

Perpetual Democratic Peace: A Sweet Dream of Philosophers or Viable Peace Treaty?

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Abstract: The article examines Jaspers', Arendt's, Habermas', and Rawls' interpretations of Kant's project of perpetual peace, as well as the influence of this Kant's concept on Czechoslovakian political and philosophical thought. It explains the way Patočka used the Kantian framework to justify human rights in Charter 77. Finally, the article inspects Russian aggression against Ukraine through the lens of Kant's conditions. In conclusion, the author evaluates viability of this Kant's project in democratic societies.
Key words: Perpetual Peace, Democratic Peace, Immanuel Kant, Tomáš G. Masaryk, Jan Patočka, Russian Aggression

Introductory research questions

Is Kant's concept of perpetual peace a serious proposal for a treaty of peace (a league of peace) or is it merely a dream, a naive illusion, an utopia, an ill-conceived notion, or even a potentially dangerous idea that could lead to the opposite outcome? Are we getting closer to or drifting away from Kant's perpetual peace?

Did Kant intend to achieve practical outcomes with his philosophical project, or was it simply a theoretical exercise, as it is often the case with philosophers? Emanuel Rádl would inquire of Kant whether his project was aimed at reforming the world or just an intellectual game.¹

In the aftermath of World War II, the Nurnberg Tribunal labelled war as a crime, and the democratic peace theory emerged, positing that democratic states do not engage in warfare with each other.² The theory

¹ Rádl, E., 1998. *Dějiny filosofie I*. Praha: Votobia, p. 5. Rádl saw the task of philosophy in being the program for the reform of the world. Only in Czech.

² Doyle, M., 1983. Kant, Liberal Legacies and Foreign Affairs. *Philosophy and Public Affairs* 12(3 – 4). pp.323–353. Russett, B., 1993. *Grasping the Democratic Peace*. Princeton, Princeton University Press. Delahunty, R. J., Yoo, J., 2010. Kant, Habermas and Democratic Peace. *Chicago Journal of International Law* 10(2). pp. 1 –37

explicitly mentions Kant, although Kant conditioned the idea of perpetual peace by republicanism, not by democracy. So we should elucidate Kant's interpretation of republicanism and democracy and clarify our understanding of these terms. Conversely, the reality is that wars have not ceased since Kant's time; rather, the 20th century saw the two most destructive world wars in human history. Wars have been waged more frequently between non-democratic countries, or between democratic and non-democratic ones; therefore, the outbreak of war does not necessarily signify the breakdown of peace between democratic states; quite the opposite, they have often collaborated as allies. What role did Kant's project play in promoting democratic peace?

What developments have occurred with Kant's philosophical project in the 20th century? Kant's smaller publication, seemingly insignificant compared to his great critics, had a groundbreaking influence on the political philosophy of the 20th century. The works of Karl Jaspers, Hannah Arendt, Jürgen Habermas and John Rawls, all major political philosophers of the 20th century, undoubtably reflect Kant's influence. It acted also in shaping Czechoslovak democracy and philosophy, especially in works of Masaryk, Rádl and Patočka.

Today, it would be fascinating to hear Kant face to face the current call for peace in light of Russian aggression against Ukraine. However, the main agenda of those advocating for peace today appears to be cutting off military aid to Ukraine rather than striving for peace by ending all hostilities and reaching a fair peace treaty. Would Kant ever endorse an unjust peace or surrendering unilaterally to a stronger aggressor? Does Kant see peace as an absolute value even if it means compromising morality and a fair republican system of government? When considering our stance on war, peace, and fair democracy, should we rely on Kant's teachings or reject them as a dead end, as Pavel Kouba argued?³

Despite Kant's conditions for perpetual peace and the belief held by democratic theorists like Masaryk and Habermas that democratic states do not wage war against each other, wars have shown no sign of ceasing. Would it be wise to abandon this project as it seems to be unsuccessful, pointless or illusory? Are we not drifting away from it as wars persist and even escalate in regions where they used to be dormant or seemingly frozen? (Ukraine, Israel).

³ Kouba, P., 1999. Konečný mír. *Reflexe* 20, Praha: Oikoymenth. Article 6. pp. 1 – 11. Only in Czech.

Kant's peace project

Kant's political philosophy can be best understood by first delving into the Critique of Practical Reason, as it states the prerequisite of practical reason: freedom and autonomy of the will. In this instance, Kant's primary concern is ethics, even though ethics and/or morality are not presented as a condition of politics until Kant's late concept. An alternative starting point for our reflections could be the question: What is the Enlightenment? Here, Kant very clearly outlines the conditions of not only the Enlightenment but also human freedom and hence republican, world-citizen (democratic) politics. Enlightenment is characterised as the freedom to "to make *public use* of one's reason in all matters".⁴ Freedom is a basic condition for the public use of reason. That being said, we will centre our discussion on Kant's political-philosophical project of eternal peace.

According to Kant, heads of state "who can never get enough of war"⁵ Kant maintains that rulers are drawn to war because it offers them excitement and entertainment without requiring any personal sacrifices or risks.⁶ They also wage wars for territory and to extend their power.

The state of peace among people is not a natural occurrence compared to the state of war, posing a constant threat to peace. Achieving a state of peace requires negotiations. It is achievable only within a lawful state. In a civil-legal state, I cannot take hostile actions against anyone unless they harm me. The absence of lawfulness is damaging. Kant suggests that I can force my neighbour to either enter into a socially lawful state with me or leave my neighbourhood, a principle that is perhaps more feasible for individuals than states. Everyone should belong to a civil constitution. There are three options based on: 1. civil law for one people (*ius civitatis*), 2. international law for mutual relations between states (*ius gentium*), 3. universal civil law for people and states that interact with each other (*ius cosmopoliticum*).⁷

Kant's Articles of Perpetual Peace: 1. A peace settlement with a secret

⁴ Kant, I., 2006. An Answer to the Question: What is Enlightenment. In: Kant, I. *Toward Perpetual Peace and other Writings on Politics, Peace, and History*, transl. by David L. Colclasure. Yale University Press, p. 18.

