

# ETHICS & INTERNATIONAL AFFAIRS



## **Kant, the Republican Peace, and Moral Guidance in International Law**

*Cecelia Lynch*

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# Kant, the Republican Peace, and Moral Guidance in International Law

Cecelia Lynch

**J**ust as Niccolò Machiavelli and Thomas Hobbes became etched into the minds of international relations scholars as the oracles of *realpolitik* during the Cold War, Immanuel Kant appears to be well on his way to becoming the prophet of “progressive international reform” in the post-Cold War era. Not only has Kant’s thought provided the underpinnings of one of the major traditions of international law, but there is a groundswell of interest among international relations scholars today in the question of whether contemporary events, particularly the proliferation of republican states and attempts to create them, signal the march forward to the Kantian ideal of republican peace.<sup>1</sup> Yet, prior to asking what contemporary events signify for the attainment of the Kantian ideal, we should analyze the conflicting interpretations of Kantian political thought so as to understand the meaning and implications of the ideal itself. Such a task is not merely pedantic—it is necessary to determine the utility of political philosophy for providing understanding and guidance in the real world.

The purpose of this article, therefore, is to join—or perhaps engender—debate over the objectives and utility of Kant today by offering an interpretation of his historical and political thinking on peace that relies on his conceptions of the importance of reason and duty. Given the dual usage of Kant by both international law scholars and contemporary theorists of what might be called “the liberal peace,” it is appropriate to ask what, if anything, the latter usages of Kant signify for the development of international legal norms. Does the analysis of international peace outlined by Immanuel Kant two hundred years ago provide guidance in the present for creating a more peaceful, more cooperative world? What are the implications of the Kantian view of the progression toward a peaceful international order for the actions of states—particularly those states deemed

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<sup>1</sup> On the “Kantian Tradition” in international law, see David R. Mapel and Terry Nardin, “Convergence and Divergence in International Ethics,” in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), 297–322.

"liberal" or "democratic" by contemporary theorists—and for the development of principles of international law?

### Kant and the Post-Cold War World

Such questions are increasingly important, given the extent of contemporary appeals to Kant. Most current research that assesses the feasibility of the notion of perpetual peace does not stem from traditional international law concerns, but focuses instead on the relationship between domestic publics, liberal republics, and the creation or maintenance of peace and cooperation. Indeed, according to one journal editor, "Every recent volume of the leading journals in international relations and peace research contains articles on some major or minor aspect of this theme."<sup>2</sup> Moreover, the finding that particular kinds of state regimes, defined as "liberal democracies," have created a Kantian "separate peace" with each other has led scholars to claim that this phenomenon "comes as close as anything we have to an empirical law in international relations."<sup>3</sup> The use of Kantian thought and categories as a point of departure and a basis for analyzing the conditions for the expansion of international peace is at least implicit and often explicit.<sup>4</sup>

The fashionable return to Kant has done much to demonstrate that domestic factors play a far greater role in decisions about foreign policy than realist analysis has allowed, and that the behavior of certain types of states toward each other

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<sup>2</sup> Nils Petter Gleditsch, "Democracy and Peace," *Journal of Peace Research* 29 (November 1992), 369.

<sup>3</sup> Jack Levy, "Domestic Politics and War," *Journal of Interdisciplinary History* 18 (Spring 1988), 662.

<sup>4</sup> Those who to varying degrees refer explicitly to Kant include Michael Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 1," *Philosophy and Public Affairs* 12 (Summer 1983), "Kant, Liberal Legacies, and Foreign Affairs, Part 2," *Philosophy and Public Affairs* 12 (Fall 1983), and "Liberalism and World Politics," *American Political Science Review* 80 (December 1986); John Mueller, *Retreat from Doomsday: The Obsolescence of Major War* (New York: Basic Books, 1988); Jack Levy, "The Causes of War: A Review of Theories and Evidence," in Philip E. Tetlock, Jo L. Husbands, Robert Jervis, Paul C. Stern, and Charles Tilly, eds., *Behavior, Society and Nuclear War*, vol. I (Oxford: Oxford University Press, 1989); Francis Fukuyama, *The End of History and the Last Man* (New York: Basic Books, 1992); Bruce Bueno de Mesquita and David Lalman, *War and Reason* (New Haven: Yale University Press, 1992); Charles W. Kegley, Jr., "The Neoidealist Moment in International Studies? Realist Myths and the New International Realities," *International Studies Quarterly* 37 (June 1993); Erich Weede, "Some Simple Calculations on Democracy and War Involvement," *Journal of Peace Research* 29 (November 1992); George Sorensen, "Kant and Processes of Democratization: Consequences for Neorealist Thought," *Journal of Peace Research* 29 (November 1992); Bruce Russett and William Antholis, "Do Democracies Fight Each Other? Evidence from the Peloponnesian War," *Journal of Peace Research* 29 (November 1992); Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton NJ: Princeton University Press, 1993); Harvey Starr, "Democracy and War: Choice, Learning and Security Communities," *Journal of Peace Research* 29 (May 1992); T. Clifton Morgan and Valerie Schwebach, "Take Two Democracies and Call Me in the Morning: A Prescription for Peace?" *International Interactions* 17 (1992), no. 4; and Levy, "Domestic Politics and War."

does indeed go against the predictions of structural realists. Studies have also become increasingly sophisticated in disaggregating notions of liberalism and democracy to control for potentially spurious variables (including geographic proximity, hegemonic control, and alliances), strengthening the generally accepted finding that there is something unique to these forms of government in creating a Kantian "separate peace." But in addition to these findings, this body of work also has important implications for both the conduct of foreign policy in today's world and how we understand contemporary challenges to international law.<sup>5</sup> Its ramifications should, therefore, be analyzed in these contexts.

