

Chapter 16

International and Cosmopolitan Political Obligations

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1 Introduction¹

Over the last few years, there has been intense political debate concerning the rightful use of coercion in the international sphere. Strong political forces have maintained that in addition to being inefficient, the current international authority, the United Nations (UN), is neither necessary nor desirable for the realization of international justice. This is seen not only in how recent efforts to improve and strengthen the UN are met with considerable resistance from powerful nations, but also by the fact that individual nations claim it rightful unilaterally to use coercion to solve conflicts in the international sphere. Though many other voices have argued that we need the UN, especially to enforce human rights internationally, there is little explanation why justice *necessarily* requires an international authority, rather than merely one or more just, strong nations. Therefore, current sentiment in favour of maintaining the UN is rarely supported by cogent justification that the UN is in principle necessary for international justice. From a philosophical point of view, the state of the contemporary debate is good evidence that we need to rethink the status of a distinctly international authority.

In this paper, I take a first stab at this task by arguing with Kant that international justice is in principle impossible without an international and cosmopolitan authority. The proposed account can explain why due respect for human rights and mutual respect of sovereignty among internally just states is possible only through the establishment of a transnational authority. The implication of this argument is that the liberal ideal of international political obligations is non-voluntarist in nature,

¹ I am grateful to Arnt Myrstad, Arthur Ripstein and Shelley Weinberg for their generous help in writing this paper. I would also like to thank the editors of this volume as well as the audiences at the 23rd Social Philosophy Conference at the University of Victoria (Aug. 2006), the faculty of law at the University of Oslo (Aug. 2006), AMINTAPHIL at Washington University and Southeast Missouri State University (Nov. 2006), the APA Pacific Division (April 2007), and the 1st annual conference of the Northwestern University Society for Ethical Theory and Political Philosophy (May 2007) for their useful comments. Special thanks go to my commentators John Harris at the Pacific APA and Kyla Ebels Duggan at the 1st annual conference at Northwestern University.

meaning that states do not in principle have the right to resist the establishment of an international authority to regulate their international interactions.² Moreover, the justification for an international authority is not linked to the typical aggressiveness of states. *Even if* all states are non-aggressive, I argue, they are still obligated to establish an international authority, since its establishment is a precondition for international justice. Only an international authority can enable rightful relations among states, because only it can put the interacting parties under universal laws and therefore also have standing to rightfully solve conflicts and use coercion with regard to states' interactions. In addition, I explore Kant's arguments that justice requires international trade as well as interactions between just states and visiting, alien private individuals to be regulated by a cosmopolitan authority.³ Both arguments strengthen the conclusion that the liberal ideal of transnational political obligations must be non-voluntarist, even if, as Kant argues, it is prudent to pursue the establishment of this authority voluntarily. A particular advantage of the position is its promise for solving several recalcitrant problems in current international politics, such as issues concerning rightful borders, trade—including the operation of multinationals in illegitimate and aggressive states, and the rights of stateless persons. The argument defends the conclusion that coercion in the international sphere is rightful *only if* authorised by an *international* and *cosmopolitan* authority.

2 A Kantian Conception of Political Obligations

Kant claims that justice in the international sphere requires states and individual persons not only to adhere to some reasonable conception of international law, but also to establish a transnational, public legal authority to regulate their interactions.⁴ The justification for this claim has its foundation in Kant's understanding of justice (political freedom), and I will use Kant's conception of political obligations at the

²I believe that Kant's account of the transnational public authority is non-voluntarist also in the sense that it does not consider the rights of an international authority as in principle co-extensive with those of individual nation states. Since I do not engage issues of legitimacy concerning the structure of the international authority here, but only the duty to establish it, I cannot engage this issue here.

³With Kant I will use the term 'international' authority when I talk about how the transnational, public authority regulates the relations between states (or nations), whereas 'cosmopolitan' authority refers to this authority when it regulates a relation that includes a private individual.

