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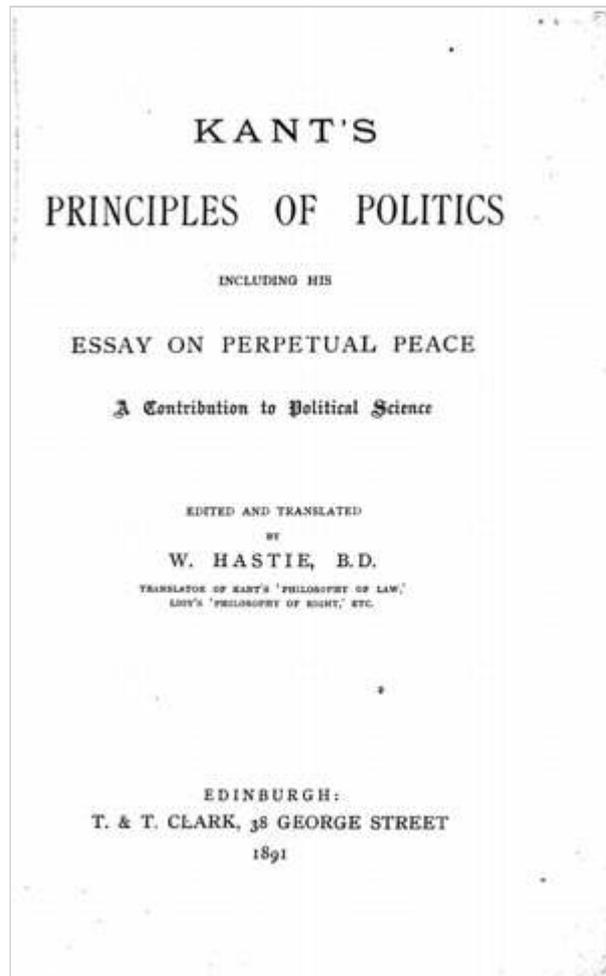
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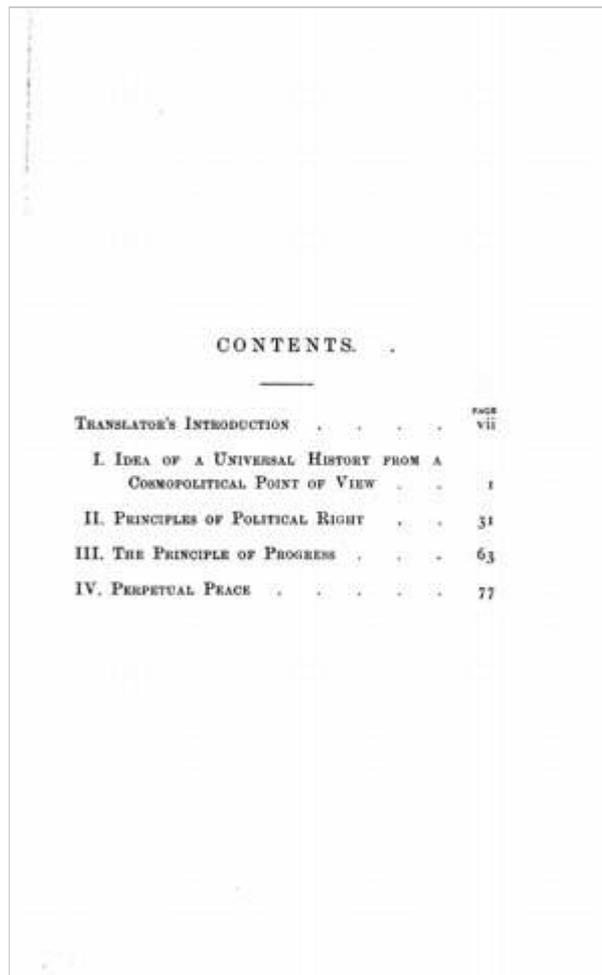
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CONTENTS.	
TRANSLATOR'S INTRODUCTION	PAGE vii
I. IDEA OF A UNIVERSAL HISTORY FROM A COSMOPOLITICAL POINT OF VIEW	1
II. PRINCIPLES OF POLITICAL RIGHT	31
III. THE PRINCIPLE OF PROGRESS	63
IV. PERPETUAL PEACE	77

Table Of Contents

[Translator's Introduction](#)

[I.: The Natural Principle of the Political Order Considered In
Connection With the Idea of a Universal Cosmopolitical
History.](#)

[II.: The Principles of Political Right Considered In Connection
With the Relation of Theory to Practice In the Right of the
State.](#)

[III.: The Principle of Progress Considered In Connection With
the Relation of Theory to Practice In International Law.
Perpetual Peace. a Philosophical Essay. 1795.](#)

[\[Back to Table of Contents\]](#)

TRANSLATOR'S INTRODUCTION

Immanuel Kant, viewed in his manifold relations and influences, is now very generally regarded as the greatest philosopher of the modern world. He was certainly the most profound and constructive thinker of the Eighteenth Century, and all the higher speculation of the Nineteenth Century has been more or less occasioned or modified by him. There were great thinkers before Kant who variously exhibited the independent insight and power of the modern self-consciousness—Descartes, Spinoza and Leibniz, Bacon and Locke, Berkeley and Hume—but none of them reached the universality of his conceptions, the subtlety of his analysis of the higher forms of thought, or the fertility of his principles of knowledge. There have been great thinkers since Kant who have striven to give expression to the continued movement and aspiration of the purified reason—Fichte, Schelling and Hegel, Krause, Herbart, and Lotze, Rosmini and Gioberti, Comte, Mill, Darwin, and Herbert Spencer—but they have at the most only unfolded his seminal ideas, simplified his multiplicity, or applied in a one-sided way at the best the empirical side of his method. It is to the sceptred sovereigns of thought in the ancient world that we must return for the few who may justly be regarded as his peers. 'Immanuel Kant,' says a distinguished Italian writer, 'holds in the German Philosophy the place which belongs to Socrates in the Greek Philosophy. Just as all the philosophical systems of Greece were only the development of one or other aspect of the thought of Socrates, so all the philosophical systems of Germany, from the idealism of Hegel to the contemporary experimental philosophy, seem to start from Kant, and when they believe they have surpassed him, they are constrained to turn back and seek their inspiration in him again.*' Like Socrates, Kant created an epoch in the speculative history of the world, and even more than the 'Preceptor Germaniæ' became the first teacher of Europe. And all this, extravagant as it still may seem, is no mere partial foreign estimate, but has now come to be generally acknowledged by our own literary critics and historians of thought. 'Measured by one test of power,' says De Quincey, who was himself the best judge for his time of that test,—'namely, by the number of books written directly for or against himself, to say nothing of those which indirectly he has modified—there is no philosophic writer whatsoever, if we except Aristotle, Descartes and Locke, who can pretend to approach Kant in the extent or in the depth of influence which he has exercised over the minds of men.*' 'There can be no doubt,' says Dr Hutchison Stirling, 'that at this moment the place of Kant as generally estimated is that of the greatest German philosopher, greatest modern philosopher, greatest philosopher of

all, with only the usual exceptions of Plato and Aristotle. Nor can there be any doubt that the like estimate will continue for some considerable time yet.[†]

This relative supremacy as a thinker Kant owes mainly to the exceptional development in his own thinking of the pure Reason. By long years of assiduous discipline and a devotion to truth which had all the loftiness of a religious consecration, Kant attained the completest self-mastery and clarified his mind until it became a pure mirror of the universal Reason which is involved in all our knowing. Descartes was not more thorough in his rejection of prejudice, or in his questioning of first principles; Spinoza did not reflect with more passionless purity or deeper intellectual love on the ultimate substance of things; nor did Locke or Berkeley or Hume scan with keener vision the working and changes of the individual consciousness. This perfection in the development of his philosophical genius and character was accompanied with a corresponding completeness of technical training and equipment for his task. He probably knew more than any other man of his time of the common material of knowledge, and he certainly controlled it by the highest intellectual mastery. Far from being a mere dreamer of transcendental visions, he kept more than any thinker before him ever did on the solid ground of positive reality and within the practical requirements and limitations of common life. This is seen all through his philosophical work and may be proved by reference to every part of it. His philosophical development was singularly natural, harmonious, and complete. It obviously passed through three periods—the scientific, the speculative, and the practical; and any right understanding of Kant, or indeed of any side of his work, must be founded upon reference to all the three. Like other great thinkers he has suffered much from partial and one-sided interpretation, and his fulness and many-sidedness can only be reduced to unity by taking into view his philosophical development as a whole.*

Kant undoubtedly owed much to the fact that he was a thorough scientist before he became a speculative metaphysician. His own development was typical of the revolution in the method of thought which has produced modern philosophy: that certain knowledge of the real world must be the basis of all true knowledge of the ideal world, or that Physics must precede Metaphysics. He happily began his work by appropriating all the mathematical and physical science of his age, and he made it the stable foundation and criterion of all his subsequent thinking. He was a faithful disciple of Newton to whose principles and method he owed most of his formative power. He even applied the Newtonian mathematics to new physical problems with important new results. By mathematical speculation he confidently predicted the condition of

Saturn's rings as afterwards verified by Sir W. Herschel, in the same way as the discovery of Neptune was calculated out by Adams and Leverrier. He investigated anew the laws of motion; and he outlined the cosmogony of Laplace. The retardation of the rotation of the earth by the tides, the periodicity of the trade winds, the elasticity of the ether, the causes of earthquakes, the volcanoes in the moon, the origin of heat in the universe, and all the questions of Physical Geography and Anthropology, were eagerly studied and elucidated by him. With that divining insight which is only attained through patient service and ministration in the Temple of Nature, he saw deep into the struggle of the Cosmic Forces, and even formulated the Darwinian theory of the Origin of Species and the evolution of the Human Race. Had he never written anything but his 'Universal History of Nature and Theory of the Heavens,' he would have ranked as the first of the modern evolutionists and the founder of scientific cosmology. No great philosophical thinker was ever more entirely at home with the phenomena and laws of empirical science than Immanuel Kant.*

But, as all know, it was during the speculative period of his development that Kant achieved his most original and epoch-making work. He had hitherto rested all his knowledge and faith upon the traditional conceptions formulated in the Leibniz-Wolffian metaphysics, when, as he tells us his 'dogmatic slumber' was interrupted by the sceptical doubt of David Hume, as to the validity of the accepted idea of causality. Hume assumed with his immediate predecessors that the idea is not innate, and he seemed to shew that it was neither necessary, nor universal, nor objective, but only a contingent, particular and subjective product of our associated sensations. If so we have no right to carry the notion of causality outward beyond the inner play of our own individual minds. The idea that one thing causes another to be is merely an illusion begotten by custom, or 'a bastard of the imagination,' as Kant puts it; and we have therefore no real knowledge of objective causation in itself, or of any essential connection of things with each other, or of any being transcending mere appearances or phenomena. Kant at once generalised Hume's doubt; and so he saw that it undermined all the old metaphysical assumptions, and that unless a new metaphysic were found to meet it the whole structure of human knowledge would crumble to pieces. Like Reid, Kant felt deeply the disappointment and pain of this position, and he girded himself with all his power and knowledge to deal with it. Hume thus became negatively to him in the second period of his development what Newton had been to him positively in the first; and it was Newton's science that carried him victoriously through the doubt of Hume. Kant was compelled to investigate anew the whole problem of the origin and extent of human knowledge, a problem which had been incidentally suggested to Locke but

which, as Hume had proved, had been imperfectly solved by him. Kant thus put again to himself the question: 'What *can* I know?' in its deepest and widest sense, and the result was the Critical Philosophy.* The question 'What *can* I know?' is identical with the question 'What can *Reason* know?' and this question at once resolved itself into a Criticism of the capability of pure Reason as a faculty of knowledge. Kant, like all great thinkers, was the truest child of his age, and his greatest philosophical work 'The Critique of Pure Reason' (1781) was the philosophical culmination of the critical spirit of the Eighteenth Century, in its effort to turn upon and determine by inner scrutiny the conditions of Reason itself as the highest factor of knowledge. In prosecuting his task Kant had a twofold purpose in view: to secure, on philosophical grounds, the certain knowledge already realised by the Understanding in Mathematics and Physics, and to ascertain whether pure Reason was capable of attaining similar real knowledge of its proper objects in the higher sphere of thought. Kant did not directly answer Hume, but he indirectly repelled the application of his doubt to the sphere of knowledge cultivated by the Mathematicians, and so remarkably extended by Newton; and in doing so he not only systematised philosophical Criticism as a new department of science, but laid the basis of a new Metaphysic. He had already laid it down that 'the genuine method of Metaphysics is one and the same in principle with that which Newton introduced into physical science,'* and he never lost sight of this criterion and point of view. In the possession so far of certain knowledge, he thinks as a Mathematician and Physicist, all through his criticism of the pure Reason, from beginning to end, and from his primary certainty to his final result. In the first part of this Critique he established the validity of pure Mathematics by basing them upon the *à priori* forms of space and time as necessarily and universally inherent in the faculty of Sense, and as thus furnishing the conditions for the indefinite extension of mathematical science. In the second part he logically vindicates the validity of Physical Science on the ground of the universal and necessary categories or thought-forms, such as causality, inherent *à priori* in the Understanding, and combined with the material of sense through the plastic function of the imagination. Above and beyond the faculties of Sense and Understanding is the higher faculty of Reason proper; and the crucial problem of the Critique was to determine whether the pure Reason, *i.e.* Reason viewed as the highest intellectual faculty and taken by itself, could attain objective knowledge in its own sphere akin or analogous to the scientific knowledge realised through the function of the lower faculties in mathematics and physics. Such knowledge would evidently constitute real scientific metaphysics. It is impossible to enter here on Kant's most ingenious and elaborate discussion of this the highest question of intellectual philosophy. The result of his

discussion is familiar to all who know anything of modern speculation and need not be dwelt on; but it still needs to be pointed out that Kant even here strictly adheres to the presuppositions and results of his mathematico-physical Science. Reason has three *à priori* Ideas or supreme forms, but it cannot apply them to the objects of which it is in search, namely, the Soul, the World, and God, because they are not directly presented as objects to it; and it only feeds itself upon illusions when it takes its formal transcendental Ideas for these real objects. All its attempts to make any speculative or transcendental use or application of those ideas only involve it in insoluble contradictions and paralogisms, as it has really nothing before it but the activity of the Understanding, evolving forms in which mere subjective processes are treated as objective realities. In dealing with these fictitious and self-destructive speculations, Kant displays all the methodical rigour and practical realism of the trained scientist. Nothing can be evolved out of the pure Reason which could be fitted into a scientific system of knowledge of real things, or which could positively supplement the actual discoveries of the mathematician and the physicist. All real positive knowledge of existing things is thus limited to the objects of experience by the demonstrated sterility of reason in its own special activity, and reason struggles in vain to escape from the inner vacancy in which she is imprisoned, or to manufacture a world of reality out of the projections of her own empty spectral forms. This limitation of human knowledge, this negation of all higher rational speculation regarding supersensible objects, this confinement of science to the phenomenal and finite, is the rigorous result of Kant's Critique; and he only tempered its humiliation by conceding a certain regulative function to the ideas of pure Reason in the conceptional shaping and guiding of the rational life. But with all this taken at its utmost, it is evident that Kant did not really pass beyond the Natural Philosophy of Newton, nor did he scientifically vindicate the rational Ideas of God, Freedom, and Immortality, which he had always in view; and hence the results of his criticism, although differing in form and incomparably more deeply grounded, were thus far practically identical with the more recent positions of Positivism and Agnosticism.

What then did Kant achieve by his criticism of pure Reason? He swept away the old abstract Metaphysics, and he cleared the ground for the new rational Realism; and in this latter respect he made an advance on Hume. For he vindicated knowledge as such, gave it a positive basis, and even in limiting it established its deepest principle of certainty by representing it as conscious participation in reality. It is now easy to criticise the manner in which he did this: to point out how largely his method was still infected by the antiquated metaphysical formalism; to show that he

borrowed most of his weapons from the old scholastic armoury; to prove that his psychology and logic were fundamentally medieval and unscientific; and to refute his own assumptions by the issue of his own refutations. But with all this his merit remains; and the irrefutable proof of it is supplied by the enduring work of the third period of his development in which he concentrated his maturest power on the more practical problems of human life and action.

It is with Kant's work in this practical period that we are here specially concerned, and more particularly with his contributions to Political Philosophy. No department of his work has, however, been so much misunderstood, or at least has been so imperfectly represented. This has arisen from the fact that a right estimate and understanding of it can only be found by taking it in connection with the method and work of the two former periods, and this has been too frequently overlooked. The concluding work of the practical period of Kant's development really completes and crowns the efforts of the two former periods. It is their positive complement, their constructive consummation, their harmonious synthesis in a higher unity. There is no essential inconsistency, no artificial intellectual somersault, no unnatural dialectic introduced into the intellectual process of his philosophising as it moves to its ultimate goal. Kant thinks straight on, the results he had already attained being kept firmly and clearly before him as permanent conquests and points of vantage; and so he passes as by natural and necessary continuity from science and theoretical criticism into the moral world as the living realm of practice. He admitted that speculative philosophy could never under any method work out a system of knowledge that should be fit as one says 'for gods;' and the limits within which he was reluctantly compelled to confine the speculative ambition of pure Reason, only threw him with intenser earnestness into the exploration of the practical sphere. Like all great thinkers—Socrates, Plato, Aristotle—he came to see that knowledge is not the highest end of man; and that even at its highest, knowledge is only a means to a higher end in practice. His patient and elaborate investigation of the function of the pure theoretical Reason had only yielded an unsatisfied Ideal which yet necessarily hovers before man as his highest Good; and he saw that it was only on the side of the practical Reason that the significance, as well as the satisfaction, of that Ideal could be truly realised.

In the prosecution of his problem Kant came upon a new position, which is at once the most original, the most universal, and the most enduring conception of his philosophy. Disentangling himself from the fruitless abstractions of the 'mere vain dialectic art' in which the Critique of the pure Reason terminates, he grasps all the more firmly the profound conception of Humanity which was implicitly involved in all his former thinking, and he stands before its majesty

and infinity with a new sense of awe. He now sees the whole purpose of the universe in the light of the practical Reason, and finds the order of the primary creation in nature (which had been the first subject of his scientific investigation), consummated by the creative function of man through the moral causality of his rational will. According to Kant *the cosmic evolution of Nature is continued in the historic development of Humanity and completed in the moral perfection of the Individual*. This is the largest, the most pregnant, and the most valuable thought in Kant's philosophy. It combines all the parts of his system into unity; it enables us to distinguish the essential from the accidental in his development and expression; and it furnishes the criterion by which his place is to be determined as the founder of a new epoch in the philosophical history of the world.

Kant's work during his third period consisted mainly in the elucidation and application of this thought on its various sides and in its highest relations. It is the determining principle of his whole ethical philosophy. It receives its first clear expression in his essay entitled *Idea for a Universal History in cosmo-political reference* (1784); it underlies his *Foundation for a Metaphysic of Morals* (1785); and it obtains systematic expression in his *Critique of the practical Reason* (1788). It is subtly interwoven in his *Critique of the Judgment* (1790); it is consecrated in his *Religion within the Limits of Mere Reason* (1794); it is practically embodied in his *Perpetual Peace* (1795); and it is finally formulated in his *Metaphysic of Morals* (1797). In all these works Kant shows himself to be the universal philosopher of Humanity, the greatest of the modern moralists, and the initiator of a new era of political science.

It is essential to note that during the third period of his development Kant was again stimulated by the influence of another great outstanding thinker. What Newton was to him in his scientific period, and what Hume was to him in his abstract speculative period, Rousseau was to him in this third practical period.* The fiery Prophet of the French Revolution stirred Kant to the very depths of his nature; the theory of education so enthusiastically expounded by Rousseau in his *Emile* fascinated him like a spell; and the bold assertion of the natural rights of man roused his deep moral energy as Hume's doubt had awakened his free intellectual activity. Kant dealt with the position of Rousseau very much as he had done with that of Hume. He generalised it, and he rectified it. Although he adopted the idea of the 'Social Contract' as a convenient mode of formally representing the rationality of the State, Kant saw clearly that it was a historical fiction, and with deeper insight he found the justification of history in its progressive elaboration of right. Kant overcame the historical pessimism of Rousseau and his hatred of civilisation by a profounder

apprehension of the purpose and method of the social struggle. The ceaseless antagonism, the apparent failures, and the forbidding unsociality of mankind, did yet, according to Kant, work out that ideal of perfection which Rousseau vainly dreamed of as pre-existing under conditions of barbarism. It was in the light of Rousseau's despair that Kant's hope of a better humanity was kindled, and that he became reconciled to the pain and suffering of the historic process. He clearly saw that the highest human condition can only be attained through the struggle for life, and that the worst historical state is better than soft idyllic ease and enjoyment where there is no assertion of right. Man is what he makes himself to be; he must rise through social conflict out of mere natural capacity to moral reality; and the condition of this, both in the individual and the species, is progress. *It is really to Kant that the world owes the first scientific conception of human Progress.** Plato, Seneca, Augustine, Bacon, Pascal and Turgot, had caught glimpses of the historical Ideal, and the whole spirit of the Eighteenth Century was striving to grasp it; but it was only faintly, waveringly and vaguely realised until Kant gave it definite and rational expression. It was the logical consequence of his profound conception of the development of the world as a whole, and of the purposive realisation of the moral Ideal in the form of history. The idea of historical progress was thus the necessary outcome of Kant's teleology, and it reduced the apparently irrational conflict and instability of the moral world to the harmony and permanence of the rational Ideal. Kant thus gave universal scientific form and validity to the conceptions of Order and Progress in the moral sphere. As Newton, following Copernicus and Kepler, had reduced all the seeming irregularities of the physical world to the order of one fundamental law, so Kant following Rousseau and the English and Scottish moralists,* aimed at reducing all the seeming anomalies of the moral world to unity in accordance with law. His System of Morals which deals with the moral world as 'a second supersensible nature,' aim at formulating and demonstrating its highest laws, as the *Principia* of Newton had already done with regard to the primary sensible nature. Kant thus clearly recognised the universality of moral law for the first time on *scientific* grounds, as Newton had done in the case of physical law, and he set himself to formulate and demonstrate it after the example of his great master in Natural Philosophy.

The truth which Kant found in Rousseau was the Principle of Freedom as the inalienable essence of the rational will.† Rousseau's error lay in apprehending this truth as antagonistic to the organic conditions of human society and putting it into a negative relation towards these conditions. Kant set himself to correct that error and to show that, on the contrary, the freedom which constitutes the true nature of man can only become actual in

society, and fulfil its purpose through the historical mediation of all the rational wills. 'The freedom that struggles against social necessity,' it has been well said, 'must ultimately discover that it is only in the social organism that the individual can be really free.'* The true Ideal of man, according to Kant, is realised in the progressive unification of Reason and Nature, 'till perfect Art again becomes Nature, which is the ultimate goal of the moral destination of the human species.† The resulting society is at any time incomplete and imperfect; and in any case it can only approach the realisation of the Ideal of freedom through a slow and toilsome process of antagonism and unsociality. Kant was painfully conscious of the dualism that constantly asserts itself between the empirical impulses of Nature and the rational ideality of the pure will, the 'heteronomy' of the other law in the members warring against the law of the mind; and he perceived that it was only through the objective principle of development that the 'autonomy' of the subjective will could be brought into harmony with the universal order. The historical synthesis of Nature and Reason seen in the progressive actualisation of that autonomy is, according to Kant, the fulfilment of the highest purpose of Nature, and at the same time the advancing creation of the rational moral world and the realisation of freedom. The working out of civilisation is a discipline which consists in 'the liberation of the will from the despotism of the desires.' Kant thus adopts and applies the law of development in its widest range, and by it he binds the physical and moral worlds into one. He does not shrink even from entertaining the possibility of the evolution of life from the mechanism of Nature, and the descent of all existing species from the lowest primordial germs.* Ignoring the idea of miraculous interferences with the order of Nature, and recognising the principle of continuity as holding throughout the whole sphere of finite modified existence, he virtually resolves the twofold order of Being into the primary process of Nature becoming Reason and the secondary process of Reason again becoming a transformed Nature,—'a new heavens and a new earth wherein dwelleth righteousness.† Nature is thus perfected by the practical activity of Reason, and Reason consciously realises itself in all its relations through the spiritual product of this activity. Its causality is the creative principle of a new world of intelligible Being, whose conditions and relations are the objects of the new Metaphysic. Had Kant prosecuted this idea into a detailed investigation of the origin and development of Reason itself, he would have removed the many misunderstandings that have gathered around his Philosophy and made his doctrine of *a priori* cognition intelligible in the light of the primordial relations of Reason to Nature. For, as the great poet, under reference to the fairest products of Nature, puts it:

'There is an Art which in their piedness shares
With great creating Nature.
Say there be;
Yet Nature is made better by no mean
But Nature makes that mean: so o'er that Art
Which, you say, adds to Nature, is an Art
That Nature makes. . . You see we marry
A gentle scion to the wildest stock,
And make conceive a bark of baser kind
By bud of nobler race: This is an Art
Which does mend Nature, change it rather, but
The Art itself is Nature.'*

If Kant only indicated the solution of this cardinal problem of modern thought, he at least showed that the Science of Physics is in fact completed and crowned by the Philosophy of History as the moral Science of Humanity; while by his definite conception of universal progressive development as determined by inherent necessary conditions, he put the method of the Philosophy of History on a scientific basis. But his first attempt to formulate the Law of History could hardly be expected to be more than an empirical description of its elements or conditions. Thus he refers the whole movement of History to the '*unsocial sociality*' of man, a phrase which suggests analogy with the forces of attraction and repulsion in Nature, but makes no approach to the mathematical definiteness of the formula of the Law of Gravitation. At most it only points out the reality of the struggle for existence in the human world, and its analogy with the order of the lower world. Kant, however, definitely grasped the ultimate purpose of Nature in the moral struggle, and formulated it generally. He represents it in a remarkable and novel way as the development of all the capacities implanted in man, and the establishment of a Universal Civil Society regulating through its perfect constitution the rightful relations of men to each other in their realisation of these capacities. It was by this profound and pregnant conception of historical development and social organisation that Kant overcame the abstract universality and the social pessimism of Rousseau, and laid the basis of a new Political Philosophy inspired and animated by the optimism of eternal hope.