⁵ Kant, I., 2006. Toward Perpetual Peace. A Philosophical Sketch. In: *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, transl. by David L. Colclasure. Yale University Press, p. 67.

⁶ Ibid., p. 75.

⁷ Ibid., p. 73.

condition is deemed invalid. 2. It is unacceptable for any state to annex another state, as a state is a community of individuals, a moral entity that should not be treated as a tool or a commodity. 3. Standing armies are eventually to be abolished. 4. States ought to refrain from accumulating debts. 5. States cannot use force to intervene in the constitution and government of another state. 6. In times of war with another State, no state should engage in acts of hostility that would hinder mutual trust to achieve peace in the future. Kant believes that war is a sad measure to be taken in an emergency to secure one's rights in the natural state of men driven by violence. In the natural state, whose side is right is only determined by the outcome of war (like God's judgment). Kant bans criminal war and deems the war of extermination as unacceptable.⁸

Article 3 is unrealistic because not all states are democratic and peaceful, and it seems unlikely that they will become so any time soon. On the other hand, what seems morally significant is Kant's argument that people are recruited into the army to kill or face death, being treated as mere machines and tools in the hands of others, a fact irreconcilable with individual human rights. Considering how the global economy is currently operating, Article 4 also seems unrealistic, whereas the remaining articles are relevant contributions to international law.

Kant's dream of perpetual peace ceased to be just a dream once he converted it into a philosophical treatise and even a proposal for a peace treaty, which he coined as a league of peace (*foedus pacificum*). He did not push for this proposition to be accepted but rather urged practical politicians to listen to or read it. He highlighted the need to consider the content with an open mind rather than arrogantly or pompously. Still, it is not just about practical politicians; citizens should also listen to or read the proposal and ponder it.

Kant starts by making a clear distinction between peace and truce. He views peace as the end of all hostilities between warring countries or states. Peace hinges on the republican constitution, which argues that citizens would bear the burden of costs if they were to declare war. The republican constitution is the only form of government that, according to Kant, derives from the idea of the original compact. It is established 1. by principles of freedom of the members of society, 2. by principles of everyone's dependence on a single common system of law, and 3. by the law of their equality as citizens. To maintain perpetual peace, the republican constitution requires the approval of the state's citizens before

⁸ Ibid., pp. 70 – 71.

starting any war. This is because the citizens will hesitate to indulge in evil actions, as they would ultimately bear the brunt of war. They would have to “themselves fighting, paying the costs of the war from their own possessions, meagerly repairing the ravages that war leaves behind, and, finally, on top of all such malady, assuming a burden of debt that embitters the peace and will never be repaid [due to imminent, constantly impending wars])”⁹ In a non-republican political system, declaring a war game is the easiest thing in the world, as the rulers can keep enjoying their banquets, hunts, summer castles, and court festivities without any sacrifices. A trivial cause is enough to stir things up as if it were some exciting entertainment; the ruler can casually leave it to his ever-ready diplomatic corps to come up with a “justification”.¹⁰

Kant did not view democracy as an effective political system for protecting individual freedom; he favoured a republic, and ultimately even a republic of world citizens, or rather republics of world citizens. According to Kant, the republican polity is not democratic. He distinguishes three forms of sovereignty. The sovereign power is held by one person (autocracy – prince), a group of people (aristocracy – nobility), or all who constitute society (democracy – people’s rule). The second form of classification is that of forms of government, either republican or despotic. Republicanism separates the executive from the legislative power. Democracy is believed to be a form of despotism because it establishes an executive power in which all settle things for each individual, potentially going against their will. Kant posits that a republican form of government is viable only in a representative system, but not in a democracy. The most bearable form of despotism is that practised by a single ruler.¹¹ Kant’s concept of democracy clearly refers to a direct democratic system where the executive and legislative powers are not separated, similar to ancient or Rousseauian democracy. On the other hand, the traits he attributes to the republican polity are typical of the current democratic system. Contemporary democracies are representative systems that align with Kant’s concept of republican governments. Not only do they divide executive, legislative and judicial powers but they also enshrine human and civil rights in their constitutions, which goes well beyond what Kant envisaged and demanded, though he was heading in that direction.

⁹ Ibid., p. 75.

¹⁰ Ibid.

¹¹ Ibid., p. 78.

According to Kant, international law should rest on the federalism of free states, which should not only sign peace treaties with each other but also create a league of peace (*foedus pacificum*) that would not end just one but all wars. Peace treaties and peace leagues arise from reason, which “from the throne of the highest moral legislative authority, reason looks down on and condemns war as a means of pursuing one’s rights, and makes peace an immediate duty”.¹² Kant claims that international law precludes the existence of a right to war. This would imply that “that it is perfectly just that people who are so disposed annihilate each other and thereby find perpetual peace in the vast grave that covers all the horrors of violence together with their perpetrators”.¹³

The novelty of Kant’s treatise on peace is the law of world citizenship (*ius cosmopoliticum*), referring to the right to visit, i.e. be hospitable without treating visiting foreigners as enemies as long as they conduct themselves peacefully. Another crucial and truly cosmopolitan principle is

all human beings have a claim, to present oneself to society by virtue of the right of common possession of the surface of the earth. Since it is the surface of a sphere, they cannot scatter themselves on it without limit, but they must rather ultimately tolerate one another as neighbors, and originally no one has more of a right to be at a given place on earth than anyone else.¹⁴

Applying this principle without exception would equate to the eradication of private property, in line with Rousseau’s philosophy. At the same time, it showcases Kant’s pragmatism, emphasizing tolerance based on the awareness that the Earth is both spherical and finite. Kant’s most significant contribution to the cosmopolitan, universal right of mankind is arguably: “the violation of right at any *one* place on the earth is felt in *all* places”. Kant identified this principle as essential for attaining eternal peace.¹⁵ This sentence was often cited by the signatories of Charter 77 from 1977 through 1989.