Although the focus on Kant by theorists of the liberal peace has pervaded recent issues of international relations journals, the relationship between the development of international law and the Kantian system of ethics has also come under more recent scrutiny. Debate on Kant by students of international law used to focus on whether or not his schema for international peace foresaw a world government: most analysts now agree that Kant's aversion to despotism would proscribe any such teleology and that the most stringent limitation on international anarchy that Kant could envision was a voluntary federation of republican states, albeit one that could eventually encompass the globe. Today the question of how Kant can enlighten us about the processes and possibilities of international law takes a more phenomenological direction, attempting to determine the utility of the Kantian tradition as a guide for principles underlying international legal norms. One of the major debates concerns the content of the categorical imperative, Kant's conception of ethical action in international, as in individual, affairs. The major criticism of Kant here is that the formalism of the categorical imperative precludes meaningful ethical guidance for foreign policy and international action.<sup>6</sup> Yet it could be argued that reinserting the universalizing mandate of the categorical imperative back into the historical process casts the development of international law in an interesting light and poses useful questions for debate concerning the ethical bases of contemporary challenges, especially those that confront the traditional tenet of respect for the sovereignty of the state.<sup>7</sup>

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<sup>5</sup> See Fernando R. Tesón, "The Kantian Theory of International Law," *Columbia Law Review* 92 (January 1992).

<sup>6</sup> Examples following from this criticism are discussed by, among others, Friedrich Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989), 131–35; Thomas Donaldson, "Kant's Global Rationalism," in Nardin and Maple, *Traditions*, 140–49.

<sup>7</sup> In this vein, Gabriel Negretto has compared the use of force sanctioned by, respectively, the Kantian project for international peace and twentieth-century collective security schemes in "Kant and the Illusion of Collective Security," *Journal of International Affairs* 46 (Winter 1993).

This article proceeds by looking at earlier analyses of Kant by international relations theorists, contrasting them with contemporary usages of Kant. It then relates them to Kant's writings on politics and history to take a first step toward developing what might be considered the outlines of a Kantian research program for discerning what is of common interest to students of international relations: namely, discovering the prerequisites for the evolution toward "perpetual peace."<sup>8</sup> Most students of Kant acknowledge the sketchiness of his political and historical writings. Yet, if Kant is to be considered a post-Cold War prophet, his views on international politics and peace, as well as the varied interpretations of his views, should be re-examined. In opening debate on the Kantian project, this article takes the position that Kant's understanding of historical development and change cannot be considered apart from his emphasis on ethical action and moral purpose. It argues against interpretations of Kant that entail either a mechanical notion of historical process or an over-attention to the creation of specific kinds of political and economic structures. The article also calls for correction of the increasingly accepted shorthand interpretation that Kant's thesis concerned the relationship between democracies and peace, when in fact Kant distinguished between democracy, which he distrusted, and republicanism, which he saw as the only means of government that could allow free will, reason, and morality to flourish.<sup>9</sup> Finally, in assessing the question of whether the Kantian moral imperative provides a sufficient guide for the development of "peace-through-law," it cautions against the potentially interventionist implications of some current analyses of the "separate peace" for both foreign policy and the development of international law.

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<sup>8</sup> Much of Kant's political and historical writings is found in a series of essays, including but not limited to "Perpetual Peace" (by far the most popular for contemporary theorists). These include: "Idea for a Universal History from a Cosmopolitan Point of View," "What is Enlightenment?" "The End of All Things," and "An Old Question Raised Again: Is the Human Race Constantly Progressing?" In addition to these essays, a few international relations theorists base their analyses of Kant's political thinking on the discussion of private and public right in *The Metaphysics of Morals* and *The Philosophy of Law*. Although some of his political thought can also be found in his work on the philosophy of religion, this is rarely cited by students of international relations. Editions and collections consulted for this article include the collection of political essays listed above found in Lewis White Beck, ed., *Kant on History*, trans. Lewis White Beck, Robert E. Anchor, and Emil L. Fackenheim (New York: Macmillan, 1963); Kant, *Fundamental Principles of the Metaphysics of Morals*, trans. Thomas K. Abbott (Indianapolis: Bobbs-Merrill, 1949); *The Metaphysics of Morals*, intr. and trans. Mary Gregor (New York: Cambridge University Press, 1991); *The Philosophy of Law*, trans. W. Hastie (Edinburgh: T. & T. Clark, 1887); and *The Moral Law, Kant's Groundwork of the Metaphysics of Morals*, intr. and trans. H. J. Paton (London: Routledge, 1991). My interpretation of the relationship of politics, history, and duty/morality in Kant's thought owes much to Lewis White Beck.

<sup>9</sup> Kant takes pains "not to confuse the republican constitution with the democratic (as is commonly done)." "Perpetual Peace," in White Beck, ed., *Kant*, 95.

### **International Relations and the Use of Kant**

International relations scholars have been interested in Kant for quite some time, although it has been only recently, with the promise of liberal democracy in Eastern Europe and the republics of the former Soviet Union, that references to the Kantian analysis of the conditions of international peace have proliferated.<sup>10</sup> Earlier in the century, in the field of international law and organization, Kant was used as part of a tradition of classical scholarship (including Emeric Crucé, the Abbé de Saint Pierre, William Penn, and Rousseau) that debated designs for—and thereby began to legitimize—the notion of a peaceful international order.<sup>11</sup> This earlier strand of scholarship has since been criticized as partial and misleading, precipitating a not very fruitful debate over whether or not a world government should be constituted as the guarantor of perpetual peace.

In the post–World War II era, not surprisingly, debates on proposals for world peace, along with discussions of Kant, waned. One interesting exception was Kenneth Waltz's 1962 analysis in which he cast the Enlightenment theorist in the mold of power politics. Waltz rightly decried the earlier usages of Kant, arguing that, while Kant was often put in the company of those liberal political philosophers who believe the natural human condition to be one of harmony, in reality he "found not harmony and peace but hostility and war to be the natural condition." As a result, Kant was not to be treated as a naive idealist. Nevertheless, Waltz stretches his interpretation of Kant's "realism" rather far. In a distinctively Waltzian style, Kant is seen as not only recognizing the discord extant in the world of sovereign states, but also the hopelessness of doing very much about it aside from insuring the preservation and strength of the state itself. In a unique interpretation of Kant's treatment of the state, Waltz asserts, "Kant's concern with the strength and thus the safety of the state is part of his perception of the necessities of power politics." This slant follows Waltz's less controversial observation that, in the Kantian schema, "Among states in the world, as among individuals in the state of nature, there is constantly either violence or the threat of violence."

