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Kant, Perpetual Peace, and the Colonial Origins of Modern Subjectivity

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Abstract

There has been a persistent misunderstanding of the nature of cosmopolitanism in Immanuel Kant's 1795 essay "Perpetual Peace," viewing it as a qualitative break from the bellicose natural law tradition preceding it. This misunderstanding is in part due to Kant's explicitly critical comments about colonialism as well as his attempt to rhetorically distance his cosmopolitanism from traditional natural law theory. In this paper, I argue that the necessary foundation for Kant's cosmopolitan subjectivity and right was forged in the experience of European colonialism and the (pre-Kantian) theory it engendered. It is in this context that we witness the universalization of subjectivity and the subjectivization of right, emerging from the justificatory needs of extra-national jurisdiction and resource appropriation. This form of cosmopolitanism, whose emergence necessarily tracks the rise of global capitalism, continues to exert great and often uncritical influence on theories and practices of peace today.

Introduction

There has been a significant and persistent misunderstanding of the nature of cosmopolitanism in Immanuel Kant's 1795 essay "Perpetual Peace: A Philosophical Sketch." This misunderstanding is in part due to Kant's attempt to rhetorically distance his theory of right from a modern tradition that made possible its emergence. In his essay, Kant claims that it is difficult to understand why the word "right" has not been banished from the military exploits and colonialism of nation-states and why "Hugo Grotius, Pufendorf, Vattel and the rest (sorry comforters as they are) are still dutifully quoted in *justification* of military aggression . . ." (1991b, p. 103). This particular comment, together with Kant's critique of European colonialism in general, has been interpreted as a qualitative break from the preceding natural law tradition.[1] Rights only arise and gain recognition with the emergence and practice of new subjectivities, however, and this is also true of Kant's cosmopolitan right (*ius cosmopoliticum*), which is a *subjective natural right*. Such right is "subjective" insofar as the subject acts as its self-authorizing ground, rather than its relation to an external authority, political society, or national territory. Thus, we could say that without a cosmopolitan *subject*, a cosmopolitan *right* would be incoherent. This sentiment is analogous to Charles Taylor's claim in *Sources of the Self*: "Selfhood and the good, or in another way selfhood and morality, turn out to be inextricably intertwined themes" (1989, p. 3). As he indicates here, Taylor's impressive study focuses on selfhood and the *good*, whereas my focus is on selfhood (or more particularly, subjectivity) and *right*. With an eye on the subject's relation to right, we can trace the important move from rights-bearing to rights-generating subjectivity—a development of great importance for the emergence of right in the interstices of nation-states.

The thesis I defend in the following is that cosmopolitan subjectivity emerges from the experience of European colonialism and the (pre-Kantian) theory it engendered. Indeed, the history of modern colonialism is—from the work of Francisco de Vitoria and Hugo Grotius to its culmination in the work of John Locke and Emerch de Vattel—the history of modern natural law theory and its doctrine of natural subjective rights. It is here that we witness the *universalization* of subjectivity and the *subjectivization* of modern right, emerging from the justificatory needs of extra-national jurisdiction and resource appropriation. We thus find the birth of cosmopolitan subjectivity, necessary for cosmopolitan right, given form by none other than Kant's "sorry comforters." Understanding the political, juridical and economic factors contributing to the historical formation of right in Kant's political work is, I argue, essential to constructing self-reflexive theories of peace and justice and the emancipatory practices they inform.

I have divided my argument into four parts: (1) I present a brief look at the history of the idea of cosmopolitanism and its political and economic context; (2) I address the self-authorizing ground of Kant's cosmopolitan right and his positions on coercion and colonialism; (3) I situate Kant's project within the colonial context of the natural right tradition he sought to distance himself from; and finally, (4) I provide some concluding remarks.

