

THE SECRET EDUCATION OF A WISE SOVEREIGN:  
TOWARD KANT'S IDEA OF PERPETUAL PEACE

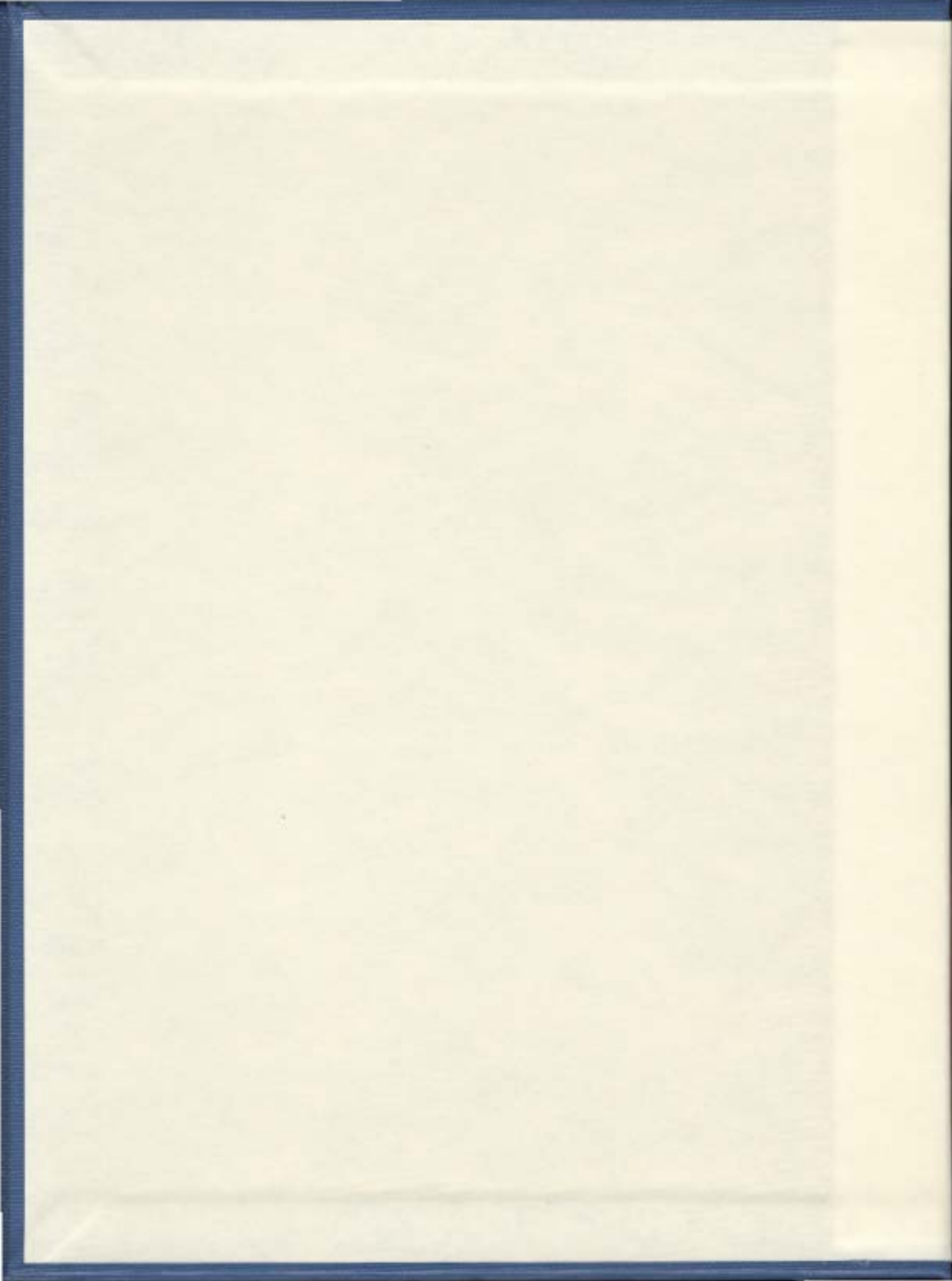
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# The Secret Education of a Wise Sovereign: Toward Kant's Idea of Perpetual Peace

by

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## Abstract

*Toward Perpetual Peace* is Immanuel Kant's treatise on international peace. The argumentative strategy of the text is aimed at increasing the likelihood of peace by reducing the risk sovereign nations face when attempting to trust one another. As part of the risk reduction strategy Kant prohibits nations from keeping secrets. Secrets erode trust and thus jeopardize the movement toward perpetual peace. Having established this, Kant issues the Secret Article for Perpetual Peace which allows the sovereign to benefit from the counsel of an educated citizenry without acknowledging their influence and, in effect, he receives counsel in secret. Kant acknowledges the contradiction yet defends it, claiming that public consultation is damaging to the sovereign's dignity and thus must be conducted in secret.

Although the dignity defense is ultimately a self-refuting and, therefore, inadequate grounds for the secret article, this thesis argues that the article can be understood as being commensurate with Kant's project of enlightenment. I resolve the contradiction by reading the article in the context of *What is Enlightenment?*. Not only is the article coherent in this context, it necessarily creates a range of action beyond the contractual limitations dictated by the private obligations of the social contract to empower the sovereign to take possession of his reason and become an enlightened public thinker. This is the secret education ensured by the secret article.

# Acknowledgments

I would like to thank the entire Philosophy Department of Memorial University of Newfoundland for igniting and fanning the flames of my desire to pursue the discipline of philosophy. Such generality, however, is not in keeping with philosophical demands for specificity and clarity, so I will name names.

Specifically I wish to extend my deepest gratitude to Suma Rajiva. As my supervisor, Dr. Rajiva has been an inestimable asset, an invaluable ally, and an indispensable friend. Dr. John Scott is equally deserving of my gratitude. He and I go back to the beginning of my undergraduate studies and like no other person I have met, or professor I have encountered, Dr. Scott communicates the spirit and importance of the philosophical imagination.

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## Table of Citations

Kant's works are quoted by the pagination of *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*. Translated and Edited by Mary J. Gregor. The following abbreviations are used:

Abbreviation	Title
Practical	<i>Critique of Practical Reason</i>
Groundwork	<i>Groundwork of the Metaphysics of Morals</i>
Common	<i>On The Common Saying: That May Be Correct In Theory, But It Is Of No Use in Practice</i>
Peace	<i>Toward Perpetual Peace</i>
Enlightenment	<i>What Is Enlightenment?</i>

# Introduction

## A Well Kept Secret or an Ignored Inconsistency

It is not surprising that *Perpetual Peace* should be Kant's most popular work. What is more difficult to explain is its relative neglect by rigorous scholarship. *Perpetual Peace* has not received the same intense treatment given to his more systematic writings on the foundations of knowledge or morality, or even to Kant's thinking on mathematics, physics, aesthetics, politics or religion. This cannot be explained by saying that as a piece of popular writing, *Perpetual Peace* is simple and unproblematic, its arguments so plain and straightforward that it needs no exegesis or critical discussion. On the contrary, the text bristles with problems which have scarcely been noticed, let alone solved (Wood 9).

This is an excerpt from Allen Wood's address to the opening session of the Eighth International Kant Congress in 1995. In commemoration of the two hundredth anniversary of its publication *Perpetual Peace* was chosen as the theme for the conference and this meeting of Kant scholars in Memphis marked a watershed in the study of Kant's treatise on international relations. Since Wood's claim that the text has been neglected by serious scholarship, there has been an increasing interest among philosophers in *Perpetual Peace*. While Wood's claim that philosophy has been a Johnny come lately with respect to Kant's *Perpetual Peace* appears to be true, there has nonetheless been a steadily growing interest in the text since the Eighth International Kant Congress at which Wood spoke.

The second edition of Kant's *Perpetual Peace* featured the addition of a secret article. The secret article allows the sovereign to benefit from the counsel of an educated citizenry without acknowledging their influence and thus, in effect, he receives counsel in secret. This addendum presents some serious and troubling challenges for the coherence of the text. The article contradicts substantial portions of the text and Kant himself acknowledges that it is an objective contradiction to negotiations of public right (*Peace* 337). Kant defends this subterfuge by claiming that public consultation is damaging to the sovereign's dignity. However as I will show this defense is self-refuting in light of Kant's account of dignity.

In spite of the growing interest in *Perpetual Peace* since Allen Wood's presentation, there has been little or no serious scholarship devoted to understanding the secret article for perpetual peace. Rather scholars either ignore the article altogether, or they read it as ironic and thus dismiss its importance.

This thesis argues that resolution of the contradiction requires a non-ironic approach to the secret article. It will specifically argue that the "secret article for perpetual peace" enables the enlightenment of the sovereign. The secrecy of the article appears to be in contradiction to Kant's expressed prohibition against state secrets. However, focusing on the enlightenment and the sovereignty of the monarch enables the reader to resolve this apparent contradiction by situating

both the secret article and *Perpetual Peace* in the context of Kant's overall project of enlightenment.

Even though Wood complains that philosophy has been remiss in failing to address *Perpetual Peace* it has nevertheless had substantial impact within the discipline of political science and its sub-disciplines of international relations and peace and conflict studies. The debates within the field of international relations are relevant to this thesis because of their discussion of realist and idealist theories of international politics. I conclude that the secret article is a necessary requirement for idealist politics based on my reading of the secret article, which argues that the article provides for the enlightenment of the sovereign.

An extensive treatment of the foundational role Kant's essay has had on the field of international relations can be found in Mark Franke, *Global Limits: Immanuel Kant, International Relations, and Critique of World Politics*. He argues that the discursive poles of the debate's realist and idealist theories of international relations have *Perpetual Peace* as their theoretical pedigree. Franke notes that idealist theorist often identify themselves and are identified by others as being closely aligned with Kant. He states that,

Kant's name [is] generally presented with international relations literature as signs for the pinnacle of an idealism against which a tradition of political realism entrenches itself. In this fashion, he is conventionally received within the discipline as the fundamental proponent of and anchor for a naive spirit who proposes and predicts an eventual evolution of international relations toward a

world-wide peaceful federation of states, wherein basic agreement and consensus may be achieved among all peoples (Franke 16).<sup>1</sup>

Franke claims that, "Despite the variety of approaches that fall within the broad discourse that constitutes modern theories of international relations, they all ultimately reproduce ways of expressing the limits of human experience and reason as articulated by Kant" (Franke 6). Franke is primarily concerned with the link between sovereignty and knowledge at the core of Kant's republicanism. He summarizes Kant's position as follows; a republic is "a state that, ideally, gains its unity through the will of the people at large, not simply at the will or interest of the monarch, aristocracy, or majority. Hence, the republic is truly sovereign in itself and, thus, self-legitimizing" (Franke 8). Franke goes on to quote from Jens Bartelsom's, *A Genealogy of Sovereignty*, which expresses the link as follows: "sovereignty and knowledge implicate each other logically and produce each other historically" (8). This is something of a controversial claim since realist theorists, who make power relationships the central explanatory feature of international relations, have criticized and defined themselves in opposition to Kant's rationalism. Within international relations and political science departments Kant is often portrayed as an idealist who prefers international government to state power. Franke argues that *Perpetual Peace* contains ammunition for either camp and sets the limits of the debate and thereby defining the discipline. Furthermore, he argues that scholars on both sides have

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<sup>1</sup> Agreement and consensus are the defining traits of the idealist position and they differentiate the idealist camp from a realist position which have force and power as defining traits.



practised selective citation and revisionist interpretation, and moreover, in spite of its foundational status they have not devoted sufficient scholarly efforts to examining *Perpetual Peace*, preferring instead to use it as a source of authority. In a section entitled “The Need for Philosophical Reflection”, Franke states,

what is perhaps of even greater concern is the fact that little in the way of serious self-reflection is manifest among those international relations scholars who draw on *Perpetual Peace*. As Kantian positions are assumed and often uncritically promoted with this literature, so is it the case that paltry attention is paid to the intellectual commitments underlying the various shades of international relations theory (61).

Whether or not Allen Wood was including political science and international relations in his account of serious scholarship I cannot say. However, even if Wood was not thinking of the idealist/realist debate within the sphere of international relations studies, the schedule of speakers at the Memphis Congress included presentations that address the realist/idealist debate in a philosophical context, specifically Daniel Breazeale and George Geismann’s papers, “‘*More than a Pious Wish*’: Fichte on Kant on Perpetual Peace” (943-59) and “On the Philosophical Unique Realism of Kant’s Doctrine of Eternal Peace” (273-89) respectively. Both of these papers address the legalistic approach of Kant’s theory of international relations based in the sovereign right of states. They look to his legalism to reveal what Geismann calls Kant’s unique realism. Kant’s unique realism is his response to realist theorists who, as I previously stated, view power as the manifold for understanding relationships between states. Kant’s realism is based on sufficient

legal conditions for peace rather than being contingent on the good will of individuals and thus is not subject to piety. He demonstrates this by making the argument that the rights of states are established in the same fashion as individuals. Geismann asserts that,

what has been said about individual men in the state of nature is also true for States. Before a civil condition is established, they too are in a juridical state of war of all against all. And this, again, is totally independent of how moral people are. Thus, with regard to the external relations among States, the Right of humanity and possible acquired rights still remain insecure until these relations, too, are regulated by public Right. Therefore, practical reason declares it to be an unconditional (juridical) duty also of States to accord with one another. They have to give up their 'state of externally lawless freedom' (276).

He asserts that even though Kant's solution is not grounded in the state of nature it is nevertheless a realist theory because it is an outline for attainable international relations. Geismann claims that "the *problem of establishing peace* is soluble for mankind because mere *rules of expediency* are sufficient" (264). This having been said, the unique realism of the legal solution is not without problems and is particularly vulnerable to the kind of criticism Hegel launched against *Perpetual Peace* claiming the sovereign was purely mechanical on Kant's account. Sovereigns are seen as robotic figureheads presiding, in light of Geismann's argument, over mechanistic states which interlock in the matrix of international law. While there are merits to Hegel's criticism, and Geismann's praise, mechanical readings of Kant's political philosophy neglect to account for the free use of reason in his thought. Even though Kant set out clear moral laws

to guide human behavior, their application is not always clear and they require the judgment of free individuals. In matters of state the free judgment of the sovereign is of paramount importance. After all, Kant believes, it is they who will negotiate a lasting peace. As a result of my reading of the secret article as facilitating the enlightenment of the sovereign, the problems of a mechanical sovereign appear throughout this thesis. Most notably Chapter Three of this thesis builds on the analysis of Kant's defense of the Article presented in my Chapter Two in order to explore the linkage between legalistic readings of *Perpetual Peace* and the specific shortcomings of such readings to ground an idealist politics. I conclude by suggesting that purely legalistic accounts in fact destabilize Kant's project in ways of which Kant was aware and warned against.

