

Kant's Condition of Hospitality

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This paper reinterprets Kant's cosmopolitan right of hospitality as a minimal juridical status whose primary function is peacetime prevention – it civilises the first contact in ordinary cross-border encounters such as work, study, trade, and cultural exchange. It asks how Kant's legal notion of hospitality can regulate non-emergency interactions so as to help prevent conflict, and advances two claims: hospitality is a right of visit, not a charitable duty nor a right to settlement and its principal force is preventive, operating in peacetime by structuring non-hostile encounters. Using conceptual analysis and a hermeneutic reconstruction of *Perpetual Peace* (AA 8) in dialogue with recent scholarship, the article shows that this reading clarifies the reciprocal duties of host and guest, illuminates the connection to commerce and cosmopolitan education, and steers a course between moral maximalism and realist minimalism.

Keywords: Kant, cosmopolitan right, hospitality, right of visit, peacetime prevention, commerce

INTRODUCTION: HOSPITALITY AND THE BORDERS OF JUSTICE

'We decide who enters our country and under what circumstances!' – Various leaders of modern states often proclaim. Questions of entry and membership go right to the heart of the tension between the rights of communities and the rights of the individual and to the meaning of justice. The movement of people between communities is as old as humanity itself and has always been accompanied by attempts to restrict the entry of strangers into 'bounded' communities.

Kant's remark that 'As a stranger he may be turned away, if this can be done without involving his death' has often been read as anticipating the modern principle of non-refoulement, later articulated in the 1951 Refugee Convention.* The Convention obliges signatory states not to return persons to territories where their life or liberty would be threatened. Of course, sovereign states can weaken this principle by defining life and liberty as they consider it appropriate, or they can circumvent it by transferring refugees and asylum seekers to the so-called safe third countries.

* The Convention Relating to the Status of Refugees is a key international treaty that was adopted on 28 July 1951, and came into force on 22 April 1954. It defines who qualifies as a refugee and outlines the rights and protections they are entitled to, as well as the obligations of the countries that grant asylum.

The core principle of the convention is non-refoulement, which means that refugees should not be returned to a country where they face serious threats to their life or freedom. It also sets out basic minimum standards for the treatment of refugees, including the right to housing, work and education.

This paper seeks to evaluate Kant's model within the context of modern global mobility, recognising its partial applicability to current geopolitical complexities.

Debates over entry, membership and justice reveal a persistent tension between the collective self-rule and the rights of individuals in motion. Building on Kant's *Third Definitive Article in Perpetual Peace* (AA 8), this paper argues that the core function of cosmopolitan hospitality is preventive and fundamentally juridical, not merely philanthropic. The research question of this paper is the following: How should Kant's legal notion of hospitality be interpreted so that it meaningfully regulates ordinary, non-emergency cross-border interactions and thereby helps prevent conflict? On my reading, the third article is primarily addressed to peacetime social encounters between non-hostile strangers – work, study, or cultural exchange – where a denial of access solely on the basis of origin or status is unjustified. I advance two theses that guide the argument. First, Kantian hospitality is best understood as a minimal juridical status – a right of visit – rather than a charitable duty: it civilises the first contact without presupposing a right to settlement. Second, the principal force of this status is preventive and operates in peacetime: by structuring routine transnational encounters, it lowers the temperature of cross-border frictions and thus contributes to the avoidance of war. These theses integrate a legal reading of hospitality with Kant's concern for world-citizenship education and a regulated interdependence among nations.

The paper employs the conceptual analysis and hermeneutic reconstruction of Kant's text in dialogue with recent scholarship, and proceeds as follows: Section 1 defends hospitality as a mechanism of war prevention via the legal normalisation of the first contact; Section 2 clarifies the reciprocal duties of a host and a guest; Section 3 situates hospitality within commerce and cosmopolitan education; the Conclusion draws implications, limits and avenues for further research.

The recent work sharpens the juridical reading of Kant's hospitality and its peacetime, preventive function. Dellavalle argues that the modern non-refoulement regime can be reconciled with Kant's public-law framework without collapsing the right of visit into the right of residence (2018). Kattago shows – via Arendt – how the minimal scope of hospitality clarifies what is owed to stateless persons while stopping short of settlement claims (2019). Comparative discussions of the EU's 'welcome culture' highlight how normative hospitality frames shape ordinary, non-emergency encounters (Aliu 2022).

