

Toward perpetual peace

It may be left undecided whether this satirical inscription on a certain Dutch innkeeper's signboard picturing a graveyard¹ was to hold for human beings in general, or for heads of state in particular, who can never get enough of war, or only for philosophers, who dream that sweet dream. The author of the present treatise, however, lays down the following condition: the practical politician takes the stance of looking down with great self-satisfaction on the theoretical politician as an academic who, with his ineffectual ideas, poses no danger to a state, which must proceed on principles derived from experience, and who can be allowed to fire off all his skittle balls at once, without the *worldly-wise* statesman needing to pay heed to it; hence the latter must also behave consistently in case of a conflict with the former, by not suspecting danger to the state behind the opinions ventured and expressed publicly by the theorist; by this *clausula salvatoria*^a the author of this treatise wants expressly to protect himself, in proper form, against any malicious interpretation.

Section I,

which contains the preliminary articles for perpetual peace among states.

- I. "No treaty of peace shall be held to be such if it is made with a secret reservation of material for a future war."

For in that case it would be a mere truce, a suspension of hostilities, not *peace*, which means the end of all hostilities and to which it is already a suspicious pleonasm to attach the adjective *perpetual*. Causes for a future war, extant even if as yet unrecognized by the contracting parties themselves, are all annihilated by a peace treaty, no matter how acute and skilled the sleuthing by which they may be picked out of documents in archives. A mental reservation (*reservatio mentalis*) regarding old claims to be worked out only in the future – which neither party may mention just now because both are too exhausted to continue the war – with the ill will to make use of the first favorable opportunity for this end belongs to

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^a The little saving clause

jesuitical casuistry and is beneath the dignity of a ruler, just as readiness to engage in deductions of this sort is beneath the dignity of his minister, if the matter is appraised as it is in itself.

But if, according to enlightened concepts of political prudence, the true honor of a state is put in the continual increase of its power by whatever means, then that judgment will admittedly look academic and pedantic.

2. "No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase or donation."

For a state is not (like the land on which it resides) a belonging (*patrimonium*). It is a society of human beings that no one other than itself can command or dispose of. Like a trunk, it has its own roots; and to annex it to another state as a graft is to do away with its existence as a moral person and to make a moral person into a thing, and so to contradict the idea of the original contract, apart from which no right over a people can be thought.* Everyone knows into what danger the presumption that acquisition can take place in this way has brought Europe, the only part of the world in which it is known, in our times right up to the present: the presumption, namely, that states can marry each other, partly as a new kind of industry for making oneself predominant by family alliances even without expending one's forces, and partly as a way of extending one's possession of land. The hiring out of troops of one state to another against an enemy not common to both is also to be counted in this; for the subjects are thereby used and used up as things to be managed at one's discretion.

- 8:345 3. "Standing armies (*miles perpetuus*) shall in time be abolished altogether."

For they incessantly threaten other states with war by readiness to appear always prepared for war; they spur states on to outdo one another in the number of armed men, which knows no limit; and inasmuch as peace, by the costs related to it, finally becomes even more oppressive than a short war, a standing army is itself the cause of an offensive war, waged by a state in order to be relieved of this burden; in addition, being hired to kill or to be killed seems to involve a use of human beings as mere machines and tools in the hands of another (a state), and this cannot well be reconciled with the right of humanity in our own person. But it is quite different with military exercises undertaken voluntarily and periodically by the citizens of a state in order to secure themselves and their own country

*A hereditary kingdom is not a state that can be inherited by another state, but the right to govern it can be inherited by another physical person. In that case the state acquires a ruler, but the ruler as such (i.e. as one already possessing another kingdom) does not acquire the state.

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against attacks from without. It would turn out the same with accumulation of a treasure: regarded by other states as a threat of war, it would force them to undertake preventive attacks (for of the three powers,^b the *power of armies*, the *power of alliances* and the *power of money*, the last might well be the most reliable instrument of war), were it not for the difficulty of discovering the amount of it.

4. "No national debt shall be contracted with regard to the external affairs of a state."

