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Fiedler J. 2621

1793
PROJECT
FOR A
PERPETUAL PEACE.

A
PHILOSOPHICAL ESSAY

BY
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PERPETUAL PEACE.

WHETHER this satirical inscription on a Dutch inn-keeper's sign, upon which a church-yard was painted, has for its object mankind in general, or in particular the governors of states, who are insatiable of war; or whether it points merely towards those philosophers who indulge the sweet dream of a perpetual peace, it is impossible to decide. Be this as it may, the author of this essay publishes it on the following conditions.

The practical politician is accustomed to testify as much disdain towards the theorist as he has complaisance for himself. In his eyes the latter appears a mere pedant, whose chimerical ideas can never be prejudicial to a state, which requires principles deduced from experience; a trifler, whom he suffers to play his game without taking measures against him. The application is

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easy:

easy: let the statesman condescend to be rational, and if, perchance, he discovers in this essay ideas opposite to his own, let him not imagine dangers to the state, from opinions hazarded without ambition, and published with freedom; by which *clausula salvatoria* the author expects to have secured himself from every malignant interpretation.

SECTION I.

CONTAINING THE PRELIMINARY ARTICLES
FOR A PERPETUAL PEACE AMONG STATES.

I. “ **N**O treaty of peace shall be esteemed
“ valid, on which is tacitly reserved
“ matter for future war.”

A treaty of this sort would be only a truce, a suspension, not a complete cessation of hostilities. To call such a peace perpetual, would be a suspicious pleonasm. By a treaty of peace, every subject (at the time perhaps unthought of by the contracting parties) for renewing war,
becomes

becomes annihilated, even should it, by the most refined cunning, be dug out from the dusty documents of archives. The reservation (*reservatio mentalis*) of ancient pretensions to be declared hereafter, of which neither party makes mention at the time, both being too much exhausted to carry on the war, together with the bad design of carrying them into effect at the first favourable opportunity, belongs to the casuistry of a jesuit; estimated in itself, it is beneath the dignity of a sovereign, as the readiness of making deductions of this kind is beneath the dignity of a minister.

But if in consequence of enlightened principles of politics, the glory of the state is placed in its continual aggrandizement, by whatever means; my reasoning will then appear mere scholastic pedantry.

II. “ Any state, of whatever extent, shall never pass under the dominion of another state, whether by inheritance, exchange, purchase, or donation.”

A state is not, like the soil upon which it is situate, a patrimony. It consists of a society of men, over whom the state alone has a right to command and dispose. It is a trunk which has its own roots. But, like a graft to incorporate it
with

with another state, would be to reduce it from a moral person, to the condition of a thing, which contradicts the idea of a social compact, without which one cannot conceive of a right over a people*.

Every one knows to what dangers Europe, the only part of the world where this abuse has existed, has been exposed, even down to our time, by this mercantile precedent, that states may espouse one another; a new kind of contrivance, which obtains, by means of family alliances, and without any expence of forces, excess of power, or an immoderate increase of domain.

By a consequence of the same principle, it is forbidden to every state to let troops to another state, against an enemy not common to both; for this is making use of the subjects as things to be disposed of at pleasure.

III. “ Standing armies (*miles perpetuus*) shall “ in time be totally abolished.”

* An hereditary kingdom is not a state, which can be transferred to another state, but whose right of administration may be inherited by another physical person. The state then acquires a chief; but this chief, as chief or master of another kingdom, acquires not the state.

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For being ever ready for action, they incessantly menace other states, and excite them to increase without end the number of armed men. This rivalry, a source of inexhaustible expence, renders peace even more burthensome than a short war, and frequently causes hostilities to be commenced with the mere view of being delivered thereby from so oppressive a load. Add to this, that to be paid for killing, or to be killed, is to serve as an instrument or machine in the hands of another (the state) which is incompatible with the right which nature has given to every one over his own person*.

Very different from this are the military exercises voluntarily undertaken, and at stated times, by the citizens, in order to secure themselves and their country against foreign aggressions.

Treasure, a means of military power, more efficacious perhaps than that of armies or alliances, would produce the same effect as standing armies, and would excite other states

* This is the meaning of the answer which a prince of Bulgaria returned to an emperor of the East, who, wishing to spare the blood of his subjects, proposed to terminate their difference by single combat: "Will a blacksmith," he replied, "who possesses a pair of pincers, take the hot iron from the fire with his hands?"

to war by menacing them with it, were it less difficult to become acquainted with the extent of the treasure.

- V. " National debts shall not be contracted
" with a view of maintaining the interests of the
" state abroad."

Money borrowed, either in the interior of a state or of a foreign nation, would be a resource by no means suspicious, if the sums thus obtained were destined to the œconomy of the country, such as the repairing of high roads, new colonies, the establishment of magazines against unfruitful years, &c. But what can we think of a system of credit, the ingenious invention of a commercial people of this century, by means of which debts are accumulated without end, and yet cause no embarrassment in their reimbursements, since the creditors never make their demands all at one time. Considered as a political engine, it is a dangerous means of monied power, a treasure for war, superior to that of all other states collectively, and which cannot be exhausted except by a default in the taxes (an exhaustion eventually certain, but long kept off by the favourable re-action credit has upon commerce and industry). This facility of carrying on war, united with the natural inclination

inclination men have for it as soon as they possess the power, is an invincible obstacle to a perpetual peace. The abolition of the funding system must therefore be a preliminary article; the more so, as sooner or later a national bankruptcy will take place, by which other states would innocently be involved, and find themselves openly aggrieved. They are therefore justifiable in joining in a confederacy against a state which adopts such obnoxious measures.

V. “ No state shall by force interfere with
 “ either the constitution or government of
 “ another state.”

What is there that can authorise such a step? Perhaps the offence given to the subjects of another state; but the example of anarchy may, on the contrary, warn them of the danger they run by exposing themselves to it. Moreover, the bad example one free being gives to another is an offence taken (*scandalum acceptum*) and not a lesion of their rights. Very different would it be, if a revolution should divide a state into two parts, each of which should pretend to the whole. To lend assistance to one of the parties cannot then be esteemed an interference with the government, it being then in a state of anarchy; but so long as these internal dissensions
 are

are not come to that point, the interference of a foreign power would be a violation of the rights of an independent nation, struggling with internal evils; it is then an offence given, that would render the autonomy of all states uncertain.

VI. “ A state shall not, during war, admit
 “ of hostilities of a nature that would render
 “ reciprocal confidence in a succeeding peace im-
 “ possible: such as employing assassins (*percussores*),
 “ poisoners (*venefici*), violation of capitulations,
 “ secret instigation to rebellion (*perduellio*), &c.”

These are dishonourable stratagems. Confidence in the principles of an enemy must remain even during war, otherwise a peace could never be concluded; and hostilities would degenerate into a war of extermination (*bellum internecinum*) since war in fact is but the sad resource employed in a state of nature in defence of rights; force standing there in lieu of juridical tribunals. Neither of the two parties can be accused of injustice, since for that purpose a juridical decision would be necessary. But here the event of a battle (as formerly the *judgments of God*) determine the justice of either party; since between states there cannot be a war of punishment (*bellum punitivum*) no subordination existing between them. A war, *ad internecionem*,
 therefore,

therefore, which might cause the destruction of both parties at once, together with the annihilation of every right, would permit the conclusion of a perpetual peace only upon the vast burial-ground of the human species. This kind of war must therefore be absolutely interdicted, as well as the means that lead thereto; but that the above-mentioned means will unavoidably lead thereto, may be deduced from the following: that those infernal arts, infamous in themselves when once in use, will not cease with the war, like the use of spies, where one profits by the infamy of another only (an indignity the human species will never be totally purged from) but will remain in use even after a peace, which thereby is rendered completely abortive.

Although the laws pointed out here objectively considered, and such as they ought to be in the intention of those in power, are all *prohibitory laws* (*leges prohibitiveæ*), nevertheless, there are some of them of that *rigorous* kind that demand a prompt and absolute execution; such is No. 1, 5, 6. Others again, like No. 2, 3, 4, without making exception to the rule of right, are *less rigorous* (*leges lateæ*) as to the subjective possibility of their observance. These include the permission of delaying their execution, without however losing the end in

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view.

view. Delay, which ought not to defer, for instance, the re-establishment of liberty in such states as have been deprived of it, *ad calendæ græcæ*, to make use of an expression of Augustus; for this would be to annul the law which ordains it; but this delay itself is only permitted to prevent a precipitation which might injure the aim proposed. The prohibition contained in the article 2, has for its object solely the manner of future acquisition, and not the actual possession, which, without being stamped with the title of a right, has nevertheless been esteemed lawful by all other states, according to the opinion in fashion at the time of its putative acquisition*.

