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PERPETUAL PEACE



"For I dipt into the future, far as human eye could see,
Saw the Vision of the world, and all the wonder that would be;
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the nations' airy navies grappling in the central blue;
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the thunder-storm;
Till the war-drum throbb'd no longer, and the battle-flags were furl'd
In the Parliament of man, the Federation of the world.
There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law."

TENNYSON: *Locksley Hall.*

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PERPETUAL PEACE

A PHILOSOPHICAL ESSAY

BY

IMMANUEL KANT

1795

TRANSLATED WITH INTRODUCTION
AND NOTES BY
M. CAMPBELL SMITH, M.A.

WITH A PREFACE BY PROFESSOR LATTA

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PREFACE

THIS translation of Kant's essay on *Perpetual Peace* was undertaken by Miss Mary Campbell Smith at the suggestion of the late Professor Ritchie of St. Andrews, who had promised to write for it a preface, indicating the value of Kant's work in relation to recent discussions regarding the possibility of "making wars to cease." In view of the general interest which these discussions have aroused and of the vague thinking and aspiration which have too often characterised them, it seemed to Professor Ritchie that a translation of this wise and sagacious essay would be both opportune and valuable. * His untimely death has prevented the fulfilment of his promise, and I have been asked, in his stead, to introduce the translator's work.

This is, I think, the only complete translation into English of Kant's essay, including all the notes as well as the text, and the translator has added a full historical Introduction, along with numerous notes of her own, so as (in Professor Ritchie's words) "to meet the needs (1) of the student of Political

* Cf. his *Studies in Political and Social Ethics*, pp. 169, 170.

Science who wishes to understand the relation of Kant's theories to those of Grotius, Hobbes, Locke, Rousseau etc., and (2) of the general reader who wishes to understand the significance of Kant's proposals in connection with the ideals of Peace Congresses, and with the development of International Law from the end of the Middle Ages to the Hague Conference."

Although it is more than 100 years since Kant's essay was written, its substantial value is practically unimpaired. Anyone who is acquainted with the general character of the mind of Kant will expect to find in him sound common-sense, clear recognition of the essential facts of the case and a remarkable power of analytically exhibiting the conditions on which the facts necessarily depend. These characteristics are manifest in the essay on *Perpetual Peace*. Kant is not pessimist enough to believe that a perpetual peace is an unrealisable dream or a consummation devoutly to be feared, nor is he optimist enough to fancy that it is an ideal which could easily be realised if men would but turn their hearts to one another. For Kant perpetual peace is an ideal, not merely as a speculative Utopian idea, with which in fancy we may play, but as a moral principle, which ought to be, and therefore can be, realised. Yet he makes it perfectly clear that we cannot hope to approach the realisation

of it unless we honestly face political facts and get a firm grasp of the indispensable conditions of a lasting peace. To strive after the ideal in contempt or in ignorance of these conditions is a labour that must inevitably be either fruitless or destructive of its own ends. Thus Kant demonstrates the hopelessness of any attempt to secure perpetual peace between independent nations. Such nations may make treaties; but these are binding only for so long as it is not to the interest of either party to denounce them. To enforce them is impossible while the nations remain independent. "There is," as Professor Ritchie put it (*Studies in Political and Social Ethics*, p. 169), "only one way in which war between independent nations can be prevented; and that is by the nations ceasing to be independent." But this does not necessarily mean the establishment of a despotism, whether autocratic or democratic. On the other hand, Kant maintains that just as peace between individuals within a state can only be permanently secured by the institution of a "republican" (that is to say, a representative) government, so the only real guarantee of a permanent peace between nations is the establishment of a federation of free "republican" states. Such a federation he regards as practically possible. "For if Fortune ordains that a powerful and enlightened people should form a republic—

which by its very nature is inclined to perpetual peace—this would serve as a centre of federal union for other states wishing to join, and thus secure conditions of freedom among the states in accordance with the idea of the law of nations. Gradually, through different unions of this kind, the federation would extend further and further."

Readers who are acquainted with the general philosophy of Kant will find many traces of its influence in the essay on *Perpetual Peace*. Those who have no knowledge of his philosophy may find some of his forms of statement rather difficult to understand, and it may therefore not be out of place for me to indicate very briefly the meaning of some terms which he frequently uses, especially in the Supplements and Appendices. Thus at the beginning of the First Supplement, Kant draws a distinction between the mechanical and the teleological view of things, between "nature" and "Providence", which depends upon his main philosophical position. According to Kant, pure reason has two aspects, theoretical and practical. As concerning knowledge, strictly so called, the *a priori* principles of reason (*e.g.* substance and attribute, cause and effect etc.) are valid only within the realm of possible sense-experience. Such ideas, for instance, cannot be extended to God, since He is not a possible object of sense-experience. They are limited

to the world of phenomena. This world of phenomena ("nature" or the world of sense-experience) is a purely mechanical system. But in order to understand fully the phenomenal world, the pure theoretical reason must postulate certain ideas (the ideas of the soul, the world and God), the objects of which transcend sense-experience. These ideas are not theoretically valid, but their validity is practically established by the pure practical reason, which does not yield speculative truth, but prescribes its principles "dogmatically" in the form of imperatives to the will. The will is itself practical reason, and thus it imposes its imperatives upon itself. The fundamental imperative of the practical reason is stated by Kant in Appendix I. (p. 175):— "Act so that thou canst will that thy maxim should be a universal law, be the end of thy action what it will." If the end of perpetual peace is a duty, it must be necessarily deduced from this general law. And Kant does regard it as a duty. "We must desire perpetual peace not only as a material good, but also as a state of things resulting from our recognition of the precepts of duty" (*loc. cit.*). This is further expressed in the maxim (p. 177):— "Seek ye first the kingdom of pure practical reason and its righteousness, and the object of your endeavour, the blessing of perpetual peace, will be added unto you." The distinction between the

