

**Just War And Perpetual Peace: A View On Kants' Position**

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**ABSTRACT**

*“War” and “peace” are perhaps the most speculative bipolar notions in human history. Since the dawn of human civilization, “Mother Earth” has faced constant conflict between war and peace. Theoretical analysis of the ideas of “war” and “peace” has been undertaken by intellectuals and philosophers from the dawn of time in an attempt to resolve this tension. In this work, it is discovered that Immanuel Kant made a genuine effort to establish the causes of and justification for war. An esoteric examination of Kantian Practical Philosophy indicates that Kant offers a novel type of “Just War Theory.” In the meantime, Kant seeks adequate solutions to the question, “What actions should be adopted after war?” How do we eliminate the likelihood of future wars? How may we achieve an everlasting state of peace? In this paper, we will examine Kant’s perspectives on these questions. This work investigates further to determine if “just war theory” and “determining the methods for eternal peace” are incompatible. This work is separated into four portions. In the first part, we shall examine just war theory and its underlying ideas. In the second part, we shall examine Kant as an opponent of just war theory. In the third part, we portray Kant as a just war theorist, while section four examined the consistency between just war theory and Kant’s concept of perpetual peace.*

**Keywords:** *Peace; War; Just War; Immanuel Kant; Perpetual Peace.*

**INTRODUCTION: JUST WAR THEORY**

By “war,” we mean “a situation in which two or more countries fight against each other or one another over a period of time.” The theory of “just war” basically reveals the concept of warfare as being justified, subject to a particular situation, scenario, or condition. According to the Burkhardt (2017), the so-called “Just War Theory” is the “doctrine that a state may justly go to war for some restricted reasons, which are primarily those of self-defence and the rescue of another state from an aggressor” (p. 65). Clearly, the theory or doctrine deals with the justification of causes and reasons related to warfare. It is actually an ethical framework used to decide whether we should go to war or not. Just War Theory originated at the desks of classical Greek and Roman philosophers like Plato and Cicero and was further expanded and explained by Catholic philosophers like Augustine of Hippo (354–430 BC) and Thomas Aquinas (1225–1274 AD) (Ree & Urmson, 2005). In the seventeenth century, Dutch philosopher Hugo Grotius first formulated a systematic theory of just war (Lang, 2017). Grotius advocated a few other requirements before justifying a war. He offered a series of interpretations and clarifications in connection with such justification. Grotius referred to three kinds of elements that are the foundations of just war theory: *Jus ad bellum*, *Jus in bello*, and *Jus post bellum*.

Grotius has put *Jus ad bellum* as the just cause criteria to be consulted before the beginning of a war. “*Just Ad Bellum*” is actually a set of criteria or laws that defines the legitimate reasons for a nation to declare war and focuses on certain criteria that make a war

just. On the other hand, *Jus in Bello* is the set of criteria that come into effect once a war has already started. The function of this principle is to determine how wars are to be carried on, without regard to how or why they started. The principles of *Jus Ad Bellum* as narrated by Grotius do have just cause, right intention, proper authority and public declaration, last resort, probability of success, macro proportionality, comparative justice, proportionality, and discrimination.

**Just Intention:** This principle states that a state must intend to fight the war only for the sake of those just causes listed in the just cause principle (Olsthoorn, 2018). It cannot legitimately employ the cloak of a just cause to advance other intentions it might have, such as ethnic hatred or national glory.

**Proper authority and public declaration:** According to the principle of *Jus ad bellum*, a state may proceed to war only if the decision to do so has been taken by the proper authorities through an appropriate process.

**Last Resort:** This principle holds that a state may go to war only if it has exhausted all possible peaceful alternatives to the resolution of the conflict in question, in particular diplomatic negotiation.

**Probability of Success:** This principle holds that a state may not resort to war if it can reasonably foresee that doing so will have no measurable impact on the situation. The motto of the principle attached here is to resist violence, killing, and destruction, which is going to be futile.

**Proportionality:** This principle clearly asserts that a state must, before initiating a war, calculate the expected good to accumulate from prosecuting the war against the expected evils that will result, and only if the benefits seem reasonably proportional to the costs may the war proceed.

**Comparative Justice:** This principle affirms that every state must acknowledge that each side of the war may well have some justice to its cause (Van Ittersum, 2006). Thus, all states are to acknowledge that there are limits to the justice of their own cause, therefore forcing them to fight only limited wars.

**Discrimination:** This principle, though accepted by a few just war theorists in the context of *Just Ad Bellum*, holds that we must draw a distinction between combatants and noncombatants before the warfare. Non-combatants are ordinary civilians; they are not combatants (Olsthoorn, 2018). Respecting their human rights, non-combatants should not be targeted by any military tactics. But in the case of fighting against trained combatants, it is justified to fight a war.