This expedient of seeking help for the national economy from outside or within a state (for the improvement of roads, new settlements, establishing stores of food against years of crop failure, and so forth) incurs no suspicion. But as machinery by which powers oppose one another, a credit system of debts growing out of sight and yet always secured against present demand (since the demand is not made by all the creditors at once) – the ingenious invention of a commercial people in this century² – is a dangerous power of money, namely a treasury for carrying on war that exceeds the treasuries of all other states taken together and that can only be exhausted by the deficit in taxes that is inevitable at some time (but that is postponed for a long time because trade is stimulated by the reaction [of such loans] on industry and earnings). This facility in making war, combined with the inclination of those in power to do so, which seems to be implanted in human nature, is therefore a great hindrance to perpetual peace, and there would have to be a preliminary article forbidding it – all the more so because the bankruptcy of such a state, finally unavoidable, must entangle other states in the loss without their having deserved it, and this would be doing them a public wrong. Hence other states are at least justified in allying themselves against such a state and its pretensions.

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5. "No state shall forcibly interfere in the constitution and government of another state."

For what can justify it in doing so? Perhaps the scandal that one state gives to the subjects of another state? It can much rather serve as a warning to them, by the example of the great troubles a people has brought upon itself by its lawlessness; and, in general, the bad example that one free person gives another (as *scandalum acceptum*) is no wrong to it. But it would be a different matter if a state, through internal discord, should split into two parts, each putting itself forward as a separate state and laying claim to the whole; in that case a foreign state could not be charged with interfering in the constitution of another state if it gave assistance to one of them (for this is anarchy). But as long as this internal conflict is not yet critical, such interference of foreign powers would be a

^b *Mächten*

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violation of the right of a people dependent upon no other and only struggling with its internal illness; thus it would itself be a scandal given and would make the autonomy of all states insecure.

6. "No state at war with another shall allow itself such acts of hostility as would have to make mutual trust impossible during a future peace; acts of this kind are employing *assassins (percussores)* or *poisoners (venefici)*, *breach of surrender*, *incitement to treason (perduellio)* within the enemy state, and so forth."

8:347 These are dishonorable stratagems. For some trust in the enemy's way of thinking^c must still remain even in the midst of war, since otherwise no peace could be concluded and the hostilities would turn into a war of extermination (*bellum internecinum*); war is, after all, only the regrettable expedient for asserting one's right by force in a state of nature (where there is no court that could judge with rightful force); in it neither of the two parties can be declared an unjust enemy (since that already presupposes a judicial decision), but instead the *outcome* of the war (as in a so-called judgment of God) decides on whose side the right is; but a punitive war (*bellum punitivum*) between states is not thinkable (since there is no relation of a superior to an inferior between them). From this it follows that a war of extermination, in which the simultaneous annihilation of both parties and with it of all right as well can occur, would let perpetual peace come about only in the vast graveyard of the human race. Hence a war of this kind, and so too the use of means that lead to it, must be absolutely forbidden. But that the means mentioned above unavoidably lead to it is clear from this: that those infernal arts, being mean in themselves, would not, if they came into use, be confined for long within the boundaries of war, as for example the use of spies (*uti exploratoribus*), in which use is made only of *others'* dishonesty (which can never be completely eradicated); instead, they would also be carried over into a condition of peace, so that its purpose would be altogether destroyed.

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Although the laws cited above are objectively, that is, in the intention of the ruler,^d *laws of prohibition* only (*leges prohibitivae*), nevertheless some of them are of the *strict* kind (*leges strictae*), holding without regard for differing circumstances, that insist on his putting a stop to an abuse *at once* (such as numbers 1, 5, 6), but others (such as numbers 2, 3, 4) are laws that, taking into consideration the circumstances in which they are to be *applied*, *subjectively* widen his authorization (*leges latae*) and contain permissions, not to make exceptions to the rule of right, but to *postpone* putting

^c *Denkungsart*

^d *der Machthabenden*

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these laws into effect, without however losing sight of the end; he may not postpone to a nonexistent date (*ad calendas graecas*, as Augustus used to promise) putting into effect the law, for example, to restore in accordance with number 2 the freedom of certain states deprived of it, and so not restore it; he is permitted only to delay doing so, lest implementing the law prematurely counteract its very purpose. For the prohibition here concerns only the *way of acquiring*, which from now on shall not hold, but not the *status of possession*,^e which, though it does not have what is required in order to be called a right,^f was nevertheless in its time (that of putative possession) taken to be legitimate according to the public opinion of every state at the time.*