Without further prosecuting his view of the historical process, and, unfortunately, thereafter leaving it almost entirely out of sight, Kant passed to the metaphysical formulation of the law of practical reason in its ideal state of development. It was certainly not Kant's view that reason is always present in the same completeness and potency in all men and at all stages, from the lowest barbarism to the highest civilisation; but while his Anthropology deals with its empirical modifications his Metaphysic rises to the highest point of

view, and deals with the formal perfection of pure reason in its idea and principle. As is well known Kant formulates the fundamental law of the pure practical reason, or the categorical imperative, in three forms: 1. Act so that the maxim of thy will may be capable of being made a universal law: 2. Act so that thou mayest use the humanity in thy own person, as well as in the person of every other, always as an end and never as a means: and 3. Act according to maxims which at the same time may be objectified as natural laws in a system of universal legislation. These three laws of moral action, like the three laws of motion in the physical system, are the fundamental principles that regulate the free will of man as autonomous, or as giving a law to itself, in the application of its activity to the sensible world. In so far as the material of the sensible world is embraced in the free activity of the will acting in accordance with these laws, it is lifted up into a higher sphere, and is gradually transformed into a higher world, which is the kingdom of nature transfigured into the Kingdom of Man. Although these three laws are only modified expressions of the one fundamental principle of freedom, the centre of gravity, the $\pi\omicron\upsilon\ \sigma\tau\omega$ of Kant's moral system, yet they express it in different formal relations, and it is no straining of Kant's meaning to regard them as respectively furnishing the fundamental canons of the three practical moral sciences, Jurisprudence, Ethics and Politics. Jurisprudence founding upon the principle of the universality of the rational will, explicates the rights of man as free persons. Ethics founding upon the principle of the infinite worth of humanity in all its members, explicates the virtue of man in relation to the deepest ends of human life. Politics founding upon the principle of the organic relations of all human wills in the social life, explicates the conditions under which human rights are to be realised and the freedom of the individual secured in working out his essential ends. Hence Politics crowns and completes the system of morals by securing the objective realisation of right through a system of universal legislation.

Kant thus made Politics a definite science by clearly determining its relations to the other moral sciences and precisely defining its subject. To Kant, as to Plato, Politics was the crown of the whole philosophical system, 'the royal art,' 'man written large,' the highest practical wisdom. But Kant based his political philosophy on a principle of Right which was very imperfectly apprehended by Plato, which was the outcome of the whole historical development, and which authenticates its own universality by reconciling the relative utility of public justice with the absolute morality of the individual. The great word in the Politics of Kant, the Alpha and Omega of his political thought, is Right. His system is distinguished from all previous systems by the precision with which he has formulated the doctrine of Right, and made the sphere of Politics

coextensive with its application. 'What characterises the philosophy of Kant,' says Janet with excellent historical discrimination, 'is to have attached Politics to Right and Right to Morals.' More definitely, it may be said that, according to Kant, Politics is the Science of the State as the objective organ of Right, its function being to regulate the rightful realisation of liberty in what Vico calls 'the world of the nations.' Kant's Politics is simply the carrying out of the modern principle of Natural Right in the light of the criticised Reason: his Republic being the highest moral order, and his Laws the embodiment of the universal rule of justice in accordance with the essentially human purpose of Nature and the moral ends of the individual. By this conception Kant raised the Science of Politics to its highest dignity and importance by making it directly relative to the whole terrestrial work of Nature, the whole progressive movement of history, and the whole moral interest of man. The fierce struggle of natural existence, the wild war of the social forces, 'the groaning and travailing in pain of the whole creation,' are consummated, pacified, and stilled in the highest political Good, which is Perpetual Peace realised in a universal Federation of Humanity within which all other human goods—Sociality, Religion, Art, Science—come to perfect flower and fruit. This doctrine was not only the highest outcome of the political reflection of the Eighteenth Century, but of all prior political systems and movements. Socrates, indeed, grasped the universal idea of Freedom in an abstract way, and Plato unfolded it in a speculative and dialectical form; Aristotle traced its empirical manifestation in the different States, and the Stoics gave it its most universal expression in the ancient world; but neither in Greece, nor in Rome, nor any where else in antiquity, was the principle of a free organic State embodying the essential idea of Humanity clearly realised. Nor did the Middle Ages, with much profound reflection on the political problem in Thomas Aquinas, Dante, and others, reach the independence of thought and the consciousness of freedom necessary for its apprehension. But as the result of the whole development of history, and especially of the Christian civilisation of Europe, it has become the living principle of the modern world. The Reformation practically realised it in the religious sphere, and thus gave an immense impetus to the new spirit of political effort and speculation. In England where freedom had 'slowly broadened down from precedent to precedent,' after the apparent anarchy of the 'Great Rebellion,' the Restoration, and the theoretical absolutism of Hobbes, the Revolution of 1688 gave it permanent political guarantees, and the generous spirit of the new time found its reflection in the liberal politics of Locke. Montesquieu formed the transition from Locke to Rousseau, the fulness and convergence of his historical analyses showing only the more clearly the need of a rational and synthetic system of Right. The popular struggle for right in the political world culminated in

the Revolutions of the eighteenth century, and through them the modern principle of liberty found practical expression and embodiment in the American Declaration of Independence and the French Declaration of the Rights of Man: 'two acts,' says Janet, 'at once philosophical and political, in which all the thought of the Eighteenth Century, or rather let us say, the political science of all the centuries, is found resumed and condensed.' Yet, while this may be said generally, it is no less true that the one thinker who completely understood the purpose and end of the whole movement and who was capable of giving it its profoundest and largest expression, was Immanuel Kant.

But, notwithstanding his earnest intention and endeavour, Kant's exposition of the political ideal was destined to remain fragmentary and incomplete. We know how patient and prolonged was his study of the previous political systems, how watchful and penetrating was his observation of the great political developments of his time, and how impartial and enlightened was his attitude towards all political questions and problems. We also know that it was his intention to crown his whole philosophical achievement by a 'System of Politics' worked out in accordance with the principles of the Critical Philosophy, and that he was reluctantly compelled in his 77th year to abandon the long cherished intention.* The loss to political philosophy is irreparable; but it is perhaps not so great after all, as Kant's metaphysical method of formulating his moral conceptions by carrying them up to their most abstract and universal expression had been already sufficiently exemplified, and hardly any advance could have been made upon the expositions of his political principles which he had already given. These expositions are happily sufficient to furnish us with a complete knowledge of Kant's political philosophy. They consist of the formal outline of the principles of 'Public Right,' contained in the second part of his 'Philosophy of Law,' and of occasional essays and contributions to the subject of a more popular kind, ranging over the whole period of his practical philosophising.

It is these more popular expositions of the Principles of Politics that are presented in translation in the following pages. They are designed to supplement and complete the translation of Kant's 'Philosophy of Law' already published;* but they are so independent, complete and valuable in themselves that they may be taken entirely apart and studied as a popular summary of the system. They will be found to be most intelligible throughout, and even surprisingly lucid and simple both in thought and expression. Kant here lays aside his technical phraseology, his heavy panoply of philosophical words and forms, and his thought moves easily and gracefully in the lighter vesture of the common speech. He employs the popular language of Locke and Montesquieu whom he studied

carefully, rather than the metaphysical terminology of Plato and Aristotle and the Schoolmen. It would have been well had Kant conveyed more of his thought in such simple form; but the adoption of it here at least makes misunderstanding inexcusable, and renders other aid than that of mere translation unnecessary.

A few words will suffice to indicate the literary relations and interest of the Four Essays here translated.

I. The first Essay entitled 'Idea for a Universal History from a cosmopolitical point of view' contains Kant's exposition of what may be called the Natural Principle of Politics. It was written in 1784, as a contribution to the Philosophy of History, the year in which appeared the first part of Herder's epoch-making work, 'Ideas for a Philosophy of the History of Mankind.' Kant mentions that this essay was drawn from him by a statement which appeared in the *Gotha Times* concerning his view of the subject; but it is manifest from its title and contents that it was occasioned by the speculations of Herder who owed the impulse and inspiration of his principal ideas to Kant. It has been justly celebrated as one of the most profound and suggestive of all Kant's writings, and it has received the high commendations of all the historians of the Kantian Philosophy and of the Philosophy of History. It was highly appreciated by Auguste Comte; and in France 'has been translated, condensed or summarised at least a dozen times.' Its value as a contribution to the Philosophy of History has been carefully estimated by Professor Flint, and its relation to the development of the Critical Philosophy of Kant, has been discussed by Professor E. Caird. It seems to have been rendered into English by Richardson in 1798, and again by Thomas de Quincey. It is here translated independently for the third time. This essay will be found well deserving of careful study as the key to Kant's view of the natural and historical basis of political science. (See Kant's 'Werke' by Rosenkranz and Schubert, B. vii., xii., 264; Kirchmann's 'Erläuterungen zu Kant's Kleine Schriften;' Flint's 'Philosophy of History in France and Germany,' 263, 388; Caird *Op. cit.* ii., 548; Kant's 'Essays and Treatises,' 2 vol. 1798; De Quincey's Works; and Schubert's Article above referred to.)

II. The second Essay discusses the Principles of Political Right in connection with the Relation of Theory to Practice in politics. It was written in 1793, as the second part of an essay on 'the saying: that a thing may be right in theory, but may not hold for practice.' In opposition to Hobbes, Kant maintains the practical validity in politics of the theoretical principles of right; and he gives a clear and concise exposition of the principles as the rational basis of the civil state of society. This exposition should be compared with the American Declaration of Independence and the French Declaration

of the Rights of Man as their philosophical counterpart and ultimate expression. It will be observed that Kant substitutes the principle of individual Independence for the French sentiment of Fraternity. The essential rights of the people and the sacredness of the political organisation were never more courageously or more rationally formulated.

III. The third Essay contains a short discussion of the Principle of Progress, in opposition to the view of Moses Mendelssohn. It formed the third and concluding part of the discussion to which the last Essay belonged, and it presents one of Kant's favourite points of view, which was then really novel, although it has now become an almost universally received commonplace of philosophical history. In these pessimistic days, the human spirit cannot be too frequently refreshed with this inspiring and sustaining thought.

IV. The Essay on 'Perpetual Peace' is a practical exhibition of Kant's principles of politics in the sphere of International Right. This celebrated and remarkable sketch was published in 1795, after the peace of Basel had recognised the French Republic, which seemed to inaugurate a new era of peace in Europe. The tractate was received with great interest, 1500 copies being sold in a few weeks, and a second edition appearing the following year. Rosenkranz says it was 'only a further carrying out or rather a transforming of the idea' contained in the Essay of 1784. It is, in fact, a formal, if somewhat artificial, exposition of Kant's political Ideal. The phrase which Goethe has applied to another part of Kant's system manifestly holds here, that the philosopher has 'woven a certain element of sly irony into his method.' He proceeds to draw up the conditions of a formal Treaty of Peace on a philosophical basis with all the gravity of Preliminary, Definitive and Secret Articles, as if they were about to be formulated by a Congress of Plenipotentiaries from all the civilised States of the world. This ingenious form bears the impress of the unflinching faith and deep earnestness of the philosophical thinker, and it gives point and definiteness to his thought, however it may excite the smile of the so-called practical Statesman. Kant could not forego 'the sweet dream of peace,' and he applied his earnest thought to work out the conditions under which the horrors of war may be brought to an end. Sympathising with the object of the schemes of St Pierre and Rousseau, he overcomes their weakness by basing his own scheme, like all his other political speculations, on the principle of Right. War is an accident of the imperfect development of Right, and can only be brought to an end by a better political organisation for securing its realisation. In this connection he expounds and applies the principle of International Federation and the idea of a Universal Federation of the human race, in the most original and fertile way. His exposition has commanded the interest of the most

distinguished expounders of International Law of all schools, including Wheaton, Bluntschli, Lorimer, and many others, and it was never of greater practical importance than at present. The most cursory readers cannot fail to see how largely Kant's ideas have been realised and how they are becoming more and more accepted in international relations. (See Kant's 'Werke,' vii., S. xiii., xi., 144, xii., 266, and especially Kehrbach's careful edition. For accounts of the various Schemes for securing Perpetual Peace, see particularly Wheaton's 'History of the Law of Nations,' 750; Lorimer's 'Institutes of the Law of Nations,' vol. ii., 217; Lioy's 'Philosophy of Right,' vol. ii., p. 320; and F. von Holtzendorff's 'Die Idee des ewigen Völkerfriedens,' 1882).

Such, then, are the most important of Kant's occasional contributions to political science, and the least that can be claimed for them is that study of them is indispensable to a right understanding of the development and issues of the Critical Philosophy. But while this may be admitted it may still be asked: What can be the practical interest or value at the present time of Kant's Politics to the English student of political science? In briefest, we answer: Much every way. In fact Kant's doctrines are peculiarly relevant and important to our present English wants. From every point of view it is manifest that the English mind is at present greatly in need of such light and leading. It does not require the exceptional penetration and prescience of an Arthur Young to discover the manifold weaknesses and dangers of our contemporary social and political life. These are even greater and more threatening than were their antecedents of a hundred years ago, because they are both more widely diffused and more deeply rooted in the popular mind. At the same time the traditional political doctrine—that conventional utilitarianism which has been the natural child of individual selfishness and the step-mother of socialistic discontent—is no longer capable of satisfying the growing political needs or of solving the more drastic political problems of the time. As a political theory its formula of 'The greatest happiness of the greatest number,' furnishes neither a rational doctrine of Government, nor a principle of equal right, nor a criterion of just administration. At the best, happiness is a particular and variable element in individuals which cannot be secured in a universally satisfying degree by any form of public legislation, or by any political wet-nursing of majorities; and the utmost that a Government can really do for the people is to enable every individual to realise his liberty and to seek his happiness in his own way through the actualisation of his own rights. Carlyle's 'one shoe-black, whom the whole finance ministers, and upholsterers and confectioners of modern Europe, could not undertake in jointstock company to make happy'—to say nothing of the misery of millions—is the sufficient refutation of the *mere*

happiness scheme. In truth the utilitarian Ideal, while arrogating to itself the supreme quality of practicalness, is the most impractical and visionary ideal of all in assigning an indefinite subjective end to the political function, and reducing the principles of the political order to the moral level of the nursery. Its practical failure is to be read everywhere in the increasing masses of discontented population found at all the great centres; in the social war now carried on in new forms between capital and labour, and the divided interests of the several classes of the community; in the growing disregard of the sanctions and authority of law; in the exaggerated and unreasoning claims made on the Government for the means of enjoyment and of an easy existence; in the propagation of revolutionary, socialistic, communistic, and anarchic schemes; and generally in the decadence of the old patriotic and religious ideals. We live, indeed, in an 'Age of Discontent.'* The new democracy is rushing after false ideals without insight or self-restraint; and a hundred despairing voices are openly proclaiming, or unconsciously confessing, the bankruptcy of political speculation, and the inadequacy of the current theories to meet the contemporary wants.† Our chief need, then, is wise political thinking, 'systematic politics,' the exercise of the highest reason in methodic dealing with the great historical realities of civil society and the inalienable rights of the human personality. And to meet this great, urgent, admitted want, we say in brief, Back to Kant: back from the confused, selfish, despairing politics of the time, to what Professor Lorimer has wisely called, 'The fountain-head of all sound speculation since the French Revolution.'* *Back to Kant* has of late become the cry in almost all departments of thought; in pure speculation, in Theology, in Psychology, in Ethics and even in Natural Science. 'The very cry of the hour,' says Dr Hutchison Stirling, 'is, Fichte and Schelling are dead, and Hegel, if not clotted nonsense, is unintelligible; let us go back to Kant. See, too, in other countries, what a difference the want of Kant has made.' This cry comes from all sides. 'Within the last ten years,' says Professor E. Caird, 'many voices have been heard both in this country and in Germany, bidding us *return to Kant*, as to that which is alone sound and hopeful in philosophy, that which unites the prudence of science with the highest speculative enterprise that is possible without idealistic extravagances.* Echoing these voices as expressive of the general movement of thought, the cry *back to Kant* may well be raised in the sphere of politics too. For Kant is here likewise supreme in principle, as in other departments of thinking, in the light of the pure practical reason, the very Newton of politics, the rational critic of the historical development, the most exact thinker in social science. Let no one be deterred from returning to him for light and leading by Comte's outcry against 'metaphysical politics;' for Kant's metaphysic is nothing but the highest science, the science that is both after and above physics,

the science of the ultimate principles of things. Let no one allege that Kant's Politics have not been verified by the experience of his own country; for Germany has only prospered in so far as she has followed the doctrines of her greatest teacher, while her errors and failures have been conspicuous deviations from them. Nor, after all our recent light on the subject, let any one longer cherish the false imagining that Kant's doctrines are alien to English practice and habit of thought; for it was from England that Kant received his deepest and strongest stimulus, and during this century England has been increasingly receiving and appropriating much of his best thought in return.*

By returning to Kant the English student of politics will actually find in rational expression the principles of all that is great in the political history of England; for Kant would have said with Bancroft that 'Reason and Natural Right are the fundamental principles of the British Constitution.' In truth England has acted out the principles which Kant has thought out and held up for universal imitation and embodiment; and this holds even more literally of the New England of America. In Kant the student will find the fundamental principles of all the best Political and Social Science of the Nineteenth Century, the soundest exposition of Constitutional Government, and the first clear adumbration of the great doctrines of Federation and Universal Right which are now stirring in the hearts of the peoples and taking visible and practical form in society. No political writer has ever expounded more emphatically than Kant, the necessity of social order, the harmony of true politics and morals, the sanctity of law, the wrong of insurrection, the duty of political obedience, and the rightful conditions of free individualism and of just coercion; nor has any advocate of the Rights of Man ever upheld a loftier ideal of liberty before the people, or limned more clearly the ultimate conditions of all true progress, or cherished a deeper faith in the universal perfectibility of human nature. So far from Kant being here antiquated, or superseded, or unintelligible, his Political Principles present the most practical, progressive and luminous lines of political thought which we yet possess. It is to him we owe the clearest definition of the nature and limits of the State, the deepest rationale of individual liberty, the loftiest conception of the purpose of the political organism, and the most philosophical correction of socialistic and communistic error and excess. He has laid down principles which are still capable of solving all our political problems, for he resolves all political problems into questions of Right for which he furnishes a universal solution. He gives dignity to the strife of political parties by making it the culmination of the whole effort of Nature, and he consecrates the form of political life by making it sacred in itself and not from any mere accidental or external religious association. For, in its ultimate sense, the

purpose of Nature is only another name for the will of Providence, and the order of the State is none other than the growing organisation of the Kingdom of God. Let the great thinker then be reverently heard in this department too, in which his universal genius has not only consummated the totality of his System of Philosophy, but has amply vindicated his right to guide us in what is most practical and immovable in individual life and most essential to the stability and well-being of all Civil Society.

But, in a last word, be it said that return to Kant is here advocated in no servile or uncritical spirit, which would be entirely contrary to his own example and teaching; nor is it meant that his Principles as here expounded are to be taken as straightway applicable, without further elaboration or mediation, to the practical solution of our contemporary problems. The political development of a hundred years and the evolution of the political schools of the Nineteenth Century lie between Kant's thoughts and our day, and they must be taken into account in finally summing up the political teaching of the great thinker. This continuation and completion of the subject cannot, however, be attempted here, but must be reserved for another occasion.

Meanwhile, in the firm belief that Kant's own expositions cannot fail to stimulate to deeper reflection on fundamental principles, this Introduction may be closed with these words of Montesquieu which exactly describe the method and form of the following Essays: 'Mais il ne faut pas toujours épuiser un sujet qu'on ne laisse rien à faire au lecteur; il ne s'agit pas de faire lire, mais de faire penser.' 'Ici, bien des vérités ne se feront sentir qu'après qu'on aura vu la chaîne qui les lie à d'autres. Plus on réfléchira sur les détails, plus on sentira la certitude des Principes.'

W. H.

Edinburgh, *February*, 1891.

[\[Back to Table of Contents\]](#)

I.

THE NATURAL PRINCIPLE OF THE POLITICAL ORDER Considered In Connection With THE IDEA OF A UNIVERSAL COSMOPOLITICAL HISTORY.

THE NATURAL PRINCIPLE OF THE POLITICAL ORDER.

Whatever metaphysical theory may be formed regarding the *Freedom of the Will*, it holds equally true that the *manifestations of the Will* in human actions, are determined like all other external events, by universal natural laws. Now History is occupied with the narration of these manifestations as facts, however deeply their causes may lie concealed. Hence in view of this natural principle of regulation, it may be hoped that when the play of the freedom of the human Will is examined on the great scale of universal history, a regular march will be discovered in its movements; and that, in this way, what appears to be tangled and unregulated in the case of individuals, will be recognised in the history of the whole species as a continually advancing, though slow, development of its original capacities and endowments. Thus marriages, births and deaths appear to be incapable of being reduced to any rule by which their numbers might be calculated beforehand, on account of the great influence which the free will of man exercises upon them; and yet the annual Statistics of great countries prove that these events take place according to constant natural laws. In this respect they may be compared with the very inconstant changes of the weather which cannot be determined beforehand in detail, but which yet, on the whole, do not fail to maintain the growth of plants, the flow of rivers, and other natural processes, in a uniform uninterrupted course. Individual men, and even whole nations, little think, while they are pursuing their own purposes—each in his own way and often one in direct opposition to another—that they are advancing unconsciously under the guidance of a Purpose of Nature which is unknown to them, and that they are toiling for the realisation of an End which, even if it were known to them, might be regarded as of little importance.

Men, viewed as a whole, are not guided in their efforts merely by instinct, like the lower animals; nor do they proceed in their actions, like the citizens of a purely rational world, according to a

preconcerted plan. And so it appears as if no regular systematic History of mankind would be possible, as in the case, for instance, of bees and beavers. Nor can one help feeling a certain repugnance in looking at the conduct of men as it is exhibited on the great stage of the World. With glimpses of wisdom appearing in individuals here and there, it seems, on examining it externally as if the whole web of human history were woven out of folly and childish vanity and the frenzy of destruction, so that at the end one hardly knows what idea to form of our race, albeit so proud of its prerogatives. In such circumstances, there is no resource for the Philosopher but, while recognising the fact that a *rational conscious purpose* cannot be supposed to determine mankind in the play of their actions as a whole, to try whether he cannot discover a *universal purpose of Nature* in this paradoxical movement of human things, and whether in view of this purpose, a history of creatures who proceed without a plan of their own, may nevertheless be possible according to a determinate plan of Nature.—We will accordingly see whether we can succeed in finding a clue to such a History; and in the event of doing so, we shall then leave it to nature to bring forth the man who will be fit to compose it. Thus did she bring forth a Kepler who, in an unexpected way, reduced the eccentric paths of the planets to definite Laws; and then she brought forth a Newton, who explained those Laws by a universal natural Cause.

FIRST PROPOSITION.

All the capacities implanted in a Creature by nature, are destined to unfold themselves, completely and conformably to their End, in the course of time.

This Proposition is established by Observation, external as well as internal or anatomical, in the case of all animals. An organ which is not to be used, or an arrangement which does not attain its End, is a contradiction in the teleological science of Nature. For, if we turn away from that fundamental principle, we have then before us a Nature moving without a purpose, and no longer conformable to law; and the cheerless gloom of chance takes the place of the guiding light of Reason.

SECOND PROPOSITION.

In Man, as the only rational creature on earth, those natural capacities which are directed towards the use of his Reason, could be completely developed only in the species and not in the individual.

Reason, in a creature, is a faculty of which it is characteristic to extend the laws and purposes involved in the use of all its powers far beyond the sphere of natural instinct, and it knows no limit in its efforts. Reason, however, does not itself work by instinct, but requires experiments, exercise and instruction in order to advance gradually from one stage of insight to another. Hence each individual man would necessarily have to live an enormous length of time in order to learn by himself how to make a complete use of all his natural Endowments. Otherwise, if Nature should have given him but a short lease of life—as is actually the case —Reason would then require the production of an almost inconceivable series of generations, the one handing down its enlightenment to the other, in order that her germs, as implanted in our species may be at last unfolded to that stage of development which is completely conformable to her inherent design. And the point of time at which this is to be reached, must, at least in Idea, form the goal and aim of man's endeavours, because his natural capacities would otherwise have to be regarded as, for the most part, purposeless and bestowed in vain. But such a view would abolish all our practical principles, and thereby also throw on Nature the suspicion of practising a childish play in the case of man alone, while her wisdom must otherwise be recognised as a fundamental principle in judging of all other arrangements.

THIRD PROPOSITION.

Nature has willed that Man shall produce wholly out of himself all that goes beyond the mechanical structure and arrangement of his animal existence, and that he shall participate in no other happiness or perfection but what he has procured for himself, apart from Instinct, by his own Reason.

