

(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

as the true peace-promoting factor. On the other hand, one may recognize this enabling function but read more than this into the right to visit. Among Kant specialists, the narrow reading has some acceptance. Allen D. Rosen (1993) and Samuel Fleischacker (1996), for example, construe Kant as a somewhat naïve free trade supporter. On their reading, Kant's cosmopolitan right would simply secure a prerequisite of international trade, by guaranteeing that individuals are permitted to move across frontiers. Kevin Thompson (2008) thinks that the "commerce [*Verkehr*]" between peoples Kant secures through cosmopolitan right is exclusively economic commerce (*contra* Kleingeld 2012: 75). Recently Massimo Mori has argued that cosmopolitan right is probably to be understood even more narrowly: It is a right of travelers not to be violently attacked if they set foot on foreign land, which is less than a right to visit that land (Mori 2008: 144–6).²⁰ Byrd and Hruschka (2010: 207–11) reaffirmed the narrow reading, suggesting that in the *Metaphysics of Morals* Kant conceptualizes cosmopolitan law in terms of the idea of a perfect World Trade Organization.²¹ But it is mainly outside the circle of professional Kant scholars that the narrow reading has become popular, especially among democratic peace scholars. Kant's third ingredient for peace is reduced to economic interdependence.²²

What about the alternative, broad reading? It is probably safe to say that most Kant scholars favor this interpretation, whose central idea is that cosmopolitan right is something more than international trade (or a way of securing it). For example, Ripstein realizes that the right to visit is about opening up frontiers to foreigners by virtue of the "disjunctive possession of the Earth's surface" (Ripstein 2009: 296), and commerce is only one of the many relations individuals have a right to propose to inhabitants of receiving countries. Ruysen (1924: 355–71), Kersting (1996: 172–212) and Marini (2001: 19–34) see cosmopolitan right as the constitutional law of a world state. Waldron (2000) interprets Kant's cosmopolitan right mainly as the disposition not to take our conceptions of justice as nonnegotiable in dealing with people and peoples with

²⁰ Mori also argues that cosmopolitan right has a limited significance in the economy of Kant's model because it aspires to be a right (not philanthropy) and yet has no institutional backing. Basically, it is left to the goodwill of rulers to respect foreigners' right to visit, but no supranational force or authority is foreseen in case of violations (Mori 2008: 147–8).

²¹ Cosmopolitan law would be nothing but "an ordered *iustitia commutativa* on the international level in the absence of a *iustitia tutatrix* and a *iustitia distributiva* in a state of nation states" (Byrd and Hruschka 2010: 211).

²² For example, in a passage from the 1983 "Kant, Liberal Legacy, and Foreign Affairs," we read: "[t]he cosmopolitan right to hospitality permits the 'spirit of commerce' sooner or later to take hold of every nation, thus impelling states to promote peace and to try to avert war" (Doyle 1983a: 231). In other words, the whole point of cosmopolitan right is to promote trade, which in turn promotes peace. Notice also that Doyle inverts the causal order. While the "spirit of commerce" is in Kant explicitly presented as the means by which cosmopolitan right is expected to obtain recognition worldwide, in Doyle it becomes the end secured by cosmopolitan right.

different views. Taraborelli argues that the right to visit is a right that “guarantees everyone’s opportunity to become ‘associated’ with a new nation and possibly, in some future time, to become a fellow inhabitant” (Taraborelli 2006: 153). Brown (2009) sees a commitment to a global morality (albeit of minimal reach). Eberl and Niesen argues that cosmopolitan right is essentially a “right to communication” (Eberl and Niesen 2011: 251). Similarly, Kleingeld construes cosmopolitan right as a right – ultimately springing from humans’ innate right to freedom (MS: 236) – to attempt to initiate all sorts of communicative exchange, including, but not limited to, commercial interactions (Kleingeld 2012: 83–4).²³ Also Cavallar stresses that the interactions guaranteed by cosmopolitan right are not exclusively commercial ones (Cavallar 2002: 360). Although his recent book attacks the idea that Kant can be considered a cosmopolitan all the way through, Cavallar still characterizes Kant’s position as a form of “thin moral cosmopolitanism” (Cavallar 2015: 2), which is already more than what the narrow reading is ready to concede. A yet broader reading was suggested by Anderson-Gold (2006), who pointed out that cosmopolitan right is not only a negative right, about refraining from hostilities against foreigners, but a positive right to a “dynamic interactive community of moral interdependence that is the only condition under which states could consistently adhere to international laws that are also universally just” (Anderson-Gold 2006: 138). Consonant with this approach is Derrida’s famous account of hospitality as, among other things, a condition for epistemic progress thanks to the different perspectives that *l’être étranger* brings into the receiving community (Derrida 2000). From this perspective, cosmopolitan right is about the creation of a global community in which various moral traditions search for and find common ground. This common normative commitment is the sole guarantee that sovereign states, in the absence of a world government, will stick to any legal obligations that they may be subject to in international institutions.

