


The Philosopher as a “Secret Agent” for Peace: Taking Seriously Kant’s Revival of the “Old Question”

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1 Law vs. Philosophy at the Core of Kant’s *Conflict*

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ulties (1798), is typically regarded as a mere composite of three essays on separate themes held together with nothing but an artificial appeal to the four-fold structure of the Prussian university. As we shall see below, the three parts of *Conflict* examine the relationship between philosophy and the three “higher” faculties of the university. Or so, at least, he claims in his Introduction.

In fact, only Part I of *Conflict*, on the relation between the faculties of philosophy and theology, really lives up to this stated purpose. Instead of writing new and original works for the other two parts, Kant adapted essays he had written previously, probably with other uses originally in mind. Especially the essay appearing as the Second Part, entitled “An old question raised again: Is the human race constantly progressing?” (hereafter “OQ”), seems at first to have little or no serious relevance to the issue of a philosopher’s duty with regard to both the faculty of law in general and the challenge to build a more peaceful world in particular. While both the form and the content of “OQ” undoubtedly leave something to be desired, I believe it offers more insight into the “official” topic (i. e., the relation between the philosophy faculty and the faculty of law) than meets the eye.

In order to appreciate the full significance of “OQ”, we must first look at its immediate context in Kant’s philosophical corpus. Kant originally drafted the essay roughly three years before it was published, so it should not be surprising that the most relevant context is its relationship to a work Kant published around the same time: *Perpetual Peace* (1795). In many ways, the latter applies the same reasoning to the topic of international relations that *Conflict* applies to the structure of a university’s faculties. I shall therefore begin here by exploring certain elements in *Per-*

petual Peace that clarify the relevance of what Kant goes on to write about lawyers and philosophers in the Second Part of *Conflict*.

2. The “Secret Article” in Perpetual Peace: Irony or Transcendental Condition?

The main principles of *Perpetual Peace* are well known, for this is probably the greatest (and certainly the most widely read) of the works Kant wrote to supplement his systematic writings. After a brief and rather ironic introduction asking the reader to take him seriously despite the apparently impracticable nature of his claims, Section I identifies six “preliminary” requirements any states must follow in order to set in motion a lasting peace in their relations with other states.¹ These are meant to be principles of self-regulation that states can begin to implement on their own, even *before* there is an international “federation of states”, whose task would be to make perpetual peace a reality. Section II then explains the three “definitive articles” that would need to be adopted by every member state. Each state must: (1) establish a “Republican” Constitution, whereby the government bases its *mode of administration* on a “separation of the executive power (the administration) from the legislative”, so that the people who make the laws are not the same as the people who enforce the laws;² (2) uphold a body of international law enacted by the Federation, so that states no longer relate to each other in the uncivilized manner of lawless savages, but according to self-determined principles of “rational freedom;”³ and (3) foster “Universal Hospitality”, so that all

1 See ZeF, AA 08: 343–347; tr. Lewis White Beck in *On History*, ed. Lewis White Beck (Indianapolis: Bobbs-Merrill Company, 1963).

2 ZeF, AA 08: 352. Any government that allows the ones who make the laws also to administer them is *necessarily* despotic, even if the despotism is hidden under the cloak of a popular, democratic vote. Democracy without separation of powers (i.e., non-republican democracy) is despotic because “all” decide for or even against one who does not agree; that is, ‘all’, who are not quite all, decide, and this is a contradiction of the general will with itself and with freedom”.

3 ZeF, AA 08: 354 f. Among the most fundamental principles of international law is that the federation’s purpose cannot be that of establishing “a law of nations as a right to make war” (356). Kant goes on (357): “The only conceivable meaning of such a law of nations [i.e., as a right to make war] might be that it serves men right who are so inclined that they should destroy each other and thus find perpetual peace in the vast grave that swallows both the atrocities and their perpetrators.”

human beings will be regarded as "world citizens" with the same basic rights, including "a right of temporary sojourn" in other countries without being treated as enemies (ZeF, AA 08: 358).

