

# Luigi Caranti's *Kant's Political Legacy*

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## Abstract

Luigi Caranti seeks to find a foundation for a contemporary theory of human rights in Kant, as well as contemporary relevance for his project of perpetual peace and his teleology of political progress. I agree with much of what he says, but provide a different account of Kant's foundations for morality in general and human rights in particular, and defend my critique of Kant's conception of a *guarantee* of progress from Caranti's defence of Kant.

**Keywords:** human rights, humanity as an end in itself, Kant, perpetual peace, progress

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Luigi Caranti's *Kant's Political Legacy* (Caranti 2017) interprets Kant's position on the three issues named in its subtitle – human rights, peace and the possibility of political progress – and argues that suitably refined versions of Kant's position on these three issues can make valuable contributions to contemporary debates, indeed are more promising than the alternatives currently on offer. The work is rich and wise. I welcome its spirit and much of its letter. Of course I have some disagreements on issues of Kant interpretation; in particular, Caranti rebuts my previous criticism that Kant's suggestion that any natural mechanism can *guarantee* continuous progress towards a condition of world-wide justice is undermined by his own commitment to the radical freedom of every human being, including the freedom to pervert any natural disposition towards the good, which underlies his doctrine of radical evil, and I will argue that Caranti's rebuttal of my criticism is inadequate. Before I get to that, I will argue for a different interpretation of Kant's conception of humanity as an end in itself as the ground of human rights from the one that Caranti proposes. But this emphasis of my differences with Caranti, although that is what is

expected from me in a piece like this, should not mask how valuable I find his book.

### 1. Humanity and Human Rights

In Part I, Caranti argues that Kant's conception of humanity as an end in itself offers a better foundation for a contemporary doctrine of human rights than do contemporary attempts to provide foundations. He divides contemporary approaches into three kinds: instrumental approaches, which argue that human rights provide necessary conditions for some morally desirable end, some form of human flourishing, for example the capabilities approach of Amartya Sen and Martha Nussbaum; the 'non-instrumental/orthodox' approach, which Caranti identifies with writers such as Francis Kamm and Thomas Nagel, and according to which the worth of persons is a fundamental fact that admits of no further explanation or justification; and a 'practice-based/political' approach, associated with John Rawls and Joseph Raz, according to which human rights just 'define the limits of state sovereignty' in international politics as they have developed in the contemporary world (p. 50). The problem with the first approach is that 'the interests that generate human rights are potentially infinite' (p. 46), or there is no principled way to differentiate between genuine human rights and any sort of privileges that someone thinks might enhance human existence; the problem with the second approach is that it fails to explain why human rights should constrain legislators, or anyone (p. 50); the problem with the third approach is that it fails to show how a sound list of human rights can function as a *critique* of the contemporary practice of international politics, or what the source of the normativity of human right is (p. 51).

Caranti thinks that we can turn to Kant's account of humanity as an end in itself as a foundation for human rights and to his conception of the sole 'innate right' to equal freedom in our external use of choice as a model for a better derivation of human rights from their foundation. Caranti equates Kant's conception of humanity with his conception of autonomy, or the capacity of the human will to be a law to itself, or to rule itself by the *moral* law. This capacity gives human beings a dignity that demands respect by all other human beings, and any 'arbitrary limitation' of their 'external freedom' or freedom of action is a failure of the respect that this dignity demands. The prohibition of arbitrary limitation of external freedom is the basis of the 'pre-political, inborn right to external freedom (and formal equality)' that Kant calls the 'innate right' to freedom (MS, RL, Introduction, 6: 237),<sup>1</sup> and which can be divided into the essential human rights of equality before the law, innocence before the law

unless and until one has violated it in some way, and freedom for any kind of action that does not of itself reduce the freedom of others below the level of freedom one claims for oneself. Most interpreters read Kant as dividing the innate right to freedom into three parts, but Caranti follows Otfried Höffe in finding *four* 'implicit human rights' within the innate right to freedom by regarding 'formal equality' as an additional right beyond the right to be bound by others to no more than one can bind them, to be beyond reproach as long as one has not committed a crime, and to behave in any way, including freedom of speech and even lying, as long as others remain free whether to believe one or not (p. 21). I would argue that these three freedoms spell out what formal equality is, thus that they are not additions to the latter nor is the latter an addition to them; but I will come back to the question of just what human rights really follow from a Kantian foundation. First, however, I want to focus on Caranti's interpretation of humanity as autonomy and its dignity that demands respect for these human rights, whichever exactly they are.