According to Kant, perpetual peace is ensured by Nature, described as a “great artist,” who dispersed people to populate all corners of the earth through war”. He argues that it “seems to be grafted on human nature,” and “even counts as something noble”. A warlike spirit is highly es-

¹² Ibid., p. 80.

¹³ Ibid., p. 81.

¹⁴ Ibid., p. 82.

¹⁵ Ibid., p. 84.

teemed by both American and European savages in the age of chivalry. It is even given an “inner dignity,” and even some philosophers have glorified it while disregarding the Greek saying “War is an evil because it creates more wicked men than it kills”. Kant asserts that a republican state can fully protect human rights, though many argue that it would only work in a nation of angels. He is convinced, however, that if the state is organised well, “men’s powers are arranged pairwise so that the ruinous effect of one power is reduced or cancelled by its opposite number.” He claims that a state can be established even for a “of nation of devils”.¹⁶ Nature’s influence on international law is evident in how the diversity of languages and religions separates nations, leading to mutual animosity and war. Gradually it leads to greater harmony in their principles and understanding as opposed to despotism, which is “the graveyard of freedom”. According to Kant, the spirit of trade and the power of money can also play a role in fostering peace.¹⁷

Regarding the relationship between philosophy and the state, Kant is satisfied as long as states allow philosophers to speak freely and publicly about the maxims of waging war and negotiating peace. He does not require the state to follow them; all he wants is to be heard. He does not expect kings to philosophise or philosophers to become kings, nor does he long for it, because “holding power unavoidably corrupts the free judgment of reason”.¹⁸ This conveys a sense of scepticism about both the concept of power and the moral integrity of philosophers.

Kant prioritizes morality grounded in freedom over politics centred on “cleverness like snakes”. Kant is not deluded because he knows that the proposition “Honesty is the best policy” often contradicts practice, whilst “Honesty is better than any policy” is beyond refutation and is the indispensable condition of policy.¹⁹ Kant’s sense of political reality is revealed by the sentence: “Once a ruler gets power in his hands, he won’t allow the people to prescribe laws for him”.²⁰ At the same time, he dares to declare the sentence *fiat iustitia, pereat mundus* and translate it as: “Let justice reign even if it may cause all the rogues in the world to perish”²¹ and ironically add “The world will certainly not come to an

¹⁶ Ibid., pp. 85 – 90.

¹⁷ Ibid., p. 92.

¹⁸ Ibid., pp. 93 – 94.

¹⁹ Ibid., p. 94.

²⁰ Ibid., p. 95.

²¹ Ibid., p. 102.

end by there being fewer evil people”.²² Kant compares the moral politician “who interprets the principles of political prudence in such a way that they can coexist with morality” and the political moralist “who fashions himself a morality in such a way that it works to the benefit of the statesman”.²³ Interestingly, he believes that despotic moralists are led against their nature to a better path, while moralizing politicians “with the excuse that human nature is *incapable* of good in the way that the idea of reason dictates it, and the only effect that they have is to make progress *impossible* and to perpetuate the violation of right”.²⁴

Kant originally conceived his project as a sweet dream of a philosopher; however, he presented it as a fictitious peace treaty, or more precisely a peace league. Although it did not develop into a peace league encompassing all nations, Kant should be acknowledged and studied further for his exploration of political philosophy, the concept of human rights and modern democratic theory.

Czechoslovak Democratic and Philosophical Footprint

The focus here is on the Czechoslovak philosophical and democratic legacy, as democracy was often associated with Czechoslovakia in the works of Masaryk, Rádl, Komárková and Patočka. Hejdánek and Kohák are no different: even though they had firsthand experience with a divided Czech and Slovak democracy, their philosophical contemplation frequently circled back to Czechoslovak democracy and its philosophical reflection. We will explore the Czechoslovak topic in two parts: we will first look at the concept of democracy in the First Republic as perceived by Masaryk and Rádl; second, we will examine the assumptions of democracy in the human rights philosophy of Charter 77, and how it set the stage for the democratic revolution.

Masaryk proposed the concept of a democratic republic during the war, as he believed it to be linked to the progress of democracy in Europe and around the world.²⁵ Masaryk had already written about democracy before the war, emphasising its opposition to violence. By tying it to the idea of humanity, particularly fraternal humanity represented

²² Ibid., p. 102.

²³ Ibid., p. 96.

²⁴ Ibid., p. 97.

²⁵ Masaryk, T. G., 2005. *Světová revoluce: Za války a ve válce 1914 – 1918*. Praha: Masarykův ústav AV ČR.; Masaryk, T. G., 2009. *The Making of a State – Memories and Observations 1914 – 1918*. New York: Ishi Press.

by Chelčický and Comenius, the ultimate goal was to achieve peace in Europe and worldwide.²⁶ Masaryk's conception of democracy, and that of a democratic republic, was not only pacifist. He initially dismissed revolution because he viewed it, much like the war, as centred on killing and romanticised aristocracy. However, in his work *Russia and Europe*²⁷ published before the war, he agreed to it as long as it was a legitimate and democratic revolution. At last, amid the war, he took charge of it as the head of the foreign Czechoslovak committee and the Czechoslovak legions to carry out a revolution against Austria-Hungary, to form a new Czechoslovak state, a democratic republic. In his view, the First World War was a contest between democracy and theocracy, in which democracy triumphed, paving the way for an era of democratic peace in Europe and globally.