*Jus in bello*, by contrast, is the set of laws that come into effect once a war has begun. Its purpose is to regulate the wars, having no unfairness to the reasons of “how or why” they go for. *Jus in Bello* seeks to minimise damage and loss during armed conflicts, notably by protecting and assisting all victims of armed conflicts to the greatest extent possible (Van Ittersum, 2006). For example, we may say the “International Committee of the Red Cross (ICRC)” introduced “International Humanitarian Law,” which applies to quarrelsome nations irrespective of the reasons for the conflict or the justness of the causes for which they

are fighting. Moreover, “International Humanitarian Law” is being enacted to protect victims of warfare regardless of which states or nations are affiliated with it. Hugo Grotius, in connection with *Just in Bello*, sets some principles as follows: respect neutral territory; honour the inviolable; respect the dead; keep the faith (however deception is allowed); no soliciting treason; etc. What the enemy does is permissible to do as well: non-combatant immunity; spices allowed; destruction for military necessity only; plunder as a state method of recovering debt; truces permissible; sovereigns bound by commitments made by authorised subordinates; tacit faith; and so on.

Grotius offered his “Just War Theory,” encompassing his views on what steps should be taken after a war to minimise the terror (Borschberg, 2011). *Jus post bellum* another element of “just war theory,” which is primarily a negative aspect of it. It offers prohibitions against certain actions and places restraint on other permissible actions. The chief concern of Grotius was to restore everlasting peace among the conflicting nations, and thus he set the principles of *Jus Post Bellum* as follows: no collective punishment; moderation in terms of surrender and conquest; keeping faith with the former enemy; the power to make war is the power to make peace; prior and accrued debts and penalties are still in force; the limit of a conqueror to just punishment; political hostages and pledges are permitted but protected from punishment by proxy; and peace, once made, is inviolable. Clearly, Grotius offered principles for moral justification of action before, during, and after a war, which are the founding principles of “just war theory.” We have seen that peace is the last principle of “just war theory” and is asserted to be inviolable. Thus, we may conclude that “just war theory” is meant to establish some ethical principles for just war that necessarily lead us to everlasting or perpetual peace.

### **KANT AS AN ANTI-JUST WAR THEORIST:**

Immanuel Kant is primarily renowned for his critical philosophy. But his valuable notes on ethics and political philosophy are undoubtedly a landmark in the history of practical philosophy. Kant is very much up to something about war and its justification. In his book *Perpetual Peace: A Philosophical Sketch*, we have found a detailed analysis of warfare and its ethics, as well as how we can escape from destructive war and pave the way to perpetual peace. Regarding the discussion of the problem of war in Kantian philosophy, most of the interpreters have asserted that in Kantian philosophy there is no just war theory. We may cite the example of Orenda Brian. Brian (2010) asserts in this context, “Kant has not developed a theory of just war... “Justice and war are in conflict with one another, and it is our duty as human beings to try to overcome war” (p. 2010). Similarly, Fernando Teson (2017) opines, “Kant dismisses the idea that there could be a just war.” Furthermore, Georg Geismann says, “For Kant, there is no such thing as a just war” (p. 32).

Clearly, interpreters of Kantian Philosophy are, more or less, agreed on the fact that Kant has not supported any Just War theory. But the question may arise here – why do the interpreters come to such a conclusion? The reason is very clear. If we go through the passages of Kant’s works, there are several quotes in the Kantian corpus to support such kind of reading. One of such anti-just war quotes we may observe in his *Perpetual Peace* where Kant is responding on the contribution of just war theories. The quote goes like this:

It is therefore to be wondered at that the word right has not been completely banished from military politics as superfluous pedantry, and no state has been bold enough to declare itself publicly in favour of doing so. For Hugo Grotius, Pufendorf, Vattel and the rest (sorry comforters as they are) are still dutifully quoted in justification of military aggression, although their philosophically or diplomatically formulated codes do not and cannot have the slightest legal

force, since states as such are not subject to a common external constraint ....' (Reed, 2013, p. 146).

In the same essay, he further asserts,

international right..., becomes meaningless if interpreted as a right to go to war.' Moreover, he adds up some adjectives to the warlike 'the scourge of humankind', the source of all evils and moral corruption', 'the destroyer of everything good' and so on. These assertions of Kant suggest that Kant war is intrinsically unjust and unethical. Elsewhere, he even holds that war is inconsistent with human rights. He utters in this regard, 'hiring men to kill and be killed seems to mean using them as mere machines and instruments in the hand of someone else (the state), which cannot easily be reconciled with the rights of man in one's own person (Cavallar, 2020, p. 131).