moral politician and the political moralist, which is developed in Appendix I., is an application of the general distinction between duty and expediency, which is a prominent feature of the Kantian ethics. Methods of expediency, omitting all reference to the pure practical reason, can only bring about re-arrangements of circumstances in the mechanical course of nature. They can never guarantee the attainment of their end: they can never make it more than a speculative ideal, which may or may not be practicable. But if the end can be shown to be a duty, we have, from Kant's point of view, the only reasonable ground for a conviction that it is realisable. We cannot, indeed, theoretically *know* that it is realisable. "Reason is not sufficiently enlightened to survey the series of predetermining causes which would make it possible for us to predict with certainty the good or bad results of human action, as they follow from the mechanical laws of nature; although we may hope that things will turn out as we should desire" (p. 163). On the other hand, since the idea of perpetual peace is a moral ideal, an "idea of duty", we are entitled to believe that it is practicable. "Nature guarantees the coming of perpetual peace, through the natural course of human propensities; not indeed with sufficient certainty to enable us to prophesy the future of this ideal theoretically, but yet clearly

enough for practical purposes" (p. 157). One might extend this discussion indefinitely; but what has been said may suffice for general guidance.

The "wise and sagacious" thought of Kant is not expressed in a simple style, and the translation has consequently been a very difficult piece of work. But the translator has shown great skill in manipulating the involutions, parentheses and prodigious sentences of the original. In this she has had the valuable help of Mr. David Morrison, M.A., who revised the whole translation with the greatest care and to whom she owes the solution of a number of difficulties. Her work will have its fitting reward if it succeeds in familiarising the English-speaking student of politics with a political essay of enduring value, written by one of the master thinkers of modern times.

R. LATTA.

University of Glasgow, May 1903.

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TRANSLATOR'S INTRODUCTION

THIS is an age of unions. Not merely in the economic sphere, in the working world of unworthy ends and few ideals do we find great practical organizations; but law, medicine, science, art, trade, commerce, politics and political economy—we might add philanthropy—standing institutions, mighty forces in our social and intellectual life, all have helped to swell the number of our nineteenth century Conferences and Congresses. It is an age of Peace Movements and Peace Societies, of peace-loving monarchs and peace-seeking diplomats. This is not to say that we are preparing for the millennium. Men are working together, there is a new-born solidarity of interest, but rivalries between nation and nation, the bitternesses and hatreds inseparable from competition are not less keen; prejudice and misunderstanding not less frequent; subordinate conflicting interests are not fewer, are perhaps, in view of changing political conditions and an ever-growing international commerce, multiplying with every year. The talisman is, perhaps, self-interest, but, none the less, the spirit of union is there; it is impossible to ignore a clearly marked

tendency towards international federation, towards political peace. This slow movement was not born with Peace Societies; its consummation lies perhaps far off in the ages to come. History at best moves slowly. But something of its past progress we shall do well to know. No political idea seems to have so great a future before it as this idea of a federation of the world. It is bound to realise itself some day; let us consider what are the chances that this day come quickly, what that it be long delayed. What obstacles lie in the way, and how may they be removed? What historical grounds have we for hoping that they may ever be removed? What, in a word, is the origin and history of the idea of a perpetual peace between nations, and what would be the advantage, what is the prospect of realising it?

The international relations of states find their expression, we are told, in war and peace. What has been the part played by these great counteracting forces in the history of nations? What has it been in pre-historic times, in the life of man in what is called the "state of nature"? "It is no easy enterprise," says Rousseau, in more than usually careful language, "to disentangle that which is original from that which is artificial in the actual state of man, and to make ourselves well acquainted with a state which no longer exists, which perhaps

never has existed and which probably never will exist in the future." (Preface to the *Discourse on the Causes of Inequality*, 1753, publ. 1754.) This is a difficulty which Rousseau surmounts only too easily. A knowledge of history, a scientific spirit may fail him: an imagination ever ready to pour forth detail never does. Man lived, says he, "without industry, without speech, without habitation, without war, without connection of any kind, without any need of his fellows or without any desire to harm them .... sufficing to himself." * *(Discourse on the Sciences and Arts*, 1750.) Nothing, we are now certain, is less probable. We cannot paint the life of man at this stage of his development with any definiteness, but the conclusion is forced upon us that our race had no golden age,† no peaceful beginning, that this early state was indeed, as

* For the inconsistency between the views expressed by Rousseau on this subject in the *Discourses* and in the *Contrat Social* (Cf. I. Chs. VI., VIII.) see Ritchie's *Natural Right*, Ch. III., pp. 48, 49; Caird's essay on Rousseau in his *Essays on Literature and Philosophy*, Vol. I.; and Morley's *Rousseau*, Vol. I., Ch. V.; Vol. II., Ch. XII.

† The theory that the golden age was identical with the state of nature, Professor D. G. Ritchie ascribes to Locke (see *Natural Right*, Ch. II., p. 42). Locke, he says, "has an idea of a golden age" existing even after government has come into existence—a time when people did not need "to examine the original and rights of government." [*Civil Government*, II., § 111.] A little confusion on the part of his readers (perhaps in his own mind) makes it possible to regard the state of nature as itself the golden

Hobbes held, a state of war, of incessant war between individuals, families and, finally, tribes.

The Early Conditions of Society.

