

Cosmopolitanism and Space in Kant's Political Thought

Cosmopolitismo y espacio en el pensamiento político de Kant

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Abstract

Kant's cosmopolitanism can be read from two main perspectives: temporal and spatial. Reading cosmopolitanism from a temporal perspective means paying attention to the historical realization of the ideal of cosmopolitanism and to its related issues such as: the progress of humankind, its final destination, the purpose of universal history, the highest purpose of nature. Instead, reading cosmopolitanism from a spatial perspective means paying attention, e.g. to the 'fact' of the sphericity of the earth and to its relationship with cosmopolitan right, territoriality, borders and freedom of movement. In this paper I would like to show how adopting a spatial perspective is useful not only in order to delimit a field of inquiry, but also to shed new light on apparently well-known and thoroughly investigated notions of Kant's cosmopolitanism, such as the notions of the citizen of the world, of the cosmopolitan right, and of the World republic.

Keywords

Kant, Space, Cosmopolitan Right, Borders, World Republic

Premise

Kant's cosmopolitanism can be read from two main perspectives: temporal and spatial. Reading cosmopolitanism from a temporal perspective means paying attention to the historical realization of the ideal of cosmopolitanism and to its related issues such as: the

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progress of humankind, its final destination, the purpose of universal history, the highest purpose of nature, the temporal relationship between the three definitive articles of *Toward Perpetual Peace*. Instead, reading cosmopolitanism from a spatial perspective means paying attention, e.g. to the ‘fact’ of the sphericity of the earth and to its relationship with cosmopolitan right, territoriality, borders and freedom of movement.

In this paper I would like to show how adopting a spatial perspective is useful not only in order to delimit a field of inquiry, but also to shed new light on apparently well-known and thoroughly investigated notions of Kant’s cosmopolitanism, such as the notions of the citizen of the world, of the cosmopolitan right, and of the World republic¹.

1. The earth dweller, the citizen of the earth, and the citizen of the world.

Some year ago, Katrin Flikschuh took Kant’s remark that the earth has a spherical surface seriously. In her view, the earth’s spherical surface is “that empirically given space for possible agency within which human beings are constrained to articulate their claims to freedom of choice and action”. She emphasized that this “given” has a special epistemological status being not just a subjectively given, a merely empirical condition, which is in principle open to modification by human will and agency: on the contrary, this ‘given’ – the global boundary – “constitutes an objectively given, unavoidable condition of empirical reality within the limits of which human agents are constrained to establish possible relations of Right” (2000, p. 133). Her essential claim is that the earth’s spherical surface has important normative consequences in Kant’s construction of the concept of Right and plays a significant role in the justification of cosmopolitan law².

More recently Jakob Huber and Claude Piché have drawn a number of important insights on Kant’s cosmopolitanism from the “given” or the “fact” of the sphericity of

* Quotations from Kant’s works are cited by volume and page in *Kants gesammelte Schriften* (Kant 1902–). [AA]. The *Critique of Pure Reason* is cited in the standard way by means of reference to the original pagination of the A (1781) and B (1787) editions. In this paper, I will use the English translations in *The Cambridge Edition of the Works of Immanuel Kant* (Kant 1992–) and the following abbreviations: [Anthropologie] *Anthropologie in pragmatischer Hinsicht* (1798); [Bemerkungen] *Bemerkungen zu den Beobachtungen über das Gefühl des Schönen und Erhabenen [corsivo]*; [Beantwortung] *Beantwortung der Frage: Was ist Aufklärung?* (1784); [Beobachtungen] *Beobachtungen über das Gefühl des Schönen und Erhabenen* (1764); [KrV] *Kritik der reinen Vernunft* (A 1781/B 1787); [KU] *Kritik der Urteilskraft* (1790); [MAM] *Mutmaßlicher Anfang der Menschengeschichte* (1786); [MdS] *Metaphysik der Sitten* (1797); [PG] *Immanuel Kants Physische Geographie, 1801-1817*, ed. by J. J. W. Volmmer; [Refl.] *Reflexionen aus Kant’s handschriftlichem Nachlaß*, AA XV; [SF] *Der Streit der Fakultäten* [1798]; [TP] *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793); [VRL] *Vorarbeiten zu Die Metaphysik der Sitten. Erster Teil Metaphysische Anfangsgründe der Rechtslehre*; [ZeF] *Zum ewigen Frieden* (1797).