However, debates in political philosophy concerning *Perpetual Peace* are not limited to the idealist/realist controversy and formal legal discussions. They also encompass more specific discussions about the nature of world government, as well as, civil society and the public sphere. Sidney Axinn presented a paper at the Sixth International Kant Congress, entitled, "Kant on World Government." In 1995 James Bohman presented a paper to the Eighth Congress on cultural issues entitled, "The Public Sphere of the World Citizen," and since then he has addressed the topic of cosmopolitanism in his 1998 essay, "The Globalization of the Public Sphere: Cosmopolitan Publicity and the Problems of Cultural Pluralism."

The appendices to *Perpetual Peace* address the relationship between morals and politics. There is the moral and legal question about the duty to promote peace. This is a complicated issue for scholars of *Perpetual Peace* given that Kant is clear that the sovereignty of independent nations ought to be respected and they ought to be free from external intervention. That being said, there are compelling arguments for nations to take it upon themselves to intercede in the affairs of other nations in the name of peace. These debates have been explored in essays such as Harry Van der Linder's paper, "Kant, the Duty to Promote International Peace and Political Intervention."

In addition to the question of the duty to promote peace Kant also contends with the role of moral reason in political decision making in the appendices to the text in which he introduces the distinction between the moral politician and the political moralist. The moral politician is one who acts in accordance with the moral law, while the political moralist uses seemingly moral justifications to further his or her heteronomous desires.

While some commentators have focused on the role of the moral law in Kant's theory of international relations, others have chosen to examine the theory in relation to Kant's rationalism. They address questions about the rational foundations of *Toward Perpetual Peace*. This question is related to an account of the education and enlightenment of the sovereign central to this thesis and thus the question is both impacted by and has impact upon the importance of the secret article. Both Arto Siitonen and Willem van der Kuijlen explore questions in

their essays, "Transcendental Reasoning in Kant's Treatise on Perpetual Peace," and "The Politics of Reason: The Theoretical Background to Perpetual Peace and Secrecy."

Mark Franke's *Global Limits*, has been the most comprehensive survey of political thought related to *Perpetual Peace* since the Congress and even more recently Peter Fenves', *Late Kant: Towards Another Law of the Earth*, analyses the importance of the metaphor of failure represented by the graveyard on the innkeeper's sign at the beginning of *Perpetual Peace* as instrumental for creating a rhetorical space for its publication and acceptance in 1795. Fenves' analysis depends on the ironic and satirical connotations of the innkeeper's sign to demonstrate Kant's rhetorical strategy of making his work appear innocuous and thus less threatening to the power of heads of state. Fenves writes, "as long as the project Kant Proposes in *Toward Eternal Peace* is understood as nothing more than a 'sweet dream,' as long as it is understood as a failure from the start, there can be no reasonable objection to its publication"(93).

Although Fenves is novel in his use of irony, he is not the only scholar to comment on irony in *Perpetual Peace*. He does not follow the lead of other commentators, such as, Siitonen and van der Kuijlen, who ignore the interpretive symbology of the innkeeper's sign and focus instead on Kant's Secret Article for Perpetual Peace as the locus of irony in the text. These two argue that Kant is being ironic with the secret article and thus dismissed its importance in a manner not unlike that which Fenves applies to the dismissal of the text in general.

Rather than addressing the secret article Fennes, like Franke who examines every other section of *Perpetual Peace*, completely ignores the secret article.

This lack of scholarship on the secret article is most problematic because the article contradicts an explicit rejection of secrets by the Transcendental Concept of Public Right contained in *Perpetual Peace*. Arguments that depend on the Transcendental Concept of Public Right, such as Siitonen's argument that the public use of reason can resolve problems with the compatibility of moral laws and political realism, completely fall apart if the contradiction presented by the secret article is not resolved. Furthermore, Siitonen's solution neglects to acknowledge the importance of an enlightened sovereign because he provides a mechanical solution. He relies too heavily on the procedural and legalist resolution he finds in the Transcendental Concept of Public Right and thus dismisses the secret article because it does not fit neatly into a clockwork reading of *Perpetual Peace*. By contrast, this thesis contends that ignorance and irony are not sufficient solutions to the contradiction presented by the article. If scholarship is to flourish and develop a comprehensive account of *Perpetual Peace* which is compatible with Kant's philosophy, then the secret article must be taken seriously and its purpose understood. I propose that the contradiction can be resolved by appealing to Kant's analysis of the public and private uses of reason in his answer to the question *What is Enlightenment?*.

The first chapter of this thesis discusses the foundational position of trust in Kant's understanding of international relationships, introduces the reader to the

articles for *Perpetual Peace*, and concludes with an analysis of Kant's unique understanding of the unnatural character of international peace and thus the reasons why Kant must argue for a movement towards perpetual peace.

The second chapter outlines and examines three arguments for peace found in the text and criticizes Kant's defense of the secret article by exposing how the defense undermines his arguments for peace.

The third and final chapter provides an alternative solution to the contradiction of the secret article by examining *What is Enlightenment?* It concludes with a discussion of why Kant would chose to publish *Toward Perpetual Peace* with the inferior subjective defense for the secret article.

This thesis concludes with some reflections on the value and implications of an enlightened sovereign for Kant's political philosophy and the inadequacy of mechanical and legalistic readings of his project of *Perpetual Peace* in light of the use of the secret article.

# Chapter One

## The Groundwork for Preferable Peace

The second edition of Kant's *Perpetual Peace* featured the addition of a secret article. This addendum presents some serious and troubling challenges for the coherence of the text. Kant himself acknowledges that it is an objective contradiction to negotiations of public right (*Peace* 337). It is the goal of this thesis to criticize Kant's defense of the secret article and examine the article's meaning in the broader context of his project of enlightenment. The purpose of this initial chapter is to introduce *Toward Perpetual Peace* to the new reader by highlighting the moments in the text that are crucial for analyzing and understanding the secret article. It also puts forward the argument that there is symmetry between the desire for peace and prohibitions on secrets.

This chapter is subdivided into two sections. The first section accomplishes two tasks. First it demonstrates the foundational importance of trust for Kant's analysis of international relations and peace. Second, the section demonstrates the theoretical relationships that exist between trust and secrets.

After establishing the theoretical foundations of the discussion in the first section the chapter then progresses to address a challenge of a more practical nature. The second section tackles the question as to why a nation ought to prefer peace to war. This is a particularly prescient question given that Kant



agrees with realist<sup>1</sup> accounts of international relations which argue that nations naturally find themselves in a state of unfettered competition and war. The unnaturalness of peace is the subject of the second section.

### 1.1 Foundational Trust

Trust is fundamental to commodious living. Communities require that participants behave in regular and intelligible ways but there are many ways in which this trust may be established. Trust can be established explicitly by agreement such as contracts. For example, a constitution is the guarantor of trust in a republic. However, trust does not have to be explicitly established, it may be implicit. While contracts are bilateral stipulations of duties, some duties may be unilateral and need not be stipulated. The duties incumbent on the aristocracy under *Noblesse Oblige*, for example, did not have to be established in consultation with the serfs. In addition to the explicit bilateral and implicit unilateral establishment of intelligibility and regularity, trust may also come about without any stipulation and intention.<sup>2</sup> In the Parts Five and Six of Book Two of

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<sup>1</sup> Realist and idealist interpretations represent the governing dichotomy of international relations theory. Realists often cite Thomas Hobbes' political philosophy to support their claims that nations are by nature hostile and that war is the natural condition. Idealists, on the other hand, have traditionally used Kant to support their claims that interactions between nations are more accurately described as harmonious, rather, than antagonistic. They often cite such phenomena as the fact that democracies are unlikely to attack one another and attempt to theorize such empirical phenomena with appeals to Kant's first definitive article for perpetual peace which calls for all nations to adopt a republican constitution. Whether or not democracies meet the conditions set out for a republic by the article are rarely discussed.

<sup>2</sup> In his essay, entitled *Trust and Civil Society*, Asam B. Seligman cites interest groups, civil society, and social movements as examples of trust relationships that exist "beyond the state" (12). Seligman's concept of beyond the state is interesting to note because the structures and organizations he cites, while possibly having international and cosmopolitan components, exist within state borders. Although there is an international social movement for environmental protection, for example, the Rennies River Development

the *Politics*, Aristotle argues that a diamond shaped social structure with a large middle class is preferable for social stability. He reasoned that this arrangement would ensure the greatest degree of stability because the interests of the state and the interests of its citizens would be in harmony since a large majority of the population would be personally invested in the welfare of the nation. The citizens could take solace in the implicit trust that exists between their self-interests and state interests.

The development of an international community is also premised on a foundation of trust. International peace requires that nations be able to trust one another. Secrets erode trust and are therefore caustic to peace. Immanuel Kant sought to neutralize this corrosive effect of secrecy in *Toward Perpetual Peace*. The treatise is an alkaline; as a method for reducing the risk surrounding international negotiations and thus increasing the trust between nations it prohibits national secrets. *Toward Perpetual Peace* is organized in two sections and an appendix. The first section contains six preliminary articles for perpetual peace among states. The second section contains three definitive articles and two supplemental articles for perpetual peace and the appendix is divided into two subsections dealing with the disagreement and agreement of morals with politics.

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Foundation which protects a St. John's river is locally situated. The concept of beyond the state that can include local activity is more correctly described as being beyond the obligations set out by the constitution of the state and this is a concept employed throughout this thesis.

The preliminary articles for perpetual peace are designed to encourage peace by limiting and reducing the amount of risk states must endure during international dealings. The preliminary articles examine the rights and laws that should govern international relations (Franke 29).<sup>3</sup> These six prohibitions have the status of law, according to the definition of a law as a universal and necessary maxim. The preliminary articles for perpetual peace apply equally to all nations regardless of size or power. For example, small nations cannot use assassins to defend against larger nations. The following section outlines the three strict prohibitions that nations must impose upon themselves so that they may enter into a peaceful league of nations, the *fodus pacificum* (Peace 327).

The first prohibitive article states that “no treaty of peace shall be held to be such if it is made with a secret reservation of material for a future war” (Peace 317). The second prohibition states that “no independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase or donation” (Peace 318). The third article states that

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<sup>3</sup> Even though all six articles are prohibitive laws, rationally universal and necessary, they can be sorted into two groups on the basis of the temporal immediacy of their application. Some of the articles must be adopted immediately, and without such immediate adoption, no further headway could be made toward peace. (Peace 327). These are articles of *leges strictae*. The adoption of other articles can be postponed without fundamentally jeopardizing lasting peace, but given that they are laws, and as such are necessary, the adoption of these articles cannot be postponed indefinitely. These are articles of *leges latae*.

As Danile Brezaeale notes, *leges latae* are a “limiting factor” on prohibitive laws (Pious Wish 946). The rights ensured by these postponed articles are analogous to a right to exercise stock options in a stock market. Having an option on a stock does not mean that you need to buy a stock today in order to have the right to purchase it at present day prices; rather, the option entitles the holder to the right to pay present day prices at some specified future date. The right to the present day price is not given up by not purchasing today; it is rather, postponed to a future date. Likewise, the rights ensured by some articles need not be exercised immediately but neither are they given up. Kant is careful to note that laws, whose duty need not be fulfilled immediately, are not a separate species of law from prohibitive laws; rather, they are special cases where permission can be granted regarding the fulfillment of the duty.<sup>3</sup> Articles two, three, and four are such special cases. The duty to articles one, five, and six, however, must be fulfilled immediately.

“standing armies (*miles perpetuus*) shall in time be abolished altogether” (*Peace* 318-19). The fourth prohibitive article states that “no national debt shall be contracted with regard to external affairs to a state” (*Peace* 318-19). The fifth prohibition states that “no state shall forcibly interfere in the constitution and government of another state” (*Peace* 318-19). The sixth and final article necessary for perpetual peace states that “no state at war with another shall allow itself such acts of hostility as would have to make mutual trust impossible during a future peace; acts of this kind are employing *assassins* (*percussores*) or poisoners (*venefici*), breach of surrender, incitement to treason (*perduellio*) within the enemy state, and so forth” (*Peace* 320).

The three strict laws must be obeyed immediately and they are prohibitions on the actions and behavior of states (*Peace* 327). To help make the lawful structure of the articles more explicit, I will accompany each with the imperative, *ought* (or *ought not*, since they are prohibitive laws), formulation. The first article states, “No treaty of peace shall be held to be such if it is made with a secret reservation of material for a future war” (*Peace* 317). In the imperative form it prescribes that *peace treaties ought not to be entered into in bad faith*. This is a necessary precondition for peace because if parties in negotiations were consciously and actively looking to find and create loopholes through which to escape the obligations that negotiation places upon them they would surely find some, since no document or contract is immune to self-interested interpretation, or as Kant so eloquently puts it “Jesuitical casuistry” (*Peace* 318).

With a loophole firmly in hand, one party would be free to wage war on another, thus turning the peace treaty into a “mere truce, a suspension of hostilities,” or a cease fire, that would only last until a time when the particulars of the loophole are made manifest empirically (*Peace* 317). This, as Kant rightly notes, is not peace. Peace by definition is perpetual. It is not the suspension of a war. It is, rather, the suspension of warfare. In his explanation of the first article Kant makes a clear distinction between *peace* and “a mere truce” (*Peace* 317). A truce is a suspension of hostilities, whereas, peace is the end of all hostilities (*Peace* 317). Remarking on redundancy in the title of his work, Kant notes that the universal conclusion of hostility denoted by peace makes the addition of the adjective perpetual a “suspicious pleonasm” (*Peace* 317). Duty to the first article requires immediate action on behalf of the nations involved in treaty making because, without immediate acquiescence to the article, the treaty would be worthless. If bargaining parties withheld their consent to a treaty until a time at which they could find a way out of its terms, or bargained in bad faith while negotiating the treaty, there would be no grounds for the trust necessary for entering into treaties. In the case of postponement the disadvantaged party would never willingly acquiesce to terms and conditions that were not binding upon the abstaining party. Likewise, in the case of bad faith, negotiations would end immediately because there would not be the slightest inkling of trust upon which to move forward.

