

Marica Rajković Perović

University of Novi Sad, Faculty of Philosophy, Dr Zorana Đinđića 2, RS-21000 Novi Sad
marica.rajkovic@ff.uns.ac.rs

The Principle of Universal Hospitality and the Refugee Rights in Kant's Political Philosophy

Abstract

This article explains the principle of universal hospitality in Kant's political philosophy, with an emphasis on refugee rights guaranteed in the concept of perpetual peace. The third definitive article of the perpetual peace is the principle of universal hospitality, i.e. the right of every stranger; in case of arrival on another's soil, not to be received with hostility. The basis of this principle is the thesis that no one originally has more right to be in one place on Earth than another; because the right to visit belongs to all people. It will be examined to what extent this right is respected, and it will be shown how Kant, who had several very controversial views on racial and other differences between people, can at the same time be a relevant interlocutor about the most sensitive problems such as human rights, minority rights and refugee rights. Three centuries after his birth, Kant is not only still relevant, but seems to be more necessary than ever before.

Keywords

hospitality, human rights, Immanuel Kant, others, perpetual peace, political philosophy, refugee rights, *xenia*

Introduction

The topic of this paper is Kant's principle of *universal hospitality*, which represents the philosophical basis for understanding the rights of refugees. Kant's political philosophy provides a fundamental understanding of the importance of treating individuals with respect and dignity. When applied to the context of refugees, Kant's principles emphasize the *imperative* to recognize and protect their rights.

Kant develops an idea of universal moral principles that transcend national borders. In the case of refugees, this translates into *a duty* to provide hospitality to those fleeing persecution or violence. According to Kant, individuals have a moral obligation to act in a way that respects the inherent value and dignity of *every human being*. This includes providing safety for those who face threats to their basic human rights in their home countries. Refugee rights, within the framework of Kant's philosophy, can be seen as an extension of the principle according to which *others* should be treated as *ends* in themselves and not as a *means* to an end.

1. Universal Hospitality

To shed light on the importance that the idea of hospitality has for human civilization, it will be necessary to return to the origins of this concept in ancient Greek culture. One of the well-known and universal stories on human character is *the Myth of Sisyphus*, and although the punishment Sisyphus

received is widely known and familiar,¹ we often do not know what exactly his wrongdoing was that angered gods and got him punished in such a cruel manner. His wrongdoing was the violation of the principle of *hospitality*, one of the essential and most sacred principles of Greek society.

To understand the importance of that principle, we need to point out that Zeus was often called *Zeus Xenios* (Ζεύς Ξένιος), *Philoxenon*, or *Hospites*: the patron of hospitality (*Xenia*, ξενία) and guests, avenger of wrongs done to strangers. He embodied the moral obligation and a custom of being hospitable to foreigners and guests.² *Xenia* was formed as an ancient Greek concept of hospitality, understood as guest-friendship or *ritualised friendship*³ rooted in reciprocity and generosity, but also in a form of moral obligation. *Xenia* was such an important principle that Greek mythology had a common and well-known motif of *theoxenia*, where gods or other deities often tested mortals by disguising themselves as humble strangers or guests, to see if the host would show hospitality to them or to anyone. Sisyphus was the king of Ephyra, described as a devious tyrant who killed visitors to show off his power. He killed guests and travellers in his palace, and he took pleasure in these killings because they reinforced his iron-fisted rule and power. It is this violation of the sacred hospitality tradition that greatly angered the gods, more precisely, Zeus, because *xenia* was under his domain.

The breach of hospitality, or *xenia*, was a fundamental social and moral violation. *Xenia* lay at the very foundation of Greek society, and that sacred bond was more than a mere custom. Guests were considered sacred and under the protection of Zeus, and doing them wrong was considered a violation of the substance and essence of society. In that sense, *xenia* was a *symbolic pact* ensuring safety, reciprocity, respect and trust, which were paramount. Because of that, Sisyphus's act was more severe than a personal wrongdoing, and its consequences showed how deeply the significance of *hospitality* was rooted.