Nature, according to this view, does nothing that is superfluous, and is not prodigal in the use of means for her Ends. As she gave man Reason and freedom of Will on the basis of reason, this was at once a clear indication of her purpose in respect of his endowments. With such equipment, he was not to be guided by instinct, nor furnished and instructed by innate knowledge; much rather must he produce everything out of himself. The invention of his own covering and shelter from the elements, and the means of providing for his external security and defence,—for which nature gave him neither the horns of the bull, nor the claws of the lion, nor the fangs of the dog,—as well as all the sources of delight which could make life agreeable, his very insight and prudence, and even the goodness of his Will, all these were to be entirely his own work. Nature seems to have taken pleasure in exercising her utmost parsimony in this case and to have measured her animal

equipments very sparingly. She seems to have exactly fitted them to the most necessitous requirements of the mere beginning of an existence, as if it had been her will that Man, when he had at last struggled up from the greatest crudeness of life to the highest capability and to internal perfection in his habit of thought, and thereby also—so far as it is possible on earth—to happiness, should claim the merit of it as all his own and owe it only to himself. It thus looks as if Nature had laid more upon his rational *self-esteem* than upon his mere well-being. For in this movement of human life, a great host of toils and troubles wait upon man. It appears, however, that the purpose of nature was not so much that he should have an agreeable life, but that he should carry forward his own self-culture until he made himself worthy of life and well-being. In this connection it is always a subject of wonder that the older generations appear only to pursue their weary toil for the sake of those who come after them, preparing for the latter another stage on which they may carry higher the structure which Nature has in view; and that it is to be the happy fate of only the latest generations to dwell in the building upon which the long series of their forefathers have laboured, without so much as intending it and yet with no possibility of participating in the happiness which they were preparing. Yet, however mysterious this may be, it is as necessary as it is mysterious, when we once accept the position that one species of animals was destined to possess Reason, and that, forming a class of rational beings mortal in all the individuals but immortal in the species, it was yet to attain to a complete development of its capacities.

FOURTH PROPOSITION.

The means which Nature employs to bring about the development of all the capacities implanted in men, is their mutual Antagonism in society, but only so far as this antagonism becomes at length the cause of an Order among them that is regulated by Law.

By this Antagonism, I mean the *unsocial sociability* of men; that is, their tendency to enter into society, conjoined, however, with an accompanying resistance which continually threatens to dissolve this society. The disposition for this lies manifestly in human nature. Man has an inclination to *socialise* himself by associating with others, because in such a state he feels himself more than a natural man, in the development of his natural capacities. He has, moreover, a great tendency to *individualise* himself by isolation from others, because he likewise finds in himself the unsocial disposition of wishing to direct everything merely according to his own mind; and hence he expects resistance everywhere just as he knows with regard to himself that he is inclined on his part to resist

others. Now it is this resistance or mutual antagonism that awakens all the powers of man, that drives him to overcome all his propensity to indolence, and that impels him through the desire of honour or power or wealth, to strive after rank among his fellow-men—whom he can neither bear to interfere with himself, nor yet let alone. Then the first real steps are taken from the rudeness of barbarism to the culture of civilisation, which particularly lies in the social worth of man. All his talents are now gradually developed, and with the progress of enlightenment a beginning is made in the institution of a mode of thinking which can transform the crude natural capacity for moral distinctions, in the course of time, into definite practical principles of action; and thus a pathologically constrained combination into a form of society, is developed at last to a *moral* and rational whole. Without those qualities of an unsocial kind, out of which this Antagonism arises—which viewed by themselves are certainly not amiable but which everyone must necessarily find in the movements of his own selfish propensities—men might have led an Arcadian shepherd life in complete harmony, contentment and mutual love, but in that case all their talents would have for ever remained hidden in their germ. As gentle as the sheep they tended, such men would hardly have won for their existence a higher worth than belonged to their domesticated cattle; they would not have filled up with their rational nature the void remaining in the Creation, in respect of its final End. Thanks be then to Nature for this unsociableness, for this envious jealousy and vanity, for this unsatiable desire of possession, or even of power! Without them all the excellent capacities implanted in mankind by nature, would slumber eternally undeveloped. Man wishes concord; but Nature knows better what is good for his species, and she will have discord. He wishes to live comfortably and pleasantly; but Nature wills that, turning from idleness and inactive contentment, he shall throw himself into toil and suffering even in order to find out remedies against them, and to extricate his life prudently from them again. The natural impulses that urge man in this direction, the sources of that unsociableness and general antagonism from which so many evils arise, do yet at the same time impel him to new exertion of his powers, and consequently, to further development of his natural capacities. Hence they clearly manifest the arrangement of a wise Creator, and do not at all, as is often supposed, betray the hand of a malevolent spirit that has deteriorated His glorious creation, or spoiled it from envy.

FIFTH PROPOSITION.

The greatest practical Problem for the human race, to the solution of which it is compelled by Nature, is the

establishment of a Civil Society, universally administering Right according to Law.

It is only in a Society which possesses the greatest Liberty, and which consequently involves a thorough Antagonism of its members—with, however, the most exact determination and guarantee of the limits of this Liberty in order that it may coexist with the liberty of others—that the highest purpose of Nature, which is the development of all her capacities, can be attained in the case of mankind. Now Nature also wills that the human race shall attain through itself to this, as to all the other ends for which it was destined. Hence a Society in which Liberty *under external laws* may be found combined in the greatest possible degree with irresistible Power, or a perfectly *just* Civil Constitution, is the highest natural problem prescribed to the human species. And this is so, because Nature can only by means of the solution and fulfilment of this problem, realise her other purposes with our race. A certain necessity compels man, who is otherwise so greatly prepossessed in favour of unlimited freedom, to enter into this state of coercion and restraint. And indeed, it is the greatest necessity of all that does this; for it is created by men themselves whose inclinations make it impossible for them to exist long beside each other in wild lawless freedom. But in such a complete growth as the Civil Union, these very inclinations afterwards produce the best effects. It is with them as with the trees in a forest; for just because everyone strives to deprive the other of air and sun, they compel each other to seek them both above, and thus they grow beautiful and straight, whereas those that in freedom and apart from one another shoot out their branches at will, grow stunted and crooked and awry. All the culture and art that adorn humanity, and the fairest social order, are fruits of that unsociableness which is necessitated of itself to discipline itself and which thus constrains man, by compulsive art, to develop completely the germs of his Nature.

SIXTH PROPOSITION.

This Problem is likewise the most difficult of its kind, and it is the latest to be solved by the Human Race.

The difficulty which the mere idea of this Problem brings into view, is that man is an *animal*, and if he lives among others of his kind he *has need of a Master*. For he certainly misuses his freedom in relation to his fellow-men; and, although as a rational creature, he desires a law which may set bounds to the freedom of all, yet his own selfish animal inclinations lead him wherever he can, to except himself from it. He, therefore, requires a master to break his self-will, and compel him to obey a Will that is universally valid, and in

relation to which everyone may be free. Where, then, does he obtain this master? Nowhere but in the Human Race. But this master is an animal too, and also requires a master. Begin, then, as he may, it is not easy to see how he can procure a supreme Authority over public justice that would be essentially just, whether such an authority may be sought in a single person or in a society of many selected persons. The highest authority has to be *just in itself*, and yet to be a *man*. This problem, is, therefore, the most difficult of its kind; and, indeed, its perfect solution is impossible. Out of such crooked material as man is made of nothing can be hammered quite straight. So it is only an approximation to this Idea that is imposed upon us by Nature.* It further follows that this problem is the last to be practically worked out, because it requires correct conceptions of the nature of a possible Constitution, great experience founded on the practice of ages, and above all a good will prepared for the reception of the solution. But these three conditions could not easily be found together; and if they are found it can only be very late in time, and after many attempts to solve the problem had been made in vain.

SEVENTH PROPOSITION.

The problem of the establishment of a perfect Civil Constitution is dependent on the problem of the regulation of the external relations between the States conformably to Law; and without the solution of this latter problem it cannot be solved.

What avails it to labour at the arrangement of a Commonwealth as a Civil Constitution regulated by law among individual men? The same unsociableness which forced men to it, becomes again the cause of each Commonwealth assuming the attitude of uncontrolled freedom in its external relations, that is, as one State in relation to other States; and consequently, any one State must expect from any other the same sort of evils as oppressed individual men and compelled them to enter into a Civil Union regulated by law. Nature has accordingly again used the unsociableness of men, and even of great societies and political bodies, her creatures of this kind, as a means to work out through their mutual Antagonism a condition of rest and security. She works through wars, through the strain of never relaxed preparation for them, and through the necessity which every State is at last compelled to feel within itself, even in the midst of peace, to begin some imperfect efforts to carry out her purpose. And, at last, after many devastations, overthrows, and even complete internal exhaustion of their powers, the nations are driven forward to the goal which Reason might have well impressed upon them, even without so much sad experience. This is none other than the advance out of the lawless state of savages

and the entering into a Federation of Nations. It is thus brought about that every State, including even the smallest, may rely for its safety and its rights, not on its own power or its own judgment of Right, but only on this great International Federation (*Fœdus Amphictionum*), on its combined power, and on the decision of the common will according to laws. However visionary this idea may appear to be—and it has been ridiculed in the way in which it has been presented by an Abbé de St Pierre or Rousseau (perhaps because they believed its realisation to be so near)—it is nevertheless the inevitable issue of the necessity in which men involve one another. For this necessity must compel the Nations to the very resolution—however hard it may appear—to which the savage in his uncivilised state, was so unwillingly compelled, when he had to surrender his brutal liberty and seek rest and security in a Constitution regulated by law.—All wars are, accordingly, so many attempts—not, indeed, in the intention of men, but yet according to the purpose of Nature—to bring about new relations between the Nations; and by destruction or at least dismemberment of them all, to form new political corporations. These new organisations, again, are not capable of being preserved either in themselves or beside one another, and they must therefore pass in turn through similar new Revolutions, till at last, partly by the best possible arrangement of the Civil Constitution within, and partly by common convention and legislation without, a condition will be attained, which, in the likeness of a Civil Commonwealth and after the manner of an Automaton, will be able to preserve itself.

Three views may be put forward as to the way in which this condition is to be attained. In the first place, it may be held that from an *Epicurean* concourse of causes in action, it is to be expected that the States, like the little particles of matter, will try by their fortuitous conjunctions all sort of formations which will be again destroyed by new collisions, till at last some one constitution will by *chance* succeed in preserving itself in its proper form,—a lucky accident which will hardly ever come about! In the second place, it may rather be maintained that Nature here pursues a regular march in carrying our species up from the lower stage of animality to the highest stage of humanity, and that this is done by a compulsive art that is inherent in man, whereby his natural capacities and endowments are developed in perfect regularity through an apparently wild disorder. Or, in the third place, it may even be asserted, that out of all these actions and reactions of men as a whole, nothing at all—or at least nothing rational—will ever be produced; that it will be in the future as it has ever been in the past, and that no one will ever be able to say whether the discord which is so natural to our species, may not be preparing for us, even in this civilised state of society, a hell of evils at the end; nay, that it is not perhaps advancing even now to annihilate again by

barbaric devastation, this actual state of society and all the progress hitherto made in civilisation,—a fate against which there is no guarantee under a government of blind chance, identical as it is with lawless freedom in action, unless a connecting wisdom is covertly assumed to underlie the system of Nature. Now, which of these views is to be adopted, depends almost entirely on the question, whether it is rational to recognise *harmony and design* in the *parts* of the Constitution of Nature, and to deny them of the *whole*? We have glanced at what has been done by the seemingly purposeless state of savages; how it checked for a time all the natural capacities of our species but at last by the very evils in which it involved mankind, it compelled them to pass from this state, and to enter into a civil Constitution, in which all the germs of humanity could be unfolded. And, in like manner, the barbarian freedom of the States when once they were founded, proceeded in the same way of progress. By the expenditure of all the resources of the Commonwealth in military preparations against each other, by the devastations occasioned by war, and still more by the necessity of holding themselves continually in readiness for it, the full development of the capacities of mankind are undoubtedly retarded in their progress; but, on the other hand, the very evils which thus arise, compel men to find out means against them. A law of Equilibrium is thus discovered for the regulation of the really wholesome antagonism of contiguous States as it springs up out of their freedom; and a united Power, giving emphasis to this law, is constituted, whereby there is introduced a universal condition of public security among the Nations. And that the powers of mankind may not fall asleep, this condition is not entirely free from *danger*; but it is at the same time not without a principle which operates, so as to *equalise* the mutual action and reaction of these powers, that they may not destroy each other. Before the last step of bringing in a universal Union of the States is taken—and accordingly when human nature is only half way in its progress—it has to endure the hardest evils of all, under the deceptive semblance of outward prosperity; and Rousseau was not so far wrong when he preferred the state of the savages, if the last stage which our race has yet to surmount be left out of view. We are *cultivated* in a high degree by Science and Art. We are *civilised*, even to excess, in the way of all sorts of social forms of politeness and elegance. But there is still much to be done before we can be regarded as *moralised*. The idea of morality certainly belongs to real Culture; but an application of this idea which extends no farther than the likeness of morality in the sense of honour and external propriety, merely constitutes civilisation. So long, however, as States lavish all their resources upon vain and violent schemes of aggrandisement, so long as they continually impede the slow movements of the endeavour to cultivate the newer habits of thought and character on the part of the citizens, and even withdraw from them all the means of

furthering it, nothing in the way of moral progress can be expected. A long internal process of improvement is thus required in every Commonwealth as a condition for the higher culture of its citizens. But all apparent good that is not grafted upon a morally good disposition, is nothing but mere illusion and glittering misery. In this condition the Human Race will remain until it shall have worked itself, in the way that has been indicated, out of the existing chaos of its political relations.

EIGHTH PROPOSITION.

The history of the human race, viewed as a whole, may be regarded as the realisation of a hidden plan of Nature to bring about a political Constitution, internally, and, for this purpose, also externally perfect, as the only state in which all the capacities implanted by her in Mankind can be fully developed.

This proposition is a corollary from the preceding proposition. We see by it that philosophy may also have its millennial view, but in this case, the Chiliasm is of such a nature that the very idea of it—although only in a far-off way—may help to further its realisation; and such a prospect is, therefore, anything but visionary. The real question is, whether experience discloses anything of such a movement in the purpose of Nature. I can only say *it does a little*; for the movement in this orbit appears to require such a long time till it goes full round, that the form of its path and the relation of its parts to the whole, can hardly be determined out of the small portion which the human race has yet passed through in this relation. The determination of this problem is just as difficult and uncertain as it is to calculate from all previous astronomical observations what course our sun, with the whole host of his attendant train, is pursuing in the great system of the fixed stars, although on the ground of the total arrangement of the structure of the universe and the little that has been observed of it, we may infer, confidently enough, to the result of such a movement. Human Nature, however, is so constituted that it cannot be indifferent even in regard to the most distant epoch that may affect our race, if only it can be expected with certainty. And such indifference is the less possible in the case before us when it appears that we might by our own rational arrangements hasten the coming of this joyous period for our descendants. Hence the faintest traces of the approach of this period will be very important to ourselves. Now the States are already involved in the present day in such close relations with each other, that none of them can pause or slacken in its internal civilisation without losing power and influence in relation to the rest; and, hence the maintenance, if not the progress, of this end of Nature is, in a manner, secured

even by the ambitious designs of the States themselves. Further, Civil Liberty cannot now be easily assailed without inflicting such damage as will be felt in all trades and industries, and especially in commerce; and this would entail a diminution of the powers of the State in external relations. This Liberty, moreover, gradually advances further. But if the citizen is hindered in seeking his prosperity in any way suitable to himself that is consistent with the liberty of others the activity of business is checked generally; and thereby the powers of the whole State, again, are weakened. Hence the restrictions on personal liberty of action are always more and more removed, and universal liberty even in Religion comes to be conceded. And thus it is that, notwithstanding the intrusion of many a delusion and caprice, *the spirit of Enlightenment* gradually arises as a great Good which the human race must derive even from the selfish purposes of aggrandisement on the part of its rulers, if they understand what is for their own advantage. This Enlightenment, however, and along with it a certain sympathetic interest which the enlightened man cannot avoid taking in the good which he perfectly understands, must by and by pass up to the throne and exert an influence even upon the principles of Government. Thus although our rulers at present have no money to spend on public educational institutions, or in general on all that concerns the highest good of the world—because all their resources are already placed to the account of the next war—yet they will certainly find it to be to their own advantage at least not to hinder the people in their own efforts in this direction, however weak and slow these may be. Finally, war itself comes to be regarded as a very hazardous and objectionable undertaking, not only from its being so artificial in itself and so uncertain as regards its issue on both sides, but also from the afterpains which the State feels in the ever-increasing burdens it entails in the form of national debt—a modern infliction—which it becomes almost impossible to extinguish. And to this is to be added the influence which every political disturbance of any State of our continent—linked as it is so closely to others by the connections of trade—exerts upon all the States and which becomes so observable that they are forced by their common danger, although without lawful authority, to offer themselves as arbiters in the troubles of any such State. In doing so, they are beginning to arrange for a great future political Body, such as the world has never yet seen. Although this political Body may as yet exist only in a rough outline, nevertheless a feeling begins, as it were, to stir in all its members, each of which has a common interest in the maintenance of the whole. And this may well inspire the hope that after many political revolutions and transformations, the highest purpose of Nature will be at last realised in the establishment of a universal *Cosmopolitical Institution*, in the bosom of which all the original

capacities and endowments of the human species will be unfolded and developed.

NINTH PROPOSITION.

A philosophical attempt to work out the Universal History of the world according to the plan of Nature in its aiming at a perfect Civil Union, must be regarded as possible, and as even capable of helping forward the purpose of Nature.

It seems, at first sight, a strange and even an absurd proposal to suggest the composition of a *History* according to the idea of how the course of the world must proceed, if it is to be conformable to certain rational laws. It may well appear that only a *Romance* could be produced from such a point of view. However, if it be assumed that Nature, even in the play of human freedom, does not proceed without plan and design, the idea may well be regarded as practicable; and, although we are too short sighted to see through the secret mechanism of her constitution, yet the idea may be serviceable as a clue to enable us to penetrate the otherwise planless *Aggregate* of human actions as a whole, and to represent them as constituting a *System*. For, the idea may so far be easily verified. Thus, suppose we start from the history of *Greece*, as that by which all the older or contemporaneous History has been preserved, or at least accredited to us.* Then, if we study its influence upon the formation and malformation of the political institutions of the Roman people, which swallowed up the Greek States, and if we further follow the influence of the Roman Empire upon the Barbarians who destroyed it in turn, and continue this investigation down to our own day, conjoining with it episodically the political history of other peoples according as the knowledge of them has gradually reached us through these more enlightened nations, we shall discover a regular movement of progress through the political institutions of our Continent, which is probably destined to give laws to all other parts of the world. Applying the same method of study everywhere, both to the internal civil constitutions and laws of the States, and to their external relations to each other, we see how in both relations the good they contained served for a certain period to elevate and glorify particular nations, and with themselves, their arts and sciences,—until the defects attaching to their institutions came in time to cause their overthrow. And yet their very ruin leaves always a germ of growing enlightenment behind, which being further developed by every revolution, acts as a preparation for a subsequent higher stage of progress and improvement. Thus, as I believe, we can discover a clue which may serve for more than the explanation of the confused play of human things, or for the art of political prophecy in reference to future changes in States,—a use which has been

already made of the history of mankind, even although it was regarded as the incoherent effect of an unregulated freedom! Much more than all this is attained by the idea of Human History viewed as founded upon the assumption of a universal plan in Nature. For this idea gives us a new ground of hope, as it opens up to us a consoling view of the future, in which the human species is represented in the far distance as having at last worked itself up to a condition in which all the germs implanted in it by Nature may be fully developed, and its destination here on earth fulfilled. Such a *justification of Nature*,—or rather, let us say, of *Providence*,—is no insignificant motive for choosing a particular point of view in contemplating the course of the world. For, what avails it, to magnify the glory and wisdom of the creation in the irrational domain of Nature, and to recommend it to devout contemplation, if that part of the great display of the supreme wisdom, which presents the End of it all in the history of the Human Race, is to be viewed as only furnishing perpetual objections to that glory and wisdom? The spectacle of History if thus viewed would compel us to turn away our eyes from it against our will; and the despair of ever finding a perfect rational Purpose in its movement, would reduce us to hope for it, if at all, only in another world.

This Idea of a Universal History is no doubt to a certain extent of an *a priori* character, but it would be a misunderstanding of my object were it imagined that I have any wish to supplant the empirical cultivation of History, or the narration of the actual facts of experience. It is only a thought of what a philosophical mind—which, as such, must be thoroughly versed in History—might be induced to attempt from another standpoint. Besides, the praiseworthy circumstantiality with which our history is now written, may well lead one to raise the question as to how our remote posterity will be able to cope with the burden of history as it will be transmitted to them after a few centuries? They will surely estimate the history of the oldest times, of which the documentary records may have been long lost, only from the point of view of what will interest them; and no doubt this will be what the nations and governments have achieved, or failed to achieve, in the universal world-wide relation. It is well to be giving thought to this relation; and at the same time to draw the attention of ambitious rulers and their servants to the only means by which they can leave an honourable memorial of themselves to latest times. And this may also form a *minor* motive for attempting to produce such a philosophical History.

[\[Back to Table of Contents\]](#)

II.

THE PRINCIPLES OF POLITICAL RIGHT Considered In Connection With THE RELATION OF THEORY TO PRACTICE IN THE RIGHT OF THE STATE.

THE PRINCIPLES OF POLITICAL RIGHT.

The establishment of a Civil Constitution in society is one of the most important facts in human history. In the principle on which it is founded this institution differs from all the other forms of social union among mankind. Viewed as a compact,* and compared with other modes of compact† by which numbers of men are united into one Society, the formation of a Civil Constitution has much in common with all other forms of Social Union in respect of the mode in which it is carried out in practice. But while all such compacts are established for the purpose of promoting in common some chosen End, the Civil Union is essentially distinguished from all others, by the principle on which it is based. In all social contracts we find a union of a number of persons for the purpose of carrying out some one End which they all have in common. But a Union of a multitude of men, viewed as an end in itself that every person ought to carry out, and which consequently is a primary and unconditional duty amid all the external relations of men who cannot help exercising a mutual influence on one another,—is at once peculiar and unique of its kind. Such a Union is only to be found in a Society which, by being formed into a Civil State, constitutes a Commonwealth. Now the End which in such external relations is itself a duty and even the highest formal condition—the *conditio sine qua non*—of all other external duties, is the realisation of the Rights of Men *under public compulsory Laws*, by which every individual can have what is his own assigned to him, and secured against the encroachments or assaults of others.

The idea of an external Right, however, arises wholly out of the idea of human Freedom or Liberty, in the external relations of men to one another. As such, it has nothing specially to do with the realisation of Happiness as a purpose which all men naturally have, or with prescription of the means of attaining it; and it is absolutely necessary that this End shall not be mixed up with the Laws of Right as their motive. Right in general, may be defined as the limitation of the Freedom of any individual to the extent of its agreement with the freedom of all other individuals, in so far as

this is possible by a universal Law. Public Right, again, is the sum of the external Laws which make such a complete agreement of freedom in Society possible. Now as all limitation of freedom by external acts of the will of another, is a mode of *coercion* or *compulsion*, it follows that the Civil Constitution is a relation of *free* men who live under coercive Laws, without prejudicing their liberty otherwise in the whole of their connection with others. For, Reason itself wills this. By 'Reason' is here meant the pure innate law-giving, Reason which gives no regard to any End that is derived from experience, such as are all comprehended under the general name of Happiness. In respect of any such End or in what any individual may place it, men may think quite differently, so that their wills could not be brought under any common principle, nor, consequently, under any External Laws that would be compatible with the liberty of all.

The Civil State, then, regarded merely as a social state that is regulated by laws of right, is founded upon the following rational principles:—

1. The Liberty of every Member of the Society as a Man;
2. The Equality of every Member of the Society with every other, as a Subject;
3. The Self-dependency of every Member of the Commonwealth, as a Citizen.

These Principles are not so much Laws given by the State when it is established, as rather fundamental conditions according to which alone the institution of a State is possible, in conformity with the pure rational Principles of external Human Right generally.

1. The Liberty of every Member of the State as a Man, is the first Principle in the constitution of a rational Commonwealth. I would express this Principle in the following form:—'No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves when their Liberty is capable of consisting with the Right of Liberty in all others according to possible universal laws.'—A Government founded upon the principle of Benevolence towards the people—after the analogy of a *father* to his children, and therefore called a *paternal Government*—would be one in which the Subjects would be regarded as children or minors unable to distinguish what is beneficial or injurious to them. These subjects would be thus compelled to act in a merely passive way;

and they would be trained to expect solely from the Judgment of the Sovereign and just as he might will it, merely out of his goodness, all that *ought* to make them happy. Such a Government would be the greatest conceivable *Despotism*; for it would present a Constitution that would abolish all Liberty in the Subjects and leave them no Rights. It is not a *paternal* Government, but only a *patriotic* Government that is adapted for men who are capable of Rights, and at the same time fitted to give scope to the good-will of the ruler. By 'patriotic' is meant that condition of mind in which everyone in the State—the Head of it not excepted—regards the Commonwealth as the maternal bosom, and the country as the paternal soil out of and on which he himself has sprung into being, and which he also must leave to others as a dear inheritance. Thus, and thus only, can he hold himself entitled to protect the Rights of his fatherland by laws of the common will, but not to subject it to an unconditional purpose of his own at pleasure.—This Right of Liberty thus belongs to him as a man, while he is a Member of the Commonwealth; or, in point of fact, so far as he is a being capable of rights generally.