Although Kant's basic argument appears to be complete at this point, some of his most interesting ideas appear in the two Supplements and two Appendices that follow. These sections are also where we find the most interesting common ground between *Perpetual Peace* and "OQ". The First Supplement, for example, is a lengthy analysis of the *progress* of the human race toward the goal of obtaining the kind of lasting peace between nations that is envisioned in the main part of the book. Here Kant argues that nature implements a four-stage "mechanism" that guarantees the goal of peace will eventually be reached. In the earliest stage of human history, hostility between different groups of people serves the necessary purpose of encouraging them to spread throughout the whole earth. As the earth begins to fill up with people, those living in the same area must establish laws and create civilizations for their own self-protection; but as a result, conflicts arise with neighboring civilizations, and war is the inevitable result. The third stage begins when someone (like Kant) realizes that, in order for peace to exist *in spite of* the differences that have arisen during this process (especially differences in language and religion), a federation of separate nations must be established. (We are currently living in this third stage, though perhaps not much further along than we were 200 years ago.) Finally, as the idea of "world citizenship" becomes more and more prominent, with different civilizations recognizing that peace *despite* our conflicting ideals really is in everyone's best interests, the goal of perpetual peace will be realized.

The Second Supplement, unlike the First, is brief and appears to be of questionable practical value. Yet it is of crucial importance when assessing the relation between *Perpetual Peace* and "OQ". Kant here introduces a so-called "Secret Article" that he claims must be present "subjectively" in any legislation that is to succeed in leading the world's nations along the road to perpetual peace. By this he means the lawyers who draft legislation must have this article in mind, and employ it in practice, even though it is not "objectively" part of any state Constitution or body of international law (ZeF, AA 08: 368). The secret article states: "The opinions of philosophers on the conditions of the possibility of public peace shall be consulted by those states armed for war". Although few take Kant very seriously at this point, I believe this is an *absolutely crucial* part of his plan for enduring world peace. It is essential because if those who draft legislation depend solely on the *objective* articles, the path to peace will

be devoid of what we might call the *transcendental conflict* that Kant views as a necessary condition for real peace. That is, legislators must be open to having their opinions challenged, analyzed, and subjected to the judgment of dispassionate reason by those with expertise in the latter, or else their legislation, drafted in a context devoid of creative conflict, will fail to establish the desired goal of peace.⁴ Unlike Plato, Kant does not think “kings should philosophize or philosophers become kings;” rather, he only asks the faculty of law to be willing to give the faculty of philosophy a fair hearing. Here Kant is hinting at what will turn out to be a central point in *Conflict*: the ideal of peaceful conflict within the university is our most effective model for making real progress on the path toward perpetual peace between nations.

Appendix I expounds further on the necessary opposition, or *conflict*, between politics and morality, at least as regards their different functions on the path to peace. Politicians, Kant argues, tend to be immoral because of the relationship they inevitably have to those holding power (ZeF, AA 08: 373): “they flatter the power which is then ruling so as not to be remiss in their private advantage, and they sacrifice the nation and, possibly, the whole world”. In direct contrast to philosophers, politicians “make a great show of understanding *men* [...] without understanding *man* and what can be made of him, for they lack the higher point of view of anthropological observation which is needed for this”.⁵ Kant concludes that, although “objectively [...] there is no conflict between morals and politics” (ZeF, AA 08: 379), the reality of human selfishness and evil necessitates that “[s]ubjectively [...] this conflict will always remain”.

Perpetual Peace concludes in Appendix II with an explanation of how “the transcendental concept of public right” can be used to establish *harmony* “between morality and politics” – the necessary condition for lasting peace. Here Kant proposes a “transcendental condition of public law (ZeF, AA 08: 381): ‘All actions relating to the right of other men are un-

4 Objective legislation made *without* the controlling conflict of the philosopher’s voice echoing in the subjective background will never lead to world peace, because on their own, lawyers always tend to look after their own self interests; the lawyer “throws the sword of justice” into “the scales of right” whenever “the scale does not sink the way he wishes” (ZeF, AA 08: 369).