The *Myth of Sisyphus* is not the only story about hospitality: In *Homer's Odyssey*, the sacred principle of *xenia* is tested through contrasting encounters. When Odysseus meets Cyclops Polyphemus, hospitality is violated in its most extreme form – guests are devoured instead of sheltered, and Zeus Xenios himself is defied. Later, among the Phaeacians, hospitality is restored to its divine order: Odysseus is welcomed, fed, and finally guided home. These two scenes, of barbaric refusal and generous reception, form the moral axis of the epic, where the fate of the wanderer depends on the world's capacity for hospitality.⁴ In Aeschylus' *Agamemnon*, the return of the king becomes the inversion of hospitality: Clytemnestra, his own wife, greets the guest as a victim, subverting the sacred order that once protected both host and stranger. The palace of Argos, once a place of welcome, turns into a site of ritualised exclusion. Within this tragedy, the concept of the *metic* (μέτοικος) – the resident alien, the one who lives within the polis yet never truly belongs – acquires a symbolic echo: Agamemnon himself, upon his return, is treated not as the master of the house but as a foreigner whose rights to protection are revoked. The drama thus extends the politics of hospitality into the sphere of kinship, revealing that betrayal within the household is the deepest form of exile.⁵ In *The Iliad*, the deceitful treatment that Achilles, a Greek hero, received from his own leaders⁶ is contrasted with the ideal of friendship and hospitality illustrated in the examples of Hercules and Iolaus, or Theseus and Pirithous.⁷ In Aeschylus' *Suppliants*, the daughters of Danaus seek asylum in Argos, invoking Zeus as the guardian of suppliants and reminding King

Pelasgus that the refusal of hospitality is a crime against both gods and men. The same motif of refuge and moral reciprocity reappears later in Euripides' *Suppliants*, where the right to burial becomes a continuation of the sacred duty to protect the vulnerable.⁸ In Herodotus' *Histories*, the Persian satrap Oroetes violates the sacred law of hospitality by deceitfully inviting the Samian ruler Polycrates as a guest and then killing him, turning the bond of *xenia* into an act of betrayal. Later, Darius orders Oroetes' execution as retribution for his impiety and treachery.⁹ In Pythagoras' *Golden Verses*, the virtue of hospitality appears as part of the moral harmony that sustains both society and the soul: "make the stranger partaker of your abundance", the poet counsels, linking kindness to strangers with the divine order of the cosmos.¹⁰ These are some of the early representative examples and illustrations of *xenia* in literature that precede Kant's idea of hospitality.

Kant published "Perpetual Peace" in 1795. During the 1990s and early 2000s, it experienced new popularity due to new interests shown by influential authors such as Habermas¹¹ and Derrida.¹² In Kant's philosophy, respecting the rights of refugees should not be understood as a charitable act, rather, as the recognition of the moral value of others and their right to basic human dignity. This means that refugee rights would not be tied to any *feeling* of empathy, mercy or tenderness, but should be founded in *rational principles* of respect for the rights of another human being. Feelings of solidarity and empathy are not undesirable, but Kant's practical and political philosophy shows that the basis of interpersonal relations does not lie in them, but in rationality, morality and law:

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Homer, *The Odyssey*, transl. Samuel Butler, Longmans, Green, and Co., London 1900 (Project Gutenberg Edition), book XI, pp. 97–98.

2

Daniel Ogden, *A Companion to Greek Religion*, Blackwell Publishing, Malden (MA) 2007, p. 139.

3

Anton Powell, *The Greek World*, Routledge, London 1995, p. 333.

4

Homer, *The Odyssey*, books VIII–IX, pp. 97–98, 155.

5

Aeschylus, *Agamemnon*, in: Aeschylus, *The Oresteia of Aeschylus*, trans. Lewis Campbell. Apetyman & Co., London 1893, lines 905–974.

6

Homer, *The Iliad*, transl. Alexander Pope, George Bell and Sons, London 1891 (Project Gutenberg Edition), Book I, p. 20.

7

Ibid., Book XVI, p. 475.

8

Aeschylus, *The Suppliants*, transl. by E. P. Coleridge, George Bell and Sons, London 1891 (Project Gutenberg Edition), ll. 1–10;

Euripides, *The Suppliants*, transl. by E. P. Coleridge, George Bell and Sons, London 1891 (Project Gutenberg Edition), ll. 1–50.

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Herodotus, *The History of Herodotus*, transl. by G. C. Macaulay, Macmillan and Co., London – New York 1890 (Project Gutenberg Edition), Vol. I, Book III (*Thaleia*), §§120–128.

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Pythagoras, "The Pythagorean sentences of Demophilus", in: Pythagoras, *The Golden Verses of Pythagoras. And Other Pythagorean Fragments*, Forgotten Books, Middletown 2007, no. 30.

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Jürgen Habermas, "Kant's Idea of Perpetual Peace. At Two Hundred Years' Historical Remove", in: Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory*, Ciaran P. Cronin, Pablo De Greiff (eds.), MIT Press, Cambridge 1998, pp. 165–202.

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Jacques Derrida, *Rogues. Two Essays on Reason*, transl. Pascale-Anne Brault – Michael Naas, Stanford University Press, Stanford 2005, p. 172. Derrida presented his own work on hospitality in *Rogues*. His most detailed arguments appear in "Adieu to Emmanuel Lévinas" (1999), "Of Hospitality" (2000), and "On Cosmopolitanism and Forgiveness" (2001).