Similarly, there is a passage in the masterwork "Perpetual Peace" where he intones that the "moral-practical reason within us pronounces the following irresistible veto: "There shall be no war," and this is so because "war is not the way in which anyone should pursue his rights" (Kant 1970, p. 97). It is important to note here that Howard Williams (2012), one of the most popular interpreters of Kantian political philosophy, discusses Kant's position regarding just war theory in his book *Kant and the End of War: A Critique of Just War Theory*. In this seminal work, Williams has attempted to bring forth the thesis that Kantian political philosophy does not express any just war theory. Williams (2012) points out that as we read out Kant's conception of war, we see that Kant rejects war at every turn. In the first place, as Williams (2012) observes, for Kant, "war and reason are seen as continually at odds with one another." He notes that, according to Kantreason, God always demands the peaceful cooperation of humankind.

Consequently, if we follow the dictum of reason, we must strive for peace. Then, there would be no justification for warfare in any way. In the second place, to show Kant's position as an anti-just war theorist, Howard Williams makes an analogy between war and disease. Williams (2012) says, "From a practical standpoint, war has to be approached as a curable disease" (p. 96). This assertion of Williams undoubtedly indicates that, as Williams observes, Kant is against any kind of warfare or rivalry, and thus Kant should not be thought of as a just war theorist. Besides the opinion that primarily holds that Kant is not a just war theorist, several other opinions simultaneously project Kant as a truly just war theorist.

In the next section, we can take a look at the anticipation that Kant has offered a just war theory.

## **KANT AS A JUST WAR THEORIST**

As we have seen so far, the quotations cited from Kant's work primarily suggest that Kant actually advocates for Anti-Just War Theory. Destructiveness, terror and the weird effect of war are so obvious that Kant proclaims no future war. If the destructive state of an affair like war would persist, human rights might have been on the wane. The interpreters of Kant, to and fro, have marked Kant's theory as a form of pacifism. Teson, the Kantian Scholar, advocates that Kant is the preacher of 'Extreme Pacifism'. Pacifism is the view that no war is just whenever it occurs. The Pacifists categorically do oppose war under any given circumstance, though their reasons tend to vary. Jenny Teichman, in this connection, adds, "Pacifism is antiwar-ism".

But followers of the doctrine of Perpetual Peace may seldom find that Kant's theory appears to be a form of 'Pacifism'. If we go deep into Kant's observation of practical philosophy, we would surely find that Kant is not a pacifist of note. Kant himself believes that pacifism is the adverse state of thinking by way of denial of justice, the right to fight a

war. But Kant, in his *Doctrine of Right* writes clearly: ‘Original right of free states in the state of nature makes war upon another’. Kant further goes on to say:

International right is thus concerned partly with the right to make war, partly with the right of war itself, and partly with the question of right after a war, i.e., with the right of states to compel each other to abandon their war-like condition and to create a constitution which will establish an enduring peace.<sup>12</sup>

Besides, if we follow the passage as to “perpetual peace,” we would find that Kant frequently proclaims training up men for war to serve some dreadful purposes. He says, “It is quite a different matter (and thus presumed not a violation of human rights) if the citizens undertake voluntary military training... in order to secure themselves and their fatherland against attacks from outside.” (p. 13). The very words of Immanuel Kant do suggest that the great philosopher offers a just cause in support of warfare: the defence of one’s nation from external aggression. Furthermore, Kant holds, “If a state believes that it has been injured by another state, it is entitled to resort to violence, for it cannot in the state of nature gain satisfaction through legal proceedings” (Johnson & Patterson, 2016, p. 136).

Clearly, in the light of such remarks made by Kant, ample pieces of evidence may be found in support of the view that he believes in the right to go to war. This implies that for Kant, there is a huge possibility of being a “just war” theorist. We can offer another argument that presumably can justify our claim that Kant is a “just war” theorist. Since human beings with practical reasons are entitled to use deadly force to defend themselves against violent attacks on their lives, and since states, qua moral persons, are rational actors, it seems to follow straight forwardly that they, too, must have such a right of armed self-defense. Kant has said in this regard, “If a state believes that it has been injured by another state, it is entitled to resort to violence, for it cannot in the state of nature gain satisfaction through legal proceedings... So in the international arena, “the right to make war” is the permitted means by which one state prosecutes its rights against another” (Johnson & Patterson 2016, p. 136).