The fifth article is also an immediate prohibition on the actions a nation may undertake when dealing with another state. The article states, "No state shall forcibly interfere in the constitution and government of another state" (*Peace* 319). The imperative formulation is as follows: *states ought not forcibly to interfere with the governance of each other*. This seems to be a strange prohibition for perpetual peace because forcible interference in the affairs of another country would quite obviously constitute an act of war. The formulation has the appearance of a tautology: do not make acts of war if you do not want war. What Kant is considering here, however, is not so obvious. As Van Der Linden states in his essay on the duty to promote peace, "Kant suggests that just as one may not coercively interfere with the immoral conduct of a person who sets a bad example, so it is wrong to coercively interfere with a foreign state that does not harm other states but oppresses its own people" (*Political Intervention* 72). The prohibition on interference with the governance of another nation is a prohibition on military intervention in the affairs of struggling nations. It is a prohibition on states making less fortunate nations military protectorates. There is, however, one exception to this imperative that occurs when a struggling nation collapses into civil war. It is not in violation to intercede in this case because a region that is experiencing civil war is not a nation and, thus, cannot have its rights violated.

In the last half of the twentieth century both super powers provided examples of this situation. Both the former Soviet Union and the USA intervened

in the rule of foreign nations in countries such as Afghanistan and Viet Nam, and these cases seem to be clear examples of violations of the imperative. Kant claims that civil unrest is not sufficient grounds for intervention (*Peace* 320). But even when the interventionist armies claim that civil order has fully eroded and the nation has collapsed, the rulers of the collapsed, or collapsing, states, at times, deny that they are in a state of civil war. In the 1990's the ruling forces in Somalia argued that UN and US forces had no business in the country because their problems were internal matters not subject to international concern. Even though there is a quasi-exception to the fifth article and its implementation is easily disputed, it is, nevertheless, an immediately necessary prohibition on national action. The prohibition is immediately necessary because to intervene in the governance of another nation, if only for a short period of time, would still be an act of war. It is an immediate and necessary prohibition on the actions of a nation based on the need for trust between nations.

The first article stresses the need for trust in negotiations, whereas the sixth article stresses need for trust during times of war and it stipulates: "no state at war with another shall allow itself such acts of hostility as would have to make mutual trust impossible during a future peace; acts of this kind are employing *assassins* (*percussores*) or poisoners (*venefici*), breach of surrender, incitement to treason (*perduellio*) within the enemy state, and so forth" (*Peace* 320). A more concise imperative formulation would be that *warring nations ought not to undermine the trust that adversaries have in their rationality*. As Kant writes,

“some trust in the enemy’s way of thinking must still remain in the midst of war” (*Peace* 320). The use of dishonest stratagems, including but not limited to, such acts as “employing *assassins* (*percussores*) or poisoners (*venefici*), breach of surrender, incitement to treason (*perduellio*) within the enemy state,” violates just actions because they overstep the right of a nation to simply defend itself, and thus violate reason itself (*Peace* 320). Without trust in the rationality of the other, there would be no foundation for any sort of trust whatsoever. Furthermore, the use of dishonorable stratagems would be so tempting to a nation, that they would eventually be employed in times of peace as well as war, thus eroding the border between the two, creating a state of perpetual war (*Peace* 320). Hence, the prohibition on the activities, which today are commonly called special warfare and tactics, must be obeyed necessarily and immediately.

Other than the immediacy and trust of the obligation imposed, the common factor between the three strict laws is that each one is a prohibition on the behavior, or course of action, that a state may take. If nations were to disobey these laws, their actions would not conform to reason. The first and sixth articles are imperatives to act in a trustworthy manner and the fifth article is a prohibition against the act of war itself.

The logic of Kant’s position on secrets is clear and coherent.<sup>4</sup> There is a negative correlation between risk and trust. Trust is directly proportional to the

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<sup>4</sup> It is not my intention at this point to discuss Kant’s specific prohibition on secrets. Rather, in this chapter I am examining the logical challenges secrets present to peaceful international relations. Kant’s specific prohibition is discussed in the next chapter.



level of potential threat and by extension there is a negative correlation between secrecy and trust. If the level of secrecy increases between nations, then the level of trust decreases. In extreme situations the level of trust may fall so low that the relationship between two nations erodes into war. Kant's analysis of employing assassins illustrates his logic of risk reduction and trust formation (*Peace* 320). Spies are a secret weapon. They increase the threat a nation poses and there is a positive correlation between secrecy and potential threat. This secret weapon increases the risk a nation must incur when dealing with another nation which employs assassins and consequently the difficulty of trusting a nation that employs assassins is increased. Prohibiting secrets is in line with the general strategy of *Toward Perpetual Peace*, which is, to build peace by reducing risk.

Given the logical consistency of Kant's general strategy and the specific measures outlined in the "preliminary articles" the second<sup>5</sup> "supplemental article" is a contradiction. Kant entitles the second supplemental article for perpetual

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<sup>5</sup> I omit a discussion of the definitive articles and the first supplemental article at this point in order to draw special attention to the problem of secrets for Kant's strategy of increasing peace by decreasing risk. The preliminary articles are illustrations of the legalistic quality of the "objective" contradiction presented by the secret article. On the other hand, the first supplemental article and the second definitive article are concerned with the actualization of peace. The first supplemental article contains the famous "nation of devils" argument, which asserts that with nature as the guarantor of peace even a nation of devils could achieve harmonious coexistence. Whereas the first supplemental article lends natural assurance to the realization of peace, the second definitive article has a more tactical and programmatic flavor. It recommends that peace requires the arrangement of nation states with republican constitutions, as prescribed by the first definitive article, into a *fodus pacificum*, or a league of nations organized into a federation. Kant's federalism is designed as a buffer or mediating aggregation between the need for the sovereign autonomy of individual nations, as required by the original contract between a sovereign and his citizens, and the demands for nondestructive relationships between nations. In the subsequent section of my text, entitled *Unnatural Peace*, I employ the first supplemental article to support my reading of the second definitive article.

peace “The Secret Article for Perpetual Peace.” The content of the secret article allows the sovereign to benefit from the counsel of an educated citizenry without acknowledging their influence and thus, in effect, he receives counsel in secret. He openly acknowledges the challenge this supplement presents to his textual strategy. He writes that, “a secret article in negotiations of public right is *objectively*, that is, considered in terms of its content, a contradiction” (*Peace* 337). Kant clearly defines what he means by public right in the second subsection of the appendix. The public character of a right is of key importance for his definition. Kant reasons that if he were to

abstract for all *matter* of public right as teachers of right usually think of it (from the various empirically given relations of individuals within a state or also of states to one another), [he is] still left with *the form of publicity*, the possibility of which is involved in every claim to a right, since without it there would be no justice (which can be thought only as *publicly known*) and so too no right, which is conferred only by justice (*Peace* 347).

Kant rejects the empiricist argument for natural rights. Rights result from justice and justice requires public assertion. Justice and publicity are linked because public discourse is the laboratory of reason, as expressed in the statement that “every claim to a right must have [the] capacity for publicity” (*Peace* 347). Kant continues by arguing that,

since one can very easily appraise whether it is present in a case at hand – that is whether or not publicity is consistent with an agent's principles – it can yield a criterion to be found a priori in reason that is very easy to use; in cases where they are inconsistent we can recognize at once, as if by an

experiment of pure reason, the falsity (illegitimacy) of the claim in question (*praetensio inuris*).

After abstracting in this way from everything empirical that the concept of the right of a state or the right of nations contains (such as the malevolence of human nature, which make coercion necessary), one can call the following proposition the *transcendental formula* of public right.

‘All actions relating to the right of others are wrong if their maxim is incompatible with publicity’ (*Peace* 347).

The transcendental formula proposes that actions which are in accordance with the a priori principle of justice, that is, just actions that can be applied necessarily and universally as law, must be able to withstand public scrutiny. Actions which cannot withstand public debate and scrutiny do not meet the sufficient conditions for being lawful. When Kant states that a secret article is objectively a contradiction he is making the claim that it cannot meet the criterion for a lawful action. Thus the secret article objectively contradicts the general strategy of risk reduction and trust building established by the lawful preliminary articles.

Kant attempts to justify or at least defend the secret article by arguing that while it is objectively unjustified it is subjectively legitimate. He argues that a secret article in negotiations of public right is “*subjectively*, appraised in terms of the quality of the person who dictates it, a secret can well be present in them, in as much as a person finds it prejudicial to his dignity to announce publicly that he is its author” (*Peace* 337). Unlike the preliminary and definitive articles the secret is not instantiated as part of the legal institutions. Kant notes that the secret article “requires no special arrangement of states” (*Peace* 337). It is not

objective; rather the secret is internalized and the contradiction is concealed within the agent. The secret is tacitly assumed. As Kant notes, “a state will *therefore invite [philosophers’] instruction tacitly* (thus making a secret of it)” (*Peace* 337). The state does not and cannot explicitly ask for secret consultation. It must, as he says, “allow [philosophers] to speak freely and publicly” and the state must passively listen to this public discourse, thus receive instruction tacitly (*Peace* 337). Kant’s appeal to the ‘tacit’ is an attempt to avoid the systemic contradictions of the secret article by shifting the article from the objective legal realm occupied by the preliminary articles into the subjective realm of dignity thus making it a debate about the moral character of the sovereign. The ‘tacit’ avoids the requirements of contractual obligations and political practice. Thus when Kant uses the term ‘tacit’ he is signaling the subjective and the moral as opposed to the legal and the political, and this is the way in which the term is used in this thesis.<sup>6</sup>

This is a subtle piece of argumentation and before analyzing the validity of this argumentative strategy and any challenges it may present to international peace it is necessary to address the question as to why a nation would prefer peace in the first place.

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<sup>6</sup> Chapter three examines the tacit character of the secret article in light of the private and public uses of reason Kant developed in *What is Enlightenment?*. This analysis reveals that the tacit structure is devised to accommodate the free public use of reason. The analysis demonstrates that the public use of reason goes beyond the explicit dictums given by the requirements of contractual obligations and thus the free expression of public debate falls under the tacit protection of the secret article.

## 1.2 Unnatural Peace

Up to this point I have written as if nations start out in a state of peaceful coexistence and degenerate into a state of war when trust is eroded by international secrecy. This question is particularly important because peace is not the natural condition of nation states. If peace is unnatural it is not unreasonable to ask why a nation should expend its efforts and resources and move from a condition of war to one of peace. This is all the more pertinent a question for nations that are thriving in the natural condition of unfettered competition. Although Kant in the sixth preliminary article comments that punitive war is unthinkable, there is no need to believe that this was or will always be the case.<sup>7</sup>

Kant's theories of right and justice are based on the public use of reason and although he rejected natural right theory and strongly opposed its leading proponents, such as, Hugo Grotius, Samuel Pufendorf and Emmerich de Vattel, he nevertheless agrees with these theorists in respect to the original condition of humanity (*Peace* 326). Like those natural right theorists and the contemporary realist school of international relations, Kant by and large supports the claim that both individuals and nations naturally find themselves in a state of war. Franke characterizes Kant's support for this claim as follows,

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<sup>7</sup> To update this example, one might think of the recent cold war in the same way as MAD, or mutually assured destruction, theorists. The MAD theory argued that the former Soviet Union and the USA were in a nuclear stalemate and that the arms race ensured global stability. The tension surrounding the Cuban Missile Crisis and the rejection of star wars orbital weapon systems by the Regan administration are examples of the logic behind this theory. However, punitive war is only unthinkable when there is a relative balance of power. The empires of Alexander the Great and Genghis Khan were not restricted by strong competition. Similarly recent conflicts in Afghanistan and Iraq suggest that punitive war is not at all unthinkable in a geopolitics that contains only one super power. Thus there is a demand for a persuasive argument for peace.

while not fully supporting the notion that humans are naturally and eternally in a state of war with one another, Kant does appear to admit to a natural plan in the human environment that foretells precise limits to what they, as a species, may set their hopes. If one downplays the final emphasis on the presumably good ends, Kant seems here to imbue the movement of humanity only with what a natural state permits, regardless of what individuals may will (70).

Given the natural condition, Kant reasons that peace is unnatural and must be brought about. Kant states that unlike peace “war itself, however, needs, no special motive but seems to be engrained onto human nature” (Peace 334).

International relationships in their nascence are relationships of force yet there is no right to war (Peace 328). However, military victory does not provide a justification for a nation’s right to sovereignty. Kant stipulates that “right cannot be decided by war and its favorable outcome, *victory*” (Peace 327). Rights are given their legitimacy by justice and reason and they require public recognition, rather than a private show of force.

The public assignation of rights is illustrated by the idea of “original possession” developed in the discussion of private property in *The Metaphysics of Morals*. Original possession is the term Kant uses to describe the process of procuring property in the state of nature (*Metaphysics of Morals* 414-15).

Individual ownership requires a community that will recognize that a given piece of property belongs to a particular person. Kant states, “Original possession in common, is rather, a practical rational concept which contains a priori the principle in accordance with which alone people can use a place on the earth in accordance with principles of right” (*Metaphysics of Morals* 414). Without

community consent and assignation a person cannot have a right to a piece of property.

In a state of natural competition any person has as much claim as another to an object. When all are against all, to borrow Hobbes' now famous formulation, all are equally free to everything. There are no natural rights, rather as Kant claims; an individual acts as though he possesses the property in anticipation of the formation of a community that will confer his right to the property in question. He states, "the condition in which the will of all is actually united for giving law is the civil condition (*conditio sin qua non*); for a unilateral will cannot put others under an obligation they would not otherwise have" (*Metaphysics of Morals* 416). Thus, Kant questions the use of the word "right" to describe a nation's prerogative in the state of nature. He muses that "it is surprising that the word right could still not altogether be banished as pedantic from the politics of war" (*Peace* 326). Thus, although nations are free to make war they do not properly have the right to do so in the state of nature.

The process of developing international peace is not a threat to a nation's rights, as the natural right theorists, who hold that any bilateral measures necessarily eliminate the free unilaterally directed activities of a state, would argue; but rather, it requires that they limit their freedom. As Kant articulates it,

In accordance with reason there is only one way that states in relation with 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 (*Peace* 328).