I. Cosmopolitanism: History, Right, and Commerce

Kant was not, of course, the first to think in terms of moral cosmopolitanism. While gestured at by the ancient Greeks, cosmopolitanism took on more definitive contours among the Roman Stoics

in the context of Roman colonialism and conquest. Given the increasing commercial pressure within the growing territorial empire of Rome, the distinction between civil and natural law eventually all but collapsed and citizenship was granted to almost all inhabitants of the empire (an act of Emperor Caracalla) in 212 A.D.[2] With the expansion of citizenship came the increasing inclusion of many previously "rightless" or legally unrecognized individuals (excepting slaves) within the sphere of the civil law (*ius civile*). At the same time, we witness the increasing prominence of the stoical idea of the law of nations (*ius gentium*), which in turn changed the nature of *ius civile*. This development was clearly tied to the growing commercial relations with non-Romans—itself largely the result of the acquisition, by force, of new territories or "provinces"—and greater exposure to the legal systems of other nations.[3] As citizenship was being expanded the nature of civil law was being universalized and simplified.[4]

The result of this decline in *national* character of citizenship and its unique claims to capacities—such as the absolute right of property ownership (*dominium*)—is the beginning formation of a universalistic legal personality, itself the precursor or rights-bearing subjectivity. It was a supersession of the *natural* element of private command over and belonging to a religiously and socially infused world. Such natural roots and attachments differentiated and produced particularized forms of individualism, which inhibited contractual relations among different peoples in an expanding empire. Thus, the simplification of citizenship and the rise of universal legal personality were accompanied by the simplification of the concept of private property, the expansion of the domain of worldly things subject to ownership, and the simplification of the means by which individuals could alienate and exchange it. Previous prohibitions and complex rituals were thus eliminated and most economic exchange was thereafter carried out by simple *traditio* or contractual exchange.[5]

The conditions that gave rise to this ancient cosmopolitan thought are noteworthy, for they anticipate the imperial and colonialist context of Kant's immediate predecessors and European contemporaries. That is to say, in the imperial citizen of ancient Rome and the Kantian citizen of the "universal state of mankind," we find concrete parallels: The experience of colonization and conquest has contributed to a natural rights-based theory of trans-national order in order to support inter-national commerce. Despite the rather similar commercial pressures operating in both contexts, which, in a sense, demand more universal forms of right to facilitate them, this general commonality can only take us so far. It is not until the early modern period that the right of *ius gentium* begins to become a property of the *subject*, or what Grotius called a "moral quality of the person." This, we will find, was a result of historical and economic conditions that necessitated new ways of establishing jurisdiction beyond the civil law of the state. The problem of establishing jurisdiction was, however, less pressing in Kant's time and he shared the assessment of contemporary Scottish political economy that viewed colonial possessions as burdensome, rather than profitable, for the homeland.[6] This change of heart concerning the economic benefit of colonization was, however, the result of evolving economic structures: In short, commercial trade had become the engine of profit, as opposed to earlier (and necessary) forms of resource appropriation, or what Marx called primitive accumulation. Before drawing out this distinctively modern problem of jurisdiction and its effect on subjective right, I first briefly recount Kant's theory of cosmopolitan right and its transcendental foundation.

II. The Self-Authorizing Ground of Cosmopolitan Right

The transcendental subject of Kant's epistemology (as opposed to the empirical ego or self that is subject to causal forces) shares a principle of reflexivity and autonomy with the subject of his texts on morality and legality. The *experience* of objects in the world and the *form* of right are both predicated on pure reason, which provides the conditions for their possibility. The centrality of subjectivity in Kant's concepts of theoretical and practical reason was, indeed, innovative insofar as: (1) the *a priori* structure of the understanding and the pure intuitions of space and time spontaneously constitute the possibility of empirical experience (itself enabled by the unity of a transcendental subject, i.e., Kant's transcendental unity of apperception); and (2) autonomy in the domain of morality was defined as the adherence to self-legislated moral law, i.e., moral *autonomy* was the subject abiding by its own law (itself enabled by an original right to freedom).[7] Both represent a mode of subjectivity that transcends natural (i.e. causal) determination, fully internalizing the stoical idea of a rational and law-like world to which our will should seek attunement.

