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in a Cosmopolitan Sense*

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# COSMOPOLITAN RIGHT AND UNIVERSAL CITIZENSHIP

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The status and role of cosmopolitan right in Kant's philosophy of right is a matter of deep contention. What is essential in understanding cosmopolitan right is, however, the distinction of it from international right. It is only when we view cosmopolitan right as something different from international right that we can come to see that it is the means Kant has to address the difficulty of a state of nature problem that is rarely attended to, the problem, that is, of how to overcome the state of nature that exists between states, a state of nature that puts citizens of any given state into a precarious position whenever

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they are beyond the bounds of that state. Further, the possibility of commercial transactions between citizens of distinct states is complicated by the problem of how to guard against cultural domination, as Kant makes clear in demarcating cosmopolitan right in such a way as to rule out colonialism. When we set cosmopolitan right in this three-fold perspective of being distinct from international right, as being concerned with a state of nature problem and as part of a critical response to colonialism, we are able to rise to the level of seeing cosmopolitan right as a basis for a view of universal citizenship. However it is still the case that in viewing cosmopolitan right in this way we have to relate it not merely to the notion of provisional right that Kant uses in his more familiar story about the state of nature but also to his model of enlightened reason.

### **Cosmopolitan Right and International Right**

The first difficulty, then, in discussing cosmopolitan right is distinguishing it clearly from the notion of international right, something made difficult by the way in which contemporary political philosophers, particularly in the wake of the publication of John Rawls' *The Law of Peoples*, have tended to conflate the two. The basic reason why there is this tendency in contemporary political philosophy is, however, due to the notion that cosmopolitan thought is concerned with global justice, where such justice is conceived of as part of a quest for redistribution of resources in the form of a moral egalitarianism.<sup>1</sup> This moral egalitarianism focuses on the welfare of individuals setting this against the concern with states and effectively arguing for a re-shaping of the political by means of a greater attention to trans-individual concern with well being.

Kant's model of cosmopolitan right is quite different from the type of thinking that is at work in such contemporary political theory. To begin with, cosmopolitan right is not conceived of

by Kant in terms of “global justice”, if, by this phrase, we mean a theory of global politics that is principally concerned with distribution of resources in an egalitarian fashion. This is because cosmopolitan right is part of Kant’s philosophy of right, not his philosophy of virtue, with the result that cosmopolitan right should be seen as indicative of a binding legal commitment, not as an ethical duty, whether perfect or imperfect.<sup>2</sup>

So, to capture the specific sense of cosmopolitan right in Kant’s sense is to view right in a specific way as both normatively grounded and yet distinct from the demands of ethics.<sup>3</sup> This specific character of right is indicated in the universal principle of right that governs all of Kant’s philosophy of right and which he states as follows:

Any 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 (Ak. 6: 230).

Noticeably the formula defines two ways in which something can be right, firstly referring to how actions can be so and then how maxims of actions can be so. However, both ways the formula is stated converge on a reference to outward conduct and this is what is essential to whether something is *right*. That which is right is that which is governed by a universal law that regulates the free relations we have with each other. So the universal principle of right is a principle that realises external freedom by means of restricting it or performs a kind of practical schematization of such external freedom.

Kant subsequently explains the division within the formulation of the supreme principle of right when he argues that the adoption of the universal principle of right as a *maxim* is required of me by ethics but not by right itself (Ak. 6: 231) as right itself merely requires that my action be governed by this

principle without this meaning I need take it as a consciously explicit goal to be so governed. So the principle of right can be given an ethical justification without action in accord with it requiring explicit reference to such a justification.<sup>4</sup> Just as Kant also restricted and realised freedom in the basic statement of the universal principle of right so this is also furthered when he connects right to the authorisation of coercion. Coercion is justified in a somewhat indirect way as a response to a previous act that would disrupt the reciprocity that is involved in what is right. Since right involves a reciprocal use of external freedom, what is wrong is that which would hinder such reciprocity and this hindrance is thus itself, in hindering such reciprocity, a source of resistance of freedom to freedom. It is thus part of the consistent self-regulation of freedom that it should include reference to the need for coercion, as this would be the means of hindering the hindrance to freedom, a hindering that is itself a restoration of freedom's self-consistency.