Even though nations, like individuals, find themselves in a state of natural competition, unlike individuals, they are not compelled to leave the state of nature. Even though, “what holds in accordance with natural right for human beings in a lawless condition, ‘they ought to leave this condition,’ cannot hold for states in accordance with the rights of nations” (*Peace* 327). He addresses two reasons why the imperative to leave the state of war is not immediately applicable to nation states. First, nations, unlike the individuals who comprise them, have a rightful constitution. Kant’s theory of the rightful constitution is based on his republicanism. The nations to which he refers are formed on the grounds of reasonable and just constitutions that can withstand public scrutiny. Kant identifies the republic with the just state because a republican constitution is established,

first on principles of the freedom of the members of a society (as individuals), second on the principles of dependence of all upon a single common legislation (as subjects), and third on the laws of equality (as citizens of a state) on which all rightful legislation of a people must be based... The republican constitution is thus, as far as right is concerned, in itself that which every kind of civil constitution has as its original basis; the question now is only whether it is also the sole constitution that can lead toward perpetual peace (*Peace* 322).

Kant definitively answers this question. The First Definitive Article states that a rightful republican constitution is necessary for peace. However, he is also careful to note in the Second Definitive Article that republicanism is antithetical to



a unitary global government because It prevents nations from fully accommodating themselves to public coercive laws, as an individual does within a state, because for nations to accommodate themselves in this way would violate the “original contract” between a citizenry and its sovereign thus in effect dissolving the nation (*Common* 296; *Peace* 328).

Although he does not mention the original contract by name in *What is Enlightenment* Kant uses the Latin phrase “*Caesar non est super grammaticos*” to express the idea (*Enlightenment* 20). The literal translation is, “Caesar is not above the grammarians.” Kant uses the phrase to convey the idea of the rule of law (*Enlightenment* 20). Under the rule of law not even the sovereign, as author of the law, is above the law. Kant states,

but what a people may never decide upon for itself, a monarch may still less decide upon for a people; for his legislative authority rests precisely on this, that he unites in his will the collective will of the people (*Enlightenment* 20).

Like Rousseau’s concept to the general will, Kant’s original contract grounds the legislative authority of the sovereign in the will of the people. According to Kant’s theory a sovereign could never rightfully impose a law that a citizenry could not rationally consent to. Reason is the limit of political power for Kant. An enlightened nation, like an enlightened citizen, acts in accordance with reason. The grammarians are none other than the universal and necessary laws of reason. Reason is the foundation for the legitimate unification of the rule of the sovereign and the general will, thus a constitution which is binding is drafted in

accordance with, and upon, rational principles. Kant concludes that a republican constitution meets the condition for a binding contract between citizens and their sovereign.

Kant explains the reticence of sovereign nations to leave the state of nature as follows “they have a rightful constitution internally and hence have outgrown the constraint of others to bring them under a more extended law-governed constitution in accordance with their concepts of right” (*Peace* 327). This first reason why the imperative to leave the state of war does not apply to states is based in the logical incoherence of a republic violating its constitution by placing itself under the rule of another body. This reason illustrates the strength of the savage freedom of original possession. A republic has declared its intention to be a sovereign nation and it violates its freedom to do so by surrendering its self-rule to a third party. A republican constitution satisfies the one sided liberty of the original position but falls short of the public acknowledgement of the claim to self-rule by other nations and thus falls short of a rightful claim.

The second reason why nation states are reluctant to enter into peaceful relations does not have the logical clout of Kant’s republican argument; rather, it is based on the empirical consideration that war is intimately associated with nationalism and noble pride. Although natural competition is terrifying for individuals, it is a source of pride for nations. Natural competition is the source of militaristic nationalism, which is valorized across nations as military courage

when found in individuals (*Peace* 334). Such is the character of the warrior prince and the noble savage.

Thus warfare is the only way for a nation to exercise and defend its so-called rights because nations are in a lawless condition of all against all (*Peace* 320). Therefore, peace is unnatural and must be established; however, it is not immediately clear that a sovereign would prefer to trade his freedom for rights and peace. The move toward perpetual peace curtails a nation's freedom and is contrary to the warmongering Kant believes to be so natural a part of the human character. Kant, like his predecessor Thomas Hobbes, believes that the natural condition is a state of war and that peace has to be built out of this situation. In order to make the case for bringing about this transformation Kant must present an argument for preferring peace. In fact there are three arguments for preferring peace running throughout *Toward Perpetual Peace*. Kant provides, what I will call, an empirical argument for peace, a legal argument for peace and, finally, a moral argument for peace. An understanding of these three arguments is integral to the proper assessment of his subjective defense of the secret article.

## Chapter Two

### Preferable Peace and the Secret Article

#### 2.1 Preferable Peace

The arguments for why nations and sovereigns ought to prefer peace to war are the same as the arguments for why they ought not to keep secrets. Secrets increase the level of risk and are thus contrary to peace; hence any argument for peace is an argument against secrets and vice versa. Thus the deleterious effects of secrets on the empirical, legal, and moral integrity of the state can be used to illustrate that peace is preferable to war. Kant attempts to defend the secret article by making a distinction between the objective and subjective contradiction it presents.<sup>8</sup> This distinction is based on the conditions required for perpetual peace. There are empirical, legal, and moral conditions. Nations must survive, have a rightful claim to their sovereignty as acknowledged by other

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<sup>8</sup> The defense of the article is based in Kant's theory of objective and subjective conditions and principles for action. Kant defines the subjective principles that affect one's actions and maxims, and they must be distinguished from the objective principle, namely the practical law. The former contains the practical rule determined by reason in conformity with the conditions of the subject (often ignorance or also his inclinations), and is therefore the principle in accordance with which the subject *acts*; but the law is the objective principle valid for every rational being, and the principle in accordance with which he ought to act, i.e., an imperative" (*Groundwork* 73).

Thus, Kant asserts that the secret article is not a contradiction when considered in terms of the sovereign's subjective inclinations.

nations, and finally peace requires the progress of humanity as guaranteed by nature. These are the reasons Kant presents as the benefits of peace.<sup>9</sup>

The first two reasons fall under the objective conditions. Peace will ensure the survival and legal recognition of national sovereignty. Secrets objectively contradict the success of these two conditions. The preliminary articles address the empirical value of trust. They are designed to increase the level of trust by creating a balance of power among nations. The definitive article for a federation of republics and the *transcendental concept* of public right ensure the legal legitimacy of national sovereignty. The moral integrity of the state on the other hand falls under the subjective condition.

In addition to securing its empirical survivability and its right to self rule a nation must also secure its moral integrity. Perpetual peace demands this subjective requirement and thus it is questionable if Kant's strategy of shunting the secret article to the subjective side of the equation will satisfy its justification. The following sections examine the three reasons for preferring peace and the legitimacy of Kant's subjective defense of the secret article for perpetual peace.

International peace is based on the ability of one nation to trust another. Secrets are anathema to perpetuating trust and therefore peace. Kant argues

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<sup>9</sup> The first of the three reasons is based on the "peace of the graveyard." I have dubbed this the empirical reason. The preliminary articles are primarily concerned with addressing the empirical challenges to peace. The second reason is based on the rightful recognition of national sovereignty. Given that this reason is pertaining to rights I have called it the legal reason. The question of national sovereignty and peace is addressed most thoroughly by the definitive articles, as well as, the second section of the appendix. Finally, the third reason is based on the moral development and enlightenment of humanity and thus I have called it the moral reason. This reason is addressed by the supplemental articles and the first subsection of the appendix.

that nations should not keep any state secrets if they desire peace. Nations should prefer peace to war because it is through peace that they can have a right to national sovereignty, for there are no rightful claims in a state of war. Fichte, commenting on *Perpetual Peace*, expresses the relationship between peace and rights as follows, “as soon as the majority of men begin to care more about the secure preservation of what they have than about the uncertain acquisition of what others possess, then will a constitution in accordance with right and reason be established” (320). The prohibition against secrets is a clear and logical position for Kant to uphold. Unfortunately for his readers, he also upholds that the legislative authority of a state should be permitted to keep a secret. The legislative authority should secretly consult philosophers on matters of international relations; furthermore, this secret will facilitate the movement towards perpetual peace.

Given the grave danger secrets pose to international peace Kant’s justification for allowing this one secret must be an extraordinary exception to the rule. Kant argues that to consult openly the opinions of philosophers would be humiliating to the sovereign’s wisdom and thus must be done in secret in order not be prejudicial to the sovereign’s dignity. This chapter argues that Kant’s explicit defense of a secret article for perpetual peace is insufficient to justify the secret. His comments on dignity, wisdom, humiliation, and self-conceit do not support his claim that it is legitimate for the sovereign to keep secrets based on

the argument that the subjective appraisal of the public announcement of his intentions would be prejudicial to his dignity and humiliating to his wisdom.

Dignity is derived from fulfilling one's duty to the moral law. Thus, how can violating the moral law by keeping secrets contribute to the sovereign's dignity? The incompleteness of any one person's wisdom is not a source of shame since Kant claims that wisdom is always incomplete for human beings. Thus, a personal claim to be perfectly wise is an un-virtuous act of self-conceit and does not justify the risk of secrecy. Furthermore, the purpose of humiliation is to correct the vice of self-conceit. Thus the vice of the sovereign, i.e., conceited wisdom, cannot be reason enough to support the concealment of that vice. Reasoning of this type is the amoral logic of the free rider, i.e., someone who attempts to gain an advantage because their actions cannot be universalized. The free rider's actions do not meet the moral burden of an enlightened world order working towards perpetual peace. The logic of the free rider is not the logic of a dignified head of state.

## **2.2 Empirical Arguments for Preferring Peace and Avoiding Secrets**

Empirically peace is preferable to war because the conclusion of any natural competition, including the competition that exists among nations, is the "peace of the graveyard" (*Peace* 328). The preliminary articles for perpetual peace are a blueprint for ending international war predicated on bringing the military might of all nations into balance. The preliminary articles are a

combination of immediate, or strict, and mediated, or permissive restrictions nations must place on their behavior and property.

The preliminary articles are proposals for establishing military equity through a gradual process of repatriation, disarmament and an immediate concession to lasting peace treaties. Repatriation coupled with prohibitions on military intervention will undo and further prevent the unjust expansion of empires through conquest. These acts of expansionism are unjust because they violate the original contract between the citizens of nations and their sovereigns. Disarmament will alleviate the threat of hostilities through the menace of standing armies. Nations are equal in their right to self-governance even if they are unequal in size and military strength. Treaties will be lasting, Kant argues, because they will be entered into without secret reservations to evade the binding terms of the treaty at some future date (*Peace* 317).

Honesty is the foundation of the empirical military equity. Secrets threaten an equitable balance of power because they are weapons against the trust that is necessary to build an enlightened world order. Unlike standing armies and colonies, secret motives, like national treasures, foreign loans,<sup>10</sup> spies, assassins, poisoners, snipers and counter intelligence agents, can be stockpiled

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<sup>10</sup> Kant's position on economic inequity is unclear. He states that nations' fortunes are a threat to international security because they can be amassed in secret but he does not stipulate whether it is the economic inequity or the potential secrecy of economic power that is at the root of the dilemma. He prescribes neither financial transparency nor any form of international transfer payment. His comments on cosmopolitanism seem to suggest that he envisioned an enlightened world order as including international free trade and perhaps he sees some solution to the problem of national economic inequity in this. However, Kant's exact thoughts on international finance are beyond the scope of this paper. For further discussion of the role economic factors in Perpetual Peace see Allen Wood's essay, *Kant's Project for Perpetual Peace*.



out of sight and thus can disrupt the balance of power while maintaining the appearance of peace.

These stockpiles may be the greatest threat to international peace precisely because they are secret and the temptation to use them is so great that without their explicit prohibition they would serve to erode the very boundaries of peace and war, thus sending nations into a state of perpetual war. Although snipers were not included in the original prohibition on secret warfare in *Toward Perpetual Peace*, Kant identifies their sinister power to “lie in wait to ambush” and exploit an opponent’s lack of preparedness, when he revisits the issue in *The Metaphysics of Morals* (485). Snipers are emblematic of the false promises that undermine peace treaties for theirs is the power to ambush; to tip the balance of power through the clandestine postponement of nefarious activity. This is also the sinister power of keeping state secrets.

Standing armies are a threat to international peace because they provide the opportunity to take advantage of the inequity resulting from an opponent’s under-preparedness. Secrets are doubly dangerous because not only do they take advantage of the inequity resulting from an opponent’s lack of preparedness, they also create the inequity by unbalancing the economy of truth. Although the size of standing armies may represent an imbalance in the military power of two nations, they do not create an inequity. A secret on the other hand is the cause of an imbalance in power. Furthermore, any rational actor faced with an adversary who they suspect of making false promises would attempt to

restore a balance of power by making a false promise themselves. This is the logic of the free rider. When a rational agent suspects another person of not acting in the interest of the general good that rational agent will conclude that becoming a free rider himself is the only reasonable option. If one nation free rides on the truthfulness of others it would not take long before the other nations would follow suit.

Secrets are contrary to the moral criteria for universality of actions set out by the categorical imperative. Kant distinguishes categorical imperatives from other principles for action as follows,

There is one imperative that, without being based upon and having as its condition any other purpose to be attained by certain conduct, commands this conduct immediately. This imperative is **categorical**. It has to do not with the matter of the action and what is to result from it, but with the form and the principle from which the action itself follows; and the essentially good action consists in the disposition, let the result be what it may. This imperative may be called the imperative **of morality** (*Groundwork* 69).

Free riders are the true villains of the Kantian moral universe. The logic of their actions is predicated on the fact that their actions will not be universalized. It is by wagering on other people not following their lead that they attempt to gain their unfair advantage. After all, how often do plotters of secret plans wish themselves to be plotted against? It is precisely this question which leads Kant to conclude that provisions for political revolutions cannot be legislated (*Peace* 348). Who would legislate their own undoing? Thus, revolutions must be conspired in secret.

### 2.3 Legal Arguments for Preferring Peace and Avoiding Secrets

The indefensibility of legislating revolution and the accompanying necessary concealment of revolutionary activity is an example Kant uses to illustrate the inductive empirical prohibition on secrets that is an adjunct to the deductive categorical imperative. The rationally deduced universality of actions necessitated by the categorical imperative is the positive formulation of moral action. The prohibition on secrets, as Kant acknowledges, is a negative formulation. It does not have the logical certainty like that of the ability of truths to be expressed publicly; rather, it has the possibility that an action or plan contrived in secret is unlikely to withstand public scrutiny.

The reason for the inability of many secrets to withstand public scrutiny is because they conceal the self-interested ambitions of free riders. Nations do not have a right to keep secrets. "Every claim to a right," Kant stipulates, "must have [the] capacity for publicity" (*Peace* 347). He goes on to strengthen this claim as the transcendental concept of public right, which states that, "all actions relating to the rights of others are wrong if their maxim is incompatible with publicity" (*Peace* 347). This prohibition on secrets is transcendental because:

a maxim that I cannot *divulge* without thereby defeating my own purpose, one that absolutely must *be kept secret* if it is to succeed and that I cannot *publicly acknowledge* without unavoidably arousing everyone's opposition to my project, can derive this necessary and universal, hence a priori foreseeable, resistance of everyone to me only from the injustice with which it threatens everyone (*Peace* 347).