“As in the previous articles, we are concerned here with right, not with philanthropy, and in this context hospitality (a host’s conduct to his guest) means the right of a stranger not to be treated in a hostile manner by another upon his arrival on the other’s territory.”¹³

Kant’s emphasis on the importance of a just and peaceful world order is in line with the idea of protecting refugees. Providing asylum to those fleeing persecution contributes to the establishment of a more *just* global society, in line with Kant’s vision of perpetual peace. By supporting the rights of refugees, nations can work to create a world where individuals are not forced to flee their homes due to violence or persecution. As shown in Kant’s political philosophy, that idea is not a matter of idealistic views, philanthropic feelings and empty hope, but of a *rational structure* of a possible and achievable society.

2. Refugee Status and *The Right of Others*

Given that terms *refugee* and *asylum* have been mentioned, it is necessary to shed some light on differences between these terms. The differences between *refugees*, *migrants*, and *asylum seekers* are crucial for understanding the broader domain of forced migration and international law. Both terms carry specific legal connotations and indicate the different circumstances under which individuals move across borders. By researching the differences in the statuses of refugees, migrants, and asylum seekers, one can emphasise the legal and conceptual distinctions associated with each of them.

a) *Refugees*:

Refugees are individuals who have left their home countries due to a well-founded fear of persecution based on factors such as race, religion, nationality, membership of a particular social group or political opinion. Refugee status is protected by international law, especially by *The 1951 Refugee Convention* and its *1967 Protocol*.¹⁴ Refugees seek safety outside their home countries and are often unable or unwilling to return due to fear of persecution. The 1951 Convention defined a refugee as a person with a well-founded fear of being persecuted “for reasons of race, religion, nationality, membership of a particular social group or political opinion, [who] is outside the country of which that person is a national and is unable or, owing to such a fear, is unwilling to return to it”.¹⁵

b) *Migrants*:

Migrants, in a broad sense, are people who move from one place to another, usually across national borders. Unlike refugees, migrants *can* relocate voluntarily for various reasons such as economic circumstances, family reunification or educational activities. The term *migrant* is inclusive and covers a wide range of motivations and circumstances, from temporary labour migration to permanent relocation: “immigration n. The act of entering a country other than one’s native country with the intention of living there permanently”.¹⁶

c) *Asylum seekers*:

Asylum seekers are persons who have left their home countries and applied for asylum in another country, but *have not yet* received a decision on their refugee status. They seek international protection due to a well-founded fear of persecution, similar to the case of refugees. Asylum seekers are in a *transitional phase*, awaiting a decision on their claims for refugee status,

and their legal rights vary during this process: “asylum n. Refuge granted to an individual whose *extradition is sought by a foreign government or who is fleeing persecution in his native state. This can include refuge in the territory of a foreign country (territorial asylum) or in a foreign embassy (diplomatic asylum)”.¹⁷

Refugees exercise the right to specific legal protection described in *The 1951 Refugee Convention*, which obliges signatory countries to provide protection, assistance, and certain rights to persons with recognised refugee status. Although *migrants* are protected by general human rights principles, they usually do not have the same legal status and rights as refugees. Their rights are often regulated by national immigration laws. Asylum seekers fall under international law, and they have the right to seek asylum, so during the application process they may be entitled to certain protection. However, until their claims are resolved, they may not have the same rights as refugees with recognised status:

“The dependence of the right of hospitality on violence in your home state helps to make sense of two of the perplexing features of refugee law: the distinction between economic migrants and refugees, and the ‘safe third country’ provisions. The cruelty and hypocrisy with which these criteria are applied in practice make them neither irrational nor illusory.”¹⁸

Understanding the differences between refugees, migrants, and asylum seekers is essential for legal frameworks, achieving political solutions and providing adequate support and protection to individuals in different circumstances. While refugees and asylum seekers share common characteristics in fleeing persecution, migrants encompass a wider range of motivations for movement, and their legal status differs from that of refugees. Clarifying these distinctions is crucial to developing a more precise and accurate discourse on migration and displacement.

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Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, transl. David L. Colclasure, Pauline Kleingeld (ed.), Yale University Press, New Haven – London 2006, p. 82, 8:358.

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The original 1951 Convention only extended refugee status to those displaced by events occurring in Europe and elsewhere *before 1 January 1951*. This wording was subsequently removed by the *Protocol Relating to the Status of Refugees* (1967).

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Jonathan Law, *A Dictionary of Law*, Oxford University Press, Oxford 2022, p. 834.