¹ Unlike what is claimed by some authors of the so-called “spatial turn”, such as Henry Lefebvre (1974: 2; 218), I will argue that in Kant’s philosophy space is not only conceptualized as “a pure priori”, but also as an *object* and as a *place* of politics.

² Of a different opinion, Seyla Benhabib for whom the reference to the common possession of the land and its sphericity is an insufficient foundation for the justification of cosmopolitan law; in her opinion, and also for Flikschuh, the sphericity of the earth does not constitute a justification of cosmopolitan law but only a “circumstance of justice”, that is a condition for the possible agency of human beings (2004, p. 33).

earth's surface³. Focusing on the concepts of the original acquisition of land and the ensuing "right to be somewhere", Huber shows that this right, which Kant mentioned in the *Doctrine of Right*⁴, underpins a particular kind of moral relation between what he calls "earth dwellers", a plurality of corporeal rational agents on the spherical surface, and the earth, being "external" (as located in bounded space), but not property-mediated. He claims that this moral relation provides a new perspective on Kant's cosmopolitanism, which he interprets as "a cosmopolitanism for 'earth dwellers'"⁵: what unites them is the awareness of the fact that they are embodied agents who jointly inhabit a bounded territory, and for this reason can possibly affect and constrain each other by their choices. According to Huber, Kant's cosmopolitanism provides a global standpoint from which earth dwellers reflexively recognize their systematic interdependence in a world of limited space *from within* their territorially delimited States and from which they can possibly negotiate the terms of their coexistence.

Claude Piché claims that the closed political space of the earth, a purely contingent condition, had a decisive impact not only on Kant's cosmopolitan law, but also on his threefold conception of public law. He shows that the sphericity of the earth is a condition of possibility both of Kant's cosmopolitan law and of his new state law of people ('Völkerstaatsrecht'), a law oriented toward the ideal of a universal state of states ('Völkerstaat'). Piché even holds that in Kant's thought the sphericity of the earth assumes over the years such great importance that in the *Doctrine of Right* this empirical condition would produce a sort of geo-centrism from a juridical point a view, as he put it "une sorte de révolution anticopernicienne"⁶. That is why in this work the *Weltbürger*, the citizen of the world, becomes the *Erdbürger*, the citizen of the earth (MdS 6: 353)⁷: this change, he suggests, proves Kant's acknowledgment of the consequences of the closure of the political space and that "le cosmopolitisme correctement compris ne peut être en vérité qu'un géopolitisme"⁸.

While I very much appreciate both Huber's and Piché's account of Kant's remark on sphericity of the earth, nevertheless, I disagree with some consequences they draw, and in particular with their identification of the citizen of the world both with the earth dweller and with the citizen of the earth. As already pointed out by some interpreters⁹, whenever Kant speaks of man, one must consider whether he is speaking either of humankind and its progress; or of the moral being, the rational creature subject to the laws of practical reason, autonomous, one who is an end in himself, belonging to a realm of intelligible beings, and

³ See also Cicatello (2017), who shows how the sphericity of earth is important for understanding the content of the right of visit.

⁴ "All human beings are originally (i.e., prior to any act of choice that establishes a right) in a possession of land that is in conformity with right, that is, they have a right to be wherever nature or chance (apart from their will) has placed them" (MdS 6: 262).

⁵ Huber (2017), p. 2.

⁶ Piché (2015), p. 383.

⁷ This expression is used by Kant also in the *Anthropologie* (7: 333).

⁸ Piché (2015), p. 394.