Caranti states that:

Kant's argument must be that freedom, as a property of our will, displays something intrinsically good about humans, something that grounds human dignity, and, a fortiori, lays the foundation for our right to external freedom. This something, as any student of Kant knows, is precisely autonomy, understood as a property necessary and sufficient for a will to be a good will ... For this, the ability to follow the moral law even to the detriment of any empirical interest (including our survival) is required. ... autonomy makes us demigods, inhabitants of this world, but at the same time qualified members, or, perhaps more modestly, qualified applicants to another world. (p. 27)

And, he claims, the dignity that we enjoy because of our autonomy, or capacity for morality, 'bridges the logical gap ... between autonomy and external freedom. From dignity originates respect, and from respect originates the prohibition to limit arbitrarily, not autonomy itself, which is, strictly speaking, immune from restriction, but external freedom' (p. 32). In other words, no one has a right to restrict the external freedom – that is, the external *use* of their freedom, their freedom to *act* in accordance with their own lights – of anyone who possesses the capacity for morality any more than is necessary to make sure that the freedom of everyone else with that capacity is equally respected, so everyone has a right to as much external freedom as is compatible with equal external freedom for

everyone else. Thus arises Kant's Universal Principle of Right (MS, RL, Introduction, 6: 230), and the innate right to freedom, or the three freedoms, that follow from it.

I have no objection to Caranti's interpretation that the innate *right* to external freedom arises from the *obligation* of each of us to respect the humanity in each of us (p. 23), so that, as Onora O'Neill has long argued, it is Kant's notion of obligation that is conceptually, or, if you like, ontologically prior to his notion of rights (O'Neill 1989: 187–9). But I have a textual and a philosophical objection to Caranti's interpretation of Kant's concept of humanity as equivalent to autonomy. My textual objection is to his use of Kant's definition of humanity in the Introduction to the Doctrine of Virtue of the *Metaphysics of Morals* to arrive at his interpretation of humanity. Caranti correctly cites Kant as defining humanity as 'the capacity by which [the human being] is alone capable of setting himself an end' or as 'the capacity to set oneself an end – any end whatsoever' (MS, TL, Introduction, 6: 387, 392; Caranti, p. 23). Literally, these statements mean that humanity is the capacity of any human being to set him- or herself *any* sort of end, moral or not, and the restriction of the exercise of that capacity by the Universal Principle of Right, that is, the restriction of its use to claim only as much external freedom, or to set oneself only such ends, as is or are compatible with the equal freedom of everyone else, would arise not from the meaning of the concept of humanity itself but from the requirement, as Kant himself puts it, to treat humanity, *whether in one's own person or that of any other*, always as an end and never merely as a means (to one's own ends) (GMS, 4: 429). But Caranti wants humanity to be our capacity to be autonomous or moral, *because that is obviously admirable or deserving of respect*, and he tries to get this idea out of Kant's definition by taking the capacity to set *any end whatsoever* to be equivalent to 'the ability to act in *complete* independence from inclinations. Positively expressed, this means being able to find sufficiently strong motivation in a very special kind of non-empirical interest, which is respect for the moral law' (p. 26). In other words, Caranti equates the capacity to set oneself any end whatsoever with the capacity to set an end apart from any and all inclination. Perhaps the ability to set oneself any end whatsoever *includes* the ability to set ends dictated by morality rather than suggested by inclination, but it would also seem to include the ability to set ends suggested by inclination, independently from or even in opposition to morality. In that case it is less clear than Caranti makes it seem that this ability is self-evidently due respect. It might seem to merit respect when it is used to set morally permissible or mandatory ends, but to merit contempt when used to set

other ends – but then it would not provide the basis for a general duty of respect for human freedom.