It is for these reasons that Kant regards the transcendental concept of public right as a juridical principle as well as an ethical principle. Juridical principles have “bearing upon the right of human beings” and as such have bearing on the legislative powers of the state (*Peace* 347). Hence, as we have seen, revolutions cannot be rightly legislated and as stated above revolutions are an example of secrets, thus we can claim that secrets cannot be legislated.

It is also true that legislation must be able to be made public if it is to be unequivocally just. Hence secret laws are contrary to lawfulness. Given that this is the case why then does Kant violate his own transcendental concept of public right with the second supplement to the articles necessary for perpetual peace? The second supplement is conspicuously entitled a “Secret article for perpetual peace.” How could there be a secret article for perpetual peace since secrets are anathema to the peace process and the legitimacy of law? To understand why Kant includes a secret article we must first examine what is allowed to be done secretly and the precise nature of how it is secret.

The secret article for perpetual peace entitles the sovereign of a nation to covertly consult the opinion of philosophers when making executive decisions. The article stipulates that, “*The maxims of philosophers about the conditions under which public peace is possible shall be consulted by states armed for war*” (*Peace* 337). What this means is that the legislative authority, or law making body, which based on Kant’s version of republicanism is the monarch, is empowered to “seek from its *subjects* (philosophers) instructions about the

principles of conduct toward other states" (*Peace* 337). The monarch can exercise this power by simply "allowing them [its subjects (philosophers)] to *speak* freely and publicly about universal maxims of waging war and establishing peace (for that they will do of their own accord, if only they are not forbidden to do so)" (*Peace* 337).

The way in which the secret article is exercised confuses the issue further because it essentially instructs the monarch to secretly allow philosophers to speak publicly. What is really being kept secret here? What is being concealed is the monarch's consent to freedom of expression. Kant is careful to avoid making this consent a legislative act for he is fully aware that "a secret article in negotiations of public right is *objectively* ... a contradiction" (*Peace* 337). No law needs to be passed acknowledging and endorsing this consent. Thus he avoids the self contradiction of secret laws; rather, the monarch only needs to give tacit consent by not obstructing the public expression of the subject's opinions.

Tacit consent is a crafty ploy on behalf of Kant to use a double negative to open a space for the positive expression of enlightenment. The first negative is the negative formulation of the transcendental concept of public right which states that there cannot be secret laws. The second negative is the tacit consent of the monarch to allow free speech. It is not a positive law. There is nothing stating explicitly that the state must endorse free speech only that it does not obstruct it. Thus, the tacit consent does not violate the prohibition of the transcendental concept of public right. Kant's position on the official relationship

of the state and free speech is one of, “don’t ask, don’t tell”. The sovereign does not stand in the way of free expression, nor does he ask for advice, and thus the official relationship has secretive elements.

The secretiveness of tacit consent to let philosophers speak freely is made more evident when placed in contrast with the explicit solicitation of the opinion of lawyers. The opinion of lawyers can be courted openly and publicly because lawyers are “representatives of the power of the state” (*Peace* 337). As representatives of the state a lawyer is limited by his or her duty to the state, or as Kant puts it, a lawyer’s “office is only to apply existing laws but not to investigate whether such laws themselves need to be improved” (*Peace* 337). A philosopher’s public speech challenges the legislative authority, whereas, the private execution of a lawyer’s duties to the legislative authority presents no such challenge. Thus, according to Kant, the lawyer’s opinion can be publicly solicited, while the philosopher’s opinion must be secretly solicited, via tacit consent, because, as he states, “it seems to be humiliating for the legislative authority of a state, to which one must naturally ascribe the greatest wisdom, to seek from its *subjects* (philosophers) instruction about the principles of its conduct toward other states, and yet very advisable to do so” (*Peace* 337). Because it is advisable for the legislative authority to solicit the opinion of philosophers Kant assumes that monarchs will want to do so. They will risk this indignity because the purpose of consulting philosophers is “already present in

obligation by universal (morally legislative) human reason" (*Peace* 337). But the monarch would be humiliated in front of whom? Whom is the secret kept from?

Kant answers the question in a bizarrely self-evident statement that "the agreement of states with one another on [the point of keeping the secret article] requires no special arrangement of states among themselves for this purpose" (*Peace* 337). The statement is self-evident because it begs the question who agrees to keep secrets from each other, or even how two nations would be able to negotiate such an agreement. Would one sovereign say to another that I would like to agree to a maxim that we not tell each other that we are going to consult philosophers? Wouldn't the negotiations let the cat out of the bag? It is impossible to agree to keep a secret from another party because the terms of the secret would have to be revealed in order to arrive at consent. If the terms of the secret were not stipulated a party would not know whether they are agreeing to the secret consultation of philosophers or the secret use of assassins and snipers. Thus any attempt to agree to a secret encounters the critical problem of the disruptive power of secrets to mutual trust.

Since we know that Kant is aware of the threat posed by secrets he cannot be so naive as to be speaking literally in the above statement. What can be inferred from the statement is that it is not essential that other nations not find out about the consultations. Kant is not saying that sovereigns need to inform each other. Rather he wants to clarify the fact that it is of no consequence if a sovereign were to be found by other sovereigns to be utilizing the advice of

philosophers. It is of no consequence because the consultation of philosophers is not a detriment to one's neighbors. Philosophers are not like counter intelligence agents and spies who disseminate propaganda (*Peace* 338).

The likely candidate from whom the secret act must be kept is the same person/people Kant identifies with the pronoun "one" in the following line of text. He writes, "but it seems to be humiliating for the legislative authority of a state, to which *one* must naturally ascribe the greatest wisdom" (*Peace* 337).<sup>11</sup> The beautiful lie of the infallible wisdom of the sovereign must be preserved for none other than his subjects.

This covert compact runs contrary to Kant's remarks in *What is Enlightenment* where he states that everyone is free to speak their mind on public issues insofar as they are not bound by some private duty to obey and execute the principle they would otherwise challenge. The general tacit agreement to tolerate free speech prescribed in *What is Enlightenment* is restricted to the free expression of philosophers in *Toward Perpetual Peace*. The gradual progress towards enlightenment that grounds *What is Enlightenment* which Kant identifies as "universal (morally legislative) human reason" in *Towards Perpetual Peace* is not charitably attributed to all classes of citizens; rather, many of them must be pacified by the beautiful lie of the absolute wisdom of the monarch. This is hardly an enlightenment principle. It is rather a not so obvious avoidance of an issue that plagues both works, which is, the conflict

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<sup>11</sup> Italics added.



between the authority of the monarch and the intellectual enfranchisement of the masses.<sup>12</sup>

In “Kant’s Politics of Enlightenment” Ciaran Cronin argues that the preservation of the monarch’s authority requires that the counsel of philosophers must be heeded in secret. Cronin argues that Kant’s position of tacit permission of free speech is “part of a larger project of reconciling the ideal requirements of a republican constitution with the political reality of Prussian absolutism in response to contemporary debates concerning the conflicting claims of enlightenment and government authority” (53).<sup>13</sup>

One of Cronin’s key insights regarding Kant’s politics of enlightenment is that “Kant advocates freedom in the public use of reason as the guarantor of the process of enlightenment that is ideally fully egalitarian and fully autonomous, since it is a task that the public must accomplish through its own efforts rather than through those of a scholarly elite” (Cronin 53). Although one might argue that the covert compact with philosophers is limited to the project of perpetual peace and cannot be extended to include a move towards enlightenment, this line of argument does not resolve the problem of humiliating the sovereign.

If the sovereign’s dignity cannot withstand the suggestion that he consults with philosophers, i.e., the scholarly elite, his dignity certainly could not withstand

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<sup>12</sup> Kant’s anti-democratic sentiments also reflect this tension, as he states “democracy in the strict sense of the word is necessarily despotism” (*Peace* 324).

<sup>13</sup> Although Cronin is concerned with *What is Enlightenment*, his thesis that freedom of expression is at the center of Kant’s attempt to reconcile popular enlightenment with the interests of protecting civil order from the tyranny of the masses is equally valid for my analysis of *Toward Perpetual Peace*.

the open and frank discussion of legislative policy in public debate. Thus, if the sovereign's dignity is truly as fragile as Kant claims, the sovereign would have to create another secret article which allows all citizens to speak freely. This may be a logically coherent next step but practically a secret that is kept in the confidence of everyone is not a secret at all. Or to put it another way, secrets are the weapons of snipers and free riders; they are not another name for maxims that can be universalized. In fact, as we saw in the transcendental concept of public right, we can know the illegitimacy of a secret due to the inability to make it public and universal. By extension then, if free speech can be made universal it is not something that needs to be kept secret. Hence, there is no legitimate right or law that can justify keeping free speech secret.

#### **2.4 Moral Arguments for Preferring Peace and Avoiding Secrets: The Problem with the Subjective Defense**

Kant defends the secret by claiming that it is justified subjectively. He argues that when the secret is "appraised in terms of the quality of the person who dictates it, a secret can well be present in them, inasmuch as a person finds it prejudicial to his dignity to announce publicly that he is its author" (*Peace* 337). But there is no need to accept such a weak defense and justification. Kant's remarks on dignity, wisdom, humiliation, and self-conceit do not support the subjective defense of the secret article. It does not hold that it would be prejudicial to the sovereign's dignity and humiliating to his wisdom to publicly announce his intentions to undertake a project of personal enlightenment.

Dignity is not a hollow concept in Kant's moral philosophy. It is not a vague notion of something like favorable public image or carrying oneself with pride. Dignity is derived from following and performing one's duty to the moral law. As Kant writes in the *Ground Work of the Metaphysics of Morals*, we attribute "a certain sublimity and dignity in the person who fulfills all his duties" (88). The dignified person is a moral person and more importantly the dignified person is one who acts rightly because of a commitment to the moral law and not simply by accident or some kind of rarified self interest. Just as good actions do not need subjective inclinations to be favored because they are presented to "the will that practices them as the object of immediate respect, and nothing by reason is required to *impose* them upon the will" (*Groundwork* 85), so too is the "morally good disposition" recognized as worthy of respect because it is an end in itself. As a giver of the universal law the rational being is an end in itself (*Groundwork* 85). As an end in itself the rational being is autonomous and worthy of unconditional and incomparable worth which Kant defines as dignity (*Groundwork* 85).<sup>14</sup>

Furthermore, a person who acts from respect for the moral law would recognize that there is nothing undignified in supporting the public solicitation of the opinion of free thinking citizens. There would be nothing undignified about publicly supporting free speech because the moral law is predicated on

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<sup>14</sup> The logic Kant uses to define dignity in the *Groundwork* is analogous to the move from minority to enlightenment in *What is Enlightenment*. When a person is in their minority they are primarily determined by subjective conditions. When they become enlightened, on the other hand, they are able to act from objective principles.

universality. Free speech is the practical externalization of moral reason. Secrets are an affront to dignity because they admit that one's actions do not meet the burden of the moral law. Thus, arguing that free speech would be prejudicial to the sovereign's dignity is a spurious claim at best. It appears that *keeping* secrets would be more prejudicial to the sovereign's dignity than letting his subjects speak freely on public issues. But even if secrets are undignified the humiliation of having his wisdom challenged may be reason enough to justify the sovereign enacting a secret article. However, this is an equally spurious justification.

The humiliation suffered by admitting to a deficiency of wisdom is not a cogent justification because according to Kant's account of wisdom everyone suffers a deficiency of this particular trait. It is part of the human condition that we are not capable of perfect wisdom thus, as Kant states in the *Critique of Practical Reason*, "no one would be justified in professing to be in possession of it" (227). Only divine beings could hope for such a blessing, we humans, including the sovereign, must be content to have wisdom "as the goal of [our] unceasing endeavors" (*Practical* 227). It is an unending process and given our phenomenological being we can only more or less approximate perfection. Thus, Kant has no grounds for justifying the shame he attributes to the sovereign based on a lack of wisdom. Furthermore, if the sovereign is genuinely to become wiser it is necessary for him to seek the counsel of philosophers because philosophers are the guardians of science and "science is the narrow gate that leads to the

doctrine of wisdom" (*Practical* 270). Science in this context is practical philosophy which is the combination of consciousness of one's duty and wisdom, or the "incentive to action," as Kant describes it in the preface to the second part of the *Metaphysics of Morals* (509).

One reason the sovereign may feel humiliated is if he has false pride in his wisdom and believes himself to be perfectly wise. If this is the case the humiliation the sovereign feels in the presence of public criticism would serve its proper purpose by revealing the dark subterfuge at the core of the secret article.

The proper function of humiliation is not to reprimand a person for having rational self love but rather humiliation strikes down self conceit altogether since all claims to esteem for oneself that precede in accordance with the moral law are null and quite unwarranted because certainty of a disposition in accord with this law is the first condition of any worth of a person... and any presumption prior to this is false and opposed to the law (*Practical* 203-4).

The sting of humiliation would reveal the sovereign's self-conceit which Kant defines as the unjustified self-love one feels when they take themselves to be the author of the moral law and not its dutiful servant. The sovereign is the legislative authority of the state but the legitimacy of his rule is not his authority. This would simply be a formulation based on might is right. The legitimacy of the sovereign's authority is the original contract between the sovereign and his subjects and this contract has the power to justify his rule because the original contract itself is based on the universality of the moral law. That is to say the sovereign is bound to the contract by his duty to the moral law. His authority is

contingent on his duty. If he violates his duty he forfeits his authority and I have shown that secrets are a legislative contradiction and a moral indignity.