SECTION

* It is not without cause that it has hitherto been uncertain, whether, besides the command (*leges præceptivæ*), and the prohibition (*leges prohibitivæ*), there are also laws of permission. For laws, in general, include the principle of objective practical necessity; a permission, on the contrary, the principle of a practical casualty of certain actions; a law of permission would compel then to an action, to which no one can be obliged; which would imply a contradiction, if the object of the law were the same under one and the other relation. Now in the law of permission, which is the question here, the prohibition has relation only to the mode of future acquisition (i. e. by succession); but the permission, which

SECTION II.

CONTAINING THE DEFINITIVE ARTICLES FOR
A PERPETUAL PEACE AMONG STATES.

WITH men, the state of nature (*status naturalis*) is not a state of peace, but of war; though not of open war, at least, ever ready to break out. A state of peace must therefore be established; for, in order to be sheltered

which annuls this prohibition, regards only the actual possession. In the passage from the state of nature to the civil state, this putative possession, though illegal, may nevertheless be maintained as just, in virtue of a permission of a natural right. But its illegality ought not to be recognized, for from the moment when in the state of nature, a putative possession, and in the civil state, a like acquisition, are acknowledged as unjust, they could no longer exist, because they would then become an infringement of rights.

I have only wished to fix, by the way, the attention of the teachers of natural right, upon the idea of the laws of permission, which presents itself to every systematic mind; principally, because it is of such frequent use in the civil law, though with this difference: the prohibition is there express and absolute, and the permission is not inserted as a respective condition, which it ought to be, but is found
among

sheltered against every act of hostility, it is not sufficient that none is committed ; one neighbour must guarantee to another his personal security, which cannot take place except in a state of legislation ; without which one may treat another as an enemy, after having in vain demanded this protection*.

FIRST

among the exceptions. We forbid this or that, it is there said, excepting No. 1, 2, 3, and so forth, without end. The exceptions are not joined to the law from a fixed principle, but by chance, and blindly applied to the various cases that occur ; for, otherwise the restrictions would be always inserted in the formula of prohibition, which would thereby become permissive law. It is likewise very much to be regretted, that the question proposed by Count de Windischgrätz has been so soon relinquished. This profound sage had precisely insisted upon the point now under discussion, in his ingenious problem, which still remains to be solved. Indeed we shall have no reason to promise ourselves an immutable and permanent legislation, till the possibility of a mathematical formula shall be demonstrated, which may serve as a foundation to laws. Without this we shall have general laws, which may be applied to a great number of cases, but no universal laws, applicable to all cases, as the idea of a law seem to require.

* The common opinion is, that one dares act hostilely only against an aggressor ; and this is true, when both live in a state of civil legislation. For, on entering into it, they reciprocally guarantee to themselves the requisite security, by
the

FIRST DEFINITIVE ARTICLE FOR A PERPETUAL PEACE.

THE civil constitution of every state ought to be republican.

The only constitution resulting from the idea of the social compact, upon which every good legislation of a nation ought to be founded, is

the common obedience which they pay to the sovereign. But the man, or the nation, that live in a state of nature, deprives me of that security, and attacks me, without being an aggressor, by the mere circumstance of living contiguous to me, in a state of anarchy and without laws; menaced perpetually by him with hostilities, against which I have no protection, I have a right to compel him, either, to associate with me under the dominion of common laws, or to quit my neighbourhood.

Here is a principle then, upon which all the subsequent articles are established:

All men, who have a mutual influence over one another, ought to have a civil constitution. Now every legitimate constitution, considered in respect of the persons who are the object of it, is

- I. Either conformable to the *civil right*, and is limited to a people (*jus civitatis*).
- II. Or to the *rights of nations*, and regulates the relations of nations among each other (*jus gentium*).
- III. Or to the *cosmopolitical right*, as far as men, or states, are considered as influencing one another, in quality of

is a republican constitution*. It is the only one established upon principles compatible with, first, the liberty of all the members of a society in the quality of men; second, with the sub-
mission

of constituent parts of the great state of the human race (*jus cosmopolitanum*).

This division is not arbitrary; but necessary in respect of the idea of a perpetual peace. For, if two nations, under one of these three relations, were in a state of nature, and having reciprocal physical influence upon each other, the state of war would be immediately revived, to be freed from which is the present end in view.

* Legal (and together with it) exterior liberty, is not, as it is ordinarily defined, the faculty of doing whatever one wishes to do, provided he injures not another. It consists in rendering obedience to those laws alone to which I have been able to give my assent. In the same manner, legal equality in a state is the relation of the citizens to one another, according to which one cannot compel another juridically, without he subjects himself also to the law, by which in his turn he may also be compelled in the same manner. The principle of submission to laws, being already comprised in the idea of a constitution in general, needs not a particular explanation. The inviolability of these innate and imprescriptible rights of man, manifests itself still more gloriously, when we represent to ourselves man in relation with beings of a superior nature, as citizen of a world of intelligences. For, to begin with my liberty; even the laws of God, which can be binding upon me only so far as I have been able to concur in their formation, since I attain to the
the

mission of all to a common legislation, as subjects; and third, with the right of equality, which all share as members of a state. This

the knowledge of the will of God, only by the law which my own reason imposes on my liberty, in elevating me above the necessity of the laws of nature. As to the principle of equality, however exalted the nature of a being may be, were he even the next in rank after God (as the great *Æon* of the Gnostics) if I do my duty in the post assigned me, as he in his, there is no reason why the duty of obeying should rest on me alone, and in him the right of commanding. What renders the principle of equality inapplicable to our relations with God, is, that of all beings, it is he alone who cannot be represented as subject to duty. But as to the right of equality common to all citizens, in quality of subjects, in order to decide if an hereditary nobility can be tolerated, it will be sufficient to ask, whether the pre-eminence of rank, granted by the state, ought to be anterior to merit, or whether merit ought to precede rank? Now it is evident, if dignity is attached to birth, merit will be uncertain, and consequently, it would be the same thing to give command to a favourite without any merit; which would never be decreed by the general will of a people in the social pact, the only foundation of all rights. For if birth gives nobility, it does not at the same time bestow nobleness of the mind and heart. It is quite otherwise with the nobility or dignity attached to magistracies, which merit alone can obtain. In this case rank depends not on the person, but on the post; and this kind of nobility alters not the equality, because on quitting the office one renounces the rank it confers, in order to re-enter into the class of the people.

then

then is the only constitution, which in respect of right serves for a primitive basis to all civil constitutions; it remains now to be shewn, whether it also is the only one that can lead to a perpetual peace. By examining the nature of this constitution, it will be found, that besides the purity of its origin; which derives from the idea itself of right, it also promises the most happy effect, namely, a perpetual peace, in the following manner.

According to the form of this constitution, the assent of every citizen is necessary to decide the question, "Whether war shall be declared " or not." But to decree war, would be to the citizens to decree against themselves all the calamities of war, such as fighting in person, furnishing from their own means towards the expence of the war; painfully to repair the devastations it occasions; and, to fill up the measure of evils, load upon themselves the weight of a national debt, that would embitter even peace itself, and which, on account of constant new wars, can never be liquidated. They will certainly beware of plunging into an enterprize so hazardous. Whereas, in a constitution wherein the subjects are not citizens of the state, that is to say, a constitution not republican, a declaration of war is a most easy matter

to

to resolve upon, as it does not require of the chief, proprietor and not member of the state, the least sacrifice of his pleasures, either of the table, the chase, the country, or the court, &c. He may therefore resolve on war as on a party of pleasure, for reasons the most frivolous, and with perfect indifference leave the justification of the same, which decency requires, to the diplomatic corps, who are ever ready to undertake it.

In order not to confound (as is frequently done) a republican constitution with a democracy, the following observations should be made.

The forms of a state may be divided, either according to the persons who enjoy the sovereign power, or according to the mode of administration exercised by the chief, under whatever title, over a people. The first is called *form of sovereignty (forma imperii)*, of which there can be but three: *autocracy*, where one alone possesses supreme power; *aristocracy*, when divided between a few; *democracy*, when exercised by all the members of society.

The second is the *form of government (forma regiminis)*; this is the constitutional mode, according to which the general will of the people has decided that its power shall be exercised; and in this relation it is either *republican* or *despotic*.

D *Republicanism*

Republicanism is the political principle according to which the executive power (the government) is separated from the legislative. *Despotism* is where the legislator executes his own laws, consequently where the private will of the chief is substituted to the will of the public. *Democracy* is necessarily *despotism*, as it establishes an executive power contrary to the general will; all being able to decide against one whose opinion may differ; the will of all is therefore not that of all: which is contradictory and opposite to liberty.

Every form of government that is not representative, is properly formless; the legislator being as little capable of being united in the same person with the executor of his will, as in a syllogism the universal of the major is capable of serving as the particular of the minor. Although an *aristocracy* and *autocracy* are defective, inasmuch as they are susceptible of the vice here mentioned, they nevertheless contain the possibility of representative administration; so far at least as Frederic II. insinuated when he declared himself the first servant of the state*; whereas a *democracy* renders the
representative

* The lofty epithets of 'the Lord's anointed,' 'the executor of the divine will,' 'the representative of God,'
which

representative system impossible, every one striving to be master. It may therefore be affirmed, that, the smaller the number of governors, and the more extensive the representation, the nearer the constitution approaches to republicanism, and may even arrive at it by successive reforms.