For the barbarian, war is the rule; peace the exception. His gods, like those of Greece, are war-like gods; his spirit, at death, flees to some Valhalla. For him life is one long battle; his arms go with him even to the grave. Food and the means of existence he seeks through plunder and violence. Here right is with might; the battle is to the strong. Nature has given all an equal claim to all things, but not everyone can have them. This state of fearful insecurity is bound to come to an end. "Government," says Locke, (*On Civil Government*, Chap. VIII., § 105) "is hardly to be

age, and the way is prepared for the favourite theory of the eighteenth century:—

"Nor think in nature's state they blindly trod;
The state of nature was the reign of God:
Self-love and social at her birth began,
Union the bond of all things and of man.
Pride then was not, nor arts that pride to aid;
Man walk'd with beast, joint tenant of the shade;
The same his table, and the same his bed;
No murder cloath'd him, and no murder fed."

[*Essay on Man*, III., 147 *seq.*]

In these lines of Pope's the state of nature is identified with the golden age of the Greek and Latin poets; and "the reign of God" is an equivalent for Locke's words, "has a law of nature to govern it."

avoided amongst men that live together." * A constant dread of attack and a growing consciousness of the necessity of presenting a united front against it result in the choice of some leader—the head of a family perhaps—who acts, it may be, only as captain of the hosts, as did Joshua in Israel, or who may discharge the simple duties of a primitive governor or king. † Peace within is found to be strength without. The civil state is established, so that "if there needs must be war, it may not yet

* Cf. *Republic*, II. 369. "A state," says Socrates, "arises out of the needs of mankind: no one is self-sufficing, but all of us have many wants."

† See Hume's account of the origin of government (*Treatise*, III., Part II., Sect. VIII.). There are, he says, American tribes "where men live in concord and amity among themselves without any established government; and never pay submission to any of their fellows, except in time of war, when their captain enjoys a shadow of authority, which he loses after their return from the field, and the establishment of peace with the neighbouring tribes. This authority, however, instructs them in the advantages of government, and teaches them to have recourse to it, when either by the pillage of war, by commerce, or by any fortuitous inventions, their riches and possessions have become so considerable as to make them forget, on every emergence, the interest they have in the preservation of peace and justice..... Camps are the true mothers of cities; and as war cannot be administered, by reason of the suddenness of every exigency, without some authority in a single person, the same kind of authority naturally takes place in that civil government, which succeeds the military."

Cf. Cowper: *The Winter Morning Walk*:—

". . . . . and ere long,
When man was multiplied and spread abroad
In tribes and clans, and had begun to call
These meadows and that range of hills his own,

be against all men, nor yet without some helps." (Hobbes: *On Liberty*, Chap. I., § 13.) This foundation of the state is the first establishment in history of a peace institution. It changes the character of warfare, it gives it method and system; but it does not bring peace in its train. We have now, indeed, no longer a wholesale war of all against all, a constant irregular raid and plunder of one individual by another; but we have the systematic, deliberate war of community against community, of nation against nation. *

War in Classical Times.

In early times, there were no friendly neighbouring nations: beyond the boundaries of every

> The tasted sweets of property begat
> Desire of more; . . . . . .
> . . . . . .
> Thus wars began on earth. These fought for spoil,
> And those in self-defence. Savage at first
> The onset, and irregular. At length
> One eminent above the rest, for strength,
> For stratagem, or courage, or for all,
> Was chosen leader. Him they served in war,
> And him in peace for sake of warlike deeds
> Rev'renced no less . . . . . .
> . . . . . .
> Thus kings were first invented."

* "Among uncivilised nations, there is but one profession honourable, that of arms. All the ingenuity and vigour of the human mind are exerted in acquiring military skill or address." Cf. Robertson's *History of Charles V.*, (*Works*, 1813, vol. V.) Sect. I. vii.

nation's territory, lay the land of a deadly foe. This was the way of thinking, even of so highly cultured a people as the Greeks, who believed that a law of nature had made every outsider, every barbarian their inferior and their enemy. * Their treaties of peace, at the time of the Persian War, were frankly of the kind denounced by Kant, mere armistices concluded for the purpose of renewing their fighting strength. The ancient world is a world of perpetual war in which defeat meant annihilation. In the East no right was recognised in the enemy; and even in Greece and Rome the fate of the unarmed was death or slavery. † The

* Similarly we find that the original meaning of the Latin word "*hostis*" was "a stranger."

† In Aristotle we find the high-water mark of Greek thinking on this subject. "The object of military training," says he, (*Politics*, Bk. IV. Ch. XIV., Welldon's translation—in older editions Bk. VII.) "should be not to enslave persons who do not deserve slavery, but firstly to secure ourselves against becoming the slaves of others; secondly, to seek imperial power not with a view to a universal despotic authority, but for the benefit of the subjects whom we rule, and thirdly, to exercise despotic power over those who are deserving to be slaves. That the legislator should rather make it his object so to order his legislation upon military and other matters as to promote leisure and peace is a theory borne out by the facts of history." . . . . . (*loc. cit.* Ch. XV.). "War, as we have remarked several times, has its end in peace."

Aristotle strongly condemns the Lacedæmonians and Cretans for regarding war and conquest as the sole ends to which all law and education should be directed. Also in non-Greek tribes like the Scythians, Persians, Thracians and Celts he says, only military

barbaric or non-Grecian states had, according to Plato and Aristotle, no claim upon humanity, no

power is admired by the people and encouraged by the state. "There was formerly too a law in Macedonia that any one who had never slain an enemy should wear the halter about his neck." Among the Iberians too, a military people, "it is the custom to set around the tomb of a deceased warrior a number of obelisks corresponding to the number of enemies he has killed. . . . . Yet . . it may well appear to be a startling paradox that it should be the function of a Statesman to succeed in devising the means of rule and mastery over neighbouring peoples whether with or against their own will. How can such action be worthy of a statesman or legislator, when it has not even the sanction of law?" (*op. cit.*, IV. Ch. 2.)