KANT'S CONCEPT OF HOSPITALITY: BETWEEN ETHICS AND LAW

Hospitality encompasses ethical, legal, cultural and political dimensions and remains conceptually challenging due to its overlap with diverse normative systems.

Hospitality is a broad concept that also refers to a very specific domestic practice – the host opening his house to the guest – and is used as a political concept to imagine the regulation of the community's openness (Boudou 2017). The political reference to hospitality was initially literal, but gradually became metaphorical. The modern reference to hospitality is not based on the actual domestic practice, but rather on a rhetorical analogy between home and community, particularly the nation (Bessone 2015; Boudou 2017).

Kant's hospitality transcended the force field of educational ideas and stories, attitudes and sentiments of cultures towards the 'other' and resulted in an awareness of this phenomenon as a culturally universal and fundamental principle of human existence. This principle is directly linked to moral requirements and standards of behaviour, to human feelings of honour and dignity.

Of all the early theorists on hospitality, Kant is regarded as the landmark figure who took hospitality out of the realm of pure ethics and put it into the realm of politics, moving hospitality from an absolute but impractical charity to a practical right. Hospitality represents a fundamental point of Kant's cosmopolitanism and is a key starting point for modern cosmopolitan theories.

The Kantian philosophical concept of hospitality takes different dimensions: anthropological, ethical, legal and cultural. Kant envisaged a world in which all members of the human race would become participants in a civil order and enter into a condition of 'lawful association' with one another. For Kant, the ideal citizen is the one who understands the essence of universal hospitality and adheres to its principles.

What makes this article particularly important is that Kant here emerges as the first philosopher in the history of political philosophy who attempts to articulate the moral norms that ought to govern the relations among individuals to each other in the universal community of humanity as well as to foreign states.

CRITICAL REFLECTIONS ON KANT'S HOSPITALITY

Scholars have argued that Kant's distinction between *Besuchsrecht* (right to visit) and *Gastrecht* (right to stay) makes his framework of hospitality too restrictive and ethically problematic for contemporary cosmopolitan models. Kant's hospitality resonates as 'inhospitable' (Derrida 2000), 'empty' (Benhabib 2004) and 'inadequate' (Cavallar 2002) and is not infrequently problematic for any future model of cosmopolitanism.

According to Seyla Benhabib, Kant's hospitality was not intended for the poor and destitute who sought refuge, and instead acknowledged the more enlightened interest of Europeans to seek contact with other peoples and to appropriate the wealth of other parts of the world. Thus, the key norms that emerged from Kantian hospitality, according to the author, were the regulation of European travelling and restraint against imperialism.

For Peter Niesen, the essence of cosmopolitanism is not global citizenship or refugee protection, but a critique of European colonialism, which, he argues, can only be appreciated when you situate Kant's laws in the historical context of colonial expansion. Hence, Niesen does not rightly abstract the notion from its historical conception. Cosmopolitan law can be seen as protection of the rights for non-state nations – that is, in the context of Kant's time.

In the 20th and 21st century we can no longer talk about the civilisation of non-state nations and colonialism in international interventions. Today, I am talking about undemocratic regimes that the West wants to democratise. Colonial rhetoric was also used by President Putin of Russia when he entered another state with the justification of denazification of Ukraine. At the same time, Martin Ajei and Katrin Flikschuh (2014) argue that the intellectual legacy of the colonial mentality must be addressed from both perspectives. Kant's right to hospitality – conscientiously reframed in light of colonial abuses of traditional rights – offers a neglected philosophical resource through which Western thinkers can be enabled to acknowledge and respond appropriately to the enduring legacies of the 'colonial mentality' in contemporary global theories.

It cannot be thought that complicated international relations will be solved by applying Kant's hospitality to international law. But I do think, along with Katrin Flikschuh (2014), that it is good to use Kant's universal theory to demolish the mind-set of colonial masters and colonial subjects. The sketch of critical moments is not exhaustive and only presents the weak points of Kant's theory in the mirror of the contemporary world.