This leads to my philosophical worry, namely that there is something circular about the idea that the fundamental principle of morality is to respect the capacity to be moral. Would we not need an independent criterion of what it is to be moral to get this off the ground? If we think that *everyone should be treated the same*, or that *no one has a right to any more freedom than anyone else*, or *everyone has a right to as much freedom as anyone else*, then this might be an antecedent fundamental principle of morality that we must apply to the freedom of each person to set his or her own ends; but we would not be deriving this principle from the concept of humanity itself – we would be applying it to the humanity of each.

But now the foundation of the fundamental principle of morality has become obscure again. My own suggestion is that in the final analysis Kant derived it from the fundamental principle of rationality itself, although not from any special conception of *practical* rationality. For Kant, there is only one faculty of reason, and its most fundamental principle is the law of non-contradiction, that is, that a proposition both asserting and denying the same predicate of the same subject is false. Kant follows Leibniz and every other philosopher of his time in treating the law of non-contradiction as the first principle of truth or of any true thought whatsoever (e.g. *Critique of Pure Reason* A150/B189–90), and suggests how the law of non-contradiction gives rise to the fundamental principle of morality in his earliest recorded notes on moral philosophy, the notes presumably made in 1764 or 1765 in his own copy of his 1764 book *Observations on the Feeling of the Beautiful and Sublime*. In one of these notes Kant says that there is something ‘ugly’ and ‘perverse’, which may be terms for merely psychological disapprobation, reminiscent of the moral-sense school of moral philosophy, but also ‘contradictory’ and ‘absurd’, which are clearly terms of logical criticism, in treating something that has a ‘soul’ or will of its own – which is, in other words, capable of setting its own ends – as if it did *not* have a will of its own, but was merely a means to one’s own will – or to one’s own ends.<sup>2</sup> Now, there are debatable assumptions built into this claim: It assumes that to *act* in a certain way is also to commit oneself to a certain *description* or *assertion* about what one is doing, and it assumes that even when one is acting in a way that denies the free will of another and thereby asserting that the other has no free will one is also committed to asserting that the other *does* have a free will, and therefore asserting a contradiction. Kant

must be assuming that it is evident that every human being does have a free will for his approach to get off the ground and would admit it if asked. Of course, Kant does assume that. If that assumption is granted, then the only way for the immoral person to explain his behaviour would be for him to say that he knows that he is denying something that he also knows he must assert, but that he does not give a damn about the law of non-contradiction itself. Kant cannot conceive of anyone admitting that, for that would be for someone to deny that he is a rational being at all.

I believe something like this was Kant's deepest derivation of the moral law. It may have difficulties of its own, but it seems neither circular nor to require a problematic interpretation of Kant's definition of humanity. I will await Caranti's response to this proposal. But for now I want to turn to a second point about his defence of a Kantian foundation for human rights, namely his view about exactly what human rights might be able to be grounded on a Kantian foundation. In his chapter 3, on 'The Dignity Approach', Caranti proposes to update Kant's own approach for an account of human rights that would be sustainable in the contemporary world. A chief part of his argument is that 'an appeal to autonomy is not a parochial move and even less a simple-minded and misplaced appeal to the Enlightenment' (p. 59). Part of his argument is that a dignity approach need not be limited to the specifics of Kant's own formulation of the categorical imperative, but that 'humans act autonomously not only when they follow the Categorical Imperative, but also when they adopt different moral formulas – like the Golden Rule – or act virtuously in an Aristotelian sense' (p. 58); basically what is required is just that human beings be capable of acting in accordance with a conception of their duty that allows them to rise above mere inclination, and instead to achieve 'a habituation to establish a degree of detachment from [their] deepest comprehensive convictions in favour of a negotiation with other individuals who adhere to reasonable comprehensive doctrines radically different from the one[s] they uphold' (p. 92). Caranti also argues that this is a part of all 'the major religious traditions' (p. 59) because:

No religion, or at least no serious interpretation of a religious tradition, has room today for a forced adherence to the faith by potential believers. It is recognized without exception that only a free and autonomous endorsement makes the individual merging into a community of believers worthy. This means that ... individual autonomy is recognized as an essential ingredient – actually a precondition – of any authentic religious experience. (p. 103)

This might sound like a specifically Protestant assumption, clearly present in such writings as Locke's *Epistola de tolerantia* (1689) and Part Three of Kant's *Religion within the Boundaries of Mere Reason* and, when present in writings from other faiths, such as Moses Mendelssohn's *Jerusalem*, then clearly adopted from Protestants such as Locke. Caranti makes some effort to show that this assumption has always been present in other traditions such as Confucianism, Buddhism and even Hinduism (p. 85). But whether or not a few quotations from classical texts of each tradition would suffice to prove his point, it seems to need some philosophical argument as well. I like to think that, with proper Socratic questions, an adherent of any religion could be led to concede that she would not like it if her preferred religion were *forced* upon her, say by 'enhanced interrogation' techniques, and then to concede that if she wants her own choice of religion to be free then, by some principle of reason such as treating like cases alike, others should be free to choose theirs as well. But this would require more extensive argument than Caranti has given or than I can give here.

My main point here, though, is that Caranti does not say very much about just how specific a list of human rights can be derived from his refined Kantian approach. It is clear that he thinks that Kant's own rights to equality before the law, freedom from unwarranted legal disability and freedom of speech do follow. It is clear that he thinks that 'discrimination according to sex, race, or religious belief' is ruled out, thus that there is a human right to equality in spite of differences in sex, race or religious belief (p. 88). It is also clear that he thinks that some of the supposed rights included on modern lists of human rights, like the 1948 Universal Declaration of Human Rights, such as 'a human right to rest and leisure, including holidays with pay' (Article 24), or 'the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits' (Article 27), are too specific or go too far (p. 42), and raise questions about exactly who would have the *obligation* to satisfy such rights. But all that Caranti has to say about where to draw the line between the obvious human rights and the obviously dubious claims to human rights is that:

the specific ways in which societies decide what it takes to respect people in a way consistent with their autonomous status legitimately vary, depending on socio-economic and cultural contexts. Each society is expected to spell out in its own way what respecting human beings requires, and there is nothing incompatible with our

approach in acknowledging that the threshold will vary with time even within the same society. (p. 89)

I think that this position weakens the claim of human rights to ground criticisms of (even if not interventions in) specific societies that Caranti claims to be an advantage of his approach over the ‘practice-based/political foundations’ approach, and that there is more to be said on this issue.

Specifically, I think that Kant’s own philosophy of right implies a fuller list of human rights than his initial account of innate right (and Caranti’s endorsement of it) might suggest. For innate right and its three divisions do not exhaust Kant’s catalogue of basic human rights; on the contrary, his account of ‘acquired right’, divided into ‘private right’ and ‘public rights’, continues his catalogue of basic rights – essentially, the whole of the Doctrine of Right concerns basic human rights. To be sure, there is a difference between ‘innate right’ and ‘acquired right’, namely that the former supposes simply that human beings interact with one another in such a way that the external use of choice by anyone has the potential to interfere with the external use of choice by others, while the latter makes the further assumption that human beings need to occupy a position on the surface of the earth and use the fruits of the earth to achieve their ends, and need to interact with each other in specific ways, such as exchanging labour, engaging in sex whether or not for the purpose of procreation, and bringing up children. But Kant’s argument is that there is a *rightful way* in which to occupy the earth and engage in such relationships, thus that all people have a *right* to attempt to occupy property and engage in short- or long-term relationships with others in a rightful way. From this we could generate basic rights to seek to acquire property on equal terms with others and seek to enter into contracts for specific exchanges of goods as well as contracts for long-term relationships such as marriage and employment on equal terms with others.