Initially, Masaryk criticized – Kant's transcendental thought for not overcoming Hume's scepticism.²⁸ However, he eventually agreed with Kant's critical thinking, noting its absence in Russia, where Western philosophy and culture were well received but not critically evaluated. He often cites Kant's second formulation of the categorical imperative that we must treat a person or a group of people as an end in itself, not merely as a means of our thinking and acting.

Rádl carried forward Masaryk's concept of a democratic republic within contemporary Western philosophy while pointing out its shortcomings for not being sufficiently thorough and critical, given its roots in Czechoslovak, Central European, and originally German romantic nationalism. In Rádl's view, nationalism was not a philosophy of peace but rather a philosophy of war, exemplified by the war between Czechs and Germans, as well as the disputes between Czechs and Slovaks. Rádl cautioned that democracies built on nationalism would lack fairness and stability, advocating instead for their transformation and reconstruction on a contractual basis. Rádl also criticizes Masaryk's concept of humanity democracy, arguing that the concept of humanity is not sufficient to ensure that the democratic state will be fair even towards minorities,

²⁶ Masaryk, T. G., 1990. *Ideály humanitní*. Praha: Melantrich. Masaryk, T. G., 1991. *O demokracii*. Praha: Melantrich. Only in Czech.

²⁷ Masaryk, T. G., 1995 – 1996. *Rusko a Evropa I-III*. Praha: Masarykův ústav AV ČR. Masaryk, T. G., 1918. *The Spirit of Russia*, Vol. 1, Vol 2. Transl. by Cedar Paul. London: George Allen & Unwin.

²⁸ Masaryk, T. G., 2000. *Moderní člověk a náboženství*. Praha: Masarykův ústav AV ČR. Masaryk, T. G., 1938. *Modern man and Religion*. Transl. by Bibza, A., Bene, V. London: George Allen & Unwin.

especially national ones. He proposes the concept of human rights as a safer criterion.²⁹

History of Philosophy II by Rádl underlines Kant's advocacy for perpetual peace and great faith in reason as characteristics that position him closer to Western philosophy than other German idealist and romantic philosophers. For Rádl, almost all of them can be classified as anti-Western, and in this sense, Kant was a philosopher who fulfilled his task by presenting a programme for the reformation of the world.³⁰

After the war, Komárková believed that democracies founded on the concept of human rights could bring about a free life. Despite writing her work "The Origin and Significance of Human Rights" in 1948,³¹ she did not submit it due to the communist coup and the subsequent changes at the university and in society. It spread through samizdat, especially following the announcement of Charter 77, and was not officially published until 1990. The topic of human rights in our country was brought up back in 1928 by Rádl, who saw them as a decisive criterion for evaluating fairness and democracy within every democratic society. She regards Kant as one of the Anglo-Saxon thinkers, i.e. Milton, Locke and Mill, who laid the foundations of democracy on human rights.

Existential interpretation

Karl Jaspers' 1957 commentary on Kant's *Toward Perpetual Peace*³² showcased his Kantian leanings, which were already present in his earlier work, notably the post-war *Question of Guilt* (1945).³³ Here he sought to reconcile German guilt and responsibility for the war by considering not only criminal and political guilt but also moral and metaphysical guilt. In doing so, he proved to be a true disciple of Kant in updating Kant's philosophy to the post-war era and the post-war German society. He openly acknowledged Kant as the greatest German philosopher and pointed out the infringement of article number six by Hitler's Nazi

²⁹ Rádl, E., 1993. *Válka Čechů s Němci*. Praha: Melantrich. Rádl, E., 2017. *Der Kampf zwischen Tschechen und Deutschen*. Kulmbach: Verlagsbuchhandlung Sabat.

³⁰ Rádl, E., 1999. *Dějiny filosofie II*. Praha: Votobia, p. 287. Only in Czech.

³¹ Komárková, B., 1990. *Původ a význam lidských práv*. Praha: SPN. Only in Czech.

³² Jaspers, K., 1957. Kants „Zum ewigen Frieden“. In: Ziegler, K., ed. *Wesen und Wirklichkeit des Menschen. Festschrift für Helmuth Plessner*. Göttingen: Vandenhoeck & Ruprecht, pp. 131 – 152.

³³ Jaspers, K., 2001. *The Question of German Guilt*. Transl. by Ashton, E. B. New York: Fordham University Press.

Germany. In the study *Kant's writing Toward Perpetual Peace*, he delved deeper into Kant's project. He dealt with the political situation in Germany, Europe and the world as early as 1931 in *The Spiritual Situation of the Time* (1931),³⁴ and after the war, he published *The Atomic Bomb and the Future of Humanity: Political Consciousness in Our Time* (1956).³⁵

Jaspers's interpretation follows Kant's radically moral view of politics. He comments on the first preamble of Kant's peace project as follows: "He who wants peace must not lie. The lie is the principle of war and of all politics determined by possible war. Therefore, truth is a powerful weapon of peace. One must call things by their true names, and thus not pass off a truce for peace".³⁶ He notes that Kant's interpretation is modest and open-ended while emphasising that in contrast to Hegel's "confusion of a total interpretation of the world with scientific knowledge," it is only a hypothesis, only a hope.³⁷ He interprets Kant's secret article on the relationship between philosophy and politics as follows:

Only philosophy, but only as a force in all men as rational beings, can bring about eternal peace. For truth to apply, it must become apparent in public debate. [...] Kant did not give up the Platonic idea of philosopher-kings, but changed its form. Philosophy, that is reason, is supposed to rule, but this reason can rule only when it is carried out through men. Not individual philosopher kings or supermen, but the truth revealed publicly in mutual discourse and spiritual struggle can effectively lead.³⁸

He remarked on Kant's specific humour and irony.

