

Kant's Perpetual Peace as a Manual for the Twenty-First Century?—Cosmopolitanism, Ethics, and the Role of the Individual in a Globalizing Society

Christian Hein

National Taiwan University, Taipei, Taiwan

At the beginning of the 21st century, new variables, such as globalization and homogenization, international terrorism, and mass-migration have started to change the socio-political fabric of the world. The implications of these new circumstances have been discussed in several publications—most notably Seyla Benhabib's study *Dignity in Adversity*, Žižek's recent *Against the Double Blackmail* and Andreas Cassee's philosophical essay "Globale Bewegungsfreiheit". However, although they touch on the matters of cosmopolitanism, migration, and the issue of human rights, I want to go back to Kant's programmatic essay "Perpetual Peace: A Philosophical Sketch" and what defines it as a viable concept for the future. The migration crisis of 2015 has put categories, such as hospitality, human rights, ethics, and cosmopolitanism in a new perspective. Picking up Kant's category of hospitality, the German government decided to admit a large number of refugees into Germany. The reactions within the country and internationally were mixed. Nevertheless, this sudden influx of human individuals has led to a discussion of the applicability of Kant's concept of unlimited global mobility and its basis in reality. It furthermore raised the question whether Kant's essay is merely a product of a naive idealism. A deeper analysis of Kant's socio-political objective and its connection to his critical writings will be necessary to understand the significance of his essay in the 21st century. Thus, the question I want to ask is whether Kant's *Perpetual Peace* could indeed be a viable model for the new age. Hence, I will analyze his sketch by using an alternative approach focusing on the (usually neglected) rationality of his seemingly idealist vision—namely, as blueprint for a flexible system that can counterbalance socio-cultural/socio-political change and (only through that/a transformative/transforming quality) stabilize the/a global(ized/izing) society and, therefore, achieve a state of perpetual peace based on the prerequisite of rational thinking which accounts for all possible (new) circumstances and variables that might destabilize the balance of powers and require a new ethical and political framework for a new *Lebenswelt*. The role of the individual in this scenario will be examined and, moreover, what consequences a transformed ethical reference system could have for the validity and applicability of human rights on a global scale.

Keywords: Kantianism, cosmopolitanism, perpetual peace, ethics, migration, individualism

Introduction

This paper originally started out as a reflection on the 2015 refugee crisis and the concept of human dignity. Looking at the current developments in Europe and elsewhere in the world—mass migration from poor and war-torn regions to the wealthy centers of Western civilization—made me contemplate the situation in terms of Kantian ideals. Many media outlets picked up the idea of cosmopolitanism and its applicability and, on even more occasions, its limits. The German government liked to see itself in the role of the representative of an enlightened people and propagated an even more generous approach to dealing with the hundreds of thousands of incoming refugees, thereby picking up the initial premise of the German Enlightenment: “In Deutschland war die Aufklärung von Beginn an kein nationales, sondern ein europäisches Programm” (Kermani, 2015, p. 28). Kant was discussed in the media, and intellectuals tried to outdo each other with interpretations of Kantian ethics and its thorough realization by the German chancellor Merkel’s agenda. Kant, accordingly, had a sort of ambivalent revival, since he and his cosmopolitan concept became synonymous with humanity and, inevitably, moral superiority over countries unwilling to follow the German agenda. Cosmopolitanism and hospitality became universals that were, in many cases, used as tools to lash out against the countries which refused to follow the German (unconditional) *Willkommenskultur*. I will argue in this paper that Kant did not have a *Willkommenskultur* such as the one propagated by the German government in mind when he formulated his pamphlet titled *Perpetual Peace (Zum ewigen Frieden)* but rather a globally functional legal framework that grants every individual the right to (limited) hospitality, and this always with reference to the individual’s own ethical and legal conduct and regard for local rules. The concept of cosmopolitanism itself, and the way Kant used it in his text, have been misunderstood due to the transformation of its meaning over the centuries and, most importantly, to a deliberately created narrative.

Seyla Benhabib sheds light on the ambivalence of cosmopolitanism—a concept which, in the 21st century, seems desirable and positive, used to carry rather negative connotations:

A *kosmopolites* is one who distances himself either in thought or in practice from the habits and laws of his city and judges them from the standpoint of a higher order, often considered to be identical with reason, with nature or with some other transcendent source of validity. And because the cosmopolitan entertains a perspective that transcends the city and its ordinary human attachments, s/he is the object of suspicion and resentment by those who love their cities. (Benhabib, 2011, p. 5)

In the modern(ized) version of Kant’s concept of the *Weltbürger*, the cosmopolitan individual acts according to reason and unconditionally embraces every cultural system outside of his/her own one as having equal validity. To what extent the principles Kant coined in his quest for perpetual peace are slowly abolished can be seen in the way the EU treats the refugees’ human rights. Kant (n.d.) demanded the following: “Das Weltbürgerrecht soll auf Bedingungen der allgemeinen *Hospitalität* eingeschränkt sein” (p. 213). He further writes: “Es ist hier [...] vom Recht die Rede und da bedeutet *Hospitalität* (Wirtbarkeit) das Recht eines Fremdlings, seiner Ankunft auf dem Boden eines andern wegen, von diesem nicht feindselig behandelt zu werden” (Kant, n.d., p. 214). Quoting Kant

right here is necessary to take a closer look at the way refugees are treated in the European Union.¹ The question of human rights and dignity naturally arises when confronted with news of trucks carrying more than 70 dead bodies of refugees and alarming reports of hundreds of thousands of refugees trying to reach Germany and other European countries to, eventually, be able to live in a cultural system that guarantees them dignity and a better future. What Kant has in mind is that no one should be denied the right to live in a certain cultural system but rather be welcomed and treated with the utmost respect.² However, this is based on mutual respect meaning that a foreign individual is equally required to accept and respect the cultural customs and laws of the system he/she is visiting. Kant has a situation in mind that makes every human being a cosmopolitan able to move freely in all cultural system without being mistreated or deprived of his/her dignity:

So ist die Idee eines Weltbürgerrechts keine phantastische und überspannte Vorstellung des Rechts, sondern eine notwendige Ergänzung des ungeschriebenen Kodex, sowohl des Staats-als auch Völkerrechts zum öffentlichen Menschenrechte überhaupt, und so zum ewigen Frieden, zu dem man sich in der kontinuierlichen Annäherung zu befinden nur unter dieser Bedingung schmeicheln darf. (Kant, n.d., p. 217)

Luhmann (1974) pointed out how important it is to grant individuals protection of their basic human rights and every individual's dignity so that an individual can partake in social interactions:

Die Sozialordnung, und besonders die differenzierte, mobile Individuen erfordernde Sozialordnung, ist jedoch daran interessiert, Persönlichkeiten intakt und kontaktfähig zu erhalten, und zwar nicht nur für ein unpersönliches Auftreten als Passant in der Öffentlichkeit, sondern auch für soziale Zusammenhänge, in denen die individuelle Persönlichkeit Orientierungsfaktor für andere wird. Sie diskreditiert daher jene Auswege der Selbstdarstellung, die mehr oder weniger interaktionsunfähig machen und Würdeverluste mit Freiheitsverzicht kompensieren. Sie erreicht dieses Ziel vor allem dadurch, daß sie Freiheit und Würde im Sinne einer uneingeschränkten Kontaktfähigkeit der Persönlichkeit als Werte institutionalisiert: Der Mensch soll sich vor jedermann sehen lassen können! (Luhmann, 1974, p. 70)

Being recognized as a complete and intact individual is important for social individuals and closely connected to the issue of individual cultural identity. Luhmann writes about the category of *self-reference* that it is crucial for forming a stable system with a unique cultural identity. This process of identity formation relies on *auto-poiesis*:

Selbstreferentielle Systeme sind in dem Sinne geschlossene Systeme, daß sie ihre eigenen Elemente und damit auch ihre eigenen Strukturänderungen selbst produzieren. Es gibt keinen direkten Kausalzugriff der Umwelt auf das System ohne Mitwirkung des Systems. Eben deshalb gibt das System seiner eigenen Struktur [...] Kausalität. (Luhmann, 1987, p. 478)

¹ Kermani writes concerning his observations of refugees and their immediate situation at the European borders: "Und an jeder improvisierten Grenzstation und jedem Umsteigebahnhof zwischen Piräus und München stehen aneinandergereiht die himmelblauen Dixi-Klos. So weit immerhin reicht die Einigkeit Europas, daß Flüchtlinge ihre Notdurft nicht auf freiem Feld verrichten müssen, sondern über Tage und Wochen in stinkenden, verdreckten Plastikkabinen. Die Dixi-Klos sind das Erkennungszeichen der europäischen Humanität" (Kermani, 2016, p. 45). In Kermani's report *The Toilets Become a (Quite Revealing) Symbol of European Humanity*.

² Kant criticizes the way Western nations behaved in the countries they claimed their colonies: "Vergleicht man hiermit das *inhospitable* Betragen der gesitteten, vornehmlich handeltreibenden Staaten unseres Weltteils, so geht die Ungerechtigkeit, die sie im Besuche fremder Länder und Völker (welches ihnen mit dem Erobern derselben einerlei gilt) beweisen, bis zum Erschrecken weit" (p. 215). It becomes quite clear that Kant blames the British Empire for selfish pursuit of its own cause with no sympathy for the countries it invaded with its army of merchants. The question in this respect is whether foresaw (or could have possibly foreseen) the world of the 21st century in which neo-liberal structures have been established in almost every corner and cultural system of the world. They have brought Western concepts with them and, therefore, a global reduction of cultural complexity. This development has favored a process that, more or less, imposed Western values as universal and rather absolute guidelines even for individuals from radically different cultural backgrounds.

Luhmann (1987) further noted that it is possible for social actors to achieve individuality—and with its dignity and cultural identity based on individuality—and, moreover, entire social systems through self-reference: “Individualität durch Selbstreferenz” (p. 348). This, of course, stands in stark contrast to the traditional conception of cosmopolitanism but, in a substantial way, opens the door for a pluralistic (world) society. What about individuals from cultural systems with a unique reference system who have immigrated into a system with completely different reference narratives? Can Kant’s universal value system work as globally functioning reference narrative? Benhabib (2011) pointed out the ambiguity in Kant’s definition of hospitality:

on the one hand, he wanted to justify the expansion of commercial and maritime capitalism in his time insofar as these developments brought the human race into closer contact; on the other hand, he did not support or encourage European imperialism. The cosmopolitan right of hospitality gives one the right of peaceful temporary sojourn, but as Kant’s comments on European attempts to penetrate into Japan and China make clear, it does not entitle one to plunder and exploit, to conquer and overwhelm by superior force those peoples and nations among whom one is seeking sojourn. (p. 7)

Does this mean then that Kant had only a temporary stay in a different culture in mind when he defined his concept of hospitality? Benhabib (2011) summarized her thoughts on Kant’s *Weltbürgertum*: “Cosmopolitan citizenship means first and foremost the creation of a new world legal order and of a public sphere, in which the human would be entitled to rights in virtue of her humanity alone” (pp. 7-8). The question I want to look at on the following pages is whether Kant’s idealist concept of cosmopolitanism is a mere fantasy proven wrong over and over again through history or whether it has had an impact on the modern world of the 20th and 21st centuries.