2. The Equality of every member of the State as a subject, is the second Principle in the Constitution of a rational Commonwealth. The formula of this Principle may be put thus:—'Every Member of the Commonwealth has rights against every other that may be enforced by compulsory Laws, from which only the Sovereign or Supreme Ruler of the State is excepted, because he is regarded not as a mere Member of the Commonwealth, but as its Creator or Maintainer; and he alone has the Right to compel without being himself subject to compulsory Law.' All, however, who live *under* Laws in a State, are its subjects; and, consequently, they are subjected to the compulsory Law, like all other members of the Commonwealth, one only, whether an individual Sovereign or a collective body, constituting the Supreme Head of the State, and as such being accepted as the medium through which alone all rightful coercion or compulsion can be exercised. For, should the Head of the State also be subject to compulsion, there would no longer be a Supreme Head, and the series of members subordinate and superordinate would go on upwards *ad infinitum*. Again, were there in the State two such powers as persons exempt from legal compulsion, neither of them would be subject to compulsory Laws, and as such the one could do no wrong to the other; which is impossible.

This thoroughgoing Equality of the individual men in a State as its subjects, is, however, quite compatible with the greatest *Inequality* in the extent and degrees of their possessions, whether consisting in corporeal or spiritual superiority over others, or in the external gifts of fortune, or in rights generally—of which there may be

many—in relation to others. Thus the prosperity of the one may greatly depend on the will of another, as in the case of the poor in relation to the rich. One may even have of necessity to obey and another to command, as in the relation of children to parents, and of wife to husband. Again, one may have to work and another to pay, as in the case of a day labourer; and so on. But in relation to the involved law of Right, which as the expression of the universal Will of the State can be only one, and which regards the *form* of the Right, and not the matter or object to which the Right refers: in all cases, the persons as Subjects, are to be regarded as all equal to one another. For no one has a right to compel or coerce anyone whomsoever in the State, otherwise than by the public Law and through the Sovereign or Ruler executing it; and anyone may resist another thus far, and through the same medium. On the other hand, no one can lose this right, as a title to proceed by legal compulsion against others, except by his own fault or a criminal act. Nor can anyone divest himself of it voluntarily, or by a compact, so as to bring it about by a supposed act of Right, that he should have no rights but only duties towards others; for in so doing he would be depriving himself of the right of making a compact, and consequently the act would annual itself.

Out of this idea of the Equality of men as Subjects in the Commonwealth, there arises the following formula:—‘Every Member of the State should have it made possible for him to attain to any position or rank that may belong to any subject, to which his talent, his industry or his fortune may be capable of raising him; and his fellow-subjects are not entitled to stand in the way by any *hereditary* prerogative, forming the exclusive privilege of a certain class, in order to keep him and his posterity for ever below them.’

For, all Right just consists in restriction of the Liberty of another to the condition that is consistent with my Liberty according to a universal Law; and Public Right in a Commonwealth is only the product of actual legislation conformable to this principle and conjoined with power, in virtue of which all who belong to a nation as its subjects find themselves in a rightful state—*status juridicus*—constituted and regulated by law. And, as such, this state is in fact a condition of Equality, inasmuch as it is determined by the action and reaction of free-wills limiting one another, according to the universal law of Freedom; and it thus constitutes the Civil State of human Society. Hence the *inborn* Right of all individuals in this sphere (that is considered as being prior to their having actually entered upon juridical action) to bring compulsion to bear upon any others, is entirely *identical and equal throughout*, on the assumption that they are always to remain within the bounds of unanimity and concord in the mutual use of their Liberty. Now birth is not an *act* on the part of him who is born, and consequently it

does not entail upon him any inequality in the state of Right, nor any subjection under laws of compulsion other than what is common to him, with all others, as a subject of the one supreme legislative Power; and, therefore, there can be no inborn privilege by way of Right in any member of the Commonwealth as a subject, before another fellow-subject. Nor, consequently has anyone a right to transmit the privilege or prerogative of the *Rank* which he holds in the Commonwealth to his posterity so that they should be, as it were, qualified by birth for the rank of nobility; nor should they be prevented from attaining to the higher stages in the gradations of social rank, by their own merit. Everything else that partakes of the nature of a thing and does not relate to personality, may be bequeathed; and, since such things may be acquired as property, they may also be alienated or disposed. Hence after a number of generations a considerable inequality in external circumstances may arise among the members of a Commonwealth, producing such relations as those of Master and Servant, Landlord and Tenant, etc. These circumstances and relations, however, ought not to hinder any of the subjects of the State from rising to such positions as their talent, their industry, and their fortune may make it possible for them to fill. For, otherwise such a one would be qualified to coerce without being liable to be coerced by the counter action of others in return; and he would rise above the stage of being a fellow-subject. Further, no man who lives under the legalised conditions of a Commonwealth, can fall out of this equality otherwise than by his own crime, and never either by compact or through any military occupancy.* For he cannot by any legal act, whether of himself or of another, cease to be the owner of himself, or enter into the class of domestic cattle, which are used for all sorts of services at will and are maintained in this condition without their consent as long as there is a will to do it, although under the limitation—which is sometimes sanctioned even by religion, as among the Hindoos—that they are not to be mutilated or slain. Under any conditions, he is to be regarded as happy who is conscious that it depends only on himself—that is on his faculty or earnest will—or on circumstances which he cannot impute to any other, and not on the irresistible will of others, that he does not rise to a stage of Equality with others who as his fellow-subjects have no advantage over him as far as Right is concerned.

3. The Self-dependency* of a member of the Commonwealth as a citizen, or fellow-legislator, is the third principle or condition of Right in the State. In the matter of the legislation itself, all are to be regarded as free and equal *under* the already existing public Laws; but they are not to be all regarded as equal in relation to the right to give or *enact* these laws. Those who are not capable of this right are, notwithstanding, subjected to the observance of the laws as members of the Commonwealth, and thereby they participate in

the protection which is in accordance therewith; they are, however, not to be regarded as *Citizens* but as protected fellow-subjects.—All right, in fact, depends on the laws. A public law, however, which determines for all what is to be legally allowed or not allowed in their regard, is the act of a public Will, from which all right proceeds and which therefore itself can do no wrong to anyone. For this, however, there is no other Will competent than that of the *whole* people, as it is only when all determine about all that each one in consequence determines about himself. For it is only to himself that one can do no wrong. But if it be another will that is in question, then the mere will of anyone different from it, could determine nothing for it which might not be wrong; and consequently the law of such a will would require another law to limit its legislation. And thus no particular will can be legislative for a Commonwealth.—Properly speaking, in order to make out this, the ideas of the external Liberty, Equality, and *Unity* of the will of all, are to be taken into account; and for the last of these *Self-dependency* is the condition, since the exercising of a vote is required when the former two ideas are taken along with it. The fundamental law thus indicated, which can only arise out of the universal united will of the people, is what is called the '*Original Contract*.'

Now anyone who has the right of voting in this system of Legislation, is a *Citizen* as distinguished from a Burgess; he is a *citoyen* as distinguished from a *bourgeois*. The quality requisite for this status, in addition to the natural one of not being a child or a woman,—is solely this, that the individual is his *own master* by right (*sui juris*); and, consequently, that he has some property that supports him,—under which may be reckoned any art or handicraft, or any fine art or science. Otherwise put, the condition in those cases in which the citizen must acquire from others in order to live, is that he only acquires it by alienation of what is his own, and not by a consent given to others to make use of his powers; and consequently that he *serves* no one but the Commonwealth, in the proper sense of the term. In this relation those who are skilled in the arts, and large or small proprietors, are all equal to one another; as in fact each one is entitled only to one vote. As regards Proprietors, the question might be considered as to how it may have happened by right that anyone has got as his own more land than he can himself use with his own hands (for acquisition by military occupation is not primary acquisition); and how it has happened that many men, who otherwise might have altogether been able to acquire an independent possession, have been brought to the position of merely serving such a one in order to be able to live. But without entering here upon the consideration of this question, it is manifest that it would at once be contrary to the previous principle of Equality, if a law were to invest such persons

with the privilege of a class, so that their descendants should either always continue to be great proprietors of land—in the manner of fiefs—without such being able to be sold or divided by inheritance, and thus coming to be applied for the use of more of the people; or if, even in carrying out such divisions, that no one but he who belonged to a certain class, arbitrarily regulated in this connection, could acquire any part of such land. The great possessor of an estate, does in fact annihilate as many smaller owners and their voices as might occupy the place he takes up; he does not vote in their name, and he has consequently only one vote. It thus must be left to depend merely on the means, the industry, and the fortune of each member of the Commonwealth, that each one may acquire a part of it, and all of its members the whole. But these distinctions cannot be brought into consideration in connection with a universal Legislation; and hence the number of those qualified to have a voice in the legislation, must be reckoned by the heads of those who are in possession and not according to the extent of their possessions.

Furthermore, *all* who have this right of voting must agree in order to realise the Laws of public justice, for otherwise there would arise a conflict of right between those who were not in agreement with it, and the others who were; and this would give rise to the need of a higher principle of right that the conflict might be decided. A universal agreement cannot be expected from a whole people; and consequently it is only a plurality of voices, and not even of those who immediately vote in a large nation, but only of their delegates as representative of the people that can alone be foreseen as practically attainable. And hence, even the principle of making the majority of votes suffice as representing the general consent, will have to be taken as by compact; and it must thus be regarded as the ultimate basis of the establishment of any Civil Constitution.

We have next to consider what follows by way of *Corollary* from the principles thus enunciated. We have before us the idea of an 'Original Contract' as the only condition upon which a civil and, therefore, wholly rightful, constitution can be founded among men, and as the only basis upon which a State can be established. But this fundamental condition—whether called an 'original contract' or a 'social compact'—may be viewed as the coalition of all the private and particular wills of a people into one common and public Will, having a purely juridical legislation as its end. But it is not necessary to presuppose this contract or compact, to have been actually a fact; nor indeed is it possible as a fact. We have not to deal with it as if it had first to be proved from history that a people into whose rights and obligations we have entered as their descendants, did actually on a certain occasion execute such a

contract, and that a certain evidence or instrument regarding it of an oral or written kind, must have been transmitted so as to constitute an obligation that shall be binding in any existing civil constitution. In short, this idea is merely *an idea of Reason*; but it has undoubtedly a practical reality. For it ought to bind every legislator by the condition that he shall enact such laws as might have arisen from the united will of a whole people; and it will likewise be binding upon every subject, in so far as he will be a citizen, so that he shall regard the Law as if he had consented to it of his own will. This is the test of the rightfulness of every public law. If the law be of such a nature that it is *impossible* that the whole people could give their assent to it, it is not a just law. An instance of this kind would be a law, enacting that a certain class of subjects should have all the privileges of hereditary rank by mere birth. But if it be merely *possible* that a people could consent to a law, it is a duty to regard it as just, even supposing that the people were at the moment in such a position or mood, that if it were referred to them, their consent to it would probably be refused.*

This limitation, however, manifestly applies only to the judgment of the Legislator and not to that of the Subject. If, then, under a certain actual state of the law, a people should conclude that the continuance of that law would probably take away their happiness, what would they have to do? Would it not be a duty to resist the law? The answer can only be that the people should do nothing but obey. For the question here does not turn upon the happiness which the subject may expect from some special institution or mode of administering the Commonwealth, but the primary concern is purely that of the Right which has thus to be secured to every individual. This is the supreme principle from which all the maxims relating to the Commonwealth must proceed; and it cannot be limited by anything else. In regard to the interest of happiness, no principle that could be universally applicable, can be laid down for the guidance of legislation; for not only the circumstances of the time, but the very contradictory and ever-changing opinions which men have of what will constitute happiness, make it impossible to lay down fixed principles regarding it; and so the idea of Happiness, taken by itself, is not available as a principle of legislation. No one can prescribe for another as to what he shall find happiness in. The principle, *salus publica suprema civitatis lex est*, remains undiminished in value and authority; and the public weal, which has first of all to be taken into consideration, is just the maintenance of that legal constitution by which the liberty of all is secured through the laws. Along with this, the individual is left undisturbed in his right to seek his happiness in whatever way may seem to him best, if only he does not infringe the universal liberty secured through the law, by violating the rights of other fellow subjects. When the sovereign Power enacts laws which are directed

primarily towards the happiness of the citizens, out of regard to their well-being, the state of the population and such like, this is not done from its being the end for which the civil constitution is established, but merely as a means of securing the state of Right, especially against the external enemies of the people. The Government must be capable of judging, and has alone to judge, whether such legislation belongs to the constitution of the Commonwealth, and whether it is requisite in order to secure its strength and steadfastness, both within itself and against foreign enemies; but this is not to be done as if the aim were to make the people happy even against their will, but only to bring it about that they shall exist as a Commonwealth.* In thus judging whether any such measure can be taken prudently or not, the legislator may indeed err. But he does not err in so far as he considers whether the law does or does not agree with a principle of Right.

And in doing so he has an infallible criterion in the idea of the 'original contract,' viewed as an essential idea of reason; and hence he does not require—as would be the case with the principle of happiness—to wait for experience to instruct him about the utility rather than the rightness of his proposed measure. For if it is only not contradictory in itself that a whole people should agree to such a law, however unpleasant may be its results in fact, it would as such be conformable to Right. If a public law be thus conformable to Right, it is irreprehensible, and hence it will give the right to coerce; and, on the other hand, it would involve the prohibition of active resistance to the will of the legislator. The power in the State which gives effect to the law, is likewise irresistible; and no rightful commonwealth exists without such a power to suppress all internal resistance to it. For, such resistance would proceed according to a rule which if made universal would destroy all civil constitutionalism, and would annihilate the only state in which men can live in the actual possession of rights.

Hence it follows that all resistance to the Sovereign Legislative Power, every kind of instigation to bring the discontent of the subjects into active form, and rebellion or insurrection of every degree and kind, constitute the highest and most punishable crimes in the commonwealth; for they would destroy its very foundations. The prohibition of them is therefore absolute; so that even if the Supreme Power, or the Sovereign as its agent, were to violate the original contract, and thereby in the judgment of the subject to lose the right of making the laws, yet as the Government has been empowered to proceed even thus tyrannically, no right of resistance can be allowed to the subject as a power antagonistic to the State. The reason of this is that in the actually existing Civil Constitution the people have no longer the right to determine by their judgment how it is to be administered. For suppose they had

such a right, and that it was directly opposed to the judgment of the actual Head of the State, who would there be to decide with which of them the right lay? Evidently neither of them could do this, as it makes them judges in their own cause. There would therefore have to be another sovereign Head above the sovereign Head to decide between it and the people, but this is a contradiction. Nor can some supposed *right of necessity*—which is at best a spurious thing, such as is the fancied right to do wrong in an extreme *physical* necessity—come in here as a lever for the removal of the barrier thus limiting the voluntary power of the people. For the Head of the State may just as well think to justify his hard procedure against the subjects by the fact of their obstinacy and intractability, as they to justify their revolt by complaining against him about their undue suffering. Who shall decide between them? It is only he who is in possession of the supreme public administration of right, or who is otherwise the Head of the State, who can do this; and no one in the commonwealth can have the right to contest his possession of the power to do it. Nevertheless I find excellent men asserting such a right on the part of the Subject to resist the higher authority under certain circumstances. Among these I shall only now refer to Achenwall, a very cautious, distinct, and careful writer. In his doctrine of Natural Right he says: 'If the danger which threatens the commonwealth from longer toleration of the injustice of the sovereign, is greater than what may be anticipated from taking up arms, then the people may resist such a sovereign; and in order to maintain their rights they may break their compact of submission and dethrone him as a tyrant.' And hence he infers that in this way the people return to the state of Nature in relation to their previous Head.

I am willing to believe that neither Achenwall nor any of the worthy men who agree with him in this sort of reasoning, would have ever given their advice or consent in any case to enterprises of so dangerous a nature. Nor can it well be doubted that if the revolutions by which Switzerland, the United Netherlands, and even Great Britain acquired the political Constitutions now so celebrated, had failed, the readers of history would have seen in the execution of the leaders now so highly lauded, only the punishment deserved by great political criminals. The result thus usually becomes intermingled with our judgment of the principles of right in question, although the former is always uncertain in fact, whereas the latter are always certain in themselves. It is, however, clear that as regards these principles the people by their mode of seeking to assert their rights commit the greatest wrong, even if it be admitted that the rebellion might do no wrong to the ruling sovereign who had violated the actual compact upon which his relation to the people was founded in a sort of *joyeuse entrée*. For if

this mode of conduct were adopted as a maxim, all rightful political Constitution would be made uncertain and a natural state of utter lawlessness would be introduced, in which all right at least would cease to have effect.—With regard to this tendency in so many thoughtful writers to encourage the people to their own detriment, I will only observe that there are two influences commonly at work in determining it. It is partly caused by the common illusion which substitutes the principle of Happiness as the criterion of judgment, when the principle of Right is really in question. And again, where there is no record of anything like a compact actually proposed to the Commonwealth, or accepted by the Sovereign, or sanctioned by both, these thinkers have assumed the idea of an 'original Contract' which is always involved in reason, as a thing which must have *actually* happened; and thus they supposed that the right was always reserved to the people in the case of any gross violation of it in their judgment, to resile from it at pleasure.*

It thus becomes evident that the principle of Happiness, which is properly incapable of any definite determination as a principle, may be the occasion of much evil in the sphere of political Right, just as it is in the sphere of morals. And this will hold good even with the best intentions on the part of those who teach and inculcate it. The sovereign acting on this principle determines to make the people happy according to his notions, and he becomes a despot. The people will not give up their common human claim to what they consider their own happiness, and they become rebels. Now if at the outset it had been asked what is right and just by regard to the established principles of reason, without regard to the notions of the empiric, the idea underlying the theory of the social compact would always have incontestable authority. But it would not be correct to treat it as an empirical fact, as Danton would have it; for he thought that apart from this fact all rights found in any existing civil constitution and all property, would have to be declared null and void. The idea in question is only to be taken as a rational principle for the estimation and judgment of all the public rights existing under a political constitution. And so regarded, it then becomes evident that, prior to the existence of a common Will, the people possess no right of coercion in relation to their ruler, because they can only bring such coercion to bear as a matter of right through him. And when this Will does exist, no coercion can be exercised by the people against him, because this would make them to be themselves the supreme ruler. Hence a right of compulsion or coercion in the form of a resistance in word or deed against the sovereign Head of the State, can never belong of right to the people.

Further, we see this theory sufficiently confirmed in practice. In the constitution of Great Britain the people form such an important

element that it is represented as a model for the whole world, and yet we find that it is entirely silent about any right pertaining to the people in case the monarch should transgress the contract of 1688; and, consequently, since there is no law upon the subject, if there is any right of rebellion against him should he violate the constitution, it can only be there by secret reservation. For, it would be a manifest contradiction that the constitution should contain a law providing for such a case. That would be to justify the overthrow of the subsisting constitution from which all particular laws arise; which would be absurd, even on the supposition that the contract was violated. Such a constitution would be contradictory for this reason that it would necessarily have to include a *publicly constituted counter power*, which consequently would be a second sovereign in the State, and its function would be to protect the rights of the people against the other sovereign.* But the existence of this second Sovereign would likewise require a third whose function would be to decide between these two and to determine on which side right and justice lay.—Hence such guides, or rather, let us say, guardians of the people, perplexed by the possibility of such an accusation should their enterprise fail in any way, have rather contrived, for the behoof of a monarch who might be scared away by them, a voluntary power of demitting the government than claimed a presumptuous right of deposition. But this view manifestly puts the constitution into contradiction with itself. Now if, in presence of these assertions, the objection is not raised against me, as it certainly should not, that I flatter the monarch too much by this view of his inviolability, I may hope to be also spared another objection from the opposite side. In a word, I hope to be spared the contrary objection that I assert too much in favour of the people, when I say that they have also their own inalienable rights as against the sovereign of the State, although these cannot be justly regarded as rights of coercion or constraint.

Hobbes is of the opposite opinion. In his view the sovereign as Head of the State is bound in nothing to the people by compact and can do no wrong to the citizens, however he act towards them. This proposition would be quite correct, if by 'wrong' we understand that kind of lesion which allows to the injured party a right of coercion against the one who does the wrong. So it is in the special relation, but taken generally the proposition is repulsive and appalling. Any Subject who is not utterly intractable, must be able to suppose that his Sovereign does not really *wish* to do him wrong. Moreover, every man must be held to have his own inalienable rights which he cannot give up though he wish to do it, and about which he is himself entitled to judge. But the wrong in question which in his opinion is done to him, occurs according to that view only from error or ignorance of certain consequences that will ensue from the laws laid down by the sovereign power.

Consequently the right must be conceded to the citizen, and with the direct consent of the sovereign, that he shall be able to make his opinion publicly known regarding what appears to him to be a wrong committed against the Commonwealth by the enactments and administration of the Sovereign. For to assume that the Sovereign Power can never err, or never be ignorant of anything, would amount to regarding that Power as favoured with heavenly inspiration and as exalted above the reach of mankind, which is absurd. Hence the *Liberty of the Press*, is the sole palladium of the rights of the people. But it must be exercised within the limits of reverence and love for the constitution as it exists, while it must be sustained by the liberal spirit of the subjects, which the constitution itself tends to inspire; and it must be so limited by the wise precautions of those who exercise it that their freedom be not lost. To refuse this Liberty to the people amounts to taking from them all claim to right in relation to the supreme Power; and this is the view of Hobbes. But more than this is involved. As the will of the Sovereign only commands the subjects as citizens on the ground that he represents the general will of the people, to deprive the people of this liberty would be to withdraw from the Sovereign power all knowledge of what he would himself alter if he only knew it; and it would thus put him into contradiction with himself. Moreover to instil an anxiety into the sovereign that independent thinking and public utterance of it, would of themselves excite trouble in the State, would amount to exciting distrust against his own power or even awakening hatred against the people. There is then a general principle according to which the people may assert their rights *negatively*, so far as merely to judge that a certain thing is to be regarded as not *ordained* by the supreme legislation in accordance with their best will. This principle may be expressed in the following proposition: *What a People could not ordain over itself, ought not to be ordained by the Legislator over the People.*

For example, the question may be raised as to whether a Law, enacting that a certain regulated ecclesiastical constitution shall exist permanently and for all time, can be regarded as issuing from the proper will of the Lawgiver according to his real intention. In dealing with it, the position which first arises, is whether a people *may* make a law to itself to the effect that certain dogmas and external forms of religion, when once adopted, shall continue to be adopted for all time; and, therefore, whether it may prevent itself in its own descendants from advancing further in religious insight, or from altering any old errors when they have become recognised as such? It will thus become clear, that an 'original contract' of the people which made such a position a law, would be in itself null and void, because it is inconsistent with the essential destination and purposes of mankind. Consequently, a law enacted to such an effect, is not to be regarded as the proper will of the monarch; and

counter representations may therefore be made to him against it. In all cases, however, even when such things have been ordained by the supreme legislation, resistance is not to be offered to them in word or in deed, but they are only to be opposed by the influence of general and public judgments.

In every Commonwealth there must be *obedience* to coercive laws relating to the whole people and regulated by the mechanism of the political constitution. But at the same time there must be *a Spirit of Liberty* among the people; for every one needs to be convinced by reason in things relating to universal human duty, that such coercion is in accordance with Right. Without this he would be in contradiction with his own nature. Obedience without the Spirit of Liberty, is the cause and occasion of all *Secret Societies*. For there is a natural tendency implanted in mankind to communicate to one another what is in them, especially in what bears upon man generally. Such Societies would therefore fall away if such liberty were more favoured. And how can governments obtain the knowledge which is necessary for furthering their own essential object otherwise than by giving scope in its origin and in its effects, to this estimable spirit of human Liberty?

There is a certain practical spirit that professes to disregard all principles of pure Reason; and it expresses itself nowhere with more presumption regarding theoretical truth than in reference to the question as to the requisites of a good political constitution. The cause of this is that where there has been a legal constitution long in existence the people have been gradually accustomed to take that state in which everything has hitherto advanced in a quiet course, as the rule by which to judge of their happiness as well as their rights. On this account they have not been accustomed to judge of their condition in these respects according to the conceptions which are furnished by reason regarding them. And thus they come rather to prefer continuance of their passive state to the dangerous position of seeking for a better; for here too the maxim which Hippocrates lays down for the physician finds application 'judgment is uncertain, experiment is dangerous.* Thus it is that all constitutions that have subsisted for some length of time—whatever may be their defects—agree, amid all their differences in one result, namely, in producing a certain contentment with every one's own. Hence, when regard is given merely to the prosperity of the people, theory has properly no place but everything rests upon the practice that follows experience. But the question arises whether there is anything in Reason that can find expression in the term 'Political Right,' and whether this conception is of binding force in the case of men who stand in antagonism to each other in virtue of their individual liberty? This involves the question as to the objective and practical reality of

such a principle of Right, and whether it can be applied without regard to the mere well-being or ill-being which may arise from it, the knowledge of which can only rest upon experience. If there be such a basis of political Right, as has now been maintained, it must be founded upon the principles of pure Reason; for experience cannot teach what is right and just in itself. And, if it be so, there is a *Theory of Political Right*, and no Practice is valid which is not in conformity with it.

Against this position objection could only be taken in the following way. It might be alleged that, although men have in their minds the idea of rights as belonging to them, they are still, on account of their obtuseness and refractoriness, incapable and unworthy of being treated in accordance with it. And hence it might be maintained that a supreme Power proceeding merely in accordance with rules of expediency, should and must keep them in order. This is a leap of despair, a *salto mortale*; and it is of such a kind that since Might only, and not Right, comes into consideration, the people may then also be justified in trying their best by force; and all legal constitution is thus made uncertain. If there be no human Right which compels respect directly by its rationality, then all influences put forth to control the arbitrary will and liberty of men, will be found unavailing. But if along with the sentiment of Benevolence, the principle of Right speaks aloud, Human Nature will show itself not to be so degenerate that its voice will not be heard with reverence. We may say of it in the words of Virgil:

‘Tum pietate gravem meritisque si forte virum quem
Conspexere, silent arrectisque auribus adstant.’

[\[Back to Table of Contents\]](#)

III.

THE PRINCIPLE OF PROGRESS Considered In Connection With THE RELATION OF THEORY TO PRACTICE IN INTERNATIONAL LAW.