We see that Aristotle disapproves of a glorification of war for its own sake, and regards it as justifiable only in certain circumstances. Methods of warfare adopted and approved in the East would not have been possible in Greece. An act of treachery, for example, such as that of Jael, (*Judges* IV. 17) which was extolled in songs of praise by the Jews, (*loc. cit.* V. 24) the Greek people would have been inclined to repudiate. The stories of Roman history, the behaviour of Fabricius, for instance, or Regulus and the honourable conduct of prisoners on various occasions released on parole, show that this consciousness of certain principles of honour in warfare was still more highly developed in Rome.

Socrates in the *Republic* (V. 469, 470) gives expression to a feeling which was gradually gaining ground in Greece, that war between Hellenic tribes was much more serious than war between Greeks and barbarians. In such civil warfare, he considered, the defeated ought not to be reduced to slavery, nor the slain despoiled, nor Hellenic territory devastated. For any difference between Greek and Greek is to "be regarded by them as discord only—a quarrel among friends, which is not to be called war" . . . . . "Our citizens [*i.e.* in the ideal republic] should thus deal with their Hellenic enemies; and with barbarians as the Hellenes now deal with one another." (V. 471.)

The views of Plato and Aristotle on this and other questions were in advance of the custom and practice of their time.

rights in fact of any kind. Among the Romans things were little better. According to Mr. T. J. Lawrence—see his *Principles of International Law*, III., §§ 21, 22—they were worse. For Rome stood alone in the world: she was bound by ties of kinship to no other state. She was, in other words, free from a sense of obligation to other races. War, according to Roman ideas, was made by the gods, apart altogether from the quarrels of rulers or races. To disobey the sacred command, expressed in signs and auguries would have been to hold in disrespect the law and religion of the land. When, in the hour of victory, the Romans refrained from pressing their rights against the conquered—rights recognised by all Roman jurists—it was from no spirit of leniency, but in the pursuit of a prudent and far-sighted policy, aiming at the growth of Roman supremacy and the establishment of a world-embracing empire, shutting out all war as it blotted out natural boundaries, reducing all rights to the one right of imperial citizenship. There was no real *jus belli*, even here in the cradle of international law; the only limits to the fury of war were of a religious character.

The treatment of a defeated enemy among the Jews rested upon a similar religious foundation. In the East, we find a special cruelty in the conduct of war. The wars of the Jews and Assyrians were

wars of extermination. The whole of the *Old Testament*, it has been said, resounds with the clash of arms.* "An eye for an eye, a tooth for a tooth!" was the command of Jehovah to his chosen people. Vengeance was bound up in their very idea of the Creator. The Jews, unlike the followers of Mahomet, attempted, and were commanded to attempt no violent conversion †; they were then too weak a nation; but they fought, and fought with success against the heathen of neighbouring lands, the Lord of Hosts leading them forth to battle. The God of Israel stood to his chosen people in a unique and peculiarly logical relation. He had made a covenant with them; and, in return for their obedience and allegiance, cared for their interests and advanced their national prosperity. The blood of this elect people could not be suffered to intermix with that of idolaters. Canaan must be cleared of the heathen, on the coming

* "The Lord is a man of war," said Moses (*Exodus* XV. 3). Cf. *Psalms* XXIV. 8. He is "mighty in battle."

† This was bound up with the very essence of Islam; the devout Mussulman could suffer the existence of no unbeliever. Tolerance or indifference was an attitude which his faith made impossible. "When ye encounter the unbelievers," quoth the prophet (*Koran*, ch. 47), "strike off their heads, until ye have made a great slaughter among them..... Verily if God pleased he could take vengeance on them without your assistance; but he commandeth you to fight his battles."

The propagation of the faith by the sword was not only commanded by the Mohammedan religion: it was that religion itself.

of the children of Israel to their promised land; and mercy to the conquered enemy, even to women, children or animals was held by the Hebrew prophets to be treachery to Jehovah. (*Sam.* XV.; *Josh.* VI. 21.)

Hence the attitude of the Jews to neighbouring nations * was still more hostile than that of the Greeks. The cause of this difference is bound up with the transition from polytheism to monotheism. The most devout worshipper of the national gods of ancient times could endure to see other gods than his worshipped in the next town or by a neighbouring nation. There was no reason why all should not exist side by side. Religious conflicts in polytheistic countries, when they arose, were due not to the rivalry of conflicting faiths, but to an occasional attempt to put one god above the others in importance. There could be no interest here in the propagation of belief through the sword. But, under the Jews, these relations were entirely altered. Jehovah, their Creator, became the one invisible God. Such an one can suffer no others near him; their existence is a continual insult to him. Monotheism is, in its very nature, a religion of intolerance. Its spirit among the Jews was warlike: it commanded

* See *Acts* X. 28:—"Ye know that it is an unlawful thing for a man that is a Jew to keep company, or come unto one of another nation."

the subjugation of other nations, but its instrument was rather extermination than conversion.

The Attitude of Christianity and the Early Church to War.

From the standpoint of the peace of nations, we may say that the Christian faith, compared with other prominent monotheistic religious systems, occupies an intermediate position between two extremes—the fanaticism of Islam, and to a less extent of Judaism, and the relatively passive attitude of the Buddhist who thought himself bound to propagate his religion, but held himself justified only in the employment of peaceful means. Christianity, on the other hand, contains no warlike principles: it can in no sense be called a religion of the sword, but circumstances gave the history of the Church, after the first few centuries of its existence, a character which cannot be called peace-loving.