This then shews why it is more difficult to arrive at this form of government, the only one that perfectly corresponds with the rights of man, in an aristocracy than in a monarchy; and in a democratic state it is even impossible to arrive at it, except by violent revolutions.

The form of government is, however, of far greater importance to a people than the form of sovereignty*; though the greater or lesser
relation

which have been lavished on sovereigns, have been frequently censured, as gross and intoxicating flatteries; but I think without reason. So far from inspiring a monarch with pride, these surnames ought to render him humble, if he possesses understanding (which ought to be supposed) and if he reflects, that he is charged with an employment superior to the powers of a man, namely, to protect what is the most sacred to God upon earth, the *rights of man*; and that he ought to be in perpetual fear of having injured this beloved pledge of the divinity.

* Mallet du Pan, in his pompous but senseless language, pretends to have at length attained to a conviction, after long

relation of this latter with the aim proposed is nothing less than trivial. However, to be fully conformable to the principle of right, the form of government must be representative. This is the only one that permits republicanism, without which the government is arbitrary and despotic, whatever the constitution may be. Of all the ancient pretended republics, not one of them knew this system; they consequently all terminated in despotism, though the least insupportable of all, that of one alone.

long experience, of the truth of this well-known saying of Pope's:

“ For forms of government let fools contest :

“ The state that's best administer'd is best.”

If this means, that the state the best administered is the best administered, he has, to make use of an expression of Swift's, “ cracked a nut to come at a maggot.” But if this saying is to signify, that in the state the best administered, the government is the best, as to its constitution, then nothing is more false; for a good administration proves nothing in favour of the government. Who has reigned better than Titus and Marcus Aurelius? and yet one had for his successor a Domitian, and the other a Commodus; which could never have happened in a good constitution, their inaptitude to this post having been soon enough known; and the power of the sovereign being sufficient to exclude them.

SECOND

SECOND DEFINITIVE ARTICLE FOR A PER-
PETUAL PEACE.

THE public right ought to be founded upon a federation of free states.

Nations, as states, like individuals, if they live in a state of nature and without laws, by their vicinity alone commit an act of lesion. One may, in order to secure its own safety, require of another to establish within it a constitution which should guarantee to all their rights. This would be a federation of nations, without the people however forming one and the same state, the idea of a state supposing the relation of a sovereign to the people, of a superior to his inferior. Now several nations, united into one state, would no longer form but one; which contradicts the supposition, the question here being of the reciprocal rights of nations, inasmuch as they compose a multitude of different states, which ought not to be incorporated into one and the same state.

But when we see savages in their anarchy, prefer the perpetual combats of licentious liberty to a reasonable liberty, founded upon constitutional order, can we refrain to look down with
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the most profound contempt on this animal degradation of humanity? Must we not blush at the contempt to which the want of civilization reduces men? And would one not rather be led to think that civilized nations, each of which form a constituted state, would hasten to extricate themselves from an order of things so ignominious? But what, on the contrary, do we behold? Every state placing its majesty (for it is absurd to talk of the majesty of the people) precisely in this independence of every constraint of any external legislation whatever.

The sovereign places his glory in the power of disposing at his pleasure (without much exposing himself) of many millions of men, ever ready to sacrifice themselves for an object that does not concern them. The only difference between the savages of America and those of Europe, is, that the former have eaten up many a hostile tribe, whereas the latter have known how to make a better use of their enemies; they preserve them to augment the number of their subjects, that is to say, of instruments destined to more extensive conquests. When we consider the perverseness of human nature, which shews itself unveiled and unrestrained in the relations of nations with each other, where it is not checked, as in a state
of

of civilization, by the coercive power of the law, one may well be astonished that the word right has not yet been totally abolished from war-politics as a pedantic word, and that a state has not yet been found bold enough openly to profess this doctrine. For hitherto Grotius, Puffendorf, Wattel, and other useless and impotent defenders of the rights of nations, have been constantly cited in justification of war; though their code, purely philosophic or diplomatic, has never had the force of law, and cannot obtain it; states not being as yet subjected to any coercive power. There is no instance where their reasonings, supported by such respectable authorities, have induced a state to desist from its pretensions. However this homage which all states render to the principle of right, if even consisting only in words, is a proof of a moral disposition, which, though still slumbering, tends nevertheless vigorously to subdue in man that evil principle, of which he cannot entirely divest himself. For otherwise states would never pronounce the word right, when going to war with each other; it were then ironically, as a Gallic prince interpreted it. "It is," said he, "the prerogative nature has given to the stronger, to make himself obeyed by the weaker."

However,

However, the field of battle is the only tribunal before which states plead their cause; but victory, by gaining the suit, does not decide in favour of their cause. Though the treaty of peace puts an end to the present war, it does not abolish a state of war (a state where continually new pretences for war are found); which one cannot affirm to be unjust, since being their own judges, they have no other means of terminating their differences. The law of nations cannot even force them, as the law of nature obliges individuals to get free from this state of war, since having already a legal constitution, as states, they are secure against every foreign compulsion, which might tend to establish among them a more extended constitutional order.

Since, however, from her highest tribunal of moral legislation, reason without exception condemns war as a mean of right, and makes a state of peace an absolute duty; and since this peace cannot be effected or be guaranteed without a compact among nations, they must form an alliance of a peculiar kind, which might be called a pacific alliance (*foedus pacificum*) different from a treaty of peace (*pactum pacis*) inasmuch as it would for ever terminate all wars, whereas the latter only finishes one. This alliance does
not

not tend to any dominion over a state, but solely to the certain maintenance of the liberty of each particular state, partaking of this association, without being therefore obliged to submit, like men in a state of nature, to the legal constraint of public force. It can be proved, that the idea of a federation, which should insensibly extend to all states, and thus lead them to a perpetual peace, may be realized. For if fortune should so direct, that a people as powerful as enlightened, should constitute itself into a republic (a government which in its nature inclines to a perpetual peace) from that time there would be a centre for this federative association; other states might adhere thereto, in order to guarantee their liberty according to the principles of public right; and this alliance might insensibly be extended.

That a people should say, "There shall not be war among us: we will form ourselves into a state; that is to say, we will ourselves establish a legislative, executive, and judiciary power, to decide our differences,"—can be conceived.

But if this state should say, "There shall not be war between us and other states, although we do not acknowledge a supreme power,
 E " that

“ that guarantees our reciprocal rights;” upon what then can this confidence in one’s rights be founded, except it is upon this free federation, this supplement of the social compact, which reason necessarily associates with the idea of public right.

The expression of public right, taken in a sense of right of war, presents properly no idea to the mind; since thereby is understood a power of deciding right, not according to universal laws, which restrain within the same limits all individuals, but according to partial maxims, namely, by force. Except one would wish to insinuate by this expression, that it is right, that men who admit such principles should destroy each other, and thus find perpetual peace only in the vast grave that swallows them and their iniquities.

At the tribunal of reason, there is but one mean of extricating states from this turbulent situation, in which they are constantly menaced with war; namely, to renounce, like individuals, the anarchic liberty of savages, in order to submit themselves to coercive laws, and thus form a society of nations (*civitas gentium*) which would insensibly embrace all the nations of the earth. But as the ideas which they have of public right, absolutely

absolutely prevent the realization of this plan, and make them reject in practice what is true in theory, there can only be substituted, to the positive idea of an universal republic (if all is not to be lost) the negative supplement of a permanent alliance, which prevents war, insensibly spreads, and stops the torrent of those unjust and inhuman passions, which always threaten to break down this fence*.

“ *Furor impius iatus fremit horridus ore cruento.*”

VIRGIL.

* It would not ill become a people that has just terminated a war, to order, besides their thanksgiving-day, a solemn fast, in order to ask forgiveness of God for the crime the nation has just committed, and which the human race still goes on to perpetrate, for refusing to live with other nations in legal order; to which, jealous of a proud independence, it prefers the barbarous means of war, without being able to obtain thereby what it desires, the secure enjoyment of its rights. The thanksgivings which are rendered during the war, the hymns that are chanted by us, like true Israelites, to the God of hosts, are glaringly inconsistent with the moral idea of the Father of men; they announce a culpable indifference for the principles, which nations ought to observe in the defence of their rights, and express an infernal joy at having slain a multitude of men, or annihilated their happiness.

THIRD

THIRD DEFINITIVE ARTICLE FOR A PER-
PETUAL PEACE.

THE cosmopolitical right shall be limited to conditions of universal hospitality.