Immanuel Kant, in his book *Groundwork of Metaphysics of Morals*, advocates that “Categorical Imperative” is the supreme moral principle of humankind (Kant & Schneewind, 2002). Kant further asserts that the main feature of the “categorical imperative” is a basic command of our own practical reason. Kant has offered various forms of “categorical imperative,” such as “the formula of universal law,” by asserting, “Act only according to that maxim whereby you can at the same time will that it should become a universal law.” The formula of the law of nature says: “Act as if the maxim of your action were to become through your will a universal law of nature.” The formula of the end-in-itself is: “Act in such a way that you treat humanity, Whatever the form of the categorical imperative, its emphasis is on the fact that universality, consistency, and systematical order are needed for a moral system, and all moral agents should act on the same principle irrespective of their habituation. Kant opines that the “categorical imperative” is sometimes applied as the “universal principle of right,” which may be stated thus: “Act externally in such a way that the free exercise of your will is compatible with the freedom of everyone, according to a universal law” (Owen, 1995, p. 163).

This “Universal Principle of Right” specifies rights and duties that can and ought to be enforced in human society. According to Kant, the choice of war can be justified by his core principles of “categorical imperative” and “universal principle of right.” Kant maintains that war is a reasonably necessary element for the security and integrity of a system of international law and order. When the system is designed to achieve international law to obtain perpetual peace by using the art and science of armed force and projected warfare, then such a war is just.

If we critically analyse Kant's statements of *perpetual peace*, we will certainly find that there are seeds of "just war" principles in his theory. The just cause principle in *Jus ad bellum* very much exists in Kant's theory. In the previous section, we have noted down the principles of *Jus ad bellum*. Surprisingly, we see that some of those principles are quite evident and palpable in Kant's theory of warfare.

### **Just Cause in Kant's Theory**

We have seen that according to this principle of *Jus Ad Bellum*, a state must possess a just cause in launching a war. The causes include- self-defence by a state from external attack, in the border area the protection of innocents in context, punishment for a wrongdoer, and in general vindication for any violation of two fundamental rights of a state, namely political sovereignty and territorial integrity (Awhefeada, U., & Ezi 2020; Akujobi & Awhefeada 2021; Ehirim et al., 2022). Supporting this principle, Kant, in his political philosophy, says that a state can resort to war either in response to "actively inflicted injury" or to "threats". So, the right to involve in war is, for Kant, is partially self-justifying, just because of the assumption that there is a serious threat to a particular state by an external power. Thus, Kant is going for 'the right of anticipatory attack' which is out and out legitimate.

### **Just Intention in Kant's Theory**

This principle states that a state must intend to fight the war only for the sake of those just causes listed in the Just Cause principle. It cannot legitimately employ the cloak of a just cause to advance other intentions it might have, such as ethnic hatred or national glory. Brian Orend points out here, there is also just intention of *Just Ad Bellu*, in the context of Kant's theories of War and Justice. Brian says that Kant has asserted a state may go to war only with the intention of upholding its just cause as specified by him in just cause principle.

### **Proper authority and Public Declaration in Kant's Theory**

According to the principle of *Jus Ad Bellum*, a state may proceed to war only if the decision of war has been taken by the proper authorities through an appropriate process. This is one of the popular principles of *Jus Ad Bellum* for Kant. Kant frequently asserts that the state does not have the right to announce war without any consent. The state must consult with its citizens prior to declaring war. Kant has asserted,

a citizen must always be regarded as a co-legislative member of the state (that is not just as means, but also as an end in himself), and he must therefore give his free consent through his representatives not only to the waging of war in general but also to every particular declaration of war. Only under this limiting condition may the state put him to service in dangerous enterprises (Hensel, 2016, p. 105).

So, for Kant, the war can be justifiable to the people just because they are co-legislator, and their consent is essential for the execution of a war. Consequently, the war, in that case, will be consistent with the Categorical Imperative and Universal Principle of Right. Furthermore, Kant believes that the resort to war must be publicly proclaimed to the enemy so that deceitful and cunning activity may be avoided.

### **Last Resort in Kant's theory**

This principle, as we observed, holds that a state may go to war only if it has exhausted all possible peaceful alternatives to the resolution of the conflict in question, in

particular diplomatic negotiation. We see similar principles are apparent in Kant's philosophy when he asserts,

An act of retribution.... without any attempt to gain compensation from the other state by peaceful means is a similar form to starting a war without a prior declaration (Simon, 2001, p. 46).

Although here Kant is not expressing explicitly that war is the last resort, he believes that some serious attempts by non-violent means, perhaps through diplomatic negotiation, is to be observed before resorting to war.

### **Comparative Justice in Kant's theory**

This principle, we have earlier seen affirms that every state must acknowledge that each side of the war may well have some justice to its cause. Thus, all states are to acknowledge that there are limits to the justice of their own cause, therefore, forcing them to fight only limited wars. It is evident for us the Categorical Imperative and Universal Principle of Right and Justice sufficiently determinates for us to make accurate and authoritative judgements regarding the justice of war, the lack of total determinacy makes it reasonable to require that all states self-critically acknowledge limits to the justice of their own cause and thus the imperative of fighting only limited wars, restricted by the criteria of *Jus In Bello*. It is important to mention here that as Brian Orend (2010) observes,

There does not seem to be anything in Kant that parallels the traditional criteria of the probability of success and proportionality. This is not that surprising since they make explicit appeals to consequentialist considerations, determining probabilities, and weighing costs and benefits, and so on (p. 85).