Note, the proposal is not that everyone has a basic human right to have property or be married – for the latter, for example, they have to find a willing partner, and no one is under an obligation to be such a partner! – but the right to seek such goods on equal terms with others. Such rights are rights to opportunities, not outcomes. Then, since Kant argues that ‘public right’ – the juridical condition of a just state – is a condition of the possibility of private right – specifically, a condition for the determinacy and security of private right – we can further argue that people have a basic human right to live under and participate in a just political condition, thus to be governed by laws that live up to the rational idea of a



social contract, whatever exactly the form of the legislature that interprets that idea in the form of particular laws, under an executive that limits its role to the enforcement of such laws, and under an impartial judiciary. Kant does not spend much time on the details of genuinely rightful – that is to say, republican – government, but such details as he does offer, such as the prohibition of hereditary offices, suggest again that what he is after is equality of opportunity, in this case the equality of opportunity for people to participate in their own government.

Thus from Kant's own suggestions we could assemble a list of basic human rights: equality before the law; freedom of speech and action as long as that leaves others free; equality of opportunity to seek employment, to seek marriage and other personal relationships, and to seek to acquire property; the right to live under a just government and the freedom to participate in it. Some things must surely be left to negotiation within particular societies, such as whether an executive that understands itself as an agent of the legislature needs to be elected by the legislature (a parliamentary system) or can be elected independently of the legislature (a presidential system); what the appropriate age for the right to vote is, and so on. These details will never be settled by a list of basic human rights. Perhaps the list of basic human rights needs to be made more precise in other ways, but it is hard to imagine that it would ever become so specific as to include the right to paid holidays or free entrance to art shows. But be all this as it may, I would like to hear more from Caranti as to how the list of basic human rights can be extended beyond Kant's innate right to freedom without everything beyond that becoming a matter for negotiation within particular societies.

## 2. Political Progress

I am going to turn now from Caranti's Part 1 to his Part 3, on progress. I am proceeding in this order because the topic of political progress is more general than that of peace, bearing as it does on national as well as international politics. I will conclude with a brief comment on Caranti's treatment of perpetual peace.

Caranti's treatment of political progress is divided into a discussion of Kant's 1784 essay *Idea for a Universal History*, the 1795 pamphlet *Toward Perpetual Peace* (which is also the central topic of his Part 2), and a concluding chapter on the necessity of judgement for the moral politician. He argues that the 1784 essay still includes an assumption about the 'natural predispositions' of humankind that must inevitably be realized in the course of human history, which is unnecessarily metaphysical

but which is dropped from the 1795 essay. In *Toward Perpetual Peace*, by contrast, Kant proposes only empirical arguments that certain conditions make progress towards peace more rather than less *probable*, without guaranteeing that world peace, as the ultimate condition of justice, *must* emerge in the course of human history. Caranti takes it that this suffices to make our pursuit of world peace rational, by establishing the ‘can’ that is necessary to sustain the ‘ought’ of our duty to realize peace, or, in the terms Caranti likes, by establishing that the goal of world peace ‘does not violate *ultra posse nemo obligatur*’ (there is no obligation beyond possibility) (p. 223). I put this point slightly differently in a volume that was published by Caranti in 2006, arguing there that the natural mechanisms that Kant describes – the lessons that human beings are supposed to learn from their experience of incessant war – do not afford a guarantee of eventual world peace but do afford mechanisms that politicians of good will can use to realize peace. That is why the essay, though it starts off by talking about nature’s guarantee of eventual peace, ends up with its Appendix on moral politicians (Guyer 2006). (Kant’s conception of moral politicians is the subject of Caranti’s final chapter, where he argues that they need well-trained judgement as well as moral laws, a conclusion which nobody will deny.) But Caranti objects to a central argument of my paper, namely that Kant’s theory of radical evil in the *Religion*, which is itself just a corollary of his radical, libertarian, transcendental idealist theory of human freedom, must undermine any idea of a *natural* guarantee of freedom, because Kant’s theory of supersensible freedom means that human beings can *always* choose evil over good (as well as vice versa), and thus can themselves undermine even the most beneficial tendency of any merely natural mechanism. Caranti objects to this objection, which he calls the ‘anthropological concern’, alongside two other objections to the idea of a natural guarantee of peace, which he calls the ‘epistemological’ and ‘moral’ concerns. In all three cases, Caranti seems to be defending Kant’s idea of a guarantee of eventual peace or at least uninterrupted if asymptotic progress toward it, even though his own argument in Part 2 is that the conditions for peace described in Kant’s essay only make peace more probable – so I do not quite see why he wants to defend Kant’s idea of a guarantee. The epistemological objection is that we cannot know enough about the future to allow talk about a guarantee (p. 221), to which the response is that “‘good grounds for hoping’ that we are approaching perpetual peace’ are ‘sufficient to establish the meaningfulness of our duty to realize a condition of public right (at the domestic, the international, and the cosmopolitan levels)’ (p. 222). This seems fair enough, and close to my own position, though hardly a guarantee of perpetual peace. The moral objection is that ‘If nature does the job of