In this article, as well as in the preceding ones, it is a question of right, not of philanthropy. Hospitality there signifies solely the right every stranger has of not being treated as an enemy in the country in which he arrives. One may refuse to receive him, if it can be done without endangering his existence; but dares not act hostilely towards him, so long as he does not offend any one. The question is not about the right of being received and admitted into the house of an individual: this benevolent custom demanding particular conventions. One speaks here only of the right all men have, of demanding of others to be admitted into their society; a right founded upon that of the common possession of the surface of the earth, whose spherical form obliges them to suffer others to subsist contiguous to them, because they cannot disperse themselves to an indefinite distance, and because originally one has not a greater right to a country than another. The sea and uninhabitable deserts divide

divide the surface of the globe ; but the ship and the camel, that vessel of the desert, re-establish the communication and facilitate the right which the human species all possess, of profiting in common by its surface. The inhospitality of the inhabitants of the coasts (for instance of the coast of Barbary) their custom of taking the vessels in the neighbouring seas, or that of reducing to slavery the unhappy wretches shipwrecked on their shores ; the barbarous practice which in their sandy deserts the Bedouin Arabs exercise of pillaging all those who approach their wandering tribes ; all these customs then are contrary to the right of nature, which, nevertheless, in ordaining hospitality, was contented with fixing the conditions on which one may endeavour to form connections with the inhabitants of a country. In this manner distant regions may contract amicable relations with each other, sanctioned in the end by public laws, and thus insensibly mankind may approach towards a cosmopolitical constitution.

At how great a distance from this perfection are the civilized nations, and especially the commercial nations of Europe ? At what an excess of injustice do we not behold them arrived, when they discover strange countries and nations ? (which with them is the same thing as to conquer).

quer). America, the countries inhabited by the negroes, the Spice Islands, the Cape, &c. were to them countries without proprietors, for the inhabitants they counted as nothing. Under pretext of establishing factories in Hindostan, they carried thither foreign troops, and by their means oppressed the natives, excited wars among the different states of that vast country; spread famine, rebellion, perfidy, and the whole deluge of evils that afflict mankind, among them.

The Chinese and Japanese, whom experience has taught to know the Europeans, wisely refuse their entry into the country, though the former permit their approach, which the latter grant to one European nation only, the Dutch; still, however, excluding them like captives from every communication with the inhabitants. The worst, or to speak with the moralist, the best of the matter is, that all these outrages are to no purpose; that all the commercial companies, guilty of them, touch upon the instant of their ruin; that the sugar islands, that den of slavery the most refined and cruel, produce no real revenue, and are profitable only indirectly, serving views not very laudable, namely, to form sailors for the navies, consequently to carry on war in Europe; which service they render to powers who boast the most of piety, and

and who, whilst they drink iniquity like water, pretend to equal the elect in point of orthodoxy.

The connections, more or less near, which have taken place among the nations of the earth, having been carried to that point, that a violation of rights, committed in one place, is felt throughout the whole, the idea of a cosmopolitical right can no longer pass for a fantastic exaggeration of right; but is the last step of perfection necessary to the tacit code of civil and public right; these systems at length conducting towards a public right of men in general, and towards a perpetual peace, but to which one cannot hope continually to advance, except by means of the conditions here indicated.

S U P P L E M E N T.

SUPPLEMENT THE FIRST.—OF THE GUARANTEE FOR A PERPETUAL PEACE.

THE guarantee of this treaty is nothing less than the great and ingenious artist, nature (*natura dædala rerum*). Her mechanical march evidently announces the grand aim of producing

producing among men, against their intention, harmony from the very bosom of their discords. Hence it is that we call it *destiny*, viewing it as a cause absolute in its effects, but unknown as to the laws of its operations. But the regular order which we observe in the course of the events of this world, makes us call it *Providence*, inasmuch as we discern in her the profound wisdom of a superior cause, which predetermines the course of fate, and makes it tend to the final purpose of human existence. It is true, we do not discover this providence in the methodical arrangements of nature, nor can we by reasonings deduce it therefrom; we can only suppose it, which we do, as often as we refer the modes of things to some end. We stand even in need of this supposition to form to ourselves an idea of the possibility of an order of nature, analagous to the operations of human art. The idea of a relation of this mechanism to the moral end which reason immediately prescribes, though rash in theory, is a well founded truth in practice; for instance, by making this physical order of nature serve towards the realization of the duty of a perpetual peace. Since reason cannot apply the relations of causes and effects, to any other objects, than such as experience has made known to us, it is more modest and conformable to the
limits

limits of the human understanding, to employ the word *nature*, when theory and not religion is the question, preferably to that of *Providence*, which intimates a pretended knowledge of its mysteries, and a flight as temerarious as that of Icarus, towards the sanctuary of its impenetrable designs.

Before we determine the manner in which nature guarantees a perpetual peace, it will be necessary to examine the situation in which she places the beings that figure upon this vast stage, and the measures she has taken to render this peace necessary to them.

These are her preparatory arrangements.

I. She has in every climate provided for the existence of man.

II. She has by means of war dispersed them, in order to populate the most inhospitable regions.

III. She has, by the same means, compelled them to contract relations more or less legal.

That in the vast plains which border the icy sea, the moss however grows, which the reindeer digs from beneath the snow, in order to make itself subservient to the nourishment or to the conveyance of the Ostic or the Samoied; that the saline sandy deserts should contain the camel, which appears created for the very pur-

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pose of traversing them, is already wonderful. Still more clearly marked does this end appear in the care nature has taken to place on the shores of the icy sea, besides the animals covered with furs, seals and whales, whose flesh serves as food and whose fat as firing to the inhabitants. But the maternal providence of nature is most wonderfully manifested by the singular manner in which she furnishes (in a manner not well known) those countries destitute of vegetation with wood, without which the inhabitants could have neither canoes, weapons, or huts; being, besides, too much occupied with defending themselves against the wild beasts, to live in peace with each other. But probably it was war alone which carried them into these climates. The first instrument of war was without doubt the horse, being tamed and trained up for combat when the earth began to be peopled with inhabitants. The elephant served in later times to the luxury of states already formed. As also the culture of divers sorts of corn, originally herbs now unknown; and the increase and improvement of fruit trees, by transplanting and ingrafting them, since primæval Europe produced only wild apple and pear trees; these operations then could only take place after an established constitution secured to every proprietor

prietor the enjoyment of his possessions. But before this could take place, it was necessary that men who at first subsisted in a state of anarchic liberty, either by the chace or the fishery, should have passed from the pastoral life to a life of agriculture; that salt and iron should be discovered (probably the two first objects of commerce between different nations) to produce among them pacific relations, and to contract, even with the most distant, some relations of convention and society.

Now as nature has provided an existence for men in every part of the earth, she insists upon their living in every part; and so despotic is this her will, that they obey it even against their inclination, and without being forced to it by any moral law. War is the only means she employs to obtain this end. By this means she has separated people, whose identity of language proclaims that of their origin. We find the Samoiedes on the coasts of the icy sea speak the mongul language of the inhabitants of the Altaish mountains, situated two hundred miles from them; between these two we find a mongul nation of horsemen, and of course warlike; is it not probable that the latter should have driven the former into these inhospitable icy lands, into which they would certainly not have penetrated
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from inclination? It is the same with the Finlanders, who, in the northern extremity of Europe, are called Laplanders. They have been separated by the Goths and Sarmatians from the Hungarians, whose language is the same with theirs. What can have carried into the north of America the Esquimaux, that race of men so entirely different from all other nations of the new world, descended perhaps from some European adventurers; and into the south the Pesheras as far as to the fire island, if it was not war, of which nature makes use to people all the earth?

As to war itself, it requires no particular motive; it appears ingrafted on human nature; it passes even for an act of greatness, to which the love of glory alone, without any other motive, impels. Thus, among the savages of America, as among the Europeans in the times of chivalry, military valour obtained great honours, not only during war, which would be just, but also when in order to signalize itself it undertakes war; so that a kind of dignity is attached to war itself, and that philosophers are found who commend it as a noble prerogative of humanity, forgetting this sentence of a Greek: "War is an evil, inasmuch as it produces more wicked men than it takes off."

Enough

Enough has been said of the measures nature takes to lead mankind, considering them as they compose a class of animals, to the end she has proposed to herself.

We have now to examine what is most essential relatively to a perpetual peace, that is to say, what nature has done with regard to it; how she favours the moral views of man, and guarantees the execution of the laws reason prescribes to him; so that whatever man should do freely, according to the civil, public, and cosmopolitical right, if he neglects it, he shall be forced to do it, by a constraint of nature, without prejudice to his liberty.

When I say nature wills that this or that arrive, this does not mean that she makes it a duty to us; it is practical reason alone that can prescribe laws to free beings without constraining them; but it means, that nature does it herself, whether we will or no.

