
KANT'S POLITICAL WRITINGS

Edited with an Introduction and Notes by

HANS REISS

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AND NOTES BY

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INTRODUCTION

his memory gave way, and he had to abandon lecturing. In 1800, his pupil Wasianski had to begin looking after him. Other pupils began to publish his lectures from notes which they had taken down. In 1803, he fell seriously ill for the first time. His mind became more and more clouded. He finally died on 12 February 1804, a few months before the end of his eightieth year.

II

Kant, at least in English speaking countries, is not generally considered to be a political philosopher of note. Indeed histories of political thought do not give him pride of place, but generally mention him only incidentally, if at all. Historians of political thought ignore him, however, at their peril. Only too frequently, he is merely seen as a forerunner of Hegel. The reasons for this neglect and misunderstanding are not hard to discover. Historians of philosophy, even Kant scholars, have neglected his political writings because the philosophy of his three critiques has absorbed attention almost entirely. And historians of political thought have paid little attention to him, because he did not write a masterpiece in that field. *The Metaphysical Elements of Right* has interested legal historians rather than historians of political theory. Furthermore, the very fact that Kant's great works of critical philosophy are so formidable makes his less exacting political writings appear very much less weighty. It also encourages the belief that they are not central to his thought. This assumption, however, is greatly mistaken. While it would be going too far to see in them the ultimate end of his thought, they are not an accidental by-product. Indeed, they grow organically out of his critical philosophy. In fact, Kant has rightly been called the philosopher of the French Revolution.¹ There is, indeed, an analogy between the spirit of Kant's philosophy and the ideas of the French and American revolutions: for Kant asserted the independence of the individual in face of authority, and the problem of human freedom was at the very core of his thought. Similarly, the revolutionaries of 1776 and 1789 believed that they were attempting to realise the rights of man. Besides, the events of the American and of the French Revolution greatly excited and preoccupied him and he sympathised with the aims of the revolutionaries. He did so although he was a man of conservative disposition who refused to countenance revolution in politics as a legitimate principle of action, and certainly did not

¹ Cf. Heine, *Sämtliche Werke*, ed. Ernst Elster, Leipzig and Vienna, n.d., IV, 245; also Karl Marx/Friedrich Engels, *Historisch-Kritische Gesamtausgabe* (Frankfurt/Main, 1927), I, 254.

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rejected Kant's approach. Möser believed it was wrong to theorise from lofty presuppositions, and political practice and experience mattered considerably more than abstract liberal ideas. On the other hand, many German thinkers disagreed with Kant's conservatism; to respect law and to reject the right of rebellion was, in their view, mistaken. Among them Rehberg and Gentz sought to defend the prerogative of the individual confronted by tyranny.¹

On a more profound level, two thinkers sought to follow and improve on Kant's liberal approach to politics; Friedrich Schiller² and Wilhelm von Humboldt.³ For Schiller, the Kantian approach to politics was inadequate, because Kant did not pay any attention to the psychological basis of our political decisions. Schiller wanted to show that it is not enough to obey the dictates of duty; that men are able to live a harmonious moral life only if they act in accordance with nature. In order to bridge the gulf between instinct and reason, between will and knowledge, a third mode of experience, the aesthetic mode, is necessary. In his major work on the relationship between aesthetics and politics, *On the Aesthetic Education of Man, in a Series of Letters (Über die ästhetische Erziehung des Menschen in einer Reihe von Briefen)* (1795), Schiller delineated an approach which, while respecting the tenor of Kant's political thinking, would be capable of taking account of the whole complexity of man's involvement in the political process. It should, so to speak, map out the interrelations between the aesthetic response to life and political practice. Schiller's political writings, profound and interesting as they are, have not attracted much attention. The first truly exciting and subtle attempt to put across his message and to spell out its cogency and significance in terms of our own age is very recent indeed.⁴ Schiller has been influential as a political thinker only indirectly, through his dramas, whose political import has only too frequently been misunderstood.

Schiller's friend, Wilhelm von Humboldt, also felt that Kant's political theory needed to be supplemented by an awareness of man's character. His theory of politics, as expressed in his treatise *The Limits of the State*

¹ Cf. Dieter Henrich, Introduction to *Kant. Gentz. Rehberg. Über Theorie und Praxis* (Frankfurt/Main, 1967).

² Cf. Wilkinson—Willoughby's edition of Schiller's *Aesthetic Letters*; cf. also H. S. Reiss, 'The Concept of the Aesthetic State in the Work of Schiller and Novalis', *Publications of the English Goethe Society*, xxvi (1957).

³ For an account of Humboldt's political thought, and references to further secondary literature, see Reiss, 'Justus Möser und Wilhelm von Humboldt', *Politische Vierteljahresschrift*, viii (1967).

⁴ Elizabeth M. Wilkinson's and L. A. Willoughby's profound analysis of Schiller's *Aesthetic Letters* appeared only last year (1967); cf. above, p. 12, n. 2.

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(1793),¹ sought to safeguard the creative power and cultural development of man.

Kant's impact on German legal history was profound, but the rise of nationalism prevented his work from being the dominant force in German political thought during the nineteenth and early twentieth centuries which it might easily have been. For the Romantic mode of thought introduced into German political thought a note of irrationalism which permeated almost all areas of German thinking for a century and a half between the Napoleonic wars and the end of the Second World War.² The Romantics' rejection of Kant's cosmopolitanism in politics meant that, with his death—followed a year later by that of Schiller—(most of von Humboldt's political writings were only published many decades later)—the climate of opinion changed drastically. It no longer mattered much whether the individual was politically free. The organic theory of the state, which subordinated the individual to the community, prevailed.

For the German Romantics, Kant was an arch-enemy; for he embodied for them the characteristics of the *Aufklärung* which they fought so vehemently. Fichte, who started as a self-professed disciple of Kant and who even, in a private letter to Kant, claimed to be his successor, developed a theory of politics diametrically opposed to Kant's.³ Fichte paid lip-service to Kant's method, but his political theory can be interpreted as an attempt to supersede Kant's political thought. In Fichte's view, freedom is no longer to be seen in negative terms, but becomes a positive force to be utilised by the initiated, who alone can interpret the collective will. Whilst Schiller, in contrast to Kant, had sought to explore the relationship between art and politics, seeking to preserve a careful balance between the two realms, Romantics such as Fichte, Novalis, Schelling and Adam Müller sought to see life and politics from an aesthetic point of view. This method of reasoning is, on the whole, anti-Kantian, but they discernibly write in the shadow of his work. Only too frequently they are, one feels, either seeking to escape from his dominance or implicitly repudiating his method and thought. They base their principles of politics on feeling and intuition, a mode of thought rejected by Kant as a 'lawless use of reason'.⁴ The historical approach to politics and law, too,

¹ The exact title is *Ideas towards an Attempt to Delineate the Limits of the Activity of the State (Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staates zu bestimmen)*.

² Cf. Reiss, *The Political Thought of the German Romantics* (Oxford, 1955), and *Politisches Denken in der Deutschen Romantik* (Munich and Berne, 1966), for further literature on German Romantic political thinkers.

³ Cf. *ibid.*

⁴ *What does it mean : to orientate one's thinking? (Was heißt : sich im Denken orientieren?)* (1786); *AA* VIII, 45.

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Man has both the opportunity and the responsibility to make use of his mind in the spirit of criticism. Such is the temper and the message of the Enlightenment as understood by Kant.

III

Kant had been thinking about political theory for many years before he first published any of his views on this subject. His notes, published posthumously and never intended for publication, reveal his continued preoccupation with and interest in political ideas. The first extant notes probably date from the 1760s when he was studying Rousseau and Natural Law.¹ Kant gave his first lecture-course on the Theory of Right in the summer term of 1767, a course which he repeated twelve times. The kernel of his political philosophy, however, is summed up in a passage from the *Critique of Pure Reason* of 1781 in the section entitled 'Transcendental Dialectic I'.² It is the first substantial account of his political thought, but the first writings published by Kant which explicitly deal with politics, the two essays *What is Enlightenment?* and *Idea for a Universal History with a Cosmopolitan Purpose* of 1784, were written after the publication of the *Critique of Pure Reason* (1781), while the later writings, *Theory and Practice* (1792), *Perpetual Peace* (1795), *The Metaphysical Elements of Right* (1797) and *The Contest of Faculties* (1798) follow the publication of the *Critique of Judgement* (1790). But we do not know whether he ever planned a comprehensive treatise on politics. Whether he did or not, his intellectual vigour gradually began to wane in the last decade of his life, and he never produced a work in which he summarised his philosophical discussion of politics. But the political events which really stirred him occurred relatively late in his life. He was over fifty at the outbreak of the American Revolution and in his mid-sixties at the beginning of the French Revolution. He was sixty when he published his first political essays, and he was in his seventy-fifth year when he published his last piece on this subject. We thus have to turn to these scattered political writings for his views. p. 19/

Kant's standing and influence as a political philosopher would undoubtedly have been greater if he had left a more highly organised comprehensive work on politics. His style did not increase his popularity. The reader should not, however, be put off by his relatively unattractive

¹ Cf. AA XIX, 334; 445 ff. These entries date from approximately 1766-8. Cf. also Georges Vlachos, *La Pensée politique de Kant*, pp. 20 ff., who argues that we can date Kant's reflections on politics only from 1763 onwards.

² AA III, 247 f.; AA IV, 201 f.; cf. p. 191 below.

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explanation to account for mathematics and science, particularly Newtonian science. Hume had convincingly refuted the possibility of philosophically justifying induction, the method of establishing necessary universal laws proceeding from individual instances; for him causality was only the result of a habitual association of the mind. Hume's writings roused Kant from his 'dogmatic slumber'.¹ In order to refute Hume and to vindicate science philosophically, he found it necessary to start his enquiry not from objects of experience, but from the mind. For him, the laws of nature were not inherent in nature, but constructions of the mind used for the purpose of understanding nature. We can never explain the world as it appears to us merely by reference to experience; to do so we need necessary principles logically prior to and independent of experience. Only then can we see any order in nature. In fact, uniformity, coherence and order are imposed on nature by our minds. In other words, we cannot know the world other than as it appears to us, for we must see it within the framework of our mind. The world of appearance is thus conditioned by being located in the particulars of space and time and ordered by *a priori* concepts of our understanding or categories such as causality. The world as it really is, the noumenal world or the world of things-in-themselves, is unknowable. We can apprehend only the world of appearances. This does not mean that the external world is a world of mere appearances or illusions—on the contrary, Kant had the greatest respect for empirical fact and had been a scientist of note—but rather that the world of appearances or the phenomenal world is not self-sufficient for the purpose of explanation. For this purpose it is necessary to have *a priori* principles and ideas of reason. Kant expresses this problem, which is for him *the* philosophical problem of epistemology, in the question: How are synthetic *a priori* judgements possible?—i.e. how can we formulate propositions which are necessary, universal, logically independent of sense experience and capable of being contradicted? Kant's critical method thus seeks to establish a system of synthetic *a priori* principles for the purpose of understanding the external world. This emphasis on the function of the mind in ordering scientific experience Kant called, with just pride, the Copernican revolution in philosophy, and his achievement, argued and elaborated in the *Critique of Pure Reason*, has always been hailed as a landmark in philosophy.