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<sup>10</sup> Charles W. Kegley, Jr., sees recent international events as providing the backdrop for a reassessment of Wilsonian idealism, itself "rooted in Kantian liberalism." Kegley, "The Neoidealist Moment," 135. Also see Harvey Starr, "Democracy and War: Choice, Learning, and Security Communities," *Journal of Peace Research* 29 (May 1992), and Bruce Russett, "Can a Democratic Peace be Built?" *International Interactions* 18 (1993), no. 3.

<sup>11</sup> Negretto, "Kant and the Illusion of Collective Security"; Harold K. Jacobson, *Networks of Interdependence, International Organizations and the Global Political System*, 2nd ed. (New York: McGraw-Hill, 1984), 21–29.

For Waltz, consequently, Kant's moral philosophy can at best amount to little more than idle speculation. Although, Waltz says, Kant does set forth the "'shoulds' and 'oughts' of state behavior.... He does not expect them to be followed in a state of nature." Kant, despite engaging in such speculation, manages to escape from the follies of idealism in Waltz's view because he understands that morality and international law are not of much use in the real world. In Waltz's interpretation, although Kant demonstrates that peace is *possible*, just as he has demonstrated that moral behavior on the part of the individual is possible, he does not believe it probable. There is no way to get from here—a world of sovereign states operating in a state of nature—to there—a world of permanent peace, where morality and law reign in relations between sovereign entities. Behavior depends upon the full prior attainment of the necessary international (first) and domestic (second) conditions. People cannot act morally without the structure of a republic to guide and restrain them; peaceful republics cannot be constituted without a voluntary agreement to conduct their relations lawfully and combine in a federation. Consequently, Waltz invalidates the moral duty so emphasized by Kant in asserting that, "In describing what the states and the world will have to do and to become if moral behavior is to be possible, Kant makes understandable and in a sense excuses the failures of men and their rulers to achieve moral rectitude."<sup>12</sup>

The use of Kant today by theorists of the relationship between democracy and peace holds similarities and differences with both the early twentieth century international law scholars and Waltz, but departs from them both to form yet another strand of Kantian interpretation on international affairs. Like earlier international law scholarship, contemporary work using Kant as a point of departure is concerned with the question of achieving a more peaceful world. Michael Doyle's 1983 and 1986 analyses of the existence of a "separate peace" among states he classified as "liberal," for example, spawned an entire research program concerned with the relationship between these states and peace. This research program has grown increasingly precise, moving from the assertion that democracies are inherently more peace-loving to the correction by Doyle and others that they are only peaceful toward each other; and from that observation to the analysis of whether it is "political culture" and its attendant expectations, or the constraints imposed by democratic political *structure*, that provide the ultimate cause of democracies' behavior toward each other.<sup>13</sup> In a variant of

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<sup>12</sup> Kenneth Waltz, "Kant, Liberalism, and War," *American Political Science Review* 56 (June 1962), esp. 331–40.

<sup>13</sup> Doyle, "Kant, Liberal Legacies, and Foreign Affairs" (Parts I and II); Morgan and Schwebach, "Take Two Democracies"; Russett and Antholis, "Do Democracies Fight Each Other?"

the political culture argument, some scholars find that restraint between democratic opponents is encouraged by the knowledge of leaders that their populations are averse to war and do not see each other as threats, while yet another perceptual variant holds that leaders of "doveline" states (democracies that are averse to using force) who find themselves in conflict with other states believed to be doveline, simply realize they do not need to resort to force to resolve the conflict.<sup>14</sup>

In their refinements of Doyle's argument, contemporary theorists of the democratic peace revise the debate masked by Waltz—whether or not behavior indeed depends upon condition, or whether nurture (in this case, political socialization into respect for republican values) can overcome nature (the state of anarchy). For contemporary theorists, the "nature vs. nurture" debate becomes transformed into the question of whether it is the nature of specific kinds of political structures (the institutions of republicanism and market liberalism) or the nurturing and acculturation into respect for republican values that engenders the phenomenal absence of war between states deemed liberal and/or democratic. Although this categorization may represent an advance over previous discussions of the causes of the "separate peace," its faithfulness to Kant can still be questioned. First, analyses emphasizing both the political culture or the political structure argument have been collapsed into a cost-benefit argument for the creation of peace.<sup>15</sup> Second, although the political culture argument itself has been labeled "normative" or "moral," it deals little if at all with Kant's notions of reason, duty, and ethics in political behavior.<sup>16</sup>

These points are illustrated by the fact that the most often quoted or paraphrased passage from Kant by contemporary theorists of the liberal peace is the following:

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<sup>14</sup> Bueno de Mesquita and Lalman, *War and Reason*, 155.

<sup>15</sup> Doyle often gives equal weight to the moral, economic cost-benefit, and acculturation arguments, sometimes collapsing them into one. For example, cosmopolitanism is defined primarily in accordance with liberal economic theory and the benefits of comparative advantage. For Doyle, this collapsing, or conflating, of categories begins with his choice of the term "liberalism" over "republicanism," which gives equal position to market institutions, on the one hand, and individual civic freedoms and equality of opportunity on the other. Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part I," 206–9, 225–26, 231. See also Mueller, *Retreat*, 27, 34.

<sup>16</sup> Zeev Maoz and Bruce Russett, "Alliance, Contiguity, Wealth, and Political Stability: Is the Lack of Conflict Among Democracies a Statistical Artifact?" *International Interactions* 17 (1992), no. 3; Sorenson, "Kant and Processes"; Morgan and Schwebach, "Take Two Democracies." A study that combines very nicely the notion of a Kantian insistence on institutions with his emphasis on reason is that of Pierre Hassner, "Concepts de Guerre et de Paix chez Kant," *Revue Française de Science Politique* 11, (September 1961). Hassner emphasizes the importance in Kant's thought of *juridical* institutions, however, on both the national and international levels, pointing out that Kant "never departs from the notion that practical reason requires states, as moral persons, to join together under a rule of law that both preserves their individual autonomy and proscribes war...." (p. 651; translation mine).