THE PRINCIPLE OF PROGRESS

Does the human race, viewed as a whole, appear worthy of being loved; or is it an object which we must look upon with repugnance, so that, while in order to avoid misanthropy, we continue to wish for it all that is good, we yet can never expect good from it, and would rather turn our eyes away from its ongoings? The reply to this question will depend on the answer that may be given to this other question: 'Is human nature endowed with capacities from which we can infer that the species will always advance to a better condition, so that the Evil of the present and past times will be lost in the Good of the future?' Under such a condition we may indeed love the race, at least when viewed as continually approaching to the Good, but otherwise we might well despise or even hate it, let the affectation of a universal philanthropy—which at most would then be only a benevolent wish, and not a satisfied love—express itself as it may. For, what is and remains bad, especially in the form of intentional and mutual violation of the holiest rights of man, cannot but be hated, whatever efforts may be made to constrain the feeling of love towards it. Not that this dislike of human evil would prompt us to inflict evil upon men, but it would at least lead us to have as little to do with them as possible.

Moses Mendelssohn was of this latter opinion; and he has opposed it to his friend Lessing's hypothesis of a 'Divine Education of the human Race.' It is, in his view,* a mere illusion to hold 'that the whole of mankind here below, shall always move forwards in the course of time, and thus perfect itself.' He says, 'We see the human Race as a whole making oscillations backward and forward; but it has never taken a few steps forwards without soon sliding back with double rapidity to its former state.'—This is then the very movement of the stone of Sisyphus; and we might thus suppose, like the Hindoo, that the earth is a place for the expiation of old and forgotten sins. 'The individual man' he continues, 'advances, but mankind, as a whole, moves up and down between fixed limits, and maintains through all periods of time about the same stage of morality, the same amount of religion and irreligion, of virtue and

vice, of happiness (?) and misery.' These assertions he introduces by saying: 'You would fain find out what are the purposes of Providence with regard to mankind. But form no hypotheses,'—he had formerly said 'Theory,'—'only look around on what actually happens; and if you can survey the history of all times, upon what has happened from the beginning. This gives facts. Thus much must have belonged to the purpose of Providence, and must have been approved in the plan of Wisdom, or at least must have been adopted along with it.'

I am of a different opinion. If it is a spectacle worthy of a Divinity to see a virtuous man struggling with adversities and temptation, and yet holding his ground against them, it is a spectacle most unworthy—I will not say of a Divinity, but even of the commonest well-disposed man—to see the human race making a few steps upwards in virtue from one period to another, and soon thereafter falling down again as deep into vice and misery as before. To gaze for a short while upon this tragedy, may be moving and instructive; but the curtain must at last be let fall upon it. For when prolonged in this manner, it becomes a farce; and although the actors may not become weary, being fools, yet the spectator will become tired of it, having enough in one or two acts, where he has got grounds to infer that this play that comes never to an end is but an eternal repetition of the same thing. The punishment that follows at the close may, indeed, in the case of a mere drama, compensate for the unpleasant feelings by the issue of the whole. But to see numberless vices, even accompanied with occasional virtues, towered and heaped on each other in the world of reality in order that there may be some grand retribution in the end, is—at least according to our ideas—altogether opposed to the morality of a wise Creator and Governor of the world.

I will, therefore, venture to assume that as the human race is continually advancing in civilisation and culture as its natural purpose, so it is continually making progress for the better in relation to the moral end of its existence, and that this progress although it may be sometimes interrupted, will never be entirely broken off or stopped. It is not necessary for me to prove this assumption; the burden of proof lies on its opponents. For I take my stand upon my innate sense of duty in this connection. Every member in the series of generations to which I belong as a man—although mayhap not so well equipped with the requisite moral qualifications as I ought to be, and consequently might be—is, in fact, prompted by his sense of duty so to act in reference to posterity that they may always become better, and the possibility of this must be assumed. This duty can thus be rightfully transmitted from one member of the generations to another. Now whatever doubts may be drawn from history against my hopes, and

were they even of such a kind as, in case of their being demonstrated, might move me to desist from efforts which according to all appearances would be vain, yet so long as this is not made out with complete certainty, I am not entitled to give up the guidance of duty which is clear, and to adopt the prudential rule of not working at the impracticable, since this is not clear but is mere hypothesis. And, however uncertain I may always be as to whether we may rightly hope that the human race will attain to a better condition, yet this individual uncertainty cannot detract from the general rule of conduct, or from the necessary assumption in the practical relation that such a condition *is* practicable.

This hope of better times, without which an earnest desire to do something conducive to the common well-being, would never have warmed the human heart, has always exercised an influence upon the practical conduct of the well-disposed of mankind; and the good Mendelssohn must also have recognised its power in his own zealous efforts for the enlightenment and prosperity of the nation to which he belonged. For he could not have reasonably hoped by himself alone to have accomplished those objects, unless others after him were to advance further on the same path. In presence of the saddening spectacle, not merely of the evils which oppress the human race from natural causes, but still more of those which men inflict on each other, the heart is still gladdened by the prospect that it may become better in the future, and that this will be accomplished in part by our unselfish benevolence, even after we have been long in the grave and have ceased to be able to reap the fruits which we ourselves have sown. Arguments from experience against the success of such endeavours resolved and carried out in hope, are of no avail. For the fact that something has *not yet* succeeded, is no proof that it will never succeed; nor would such an argument even justify the abandonment of any practical or technical efforts, such as, for example, the attempts to make pleasure excursions in aerostatic balloons. And still less would such conditions justify the abandonment of a moral purpose which, as such, becomes a duty if its realisation is not demonstrated to be impossible. Besides all this, many proofs can be given that the human race as a whole, is actually farther advanced in our age towards what is morally better than it ever was before, and is even considerably so when its present condition is compared with what it has been in all former ages, notwithstanding temporary impediments, which being transitory, can prove nothing against the general position. And hence the cry about the continually increasing degeneracy of the race, just arises from the fact, that as it stands on a higher stage of morality it sees so much the further before it; and thus its judgment on what men are in comparison with what they ought to be, becomes—as in our own self-examination—the more secure the more the stages of morality

which mankind have already surmounted in the whole course of the world's history as it is now known to us.

The question next arises as to the means by which this continuous progress to the better may be maintained and even hastened. When carefully considered, we soon see that as this process must go on to an incalculable distance of time, it cannot depend so much on what we may do of ourselves, for instance, on the education we give to the younger generation, or on the method by which we may proceed in order to realise it, as on what human *Nature* as such will do *in* and with us, to compel us to move in a track into which we would not readily have betaken ourselves. For, it is from human Nature in general, or rather—since supreme wisdom is requisite for the accomplishment of this End—it is from *Providence* alone that we can expect a result which proceeds by relation to the whole and reacts through the whole upon the parts. Men with their *plans* start, on the contrary, only from the parts, and even continue to regard the parts alone, while the whole as such is viewed as too great for them to influence and as attainable by them only in idea. And this holds all the more seeing that, being adverse to each other in their plans, they would hardly be able to unite together in order to influence the whole out of any particular free purpose of their own.

Nevertheless universal violence and the evils arising from it, at last force a people of necessity to resolve to subject themselves to the constraint of public Law, which is the very means that reason itself prescribes; and thus to form and enter into a civil or *political Constitution*. And, in like manner, the evils arising from constant wars by which the States seek to reduce or subdue each other, bring them at last, even against their will, also to enter into a universal or *cosmo-political Constitution*. Or, should such a condition of universal peace—as has often been the case with overgrown States—be even more dangerous to liberty on another side than war, by introducing the most terrible despotism, then the evils from which deliverance is sought will compel the introduction of a condition among the nations which does not assume the form of a universal Commonwealth or Empire under one Sovereign but of a Federation regulated by law, according to the *Right of Nations* as concerted in common.

For, the advancing civilisation of the several States is accompanied with a growing propensity to enlarge themselves at the cost of others, by fraud or force. And thus wars are multiplied; and greater expenditure is always caused by the necessary maintenance of increased standing armies, kept in a state of readiness and discipline, and provided ever and again with more numerous instruments of war. At the same time the prices of all the

necessaries of life must go on continually increasing while there can be no hope of a proportionately progressive growth of the metals that represent them. Nor does peace ever last so long that the savings during it would equal the expenditure required for the next war. Against this evil the introduction of national debts is indeed an ingenious resource, but it is one which must annihilate itself in the long run. Under pressure of all these evils, what goodwill ought to have done but did not do, is at last brought about by sheer weakness, so that every State becomes so organised within that it is no longer the Sovereign—to whom war properly costs nothing since he carries it on at the cost of the people—but it is the People on whom the cost falls, who have the deciding voice as to whether there shall be war or no. This is necessarily implied in the realisation of the idea of the original Contract. But when the decision of the question of War falls to the people, neither will the desire of aggrandisement nor mere verbal injuries be likely to induce them to put themselves in danger of personal privation and want, by inflicting upon themselves the calamities of war, which the Sovereign in his own person escapes. And thus posterity, no longer oppressed by undeserved burdens, and owing it not to the direct love of others for them, but only to the rational self-love of each age for itself, will be able to make progress even in moral relations. For each Commonwealth, now become unable to injure any other by violence, must maintain itself by Right alone; and it may hope on real grounds that the others being constituted like itself will then come, on occasions of need, to its aid.

This, however, it may be said, is only opinion and mere hypothesis, and it is uncertain, like all theories which aim at stating the only suitable natural cause for a proposed effect that is not wholly in our own power. Further, even regarded as such, the cause suggested, when it is taken in relation to an already existing State, does not contain a principle that is applicable to the Subject so as to compel the production of the effect, but is only available through Sovereigns who are free from compulsion. But although it does not lie in the nature of men, according to common experience, to make a voluntary renouncement of their power, yet in pressing circumstances this is not at all impossible. And so it may be regarded as an expression not unsuitable to the moral wishes and hopes of men conscious of their own incapability, when it is said that the circumstances requisite for the end in question are to be expected from *Providence*. For it is to Providence we must look for the realisation of the End of *Humanity* in the whole of the species, as furnishing the means for the attainment of the final destination of man, through the free exercise of his powers so far as they can go. For to this End, the purposes of individual men, regarded separately, are directly opposed. Yet even the oppositions of the inclinations from which evil arises, in their mutual antagonism, give

free play to Reason and opportunity to subject them all; and so, instead of the Evil which destroys itself, it makes the Good predominant, which when it is once established, will continue thereafter to maintain itself.

Human Nature appears nowhere less amiable than in the relation of whole nations to each other. No State is for a moment secure against another in its independence or its possessions. The will to subdue each other or to reduce their power, is always rampant; and the equipment for defence, which often makes peace even more oppressive and more destructive of internal prosperity than war, can never be relaxed. Against such evils there is no possible remedy but *a system of International Right* founded upon public laws conjoined with power, to which every State must submit,—according to the analogy of the civil or political Right of individuals in any one State. For, a lasting universal Peace on the basis of the so-called *Balance of Power in Europe*, is a mere chimera. It is like the house described by Swift, which was built by an architect so perfectly in accordance with all the laws of equilibrium, that when a sparrow lighted upon it, it immediately fell. 'But'—it may be said—'the States will never submit to such compulsory laws; and the proposal to institute a universal International State or Union of Nations—a Union under whose power all the separate States shall voluntarily arrange themselves in order to obey its laws—may sound ever so pretty in the theory of an Abbé de St Pierre or a Rousseau, but it is of no value for practical purposes; and as such it has always been laughed at by great Statesmen, and still more by Sovereigns and Rulers, as a childish and pedantic idea fit only for the schools from which it takes its rise.'

For my part, on the contrary, I trust to a theory which is based upon the principle of Right as determining what the relations between men and States, *ought to be*; and which lays down to these earthly gods the maxim that they ought so to proceed in their disputes that such a universal International State may be introduced thereby, and to assume it therefore as not only possible in practice but such as may yet be presented in reality.—Nay more, this theory is further to be regarded as founded upon the nature of things, which compels movement in a direction even against the will of man. 'Fata volentem ducunt, nolentem trahunt.' Under the Nature of things, Human Nature is also to be taken into account; and as in human nature there is always a living respect for Right and Duty, I neither can nor will regard it as so sunk in evil that the practical moral Reason could ultimately fail to triumph over this evil, even after many of its attempts have failed. And so it is that I would represent Human Nature as worthy to be loved. In the widest cosmo-political relation the position therefore holds good, that

what is valid on rational grounds as a Theory, is also valid and good
for Practice.

[\[Back to Table of Contents\]](#)

PERPETUAL PEACE. A PHILOSOPHICAL ESSAY. 1795.

'THE PERPETUAL PEACE.'

These words were once put by a Dutch innkeeper on his signboard, as a satirical inscription over the representation of a churchyard. We need not enquire whether they hold of men in general, or particularly of the rulers of States who seem never to be satiated of war, or even only of the Philosophers who dream that sweet dream of Peace. The author of the present Sketch, however, would make one remark by way of reservation in reference to it. It is well known that the practical politician looks down, with great self-complacency, on the theoretical Politician, when he comes in the way, as a mere pedant whose empty ideas can bring no danger to the State, proceeding as it does, upon principles derived from experience; and the theoriser may, therefore, be allowed to throw down his eleven skittle-pins at once, while the sagacious Statesman who knows the world, need not, on that account, even give himself a turn! This being so, should any matter of controversy arise between them, the practical Statesman must so far proceed consistently and not scent out a danger for the State behind the opinions of the theoretical thinker, which he has ventured in a good intent publicly to express. By which 'saving clause,' the Author will consider himself expressly safeguarded against all malicious interpretation.

First Section Which Contains THE PRELIMINARY ARTICLES OF A PERPETUAL PEACE BETWEEN STATES.

1.

'No Conclusion Of Peace Shall Be Held To Be Valid As Such, When It Has Been Made With The Secret Reservation Of The Material For A Future War.'

For, in that case, it would be a mere truce, or a suspension of hostilities, and not a *Peace*. A Peace properly signifies the end of *all* hostilities; and to qualify it by the addition of the epithet 'perpetual' or 'eternal' is pleonastic and suspicious. All existing causes for a

future war—although they were perhaps unknown to the contracting parties at the time—are to be regarded as entirely removed, or annihilated by the Treaty of Peace, even if they could be picked out by the dexterity of an acute interpretation from the terms of documents in the public Archives. There may be a mental reservation of old pretensions or claims with the view of asserting them at a future time, of which, however, neither party makes any mention for the present because they are too exhausted to continue the war, while there remains the evil will to take advantage of the first favourable opportunity for this purpose; but this is illegitimate and belongs to the Jesuitical casuistry of Politics. If we consider the subject of reservation in itself, it is beneath the dignity of the Rulers of States to have to do with it, and, in like manner, the complacent participation in such deductions is beneath the dignity of their Ministers. But if the true glory of the State is placed in the continual increase of its power, by any means whatever—according to certain 'enlightened' notions of national policy—then this judgment will certainly appear to those who adopt that view, to be impractical and pedantic.

2.

'No State Having An Existence By Itself—whether It Be Small Or Large—shall Be Acquirable By Another State Through Inheritance, Exchange, Purchase Or Donation.'

A State is not to be regarded as a property or patrimony, like the soil on which it may be settled. It is a society of men, over which no one but itself has the right to rule or to dispoise. Like the stem of a tree it has its own root, and to incorporate it as a graft in another State, is to destroy its existence as a moral Person; it is to reduce it to a Thing, and thereby to contradict the idea of the original Compact without which a Right over a people is inconceivable.* Everyone knows what danger the prejudice in favour of thus acquiring States has brought to Europe,—for in the other parts of the world it has never been known; and that this has gone on even up to our own times. It was considered that the States might marry one another; and hence, on the one hand, a new kind of industry in the effort to acquire predominance by family alliances, without any expenditure of power; and, on the other hand, to increase, in this way, by new possessions the extent of a Country. Further, the lending of the troops of one State to another on pay, to fight against an enemy not at war with their own State, has arisen from the

same erroneous view; for the Subjects of the State are thus used and abused as Things that may be managed at will.

3.

'Standing Armies Shall Be Entirely Abolished In The Course Of Time.'

For, they threaten other States incessantly with War, by their appearing to be always equipped to enter upon it. Standing armies (*miles perpetuus*) excite the States to outrival each other in the number of their armed men which has no limits. By the expense occasioned thereby, Peace becomes in the long run even more oppressive than a short war; and Standing Armies are thus the cause of aggressive wars undertaken in order to get rid of this burden. Besides, it has to be considered that for men to be hired for pay to kill or to be killed, appears to imply the using of them as mere machines and instruments in the hand of another, although it be the State; and that this cannot be well reconciled with the Right of humanity in our own person. It is quite otherwise, however, as regards the voluntary exercise of the citizens in arms at certain appointed periods; for the object in view is thereby to protect themselves and their country from external attacks.—The accumulation of treasure in a State would have the same sort of influence as regular troops, in so far as, being regarded by other States as a threat of war, it might compel them to anticipate such a war by an attack upon the State. For of the three powers known in the State as *the Power of the Army*, *the Power of external Alliance* and *the Power of Money*, the money-power might well become the most reliable instrument of war, did not the difficulty of determining its real force stand in the way of its employment.

4.

'No National Debts Shall Be Contracted In Connection With The External Affairs Of The State.'

No objection can be taken to seeking assistance, either without or within the State, in behalf of the economical administration of the country; such as, for the improvement of highways, or in support of new colonies, or in the establishment of resources against dearth and famine. A loan, whether raised externally or internally, as a source of aid in such cases is above suspicion. But a Credit System when used by the Powers as a hostile antagonistic instrument

against each other, and when the debts under it go on increasing to an excessive extent and yet are always secured for the present (because all the creditors are not to put in their claims at once), is a dangerous money power. This arrangement—the ingenious invention of a commercial people in this century—constitutes, in fact, a treasure for the carrying on of War; it may exceed the treasures of all the other States taken together, and it can only be exhausted by the forth-coming deficit of the taxes,—which, however, may be long delayed even by the animation of the national commerce from the reaction of the system upon industry and trade. The facility given by this system for engaging in War, combined with the inclination of Rulers towards it (an inclination which seems to be implanted in human nature),—is, therefore, a great obstacle in the way of a Perpetual Peace. The prohibition of it must be laid down as a Preliminary Article in the conditions of such a Peace, even more strongly on the further ground, that the national bankruptcy, which it inevitably brings at last, would necessarily involve many other States that are without debt in the loss; and this would be a public lesion of these other States. And, consequently, the other States are justified in allying themselves against such a State and its pretensions.

5.

‘No State Shall Intermeddle By Force With The Constitution Or Government Of Another State.’

For what could justify it in doing so? Mayhap the scandal or offence given by that State to the subjects of another State? Then the offending State should much rather serve as a warning by the example of the great Evils which peoples have drawn upon themselves through their lawlessness; and generally a bad example given by one free person to another (as a *scandalum acceptum*), is not a lesion of his Right. But it is a different case where a State has become divided in two by internal disunion, and when each of the parts represents itself as a separate State laying claim to the whole; for, to furnish assistance to one of them under these circumstances might not be reckoned as the intermeddling of an External State with the Constitution of another, as that other is then in a condition of Anarchy. Yet so long as this internal strife is not decided, such an interference on the part of external Powers would be a violation of the Rights of an independent people that is only struggling with an external evil. It would, therefore, itself be a cause of offence, and would make the Autonomy of all other States insecure.

6.

'No State At War With Another Shall Adopt Such Modes Of Hostility As Would Necessarily Render Mutual Confidence Impossible In A Future Peace; Such As, The Employment Of Assassins (*Percussores*) Or Poisoners (*Venefici*), The Violation Of A Capitulation, The Instigation Of Treason And Such Like.'

These are dishonourable stratagems. For there must be some trust in the habit and disposition even of an enemy in War, otherwise no Peace could be concluded, and the hostilities would pass into an internecine war of extermination. War, however, is only a melancholy necessity of asserting Right by force—where, as in the state of Nature, there is no common tribunal with the rightful power to adjudicate on causes of quarrel. In such circumstances neither of the two parties can be declared to be an unjust enemy as this presupposes a judicial sentence: but the *issue* of the conflict—as in the so-called 'judgments of God'—has to decide on which side is the Right. As between States, however, a punitive war, according to the principle of punishment, is inconceivable; because there is no relation of subordination between them, as between Superior and Inferior.—Hence it follows that a war of extermination, in which the process of annihilation would strike at both parties, and likewise at all Right at the same time, would reach Perpetual Peace only on the final Golgotha of the human race. Such a war, therefore, as well as the use of such means as might lead to it, must be absolutely unallowable.—And that the means referred to inevitably lead to that result, is apparent from the fact that when these hellish arts, which are debasing in themselves, are once brought into use, they are not kept long within the limits of war.—Such, for instance, is the employment of Spies. In this case it is only the *dishonesty* of others that is employed, and as such practices and habits cannot be exterminated at once, they would be carried over into the state of Peace, and thus its very purpose would be entirely frustrated.

The Articles thus indicated, when viewed objectively, or as to the intention of the Powers, represent merely *Prohibitive Laws*. Some of them, however, are *Strict Laws* (*leges strictæ*); that are valid without distinction of circumstances, and press *immediately* for the abolition of certain things. Such are Nos. 1, 5, 6. Others, again—as Nos. 2, 3, 4,—have a certain subjective *breadth* (*leges latæ*) in

respect of their application. Although they present no exceptions to the rule of Right, they imply a regard to circumstances in *practice*. They include permissions to *delay* their fulfilment without, however, losing sight of their end; for their end allows such delay. Thus, for instance, in regard to the *restoration* of certain States to the Liberty of which they have been deprived, it is allowable, according to the Second Article, to postpone it—not, indeed to ‘the Greek Kalends,’ as Augustus was wont to say, so that its time would never come; but only so as not to precipitate its coming, and thus by overhaste to act contrary to the very purpose in view. The prohibition in question, bears only upon a *mode of Acquisition* which is to be no longer valid, but not upon the *state of possession* which, although it may not hold the requisite title of Right, was, nevertheless, regarded as rightful and valid by all the States at the date of the putative acquisition, in accordance with the public opinion of the time.*

Second Section Which Contains THE DEFINITIVE ARTICLES OF A PERPETUAL PEACE BETWEEN STATES.

A state of Peace among men who live side by side with each other, is not the *natural* state. The state of Nature is rather a state of War; for although it may not always present the outbreak of hostilities, it is nevertheless continually threatened with them. The state of Peace must, therefore, be *established*; for the mere cessation of hostilities furnishes no security against their recurrence, and where there is no guarantee of peace between neighbouring States—which can only be furnished under conditions that are regulated by Law—the one may treat the other, when proclamation is made to that effect, as an enemy.*

I.

First Definitive Article In The Conditions Of Perpetual Peace. ‘The Civil Constitution In Every State Shall Be Republican.’

A Republican Constitution is one that is founded, firstly, according to the principle of the *Liberty* of the Members of a Society, as Men; secondly, according to the principle of the *Dependence* of all its members on a single common Legislation, as Subjects; and, thirdly, according to the law of the *Equality* of its Members as Citizens.* The Republican Constitution is, thus, the only one which arises out of the idea of the Original Compact upon which all the rightful

legislation of a people is founded. As regards public Right, the republican principles, therefore, lie originally and essentially at the basis of the Civil Constitution in all its forms; and the only question for us now is as to whether it is also the only Constitution that can lead to a Perpetual Peace?

Now, in point of fact, the Republican Constitution, in addition to the purity of its origin as arising from the original source of the conception of Right, includes also the prospect of realising the desired object: Perpetual Peace among the nations. And the reason of this may be stated as follows.—According to the Republican Constitution, the consent of the citizens as members of the State is required to determine at any time the question, 'Whether there shall be war or not?' Hence, nothing is more natural than that they should be very loth to enter upon so undesirable an undertaking; for in decreeing it they would necessarily be resolving to bring upon themselves all the horrors of War. And, in their case, this implies such consequences as these: to have to fight in their own persons; to supply the costs of the war out of their own property; to have sorrowfully to repair the devastation which it leaves behind; and, as a crowning evil, to have to take upon themselves at the end a burden of debt which will go on embittering peace itself, and which it will be impossible ever to pay off on account of the constant threatening of further impending wars. On the other hand, in a Constitution where the Subject is not a voting member of the State, and which is, therefore, not Republican, the resolution to go to war is a matter of the smallest concern in the world. For, in this case, the Ruler, who, as such, is not a mere citizen but the Owner of the State, need not in the least suffer personally by war, nor has he to sacrifice his pleasures of the table or of the chase or his pleasant palaces, court-festivals and such like. He can, therefore, resolve for war from insignificant reasons, as if it were but a hunting expedition; and, as regards its propriety, he may leave the justification of it without concern to the diplomatic body, who are always too ready to give their services for that purpose.

The Republican Constitution is not to be confounded with the *Democratic* Constitution. But as this is commonly done, the following remarks must be made in order to guard against this confusion.—The various forms of the State (*Civitas*) may be divided either according to the difference of the *Persons* who hold the highest authority in the State, or according to the *mode of the governing* of the people through its supreme Head. The first is properly called the form of the Sovereignty in the State (*forma imperii*). There are only three forms of this kind possible, according as *one* only, or as *some* in connection with each other, or as *all* those constituting the Civil Society combined together may happen to possess the governing power; and thus we have either an

Autocracy constituted by the power of a Monarch, or an Aristocracy constituted by the power of the Nobles, or a Democracy constituted by the power of the People. The second principle of division is taken from the form of the Government (*forma regiminis*); and viewing the Constitution as the act of the common or universal will by which a number of men become a People, it regards the mode in which the State, founding on the Constitution, makes use of its supreme power. In this connection the form of government is either *republican* or *despotic*. Republicanism regarded as the constitutive principle of a State is the political severance of the Executive Power of the Government from the Legislative Power. Despotism is in principle the irresponsible executive administration of the State by laws laid down and enacted by the same power that administers them; and consequently the Ruler so far exercises his own private will as if it were the public Will. Of the three forms of the State, a *Democracy*, in the proper sense of the word, is necessarily a *despotism*; because it establishes an Executive power in which All resolve about, and, it may be, also against, any One who is not in accord with it; and consequently the All who thus resolve are really not all; which is a contradiction of the Universal Will with itself and with liberty.