The *Critique of Pure Reason* deals with the problem of how we can understand science, but there are other realms of human experience which are not scientific—moral experience, for example. In order to

¹ AA IV, 260.

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right actions are, whether in morality or politics; for they involve our not using ourselves or others as means to our subjective ends. Man should not merely be subject to another will, but he should be his own law-giver. This view leads to another formulation of the categorical imperative: 'Act always in such a way as if you were through your maxims a law-making member of a universal kingdom of ends.'¹ To act for the sake of duty is thus to act in order to conform to some self-imposed law. This last formulation of the categorical imperative also implies an affinity between morals and politics, for man's actions, it suggests, do not take place in a vacuum, but always in relation to other men—thus implicitly suggesting a theory of politics, a system of principles governing organised human relations.

Kant's principles of morality are formal. Their very generality means that they do not say anything about the content of an action, but they supply rules to which we can appeal if we wish to judge actions and if we wish to decide what action is moral in the case of a conflict of interest. They rule out reference to, or regard for, the consequences of our actions, such as concern for the attainment of happiness. If the pursuit of happiness is made the maxim of our actions, the will is not autonomous. It does not then live under self-imposed laws, but follows heteronomous principles on which, in Kant's view, a sound moral theory cannot be founded. 'A practical law of reason', on the contrary, is 'the principle which makes certain actions a duty'.²

Such is Kant's view of the character of morality. Because of his approach to knowledge, be it in science or morality, Kant did not work out a system of nature nor did he set out to provide a complete system of morality which would take account of 'empirical diversity'.³ A complete account of moral practice in all particular instances where the concept of morality can be applied is impossible. What Kant wishes to provide is an approximation to such a system, elaborating the relevant *a priori* principles. An attempt of this kind Kant calls a metaphysics, which, for him, is a set of the fundamental *a priori* principles of a particular discipline. According to him, all propositions of right are *a priori* propositions; for they are laws of reason. It can often be a matter for discussion whether some sentences stating such principles are to be interpreted as synthetic *a priori* propositions, or as analytic *a priori* (i.e. where the meaning of the sentence is contained in the term and does not permit contradiction) or synthetic *a posteriori* propositions (which are logically dependent on experience).

¹ *Ibid.*

² *AA* VI, 225.

³ *Ibid.* p. 205.

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The line between one and the other is not always easy to draw,¹ but the case for a Kantian approach to morality—and thus also to politics—is not refuted if any one sentence (or indeed any number of sentences) can be interpreted as not being a synthetic *a priori* proposition.² It suffices if some of them are of that type—and clearly the categorical imperative and its various formulations and immediate derivations are. This presupposes Kant's view that a metaphysics of morality is at least possible. For Kant, a theory of politics (which, for him, amounts in the main to a metaphysics of law) is inevitably a part of a metaphysics of morality. This is so because politics deals with the question of what we ought to do in our social and political context, or in other words, it is concerned with establishing criteria by which we can settle public conflicts of interests. The principle of universality demands that our social and political relations should be governed and our public conflicts settled in a universal manner. This requires the existence of law. The principles of morality would, in one way, go beyond purely legal questions; for they affect private inner decisions by men which can neither be regulated nor enforced publicly. Law deals only with what remains once such inner decisions have been subtracted. It is the outer shell, so to speak, of the moral realm. And a theory of law is that which can be necessary and universal in the realm of politics. A metaphysics of law is thus all that a metaphysics of politics can ever amount to. Such a metaphysics will set out the *a priori* principles of reason according to which we can judge the lawfulness of any given positive laws and thus of any form which political action may take. Kant's political theory is thus closely bound up with his ethics, though this is not its only affinity; for it is also closely connected with his philosophy of history. On the one hand, ethics and politics overlap. On the other hand, moral and political duties are clearly different. Political duties are not perfect duties towards oneself, but only what Kant calls perfect duties towards others, whose non-performance is wrong and whose performance may therefore be enforced. Kant here rules out from consideration all actions which merely concern oneself. He also does not consider those actions which are imperfect duties to others, i.e. actions involving the choice of one person and the mere aims and wishes of another. For instance, he does not prescribe acts of benevolence as legal duties. Perfect duties to others are therefore an object of law and thus of

¹ According to Mary J. Gregor, *Laws of Freedom* (Oxford, 1963), pp. 4 ff., Kant does not distinguish very clearly between pure knowledge and *a priori* knowledge. The former does not contain any empirical elements, the latter presupposes concepts of sensuous origin.

² I owe this observation to Stephan Körner.

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way in which we understand nature. In his view, it is difficult to detect these laws, but perhaps biography—and Kant here takes up a point frequently raised in eighteenth-century German discussions by Mendelssohn, Hamann, and Herder, for instance—may serve as a suitable analogy. Perhaps the general course of history shows a development in mankind similar to that which biography discerns in the individual. If there is progress, this is certainly not due to human wisdom; for even the philosophers, Kant ironically remarks, are not wise enough to plan their lives.

Kant nevertheless sets high standards. He intends to discover the natural laws of history, just as Kepler had discovered the natural laws of the planets. When Kant talks of plans of nature in history, he does not mean that there is an actual legislator or mind called nature which has consciously made a plan to be carried out in history, but merely that if we wish to understand history as (according to him) we have to, we must resort to an Idea, such as the one that nature has a purpose in history. This Idea cannot be proved or disproved by a scientific enquiry, but without it, we cannot understand history at all. Nor must this Idea be considered to have equal status to a scientific law. Kant adopts a point of view, admittedly a subjective one, from which it is not only 'possible, but profitable, and not only profitable, but necessary'¹ to look at the facts of history. Since his main concern is with human freedom, the development of human freedom provides him with the necessary clue. He therefore assumes that a plan of nature must intend the education of mankind to a state of freedom. Or (to put it differently) since nature has endowed man with reason, and since the purpose of nature is to realise man's essence, nature has made man in order that he should become rational. Kant's view that man's essence must be realised follows an argument later developed in the *Critique of Judgement* where Kant had maintained that the teleology of nature is internal, not external. It is also a peculiarity of reason that it cannot be completely realised in the lifetime of an individual, but only in the entire species. This view represents a pivotal point in Kant's philosophy of history. His anthropological studies, to which he devoted much time and energy, had confirmed him in his conception of the unity of mankind.² Culture was not the result of individual effort, but was produced by mankind as a whole. Man as a rational being therefore needs to live in a historical process. History is a progress towards rationality, but it must not be thought that this process involves a con-

¹ R. G. Collingwood, *The Idea of History* (Oxford, 1946), p. 95.

² Cf. Vlachos, *La Pensée politique de Kant*, pp. 19-26.

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personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, *enlightenment* gradually arises. It is a great benefit which the human race must reap even from its rulers' self-seeking schemes of expansion, if only they realise what is to their own advantage. But this enlightenment, and with it a certain sympathetic interest which the enlightened man inevitably feels for anything good which he comprehends fully, must gradually spread upwards towards the thrones and even influence their principles of government. But while, for example, the world's present rulers have no money to spare for public educational institutions or indeed for anything which concerns the world's best interests (for everything has already been calculated out in advance for the next war), they will nonetheless find that it is to their own advantage at least not to hinder their citizens' private efforts in this direction, however weak and slow they may be. But eventually, war itself gradually becomes not only a highly artificial undertaking, extremely uncertain in its outcome for both parties, but also a very dubious risk to take, since its aftermath is felt by the state in the shape of a constantly increasing national debt (a modern invention) whose repayment becomes interminable. And in addition, the effects which an upheaval in any state produces upon all the others in our continent, where all are so closely linked by trade, are so perceptible that these other states are forced by their own insecurity to offer themselves as arbiters, albeit without legal authority, so that they indirectly prepare the way for a great political body of the future, without precedent in the past. Although this political body exists for the present only in the roughest of outlines, it nonetheless seems as if a feeling is beginning to stir in all its members, each of which has an interest in maintaining the whole. And this encourages the hope that, after many revolutions, with all their transforming effects, the highest purpose of nature, a universal *cosmopolitan existence*, will at last be realised as the matrix within which all the original capacities of the human race may develop.

Ninth Proposition

A philosophical attempt to work out a universal history of the world in accordance with a plan of nature aimed at a perfect civil union of mankind, must be regarded as possible and even as capable of furthering the purpose of nature itself. It is admittedly a strange and at first sight absurd proposition to write a *history* according to an idea of how world events must develop if they are to conform to certain rational ends; it would seem that only a

*On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'*¹

A collection of rules, even of practical rules, is termed a *theory* if the rules concerned are envisaged as principles of a fairly general nature, and if they are abstracted from numerous conditions which, nonetheless, necessarily influence their practical application. Conversely, not all activities are called *practice*, but only those realisations of a particular purpose which are considered to comply with certain generally conceived principles of procedure.

It is obvious that no matter how complete the theory may be, a middle term is required between theory and practice, providing a link and a transition from one to the other. For a concept of the understanding, which contains the general rule, must be supplemented by an act of judgement whereby the practitioner distinguishes instances where the rule applies from those where it does not. And since rules cannot in turn be provided on every occasion to direct the judgement in subsuming each instance under the previous rule (for this would involve an infinite regress), theoreticians will be found who can never in all their lives become practical, since they lack judgement. There are, for example, doctors or lawyers who did well during their schooling but who do not know how to act when asked to give advice. But even where a natural talent for judgement is present, there may still be a lack of premises. In other words, the theory may be incomplete, and can perhaps be perfected only by future experiments and experiences from which the newly qualified doctor, agriculturalist or economist can and ought to abstract new rules for himself to complete his theory. It is therefore not the fault of the theory if it is of little practical use in such cases. The fault is that there is not enough theory; the person concerned ought to have learnt from experience. What he learnt from experience might well be true theory,

and then apply it back

even if he were unable to impart it to others and to expound it as a teacher in systematic general propositions, and were consequently unable to claim the title of a theoretical physician, agriculturalist or the like. Thus no-one can pretend to be practically versed in a branch of knowledge and yet treat theory with scorn, without exposing the fact that he is an ignoramus in his subject. He no doubt imagines that he can get further than he could through theory if he gropes around in experiments and experiences, without collecting certain principles (which in fact amount to what we term theory) and without relating his activities to an integral whole (which, if treated methodically, is what we call a system).