If the consent of the citizens is required in order to decide that war should be declared...nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war. Among the latter would be: having to fight, having to pay the costs of war from their own resources, having painfully to repair the devastation war leaves behind, and, to fill up the measure of evils, load themselves with a heavy national debt that would embitter peace itself and that can never be liquidated on account of constant wars in the future.<sup>17</sup>

For Doyle, this is the "fundamental reason" why republics, once established, lead to peace; for Weede, it is the "basic idea" behind contemporary usages of Kantian claims.<sup>18</sup> However, in privileging this passage and the questions that arise from it and in conceptualizing Kant's normative argument narrowly, contemporary studies of the relationship between democracy and war both marginalize questions of the role of reason, morality, and freedom, and implicitly emphasize the necessity of creating particular kinds of civil structures, including both those of representative government and those of market liberalism, over the messiness and dialectic of the historical process. Some go so far as to interpret Kant's project as encouraging the active furtherance of such structures abroad, an interpretation with clear implications for the foundational principle of state sovereignty in international law. Fernando Tesón, for example, has combined a liberal interpretation of Kant with the findings of the "democratic peace" literature explicitly to argue in favor of founding international law on principles of respect for the sovereignty of liberal states only. On this basis, he justifies intervention in nonliberal states.<sup>19</sup> This interpretation is questionable, however, if one looks at Kant's writings on history in a more comprehensive fashion.

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<sup>17</sup> Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part I," 229; Mueller, *Retreat*, 34; Levy, "Domestic Politics," 658; Bueno de Mesquita and Lalman, *War and Reason*, 45, 153; and Sorenson, "Kant and Processes," 397-98. The passage itself is found in "Perpetual Peace," as part of the "First Definitive Article for Perpetual Peace," in White Beck, ed., *Kant*, 94-95.

<sup>18</sup> Weede, "Some Simple Calculations," 377.

<sup>19</sup> "... since peace is our goal and since *uniformity of regimes is the only guarantee for peace*, we have a choice of designing a system of international law that would either require respect for human rights or require despotism. On any defensible theory of morality, if that is our choice, we would prefer an international legal system that *required* states to secure human rights and political representation and thus be uniform on the side of liberty" (emphases added). Also, "the protection against intervention is a *consequence* of domestic legitimacy" (emphases added), thus, "nonintervention holds *only* among liberal states..." (emphasis in original). Tesón, "The Kantian Theory," 81, 92-93.

### Kant on History and Political Progress

For Kant, as one of the most influential Enlightenment philosophers, the development and use of human reason and its attendant implications for moral action and historical progress were central to the entirety of his thought. Humans differ from other species in their ability to reason and make rational choices. Kant explicitly differentiates reason from purely instrumental rationality, and thus rational action from purely strategic action.<sup>20</sup> Kant's definitive maxim, "*sapere aude!*" is translated as "have courage to use your own reason!"<sup>21</sup> The use of reason thus implies something beyond using one's intellectual abilities to get something one wants, connoting instead the notion of exerting oneself to accomplish what was previously unknown, or to accomplish what is known but which requires sacrifice for a greater good. As MacIntyre puts it, "it is only in acts of obedience to the categorical imperative that we are delivered from the bondage of our own inclinations."<sup>22</sup>

In obeying the demands of reason, one acts morally; moral criteria, in turn, are only discernible through the use of reason. The overarching demand of reason and the fundamental criteria for moral action are contained in the categorical imperative. This imperative has two parts: acting only according to principles that can be universalized and respecting rational beings as having value as ends in themselves, as "lawgiving beings."<sup>23</sup> Both aspects of the categorical imperative and, hence, moral action are diametrically opposed to behavior based on unenlightened, unreasoned self-interest (or, transposed to the international realm, notions of "national interest"). Moreover, in a famous distinction, Kant disallowed conduct that is merely coincidentally in accordance with the categorical imperative and considered moral only that conduct done because of, or for the sake of, the duty it imposes. Kant's theory of ethics is thus considered to be deontological and nonconsequentialist, in that it places responsibility for moral action on individual agents who are expected to act according to rules or principles of behavior, not according to or because of the expected, or actual, outcomes of behavior. "Good will," therefore, becomes the decisive criterion for moral action. However, although the categorical imperative defines duty, it cannot compel right behavior. Rational beings are capable of moral

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<sup>20</sup> "The error of the naturalistic Enlightenment for Kant is that it sees rationality as having a purely instrumental role." "Kant's Theory of Freedom," in Charles Taylor, *Philosophy and the Human Sciences, Philosophical Papers 2* (New York: Cambridge University Press, 1988), 321.

<sup>21</sup> "What is Enlightenment?" in White Beck, ed., *Kant*, 3.

<sup>22</sup> MacIntyre, *A Short History*, 196.

<sup>23</sup> Kant, *Fundamental Principles*, 55.

behavior, but as autonomous agents they must be free to choose whether or not their actions are to be founded on ethical criteria.

These notions of freedom of choice and the requirements of reason and morality have important implications for Kant's notions of process and progress in history, and thus for his conceptualization of the prospects and causes of international peace. Many students of Kant, even realists like Waltz, agree with Thomas Donaldson that "by Kant's own admission, his theory of morals provides the foundation for his political philosophy, including its international dimension."<sup>24</sup> In Kant's view, humans are duty-bound to use moral criteria in making decisions, including political ones, no matter what the consequences. But whether or not such criteria are obeyed has implications for political outcomes. Kant's views concerning the causes of historical progress toward universal peace should not, therefore, be confined to the creation of appropriate political and economic structures and the attendant political acculturation of citizens into respect for those who behave in a like manner, and the ideal of universal peace should not be separated from any notion of actual historical possibility, as is done by Waltz. Nor should Kant's views on the role of nature in forcing humans together to overcome their natural "unsocial sociability" lead, as they have for some, to the postulation of a purely mechanical or "inevitable" teleology of historical progress toward peace.<sup>25</sup>

According to Kant, humans are initially forced to use reason by Nature to overcome the "unsocial sociability" it has thrust upon them.<sup>26</sup> The role of Nature in "willing" that humanity overcome its tendencies toward conflict and violence, resulting in the constitution of republics and the rule of law among them, has led some earlier analysts to the interpretation that individual motives, action, and will do not matter, as they are unable to affect the ultimate achievement of peace. Kant, in fact, does assert that "Nature inexorably wills that the

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<sup>24</sup> Donaldson, "Kant's Global Rationalism," 136. Waltz submits that "it is incumbent upon us to take Kant at his word and begin by briefly discussing his moral philosophy" (Waltz, "Kant, Liberalism, and War," 331). He both begins and finishes his discussion of Kant in this manner, although, as indicated previously, in his view Kantian morality ends up as no more than a Sisyphean duty.

