The Limits Of Kantianism Towards A Project Of Global Justice

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Abstract

*W*estern societies believe they can improve human settlements all around the world by universal standards of justice, concerning mainly the distribution of wealth and sound democratic institutions. Such concern arises from the reflections regarding the hodiernal world condition, which is, at large, vile and unjust. These two ways of improving human condition have their mains ideas established on the work of Immanuel Kant. This paper intends, therefore, to understand and foresee the limits and boundaries of these ideas specifically on the contemporary world – plural, polysemic and filled with theoretical uncertainties.

Keywords*:* Kant; Global Justice; Cosmopolitanism; Human Rights; Morality

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I

From the concern that the world at large is unjust arises the issue of Global Justice, i.e., the idea that we can improve society all around the world by universal standards of justice, concerning mainly the distribution of wealth and sound democratic institutions. Through these two main concerns lie two fundamental ideas, namely, cosmopolitanism (all human ethnic groups belonging to a single community) and universal morality, i.e., Immanuel Kant's theoretical constructs. Though cosmopolitanism and universal morality roots until Hierocles and the Platonists, respectively, it was Kant who gave it the consistence known today.

The Kantianism imbued in these two ideas is somewhat a response to Hobbes's claims about the relation between justice and sovereignty, since the later understands political legitimacy and the principles of justice on collective self-interest, rather than on any irreducibly moral premises.

These two ideas, moral universalism and cosmopolitanism, can lead to dangerous pathways on the international community. Since every man and woman belongs to this single global community that has its own portentous universal moral with standards of justice, this same community shall protect them by force, if necessary, through some of its countries. This scenario is not new, since the world has already testified Kipling's "White Man's Burden" – in this bleak scenario Kantianism reaches its limits: should this theoretical universal moral and shared citizenship overcome individuals and traditional and endangered cultures? The understanding of human rights through Kantian "lenses" looking forward to a Global Justice challenges the tensions amongst increasing globalization, the so-called "clash of civilizations", the crisis of universalism, and the attempt to impose the cultures strengthened localisms.

This study deals with these *aporias* of Kantian thought through the following expediency: a) review of the origins and meanings of cosmopolitanism and moral universalism in Kant b) Comments on the possible subversions of Kantian assumptions c) Commencement of solutions to the problems raised from Jürgen Habermas thought.

II

Cosmopolitanism as a worldview is not something new. It probably emerged in ancient Greece, around the fourth century B.C., alongside the conquests of Alexander the Great in the East. With these achievements, the Greek citizen began to

think beyond the horizons of the city-state. Hellenism intellectually grew through contacts with other cultures and people, enhancing the ethos of citizen of the world (Brock, Brighouse, 2005: 3). Philosophically, the Stoics, *v.g.*, were the forerunners of cosmopolitanism, since they thought that self-acceptance was the way to reach things such as family, homeland and the human race in general sense. (Brock, Brighouse, 2005: 4-8).

However, cosmopolitanism understood as matter of Jurisprudence (*Rechtslehre*) is a Kantian novelty. For Kant, cosmopolitanism is not a philanthropy or a fanciful representation, but it is a necessary complement to the unwritten codes of civil law and international law to enable the realization of fundamental principles aimed at the ideal of perpetual peace. (Kant, 2009: 12-66).

With the apparent ending of the religious wars in Europe, the Peace of Westphalia of 1648 consolidated the required frames for a European international law, no longer based on the two highest medieval authorities – Pope and the Emperor, but based on the sovereignty of states. Therefore, it seemed to be the end of the medieval doctrine of Just War (*justum bellum*), and sovereign states become the only ones in a position to declare the legality of the war, no longer needing the approval of a higher authority – *non expectata auctoritate*

principis superioris - (Schmitt, 2006: 152-166). The Absolute monarchs, towards the goal of maintaining internal control over its own territory, guaranteeing them the right of war and peace in international relations, included new terms inscript on the "state of nature" Theory (Hobbes, 2005), even in International Affairs. With the transition from the Middle Ages to the Renaissance, pacifism resurfaces among Christian thinkers from the fourteenth century as, for example, the King of Bohemia Jiříz Poděbrad consigning the *Congragatio Concordiae* (Odložilik, 1965), and Erasmus of Rotterdam proposing his *Quaerela Pacis* (Erasmus, 2004).