Yet it is easier to excuse an ignoramus who claims that theory is unnecessary and superfluous in his supposed practice than a would-be expert who admits the value of theory for teaching purposes, for example as a mental exercise, but at the same time maintains that it is quite different in practice, and that anyone leaving his studies to go out into the world will realise he has been pursuing empty ideals and philosopher's dreams—in short, that whatever sounds good in theory has no practical validity. (This doctrine is often expressed as: 'this or that proposition is valid *in thesi*, but not *in hypothesi*'.) Now all of us would merely ridicule the empirical engineer who criticised general mechanics or the artilleryman who criticised the mathematical theory of ballistics by declaring that, while the theory is ingeniously conceived, it is not valid in practice, since experience in applying it gives results quite different from those predicted theoretically. For if mechanics were supplemented by the theory of friction and ballistics by the theory of air resistance, in other words if only more theory were added, these theoretical disciplines would harmonise very well with practice. But a theory which concerns objects of perception² is quite different from one in which such objects are represented only through concepts, as with objects of mathematics and of philosophy. The latter objects can perhaps quite legitimately be *thought* of by reason, yet it may be impossible for them to be *given*. They may merely exist as empty ideas which either cannot be used at all in practice or only with some practical disadvantages. This would mean that the aforesaid common saying might well be correct in such cases.

But in a theory founded on the *concept of duty*, any worries about the empty ideality of the concept completely disappear. For it would not be a duty to strive after a certain effect of our will if this effect were impossible in experience (whether we envisage the experience as complete or as progressively approximating to completion). And it is with theory of this kind that the present essay is exclusively concerned. For to the shame of

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philosophy, it is not uncommonly alleged of such theory that whatever may be correct in it is in fact invalid in practice. We usually hear this said in an arrogant, disdainful tone, which comes of presuming to use experience to reform reason itself in the very attributes which do it most credit. Such illusory wisdom imagines it can see further and more clearly with its mole-like gaze fixed on experience than with the eyes which were bestowed on a being designed to stand upright and to scan the heavens.

This maxim, so very common in our sententious, inactive times, does very great harm if applied to matters of morality, i.e. to moral or legal duty. For in such cases, the canon of reason is related to practice in such a way that the value of the practice depends entirely upon its appropriateness to the theory it is based on; all is lost if the empirical (hence contingent) conditions governing the execution of the law are made into conditions of the law itself, so that a practice calculated to produce a result which previous experience makes probable is given the right to dominate a theory which is in fact self-sufficient.

I shall divide up this essay in terms of three points of view which the worthy gentleman³ who so boldly criticises theories and systems adopts in judging his objects. The three attitudes are those of the private individual or man of affairs, the statesman, and the man of the world or cosmopolitan. These three individuals are united in attacking the academic, who works for them all, for their own good, on matters of theory. Since they fancy that they understand this better than he does, they seek to relegate him to his classroom (*illa se iactet in aula!*)⁴ as a pedant who, unfitted for practical affairs, merely stands in the way of their experienced wisdom.

We shall therefore deal with the relationship of theory to practice in three separate areas: firstly in morality in general, with regard to the welfare of each individual man, secondly in politics, with regard to the welfare of states, and thirdly in the cosmopolitical sphere, with regard to the welfare of the human race as a whole, in so far as the welfare of mankind is increasing within a series of developments extending into all future ages. The titles of the sections, for reasons arising out of the essay itself, will express the relationship of theory to practice in morality, in political right [*Staatsrecht*], and in international right [*Völkerrecht*].⁵

dictory to say that an entire people could agree to such a law, however painful it might seem, then the law is in harmony with right. But if a public law is beyond reproach (i.e. *irreprehensible*) with respect to right, it carries with it the authority to coerce those to whom it applies, and conversely, it forbids them to resist the will of the legislator by violent means. In other words, the power of the state to put the law into effect is also *irresistible*, and no rightfully established commonwealth can exist without a force of this kind to suppress all internal resistance. For such resistance would be dictated by a maxim which, if it became general, would destroy the whole civil constitution and put an end to the only state in which men can possess rights.

It thus follows that all resistance against the supreme legislative power, all incitement of the subjects to violent expressions of discontent, all defiance which breaks out into rebellion, is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. This prohibition is *absolute*. And even if the power of the state or its agent, the head of state, has violated the original contract by authorising the government to act tyrannically, and has thereby, in the eyes of the subject, forfeited the right to legislate, the subject is still not entitled to offer counter-resistance. The reason for this is that the people, under an existing civil constitution, has no longer any right to judge how the constitution should be administered. For if we suppose that it does have this right to judge and that it disagrees with the judgement of the actual head of state, who is to decide which side is right? Neither can act as judge of his own cause. Thus there would have to be another head above the head of state to mediate between the latter and the people, which is self-contradictory.—Nor can a right of necessity (*ius in casu necessitatis*) be invoked here as a means of removing the barriers which restrict the power of the people; for it is monstrous to suppose that we can have a right to do wrong in the direst (physical) distress.* For the head of state can just as readily claim

* There is no *casus necessitatis* except where duties, i.e. an *absolute* duty and another which, however pressing, is nevertheless *relative*, come into conflict. For instance, it might be necessary for someone to betray someone else, even if their relationship were that of father and son, in order to preserve the state from catastrophe. This preservation of the state from evil is an absolute duty, while the preservation of the individual is merely a relative duty (i.e. it applies only if he is not guilty of a crime against the state). The first person might denounce the second to the authorities with the utmost unwillingness, compelled only by (moral) necessity. But if a person, in order to preserve his own life, pushes a shipwrecked fellow away from the plank he grasps, it would be quite false to say that (physical) necessity gives him a right to do so. For it is only a relative duty for me to preserve my own life (i.e. it applies only if I can do so without committing a crime). But it is an absolute duty not to take the life of another person who has not offended me and does not even make me risk my own life. Yet the teachers of

that his severe treatment of his subjects is justified by their insubordination as the subjects can justify their rebellion by complaints about their unmerited suffering, and who is to decide? The decision must rest with whoever controls the ultimate enforcement of the public law, i.e. the head of state himself. Thus no-one in the commonwealth can have a right to contest his authority.

Nonetheless, estimable men have declared that the subject is justified, under certain circumstances, in using force against his superiors. I need name only Achenwall,¹⁰ who is extremely cautious, precise and restrained in his theories of natural right.* He says: 'If the danger which threatens the commonwealth as a result of long endurance of injustices from the head of state is greater than the danger to be feared from taking up arms against him, the people may then resist him. It may use this right to abrogate its contract of subjection and to dethrone him as a tyrant.' And he concludes: 'The people, in dethroning its ruler, thus returns to the state of nature.'

I well believe that neither Achenwall nor any others of the worthy men who have speculated along the same lines as he would ever have given their advice or agreement to such hazardous projects if the case had arisen. And it can scarcely be doubted that if the revolutions whereby Switzerland, the United Netherlands or even Great Britain won their much admired constitutions had failed, the readers of their history would regard the execution of their celebrated founders as no more than the deserved punishment of great political criminals. For the result usually affects our judgement of the rightfulness of an action, although the result is uncertain, whereas the principles of right are constant. But it is clear that these peoples have done the greatest degree of wrong in seeking their rights in this way, even if we admit that such a revolution did no injustice to a ruler who had violated a specific basic agreement with the people, such as the *Joyeuse Entrée*.¹¹ For such procedures, if made into a maxim, make all lawful constitutions insecure and produce a state of complete lawlessness (*status naturalis*) where all rights cease at least to be effectual. In view of this tendency of so many right-thinking authors to plead on behalf of the people (and to its own detriment), I will only remark that such errors arise in part from the usual fallacy of allowing the principle of happiness general civil law are perfectly consistent in authorising such measures in cases of distress. For the authorities cannot combine a *penalty* with this prohibition, since this penalty would have to be death. But it would be a nonsensical law which threatened anyone with death if he did not voluntarily deliver himself up to death when in dangerous circumstances.

* *Ius Naturae*. Editio v. Pars posterior, §§203-206.

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to influence the judgement, wherever the principle of right is involved; and partly because these writers have assumed that the idea of an original contract (a basic postulate of reason) is something which must have taken place *in reality*, even where there is no document to show that any contract was actually submitted to the commonwealth, accepted by the head of state, and sanctioned by both parties. Such writers thus believe that the people retains the right to abrogate the original contract at its own discretion, if, in the opinion of the people, the contract has been severely violated.*

It is obvious from this that the principle of happiness (which is not in fact a definite principle at all) has ill effects in political right just as in morality, however good the intentions of those who teach it. The sovereign wants to make the people happy as he thinks best, and thus becomes a despot, while the people are unwilling to give up their universal human desire to seek happiness in their own way, and thus become rebels. If they had first of all asked what is lawful (in terms of *a priori* certainty, which no empiricist can upset), the idea of a social contract would retain its authority undiminished. But it would not exist as a fact (as Danton¹³ would have it, declaring that since it does not actually exist, all property and all rights under the existing civil constitution are null and void), but only as a rational principle for judging any lawful public constitution whatsoever. And it would then be seen that, until the general will is there, the people has no coercive right against its ruler, since it can apply coercion legally only through him. But if the will is there, no force can be applied to the ruler by the people, otherwise the people would be the supreme ruler. Thus the people can never possess a right of coercion against the head of state, or be entitled to oppose him in word or deed.

We can see, furthermore, that this theory is adequately confirmed in practice. In the British constitution, of which the people are so proud that they hold it up as a model for the whole world, we find no mention of what the people are entitled to do if the monarch were to violate the contract of 1688.¹⁴ Since there is no law to cover such a case, the people

* Even if an actual contract of the people with the head of state has been violated, the people cannot reply immediately as a *commonwealth*, but only by forming factions. For the hitherto existing constitution has been destroyed by the people, but a new commonwealth has still to be organised. At this point, the state of anarchy supervenes, with all the terrors it may bring with it. And the wrong which is thereby done is done by each faction of the people to the others, as is clear from the case where the rebellious subjects ended up by trying to thrust upon each other a constitution which would have been far more oppressive than the one they abandoned. For they would have been devoured by ecclesiastics and aristocrats, instead of enjoying greater equality in the distribution of political burdens under a single head of state who ruled them all.¹²

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tacitly reserve the right to rebel against him if he should violate the contract. And it would be an obvious contradiction if the constitution included a law for such eventualities, entitling the people to overthrow the existing constitution, from which all particular laws are derived, if the contract were violated. For there would then have to be a *publicly constituted** opposing power, hence a second head of state to protect the rights of the people against the first ruler, and then yet a third to decide which of the other two had right on his side. In fact, the leaders (or guardians—call them what you will) of the British people, fearing some such accusation if their plans did not succeed, *invented* the notion of a voluntary abdication by the monarch they forced out, rather than claim a right to depose him (which would have made the constitution self-contradictory).