Thus, a secret act for perpetual peace has neither a legal nor moral justification. At the very best it is justified by the fragile vanity and self-conceit of the sovereign. Unfortunately for Kant an international peace based on the subjective conceit of the sovereign is inadequate grounds for perpetual peace. Kant makes a comment in *What is Enlightenment* which suggests that if social order is challenged the sovereign can enact measures to suppress free speech. He states that “only one who, himself enlightened, is not afraid of phantoms, but at the same time has a well-disciplined and numerous army ready to guarantee public peace, can say what a free state may not dare to say: *Argue as much as you will and about what you will; only obey*” (*Enlightenment* 22)! The requirement of the army suggests that the sovereign could use such force if free speech threatens his authority and the social order. Even if we ignore the third preliminary article for perpetual peace that calls for the abolition of standing armies, Kant must still contend with the problem that the sovereign may not be enlightened. And this is a real concern for Kant because he acknowledges the need for a secret article which promulgates the beautiful lie stating that the greatest wisdom be ascribed to the sovereign. If the sovereign is unenlightened he very well may be afraid of phantoms, the phantoms of his fragile vanity, and construing these phantoms as a challenge to his authority he may call out his army to suppress the free speech that gives his phantoms their threatening

voice. History is littered with examples where the vanity of rulers and the use of oppressive tactics are harmful to the enlightened and peaceful existence of nations and their citizens. And as Kant astutely notes in the fifth preliminary article for perpetual peace a nation in a state of civil war and revolution has no rightful claim to national sovereignty because it is after all in a state of anarchy which is tantamount to a state of war (*Peace* 319-320).

This collapse into civil war is not merely a threat to a single nation; the state of anarchy transforms the fifth preliminary article into a loophole that an opportunistic sovereign could use to invade neighboring lands. A fifth preliminary article so transformed by the secret article would violate the first preliminary article's command that peace treaties be entered into without secret reservation to break the terms of the article at some future date (*Peace* 317). The first preliminary article is not violated per se since waiting for civil war to erupt does not require that one keep a secret; but it would be difficult to foster commodious international relations when nations are continually wishing for misfortune to befall their neighbors. The involvement of one nation in the affairs of another in the event of civil war outlined by the fifth preliminary article's conditional permission would be the occasion whereby an opportunistic sovereign could circumvent the foundational prohibitions of the first preliminary article (*Peace* 219-20). Hence, a sovereign with hostile expansionist intentions could enter into a peace treaty with another nation even though he has no intention of keeping the treaty. Yet he need not violate the terms of the treaty to fulfill his expansionist

aims. Knowing that his opponent has followed the secret article all that the opportunistic sovereign need do is wait until his opponent's nation collapses into civil war and then move in all the while following Kant's preliminary articles for perpetual peace to the letter.

Kant believes that secrets that are kept within a nation, that is secrets that are withheld from a citizenry by its government, are not a threat to international peace. He believes this to be the case because such secrets do not pose a direct threat to neighboring nations in the same way that standing armies and assassins present a threat. What he fails to realize is that the subjective attempt to hold secrets within a nation erodes the moral integrity of the sovereign and the legitimacy of the government's right to rule and thus may plunge the nation into a state of civil war. Kant did not foresee that trading external secrets for internal secrets is the same as trading international war for civil war. In either scenario the rights afforded to a nation by peace would be blown away by the winds of war.

The subjective defense falls short as either an explanation of or a justification for the secret article. Yet Kant was convinced of its necessity and this cannot be summarily discounted and dismissed. The secret article has more of the air of a primer on manners than it does a moral imperative. Citizens are to act as if the sovereign is the wisest of all people: and this does not have the objective status of moral imperatives, rather it is in keeping with good taste and manners to avoid humiliating the sovereign. This is not unlike Kant's caveat that



a state's citizens should be free to express whatever ideas they want so long as they obey. Obedience and deference to the sovereign's wisdom may be like the contractual obligation citizens have to obey their sovereign as they would to pay their taxes. It is quite common to defer to the judgment of politicians in representative democracies. As representatives of the people they are empowered to make judgments on behalf of the people. It is not that these judgments are beyond reproach; rather, from time to time the electorate must live with their dissatisfaction. As the old cliché goes people get the government they deserve. Or at least they have to live with the government they chose to represent them. The next chapter will examine the secret article in light of the contractual language of the public and private use of reason articulated in *What is Enlightenment*. By moving it out of the moral context and into the context of the public use of reason the contradiction of the secret article can be resolved and its necessity can be understood as part of Kant's politics of enlightenment.<sup>15</sup>

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<sup>15</sup> The reasons why Kant would chose the subjective defense can be understood once such an argument for the politics of enlightenment is in place.

## Chapter Three

### Trust Beyond Contracts

Scholars of *Toward Perpetual Peace* often overlook the secret article and those few who do address it consider it to be an instance of Kantian irony (Kuijlen 839). They claim that Kant is not sincere about the secrecy of the secret article. Willem van der Kuijlen notes that “this irony stems from the fact that the secrecy is in contradiction with the demand for publicity and from the fact that Kant gives away the secret by publishing it in [*Toward Perpetual Peace*]” (839). An ironic reading defuses the problem of the secret. Subsequently, analysis of the article does not seriously address the contradiction.

However, an ironic reading is inadequate for two reasons. First, Kant was serious and sincere. As Chapter Two demonstrated, his careful classification of the contradiction as objective and his subsequent subjective defense of the article indicate that Kant viewed the contradiction as a serious challenge to the coherence of his argument that was worthy of the time and effort necessary to address the problem. Such analysis on his part suggests that Kant was not dismissive of the secret article.

Second, the secret of the secret article is not for Kant to keep. The secret resides with the sovereign. Thus, Kant did not let any cats out of any bags by publishing the secret article. It is not a secret article for the actions of

philosophers; rather, it is an article which advises the sovereign to act in secret. A sovereign may choose to follow the advice of Kant's secret article without informing anyone he is doing so and thus maintain the secrecy. While philosophers are granted freedom of expression by the article, rather it is the *consideration* of philosophical expression that ought to be conducted in secret. It is the ear of the sovereign and not the mouth of the philosopher which is shrouded by the secret article.<sup>16</sup> Thus the argument that the publication of the article demonstrates its ironic quality reveals a misunderstanding as to whom and what the secret applies because this argument implies that the secret is for Kant to keep.

Rather than dismissing the importance of the secret article with an ironic reading, I propose that the article be read in the context of Kant's discussion of the public and private use of reason in a text that predates *Toward Perpetual Peace* by eleven years. In September of 1784 Kant published *An answer to the question: What is Enlightenment* advising his liege, Frederick the Great, not to interfere with the freedom of publication and conscience. With the publication of *Toward Perpetual Peace*, Kant counseled sovereigns to secretly take under advisement philosophers' reflections on statecraft. *What is Enlightenment* was

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<sup>16</sup> At this juncture I argue that the publication of the article does not render the secret immaterial. This should not be confused with or seen to be in contradiction to the argument I make later in this chapter that Kant had to obfuscate the purpose of the secret article. In the first instance I am referring to the theoretical content of the article, i.e., the covert consultation of philosophers, and in the second instance I am referring to the practical historical and political concerns Kant was required to address when publishing the article. Ironic readings do not differentiate between the two secrets and this causes some confusion when interpreting the role and value of the article.

just such a reflection. It commented on the limits of government's role to promote and prohibit public and private uses of reason.

There are three reasons for reading the secret article in the context of *What is Enlightenment*. First, as I have just mentioned, *What is Enlightenment* is precisely the kind of advice the secret article is designed to protect. Second, the two texts are thematically related. The secret article and *What is Enlightenment* are concerned with the issue of free expression. Third, and most importantly, *What is Enlightenment* outlines Kant's position on what it means to be enlightened as well as the process of becoming enlightened. This is of particular importance for a successful reading of the secret article because, as I demonstrated in the previous chapter, Kant must contend with the problem of an unenlightened sovereign since the subjective defense promulgates the beautiful lie that the grandest wisdom be ascribed to the sovereign.

It is the thesis of this chapter that if the secret article is to be a coherent part of Kant's philosophy, it must be understood as the means for addressing the problem of enlightening the sovereign. I argue that the secret article facilitates the enlightenment of the sovereign. Furthermore, the secrecy of the secret article may be defended in terms of the public and private use of reason given in *What is Enlightenment*. Private citizens must obey the rule of the sovereign, as *if* his dictums have the legitimacy of an infinitely wise author. For example, if citizens wish to remain members of their community they must pay taxes with which they may disagree. However, they can publicly criticize the wisdom of the sovereign's

tax plan without jeopardizing their membership in the community. This chapter concludes with a discussion of the reasons why, in spite of its shortcomings, Kant chose the subjective defense for the secret article.

### **3.1 The Politics of Enlightenment**

Chapter one of this thesis opened with a delineation of types of trustworthy relationships. Trust can be established bilaterally as in the case of a contract where the regulations for intelligible behavior are explicitly stated by the duties required by the contract. It may also be established unilaterally whereby one side of a relationship extends the courtesy of regular and intelligible behavior to the other without explicit consultation with and consent of the other party. Kant alludes to this type of trust when he advises nations to act in a rational manner towards their enemies. The third type of trustworthy relationship is based on the premise that both parties can be trusted to act in their own best interests. At this point I would like to add a fourth type to the list and this is type of trustworthy relationship where both parties act on the basis of reason. Parties can trust one another if they act in accordance with, and base their action on, what is rational. Acting from reason is the benchmark for enlightened behavior for Kant.<sup>17</sup> Even though Kant identifies enlightenment with the freedom to act in accordance with

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<sup>17</sup> This is a broad and foundational theme in Kant's moral and political philosophy. As Wolfgang Kersting put it in his essay for *The Cambridge Companion to Kant*, "the theory of self-legislation of pure practical reason developed in the *Groundwork of the Metaphysics of Morals* (1785) and *Critique of Practical Reason* (1788) stands at the center of [Kant's practical philosophy]" (Kersting 342).

reason, unfortunately acting in accordance with reason is not a straight forward matter because many people are in what he calls their minority.

In *What is Enlightenment* Kant segregates the use of reason into public use, private use, and a less clearly defined, inner use. Although Kant does not explicitly discuss the inner use of reason and he never names it as such, he does appeal to “inner religion” as a guide against ecclesiastic conservatism (*Enlightenment* 18). This inner reason, as I am calling it, also seems to be at work in the hearts and minds of a “few independent thinkers ... among the established guardians ... who [have] cast off the yoke of minority” (*Enlightenment* 17). These free thinkers must have used their inner reason to cast off their yokes because it is not possible that they accomplished their enlightenment as a publicly fostered process given the anthropological description of the bulk of humanity, or the public, as unenlightened. How could the public be enlightened? For, if they were, Kant would not need to plead a case for public enlightenment to Frederick. Kant states that “for this enlightenment, however, nothing is required but *freedom*, and indeed the least harmful of anything that could even be called freedom: namely the freedom to make *public use* of one’s reason in all matters” (*Enlightenment* 18).

The thesis of *What is Enlightenment* states that the unfettered use of reason in the public sphere is both necessary and sufficient for enlightenment. Kant defines enlightenment as the “*human being’s emergence from his self-incurred minority*” (*Enlightenment* 17). He goes on to clarify that “Minority is the

inability to make use of one's own understanding without direction from another" (*Enlightenment* 18). Because understanding and reason are equivalent terms in *What is Enlightenment*, enlightenment can be understood as the self-directed use of one's reason. The free thinker is the enlightened person, or perhaps more properly, the enlightened person is a free thinker. He or she has their own rational deliberation as the aim or guiding principle of their understanding.

Although Kant defines minority in terms of being directed by another, there are actually three possible reasons for being in a state of minority. The first reason is a "lack of understanding." However Kant only mentions this in passing and does not give it any serious consideration (*Enlightenment* 17). Kant is not concerned with the non-rational, or those who do not possess the capacity for rational thought; rather, he is concerned with those individuals who have the potential to use their reason, but do not. This brings us to the remaining two reasons why someone may be in their minority. First, one can be in one's minority due to the victimization of coercive oppression and imposition of minority by an external power. Second, there exists self imposed minority whereby a person does not exercise their reason even though there are no external impediments. Kant suggests that this may occur because of some other character flaw, such as laziness and a love of comfort or because of cowardice and a lack of courage to encounter the risks involved with thinking for oneself.

In *What is Enlightenment*, Kant is primarily concerned with the problem of self imposed minority because it is a pervasive problem in terms of religious

belief and freedom of conscience. Kant argues that there is a strong temptation to not use your reason when you have a “book that understands for [you and] a spiritual advisor who has a conscience for [you]” (*Enlightenment* 17). Although Kant argues against grounding morality in religion, he is not opposed to religion; rather, he is anti-dogmatic, as is evident by his comments on the impossibility of the authority of a society of clergymen to “bind itself by oath to a certain unalterable creed, in order to carry on an unceasing guardianship over each of its members and by means of them over the people, and even to perpetuate this” (*Enlightenment* 19-20). This sort of dogmatic legalism would be impossible according to Kant since the unalterability would be a crime against human nature given that “the touchstone of whatever can be decided upon as law for a people lies in the question: whether a people could impose such a law upon itself” (*Enlightenment* 20). All laws have to be open to and able to withstand rational scrutiny if they are to be binding upon a people. Kant is seldom<sup>18</sup> swayed by historical arguments for the continuance of a given practice: an enlightened people cannot live in accordance with the dictates put forth during a prior and possibly less enlightened time.

However, traditions are enduring and they are engrained in individuals through reliance on “precepts and formulas, those mechanical instruments of rational use, or rather misuse, of this natural endowment,” and these “are the ball and chain of everlasting minority” (*Enlightenment* 17). The ball and chain do not

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<sup>18</sup> It is important to stress the word seldom as opposed to never. In the *Metaphysics of Morals*, for example, Kant allows historical arguments for supporting the practice of dueling (476-7).



have to be literal, rather they are more effective when they are figurative, because then they are made invisible and become traditional formulaic thought which is mistaken for the free use of reason.<sup>19</sup> Thus, as Kant accurately notes, “it is difficult for any single individual to extricate himself from the minority that has become almost nature to him” (*Enlightenment* 17). In effect, Kant is arguing that a project of private liberation is unlikely to take hold and be successful because only a very few are able to live in accordance with reason by consulting their *inner reason*, and are able to find the energy and courage to overcome the pressures and temptations of minority.

Realizing the unlikelihood that private liberation will succeed, Kant argues that enlightenment must be brought about by a project of public freedom. Thus, he calls on the sovereign to limit his input into matters of conscience and publication.

In order to sell this project to Frederick the Great, Kant employed much flattery, calling Frederick the only enlightened monarch in Europe, and he employed a strategy of convincing Frederick that public freedom is not a threat to his sovereignty. Both the rhetorical and argumentative strategies reinforce each other in the line “Only one ruler in the world says: *Argue* as much as you will and

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<sup>19</sup> In *Contingency, Irony, Solidarity*, Rorty describes common sense in terms of a self imposed minority and the insipid effectiveness of common sense to usurp free thinking is well illustrated by both Foucault and Althusser. In his discussion of state apparatus, Althusser makes the observation that coercion is most fully realized when the coerced comply to it willingly. In *To Discipline and Punish*, Foucault’s panopticon also demonstrates this point by showing that prisoners in a panopticon internalize censorship of their behavior and in effect perform self censorship. They impose their minority upon themselves, to use Kant’s language.

about whatever you will, *but obey!*" Kant must now make the case to Frederick that public freedom will not breed disobedience and incite revolution.