If one looks at Kant’s contemporary world, the world of the late 18th century in which he conceptualized his ideas of *Weltbürgertum*, it becomes quite obvious that the concept of freedom rarely applied to people outside of the realm of European culture. America had just become independent from Great Britain in 1776 and called itself the United States of America—a system in which wealthy white farmers owned slaves who worked on huge plantations for basically nothing. These people, who had been abducted from their African home, were not free so the concept of hospitality and the guarantee to be “entitled to rights in virtue of her humanity alone” surely did not apply to them. Therefore, the question must be raised whether Kant had only the freedom of passage and the right to hospitality for Europeans in mind when he formulated his ideas. The cruel and inhumane violation of human individuals during the time of slavery seems like an unpleasant footnote to Kant’s concept proving his *Weltbürgertum* with its right to hospitality to be little more than an idea thought up to make it easier for white Europeans to set foot unharmed in other cultures. It is important in this context to take a closer look at Kant’s words in his original text *Perpetual Peace*. Kant particularly has European imperialism in mind in his statement. But the same mechanisms can be observed within Europe itself. If one considers Kant’s definition of a state’s people’s sovereignty and freedom of self-governance, the development of the German identity crisis in the beginning of the 19th century becomes understandable.³ In this respect the birth of German chauvinism out of hurt dignity due to the French occupation after 1805 becomes relevant. Naturally, the newly established

³ Also, the rise of frustration and with it the rise of nationalism due to lost dignity in 1920s Germany following the repressions put on the German people by the Versailles treaty seems to be a quite logical consequence. The same applies to the humiliation of the Greek people by German austerity measures during the financial crisis in 2015. I will point the similarities between those events out more precisely later.

philosophical school of German idealism plays a significant role in this process as well. In the case of the German people's lost dignity following the French occupation it was the idealist philosopher Johann Gottlieb Fichte who tried to boost German identity through a number of speeches which became famous as *Reden an die deutsche Nation*—a nation which, at the time Fichte held his speeches, did not exist. His speeches, therefore, have to be considered truly utopian fantasies about forming a new nation based on a not yet clearly defined German citizen.⁴ To sum up the main points discussed above, public humiliation, lack of recognition by other individuals, or occupation by another state or people can have serious consequences for the suppressed people's possibility to self-reference. But in many cases it leads to a strengthening of shared identity because of the humiliation and loss of dignity. Humiliation along with lost dignity often serves as common denominator of people who have suffered the same fate. Those people did not necessarily have any social ties or commonalities before. But through the common loss of dignity they do have the possibility to identify with the same feeling of humiliation which in turn becomes a driving force behind probable common causes of action. To avoid conflicts due to exclusion of a group of individuals from a cultural system the matter of integration takes on a crucial role.

When it comes to the integration of larger groups of individuals from foreign cultural systems into a system culturally different from the one they have been socialized in it is crucial to understand the mechanisms of how systems set their borders against other systems in order to distinguish themselves from them. By making this distinction, systems are able to establish their own particular identity in opposition to the other systems' identities. Luhmann (1969) demanded an integration system that goes beyond the level of social systems:

Von der funktionalen Differenzierung sozialer (oder auch anderer) Systeme zu unterscheiden sind Systemtrennungen, die durch die Konstituierung relativ autonomer, Grenzen setzender Systeme erforderlich werden, die aber nicht mehr in einem übergreifenden System aufgehoben und integriert, sondern nur noch durch den gemeinsamen Horizont der Welt zusammengefaßt werden. (p. 249)

He further adds "Es braucht ein Integrationsprinzip jenseits der sozialen Systeme" (p. 250). Assmann (2011) emphasized the importance of socialization in order to form an identity not only as "I" but also as being part of a "we":

A self grows from the outside in. It builds up individually by participating in the interactive and communicative patterns of the group to which it belongs and by contributing to that group's self-image. Therefore, the "we" identity of the group takes precedence over the "I" of the individual—in other words, identity is a social phenomenon, or what we might term "sociogenetic". (p. 112)

Luhmann calls for a new framework beyond the limited realm of social systems. In this context, the question whether it is rational to refer to the principle of hospitality in order to help refugees is rational or whether it is a naïve gesture becomes relevant. Strictly speaking, of course, it would be simple to just refrain from holding one's hand out to anybody in need and just mind one's own business. In the case of Germany, though, the heavy historical debt of National Socialism forbids such an oversimplification. In order to show the world that Germany

⁴ I will not go into detail on Fichte's *Reden* because I have already discussed his speeches and their contribution to German identity formation in detail elsewhere. Fichte's speeches are, in a way, the reversal of Kant's *Weltbürgerrecht* due to their limited use for exclusively "German" individuals: "Ich rede für Deutsche schlechtweg, von Deutschen schlechtweg, nicht anerkennend, sondern durchaus beiseite setzend und wegwerfend alle die trennenden Unterscheidungen, welche unselige Ereignisse seit Jahrhunderten in der einen Nation gemacht haben" (p. 13).

has learned its lesson from past mistakes many people agreed that offering help to refugees was, without a doubt, the ethically prudent thing to do. But taking the incidents on New Year's Eve 2015 in Cologne into consideration as well as the axe attack carried out by an Afghan immigrant on a family from Hong Kong taking a train in Würzburg and the killing of more than ten visitors of a Christmas market in Berlin in December 2016, one has to ask whether opening the German borders for violent individuals with potential terrorist backgrounds was rational after all. To provide an answer to this question it will be necessary to first take a look at the concept of rationality and its employment in ethics since the Enlightenment. That integration takes more than good will is self-explanatory. Žižek (2017) quoted a statement by Russian writer Yevgeny Grishkovets concerning the prospect of integrating refugees into German society and its (pseudo-Kantian) value system:

These people are exhausted, angry, and humiliated. They have no idea of European values, lifestyles and traditions, multi-culturalism or tolerance ... They will never feel grateful to the people whose countries they have managed to get into with such problems, because the very same states first turned their own home countries into a bloodbath ... Angela Merkel vows modern German society and Europe are prepared for problems ... That's a lie and nonsense! (p. 48)

Kant introduced the term *Vernunft* into modern philosophical discourse and built his ethical writings upon it. *Vernunft* can roughly be translated as rationality (or reason) but actually goes beyond it because Kant extends it to the realm of socially appropriate behavior which can, nevertheless, be threatened by the *Vernunft*'s tendency to establish its own rational and self-reflexive universe:

Die Vernunft wird durch einen Hang ihrer Natur getrieben, über den Erfahrungsgebrauch hinaus zu gehen, sich in einem reinen Gebrauche und vermittelt bloßer Ideen zu den äußersten Grenzen aller Erkenntnis hinaus zu wagen, und nur allererst in der Vollendung ihres Kreises, in einem für sich bestehenden systematischen Ganzen, Ruhe zu finden. (Kant, 1998, p. 671)