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Ibid., p. 1847. “Yet, while human rights are universal and nondiscriminatory, when it comes to migrants as right holders, citizenship and national sovereignty are still the basic dimensions used in the politics of migration, in framing migration policies, and

in contributing to developing instruments for migration management and for the protection of forced migrants (Gregg 2017). The role of state governments in managing both the definitions and the rights appears to be increasingly blurred by international agreements that slightly changed the rights-based understanding of migration.” – S. Megan Berthold; Kathryn Libal, *Refugees and Asylum Seekers. Interdisciplinary and Comparative Perspectives*, Abc-clio LLC, Santa Barbara (CA) 2019, pp. 303–304.

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J. Law, *A Dictionary of Law*, p. 832.

18

Arthur Ripstein, *Force and Freedom. Kant's Legal and Political Philosophy*, Harvard University Press, Cambridge (MA) – London 2009, p. 298.

“UNHCR’s Statute provides that it is to seek permanent solutions for refugees by assisting governments to ‘facilitate voluntary repatriation’ or ‘assimilation within new national communities’.”¹⁹

The universal right to hospitality in Kant’s philosophy is described as an imperfect moral duty to help and offer shelter to those whose life, limb, and well-being are endangered. This “duty is ‘imperfect’ – i.e., conditional – in that it can permit exceptions, and can be overridden by legitimate grounds of self-preservation. There is no obligation to shelter the other when doing so would endanger one’s own life and limb”.²⁰ It is disputed in moral philosophy as to how widely or narrowly the obligation to the other should be interpreted. Certainly, it is necessary to understand that the absence of immediate danger does not mean that a person with the migrant status has carefree and voluntary motives to leave their familiar area and set off in an uncertain and unknown direction in order to achieve the elementary conditions for being recognised as human being.

3. Status of *Refugees* and *Others* in Political Philosophy

The history of philosophical principles related to the rights of refugees represents the progression of ideas about justice, human dignity, and moral responsibility. From ancient philosophical traditions to modern concepts, thinkers have struggled with the moral imperative to protect and uphold the rights of those fleeing persecution.

Ancient philosophical traditions set the stage for discussions of justice and hospitality. Although not explicitly focused on refugees, philosophers like Plato and Aristotle explored ethical principles regarding the treatment of strangers and the idea of providing refuge to those in need.²¹ The concept of extending protection to vulnerable persons finds its roots in these early philosophical reflections. In the Middle Ages, Christian ethics influenced ideas about offering refuge to those who sought protection. The Church established the concept of *sanctuary* – providing protection to individuals accused of crimes or persecution. This concept demonstrated recognition of the moral duty to provide protection to those facing harm. The Enlightenment era brought the ideals of reason, freedom and humanity. Jean-Jacques Rousseau and Immanuel Kant contributed to the development of principles that emphasize the value and dignity of each individual:

“Autonomy is therefore the ground of the dignity of human nature and of every rational nature.”²²

These ideas set the foundations for future discussions on the rights of the displaced.

The destruction and catastrophic consequences of the Second World War led to the formulation of international legal mechanisms dealing with the rights of refugees. *The 1951 Refugee Convention*, under the influence of ethical considerations, established a comprehensive framework for defining the rights and responsibilities of both refugees and host countries. This marked a significant step in the transformation of ethical principles into legal and formal obligations. More recently, as we already mentioned, philosophers such as Habermas²³ and Derrida have explored the philosophical dimensions of forced migration. Their concepts contribute to ongoing discussions on the ethical dimensions of displacement and the responsibility of the international community.

Contemporary political philosophy expands the discussion to a global context. The focus on global justice and common human responsibility highlights the need for ethical considerations in solving the problems faced by refugees at the international level, as well as the new problems of our time. The immediate danger from which refugees are fleeing is no longer caused only by wars, but also by the direct consequences of climate change. Since this distinction did not exist in earlier times, it is necessary to revise and supplement the existing definitions of what is considered a danger or threat to people's lives, health, and property. In that sense, we are not only going to face the concept of *climate migrations*, but also that of *climate refugees*, which is a term not yet recognised in conventions, declarations and protocols on refugees. Some of the true global challenges lie in these new categories and ecological problems that increase the number of refugees and migrants all over the world: each phenomenon is unprecedented in human history, and again, the traditional nation states seem "unable to cope with these challenges."²⁴

Philosophical reflections have played a key role in shaping the moral discourse surrounding the rights and treatment of refugees. The ongoing dialogue is still based on a dedication to law, human dignity and recognition of the universal rights of all individuals, regardless of their place of origin.