⁴I refer to Kant's work by means of the Prussian Academy Pagination (PAP) only. I have used Mary Gregor's translation of *The Metaphysics of Morals* (New York: Cambridge University Press, 1996), (PAP 6:203–493). Other works cited include "On the Common Saying: "This may Be True in Theory, but It Doesn't Apply in Practice'", (PAP 8:273–313), and "Perpetual Peace—a Philosophical Sketch", (PAP 8:341–386). Both are printed in T. Humphrey (trans./ed.), *Perpetual Peace and Other Essays* (Indianapolis, IN: Hackett Publishing, 1983).

state level to model the structure of his argument at the international level.⁵ This approach to Kant's texts seems consistent with Kant's own view. For example, the sections on "The Right of Nations" and "Cosmopolitan Right" constitute chapters II and III (respectively) of Kant's account of public right in "the Doctrine of Right" (DR) and so naturally lead us to think that the argument preceding it, namely the private right account regarding nation states, prepares the ground also for these chapters (as it does for chapter I on national public right). Moreover, this interpretation is confirmed in the introduction to "The Right of Nations", where Kant argues that the right of nations is "[t]he only difference between the state of nature of individual men and of families (in relation to one another) and that of nations is that in the right of nations we have to take into consideration not only the relation of individual persons of one state toward the individuals of another, as well as toward another state as a whole" (6: 343f). Here Kant sees the argument concerning the right of nations as structurally similar to that given in his discussion of private right at the nation state level. Part of the interpretative puzzle consists in figuring out how to think of this similarity. Below I suggest that the arguments for the 'private rights' of states outlined in chapter II of Public Right in DR ("The Right of Nations"), are structurally similar to the private right arguments concerning assurance and private property in Kant's account of national justice.⁶

The relations between individuals and states and between individuals of different states are discussed in chapter III of public right in DR ("Cosmopolitan Right"). Here we find Kant's discussion of international trade and visitors. The analogous private right arguments in the national case are those concerning contract right (trade) and those concerning how the innate right to freedom always secures people a right to exist (visitors).⁷ The final category of private right in the national case, namely status relations, is not considered in Kant's writings on international justice, but I suggest that we can expand Kant's account to include these relations. Finally, though the argument concerning the international sphere is a 'public right' argument, Kant explicitly confirms my claim that we must analyse these relations as analogous to interactions between private individuals in the state of nature: "As nations, peoples can be regarded as single individuals who injure one another through their close proximity while living in the state of nature" (8: 354). For all of these reasons I find that highlighting relevant features of his account of justice in the national case illuminates the structure of Kant's account of international relations. Before turning to the international sphere, let us therefore briefly outline how Kant's non-voluntarist

⁵I am grateful to Barbara Herman for encouraging me to make explicit the textual basis for utilising Kant's arguments as presented in the sections on national justice in DR to understand his theory of international justice.

⁶Kant has parallel arguments in "Theory and Practice" (8: 307–313) and in "Perpetual Peace" (8: 341–386).

⁷Kant's discussion of the 'right to hospitality' in his political essays should be seen as complementary to his discussion of visitors in DR.

conception of political obligations at the state level follows from his conception of justice.⁸

2.1 *National Political Obligations*

In “The Doctrine of Right” Kant argues that justice is possible only within civil society, or within a liberal, legal framework. Civil society is an enforceable precondition for justice, and not merely a prudent response to the inconveniences characterizing the state of nature (8: 313, 8:354).⁹ These conclusions are grounded in Kant’s relational understanding of justice. Justice requires individuals’ interactions to be respectful of their innate right to freedom, meaning that no one’s freedom is subjected to the arbitrary choices of others but only to universal law (6: 230f, 237). The innate right to freedom gives all persons, as embodied beings, a right to exist and to bodily integrity. External freedom, or setting and pursuing ends of one’s own, however, requires more than this—and it is these further considerations that make Kant conclude that rightful interaction is impossible in the state of nature understood as a condition without a *public* authority. Justice cannot be realized privately by *each individual* acting virtuously, since it is impossible for private individuals to provide rightful assurance and to overcome certain problems of specification characterising the acquisition of private property, contract relations and status relations. The problem, in short, is that property, contract, and status relations¹⁰ among individuals cannot be both rightful, reconcilable with each person’s innate right to freedom, and determined and assured by a *private* authority. And private authority is the extent to which there is authority in the state of nature. Indeed, there are universal principles, namely the Universal Principle of Right and what Kant calls the ‘principles of private right’ that determine property broadly construed (private property, contract and status relations) (6: 258ff, 271ff, 277ff). The difficulty, rather, is in providing assurance for property holdings and determining rightfully how these abstract universal principles should be *applied*