Reconstruction of Kant's Political Philosophy

Arendt expanded on Jaspers' ideas by delving deeply into the totalitarian regimes of Hitler and Stalin in *The Origin of Totalitarianism*,³⁹ as well as in various other works. She interpreted Kant's *Critique of Judgment* through a philosophical lens, uncovering the origins of political philosophy triggered by the French Revolution as evidenced in Kant's writings. She elucidated Kant's political philosophy by interpreting *Toward*

³⁴ Jaspers, K., 1998. *Die geistige Situation der Zeit*. Berlin: De Gruyter.

³⁵ Jaspers, K., 1958. *Die Atombombe und die Zukunft des Menschen*. München: Verlag R. Piper.

³⁶ Jaspers, K., 1957. Kants „Zum ewigen Frieden“, *ibid.* 5.1 – 2.

³⁷ *Ibid.*, 5.14.

³⁸ *Ibid.*, 5.19.

³⁹ Arendt, H., 1962. *The Origins of Totalitarianism*. New York: The World Publishing Company.

Perpetual Peace in her lectures in 1970.⁴⁰ However, Arendt also wondered if Kant was joking just like Plato, Aristotle or Pascal when they wrote about politics. Kant's irony, black humour, and sarcasm are prevalent throughout *Toward Perpetual Peace*.

Kant's sketch on perpetual peace is the most extensive treatise in the arena of his political philosophy. Arendt's reputable reconstruction shows that Kant opens his political philosophy with the *Critique of Judgment*, while Arendt begins hers with the theory of judgment, a topic she hinted at but did not finish. She draws her political philosophy from that of Kant. In her Kantian lectures, she interprets judgment as speaking, criticising and communicating with others and between others. An important role in her interpretation is played by the viewer and the actor. While actors are constrained by their actions and have a one-sided perspective, they surpass the passivity of the spectators and observers. The viewers can see things from multiple perspectives, but mere spectatorship leads to arrogance and conceit, as illustrated by the Pythagorean fragment about competitors being hunters of fame, merchants being hunters of wealth, and philosophers, mere spectators, being hunters of truth. Arendt's critics highlight that Kant's political philosophy could have drawn more from the *Critique of Practical Reason* in establishing the concept of freedom. They contend that it is curious why Arendt chose to overlook or outright dismiss this concept, given that Kant's ethics and politics are founded on it.⁴¹ While I concur with Arendt's critics, I also acknowledge that her interpretation of the role of judgment and the relationship between the viewer and the actor in political philosophy marks a significant political step in Kant's interpretation.

Wars of the 20th Century and Charter 77

Patočka's sixth essay, "20th Century Wars and the 20th Century as War,"⁴² can be read as a direct contradiction to Kant's concept of perpetual peace. Patočka supported his argument by pinpointing that 19th-centu-

⁴⁰ Arendt, H., 1982. *Lectures on Kants Political Philosophy*. Chicago: The University of Chicago Press.

⁴¹ Beiner, R., 1992. *Hannah Arendt on Judging*. In: Arendt, H.: *Lectures on Kants Political Philosophy*, Chicago: The University of Chicago Press, pp. 89 – 156.

⁴² Patočka, J., 1996. Wars of the Twentieth Century and the Twentieth Century as War. In: Dodd, J. ed. *Heretical Essays in the Philosophy of History*. Transl. By Erazim Kohák, E., Chicago: Carus Publishing Company, pp. 119 – 137.

ry scholars as well as Masaryk interpret human history only in terms of the day, life and peace, overlooking its dark and war aspects. Patočka tries to interpret them from both perspectives, following the footsteps of not only Heraclitus, Nietzsche and Heidegger but also Teilhard de Chardin's mystical war experience and Ernst Jünger's accumulation of energy; nevertheless, the dark, war side dominates. Patočka argues that the only glimmer of hope in the war-torn 20th century lies in the "solidarity of the shaken," which will stand united in opposition to war measures. He continues this line of thought by conducting a critical analysis of Masaryk, drawing comparison between Masaryk and Nietzsche. He mentions that while Masaryk was a philosopher of the First World War as a conflict between democracy and theocracy and believed it was the culmination and overcoming of the world crisis, Nietzsche is the philosopher of all wars in the 20th century.⁴³

In his defence of Charter 77 and human rights, Patočka uses Kant's arguments, emphasising morality as the foundation of any society. Morality is not to make society work, but simply to make people human.

No society, no matter how well-equipped it may be technologically, can function without a moral foundation, without convictions that do not depend on convenience, circumstances, or expected advantage. Yet the point of morality is to assure not the functioning of a society but the humanity of humans. Humans do not invent morality arbitrarily, to suit their needs, wishes, inclination, and aspiration. Quite the contrary, it is morality that defines what being human means. [...] The idea of human rights is nothing other than the conviction that even states, even society as a whole, are subject to the sovereignty of moral sentiment: that they recognize something unconditional that is higher than they are, something that is binding even on them, sacred, inviolable, and that in their power to establish and maintain a rule of law they seek to express this recognition. This conviction is present in individuals as well, as the ground for living up to their obligations in private life, at work, and in public. The only genuine guarantee that humans will act not only out of greed or fear but freely, willingly, responsibly, lies in this conviction.⁴⁴

⁴³ Patočka, J., 1981. An Attempt at a Czech National Philosophy and its Failure. In: Čapek, M. – Hrubý, K. – Arbor, A., eds. *T. G. Masaryk in Perspective. Comments and Criticism*, Transl. By Mark Suino, SVU, pp. 1 – 22.