“ *Fata volentem ducunt, nolentem trahunt.* ”

I. If even intestine discords were not to force a people to submit to the constraint of laws, they would be compelled thereto by the external means of war; nature having placed, as has already been seen, by the side of each people, another neighbouring people, which presses

presses upon it, and obliges it to form itself into a state, in order to form a power capable of opposing the enterprises of the other. Now as a republican constitution is the only one that is entirely conformable to the rights of man, it is also the most difficult to establish and to maintain; so much so, that it has been said it required angels, and not men under the dominion of interested inclinations, to realize a form of government so sublime. But nature employs these interested inclinations themselves, to give to the general will, with the respect due to reason, upon which it is founded, the efficacious practice it stands in need of. The question is, only so to organize a state (and this is certainly not beyond the power of mortals) that the action and re-action of these various inclinations either annihilates or moderates their injurious effect, and by rendering it null to reason, force man to be, if not a good moral being, at least a good citizen.

The problem of a constitution is solvable even to a nation of devils (I shall be forgiven what is offensive in the expression) if this people is but endowed with understanding. “ A multitude of reasonable beings desire for their preservation universal laws, though every one among them has a secret inclination to exempt
“ himself

“ himself from the observance of them. A constitution must therefore be given them, that so
 “ confines their individual passions, one by
 “ means of the other, that, in their public conduct,
 “ their effect becomes as inconsiderable
 “ as if they had not these hostile dispositions.”

A problem like this must be solvable. It does not require that one should obtain the desired effect of a moral reform in man. It only demands that one should derive advantage from the mechanism of nature, in order so to direct the opposition of personal interests, that all the individuals who compose a nation should constrain one another to range themselves beneath the coercive power of a legislation, and thus introduce a pacific state of legislation.

However imperfect the organization of the existing states may be, they nevertheless give us a proof of what has been advanced. They approach in some degree to what the idea of right exacts in their external conduct, though the intrinsic principles of morality do certainly not contribute towards it, nor can they contribute towards it, as it is not for morality to lead to a good constitution, but for this latter to produce the moral reform in man. The example here cited sufficiently shews that the mechanism of nature, according to which the interested propensities

penalties ought to defeat each other even in their effects, may serve reason as the means of procuring to the principle of right the sovereignty to which it tends, and to the state the establishment and sure maintenance of an external and even internal peace.

Here nature in an absolute manner *wills* that right should at length obtain the victory. What one neglects to do, she does herself, though by very unpleasant means.

“ Vans pliez d'un roseau le fragile soutien ;
 “ Courbez trop, il rompra. Qui veut trop, ne veut
 “ rien.”

BOUTERWECK.

II. The idea of the law of nations supposes the reciprocal independence of several neighbouring and separate states; and although this situation is in itself a state of war, if a federative union prevents not hostilities, reason yet prefers this co-existence of states to their union under one superior power to the rest, which would at length end in an universal monarchy. For the laws always lose in energy what the government gains in extent; and a despotism, which, destroying the minds, stifles the germs of every good, and sooner or later degenerates into anarchy.

However there is no state, the chief of which does not desire to secure to himself a constant
 state

state of peace by the conquest of the whole universe, if it were possible. But nature opposes this: she employs two means in order to prevent nations from mixing one with another, a diversity of language and religion*.

It is true, this variety contains the germ of reciprocal hatred, and furnishes even frequently a pretext for war: but in proportion as men come nearer in their principles, in consequence of progress in their civilization, the difference of language and of religions leads to and secures a well-founded peace, not like that of despotism, upon the grave of liberty and by means of the extinction of all power, but by the equilibrium they maintain with each other in spite of the contest resulting from their diversity.

* Diversity of religion: a very singular expression! It is precisely as if one spoke of a diversity of morals. There may be different kinds of historical faith attached to relative events, not to religion, but to its establishment, and which appertain to the jurisdiction of the learned; there may likewise be different books of religion (the Zendavesta, the Veda, the Koran, &c.) but there is only one religion, true for all men and all times. These can therefore be only accidental means, which serve as a vehicle to religion, and change according to times and places.

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If nature wisely separates nations, which every state would seek to combine, by artifice or force, and even according to the principles of the law of nations; who, on the other hand, through the interested spirit of all nations, produces an union between them, which the idea of the confinopolitical right alone would not have sufficiently secured from war and violence. It is the spirit of commerce, that sooner or later takes hold of every nation, and is incompatible with war: the power of money being that which of all others gives the greatest spring to states, they find themselves obliged to labour at the noble work of peace, though without any moral view; and instantly seek to stifle, by mediations, war, in whatever part it may break out, as if for this purpose they had contracted a perpetual alliance; great associations in a war are naturally rare, and less frequently still successful. It is in this manner that nature, by means of the human propensities, guarantees a perpetual peace; and though the assurance which she gives us thereof is not sufficient to predict theoretically, yet it prevents us from regarding it as a chimerical aim, and makes it thereby a duty in us to contribute towards it.

SUPPLEMENT THE SECOND.—SECRET ARTICLE,
FOR A PERPETUAL PEACE.

IT would be contradictory to enter into the procedures of public right, a secret article, as to its object; though it may well contain secrets subjectively, as to the quality of the persons who dictate them; these perhaps fearing to expose their dignity, if openly they should declare themselves the authors. The only article of that kind is the following: “The maxims of philosophers, on the conditions which render a perpetual peace possible, shall be consulted by those states armed for war.”

But it appears humiliating for the legislative authority of a state, to whom naturally the greatest wisdom is attributed, to be informed of the rules to be observed in the relations with other states, by the philosophers, its subjects. Nevertheless, it is necessary to consult them. The state, therefore, tacitly invites them to give their opinion: namely, by keeping secret the intention of following them, it permits their freely publishing the general maxims respecting peace and war; for they will not fail to speak if silence is not imposed upon them. Nor does
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it require, to agree on this point, a particular convention of states, since the obligation which thereby is imposed, is derived from the universal principles of legislative reason.

However, it is not claimed that the state should give the preference to the principles of the philosopher over the decisions of the lawyer, this representative of the sovereign; it is only asked, that he may be heard. The lawyer, who for his symbol has chosen, besides the balance of right, the sword of justice, does not always employ this latter solely for the purpose of removing from the former all foreign influence; but if one of the scales leans not to his mind, he adds the sword; (*via viellis!*) a temptation to which the lawyer often finds himself exposed, because he is not always philosopher enough, even morally so. His vocation leads him to apply positive laws, and not to examine whether they stand in need of reform. And though his functions are by this very circumstance evidently inferior, nevertheless, as the faculty of right is invested with power, like that of theology and medicine, the lawyer assigns one of the first ranks to his. The faculty of philosophers is by these coalesced powers forced to be content with a much inferior place. Philosophy, they say, is but the servant of theology, and the
other

other faculties say as much. But one takes great care not to examine whether she precedes her mistress, with the flambeau in her hand, or whether she bears her train.

That kings should become philosophers, or philosophers kings, can scarce be expected; nor is it to be wished, since the enjoyment of power inevitably corrupts the judgment of reason, and perverts its liberty. But that kings, or people-kings, that is to say, the people who govern themselves by laws of equality, should not suffer that the class of philosophers be reduced to disappear, or to maintain silence, but, on the contrary, should permit them to be freely heard. This is what the well administration of a government exacts; which can never be sufficiently enlightened. Besides, the class of philosophers, incapable by its nature to betray truth, or to be instrumental to the interested views of leaders and clubbists, runs not the risk of being suspected of propagandism.

A P P E N D I X.

A P P E N D I X.

P A R T I.

ON THE OPPOSITION WHICH EXISTS BETWEEN
MORALITY AND POLITICS, WITH RESPECT
TO THE SUBJECT OF A PERPETUAL PEACE.

MORALITY has already in itself a practical object, it being the sum of the absolute laws according to which we ought to act. It is absurd to grant to the idea of duty all its authority, and yet pretend that it cannot be fulfilled, which would annihilate the very idea of duty (*ultra posse, nemo obligatur*). Politics, inasmuch as it is a practical jurisprudence, cannot therefore be in contradiction to morality, considered as the theory of right (that is to say, there is no opposition between the theory and the practice); unless by morality were meant the sum of the rules of prudence, or the theory of the most proper means to accomplish the views of self-interest; *i. e.* except every idea of morality were entirely rejected.

Policy

Policy says, "Be wise as serpents;" morality adds thereto the restriction: "and harmless (without falsehood) as doves." If the one is incompatible with the other in the same precept, policy is really in opposition to morality; but if these two qualities ought absolutely to be united, the idea of contrariety is absurd, and the question, how are politics to be reconciled with morality? can no longer be proposed as problematical. Though this proposition, "*honesty is the best policy*," announces a theory, too frequently, alas! contradicted by experience; yet no objection will ever overthrow this: honesty is better than all policy, and is even an essential condition of it. The tutelary divinity of morality yields not to Jupiter; this god of power is also subject to destiny: *i. e.* reason is not sufficiently enlightened, in order to embrace the entire series of predetermining causes; the knowledge of which would alone enable it to foresee with certainty the happy or unhappy effects, which, according to the mechanism of nature, must result from human actions (though we know enough to hope that they will be conformable to our wishes). But what we have to do in order to remain faithful to duty, and to observe the rules of wisdom, which is the end of reason, she furnishes us all with sufficient instruction to discern.