Every form of Government, in fact, which is not *representative*, is properly a spurious form of Government or not a form of Government at all; because the Lawgiver in one and the same person, may, at the same time, be the executive administrator of his own Will. And although the other two political constitutions—Autocracy and Aristocracy—are always so far defective in that they afford opportunity for such a mode of government, it is at least possible in their cases that a mode of government may be adopted in conformity with the *spirit* of a representative system. Thus Frederick the Great was wont to say of himself that he was 'merely the highest servant of the State.'^{*} But the Democratic Constitution, on the contrary, makes such a spirit impossible; because under it everyone wishes to be master. It may, therefore, be said that the fewer the number of the Rulers or personal Administrators of the power of the State, and the greater the representation embodied in them, so much the more does the political constitution harmonise with the possibility of Republicanism; and such a constitution may hope to raise itself, by gradual reforms, to the Republican Ideal.—On this account, it is more difficult to attain to this one perfect constitution according to the principles of Right in an Aristocracy than in a Monarchy, and in a Democracy it is impossible otherwise than by violent revolution. As regards the people, however, the mode of Government is incomparably more important than the form of the Constitution, although the degree of conformity in the Constitution to the end of government is also of much importance.^{*} But if the mode of

Government is to conform to the idea of Right, it must embody the representative system. For in this system alone is a really republican mode of Government possible; and without it, let the Constitution be what it may, it will be despotic and violent. In none of the ancient so-called 'Republics,' was this known; and they necessarily became resolved in consequence, into an absolute form of despotism, which is always most bearable when the supreme power is concentrated in a single individual.

II.

Second Definitive Article In The Conditions Of A Perpetual Peace. 'The Right Of Nations Shall Be Founded On A Federation Of Free States.'

Peoples or nations regarded as States, may be judged like individual men. Now men living in a state of Nature independent of external laws, by their very contiguity to each other, give occasion to mutual injury or lesion. Every people, for the sake of its own security, thus may and ought to demand from any other, that it shall enter along with it into a constitution, similar to the Civil Constitution, in which the Right of each shall be secured. This would give rise to an International Federation of the Peoples. This, however, would not have to take the form of a *State* made up of these Nations. For that would involve a contradiction, since every State, properly so called, contains the relation of a Superior as the lawgiver to an Inferior as the people subject to their laws. Many nations, however, in one State, would constitute only one nation, which is contradictory to the principle assumed, as we are here considering the Right of *Nations* in relation to each other, in so far as they constitute different States and are not to be fused into one.

The attachment of Savages to the lawless liberty of rather being engaged in incessant conflict with each other, than submitting to a legal constraint constituted by themselves, is well known. Hence their preference of wild freedom to rational liberty is looked upon by us with profound contempt, and characterised as barbarism, coarseness, and a brutal degradation of humanity. Thus it might be thought that civilised Nations, being each united into a State, would of necessity make all haste to advance as soon as possible out of any semblance to a condition that is so much condemned. Instead of this, however, we rather find that every *State* finds its Majesty* on not being subject to any external legal coercion; and the glory of its Ruler or Head is made to consist in the fact that without his requiring to encounter any danger himself, many

thousands stand ready to be sacrificed at his command for a cause which may be no concern of theirs.† Thus the difference between the white savages of Europe and the red savages of America, consists mainly in this: that while some tribes of the latter have been entirely eaten up by their enemies, the former know how to make a better use of the vanquished than to eat them, by rather adding them to the number of their subjects, and thereby increasing the multitude of their instruments and means for still more extensive wars.

The depravity of human nature is exhibited without disguise in the unrestrained relations of the Nations to each other, whereas in the legalised state of Civil Society it is greatly veiled under the constraint of government. In view of it, we may well wonder that the word 'Right' has not yet been entirely banished from the policy of war as pedantic, and that no State has as yet ventured to declare itself publicly in favour of that doctrine. For Grotius, Puffendorf, Vattel and the others—miserable comforters all of them—are still always quoted cordially for the *justification* of an outbreak of war, although their philosophically or diplomatically composed codes has not, nor could have, the slightest *legal* force, since the States as such stand under no common legal constraint; and there is not an example of a State having been ever moved to desist from its purpose by arguments, although armed with testimonies of such important men.—Yet the homage which every State thus renders—at least in words—to the conception of Right still proves that there is to be found in man a higher and greater moral capacity; though it may slumber for a time; and it is evidently felt that this capacity will yet attain the mastery over the evil principle in him, the existence of which cannot be denied; and this gives a ground of hope to others. For the word 'Right' would otherwise never enter into the vocabulary of States desirous to go to war with each other, unless it were merely to make a jest of it, in the manner of the Gallic prince who declared that 'it is the prerogative of the strong to make the weak obey them.'

The means by which States prosecute their Rights at present can never be by a form of process—as if there were an external tribunal,—but can only be by War; but even the favourable issue of war in *victory* will not decide a matter of Right. A treaty of Peace may, indeed, put an end to a particular war, yet not to the general condition of war, in which a pretext can always be found for new hostilities. Nor can such a pretext under these circumstances be regarded as 'unjust;' for in that state of society, every nation is the judge of its own cause. At the same time, the position which, according to the Right of nature, holds of men in a lawless condition that 'they ought to advance out of that condition,' cannot according to the Right of Nations be directly applied to States;

because as States they have already within themselves a legal Constitution and have thus out-grown the coercive Right of others to bring them under a wider legal constitution according to conceptions of Right. And yet Reason on the throne of the highest moral law-giving power, absolutely condemns War as a mode of Right, and, on the contrary, makes the state of Peace an immediate duty. But the state of Peace cannot be founded or secured without a compact of the Nations with each other. Hence there must be a compact of a special kind which may be called a Pacific Federation (*foedus pacificum*), and which would be distinguished from a mere treaty or *Compact of Peace* (*pactum pacis*) in that the latter merely puts an end to *one* war whereas the former would seek to put an end to all wars for ever. This Federation will not aim at the acquisition of any of the political powers of a State, but merely at the preservation and guarantee for itself, and likewise for the other confederated States, of the liberty that is proper to a State; and this would not require these States to subject themselves for this purpose—as is the case with men in the state of nature—to public laws and to coercion under them. The practicability and objective realisation of this idea of *Federalism*, inasmuch as it has to spread itself over all States and thereby lead to Perpetual Peace, may be easily shewn. For if happy circumstances bring it about that a powerful and enlightened people form themselves into a Republic—which by its very nature must be disposed in favour of Perpetual Peace—this will furnish a centre of federative union for other States to attach themselves to, and thus to secure the conditions of Liberty among all States, according to the idea of the Right of Nations. And such a Union would extend wider and wider, in the course of time, by the addition of further connections of this kind.

It is intelligible that a People should say: 'There shall be no war among us: for we will form ourselves into a State, and constitute of ourselves a supreme legislative, governing and judicial Power which will peacefully settle our differences.'—But if this State says: 'There shall be no war between me and other States, although I recognise no supreme legislative power which will secure me my Right and whose Right I will also secure;'—then there is no intelligible basis upon which any security for such Rights could be founded unless it were a surrogate of the union embodied in Civil Society. And this can be nothing but *a free Federation of the States*, which Reason must necessarily connect with the idea of the Right of Nations if there is anything further to be thought in connection with it.

The notion of a *Right to go to war*, cannot be properly conceived as an element in the Right of Nations. For it would be equivalent to a Right to determine what is just not by universal external laws

limiting the freedom of every individual alike, but through one-sided maxims that operate by means of force. If such a Right be conceivable at all it would amount, in fact, to this: that in the case of men who are so disposed it is quite right for them to destroy and devour each other, and thus to find Perpetual Peace only in the wide grave which is to cover all the abomination of the deeds of violence and their authors!—For States viewed in relation to each other, there can be only one way, according to reason, of emerging from that lawless condition which contains nothing but occasions of war. Just as in the case of individual men, Reason would drive them to give up their savage lawless freedom, to accommodate themselves to public coercive laws, and thus to form an ever-growing State of Nations, such as would at last embrace all the Nations of the Earth. But as the Nations, according to their ideas of international Right, will not have such a positive rational system, and consequently reject in fact (*in thesi*) what is right in theory (*in hypothesi*), it cannot be realised in this pure form. Hence, instead of the positive idea of a *Universal Republic*—if all is not to be lost—we shall have as result only the *negative* surrogate of a *Federation of the States* averting war, subsisting in an external union, and always extending itself over the world. And thus the current of those inclinations and passions of men which are antagonistic to Right and productive of war, may be checked, although there will still be a danger of their breaking out betimes. For as Virgil puts it,—

‘Furor
Impius intus fremit horridus ore cruento.’*

III.

Third Definitive Article In The Conditions Of A Perpetual Peace. ‘The Rights Of Men As Citizens Of The World In A Cosmo-political System, Shall Be Restricted To Conditions Of Universal Hospitality.’

In this as in the previous Articles, the question is not about a relation of Philanthropy, but one of Right. ‘Hospitality’ here indicates the Right of a stranger in consequence of his arrival on the soil of another country, not to be treated by its citizens as an enemy. As a stranger he may be turned away, if this can be done without involving his death; but so long as he conducts himself peacefully in the place where he may happen to be, he is not to be dealt with in a hostile way. The stranger may not lay claim to be entertained *by right as a Guest*,—for this would require a special

friendly compact to make him for a certain time the member of a household,—he may only claim a *Right of Resort* or of visitation. All men are entitled to present themselves thus to society in virtue of their Right to the common possession of the surface of the earth, to no part of which anyone had originally more right than another; and upon which, from its being a globe, they cannot scatter themselves to infinite distances, but must at last bear to live side by side with each other.—Uninhabitable portions of this surface are formed by seas and deserts; these present barriers to the fellowship of men in society; but they are of such a nature that the *ship* or the *camel*, 'the ship of the desert,' makes it possible for men to approach each other over these unappropriated regions, and thus to turn the Right which the human species have in common to the surface of the earth, into a means for social intercourse. The inhospitality practised, for instance, on the Barbary coasts, of plundering ships in the neighbouring seas and making slaves of stranded mariners, or that of the sandy deserts, as practised by Arab Bedouins who regard their access to nomadic tribes as constituting a right to plunder them, is thus contrary to the Right of Nature. But this Right of Hospitality as vested in strangers arriving in another State, does not extend further than the conditions of the *possibility of entering into social intercourse* with the inhabitants of the country. In this way distant continents may enter into peaceful relations with each other. These may at last become publicly regulated by law, and thus the human race may be always brought nearer to a Cosmo-political Constitution.

If we compare the barbarian instances of inhospitality referred to with the inhuman behaviour of the civilised, and especially the commercial, States of our Continent, the injustice practised by them in their first contact with foreign lands and peoples, fills us even with horror, the mere *visiting* of such peoples being regarded by them as equivalent to a *conquest*. America, the Negro Lands, the Spice Islands, the Cape of Good Hope, etc., on being discovered, were treated as countries that belonged to nobody; for the Aboriginal inhabitants were reckoned as nothing. In the East Indies, under the pretext of intending merely to plant commercial settlements, the Europeans introduced foreign troops, and with them oppression of the Natives, instigation of the different States to widespread wars, famine, sedition, perfidy, and all the litany of evils that can oppress the human race.

China* and Japan, having had experience of such guests, therefore, did wisely in limiting their intercourse. China only permitted access to her coasts but not entrance into the country. Japan restricted access to one European people, the Dutch, and they were even treated like prisoners by being excluded from social intercourse with the Natives. The worst (or, regarded from the standpoint of a

moral judge, the best) of all this is that no satisfaction is derived from this violence, as all these commercial Societies are at present on the verge of ruin. The Sugar Islands—that seat of the cruellest and completest slavery—have thrown up no real profit, but have been only indirectly of account, and that in no praiseworthy relation. They have only furnished sailors for ships of war, and have thereby contributed to the carrying on of wars in Europe. And all this has been done by nations who make a great ado about their piety, and who, while drinking up iniquity like water, would have themselves regarded as the very elect of the orthodox Faith.

But the social relations between the various Peoples of the world, in narrower or wider circles, have now advanced everywhere so far that a violation of Right in *one* place of the earth, is felt *all* over it. Hence the idea of a Cosmo-political Right of the whole Human Race, is no phantastic or overstrained mode of representing Right, but is a necessary completion of the unwritten Code which carries national and international Right to a consummation in the Public Right of Mankind. Thus the whole system leads to the conclusion of a Perpetual Peace among the Nations. And it is only under the conditions now laid down that men may flatter themselves with the belief, that they are making a continual approach to its realisation.

First Supplement. Of The Guarantee Of Perpetual Peace.

The guarantee of Perpetual Peace is furnished by no less a power than the great artist Nature herself: *Natura Daedala rerum*. The mechanical course of Nature visibly exhibits a design to bring forth concord out of the discord of men, even against their will. This power as a cause working by laws which are unknown to us, is commonly called *Fate*; but in view of the design manifested in the course of the world, it is to be regarded as the deep wisdom of a Higher Cause directed towards the realisation of the final purpose of the human race, and predetermining the course of the world by relation to it, and as such we call it *Providence*. This power we do not indeed perceive externally in the artistic formations of Nature, nor can we even *infer* from them to it; but as in all referring of the form of things to final causes generally, we not only can, but must conjoin this thought with them in order to make their possibility conceivable after the analogy of the operations of human art. The relation and accord of these things to the moral purpose which reason immediately prescribes to us, can only be represented by an idea which theoretically indeed transcends our experience, but which is practically determinable and is well founded in reality. Such for example is the idea of a Perpetual Peace being a duty when the mechanism of nature is regarded as conducing to its

realisation. The employment of the term 'Nature' rather than 'Providence' for the designation of this power, is more proper and more modest in view of the limits of human reason, when we are dealing with it merely from the theoretical and not from the religious point of view. For human reason, when dealing with the relation of effects to their causes, must keep within the limits of possible experience; and to speak of Providence as knowable by us in this relation, would be putting on Icarian wings with presumptuous rashness in order to approach the mystery of His unfathomable purposes.

Before determining this guarantee more exactly, it will be necessary to look first at that state of things arranged by nature for those who live and act upon the stage of her great theatre, which ultimately gives the guarantee of Peace. Thereafter we shall consider the manner in which this guarantee is furnished. The provisory arrangements of nature in this relation consist mainly in these three things: 1st, she has provided so that men shall be able to live in all parts of the earth; 2nd, she has scattered them everywhere by means of war so that they might populate even the most inhospitable regions; and 3rd, by this same means she has compelled them to enter into relations more or less rightful with one another. The facts that come here into view are truly wonderful. Thus in the cold, icy wastes around the Arctic Ocean there grows the moss which the reindeer scrapes forth from beneath the snow in order that it may itself become food, or that it may be yoked to the sledge of the Ostiak or the Samojan. And in like manner, the wildernesses of sand, barren though they be, do yet contain the camel which appears to have been created for travelling through them, in order that they might not be left unutilised. Still more distinctly does design appear when we come to know how, along with the fur-clad animals on the shores of the Arctic Ocean, there are seals, walruses and whales that furnish food by their flesh, and warmth and light by their fat to the inhabitants around. But most of all does the provident care of nature excite our admiration by the driftwood which it brings to the treeless shores, even when it is not well known whence it comes; and yet without this material the dwellers in the region could neither construct their canoes, nor their arms, nor huts for their abode; and this too under such conditions as compel them to carry on war against the wild beasts, so that they have to live at peace with each other. Moreover, it is remarkable that it was probably nothing but war that drove men into different regions. And the first instrument of war which man appropriated to himself from among all the animals was the horse, which he had learned to tame and to domesticate in the early period of the populating of the earth; for the elephant belongs to the later period of the luxury which arose with established States. In like manner, the art of cultivating

certain grasses called 'cereals,' which are now no longer recognisable by us in their original condition, as well as the multiplication and improvement of species of fruits by transplanting and grafting them, could only arise under the conditions of regulated States when property in the soil had been rendered secure. These arts could only arise after men who had been previously existing in lawless freedom, had advanced from the mode of life of the hunter, the fisher, and the shepherd to that of the cultivator of the land. Then in connection with the life of the agriculturist, salt and iron were discovered which were perhaps the first articles that were sought far and near, and which entered into the commercial intercourse of different peoples. Thereby they would be first brought into a *peaceful relation* to one another; and thus the most distant of them would come to mutual understanding, sociability and pacific intercourse.

Now as nature has provided so that men *could* thus be able to live everywhere on the earth, she has likewise at the same time despotically willed that they *shall* live everywhere upon it, although against their own inclination and even without any idea of duty being connected with this determination through a moral law. On the contrary, she has chosen War as the means of attaining to this end.—In point of fact, we see certain peoples whose unity of descent is made known by the unity of their language, far divided from each other. Thus the Samojedes on the Arctic Ocean are of the same race as other tribes speaking a similar language a thousand miles away from them in the Altaian Mountains: another race of Mongolian origin equipped with horses and of a warlike character having pressed in between them and having thus driven the former apart from the latter into the most inhospitable regions, whither their own inclination would certainly never have carried them. In like manner, the Finns in the northernmost tract of Europe, where they are called Lapps, have been separated by as great a distance from the Hungarians who are affiliated to them in language, by the intrusion of Gothic and Sarmatian races. Nor can anything else but war well account for the presence in the far north of America of the Eskimo, a race entirely distinct from all the other American tribes, and perhaps descended from early European adventurers; and the same may be said of the Pesheræ who have been driven into Tierra del Fuego, in the far south of America. Nature has thus used War as the means of getting the earth everywhere populated. War, however, requires no special motive for its explanation; it appears to be ingrafted on human nature and is even regarded as noble in itself, man being stimulated to it by the love of glory without regard to selfish interests. Thus martial courage, not only among the American savages but even among Europeans in the age of chivalry, was considered to be of great value in itself, not merely in time of war—as was right enough—but just because it *was* war; and

thus war was often entered upon merely to show off this quality. An inherent dignity was thus attached to war itself, so that even philosophers have glorified it as giving a certain nobleness to humanity, unmindful of the Greek saying that 'War is bad in that it makes more bad people than it takes away.' So much then in reference to what nature does in carrying out her own design in regard to the Human Race as a class of her creatures.

The question then arises, as to what is the essential meaning and aim of this design of a Perpetual Peace. It may be put thus: 'What does Nature do in this respect with reference to the end which man's own reason presents to him as a duty; and, consequently, what does she do for the furtherance of his moral purpose in life? And, further, how does she guarantee that what man ought to do according to the laws of his freedom, and yet does not do, shall be done by him without prejudice to his freedom even by a certain constraint of nature; and how does she secure this in all the three relationships of Public Right as Political Right, International Right and Cosmopolitan Right?' When I say of nature that she *wills* a certain thing to be done, I do not mean that she imposes upon us a duty to do it, for only the Practical Reason as essentially free from constraint, can do this; but I mean that she does it herself whether we be willing or not. 'Fata volentem ducunt, nolentem trahunt.'

1. Even if a people were not compelled by internal discord to submit to the coercion of public laws, War as an external influence would effect this. For, according to the arrangement of nature already indicated, every people finds another pressing upon it in its neighbourhood, and it must form itself internally into a State in order to be equipped as a *Power* so as to defend itself. Now the Republican Constitution is the only one which perfectly corresponds to the Rights of man; but it is at the same time the most difficult to found, and still more so to maintain. So much is this the case that many have asserted that the realisation of a true Republic would be like a State formed by angels, because men with their selfish inclinations are incapable of carrying out a constitution of so sublime a form. In these circumstances, then, nature comes to the aid of the rational and universal will of man, which, however honoured in itself, is impotent in practice; and it does this just by means of these selfish inclinations. Thus it comes that the chief interest turns only upon a good organisation of the State, which is certainly within the power of man, whereby the powers of the human will shall be so directed in relation to each other, that the one will check the destructive effects of the other, or nullify them; and hence the result will be as regards reason the same as if these forces did not exist when their evil effects are thus neutralised; and man, although not possessed of real moral goodness, yet becomes constrained to be a good citizen.

The problem of the institution of a State, however hard it may appear, would not be insoluble even for a race of devils, assuming only that they have intelligence, and it may be put as follows: 'A multitude of rational beings all requiring laws in common for their own preservation, and yet of such a nature that each of them is inclined secretly to except himself from their sway, have to be put under order, and a constitution has to be established among them so that, although they may be antagonistic to one another in their private sentiments, they have yet to be so organised that, in their public relations, their conduct will have the same result as if they had no such bad sentiments.'

Such a problem must be *capable of solution*. For it does not turn directly upon the moral improvement of men, but only upon the mechanism of nature; and the problem is to know how men can use the conditions of nature in order so to regulate the antagonism of the hostile sentiments at work among the people that the individuals composing it shall have to compel each other to submit to common compulsory laws, and that there shall thus be brought about a state of peace in which the laws will have full power. This process may be seen going on in the actually existing, although still very imperfectly organised States. For, in their external relations to one another, they already approach what the idea of Right prescribes, although the essential principle of Morality is certainly not the cause of it; and indeed a good political constitution is not so much to be expected from that principle but rather conversely the good moral culture of a people from such a constitution. Hence the mechanism of nature as it works through selfish inclinations which are externally and naturally antagonistic in their operation to each other, may be used by reason as a means of making way for the realisation of her own end by the application of a Rule of Right, and thereby of furthering and securing Peace both internal and external, so far as it may lie within the power of the State to do so. It may then be said that Nature irresistibly *wills* that Right shall at last obtain the supremacy. What men may here neglect to do will at length be done of itself, although through much inconvenience, and as Bouterwek says:—

'Bend but the reed too strong, it breaks;
Who wills too much, but nothing makes.'

2. The idea of International Right presupposes the separation of several neighbouring States that are independent of each other; and such a condition of things is of itself already one of war, unless by their federated union they can prevent the outbreak of hostilities. Such a condition of things is, however, better, according to the idea of reason, than the fusion of all the States into a Universal Monarchy by one Power that has overgrown the rest and

subjected them to its sway. This is so because the laws lose always something of their definiteness as the range of a government becomes enlarged; and soulless despotism when it has choked the seeds of good, at length lapses into anarchy. Nevertheless there is a desire on the part of every State, or of its Sovereign, to attain to a lasting condition of Peace by subjecting the whole world, were it possible, to its sway. But nature *wills* it otherwise. She employs two means to prevent the peoples from intermingling, and to keep them apart. These are the differences of their Languages and of their Religions, which bring with them a certain tendency to mutual hatred, and furnish pretexts for war. However, as civilisation increases, there is a gradual approach of men to greater unanimity in principles, and to a mutual understanding of the conditions of peace even in view of these differences. This pacific spirit, unlike that despotism which revels upon the grave of liberty, is developed and secured, not by the weakening of all the separate powers of the States, but by an equilibrium which is brought forth and guaranteed through their rivalry with each other.

3. Nature wisely separates the nations which the will of each State, even according to the principles of International Right, would fain combine into one by fraud or force. But, on the other hand, she again unites the nations whom the idea of a universal Cosmopolitan Right would not have secured from violence and war by regard to their mutual interests. This is effected by the commercial spirit which cannot exist along with war, and which sooner or later controls every people. Among all the means of power subordinate to the regulation of the State, the power of money is the most reliable, and thus the States find themselves driven to further the noble interest of peace, although not directly from motives of morality. Hence wherever war threatens to break out in the world, the States have an interest to avert it by mediations, just as if they stood in a constant league with each other for this purpose. Thus great combinations with a view to war can but very rarely occur from the very nature of things, and still more rarely can they succeed.

In this way Nature guarantees the conditions of Perpetual Peace by the mechanism involved in our human inclinations themselves; and although this is not realised with a guarantee that is sufficient to enable us to *prophesy* the future theoretically, yet the security involved is sufficient for all practical relations. And thus it becomes a duty to labour for the realisation of this purpose as not at all chimerical in itself.

Second Supplement. Secret Article Relating To Perpetual Peace.

A secret Article in transactions relating to Public Right when viewed objectively or as to its matter, is a contradiction. Viewed subjectively, however, and considered in reference to the quality of the Person who dictates it, it is possible that there may be a secret contained in it which it may not be compatible with his dignity to have publicly announced as originating with him.

The only Article of this kind is contained in the following proposition: '*The maxims of the philosophers regarding the conditions of the possibility of a public peace, shall be taken into consideration by the States that are armed for war.*'

It appears, however, to detract from the dignity of the legislative authority of a State—to which we must naturally attribute the highest wisdom—to have to seek for instruction regarding the principles of their practical relations to other States from subjects, even though they be philosophers. Hence the State will rather encourage them *silently*, making a secret of the matter, than deal with them directly. This amounts to saying that it will allow them to speak forth freely and publicly their universal maxims regarding the carrying on of war and the establishment of peace; for this they will do of themselves if they are not prohibited from doing it. Nor is there any particular agreement of the States with one another required in this connection in order to their harmonising on this point; for it lies already in the obligations imposed by the common human Reason as a moral lawgiver. It is not however meant that the State must give a preference to the principles of the philosopher over the dictates of the jurist, who is a representative of the political authority; it is only meant that the philosopher ought to be *heard*. The jurist, who has taken for his symbol the scales of right and the sword of justice, commonly uses the latter not merely to keep away all foreign influences from the former, but (should the one scale not sink) to throw his sword into it; and then *Vae victis!* The jurist, who is not at the same time a moral philosopher, is under the greatest temptation to do this, because the function of his office is only to apply existing laws, and not to enquire whether they may be in need of improvement. And further he reckons this really lower order of his faculty as belonging by its functions to a higher rank, because it is accompanied with power; as holds also of the other two faculties of Medicine and Divinity. Philosophy thus stands on a very humble stage below these allied authorities. Hence it is said of Philosophy that she is the *handmaid* of Theology; and the same has been said of her relation to Medicine and Law. But it is not easy to see, as has been remarked, 'whether

she bears the torch before these gracious ladies, or carries their train.'