Clearly, these two principles of *Jus Ad Bellum*, according to scholars, are absent in Kantian political philosophy. Still, the rest of the principles are evident and have been dealt with by him frequently. But the idea of *Jus in Bello* in Kant's philosophy is not so clear like just war theorists. Brian Orend (2006), in this another article *Kant on International Law and Armed Conflict* connection remarks,

The principal aspect to note about Kant's account of *jus in Bello* is that it is conspicuously weak and diffuse, at least relative to that of the Just War Tradition and to his own concerns with *jus ad Bellum* and *just post Bellum* (p. 74).

Yet, we can find many statements of Kant which may prove that Kant's theory has supported *Jus in Bello* principle of just war theory. Although it is a fact that this principle is not so evident like *Jus ad Bellum* and *Jus post Bellum* in his philosophy. We have already noted that *Jus in Bello* is the set of principles that come into effect once a war has started. Its purpose is to regulate the wars, having no prejudice to the reasons of 'how or why' they go for. *Jus in Bello* seeks to minimize damage and loss during arm-conflicts, notably by protecting and assisting all victims of armed conflicts to the greatest extent possible. Following the *Jus in Bello*, Kant clearly affirms that we should rule out any kind of wars 'extermination', 'subjugation' and 'annihilation'. He also holds that during warfare, states cannot employ assassins or prisoners, or even spies. He says in this regard,

No state at war with another shall countenance such modes of hostility as would make mutual confidence impossible in a subsequent state of peace: such are the employment of assassins or of poisoners, breaches of capitulation, the instigation and making use of treachery in the hostile state (Gabelia & Gurashi, 2017, p. 92).

Kant holds that these, as mentioned above, are ‘dishonourable stratagems’. For it must remain present during war, to have trust in the attitude of the enemy, otherwise, no peace could be gained, and the hostilities would degenerate into a war of extermination (*bellum internecinum*). It may be further mentioned that Kant points out that between states no war of punishment can be conceived because between them there is no relation of superior and subordinate. It thus follows that a war of extermination, in which parties and rights themselves might all be destructed, would allow perpetual peace only the vast graveyard of the human race. Such a war, therefore, as well as the employment of means that Kant already has mentioned, must be absolutely prohibited. For example, the employment of spies for gathering secret information from another state indicates certain dishonesty of other states should be prohibited during warfare.

Again, Kant emphasises the matter that no means should be taken by states during warfare which is inconsistent with the long-term ideal of perpetual peace. In Kant’s own language, “a state must not use such treacherous methods as would destroy that confidence which is required for the future establishment of lasting peace”. Clearly enough, Kant is indirectly declaring *Jus in Bello* in his philosophical voyage. By favouring this principle of Just war tradition, Kant maintains that states should undertake some measures during warfare that would eliminate all the unethical endeavour during warfare. We have found that the principle of *Jus Post Bellum* is very prominent in Kantian Philosophy. In his ‘Perpetual Peace’, Kant offers us certain prohibitions against certain wars and places restraints on other permissible actions relating to warfare. If we cast a glance at some of the Preliminary Articles and the Definitive Articles of Perpetual Peace between States and we would surely grasp the taste of *Just Post Bellum* principle. The articles are as follows:

1. PA1- “No treaty of peace shall be regarded as valid, if made with the secret reservation of material for a future war”.
2. PA2- “No independent existing state, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift”.
3. PA5- “No state shall violently interfere with the constitution and administration of another”.
4. DA2- “The right of nations shall be based on a federation of free states.”
5. DA3- “Cosmopolitan right shall be limited to conditions of universal hospitality.”

Evidently, such preliminary and definitive articles are nothing but post-war directions to the warring states to attain eternal peace and consequently, this is a form of *Jus post Bellum* principle of ‘Just War Theory’. We may have to look at those articles to clarify this point further. In the first preliminary article to perpetual peace, Kant intones that if any treaty of peace contains secret materials for provoking future wars, then such a treaty should be treated as a mere truce or a mere postponement of hostilities. It must not be equated with a peace treaty. For he believes, ‘peace’ signifies the end of all hostilities and thus the conclusion of peace nullifies all the existing and possible reasons for a future war. So, during a treaty, if any state willingly or unwillingly possesses and conveys the provoking material for future wars, then the treaty cannot be able to generate perpetual peace at all. As we know that a treaty is being signed most of the time as a post-war directive, naturally, this article may be included in arguments for *Jus Post Bellum*.