While I trust that no-one will accuse me of flattering monarchs too much by declaring them inviolable, I likewise hope that I shall be spared the reproach of claiming too much for the people if I maintain that the people too have inalienable rights against the head of state, even if these cannot be rights of coercion.

Hobbes is of the opposite opinion. According to him (*De Cive*, Chap. 7, § 14), the head of state has no contractual obligations towards the people; he can do no injustice to a citizen, but may act towards him as he pleases. This proposition would be perfectly correct if injustice were taken to mean any injury which gave the injured party a *coercive right* against the one who has done him injustice. But in its general form, the proposition is quite terrifying.

The non-resisting subject must be able to assume that his ruler has no *wish* to do him injustice. And everyone has his inalienable rights, which he cannot give up even if he wishes to, and about which he is entitled to make his own judgements. But if he assumes that the ruler's attitude is one of good will, any injustice which he believes he has suffered can only have resulted through error, or through ignorance of certain possible consequences of the laws which the supreme authority has made. Thus the citizen must, with the approval of the ruler, be entitled to make public his opinion on whatever of the ruler's measures seem to him to constitute an injustice against the commonwealth. For to assume that the head of state can neither make mistakes nor be ignorant of anything would be to imply that he receives divine inspiration and is more than a human being.

* No right in a state can be tacitly and treacherously included by a secret reservation, and least of all a right which the people claim to be part of the constitution, for all laws within it must be thought of as arising out of a public will. Thus if the constitution allowed rebellion, it would have to declare this right publicly and make clear how it might be implemented.

Thus freedom of the pen is the only safeguard of the rights of the people, although it must not transcend the bounds of respect and devotion towards the existing constitution, which should itself create a liberal attitude of mind among the subjects. To try to deny the citizen this freedom does not only mean, as Hobbes maintains, that the subject can claim no rights against the supreme ruler. It also means withholding from the ruler all knowledge of those matters which, if he knew about them, he would himself rectify, so that he is thereby put into a self-stultifying position. For his will issues commands to his subjects (as citizens) only in so far as he represents the general will of the people. But to encourage the head of state to fear that independent and public thought might cause political unrest is tantamount to making him distrust his own power and feel hatred towards his people.

The general principle, however, according to which a people may judge negatively whatever it believes was *not decreed* in good will by the supreme legislation, can be summed up as follows: *Whatever a people cannot impose upon itself cannot be imposed upon it by the legislator either.*

For example, if we wish to discover whether a law which declares permanently valid an ecclesiastical constitution (itself formulated at some time in the past) can be regarded as emanating from the actual will or intention of the legislator, we must first ask whether a people is *authorised* to make a law for itself whereby certain accepted doctrines and outward forms of religion are declared permanent, and whether the people may thus prevent its own descendants from making further progress in religious understanding or from correcting any past mistakes. It is clear that any original contract of the people which established such a law would in itself be null and void, for it would conflict with the appointed aim and purpose of mankind. Thus a law of this kind cannot be regarded as the actual will of the monarch, to whom counter-representations may accordingly be made. In all cases, however, where the supreme legislation did nevertheless adopt such measures, it would be permissible to pass general and public judgements upon them, but never to offer any verbal or active resistance.

In every commonwealth, there must be *obedience* to generally valid coercive laws within the mechanism of the political constitution. There must also be a *spirit of freedom*, for in all matters concerning universal human duties, each individual requires to be convinced by reason that the coercion which prevails is lawful, otherwise he would be in contradiction with himself. Obedience without the spirit of freedom is the effective cause of all *secret societies*. For it is a natural vocation of man to com-

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freedom. But if both benevolence and right speak out in loud tones, human nature will not prove too debased to listen to their voice with respect. *Tum pietate gravem meritisque si forte virum quem Conspexere, silent arrectisque auribus adstant* (Virgil).¹⁶

III

ON THE RELATIONSHIP OF THEORY TO PRACTICE IN INTERNATIONAL RIGHT

CONSIDERED FROM A UNIVERSALLY PHILANTHROPIC,
I. E. COSMOPOLITAN POINT OF VIEW*

(*Against Moses Mendelssohn*)¹⁷

Is the human race as a whole likeable, or is it an object to be regarded with distaste? Must we simply wish it well (to avoid becoming misanthropists) without really expecting its efforts to succeed, and then take no further interest in it? In order to answer such questions, we must first answer the following one: Does man possess natural capacities which would indicate that the race will always progress and improve, so that the evils of the past and present will vanish in the future good? If this were the case, we could at least admire the human species for its constant advance towards the good; otherwise, we should have to hate or despise it, whatever objections might be raised by pretended philanthropists (whose feelings for mankind might at most amount to good will, but not to genuine pleasure).

For however hard we may try to awaken feelings of love in ourselves, we cannot avoid hating that which is and always will be evil, especially if it involves deliberate and general violation of the most sacred rights of man. Perhaps we may not wish to harm men, but shall not want to have any more to do with them than we can help.

Moses Mendelssohn was of the latter opinion (*Jerusalem* § 11, pp. 44-47),¹⁸ which he put forward in opposition to his friend Lessing's hypothesis of a divine education of mankind.¹⁹ He regards it as sheer fantasy to say 'that the whole of mankind here on earth must continually progress and become more perfect through the ages'. He continues: 'We see the human race

* It is not immediately obvious how a universally *philanthropic* attitude can point the way to a cosmopolitan constitution, and this in turn to the establishment of *international justice* as the only state in which those capacities which make our species worthy of respect can be properly developed. But the conclusion of this essay will make this relationship clear.

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as a whole moving slowly back and forth, and whenever it takes a few steps forward, it soon relapses twice as quickly into its former state.' (This is truly the stone of Sisyphus;²⁰ if we adopt an attitude of this kind, as the Indians do, the earth must strike us as a place of atonement for old and forgotten sins.) 'Man as an individual progresses; but mankind constantly fluctuates between fixed limits. Regarded as a whole, however, mankind maintains roughly the same level of morality, the same degree of religion and irreligion, of virtue and vice, of happiness (?) and misery.' He introduces these assertions with the words (p. 46): 'Do you presume to guess the plan of providence for mankind? Do not invent hypotheses' (he had earlier called these theories); 'just look around at what actually happens, and if you can briefly survey the history of all past ages, look at what has happened from time immemorial. All this is fact; it must have been intended and approved within the plan of higher wisdom, or at least adopted along with it.'

I beg to differ. It is a sight fit for a god to watch a virtuous man grappling with adversity and evil temptations and yet managing to hold out against them. But it is a sight quite unfit not so much for a god, but even for the most ordinary, though right-thinking man, to see the human race advancing over a period of time towards virtue, and then quickly relapsing the whole way back into vice and misery. It may perhaps be moving and instructive to watch such a drama for a while; but the curtain must eventually descend. For in the long run, it becomes a farce. And even if the actors do not tire of it—for they are fools—the spectator does, for any single act will be enough for him if he can reasonably conclude from it that the never-ending play will go on in the same way for ever. If it is only a play, the retribution at the end can make up for the unpleasant sensations the spectator has felt. But in my opinion at least, it cannot be reconciled with the morality of a wise creator and ruler of the world if countless vices, even with intermingled virtues, are in actual fact allowed to go on accumulating.

I may thus be permitted to assume that, since the human race is constantly progressing in cultural matters (in keeping with its natural purpose), it is also engaged in progressive improvement in relation to the moral end of its existence. This progress may at times be *interrupted* but never *broken off*. I do not need to prove this assumption; it is up to the adversary to prove his case. I am a member of a series of human generations, and as such, I am not as good as I ought to be or could be according to the moral requirements of my nature. I base my argument upon my inborn duty of influencing posterity in such a way that it will make con-

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stant progress (and I must thus assume that progress is possible), and that this duty may be rightfully handed down from one member of the series to the next. History may well give rise to endless doubts about my hopes, and if these doubts could be proved, they might persuade me to desist from an apparently futile task. But so long as they do not have the force of certainty, I cannot exchange my duty (as a *liquidum*)²¹ for a rule of expediency which says that I ought not to attempt the impracticable (i.e. an *illiquidum*,²² since it is purely hypothetical). And however uncertain I may be and may remain as to whether we can hope for anything better for mankind, this uncertainty cannot detract from the maxim I have adopted, or from the necessity of assuming for practical purposes that human progress is possible.

This hope for better times to come, without which an earnest desire to do something useful for the common good would never have inspired the human heart, has always influenced the activities of right-thinking men. And the worthy Mendelssohn must himself have reckoned on this, since he zealously endeavoured to promote the enlightenment and welfare of the nation to which he belonged. For he could not himself reasonably hope to do this unless others after him continued upon the same path. Confronted by the sorry spectacle not only of those evils which befall mankind from natural causes, but also of those which men inflict upon one another, our spirits can be raised by the prospect of future improvements. This, however, calls for unselfish goodwill on our part, since we shall have been long dead and buried when the fruits we helped to sow are harvested. It is quite irrelevant whether any empirical evidence suggests that these plans, which are founded only on hope, may be unsuccessful. For the idea that something which has hitherto been unsuccessful will therefore never be successful does not justify anyone in abandoning even a pragmatic or technical aim (for example, that of flights with aerostatic balloons). This applies even more to moral aims, which, so long as it is not demonstrably impossible to fulfil them, amount to duties. Besides, various evidence suggests that in our age, as compared with all previous ages, the human race has made considerable moral progress, and short-term hindrances prove nothing to the contrary. Moreover, it can be shown that the outcry about man's continually increasing decadence arises for the very reason that we can see further ahead, because we have reached a higher level of morality. We thus pass more severe judgements on what we are, comparing it with what we ought to be, so that our self-reproach increases in proportion to the number of stages of morality we have advanced through during the whole of known history.

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If we now ask what means there are of maintaining and indeed accelerating this constant progress towards a better state, we soon realise that the success of this immeasurably long undertaking will depend not so much upon what *we* do (e.g. the education we impart to younger generations) and upon what methods *we* use to further it; it will rather depend upon what human *nature* may do in and through us, to *compel* us to follow a course which we would not readily adopt by choice. We must look to nature alone, or rather to *providence* (since it requires the highest wisdom to fulfil this purpose), for a successful outcome which will first affect the whole and then the individual parts. The schemes of men, on the other hand, begin with the parts, and frequently get no further than them. For the whole is too great for men to encompass; while they can reach it with their ideas, they cannot actively influence it, especially since their schemes conflict with one another to such an extent that they could hardly reach agreement of their own free volition.