4. Kant's Concept of Universal Hospitality

Kant's concept of eternal peace, expressed in his essay "Perpetual Peace", represents a visionary view of international relations and a basis for understanding contemporary global politics. He presents the idea of a world in which nations coexist peacefully, freed from the scourge of war. As we already mentioned, this idea is not to be understood as a utopian ideal or fantasy, but a rational and achievable goal. Written in 1795, upon the signing of the *Treaty of Basel* by Prussia and revolutionary France, Kant's essay on "Perpetual Peace" has seen renewed attention in recent decades. In this essay, Kant identifies six preliminary and *three definitive articles* of eternal peace,

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See: UNGA, Statute of the Office of the United Nations High Commissioner for Refugees (14 December 1950) (UNHCR Statute), UN Doc A/RES/428(V), ch. 1, para. 1. – *People Forced to Flee*, United Nations High Commissioner for Refugees, Oxford University Press, New York 2022, p. 979.

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Seyla Benhabib, *The Right of Others. Aliens, Residents, and Citizens*, Cambridge University Press, Cambridge 2004, p. 36.

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However, the right to hospitality is "not the right of a guest to stay as long as they please, nor is it a right to citizenship of that state. The right to hospitality is strictly limited to a right to temporary abode and the right to being dealt with justly for the duration of one's stay". – Katrin Filkschuh, *Kant and modern political philosophy*, Cambridge University Press, Cambridge 2004, p. 186.

22

Immanuel Kant, *Groundwork of the Metaphysics of Morals*, transl. Mary Gregor – Jens Timmermann, Cambridge University Press, Cambridge 1997, 4:436, p. 43.

23

On differences between Kant's and Habermas's understanding of cosmopolitanism and hospitality: Thomas Martens, "Cosmopolitanism and Citizenship: Kant Against Habermas", *European Journal of Philosophy* 4 (1996) 3, pp. 328–344.

24

Otto Kimminich, *Der internationale Rechtsstatus des Flüchtlings*, Heymann, Köln – Berlin 1962. Kimminich was one of the first international lawyers "to address the problem of refugees in the modern world". – Georg Cavallar, *Kant and the Theory and Practice of International Right*, University of Wales Press, Cardiff 2020, p. 510.

which serve as the basis for his conception. These three definitive articles are as follows:

1. The civil constitution of each state should be republican:

Kant claims that republican governments, which are characterised by the division of power and representative institutions, are more inclined to peaceful coexistence. Republican states, in his opinion, will engage less in aggressive wars and will respect the rights of their citizens more. This means that the monarchy does not fulfil the necessary and indispensable condition to be a framework for the fulfilment of eternal peace. The republican constitution is the only kind of constitution that follows from the idea of an *original contract*, upon which all laws legislated by people must be based. In the case of some other kind of constitution, where the subject is not a citizen of the state, decisions like declaring war would be “the easiest thing in the world, because the head of state is not a fellow citizen, but rather the owner of the state”.²⁵

2. The law of nations shall be based on a federation of free states:

Kant proposes the idea of a federation of free states, where nations come together under a common framework to resolve disputes and maintain peace. This federation is not a world government, but represents a system of collective security and cooperation among sovereign states. It was conceived as an anti-war alliance of nations. Claiming that the violation of rights committed in one place on earth is felt in all other places, Kant opens space for the concept of universal civil law:

“Public international law is commonly detected to oscillate between a Kantian cosmopolitan ethos and honing of domestic adjudication regarding conflict of laws and other jurisdictional matters at the domestic level.”²⁶

Kant insists that one cannot conceive of international right as a right to war, since this would be a presumptive right to determine what is right, not according to universally valid external laws that restrict the freedom of every individual, but rather by means of violence, according to one-sided maxims.

3. The rights of people and citizens must be cosmopolitan:

Kant is in favour of recognising the rights of individuals beyond the borders of their own country. He advocates a cosmopolitan perspective that universally extends basic human rights, fostering a sense of global citizenship and common humanity:

“... cosmopolitan right, which is limited to a right of hospitality (as opposed to colonialism) because it governs relations between an individual and a foreign state, rather than between the individual and the individual citizens of that state.”²⁷

The key principle and the third definitive member of eternal peace is the principle of hospitality, i.e. the right of every foreigner not to be received hostilely upon arrival on foreign soil. It is a principle that originates from the thesis that no one has more original right to be in one place on Earth than others, and is based on the right of visitation that belongs to all people as social beings. Kant’s treatment of cosmopolitan right was, however, careful not to fall into the justification of colonialism, because it insisted on the right to *visit*, not to *settle*. The right to visit does not overextend to the right to settle, claims Kant, listing the atrocities that have been committed “to terrifying proportions”²⁸ in East India, America, the Cape, the

Spice Islands etc. in order to highlight the importance of a right to visit only.