⁸One may see this paper as a response to A.J. Simmons’s claim in *Justification and Legitimacy: Essays on Rights and Obligations*, Cambridge University Press, 2001, that Kant “never explains very clearly why I have an obligation to leave the state of nature and live in civil society with others, rather than just a general obligation to respect humanity and the rights persons possess (whether in or out of civil society)” (p. 140). In “Kant’s Non-Voluntarist Conception of Political Obligations” (*Kantian Review*, forthcoming) I provide Kant’s explanation of the obligation as it pertains to the national case, and here I explain the obligation in the international case. Together these papers argue why we should reject Simmons’s claim—as well as provide us reasons to reject the Lockean claim that private individuals and states in the international sphere have a natural executive right.

⁹For an overview of prudential vs. non-prudential readings of Kant’s philosophy of right, see my “Kant’s Non-Voluntarist Conception of Political Obligations”.

¹⁰Status relations are relations where one person has standing within another person’s private life, such as parental relations.

in empirical cases so that the resulting set of restrictions constrains each person's actions universally or non-arbitrarily (symmetrically and non-contingently).¹¹ Even mutual agreement cannot make relations among individuals rightful, since everyone's freedom is still subject to one another's arbitrary choice, namely that we continuously choose consent on matters of the correct application of the principles.

Due to the problems of assurance and specification, therefore, to stay in the state of nature is to commit wrongdoing. It is to stay in a condition where we subject one another's freedom to one another's arbitrary choices rather than to universal law. At most, the state of nature is a condition *devoid of justice*, meaning that in the best scenario it is a condition in which particular individuals do not wrong *one another*, but yet in choosing to remain in the state of nature they renounce any concept of right (6: 312) or 'do wrong in the highest degree' (6: 307f). In order to interact rightfully with others we must establish a condition in which our interactions are subject to universal laws rather than to one another's arbitrary restrictions. And the only way to do this is by establishing a will that is the will of each and yet the will of no one particular private individual, that is, a *public* will or a public authority (6: 345f, 8:344, 351f). To refuse to enter civil society is therefore to refuse the condition under which interaction consistent with each person's right to freedom is respected, which is to commit wrongdoing in the highest degree. Thus, individuals have a strict or enforceable duty to set up a *public* authority to provide assurance and to specify the rules for their interaction (8:371, 6: 230, 232). Because consent cannot be a necessary condition for the establishment of a rightful state, the liberal ideal of political obligations at the state level is non-voluntarist in nature.

2.2 *International Political Obligations*

Kant's theory of justice requires a non-voluntarist conception of international political obligations for the same kinds of reasons it requires a non-voluntarist conception of national political obligations. Although the suggested scheme provides a way of conceptualizing solutions to certain contemporary problems, such as freedom from poverty, the argument establishes the necessity of an international legal order *even if* no such problems exist. As in the national case, the main problems that cannot be overcome in the state of nature, and which therefore call for an international public authority, concern the provision of assurance and the application of international laws to actual interactions. Let's start with the argument why a transnational, public authority, rather than a very powerful state, is necessary to provide assurance in international relations.¹²

¹¹ See "Kant's Non-Voluntarist Conception of Political Obligations" for further explication of these points.

¹² As mentioned above, this discussion loosely corresponds to Kant's discussion in DR of "The Right of Nations" (6: 343–351), which mainly concerns the issue of war (and so issues of assurance and border conflicts), and his discussion of "Cosmopolitan Right" in (6: 352–353), which focuses mainly on trade and visitors' rights.