<sup>25</sup> Michael Doyle, in "Kant, Liberal Legacies, and Foreign Affairs," refers more than once to the "inevitability" of the growth of the separate peace for Kant. See also Stanley Hoffmann, *The State of War: Essays in the Theory and Practice of International Politics* (New York: Praeger, 1965), 83–84.

<sup>26</sup> Kant's Fourth Thesis in the "Idea for a Universal History" asserts: "The means employed by Nature to bring about the development of all the capacities of men is their antagonism in society, so far as this is, in the end, the cause of a lawful order among men." He goes on to say, "By 'antagonism' I mean the unsocial sociability of men, i.e., their propensity to enter into society, bound together with a mutual opposition which constantly threatens to break up the society" ("Idea for a Universal History," in White Beck, ed., *Kant*, 15).

right should finally triumph. What we neglect to do comes about by itself, though with great inconveniences to us." He goes on to state that "nations which could not have secured themselves against violence and war by means of the law of world citizenship unite because of mutual interest. The spirit of commerce, which is incompatible with war, sooner or later gains the upper hand in every state. As the power of money is perhaps the most dependable of all the powers...states see themselves forced, without any moral urge, to promote honorable peace and by mediation to prevent war wherever it threatens to break out."<sup>27</sup> This is the source of Stanley Hoffmann's conclusion that for Kant, world peace would be attained "not because of man's moral progress but despite man's moral failings, and brought about not by man's deliberate efforts but by a hidden plan of nature...."<sup>28</sup>

Yet it can be argued that Kant's conception of history does not rely exclusively on mechanical means, but rather predicates the extent of "progress" on humans' use of reason and choices made according to ethical criteria. This is not to say that Kant indulged in any delusions about the essential goodness of human nature—whence his famous quote that "the problem of organizing a state, however hard it may seem, can be solved even for a race of devils, if only they are intelligent." Yet the use and significance of reason are never absent. Although people are not "morally good," their "selfish inclinations...can be used by reason as a means for its own end, the sovereignty of law, and, as concerns the state, for promoting and securing internal and external peace."<sup>29</sup> They thus learn the hard way (through "great inconveniences") the "reasonableness" of acting according to duty.

The use of reason thus influences historical "progress" toward both the constitution of republics at the domestic level and the observance of a public "law of nations" that solidifies perpetual peace at the international level; conversely, moral and cultural advancement depend on the continued use and perfection of reason. The behavior of moral agents (both individuals and states) cannot be indifferent to the prospects for future peace, even if "the history of mankind can be seen...as the realization of Nature's secret plan to bring forth a perfectly constituted state as the only condition in which the capacities of mankind can be fully developed, and also bring forth that external relation among states which is perfectly adequate to this end." Rather, "Such indifference is even less possible

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<sup>27</sup> Kant, "Perpetual Peace," in White Beck, *Kant*, 113–14.

<sup>28</sup> Hoffmann, *The State of War*, 83.

<sup>29</sup> Kant, "Perpetual Peace," in White Beck, *Kant*, 112–13.

for us, since it seems that our own intelligent action may hasten this happy time for our posterity.”<sup>30</sup>

This is why, rather than behavior being dependent exclusively upon propitious international conditions or domestic political and economic structures, there appears to be a more complex interrelationship between the use of reason, consequent moral deeds, the constitution of republics, and the creation of a league of peaceful, law-abiding nations. Again, reason, or “enlightenment,” counts: “For if fortune directs that a *powerful and enlightened* people can make itself a republic, which by its nature must be inclined to perpetual peace, this gives a fulcrum to the federation with other states so that they may adhere to it and thus secure freedom under the idea of the law of nations.” It is this interrelationship that “proves” “the practicability (objective reality) of this idea of federation, which should gradually spread to all states and thus lead to perpetual peace.”<sup>31</sup> Moral and political progress (that is, progress toward constituting republics at the national level and a peaceful federation at the international level) is not necessarily accomplished in a linear fashion—it is not even assured at any given point in time; rather, the type and rate of progress is dependent upon action inspired by reason. The use of individual reason, the creation and maintenance of the republic, and the peaceful international federation are mutually dependent. At any time, political choices made according to irrational (immoral) criteria can negate progress toward a peaceful international order.

### Universalism and the Categorical Imperative

Given this interpretation of the relationship between Kant’s understanding of reason and ethical duty and its implications for the attainment of peace in history, one might conclude, along with early twentieth-century idealists, that the Kantian program provides a clear guide to what should be the content and purpose of the type of state behavior that can be sanctioned by international law. Yet the “Kantian tradition” in international law is increasingly seen to be problematic and, ironically, lacking in moral guidance. This is in part because for many, as Kratochwil notes, the Kantian slant on traditional international law is captured by Nardin’s term of “practical association.” “Such an association,” he writes, “is united by the recognition of rights and practices but is not organized for the pursuit of a common vision of the good life.”<sup>32</sup> Such views have much in

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<sup>30</sup> Kant, Eighth Thesis in “Idea for a Universal History,” in White Beck, *Kant*, 21–22.

<sup>31</sup> Kant, “Perpetual Peace,” in White Beck, *Kant*, 100–1 (emphasis added).