Thus far the representatives of the narrow and of the broad reading. Which reading should one prefer? There is little doubt that the idea that economic interdependence is good for peace is part of what lies behind the third definitive article. Kant says that nature “unites nations” and that it “does so by means of their mutual self-interest. It is the spirit of commerce, which cannot coexist with war and which sooner or later takes hold of every nation” (ZeF 8:368). There is no indication, however, that the significance of the article is limited to the

²³ Kleingeld (2012: 136–7) mentions Hegewisch as a naïve believer in the quick and easy equation between trade and peace in order to highlight the distance between Hegewisch’s views and Kant’s. She also criticizes Rosen (1993: 74, 76, 211) and Fleischacker (1996: 385) for downplaying Kant’s cosmopolitanism in favor of Adam Smith’s view that free international trade and the market are intrinsic values as well as peace-promoting factors.

peace–trade nexus. In fact, this is not even the core of the article. To begin with, the “spirit of commerce” appears only in the section devoted to the guarantee of perpetual peace, where Kant offers us reasons to believe that nature promotes the realization of each of the three branches of right. Regarding the third branch, it is the “spirit of commerce” – a natural drive – that shows how nature “pushes” for cosmopolitan right. In other words, the “spirit of commerce” is the instrument provided by nature for the realization of the end, that is, cosmopolitan right. Why conflate means and end when Kant so clearly distinguishes between them?

Furthermore, in the attempt to expand and clarify cosmopolitan right Kant talks about a right that one has “to present oneself for society.” Kant seems to have in mind a right to apply to enter a new social compound that he at times calls “a society” – as in this passage – but more often, and quite significantly, a “community.”²⁴ Clearly, we are dealing here with something more than the sheer right to cross frontiers to do business in a foreign country. Rather, we have a right that is thought of as a means through which we can get to know each other, and come into contact with foreigners in order to lay down the basis of a community wider than the national one. In this sense, the third article pertains to *cosmopolitan* right. It focuses on the conditions that prevent peoples’ reciprocal closure. It enables us to engage in those “good practices” that are needed to make sure that societies influence one another, know one another, and thus decrease the level of reciprocal distrust.

Still, in the versions of the broad reading discussed above, the impression is that at least one crucial aspect remains insufficiently highlighted, perhaps even in the particularly broad reading of Anderson-Gold (2006). This concerns the relation between cosmopolitan right and a global moral community. In a famous passage Kant claims that such a common conscience exists and is growing stronger among human beings. The reason why cosmopolitan right is not “fantastic and exaggerated” (ZeF 8:360) – he says – is that “the (narrower or wider) community of the nations of the earth has now gone so far that a violation of right on *one* place of the earth is felt in *all*” (ZeF 8:360). In other words, there is a universal community with a common moral conscience that condemns violations of human beings’ natural rights. Precisely that common conscience is the guarantee that cosmopolitan right is not a mere utopian ideal. Moreover, the fact that the amount of respect for human beings dictated by that moral conscience is translated into an article of law is destined to strengthen and further develop the same moral conscience. Given its very content – the right to

²⁴ In the *Metaphysics of Morals* Kant says that cosmopolitan right grants humans a right “to visit all regions of the earth” while they “try to establish a community with all” (MS 6:353).

cross frontiers securely – cosmopolitan right enables and promotes mutual knowledge and various dimensions of interdependence (economic, cultural, demographic) which reinforce and gradually expand that global moral conscience, taking it beyond the normative basis underpinning the recognition of a universal right to visit. Indeed, as Kant himself says, although this natural right of hospitality does not extend beyond the conditions that make it possible to *attempt* to enter into relations with the native inhabitants, it nonetheless bridges distant continents and opens up otherwise closed nations, thus bringing the human race “ever closer to a cosmopolitan constitution [*weltbürgerlichen Verfassung*]” (Zef 8:358).²⁵

3 The Project of Perpetual Peace in the Context of the Critical Philosophy

The three definitive articles unequivocally constitute the backbone of Kant’s project. This does not mean, however, that they can be read in isolation – as they often have been. They are obviously embedded in a broader philosophical project constituted by Kant’s critical philosophy as a whole. To begin with, Kant’s model evidently rests on his teleological view of human affairs. One aspect of this view, or perhaps I should say the most extreme (hence clearest) part of that view, is the famous thesis according to which nature provides a “guarantee” that humanity will one day reach perpetual peace. It is fair to say that it is this thesis that has caused most problems of compatibility between Kant’s peace project and his overall philosophy to be noticed. Another point of tension is undoubtedly the relation (or apparent disagreement, as Kant says) between politics and morality. Without passing over the extent to which some tension remains, I am going to suggest that no real incompatibility occurs in either of the cases.

3.1 The Guarantee Thesis

In his political writings Kant often claims that the achievement of a condition of perpetual peace among nations is guaranteed by nature. In one form or another, this thought recurs from *Idea for a Universal History with a Cosmopolitan Purpose* (1784) to the late *The Contest of the Faculties* (1798). Perhaps the

²⁵ For a criticism of my broad reading see Guyer (2019: 286–7). Guyer fears that expanding the significance and content of cosmopolitan right over and above the sheer right to visit risks obscuring Kant’s anticolonialist intent. I believe, however, that highlighting how the right to visit on the one hand rests on the existence of a global conscience and on the other hand promises to further expand it, in turn thereby generating the necessary moral preconditions for an enhanced cultural and economic interdependence among peoples vindicates instead of betraying the anticolonialist significance that Kant attached to this branch of right.