It is within this pure reason of the subject that Kant asserts that *a priori* principles, not experience of the world, tell us what *right* is and how it takes institutional form to incorporate the rights of others.[8] The latter institutional need is served by a political constitution (or social contract), which is an *idea of reason* and as such acts as a normative constraint on legal forms of organization, whose coercive powers are necessary to establish individual freedom. To understand how this works, we should not begin with the Categorical Imperative, which, as the supreme principle of morality, is concerned with the consistency or universalizability of the inner determinations of the will and does not contain reference to or justification of coercion. Rather, we should begin with Kant's Universal Principle of Right, which holds that "an action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law" (1996, p. 387). Unlike the Categorical Imperative, this principle is *relational* and concerns the domain of *external* (or *rightful*) freedom, wherein the application of our will is supported by or hindered by the actions of others and vice versa. Freedom, as unconstrained independence in this domain, is the "only original right belonging to every human being by virtue of their humanity" insofar as it "can coexist with the freedom of every other in accordance with a universal law" (1996, p. 387). Such coexistence is not possible without legal institutions and thus coercion, hence the necessity of a political constitution. As Arthur Ripstein rightly notes, for Kant "both institutions and the authorization to coerce are not merely causal conditions likely to bring about the realization of the right to freedom . . . Instead, the consistent exercise of the right to freedom by a plurality of persons cannot be conceived apart from a public legal order" (2009, p. 9). Since Kant argues, echoing earlier social contract theorists, that we have a duty to enter into a political constitution and thus exit a state of nature, law and coercion are part of what Otfried Höffe calls a "duty to legal-moral self-assertion" (2006, 122).

This necessity of coercion will play an important role in interpreting Kant's remarks about forcing others (i.e., non-Europeans) into legal orders. In "Perpetual Peace," Kant writes that a state of nature (which is the absence of recognizable public right or a legal order) is a state of war and such war can only be superseded if "one neighbor gives a guarantee to the other at his request (which can happen only in a *lawful* state)." If that guarantee is not forthcoming, "the latter may treat him

as an enemy" (1991b, p.98). Lacking a recognizable lawful state, a neighboring people or an individual "robs me of any such security and injures me by virtue of this very state in which he coexists with me." I am thus justified in taking "hostile action" against such a people even if they did not actively injure me. Indeed, I "can require him either to enter into a common lawful state along with me or to move away from my vicinity," for "all men who can at all influence one another must adhere to some kind of civil constitution" (1991b, p. 98). I will return to this justification of coercion and expulsion after a brief discussion of cosmopolitan right.

According to Kant, there are three types of rights to which legal constitutions must conform: civil or political, international, and cosmopolitan (public) right (1991b, pp.98-99; 112). A cosmopolitan constitution (as international federation) conforms to cosmopolitan right, which is a form of *natural right* that "shall be limited to conditions of universal hospitality" (1991b, p. 105). The natural right of hospitality means "the right of stranger not to be treated with hostility when he arrives on someone else's territory" (1991b, p. 105). This right exists "by virtue of their right to communal possession of the earth's surface," for "no-one *originally* has any greater right than anyone else to occupy any particular portion of the earth" (1991b, p. 106).[9] The apportioning of communal possession is regulated, not by the Categorical Imperative, but by the Universal Principle of Right, for the latter concerns spatial manifestations of will, most fundamentally in private property right, which can lead to potential conflict. This potential thus necessitates (legal) coordination with the freedom of others and their claims to private right. The assumption here is that the other person shares your legal order domestically (in a civil constitution) or internationally (in a cosmopolitan constitution). If the other person does not, we know that Kant would deem him or her an enemy of private right and thus of freedom.

This point is in need of some clarification, for it potentially runs counter to the view of Kant as critic of colonialism and empire; a view that has, I argue, contributed to a persistent misunderstanding of the nature of cosmopolitan right in Kant's work. It is true that Kant criticizes the brutal conduct of European nations in their efforts to colonize, for he clearly states:

> If we compare with this ultimate end the inhospitable conduct of the civilized states of our continent, especially the commercial states, the injustice which they display in visiting foreign countries and peoples (which in their case is the same as conquering them) seems appallingly great. America, the negro countries, the Spice Islands, the Cape, etc. were looked upon at the time of their discovery as ownerless territories; for the native inhabitants were counted as nothing. (1991b, p. 106)

One common interpretation of this statement is that Kant was arguing against the forceful imposition of the will of Europeans on peoples beyond Europe, as in his famous critique of the "sorry comforters." This interpretation is mistaken, however, for as we have already learned, in the defense of one's right to freedom others may be forcefully integrated into a legal order or banished from the surrounding territories. Kant's problem here is thus not with force, but with the conquerors and colonialists treatment of the "native inhabitants" as "nothing," rather than members of humanity with an innate right to freedom that itself demands public right or a legal order.[10] If the European conquerors force "native inhabitants" to be free insofar as they are forcefully incorporated into a recognizable legal order (rather than enslaved or murdered), European conquest is not only justified, but necessary according to reason. And, indeed, such conquests are a part of

providence, according to Kant, bringing together disparate peoples into a world community. "The end of *man* as an entire species . . ." writes Kant, "will be brought by providence to a successful issue, even although the ends of *men* as individuals run in a diametrically opposite direction" (1991a, p. 91). It is in this way that Kant finds perpetual peace to be "guaranteed by… Nature herself" (1991a, p. 108): It is "fate," for nature has peopled the whole Earth by war and then "compelled them by the same means to enter into more or less legal relationships" (1991b, p. 110).