5 ZeF, AA 08: 374. Kant cites three rather cynical (though all too often, penetratingly accurate!) maxims guiding the typical professional at law. He then challenges us to stand up and courageously fight against this feature of modern culture (376): “Let us [...] force the false representatives of power to confess that they do not plead in favor of the right but in favor of might”.

just if their maxim is not consistent with publicity”. After discussing several examples of this merely “negative” principle, Kant warns that “we cannot infer conversely that the maxims which bear publicity are therefore just”, because those who wield sufficient levels of power have little need to conceal their plans, whether they are good or not (385). The affirmative version of this transcendental principle is (386): “All maxims which *stand in need* of publicity in order not to fail their end, agree with politics and right [i. e., morality] combined”. Careful attention to Kant’s arguments in the Supplements and Appendices reveals that, if Kant’s plan for perpetual peace between nations is *ever* to become a reality on earth, then a context *must exist* wherein philosophers are not only “allowed” but *encouraged* to engage in *open conflict* with legal professionals, through peaceful public discussion of universal principles relevant to actual legislation. In the remainder of this paper I shall argue that Kant’s task in “OQ” was to show that such a context already exists, in the form of the *university*.

3. Conflict between the Philosophy and Law Faculties as the Model for Perpetual Peace

Our brief overview of Kant’s masterpiece on peace provides a helpful contextualization for understanding the significance of the essay he was writing around the same time, “OQ”. For what Kant only hints in the Second Supplement to *Perpetual Peace*, that progress toward peace may depend on philosophers (especially academic philosophers) acting almost as *spies* (or “secret agents”) in the political realm, comes to look more like a serious contender for a transcendental condition for the empirical realization of international peace. In “OQ” Kant offers a philosophical interpretation of the actual structure of the Prussian university system, portraying it as a vehicle for promoting just the sort of open public conflict between philosophers and various types of professionals that his previous work had treated as a “subjectively necessary” (i. e., transcendental?) condition for peace.

The universities of Kant’s day had a far simpler structure than our contemporary universities typically do. Instead of a seemingly endless array of departments grouped into a smaller but still indeterminate number of faculties, the whole system consisted of four faculties divided into two types. The three higher faculties – theology, law, and medicine – were

charged with the task of training the professionals (i. e., priests, lawyers, and doctors) whose task was to assist the public in solving problems relating to their moral/spiritual well-being, their property, and their health, respectively. Philosophy was called the lower faculty because its job was not to train professionals but to educate, examine, and if necessary, *chasten* all the other faculties in matters pertaining to reason. Kant's book is divided into three parts, devoted (at least in theory) to an explanation of how the philosophy faculty engages in creative conflict with each of the three higher faculties.

Kant's assumption was that this ideal of peaceful yet creative conflict in an academic setting can *make a difference* to the general public, while causing them no harm, because the arguments of the philosophers can and should change the way priests, lawyers, and doctors deal with the public. An important difference between the lower and higher faculties, however, concerns the role of government regulation – an issue Kant deals with only incidentally throughout *Conflict*. Because the content taught and published by members of the higher faculties has a direct influence on those professionals who deal immediately with the public, the government has a responsibility to regulate what these faculties teach; the philosophy faculty, by contrast, does not train professionals and therefore should not have to answer to any authority other than reason. In this way, it fulfills a crucial role in any republican state, by providing a “checks and balances” system from within the state-sponsored educational system itself. When its potential is fully realized, academic debate can not only exemplify the kind of healthy conflict that has the potential to make society a wiser and safer place to live; it can also actually *bring about* the goal of peace through its indirect effect on the general public.

Unfortunately, Kant's stated plan for *Conflict* was more of an idealized hope than an accurate account of what he actually wrote therein. For the only part that fully accords with his stated goal is Part I, on the theology faculty. The other two parts only tangentially touch on the specific issue of *conflict* between philosophers and the relevant professionals (i. e., lawyers or doctors). As a result of this defect in the composition of Kant's book, perhaps excusable due to his old age at the time of publication, the only detailed explanation of how empirical conflict in an academic setting can pave the way for peace is to be found in his account of the relationship between philosophers and theologians.