If the philosophy of right can thus be seen as a philosophy of authorised coercion in terms of the self-regulation and self-consistency of freedom then the state of nature problem that exists at the primary level and authorises the formation of a state of right is merely an extension of the authorisation of coercion in the general sense. To the general argument concerning such authorisation Kant adds the further point that the limited spherical surface of the earth has provided a necessity that communities be formed, something that effects the original justified right each of us has to possession of land. (Ak. 6: 262).<sup>5</sup> When Kant formulates the nature of public right in general he subsequently distinguishes it into three parts in the following way:

Under the general concept of public right we are led to think not only of the right of a state but also of a *right of nations (ius gentium)*. Since the earth's surface is not unlimited but closed,

the concepts of the right of a state and of a right of nations lead inevitably to the idea of a *right for a state of nations* (*ius gentium*) or cosmopolitan right (*ius cosmopolitanicum*). So if the principle of outer freedom limited by law is lacking in any one of these three possible forms of rightful condition, the framework of all the others is unavoidably undermined and must finally collapse. (Ak. 6: 311).

It is important to note here that the three forms of right distinguished are all parts of the general concept of right. Within the general concept of right we separate out questions that are specific to the right to a state, the rights of states in relation to each other (which Kant here terms the right of nations but elsewhere views as international right) and cosmopolitan right (here also termed a “right” for a state of nations).

When we move on to looking at the distinct way Kant characterises international right by contrast to cosmopolitan right what emerges is a second form of state of nature, distinct from that which is invoked generally as the basis of the right to form a state. International right concerns the relations between states and states considered as distinct entities are in a state of nature with regard to each other. So international right consists of rights that regulate war and peace.<sup>6</sup> This is why Kant formulates international right as concerned with rights to go to war, rights in war and rights after war. By contrast, cosmopolitan right concerns the right to peaceful community that emerges from the constant likelihood, given the sphericity of the earth, of interaction and concerns the right to offer to engage in commerce with each other. As Kant puts it: “each has a right to make this attempt without the other being authorised to behave toward it as an enemy because it has made this attempt” (Ak. 6: 352). There is, then, on Kant’s view a *right*, not an ethical duty, to attempt community with others, a right that carries with it a corresponding obligation on others to treat

one with hospitality. Since this is a matter of right there must also be a way in which it can be clearly explicated in terms of the types of ways it can be regulated and it must emerge in some way from the general concept of right, must, that is, be shown as something that there is a need for, just as the state of right itself was shown to be needed by reference to the state of nature that would otherwise befall us. Cosmopolitan right thus is related to international right in one key sense which is that if international right governs the state of nature that exists between states in terms of regulating their conduct and policing their actions, so cosmopolitan right ensures a realm of rights for citizens of different states in interaction with each other, a pattern of interactions that is not part of a international right as it is precisely presumptively peaceful. This presumption of peacefulness will, in fact, be part of what forms a guardrail around the application of cosmopolitan right.

### **Cosmopolitan Right and Provisional Right**

If the relationship between states is one in which there is a state of nature and thus a continuously open possibility of war, it is with regard to international right that there is a state of nature problem. The problem Kant runs into here is well stated by Katrin Flikschuh who refers to what she calls a “sovereignty dilemma” which consists in the difficulty that between states there is a demand for the intrinsic coercion that accompanies right in order to ensure reciprocal use of freedom and yet on the other hand each state is also a juridical individual with manifest right to determine its own affairs and there can be no right to coerce its action.<sup>7</sup> This “dilemma”, cast at the level of international right, is part of the reason for Kant’s shifting arguments in different texts about the question of how to ensure that relations between states can be given lawful form. The basic response to this question is, however, distinct from that



which can apply to the state of nature in which individuals are placed precisely because states are, each considered separately, rightful entities. This is why there is no ground in Kant's theory of international right for a view that will enable decisive supersession of the state of nature between states.

However, even within the state of nature there is a form of right, which Kant terms "provisional right". It is referred to, for example, when at the conclusion of the first chapter of the *Doctrine of Right*, Kant discusses possession in a state of nature and declares that it can be provisionally right. Kant here declares:

the way to have something external as one's own *in a state of nature* is physical possession which has in its favour the rightful *presumption* that it will be made into rightful possession through being united with the will of all in a public lawgiving, and in anticipation of this holds *comparatively* as rightful possession (Ak. 6: 257).

