

WAR AND PERPETUAL PEACE: HEGEL, KANT AND CONTEMPORARY WARS

MARIA DE LOURDES ALVES BORGES

Federal University of Santa Catarina (Brazil)

Abstract

The paper compares the views of two classical authors about the possibility of peace and the inevitability of war: Kant and Hegel. The paper will argue that the main lines of these two schools are still alive today in our contemporary international politics. The Kantian school, with the possibility of peace, based on a league of nations, has inspired the creation of the United Nations. The Hegelian way of thinking (there is no judge above the national states, besides the history of the world) has proven to be as contemporary as ever, once one analyzes some recent events of the international politics. Both Kantian and Hegelian views have weak and strong points, and it is a difficult task to reconcile both of them in a reasonable international politics. At the end, the paper will present John Rawls' doctrine of international politics, as stated in *The Laws of Peoples*, arguing that this doctrine follows the Kantian tradition of a *foedus pacificum*, while giving room to some Hegelian philosophical conceptions.

Key words: Kant, Hegel, War, Peace

Proposal: In this paper, I would like to compare two different views about the possibility of peace and the inevitability of war. I shall compare the views of two classical authors of the history of philosophy, Kant and Hegel. According to the former, we should strive to construct a league of nations, which would mediate the conflicts among the states and promote a stable international peace, a *foedus pacificum* (Kant, *Toward Perpetual Peace*, PP, 1795)¹. According to the latter, this conception is a naïve one, since the power of nations is the only possible international judge (Hegel, *Philosophy of Right*, PR, 1821). The deals among nations are only contingent ones and can be broken depending on the will of the powerful nations. There will be no judge above the national states, besides the history of the world (*Weltgeschichte*), and world history becomes manifest in the most accomplished state of a particular era, whose institutions express the highest stage of the embodiment of freedom.

I shall argue that the main lines of these two schools are still alive today in our contemporary international politics. The Kantian school, with the possibility of peace, based on a league of nations, has inspired the creation of the United Nations which is still a vibrant institution for people who believe in an international league for peace. Indeed, those who believe in a United Nations go further than Kant had anticipated, thinking of the UN as an international organism, which can also judge and punish a state for a transgression of international treaties concerning peace, and can even use force against it. The Hegelian way of thinking has proven to be as contemporary as ever, once one analyzes some recent events of the international politics. The idea that the nation whose institutions express a higher degree of freedom has the right to be the ultimate judge of the world is expressed in many official speeches given by the American president. The war is then presented not as a fight between two

particular states, but as a battle between two conceptions of freedom and human rights, a battle between the free world and the world of darkness.

I shall maintain that both Kantian and Hegelian views have weak and strong points, and that it is a difficult task to reconcile both of them in a reasonable international politics.

At the end, I shall present John Rawls' doctrine of international politics, as stated in *The Laws of Peoples* (LP), 1999. I argue that this doctrine follows the Kantian tradition of a *foedus pacificum*. Yet it gives room to some Hegelian philosophical conceptions, mostly in the difference Rawls establishes among well-ordered and out-law states. I focus on the principles regarding a just war doctrine (LP, § 14), particularly the right of well-ordered societies to wage war against non well-ordered states whose expansionist aims threaten the security and free institutions of well-ordered regimes.

1. TOWARD PERPETUAL PEACE

Kant argues for a stable peace among states. In order to achieve this goal, he suggests that states join together in order to constitute a league of nations.

Nations, as states, can be appraised as individuals, who in their natural condition (that is, in their independence from external laws) already wrong one another by being near one another; and each of them, for the sake of its security, can and ought to require the others to enter with it into a constitution similar to a civil constitution, in which each can be assured of its right (PP, 8: 354).

Kant claims here that states necessarily wrong one another in a condition of independence from external laws. For that reason, in order to promote their own safety, they should leave their state of nature and enter a constitution similar to a civil constitution. This civil constitution among states has a similarity to the civil society. Just like individuals prefer to leave their state of nature in order to establish a civil society, particular states choose to enter into a civil constitution to guarantee their rights and avoid the permanent threat of war². However, this league should not be a state above other states:

This would be a league of nations, which, however, need not be a state of nations. That would be a contradiction, inasmuch as every state involves the relation of a superior (legislating) to an inferior (obeying, namely the people); but a number of nations within one state would constitute only one nation, and this contradicts the presupposition (since here we have to consider the right of nations in relation to one another insofar as they comprise different states and are not to be fused into a single state). (PP, 8:354)

Although it is not a state above a state, in a league of nations, the states leave their barbarous state of nature to form a civil constitution, in order to avoid war. Kant claims that this civil constitution should be thought of as necessary. As we “now regard with profound contempt, as barbarous, crude and degrading”, “the attachment of savages to their lawless freedom” (PP, 8: 354), states should also leave their unruly condition and enter into a civil constitution.