⁹ Arendt (1992), pp. 26-27.

who might also exist in other parts of the universe; or finally of men in the plural, as earthbound creatures, the actual inhabitants of the earth, defined by Kant also as “vernünftiger Erdwesen” (Anthropologie 7: 331). These rational beings *on earth* are spatially extended beings and this is why for them to be born amounts to being originally in a space, a piece of soil or land. To be on a piece of soil or land is a necessity: the soil I am in, writes Kant, is “von meinem Daseyn unzertrennlich” (VRL 23: 237), inseparable from my existence. The normative consequence he draws from this empirical fact is that “all men are originally, (i.e. prior to any act of choice that establishes a right) in a possession of land that is in conformity with right”, that is, they “have a right to be wherever nature or chance (apart from their will) has placed them” (MdS, AA 6: 262). Due to the sphericity of the earth and to the fact that its surface is bounded, this possession is *common*. As Kant states:

[...] if its surface were an unbounded plane, men could be so dispersed on it that they would not come into any community (‘Gemeinschaft’) with one another, and community would not then be a necessary result of their existence on the earth. (MdS, 6: 263)

Kant derives the right to possess a piece of space or land, that is, a right not to this or that specific place (which we could claim even in our absence), but a right to be granted a place somewhere on the earth, from the fact that human beings are embodied and occupy a space. He instead derives the common possession of the earth and more generally, a kind of commonality between human beings from the fact that they live on the earth which is a spherical and bounded space¹⁰: spatially extended men on a spherical surface are in community with one another; in other words, the delimitation of human community is due to spatial closure.

But what does “community” (‘Gemeinschaft’) mean? In the *Doctrine of Right* Kant uses an analogy between the kind of community which exists between individuals and that which exists between nations: as much as all men are originally in common possession of the land, so all nations stand *originally* in a community of land (MdS 6: 352). This does not mean they stand in a community of use of it or property in it, which would be the case if it were in a rightful community of possession, which Kant calls *communio*. Instead they stand in a community of possible physical reciprocal action which he calls *commercium*. Original common possession is not therefore “a relation to the land (as an external thing) but to other humans in so far as they are simultaneously on the same surface” (VRL 23: 323). To be in a community as *commercium* means that men are in “a thoroughgoing relation to all the others of offering to engage in commerce with any other” (MdS 6: 352). Due to the existence of this kind of commonality “each has a right to make this attempt without other being authorized to behave toward it as an enemy because it has made this attempt” (Ib.).

¹⁰ The unsociable sociability that characterizes men and their commonality, understood as interaction or reciprocal action (*commercium*), is due to human beings being physical entities, that is, determined by natural and empirical conditions, by the shape of the space in which they live, which is bounded and spherical.

Some interpreters have already and rightly stressed the difference between *communio* and *commercium*, between a static or dynamic idea of community¹¹. I would like to make a further distinction: this commonality of land as a dynamic idea of commonality, that is, as possible physical interaction, can in turn be conceived of and experienced by men in two different ways: either as a reciprocal limitation or as a possibility to attempt to engage in commerce with any other. My suggestion is that when Kant is referring to an individual as an earthbound human being, as an embodied rational agent in direct physical confrontation with other such agents, who have the same right to occupy a piece of space just as he does, agents with whom he has to share the globe in common, he calls this earthbound human being not a mere rational *Erdwesen*, but an *Erdbewohner*, an earth dweller. He interprets the idea of originally being a member of a community of land as a condition of reciprocal limitations where the free action space of each is delimited and constrained by the equal action space of everyone else. Instead, when Kant refers to earth dwellers united in nations or states and interprets the idea of being originally a member of a community of land not just as a condition of reciprocal limitations, but as a possibility to offer to enter into commerce with the rest, he then introduces the term *Erdbürger*, citizen of the earth¹².

Kant introduces the terms *earth dweller* and *citizen of the earth* in order to stress the different ways of experiencing, sharing and conceiving of the spherical surface of the earth with others, but this does not mean that the subject of Kant's cosmopolitanism is the earth dweller (as Huber claims) or the citizen of the earth (as Piché claims). Indeed, the *Weltbürger* is very different from both and has peculiar characteristics. I will confine myself to considering the citizen of the world from a political and not an epistemological perspective. First of all, it may be worth noting that a citizen of the earth can be either a son of the earth ('Erdensohn') or a citizen of the world (*Refl.* n. 1170, 15: 517). This distinction is based on the different kinds of interest or concerns human beings may have regarding the world. Unlike the citizen of the world, the son of the earth is interested only in things to the extent that they influence his well-being, he fulfills his closest duties and is perhaps too attached to them; he is active but narrow-hearted and of narrow view, and depends too much on men and things. On the contrary, the citizen of the world is concerned with humankind, with the world as a whole, with the origin of things, their