What Kant develops here—the self-reflexivity of reason—depends in a large part on the *Lebenswelt* in which it constitutes itself, or: by which this particular *rationale* is constituted. This, consequentially, means that reason is not simply reason—no, there is indeed a pluralism of reason in the world as we know it. Every cultural system creates its own logic, and with it its own reason that helps sustain and maintain the inner coherence of the system. When individuals, or groups of individuals, of differing systems meet it is a strong probability that communication problems based on different *rationale* arise. It is therefore difficult to find or establish a shared intentionality or commonality between those individuals. Nida-Rümelin (2006) explained this matter: “Der *overlapping consensus* muss allerdings so verstanden werden, dass er mit Differenzen in der Kultur, der Lebensform, der Wertorientierungen vereinbar ist” (p. 23). Against all modern reasoning individuals from different cultures will face problems when forced to live together due to incompatibility issues emerging from different socio-cultural programming. Nevertheless, every individual is certain about the accuracy of their own logic and reason which they have grown accustomed to and educated by in their own *Lebenswelt*. Kant (1998) shed light on this problem: “Es ist demütigend für die menschliche Vernunft, daß sie in ihrem reinen Gebrauche nichts ausrichtet, und sogar noch einer Disziplin bedarf, um ihre Ausschweifungen zu bändigen, und die Blendwerke, die ihr daher kommen, zu verhüten” (p. 670).

Kant (1998) continued:

Allein andererseits erhebt es sie wiederum und gibt ihr Zutrauen zu sich selbst, daß sie diese Disziplin selbst ausüben kann und muß, ohne eine andere Zensur über sich zu gestatten, imgleichen daß die Grenzen, die sie ihrem spekulativen

Gebrauche zu setzen genötigt ist, zugleich die vernünfteln Anmaßungen jedes Gegners einschränken, und mithin alles, was ihr noch von ihren vorher übertriebenen Forderungen übrig bleiben möchte, gegen alle Angriffe sicher stellen könne. (p. 670)

Kant (1998) came to the following conclusion:

Der größte und vielleicht einzige Nutzen der Philosophie der reinen Vernunft ist also wohl nur negativ; da sie nämlich nicht, als Organon, zur Erweiterung, sondern, als Disziplin, zur Grenzbestimmung dient, und, anstatt Wahrheit zu entdecken, nur das stille Verdienst hat, Irrtümer zu verhüten. (p. 670)

This negative use of the *Vernunft* becomes clear when Kant points out the mechanism of setting borders (Grenzbestimmung) which reason tends to refer to. Those borders are, of course, set by referring to experience and one's pre-programmed sense of reason strongly depending on the *Lebenswelt* the particular individual has been educated in. Nida-Rümelin (2006) mentioned in this context the "Kohärenz der Lebenswelt", "die Voraussetzung dafür ist, dass das Individuum handlungs- und urteilsfähig ist" (p. 71). The question that immediately arises is: What if the coherence Nida-Rümelin writes about is disturbed or disrupted by sudden change on the social level? What consequences would such a sudden change have for the ability of the individuals of that particular system—even if these individuals have been educated in a democratic system—to judge and act? Nida-Rümelin (2006) made it clear that the coherence of the *Lebenswelt* is crucial for the self-image and self-esteem of the individuals of a socio-cultural system: "Der einheitsstiftenden Rolle der Lebenswelt, der Verständigung innerhalb einer Sprachgemeinschaft und der Handlungskompetenz der Individuen steht die Pluralität von Lebenswelten und Sprachgemeinschaften gegenüber" (p. 73). Ironically, according to Nida-Rümelin, universality has its limits. In this case, even Kant's reason-based concept of perpetual peace could seem irrational to individuals from systems that lack exposure to and experience with (European philosophical and ethical) enlightened principles. So, although every modern individual (meaning individuals of the 21st century) is aware of this fact—the fact that the world consists of a multitude of different peoples with different customs and languages—problems will arise when a large group of individuals from different *Lebenswelten* take their customs and languages into a coherent *Lebenswelt* not familiar with these particular habits and traditions. The aspect of the reduction of complexity comes into play again in this case. The startled reactions by individuals towards customs they are unfamiliar with are quite natural, since they are suddenly confronted with the unknown: "Wir können gar nicht anders, als für Überzeugungen, die uns wohlbegründet erscheinen, universelle Geltung zu beanspruchen, also anzunehmen, dass diese nicht lediglich im Kontext unserer Lebenswelt und unserer Sprachgemeinschaft begründet sind" (Nida-Rümelin, 2006, p. 73). The coherent world which the human *Vernunft* has established over years—the only world that makes complete sense in its predictability based on its familiarity—has to be compared to different ways of socio-cultural organization and models of worldviews. Human individuals have grown accustomed to one particular view creating a simplified and thus intelligible image of the world. This simple view on the world cannot just be turned into an image of pluralism in which a multitude of different system logics are thrown in together. The logical consequence is an image of incoherence through which the old familiarity of the coherent world is destroyed. The fear of chaos and loss of one's own *Lebenswelt* is the likely consequence. Naturally, a *Lebenswelt* has to be self-reflexive in order to stabilize itself in the long run. Thus it cannot all of a sudden use different cultural elements and a new set of variables to sustain

itself. The process of self-reflexivity has to always yield the same results of a familiar and stable system in order to provide the individuals interacting in it with a sense of security and stability through familiarity:

Wenn die Begründungsspiele, die im Rahmen unterschiedlicher Lebensformen und Sprachgemeinschaften gespielt werden, zu immer divergenteren Ergebnissen führten, wenn keinerlei Hoffnung auf Konvergenz der Begründungsspiele über die Lebenswelten und Sprachgemeinschaften hinweg bestünden, dann würden wie unseren lebensweltlichen Realismus nicht aufrechterhalten können. (Nida-Rümelin, 2006, p. 74)