The most important insight that Kant gives is shown in his words that “the earth has now reached a point at which the violation of right at any one place on the earth is felt in all places”,²⁹ which means that cosmopolitan right is not some fantastic or exaggerated idea, but rather a necessary supplement to the unwritten code of constitutional and international right, which now includes public human rights in general, and constitutes the only condition for progressing toward perpetual peace.

5. Relevance of Kant’s Practical Philosophy

Kant’s claim that *first entry cannot be denied to those who seek it if this would result in their ‘destruction’ (Untergang)* has become incorporated into the *Convention Relating to the Status of Refugees*³⁰ as the principle of “non-refoulement” (United Nations 1951):

“This principle obliges signatory states not to forcibly return refugees and asylum seekers to their countries of origin if doing so would pose a clear danger to their lives and freedom.”³¹

Kant’s concept of eternal peace is rooted in his broader practical philosophy, especially the concept of *categorical imperative*. The idea that individuals should act in accordance with principles that can be universally applied is consistent with his vision of nations cooperating on the principles of justice and mutual respect:

“... this dignity (prerogative) he has over all merely natural beings brings with it that he must always take his maxims from the point of view of himself, and likewise every other rational being, as lawgiving beings (who for this reason are also called persons).”³²

Kant’s practical philosophy provides a solid framework for understanding and defending human rights. The categorical imperative, the fundamental principle of his ethics, emphasises the importance of acting in accordance with universal and rational moral principles and contributes to the conceptualisation and defence of human rights.

Kant uses the expression “human rights” in the plural (*Rechte der Menschen* or *Rechte der Menschheit*) “only twice in his published works (RGV, 69 and WA, 39) and few other times in the Reflexionen, mainly when he is

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I. Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, 8:351, p. 75.

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Nergis Canefe, The fragmented nature of the international refugee regime and its consequences: a comparative analysis of the applications of the 1951 convention”, in: James C. Simeon (ed.), *Critical Issues in International Refugee Law – Strategies Toward Interpretative Harmony*, Cambridge University Press, New York 2010, pp. 174–210, here p. 209.

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See: *Toward a Perpetual Peace*, 8:349–357. Cf. A. Ripstein, *Force and Freedom*, p. 229.

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I. Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, 8:359, pp. 83–84.

29

Ibid., 8:360, p. 84.

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S. Benhabib, *The Right of Others*, p. 35.

31

Ibid.

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I. Kant, *Groundwork of the Metaphysics of Morals*, 4:438, p. 45.

commenting on the position of natural law theorists (Refl, 6785, 7308, 7594). Most of the time, he speaks in the singular – of one right of humanity (Recht der Menschen or Recht der Menschheit)³³ as the innate right to freedom that humans have “by virtue of their humanity”. The categorical imperative is contained in different formulations, and one of the most prominent is the principle that individuals should “act only according to that maxim which you can simultaneously wish to become a universal law”. Applied to human rights, this implies that the principles governing human rights must be rational, consistent and universally applicable. Kant claims that individuals possess essential value and dignity, so from his perspective, respecting human rights means recognising and supporting the inherent value of each individual as *an end in itself*. Any action or policy that violates human rights treats individuals only as *a means to an end*, which is contrary to the categorical imperative. Kant states that an inherent principle of perpetual peace is that a citizen of any state has the right to claim hospitality, or resort, in other states:

“He reasons that, simply on the basis of being a rational human being, one’s right to at least travel through and reside within foreign political domains must be respected. For, all persons have a right to ‘communal possession of the earth’s surface’.”³⁴

Understanding that all humans are naturally equal and autonomous and that they each reside on this singular sphere, Kant sees that a right to hospitality follows naturally, and thus, the cosmopolitan ethics and politics follow necessarily. However:

“... the cosmopolitan ethic of hospitality Kant supports is more akin to the political moralism he rejects in favor of truly moral politics. For, hospitality is an ethic that is offered here only in retrospect to having presupposed a particular nature to human agents and their environment.”³⁵

The categorical imperative requires that moral principles be universally applicable. In the context of human rights, this implies that the principles governing the rights and freedoms of individuals should be such that they can be consistently applied to all human beings. Human rights, according to Kant, are not dependent on cultural or social differences, but are based on the common rational nature of humanity.³⁶

Kant’s ethics places great value on the autonomy and freedom of the individual. The categorical imperative emphasises the importance of allowing individuals the freedom to make rational choices in accordance with their autonomous principles. Human rights, such as freedom of speech and conscience, are consistent with Kant’s insistence on respecting the autonomy of individuals and treating them as rational beings capable of self-governance. At the centre of Kant’s ethics is the moral responsibility for the actions of the individual. When applied to human rights, this implies a duty to uphold and protect the rights of others. Violations of human rights are also considered morally unacceptable, and individuals and nations are held responsible for ensuring that their actions are consistent with principles that respect the rights of all.