In the second preliminary article, Kant affirms that a state is not a property or possession of an individual. It is a society formed by human beings over whom no individual, but the public as a whole has the right and to dispose of. Like a tree, a state has its own root, so strong and in a definite space. But to incorporate a state as a graft into another state is to destroy its existence as a moral personality and reducing it to a commodity. This contradicts



the idea of the original contract, without which the right of property is unthinkable. If we notice intensely this article focuses on post-war directions for states. This article imposes prohibitions on the state against certain unjust actions and places restraint on other permissible actions. This is also true for its fifth preliminary article where Kant wants to assert that no state shall forcibly interfere in the constitution and Government of other states after a war. For, a constitution of a state reflects the principles and rights of the people of the state. In a similar way, a Government of the state is the manifestation of the general will of the public residing in the state. Thus, after the conclusion of the war, if any state interferes with the constitution and government of another state, that means to deny the sovereign will of the state.

Similarly in the second definitive article of Perpetual Peace Project Kant has offered a definite proposal for perpetual peace and such a proposal is about to form a world federation of nations.<sup>27</sup> Kant argues that every nation owing to the proximity of other neighbouring nations can injure others for its own security. But if for the sake of its own security, those nations can be set up a federation of nations whereby forming a general constitution, rights of the states, as well as individuals, could be secured. The Kantian scholars like Brian Orend clearly remark that this definitive article of Kant is a principle of *Jus In Bello* included in just war theory.

Finally, in the third definitive article, we find a sheer glimpse at *Jus in Bello* principles. In this article, he is very much concerned with the right of people, instead of mere philanthropy. He says that world citizen's laws should be confined to the requirements of universal hospitality. In this discussion, he also clarifies what we mean by 'hospitality'. According to him, it means "the claim of a stranger entering foreign territory to be treated by its owner without hostility" (Hill & Blazejak, 2021, p. 96). The owner can send the stranger back if this can be done without causing his death, but he must not be treated with hostility, so long as he conducts peaceably in the place, he happens to be in. Kant further asserts that the stranger cannot demand the right of a guest to be entertained, because this would require a special friendly agreement whereby, he might become a member of the native household for a given time. He may only demand a 'right of resort', the right to present himself to society belongs to all mankind in virtue of the common right of possession on the surface of the earth. Kant maintains that the earth is a globe and therefore men cannot disperse over an infinite zone. Hence men must necessarily tolerate the presence of each other and reconcile themselves to existence mutually.

At the same time, Kant asserts that no individual has a greater right than another to live in or to occupy a particular portion of the earth. Clearly, in the third definitive article Kant holds that the principle of right should be maintained in respect of the global community. This article, as Kant believes, has also post-war directions to states. It is fact that after the end of the war many people from both quarrelling states are still situated in the enemy state for several reasons. In this case, the foreign people should be treated without hostility. If the foreigner conducts peaceably, then the state should provide him hospitality right instead of his appropriate citizenship. It is much transparent from the above discussion that all the fundamental elements of just war theory remain present in Kantian political philosophy. In that respect, Kant is said to be a just war theorist. Besides those traditional just war principles, there are another two points from which we can say that Kant's theory of war supports just war.

First out of these points, going through the notes of Immanuel Kant we can find that he rejects strong realism, the theory upholds a serious challenge to just war theory from a realistic perspective. The followers of strong realism try to refute the employment of moral norms, such a justice regarding war and peace. To disprove the position of strong realist,

Kant holds on the contrary that we have sufficient moral ground for entering into wars and fighting. In fact, it is our moral right of a state to involve in war. In the passage of the *Doctrine of Right*, he clearly affirms that it is the original moral right of a free state to make war upon another. He intones,

International right is thus concerned partly with the right to make war, partly with the right of war itself, and partly with the question of right after the war, i.e., with the right of states to compel each other to abandon their warlike condition and to create a constitution which will establish an enduring peace (Ishay, 2007, p. 74).

Again, we observe that Kant asserts in many places of his treatise *Perpetual Peace*, in a similar fashion that resorting to war is our original right. He says, "...the citizens undertake voluntary military training...in order to secure themselves and their fatherland against attacks from outside" (Johnson& Patterson, 2016, p. 137). Kant elsewhere in *Perpetual Peace* says, "...the right to make war is permitted means by which one state prosecutes its rights against another" (Johnson& Patterson, 2016, p. 138). Therefore, Kant goes on to say, "if a state believes that it has been injured by another state, it is entitled to resort to violence, for it cannot in the state of nature gain satisfaction through legal proceeding" (Johnson& Patterson, 2016, p. 136). It seems quite clear from the remarks of Kant, that he believes there are some circumstances where the state have a certain moral right to go to war. This means there is sufficient possibility of a just war for Kant which signifies that Kant cannot be a war realist.