Kant claims that Europe and America are equally irrational when it comes to war. On this subject “the difference between the European and the American savages consists mainly in this: that whereas many tribes of the latter have been eaten up by their enemies, the former knows how to make better use of those they have defeated than to make a meal of them”. That is, Europe knows how to make more soldiers for the next war.

Kant objects to the idea of the right of nations as a right only to go to war: “The concept of the right of nations as a the right to go to war is, strictly speaking, unintelligible (since it is supposed to be a right to determine what is right not by unilateral maxims through force)” (PP, 8: 357)

In order to be effective against war, Kant distinguishes his league of nations from a pact of peace: “[S]o there must be a league of special kind, which can be called a pacific league (*foedus pacificum*), and what would distinguish it from a peace pact (*pactum pacis*) is that the latter seeks to end only one war whereas the former seeks to end all war forever” (PP, 8: 356)

The league of nations is the middle point between the idea of a state of nations and the idea of a mere peace pact that does not guarantee a lasting peace:

In accordance with reason there is only one way that states in relation to one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) state of nations (*civitas gentium*) that would finally encompass all the nations of earth. But, in accordance with their idea of right of nations, they do not all want this, thus rejecting *in hypothesis* what is correct *in thesi*; so (if all is not to be lost), in place of the positive idea of a world republic only the negative surrogate of a league that averts war, endures (PP, 8: 357).

Then, in accordance to reason, the states should leave their lawless condition to enter a state of nations that will include all the nations of the earth. However, this idea of reason, which is correct in thesis, is rejected by the nations. The surrogate of a state of nations (*civitas gentium*) is a league of nations (*foedus pacificum*) that averts war.

In the *Metaphysics of Morals, Doctrine of Right*, he stresses this idea of the state of nations as unreachable, although only this state will bring the real possibility of a perpetual peace.

Only 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 (DR, § 61).

Kant gives us some reasons why this state of nations will be impossible: it has to extend too far over vast regions, which makes it difficult to protect all of its members from war. The consequence of this is that we can only have an approximation to perpetual peace through an association of several states.

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 (DR, § 61).

Since perpetual peace itself is an unachievable idea, we can only have principles directed towards peace that are not to rule over a state of nations, but over a permanent league of states, which each state is free to join.

Did Kant witness such a political association? He says that something of this kind could be seen in the first half of the 18th century, in the Assembly of the States General at the Hague, where “the ministers of most of courts of Europe and even of the smallest republics lodged with their complaints about attacks being made” (DR, §61). However, after some time, this league has disappeared and the right of nations survived only in books.

Kant does not offer any guarantee that there will be a perpetual peace among states or that states will finally attain this pacific goal. Since perpetual peace is an idea of reason, it has only a regulative role: citizens should act as if this goal were possible.

One of the requirements of this progress towards a perpetual peace is that the civil constitution of states should become republican. Kant divides the forms of state according to the persons who have power within a state and according to the way a people is governed (PP, 8: 352). The first is the form of sovereignty (*forma imperii*), which admits of three divisions: autocracy, aristocracy and democracy. The second one is called the form of government (*form regiminis*) and admits of two forms: republican or despotic.

A republic is a representative form of government based on the separation of the executive power from the legislative power. It is the only one in accordance with the idea of right. States can attain this form of government through reforms.

The league of nations should be composed of republican states, since they are, by their very nature, pacific states. This league will be formed by a liberal community, which shares the following institutional and economic conditions: a republican form of government, a market economy, private property rights, citizens with political rights, and internal and external sovereignty³.

2. Hegel's ironical remarks

In the § 333 of the *Philosophy of Right*, Hegel criticizes all hopes of a possible peace among nations resulting from a Kantian pact of peace:

Kant had the idea of securing 'perpetual peace' by a league of nations that would adjust every dispute. It was to be a power recognized by each individual state, and it was to arbitrate in all cases of dissension in order to make it impossible for disputants to resort to war in order to settle them. This idea presupposes an accord between states which would rest on moral or religious or other grounds or considerations, but in any case would always depend ultimately on a particular sovereign will and for that reason would remain infected with contingency (PR, § 333).

Hegel is skeptical about the possibility of a peace among states, because their treaties are based in particular and contingent reasons, and not on a sovereign reason above them⁴. He insists that there is no judge above national states; there can only be a mediator. This mediator is nothing but a particular will, full of contingency.