⁴⁴ Patočka, J., 1989. What Charter 77 Is and What It Is Not. In: Kohák, E., ed. *Jan Patočka. Philosophy and Selected Writing*. Transl. by E. Kohák. Chicago: Chicago University Press, pp. 343 – 347.

Patočka referred to Kant when discussing the duty to resist injustice, even if it is inflicted on oneself. Patočka's political-philosophical perspective was significantly shaped not just by Kant, but also by Arendt, whose influence was paramount in his final complete work, *the Heretical Essays*.

What seems significant is Patočka's critique of Masaryk's "safe optimism".⁴⁵ Patočka held Masaryk in high esteem for establishing a new, democratic state. His appreciation was in a sense Platonic in that he called Masaryk the only philosopher who managed to fulfil Plato's dream. Patočka's praise of Masaryk for establishing a democratic republic is connected with a philosophical critique. He questions Masaryk's unexplained contradiction between positivism and moral philosophy and his preaching of safe optimism between the wars, when the unresolved domestic and global crises were not leading to increased democracy in Europe and the world, but rather towards another world war. Patočka's students and critics (Hejdánek, Kohák) pointed out an interesting inconsistency: Patočka's critiques of Masaryk and Rádl were severe, yet he concurred with them in their condemnation of nationalism, and his efforts as a spokesperson for Charter 77 to promote human and civil rights reflected the non-political politics of Masaryk and Rádl.⁴⁶ Scruton believed that Masaryk's and Patočka's actions embodied the spirit of Kant's practical reason and moral approach to politics. This moral and political-philosophical contribution to the philosophy of human rights was politically manifested and confirmed in the democratic revolution in 1989, signifying a unique domestic tradition of democratic and human rights thought.⁴⁷

Habermas' Critique and Communicative Action

In his study for the bicentenary of *Toward Perpetual Peace*, Habermas's examination, commentary and interpretation that was Kantian in nature but also drew from the critiques of Kant, Marx, and Peirce. More specifically, he sees criticism as an act of clarifying concepts, exploring

⁴⁵ Patočka, J., 2006. Vzpomínka a zamyšlení o Rádlovi a Masarykovi. In: *Češi II*. Praha: Oikymen, pp. 325 – 338. Only in Czech.

⁴⁶ Hejdánek, L., 2010. Patočkovo kritické vidění Masaryka. In: *Setkání a odstup*. Praha: Oikymen, pp. 274 – 290. Only in Czech. Kohák, E., 2010. Zdar a nezdar „národní“ filosofie: Patočka, Masaryk. In: *Kopí Dona Quijota*. Praha: Ježek, pp. 26 – 44. Only in Czech.

⁴⁷ Scruton, R., 1990. Masaryk, Kant and the Czech Experience. In: Winters, S. B. ed. *T. G. Masaryk (1850-1937) Vol. 1. Thinker and Politician*. London: MacMillan, pp. 44 – 59

the possibilities and limitations of our interpretation, social criticism of ideologies of all kinds, including those in the scientific and technological domains, and embracing criticism as a pragmatic philosophy of speech.⁴⁸ Reflecting Kantian principles, the theory of communicative action regards the other not as a tool or a strategic object, but as a partner or opponent in the process of ethical, social and political communication.⁴⁹

For Kant, “Perpetual peace” is an ideal that is meant to raise the challenge and illustrative power to the state of world citizenship. Kant in Habermas interpretation opens a third dimension to legal theory: in addition to the state law and the law of nations, he introduces the law of world citizens (*ius cosmopoliticum*).⁵⁰ Kant advocates for legal pacifism. He asserts it is based on the law of reason as well as the experiential boundaries of his era. This sets us apart from him.⁵¹ The evils of war are caused by the princes of Europe and their mercenary armies. The major atrocities of war are not the loss of lives, but the plundering and impoverishing of the country; the true costs of war manifest in subjugation, loss of freedom, foreign rule and moral decay. Habermas situates Kant’s treatise within the context of limited warfare following the Peace of Westphalia in 1648, which was only a truce rather than the end of all wars.⁵² According to Habermas, Kant considered normal locally limited conflicts between individual states and alliances, cabinets and states, i.e. technically limited wars that distinguished between fighting armies and civilian populations. The goals of these wars were politically circumscribed, differing from the objectives of world wars, civil wars, guerilla warfare, and terrorism through bombings. They were not motivated by ideologies seeking to exterminate populations.⁵³ For Kant, the war crimes did not yet exist.⁵⁴

⁴⁸ Habermas, J., 1988. *On the Logic of the Social Sciences*. Transl. by Weber Nicholson, S., Stark, J. A. Cambridge: The MIT Press.

⁴⁹ Habermas, J., 1981. *Theorie des kommunikativen Handelns I-II*. Frankfurt: Suhrkamp. Habermas, J., 1984. *Theory of Communicative Action, Vol. One: Reason and the Rationalization of Society*. Transl. by McCarthy, T. A. Boston: Beacon Press. Habermas, J., 1987. *Theory of Communicative Action, Vol. Two: Lifeworld and System: A Critique of Functionalist Reason*. Transl. by McCarthy, T. A. Boston: Beacon Press.

⁵⁰ Habermas, J., 1997. Kant’s Idea of Perpetual Peace: With the Benefit of 200 Years’ Hindsight. In: Bohman, J. – Lutz-Bachmann, M., eds. *Perpetual Peace: Essays on Kant’s Cosmopolitan Ideal*. Cambridge: MIT Press, pp. 113 – 153.

⁵¹ Ibid., pp. 114 – 115.

⁵² Ibid., pp. 115 – 116.

⁵³ Ibid., p. 116.

⁵⁴ Ibid., p. 117.