To make his case for extending the freedom to dissent and to criticize the government and the church, Kant limited his plea to enfranchising the educated elite. Kant was not arguing for total freedom of expression but rather the more limited freedom of publication. Giving educated scholarly men a voice is one thing; giving the rabble, who in all likelihood would have been unable to read and write, a political voice is quite another. But to make his case to Frederick, Kant realized that even the political efficacy of the educated must be tempered in order to demonstrate that social order could and would continue.

Considering that the private liberation of reason is unlikely, it makes perfect sense to limit the private use of reason since there is nothing to be lost by imposing this limitation. Kant argues that even educated people must be obedient in the private use of their reason. He makes a sharp distinction between the public and the private use of reason based on the premise that in the private use of one's reason, a person is acting "merely passively." In the private sphere, a person's reason is used as an instrument and they are only reasoning formulaically.

His differentiation of the private and public uses of reason logically foreshadows his famous hypothetical/categorical distinction although he did not use this distinction in 1784. The instrumental use of reason that signifies the private sphere is one and the same as hypothetical reason.

The hypothetical/categorical distinction is a central feature of Kant's practical philosophy. Reference to the distinction appears in the *Ground Work for the Metaphysical of Morals* (1785), *The Critique of Practical Reason* (1788) and *The Metaphysics of Moral* (1797). Imperatives are integral to Kant's definition of practical reason. In the *Ground Work* Kant begins his discussion of practical reason by stating that "everything in nature works in accordance with laws. Only a rational being has the capacity to act *in accordance with the representation of laws*, that is, in accordance with principles, or has a *will*" (66). This is Kant's definition of a free individual. A free individual is one who can act in accordance with their reason. He equates the will with practical reason itself. In fact the "will is nothing other than practical reason" (*Ground Work* 66). Having said that, Kant is quick to note that human beings are not like angels and that the human will is not perfect. It is not perfectly free to follow objectively necessary conclusions of reason; rather the human will is also conditioned by what is subjectively necessary. (*Ground Work* 66). Subjective conditions arise from the particularity of an individual human's spatio-temporal circumstance. Although subjective conditions are contingent they are no less necessary than purely rational representations. Having established reason as the range of free action, Kant then goes on to discuss the various representations of laws that one can act in accordance with which are hypothetical and categorical imperatives. He writes,

all imperatives command either hypothetically or categorically. The former represent the practical necessity of a possible action as a means to achieving something else one wills (or that it is at least possible for one to will). The categorical imperative would be that

which represented an action as objectively necessary of itself, without reference to another end... if the action would be good merely as a means to something else the imperative is hypothetical; if the action is represented as in itself good, hence as necessary in a will in itself conforming to reason, as its principle, then it is categorical (*Ground Work* 66-7).

Kant also refers to hypothetical imperatives as imperatives of skill and similarly calls categorical imperatives moral imperatives (*Ground Work* 68-9). Hypothetical imperatives command that if a particular end is to be obtained then an individual must perform a skill in accordance with achieving that end. A carpenter must level a foundation in order to build a stable house. In general hypothetical imperatives require dutiful performance of a particular action to satisfy a particular end and in this sense contracts can be seen as hypothetical imperatives. Contracts are an agreement between two or more parties to act in a certain way so as to secure a particular end. Contractual obligations need not have a moral imperative. There *is* a moral obligation to abide by the contracts one has entered into, but the specific terms of the contract need not have moral relevance. There is no moral requirement for the neighbor's kid to cut my grass, but once we have entered into a contract she is obligated to perform the task as set out by the terms of the agreement.

As private actors, people are not required to consider the good, but only the useful. A successful soldier would have to be able to calculate the trajectory of an artillery barrage, but he is not required to question the good of the barrage beyond its strategic importance. Kant demonstrates the difference between the private and public use of reason by arguing that,

it would be ruinous if an officer, receiving an order from his superiors, wanted while on duty to engage openly in subtle reasoning about its appropriateness or utility; he must obey. But he cannot fairly be prevented, as a scholar, from making remarks about errors in the military services and from putting these before his public for appraisal (*Enlightenment* 18-19).

And likewise,

a citizen cannot refuse to pay the taxes imposed upon him; an impertinent censure of such levies when he is to pay them may even be punished as a scandal ... But the same citizen does not act against the duty of a citizen when, as a scholar, he publicly expresses his thoughts about the inappropriateness or even injustice of such decrees (*Enlightenment* 19).

The citizen like the soldier must obey and follow the duties that are contractually incumbent upon them regardless whether or not the contracts meet the burden of the moral law. Contracts bind the parties involved to follow hypothetical imperatives. If a citizen wants to be protected from hostile neighbors he or she must pay taxes to fund the sovereign's military and if soldiers are ordered to defend the interests of their country they must follow the chain of command and exercise their training and neither the citizen nor the soldier is expected or required to question the justness of these actions.<sup>20</sup>

Even though it appears that Kant is making concessions to Frederick when he makes the caveat that people must obey their contractual obligations, he has really given the sovereign nothing more than what he already has in his

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<sup>20</sup> In light of such events as the Nuremberg Trials, the Viet Nam War and conscientious objection, Kant's analysis may seem foreign to the contemporary reader. It should be noted that institutional practices which persist even to this day contain traces of Kant's definition of the private use of reason. Many military academies were founded to teach the hypothetical skills related to field engineering and continue to excel at teaching engineering, although aeronautics has surpassed ballistics as the main focus of instruction.

possession. If Kant is sincere in his claim that the majority of people mistake precepts and formulae for reason, then by granting continuing obedience in the instrumental use of reason to the sovereign, Kant has in fact added nothing more to the sovereign's power than he currently possesses. Frederick already commands the private obedience of his subjects through the binding obligations placed on the citizen and the sovereign by the original contract, as discussed in Chapter One.

The public/private distinction satisfies the citizen's obligation to abide by the sovereign's authority without ensnaring the sovereign in the trap of self-conceit. The sovereign, need not fear criticism; rather, he has the freedom to listen to public debate. The freedom to listen is not available to unenlightened rulers or those who cannot avail themselves of the secret article. The rule of strongmen, godheads and tyrants demand that they be beyond reproach. Leo Strauss' translation and analysis of Thucydides' *Tyrannicus* exemplifies the pressure to be perfect that is placed on a tyrant. Hiero, the protagonist of *Tyrannicus*, repeatedly complains that the tyrant is at a disadvantage compared to a common citizen because the expectation of greatness placed upon the tyrant results in the burden of having to appear infallible. For example, Hiero notes that even the taste and pleasures available to the tyrant are assumed to be beyond the realm of normal people. He states,

that the majority judge that [tyrants] drink and eat with more pleasure than private men, believing they themselves would dine more pleasantly on the dish served to us than the one served to them; for what surpasses the ordinary causes the pleasures. For

this reason all human beings save tyrants anticipate feasts with delight. For [tyrants'] tables are always prepared for them is such that they admit no possibility of increase at feasts. So ...in this pleasure of hope [tyrants] are worse off than private men (Strauss 5).

Kant provides an innovative resolution to the conflict by preserving the authority of the sovereign while undermining the illusion of perfection that authority seemingly demands.<sup>21</sup> Kant's sovereign need not be the guardian of wisdom to be a legitimate ruler. Rather, the legitimacy of Kant's sovereign is grounded on the embodiment of the original contract in the free expression of citizens on matters of public good.

The public sphere, and not the subjective moral sphere, provides a truly tacit space for the enlightenment of the sovereign. The public sphere is truly tacit because it is non-contractual. It is outside the hypothetical use of reason necessitated by the explicit nature of contractual relationships. The public sphere, rather, provides a context for trustworthy relationships to be formed on the basis of the tacit assumption that enlightened individuals will act in accordance with reason. Kuijlen makes a similar point when he states that the secret article allows for the disciplining of thought in accordance with reason which is necessary for the public expression of individuals' thoughts. He writes that, "that it is necessary for them to have executed a previous power to discipline any polemical use" (Kuijlen 845). The previous power he is making reference to is the power to discipline one's thought in accordance with reason.

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<sup>21</sup> For this reason Kant's analysis of the relationship between the philosopher and the sovereign can be seen as a radical departure from the platonic tradition of the philosopher king.

Kant expresses this relationship in the concluding remarks of *What is Enlightenment*. Kant envisions a day when soldiers can engage in categorical reasoning while executing their duties. Just as intellectual minority can be overcome in the public sphere, so too blind obedience can be put to rest in the private. Kant writes,

here a strange, unexpected course is revealed in human affairs, as happens elsewhere too if it is considered in the large, where almost everything is paradoxical. A greater degree of civil freedom seems advantageous to a people's freedom of *spirit* and nevertheless puts up insurmountable barriers to it; a lesser degree of the former, on the other hand, provides a space for the latter to expand to its full capacity. Thus when nature has unwrapped, from under this hard shell, the seed for which she cares most tenderly, namely the propensity and calling to *think* freely, the latter gradually works back upon the mentality of the people (which thereby gradually becomes capable of *freedom* in action) and eventually even upon the principles of *government*, which finds it profitable to itself to treat the human being *who is now more than a machine*, in keeping with his dignity (*Enlightenment* 22).

The protections to the monarch's sovereignty that are ensured by obedience will wither away when there is a general condition of free thinking individuals who are treated and treat each other in accordance with their dignity. Even though the repressive guarantees will no longer be in place, there will be no risk to the sovereign because he will understand that it is profitable to let people use their categorical reason in all matters. Kant can be certain of this harmony between the private and the public because, in a condition where the sovereign and the citizen are both enlightened then both will act in accordance with their



inner reason. However, when all people are treated in accordance with their dignity there will be no difference between inner reason and public reason.<sup>22</sup>

### 3.2 An Enlightened Reading of the Secret Article

In his essay *Transcendental Reasoning in Kant's Treatise on Perpetual Peace* Arto Siitonen draws attention to several passages in *Perpetual Peace* which support my reading of *Perpetual Peace* in the context for *What is Enlightenment*. Similarly to my enlightenment argument, Siitonen argues that reason is required for the moral development of nation states as well as individuals. Unfortunately Siitonen ignores the subtle importance of distinguishing between the free use of reason versus the more mechanical hypothetical use of reason. Siitonen highlights two particularly interesting passages. He notes that Kant establishes peace on a foundational principle and identifies this principle as reason. He cites the following two passages from Kant,

- 1) "... it will be well to discover the ultimate principle from which the end of perpetual peace is derived" (Siitonen 867).
- 2) There is only one rational way in which states coexisting with other states can emerge from the lawless condition of pure warfare. Just like individual men, they must renounce their savage and lawless freedom, admit themselves to public coercive laws, and thus form an international state (*civitas gentium*), which would necessarily continue to grow until it embraces all the people of the earth (Siitonen 867).

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<sup>22</sup> Of course this will most likely never come completely to be and after all the full title of *Perpetual Peace* is *Toward Perpetual Peace*.

Siitonen notices Kant's analogy between the savage freedom shared by individuals and states and that it is necessary for both people and nations to relinquish their savage freedom in order to be recognized as autonomous and deserving of rights upon which Kant bases true freedom.

Van der Kuijlen also recognizes the need in Kant's system for autonomous agents to relinquish a primal freedom in order to gain a more sophisticated, full and secure freedom. This is the basis of van der Kuijlen's argument that it is necessary for citizens to exercise the power of reason, that is to test their ideas against what Siitonen notes as the "ultimate principle," before they can act politically (Kuijlen 845). And like Siitonen, he looks to the demand for publicity required by the Transcendental Concept of Public Right to resolve the issue. Siitonen believes that publicity will expose the machinations of political opportunists whose use of law for selfish ends is incompatible with the ultimate principle of reason. Van der Kuijlen holds that the requirement for publicity will override the secrecy of the secret article and thus confirm its ironic status.

However, both of these readings assume a degree of transparency between moral laws and practical action to which Kant himself did not subscribe. In the *Metaphysics of Morals* Kant plainly states that "ethics do not give laws for actions, but only for maxims of actions" (520). He explains this pithy statement arguing that

The concept of duty stands in immediate relation to law... The formal principle of duty, in the categorical imperative "So act that the maxim of your actions could become a universal law," already

indicates this. Ethics adds only that this principle is to thought as the law of your will and not of will in general, which could also be the will of others; in the latter case the laws would provide a duty of right, which lies outside the sphere of ethics. – Maxims are here regarded as subjective principles which merely qualify for a giving of universal law, and the requirement that they so qualify is only a negative principle (not to come into conflict with a law as such) (*Metaphysics of Morals* 520).

Kant is careful to note that the Transcendental Concept of Public Right is a negative law. In the context of the statements about negative laws in the preceding passage it is clear that the Transcendental Concept of Public Right does not have the strength of an objective principle necessary to justify Siitonen's and van der Kuijlen's reliance on it.

However, by expanding the analogy that Siitonen highlights to encompass the trope of leaving one's minority and entering into moral maturity presented in *What is Enlightenment*, I open up a new reading which is not susceptible to the need for transparency which plagues van der Kuijlen's and Siitonen's readings of *Perpetual Peace*.

Leaving one's minority is analogous to surrendering one's savage freedom and moral maturity and autonomy are analogous terms as well. The private use of reason in *What is Enlightenment* is devised by Kant to mediate between the "ultimate principle" of the free public use of reason and the practical limitations required by hypothetical duties put in place by contractual relationships. Hypothetical imperatives may or may not be in accordance with the moral law and the ultimate principle of perpetual peace. Thus by following hypothetical imperatives the private use of reason is not comprised of transparent moral

imperatives. While Kant argues that there is a moral imperative against committing suicide, soldiers are expected to give their lives for their country in the line of duty (*Groundwork* 73-4, 80). They have a private duty that does not conform perfectly to the moral law. The private use of reason is designed to create a space that permits the political commitments dictated by contractual relationships while maintaining a space for moral obligations. Moreover, the space Kant creates between the public and private uses of reason mediates the worldly limitations that prevent the easy application of moral imperatives to human activities. Thus, even though contracts are binding, private hypothetical imperatives are open to criticism in the public sphere. For example, public debate can be critical of sending soldiers off to fight and die in foreign lands, even though the soldiers have a duty to follow orders. Public debate questions the wisdom of the orders as opposed to the soldier's obligation to follow orders. The private use of reason is an example of where Kant avoids the seductive simplicity of transparent applications of the moral law and the pitfall of mechanical legalisms that are regrettably popular among many commentators on *Perpetual Peace*. The private use of reason necessitates the non-legalistic and non-procedural judgments of autonomous actors who freely use their reason. The private use of reason necessitates the public use of reason because it is insufficient for examining the hypothetical imperatives that dictate private action. The procedures that enable a quartermaster to outfit troop deployments, for example, are not helpful in assessing the wisdom of the deployment. The limits of

the private use of reason are true for both citizens within a republic, as well as, heads of state.