At the mainstay of these ideas, Kant underlies his conception of Perpetual Peace in determined conception of public law, that leads to some kind of Cosmopolitical Jurisprudence as its highest expression

Kantian philosophy is the maximum expression of the Enlightenment, and as such, has a universal character. The starting point of his analysis does not differ substantially from other Illuminists such as Rousseau, Montesquieu or Hume. Kant understands the relationship between the States as return to the "state of nature" in some extent, which is a state of conflict and injustice in which only states are subject of international relations and recognize no higher authority. That is, according to Kant,

the main cause of the existence of a permanent state of war between them. So, under Kant's ideas, the overcoming of the absolute sovereignty of states and the overcoming of war are processes that must go together. But the ultimate goal is to carry out a cosmopolitan project to all Humankind and every individual, not restricted to Europe or the so called *Respublica Christiana.*

In contrast, the cosmopolitan conception considers that the primary interest of global justice is to ensure justice for individuals in the world as a whole. It assumes that all people, no matter where they are, have the right to equal care as citizens, and the purpose of justice is to ensure that global institutions and international relations are governed by the principle of individual equality. This means that global justice can not only be concerned with how states relate to each other, even if it is conditioned by the requirement that basic human rights must be domestically respected. Under such cosmopolitan understanding, global justice would require, above all, that all societies should maintain and aid their domestic institutions and social policies that regard human dignity.

In summary, the cosmopolitan approach to global justice regards a globalized liberal and egalitarian justice, and, to this point, one may assume some

economic egalitarian commitments, then the same is true for global justice. But the political dimension of cosmopolitan justice is the focus here studied, and this concept of cosmopolitanism is based on Kantian ideas of individual rights and international law (Habermas, 1996: 20)

Thus, the cosmopolitan kantian jurisprudence is based on the fact that the earth has a finite, spherical surface, and therefore, humanity cannot spread to infinity, but is limited to live on this territory common to all mankind. Although the definition given by Kant of the earth as a terraqueous globe – a mathematician-geographical setting – such definition is closed and limited to the natural conditions that make the possibility of interaction, however, composed towards some dynamicity. The world, of which Kant speaks here, is man's place, one in which it carries out its activity. And man, as an inhabitant of the land, is naturally a traveler. Thus, Kant saw humanity as a genuine potential community for interaction – pacific, but not friendly. Kant routed on some cosmopolitan Law the possibility of Mankind achieving the establishment of a perfect political organization.

This particular cosmopolitanism depends on a specific notion of Men and its *Telos.* In this sense it is noticeable that the human being is differentiated in relation to

other entities for being understood as a "terminal end" (Scopus) under the teleological order of the world. But what does it means being terminal end of Creation? What qualifies Man as such? According to Kant, Man, whilst existential category, needs no other purpose as a condition of its possibility. It is therefore an unconditioned being because it is not restricted simply to the cosmological or mechanical laws of cause and effect and do not serve (or should not serve) to the purposes of any other being. This independence on the chain of purposes is accredited by his supersensible capacity of freedom to volition and rationality. Especially, in this morality lies the centrality of human as terminal end of creation, which is rooted in a triple existential capacity: a free, rational and moral entity. These three assumptions also form the basis of human dignity, so that the just man is worthy of being treated as an end in itself because it is essentially free, rational, and therefore autonomous.

Such dignity is deduced from a specific understanding about morality. This is the stance of the Kantian metaethics system concerning a universal *ethea*, namely, universally applicable for all similarly situated individuals, regardless of race, culture, sex, religion, nationality, sexuality or any other distinguishing feature. Of course,

such a project is difficult in a pluralistic and mutable society.

III

Contemporaneously to Kant the old Iberian colonialism had already entered into crisis, but another form of geopolitical and ethnical exploitation emerged (Cooper, 2005: 113) that accentuated during the so-called neo-colonialism, especially with the disputes that would later foment the Great War. Anyway, in both events of imperialist practice there was some discourse of "Westernization" (Stuchtey, 2011), then called "Christianization of the Barbarism" or later the "White Man's Burden." In such discourses were laying beliefs that a universal and eminently true, unfeigned and veritable ethnocentric morality should be taken and disciplined to other people (Stuchtey, 2011), since they all belonged to the same great and ineffable Godlike Earthly Project erected on eurocentrism - it was therefore a kind of cosmopolitanism.