The theology faculty, Kant argues, adopts a wholly different standpoint from the philosophy faculty. Members of the two faculties are, in

many respects, enemies or "warring neighbors".⁶ This is because the source of the theology faculty's authority is its appeal to divine revelation. The Word of God (i. e., the Holy Scripture of whatever religious tradition is being taught), and the Spirit of God (i. e., the presence of God's voice in the interpreter's heart, leading him or her to formulate the right interpretation) are the fundamental basis for all consideration, both theoretical and practical. By contrast, the philosophy faculty's authority is grounded in reason alone. Because theologians must inevitably *make use* of reason whenever they interpret or apply the statements they find in Scripture, they are necessarily subject to the philosopher's critical analysis. Conversely, philosophers may offer interpretations and applications of Scriptural statements *without* subjecting themselves to orthodox doctrinal restrictions; being philosophers, they never need to step outside their role as messengers of reason. Since this paper is not about religion and theological conflicts but about politics and how philosophers can help perpetuate peace, this brief summary of Part I must suffice.⁷

In applying the same principle of free and open (i. e., unregulated, yet peaceful) conflict to the academic philosopher's interactions with the faculty of law, Kant should have argued explicitly that the philosopher's task is to provide a universal, rational standpoint for assessing and improving actual empirical legislation. Instead, "OQ" deals only with the far more limited issue of whether "the human race [is] constantly progressing".⁸ Our overview of *Perpetual Peace* showed that this same issue was also the focus of the First Supplement in that work. We must therefore keep in mind that such progress was crucial to determining the potential success of Kant's overall political vision. If the human race is *not* progressing, then the philosopher has no reason even to *try* to be a secret agent for peace.

A few of Kant's arguments in the Second Part of *Conflict* can be applied fairly easily to the university setting. For example, when he explains how the future of human history can be known a priori by noting such

6 Kant uses such a territory metaphor in *Religion within the Bounds of Bare Reason*, Preface.

7 But see my book, *Kant's Critical Religion: Volume Two of Kant's System of Perspectives* (Aldershot: Ashgate, 2000), especially Chapter IX, and my essay, "Philosophers in the Public Square: A Religious Resolution of Kant's *Conflict*", Chapter 12 in *Kant and the New Philosophy of Religion*, ed. Chris L. Firestone and Stephen R. Palmquist (Bloomington: Indiana University Press, 2006).

8 SF, AA 07: 79; tr. and ed. Allen W. Wood and George Di Giovanni (Cambridge: Cambridge University Press, 1996).

knowledge is possible “if the diviner himself *makes* and contrives the events which he announces in advance” (SF, AA 07: 80), we can surmise that this would be one of the key differences between the way the faculty of law and the faculty of philosophy deal with legal issues. Members of the faculty of law, strictly speaking, would have the sole task of teaching and interpreting the *given body of law*, as handed down by whatever authority holds sovereign power in the state (i.e., the monarch, the aristocracy, or the people as a whole). Members of the faculty of philosophy, by contrast, would have the task of determining *in advance* what law reason determines as best, and then comparing the existing body of law with this ideal in order to assess its validity. (This is precisely what Kant did in *Religion within the Bounds of Bare Reason*, only as applied to the faculty of theology. The Preface to the second edition of that work describes these two tasks – determining in advance what rational religion should be, then comparing one empirical religion with that ideal – as the two “experiments” being conducted in that work.) Beyond this, we can infer that Kant’s underlying intention was to suggest that perpetual peace between nations will become a reality only when philosophers are given the right (at least “subjectively” – i.e., unofficially, or “in secret”) to participate fully in the dialogue over matters of policy as well as in the character development of politicians – e.g., through moral and philosophical education.

Although “OQ” does not deal directly with the conflict between philosophers and lawyers in the university, we may glean some important insights by looking further into what Kant does say there about the issue of world peace and its relation to different approaches to conflict. After making the above point about foreknowledge being a form of self-fulfilling prophecy, Kant goes on to compare politicians who institute laws aimed at preventing revolt (but who thereby *create* the very conditions for revolt) with preachers who “prophesy the complete destruction of religion and the imminent appearance of the Antichrist; and in doing so they are performing precisely what is requisite to call him up” (SF, AA 07: 80). Next, Kant proposes three possible scenarios that would make prediction possible: the human race must either be “in continual *retrogression* toward wickedness, or in perpetual *progression* toward improvement [...], or in eternal *stagnation* in its present stage of moral worth [...]”.⁹ He refers to the first option as “moral *terrorism*”, but points out

9 SF, AA 07: 81. Kant’s use of the words “continual”, “perpetual”, and “eternal”

problems with all three options that make them equally untenable. Experience can never be a sufficient basis for solving "the problem of progress" because human beings are *free* and can at any point in time act in accordance with either a good or an evil disposition: what people "*ought* to do may be *dictated* in advance, but [...] it may not be *predicted* what they will do [...]" (SF, AA 07: 83).