HOSPITALITY BEYOND CRISIS: TOWARDS A PEACE-ORIENTED COSMOPOLITANISM

This section proposes an alternative perspective on the possibilities of Kant's condition of hospitality. Kant's condition of hospitality has been associated with the issue of migration, war refugees and asylum and cross-border policies for several decades. However, it is paradoxical that Kant in *Third Definitive Article in the Conditions of a Perpetual Peace* (Kant AA, 8: 357–360) does not directly mention a war situation, nor a war refugee, but speaks of a stranger. Authors such as Altman and Niesen mention specific military conflicts of today (Syria and Ukraine) and talk about the serious Kantian limits of the condition of hospitality in these cases.

This paper proposes interpreting Kant's hospitality not primarily through the lens of wartime refugee movements, but as a peacetime framework for structuring the non-hostile first contact.

Despite the fact that in the previous *Second Article* (Kant AA, 8: 354) Kant spoke about the state of war in terms of the need for federalism, according to my reasoning, Kant's idea in the third article changes the scope and moves towards the moral position of individuals, which, according to Kant, due to the nature of man, however, requires legal anchoring. The third article should find its application not during the war but outside it. It could be argued that Kant's motive is aimed precisely at the prevention of conflicts between individuals and between communities and individuals.

A non-hostile stranger arriving for purposes such as work, study, or cultural exchange should not be denied access solely based on origin or status.

In today's globalised world, internationalisation is not only inevitable but also actively pursued across sectors such as commerce, education and culture.

In the following section, I will try to defend my reduction of the hospitality condition on Kant's direct arguments: (a) hospitality as prevention of war, (b) legal codification of hospitality and (c) international trade and hospitality.

ARGUMENT: HOSPITALITY AS A MECHANISM FOR WAR PREVENTION

The first argument says that Kant's hospitality is a prevention of war. *Perpetual Peace: A Philosophical Sketch* (1795) is written at the end of the 18th century, when a large part of humanity was generally considered to be non-state and political power was closely linked especially with the wars for non-European colonies in the Seven Years' War (1754–1763) and also with the American Revolution (1775–1783) a few years later. As is generally known, Kant's *Sketch* also reacted to the earlier Peace of Westphalia (1646–1648) and its serious shortcomings. Indeed, Prussia had been engaged in wars for most of Kant's life. War is a recurring word in this writing. Kant was sensitively aware of the concrete effects of wars, the political and moral dimension of colonisation and the weaknesses of the Peace of Westphalia.

Kant's cosmopolitanism was to redefine the world legal order. Instead of resolving conflicts or ending war through the enforcement of power, as in the state, Kant opted for no enforcement of force. Kant discovered that bilateral and international agreements (peaces) are not enough, as well as military solutions of conflicts. For us, as for Kant, the only legitimate goal of international politics is to avoid war whenever possible, the only valid *casus belli* is the violation or threatened violation of one state's sovereignty by another (Meckstroth 2018). Instead of military force, pacts and agreements, Kant comes up with an original proposal – to implement hospitality, as a historically known and cross-cultural practice, into the highest

layer of law as a necessary condition. Not as a supplement, but as a *conditio sine qua non* (necessary condition) of legal regulation in a global sense.

Kant did not understand the condition of hospitality as humanitarian aid, but as legal prevention against war. Cosmopolitan law cannot solve war conflicts, it can only prevent them. The condition of hospitality was supposed to sensitise the citizen of the world and teach him to understand himself and others as fellow citizens of the world. The cosmopolitan ideal, given the insufficient enforceability of world citizenship law in the current global situation, could be partially fulfilled by a cosmopolitan orientation 'from below' – the so-called world citizenship education. A person is formed and educated not only for himself, but mainly for humanity. 'Students must be educated to become citizens of the world and to respect the dignity and moral equality of all human beings' (Louden 2011: 148). World citizenship education is important and it is another inspirational message of Kant for our time, and at the same time hospitality is a practical tool of this type of education.