Emphasising the essential value of individuals, the universality of moral principles, the importance of autonomy and the concept of moral responsibility, Kant’s ethics significantly contributes to the conceptualisation and improvement of human rights as essential components of a just and moral society. The difference between acting *in accordance with* duty (pflichtmässig) and acting *out of* duty (aus Pflicht) is decisive for the distinction between *legality* and *morality*. Acting *in accordance with* duty may have its basis in inclination or in fear of sanction, while acting *out of* duty sets a purely qualitative moral

content, and its moral value is not *in the intention* but in the maxim by which it is set.³⁷

Kant produced one of the most influential accounts of our moral nature which the tradition has ever produced: some of its central themes – that every human being is an end in themselves, not to be used as a mere means by others;³⁸ that respect for one's own humanity finds its fullest expression in respect for that of others; and that morality is freedom, and evil a form of enslavement – have become “not only well-established themes in moral philosophy, but also part of our moral culture” and an essential part of our civilisation in its widest possible sense:

“This principle of humanity, and in general of every rational nature, as an end in itself (which is the supreme limiting condition of the freedom of action of every human being) is not borrowed from experience; first because of its universality, since it applies to all rational beings as such and no experience is sufficient to determine anything about them; second because in it humanity is represented not as an end of human beings (subjectively), that is, not as an object that we of ourselves actually make our end, but as an objective end that, whatever ends we may have, ought as law to constitute the supreme limiting condition of all subjective ends, so that the principle must arise from pure reason.”³⁹

Through advocating for republican governments, a federation of free states, and a cosmopolitan approach to human rights, Kant provides a compelling vision of a world in which nations coexist peacefully.

Conclusion

Kant's ideas continue to inspire discussions about global governance and the pursuit of a more just and harmonious world order. The principle of general hospitality serves as a philosophical framework for understanding and supporting refugee rights. The moral imperative to treat all individuals with

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Luigi Caranti, *Kant's Political Legacy: Human Rights, Peace, Progress*, University of Wales Press, Cardiff 2017, p. 17.

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Mark F. N. Franke, *Global Limits. Immanuel Kant, International Relations, and Critique of World Politics*, State University of New York, New York 2001, p. 188.

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Ibid.

36

Universality of human rights includes children rights, which are not a matter of *potential* and *possibility*, but should be taken in the precise form they are given and shown – not as “future humans”, but as humans in *already* full and universal sense: “You are people with equal dignity and are entitled to respect. Traditionally, people often talk about children in future terms, as if your right to participate in decisions only comes later. ‘When you grow up, you can...’. The Convention, however, recognizes that everyone misses out if the world only pays attention to adults’

perspectives. Children and young people have valid, unique, and important insights to offer right now.” – Amnesty International, Angelina Jolie, Geraldine Van Bueren, *Know Your Rights and Claim Them. A Guide for Youth*, Zest Books, Minneapolis 2021, p. 55.

37

Milenko A. Perović, *Etika*, Grafomedia, Novi Sad 2001, p. 420.

38

“... niemals bloß als Mittel, sondern jederzeit zugleich als Zweck an sich selbst behandeln solle”. – “Now I say that the human being and in general every rational being exists as an end in itself, not merely as a means to be used by this or that will at its discretion; instead he must in all his actions, whether directed to himself or also to other rational beings, always be regarded at the same time as an end.” – Immanuel Kant, *Groundwork of the Metaphysics of Morals*, 4:429, p. 37.

39

Ibid., 4:431, p. 39

dignity and respect, together with the pursuit of a just global order, reinforces the obligation to provide shelter to those in need.

In contrast to numerous topics that, from Kant's philosophy until today, showed a stable or slightly increasing relevance, refugee rights experienced sudden declines and increases in relevance during the 19th and 20th centuries, only to escalate in the 21st century to proportions that require re-determination and a new interpretation of the seemingly established concepts. Refugee rights, the migrant crisis, the conditions for obtaining asylum status and the appearance of climate migrants have reached proportions that we cannot treat in the way that similar topics were treated in the previous two centuries. That is why it seems that on the 300th anniversary of Kant's birth, it was necessary to reacquaint ourselves with his political philosophy, in the hope that there we will find answers to questions that could not have been anticipated not only during his lifetime, but also just a few decades before today's moment. Finally, it was shown that a philosopher who had several very controversial views on racial and other differences between people, problematic views on marriage and women etc., can at the same time be one of the most useful interlocutors for modern man regarding the most current world problems and the most sensitive topics such as human, minority and refugee rights.