He interpreted perpetual peace as legal pacifism, a subfield of cosmopolitan law and world citizen republicanism. Habermas demonstrated how post-Kantian European and global history failed to achieve peace and instead witnessed world wars, genocide, and other atrocities surpassing the conflicts known during Kant's era. He contrasts Kant with Carl Schmitt, who advocated for legal bellicism and considered enmity as a fundamental aspect of politics. Because Kant argued that the removal of hostile actions was essential for wars to stop, Schmitt raised doubts about whether Kant's universalism was promoting war.⁵⁵ By contrast, Habermas believed that the primary concern in the advancement of post-war Western democracy was human rights. Within the theory of deliberative democracy, human rights are pivotal in providing a normative counterbalance to the democratic principle, the principle of elections. He interprets human rights as having a dual face, deriving from morality and having universal, boundless applicability. They are integrated into the constitutional and legal system while being subject to territorial constraints within the state where they were adopted. He accentuates the detective work required to uncover human rights violations, instead of applying them selectively to specific countries. Kant's contribution in this area is undeniable.

Rawls' Just Contract Theory and Perpetual Peace 2.0

Rawls' project *The Law of Peoples* stands out for its thorough reevaluation of the potential and boundaries of Kant's "cosmopolitan" law or "cosmopolitan" peace. He actively seeks to apply Kant's thoughts to the modern era, particularly at the cusp of the 20th and 21st centuries, reflecting on the circumstances under which this "law of peoples" could be applied and recognized. He formulates his project around the concept of justice as fairness, which rests on two maxims. They are both founded on a hypothetical contract made behind the "veil of ignorance," which is then extended to the concept of political liberalism and overlapping consensus at the international, global and cosmopolitan levels.⁵⁶ Rawls calls his concept a realistic utopia. Rawls's and Kant's final projects share the common trait of being less extensive than their major works *Theory of Justice and Political Liberalism*, and *Critiques*.

⁵⁵ This reading is questioned in Šajda, P., 2024. Working for Peace in Situations of Conflict: On Schmitt's Reception of Kant. *Studia Philosophica Kantiana* 13(1), pp. 28 – 44.

⁵⁶ Rawls, J., 1999. *A Theory of Justice. Revised Edition*. Boston: Harvard University Press.; Rawls, J., 1995. *Political Liberalism*. New York: Columbia University Press.

The law of peoples was motivated by two ideas. “One is that the great evils of human history—unjust war and oppression, religious persecution and the denial of liberty of conscience, starvation and poverty, not to mention genocide and mass murder—follow from political injustice, with its own cruelties and callousness”. The second idea “lies in asserting that these great evils will disappear as soon as the most serious forms of political injustice are removed”.⁵⁷ He describes the law of peoples as a realistic utopia because he not only envisions just peace among well-organized liberal democracies but also suggests that the law of peoples could be embraced by non-liberal nations and states. For this reason, he divides nations into five groups: 1. reasonable liberal nations, 2. decent peoples (he classifies them as decent consultative hierarchies), 3. outlaw states, 4. societies burdened by unfavorable conditions, 5. benevolent absolutism.⁵⁸ The first two types are addressed through ideal theory, whereas non-ideal theory addresses the other types. We won’t delve into every aspect of Rawls’s project. According to him, peace between liberal democratic states consists in the fact that “The crucial fact of peace among democracies rests on the *internal* structure of democratic societies, which are not tempted to go to war except in selfdefense or in grave cases of intervention in unjust societies to protect human rights”.⁵⁹ This is proven by high levels of satisfaction, happiness and self-esteem found in democratic societies, which significantly reduces the likelihood of these states resorting to war.⁶⁰

According to Rawls, democratic states have not engaged in warfare with each other since 1800. For instance, according to Rawls’s classification, the American confederation in the Civil War or Bismarck’s Germany were not democratic states as they failed to meet the necessary criteria. Slavery was present in the South and Bismarck’s Germany led expansive wars for territory, indicating a lack of commitment to the principles of a decent, organised and democratic state.⁶¹ He brings attention to questionable actions carried out by democratic states, including the atomic bombings of Hiroshima and Nagasaki or the bombing of Dresden at the war’s end, which he deems as a failure of statecraft.⁶² He criticizes that

⁵⁷ Rawls, J., 1999. *The Law of Peoples*. Boston: Harvard University Press, p. 7.

⁵⁸ Ibid., p. 4.

⁵⁹ Ibid., p. 8.

⁶⁰ Ibid., pp. 73 – 77.

⁶¹ Ibid., p. 82.

⁶² Ibid., pp. 145 – 158.

the United States overturned the democracies of Allende in Chile, Arbenz in Guatemala, Mossadegh in Iran, and, some would add, the Sandanistas in Nicaragua. Whatever the merits of these regimes, covert operations against them were carried out by a government prompted by monopolistic and oligarchic interests without the knowledge or criticism of the public.⁶³

Russian Aggression Against Ukraine through the Lens of Kant's Conditions

In light of Russian aggression, what would be Kant's stance on the present appeals for peace? Would he align with those in favour of peace at all costs or a temporary truce, or would he stand firm on enforcing the conditions that the Russian aggressor continues to breach? Speculating on Kant's stance on Russian aggression may be presumptuous, but we can evaluate Kant's principles to see which are attainable and which are not.

Firstly, given the current level of hostility between Russia and Ukraine, discussing peace in the Kantian sense is not feasible; a ceasefire appears to be the only viable solution. Moreover, in this war instigated by Russia's unilateral aggression, numerous other principles of Kant's "peace treaty" for attaining eternal peace are being violated. For now, there is no point in discussing the first article, as there is no peace settlement under consideration or negotiations, hence secret reservations are out of the question. All other articles are violated. The defining feature of Putin's regime is then "the relentless quest for power using any means necessary".