First, a superpower cannot provide assurance in the international sphere since it lacks an impartial *form*. On the one hand, a superpower has its own national interests, and hence cannot reasonably be seen as impartial to particular disputes in the international arena. On the other hand, the superpower cannot provide assurance in its own relations with other states. In order to provide assurance for these relations, yet another stronger power is needed, leading to an infinite regress. Therefore, in order to provide assurance in the international sphere we need at the very minimum a conception of a *public* power, meaning a power that represents no national interests yet can be seen as representing the interests of each nation. Since only an international authority in principle has the impartial form, only it can provide assurance in international relations. This entails that no state can rightfully refuse to establish a public authority that can provide assurance in the international sphere and we have a first reason why international political obligations cannot be voluntarist.

The lack of the right kind of impartiality also explains why rightful relations between bordering nations require an international authority. Rightful relations require states to subject themselves to universal (symmetrical and non-contingent) laws. It is impossible, however, for any state to apply the Universal Principle of Right so as to make objective or non-contingent determinations of what constitutes the border between itself and its neighbours.¹³ Any proposal here can reasonably be challenged by its neighbours, entailing that a state that uses might to defend its proposed border will subject other states to contingent and asymmetrical—or unjustifiable—restrictions.¹⁴ Of course, neighbouring states may happen to agree on borders making coercion unnecessary.¹⁵ But their relation is not thereby made *rightful*, since their peaceful co-existence is still subject to each other's consent. By refusing to enter an international civil society, or to establish a public, international

¹³Jürgen Habermas, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight", transl. by James Bohman, in J. Bohman and M. Lutz-Bachman, eds., *Perpetual Peace*, pp. 113, 116, also argues that the problem of application is of particular interest to Kant's position, and he understands Kant to be arguing that even if states were to enforce *reasonable* conceptions of international law when interacting with other states the result is not rightful relations.

¹⁴This is why, in my view, Kant argues that "war is but a sad necessity of the state of nature (where no tribunal empowered to make judgments supported by the power of law exists), one that maintains the rights of a nation by mere might, where neither party can be declared an unjust enemy (since this already presupposes a judgment of right)" (8: 346). Moreover, it is important to note that passages such as the following seem to suggest that for Kant war is the only solution to conflicts in the state of nature: "[t]he concept of the right of nations as a right to go to war is meaningless (for it would then be the right to determine the right not by independent, universally valid laws that restrict the freedom of everyone, but by one-sided maxims backed by force)... Reason can provide related nations with no other means for emerging from the state of lawlessness, which consists solely of war, than that they give up their savage (lawless) freedom, just as individual persons do, and, to establish a *nation of peoples*... that (continually growing) will finally include all the people of the earth" (8: 356f).

¹⁵Note that the international authority is constitutive of rightful assurance and rightful borders even if the world comprises only internally just states and individuals who happen not to want to travel or trade with one another.

authority with standing to determine possible, future disputes in their relations, states commit the worst kind of wrongdoing.¹⁶

2.3 *Cosmopolitan Political Obligations*

Let us now consider Kant's account of relations involving "individual persons of one state toward the individuals of another, as well as toward another state as a whole" (6: 343f). That is, let us consider Kant's account of 'cosmopolitan right', including both global relations of trade and visitors and hospitality.¹⁷ As usual, we will pay special attention to uncovering the reasoning supporting his claim that these relations cannot be made rightful in the state of nature. Specifically, we want to understand what Kant means when he says that with regard to trade, cosmopolitan right "has to do with the possible union of all nations with a view to certain universal laws for their possible commerce" (6: 352), and generally, that cosmopolitan right is an "amendment" to civil and international law since it is "necessary to the public rights of men in general" (8: 360).