bringing about peace *despite us*, the *duty* to promote perpetual peace becomes void', because 'Not only *ultra posse*, but also *pro necessitate nemo obligatur*' (p. 221), that is, there is no obligation to do that which will necessarily happen anyway (a premise, it might be added, that Kant assumes in his argument that we have no duty to pursue our own happiness because we naturally do so; see MS, TL, Introduction, section V.B, 6: 387). Caranti's response to this objection is that 'Our rational (that is, freely chosen) plans can accelerate the coming of a "period" that would be – no matter what – the final destination of human affairs' (p. 232). Nevertheless, he objects to my argument that the radical freedom of human choice can *decelerate* or obstruct any natural tendency even to the most morally desirable end.

Caranti's objection to my position is that the only alternative ground of choice to morality is self-love – 'it is stipulated that the radically evil person deviates from morality out of self-love' – but that self-love offers no reason to subvert the natural tendency to peace. '*Ex hypothesi*', he argues, 'nature makes the interest of individuals and groups better served by peace', so offers even the radically evil person no reason 'to subvert the course of nature to bring about a condition that is contrary to her own self-love' (p. 230). But this response is problematic. First of all, it overlooks that for Kant self-love subsumes *all* 'material' grounds for choice (see *Critique of Practical Reason*, Theorem II, 5: 22), thus the desire to gratify *any sort of inclination*, even the most momentary inclination to pervert what would otherwise seem to be the moral destination of nature just for the fun of it. Second, and perhaps more seriously, it assumes that all human beings, or at least any in a position of power sufficient to influence the larger course of human affairs, have a sound, prudentially rational grasp of the long-term consequences of their actions, and thus even if acting only out of self-love will always act out of a long-term understanding of their self-interest on which that is identical to what morality requires. In other words, even if a knave, the radically evil person is not a fool, and will realize that her self-interest is always best served by the same course of action that is required by morality. But not only is this assumption belied by all too much bitter experience of foolish leaders who cannot even properly calculate their own self-interest, say by our current experience of US governance; Kant himself also makes no such assumption. This is clear from his general argument that morality cannot be based on any principle that makes happiness, whether one's own happiness or that of all, the complete good, because human beings are no good at grasping what will make them, individually or collectively, happy over the long run, and equally no good at calculating the means to happiness

(GMS, 4: 418–19). That is why the fundamental principle of morality has to be formal rather than material, and why happiness can re-enter the complete object of morality only as part of it, and only through the back door of the concept of the highest good. So Caranti's idea that the evil person will always calculate that her self-interest is best served by what morality requires, including world peace, is un-Kantian, and, I would venture to say, unrealistic – though so much else in his work is refreshingly realistic.