Importantly, there is also a developmental aspect to Kant's thought here: He views certain modes of production as more reasonable than others. Thus "the agricultural way of life" is civilized, while the hunter, fisher, and shepherd live in "lawless freedom," i.e., a state of nature. In this way, if Europeans encounter economies based on hunting, fishing, or the shepherding of livestock, it is a telltale sign of lawless freedom and thus a threat to European (reasonable) freedom. The move from lawless to reasonable freedom is a product of commercial relations: Through "trade," nations "first entered into peaceful relations with one another, and thus achieved mutual understanding . . ." (1991b, p. 111). Nature, Kant writes, "*irresistibly* wills that right should eventually gain the upper hand" (1991b, p. 113) and "unites nations . . . by means of their mutual interest. For the *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war" (1991b, p. 114).

This reading of Kant paints a complicated picture. All subjects have an innate right to freedom (the Universal Principle of Right) expressed in private rights—particularly in property and contract—but must be regulated by public right or legal institutions in order to reasonably accommodate the freedom of others. This makes subjectivity the self-authorizing ground of right, both public and private, and the authorizing power of coercion. The innovative moment here is that the seat of right—in subjectivity—is neither grounded in, nor limited to, particular territories or positive legal orders and can thus in a sense (inwardly) accompany the subject. Because the domain of public and private right is the domain of external freedom, when other subjects are in one's proximity, yet not a part of one's legal order, force may be used to coerce them into such an order (unless "they" are a state with a civil constitution).[11] This force can even take the form of conquest, when those conquered are deemed to live in "lawless" freedom. The ends here are, at the global level, an international market system based on private property rights, and at the individual level, the protection of one's individual private rights, most often expressed in rightful ownership. The forceful incorporation of non-Europeans living in lawless freedom thus represents the protection of such rights and the expansion of international commerce, and, according to Kant, by recognizing right commerce thus mitigates war—hence the idea of perpetual peace arising from the cosmopolitan right of hospitality (or free trade).

III. Colonialism and the Rise of International Law

In the Introduction to her book, *A Critique of Postcolonial Reason*, Gayatri Chakravorty Spivak writes of the "fabulating spirit" at the "end of the 'German' eighteenth century" that provides "the 'scientific' fabrication of new representations of self and world that would provide alibis for the domination, exploitation, and epistemic violation entailed by the establishment of colony and empire" (1999, p. 7). Yet, Spivak continues, "it is appropriate to note that Germany's imperialist adventures did not consolidate themselves until the latter part of the nineteenth century" (1999, p. 7). Why the chronological inversion of alibis and colonial practices? When we turn to the preceding century of colonial practices and its theories of natural law and right, which invested

enormous amounts of theoretical and practical energy into constructing new subjects and new worlds, we find a clue, a foundation, a precursor of a subsequent "German" theory/alibi: We find the emergence of a new subjectivity within the interstices of nation-states and in colonial practices, as well as a new form of right, not only associated with it, but for the first time derived from it.

This, however, is to claim that the break from the natural law tradition preceding Kant—a tradition very much preoccupied with justifying colonial appropriations—was not complete; such an assertion is something of a platitude in the history of ideas, but nonetheless one that is often absent from interpretations of Kant's philosophy of right. The culminating figure in this part of the story is John Locke and what Charles Taylor calls his self-objectifying notion of the "punctual self."[12] Although the forging of this concept of the self is largely a product of epistemic forces, according to Taylor, I argue that, on the contrary, Locke's innovative theory of right, while inextricably related to his epistemology, is only rendered sensible within the material conditions and practices of English colonialism.