Consider first Kant's account of visitors and hospitality. Kant argues that it is a matter of private right that citizens of just states are subject to the laws of the countries they visit. Furthermore, states have a general right to deny visitors access to their territories, but not when it is impossible to turn a visitor away "without destroying him" (8: 358). The reason why states cannot be seen as having a right to turn away a person who will thereby be 'destroyed' is simply that this is to deny this person his innate right to freedom, since it involves denying that person the right to exist (even though he has done nothing wrong). And this is never permissible.¹⁸ Moreover, a visitor must obey the laws of the state he visits. Provisional justice is obtained in relations between states and visiting aliens when the state does not turn away stateless individuals and members of oppressive states and as long as visitors obey the state's laws when they visit (8: 357–360). In my view, the reason why these relations between individuals and states are still only provisionally rightful is that visitors, stateless persons and members of oppressive states are necessarily precluded from rightful relations with the state in question since they cannot be subject to universal law in their interactions with it. *Rightful* relations are impossible here, because any general will of a state of which they are not citizens is not a general will constitutive of them. And the only way to ensure that the general will is inclusive of them is to

¹⁶Kant argues that if two states choose to stay in the state of nature, they do not wrong each other, but staying in "this condition [the state of nature] is in itself still wrong in the highest degree and neighboring states are under an obligation to leave it" (6: 344). They do wrong in the highest degree because they remain in a condition where they are subject to one another's arbitrary choices (consent) rather than being subject to universal law. We find this expression that staying in the state of nature is to do wrong in the highest degree several places in Kant's texts, such as (8: 380) and (6: 308).

¹⁷In DR Kant treats the problem of visitors and hospitality only very briefly (6: 352f), whereas in "Perpetual Peace" it gets a more thorough treatment (8: 356–360). Both texts are utilized in my account below.

¹⁸Of course, this does not entail that states are obliged to assist fleeing, international criminals, but that is beside the present point.

institute a general or public, *cosmopolitan* authority, since only it, by representing the wills of all and yet no particular state or private individuals, can have the impartial standing requisite to subject the interacting parties (states and private individuals) to universal law.¹⁹ The public, international authority represents the will of each interacting party and so is the means through which relations can be made rightful. In this way, visitors, stateless individuals and members of just states are given political freedom in their interactions with just states. The possibility of establishing rightful relations amongst states and private individuals interacting in the international sphere is therefore another Kantian reason why the liberal ideal of transnational political obligations must be non-voluntarist in nature.

Let us now turn to the other aspect of cosmopolitan right, namely that concerning the possibility of contract right.²⁰ As is the case at the national level, the Kantian account maintains that enforceable international trade contracts require a judge impartial in its form. Rightful contractual relations require more than a third-party private judge to settle disputes between contracting parties, no matter how impartial she claims to be or actually is. Allowing private adjudication merely reproduces the contractual problem, since either party to the dispute can reasonably disagree with the way in which the judge performs her contractual duty in settling the dispute. Only a judge impartial in its form, namely a public judge, can overcome this problem. Regarding international trade, this means that a public or cosmopolitan judge must be established and we have another reason why civil society is constitutive of rightful international relations.²¹

This argument becomes especially important when we appreciate that international trade today often consists in multinational organizations operating in oppressive states or in states that fail to meet minimal institutional conditions for a legitimate state. This yields a special problem for the Kantian account because the relation between multinational companies and their employees must be made rightful. The problem in the case of oppressive states is that there does not exist a legitimate civil public authority to regulate the relations between multinationals and their employees, and so even provisionally rightful relations between them in those oppressive states are impossible. In my view, the better interpretation of the Kantian position will here argue that internally just states cannot permit their companies to operate in such oppressive states unless they also establish a public, cosmopolitan legal framework that regulates those companies' operations there. This cosmopolitan

¹⁹ We can make this point more strongly: Because a state assumes a right to exclude non-citizens from its territory, there arises an additional principled reason for establishing an international authority since the state must make the relation between itself and non-citizens rightful.

²⁰ International contract right is less strict in that it follows only under the assumption that international trade and travel is deemed desirable.