But, in contrast, what is the humanistic foundation of Kant's cosmopolitan thesis? It is truly based on the very idea of communitarian ownership of the surface of Earth. Originally under the 'state of nature', whilst physical possession (*Possessio phaenomenon*), all individuals have the same rights on the ground. The Earth is,

in this sense, a universal good. The very "*sphericity*" of the Earth, being itself circumscribed, constrains individuals and nations to not isolate themselves infinitely, contracting, however, some sort of relationship and, therefore, affect each other, what compels the creation of rules concerning the rights that should enables these volitions to coexist harmoniously.

A central aspect of Kant's Cosmopolitan Theory is the limitation of the concept "visitation Rights" (*Besuchsrecht*). This has significant implications when its understood as opposed to the ethnocentric practices of European colonialist nations contemporaries to Kant. According to the author, these so-called "civilized" states were unfair and abusive because they took the simple right to visit the foreign land as a right of conquest and consecutively led all forms of oppression to colonized peoples. For Kant, the European colonialists powers lived through a humbug, because on one hand they righteously follow their rites of worship and religious orthodoxy, but on the other, act on unfairly and vile ways towards its "colonized subjects". However, the complaint and the combat against such injustices become plausible within the cosmopolitan speech, in the sense that a single violation of rights in one corner of the Earth should be felt in every part of the world. It is in this sense that Habermas points Kant as one who anticipated the

nowadays called world public opinion. (Habermas, 2002: 197).

Kant himself, during his lifetime, criticized the subverted cosmopolitanism of the imperialist European nations, and there are interpreters of the philosopher of Königsberg that update his critiques, bringing it to today's reality. Western societies are structured upon capitalism and have been thriven in a multicultural context, composed of very different identities, under the ideological background of an alleged homogenization and universalization. The multiple cultures in those societies are part of a general culture where the logic of capital puts its manifestations in a network of mass production oriented towards endless consumption. There is a recrudescence of the interrelationships between individuals, understood as products and concomitantly producers of social reality, magnifying the individualistic organization and individualism. Considered as an ideology and moral base structuring of capitalist society, individualism is under constant mutation, showing strong tendency to radicalization, amid an abundance of human resources which, strictly speaking, would be sufficient to provide human happiness.

In this reality, there is a formalist abstraction of Kantian theories, pursuant to currently invoking Aristotelian conviction

that moral judgment is necessarily limited to certain socio-cultural contexts, leading to an alleged waiver of the needing for emancipatory potential of moral universalism, relinquishing to direct a scathing moral criticism towards unjust social structures. Overcoming this problem of modern atomism using universalist ethics of good only hampers the first issue, since that would rely on precursors of moral universalism, id est, in a morality grounded in religious and cosmological *weltanschauungen*, even more difficult to reconcile alongside the hodiernal postmetaphysical thought than to the teleological worldview of Aristotle (Habermas, 1986: 125)

Cultural relativism had undeniable relevance towards raising questions about the alleged superiority of one race, or to question the basis on which rested the claims that classified people according to stages of development. However, the ideal of tolerance then fetched currently encounters a series of obstacles supplied by the design of the relativist position, which seeks to establish it negating the possibility of judgment on behaviors of different people around the globe. Regarding the analysis of an alleged Westernness of Human Rights Standards, which would compromise with a European cultural tradition (perhaps understood as Imperialist), it is argued that the category

"Western" is an abstract and fluid formulation, beneath it a pluralistic mosaic of various traditions, sometimes antagonistic, being displayed.

It is considered that the possibility of incorporating the idea of hodiernal standards of Human Rights as a pathway to continue such tradition through a reinterpretation of the principle of Human Dignity, in order to avoid an imperialist imposition of any legal code. However, the possibility of any universal moral principle cannot be imposed in relation to specific cultural contexts of the world simply because any Ethical Discourse or Universality principle will not be performed independently at any real Discourse of *Praxis* (Habermas, 1986). The principle of Universal Morality and a pragmatic transcendental reasoning (derived from assumptions arisen from inevitable speeches of a specific *Reason*) are not sufficient, however, to substantiate standards of legal and moral demeanors.

The legitimacy of Modern Cosmopolitanism Theory and its Human Rights Laws must necessarily pass through complementarities between individualism and collectivism or communitarianism, processes that are no longer merely conflicting and, still, retain a tension and a complementariness essentials for the integration of morality in historical and social contexts enabling to join *Iura humana* within culture and society, not as an outer

levy, but as part of an institutionalized tidal process, complementing the many other collective processes of political nature.

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