In his second article, Kant refutes the notion that an independent state can legitimately acquire another state through inheritance, exchange, purchase or gift. The main argument is that the state is a community of people that cannot be controlled and managed by anyone other than the state itself. The current state of affairs in Ukraine, exacerbated by Russian aggression, goes beyond Kant's expectations. Instead of using direct military aggression, Putin's strategy for taking over Ukraine involves occupying conquered territories, abducting and indoctrinating children and brutally subjugating the population of the occupied territories.

The third article, that standing armies are to be abolished in time, appears ludicrous in our current context, as these armies have been con-

⁶³ Ibid., p. 53.

stantly waging war against each other. This article inspired many pacifists between the wars, with Přemysl Pitter being the most prominent among them.

The fourth article on national debts is grounded on the premise that the debt system and easy access to borrowing can contribute to the outbreak of wars. Nevertheless, application is unrealistic since the economies of all existing states, including the largest ones, operate on the basis of the debt system. Kant might remark: “No wonder that there is so much war”. The fifth article, which prohibits states from forcibly interfering in the constitution and government of another state, is being, despite its general recognition throughout the civilized world, brutally violated by Russia.

The sixth article is consistently flouted by Russia through its engagement in hostile acts during war that could undermine trust for future peace. Russia’s crimes in Bucha, Irpina and other occupied parts of Ukraine, such as the systematic abduction of children, targeted bombing of civilian areas, power plants and energy facilities, are not likely to restore mutual trust in the foreseeable future. It is undeniable that Ukraine also breaches Kant’s principles in certain instances by trying to assassinate Russian officials or bomb Russian refineries. Yet this should not overshadow the crimes committed by the Russian aggressor, who unquestionably holds responsibility for the war.

The points listed suggest that it is premature to talk about peace and a ceasefire between Russia and Ukraine. The peace rhetoric coming from populist and extremist political leaders is really a request for Ukraine to concede to Russian aggression and discontinue the military aid that empowers Ukraine to fend off Russian aggression. It is worth mentioning here that Putin’s Russia violates all the conditions of Kant’s eternal peace.

Final Answers and Open Questions

Kant’s project is a significant political-philosophical act, which was newly evaluated in the 20th century philosophy. Paradoxically, the 20th century saw much more warfare and atrocities compared to Kant’s era. Kant oscillates between sweet dreams of philosophy, ironic comments and concrete proposals for advancing civil, international and world law to move closer to the end of all wars and eternal peace. Through his comments, criticisms and suggestions framed as hypotheses, he envisions a world where people live as moral beings tolerating each other in their states, international environment and the Earth. He writes his treatise from the perspective of

a moral philosopher, ready to provide advice and recommendations to politicians and heads of state who are willing to listen to him. Kant's moral, legal, and political reasoning, which is universally normative, continues to be inspiring, even though it can be challenging to implement. Although his moral disapproval of war and unethical politics is valuable, it can be hard to enforce and is somewhat on the fringes of contemporary political reality.

We examined Kant's work from the perspective of his dual influence on democracy and philosophy. Kant's impact is noticeable in the works of our philosophers. The dilemma of how philosophers should approach war was fleshed out by Masaryk, Rádl, Komárková and Patočka. Masaryk incorporated Kant's ethics into his works. Before the First World War and during his presidency thereafter, he advocated for a peaceful, democratic solution in his reform philosophy and politics; during the war, on the other hand, he took on a revolutionary role, standing with democratic allies against theocratic regimes in the fight for democracy against theocracy, i.e. on one side of the conflict. Masaryk upheld our democracy, yet his vision for a lasting democratic peace never came to fruition. Rádl interpreted Czechoslovak interwar nationalism as a form of national war and pleaded for a contractual democratic peace. Despite being unheard and misunderstood in his lifetime, he was acknowledged posthumously by his indirect pupils, Patočka and Hejdránek. Rádl, Komárková, Patočka and Hejdránek championed human rights as a guarantee of democratic peace. Patočka's justification of human rights was rooted in Kant philosophy, a stance that seems to conflict with his war hermeneutics in the 6th heretical essay.

Jaspers was inspired by Kant when morally acknowledging Germany's guilt for the war, morally condemning the war and transforming philosophy into a free and responsible quest for truth. Arendt built on Jaspers' ideas by describing, analysing and criticising totalitarianism as well as reconstructing Kant's political philosophy. She somewhat problematically and debatably drew on the critique of justice, which served as the foundation of her own political philosophy. From my perspective, it would be more logical to establish Kant's political philosophy on his interpretation of morality derived from practical reason.

Both Habermas and Rawls' political philosophy represent a unique continuation of Kant's political-philosophical project. Habermas adopted Kant's ideas on criticism and communicative action, as well as his views on human rights within the framework of deliberative democracy. Rawls even ventured into creating his unique take on Kant's perpetual peace. He strived to conceive it as a realistic utopia, i.e. not as a solely moral project

but as something applicable to contemporary politics. It can be argued that neither Habermas nor Rawls stopped the war through their philosophical-political projects, yet their philosophical contribution to the democratic peace is noteworthy.

Wars are usually not caused by democratic states. But democratic states have to defend themselves. If they seem at ease and show no desire to engage in conflict, they might catch the dictator-aggressor's eye. Putin most likely assumed that Ukraine's defense capabilities were weak and that democratic Europe would hesitate to intervene to avoid getting embroiled in a war. Russian aggression against Ukraine was examined using the framework of six articles of Kant's preamble. Kant's articles are still relevant, albeit not entirely. This reflection aimed to examine the issues of peace through the lens of Kant's philosophy and 20th century political thought. I leave it to the reader to think about and continue the reflections and questions that have been raised.

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