²¹ A similar argument follows from Kant's analysis of status relations, or relations involving married couples, families and servants, and parents and their children. When these relations are inherently international in nature, as for example in cases in which spouses are from different countries and when children are adopted or servants hired from a different country, rightful relations necessarily require a cosmopolitan authority with standing in the relationship.

framework sets and enforces rules for trade in these countries, so that provisionally rightful trade relations are possible.²²

2.4 A Textual Puzzle

Maintaining, as I have done, that in principle Kant *actually* defends and that the best Kantian conception *should* defend a non-consensual conception of international and cosmopolitan political obligations is currently controversial.²³ To argue in this way is challenging not only because at several places in his political essays Kant appears to hold a voluntarist view of transnational political obligations,²⁴ but also because the theory

²²I believe that these relations are still only provisionally rightful, because there is no civil institutional structure in place to ensure true independence for the people. True independence requires not only that the national public authority is in charge of the economic and financial systems, but also that there is unconditional poverty relief and structures that make it possible for citizens to work their way out of poverty. Conclusively rightful relations require that the international trade is supported by legitimate national states, and so these relations between transnational companies and their employees in oppressive countries that are regulated by the cosmopolitan authority, are still only provisionally rightful. Unfortunately, I cannot engage these issues here.

²³Contrast this reading with much secondary literature on Kant, including most of the articles in *Perpetual Peace* (1997). It is also interesting to note that although Höffe agrees that Kant's considered conception deems a world republic—and not only a voluntarist federation of nations—necessary to international justice, he claims that this is not Kant's actual view (Höffe 2006: 16, 127, 140, 169–172, 197–201). Moreover, he quickly dismisses an interpretation somewhat similar to the one I suggest below. As will be evident, contra Hoffe, we can provide an interpretation that reconciles what Kant's theory demands with the difficulties Kant acknowledges in actually instituting these demands.

²⁴For example, after Kant emphasizes that states are under an obligation to leave the state of nature by establishing a league of nations, he argues that “[t]his alliance must, however, involve no sovereign authority (as in a civil constitution), but only an *association* (federation); it must be an alliance that can be renounced at any time and so must be renewed from time to time” (6: 344f). Similarly, after arguing that “[o]nly in a universal *association of states* (analogous to that by which a people becomes a state) can rights come to hold *conclusively* and a true *condition of peace* come about” (6: 350), Kant maintains that “[s]uch an *association of several states* to preserve peace can be called a *permanent congress of states*, which each neighboring state is at liberty to join.... By a *congress* is here understood only a voluntary coalition of different states which can be *dissolved* at any time, not a federation (like that of the American states which is based on a constitution and can therefore not be dissolved.—Only by such a congress can the idea of public right of nations be realized, one to be established for deciding their disputes in a civil way, as if by a lawsuit, rather than in a barbaric way (the way of savages), namely by war” (6: 350f). Finally, many pages after Kant states “each nation can and should demand that the others enter into a contract resembling the civil one and guaranteeing the rights of each. This would be a *federation of nations*” (8: 354), he refers us back to this federation of nations and explains that it must be understood as a free association: “There can be talk of international right only on the assumption that a state of law-governedness exists (i.e., that external condition under which a right can actually be accorded man). For as a public right, its concept already contains the public recognition of a general will that determines the rights of everyone, and this *status iuridicus* must proceed from some contract that cannot be founded on coercive laws (like those from which the nation springs), but can at best be an *enduring free* association, like the federation of different nations mentioned above. For in the state of nature, in the absence of a state of law-governedness, only private right exists” (8: 384). The controversy, in sum, may be seen as focusing on what ‘at best’ means here—and my suggestion below is that it refers to prudential considerations involved in establishing the international and cosmopolitan authority rather than an abandonment of the theory.

challenges deeply held intuitions that obligating transnational political institutions require voluntary consent, since anything else challenges state sovereignty. Nevertheless, I believe that in part it was exactly the theory's challenge to deeply held intuitions that led Kant to predict that nations would not recognize the necessity of establishing the necessary 'world republic' and instead settle for the second best solution of establishing a voluntarist association or league of nations. In my view, this is why Kant argues that people will refuse to establish the only means through which rightful interactions are possible, because they find that it conflicts with 'their idea of the right of nations' or their idea of state sovereignty. "[C]onsequently", Kant continues, "they discard in *hypothesis* what is true in *thesis*" (8: 356f).²⁵ Treating the establishment of the international political authority as a voluntarist project is therefore a wise strategy, even if international political obligations in principle are non-voluntarist in nature.