On the one hand, universal violence and the distress it produces must eventually make a people decide to submit to the coercion which reason itself prescribes (i.e. the coercion of public law), and to enter into a *civil* constitution. And on the other hand, the distress produced by the constant wars in which the states try to subjugate or engulf each other must finally lead them, even against their will, to enter into a *cosmopolitan* constitution. Or if such a state of universal peace is in turn even more dangerous to freedom, for it may lead to the most fearful despotism (as has indeed occurred more than once with states which have grown too large), distress must force men to form a state which is not a cosmopolitan commonwealth under a single ruler, but a lawful *federation* under a commonly accepted *international right*.

The increasing culture of the states, along with their growing tendency to aggrandise themselves by cunning or violence at the expense of the others, must make wars more frequent. It must likewise cause increasingly high expenditure on standing armies, which must be kept in constant training and equipped with ever more numerous instruments of warfare. Meanwhile, the price of all necessities will steadily rise, while no-one can hope for any proportionate increase in the corresponding metal currencies. No peace will last long enough for the resources saved during it to meet the expenditure of the next war, while the invention of a national debt, though ingenious, is an ultimately self-defeating expedient. Thus sheer exhaustion must eventually perform what goodwill ought to have done but failed to do: each state must be organised internally in such a way that the head of state, for whom the war actually costs nothing (for he

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wages it at the expense of others, i.e. the people), must no longer have the deciding vote on whether war is to be declared or not, for the people who pay for it must decide. (This, of course, necessarily presupposes that the idea of an original contract has already been realised.) For the people will not readily place itself in danger of personal want (which would not affect the head of state) out of a mere desire for aggrandisement, or because of some supposed and purely verbal offence. And thus posterity will not be oppressed by any burdens which it has not brought upon itself, and it will be able to make perpetual progress towards a morally superior state. This is not produced by any love on the part of earlier ages for later ones, but only by the love of each age for itself. Each commonwealth, unable to harm the others by force, must observe the laws on its own account, and it may reasonably hope that other similarly constituted bodies will help it to do so.

But this is no more than a personal opinion and hypothesis; it is uncertain, like all judgements which profess to define the appropriate natural cause of an intended effect which is not wholly within our control. And even as such, it does not offer the subject of an existing state any principle by which he could attain the desired effect by force (as has already been demonstrated); only the head of state, who is above coercion, can do so. In the normal order of things, it cannot be expected of human nature to desist voluntarily from using force, although it is not impossible where the circumstances are sufficiently pressing. Thus it is not inappropriate to say of man's moral hopes and desires that, since he is powerless to fulfil them himself, he may look to *providence* to create the circumstances in which they can be fulfilled. The end of *man* as an entire species, i.e. that of fulfilling his ultimate appointed purpose by freely exercising his own powers, will be brought by providence to a successful issue, even although the ends of *men* as individuals run in a diametrically opposite direction. For the very conflict of individual inclinations, which is the source of all evil, gives reason a free hand to master them all; it thus gives predominance not to evil, which destroys itself, but to good, which continues to maintain itself once it has been established.

Nowhere does human nature appear less admirable than in the relationships which exist between peoples. No state is for a moment secure from the others in its independence and its possessions. The will to subjugate the others or to grow at their expense is always present, and the production of armaments for defence, which often makes peace more oppressive and more destructive of internal welfare than war itself, can never be

government (*forma regiminis*), and relates to the way in which the state, setting out from its constitution (i.e. an act of the general will whereby the mass becomes a people), makes use of its plenary power. The form of government, in this case, will be either republican or despotic. *Republicanism* is that political principle whereby the executive power (the government) is separated from the legislative power. Despotism prevails in a state if the laws are made and arbitrarily executed by one and the same power, and it reflects the will of the people only in so far as the ruler treats the will of the people as his own private will. Of the three forms of sovereignty, *democracy*, in the truest sense of the word, is necessarily a despotism, because it establishes an executive power through which all the citizens may make decisions about (and indeed against) the single individual without his consent, so that decisions are made by all the people and yet not by all the people; and this means that the general will is in contradiction with itself, and thus also with freedom.

For any form of government which is not *representative* is essentially an *anomaly*, because one and the same person cannot at the same time be both the legislator and the executor of his own will, just as the general proposition in logical reasoning cannot at the same time be a secondary proposition subsuming the particular within the general. And even if the other two political constitutions (i.e. autocracy and aristocracy) are always defective in as much as they leave room for a despotic form of government, it is at least possible that they will be associated with a form of government which accords with the *spirit* of a representative system. Thus Frederick II⁵ at least *said* that he was merely the highest servant of the state,* while a democratic constitution makes this attitude impossible, because everyone under it wants to be a ruler. We can therefore say that the smaller the number of ruling persons in a state and the greater their powers of representation, the more the constitution will approximate to its republican potentiality, which it may hope to realise eventually by gradual reforms. For this reason, it is more difficult in an aristocracy than in a monarchy to reach this one and only perfectly lawful kind of constitution, while it is possible in a democracy only by means of violent revolution. But the

* Many have criticised the high-sounding appellations which are often bestowed on a ruler (e.g. 'the divine anointed', or 'the executor and representative of the divine will on earth') as gross and extravagant flatteries, but it seems to me without reason. Far from making the ruler of the land arrogant, they ought rather to fill his soul with humility. For if he is a man of understanding (which we must certainly assume), he will reflect that he has taken over an office which is too great for a human being, namely that of administering God's most sacred institution on earth, the rights of man; he will always live in fear of having in any way injured God's most valued possession.

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of politics, it must be conceded that the two are compatible. And I can indeed imagine a *moral politician*, i.e. someone who conceives of the principles of political expediency in such a way that they can co-exist with morality, but I cannot imagine a *political moralist*, i.e. one who fashions his morality to suit his own advantage as a statesman.

The moral politician will make it a principle that, if any faults which could not have been prevented are discovered in the political constitution or in the relations between states, it is a duty, especially for heads of state, to see to it that they are corrected as soon as possible; it should be ensured that these political institutions are made to conform to natural right, which stands before us as a model in the idea of practical reason, and this should be done even if selfish interests have to be sacrificed. It would be contrary to all political expediency, which in this case agrees with morality, to destroy any of the existing bonds of political or cosmopolitan union before a better constitution has been prepared to take their place. And while it would be absurd to demand that their faults be repaired at once and by violent measures, it can still be required of the individual in power that he should be intimately aware of the maxim that changes for the better are necessary, in order that the constitution may constantly approach the optimum end prescribed by laws of right. A state may well *govern* itself in a republican way, even if its existing constitution provides for a despotic *ruling power*; and it will gradually come to the stage where the people can be influenced by the mere idea of the law's authority, just as if it were backed up by physical force, so that they will be able to create for themselves a legislation ultimately founded on right. If, however, a more lawful constitution were attained by unlawful means, i.e. by a violent *revolution* resulting from a previous bad constitution, it would then no longer be permissible to lead the people back to the original one, even although everyone who had interfered with the old constitution by violence or conspiracy would rightly have been subject to the penalties of rebellion during the revolution itself. But as for the external relationship between states, no state can be required to relinquish its constitution, even if the latter is despotic (and hence stronger in relation to external enemies), so long as this state is in danger of being engulfed at any moment by other states; hence while plans must be made for political improvement, it must be permissible to delay their execution until a better opportunity arises.*

* These are permissive laws of reason, which allow a state of public right to continue, even if it is affected by injustice, until all is ripe for a complete revolution or has been prepared for it by peaceful means. For any *legal* constitution, even if it is only in small measure *lawful*, is better than none at all, and the fate of a premature reform would be anarchy. Thus political prudence, with things as they are at present, will make it a duty

contained within the concept of political and international right (including that evil aspect of human nature which makes coercion necessary), we may specify the following proposition as the *transcendental formula* of public right: 'All actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public.'

This principle should be regarded not only as *ethical* (i.e. pertaining to the theory of virtue) but also as *juridical* (i.e. affecting the rights of man). For a maxim which I may not *declare openly* without thereby frustrating my own intention, or which must at all costs be *kept secret* if it is to succeed, or which I cannot *publicly acknowledge* without thereby inevitably arousing the resistance of everyone to my plans, can only have stirred up this necessary and general (hence *a priori* foreseeable) opposition against me because it is itself unjust and thus constitutes a threat to everyone. Besides, this is a purely *negative* test, i.e. it serves only as a means of detecting what is *not* right in relation to others. Like any axiom, it is valid without demonstration, and besides, it is easy to apply, as can be seen from the following examples of public right.

1. In the *internal right of a state* (*ius civitatis*), a question may arise which many people consider difficult to answer, although it can be resolved quite easily by means of the transcendental principle of publicness. It runs as follows: 'Is rebellion a rightful means for a people to use in order to overthrow the oppressive power of a so-called tyrant (*non titulo, sed exercitio talis*)?' The rights of the people have been violated, and there can be no doubt that the tyrant would not be receiving unjust treatment if he were dethroned. Nevertheless, it is in the highest degree wrong if the subjects pursue their rights in this way, and they cannot in the least complain of injustice if they are defeated in the ensuing conflict and subsequently have to endure the most severe penalties.

Much can be said in arguments both for and against such a course of action if we try to settle the matter by dogmatic deduction of the principles of right. But the transcendental principle of publicness in questions of right can get round such long-winded discussion. According to this principle, the people, before establishing the civil contract, asks itself whether it dares to make public the maxim of its intention to rebel on certain occasions. It is easily seen that if one were to make it a condition of founding a political constitution that force might in certain eventualities be used against the head of state, the people would have to claim rightful authority over its ruler. But if this were so, the ruler would not be the head of state; or if *both* parties were given authority as a prior condition of establishing the state, the existence of the state itself, which it was the

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people's intention to establish, would become impossible. The injustice of rebellion is thus apparent from the fact that if the maxim upon which it would act *were publicly acknowledged*, it would defeat its own purpose. This maxim would therefore have to be kept secret.

But it would not be necessary for the head of state to conceal his intentions. He may say quite openly that he will punish any rebellion by putting the ringleaders to death, even if they believed that he was himself the first to infringe the fundamental law. For if he is aware that he possesses *irresistible* supreme power (and this must be assumed in any civil constitution, for a ruler who does not have sufficient power to protect each individual among the people against the others cannot have the right to give the people orders either), he does not have to worry that his own aims might be frustrated if his maxim became generally known. And it is perfectly consistent with this argument that if the people were to rebel successfully, the head of state would revert to the position of a subject; but he would not be justified in starting a new rebellion to restore his former position, nor should he have to fear being called to account for his previous administration.