¹¹ On the difference between *commercium* and *communio* see Ciatello (2017). He reminds us that in the *Critique of Pure Reason* the term 'commercium' and the distinction from the term 'communio' occurs in the context of the discussion of the "Third Analogy of Experience". As Kant writes: "Thus it is necessary for all substances in appearance, insofar as they are simultaneous, to stand in thoroughgoing community of interaction with each other. The word 'community' (Gemeinschaft) is ambiguous in our language and can mean either *communio* or *commercium*. We use it here in the latter sense, as a *dynamical community*, without which even the local community (*communio spatii*) could never be empirically cognized" (KrV, 213 B 260, my italics). Ciatello derives from this the idea that in the *Doctrine of Right* the use of *commercium* in relation to the community of the soil corresponds, in conclusion, "to the insistence on the dynamic-relational character of his idea of cosmopolitical society, where what is decisive is not the constitution of a society on the basis of what is common, but the formation of a community on a basis of exchange of what it is different" (note 24, p. 21). On the relation between juridical interactions and the movement of bodies according to mechanical laws see Moggach (2000).

¹² MdS 6: 353. The translator of the English edition (Reiss, 2007) wrongly translates as "world's citizens" (p. 172).

worth, the supreme goal¹³. Besides being capable of a universal and disinterested concern¹⁴ for human affairs, he is also capable of “enlarged thought or mentality”, that is

he is able to disregard the subjective private conditions of his own judgment, by which so many others are confined, and reflect upon it from a universal standpoint (which he can only determinate by placing himself at the standpoint of others). (KU, AA 5: 293)

This echoes a reflection in which Kant himself uses a spatial metaphor to characterize this placing oneself at the standpoint of others: as he writes

zur *moralitat* gehört *stationes* zu machen erstlich im Urtheil anderer über die That [...] zweytens in der Empfindung anderer damit man ihre Noth oder ihr Glük empfinde (daher entspringt als ein Instinkt die moralische *Sympathie*). (Bemerkungen, AA 10: 162)

“*Stationes* zu machen” probably refers to what the ancient Romans distinguished in *mansiones*, place for travellers’ rest and refreshment, and *mutationes*, simple horse replacement places. The real *stationes* were the *mansiones*, which welcomed travelers and were frequented by businessmen from the nearby towns who wanted to learn the news brought by those who came from distant countries. Therefore being capable of an enlarged mentality, that is to say, being capable of judging from a universal point of view, entails both visiting the point of view of others, as Hannah Arendt interprets it¹⁵, and being open to the point of view of the other and to what he brings to us from his/her world (be they judgments or feelings). Moreover even though the citizen of the world reflects and judges from a universal standpoint, he does not reflect and judge from “nowhere”: in the expression “citizen of the world”, the term ‘world’ must be interpreted as “the whole of other beings existing in community with me” (Anthropologie 7: 130): he judges from a universal standpoint as an embodied being who lives on the earth.

Again, in order to better characterize who is the citizen of the world I think it could be helpful to use a spatial image: the son of the earth and the earth dweller are on the earth and move on the earth as if they did not know that it is a bounded sphere; this means that they can become aware of the sphericity and boundedness of the earth and of the commonality with others only through actual experience of reciprocal limitations (‘Schranken’). In contrast, the citizen of the world is aware of being on a bounded spherical earth in common with others: not only does he consider himself as a part of a whole (humankind), but he is also able to bear in mind this whole when he judges and acts as if the others were simultaneously present in his mind¹⁶. Hence, he adopts a global point of view inhabiting a space which coincides with the boundaries (‘Grenzen’) of the terrestrial sphere, coextensive with the whole of humanity.

¹³ Refl, n. 1170, 15: 517.