This acquired reality of the *Lebenswelt* cannot simply be replaced by a utopia of pluralism without suffering foreseeable consequences. The impracticability of reason that Kant mentioned above requires institutions that can enforce reasonable guidelines and their use by. The above-mentioned introduction of new variables into a formerly stable and self-sustaining system happened in Germany in 2015 when the borders were opened for hundreds of thousands of refugees. The initially positive reaction of the German populace slowly turned against the welcoming spirit of the early days. Taking the quoted paragraphs of Kant and Nida-Rümelin (2000) into account it seems quite rational for such a reaction to manifest itself after being confronted with a large number of immigrants representing the unknown in the realm of the familiar:

Wenn Menschen miteinander interagieren, beruht dies im allgemeinen auf einem geteilten Komplex von Regeln, zu denen Verhaltenskonformitäten, Erwartungen, Sprachäußerungen, Mimik und Gestik gehören. [...] Diese Konvention äußert sich nicht nur darin, daß der Adressat unter Normalbedingungen entsprechend reagiert, sondern ist auch von wechselseitigen Annahmen über Intentionen und Wissenszustände begleitet. (p. 182)

Of course, one cannot request immigrants and refugees to simply “know the local rules of a particular socio-cultural system. It is quite natural for individuals foreign to a cultural system to “make mistakes” due to not knowing certain customs. Knowing that such mistakes can happen is, of course, also rational and leads to the category of tolerance. Seel (1996) pointed out the essence of rational convictions and actions:

Rational sind Überzeugungen oder Handlungen, für die sich hinreichend gute Gründe aufbringen lassen. Hinreichend gute Gründe lassen sich nur finden, wo ein leidlich verlässliches Wissen gegeben ist; über die Rationalität von Überzeugungen oder Handlungen entscheidet freilich erst die Art der Verwendung eines jeweiligen Wissens. Rationalität beweist sich in der umsichtigen Verwendung eines möglichst gesicherten (jedoch meist falliblen) Wissens. (p. 273)

Rationality (*Vernunft*), in the context of the thoughts laid down here, therefore, works in both directions. It is, on the one hand rational, to be critical of accepting refugees. On the other hand, rationality dictates a basic understanding of the possible problems that go along with opening one's own borders for foreigners. Both rational considerations work within the framework of Kant's concept of cosmopolitanism in which the philosopher foresaw the difficulties of individuals moving in a foreign environment by indicating that such an individual will have to live up to local rules and respect the local laws.

The problem of nation states with a rigid cultural reference frame is that it could be counterproductive to cosmopolitanism due to its emphasis on maintaining the traditional cultural identity the majority of individuals within this particular system's borders identify with. The question is whether the cultural framework of this system must (and can) be the only source of orientation for individuals living in its realm:

Der nationale Kontext ist (für manche) *eine* Quelle, aber sicher nicht die einzige Quelle kultureller Orientierung. Und andererseits entwickeln sich die (ohnehin unscharfen) Grenzen zwischen verschiedenen Kulturen in einem dynamischen Prozess; manche Abgrenzungen verlieren über die Zeit an Bedeutung und andere werden weniger. Wenn

kultureller Wandel nicht zu schnell geschieht, sehe ich nicht, weshalb die individuelle Freiheit dadurch in Gefahr geraten sollte. (Cassee, 2016, p. 156)

The main focus in this paragraph is on slow change in and of a cultural system—a change that does not threaten personal (individual) freedom of the individuals living in the specific system. Things become problematic, though, if sudden change occurs—change such as during the refugee crisis in Europe when a large number of foreign individuals enter the European cultural system (and its various sub-systems that are embedded in the larger framework of the European system) and make people fear that their cultural heritage (their cultural narrative) is threatened by the arrival of new cultural narratives. Cassee raises an interesting issue in this context, namely the question whether a group of individuals can (or does) have the right to claim a certain territory for themselves or whether such a claim would be illegitimate. Cassee (2016) developed his argument using the matter of immigration as starting point: “Strittig ist mit Blick auf die Einwanderungsfrage aber bereits, mit welchem Recht eine Gruppe von Menschen überhaupt für sich beanspruchen kann, dass sein bestimmter Teil der Erdoberfläche im relevanten Sinn *ihr* Teritorium sei” (p. 29). Of course, the answer why a certain territory belongs to a certain people is usually given by narratives that a group of individuals populating a certain cultural system have repeated for a long time. A fitting example is the difficult dilemma of Israel. The Jewish settlers tend to point to the narrative of the *Old Testament* in which the territory of Juda is handed over to the Jews by the Jewish god himself, thereby justifying the claim that this territory is a legitimate Jewish territory. For Cassee (2016), the fundamental question is why a people should have the right to forbid people from other territories to enter their territory: “Weshalb sollten die Bürgerinnen eines Landes überhaupt ein Recht haben, Außenstehende (ob notleidend oder nicht) unter Zwangsandrohung von einem bestimmten Gebiet fernzuhalten?” (p. 30). Cassee (2016) saw this question already formulated in Kant’s *Zum ewigen Frieden* when the philosopher writes,

dass die Menschen sich als Bewohner der Oberfläche einer Kugel “nicht ins Unendliche zerstreuen können”, sondern “sich doch neben einander dulden müssen”, und gleichzeitig betont, dass “ursprünglich aber niemand an einem Orte der Erde zu sein mehr Recht hat, als der Andere”. (p. 30)

Picking up Kant’s questions Cassee (2016) asks:

Gibt es ein überzeugenderes Argument, das von diesem ursprünglich gleichen Anspruch aller Individuen, sich an einem Ort aufzuhalten, zu der Konklusion führt, dass die Bürger eines Landes letztlich doch das Recht haben, die Einwanderung in ihr Staatsgebiet zu beschränken? (p. 30)

Kant’s intention does not necessarily point in the direction of Cassee’s claim that there is a hidden agenda embedded in Kant’s claim that nobody has more right to live in a certain territory than someone else. Although Kant is not decisively clear in the passage criticized by Cassee, it cannot simply be deducted that Kant has a system of inequality in mind (this is what Cassee’s criticism aims at) which de facto does not grant everybody the same right to live wherever he/she wants. Regardless of such ambiguities Cassee (2016) proceeds in his attack on Kant:

Kant selbst scheint dies zu glauben, auch wenn an dieser Stelle nicht deutlich wird, worin das Argument bestehen könnte. Vom “gemeinschaftlichen Besitz der Oberfläche der Erde” bleibt bei ihm am Ende nur ein Besuchs-oder “Hospitalitätsrecht” bestehen, das ein Recht einschließt, sich in einem fremden Land ‘zur Gesellschaft anzubieten’. Dieses Angebot eines “Fremdlings” dürfe aber abgelehnt werden, “wenn es ohne seinen Untergang geschehen kann”. (p. 30)

It cannot be said with utmost certainty what Kant had in mind when he theorized about cosmopolitanism. Cassee's interpretation focuses on the shortcomings of Kant's concept. Denying a foreigner the right to hospitality is also on Kant's agenda. But he emphasizes that such a denying of hospitality can only be legitimate as long as the foreigner (*Fremdling*) suffers no harm as a consequence. It is striking how close Kant's ideas are to the guidelines that are employed today at the beginning of the 21st century. Denying a refugee asylum has to be based on the understanding that no imminent danger waits for the applicant in his/her own country to which he/she is sent back after unsuccessfully applying for asylum in another country. The same is true for the hundreds of thousands of refugees coming to Germany due to crises in the Middle East and North Africa. Germany does not grant those immigrants permanent residency. Their stay in the (presumably) safe borders of Germany is limited to a certain time. After that period they will have to leave again because their home countries are deemed to be safe again. In the case of Syrian refugees it is, nevertheless, unclear whether sending them back to their country will be potentially dangerous due to the chaotic situation in Syria. Of course, the question in such a context is whether it can be objectively and exactly estimated when and where it is safe for people to continue their previous lives without risking any physical or mental harm. But back to the initial question of this part of the paper: Is it rational to provide shelter for refugees at all? Is Kant's call for cosmopolitanism and the unconditional hospitality connected with it rational at all? I have mentioned *reason* as prime category of human individuals' social actions—as guideline by which everyone's actions should be constantly tested for legitimacy and rationality. Accordingly, I would like to take a closer look at the concept of acting rationally and what its immediate implications are.

In her book titled *Rationalität. Eine Kartierung*, Hahn (2013) dedicated about 400 pages to the detailed analysis of the concept of rationality. Her main observation is that acting rationally means acting according to rules: "Rationales Handeln als regelgeleitetes Handeln" (p. 107). Consequentially acting rationally means that one's actions are "strukturkonformes Handeln" (Hahn, 2013, p. 108). If we take these definitions into account, it has to be asked first, where these guidelines, structures, and rules according to which the individual is acting are coming from. Are they moral universals? Are they the rules of a certain system and do they vary from system to system? Hahn (2013) continued:

Vertreter tatsächlich vorfindbarer Wertzusammenhänge sind bemüht, Deutungen der vertretenen Werte für das konkrete Handeln mitzuliefern. Institutionalisierte Wertsysteme, wie beispielsweise die großen Religionen, beschäftigen professionelle Wertdeuter, die in mündlichen oder schriftlichen Verlautbarungen Regeln für bestimmte Klassen von Handlungssituationen formulieren. Resultate solcher Deutungen sind dann z.B. ein Verbot des Schwangerschaftsabbruchs oder das Gebot, für hungernde Kinder zu spenden. (p. 237)

Following Hahn's definition of values and rationality it can be said that a certain rationality is provided by the system. This rationality operates with a fixed set of rules every individual of the system is supposed to follow in order to be "rational" and, furthermore, lead an ethical life according to the guidelines set in stone by the ruling authorities of the cultural system. One can conclude that rational actions serve the sole purpose to maintain and sustain the *status quo* of the particular system. The basic condition of any system is that the rationality framework is established using standards generated by the individuals moving and interacting in the specific system. Seel (2007) mentioned this circumstance and refers to Nietzsche who had observed these socio-cultural mechanisms before: "[Nietzsche] nimmt an, dass wir bei allem, woran wir uns orientieren, in selbstgeschaffenen

Zusammenhängen leben" (p. 95). If it is true that we ourselves as human individuals create our systems by establishing coherence and meaningful connections that we as inhabitants of a certain system can relate and refer to in a process of self-reference, it must be quite difficult to speak of rationality as one (objective) rationality. In fact, it points into the direction of a specific system logic.⁵ Therefore, one would rather have to assert the fact that we are dealing with a pluralism of rationalities that vary from system to system depending on each particular system logic and the socio-cultural programming of the individuals living within the borders of each unique system. How then is it possible that an individual can make certain conscious decisions of which he/she can be sure that they fall into the generally accepted reference rationality? Hahn (2013) wrote that rational decisions can under such circumstances occur in a state of uncertainty "Entscheidungen unter Unsicherheit" (p. 160). Hahn (2013) further stated: "Entscheidungssituationen, in denen keine objektiven Wahrscheinlichkeiten für das Eintreten bestimmter Konsequenzen zur Verfügung stehen, werden als 'Entscheidungen unter Unsicherheit' bezeichnet" (p. 160). Decisions in an uncertain situation—probably even a situation that has never occurred before—challenge traditional ethics and rationality. Hahn (2013) pointed out that structural conformity (Strukturkonformität) demands that "die erwünschte Struktur bzw. Die ihr entsprechende Regel kohärentisch begründet ist" (p. 125). In the time of unprecedented crises the coherence of traditionally valid rationality might be forced to step away from its coherency approach and improvise. In the case of the 2015 refugee crisis the consensus within the German government (with the exception of right wing parties, such as the Bavarian CSU) was that help could not be denied to refugees from war-torn countries. Always taking into account the German past with its record of genocide and the German constitution in which human dignity is the utmost principle protected by the government it made absolute sense to open Germany's borders to people in need. The danger of admitting a large number of people from different cultural backgrounds was primarily seen in the *clash of civilizations* due to different identities following more or less Samuel P. Huntington's prediction that the conflicts of the 21st century will be identity conflicts. And there were incidents that made people in Germany think whether admitting so many refugees had been a good idea to begin with. But, in Cassee's view, these isolated incidents—the sexual assaults in Cologne marked a grotesque, due to its carnivalesque character, quasi-Bakhtinian explosion of violence towards women representing a singularity in the overall history of the refugee crisis—do not add up to a worrying amount of criminal acts justifying to pull the plug on the whole project of offering help and safe haven to political refugees:

Da von der *full compliance* ausgegangen wird, könnte eine Gefährdung der öffentlichen Ordnung nicht dadurch entstehen, dass einzelne Individuen gegen Gerechtigkeitsprinzipien verstießen. Es könnte also nicht zu Bedrohungen der Art kommen, dass Einwanderungswillige eine gewaltsame Umwälzung einer gerechten Ordnung anstrebten, und die bisherigen Bürger würden auch nicht Krawall machen und ihrerseits die öffentliche Ordnung gefährden, wenn eine gerechte Einwanderungspolitik durchgesetzt würde. (Cassee, 2016, p. 263)

The keyword in this paragraph is *full compliance*. It has to happen on both sides—the side of the immigrants as well as on the side of the *Bürger* (citizens). Here we come back full circle to Kant's principle of *hospitality*. Nobody would deny anyone asylum when the individual seeking refuge is in full compliance with the rules of the

⁵ Luhmann remarks in this respect: "Ein Komplexitätsgefälle zwischen Umwelt und System kann nur entstehen und ausgebaut werden, wenn das System auch in der Zeitdimension ausdifferenziert wird. Auf sehr abstrakte Weise kann man sagen: es entsteht systemeigene Zeit, die aber gleichwohl in die Weltzeit passen muß" (Luhmann, 1987, p. 253).

host society. Even if isolated incidents of breaking these rules occur, it does not lead to a collapse of the social order. The system is able to absorb these incidents, and they will not affect the overall structure of the system and its ability to sustain itself in the form it has over a long period of time. An extreme—and extremely utopian—version of a worst case immigration scenario is this one: “Der Extremfall wäre hier eine Situation, in der Menschen mit dem Ziel in ein Land einreisen wollen, das Gesamtsystem der Grundrechte durch einen gewaltsamen Umsturz außer Kraft zu setzen” (Cassee, 2016, p. 264). In the case of the hundreds of thousands of refugees coming to Germany, it is highly unlikely that they all coordinated their actions with the single goal of overthrowing the German state and its constitution. That would take an immense act or organization and coordination in order to have such a mass of people play their roles in the attempted *coup d'état* and belongs to the realm of utopia. Cassee (2016) mentioned one particular scenario that excludes violent revolution attempts but rather work with legal means within a constitutionally legitimate framework:

Eine zweite Frage betrifft die Zulässigkeit von Einwanderungsbeschränkungen für den Fall, dass Einwanderungswillige zwar keinen gewaltsamen Umsturz planen, wohl aber ihre politischen Rechte nutzen wollen, um beispielsweise einen demokratischen Rechtsstaat in einen Gottesstaat zu verwandeln. (p. 264)

Michel Houellebecq has contemplated this thought experiment in his novel *Soumission* in which France is completely legally and constitutionally turned into an Islamic nation.⁶ The book is clearly a parody on the weaknesses of Western intellectual relativism and its inability to counterbalance a strong moral sentiment such as the belief of Muslims with Western pluralistic ethics. In this context, one is reminded of Nietzsche's lament that “god is dead”, meaning that the moral imperative—the highest moral principle(s)—of the West has been abandoned without having been replaced by something similarly binding. Of course, the German refugee crisis does not really fall into this category. First of all, legally transforming Germany into a theocracy would require the immigrants to be able to vote, which they are not. Then there is still the majority of German voters not willing to give up their democratically guaranteed freedom set in stone in the constitution. The fear of suddenly waking up in an Islamic theocracy is therefore unfounded.

The question now is, consequentially, why the borders of all European countries—or all countries of the world—should not be completely open for everyone, thereby, granting unlimited travel freedom and unconditional hospitality for everyone who wants to benefit from them. Such a model of a world without restrictions of travel and residence would of course contradict the very concept of the nation state: “Dennoch ist natürlich denkbar, dass völlig offene Grenzen zu einem Verlust an (distributiver) Gerechtigkeit im Inland führen könnten. Ob und in welchen konkreten Situationen dies der Fall ist, ist (teilweise) eine empirische Frage [...]” (Cassee, 2016, p. 267). Does unlimited freedom of travel have a negative effect on justice in a state's interior? What if the system's legal structure is confronted with alternative rules? What does rejection of hospitality mean for the dignity of the rejected?

Kant's approach to cosmopolitanism implies the guarantee to dignity of the individual entering a foreign cultural system as citizen of the world as a prerequisite. The treating of that individual foreign to the system naturally affects the dignity of that person. Kant says that a system can deny hospitality to a foreigner (*Fremdling*)

⁶ Houellebecq's main criticism is directed against the intellectual establishment that has nothing to set against the Islamization of the West.

as long as it does not put him/her into harm's way. Does this also mean that his/her dignity has to remain intact or does this only include physical well-being? Would it fall into the category of reason (or rationality) to willingly or deliberately deny an individual the right to hospitality when this would inadvertently have a negative effect on his/her sense of dignity?

Leaving the aspect of an individual's dignity aside for a moment, I would like to turn to the matter of institutional responsibility to counterbalance a sudden influx of large numbers of foreign individuals into a socio-cultural system by relying on legal prerequisites and structures within the system that protect the system from becoming dysfunctional, its individuals, and the incoming individuals of foreign origin from losing their safety and status as free human beings. Picking up the previous paragraph's questions the only reasonable and logical thing to do in order to deal with possible mass migrations would be to prepare institutions, legal frameworks, and other socio-political measures that are flexible and specifically designed to safeguard the stability of local and global cultural systems. An international structure needs to be established that considers the micro- as well as the macro-level and possible transformative processes that could throw socio-cultural systems off balance.