In the second place, if morality for Kant is supposed to be the basement of international relations and we are morally justified for resorting to war, then the question naturally be aroused: how can this just war theory of Kant be consistent with his categorical imperative, the supreme moral principle? How is it possible to stick to the categorical imperative justifying killing of human beings on the battlefield? To unearth the answers to the questions we must go through his theories of self-defence and punishment. These theories are the actual clues by which we can explain all those answers.

In a passage of Kant's *Doctrine of Right*, it is noted that when someone named A violently threatens the life of someone else named B, then, B may be justified to kill A in response: "a wrongful assailant upon my life... [is one] ...whom I forestall by depriving him of his life" (Martin, 2009, p. 240). Here Kant means to say, one may justly kill another person in self-defence, though one is to be applauded if one can repel the attacker in such a way as to spare his life. This is, no doubt, an ethical deed for an individual being. For, this argument is firmly based on the principle of Categorical Imperative which states that act only so that you could wish to become a universal law. Killing others in self-defence for Kant is quite consistent with the categorical imperative. Because there is no inconsistency assuming that everyone is out of self-defence killing someone else. So, it is morally just to kill another person in self-defence. From this assumption, we can further deduce a relevant conclusion that a state qua moral person, would seem to possess quite similar rights to violent response in the case of an armed attack by another state which credibly threatened to seriously injure its body politic. This argument can, one way, show that Kant's theory of just war is not inconsistent with his categorical imperative.

Through the theory of punishment, we may identify Kant's just war theory as the necessary corollary of his supreme moral principle. Kant believes that by committing a crime an individual breaks moral belief with himself and the state. As a moral individual and citizen of a state, he has certain duty to obey the laws of his state. Disobeying the law means showing disrespect for his own right as a citizen. Kant, therefore, supports a wholly uncompromising

attitude towards punishment. He repeatedly asserts to punish those people who have committed crimes and broken the laws of a state. Kant says in this regard,

Judicial punishment can never be used merely as a means to promote some other good, for the criminal himself, or for civil society, but instead, it must in all cases be imposed on him on the ground he has committed a crime (Ross, 1975, p. 54).

It seems very clear that criminal punishment is an unavoidable necessity. A punishment must be allowed to take its route impartially and mechanically. But punishment should not have occurred as a means to attain another end. Howard Williams, in the context remarks,

it is sufficient to state that the crime itself requires it, so that the punishment should be framed primarily with regard to the magnitude of the crime itself (Husak, 2008, p. 45).

Thus, punishment is chiefly associated in relation to the degree which a crime or mischievous act. Its secondary implication is to make aware to all of the people the issue that taking this punishment as measure the whole society would be benefited. So, the law of punishment is helpful for the betterment of society. Kant thus aptly remarks,

The law of punishment is a categorical imperative, and woe to he who rummages about in the winding paths of a theory of happiness [Glucksellgekeitslehre] looking for some advantage to be gained by releasing the criminal from punishment or by reducing the amount of it. Following the Pharisaic motto: 'It is better that one man die than a whole people should go to its ruin.' For where legal justice perishes, then it is no longer worthwhile for men to remain alive on the earth (Kant, 1999, p. 138).

In Kant's opinion, the only form of punishment should be 'retributive'. Only a retributive punishment of a criminal can bring proper justice. J. G. Murphy (2019) also points out that Kant's theory of punishment is retributive in character. Because in the basis of his theory of punishment there is a principle of strict reciprocity maintained. The object of punishment for Kant is not to exact revenge on the criminal since from the point of view of Kant's concept of reciprocity it is not only the victim who suffers the evil effects of a crime but the society as a whole and irrevocably, the criminal itself. The point may be more clearly if we glimpse at Kant's own observation,

But what is meant by the statement: if you steal from him, you steal from yourself? Since someone steals, he makes the ownership of everyone else insecure, and hence he robs himself (in accordance with the law of retribution) of the security of possible ownership (Saltzburg, 2008, p. 89).

Kant believes that by doing a deed of theft, a thief is depriving no one but himself, for committing the crime he is going away from a civilized and healthy life. Thus, he opines that punishment is needed not only for benefit of society but also for the criminal himself. But at the same time, supporting the traditional injunction of retributive theory 'eye for an eye' he is looking for the measurement of crime and its punishment. But still, he believes that exact 'like for like' is not always possible in regard to punishment. Yet, he holds that justice requires that it be used as the principle for specific judgements of punishment. He further believes to impose strict laws of punishment state and its government should employ legal coercive powers. To explicate Kant's observation Peter Koritanshy (2005) comments,

Legal coercion 'counteracts' violation of rights by turning those violations back upon the criminals who perpetrate them. Even though coercion infringes upon the freedom of the criminal, it does not itself violate the UPR (universal principle of right)... (p. 72).

