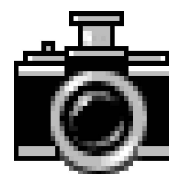


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Now "*Ulrich's Bimonthly*"

January, 2005



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Happy New Year? Reflecting on some conditions of peace At

the beginning of this new year, we hardly have cause to celebrate.

We are looking back on a year that brought humanity many disasters, natural and man-made ones. Natural disasters are largely beyond our control, although more – much more – could and should be done to predict and prepare for them, and thus to minimize the casualties, harm, and affliction they cause. But war, terrorism, abuse of prisoners or soldiers, forgery of elections, and other abuses of power, which equally have furnished so many ugly headlines in the past year, happen because some parties want them to happen, and others allow them to happen.

Nature's power The scale of the Tsunami disaster in South-East Asia, which on 26 December devastated huge parts of the coastlines of the Indian Ocean from Indonesia to Africa and killed tens of thousands of people, a third of them children, is beyond anything we have experienced in recent decades. It overshadows the beginning of the new year, which we all hoped would bring us fewer headlines of disasters, war, and violence.

To all those killed, injured, mourning the loss of family members, or left homeless, it is of little help that there is now – only now – much talk about the failure of the affected countries to join the international Tsunami warning system and to install adequate evacuation plans. No doubt such measures will have to be taken, and could have saved many lives had they been taken in due time. However, considering that even the Earth's rotation axis and speed were slightly altered by the earthquake off Sumatra's North-West coast that triggered the disaster – the axis shifted by about three centimeters (roughly one inch), and the length of the day decreased

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by about 2.7 microseconds – we realize that humanity will hardly ever be immune to natural disasters of this magnitude. No efforts whatsoever can prevent such natural phenomena from affecting life on Earth, much less from happening.

Human abuse of power Things are very different in the case of all the affliction caused in the past year by war, violence, and abuse of power. They have to do with human failures to establish conditions of civil and political order under which conflicts can be settled peacefully and fairly. While it is certainly true that much needs to be done to warn and prepare people with respect to natural disasters, it is even more certain that peaceful ways to settle conflicts and to promote justice and mutual understanding among all people of the Earth can and need to be developed. The task is gigantic, but not impossible. It must be faced at all levels, from small communities to international efforts. Ultimately, creating conditions for peace – as well as emergency planning – must be able to build on two indispensable (and interdependent) pillars, which I would describe as the *civil constitution* and *moral enlightenment* of the global human community. Still an outstanding source of reflection on both topics is Immanuel Kant, the Enlightenment philosopher *par excellence*, who is also one of the greatest philosophers of ethics and public law.

Reflecting on the conditions for universal peace A bit more than 200 years ago, Immanuel Kant wrote about the need and the prospects for humanity to secure *Perpetual Peace* (1795). To him, war and violence were entirely inconsistent with a world of human freedom, dignity, and reason. At the beginning of this new year, let us remember some of Kant's insights into the conditions of peace, which have lost nothing of their relevance and urgency.

Kant's vision Kant starts with the observation that it is natural for both individuals and communities (or states) to tend toward conflict and war. Hence, peace must be actively *established* and maintained by legal means. Peace must be legislated at three interdependent levels:

- the law of **persons** as members of a society (*civil rights*),
- the law of **nations** (*international rights*), and
- the law of **world citizenship** (*cosmopolitan rights*).

For each of these three levels, *Perpetual Peace* formulates a basic principle and a number of underpinning reflections. Kant refers to these three basic principles as "definitive articles," as distinguished from six "preliminary articles" that describe necessary (but insufficient) preconditions for perpetual peace.

Principles of peace legislation: extracts from *Perpetual Peace*

(Note: emphasis, where given, is not original)

Kant's basic principle of peace legislation at the level of civil rights:

FIRST DEFINITIVE ARTICLE FOR PERPETUAL PEACE

The civil constitution of every state should be republican.

[...] This constitution is established, firstly, by principles of the freedom of the members of a society (as men); secondly, by principles of dependence of all upon a single common legislation (as subjects); and, thirdly, by the law of their equality (as citizens). The **republican constitution**, therefore, is ... the original basis of every form of civil constitution...[It] also gives a favorable prospect for the desired consequence, i.e., **perpetual peace**. The reason is this: if the consent of the citizens is required in order to decide that war should be declared (and in this constitution it cannot but be the case), nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war. Among the latter would be: having to fight, having to pay the costs of war from their own resources, having painfully to repair the devastation war leaves behind, and, to fill up the measure of evils, load themselves with a heavy national debt that would embitter peace itself and that can never be liquidated on account of constant wars in the future. But, on the other hand, in a constitution which is not republican, and under which the subjects are not citizens, a declaration of war is the easiest thing in the world to decide upon, because war does not require of the ruler, who is the proprietor and not a member of the state, the least sacrifice of the pleasures of his table, the chase, his country houses, his court functions, and the like.

Kant's basic principle of peace legislation at the level of international rights:

SECOND DEFINITIVE ARTICLE FOR PERPETUAL PEACE

The law of nations shall be founded on a federation of free states.