This apparent contradiction between the spirit of the new religion and its practical attitude to war has led to some difference of opinion as to the actual teaching of Christ. The *New Testament* seems, at a superficial glance, to furnish support as readily to the champions of war as to its denouncers. The Messiah is the Prince of Peace (*Is.* IX. 6, 7; *Heb.* VI.), and here lies the way of

righteousness (*Rom.* III. 19): but Christ came not to bring peace, but a sword (*Matth.* X. 34). Such statements may be given the meaning which we wish them to bear—the quoting of Scripture is ever an unsatisfactory form of evidence; but there is no direct statement in the *New Testament* in favour of war, no saying of Christ which, fairly interpreted, could be understood to regard this proof of human imperfection as less condemnable than any other. * When men shall be without sin, nation shall rise up against nation no more. But man the individual can attain peace only when he has overcome the world, when, in the struggle with his lower self, he has come forth victorious. This is the spiritual sword which Christ brought into the world—strife, not with the unbeliever, but with the lower self: meekness and the spirit of the Word of God are the weapons with which man must fight for the Faith.

An elect people there was no longer: Israel had rejected its Messiah. Instead there was a complete brotherhood of all men, the bond and the free, as children of one God. The aim of the Church was a world-empire, bound together by a universal religion. In this sense, as sowing the first seeds of a universal peace, we may speak

* Neither, however, is there any which regards the soldier as a murderer.

of Christianity as a re-establishment of peace among mankind.

The later attitude of Christians to war, however, by no means corresponds to the earliest tenets of the Church. Without doubt, certain sects, from the beginning of our era and through the ages up to the present time, held, like the Mennonites and Quakers in our day, that the divine command, "Love your enemies," could not be reconciled with the profession of a soldier. The early Christians were reproached under the Roman Emperors, before the time of Constantine, with avoiding the citizen's duty of military service.* "To those enemies of our faith," wrote Origen (*Contra Celsum*, VIII., Ch. LXXIII., Anti-Nicene Christian Library), "who require us to bear arms for the commonwealth, and to slay men, we can reply: 'Do not those who are priests at certain shrines, and those who attend on certain gods, as you account them, keep their hands free from blood, that they may with hands unstained and free from human blood offer the appointed sacrifices to your

* In the early centuries of our era Christians seem to have occasionally refused to serve in the army from religious scruples. But soldiers were not always required to change their profession after baptism. And in *Acts* X., for example, nothing is said to indicate that the centurion, Cornelius, would have to leave the Roman army. See Tertullian: *De Corona* (Anti-Nicene Christian Library), p. 348.

gods; and even when war is upon you, you never enlist the priests in the army. If that, then, is a laudable custom, how much more so, that while others are engaged in battle, these too should engage as the priests and ministers of God, keeping their hands pure, and wrestling in prayers to God on behalf of those who are fighting in a righteous cause, and for the king who reigns righteously, that whatever is opposed to those who act righteously may be destroyed!'.... And we do take our part in public affairs, when along with righteous prayers we join self-denying exercises and meditations, which teach us to despise pleasures, and not to be led away by them. And none fight better for the king than we do. We do not indeed fight under him, although he require it; but we fight on his behalf, forming a special army—an army of piety—by offering our prayers to God." The Fathers of the Church, Justin Martyr, Clement of Alexandria, Tertullian, Ambrose and the rest gave the same testimony against war. The pagan rites connected with the taking of the military oath had no doubt some influence in determining the feeling of the pious with regard to this life of bloodshed; but the reasons lay deeper. "Shall it be held lawful," asked Tertullian, (*De Corona*, p. 347) "to make an occupation of the sword, when the Lord proclaims that he who uses the sword shall perish

by the sword? And shall the son of peace take part in the battle when it does not become him even to sue at law? And shall he apply the chain, and the prison, and the torture, and the punishment, who is not the avenger even of his own wrongs?"

The doctrine of the Church developed early in the opposite direction. It was its fighting spirit and not a love of peace that made Christianity a state religion under Constantine. Nor was Augustine the first of the Church Fathers to regard military service as permissible. To come to a later time, this change of attitude has been ascribed partly to the rise of Mahometan power and the wave of fanaticism which broke over Europe. To destroy these unbelievers with fire and sword was regarded as a deed of piety pleasing to God. Hence the wars of the Crusades against the infidel were holy wars, and appear as a new element in the history of civilisation. The nations of ancient times had known only civil and foreign war.* They had rebelled at home, and they had fought mainly for material interests abroad. In the Middle Ages there were, besides, religious wars and, with the rise of

* There were so-called "Sacred Wars" in Greece, but these were due mainly to disputes caused by the Amphictyonic League. They were not religious, in the sense in which we apply the epithet to the Thirty Years' war.

Feudalism, private war: * among all the powers of the Dark Ages and for centuries later, none was more aggressive than the Catholic Church, nor a more active and untiring defender of its rights and claims, spiritual or temporal. It was in some respects a more warlike institution than the states of Greece and Rome. It struggled through centuries with the Emperor: † it pronounced its ban against disobedient states and disloyal cities: it pursued with its vengeance each heretical or rebellious prince: unmindful of its early traditions about peace, it showed in every crisis a fiercely military spirit. §

For more than a thousand years the Church

* "The administration of justice among rude illiterate people, was not so accurate, or decisive, or uniform, as to induce men to submit implicitly to its determinations. Every offended baron buckled on his armour, and sought redress at the head of his vassals. His adversary met him in like hostile array. Neither of them appealed to impotent laws which could afford them no protection. Neither of them would submit points, in which their honour and their passions were warmly interested, to the slow determination of a judicial inquiry. Both trusted to their swords for the decision of the contest." Robertson's *History of Charles V.*, (*Works*, vol. V.) Sect. I., p. 38.