2. We now come to *international right*.—We can speak of international right only on the assumption that some kind of lawful condition exists, i.e. that external circumstances are such that a man can genuinely be accorded his rights. For as a form of public right, it implies by definition that there is a general will which publicly assigns to each individual that which is his due. And this *status iuridicus* must be derived from some sort of contract, which, unlike that from which a state originates, must not be based on coercive laws, but may at most be a state of *permanent and free association* like the above-mentioned federation of different states. For without some kind of *lawful condition* which actively links together the various physical or moral persons (as is the case in the state of nature), the only possible form of right is a private one. This again involves a conflict between politics and morality (the latter in the shape of a theory of right). The criterion of publicness in the relevant maxims can, however, once again be easily applied, but only on condition that the contract binds the states for the single purpose of preserving peace amongst themselves and in relation to other states, and on no account with a view to military conquest. We can thus envisage the following instances of an antinomy between politics and morality, along with the appropriate solution in each case.

(a) 'If one of these states has promised something to another, whether it be assistance, cession of certain territories, subsidies, or the like, it may

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The reason why it is the duty of the people to tolerate even what is apparently the most intolerable misuse of supreme power is that it is impossible ever to conceive of their resistance to the supreme legislation as being anything other than unlawful and liable to nullify the entire legal constitution. For before such resistance could be authorised, there would have to be a public law which permitted the people to offer resistance: in other words, the supreme legislation would have to contain a provision to the effect that it is not supreme, so that in one and the same judgement, the people as subjects would be made sovereign over the individual to whom they are subject. This is self-contradictory, and the contradiction is at once obvious if we ask who would act as judge in this dispute between the people and the sovereign (for in terms of right, they are still two distinct moral persons). It then becomes clear that the people would set themselves up as judges of their own cause.*

* It is possible to conceive of a monarch's *dethronement* as a *voluntary* abdication of the crown and a renunciation of his power by giving it back to the people, or as a forfeiture of power, without violation of the monarch's person, whereby he is simply relegated to the rank of a private citizen. And while one might at least appeal to a supposed *right of necessity* (*casus necessitatis*) as an excuse for the people's action in forcibly dethroning the head of state, they can never have the slightest right to punish him for his previous administration. For everything which he previously did in his capacity as head of state must be considered to have been outwardly in keeping with right, and he himself, regarded as the source of all laws, is incapable of any unjust action. But of all the outrages attending a revolution through rebellion, even the *murder* of the monarch is not the worst; for it is still possible to imagine that the people did it because they *feared* that if he were allowed to survive, he might recover his power and mete out to the people the punishment they deserved, in which case their behaviour would not be an act of penal justice but simply an act of self-preservation. It is the formal *execution* of a monarch which must arouse dread in any soul imbued with ideas of human right, and this feeling will recur whenever one thinks of events like the fate of Charles I or Louis XVI. But how are we to explain this feeling? It is not aesthetic (like that sympathy which comes from imagining oneself placed in the sufferer's situation), but rather moral, being our reaction to the complete reversal of all concepts of right. It is seen as a crime which must always remain as such and which can never be effaced (*crimen immortale, inexpiabile*), and it might be likened to that sin which the theologians maintain can never be forgiven either in this world or the next. The explanation of this phenomenon of the human psyche would seem to lie in the following reflections concerning our own nature, reflections which also cast some light on the principles of political right.

Every transgression of the law can and must be explained only as the result of a maxim of the criminal whereby he makes a rule out of misdeeds like the one in question. For if we were to explain such transgressions in terms of a motive of the senses, the deed could not have been committed by the criminal as a free being, and he could not consequently be held responsible for it. But it is absolutely impossible to explain how the subject is able to formulate a maxim contrary to the clear prohibition of legislative reason, for only those events which follow the mechanism of nature are capable of explanation. Now the criminal can commit his misdeed either by adopting a maxim based on an assumed objective rule (as if it were universally valid), or merely as an exception to the rule (by exempting himself from it as the occasion requires). In the latter case, he merely

Any alteration to a defective political constitution, which may certainly be necessary at times, can thus be carried out only by the sovereign himself through *reform*, but not through revolution by the people. And if any such alteration takes place, it can only affect the *executive power*, not the legislature.

A constitution may be arranged in such a way that the people, through their representatives in parliament, are lawfully able to *resist* the executive power and its representative (the minister). This is known as a limited constitution. But even a constitution of this kind cannot permit any active resistance (i.e. an arbitrary association of the people designed to force the government to adopt a certain mode of action, and hence an attempt by the people themselves to act as the executive power). The people may offer only a negative form of resistance, in that they may refuse in parliament to comply on all occasions with those demands which the executive says must necessarily be met for administrative purposes. In fact, if the people were to comply on all occasions, it would be a sure indication that they were decadent, their representatives venal, the head of the government a despot through his minister, and the minister himself a traitor to the people.

deviates (albeit deliberately) from the law, for he may at the same time deplore his own transgression and simply wish to get round the law without formally terminating his obedience to it. But in the former case he rejects the authority of the law itself (although he cannot deny its validity in the light of his own reason), and makes it his rule to act in opposition to it; his maxim is thus at variance with the law not simply through *deficiency* (negative); it is actually *contrary* to the law (*contrarie*), or, so to speak, diametrically opposed to it as a contradiction (i.e. virtually hostile to it). So far as can be seen, it is impossible for men to commit a crime of such formal and completely futile malice, although no system of morality should omit to consider it, if only as a pure idea representing ultimate evil.

Thus the reason why the thought of the formal execution of a monarch *by his people* inspires us with dread is that, while his *murder* must be regarded merely as an exception to the rule which the people have taken as their maxim, his *execution* must be seen as a complete *reversal* of the principles which govern the relationship between the sovereign and the people. For it amounts to making the people, who owe their existence purely to the legislation of the sovereign, into rulers over the sovereign, thereby brazenly adopting violence as a deliberate principle and exalting it above the most sacred canons of right. And this, like an abyss which engulfs everything beyond hope of return, is an act of suicide by the state, and it would seem to be a crime for which there can be no atonement. There are therefore grounds for assuming that agreements to perform such executions do not really proceed from any supposed principle of right, but from the people's fear of revenge from the state if it should ever recover, and that such formalities are introduced only in order to give the deed an air of penal justice and of *rightful procedure* (with which murder, on the other hand, could not be reconciled). But this disguise is futile, since any such presumption on the part of the people is more atrocious than murder itself, for it in fact embodies a principle which must make it impossible for an overthrown state to be reconstituted.

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Furthermore, if a revolution has succeeded and a new constitution has been established, the unlawfulness of its origin and success cannot free the subjects from the obligation to accommodate themselves as good citizens to the new order of things, and they cannot refuse to obey in an honest way the authority now in power. The dethroned monarch, if he survives such a revolution, cannot be taken to task for his earlier management of the state, far less punished for it. This applies so long as he has retired to the status of a citizen, preferring his own peace and that of the state to the hazards of abandoning his position and embarking as a pretender on the enterprise of restoration, whether through secretly instigated counter-revolution or the support of other powers. But if he prefers the latter course, his right to his property remains intact, since the rebellion which deprived him of it was unjust. It must, however, be left to international right to decide whether other powers have the right to join in an association for the benefit of this fallen monarch simply in order that the people's crime should not go unpunished or remain as a scandal in the eyes of other states, and whether they are entitled or called upon to overthrow a constitution established in any other state by revolution, and to restore the old one by forcible means.

B

Can the sovereign be regarded as the supreme proprietor of the land, or must he be regarded only as one who exercises supreme command over the people by means of laws? Since the land is the ultimate condition under which it is alone possible to possess external objects as one's own, while the possession and use of such objects in turn constitutes the primary hereditary right, all such rights must be derived from the sovereign as *lord of the land*, or rather as the supreme proprietor (*dominus territorii*). The people, as a mass of subjects, also belong to him (i.e. they are his people), although they do not belong to him as an owner by the right of property, but as a supreme commander by the right of persons.

But this supreme ownership is only an idea of the civil union, designed to represent through concepts of right the need to unite the private property of all members of the people under a universal public owner; for this makes it possible to define particular ownership by means of the necessary formal principle of *distribution* (division of the land), rather than by principles of *aggregation* (which proceeds empirically from the parts to the whole). The principles of right require that the supreme proprietor should not possess any land as private property (otherwise he would become a private person), for all land belongs exclusively to the people

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it also has a well-authenticated objective reality which can easily be demonstrated from particular instances as they arise. But no attempt should be made to put it into practice overnight by revolution, i.e. by forcibly overthrowing a defective constitution which has existed in the past; for there would then be an interval of time during which the condition of right would be nullified. If we try instead to give it reality by means of gradual reforms carried out in accordance with definite principles, we shall see that it is the only means of continually approaching the supreme political good—perpetual peace.

A brief appendix follows in which Kant, in a reply to an anonymous review,²¹ comments mainly on the theory of private right, but also repeats his views on the sacredness and inviolability of civil constitutions and again denies absolutely any right to rebellion.

*The Contest of Faculties*¹ 1798

In the introductory part of the work, Kant explains how the division into the three 'higher faculties' (Theology, Law and Medicine) on the one hand, and the 'lower faculty' (Philosophy) on the other, arose. He explains that governments must take an interest in the so-called 'higher faculties', because their work has an influence on the people, whereas the philosophical faculty is free to pursue scholarship and judge the teaching of the other faculties without interference from the government. Its only concern is to speak the truth freely, thus merely following the commands of man, who is free by nature.

Kant further points out that there must be statutes issued by the government regulating the teaching of the 'higher faculties'. The Bible, the law of the land and the medical regulations of the state form the basis of the teaching of the 'higher faculties', but if they violate these boundaries and seek to enter the field in which reason rules, they come into conflict with the philosophical faculty.

Kant subsequently points out that it is legitimate for the philosophical faculty to question the findings of the higher faculties. To do so does not imply criticism of the government; it involves merely a contest between the faculties (though not a war) about what is true. The government never protects the higher faculties because their public doctrines, opinions and statements are true. It protects them only because advantages may accrue to the government if it does so.

In the next section, Kant examines the contest between the philosophical and the theological faculties, which arises from the divergence between ecclesiastical doctrine and religious faith, between laws given by the arbitrary will of another person and the laws arrived at by inner reason. The next section (printed below) deals with the contest between the faculty of philosophy and the faculty of law. In the final section of the work, he discusses the contest between the faculties of philosophy and medicine. Kant writes rather amusingly, though somewhat bizarrely, about various kinds of psychological therapy, about the power of the mind to conquer sensations of disease merely by strength of will. He further discourses on diet, hypochondria, sleep, eating, drinking, and the alleviation and prevention of disease by correct breathing. This section concludes this interesting, though strange, work. It was the last large work to be published by Kant in his lifetime.

THE CONTEST OF FACULTIES

A RENEWED ATTEMPT TO ANSWER THE QUESTION: 'IS THE HUMAN RACE CONTINUALLY IMPROVING?'