That 'kings will philosophise or philosophers become kings,' is not to be expected. Nor indeed is it to be desired, because the possession of power inevitably corrupts the free judgment of reason. But kings or king-like nations, who govern themselves according to laws of equality, should not allow the philosophers as a class to disappear, or to be silenced; rather should they be allowed to speak forth their maxims publicly. Nay, this is even indispensable to both for the mutual enlightenment of their functions. Nor should this process of communicating enlightenment be jealously regarded as a kind of Propagandism, because as a class the philosophers are by their nature incapable of combining into political clubs and factions.

APPENDIX.

I

On The Discordance Between Morals And Politics In Reference To Perpetual Peace.

The Science of Morals relates directly to practice in the objective sense, inasmuch as it is a system of unconditionally authoritative laws, in accordance with which we *ought* to act. It is therefore a manifest absurdity, after admitting the authority of this conception of duty, to assert, notwithstanding, that we *cannot* so act; for, were it so, this conception would have no value. '*Ultra posse nemo obligatur.*' Hence there can be no conflict between Political Philosophy as the practical science of right, and Moral Philosophy as the theoretical science of right; and consequently there can be no opposition in this relation between practice and theory. An opposition can only arise between them when the science of morals is regarded as a general *doctrine of prudence*, or expediency, or a theory of the maxims by which we are to choose the means most conducive for the attainment of useful and advantageous objects; and this amounts to denying generally that there is a Science of Morals. Politics may be regarded as saying, '*be wise (i.e. prudent) as serpents*'; Morals adds as a limiting condition, '*and harmless (i.e. guileless) as doves.*' If the two maxims cannot co-exist in one commandment, there is really an incongruity between Politics and Morals: but, if the two can be combined throughout, any idea of antagonism between them is absurd, and any question about harmonizing them, as if they were in conflict, need not be even raised. It is true that the saying, '*Honesty is the best policy,*' contains a theory which unhappily is very often contradicted by

practice; and yet the equally theoretical proposition, '*Honesty is better than policy*,' is infinitely removed above all objection, and it is even to be held that honesty or honour is the indispensable condition of all true policy. The tutelary divinity who is the guardian of the boundaries of morals, does not yield to the Jupiter who is the limiting divinity of force, for he still stands under the sway of fate. In other words, reason is not sufficiently enlightened to foresee the series of the pre-determining causes, which, with certainty, would enable it to predict the happy or unhappy consequences that would follow from the conduct of men according to the mechanism of Nature, however much our wishes and hopes may be directed to it. But what we have to do in order to continue on the path of duty according to rules of wisdom, reason shows us everywhere clearly enough in the light of the final End which we have to pursue.

The practical man, however, who regards morals as a mere theory, rejects our generous hopes of attaining to that end, even while admitting the distinction between what *ought* to be and what *can* be. He founds his unbelief specially upon the fact that he pretends to be able to foresee from the nature of man that men will never resolve to do what is required to bring about the result that leads to Perpetual Peace. Now it is admitted that the voluntary determination of all *individual* men to live under a legal constitution according to principles of liberty, when viewed as a distributive unity made up of the wills of all, is not sufficient to attain to this end, but all must will the realisation of this condition through the collective unity of their united wills, in order that the solution of so difficult a problem may be attained; for such a collective unity is required in order that civil society may take form as a whole. Further, a uniting cause must supervene upon this diversity in the particular wills of all, in order to educe such a common will from them, as they could not individually attain. Hence, in the realisation of that idea in practice, no other beginning of a social state of right can be reckoned upon, than one that is brought about by force; and upon such compulsion, Public Right is afterwards founded. This condition certainly leads us from the outset to expect great divergences in actual experience from the idea of right as apprehended in theory. For the moral sentiment of the lawgiver cannot be relied upon in this connection to the extent of assuming that, after the chaotic mass has been united into a people, he will then leave it to themselves to bring about a legal constitution by their common will. This amounts to saying that, when anyone has once got the power in his hands, he will not allow the people to prescribe laws for him. Similarly, a State which has once entered into possession of its power so as to be subject to no external laws, will not bring itself to submit to the judgment of other States as to how it shall seek to maintain its rights in relation to them; and even a continent, when it realises its superiority to

another which may not be at all in its way, will not neglect to use the means of strengthening its own power, even by spoliation or conquest. Thus it appears that all the theoretical plans relating to the realisation of the ends of right, whether it be National Right, or International Right, or Cosmopolitical Right, dissolve into empty unpractical ideas. And on the other hand, a mode of practice, founded upon the empirical principles of human nature and considering nothing in the world too low for furnishing guidance for its maxims, seems as if it alone could hope to find a sure foundation for its system of political expediency.

Now, certainly, if there is no freedom nor any moral law founded upon it, so that all that happens or can happen is mere mechanism of nature, this would hold true, under that supposition; and Politics viewed as the art of applying the mechanical arrangements of Nature to the government of men, would constitute the whole of practical wisdom, and the conception of right would be an empty and unreal thought. But, on the other hand, it may be the case that it is indispensably necessary to combine the arrangements of nature with the method of politics, and even to raise them to the position of conditions limiting its practice, and on this ground the possibility of uniting them must be admitted. I can thus easily enough think of a *moral politician*, as one who holds the principles of political expediency in such a way that they can co-exist with morals; but I cannot conceive of a *political moralist* who fashions a system of morality for himself so as to make it subordinate and subservient to the interest of the statesman. The moral politician will adopt the following as his principle: 'If certain defects which could not be prevented, are found in the political constitution, or in the relations of the State, it becomes a duty especially for the heads of the State to apply themselves to correct them as soon as possible, and to improve the constitution so that it may be brought into conformity with natural right, which is presented to them as a model in the idea of reason.' Now it would manifestly be contrary to that political expediency which is in agreement with morals, to destroy the existing bonds of National and Cosmopolitical Union before there was a better constitution ready to take their place; and hence it would be absurd to demand that every imperfection in the constitution should be at once violently removed. It may, however, be reasonably required that the maxim of the necessity of such an alteration should be consciously recognised by the supreme Power, in order that it may continue to make constant approximation to the end of realising the constitution that is best according to the laws of right. A State may thus *govern* itself even in a republican manner, although it may still possess a constitution grounded upon despotic power. And this may go on until the people gradually become capable of being influenced by the mere idea of the authority of the law, as if it possessed the physical power of the

State; and consequently came to be capable of legislating for themselves, which is the mode of government originally founded upon right. But if, through the violence of a *revolution* caused by the evils in the constitution, a more lawful constitution were attained even in a wrong way, it would no longer be proper to hold it permissible to bring back the people again to the old constitution, although every one who took part in the revolution by violence, or intrigue, may have been subjected by law to the penalties attached to rebels. As regards the external relations of the States, however, one State, cannot be called upon by another to give up its constitution, although it may be a despotic one, and is likely therefore to be the stronger in relation to external enemies, so long at least as that State runs a danger of being suddenly swallowed up by other States. Hence when any such proposal is made, it must at least be allowed to defer the execution of it till a more opportune time.

It may well be that those moralists who are inclined to despotism and who are deficient in practice, may often come into opposition with political prudence, by measures which have been precipitately adopted and overestimated; but experience will gradually bring them from this position of antagonism to nature into a better groove. On the other hand, those politicians who are guided by morality, may make improvement impossible by embellishing principles of government that are contrary to right, on the pretext that human nature is not capable of realising good according to the idea prescribed by reason, and thus they may do their best to perpetuate violations of right. Instead of dealing with practice in this prudential way, they take up certain practical measures and only consider how these are to be impressed upon the ruling Power in order that their private interest may not be baulked, and how the people, and, if possible, the whole world, may be delivered up to this interest. This is the manner of the mere professional jurists (acting after the fashion of a tradesman rather than of a legislator), when they betake themselves to politics. For, as it is not their business to refine upon legislation itself, but only to carry out the existing laws of the country, every legal constitution as it exists, and any subsequent one taking its place, when it is altered by the higher power, will always appear to them to be the best; and everything will be regarded as in proper mechanical order. This dexterity of being able to sit upright on any saddle, may fill them with the conceit that they are likewise able to judge about the principles of a political constitution which will be in accordance with the ideas of right, and which, therefore, will be rational and not merely empirical in itself. And, in addition to this, they may put much importance upon their knowledge of *men*, which may indeed be expected, because they have to do with many of them, without their yet truly knowing the nature of man and what can be made of

it, for which a higher standpoint of human observation is required. Now, if, provided with such ideas, they address themselves to the subject of political and international right as prescribed by reason, they cannot do otherwise than carry the spirit of chicane with them in thus stepping beyond their sphere. For they will naturally continue to follow their usual method of mechanically applying compulsory laws that have been despotically laid down, whereas the conceptions of reason will only recognise a lawful compulsion which is in accordance with principles of freedom and by which a rightly existing political constitution only becomes possible. The politician, who thus professes to be wholly practical, accordingly believes that he is able to solve the problem in question by ignoring this rational idea, and proceeding merely by experience seeing that it shows how the previously existing constitutions have been established and in what respects even the best of them may have been contrary to right.

The Maxims which he adopts for his guidance, although he may not give them open expression or avowal, run out into something like the following sophistical propositions:—

1. *Fac et excusa*. Seize the opportunity that is favourable for taking into your own possession what is either a right of the State over the people, or over a neighbouring State; and the justification of the act will be much more easily and gracefully presented *after the fact* so as to palliate its violence. This holds especially in the first case, where the supreme power in the State is also the legislative authority which must be obeyed without reasoning about it, as it is not held that it is desirable to think out convincing reasons first and then to await the counter reasons afterwards. This very hardihood gives a certain appearance of internal conviction of the rightfulness of the act, and the divinity of success (*bonus eventus*) becomes then the best advocate of the cause.

2. *Si fecisti, nega*. What you may have wrongly done yourself, such as may even bring the people to despair and to rebellion, should be denied as being any fault of yours; and, on the other hand, assert that it was owing to the refractoriness of the subjects; or, in the case of an aggression upon a neighbouring State, say that it was the fault of human nature; for, if others are not anticipated by violence, we may safely calculate that they will anticipate us and appropriate what is ours.

3. *Divide et impera*. That is to say, there are certain privileged heads among the people who have chosen you merely for their sovereign as *primus inter pares*. See, then, that you embroil them with each other and put them at variance with the people; next, work upon the latter by holding out the prospect of greater liberty;

and everything will then depend upon your absolute will. Or again, if it be a question about other States, then exciting of suspicion and disagreement among them, is a pretty safe means of subjecting them to yourself, one after the other, under the pretence of assisting the weaker.

It is true that nobody is now taken in by these political maxims, as they are universally understood. This is not so because men have become ashamed of them, as if their injustice was much too evident. The Great Powers are never put to shame before the judgment of the common people, as they are only concerned about one another. And as regards these principles, it is not the fact of their becoming known, but only their failing of success that causes shame; for, as regards the morality of their maxims, they are all at one. Hence there is nothing left but the standpoint of *political* honour upon which they can safely count; and this just comes to a question of the aggrandisement of their power in whatever way they may be able to do so.

With all these serpentine windings of this immoral doctrine of expediency, the idea is still maintained of educating a state of Peace among men from the warlike elements of the state of Nature. And so much at least becomes clear that men can as little escape from the conception of right in their private as in their public relations; and that they do not venture to found politics openly on the mere manipulations of expediency, or to renounce all obedience to the conception of public right, as is most strikingly seen in the sphere of international right. On the contrary, they allow all proper honour to this conception in itself, although they may have to devise a hundred evasions and palliations in order to escape from it in practice, and to attribute to a subtle state-craft the authority of the origin and the bond of all right. It will be well to put an end to this sophistry, if not to the injustice it veneers, and to bring the false advocates of the mighty ones of the world to confess that it is not in the interest of Right but of Might that they speak, and in a tone, too, as if they had themselves acquired the right to command. In order to do so it is necessary to point out the deception by which they mislead themselves and others. In their attempt to discover and exhibit the supreme principle from which the tendency towards a Perpetual Peace takes its rise, they try to show that all the evil which comes in the way of it, springs from the fact that the political moralist begins just where the moral politician properly ends; and thus by subordinating their principles to their end—or as the common saying goes, by putting the cart before the horse—the politician frustrates his own intention of bringing Politics into accord with Morals.

But in order to bring practical philosophy into harmony with itself, it is necessary first of all to decide a preliminary question. That question is: Whether, in dealing with problems of the Practical Reason, we ought to begin from its *material* Principle, as the end which is the object of the activity of the will, or from its *formal* Principle, as that which is founded merely upon freedom in its external relation. This formal principle is expressed as follows: 'Act so that thou canst will that thy maxim shall become a universal Law whatever may be its End.'

It cannot be doubted that the latter principle must take the precedence; for, as a principle of right, it has unconditional necessity, whereas the former is obligatory only under the presupposition of the empirical conditions of the proposed end so existing that it can be realised; and if the end, as in the case of Perpetual Peace, should also be a duty, the duty would itself have to be deduced from the formal Principle which regulates external action.—Now the material principle is the principle of the *political moralist*, and it reduces the questions of national, international, and universal Right to the level of a mere *technical* problem. On the other hand, the formal principle is the principle of the *moral politician*, and the question of right becomes with him a *moral* problem. Their different methods of procedure are thus wide as the poles asunder, in regard to the problem of bringing about Perpetual Peace which, in the view of the moralist, is not merely to be desired as a physical good, but also as a state of things arising out of the recognition of duty.

The solution of the problem in question by the method of political expediency, requires much knowledge of nature in order to be able to employ her mechanical arrangements for bringing about the end in view, and yet the result of them is wholly uncertain so far as regards the realisation of Perpetual Peace. This holds true whichever of the three departments of public right we consider. It is uncertain under any circumstances, whether the people would be better kept in obedience, and at the same time, in prosperity, by severe treatment or by alluring baits of vanity; whether they would be better kept in order by the sovereignty of a single individual or by a combination of several heads; whether this would be best secured merely by an official nobility or by the exercise of popular power within the constitution; and also whether any such result, if attained, could be upheld for long. There are examples of the opposite result presented in history by all the different forms of Government, with the exception of genuine Republicanism only, which system, however, can alone be accepted by a moral politician. A form of International Right professedly established upon statutes devised by foreign ministers, is still more uncertain; for it is in fact but a thing of words without substantial reality and

it rests upon compacts which, in the very act of their ratification, admit the secret reservation of the right to transgress them. On the other hand, the solution of the problem by the method of true political wisdom presses forward, so to speak, of itself; it becomes apparent to every one; it brings all artifice to nought; and it leads straight to the proper end. However, it must be accompanied with a prudent warning that it is not to be brought about in a precipitate manner, nor with violence, but it must be unceasingly approached as the favour of circumstances will allow.

All this may be summed up in the exhortation: 'Seek ye first the Kingdom of pure Practical Reason and its *righteousness*, and then will your object, the benefit of Perpetual Peace, be added unto you.' For the principle of morals has this peculiarity in itself, and it applies to the principles of public right, and it consequently pertains to the system of politics that is knowable *a priori*, that the less it makes the conduct depend upon the proposed end and the physical or moral advantage related to it, so much the more does it nevertheless coincide in general with these. The reason of this is that it is just the universal will as it is given *a priori* whether in one people or in the relation of different peoples to each other, which alone determines what is just and right among men. This union of the will of all, however, when it proceeds in practice consistently, and, according to the mechanism of Nature, may at the same time be the cause of bringing about the effect intended, and of thus realising the ideas of right.—Thus it is a principle of moral politics that a people ought to unite into a State only according to conceptions of liberty and equality as forms of right, and this principle is not founded upon prudence but upon duty. Political moralists, on the other hand, deserve no hearing, however much they may rationalise about the natural mechanism of a multitude of men conjoined in society, which, if a fact, would weaken those principles and frustrate their purpose; or however much they may seek to prove their assertion by adducing examples of badly organised constitutions in ancient and modern times, such as democracies without a system of representation. And this has to be particularly noted, since such a pernicious theory tends of itself to bring about the evil which it foretells; for, according to it, man is thrown into one class with the other living machines, which only need the consciousness of their not being free creatures to become, in their own judgment, the most miserable of all beings.

Fiat justitia, pereat mundus. This proverbial saying may indeed sound somewhat pompous, and yet it is true. It may be popularly rendered thus: Let righteousness prevail though all the knaves in the world should perish for it. It is thus a bold principle of Right cutting through all the crooked ways that are shaped by intrigue or force. It must not, however, be misunderstood as allowing anyone

to exercise his own right with the utmost severity, which would be contrary to ethical duty. It is to be understood as signifying the obligation incumbent upon those in power, not to refuse anyone his right, or to take from it, out of favour or sympathy towards others. This requires above all, an internal political constitution, arranged according to pure principles of right, and further, the union of it with other neighbouring or distant States, so as to attain a legal settlement of their disputes by a constitution that would be analogous to a universal State. This proposition just means that political maxims must not start from the prosperity and happiness that are to be expected in each State from following them, nor from the end which each of them makes the object of its will as the highest empirical principle of politics; but they must proceed from the pure conception of the duty of Right or Justice, as an obligatory principle given *a priori* by pure reason. And this is to be held, whatever may be the physical consequences which follow from adopting these political principles. The world will certainly not perish from the fact that the number of the wicked thus becomes less. Moral evil has this quality inseparable from its nature that, in carrying out its purposes, it is antagonistic and destructive to itself, especially in relation to such others as are also under its sway; and hence it must give place to the moral principle of goodness, although the progress to this may be slow.

There is therefore objectively in theory no antagonism at all between morals and politics. But subjectively, in consequence of the selfish propensity of men (which, however, as not grounded upon rational maxims cannot properly be called practice) such an antagonism is found and it will perhaps always continue to exist, because it serves as a whet to virtue. According to the principle *tu ne cede malis sed contra audentior ito*, the true courage of virtue in this case does not consist so much in setting itself with fixed purpose to meet the evils and sacrifices which must thus be encountered, but rather in facing and overcoming the wiles of the far more dangerous, lying, treacherous, yet sophisticated principle of evil in ourselves, which holds up the weakness of human nature as a justification of every transgression of right.

In fact, the political moralist may say that the ruler and people, or nations and nations, do no wrong to *each other* if they enter on a mutual war by violence or cunning, although they do wrong generally in refusing to respect the conception of right and justice which alone could establish peace for all time. For since the one transgresses his duty towards the other who cherishes just as wrong a sentiment towards him, it may be said that nothing but what is just happens to both of them when they exhaust each other, yet so that there still remains some of their race to carry on this play of force to the most distant times that the latest posterity may

take a warning example from them. In all this, indeed, there is a justification of the Providence that rules the course of the world; for the moral principle in man is never extinguished, and his reason, pragmatically trained to realise the ideas of right according to this principle, grows without ceasing through its constantly advancing culture, while the guilt of such transgressions also comes more clearly into light. Yet the process of creation, by which such a brood of corrupt beings has been put upon the earth, can apparently be justified by no theodicy or theory of Providence, if we assume that it never will be better, nor can be better, with the human race. But such a standpoint of judgment is really much too high for us to assume, as if we could be entitled theoretically to apply our notions of wisdom to the supreme and unfathomable Power. We shall thus be inevitably driven to a position of despair in consequence of such reasonings, if we do not admit that the pure principles of right and justice have objective reality and that they can be realised in fact. Accordingly, we must hold that these principles are to be treated from the standpoint of the people in the State, and likewise from the relations of the States to one another, let the advocates of empirical politics object to this view as they may. A true political philosophy, therefore, cannot advance a step without first paying homage to the principles of morals; and, although politics taken by itself is a difficult art, yet its union with morals removes it from the difficulties of art. For this combination of them cuts in two the knots which politics alone cannot untie, whenever they come into conflict with each other.

The rights of men must, therefore, be regarded as holy, however great may be the sacrifice which the maintenance of them lays upon the ruling power. We cannot divide right into halves, or devise a modified condition of right intermediate between justice and utility. Rather must all politics bow the knee before the principle of right; but in doing so it may well cherish the hope that it will yet attain, however slowly, to that stage of progress at which it will shine forth with lasting splendour.

II

Of The Accordance Of Politics With Morals According To The Transcendental Conception Of Public Right.

We may think of Public Right in a formal way after abstracting from all the matters to which it is applied in detail, such as the different relations of men in the State, or of the States to each other, as presented in experience; and this is the way in which jurists usually think of it. But apart from the *matter* of public right, there remains

only the *form of publicity*, the possibility of which is implied in every expression of right; for without such publicity there would be no justice, this being thinkable only as what is publicly declarable, and hence without this publicity there would be no right, as right is only administered or distributed by it.

This character of publicity must belong to every mode of right; and, as it can easily be judged whether it accompanies any particular case, and whether it can therefore be combined with the principles of an agent, it furnishes a criterion, which is at once presented *a priori* in reason and which it is easy to use in experience. Where it cannot be combined with the principles of an agent, the falsity and wrongness of a pretended right can thus be immediately recognised, as if by an experiment of the pure reason.

Abstraction being thus made from everything empirical that is contained in the conceptions of national and international right, (such as the evil disposition of human nature which makes coercion necessary) the following proposition arises, and it may be called the *transcendental formula* of Public Right.

'All actions relating to the rights of other men are wrong, if their maxim is not compatible with publicity.'

This principle is not to be regarded merely as *ethical*, and as belonging only to the doctrine of virtue, but it is also to be regarded as *juridical* and as pertaining to the rights of men. For a maxim cannot be a right maxim which is such that I cannot allow it to be *published* without thereby at the same time frustrating my own intention, which would necessarily have to be kept entirely secret in order that it might succeed, and which I could not *publicly confess* to be mine without inevitably arousing thereby the resistance of all men against my purpose. It is clear that this necessary and universal opposition of all against me on self-evident grounds, can arise from nothing else than the injustice which such a maxim threatens to everyone. Further, it is a merely *negative* maxim, in so far as it only serves as a means of making known what is *not* right and just towards others. It is like an axiom which is certain without demonstration. And, besides all this, it is easily applicable; as may be seen from the following examples and illustrations of Public Right.

1. *Public Right of the State*. As regards the right of the State, and in particular its internal right, we may look at the application of this formulated principle to a question which many hold it difficult to answer, but which the transcendental principle of Publicity quite easily resolves. The question we refer to is as to *whether Insurrection is a right means for a people to adopt in order to throw*

off the oppressive power of a so-called tyrant? Non titulo sed exercitio talis. The rights of the people are violated in the case supposed, and no wrong would be done to the tyrant by his dethronement. Of this latter position there may be no doubt, and yet it is wrong in the highest degree, on the part of the subjects, to pursue their rights in this way; and if they did so, they would have as little right on their side to complain of injustice should they fail in this conflict and were afterwards subjected to the severest punishment in consequence.

In this case much may indeed be advanced for and against either position if the attempt is made to establish it by a dogmatic deduction of the principles of right. The transcendental principle of the Publicity of public right can alone spare us all this prolixity of discussion. For, according to that principle the people would only have to ask themselves before the institution of the civil contract whether it would dare to make the maxim of the proposal of an occasional insurrection publicly known. We easily see that were it made a condition at the founding of a political constitution that force was in certain circumstances to be exercised against the supreme authority, the people would have to arrogate to themselves the right of power over that authority. But were it so, that would no longer be the supreme authority, or if both powers were made a condition in the constitution of the State, the establishment of such an authority would really not be possible, although this was the intention of the people. The wrongness of rebellion therefore appears plain from the fact that the maxim upon which it would proceed, *were it to be publicly professed as such*, would make its own purpose impossible. It would therefore necessarily have to be kept secret. This latter condition, however, would not be at all necessary on the part of the head of the State. The sovereign power may freely announce that every form of insurrection or revolt will be punished with the death of the ringleaders, however the latter may believe that it was the sovereign who first violated the fundamental law. For if the sovereign is conscious of possessing *irresistible* supreme power (and this must be assumed in every civil constitution, because he who has not power enough to protect any member of the people against every other has no right to command him), he need have no anxiety about frustrating his own purpose by the publication of his maxim. And it is quite consistent with this position to hold that, if the people succeed in a rebellion, the sovereign must then return to the position of a subject. But he will not then be entitled to begin a new rebellion with a view to his own restoration; and neither should he have to fear that he will be called to account for his former administration.

2. *International Right*.—There can only be a system of International Right on the assumption that there is really a state of right as the external condition under which right can become real among men. And this is so because, *as public right*, it already implies the publication of a common will assigning to every one what is his own. This *status juridicus* must arise out of some sort of compact which, unlike that from which a State springs, cannot be founded upon compulsory laws, but it may, in all cases, assume the form of a permanent *free association*; and this we have already indicated as assuming the form of a Federation of the different States. Without some jural organisation to connect the different persons, moral or physical, in an active form, and therefore in the state of nature, there can be no other right but private right. Here again comes in a conflict of Politics with Morals when the latter is regarded as a doctrine of right; and the criterion of the publicity of maxims again finds an easy application to it, but only on the condition that the States are bound by a compact with the object only of maintaining themselves in peace with each other, and not at all in the intention of acquiring new possessions. The following instances of antinomies arising between Politics and Morals may be here given, along with their solution.