Before Locke's work on right and jurisdiction there had already been substantial work on, and debate about, the relation and nature of *dominium*—as mastery, rule, or ownership—in the rational subject. The Salamanca School in sixteenth-century Spain is particularly important here, for figures in the Thomist tradition like Francisco Vitoria were producing theological and political treatises on natural right that justified Spanish colonialism in the Americas. Vitoria's lectures from 1539, *Relectio de Indis* [*On the American Indians*], questioned whether indigenous peoples, or barbarians as he called them, "before the arrival of the Spaniards, had true *dominium*, public or private?" In other words, the question is "whether they were true masters of their private chattels and possessions, and whether there existed among them any men who were true princes and masters of the others" (1991, 1.1 §4, p. 239). That is, whether they could be either owners of property or rulers in a polity. Vitoria answered in the affirmative, but found other arguments for continuing colonization, namely, just war. Just over a decade later—and into the Counter-Reformation—we find a famous debate between Juan Ginés de Sepúlveda, a theologian and Aristotle scholar, and Bartolomé de Las Casas, Bishop of Chiapas, on the same topic. The path these Catholic natural law theorists had to navigate was constrained by two objectives: Give no ground to the Reformation notion of individual conscience and produce some form of justification for Spanish colonialism. The path they took established universal legal personality in Catholic natural law theory, i.e., it conceptualized (proprietary and political) *dominium* as inherent to non-European subject, because those subjects had to be capable of right if their violation of it was to trigger a just war.

The rise of the Netherlands as a colonial power at the end of the sixteenth century pushed Dutch East India ships into Spanish shipping routes and attempts to justify such actions engendered the development of modern international law (beyond the Counter-Reformation). Hugo Grotius argued in *Mare Liberum* (1609), for example, that jurisdiction did not extend over the sea, because the sea could not be owned, i.e., jurisdiction could only follow from private right and no one, including the Spanish, could possibly possess it on the open sea. And unlike Vitoria's justification for colonization based on just war, Grotius shifted his argument from the public (or state) right to war to the private right of punishment—a harbinger of Kant's private right to coercion—which could be exercised by anyone, even if they were not directly harmed by a violation of natural law. Locke would later and importantly take up Grotius' argument for private punishment. Locke

argued that we all originally have equal jurisdiction in a state of nature as that condition antecedent to or outside of the state. That said, the violation of natural law entails justifiable punishment and, he writes, "*in the State of Nature, every one has the Executive Power* of the Law of Nature," (1999, §13, p. 275) thus each of us "*hath a Right to Punish the Offender*" (1999, §8, p. 272). Such punishment, while a right, did not itself produce a right to property or establish political jurisdiction. For that, Locke turned to labor—and a new concept of the laboring subject—as a vehicle for establishing right in the object world. In the second of his Two Treatises of Government, Locke writes: "Whatsoever then he removes out of the State of Nature hath . . . mixed his *Labour* with, and joined to it something that is his own, and thereby makes it his *Property*." Why, because "added something to them [i.e. one's products] more than Nature . . . so they became his private right" (1999, §28, p. 288).

This subjective right to property in a state of nature has its foundation in Locke's epistemology. According to Locke, when an agent possesses an active power to transform the quality of some object, the change in the object—considered a passive quality—is also the quality or property of the active agent.[13] So the (passive) quality of wax melting is connected to the active power of the sun insofar as the ability of wax to melt *is a quality or property of the sun.* We can see, then, how the labor that transforms the qualities of an object might be considered the property of the individual whose active power did the transforming. When it comes to individuals (rather than the sun), Locke speaks of the relation of these active and passive qualities as right, thus rhetorically translating an epistemic distinction into a juridical one. Regardless of how defensible this move is—and most would agree that it is not defensible—it makes the labor of a subject in a state of nature (or beyond positive law) a *dominium*- or right-founding practical activity—a very important claim in the context of English colonialism. That is to say, despite this dubious move by Locke, the resulting theory was incredibly productive in justifying English appropriation of land in North America (if to none other than the English themselves). Such private right could then serve as a foundation for public or political right (as we saw in Grotius), solving the problem of establishing right beyond the jurisdiction of the state.

IV. Concluding Remarks

The development of subjective natural right—rooted in a kind of free personality originating in Roman colonialism—developed in the modern period beyond the state, beyond the nation, in a global colonial project animated by the conflicts over recognition of right, and subsequently jurisdiction. As with Kant, Locke's notion of the self is the ground of subjective private right. Indeed, Locke is the only figure in the social contract tradition to assert a *property right* antecedent to the state and thus to law; evidence of that important initial move from rights-bearing to rights-authorizing subjectivity—a development not yet present in the stoical cosmopolitanism of the Roman Empire—unmooring right from community and consent. Just as subjective right had been internalized as a property of the subject, so too had the right to use force. In Kant, coercion is the correlate of freedom in every subject, whereas in Locke the "strange doctrine," first found in Grotius, was a subjective or private right to punishment, and both are only operative beyond a legal order.