Here the status of provisional right is one that applies to something held only empirically and not intelligibly and it is only a comparative form of right, which, furthermore, has this presumption of right in virtue of a relation it possesses to something anticipated. However, in the relationship between states there is little ground for imagining that the basis of a provisional right would be held only by means of such restraints as the supersession of the states themselves would require suppression of something whose existence is rightful and would, thus, be wrong. So, if there is a state of nature that does not permit an evident solution of the kind that is available for individuals, then the law that must regulate relations here would have to be a provisional one, even though there is no clear means of superseding the wrongful condition that a state of nature always consists in.

Because of the peculiarity of the situation at the level of international right Elizabeth Ellis formulates a principle that Kant explicitly uses himself only for right during war and takes it to present the basis of provisional right in the case of international right. This is the principle: "Always leave open the possibility... of entering a rightful condition" (Ak. 6: 347).<sup>8</sup> However to give this principle as the overall means of regulating international right has a number of drawbacks. Firstly, such a principle, formulated by Kant for a very different purpose to the one that Ellis is urging, is not descriptively accurate in relation to the situation of international right. There are rightful conditions operative within each state so the opening that has to be left open is not one towards a "rightful condition" but rather towards a condition that expands the sphere of rightfulness. Secondly, Ellis' principle is only negative and does not help to clarify what kinds of relations between states would enhance the chances of conduct conformable to right increasing. Thirdly, and most importantly for my purposes, the principle given by her is not specific enough in clarifying the status of the relationship between citizens of different states and their means of communicating and trading with each other.

Rather than adopt Ellis' proposal, I suggest we take instead the universal principle of right itself as providing the form of provisional right that is applicable and that conduct which does not conform to it is conduct that incurs the application of coercion as part of the self-regulating economy of outer freedom. And, it is something like this suggestion, I think, that enables us to make more sense of the role of cosmopolitan right. If cosmopolitan right is a means in which relations between individuals who are citizens of different states can come into rightful contact, then, what follows from it, is that such contact should conform with universal conditions of freedom, be peaceful in intent and, in encouraging relations

between different publics, also encourage mutual interaction between states. When seen in this setting, cosmopolitan right, whilst not sufficient to overcome the “dilemma” Flikschuh points to, is, nonetheless, part of what enables there to be law-governed peaceful conduct that points ideally beyond the state of nature between states without requiring suppression of rightful entities.

### **Cosmopolitan Right and Peace**

If we see cosmopolitan right in the way I am suggesting, however, then it is centrally important to work through an understanding of it that shows both the means by which it can promote peacefulness and the ways of regulating it to guarantee such peacefulness. In the *Doctrine of Right* Kant presents the thoroughgoing community of all nations on the earth as a rational idea of peaceful relations, which need not be exactly friendly. The central conception of it is presented there as a right to offer to engage in commerce with others that should not be responded to with the automatic suspicion that would be correctly aimed at an enemy. As he summarises it: “This right, since it has to do with the possible union of all nations with a view to certain universal laws for their possible commerce, can be called *cosmopolitan right*” (Ak. 6: 352). Similarly, in *Perpetual Peace*, the third definitive article defines cosmopolitan right as consisting in conditions of universal hospitality, based on a right to visit other lands, a right explicitly related both there, and in the *Doctrine of Right*, to the right of possession in common of the earth’s surface.

The right that is guaranteed in cosmopolitan right restricts both the conduct of the visitor and of those who are visited. Let’s take the conduct of the hosts first. There is nothing that prevents the host from refusing to engage with the visitor should they choose though this is balanced by the right the visitor has

to have the conditions of being able to live at all respected. This is why Kant indicates in *Perpetual Peace* that the visitor cannot be turned away if the consequence of this would be their destruction. But if this is a constraint on the host's ability to practice non-engagement, there is also a clear distinction between the right to visit that the foreigner possesses and a right to settle. The former is guaranteed as part of cosmopolitan right, but the latter is not. What is given to a member of an alien community, as a part of right, is the ability to present themselves as worthy for engagement, the right, as Kant puts it, "to present oneself for society" (Ak. 8: 358). It is this that is traced back to the original possession in common of the earth's surface as originally no one had any more right than another to a particular place on it. So the right to the earth's surface is a right held in common and with this right comes the always-open possibility of offering trade with inhabitants of a given place. This indicates that the right that is given in cosmopolitan right is, as Kant states in *Perpetual Peace*, a "natural" right as it does not arise from contractarian agreements but is simply there as a given condition of the common right of possession that is original.<sup>9</sup>

If cosmopolitan right is thus guaranteed, in its minimal form of a right of visitation, and this constrains the behaviour of those who are visited, so that hostility to the visitor is outlawed, then this prevents those visited from being able to exercise force upon the visitor, provided the visitor is peacefully engaging in an offer of trade. This is thus the basis of Kant ruling out responses to the visitor that involve piratical behaviour on the part of the hosts or behaviour that could lead either to the destruction or enslavement of the visitor. But if the inhabitants of the area visited are thus constrained in terms of the way they can meet with the visitor, the visitor is likewise constrained in terms of the behaviour they can exercise towards those visited.

