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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*

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stitution is thus, as far as right is concerned, in itself that which every kind of civil constitution has as its original basis; the question now is only whether it is also the sole constitution that can lead toward perpetual peace.

Now, in addition to the purity of its origin – its having arisen from the pure source of the concept of right – the republican constitution does offer the prospect of the result wished for, namely perpetual peace; the ground of this is as follows. When the consent of the citizens of a state is required in order to decide whether there shall be war or not (and it cannot be otherwise in this constitution), nothing is more natural than that they will be very hesitant to begin such a bad game, since they would have to decide to take upon themselves all the hardships of war (such as themselves doing the fighting and paying the costs of the war from their own belongings, painfully making good the devastation it leaves behind, and finally – to make the cup of troubles overflow – a burden of debt that embitters peace itself, and

definition would go as follows: freedom is the possibility of actions whereby one does no wrong to anyone. One does no wrong to anyone (one may do what one wants) provided one does no wrong to anyone; hence it is an empty tautology. My external (rightful) *freedom* is, instead, to be defined as follows: it is the warrant to obey no other external laws than those to which I could have given my consent. Similarly, external (rightful) *equality* within a state is that relation of its citizens in which no one can rightfully bind another to something without also being subject to a law by which he in turn *can* be bound in the same way by the other. (There is no need to define the principle of *rightful* dependence, since it is already present in the concept of a state constitution as such.) The validity of these innate and inalienable rights belonging necessarily to humanity is confirmed and enhanced by the principle of rightful relations of a human being even to higher beings (if he thinks of them), inasmuch as he represents himself, in accord with the very same principles, as also a citizen of a state in a supersensible world. For, as regards my freedom, I have no obligation even with respect to divine laws that I can cognize by reason alone except insofar as I could have given my consent to them (since it is by the law of freedom of my own reason that I first make for myself a concept of the divine will). As regards the principle of equality with respect to the most sublime being in the world, except for God, that I might happen to think of (a great *Aeon*): if I do my duty in my post as that Aeon does his duty in his, there is no basis for mere obedience to duty belonging to me and the right to command to him. That this principle of *equality* is not (like the principle of freedom) also appropriate to our relation to God has its ground in this: that he is the only being to whom the concept of duty is inapplicable.

But as regards the right of equality of all citizens of a state as subjects, the answer to the question, whether a *hereditary nobility* is allowable, turns only on whether the *rank* granted by a state (of one subject being above another) would have to precede *merit*, or whether the latter would have to precede the former. Now it is obvious that if rank is connected with birth, it is quite uncertain whether merit (skill and fidelity in one's office) will follow; hence it will be just as if rank (being in command) were granted to a favorite without any merit, and the general will of a people in the original contract (which is yet the principle of all rights) will never decide upon this. For a nobleman is not necessarily a *noble* man. As for *nobility of office* (as the rank of a higher magistracy could be called, which must be acquired for oneself by merit), there rank adheres to a post, not as property to a person, and equality is not violated by it; for, when he retires from his office, he also lays down his rank and goes back among the people.

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that can never be paid off because of new wars always impending); on the other hand, under a constitution in which subjects are not citizens of the state, which is therefore not republican, [deciding upon war] is the easiest thing in the world; because the head of state is not a member of the state but its proprietorⁱ and gives up nothing at all of his feasts, hunts, pleasure palaces, court festivals, and so forth, he can decide upon war, as upon a kind of pleasure party, for insignificant cause, and can with indifference leave the justification of the war, for the sake of propriety, to the diplomatic corps, which is always ready to provide it.

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So that a republican constitution will not be confused with a democratic constitution (as usually happens), the following must be noted. The forms of a state (*civitas*) can be divided either according to the different persons who have supreme power within a state or according to the *way* a people is governed by its head of state, whoever this may be; the first is called, strictly speaking, the form of *sovereignty* (*forma imperii*), and only three such forms are possible: namely, either only *one*, or *some* in association, or *all* those together who constitute the civil society possess sovereign power (*autocracy*, *aristocracy*, and *democracy*, the power of a prince, the power of a nobility, and the power of a people). The second is the form of government (*forma regiminis*) and has to do with the way a state, on the basis of its civil constitution (the act of the general will by which a multitude becomes a people), makes use of its plenary power; and with regard to this, the form of a state is either *republican* or *despotic*. *Republicanism* is the political principle of separation of the executive power (the government) from the legislative power; *despotism* is that of the high-handed management of the state by laws the regent has himself given, inasmuch as he handles the public will as his private will. Of the three forms of state, that of *democracy* in the strict sense of the word is necessarily a *despotism* because it establishes an executive power in which all decide for and, if need be, against one (who thus does not agree), so that all, who are nevertheless not all, decide; and this is a contradiction of the general will with itself and with freedom.

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This is to say that any form of government which is not *representative* is, strictly speaking, *without form*, because the legislator cannot be in one and the same person also executor of its will (any more than the universal of the major premise in a syllogism can also be the subsumption of the particular under it in the minor premise); and even if the other two state constitutions are always defective insofar as they leave room for this kind of government, in their case it is at least possible for them to adopt a kind of government in conformity with the *spirit* of a representative system, as

ⁱ *nicht Staatsgenosse, sondern Staatsapproprietär*

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Frederick II, for example, at least *said* that he was only the highest servant of the state,* whereas a democratic constitution makes this impossible because there everyone wants to be ruler. It can therefore be said that the smaller the number of persons exercising the power of a state (the number of rulers) and the greater their representation, so much the more does its constitution accord with the possibility of republicanism, and the constitution can hope by gradual reforms finally to raise itself to this. On this basis it is already harder in an aristocracy than in a monarchy to achieve this sole constitution that is perfectly rightful, but in a democracy it is impossible except by violent revolution. The kind of government,[†] however, is of incomparably greater concern to the people than is the form of state (though a good deal also depends on how adequate the latter is to the former's end). But if the kind of government is to be in conformity with the concept of right, it must have a representative system, in which alone a republican kind of government is possible and without which the government is despotic and violent (whatever the constitution may be). None of the ancient republics, so called, knew this system, and because of this they simply had to disintegrate into despotism, which under the rule of a single individual is still the most bearable of all.

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SECOND DEFINITIVE ARTICLE FOR PERPETUAL PEACE

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The right of nations shall be based on a *federalism* of free states.

Nations, as states, can be appraised as individuals, who in their natural condition (that is, in their independence from external laws) already

* The exalted epithets often bestowed on a ruler ("the divinely anointed," "the administrator of the divine will on earth and its representative") have often been censured as gross and dizzying flattery, but, it seems to me, without grounds. Far from making the ruler of a country arrogant, they would rather have to humble him in his soul if he is intelligent (as must be assumed) and make him reflect that he has taken on an office too great for a human being – namely the most sacred office that God has on earth, that of trustee of *the right of human beings* – and that he must always be concerned about having in some way offended against this "apple of God's eye."

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[†] Mallet du Pan boasts,[†] in his pompous but hollow and empty language, of having at last, after many years of experience, become convinced of the truth of Pope's well-known saying: "For forms of government let fools contest; whate'er is best administered is best." If this means that the best administered government is best administered, he has, as Swift expressed it, cracked a nut that rewarded him with a worm; but if it means that the best administered government is also the best government, i.e., the best constitution of a state, then it is quite false; for examples of good governments prove nothing about kinds of government. Who governed better than a Titus or a Marcus Aurelius, and yet one left a Domitian as his successor and the other a Commodus; and this could not have happened if the state had had a good constitution, since their unsuitability for this post was well known early enough and the ruler's power was also sufficient to exclude them.