### 3. Peace

I found Caranti's Part 2 the most convincing part of his work. He argues against the 'Democratic Peace Theory' of Michael Doyle and others that Kant's thesis was, and the truth is, not simply that democratic governments have not made and will not make war against each other, but rather, first, that what Kant means by *republican* government is far from mere majoritarian rule, but also includes, crucially, the division of powers and constitutional protections for minorities (of any kind), and, second, that it is only with the joint satisfaction of *all* the conditions for peace that Kant identifies, thus those that Kant identifies in his 'preliminary' as well as 'definitive' articles for the treaty of perpetual peace, that such peace can reasonably be expected to prevail. Thus, in addition to requiring republican government in the individual nations (whose separate sovereignty is taken for granted by Kant), a league of such nations (non-coercive) and the extension of cosmopolitan right throughout the world, peace also requires the prohibition of standing – in our terms, volunteer, professional – armies, national debt for military purposes, intervention in the internal affairs of other nations, the use of assassins and so on. All this seems right, and Caranti's discussion of how professional, volunteer armies can undermine the beneficial effect that Kant expects from republican governments, by shifting the most dramatic costs of wars, namely the sacrifice of their children, from the bulk of the citizenry in just the same way that a despot could shift those costs to his subjects (pp. 188–9), is particularly compelling.

However, my chief reservation about this part of the book concerns Caranti's interpretation of Kant's conception of cosmopolitan right, the third of Kant's 'definitive' articles for perpetual peace. While he does not go so far as some others in the generosity of his interpretation of this concept, taking it to indicate a comprehensive, positive obligation to improve human living conditions world-wide, Caranti does interpret it as 'a right to come to know each other, to get in contact with foreigners in order to lay down the basis of a community wider than the national

one' (p. 156), and in this way as preparing the way for a 'growing global moral conscience' (p. 157) that would constitute an explicitly moral motivation, a form of respect for duty as such, for world peace, rather than leaving world peace to be the natural consequence of merely natural mechanisms. I think that this is still more than Kant had in mind, which was just – though in his time this was no little thing – an anti-colonialist *restriction* of any presumptive right of persons of one nation to claim and occupy other already occupied regions of the earth for their own benefit. Kant's account of cosmopolitan right is negative – it 'does not extend beyond the conditions which make it possible to *seek* commerce with the old inhabitants' of other regions of the earth, the '**right to visit** ... to present oneself for society' with others, whether for commercial or other forms of exchange (*Toward Perpetual Peace*, 8: 358). Kant so quickly turns to the theme of anti-colonialism, contrasting peaceable relations between 'foreign newcomers' and 'old inhabitants' with 'the **inhospitable** behavior of civilized, especially commercial, states in our part of the world, the injustice they show in **visiting** foreign lands and peoples (which with them is tantamount to **conquering** them' (ibid.), that I think there can be no mistaking his point. Caranti does mention Kant's 'condemnation of colonial states and their unfair business with extra-Europeans' (p. 158), but I do not think that he sees this as the main point of Kant's treatment of cosmopolitan right. His approach risks diluting the power of Kant's anti-colonialism, a healthy corrective to Kant's all too well-known racism in some other contexts.<sup>3</sup>

In spite of the several differences I have discussed, I find *Kant's Political Legacy* to be a valuable demonstration of the ongoing contribution that Kant can make to the discussion of important issues in national politics and international affairs. It is particularly salubrious in our time of increasing illiberalism world-wide. It would be nice to think that it might find some reception beyond the narrow circle of professional Kant scholars and political philosophers and theorists. It should also be particularly welcome in the Anglo-Saxon world, where Kant's radical revision of natural law theory has never gained much traction, but where it could be a valuable corrective to the inward-looking tendencies of the common law tradition currently on such worrisome display in the US and UK.

### Notes

- 1 All translations from Kant other than my own will come from the Cambridge Edition, in particular from Kant (1996). However, I will follow the practice of the Cambridge translations of the *Critique of Pure Reason* and the *Critique of the Power of Judgement* in using boldface rather than italic type to render the *Fettdruck* that Kant used for emphasis; that typographical strategy allows for a ready distinction between Kant's own emphasis, his

indication of what he regarded as foreign words by roman type, and any added emphasis by the commentator, which can be indicated by italics. Abbreviations used: GMS = *Groundwork of the Metaphysics of Morals*; MS = *The Metaphysics of Morals*; RL = Doctrine of Right; TL = Doctrine of Virtue.

- 2 Sheet inserted in the *Observations* after p. 54 (*Akademie* edition 2: 230); translated in Kant (2011: 129–30).
- 3 On this issue see, of course, Kleingeld (2012: ch. 4).

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