Another reason why it is prudent to consider the establishment of a world republic a voluntarist project is, Kant argues, that a world republic would be practically unmanageable.²⁶ Kant therefore suggests that more limited, voluntary 'congresses' of states should be instituted to solve particular problems of interaction. The main idea, I suggest, is that geographically more limited transnational, public authorities, such as the European Union, can constitute both the first steps and partial means through which truly international and cosmopolitan co-operation is established.²⁷ So, premature, overly

²⁵The full argument runs like this: "Reason can provide related nations with no other means of emerging from the state of lawlessness, which consists solely of war, than that they give up their savage (lawless) freedom, just as individual persons do, and by accommodating themselves to the constraints of common law, establish a nation of peoples (*civitas genitum*) that (continually growing) will finally include all the people of the earth. But they don't will to do this because it doesn't conform to their idea of the right of nations, and consequently they discard in hypothesis what is true in thesis. So (if everything is not to be lost) in place of the positive idea of a world republic they put only the negative surrogate of an enduring, ever expanding federation that prevents war and curbs the tendency of that hostile inclination to defy the law, though there will always be constant danger of their breaking loose" (8: 356f).

²⁶Kant argues that "[o]nly in a universal association of states... can rights come to hold *conclusively* and a true *condition of peace* come about. But if such a state made up of nations were to extend too far over vast regions, governing it and so too protecting each of its members would finally have to become impossible, while several such corporations would again bring on a state of war. So *perpetual peace*, the ultimate goal of the whole right of nations, is indeed an unachievable idea. Still, the political principles directed toward perpetual peace, of entering into such alliances of states, which serve for continual *approximation* to it, are not unachievable. Instead, since continual approximation to it is a task based on duty and therefore on the right of human beings and of states, this can certainly be achieved" (6: 350).

²⁷Textual support for this pragmatic reading seems given by Kant immediately after he mentions the problem with "vast regions". Here he emphasises the need for "continual approximation" to the "universal *association of states* (analogous to that by which a people becomes a state)" and he argues that the "*permanent congress of states*, which each neighbouring state is at liberty to join" (6: 350). He then gives an historical example to illustrate this point: "[s]omething of this kind took place (at least as regards the formalities of the right of nation for the sake of keeping the peace) in the first half of the present century, in the assembly of the States General at the Hague. The ministers of most of the courts of Europe and even of the smallest republics lodge with it their complaints about attacks being made on one of them by another. In this way they thought of the whole of Europe as a single confederated state which they accepted as arbiter, so to speak, in their public disputes" (*ibid.*). Viewing such more limited transnational efforts (as long as they do not unite into a superstate (8: 354)) seems like a reasonable interpretation of Kant's position.

ambitious, and coercive attempts at establishing an international legal framework might only add to the anarchy characterizing current international relations. After all, what we have a right to do is to establish a rightful legal order—not to dissolve all relations.²⁸ Nevertheless, these pragmatic considerations don't undermine Kant's argument that in principle the establishment of a public or international authority is constitutive of rightful international relations (6:311, 350, 8:310f, 356). Hence, it does not undermine the principled claim that only such an international authority can settle conflicts and rightfully exercise coercion in the international sphere. Only by uniting themselves can interacting nations "settle their differences legally" (8: 379) or interact rightfully.

If we contrast Kant to Hobbesian and Lockean conceptions of international relations, we see two main differences. First, Kant argues that international justice in principle requires an international and cosmopolitan authority. He challenges their claims that the main reason why we would want an international and cosmopolitan authority is due to considerations of prudence, since he argues that it is in principle impossible to establish rightful relations without also establishing an international authority. Second, Kant turns the claim around and argues that considerations of prudence make it necessary to proceed on a voluntary basis and in limited yet progressive steps as we seek to establish rightful international and cosmopolitan relations.