† Erasmus in the "Ἰχθυοφαγία" (*Colloquies*, Bailey's ed., Vol. II., pp. 55, 56) puts forward the suggestion that a general peace might be obtained in the Christian world, if the Emperor would remit something of his right and the Pope some part of his.

§ Cf. Robertson, *op. cit.*, Sect. III., p. 106, *seq.*

counted fighting clergy* among its most active supporters. This strange anomaly was, it must be said, at first rather suffered in deference to public opinion than encouraged by ecclesiastical canons and councils, but it gave rise to great discontent at the time of the Reformation. † The whole question of the lawfulness of military service for Christians was then raised again. "If there be anything in the affairs of mortals," wrote Erasmus at this time (*Opera*, II., *Prov.*, 951 C) "which it

* Robertson (*op. cit.*, Note XXI., p. 483) quotes the following statement: "flamma, ferro, caede, possessiones ecclesiarum praelati defendebant." (Guido Abbas ap. Du Cange, p. 179.)

† J. A. Farrar, in a pamphlet, (reprinted from the *Gentleman's Magazine*, vol. 257, 1884) on *War and Christianity*, quotes the following passage from Wycliffe in which he protests against this blot upon the Church and Christian professions.—"Friars now say that bishops can fight best of all men, and that it falleth most properly to them, since they are lords of all this world. They say Christ bade His disciples sell their coats, and buy them swords; but whereto, if not to fight? Thus friars make a great array, and stir up many men to fight. But Christ taught not His apostles to fight with a sword of iron, but with the sword of God's Word, and which standeth in meekness of heart and in the prudence of man's tongue. . . . . If man-slaying in others be odious to God, much more in priests, who should be vicars of Christ." See also the passage where Erasmus points out that King David was not permitted to build a temple to God, because he was a man of blood. "Nolo clericos ullo sanguine contaminari. Gravis impietas!" (*Opera*, IX., 370 B.)

This question had already been considered by Thomas Aquinas, who decided that the clergy ought not to be allowed to fight, because the practices of warfare, although right and meritorious in themselves, were not in accordance with a holy calling. (*Summa*, II. 2: Qu. 40.)

becomes us deliberately to attack, which we ought indeed to shun by every possible means, to avert and to abolish, it is certainly war, than which there is nothing more wicked, more mischievous or more widely destructive in its effects, nothing harder to be rid of, or more horrible and, in a word, more unworthy of a man, not to say of a Christian."* The mediæval Church indeed succeeded, by the establishment of such institutions as the Truce of God, in setting some limits to the fury of the soldier: but its endeavours (and it made several to promote peace)† were only to a trifling extent successful. Perhaps custom and public opinion in feudal Europe were too strong, perhaps the Church showed a certain apathy in denouncing the evils of a military society: no doubt the theoretical tenets of its doctrine did less to hinder war than its own strongly military tendency, its

Aquinas held that war—excluding private war—is justifiable in a just cause. So too did Luther, (cf. his pamphlet: *Ob Kriegsleute auch in seligem Stande sein können?*) Calvin and Zwingli, the last of whom died sword in hand.

With regard to the question of a fighting clergy, the passage quoted from Origen (pp. 14, 15, above) has considerable interest, Origen looks upon the active participation of priests in warfare as something which everyone would admit to be impossible.

* See also the *Querela Pacis*, 630 B., (*Opera*, IV.):—"Whosoever preaches Christ, preaches peace." Erasmus even goes the length of saying that the most iniquitious peace is better than the most just war (*op. cit.*, 636 C).

† Cf. Robertson, *op. cit.*, Note XXI. p. 483 and Sect. I., p. 39.

lust for power and the force of its example did to encourage it.

Hence, in spite of Christianity and its early vision of a brotherhood of men, the history of the Middle Ages came nearer to a realization of the idea of perpetual war than was possible in ancient times. The tendency of the growth of Roman supremacy was to diminish the number of wars, along with the number of possible causes of racial friction. It united many nations in one great whole, and gave them, to a certain extent, a common culture and common interests; even, when this seemed prudent, a common right of citizenship. The fewer the number of boundaries, the less the likelihood of war. The establishment of great empires is of necessity a force, and a great and permanent force working on the side of peace. With the fall of Rome this guarantee was removed.

The Development of the New Science of International Law.

Out of the ruins of the old feudal system arose the modern state as a free independent unity. Private war between individuals or classes of society was now branded as a breach of the peace: it became the exclusive right of kings to appeal to

force. War, wrote Gentilis * towards the end of sixteenth century, is the just or unjust conflict between states. Peace was now regarded as the normal condition of society. As a result of these great developments in which the name "state" acquired new meaning, jurisprudence freed itself from the trammelling conditions of mediæval Scholasticism. Men began to consider the problem of the rightfulness or wrongfulness of war, to question even the possibility of a war on rightful grounds. Out of these new ideas—partly too as one of the fruits of the Reformation, †—arose the first consciously formulated principles of the science of international law, whose fuller, but not yet complete, development belongs to modern times.

From the beginning of history every age, every

* It is uncertain in what year the *De Jure Belli* of Gentilis was published—a work to which Grotius acknowledges considerable indebtedness. Whewell, in the preface to his translation of Grotius, gives the date 1598, but some writers suppose it to have been ten years earlier.