Now

Now the statesman, to whom morality is mere theory, although he acknowledges the duty and the possibility of its execution, nevertheless cruelly aims to ravish from us the consoling hope of its realization; such is the nature of man, he says, that he will never desire what would be necessary to effect a perpetual peace.

It is doubtless not enough, in order to accomplish it, that each individual should desire to live according to the principles of liberty in a legal constitution, or to make use of scholastic terms; that there be distributive unity of the will of all, it is likewise necessary that there be collective unity of the will of all in behalf of this condition. Not the dispersed individuals, but the organs by which they co-operate as a body, form the civil society into a whole. Not the sum or balance of the volitions of the several monads constitute the general will, but those volitions alone taken by the concert of all. It is necessary then that a cause of union assemble the individual wills of all, for there to be a general will. Now, no individual being able to effect this union, since he possesses only one particular will, there will remain no other mean of realizing in practice the idea of a constitutional state, than force, upon which the
public

public right is afterwards founded. Though one cannot but expect very striking contrasts between the execution of this idea and the theory; since one can scarcely hope to find in the legislator morality enough to induce him to commit to the general will the establishment of a constitution, after having formed a nation of a horde of savages. It will then be said, he who has the power in his own hands will not suffer the people to prescribe laws for him. A state, once arrived at independence, will not submit to the decision of other states, the manner in which it ought to maintain its rights against them. One part of the world, that feels itself superior to another, will not neglect to increase its power by subduing its inferior in strength; and thus vanish all the delightful plans of civil, public, and cosmopolitical right, in chimerical theories: whereas, a practice founded upon principles deduced from a knowledge of human nature, and which blushes not to borrow its maxims from the usages of the world, can alone hope to place the structure of its politics upon a firm basis.

It must be confessed, that if there is neither liberty nor moral law deriving from it; if all that happens and may happen is but a simple mechanism of nature; all practical science may

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be reduced to politics, *i. e.* to the art of employing this mechanism for the governing of men: the idea of duty will then be only a chimera. But if, on the contrary, to combine this idea with politics appears indispensable, even as a necessary condition of it, the possibility of their combination must be confessed. Now I can very easily represent to myself a moral politician, *i. e.* a statesman, who might only act according to the principles avowed by morality; whereas I cannot conceive the idea of a political moralist, who adapts morality to the interests of the statesman.

The principle of the moral politician will be, that if defects have slipped either into the constitution of a state, or into the relations of states with one another, it is principally the duty of chiefs to make instantly such amendments as are conformable to the natural right founded on reason; were they even to sacrifice their own interests to these changes. This does not imply, that they should violently tear the bonds of society, civil and cosmopolitical, even before they have a better form to substitute to the old one; an operation no less rude than disapproved of by morality as well as politics: but we may demand of governors, to have constantly in view the duty of bringing about these reforms, and by
 continual

continual advancements to lead towards the best possible constitution. A state may have a republican government even then, when a despotic power is still suffered to exist, till the nation at length yields to the influence of the authority of law alone, as to any physical power, and becomes capable of being its own law-giver, as its primitive rights demand. Even when a violent revolution, necessitated by a defective government, has introduced, *by unjust means*, a better order of things; it would no longer be permitted to lead the people back towards their ancient constitution, though every one of those who, during the revolution, have shared in it, openly or secretly have justly incurred the chastisement due to rebellion. As to the external relations of states, it cannot be pretended that a nation should renounce its constitution (were it even despotic, and consequently most formidable to foreign enemies) so long as it is exposed to the danger of being swallowed up by other states. This reform must then be deferred till a more favourable epocha*.

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* These are the permissive laws given by reason. The abolition of an unjust right may be delayed, till every thing becomes of itself ripe for a reform, or till maturity has been produced by peaceable means. A constitution, however imperfect,

It may be, that the despotic moralists violate more than once the political rules, in the measures they adopt or propose, with too great precipitation: however, experience will soon lead them back to nature. Whereas, political moralists, who, by questioning the faculty of human nature to obey moral reason, favour state maxims contrary to right, and in reality strive to render all reform impossible, and to perpetuate the violation of right.

So far from possessing this practical science which they boast of, these expert politicians have only the cunning of business; solely occupied in flattering the ruling power, because their personal interest is benefited by it; they sacrifice the nation, and would (if they were able) subvert the whole world. This is what happens to all lawyers by profession, who are not occupied in legislation. Without reasoning upon the laws,

perfect, is yet preferable to the state of anarchy that would infallibly result from a precipitate reform. Political wisdom will therefore make it a duty to reform the actual state of things upon the ideas of public right; but it will not employ revolutions, which the nature of things brings on to authorize an oppression still more tyrannical; on the contrary, it will profit by them to establish, by solid reforms and upon principles of freedom, a legal constitution, the only one durable.

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they are obliged to execute them ; the last which appear then are always the best to them, and nothing can induce them to deviate from the mechanical order to which they are accustomed. Nevertheless, the facility which they have acquired of adapting themselves to all circumstances, inspires them with the vanity of believing that they can likewise judge of the universal principles of right and of government.

The multiplicity of their connections causes them to acquire the knowledge of a great number of men, and they take this knowledge for that of man, though it is very different, and though, to obtain the latter, it is necessary to contemplate man and his faculties in a more elevated point of view. Proud of their spirit of observation, do they aspire to civil and public right? They will be able to carry thither only the spirit of chicane ; they will apply their mechanical mode of proceeding even there, where despotic laws have no existence, and where reason tolerates no other constraint than that of a legal liberty, the sole and only foundation of a constitution which can guarantee right. Upon this the practitioner in the law reflects very little ; he fancies himself able to fetch his notions from experience ; and, without having need of principles of reason, he applies to the constitutions

tions which have hitherto passed for the best, though they are almost all contrary to right, to obtain the idea of the best possible constitution.

These are some of the maxims of a sophist which he implicitly follows, and to which may be reduced almost all his skill.

I. *Fac et excusa.* Seize every favourable opportunity of usurping a right over thy own state, or a neighbouring state. After the action, its justification may be made with greater ease and elegance (especially in the first case, where the supreme power is at the same time the legislator, whose will must be implicitly obeyed). It is far more convenient to commit an act of violence, and afterwards excuse it, than laboriously to consider of convincing arguments, and losing time in listening to objections. This very boldness itself indicates a sort of conviction of the legitimacy of the action, and the God of success (*Bonus Eventus*) is afterwards the best advocate.

II. *Si fecisti nega.* Deny whatever thou hast committed. For instance, if thou hast reduced thy people to despair, and thus to rebellion, do not confess it was through thy fault. Place all to the account of the stubbornness of thy subjects. If thou hast taken possession of a neighbouring state, maintain that the fault lies in the nature of man, who, if he is not anticipated,

pated, will certainly seize upon the fortunes of another.

III. *Divide et impera.* If there exists among a people certain privileged chiefs, who have conferred upon thee sovereign power (*primus inter pares*) set them at variance with each other, embroil them with the people. Favour the latter, and promise them more liberty, and all will soon depend on thy will. Or if thy views extend to foreign states, excite discord among them; and, under pretence of always assisting the weaker, thou wilt soon subject them all, one after the other.

No one, it is true, is now the dupe of these maxims; they are too universally known still to impose. Nor are they blushed at, as if their injustice was too glaring. Great powers blush only at the judgment of other great powers, and not at that of the vulgar. Moreover, their being all on a par, as to the morality of their maxims, they blush not when they are imputed to them, but when they employ them without success. *Political honour* still remains to them, which cannot be disputed, namely, the aggrandizement of their power, in whatever manner it may have been effected*.

All

* If we still doubt of the stock of perverseness which appears rooted in men, who live in a state of society; if even

All these windings, in which an immoral policy engages to conduct men from a state of

even we impute, with some probability, the immoral phenomena we now and then perceive in them to a want of civilization; this malignity is evidently manifested in the external relations of states. In the interior of a state, it is veiled by the restraint of civil law; the propensity towards reciprocal acts of violence is with the citizen fettered by the superior power of government. This it is, which not only casts over the whole of society an appearance of morality, but really facilitates the development of moral faculties, by placing a barrier to the effervescence of unlawful inclinations, and thus prepares men to respect right on their own account. For every one imagines that he could well respect the sacred idea of right, if he were sure that others would not violate it with regard to him. Now the government, which partly gives this certainty to every one, opens thereby the path to morality; and though it produces not respect for the very idea of right, it nevertheless conducts to that immediate and disinterested respect, which renders duty observed without hopes of a return. It is true, that with the good opinion every one has of himself, he always supposes his neighbour guilty of a malicious disposition. From thence arise the continual condemnations of one another, declaring that in fact none of them are worth much. We shall not here examine from what this general depravation results, the nature of man who is free cannot be accused of it. We shall only say, that as the idea of right, to which no one can refuse respect, solemnly sanctions the theory, which supposes the possibility of realizing this idea, every one perceives that he must conform to it; without troubling himself about that what others may do.