By Kant's time the task of (subjective) natural rights theory was no longer to address what was previously—among those sorry comforters—the most pressing problem of the colonial powers, namely, the legitimate establishment of extra-national or colonial jurisdiction. Kant was faced rather with a juridical problem that arose subsequent to seventeenth-century European expansion: His subject was tasked with the problem of justifying a moral order commensurate with inter-state commerce, not just intra-national or intra-imperial trade, which the cosmopolitanism of the Roman Stoics accommodated. As we saw in the case of Locke, right was driven inward—hence the emergence of the *self-grounding concept of modern right*—while its actualization was driven outward, serving the justificatory needs of extra-national jurisdiction and resource appropriation—or what Marx called primitive accumulation. And it was this fully universalized and internalized concept of right—initiated by the colonial problems and practices in Locke's time—that allowed Kant's self-authorizing ground of cosmopolitan right to transverse the lawless zones or interstices of nations. Thus, the provision of "alibis for the domination, exploitation, and epistemic violation entailed by the establishment of colony and empire," that Spivak attributed to Kant were actually written into modern subjectivity more than a century earlier; a subjectivity that would eventually serve as the ground of Kant's cosmopolitan right.

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Notes

[1] See Muthu (2003) for a sympathetic reading of Kant as anti-imperialist. It is perhaps important to note here that my argument does not assert that Kant's theory was not novel in some ways, a point I address momentarily. I am thus in agreement with Otfried Höffe, who writes: "Prior to Kant, natural law was developed by philosophers and jurists in such a way that it was grounded in reason, but not exclusively in pure reason. Kant here forges ahead with a methodically decisive improvement indebted to the critical turn" (2006, p. 7).

[2] See H. F. Jolowicz and Barry Nicholas (1972, pp. 345-52).

[3] By 275 B.C. Rome had conquered most of the nations of Italy and by 241 B.C. (after the first Punic war) had acquired Sicily, its first province beyond Italy. The conquest of large parts of Spain and North Africa soon followed. While Ulpian differentiated *ius naturale* from *ius gentium*, Gaius identified them, as did Cicero and Aristotle insofar as to be natural is to be common or universal. See also Aristotle (1995, Book I, Chapter 13, 1373b).

[4] See Hegel (1977) where he describes this moment as when "the *living* Spirits of the nation succumb through their own individuality and perish in a *universal* community, whose simple universality is soulless and dead, and is alive only in the *single* individual, *qua* single" (p.289, §475).

[5] *Traditio* was the most relaxed method of acquisition legitimate under natural law or *ius gentium*, for it originally applied only to unessential "objects," i.e., those things not deemed essential to the stability of the family and community. This distinction ended in the Justinian Code of the sixth century, which made all corporeal objects transferable by *traditio*.

[6] See Kant (1991b): "The worst (or from the point of view of moral judgments, the best) thing about all this is that the commercial states do not even benefit by their violence, for all their trading companies are on the point of collapse. The Sugar Islands, that stronghold of the cruelest and most calculated slavery, do not yield any real profit; they serve only the indirect (and not entirely laudable) purpose of training sailors for warships, thereby aiding the prosecution of wars in Europe" (p. 107).

[7] See J. B. Schneewind (1998) for a thorough pre-history of Kant's notion of morality as autonomy.

[8] See Kant (1996), where he defines right as "the sum total of those conditions within which the will of one person can be reconciled with the will of another in accordance with a universal law of freedom" (§B, p. 133).

[9] See also Kant (1996, §43).

[10] See Kant (1991b): "And the main difference between the savage nations of Europe and those of America is that while some American tribes have been entirely eaten up by their enemies, the Europeans know how to make better use of those they have defeated than merely making a meal of them. They would rather use them to increase the number of their own subjects, thereby augmenting their stock of instruments for conducting even more extensive wars" (p. 103).

[11] See Kant (1996), where right is said to entail "the authority to apply coercion to anyone who infringes it" (§D, p.134).

[12] See Taylor (1989), particularly Chapter 9.

[13] See Locke (1979), particularly Book II, Chapter 8, §23, pp. 140-41.