† This came about in two ways. The Church of Rome discouraged the growth of national sentiment. At the Reformation the independence and unity of the different nations were for the first time recognised. That is to say, the Reformation laid the foundation for a science of international law. But, from another point of view, it not only made such a code of rules possible, it made it necessary. The effect of the Reformation was not to diminish the number of wars in which religious belief could play a part. Moreover, it displaced the Pope from his former position as arbiter in Europe without setting up any judicial tribunal in his stead.

people has something to show here, be it only a rudimentary sense of justice in their dealings with one another. We may instance the Amphictyonic League in Greece which, while it had a merely Hellenic basis and was mainly a religious survival, shows the germ of some attempt at arbitration between Greek states. Among the Romans we have the *jus feciale* * and the *jus gentium*, as distinguished from the civil law of Rome, and certain military regulations about the taking of booty in war. Ambassadors were held inviolate

* Cf. Cicero: *De Officiis*, I. xi. "Belli quidem aequitas sanctissime feciali populi Romani jure perscripta est." (See the reference to Lawrence's comments on this subject, p. 9 above.)

"Wars," says Cicero, "are to be undertaken for this end, that we may live in peace without being injured; but when we obtain the victory, we must preserve those enemies who behaved without cruelty or inhumanity during the war: for example, our forefathers received, even as members of their state, the Tuscans, the Æqui, the Volscians, the Sabines and the Hernici, but utterly destroyed Carthage and Numantia. . . . . And, while we are bound to exercise consideration toward those whom we have conquered by force, so those should be received into our protection who throw themselves upon the honour of our general, and lay down their arms," (*op. cit.*, I. xi., Bohn's Translation). . . . . "In engaging in war we ought to make it appear that we have no other view but peace." (*op. cit.*, I. xxiii.)

In fulfilling a treaty we must not sacrifice the spirit to the letter (*De Officiis*, I. x). "There are also rights of war, and the faith of an oath is often to be kept with an enemy." (*op. cit.*, III. xxix.)

This is the first statement by a classical writer in which the idea of justice being due to an enemy appears. Cicero goes further. Particular states, he says, (*De Legibus*, I. i.) are only members of a whole governed by reason,

in both countries; the formal declaration of war was never omitted. Many Roman writers held the necessity of a just cause for war. But nowhere do these considerations form the subject matter of a special science.

In the Middle Ages the development of these ideas received little encouragement. All laws are silent in the time of war, * and this was a period of war, both bloody and constant. There was no time to think of the right or wrong of anything, Moreover, the Church emphasised the lack of rights in unbelievers, and gave her blessing on their annihilation. † The whole Christian world was filled with the idea of a spiritual universal monarchy. Not such as that in the minds of Greek and Jew and Roman who had been able to picture international peace only under the form of a great national and exclusive empire. In this great Christian state there were to be no distinctions between nations; its sphere was bounded by the universe. But, here, there was no room or recognition for independent national states with equal and personal rights. This recognition, opposed by the Roman

* The saying is attributed to Pompey:—"Shall I, when I am preparing for war, think of the laws?"

† This implied, however, the idea of a united Christendom as against the infidel, with which we may compare the idea of a united Hellas against Persia. In such things we have the germ not only of international law, but of the ideal of federation.

Church, is the real basis of international law. The Reformation was the means by which the personality of the peoples, the unity and independence of the state were first openly admitted. On this foundation, mainly at first in Protestant countries, the new science developed rapidly. Like the civil state and the Christian religion, international law may be called a peace institution.

Grotius, Puffendorf and Vattel.

In the beginning of the seventeenth century, Grotius laid the foundations of a code of universal law (*De Jure Belli et Pacis*, 1625) independent of differences of religion, in the hope that its recognition might simplify the intercourse between the newly formed nations. The primary object of this great work, written during the misery and horrors of the Thirty Years' war, was expressly to draw attention to these evils and suggest some methods by which the severity of warfare might be mitigated. Grotius originally meant to explain only one chapter of the law of nations: * his book was to

* See Maine's *Ancient Law*, pp. 50—53: pp. 96—101. Grotius wrongly understood "Jus Gentium," ("a collection of rules and principles, determined by observation to be common to the institutions which prevailed among the various Italian tribes") to mean "Jus *inter* gentes." The Roman expression for International Law was not "Jus Gentium," but "Jus Feciale."

"Having adopted from the Antonine jurisconsults," says Maine,

be called *De Jure Belli*, but there is scarcely any subject of international law which he leaves untouched. He obtained, moreover, a general recognition for the doctrine of the Law of Nature which exerted so strong an influence upon succeeding centuries; indeed, between these two sciences, as between international law and ethics, he draws no very sharp line of demarcation, although, on the whole, in spite of an unscientific, scholastic use of quotation from authorities, his treatment of the

"the position that the Jus Gentium and the Jus Naturæ were identical, Grotius, with his immediate predecessors and his immediate successors, attributed to the Law of Nature an authority which would never perhaps have been claimed for it, if "Law of Nations" had not in that age been an ambiguous expression. They laid down unreservedly that Natural Law is the code of states, and thus put in operation a process which has continued almost down to our own day, the process of engrafting on the international system rules which are supposed to have been evolved from the unassisted contemplation of the conception of Nature. There is, too, one consequence of immense practical importance to mankind which, though not unknown during the early modern history of Europe, was never clearly or universally acknowledged till the doctrines of the Grotian school had prevailed. If the society of nations is governed by Natural Law, the atoms which compose it must be absolutely equal. Men under the sceptre of Nature are all equal, and accordingly commonwealths are equal if the international state be one of nature. The proposition that independent communities, however different in size and power, are all equal in the view of the Law of Nations, has largely contributed to the happiness of mankind, though it is constantly threatened by the political tendencies of each successive age. It is a doctrine which probably would never have obtained a secure footing at all if International Law had not been entirely derived from the majestic claims of Nature by the Publicists who wrote after the revival of letters." (*Op. cit.*, p. 100.)