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war, which is that of nature, to a pacific situation, prove, at least, that in their personal affinity, or in their public relation, men cannot reject the idea of right; that they do not venture to found politics upon simple prudential artifices, and consequently do not withdraw themselves from the idea of universal right; that, on the contrary, they pay every possible regard to it, especially in public rights, even at a time they are inventing numberless pretences and palliatives to escape therefrom in practice; and that, in fact, they by a gross error attribute the origin and maintenance of right to force, assisted by deceit. Let us put an end, if not to injustice itself, at least to the sophisms used to veil it; let us force the perfidious representatives of power to confess that their pleadings are not in favour of right, but of force, which is discovered in their imperious tone, as if their power extended even to a command of truth.

To obtain this, let us unveil the imposture which deceives the mind; let us ascend towards the principle that necessitates a perpetual peace; and let us shew, that the evil which is an obstacle to it proceeds from this, that the political moralist begins where the moral politician would properly end; and thus, by rendering the principles subordinate to the end (which is called placing the

cart before the horse) he hurts his own cause, and himself prevents the agreement of politics with morality.

Let us begin with deciding a general question, from which depends the uniformity which ought to reign in practical philosophy. In order to solve the problem proposed to practical reason, we must begin with examining the material end proposed (such as the advantage and happiness that would result from the action, and which is the object of the will); or shall we, not regarding these perceptible relations, simply attend to the formal principle, namely, to the condition under which liberty may be exercised outwardly? a principle expressed by this law: act in such a manner, that thou mayest desire that the maxim according to which thou determinest may become a general law (let the end thou aimeest at be whatever it may).

We must undoubtedly begin with the formal principle; since in quality of a principle of right it contains an absolute necessity; whereas the material principle obliges only conditionally, and under the sole supposition that one wishes to attain the end in view; and when this end is itself a duty (as for instance perpetual peace) it must however have been deduced from the formal principle of free actions.

But

But here, the problem of a civil, public, and cosmopolitical right, is to the political moralist only a technical problem, whereas it becomes a moral problem to the moral politician. Each will have a very different track to follow for the establishment of perpetual peace, considered by the one as a simple physical good, but by the other as a situation rendered necessary by duty.

The first stands in need of a very extensive acquaintance with nature, so as to render its mechanism useful to his political end; notwithstanding the result of all his prudence will still leave a perpetual peace in uncertainty. To be convinced of this, take a view of the three species of public right. What is the most proper means of maintaining a people in obedience and prosperity; severity, or the charms of distinctions flattering to vanity; the power of one only, or that of several chiefs united; a nobility, or the power of the people? Nothing is more uncertain. History furnishes us with instances of the contrary in all forms of government (excepting that which is truly republican, and which can alone enter the mind of the moral politician). Still greater uncertainty exists in this pretended *public right*, founded upon ministerial ordinances: an expression void of sense, marking
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ing only conventional acts, concluded with a mental restriction of their violation.

Very different is the problem of the moral politician. The solution here, in some measure, offers itself to the mind; every one owns its evidence. It makes the politician blush at the inutility of his manœuvres. It immediately conducts to the aim, though by an insensible progress, and without forcing it by violent precipitation.

It is there said, *Seek first the reign of pure practical reason and its justice, and your end (the blessing of perpetual peace) will necessarily follow.* This is the prerogative of morality, especially in its principles of public right, consequently in its politics *a priori*. The less it aims, in its conduct, to the end proposed, that is to say, the physical or moral advantage in view, the more, nevertheless, it leads to it. For it is the general will regulated *a priori*, which determines the right, whether of one people or of nations among each other. Now, provided it is consistently put in practice, this union of the will of all may at the same time, through the mechanism of nature, produce the desired effect, and contribute towards the realization of the idea of right.

It

It is, for instance, a principle in moral politics, that a people shall constitute itself into a state only according to the ideas of a right of liberty and equality; and this principle is not founded upon prudence but duty. Let the political moralists oppose it as much as they please; let them exhaust themselves with arguments on the inefficacy of these principles against the natural affections of the members of society; let them even allege, in order to strengthen their objections, the example of ancient and modern constitutions, all badly organized (as that of democracies without the representative system) all their arguments do not merit any attention; especially since *they themselves* occasion perhaps this vicious morality, whose existence they suppose, by their fatal theory, which confounds man in one and the same class with other living machines, and which, in order to render him the most wretched of all beings, has only to take from him the consciousness of liberty.

The sentence somewhat free, but true, *fiat justitia, pereat mundus*; i. e. let justice reign, should all the rascals of the universe perish: this sentence, which has become a proverb, is an energetic principle of right, and courageously cuts asunder the whole tissue of artifice or of force. But it is necessary that it be well understood.

stood. It does not authorize one to enforce his rights with all possible rigour; morality opposes this. It only enjoins the powerful neither to refuse nor to extenuate to any one his right from aversion or commiseration for others; this is what is required on the one hand, by an interior constitution founded upon the principles of right, and on the other, by a convention with other states analagous to a cosmopolitical constitution, and tending to regulate their differences legally. This sentence only imports, that political maxims ought not to be founded upon the prosperity which may be expected to result from them to the state; that in their establishment attention ought not to be paid to the material aim, the object of the will of each state, and which cannot serve for a first principle to politics, only when it derives its maxims from experience; that state maxims ought to be deduced from the pure idea of duty, whatever may be the physical consequences thereof. And certainly, the universe would not totter if there were fewer wicked men in it. Such is the essential nature of moral evil, that even the opposition of the views of its partizans insensibly destroys it, and that, annihilating itself, it by degrees gives place to the principle of moral good.

Objectively,

Objectively, or in the theory, there is no opposition between morality and politics. But it will always exist subjectively, *i. e.* in consequence of the selfish propensity of man (I would say, in the practice, if this term did not imply a conduct founded upon the maxims of reason). And, in reality, this struggle is conducive to the exercise of virtue.

Tu ne cede malis, sed contra audentior ito.

But the most courageous exertion of virtue consists less in this case, in defying the evils inseparable from this combat, than in detecting and vanquishing within us the bad principle, whose crafty illusion and treacherous sophisms tend incessantly to persuade us that human frailty justifies every crime.

The political moralist may in reality say: if the prince and the people, or the people among themselves, employ fraud or force in order to go to war, they do no injustice to one another, though they are guilty of injustice in refusing all respect to the idea of right, which alone could serve as the basis to a perpetual peace. For, the one failing in his duty towards the other, to the full as ill-disposed in his regard, it is in order that they destroy one another; unhappily there still remains enough of this race to occa-
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tion this game to continue to the remotest ages, and to furnish to posterity a terrible lesson. Providence, which regulates the course of the world, is sufficiently justified by the maintenance of moral principle, which is never extinct in man; for, on the contrary, the continual advances of the human mind progressively develop reason, and render it more adapted to realize the idea of right, conformable to moral principle, as they render more culpable those who violate it. There is only the existence and even the creation of this depraved race which seems incapable of being justified by any theodicea, if we admit that the human race can never be meliorated. But we are not permitted to elevate ourselves, in our theoretical judgments, beyond our sphere; and infinite power is too incomprehensible for us to presume to apply to it our ideas of wisdom.

Such are the afflicting consequences resulting from a system in which the principles of right are affirmed to be impracticable. It is necessary then to admit their objective reality; it is upon them that the people of each state must regulate their conduct, and the states their reciprocal relations, however specious the objections may be which policy deduces from experience.

Thus

Thus true politics can never take a step, without having previously rendered homage to morality; united with this, it is no longer a difficult or complicated art; morality cuts the knot which politics is incapable of untying, whenever they are in opposition to each other. The rights of man ought to be religiously respected, should sovereigns in rendering it make the greatest sacrifices. One cannot compromise here between right and utility; politics must bend the knee before morality; but by this means it may also expect insensibly to attain to an eminence, where it will shine with an immortal glory.

P A R T II.

OF THE HARMONY WHICH THE TRANSCENDENT IDEA OF RIGHT ESTABLISHES BETWEEN POLITICS AND MORALITY.

WHEN I represent to myself, according to the usage of the lawyers, the public right, in all its habitudes with the relations of the individuals of a state, and of states among themselves; if

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I then make an abstraction of all the material of right, there still remains to me a form, which is essential to it, that of publicity. Without it there is no justice, for one cannot conceive of it only as being able to be rendered public, there would be then no longer right, since it is founded only on justice. Each juridical claim ought to be capable of being made public; and as it is very easy to judge in each case, if the principles of him who acts would bear publicity, this possibility itself may commodiously serve as a criterion purely intellectual, in order to discover by reason alone, the injustice of a juridical pretension.