ARGUMENT: FROM PHILANTHROPY TO RIGHT: LEGAL AND MORAL DUTIES IN HOSPITALITY

One important parameter of Kant's hospitality that often goes unnamed needs to be understood. Kant stresses the individual level of not considering a person as an enemy, even if he comes from a hostile country or is a citizen of an enemy state. It is thus not a question of the extent and nature of the services we provide to the stranger, but of respect and tolerance between people.

During conflicts and for many years afterwards, aversions to a particular community or ethnicity survive in cultures. Kant mentions in the *Sketch* the inhospitable behaviour of many nations and also criticises the colonial behaviour of Europeans. Therefore, it can be assumed that he did not believe in cultural forgiveness and conformity without legal codification. War crimes, historical wrongs, religious dichotomies, political disputes, and many uniquenesses Kant was aware of, therefore without law, hospitality from both sides cannot be a functional condition of global movements. Both sides need assurance that they will not be threatened.

Hospitality goes beyond the invitation. When invited, we expect a guest with no surprises. Hospitality involves surprise; it is receiving and welcoming one who has no power, authority, or right. It means being open without fear of conflict. However, we must not forget to emphasise the aforementioned key dimension of the condition of hospitality, which is often forgotten, and that is the duty of the stranger. Today's Western world so emphasises rights, human rights, that it often forgets human duties. Kant stresses the duty of the host, but also that of the guest – the stranger. Today, Kant would probably not distinguish whether the guest is a war migrant or a political asylum seeker, a Chinese investor or a religious fundamentalist – they all have the right to offer themselves to society and to ask for access, but they have the duty to make a decision about the limits of their right as a Guest. This is not about philanthropy, which does not bind, but about a right that does.

This Kantian law is also interesting in the sense that it is related to the natural inclination to hospitality, to care for the one who comes from afar, is in need and is not at home. The stories of many cultures and the norms of all religions contain such a practice. In anthropology and political theory, Kant always emphasised the interconnectedness of morality and law. He was aware of the ancient tradition of hospitality, perhaps we could say the human propensity

for hospitality. Compassion for the suffering people is one of the basic elements that stands at the evolution of *homo sapiens*. Kant knew, however, that this principle on the planetary level must necessarily take the form of law (Kant AA 8: 29).

The legal validity of hospitality in a global sense can also be justified by moving from natural law theory to positive law and also by linking human nature, the physical properties of the Earth, historical practice, the ideal, and written law.

ARGUMENT: GLOBAL TRADE AND THE LEGAL LOGIC OF HOSPITALITY

The capitalist peace theory, or commercial peace, posits that market openness contributes to more peaceful behaviours among states, and that developed market-oriented economies are less likely to engage in conflict with one another.

The third argument relates to trade and hospitality. The cosmopolitan framework is currently most relevant to trade – global trade. The necessary and required legal framework in Kant's theory is based on knowledge of the people's behaviour and states. Most importantly, the *lex mercatoria* as the idea that trade between nations can build a peaceful stand between states is an observed fact and a prophetic idea of Kant. Based on an initial glance, it may seem to us that the wars and military conflicts of the 20th and 21st centuries stem primarily from commercial interests and strategies. Therefore, the optimistic hope in trade as a harbinger of peace seems absurd. A possible counter-question would be whether current international trade agreements and treaties and trade interdependence in the form of the world global marketplace do not, after all, prevent much greater and further war provocations and conflicts. Economic interdependencies among the nations of the world (not U.N. or 'universal love' among nations) have prevented another world war for over half a century. The reality is that trade is at the heart of contemporary globalisation (Harris 2006). The first globalist rules emerged in the 1980s, not on philosophical grounds, but on the basis of economic needs and strategies for overcoming national borders and unleashing economics and capital in a trans-national space.

The economic, ecological, social, ethical and psychological aspects of global trade are intensely experienced today. This unstoppable process has caused many negative phenomena such as social inequality and injustice, economic migration, corruption, job loss, non-organic production, inhumane working conditions, etc. Kant, of course, could not have foreseen this state of global production and consumption. But one can agree with Kant that trade has necessarily intensified the movement of people, information and goods, and that these movements and contacts will be the determinant of relations in a global sense.