<sup>32</sup> Kratochwil, *Rules*, 256. Terry Nardin defines and applies the term in *Law, Morality, and the Relations of States* (Princeton NJ: Princeton University Press, 1983), passim.

common with those of other critics of Kant who question the applicability of Kantian moral theory because of its ahistorical framework or formalistic content. Some critics consider the criterion of universalizability imposed on moral action to be impossible to attain in the real world, in which moral precepts must be filtered through the prisms of particular cultures or historical epochs. Others also consider the categorical imperative faulty as a guide in that its formalism opens the way for actions generally considered to be immoral.<sup>33</sup> For still others, Kant's rejection of consequentialism in his doctrine conflicts in part with the goals and spirit of his work. The former proscribes evaluating the consequences of action, thereby detaching the categorical imperative, and thus notions of duty, "from the notions of ends, purposes, wants, and needs," while the latter may be seen as aspiring to transcend the limitations that consequences place on social orders themselves.<sup>34</sup>

Others, however, do not see the Kantian purpose as lacking in moral content. The criticisms made by those who would "rewrite the Enlightenment project" must be taken seriously, yet reinserting the Kantian imperative back into the historical process may help to clarify the relationship between the international peace that is presumably the endpoint and purpose of history, and the mandate for action according to universalizable principles on the part of those entities charged with creating it. Kant contends that we must keep this "endpoint" in view:

It can serve not only for clarifying the confused play of things human, and not only for the art of prophesying later political changes...but for giving a consoling view of the future (which could not be reasonably hoped for without the presupposition of a natural plan) in which there will be exhibited in the distance how the human race finally achieves the condition in which all the seeds planted in it by Nature can fully develop and in which the destiny of the race can be fulfilled here on earth.<sup>35</sup>

White Beck also connects Kant's political and moral thought in this manner when he explains:

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<sup>33</sup> For a recent discussion of the first problem, see Georgia Warnke, *Justice and Interpretation* (Cambridge: MIT Press, 1993); and Paul Stern, "The Problem of History and Temporality in Kantian Ethics," *Review of Metaphysics* 39 (March 1986), passim; for the second, see Kratochwil, *Rules*, 134.

<sup>34</sup> MacIntyre, *A Short History*, 198. In acknowledging this problem, MacIntyre himself does not, however, see Kant's *purpose* as empty.

<sup>35</sup> Kant, Ninth Thesis in "Idea for a Universal History," in White Beck, ed., *Kant*, 25.

It has often, though wrongly, been said that for Kant not even moral acts can have a purpose; yet Kant sees the concept of purpose as essential for our practical reason, which is concerned with human projects and aspirations.... The final purpose of the world, that which is end and should not be merely means, Kant finds in man, rational man legislating and obeying moral law in an otherwise meaningless world. Granted this, the world itself must then be interpreted as the stage for moral evolution and human action....

In this interpretation, Kantian morality is not merely founded on agreement or consensus; rather, any agreement on rules or laws of behavior reached between individuals or states may or may not be a moral one. Fulfilling the destiny of the human race, therefore, requires action according to reasoned, moral criteria. For Kant, moral philosophy "is a priori knowledge from concepts" while "history is empirical, not a priori, knowledge of human events." Still, White Beck continues, "human actions, including moral actions, take place on the stage of nature, and history is the recounting of the movement of man from the state of being a mere part of the mechanism of nature to the state of being the creator of and citizen in the world of culture, where he can eventually come to know and perform his duties and realize his moral ends."<sup>36</sup> This poses the question of whether reason, moral duty, and, by implication, the universalist principles underlying international law can ever be known, or revealed, in their entirety. Kant himself appears to answer that humans' ability to grasp such principles advances over time with enlightenment:

If...one concentrates on the civic constitutions and their laws and on the relations among states, insofar as through the good they contained they served over long periods of time to elevate and adorn nations and their arts and sciences, while through the evil they contained they destroyed them, if only a germ of enlightenment was left to be further developed by this overthrow and a higher level was thus prepared—if, I say, one carries through this study, a guiding thread will be revealed.<sup>37</sup>

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<sup>36</sup> White Beck, ed., *Kant*, xvii–xviii.

<sup>37</sup> Kant, Ninth Thesis in "Idea for a Universal History," in White Beck, ed., *Kant*, 24–25. Paul Stern distinguishes between notions of historical development of morality and that of a moral disposition, arguing that Kant's formulation of the categorical imperative precludes any notion of "historical development in the *meaning* of morality itself" (emphasis added). As Stern points out, however, this does not preclude

But the problem of defining the moral content of the categorical imperative and assessing its utility as a guide in determining the worthiness of contemporary challenges to state sovereignty and international law remains. One potential answer to the question of what type of state behavior should be sanctioned by international law may be provided by the implications of analyses of the separate (liberal) peace. In this view, if peace is widened, in international terms, by the existence of ever greater numbers of republics (read "liberal democracies"), then these states' foreign policies should be directed toward creating representative and market institutions abroad, and international legislative and decision-making organs should direct their efforts toward encouraging and legitimizing such actions. It is important to emphasize that, although these implications of the "democratic peace" observation have long been recognized, many who have analyzed the phenomenon have explicitly distanced themselves from such conclusions.<sup>38</sup> Nevertheless, such policy implications are being raised anew with the advent of the post-Cold War era, and they are often present in popular analyses of current events.<sup>39</sup> Gleditsch argues, for example, that, although many peace researchers "who subscribed to a 'third way' in the Cold War" were wary of these implications during the debate about imperialism in the 1970s, the end of the superpower rivalry should make such concerns moot. "The Cold War has

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the idea of "progress in the attainment of a moral *disposition*," although in his analysis the "conceptual problems Kant faces in grasping the evolution of a moral disposition *within* the temporal order" (emphases in original) are, in the end, insurmountable. Paul Stern, "The Problem of History and Morality in Kantian Ethics," esp. 506–7; 520–22. Kant himself further explains how the "moral disposition" is developed: civil laws facilitate "the development of the moral disposition to a direct respect for the law by placing a barrier against the outbreak of unlawful inclinations.... Thereby a great step (although not yet a moral step) is taken toward morality, which is attachment to this concept of duty for its own sake and without regard to hope of a similar response from others.... But since even respect for the concept of right (which man cannot absolutely refuse to respect) solemnly sanctions the theory that he has the capacity of conforming to it, everyone sees that he, for his part, must act according to it, however others may act" (Kant, "Perpetual Peace," in White Beck, ed., *Kant*, 123, n. 2).