Nevertheless, Kant suggests that, if a "prophetic history" is to be advanced in a philosophical manner, "some experience" must be cited as an empirical grounding for one's reasoning (SF, AA 07: 84). A good example, he claims, is the public reaction in France to the revolution that had begun in 1789; he interprets this reaction as a clear sign of two moral causes operating in the society (SF, AA 07: 89): "first, that of the *right*, that a nation must not be hindered in providing itself with a civil constitution, which appears good to the people themselves; and second, that of the *end* [...], that that same national constitution alone be *just* and morally good in itself, created in such a way as to avoid, by its very nature, principles permitting offensive war". What reason can discern as the "pure" (a priori) lesson to be drawn from this experience is that people are inclined, by their inner moral nature, "to striv[e] after [...] a republican constitution" (SF, AA 07: 87–88). This memorable experience "has revealed a faculty in human nature for improvement such that no politician [...] might have conjured out of the course of things hitherto existing [...]"¹⁰ On this basis, Kant advances a "philosophical prophecy": "the human race has always been in progress toward the better and will continue to be so henceforth"¹¹.

Although the bulk of "OQ" does not deal very explicitly with the actual conflict between the university faculties of philosophy and law, Kant does emphasize at one point that "public instruction of the people in its duties and rights vis-à-vis the state to which they belong" constitutes nothing less than "*Enlightenment*" itself (SF, AA 07: 89). He then argues that the "free professors of law" who are "the natural heralds and expos-

provide further evidence that Kant is here dealing with essentially the same theme he was addressing in *Perpetual Peace*.

- 10 SF, AA 07: 88. Kant's use of the term "faculty" here refers, of course, to a power of the mind, not to a university department. This parallel usage of the same term does suggest, however, that a metaphorical relationship exists (or should exist) between these two organizational structures.
- 11 SF, AA 07: 88–89. Kant qualifies this prophetic proposition in a way that seems to foreshadow Nietzsche's *Übermensch*: "provided at least that there does not, by some chance, occur a second epoch of natural revolution which will push aside the human race to clear the stage for other creatures [...]" (89).

itors of these” duties and rights must not be the ones “officially appointed by the state” (i. e., members of the faculty of law, and all the professionals – lawyers and judges – taught by them); rather, they are “philosophers who, precisely because this freedom is allowed to them, are objectionable to the state, which always desires to rule alone [...]” (SF, AA 07: 89). Only philosophers are fully equipped to teach “the eternal norm” (or “Platonic *ideal*”) of “a constitution in harmony with the natural right of human beings”, a norm “for all civil organization in general” that “averts all war” (SF, AA 07: 90–91). For “the duty of the monarchs” – and in a democratic system, the *people themselves* are the monarch – is “to treat people according to principles which are commensurate with the spirit of laws of freedom;” and philosophers, unlike the members of the faculty of law, are able to convey this insight to the public, for they appeal to reason as their sole authority.

4. Can Philosophers Be Secret (i. e., Transcendental) Agents for Peace?

Had Kant paid more attention to the stated theme of his *Conflict* book in “OQ”, he surely would have said more about the disputes that will inevitably arise between philosophers who attempt to take up this duty (i. e., to educate the public in the true nature of law) and the legal professionals and teachers who teach merely the *status quo*. Instead, the remainder of “OQ” merely clarifies two concluding points. These points also raise for us the concluding question of this paper: does Kant’s vision of the philosopher as a secret agent for peace have any meaningful application in today’s academic and political context?