Kant critically reflected on colonisation 'the inhuman behaviour of the civilized, and especially the commercial, States of our Continent' (Harris 2006: 23). But commercially enclosed states (recent Cuba and current North Korea, Turkmenistan, etc.) are not the right choice for the world and for their own citizens.

Kant, reflecting precisely on the commercial behaviour of individual nations, makes an original and emphatic distinction between access and entry into society (Harris 2006: 23). The condition of hospitality is supposed to guarantee safe access.

Hospitality in the economic sense should regulate the economic entry of a state into another state, of a large commercial company into a foreign country and, on the other hand, regulate and facilitate economic migration and visit of individuals for the purpose of work, education, etc. Kant writes 'He (the stranger) may only claim a right of resort or of visitation'. So if he comes as a visitor who stays a while and goes back home, he should be granted access (worker, student,

tourist and athlete) and this is expected in a business sense. However, with war refugees who often have nothing to offer and nowhere to return to, Kant's condition is problematic.

CONCLUSIONS

Since Roman times, legal thought has affirmed *vigilantibus iura scripta sunt* – laws are written for those who are attentive to their rights. In this spirit, a legally codified condition of hospitality is both functional and beneficial for cosmopolitan, open societies.

On Kant's account, the practice of hospitality – permitting visitors and regulating the first contact – helps cultivate trust and stabilise relations among peoples. When nations are hospitable to one another, the likelihood of conflict diminishes.

The present landscape of armed confrontations, 'hybrid' wars, economic inequality, poverty, terrorist threats, and the spread of radicalism, racism and xenophobia has produced major humanitarian crises and rising displacement. Hospitality is not a panacea for today's conflicts; rather, its strength lies in orienting international regulation and political ethics toward the prevention and de-escalation of future conflicts.

Read in this way, Kant's stance – grounded in a noetic and ethical universalism – is not a naïve celebration of multicultural harmony. It does not place cultural recognition under European tutelage; instead, it adopts a juridical minimalism: a negative, law-defining framework for non-hostile encounters amid profound cultural, historical, religious and legal differences.

Our findings support a peacetime-preventive reading of Kant's right of hospitality as a minimal juridical status that civilises the first contact without implying a right to settlement. The approach has limits (it does not specify criteria for transitions from visit to residence and does not address structural inequalities). Further research should clarify the conditions for such a transition and explore implementation within regional mobility regimes and in world-citizenship education.

Kant's cosmopolitanism is neither pure anti-colonialism nor simple pacifism. He does not idealise history and recognises both colonial expansion and the recurrence of war. Yet he proposes law-governed visitation and commerce as intermediate steps toward a cosmopolitan condition. Without acceptance of the stranger, cosmopolitanism cannot function.

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I. Kanto svetingumo sąlyga

Santrauka

Straipsnyje iš naujo interpretuojama Immanuelio Kanto kosmopolitinė svetingumo teisė kaip minimalus teisinis statusas, kurio pagrindinė funkcija – taikos meto prevencija. Ji reguliuoja pirmąjį kontaktą darbe, studijose, prekyboje ir kultūriniuose mainuose. Keliamas klausimas, kaip I. Kanto teisinė svetingumo samprata gali reguliuoti vykstančias sąveikas, kad padėtų išvengti konfliktų. Iškeliama du pagrindiniai teiginiai: svetingumas yra susitikimų teisė, o ne labdaringa pareiga ar teisė į susitarimą; pagrindinė jos galia yra prevencinė, veikianti taikos metu struktūrizuotuose susitikimuose. Remiantis konceptualia analize ir hermeneutine „Amžinosios taikos“ rekonstrukcija, derinama su naujausiais moksliniais tyrimais, straipsnyje parodoma, kad ši interpretacija paaiškina abipuses šeimininko ir svečio pareigas, atskleidžia ryšį su komercija ir kosmopolitišku švietimu bei parodo kryptį tarp moralinio maksimalizmo ir realistinio minimalizmo.

Reikšminiai žodžiai: Immanuelis Kantas, kosmopolitinė teisė, svetingumas, lankymo teisė, taikos meto prevencija, komercija