¹⁴ The spectators of the French Revolution to whom Kant refers in the *Conflicts of the Faculties*, who demonstrate this mode of thinking (‘Denkungsart’), could be defined “citizens of the world” (SF 7: 85).

¹⁵ Arendt (1982) 1992, p. 43.

¹⁶ See the “Third Analogy of Experience” in the KrV (6: 232) where Kant depicts a unified space in which bodies interact to set limits to each other’s activity.

Another element characterizes the citizen of the world, namely the fact that he makes a public use of reason. In the essay *What is Enlightenment?* Kant distinguishes between private and public use of reason: he maintains that the former can be limited without hindering Enlightenment, while the latter must be left free. Once again, the use of a spatial image might help understanding that what matters in the private and public use of the reason is not just in what capacity or role does one make use of reason (that is, as a man of learning or as a public official). Instead what especially matters is the *scope* of the space in which one places himself and also the *kind* of space that one anticipates in his reflection. Whoever makes use of reason as a man of learning considers himself to be a member of a complete commonwealth or even of a cosmopolitan society (Beantwortung 8: 37); he places himself within a cosmopolitan space, the one constituted by the readers' audience, which in his mind potentially coincides with the whole of humanity. Now, just as when you try to do a puzzle you must anticipate the whole in order to decide which piece of the puzzle to choose, so a citizen of the earth in order to reflect, act and judge as a citizen of the world must anticipate, or represent, in his thought a cosmopolitan space¹⁷. As a consequence of placing himself in a cosmopolitan space he, at the same time, contributes to creating it. In so doing he plays not only a cultural, but also a political role. As a matter of fact, he creates a space of free criticism and dissent, the space which makes it possible to start reforms with a view to the realization of the future cosmopolitan unity of all human beings. This space is a *public* and *political* space. The exercise of freedom of thought by citizens of the world will have an effect on the people's way of feeling, which will become more and more capable of freedom to act, and will eventually have an effect on the principles of government that can be made to conform more and more with human dignity. Kant is a staunch supporter of the freedom of the pen (or the press) because the ability to exercise this right provides humanity with a precious "space to unfold according to all its abilities" (Beantwortung 8: 41).

2. The right to the surface of the earth: cosmopolitan law, borders, and World republic.

Kant mentions a right to the common possession of the surface both in the *Toward Perpetual Peace* (8: 358) and in the *Doctrine of Right* (MdS VI: 262; 352). While in *Perpetual peace* he interprets this right as a right to visit, that is, the right to propose oneself as member of a society and is limited to the condition of possibility *to attempt* to interact with others; in the *Doctrine of Right* Kant interprets the common possession of the soil as possible reciprocal physical action ('physische mögliche Wechselwirkung') on which he grounds the right to a *reciprocal, mutual, commerce* ('sich zum Verkehr untereinander anzubieten'). Here the problem has become not just how to limit the inhospitable behavior of European states when they visit foreign peoples and territories, but the possibility of a *reciprocal* visit also comes into play. So much so that he no longer refers to European states but to the citizen of the earth, to every citizen of the earth who

¹⁷ I am in debt to H.-M. Hohenegger for this image (2004, p. 92) though he uses it in a different context.

has the same right to try to establish community with all (MdS 6: 352)¹⁸. Kant considers the possibility that nations are in need of different portions of space, both from a quantitative and qualitative point of view. He offers few hints about how much space individuals, nations, or states have a right to¹⁹, but points out for instance that the relatively small nomadic communities (like most native American nations) who rely upon large tracts of wasteland for their subsistence, have a right to occupy the “great open regions they traverse” (MdS 6: 353) – disallowing other people, to whom the land might be equally useful, to even settle in the proximity of these lands, unless they establish settlements by treaty. In their moving on the earth’s surface human beings meet different kinds of borders: natural borders, political borders, and also borders between different ways of inhabiting and using the surface of the earth²⁰.