AA I VII, 77-94

WHAT SORT OF KNOWLEDGE ARE WE LOOKING FOR?

What we are seeking to know is a portion of human history. It is not a history of the past, however, but a history of future times, i.e. a *predictive* history. But if it is not discoverable from known laws of nature (as with eclipses of the sun and moon, which can be foretold by natural means) and can only be learnt through additional insight into the future supplied by supernatural revelation, it must be termed *prognosticative* or *prophetic*.^{*} Besides, we are here concerned not with the natural history of mankind (as we should be if we asked, for example, whether new races of man might emerge in future times), but with the *history of civilisation*. And we are not dealing with any *specific* conception of mankind (*singulorum*), but with the *whole* of humanity (*universorum*), united in earthly society and distributed in national groups. All this is implied if we ask whether the human *race* (as a whole) is continually improving.

2

HOW CAN WE ATTAIN SUCH KNOWLEDGE?

We can obtain a prophetic historical narrative of things to come by depicting those events whose *a priori* possibility suggests that they will in fact happen. But how is it possible to have history *a priori*? The answer is that it is possible if the prophet himself occasions and *produces* the events he predicts. / / x

It was all very well for the Jewish prophets to foretell that the state to which they belonged would sooner or later suffer not only decline, but also complete dissolution; for they were themselves the architects of their fate. As leaders of the people, they had loaded their constitution with so many ecclesiastical (and thence also civil) burdens that their state became completely unfit to exist in its own right, particularly in its relations with neighbouring nations. Thus the jeremiads of the priests naturally went unheeded, because these same priests stubbornly stuck to their belief in the untenable constitution they had themselves created, so that they were themselves able to foresee the consequences with infallible certainty.

^{*} Those, from pythonesses³ to gypsies, who dabble in prophecy with neither knowledge nor honesty, are known as *false prophets*.

KANT'S POLITICAL WRITINGS

Our politicians, so far as their influence extends, behave in exactly the same way, and they are just as successful in their prophecies. One must take men as they are, they tell us, and not as the world's uninformed pedants or good-natured dreamers fancy that they ought to be. But 'as they are' ought to read 'as we have *made them* by unjust coercion, by treacherous designs which the government is in a good position to carry out'. For that is why they are intransigent and inclined to rebellion, and why regrettable consequences ensue if discipline is relaxed in the slightest. In this way, the prophecy of the supposedly clever statesmen is fulfilled.

Various divines also at times prophesy the complete decline of religion and the imminent appearance of the Antichrist, all the while doing the very things that are best calculated to create the state of affairs they describe. For they are not taking care to impress on the hearts of their congregation moral principles which would directly lead to an improvement. Instead, they see observances and historical beliefs as the essential duties, supposing that these will indirectly produce the same results; but although they may lead to mechanical conformity (as within a civil constitution), they cannot produce conformity in moral attitudes. Nevertheless, these divines complain at the irreligion which they have themselves created, and which they could accordingly have foretold without any special gift of prophecy.

3

SUBDIVISIONS WITHIN THE CONCEPT OF WHAT WE WISH TO KNOW OF THE FUTURE

There are three possible forms which our prophecy might take. The human race is either continually *regressing* and deteriorating, continually *progressing* and improving, or at a permanent *standstill*, in relation to other created beings, at its present level of moral attainment (which is the same as continually revolving in a circle around a fixed point).

The first statement might be designated *moral terrorism*, the second *eudaemonism*⁴ (which, if the goal of human progress were already visible from afar, might also be termed *chiliasm*),⁵ while the third could be called *abderitism*.⁶ For in the latter case, since a genuine standstill is impossible in moral affairs, rises and falls of equal magnitude constantly alternate, in endless fluctuation, and produce no more effect than if the subject of them had remained stationary in one place.

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a

The terroristic conception of human history

A process of deterioration in the human race cannot go on indefinitely, for mankind would wear itself out after a certain point had been reached. Consequently, when enormities go on piling up and up and the evils they produce continue to increase, we say: 'It can't get much worse now.' It seems that the day of judgement is at hand, and the pious zealot already dreams of the rebirth of everything and of a world created anew after the present world has been destroyed by fire.

b

The eudaemonistic conception of human history

We may readily agree that the sum total of good and evil of which our nature is capable always remains unchanged, and can neither be augmented nor reduced within any one individual. And how could the quantity of good of which a person is capable possibly be increased? For it would have to be done by his own free agency as a subject, and before he could do it, he would in turn require a greater store of goodness than he already possessed in the first place. After all, no effects can exceed the capacity of their effective cause; and the quantity of goodness in man must therefore remain below a certain level in proportion to the amount of evil with which it is intermixed, so that man cannot work his way beyond a given limit and go on improving further. Thus eudaemonism, with its sanguine hopes, appears to be untenable. Its ideas of constant human progress and improvement would seem of little use to a prophetic history of mankind.

c

The hypothesis of abderitism in the human race as a definition of its future history

This point of view probably has the majority of subscribers on its side. To start off swiftly along the way of goodness without persevering on it, and instead, to reverse the plan of progress in order at all costs to avoid being tied to a single aim (even if only from a desire for variety); to construct in order to demolish; to take upon ourselves the hopeless task of rolling the stone of Sisyphus uphill, only to let it roll back down again: such is the industrious folly which characterises our race. In view of all this, it does not so much seem that the principle of evil within the natural

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character of mankind is amalgamated or fused with that of goodness, but rather that the one is neutralised by the other, with inactivity as the result (or a standstill, as in the case under discussion). This empty activity of backward and forward motion, with good and evil continually alternating, would mean that all the interplay of members of our species on earth ought merely to be regarded as a farce. And in the eyes of reason, this cannot give any higher a value to mankind than to the other animal species, whose interaction takes place at less cost and without any conscious understanding.

4

THE PROBLEM OF PROGRESS CANNOT BE SOLVED DIRECTLY FROM EXPERIENCE

Even if it were found that the human race as a whole had been moving forward and progressing for an indefinitely long time, no-one could guarantee that its era of decline was not beginning at that very moment, by virtue of the physical character of our race. And conversely, if it is regressing and deteriorating at an accelerating pace, there are no grounds for giving up hope that we are just about to reach the turning point (*punctum flexus contrarii*) at which our affairs will take a turn for the better, by virtue of the moral character of our race. For we are dealing with freely acting beings to whom one can dictate in advance what they ought to do, but of whom one cannot predict what they actually will do, and who are capable, if things go really badly and they experience evils incurred through their own actions, of regarding these evils as a greater incentive to do better than they did in the past. But as the Abbé Coyer⁷ says: 'Poor mortals! Nothing is constant among you but inconstancy.'

Perhaps it is because we have chosen the wrong point of view from which to contemplate the course of human affairs that the latter seems so absurd to us. The planets, as seen from the earth, sometimes move backward, sometimes forward, and at other times remain motionless. But seen from the sun—the point of view of reason—they continually follow their regular paths as in the Copernican hypothesis. Yet some thinkers, otherwise not deficient in wisdom, prefer to stick firmly to their own interpretation of phenomena and to the point of view they originally adopted, even at the price of involving themselves to an absurd degree in Tychonic⁸ cycles and epicycles. It is our misfortune, however, that we are unable to adopt an absolute point of view when trying to predict free actions. For this, exalted above all human wisdom, would be the point of view of *providence*, which extends even to *free* human actions. And although man

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may see the latter, he cannot *foresee* them with certainty (a distinction which does not exist in the eyes of the divinity); for while he needs to perceive a connection governed by natural laws before he can foresee anything, he must do without such hints or guidance when dealing with *free* actions in the future.

If it were possible to credit human beings with even a limited will of innate and unvarying goodness, we could certainly predict a general improvement of mankind, for this would involve events which man could himself control. But if man's natural endowments consist of a mixture of evil and goodness in unknown proportions, no-one can tell what effects he should expect from his own actions.

5

A PROPHETIC HISTORY OF THE HUMAN RACE MUST NEVERTHELESS START FROM SOME SORT OF EXPERIENCE

In human affairs, there must be some experience or other which, as an event which has actually occurred, might suggest that man has the quality or power of being the cause and (since his actions are supposed to be those of a being endowed with freedom) the *author* of his own improvement. But an event can be predicted as the effect of a given cause only when the circumstances which help to shape it actually arise. And while it can well be predicted in general that these circumstances must arise at some time or another (as in calculating probabilities in games of chance), it is impossible to determine whether this will happen during my lifetime, and whether I shall myself experience it and thus be able to confirm the original prediction.

We must therefore search for an event which would indicate that such a cause exists and that it is causally active within the human race, irrespective of the time at which it might actually operate; and it would have to be a cause which allowed us to conclude, as an inevitable consequence of its operation, that mankind is improving. This inference could then be extended to cover the history of former times so as to show that mankind has always been progressing, yet in such a way that the event originally chosen as an example would not in itself be regarded as the cause of progress in the past, but only as a rough indication or *historical sign* (*signum rememorativum, demonstrativum, prognostikon*). It might then serve to prove the existence of a *tendency* within the human race as a *whole*, considered not as a series of individuals (for this would result in interminable enumerations and calculations) but as a body distributed over the earth in states and national groups.

AN OCCURRENCE IN OUR OWN TIMES WHICH PROVES
THIS MORAL TENDENCY OF THE HUMAN RACE

The occurrence in question does not involve any of those momentous deeds or misdeeds of men which make small in their eyes what was formerly great or make great what was formerly small, and which cause ancient and illustrious states to vanish as if by magic, and others to arise in their place as if from the bowels of the earth. No, it has nothing to do with all this. We are here concerned only with the attitude of the onlookers as it reveals itself in public while the drama of great political changes is taking place: for they openly express universal yet disinterested sympathy for one set of protagonists against their adversaries, even at the risk that their partiality could be of great disadvantage to themselves. Their reaction (because of its universality) proves that mankind as a whole shares a certain character in common, and it also proves (because of its disinterestedness) that man has a moral character, or at least the makings of one. And this does not merely allow us to hope for human improvement; it is already a form of improvement in itself, in so far as its influence is strong enough for the present.

The revolution which we have seen taking place in our own times in a nation of gifted people⁹ may succeed, or it may fail. It may be so filled with misery and atrocities that no right-thinking man would ever decide to make the same experiment again at such a price, even if he could hope to carry it out successfully at the second attempt. But I maintain that this revolution has aroused in the hearts and desires of all spectators who are not themselves caught up in it a *sympathy* which borders almost on enthusiasm, although the very utterance of this sympathy was fraught with danger. It cannot therefore have been caused by anything other than a moral disposition within the human race.

