a treaty

(including the statute of the league) a state needs to prove that it is not ruled by the mere caprice of those who hold power but by laws that cannot be changed at will. Still, nonaggressive despotic states governed by the rule of law would be able to join. On the open-access reading, it would be even more important to have them rather than republics inside the federation because of their comparatively higher degree of bellicosity (ex first definitive article) and because membership in a peaceful federation would diminish the appeal of strong and nonaccountable executives to defend the country, thereby facilitating the transition toward republicanism.

This brings us to the final point. If the federation is thought of as encompassing any willing state, its role squares much better with the logic of gradual progress toward peace that seems to pervade Kant's project. The inclusion of as many existing states as possible seems to parallel Kant's point in the third definitive article in which economic and cultural interdependence is thought of as a peace-inducing factor that should affect all kinds of states, not just the relations between republics.

2.4 The Third Definitive Article

Kant complements his "recipe for peace" with a recommendation – one which is, as we shall see, quite novel in his political thinking – that concerns what he calls cosmopolitan right (*Weltbürgerrecht*). We read that "Cosmopolitan right shall be limited to conditions of universal hospitality," which is to be understood as a "*right to visit*; this right, to present oneself for society, belongs to all human beings by virtue of the right of possession in common of the earth's surface" (ZeF 8:358). He also claims that cosmopolitan right is a "supplement to the unwritten code of state right and international right necessary for the sake of any public rights of human beings and so for perpetual peace" (ZeF 8:360). Not only is cosmopolitan right now clearly distinguished from the other two branches of rights, but Kant also makes clear that without the right to visit, the other two branches, indeed all rights of human beings, are in danger. The relation of interdependence between public and international rights that Kant had emphasized in the seventh thesis of *Idea* is here reaffirmed and expanded to include a new branch of rights – the cosmopolitan one – which Kant had still not clearly distinguished in 1784. Without the global recognition of the right to visit, perpetual peace will never be reached. But what exactly is cosmopolitan right's contribution to peace? How does it make it more likely?

There are two main ways – one narrow, one broad – to read the causal link between the right to visit and peace. On the one hand, one can narrowly see the right to visit as a condition that enables economic interdependence, considered