<sup>38</sup> Gleditsch notes that during the Cold War, Small and Singer (1976) warned that active efforts to promote democracy could have the opposite effect, while Vincent (1987) condemned U.S. covert and overt interventions, even though done in the name of democratization (Gleditsch, "Democracy and Peace," 373); citations are from Melvin Small and J. David Singer, "The War-Proneness of Democratic Regimes," *Jerusalem Journal of International Relations* 1 (Summer 1976); and Jack Vincent, "Freedom and International Conflict: Another Look," *International Studies Quarterly* 31 (March 1987). More recently, Bruce Russett partially distances himself from such policy implications, asserting that: "Outsiders' efforts to promote democracy can be effective only to a limited degree and under particular circumstances, yet sometimes those efforts—employing a combination of carrots and sticks—can be crucial. Outsiders' efforts are more likely to be regarded as legitimate, and are more likely to be effective, to the degree they are multilateral, under the auspices of international organizations" (Russett, "Can a Democratic Peace be Built?" 277).

<sup>39</sup> The primary example is perhaps Fukuyama, *The End of History*.

now ended in the real world" he writes, "it should end in peace research, too."<sup>40</sup> Finally, such policy and legal implications are sometimes attributed to Kant himself. Sorensen interprets Kant's project as one of "democracies seeking to promote democratic values in relations with other countries"; Fukuyama assigns primary importance to "the need for democratic states to work together to promote democracy and international peace."<sup>41</sup> Likewise, Tesón calls for elevating the notion of the superiority of liberal states—and their consequent right to intervene in the domestic affairs of nonliberal states—to the status of a foundational principle of international law.<sup>42</sup>

### Kant's Caution Against Interventionism

It is difficult, however, to show that Kant would approve of policies or an international legal code that sanctioned most levels of interventionism, even if directed toward "good" ends. The construction of republican institutions cannot be coerced by either internal or external forces:

But woe to the legislator who would wish to bring about through coercion a constitution directed to ethical ends. For he would not only bring about the exact opposite of his ethical goals, but also undermine his political goals and render them insecure.<sup>43</sup>

The same goes for coercion from the outside. Kant explicitly granted states both juridical equality and the status of "moral personhood," asserting that a state "is a society of men whom no one else has any right to command or to dispose

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<sup>40</sup> Yet Gleditsch also acknowledges that a prodemocracy discourse that justifies intervention continues to influence the actions of liberal states in the post-Cold War period, and that it was "compatible with at least some of the rhetoric in the 1991 Gulf War" (Gleditsch, "Democracy and Peace," 373–74).

<sup>41</sup> Sorensen, "Kant and Processes," 404. The problem here is that such a characterization of Kant can lead to a variety of prescriptions. Although Sorensen, following Doyle, recognizes that the attempt to promote democratic values abroad can lead to ethnocentric crusades, he interprets Kant as arguing "for the victory of democracy as the superior form of state" (399–400). In Fukuyama's reading of Kant, liberal states can do little wrong. The principle of the "sovereign equality" of states enshrined in the United Nations, for example, should be nullified. Instead, "If one wanted to create a league of nations according to Kant's own precepts, that did not suffer from the fatal flaws of earlier international organizations, it is clear that it would have to look much more like NATO than the United Nations—that is, a league of truly free states brought together by their common commitment to liberal principles. Such a league should be much more capable of forceful action to protect its collective security from threats arising from the non-democratic part of the world" (Fukuyama, *The End of History*, 281–83).

<sup>42</sup> Tesón, "The Kantian Theory."

<sup>43</sup> Kant, *Religion Within the Limits of Reason Alone*, Berlin Academy ed., vol. VI, 95–96, quoted in Taylor, *Philosophy and the Human Sciences*, 327.

except the state itself."<sup>44</sup> It is, therefore, up to each state, or, more precisely, the reasoning beings constituting each state, to decide upon their own fate, and to endure the "multifarious hostilities and wars" through which the republican state must be "painfully acquired."<sup>45</sup> For peace to ensue, therefore, "no state shall by force interfere with the constitution or government of another state."<sup>46</sup> This requirement is only rendered null by full-fledged civil war, in which each of "two parts...pretended to be a separate state making claim to the whole. To lend assistance to one of these cannot be considered an interference in the constitution of the other state (for it is then in a state of anarchy)."<sup>47</sup> Again, any "moral evolution" that aspires to "fulfill the destiny of the [human] race" must be accomplished in accordance with duty. This means at a minimum that the juridical equality of moral agents (be they individuals or states) must be respected, and coercion of any type cannot be legitimized.

For the same reason, the results of commercial practices can attract criticism as well as praise. Although Kant believes the cosmopolitan law requires hospitality to be extended to the foreigner, this law is only valid "so long as he peacefully occupies his place." The "spirit of commerce" can promote peace, but those who promote trade are not by definition "enlightened," and do not always engage in peaceful acts. Kant warns us to "compare the inhospitable actions of the civilized and especially of the commercial states of our part of the world" with those of "unruled regions." "The injustice which [the former] show to lands and peoples they visit (which is equivalent to conquering them) is carried by them to terrifying lengths."<sup>48</sup> Kant does not appear to distinguish here between institutions of mercantilism and those of free-market liberalism where economic and physical exploitation are concerned; rather, his attention is directed toward the effects of either on the prospects for peace and the develop-

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<sup>44</sup> Kant, Second Preliminary Article for Perpetual Peace Among States, "Perpetual Peace," in White Beck, ed., *Kant*, 86. Tesón must explicitly reject this assertion in order to arrive at his justification for intervention (Tesón, "Kantian Theory," 91–93).

<sup>45</sup> Kant, "An Old Question Raised Again," in White Beck, ed., *Kant*, 150.