I have mentioned the responsibility of the systems themselves for the well-being of the individuals interacting inside of them and across the system borders with individuals from other systems. This, however, does not mean that the systems are the sole bearers of that responsibility. Indeed, the individuals themselves play a decisive role in this regard, too. Kermani (2010) wrote about the cosmopolitan idea(l) of Europe and the need to defend it, even though it might be a mere (impractical) utopia:

Der europäischen Idee im emphatischen Sinn, der Idee einer säkularen, transnationalen, multireligiösen und multiethnischen Willensgemeinschaft, ist die Universalität wesenseigen. Sie läßt sich nicht relativieren und kennt keine geographischen Grenzen. Sie kann nicht einfach in Gibraltar oder in Irland, and den Grenzen Polens oder Bulgariens aufhören. Nicht umsonst tut es Immanuel Kant nicht unter dem ewigen Frieden, einer Weltföderation republikanisch verfaßter Länder. Natürlich ist das eine Utopie, und niemand wußte das besser als Kant, dieser nüchternste unter allen europäischen Philosophen. Aber in dem Augenblick, in dem Europa aufhört, die Utopie vor Augen zu haben, sich auf diese Utopie hinzubewegen, hört es als Idee auf zu existieren. (pp. 142-143)

Kant's *Perpetual Peace* considers that there is and must be cultural diversity in the world. A legal framework is applied to deal with different cultural systems without attempting to change them but rather by reacting to different manifestations of culture due to its own flexibility. Recognizing that there are other cultural systems with different logics is a key aspect of Kant's concept. He is not trying to impose the Western model on other cultures—something that would be contrary to his own view on reason—but suggests that cosmopolitan individuals use reason in order to interact in a foreign cultural system taking the local customs and legal framework into account. Kant thereby acknowledges that there is no absolute right mentality—a point that can be understood as criticism of the British Empire and its expansionism. Indeed, Kant's proposal has gained in importance over the centuries and is of crucial relevance at the beginning of the 21st century when Western morals and norms have become binding standards for the rest of the world to conform to. In this regard, it cannot be decided with utmost certainty whether Kant had a framework in mind that reduces the cultural complexity of the multitude of cultural systems or whether he aimed at preserving it for the sake of cultural identity and plurality. What can be said with certainty is that Kant had a model in mind which defines individuals, social systems, the

legal framework on a local and global level as equally responsible for maintaining a balanced situation in which individuals are granted the freedom of stay as well as the freedom of travel within the limits of locally varying cultural, ethical, and legal circumstances. The mutual recognition and acceptance of cultural difference is the key factor without which Kant's idea cannot function. In this regard, Kant was ahead of his time. In a way, his concept can even be regarded as safety mechanism preventing one cultural system from achieving global dominance—a circumstance that Kant with his rational view might have observed in his time when the British Empire managed to expand its realm across the whole world and create an unbalanced situation. In the end, it seems as if Kant's vision was to guarantee prosperity in and of all cultural systems by granting every individual system and its individual people general equality. This equality represents the core value of Kant's concept which he wanted to be applied all over the world as universal principle.

References

- Assmann, J. (2011). *Cultural memory and early civilization. Writing, remembrance, and political imagination*. Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi, Tokyo, and Mexico City: Cambridge University Press.
- Benhabib, S. (2011). *Dignity in adversity. Human rights in turbulent times*. Cambridge: Polity Press.
- Cassee, A. (2016). *Globale Bewegungsfreiheit. Ein philosophisches Plädoyer für offene Grenzen*. Berlin: Suhrkamp Verlag.
- Fichte, J. G. (1978). *Reden an die deutsche Nation*. Hamburg: Felix Meiner Verlag.
- Hahn, S. (2013). *Rationalität. Eine Kartierung*. Münster: mentis.
- Houellebecq, M. (2017). *Soumission*. Paris: J'ai Lu.
- Huntington, S. P. (2002). *The clash of civilizations and the remaking of world order*. New York: Simon & Schuster.
- Kant, I. (1998). Kritik der reinen Vernunft. In Wilhelm Weischedel (Ed.), *Werke in sechs Bänden* (Band II). Darmstadt: Wissenschaftliche Buchgesellschaft.
- Kant, I. (n.d.). *Zum ewigen Frieden. Ein philosophischer Entwurf*. Kant-WBd.11.
- Kermani, N. (2010). *Wer ist Wir? Deutschland und seine Muslime. Mit der Kölner Rede zum Anschlag auf Charlie Hebdo*. München: C. H. Beck.
- Kermani, N. (2015). *Vergesst Deutschland! Eine patriotische Rede. Zur Eröffnung der Hamburger Lessingtage 2012*. Berlin: Ullstein.
- Kermani, N. (2016). *Einbruch der Wirklichkeit. Auf dem Flüchtlingstreck durch Europa. Mit dem Magnum-Photographen Moises Saman*. München: C. H. Beck.
- Luhmann, N. (1969). *Legitimation durch Verfahren*. Frankfurt a. M.: Suhrkamp.
- Luhmann, N. (1974). *Grundrechte als Institution. Ein Beitrag zur politischen Soziologie*. Berlin: Duncker & Humblot.
- Luhmann, N. (1987). *Soziale systeme. Grundriß einer Theorie*. Frankfurt a. M.: Suhrkamp.
- Nida-Rümelin, J. (2006). *Demokratie und Wahrheit*. München: C. H. Beck.
- Nida-Rümelin, J., & Schmidt, T. (2000). *Rationalität in der praktischen Philosophie. Eine Einführung*. Berlin: Akademie Verlag.
- Seel, M. (1996). *Ethisch-ästhetische Studien*. Frankfurt a. M.: Suhrkamp.
- Seel, M. (2007). *Die Macht des Erscheinens. Texte zur Ästhetik*. Frankfurt a. M.: Suhrkamp.
- Žižek, S. (2017). *Against the double blackmail. refugees, terror and other troubles with the neighbours*. London: Penguin Books.