The moral cause which is at work here is composed of two elements. Firstly, there is the *right* of every people to give itself a civil constitution of the kind that it sees fit, without interference from other powers. And secondly, once it is accepted that the only intrinsically *rightful* and morally good constitution which a people can have is by its very nature disposed to avoid wars of aggression (i.e. that the only possible constitution is a republican one, at least in its conception),* there is the *aim*, which is also

* This does not mean, however, that a people which has a monarchic constitution can thereby claim the right to alter it, or even nurse a secret desire to do so. For a people which occupies extended territories in Europe may feel that monarchy is the only kind

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a duty, of submitting to those conditions by which war, the source of all evils and moral corruption, can be prevented. If this aim is recognised, the human race, for all its frailty, has a negative guarantee that it will progressively improve or at least that it will not be disturbed in its progress.

All this, along with the *passion* or *enthusiasm* with which men embrace the cause of goodness (although the former cannot be entirely applauded, since all passion as such is blameworthy), gives historical support for the following assertion, which is of considerable anthropological significance: true enthusiasm is always directed exclusively towards the *ideal*, particularly towards that which is purely moral (such as the concept of right), and it cannot be coupled with selfish interests. No pecuniary rewards could inspire the opponents of the revolutionaries with that zeal and greatness of soul which the concept of right could alone produce in them, and even the old military aristocracy's concept of honour (which is analogous to enthusiasm) vanished before the arms¹⁰ of those who had fixed their gaze on the *rights* of the people to which they belonged,* and who regarded themselves as its protectors. And then the external public of onlookers sympathised with their exaltation, without the slightest intention of actively participating in their affairs.

of constitution which can enable it to preserve its own existence between powerful neighbours. And if the subjects should complain, not because of their internal government but because of their government's behaviour towards the citizens of foreign states (for example, if it were to discourage republicanism abroad), this does not prove that the people are dissatisfied with their own constitution, but rather that they are profoundly attached to it; for it becomes progressively more secure from danger as more of the other nations become republics. Nevertheless, slanderous sycophants, bent on increasing their own importance, have tried to portray this innocuous political gossip as innovationism, Jacobinism and conspiracy, constituting a menace to the state. But there was never the slightest reason for such allegations, particularly in a country more than a hundred miles removed from the scene of the revolution.

* It may be said of such enthusiasm for asserting the rights of man: *postquam ad arma Vulcania ventum est,—mortalis mucro glacies ceu futilis ictu dissiluit.*¹¹—Why has no ruler ever dared to say openly that he does not recognise any *rights* of the people against himself? Or that the people owe their happiness only to the *beneficence* of a government which confers it upon them, and that any pretensions on the part of the subject that he has rights against the government are absurd or even punishable, since they imply that resistance to authority is permissible? The reason is that any such public declaration would rouse up all the subjects against the ruler, even although they had been like docile sheep, well fed, powerfully protected and led by a kind and understanding master, and had no lack of welfare to complain of. For beings endowed with freedom cannot be content merely to enjoy the comforts of existence, which may well be provided by others (in this case, by the government); it all depends on the *principle* which governs the provision of such comforts. But welfare does not have any ruling principle, either for the recipient or for the one who provides it, for each individual will define it differently. It depends, in fact, upon the will's *material* aspect, which is empirical and thus incapable

THE PROPHETIC HISTORY OF MANKIND

In these principles, there must be something *moral* which reason recognises not only as pure, but also (because of its great and epoch-making influence) as something to which the human soul manifestly acknowledges a duty. Moreover, it concerns the human race as a complete association of men (*non singulorum, sed universorum*),¹² for they rejoice with universal and disinterested sympathy at its anticipated success and at all attempts to make it succeed.

The occurrence in question is not, however, a phenomenon of revolution, but (as Erhard¹³ puts it) of the evolution of a constitution governed by natural right. Such a constitution cannot itself be achieved by furious struggles—for civil and foreign wars will destroy whatever *statutory* order has hitherto prevailed—but it does lead us to strive for a constitution which would be incapable of bellicosity, i.e. a republican one. The actual *form* of the desired state might be republican, or alternatively, it might only be republican in its *mode of government*, in that the state would be administered by a single ruler (the monarch) acting by analogy with the laws which a people would give itself in conformity with universal principles of right.

Even without the mind of a seer, I now maintain that I can predict from the aspects and signs of our times that the human race will achieve this end, and that it will henceforth progressively improve without any more total reversals. For a phenomenon of this kind which has taken place in human history can never be forgotten, since it has revealed in human nature an aptitude and power for improvement of a kind which no politician could have thought up by examining the course of events in the past. Only nature and freedom, combined within mankind in accordance

of becoming a universal rule. A being endowed with freedom, aware of the advantage he possesses over non-rational animals, can and must therefore follow the *formal* principle of his will and demand for the people to which he belongs nothing short of a government in which the people are co-legislators. In other words, the rights of men who are expected to obey must necessarily come before all considerations of their actual wellbeing, for they are a sacred institution, exalted above all utilitarian values; and no matter how benevolent a government is, it may not tamper with them. These rights, however, always remain an idea which can be fulfilled only on condition that the *means* employed to do so are compatible with morality. This limiting condition must not be overstepped by the people, who may not therefore pursue their rights by revolution, which is at all times unjust. The best way of making a nation content with its constitution is to *rule* autocratically and at the same time to *govern* in a republican manner, i.e. to govern in the spirit of republicanism and by analogy with it.

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with principles of right, have enabled us to forecast it; but the precise time at which it will occur must remain indefinite and dependent upon chance.

But even if the intended object behind the occurrence we have described were not to be achieved for the present, or if a people's revolution or constitutional reform were ultimately to fail, or if, after the latter had lasted for a certain time, everything were to be brought back onto its original course (as politicians now claim to prophesy), our own philosophical prediction still loses none of its force. For the occurrence in question is too momentous, too intimately interwoven with the interests of humanity and too widespread in its influence upon all parts of the world for nations not to be reminded of it when favourable circumstances present themselves, and to rise up and make renewed attempts of the same kind as before. After all, since it is such an important concern of the human race, the intended constitution must at some time or another finally reach that degree of stability which the lessons of repeated experience will not fail to instil into the hearts of everyone.

Thus the proposition that the human race has always been progressively improving and will continue to develop in the same way is not just a well-meant saying to be recommended for practical purposes. Whatever unbelievers may say, it is tenable within the most strictly theoretical context. And if one considers not only the events which may happen within a particular nation, but also their repercussions upon all the nations of the earth which might gradually begin to participate in them, a view opens up into the unbounded future. This would not be true, of course, if the first epoch of natural convulsions, which (according to Camper¹⁴ and Blumenbach¹⁵) engulfed the animal and vegetable kingdoms before the era of man, were to be followed by a second in which the human race were given the same treatment so that other creatures might take the stage instead, etc. For man in turn is a mere trifle in relation to the omnipotence of nature, or rather to its inaccessible highest cause. But if the rulers of man's own species regard him as such and treat him accordingly, either by burdening him like a beast and using him as a mere instrument of their ends, or by setting him up to fight in their disputes and slaughter his fellows, it is not just a trifle but a reversal of the *ultimate purpose* of creation.

KANT'S POLITICAL WRITINGS

may be. In other words, the profit will result from man's good *deeds* as they grow ever more numerous and successful, i.e. from the external phenomena of man's moral nature. For we have only *empirical* data (our experiences) on which to base this prediction—that is, we base it on the physical cause of our actions in so far as they actually take place as phenomena, not on the moral cause which contains the concept of duty as applied to what ought to happen, and which can be determined by processes of pure *a priori* thinking.

Violence will gradually become less on the part of those in power, and obedience towards the laws will increase. There will no doubt be more charity, less quarrels in legal actions, more reliability in keeping one's word, and so on in the commonwealth, partly from a love of honour, and partly from a lively awareness of where one's own advantage lies; and this will ultimately extend to the external relations between the various peoples, until a cosmopolitan society is created. Such developments do not mean, however, that the basic moral capacity of mankind will increase in the slightest, for this would require a kind of new creation or super-natural influence. For we must not expect too much of human beings in their progressive improvements, or else we shall merit the scorn of those politicians who would gladly treat man's hopes of progress as the fantasies of an overheated mind.*

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WHAT SEQUENCE CAN PROGRESS BE EXPECTED TO FOLLOW?

The answer is: not the usual sequence *from the bottom upwards*, but *from the top downwards*.

To expect that the education of young people in intellectual and moral culture, reinforced by the doctrines of religion, firstly through domestic instruction and then through a series of schools from the lowest to the

* It is certainly *agreeable* to think up political constitutions which meet the requirements of reason (particularly in matters of right). But it is *foolhardy* to put them forward seriously, and *punishable* to incite the people to do away with the existing constitution.

Plato's *Atlantis*,¹⁷ More's *Utopia*,¹⁸ Harrington's *Oceana*¹⁹ and Allais' *Severambia*²⁰ have successively made their appearance, but they have never (with the exception of Cromwell's abortive attempt to establish a despotic republic) been tried out in practice. It is the same with these political creations as with the creation of the world: no-one was present at it, nor could anyone have been present, or else he would have been his own creator. It is a pleasant dream to hope that a political product of the sort we here have in mind will one day be brought to perfection, at however remote a date. But it is not merely *conceivable* that we can continually approach such a state; so long as it can be reconciled with the moral law, it is also the *duty* of the head of state (not of the citizens) to do so.

Appendix from 'The Critique of Pure Reason'¹

TRANSCENDENTAL LOGIC II, DIALECTIC, I, 1: OF IDEAS IN GENERAL

A constitution allowing the *greatest possible human freedom* in accordance with laws which ensure that the freedom of each can co-exist with the freedom of all the others (not one designed to provide the greatest possible happiness, as this will in any case follow automatically), is at all events a necessary idea which must be made the basis not only of the first outline of a political constitution but of all laws as well. It requires that we should abstract at the outset from present hindrances, which perhaps do not arise inevitably out of human nature, but are rather occasioned by neglect of genuine ideas in the process of legislation. For there is nothing more harmful, or more unworthy of a philosopher, than the vulgar appeal to an allegedly contrary experience, which would not have existed at all if the above measures had been taken at the right time in accordance with ideas, and if crude concepts, for the very reason that they were derived from experience, had not instead vitiated every good intention. The more closely the legislation and government were made to harmonise with this idea, the rarer punishments would become, and it is thus quite rational to maintain (as Plato does) that none would be necessary at all in a perfect state. Even if the latter should never come about, the idea which sets up this maximum as an archetype, in order to bring the legal constitution of mankind nearer and nearer to its greatest possible perfection, still remains correct. For no-one can or ought to decide what the highest degree may be at which mankind may have to stop progressing, and hence how wide a gap may still of necessity remain between the idea and its execution. For this will depend on freedom, which can transcend any limit we care to impose.

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