Natural borders are a “given” but are not so insuperable: even the sea, Kant writes, unites the countries that seem to be divided by it²¹. Borders between different ways of inhabiting and using the surface of the earth are more difficult to cross. When raising some questions related to the possession of a piece of land, Kant asks himself:

can two neighboring peoples (or families) resist each other in adopting a certain use of land, for example, can a hunting people resist a pasturing people or a farming people, or the latter resist a people that wants to plant orchards, and so forth? (MdS 6: 266)

To this question he answers that “as long as they keep within their boundaries, the way they want to inhabit their land is up to their own discretion (*res merae facultatis*)” (Ib.). It is worth recalling that he had attributed the beginning of civilization to a particular way of dwelling on the earth (that is, the fixed abode), and to a particular way of using the land (that is, agriculture) (MAM 8: 118-119); yet in answering this question, he states that people can resist each other in adopting a certain use of land because, provided that they respect boundaries, each people is free to choose the way they want to dwell on the land. He seems to be well aware of the fact that on the earth coexist, using Deleuze’s words, both *striated spaces*, *ie.*, the space occupied by the apparatus of the state, of politics, of the polis, and *smooth spaces*, the heterogeneous spaces of the nomads who need large portions of space to survive, without borders, without walls²². He often refers to the nomads, to the

¹⁸ Although the problem of the relationship with “non-civilized” people remains here his main concern: Kant considers as legitimate just the attempt to *try* to establish civil ties with peoples who are not living in a political state, civilized peoples can just lead, not coerce, other peoples into a juridical state (MdS 6: 266).

¹⁹ On one occasion he states that the authorization to take possession of a territory reaches as far as the state is able to defend it (MdS 6: 265; 269). In *De dominio maris dissertatio* (1744), Cornelius von Bynkershoek had expounded the famous cannon ball doctrine, which held that the maritime space capable of being subjected to sovereign domination coincided with the range of artillery shot from the coast. Thus, property and sovereignty were based on the material and effective exercise of power. The formula that condensed this strategy of occupying space was ‘*potestatem terrae finire, ubi finitur armorum vis*’ (See Sferrazza Papa 2017, p. 241).

²⁰ He uses different expression: to work, to enclose, to transform or to give form to a piece of land (MdS 6: 268).

²¹ PG, vol.1, cap. 1.I.

²² Deleuze and Guattari (1980).

desert and to camels as ships of the desert: in addition to the borders between the states there are also the boundaries between the two main ways of being, the sedentary and the nomadic, which Kant seems unwilling to eliminate.

The space of earth is conceived of by Kant as becoming more and more *interconnected*, not only politically but also morally. The commonality between the peoples of the earth is so developed, Kant writes, that a violation committed on one point of the earth, is perceived in all the others: “the visit to foreign shores, and even more the attempts to settle on them, can also occasion evil and violence in one part of the globe with ensuing repercussions which are felt everywhere else” (MdS 6: 353; ZeF 8: 360). This will reinforce the sense of universal commonality between human beings in this spherical bounded globe and should lead to the establishment of the World republic and of a universal state of peace.

Political boundaries preceding the actual establishment of a world legal order are only provisional, nevertheless they cannot be violated even if they can be crossed to let human beings to exercise their right to visit. But what about the political borders in the World Republic? Will borders still exist? What kind of practical and normative effectiveness will they have? Kant's cosmopolitan ideal consists in the realization of a World republic, namely a Republic of republics²³. He does not advocate the dissolution of states but just that they should become republics and leave the international state of nature, by giving up their external sovereignty, by subjecting themselves to the public laws of this international institution, and by including the cosmopolitan right in their constitutions. In the World republic, the surface of the earth will be divided between the territories of the republics, political borders will continue to exist, indeed, they will finally become legitimate. Kant's conception of possession seems to imply that the creation of a cosmopolitan civil condition, which coincides with the earth, paradoxically serves to make peremptory the possession by states of that portion of the earth's surface that they occupy and to make their borders somehow legitimate (or legal). As Kant says, in a state of nature something, even a specific and separate piece of land, can be acquired only provisionally (MdS 6: 264), that is

with 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. (MdS 6: 257)

Something, i.e. also a specific and separate piece of land, can be acquired conclusively only in a civil constitution, “the condition in which the will of all is actually united for giving law in the civil condition” (MdS 6: 264). This reasoning can also apply to states considered as moral persons: just as before the establishment of a state, the acquisition is provisional and not conclusive, so before the establishment of the World republic the