The relations among states are the embodiment of contingency and prevent the Kantian solution of a perpetual peace to be attained through a league of nations. One of the reasons of this contingency is that, for Hegel, states, in their interaction, are always in a state of nature:

The fundamental proposition of international law (i.e. the universal law which ought to be absolutely valid between states, as distinguished from the particular content of positive treaties) is that treaties, as the ground of obligations between states, ought to be kept. But since the sovereignty of a state is the principle of its relations to others, states are to that extent in a state of nature in relation to each other. Their rights are actualized only in their particular wills and not in a universal will with constitutional powers over them (PR, § 333).

Thus, the idea of a league of nations, in which the national states are supposed to leave this barbarous, crude and degrading condition of a lawless freedom, is only chimerical. Hegel claims that the very idea of state hinders the international institution of a *foedus pacificum*.

Kant does not disagree that states can be in [a?] state of nature towards one another. He explicitly states that in § 54 of *Toward Perpetual Peace*: “[S]tates, considered in external relation to one another, are (like lawless savages) by nature in a nonrightful condition.” However, his aim was exactly to overcome the idea of a law of nations as the acceptance of this “state of nature”. Unlike the jurists of the *ius naturae et gentium* (Grocio, Pufendorf, Tomasio, Bodin⁵), Kant aims at attaining a new conception of

international law based on the possibility of leaving this condition of the state of nature and establishing a new order, based on the idea of social contract.

For Hegel, the ideal of a *foedus pacificum* is a chimera, since there cannot be any stable association of states to mediate their conflicts and avoid war. War is not something we should try to exterminate forever; it is just the usual way of solving conflicts among states, since the contingency of all treaties of peace renders a permanent solution untenable. These treaties among states can only be a pact of peace (*pactum pacis*, not a *foedum pacificum*) and they are, by their very nature, only contingent pacts that can be broken at any time, according to the particular political or religious reasons of the states that are part of the agreement. That is to say that agreement among States is not like legal agreements between individuals in civil society, since individuals have a legal court above them. As far as states are concerned, the only legal court is war. And this, in Hegel's view, is the intrinsic nature of a state.

If the states cannot arrive at a mutual understanding, then their conflicts can only be solved through war (PR, § 334). The only judge above the states is the history itself. World history, as the supreme and universal judge "... is not the simple judgment of force, or the abstract and irrational necessity of a blind destiny", but the "necessary development of the moments of reason," "the exteriorization of Universal Spirit" (die Auslegung und Verwicklung des allgemeinen Geistes)⁶.

According to this conception, political organizations like the UN would always lead to a disappointment since the national states will never recognize, by their very intrinsic nature, any legal judge above them, apart the world history itself. Hegel goes further than that. Not only wars are not inevitable among states, but also they are even healthy for improving the state's principles. Happy moments are empty pages in History, says Hegel in the Philosophy of History, showing the rational necessity of war.

3. A contemporary war

This opposition between Kant and Hegel is still alive in our time. We can notice it in the opposition between those who support the legitimacy of the UN as a league of nations, a pacific league in the Kantian sense (*foedus pacificum*), and those who think, in the Hegelian sense, that the UN is only one of possible war pacts, a peace pact (*pactum pacis*).

The recent Iraqi war, together with all the discussions and events that preceded it, can very well illustrate these two positions. Let's refresh our memory: Bush goes to the UN, which he apparently recognized as a league of nations, to request that something should be done to disarm Iraq. The UN sends inspectors to Iraq, under the supervision of Mr. Blix, who wrote many reports stating that there was no conclusive evidence of weapons of mass destruction. In spite of the conclusions of the inspectors and the misgivings of the Security Council, President George W. Bush declared war on Iraq. In the Ultimatum to Saddam Hussein, on the 17th of March 2003, he addressed the Iraqi people, saying that

this was a war of liberation. But who wanted to be liberated? Who was asking for a foreign country to help the Iraqis achieve what the Western world call free institutions?

On the 18th of March 2003, the Iraq Ambassador at the UN was appalled by the idea of a president requesting another president to leave his own country without any mandate by the UN. He asked: is this the law of Jungle?

This reminds us of the discussion that opposes Kant to Hegel: according to Kant, nations should enter in a *foedus pacificum*, in a civil society of states, in order to leave the state of nature. According to Hegel, particular states are considered as individuals in the state of nature. The only possible judge is the World Spirit and the world history. Again, *Weltgeschichte ist Weltgericht*.