Being a Retributive theorist of punishment, Kant fully supports capital punishment. He argues that only the death penalty is justified to the murderer. He thinks that the death penalty is precisely a requisite part of a public and universal legal system designed to secure all human beings their rights. Here Thomas Hill in his popular essay, *Making exceptions without abandoning the principle: or how a Kantian might think about Terrorism*, points out that from this Kantian theory of punishment, we can easily think of conception of war is associated with Kantian thought.

As Kant has asserted the retributive theory of punishment, it seems that for him in need of secure rights of the individuals as well as states in the international arena, we must admit the essentiality of war. States can go to war justly in the international system for the reason that violation of international laws and boundary-crossing and extension of territory into the other state like activities are to be restricted. Kant feels that if a state thinks that it might have been injured by another state, it is indeed ethical to resort to violence (Campa, 2022).

### **COMPATIBILITY BETWEEN JUST WAR THEORY AND KANT'S PERPETUAL PEACE THEORY**

It has already been observed that Kant offers a just war theory. He believes that resorting to war is morally justified, and the right to war is coherent with his fundamental principles of the categorical imperative. But Kant does not support destructive warfare merely for the sake of enmity—one country invading another through military deployment (D'Alessio, 2021). Kant thinks that war is only justifiable when it is needed to maintain the universal principles of international justice. In his article on Kant's "Just War Theory," Brian Orend (2006) makes the important point that, according to Kant:

War is just if, and only if, during the long transition from the international state of nature to a cosmopolitan civil society, armed force reasonably seems required to vindicate universal principles of international justice (p. 63).

Clearly, when Kant offers the just war theory, he does not ascribe justice to every war. Actually, Kant is giving his special attention to investigating the motives and reasons behind a war. If a war is organised in order to maintain the justice and rights of the people, then it is defensible (Awaru et al., 2022).

If we interpret Kant's just war theory in this way, we find that there is mutual compatibility between his just war theory and his perpetual peace theory. To get the ideal of perpetual peace, Kant is not claiming that war should be stopped forever. For the security of his motherland, resorting to war is one of an individual's fundamental rights between his just war theory and his perpetual peace theory. To get the ideal of perpetual peace, Kant is not claiming that war should be stopped forever. For the security of his motherland, resorting to war is one of an individual's fundamental rights. But he thinks that all unethical means should be prohibited during warfare. Thus, we see that Kant is attaching some pros and cons to warfare. Kant, being a real-life philosopher, assumes it is not possible to end all wars abruptly by agreement and treaty. We must proceed through warfare, but warfare ought to maintain all norms of morality and justice.

For this reason, Kant has placed some prohibitions on the process of warfare and also offered some innovative regulatory rules for conducting warfare among states. Through those prohibitions and directives, warfare can be justified, and at the same time, on the basis of the republican ideal, if we can form a world federation, gradually the chance of warfare will be reduced. After a long run, when throughout the world, people would be enlightened enough to maintain the supreme principle of morality and poured with cosmopolitan ideals, diminishing the narrow boundary of a territorial sphere, then people could understand

everyone as a fellow member of a global community. At that time, the chance of warfare would be reduced completely, and we could get the divine blessing of perpetual peace. So we can undoubtedly assert that Kant's theory of just war is not inconsistent with the idea of perpetual peace. Rather, we must move forward with proper and just warfare to minimise the harmful side of warfare. At this juncture, Kant's theory of just war seems compatible enough with his Perpetual Peace project.

## CONCLUSION

From the above discussion, we may conclude that Kant's theory of war is a type of "just war theory," although the interpreters, by and large, deny the fact. Kant does not oppose warfare; rather, he contends for it as it fits with the universal principle of right and the supreme principle of morality. To secure sovereignty, a state may resort to armed force. Asserting "go to war as a fundamental right," Kant truly ascribes some prohibitions on warfare that may pave the way to perpetual peace. Kant, the "Prophet of Universalism," argues for a federation of nations that will transgress national boundaries and eradicate all the arbitrary divisions among people that, he observes, cause hostilities among races and nations. According to Kant, the idea of a League or Federation of Nations is of the utmost importance in contemporary societies to re-create a world free from continual conflicts and enmities. If a Federation of Republics, governed by "International Law," as advocated by Immanuel Kant, can be formed, it would guarantee perpetual peace among nations. It is clear that, holding in one hand "just war theory," Kant has offered us the theory of perpetual peace. Kant, in his practical philosophy, has very systematically placed justification for warfare and has identified war as "just right." At the same time, putting a strict prohibition on the post-warfare situation, he tries to discover the passage destined for perpetual peace. Thus, the ethics of war and peace in Kantian philosophy do not fall under the charge of inconsistency.

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