In the contemporary context, Kant's ideas about eternal peace continue to resonate. International organizations, treaties and efforts towards global governance can be seen as steps towards the realization of Kant's vision. The emphasis on democratic governance, international cooperation and the recognition of human rights reflects the enduring importance of Kantian principles in shaping a more peaceful world. Three hundred years after his birth, Kant is not only still relevant, but seems more necessary than ever before.

Marica Rajković Perović

**Načelo univerzalnog gostoprimstva i
prava izbjeglica u Kantovoj političkoj filozofiji**

Sažetak

Ovaj članak objašnjava načelo univerzalnog gostoprimstva u Kantovoj političkoj filozofiji, s naglaskom na prava izbjeglica zajamčena u okviru pojma vječnog mira. Treći definitivni članak vječnog mira jest načelo univerzalnog gostoprimstva, tj. pravo svakog stranca da, u slučaju dolaska na tuđu teritorij, ne bude dočekan neprijateljski. Temelj tog načela jest teza da nitko izvorno nema više pravo boraviti na nekom mjestu na Zemlji od drugoga, budući da pravo na posjet pripada svim ljudima. Ispitat će se u kojoj se mjeri to pravo poštuje te će se pokazati kako Kant, unatoč tome što je imao nekoliko kontroverznih stavova o rasnim i drugim razlikama među ljudima, ujedno može biti relevantan sugovornik o najosjetljivijim problemima kao što su ljudska prava, prava manjina i prava izbjeglica. Tri stoljeća nakon njegova rođenja, Kant ne samo da je i dalje aktualan nego, čini se, potrebnijim nego ikada.

Ključne riječi

gostoprimstvo, ljudska prava, Immanuel Kant, drugi, vječni mir, politička filozofija, prava izbjeglica, *xenia*

Marica Rajković Perović

Das Prinzip der allgemeinen Hospitalität und die Flüchtlingsrechte in Kants politischer Philosophie

Zusammenfassung

Dieser Artikel erläutert das Prinzip der allgemeinen Hospitalität in Kants politischer Philosophie, mit besonderem Augenmerk auf die durch den Begriff des ewigen Friedens zugesicherten Flüchtlingsrechte. Der dritte Definitivartikel des ewigen Friedens ist das Prinzip der allgemeinen Hospitalität, das heißt das Recht eines jeden Fremden, im Falle seiner Ankunft auf fremdem Boden nicht feindselig empfangen zu werden. Die Grundlage dieses Prinzips ist die These, dass ursprünglich niemand ein größeres Recht hat, sich an einem Ort der Erde aufzuhalten als ein anderer, denn das Besuchsrecht steht allen Menschen zu. Es wird untersucht, inwieweit dieses Recht geachtet wird, und es wird aufgezeigt, wie Kant, der zu rassistischen und anderen Unterschieden zwischen Menschen mehrere äußerst umstrittene Ansichten vertrat, dennoch ein relevanter Gesprächspartner hinsichtlich der sensibelsten Fragen wie Menschenrechte, Minderheitenrechte und Flüchtlingsrechte sein kann. Drei Jahrhunderte nach seiner Geburt ist Kant nicht nur weiterhin relevant, sondern erscheint unentbehrlicher denn je.

Schlüsselwörter

Hospitalität, Menschenrechte, Immanuel Kant, andere, ewiger Frieden, politische Philosophie, Flüchtlingsrechte, *xenia*

Marica Rajković Perović

Le principe d'hospitalité universelle et les droits des réfugiés dans la philosophie politique de Kant

Résumé

Cet article examine le principe d'hospitalité universelle dans la philosophie politique de Kant, en mettant l'accent sur les droits des réfugiés garantis par le concept de paix perpétuelle. Le troisième article définitif de la paix perpétuelle énonce le principe d'hospitalité universelle, c'est-à-dire le droit pour tout étranger, lorsqu'il arrive sur le sol d'autrui, de ne pas être accueilli avec hostilité. Ce principe repose sur la thèse selon laquelle personne n'a, à l'origine, plus de droit qu'un autre à se trouver en un lieu donné sur Terre, puisque le droit de visite appartient à tous. L'article s'interrogera sur la mesure dans laquelle ce droit est respecté et montrera comment Kant, malgré plusieurs opinions très controversées sur les différences raciales et autres entre les hommes, peut néanmoins constituer un interlocuteur pertinent pour les questions les plus sensibles telles que les droits de l'homme, les droits des minorités et les droits des réfugiés. Trois siècles après sa naissance, Kant reste non seulement pertinent, mais semble plus nécessaire que jamais.

Mots-clés

hospitalité, droits de l'homme, Emmanuel Kant, autrui, paix perpétuelle, philosophie politique, droits des réfugiés, *xénie*