Kant's conclusion to the discussion of international justice in DR can be seen to affirm the interpretation I have proposed, namely that although international political obligations are non-consensual in principle, establishing a legitimate cosmopolitan authority must proceed with an eye to prudence and so voluntarily:

[M]oral practical reason pronounces in us its irresistible *veto*: *there is to be no war*, neither war between you and me in the state of nature nor war between us as states, which, although they are internally in a lawful condition, are still externally (in relation to one

²⁸Hence, in my view, those passages where Kant apparently argues that the international public authority should not have coercive powers must be read in light of pragmatic considerations. For example, in (8: 383f), we find, "[t]here can be talk of international right only on the assumption that a state of law-governedness exists (i.e., that external condition under which a right can actually be accorded man). For as a public right, its concept already contains the public recognition of a general will that determines the rights of everyone, and this *status iuridicus* must proceed from some contract that cannot be founded on coercive laws (like those from which the nation springs), but can at best be an *enduring free* association, like the federation of different nations mentioned above. For in the state of nature, in the absence of law-governedness, only private right can exist" (8: 384). True, this passage tempts us to conclude that Kant conceives of international authority in voluntarist terms. Nevertheless, we should resist the temptation to be too quick. Instead, we should interpret this (and similar) passage in light of Kant's general account of political obligations in combination with his prudential cautions. Thus, in this passage we must pay attention to how Kant argues that 'at best' the international authority is considered as a voluntarist project, where 'at best' is understood as referring to prudential considerations. Kant's reference to the talk of a 'federation' above fits this interpretation. Indeed, he speaks of the voluntary federation in (8: 357) just after he points out that people reject in "hypothesis what is true in thesis. So (if everything is not to be lost) in place of the positive idea of a *world republic* they put only the *negative* surrogate of an enduring, ever expanding *federation* that prevents war and curbs the tendency of that hostile inclination to defy the law, though there will always be the constant danger of their breaking lose". So again, Kant reiterates the strict necessity of the world republic, but emphasizes that people will proceed by voluntarist means.

another) in a lawless condition; for war is not the way in which everyone should seek his rights... we must work toward establishing perpetual peace and the kind of constitution that seems to us most conducive to it (say, a republicanism of all states, together and separate)... the condition of peace is the only condition in which what is mine and what is yours is secured under *laws* for a multitude of human beings living in proximity to one another and therefore under a constitution. But the rule for this constitution... must... be derived *a priori* by reason from the ideal of a rightful association of human beings under public laws as such. (6: 354f)

I have suggested that attention to the argument concerning Kant's nonvoluntarist conception of national justice as provided in the first parts of DR sheds much needed light on certain important features of his understanding of international justice. This passage is one place where those features are illuminated. First, we see that problems relating to assurance ('the condition in which what is mine and what is yours is secured under laws') and indeterminacy (the need for 'public laws') are essential to understand why the state of nature is a lawless condition or necessarily a condition of wrongdoing. It follows from this that no one can be seen as having a right to stay in this condition, as this would be to have the right to refuse to interact with others rightfully. The argument also explains why only a public international authority ('a republicanism of all states') can exercise coercion rightfully in international interactions. Any unilateral use of coercion will always involve committing wrongdoing in the highest degree, and often (if used against those who want to leave the state of nature) involve wronging others. Finally, considerations of prudence make it wise to seek the establishment of this authority by voluntarist steps, since this is the best way to realistically seek rightful relations—or perpetual peace.

3. Conclusion

I have argued that the liberal ideal of political obligations in the international sphere is non-voluntarist in nature. I argued with Kant that the *impartial form* of the international authority is what gives it, and never anyone else, rightful standing to solve problems of assurance and application in the international sphere. The authority of the international and cosmopolitan power stems from how it represents each interacting states and private person and yet none of them individually. Any state that insists on providing assurance or applying international laws on its own, commits wrongdoing 'in the highest degree' on this account, since this fails to respect the sovereignty of other states and private individuals in the international sphere. It is due to the fact that international justice is possible only through the establishment of an international and cosmopolitan authority that it has a special status that individual states cannot possibly have.