The visitor has a right to seek commerce but they do not have a right to have this offer accepted. This curtailment of the behaviour of the visitor prevents the visitor from arriving in the area they go to as simple conquerors who could count the inhabitants of the place visited as if they lacked worth. The curtailment of the behaviour of the visitor is the basis of what I would term the “Japanese exemption”, as Kant refers in *Perpetual Peace* to the way the Japanese closed their borders, and prevented entry to their land to foreign visitors, without denying all access to trade, but preventing the foreign traders from engaging with the general population. This exemption from engagement is in accord with right since there is nothing that says the people visited have to accept the offer of trade or that they need even to engage with the visitors. Further, the Japanese in the situation spoken of, did not treat the visitors with “hostility” since they did not endanger their lives and, what is more, did allow access to trade. So, formally, despite preventing the visitors from engaging with their general population, the Japanese did nothing here wrong and, Kant indicates that, given the colonial temperament of visitors to the lands of the Orient, the restrictions the Japanese imposed on these visitors were not merely in accordance with right, but also entirely understandable.

Similarly, in the *Doctrine of Right*, Kant states that visiting other countries is liable to provide the occasion for “troubles and acts of violence”, particularly when the point of such visits is to create establishments that will relate back to the original country from which the visitors have come. The abuses that are always open as arising from the process of such visitation do not themselves suffice, however, to prevent such visitation as there is no way that the right of citizens of the world to try to establish community with all can be over-ridden. Again, however, this right is itself limited since it is not, as Kant explicitly states, a

right to “*make a settlement* on the land of another nation” as such a right would require a specific contract, something, that is, over and above the provisions of cosmopolitan right alone as it would involve engagement with the law of the state visited and would be regulated by the law of such a state.

If these are the mutual conditions under which cosmopolitan right is constrained, the next point worth consideration concerns the sense Kant gives cosmopolitan right with regard to the possibility of peaceful relations between peoples. For Kant does not just consider cosmopolitan right as only guaranteed through conditions that specify peaceful relations, and it is as well that he does not, since this would only indicate that cosmopolitan right conforms to the general requirements of right. No, he also suggests that the practice of cosmopolitan right *expands* the prospects for peace in general. In *Perpetual Peace* Kant describes cosmopolitan right as “a supplement to the unwritten code of the right of a state and the right of nations necessary for the sake of any public rights of human beings and so for perpetual peace” (Ak. 8: 360).

The reason why the “supplement” that cosmopolitan right represents is necessary for the sake of any public rights of human beings is not difficult to seek. Cosmopolitan right guarantees that if a citizen of one state is within the borders of another that they cannot be rightfully deprived of life or the means of life and, alongside the rules of international right that govern conduct in relation to war, it is a guarantee to such citizens of a recognition of their rights that is independent of their relationship to the laws of their own land. Such recognition of their status is a basis for visiting other countries and for both communicating and trading with citizens there. Since such engagement is permitted in so far as it is peaceful we can see that it also conforms to a wish for peace. It is less clear, however, how it *promotes* the ideal of perpetual peace.<sup>10</sup> At this point Kant’s argument has an unusual

turn, which draws upon his hopes for a kind of “ruse of nature” by which we are driven towards moral conduct even by means that themselves have nothing necessarily or distinctively moral about them.