Furthermore, unlike Siitonen's and van der Kuijlen's legalistic readings, a non-procedural, non-transparent reading is in line with Kant's longing for and prohibition against a universal world government. Kant laments the lack of efficacy of the transparent solution of a global government in the following passage,

but in accordance with their idea of the right of nations, they do not at all want this, thus rejecting *in hypothesi* 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, and always expands can hold back the stream of hostile inclination that shies away from right, though with constant danger of its breaking out (*Peace* 328).

The *fodus pacificum* at the center of Kant's federalism, like the private use of reason central to his project of enlightenment, is an example of where Kant avoids the seductive simplicity of transparent applications of the moral law and the pitfall of mechanical legalisms. Rather he presents subtle moral and political arguments that are designed to address the limitations incumbent on practical action while preserving the dignity of free rational agents, in this case the sovereignty of republics.

Rather than understand the secret article as a contradiction that must be dismissed as ironic or ignored, I argue that it is like the private use of reason and the *fodus pacificum*. The article is another example of Kant's rejection of seductively transparent applications of the moral law in favor of practical politics

that address moral shortcomings *without* usurping the autonomy of rational agents. The secret article is consistent with his project of enlightenment. Although the article challenges the easy application of moral theory to political practice it does not prevent moral growth. In fact, the article is designed to create a space within practical limitations for the free use of reason. The article mediates between the practical requirement to preserve the sovereign's authority and the practical limits of the sovereign's minority. By addressing the problem of sovereign minority the article supports Kant's project of enlightenment.

In the particular case of the secret article Kant provides a solution to the conflict created between the sovereign's authority and his or her imperfect wisdom. Citizens trust the sovereign to act in their best interests and demand nothing short of infallibility. In an ideal world this would not be too much to ask of the sovereign, but in reality the sovereign may not be enlightened. He or she may not yet be free from their minority let alone infallible. Thus Kant prescribes that citizens must attribute the greatest wisdom to the sovereign, while the sovereign in turn undertakes a project of personal enlightenment by tacitly listening to the advice of philosophers and learned citizens. In this way the sovereign's authority remains intact because he or she appears to be guided by their inner reason and in fact the sovereign *is* moving towards free and autonomous reason which is necessary for in turn moving toward perpetual peace.

### **3.3 The Politics of the Subjective Defense: From a Theory to a Practise of Enlightenment.**

One may still wish to ask why Kant chose the weaker of two defenses for his justification of the secret article. His subjective defense for the secret article based on an appeal to the sovereign's dignity falls short, and a more robust defense of the article may be found in the role for educating the sovereign, which is developed in the argument of this thesis. Clues for answering this question can be found in a careful examination of the implications had Kant chosen the more robust argument.

The stronger defense for the secret article is based on facilitating the enlightenment of the sovereign. It creates a space for his personal education and aligns his inner reason with rationally based free public expression. The problem with an explicit argument for the enlightenment of the sovereign is that it carries with it the inescapable implication that the sovereign is unenlightened. After all, those who are in need of enlightenment are the unenlightened. And, while the claim that the sovereign is in need of enlightenment may be offensive to the sovereign's dignity, it is more importantly a challenge to the legitimacy of his rule.

The identification of unenlightened ignorance with "minority", in *What is Enlightenment*, is the key to understanding the challenge to the sovereign's authority presented by the enlightenment defense. Kant defines being in one's minority as "the inability to make use of one's own understanding without

direction from another “(*Enlightenment* 18). Being a minor is debilitating for normal citizens because their understanding is not their own. In a state of minority citizens would not be able to act for themselves nor be responsible for their actions. For the sovereign the effects of minority are far worse because his responsibility is far greater. Just as the citizens’ autonomy is compromised when they are directed by another, the sovereign’s authority is also compromised when he is shown to be directed by another.

At this point the effects of Kant’s alignment of sovereign authority with rationality can be seen. When the sovereign is shown to be irrational it logically follows that his authority is challenged. Thus by being in his minority, and hence directed by another, the authority of the sovereign is dissolved because it is revealed that he is not the author of the laws of the state. His decrees and rule are directed by another. Thus, the sovereign who is unenlightened, and a minor, is little more than a puppet to some external influence. This is the inescapable implication of the robust enlightenment defense of the secret article. Kant’s subjective defense is an attempt to create a space for the sovereign’s enlightenment without directly challenging his authority.

However, realizing the threat of the robust defense to the sovereign’s authority is only a partial understanding of the reason Kant chose the subjective defense. Given that the only legitimate ground for authority is reason, and, given that Kant had the robust defense as a powerful tool for exposing that the emperor has no clothes, one may still ask, why then would he chose to drape the royal



puppet in dignified adornments? To answer this question, we need to understand what external forces determine the actions of the most powerful person in the realm, as well as Kant's position on the legitimacy of revolutionary governments.

The robust defense is a thorough attack on the rule of the unenlightened sovereign given the foundational role of rational political legitimacy. Thus, if Kant were openly to voice this purpose for the secret article he would invite all manner of challengers to the throne. In order to preserve the sovereign's authority while exploring the rightful conditions for rule Kant must appear to support the sovereign while creating an opportunity for the sovereign to come into possession of his reason. Although Frederick's claim to the throne is not based on an appeal to reason, but rather on an appeal to tradition and genealogy, Kant must nevertheless respect the sovereign's claim to the throne in the execution of his private and civic duty to the state. Frederick's coronation, not his just governance, gave him the right<sup>23</sup> to rule. Once again Kant's comments on minority are instructive and indicate that tradition is the external determinant of the sovereign.

The unenlightened sovereign would likely disagree that he is in his minority. Who, after all, could tell him what to do for he is the highest power in the realm? Yet he faces the same problem Kant describes as afflicting citizens who believe they are wise because they have common sense. The ruler who appeals

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<sup>23</sup> The word right is used here in the same manner as Kant used it when discussing a nation's right to wage war.

to his power to demonstrate his authority and the citizen who appeals to his common sense to demonstrate his wisdom are both committing the logical fallacy of appealing to authority. In his description of minority Kant describes appeals to authority as the “mechanical instruments of rational [...] misuse” (*Enlightenment* 17). Inheritance and genealogy are equivalent to the precepts and formula of misused reason called common sense. Like inheritance and genealogical claims to rule, common sense is common because it has an historical precedent. Unfortunately, doing something because it has always been done a particular way is not sufficient justification according to Kant. Yet, in the case of the dignity argument Kant follows his private duty to abide by the laws of his nation and respect Frederick’s genealogical claim to the throne.

In addition to being a logical fallacy, Kant calls appeals based on authority the “ball and chain of everlasting minority” (*Enlightenment* 17). The ball and chain of the unenlightened sovereign are his historical claims to rule and legislation based on heredity. He is inscribed by his historically contingent legitimacy. Thus the unenlightened sovereign cannot question his own path to power without undermining his own rule, any more than Kant can call openly for the enlightenment of the sovereign. There is no room for him to examine and change his claim to the throne; rather, he must reproduce and perpetuate the laws and customs which support his power. What this amounts to is the perpetuation and reproduction of war and violence, since historical claims to power are based on military conquests and that royal blood lines owe their purity to the heat of battle.

Kant, however, clearly states that military victory is not a justifiable foundation for legitimate rule because it is vulnerable and open to further violent challenges. By placing reason at the core of sovereignty Kant cauterizes the flow of royal blood that results from heredity and military power. Although Kant realizes that this is the only way to stem the flow of blood, he also realizes that to openly challenge historical legitimacy would be tantamount to throwing chum into water teeming with sharks. This is why he recommends that citizens ought to abide by the rule of revolutionary governments even though the means by which they seized power are not rationally valid. To the rational individual, it should be no less preferable to abide by and live under one irrational regime as opposed to another. The aim of the rational person would be to enlighten the regime so that its rulers find legitimacy through rational governance. The rational person is not moved toward insurrection because to do so would violate his or her private duty to follow the laws of his or her nation. Moreover, this is in line with their rationally determined public duty to promote perpetual peace.

As I have shown in Chapter One, a nation that descends into a state of civil war is a danger to the peace process. Thus, the rational individual cannot promote civil unrest without running the risk of inviting foreign intervention in the affairs of their nation and promoting international unrest.<sup>24</sup> This is why Kant

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<sup>24</sup>Kant negotiates the contingent and practical historical and political concerns surrounding the publication of the secret article in a manner not unlike his treatment of *leges latae* (see footnote 3). Like *leges latae*, the secret article is crafted in such a way as to permit a historically contingent condition to endure until a time when a more rational and enlightened solution may be enacted. The deference given to an unenlightened sovereign via the obligation incumbent upon a citizen by the private duty to respect the sovereign's dignity is akin to one's duty to abide by revolutionary regimes, and a nation's duties to abolish

chose the weaker of two arguments to justify the secret article. If he had openly voiced the stronger argument, any progress toward perpetual peace would be threatened. Just as you cannot openly legislate revolution if you wish to plan a secret coup, you cannot openly invalidate the legitimacy of the sovereign if you wish to avoid violent conflict.

The practical demand of private duty required Kant to obfuscate the purpose of the secret article because the political nation in which he published *Toward Perpetual Peace* was historically conditioned and not theoretically perfect. The practical requirement provides the correct context for understanding the confusion ironic interpretations of the secret article encounter. As I have argued the claim that Kant let the cat out of the bag by publishing the secret article does not hold. The act of listening is not his secret to keep. In addition, the publication of the secret article does not undermine the theoretical requirement for the sovereign's enlightenment; rather, as a practical matter, its publication is potentially challenging to the sovereign's authority and thus must be tempered by the subjective defense. While the dignity defense does not hold theoretically, it is a successful practical response to the practical problem. The subjective defense preserves the sovereign's historically contingent authority, while creating the opportunity for the exercise of that authority to become enlightened.

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standing armies, discourage international debt, and repatriate displaced peoples (Preliminary Articles 2, 3, and 4). Like these examples the subjective defense is designed so that the enlightenment of the sovereign may be brought about over time as opposed to immediately and this is a necessary practical condition for the move toward perpetual peace.

## Conclusion

### The Good of an Enlightened Sovereign

*What is Enlightenment* focuses on the development of enlightenment of the public sphere within a nation state, yet the enlightenment of the sovereign, made possible by the secret article, suggests that the public sphere within the state may be extended beyond the nation to the realm of international relations. The second definitive article demonstrates that the relationships between nations cannot have the contractual character of intra-national constitutions. Hence, it is reasonable that a trust not founded on explicit constitutional duties may be established among an international community of enlightened sovereigns in the same manner that it is among the national community of enlightened citizens. Although citizens are bound by a constitution, public trust is established freely in accordance with reason.

Since there are no structural constraints other than the limits of reason on public trust, and given that there are no contractual fetters on international relations, there is reason to believe that the trust created in the public sphere could be created in the international realm. Kant employs the secret article to bridge the gap between the public and international spheres, transferring a rationally based commodious environment of the one onto the other, thereby establishing a workable foundation for peace. By adding the secret article to his text, Kant situates the enlightenment and free rationality of the sovereign as the

grounds for moving toward peace. This foundation utilizes the legal mechanism necessary for reducing risk and increasing the likelihood of trust between nations without being a programmatic blueprint for a tinker toy international community.

The secret article circumvents a mechanistic reading of *Perpetual Peace*. This is troubling to those optimists who wish to employ an ironic reading in an attempt to buttress peace with the binding grip of mechanical laws. Although inclusion of the secret article is troubling, Kant was concerned with the dangers of the mechanical approach to international relations. At best, such a mechanistic approach would become unreflective and blind to the value of public right. As Kant notes, a federation of states is preferable to a global government because “as the range of government expands, laws progressively lose their vigor, and a soulless despotism, after it destroys the seed of good, finally deteriorates into anarchy” (*Peace* 336).

If the slow descent into anarchy is not a sufficient deterrent from brute mechanistic legalism, then an international sphere that is altogether without the secret article and the possibility of an enlightened sovereign would be an arena for perpetual war, the inhabitants of which would be tyrants, godheads, and strongmen who must protect their tenuous claims to sovereignty as fiercely as they protect their self-conceited claims to authority. Without a device within the state for the enlightenment of the sovereign, international relations between sovereigns would continue to be like Swift’s bird house. In *On the Common Saying*, Kant states that an enduring peace predicated on a balance of power is

a “mere fantasy, like Swift’s house that the builder had constructed in such perfect accord with all the laws of equilibrium that it collapsed as soon as a sparrow alighted upon it “(309).<sup>25</sup> During a peace which is held together by power alone, it is not a question of “whether the house will or will not collapse.” Rather, it is a question of which nation will exhaust their resources and power first.

If international relations are to evolve beyond a state of war with intermittent stalemates that give an appearance of peace to a state of perpetual war, they must be built on a trust that is guaranteed by the free use of reason and enacted and secured by the free expression of citizens regarding matters of public policy. This conclusion follows the structural logic of Kant’s definitive articles wherein federalism is premised on the republican constitution. However, the conclusion differs from the definitive articles in that it provides a solution to the conflict between national sovereignty and international government by placing the discussion outside of the explicit language of constitutions and contracts, i.e., the language of the private sphere, and places the discussion in the tacit language of the free use of reason and trust, that is, the language of the public sphere. When read in the context of *What is Enlightenment* it becomes apparent that the highest wisdom and inner reason of the sovereign is premised on an enlightened citizenry. While preserving the sovereign’s authority the secret article is the linchpin that unites the enlightenment of the sovereign with the

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<sup>25</sup> For a more detailed discussion of the relationship between Kant and Swift and Kant’s reading of Swift please see (Axinn 246 – 8; Fenves 97-99, 101; Wood 8).

enlightenment of his citizens, thereby introducing enlightenment into the international sphere and creating the possibility for perpetual peace.



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