(1) 'If one State has promised something to another, whether it be assistance, or a cession of country, or subsidies, or such like, the question may arise as to whether in a case on which the well-being of the State is dependent, it may withdraw from keeping its promise, on the ground that it would have itself to be regarded as a double person: first, as a *sovereign*, from being responsible to no one in the State, and, secondly, merely as the highest political *official*, from having to give account to the State; and then the conclusion is drawn that what it had become responsible for in the first quality, it may be discharged from in the second.' But if the sovereign of a State should proclaim openly such a maxim, it is evident that every other State would naturally avoid it, or would unite with others to resist such pretensions; and this proves that politics, with all its craftiness, would frustrate its own purpose by such an application of the principle of publicity; and consequently any such maxim must be wrong.

(2). 'If a neighbouring Power that has grown formidable by its aggrandisement, excites anxiety, it may be asked whether, because it is able, it will also resolve to oppress others, and whether this gives to the less powerful States a right to make a united attack upon it, although it may as yet have committed no injury?' A State which would affirmatively *proclaim* such a maxim, would only bring about more certainly and rapidly the evil that is dreaded. For the greater power would anticipate the lesser; and, as regards their union, it would be but a weak bundle of reeds against it, if it knew

how to practise the rule *divide et impera*. Such a maxim of political prudence if publicly declared, would therefore necessarily frustrate its own purpose; and it is consequently wrong.

(3). 'If a small State, by its geographical position divides the connection of a greater State which requires this connection in order to its own preservation, is such a State not entitled to subject the smaller State to itself, and unite it to its own territory?'—Here again it is easily seen that the greater State cannot possibly let the maxim of such a procedure be previously known; for either the lesser States would combine early against it, or other powerful States would contend with it for this prize, and so the maxim would make itself impracticable by its very publicity. This would be a sign of the wrongness of the maxim, and it would be so in a very high degree; for the smallness of the object of an injustice does not prevent the injustice manifested by it from being very great.

3. *Cosmopolitical Right*.—As regards Cosmopolitical Right, I may pass it over in silence here, because on account of its analogy with International Right its maxims may, in a similar manner, be easily indicated and estimated.

The principle of the incompatibility of certain maxims of International Right with their publicity, thus furnishes us with a good criterion relative to the *non-agreement* of Politics with Morals viewed as the Science of right. But it is necessary also to be informed as to the condition under which its maxims *agree* with the Right of Nations. For it cannot be inferred conversely, that those maxims which are compatible with publicity are on that account also right, because he who has a decided supremacy does not need to conceal his maxims.—The condition of the possibility of a Right of Nations generally, is that there does exist a prior *state of right*. For without this there is no public right, but every kind of right which could be thought as existing without it (as in the state of nature) is merely private right. Now we have seen above that a federative union of States, having for its sole object the removal of war, is the only condition compatible with their freedom, and in which their rights can have existence in common. Hence the agreement of Politics with Morals is only possible in this connection, by means of a federative union, a union which is also necessarily and really involved *a priori* in the principles of right. And all public policy can have a rightful basis only by the establishment of such a union in its greatest possible extent; and apart from this end, ingenuity is but unwisdom and disguised injustice. Yet there is such an ingenuity, and its bastard policy has a casuistry of its own that might defy the best Jesuit school to outrival it. It has its *mental reservation*, as in the composition of public treaties by using such expressions as may at will be

interpreted to suit the occasion and in any interest: such as the distinction between the *status quo* of fact and the *status quo* of right. Again it has its probabilism, when it construes evil intentions in others, or even the probabilities of their possible superiority into a justifiable reason for undermining other peaceful States. And, finally, it has its *philosophical sin*(*peccadillo* or *bagatelle*) when it maintains that the absorption of a *small* State is an easily pardonable triviality, if a much larger State thereby gains to the supposed greater advantage of the whole.

A pretext of all this is furnished by the double-dealing of Politics in relation to Morals, according as it employs one or other of its departments for its own purposes. Now, in fact, both philanthropy and respect for the rights of men, are obligatory as duties. But the former is only a *conditional* duty, the latter is *unconditioned* and absolutely imperative; and he who would give himself up to the sweet feeling of well-doing, must first be fully assured that he has not transgressed it. Now Politics easily accords with Morals in the former sense (as Ethics) by making it incumbent on men to give up their right to their superiors, but it is otherwise when Morals is taken in the second sense (as Jurisprudence or the Science of Right) before which politics must bow the knee. Here Politics finds it advisable not to trust at all to any compact, but rather to take away from right all reality, and to reduce all duties to mere benevolence. This artifice of a mode of policy that shuns the light would be easily frustrated by publicity being given to such maxims, if it only dared allow the philosophers to give publicity to their maxims.

From this point of view, I shall now propose another principle of Public Right, which is at once transcendental and affirmative, and whose formula would be as follows:

'All Maxims which require Publicity in order that they may not fail of their end, are in accordance with both right and politics united with each other.'

For if these maxims can only attain their end by publicity, they must be conformable to the common end of the public, which is happiness; and it is the special problem of politics to put itself into agreement with the public, and to make the people contented with their condition. But if this end is to be attained *only* by publicity, as the means of removing all distrust of political maxims, these maxims must also be in harmony with the right of the public; for the union of the ends of all is only possible in the harmony established by right. I must, however, defer the further development and explanation of this principle till another occasion. But it may be already seen that it is a transcendental formula from

the fact that all the empirical conditions of happiness, as the matter of the law, are removed from it; and it merely has regard to the form of a universal legislation.

If it is a duty to realise a state of public right, and if at the same time there is a well-grounded hope of its being realised—although it may only be by approximation to it that advances *ad infinitum* then Perpetual Peace is a fact that is destined historically to follow the falsely so-called Treaties of Peace which have been but cessations of hostilities. Perpetual Peace is, therefore, no empty idea, but a practical thing which, through its gradual solution, is coming always nearer its final realisation; and it may well be hoped that progress towards it will be made in more rapid rates of advance in the times to come.

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THE PHILOSOPHY OF LAW.

An Exposition

of the

FUNDAMENTAL PRINCIPLES OF JURISPRUDENCE

as

THE SCIENCE OF RIGHT.

by

IMMANUEL KANT.

Translated from the German

by

W. HASTIE, B.D.

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CONTENTS.

KANT'S METAPHYSICAL PRINCIPLES OF THE SCIENCE OF RIGHT.

Prefatory Explanations, page 3

PROLEGOMENA.

General Introduction to the Metaphysic of Morals.

I. Relations of the Faculties of the Human Mind to the Moral Laws, 9

II. The Idea and Necessity of a Metaphysic of Morals, 15

III. The Division of a Metaphysic of Morals, 20

General Divisions of the Metaphysic of Morals.

I. Division of the Metaphysic of Morals as a System of Duties generally, 24

II. Division of the Metaphysic of Morals according to Relations of Obligation, 26

III. Division of the Metaphysic of Morals according to its Principles and Method, 27

IV. General Preliminary Conceptions defined and explained, 28

INTRODUCTION TO THE SCIENCE OF RIGHT.

GENERAL DEFINITIONS AND DIVISIONS.

- A.** What the Science of Right is, 43
- B.** What is Right? 44
- C.** Universal Principle of Right, 45
- D.** Right is conjoined with the Title to compel, 47
- E.** Strict Right; Compulsion, Freedom, Universal Laws, 47
- F.** Supplementary Remarks on Equivocal Right, 50
- I. Equity, 50
- II. The Right of Necessity, 52

DIVISION OF THE SCIENCE OF RIGHT.

- A.** General Division of the Duties of Right, 54
- B.** Universal Division of Rights, 55
- I. Natural Right and Positive Right, 55
- II. Innate Right and Acquired Right, 55

There is only one Innate Right, the Birthright of Freedom, 56

- C.** Methodical Division of the Science of Right, 58

THE SCIENCE OF RIGHT.

PART FIRST: PRIVATE RIGHT.

THE SYSTEM OF THOSE LAWS WHICH REQUIRE NO EXTERNAL
PROMULGATION.

The Principles of the External Mine and Thine.

PRIVATE RIGHT.

CHAPTER FIRST.

Of the Mode of having anything External as one's own.

- 1. The Meaning of 'Mine' in Right, 61

2. Juridical Postulate of the Practical Reason, 62
3. Possession and Ownership, 64
4. Exposition of the Conception of the External Mine and Thine, 64
5. Definition of the Conception of the External Mine and Thine, 66
6. Deduction of the Conception of Juridical Possession of an External Object, 67
7. Application of the Principle of the possibility of an External Mine and Thine to Objects of Experience, 72
8. To have anything External as one's own is only possible in a Juridical or Civil State of Society, 76
9. An External Mine and Thine in the State of Nature only provisory, 78

CHAPTER SECOND.

The Mode of Acquiring anything External.

10. The General Principle of External Acquisition, 81

First Section: Principles of Real Right.

11. What is a Real Right? 85
 12. The First Acquisition of a Thing can only be that of the Soil, 87
 13. Every part of the Soil may be originally acquired, 88
 14. The Juridical Act of this original Acquisition is Occupancy, 89
 15. Peremptory and Provisory Acquisition, 90
 16. Conception of a Primary Acquisition of the Soil, 94
 17. Deduction of the Conception of original primary Acquisition, 95
- Property, 98

Second Section: Principles of Personal Right.

18. Nature and Acquisition of Personal Right, 100
19. Acquisition by Contract, 101

20. What is acquired by Contract? 104

21. Acceptance and Delivery, 105

Third Section: Principles of Personal Right that is Real in Kind.

22. Nature of Personal Right of a Real Kind, 108

23. What is acquired in the Household, 109

RIGHTS OF THE FAMILY AS A DOMESTIC SOCIETY.

Title First: Conjugal Right (Husband and Wife).

24. The Natural Basis of Marriage, 109

25. The Rational Right of Marriage, 110

26. Monogamy and Equality in Marriage, 111

27. Fulfilment of the Contract of Marriage, 113

Title Second: Parental Right (Parent and Child).

28. The Relation of Parent and Child, 114

29. The Rights of the Parent, 116

Title Third: Household Right (Master and Servant).

30. Relation and Right of the Master of a Household, 118

SYSTEMATIC DIVISION OF ALL THE RIGHTS CAPABLE OF BEING
ACQUIRED BY CONTRACT.

31. Division of Contracts, 121

Illustrations: I. What is Money? 125

II. What is a Book? 129

The Unauthorized Publishing of Books, 130

Confusion of Personal Right and Real Right, 131

Episodical Section: The Ideal Acquisition of External Objects of the
Will.

32. The Nature and Modes of Ideal Acquisition, 132

- 33. I. Acquisition by Usucapion, 133
- 34. II. Acquisition by Inheritance, 136
- 35. III. The Right of a good Name after Death, 138

CHAPTER THIRD.

Acquisition conditioned by the Sentence of a Public Judicatory.

- 36. How and what Acquisition is subjectively conditioned by the Principle of a Public Court, 141
- 37. I. The Contract of Donation, 143
- 38. II. The Contract of Loan, 144
- 39. III. The Revindication of what has been Lost, 147
- 40. IV. Acquisition of Security by taking of an Oath, 151

TRANSITION

From the Mine and Thine in the State of Nature to the Mine and Thine in the Juridical State generally.

- 41. Public Justice as related to the Natural and the Civil State, 155
- 42. The Postulate of Public Right, 157

PART SECOND: PUBLIC RIGHT.

THE SYSTEM OF THOSE LAWS WHICH REQUIRE PUBLIC PROMULGATION.

The Principles of Right in Civil Society.

- 43. Definition and Division of Public Right, 161

PUBLIC RIGHT.

I. RIGHT OF THE STATE AND CONSTITUTIONAL LAW.

- 44. Origin of the Civil Union and Public Right, 163
- 45. The Form of the State and its Three Powers, 165
- 46. The Legislative Power and the Members of the State, 166

47. Dignities in the State and the Original Contract, 169
48. Mutual Relations and Characteristics of the Three Powers, 170
49. Distinct Functions of the Three Powers. Autonomy of the State,
171
- Constitutional and Juridical Consequences arising from the Nature
of the Civil Union.
- A.** Right of the Supreme Power. Treason; Dethronement;
Revolution; Reform, 174
- B.** Land Rights. Secular and Church Lands. Rights of Taxation;
Finance; Police; Inspection, 182
- C.** Relief of the Poor. Foundling Hospitals. The Church, 186
- D.** The Right of assigning Offices and Dignities in the State, 190
- E.** The Right of Punishing and of Pardoning, 194
50. Constitutional Relations of the Citizen to his Country and to
other Countries. Emigration; Immigration; Banishment; Exile, 205
51. The Three Forms of the State. Autocracy; Aristocracy;
Democracy, 206
52. Historical Origin and Changes. A Pure Republic. Representative
Government, 208
- II. THE RIGHT OF NATIONS AND INTERNATIONAL LAW.
53. Nature and Division of the Right of Nations, 213
54. The Elements of the Right of Nations, 214
55. Right of going to War as related to the Subjects of the State,
215
56. Right of going to War in relation to Hostile States, 218
57. Right during War, 219
58. Right after War, 221
59. The Rights of Peace, 222
60. Right as against an unjust Enemy, 223

61. Perpetual Peace and a Permanent Congress of Nations, 224

III. THE UNIVERSAL RIGHT OF MANKIND.

62. Nature and Conditions of Cosmopolitical Right, 226

Conclusion, 229

SUPPLEMENTARY EXPLANATIONS OF PRINCIPLES OF RIGHT.

Occasion and Object of these Supplementary Explanations.

Objection as to the Faculty of Desire, 234

I. Logical Preparation for the preceding Conception of Right, 235

II. Justification of the Conception of a Personal Right of a Real Kind,
237

III. Examples of Real-Personal Right, 238

IV. Confusion of Real and Personal Right, 241

V. Addition to the Explanation of the Conception of Penal Right, 243

VI. On the Right of Usucapion, 245

VII. On Inheritance and Succession, 247

VIII. The Right of the State in relation to Perpetual Foundations for
the benefit of the Subjects, 249

A. Hospitals, 250

B. Churches, 251

C. The Orders in the State, 253

D. Primogeniture and Entail, 254

IX. Concluding Remarks on Public Right and Absolute Submission
to the Sovereign Authority, 255

APOLOGIA.

Kant's Vindication of his Philosophical Style, 259

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[*]Prof. Carle of Turin, 'La vita del diritto,' p. 374.

[*]'The Last Days of Kant.' Works, iii. p. 101.

[†]Text-Book to Kant, p. xxviii.

[*]See above all Rosenkranz's *Geschichte der Kant'schen Philosophie* (in Kant's 'Werke,' Bd. xii. 1841) in which Kant's philosophical development is divided into 1, The Heuristic Epoch (1746-1770); 2. The Speculative-systematic Epoch (1770-1790); and 3, The Practical Epoch (1790-1804). But this is not an absolute division, nor does it indicate the predominantly scientific character of the first period.

[*]See specially his 'Untersuchung der Frage ob die Erde in ihrer Umdrehung um die Achse einige Veränderungen seit den ersten Zeiten ihres Ursprunges erlitten habe,' 1754; 'Allgemeine Naturgeschichte u. Theorie des Himmels,' 1755; 'Meditationum quarundum de igne succincta delineatio,' 1755; 'Von den Ursachen der Erderschütterungen,' 1755; 'Zur Erläuterung der Theorie der Winde,' 1756; 'Neuer Lehrbegriff der Bewegung u. Ruhe,' 1758; 'Ueber die Vulcane im Monde,' 1785; and cf. Dr K. Dietrich, *Kant und Newton*, Tübingen 1876, and F. Shultze, *Kant und Darwin*, Jena 1875. Kant's merit as the originator of the Nebular Theory is now recognised by all scientific writers on Astronomy.

[*]The immense and ever growing literature on this subject in all the European languages cannot be referred to here, but too much praise could hardly be given to the latest and completest exposition of it in 'The Critical Philosophy of Immanuel Kant,' by Professor Edward Caird, LL.D., 2 vols., 1889.

[*]Werke, I. 92.

[*]See Kant's 'Werke,' vii., 374; 'Anthropologie,' 268, etc. Kant not only pays homage to the acuteness of Rousseau's intellect, 'the noble soaring of his genius,' and 'the magic power of his eloquence,' but he says explicitly: 'By inclination I am myself an enquirer. I feel all the thirst for knowledge and the eager unrest of striving to advance, as well as satisfaction with every kind of progress. There was a time when I thought all this could form the glory of mankind, and I despised the rabble who know nothing. *Rousseau has brought me to the right view.* This blinding superiority vanished; *I learned to honour men*, and I would regard myself as much more useless than the common labourers did I not believe that this way of thinking could communicate a value to all others in establishing the Rights of Mankind.' Cf. Dr K. Dietrich, *Kant und Rousseau*, 1878.

[*]Janet has given a good account of the development of the idea of Perfectibility and Progress among the French thinkers of the Eighteenth Century. The merits of Turgot in his 'Discours sur l'Histoire Universelle,' 1750, are undoubtedly great. Ample justice has been done to them by Prof. Flint in his 'Philosophy of History in France.' Condorcet in his 'Esquisse d'un Tableau Historique des Progrès de l'Esprit Humain,' 1795, follows Turgot apparently without knowledge of Kant, although Siéyès had tried to draw the great philosopher into the vortex of the French discussions.

[*]Kant refers to Shaftesbury, Hutcheson, and Hume as having carried farthest the attempts to investigate 'the first principles of all morality,' 'Werke' i, 297. Hume's Utilitarianism had a relation to Kant's ethics somewhat similar to that of the sceptical theory of causality to his Metaphysics.

[†]Cf. Stahl 'Philosophie des Rechts,' i. 210.

[*]Prof. E. Caird, *Op. cit.* ii, 561.

[†]'Werke,' vii, 376.

[*]'Werke,' vi, 210, 'Anthrop.' 270, etc., 'Kritik der Urtheilskraft,' 83.

[†]This is the point of view developed by Schleiermacher in his Philosophical Ethics.

[*]'The Winter's Tale,' iv, 4, 85.

[*]Full and interesting information on these points is given by Schubert in his Article on 'Immanuel Kant, and his attitude towards Politics in the last half of the Eighteenth Century,' in Raumer's 'Hist. Taschenbuch,' 1838.

[*]'The Philosophy of Law; an Exposition of the Fundamental Principles of Jurisprudence as the Science of Right,' by Immanuel Kant. Translated by W. Hastie, B.D., 1887. The Preface to this Translation may be referred to as also relevant to the present work.

[*]See Professor Bryce's able and vigorous Article under this heading in the *Contemporary Review*, Jan. 1891.

[†]Thus Mr John Morley, in a work just published, has well said: "There is not, in fact, a body of systematic political thought at work in our own day. Yet it cannot be pretended that we are less in need of systematic politics than our fathers were sixty years since, or that general principles are now more generally settled even among members of the same party than they were then. The perplexities of

to-day are as embarrassing as any in our history, and they may prove even more dangerous. The renovation of Parliamentary government, the transformation of the conditions of the ownership and occupation of land, the relations between the Governments at home and our adventures abroad in contact with inferior races, the limitations on free contract, and the rights of majorities to restrict the private acts of minorities, these are only some of the questions that time and circumstances are pressing upon us.' (Studies in Literature, 1891. So he wrote in 1882). The most abundant illustration of Mr Morley's admission of the lack of systematic political thought in our own day might be drawn from the history of recent legislation and from the political creed professed by the Parliamentary orators. Of the latter let one recent instance taken at random suffice. A learned and distinguished legal Member of the House of Commons—Mr Asquith, Q.C.—addressing his constituents in Fife recently, is reported to have defined the function of the Government in these terms: 'The Government as it now exists,' he said, 'was nothing more or less than an organisation to carry out the *wishes, interests and desires* of every class and section of the community.' No wonder he added that 'the machinery of Parliament was inadequate and unfit for the duties expected from it.' (*Scotsman*, Oct. 6, 1890). It is almost impossible to get further from Kant's Practical Reason and Doctrine of Right, but this is the professed creed of the great majority of our legislators.

[*]Sir Frederick Pollock in his recently published 'Introduction to the History of the Science of Politics,' closes with the suggestion: 'Back to Aristotle.' This cry may receive practical illustration for a time on account of the remarkable discovery of Aristotle's work on the Polity of the Athenians; but, except for historical and comparative purposes, no return to the political principles of the ancient world can meet the wants of our time. In Sir Frederick's able and attractive sketch, Kant is—alas! conspicuous by his absence.

[*]These quotations might be illustrated by references to Lange, Helmholtz, and even Häckel.

[*]The whole movement of English Philosophy, during the last half century especially, might be referred to in illustration. The following remarkable statement by the late Lord Bulwer Lytton written in 1824, but only recently published, is more than ever relevant to the reciprocal relation between the practical English mind and the great German thinkers: 'If we are less inclined than the French to political Utopias, and than the Germans to metaphysical problems, still the most valuable political axioms have come from us. From us every sound thinker desirous of founding a free State (whether the form of it be Monarchical or Republican)

borrowed the groundwork of his plan. With us the ideas which retain the most enduring sway over the widest range of intelligence have either originated or borne their most substantial fruit. Nay, if no Kants, or Schellings, or Hegels, agitate the intellect of our Universities, still the leading conceptions and most valuable propositions, even of these philosophers, are perhaps less generally taken up into the actual life and working intelligence of the ordinary German Public than into those of large numbers of Englishmen, who, in all probability, have never surmised the existence of their systems, or heard of their names. Through their influence upon the minds and works of the few English writers who have taken them into their own theories or sentiments about human destinies and relations, these ideas work indirectly over a wider field of social activity, and I have heard an English mechanic talk pure Kantian philosophy without the least suspicion of the sources whence it had flowed into his mind.' (The Life, Letters and Literary Remains of Edward Bulwer, Lord Lytton, vol. i, p. 264-5, 1883).

[*]The part that has to be played by man is, therefore, a very artificial one. We do not know how it may be with the inhabitants of other planets or what are the conditions of their nature; but, if we execute well the commission of Nature, we may certainly flatter ourselves to the extent of claiming a not insignificant rank among our neighbours in the universe. It may perhaps be the case that in those other planets every individual completely attains his destination in this life. With us it is otherwise; only the species can hope for this.

[*]It is only a *learned Public* which has had an uninterrupted existence from its beginning up to our time, that can authenticate Ancient History. Beyond it, all is *terra incognita*; and the History of the peoples who lived out of its range, can only be begun from the date at which they entered within it. In the case of the *Jewish* People this happened in the time of the Ptolemies, through the Greek Translation of the Bible, without which little faith would have been given to their *isolated* accounts of themselves. From that date, taken as a beginning when it has been determined, their records may then be traced upwards. And so it is with all other peoples. The first page of Thucydides, says Hume, is the beginning of all true History.

[*]Pactum unionis civilis.

[†]Pactum Sociale.

[*]Occupatio bellica.

[*][The term *Selbständigkeit*, here rendered by 'Self-dependency,' is represented by Kant in his text by the Latin equivalent *Sibi-sufficientia*. The word 'self-sufficiency,' however, would be apt to mislead English readers. The term is commonly translated by 'Independence,' but 'Self-dependency' has been preferred as more closely indicative of the form and connotation of the German word.—*Tr.*]

[*]If, for example, a proportioned war-tax were imposed on all the subjects, they are not entitled, because it is burdensome, to say that it is unjust because somehow, according to their opinion, the war was unnecessary. For they are not entitled to judge of this; whereas because it is at least always *possible* that the war was inevitable and the tax indispensable, it must be regarded as rightful in the judgment of the subject. If, however, in such a war certain owners of property were to be burdened by imposts, from which others of the same class were spared, it is easily seen that a whole people could not concur in such a law, and it is entitled at the least to make protestation against it, because it could not regard this unequal distribution of the public burdens as just.

[*]Here belong certain prohibitions of imports in order that the means of acquisition may be promoted in the best interests of the subjects, and not for the advantage of strangers and the encouragement of the industry of others; because the State without the prosperity of the people, would not possess sufficient power to resist external enemies or to maintain itself as a Commonwealth.

[*]However the actual compact of the People with the Ruler may be violated, the People cannot in fact directly offer opposition as a *Commonwealth*, but only by mutiny and rebellion. For the hitherto existing Constitution is then broken through by the People; whereas the organisation of a new Commonwealth has still to find place. In these circumstances the state of Anarchy arises with all the abominations, which are thereby at least made possible; and the wrong which thus ensues is what is inflicted by one party upon another in the People. Thus from the example referred to above, it is seen how the rebellious subjects of that State strove at last to force on each other a Constitution which would have been far more oppressive than the one they abandoned; as it would have led to their being consumed by Clergy and Aristocrats instead of their waiting for more equality in the distribution of the burdens of the State under an all-controlling Head.

[*]No Law or Right in the State can be, as it were maliciously concealed by a secret reservation; least of all the Rights which the people claim as belonging to the Constitution, because all its laws must be conceived as having sprung from a public will. If the

Constitution allowed insurrection, it would therefore publicly have to define the right to it as well as the way in which it was to be put in practice.

[*]'Judicium anceps, experimentum periculosum.'

[*]*Jerusalem*, II, 44-77

[*]A hereditary kingdom is not a State which can be bequeathed to another State, but one whose right to rule can be transmitted to another physical person. The State thus acquires a ruler, but the ruler does not as such (that is, as already possessing another kingdom) acquire the State.

[*]See note A.

[*]See note B.

[*]See note C.

[*]See note D.

[*]See note E.

[*]The majesty of a *people* or *nation* is an erroneous and absurd expression.

[†]Thus a Bulgarian Prince when the Greek Emperor was desirous to bring his quarrel with him to an end by a duel, gave his answer by saying: 'A smith who has tongs will not pluck the glowing iron out of the coals with his hands.'

[*]See note F.

[*]See note G.