<sup>46</sup> Kant, Fifth Preliminary Article for Perpetual Peace Among States, "Perpetual Peace," in White Beck, ed., *Kant*, 89. This accords with Charles Beitz's view that "One must understand Kant's views on political change in light of his view of history, and from this perspective it seems more likely that he would have thought republican government would emerge through domestic conflict...than through external intervention. What is incontestable is that he nowhere makes any explicit claim regarding the priority of republicanism over nonintervention" (Charles R. Beitz, *Political Theory and International Relations* [Princeton NJ: Princeton University Press, 1979], 82, n. 35).

<sup>47</sup> Kant, "Perpetual Peace," in White Beck, ed., *Kant*, 89.

<sup>48</sup> *Ibid.*, 102–3.

ment of moral autonomy. Economic coercion, therefore, cannot be legitimized in the eyes of the law of nations.

Consequently, although a number of analysts of the liberal peace have pointed out that the actual content of liberal morality often encourages messianic crusades that result in irrational wars, they often neglect to mention that such crusades are not condoned by Kant. This is the major reason why F. H. Hinsley cautioned thirty years ago *against* taking the "consent of the citizens" passage as the foundation of Kant's analysis for the causes of peace. For Hinsley, the argument in this passage errs in giving the impression "that republican states will always act right," an assumption in which Kant himself has little faith.<sup>49</sup> If peace is in general assured by the lack of agreement on the part of the liberal populace to engage in war, and the ensuing constraint is expressed through democratic institutions, then one might infer that, when the liberal populace does grant its consent in military ventures, such undertakings become legitimate. But the consent of the liberal populace is not enough to insure the rightness of the cause. Liberal institutions, therefore, be they domestic or international, are inadequate in and of themselves to ensure peace. As Stanley Hoffmann has pointed out, "For Kant, the best society is not the one that *makes* man behave morally, it is the one in which man is most *free* to behave morally if he wants to. If world peace presupposes republican states, it is because they are *least likely* to be bellicose...the establishment of republics all over the world does not eliminate the problem of war...man's evil propensities may still prevail."<sup>50</sup>

### Conclusion

To say that Kant considers the state a "moral person" with attendant rights and duties is not to assert, like Waltz, that the Kantian project is one of preserving

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<sup>49</sup> Hinsley had two reasons for criticizing this passage; the other, and in his view secondary, reason being that "it destroys the force of the distinction which Kant had tried to draw between a republican form of constitution and a democratic form of government—since in a democracy if the majority is despotic, it is also the majority that undergoes all the deprivations." Thus, as Hinsley points out, Kant was not a democrat; indeed, populist majoritarianism was for him one of the worst forms of despotism "because it establishes an executive power in which 'all' decide for or even against one who does not agree; that is, 'all' who are not quite all, decide, *and this is a contradiction of the general will with itself and with freedom*" (emphasis added). Rather, Kant favored a republican, or representative, legislature divorced from an executive to ensure that all views be aired and despotism checked, presumably to encourage good decisions to be arrived at through a process of collective reason. Thus, if a "despotic" majority checks state action on the basis of being inconvenienced (the implication of much contemporary work on the "liberal peace"), such a check would be made in accordance with neither republican nor ethical grounds. F. H. Hinsley, *Power and the Pursuit of Peace* (Cambridge: Cambridge University Press, 1963), 71.

<sup>50</sup> Hoffmann, *The State of War*, 83 (emphasis in original in first sentence; emphasis added in second sentence).

and strengthening the state at all costs. It is, rather, to connote a conception of the state akin to that of R. B. J. Walker, who acknowledges that the Kantian project demands two separate requirements for perpetual peace (the establishment of a perfect civic constitution internally, and the clear recognition "externally" that "the use of coercion between states is irrational and unlawful"). Yet, although these requirements seemingly affirm a rigid conception of the principle of sovereignty, "under conditions of modernity, or Enlightenment, universal reason may be achieved internally so that the space between states might become an extension rather than a negation of the rational political community achieved within the state."<sup>51</sup> The state and state sovereignty, for Kant, are empirical facts. These facts do not and cannot, however, invalidate or repeal the duty of "moral persons" to act according to the dictates of reason.

The question of what these dictates prescribe in specific situations, however, is left largely unanswered by Kant. Kant does not provide a laundry list of acceptable action in particular contexts. Nevertheless, when the state is situated in a historical context in which it is both granted moral personhood and bound by duty, it becomes evident that certain types of action broadly conceived are proscribed. In particular, the concepts of moral duty and autonomy mean that legitimacy cannot be granted to external intervention. In this interpretation, there is a difference between "intervention" and "assistance," which Kant allows under limited conditions. Intervention, however, implies some element of coercion that may be economic, political, or military. Kant is clear in warning against such coercion, as well as against decision makers' attempts to cloak interventionist policies in moral garb.

Kant is always consistent, therefore, in interpreting moral duty as more than mere superficial justification. Likewise, he is consistent in maintaining the necessity of action according to duty: "It would obviously be absurd, after granting authority to the concept of duty, to pretend that we cannot do our duty, for in that case this concept would itself drop out of morality (*ultra posse nemo obligatur*)." Finally, Kant is unfailing in his emphasis on the importance of moral duty for the achievement of peace, paraphrasing one biblical injunction to read: "'Seek ye first the kingdom of pure practical reason and its righteousness, and your end (the blessing of perpetual peace), will necessarily follow.'"<sup>52</sup> But

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<sup>51</sup> In this way, Kant's "rational universalism" does pose a challenge to the concept of state sovereignty in that it goes "beyond the earlier positions of Pufendorf and Vattel which accepted the absolute rights of sovereign states, the separation between public and private morality, and thus a pragmatic view of international co-operation." R. B. J. Walker, *Inside/Outside: International Relations As Political Theory* (New York: Cambridge University Press, 1993), 71.

<sup>52</sup> "Perpetual Peace," in White Beck, ed., *Kant*, 117, 125.

because the discernment and maintenance of "pure practical reason and its righteousness" are difficult enough tasks, for the individual as well as the liberal republic, one might add a second biblical injunction to Kant's advice for achieving peace in international affairs: that against becoming preoccupied with the splinter in one's neighbor's eye in favor of dealing with the plank in one's own.