On the 19th of March, Bush declares war and strives to justify the military solution by resorting to a motive that is in tune with the Roman and the Napoleonic Empires; namely, the degree of progress the American Empire would bring to Iraq. The war is depicted as a war of liberation, which aims at bringing freedom and free institutions to other people. Its legitimacy comes from the idea that the USA represents a high degree of freedom and, for that reason, does not need any permission from the league of nations. This reminds us of Hegel's commentary about Napoleon's speech in the Peace of Campoformio. In that occasion, Napoleon said: "The French Republic needs recognition as little as the sun requires it". According to Hegel: "what his words implied was simply the thing's strength which carries with it, without any verbal expression, the guarantee of recognition" (PR § 331, Addition).

However, if the free institutions represented by the USA once count as a reasonable justification for war, this is not our sense of justice any longer. This lack of justice in a war declared without the acceptance of UN was expressed in the speech of a disappointed Kofi Annan the day before the war: "This is a sad day for UN." And then he wishes for the day when "force could be connected to legitimacy." What legitimacy? It is implicit here that legitimacy should come from an international legal acceptance of the use of force. The international legal acceptance should be derived from the authorization of this act by the legal actions of the UN, mainly the actions of the Security Council. When we saw the veto of France coming, we could predict that the invasion would not be approved. In this process, the USA decided not to follow the rules of UN any longer; rather, it preferred to act alone—with a little help from the British of course—and attack another country, whose president was allegedly a threat to peace. Does the President of USA think the attack is without legitimacy? Probably not. The UN does not represent legitimacy anymore, since—as it was said many times—it failed to do its job. But apart from this, there was another kind of justification. Its perpetrators called this war a war of liberation, thus there is an implicit justification of this war—in a Hegelian sense. As Hegel and other intellectuals welcomed Napoleon when he invaded Jena, and called him the soul of the world, this war aims at spreading liberal institutions to a country that lacks them. This is one of the reasons American officials addressed themselves to the Iraqi civilian people as their liberators, because the Iraqi people were supposed to obtain something from this war. However, it is true that the Americans were not in fact welcomed as liberators, nor did anyone see the soul of the world in a tank or a bomb. The spread of

liberal institutions in the Middle East was also taken as a justification for war. Yet, after the so-called liberation, we saw primitive expressions of worship from Shiite leaders. Not even terrorist attacks were eradicated, since they are not phenomena strictly connected to the classical idea of state.

What was the war for?

4. The Law of Peoples: the conciliation of a *foedus pacificum* and a just war doctrine

When is it right for a country to invade another? Is there a just war? I would like to leave the 18th and 19th century philosophers behind and use a more contemporary approach: Rawls' 'The Law of Peoples'. In this book, Rawls tries to draw "a particular conception of right and justice that applies to the principles and norms of international law and practice"(LP, p.3).

He considers five types of societies: reasonable liberal peoples; decent peoples; outlaw states; societies burdened by unfavorable conditions and benevolent absolutisms. The law of peoples unfold in an ideal and non-ideal theory. In the ideal theory, Rawls develops the general social contract idea to the society of liberal democratic and decent peoples. In the ideal theory, he claims that both societies, liberal and decent, would agree to the same Law of Peoples.

The aim of a non-ideal theory is to discuss two issues. First, to "...discuss what measures other societies, liberal peoples and decent peoples — may justifiably take to defend themselves against outlaw states"(LP, p.5). Second, to ask how far liberal or decent people owe a duty of assistance to burdened societies.

In the non-ideal theory, Rawls sets forth six principles restricting the conduct in war, *jus in bello*. I shall focus on the principles ii) and iii). Principle ii reads as follows: ii) Well-ordered people do not wage war against each other, but only against non-well-ordered states whose expansionist aims threaten the security and free institutions of well ordered regimes and bring about the war. (LP, § 14, p.94). Here, Rawls seems to accept a broader theory of war than the defensive war Kant would have accepted. Rawls does not explicitly allow an imperialistic war, which aims to spread liberal institutions, yet his acknowledgement of wage war towards outlaw states makes room for a preventive war. This preventive war towards some states implies the possibility of violation of their autonomy as states, a violation clearly forbidden by Kant.⁷

What was the reason given by the White House and the hawks to attack Iraq? Exactly the fact that Iraq had expansionist aims that threaten the security and free institutions of well-ordered regime. It is amazing that we could find these principles in one of the major liberal contemporary works. Rawls might also have answered a question put forward many times during the recent war: Why some countries are allowed to have weapons of mass destructions and some are not? Rawls writes:

Among reasonably just liberal and decent peoples the control of such weapons would be relatively easy, since they could be effectively banned. These peoples have no

reason for going to war with one another. Yet so long as there are outlaw states-as we suppose- some nuclear weapons need to be retained to keep those states at bay and to make sure they do not obtain and use those weapons against liberal or decent peoples. (LP, p.9)

Rawls follows here the just war theory proposed by Walzer⁸ and divides the outlaw states into three groups: leaders and officials, soldiers, and civilian population. This is explicit in principle iii): iii) In the conduct of war, well-ordered peoples must carefully distinguish three groups: the outlaw state leaders and officials, its soldiers, and its civilian population. (LP, §14, p. 94). The war should be directed only against the first, not against the others. We have seen in the recent Iraqi war how what is theoretically easily distinguishable, is during war itself an impossible task. There is no war without civil casualties; there is no war without the loss of innocent lives.

But, besides this, I would like to address another point: since Rawls explicitly says he is following the Kantian model of a *foedus pacificum*, is there a possible reconciliation between perpetual peace and just war theory?

Does Kant have a just war doctrine? Would he recognize the right to wage war against non-republican states?

In the article 5 of *Toward Perpetual Peace*, one reads: “No state shall forcibly interfere in the constitution and government of another State” (PP, 8: 346).

Even if a people is in a lawless condition, “. . .as long as this internal conflict is not yet critical, such interference of foreign powers would be a violation of the right of a people” (PP, 8: 346). To interfere in the constitution and government of another state will make the autonomy of all states insecure.

Could we reconcile Kantian theory to just war theory, in which one can wage war against allegedly threatening outlaw states?

Apparently not. The perpetual peace will be attained by the progressive reformation of the institutions of all countries, until they attain a republican form of government. However, this progress should not be imposed by war, nor can a republican nation impose a liberal constitution by force. To do so would be against the idea of right, which should guide our striving towards a perpetual peace among nations.

Could we reconcile Hegelian theory to just war theory? I guess the answer is yes. The world spirit affirms itself through war, bringing free liberal institutions to non liberal States. However, Hegel warns us about the danger of imposing a Constitution to a State from outside.

At the beginning of 2006, the endless violence in Iraq (even after a voted constitution and a democratic parliament), tells us that Hegel's worries should be taken seriously.

Notes

¹ I will use the following abbreviations: **PP**, Immanuel Kant, “Toward Perpetual Peace”, in: *Practical Philosophy*, The Cambridge Edition of the works of Immanuel Kant (Cambridge: Cambridge University Press, 1996); **DR**, Immanuel Kant, “Doctrine of Right”, in: *Practical Philosophy*, The Cambridge Edition of the works of Immanuel Kant (Cambridge: Cambridge University Press, 1996); **LP**, John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999); **PR**, Hegel, *Philosophy of Right*² For an analysis of Kant’s political philosophy and international relations see Hannah Arendt, *Lectures on Kant’s Political Philosophy* (Chicago: Chicago University Press, 1982); Wolfgang Kersting, *Wohlgeordnete Freiheit* (Frankfurt am Main: Suhrkamp, 1993); Volker Gehardt, “Eine kritische Theorie der Politik über Kants Entwurf *Zum ewigen Frieden*”, in: Valério Rohden, *Kant e a instituição da paz* (Porto Alegre: UFRGS, 1997).

³ For a list of the liberal community since 1700s, see Michael Doyle, “Liberalism and International Relations”, in: Beiser and Booth, *Kant and Political Philosophy* (New Haven/ London, Yale University Press, 1993), pp.193,194.

⁴ For an analysis of Hegel’s political philosophy, see Denis Rosenfield, *Politique et liberté: une étude sur la structure logique de la “Philosophie du Droit de Hegel”* (Paris:Aubier, 1984).

⁵ See Eduardo Rabossi “Kant y las condiciones de posibilidad de la sociedad cosmopolita”, In: Valério Rohden, *Kant e a instituição da paz* (Porto Alegre: UFRGS, 1997).

⁶ For the relation between World history and the Absolute Spirit, see Werner Jaeschke “World History and the history of absolute Spirit”. In: Perkins, *History and System, Hegel’s Philosophy of History*. (Albany: State University of New York Press, 1984).

⁷ According to Klaus Giesen, this fact puts Rawls in an inferior position regarding Kant’s political philosophy since Kant believed in the force of arguments to progressively convert non-liberal states into liberal ones. See Klaus Giesen, “O charme Perdido do liberalismo político/ Le charme perdu du Liberalisme Politique”, in: Sônia Felipe (ed): *Justiça como equidade*. Florianópolis: Editora Insular, 1998.

⁸ Michael Walzer, *Just and Unjust War* (New York: Basic Books, 1977).