8:348 * Whether, in addition to commands (*leges praeceptivae*) and prohibitions (*leges prohibitivae*), there could also be *permissive laws* (*leges permissivae*) of pure reason has hitherto been doubted, and not without grounds. For laws as such involve a ground of objective practical necessity, whereas permissions involve a ground of the practical contingency of certain actions; thus a *permissive law* would involve necessitation to an action such that one cannot be necessitated to do it, and, if the object of the law had the same meaning in both kinds of relation, this would be a contradiction. But in the permissive law here, the prohibition presupposed is directed only to the future way of acquiring a right (e.g., by inheritance), whereas the exemption from this prohibition, i.e., the permission, is directed to the present status of possession, which in the transition from the state of nature to the civil condition can continue as possession that, though not in conformity with rights,^g is still *possession in good faith* (*possessio putativa*) in accordance with a permissive law of natural right, although a putative possession, as soon as it has been cognized as such, is prohibited in a state of nature, just as a similar way of acquiring is prohibited in the subsequent civil condition (after the transition has been made), and this authorization to continue in possession would not occur if such an alleged acquisition were to take place in the civil condition; for then, as soon as its nonconformity with rights were discovered, it would have to cease, as a wrong.

I wanted only to draw the attention of teachers of natural right to the concept of a *lex permissiva*, which reason presents of itself in its systematic divisions, especially since in civil (statutory) law use is often made of the concept, but with the following difference: the prohibitive law stands all by itself and the permission is not included in that law as a limiting condition (as it should be) but is thrown in among exceptions to it. Then it is said that this or that is prohibited, *except* for number 1, number 2, number 3, and so forth indefinitely, since permissions are added to the law only contingently, not in accordance with a principle but by groping about among cases that come up; for otherwise the conditions would have had to be introduced *into the formula of the prohibitive law*, and in this way it would have become at the same time a permissive law. It is therefore regrettable that the ingenious but still unsolved competition problem of the wise and astute Count von Windischgrätz,³ which insisted on precisely that, was so soon abandoned. For the possibility of such a formula (similar to a mathematical formula) is the sole genuine touchstone of legislation that remains consistent, without which the so-called *ius certum* will always remain a pious wish. In that case we shall have merely *general laws* (which hold on *the whole*); but we shall have no universal laws (which hold *generally*), as the concept of a law nevertheless seems to require.

^e *Besitzstand*

^f *den erforderlichen Rechtstitel*

^g *unrechtmäßiger*

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Section II,

which contains the definitive articles for perpetual peace among states.

8:349 A condition of peace among men living near one another is not a state of nature (*status naturalis*), which is much rather a condition of war, that is, it involves the constant threat of an outbreak of hostilities even if this does not always occur. A condition of peace must therefore be *established*; for suspension of hostilities is not yet assurance of peace, and unless such assurance is afforded one neighbor by another (as can happen only in a *lawful* condition), the former, who has called upon the latter for it, can treat him as an enemy.*

FIRST DEFINITIVE ARTICLE FOR
PERPETUAL PEACE

The civil constitution in every state shall be republican.

8:350 A constitution established, first on principles of the *freedom* of the members of a society (as individuals), second on principles of the *dependence* of all upon a single common legislation (as subjects), and third on the law of their *equality* (as citizens of a state) – the sole constitution that issues from the idea of the original contract, on which all rightful legislation of a people must be based – is a *republican* constitution.† The republican con-

8:349 * It is usually assumed that one may not behave with hostility toward another unless he has actively *wronged* me; and that is also quite correct if both are in a condition of *being under civil laws*. For by having entered into such a condition one affords the other the requisite assurance (by means of a superior having power over both). – But a human being (or a nation) in a mere state of nature denies me this assurance and already wrongs me just by being near me in this condition, even if not actively (*facto*) yet by the lawlessness of his condition (*statu iniusto*), by which he constantly threatens me; and I can coerce him either to enter with me into a condition of being under civil laws or to leave my neighborhood. Hence the postulate on which all the following articles are based is that all men who can mutually affect one another must belong to some civil constitution.

But any rightful constitution is, with regard to the persons within it,

- (1) one in accord with the *right of citizens of a state*, of individuals within a people (*ius civitatis*),
- (2) one in accord with the *right of nations*, of states in relation to one another (*ius gentium*),
- (3) one in accord with the *right of citizens of the world*, insofar as individuals and states, standing in the relation of externally affecting one another, are to be regarded as citizens of a universal state of mankind (*ius cosmopolitanum*). This division is not made at will^h but is necessary with reference to the idea of perpetual peace. For if only one of these were in a relation of physically affecting another and were yet in a state of nature, the condition of war would be bound up with this, and the aim here is just to be freed from it.

8:350 †Rightful (hence external) *freedom* cannot be defined, as it usually is, by the warrant to do whatever one wants provided one does no wrong to anyone. For what does *warrant* mean? The possibility of an action insofar as one thereby does no wrong to anyone. So the ^h *willkürlich*