I understand by the material of civil and public right, all what experience alone can make us add to its idea (such is, for instance, the pretended wickedness of human nature, which necessarily requires constraint). Let us make an abstraction of all that, we then shall have a transcendent formula of public right; here it is:

“ All the actions, relative to the right of another, whose maxim is not susceptible of publicity, are unjust.”

This principle is not only moral and essential to the doctrine of virtue; it is likewise juridical and equally respects the right of men. For a maxim which I dare not divulge, without defeating

ing my own ends, which absolutely requires secrecy in order to succeed, and which I cannot publicly avow, without arming all others against my projects; such a maxim can only owe to the injustice with which it menaces them, this infallible and universal opposition, of which reason foresees the absolute necessity.

Besides, this principle is purely negative; it is only subservient to the detection of what is repugnant to the right of others. There is evidence and certitude of axioms, and one may easily make application of them. Some examples drawn from public right go to prove it.

I. In civil right a question occurs, considered as of very difficult solution, and which the transcendent principle of publicity immediately decides; *i. e.* if a people act consistently with right, in shaking off by rebellion the yoke of a tyrant (*non titulo, sed exercitio talis*)? The rights of the people are violated; but no wrong is done to the tyrant by dethroning him; that is beyond a doubt. It is not less true, that the subjects are in the highest degree wrong in pursuing their right in this manner, and that they cannot complain of injustice, if, subdued in the struggle, they afterwards suffer in consequence thereof the severest punishments.

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If one wishes to decide the question by a dogmatical deduction of rights, one will argue a long time for and against ; but our transcendent principle of public right frees us from all these difficulties.

According to this principle, a nation would ask itself, prior to the institution of the social contract, whether, on a given occasion, it dare publish the design it might entertain of revolting. It is manifest that if, in founding a constitution, a nation reserved to itself the condition of being able, in a supposed case, to employ force against its chief, it would assume a legitimate power over him ; but then the chief would cease to be so : or if it was wished to make this condition a clause of the constitution, this would be impossible, and the nation would fail of its end. The injustice of rebellion then is manifest, inasmuch as publicity would render the maxim impracticable which permits it ; by consequence it would be necessary to keep it secret. Now, it would not be thus with the chief of the state ; he can boldly declare, that he will inflict the punishment of death upon every author of revolt, even when the conspirators might imagine that the chief has first violated the fundamental law of the civil constitution ; the chief must enjoy an irresistible and inviolable power, since he could
not

not have the right to command each, if he had not the power to protect each against the others. For feeling himself invested with this power, he has no longer to fear acting hostilely to his own views in making his maxims public. A consequence not less evident of this principle is, that if the nation succeed in its revolt, the chief, re-entering into the class of subjects, dares neither renew the rebellion, in order to re-ascend the throne, nor be summoned to render an account of his preceding administration.

II. The right of nations supposes a juridical state; for being a public right, it includes already in its notion the declaration of rights which the general will assigns to each. This juridical state ought to result from an antecedent pact, founded, not upon the laws of constraint, like the civil pact, but upon a free and permanent association, such as the federation of states, which has been treated of above.

In the state of nature, and without a sort of juridical state, which might unite among themselves the divers physical and moral persons, there can exist only individual right. Now, it is equally evident, that here exists between politics and morality, which have respect to right, an opposition just as easy to be removed, if one
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apply thereto the principle of publicity or maxims. I suppose, however, that the federation of nations will have for its object only the maintenance of peace, and not of conquests. The following are the problems in which politics are at variance with morality, and their solution.

1. When one state has promised to another succours, the cession of some province, or subsidies, &c. it is demanded, whether it can retract its promise, in case the safety of the state be exposed, by pretending to consider it under a double point of view; sometimes as sovereign, free from all responsibility towards the state; sometimes as first public functionary, accountable to its fellow citizens: so that it may retract in this last quality engagements entered into in the first.

But if a state, or its chief, rendered this maxim public, all others would naturally avoid treating therewith, or would associate with one another in order to resist its pretensions; which proves that politics, with all its address, would of itself, in practising sincerity, defeat its object; and consequently the maxim in question must be unjust.

2. If a power is become formidable by its acquisitions, dare it be admitted—that it will, because

because it can, oppress others; and have the powers of the second order a right to attack it conjointly, without their having been injured by it? A state which should openly declare this maxim, would only augment the evil, instead of extinguishing it. For the superior power would anticipate the less, and the association of others is only a feeble reed, incapable of resisting any one who well understands the *divide et impera*. This maxim of politics, rendered notorious, necessarily annihilates of itself its effect, and consequently it is unjust.

3. When a small state is so situate as to intercept, between the parts of a great state, the communication necessary to its preservation, is not the greater authorized to subject the other, or to incorporate it with itself?

It is easy to perceive, that it ought well to guard against suffering this maxim to transpire before the execution; for, either the small states would form betimes defensive alliances, or other great powers would dispute the prey. Publicity then would render this maxim impracticable; a certain mark that it is unjust. It may likewise be unjust in a very high degree. For, however small the object of an injustice may be, the injustice itself may be very great.

III. I pass

III. I pass in silence the cosmopolitical right, because it is very easy to form and to appreciate its maxims, on account of its analogy to the right of nations.

Here is then a character, by which we are able to recognize the non-conformity of a maxim of politics to the morality which has relation to right; *i. e.* the incompatibility of maxims of public right with publicity. It concerns us now to know the conditions under which these maxims accord with the right of nations. For it cannot be inferred from the notoriety of a maxim that it is just, since one has no need of concealing his plans when he possesses a decided superiority of power.

The first condition necessary to render the public right possible, is in general the existence of a juridical order. Now we have seen above that there is no other juridical state compatible with the liberty of states, than their federative association for the sole maintenance of peace. The agreement of politics with morality then can take place only by means of a similar association, founded upon intellectual principles of right, and which is consequently requisite. All politics is founded upon this legal federalism, otherwise it is only a refinement of injustice. The jesuitical casuists have not more of subtilities
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than has this false policy. It has, first, mental restrictions, ambiguities which it knows how adroitly to slip into public treaties, in order to be able afterwards to explain them to its advantage; as, for instance, the distinction between the states, *quo de fait et de droit*,—the *probabilismus*: merely to forge hostile intentions, and to attribute them to others; to imagine a probable superiority of power, and to make of it a right, for the sake of which peaceable states may be undermined; lastly, the *peccatum philosophicum* (*peccatillum baggabelle*) in order to be able to regard as a very pardonable fault, and perhaps even as a blessing to mankind, that great states should swallow up the lesser ones*.

Morality itself is the specious pretext of all these maxims, whose various branches political duplicity knows how to employ to its own ends.

* The examples of the application of all these maxims may be seen in Counsellor Garve's Dissertation on the Union of Politics with Morality, 1788. This respectable learned man confesses himself, from the beginning, unable completely to solve this problem. But, to approve of this union, without thinking one's self able to refute all the objections that are made to it, is it not granting more than ought to be to those who are but too well disposed to abuse such a facility †

L Benevolence

Benevolence is a duty as well as respect for the rights of man; but it is *only* a conditional duty, this is absolute and necessary. One must be sure of having never wounded this last, in order to be able to give one's self up to the sweet sentiment of benevolence. Politics easily accords with morality, inasmuch as this regulates the manners, in order to be able to abandon the rights of men to their superiors; but as to morality, inasmuch as it establishes the rights of man, instead of prostrating itself before it, as it ought, politics finds it convenient to combat it and dispute with it all reality, confining itself to reduce all duties to benevolence. Now this artifice of gloomy politics would be soon unmasked by the publicity of its maxims, which philosophers would give to open day, if it possessed but the courage to allow them the publication of their principles.

In this view, I propose another transcendent and affirmative principle of public right, whose formula should be:

“ All maxims, which, in order to have their effect, stand in need of publicity, agree with politics and morality combined.”

For, if they cannot produce their effect only as far as they are notorious, they must accord with the general end of the public,—with happiness;

piners; consequently they are reconcileable with politics, which is occupied in conceiving a state of things, with which each may be satisfied. And if this end can be attained only by the publicity of maxims which are proposed, *i. e.* in removing from them all subject of distrust, they must be moreover conformable to the rights of the public: the only point of union at which the particular ends of all can be made to meet. I shall defer till another occasion the development of this principle. I only add, that it is transcendent, since its formula includes nothing material, nothing which relates to the doctrine of happiness, and that it must be drawn from experience; it aims only at the form of universality which gives the force of laws to maxims.

If it is a duty, if the hope can even be conceived, of realizing, though by an endless progress, the reign of public right—perpetual peace, which will succeed to the suspensions of hostilities, hitherto named treaties of peace, is not then a chimera, but a problem, of which time, probably abridged by the uniformity of the progress of the human mind, promises us the solution.

F I N I S.