At the conclusion of the first supplement of *Perpetual Peace* Kant refers to the “spirit of commerce” and writes:

Since the *power of money* may well be the most reliable of all the powers (means) subordinate to that of a state, states find themselves compelled (admittedly not through incentives of morality) to promote honourable peace and, whenever war threatens to break out anywhere in the world, to prevent it by mediation, just as if they were in a permanent league for this purpose...In this way nature guarantees perpetual peace through the mechanism of human inclinations itself... (Ak. 8: 368)

This larger argument, whilst not part of the strict case for cosmopolitan right, is, nonetheless, an indication of the importance of the conduct guaranteed by it. The argument is that trade is not merely something that is legitimate in conditions of peaceful exchange but that it is a practice that facilitates peace between nations, so much so, in fact, that it is a means by which the goal of international right of establishing a law-governed realm between states, is given a certain automaticity of application. Each state finds it within its interest to prevent war in order that the trade guaranteed as a matter of cosmopolitan right can be continued to the advantage of each state. So the practice of guaranteed peaceful trade, within the boundaries of cosmopolitan right, has a tendency to promote peace in the more general sense and thus to help bring about a relation between states that moves them, at least in practice, beyond the condition of a state of nature that their separate existence theoretically condemns them to.

## **Cosmopolitan Right and Enlightened Reason**

The suggestion that emerges from consideration of Kant's view of cosmopolitan right is that it is within its consideration we can find, if not a resolution of what Flikschuh views as Kant's "sovereignty dilemma", at least a different vantage upon the problem of how to supersede the state of nature that operates internationally. Looked at from the standpoint of cosmopolitan right the activities that have the most potential for promotion of peace are ones that are carried out not by the means of states but rather by means of actions of citizens of distinct states coming into communication with each other on a common ground of guaranteed right. Another reason for thinking that it is by this means that the best Kantian picture of peace can be given concerns the relationship between cosmopolitan right and the universal practice of enlightened reason.

In his essay on enlightenment Kant posits a distinction between public and private uses of reason, which has an initially paradoxical air about it. Citizens of a state, whilst engaging in occupations for others, are engaged in "private" uses of reason, Kant writes here and he contrasts this with a "public" use of reason, as carried out by the writings of one who addresses the world at large. In engaging in such writing the one who addresses the public at large is treated by Kant as a member of "the society of citizens of the world" (Ak. 8: 37). The reason for this is that the writer has left behind all specific occupations and is thinking from the standpoint of universality, which enables him to "think for himself".<sup>11</sup> This universal communicative possibility that emerges from writing, links it to the "secret" article for perpetual peace, where Kant suggests that public speech about "universal maxims of waging war and establishing peace" should be consulted by rulers (Ak. 8: 369). The link is that the universal maxims are themselves, as public, available



and stated in the same public form as the writings referred to in the essay on enlightenment.

The universal communicative possibilities of reason are ones that enable transcendence of the specific private statements of officials and employees. Going beyond these statements of private reason they presage a universal relation between persons as citizens of the world. This is a different level of cosmopolitan thinking but it is surely related to the conception of cosmopolitan right in a number of ways. Firstly, the “secret” article of *Perpetual Peace* presents the public statements of philosophers as permitted statement by states and available for consultation by them. This public availability of the maxims of universal reason is formally akin to the universal hospitality of cosmopolitan right and indicates that just as persons cannot be turned away if the result would be loss of life so the counsels of reason concerning the rightful means of waging war have to be consulted. Openness to the visitor and openness to the counsels of reason are formally akin in their universality. Secondly, the nature of the statements of universal reason incorporates the statement of universal hospitality itself, as it is such reason that states the right of universal hospitality. So the statement of universal hospitality arises from the unrestricted thought of enlightened reason. Thirdly, and most conclusively, the universal right of philosophic reason to examine and state its precepts and have them taken into consideration by rulers is akin to the right to have the offer of trade taken seriously as one presents oneself for society. The statements of reason are likewise presented to society for its consideration and ask no further and can be granted no guarantee of acceptance. Just as the “Japanese exemption” shows the basis for restriction of the rights of visitors without incurring the censure of being wrong, so, likewise, rulers can, following their own laws, take only

partial cognisance of reason as long as they continue to follow the general rules of right.

If it is the case that there is a general relationship between cosmopolitan right and enlightened reason it also follows that enlightened reason is not a reason that accepts or authorises colonialism. It is precisely the opposition to colonialism and the acceptance of careful guard-rails around the right of hospitality that provides a basis for viewing the opening to peaceful relations between peoples as grounded on a law that is a form of right whilst deliberately not being a forced resolution of the so-called “sovereignty dilemma”. Rather than seeing relations between states as the core problem of global reasoning it is the lesson of Kant’s conception of cosmopolitan right that it is rather the relations between citizens and the openness of them to communication and trade with each other that is the ground of progress towards perpetual peace.