[...] States do not plead their cause before a tribunal; war alone is their way of bringing suit. But by war and its favorable issue, in victory, right is not decided, and though by a **treaty of peace** this particular war is brought to an end, the state of war, of always finding a new

pretext to hostilities, is not terminated. ... For these reasons there must be a league of a particular kind, which can be called a **league of peace** (*foedus pacificum*), and which would be distinguished from a treaty of peace (*pactum pacis*) by the fact that the latter terminates only one war, while the former seeks to make an end of all wars forever. This league does not tend to any dominion over the power of the state but only to the maintenance and security of the freedom of the state itself and of other states in league with it, without there being any need for them to submit to civil laws and their compulsion, as men in a state of nature must submit.

The practicability (objective reality) of this idea of federation, which should gradually spread to all states and thus lead to perpetual peace, can be proved. For if fortune directs that a powerful and **enlightened people** can make itself a republic, which by its nature must be inclined to perpetual peace, this gives a fulcrum to the **federation with other states** so that they may adhere to it and thus **secure freedom under the idea of the law of nations**. By more and more such associations, the federation may be gradually extended.

We may readily conceive that a people should say, "There ought to be no war among us, for we want to make ourselves into a state; that is, we want to establish a supreme legislative, executive, and judiciary power which will reconcile our differences peaceably." But when this state says, "There ought to be no war between myself and other states, even though I acknowledge no supreme legislative power by which our rights are mutually guaranteed," it is not at all clear on what I can base my confidence in my own rights unless it is the **free federation, the surrogate of the civil social order**, which **reason** necessarily associates with the concept of the law of nations....

Kant's basic principle of peace legislation at the level of cosmopolitan rights:

THIRD DEFINITIVE ARTICLE FOR PERPETUAL PEACE

The law of world citizenship shall be limited to conditions of universal hospitality.

[...] **Hospitality** means the right of a stranger not to be treated as an enemy when he arrives in the land of another. One may refuse to receive him when this can be done without causing his destruction; but, so long as he peacefully occupies his place, one may not treat him with hostility. It is not the right to be a permanent visitor that one may demand.... It is only a right of temporary sojourn, a **right to associate**, which all men have. They have it by virtue of their common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other. Originally, no one had more right than another to a particular part of the earth.

[...] In this way distant parts of the world can come into peaceable relations with each other, and these are finally publicly established by law. Thus the human race can gradually be brought closer and closer to a constitution establishing **world citizenship**.

Since the ... community of the peoples of the earth has developed so far that a **violation of rights in one place is felt throughout the world**, the idea of a law of world citizenship is no high-flown or exaggerated notion. It is a supplement to the unwritten code of the civil and international law, indispensable for the maintenance of the public human rights and hence also of perpetual peace. One cannot

flatter oneself into believing one can approach this peace except under the condition outlined here.

How prophetic Kant was when he foresaw that with the development of a wider community of peoples of the earth, "a violation of rights in one place is felt throughout the world," and when he therefore concluded that a constitution of international and cosmopolitan rights on the basis of a federation of nations was an indispensable condition for perpetual peace! In his conception of international and cosmopolitan law, Kant brings to bear his fundamental belief in the rational and moral potentials of humanity. Without peace, humanity cannot unfold these potentials; therefore, an enlightened society has no choice but to promote a global civil society built on Kant's basic three principles of legislation for peace.

The violations of international law we have witnessed in the recent past on the part of supposedly enlightened nations, along with the predominance of war and violence in so many parts of the world, attest to the continuing relevance of Kant's vision. Its moral and cosmopolitan spirit has lost nothing of its illuminating power. May the new year bring us a little bit closer to Kant's vision, rather than removing us any further from it. May we see some substantial progress toward peace, dignity, and security for all people of good will, in Iraq as anywhere else in this troubled world of ours.

This month's picture Remember Mount Niesen? I introduced it to you in June last year, as a symbol of silent protest against the relapse into barbarism that we were witnessing at that time. The picture was a night shot of the pyramid of Mount Niesen rising out of the dark – out of the blackout of civilization that occurred in Iraq. I now want to show a more optimistic, radiating picture of Mound Niesen, taken on a beautiful January morning of last year.

Technical data Digital photograph taken on 23 January 2004 around 10 a.m., shutter speed 1/1000, aperture f/2.8, ISO 50, focal length 10 mm (equivalent to 45 mm with a conventional 35 mm camera). Original resolution 5276 x 1511 pixels; current resolution 1788 x 576 pixels, compressed to 100 KB. These data refer to the complete panorama picture (click on the photograph below to open

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the panorama view).

January, 2005



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Werner Ulrich's home page

Mount Niesen, Lake Thun, on a radiant January morning [Click for panorama](#)

„Since the community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a law of world citizenship is no high-flown or exaggerated notion but is an indispensable supplement to civil and international law.”

Immanuel Kant, *Perpetual Peace* (1795)
(free rendering of the quote given in the text above)

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Just be sure to copy them elsewhere before leaving this page.

Last updated 31 Dec 2004 (first published 29 Dec 2004)
Layout last modified 8 July 2006

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