²³ As he writes, the constitution capable of establishing a universal state of perpetual peace may be a «a republicanism in all states, *individually* and *collectively*» (MdS 6: 354, my italics).

acquisition ('occupatio') of a piece of land by a state is provisional even if, Kant specifies, it should be considered as a true acquisition (MdS 6: 264). With the establishment of the World republic, that is, with the *actual* unification of the will of all, or rather with the extension of the contract to humankind as a whole, the acquisition will become conclusive (MdS 6: 266; 356)²⁴; consequently, and implicitly, even the borders will become legitimate. In the condition that precedes the establishment of the World republic, states cannot preclude the right of visit because their title of acquisition of a territory remains provisional; in this condition, as has been said, "no-one originally has any greater right than anyone else to occupy any particular portion of the earth" (ZeF 8: 358). On the other hand, since this provisional acquisition is a true acquisition, this right of the cosmopolitan must be limited to the conditions of attempting to enter into relations with others and has nothing to do with the right to reside on the soil of a foreign territory. It would seem then that the right of visit contributes just to making the space somehow continuous and, at the same time, regulating human mobility. But this is not so; as a matter of fact, it plays an important role in the realization of the World republic and in so doing, of the state of universal peace²⁵, being essential for two achievements. First, the development of the ability to reflect from a universal *embodied* standpoint which one can only determine by adopting the point of views of others, that is, by confronting himself with the *effective* and not only *possible* judgements of other earth dwellers. Second, the reaching of "a commonly established international law"²⁶: thanks to trade and the various interactions between individuals made possible by the cosmopolitan right as right to visit, nations and states will come into contact, distant continents and peoples will be able to put in "common their reason"²⁷, as Kant puts it in a *Reflexion*, and start a gradual process of rationalizing their relations, that is, leave the state of nature and enter a universal civil state, establishing that new state law of people ('Völkerstaatrecht oder Weltbürgerrecht') (MdS 6: 311) which will in turn lead them to the establishment of a World republic²⁸.

²⁴ In the *Doctrine of Right* the cosmopolitan constitution, or rather, the republicanism of all the states, taken together and individually is the constitution which appears the most suitable to lead towards a universal and lasting condition of peace which is the only "condition in which what is mine and what is yours are secured under laws for a multitude of men living in proximity to one another, and therefore under a constitution" (MdS 6: 355; see also 351).

²⁵ From a normative point of view, it seems difficult to base the freedom of movement of migrants on arguments based on Kant's right to visit because this right seems to establish only a right to visit and to ground a principle of non-refoulement [the cornerstone of asylum and of international refugee law, see *Geneve Convention* (1951), art. 33], but not a right to cross specific boundaries and settle on the territory of any specific state or people.

²⁶ This is not, as he stresses in *Theory and Praxis*, "a cosmopolitan commonwealth under a single ruler, but a lawful federation under a commonly accepted international law". Actually, Kant put it more strongly: "nach einem gemeinschaftlich verabredeten (established in common) Völkerrecht" (TP 8: 311).

²⁷ *Refl.* n. 897, AA 15: 392, quoted by N. Hinske (1995, pp. 281-298).

²⁸ ZeF 8: 358. International law established in common means that it derives from the interaction of men with each other and from the common awareness of the need to be subject all together to a common constitution. The rule of this constitution must be common in the sense that it must be drawn on, through reason, from the ideal of a juridical union of men under public laws in general (ZeF 8: 356).

Paradoxically, since only with the creation of a World republic will the occupation of a territory and therefore borders become legitimate, only at this point can states really recognize a right of visit because only then will they legitimately possess “privately” a portion of the common possession of the earth’s surface. And maybe only once the World republic is established does the right of visit can become a duty, an obligation,²⁹ on the part of states to let (and maybe to settle) people in. Hence, in Kant’s World republic rightful political borders will be limits, but not limitations.

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²⁹ The *Universal Declaration of Human Rights* (United Nations 1948) is silent on states’ duties to grant entry to immigrants. It recognizes a right to emigrate – that is, to leave a country – but not a right to immigrate – a right to enter a country (Article 13).

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