## NOTES

- <sup>1</sup> John Rawls distinguishes his notion of the “law of peoples” from such an idea of “cosmopolitanism” and in this respect at least his view is closer to Kant’s. See John Rawls (1999) *The Law of Peoples* (Harvard University Press: Cambridge, Mass), §§ 11.1 and 16.3. The earlier citation also makes clear the position of moral cosmopolitans in his view citing as it does the work of Thomas Pogge, in particular. For a clearer view of the positive statements of Pogge see T. Pogge (1992) “Cosmopolitanism and Sovereignty”, *Ethics* 103, pp. 48-75.
- <sup>2</sup> Seyla Benhabib, for example, errs in her understanding of cosmopolitan right as imposing an “imperfect moral duty”, an error all the more surprising given that she has recognized that Kant does not view it as a part of a theory of philanthropy but as something that is owed by right. See S. Benhabib (2004) *The Rights of Others: Aliens, Residents and Citizens* (Cambridge University Press: Cambridge), p. 36.
- <sup>3</sup> In attempting to articulate a notion of law that is both normatively grounded and yet distinguishable from the ethical Jurgen Habermas is following the Kantian model of understanding right although he often writes as if his account has left behind its Kantian background due to his overarching commitment to “discourse ethics”. See J. Habermas (1996) *Between Facts and Norms* (Polity Press: Cambridge) and for critical reflections on this work see R. Von Schomberg and K. Baynes (eds.) (2002) *Discourse and Democracy* (SUNY: Albany).
- <sup>4</sup> When viewed in this way it becomes clear that there is not a specific problem with incorporating the *Doctrine of Right* within Kant’s ethical system. There is, however, a lot more to be said than can be here about the full philosophical rationale for distinguishing right from virtue, a rationale that would make clearer the substantive distance between Kant’s philosophy of right and utopian positions that attempt to incorporate into right conditions that properly only belong to virtue.
- <sup>5</sup> The spherical form of the earth’s surface is not itself a justificatory premise of a normative sort in Kant’s argument but is rather akin to what Rawls terms a “circumstance of justice” since it is a constraint on action of a sort that is not chosen and which shapes what it is to be able to choose. Notably the spherical form of the earth, even if it assures us of the fact of communities, would itself alone give no guarantee of the rightful nature of any such communities so is rather only another way of indicating the “unsociable” need for sociality that is a general premise of Kant’s pragmatic anthropology. For a slightly different view, however, that suggests that Kant is committed in the

*Doctrine of Right* to a different kind of anthropology to the pragmatic see O. Höffe (2001) *Kant's Cosmopolitan Theory of Law and Peace* (2006 trans. by A. Newton, Cambridge University Press: Cambridge), pp. 102-6.

- <sup>6</sup> Once this is noted we can see that the previously cited work of Höffe states in its title something false since Kant does *not* articulate a “cosmopolitan theory” of law and peace but rather an “international” theory of law and peace, as it is not part of his account of cosmopolitan right to explicate the theory of law and peace.
- <sup>7</sup> Katrin Flikschuch (2010) “Kant’s Sovereignty Dilemma: A Contemporary Analysis”, *The Journal of Political Philosophy* 18:4, p. 482. Flikschuch contrives to present a resolution of the “dilemma” in question through a systematic analysis of Kant’s texts which, however, retains a bias in favour of the juridical supremacy of individual states. Flikschuch, despite initially also attending to the difference between international right and cosmopolitan right, says little, however, about the prospects for tackling the dilemma in question by means of an appeal to cosmopolitan right.
- <sup>8</sup> Elizabeth Ellis (2005) *Kant’s Politics: Provisional Theory for an Uncertain World* (Yale University Press: New Haven), pp. 112 and 133.
- <sup>9</sup> This point that cosmopolitan right is a “natural” right is another way of showing that it is governed by the notion of provisional right but, since Kant elsewhere is clear that the only “innate right” is the right to freedom it surely follows that the law governing cosmopolitan right must be the basic law of external freedom, namely, the universal principle of right.
- <sup>10</sup> This is regardless of the question of the status of this ideal which appears to change from *Perpetual Peace* to the *Doctrine of Right*.
- <sup>11</sup> In accord with my suggestion of a relationship between enlightened reason and cosmopolitan right Peter Niessen describes cosmopolitan right as incarnating a communicative right. See P. Niessen (2007) “Colonialism and Hospitality” *Politics and Ethics Review* 3.1: pp. 90-108.