First, the successful implementation of Kant’s plan – starting, we may presume, with an openness in university law faculties to input from philosophers – will give rise only to a *legally* better society, where people’s external actions conform to principles of civility, without necessarily requiring any change in the moral corruption of human nature; as such, his plan must be distinguished from all *utopian* visions, whereby a *religious* revolution based on “a kind of new creation (supernatural influence) would be necessary” (SF, AA 07: 91–92). This point coincides nicely with the distinction Kant makes in the first Appendix to *Perpetual Peace*, between the moral and political realms. Once again, we can see how these two essays feed into each other. The philosopher as secret

agent is not concerned so much with the *moral* improvement of the human race (this would be an issue of concern only for the philosopher who is dialoguing with the theologian), as with how we can improve the quality of *civil society*, the external relations between persons and between states.

Second, the plan can be expected to succeed only if it is implemented "*from top to bottom*" – i. e., according to "a well-weighed plan of the sovereign power" – for the simple reason that if the state is not supporting the plan, then it will have "no money left [...] for the salaries of its teachers who are capable and zealously devoted to their spheres of duty, since it uses all the money for war" (SF, AA 07: 92–93). Thus, even with all the imperfections and awkwardness of its existing form, "OQ" does provide ample evidence to enable us to conclude that for Kant the university was to be the *primary context* wherein, through the education of the public in an approach to law that is grounded in reason, the drama of the evolution of the human race from a random collection of warring nations to a single, peacefully coexisting partnership of nations with radically conflicting ideas, would evolve.

That Kant closes "OQ" with these two points and that the same two points are also made with even greater force in *Perpetual Peace* indicate how seriously Kant meant us to take his mandate. The *other* aspects of Kant's plan in *Perpetual Peace* have already had a major influence on the thinking of politicians and political philosophers in the shaping of public policy during the intervening two centuries. Yet such attempts have still been far from eliminating war: the century that saw the creation of the United Nations and the institution of a whole body of international law aimed at protecting universal human rights *also* witnessed the most horrifying atrocities ever committed by human beings against other human beings throughout the whole history of humanity's time on earth. As technology advances, governments have become *more* adept at killing off their perceived enemies and *less* willing to sit down with them and dialogue until they reach the point where they can find a way to live in peace in spite of their conflicting perspectives.

Although he acknowledges a natural purpose for war in the early stages of human civilization, Kant argues that this initial purpose has long since been fulfilled, rendering war unnecessary in the modern era. Cultural differences, including differences of language and of religion, should now be viewed in an altogether different light, as shades and hues on the single tapestry of humanity itself. As we saw so clearly from our review of Kant's *Conflict*, these differences are not to be abol-

ished, but *highlighted*, if the beautiful image of one world at peace with itself is to become a reality. Here, as throughout his major critical writings, Kant sees conflict not as an evil to be abolished but as a preliminary step on the road to concord. Despite its idealistic overtones, Kant seemed to be quite serious in promoting his plan as a *realistic solution* to the greatest human social problem, *war*. Why, then, do the conflicts we have witnessed during the past centuries, and in recent years, so rarely lead to the creative concord Kant had in mind? That is, why is war an even greater problem today – especially given the threat from weapons of mass destruction – than it was in Kant’s day?

The answer suggested by “OQ” is that the world’s universities in general, and their philosophy departments in particular, have largely failed to realize their calling as the *agents for peace* in their respective societies. This may be due in part to a lack of receptiveness on the part of governments and/or the law schools and those trained by them to give ear to the rational arguments being put forward by philosophers. But in larger part the responsibility lies with philosophers themselves, who in a majority of cases are quite happy to live in the false peace of their ivory towers, talking *only with each other* about the problems and issues they should be promoting in the public square. Is it any wonder that few outside the discipline of philosophy have listened seriously to what we philosophers have been saying?

As philosophers, we must take seriously our potential role as peace-makers by encouraging governments to adopt policies of engagement that promote balance and mutual respect between different nations and people groups. Although our modern universities are structured differently from those in Kant’s day, with the departments of philosophy no longer enjoying a privileged position – indeed, in some universities they no longer exist at all! – we should still aim to practice Kant’s high ideal of peaceful, creative conflict. If Kant could send us any message from his resting place in the grave, I believe it would be to remind us philosophers that we really can help solve contemporary political problems, and that once we realize this fact, we shall find we are closer than we ever before realized to the day when all the nations on earth, despite their radically conflicting perspectives, may live together in lasting peace.