new field is clear and comprehensive. Grotius made the attempt to set up an ethical principle of right, in the stead of such doctrines of self-interest as had been held by many of the ancient writers. There was a law, he held, established in each state purely with a view to the interests of that state, but, besides this, there was another higher law in the interest of the whole society of nations. Its origin was divine; the reason of man commanded his obedience. This was what we call international law.*

Grotius distinctly holds, like Kant and Rousseau, and unlike Hobbes, that the state can never be regarded as a unity or institution separable from the people; the terms *civitas*, *communitas*, *coetus*, *populus*, he uses indiscriminately. But these nations, these independent units of society cannot live together side by side just as they like; they must recognise one another as members of a European society of states.† Law, he said, stands above force even in war, "which may only be begun to pursue the right;" and the beginning and manner of conduct of war rests on fixed laws and can be justified only in certain cases. War is not to be

* The name "International Law" was first given to the law of nations by Bentham. (*Principles of Morals and Legislation*, *XIX.* § xxv.)

† In the Peace of Westphalia, 1648, the balance of power in Europe was recognised on the basis of terms such as these.

done away with: Grotius accepts it as fact, * (as Hobbes did later) as the natural method for settling the disputes which were bound constantly to arise between so many independent and sovereign nations. A terrible scourge it must ever remain, but as the only available form of legal procedure, it is sanctioned by the practice of states and not less by the law of nature and of nations. Grotius did not advance beyond this position. Every violation of the law of nations can be settled but in one way—by war, the force of the stronger.

The necessary distinction between law and ethics was drawn by Puffendorf, † a successor of Grotius who gave an outwardly systematic form to the doctrine of the great jurist, without adding to it

* Grotius, however, is a painstaking student of Scripture, and is willing to say something in favour of peace—not a permanent peace, that is to say, the idea of which would scarcely be likely to occur to anyone in the early years of the seventeenth century—but a plea for fewer, shorter wars. "If therefore," he says, "a peace sufficiently safe can be had, it is not ill secured by the condonation of offenses, and damages, and expenses: especially among Christians, to whom the Lord has given his peace as his legacy. And so St. Paul, his best interpreter, exhorts us to live at peace with all men. . . . May God write these lessons—He who alone can—on the hearts of all those who have the affairs of Christendom in their hands." (*De Jure Belli et Pacis*, III. Ch. XXV., Whewell's translation.)

See also *op. cit.*, II., Ch. XXIII., Sect. VIII., where Grotius recommends that Congresses of Christian Powers should be held with a view to the peaceful settlement of international differences.

† Puffendorf's best known work, *De Jure Naturæ et Gentium*, was published in 1672.

either strength or completeness. His views, when they were not based upon the system of Grotius, were strongly influenced by the speculation of Hobbes, his chronological predecessor, to whom we shall have later occasion to refer. In the works of Vattel,* who was, next to Rousseau, the most celebrated of Swiss publicists, we find the theory of the customs and practice in war widely developed, and the necessity for humanising its methods and limiting its destructive effects upon neutral countries strongly emphasised. Grotius and Puffendorf, while they recommend acts of mercy, hold that there is legally no right which requires that a conquered enemy shall be spared. This is a matter of humanity alone. It is to the praise of Vattel that he did much to popularise among the highest and most powerful classes of society, ideas of humanity in warfare, and of the rights and obligations of nations. He is, moreover, the first to make a clear separation between this science and the Law of Nature. What, he asks, is international law as distinguished from the Law of Nature? What are the powers of a state and the duties of nations to one another? What are the causes of quarrel among nations, and what the means by which they can be settled without any sacrifice of dignity?

* *Le Droit des Gens* was published in 1758 and translated into English by Joseph Chitty in 1797, (2nd ed., 1834).

They are, in the first place, a friendly conciliatory attitude; and secondly, such means of settlement as mediation, arbitration and Peace Congresses. These are the refuges of a peace-loving nation, in cases where vital interests are not at stake. "Nature gives us no right to use force, except where mild and conciliatory measures are useless." (*Law of Nations*, II. Ch. xviii. § 331.) "Every power owes it in this matter to the happiness of human society to show itself ready for every means of reconciliation, in cases where the interests at stake are neither vital nor important." (*ibid.* § 332.) At the same time, it is never advisable that a nation should forgive an insult which it has not the power to resent.

The Dream of a Perpetual Peace.

But side by side with this development and gradual popularisation of the new science of International Law, ideas of a less practical, but not less fruitful kind had been steadily making their way and obtaining a strong hold upon the popular mind. The Decree of Eternal Pacification of 1495 had abolished private war, one of the heavy curses of the Middle Ages. Why should it not be extended to banish warfare between states as well? Gradually one proposal after another was made

to attain this end, or, at least, to smooth the way for its future realisation. The first of these in point of time is to be found in a somewhat bare, vague form in Sully's *Memoirs*, * said to have been published in 1634. Half a century later the Quaker William Penn suggested an international tribunal of arbitration in the interests of peace. † But it was by the French Abbé St. Pierre that the problem of perpetual peace was fairly introduced into political literature: and this, in an age of cabinet and dynastic wars, while the dreary cost of the war of the Spanish succession was yet unpaid. St. Pierre was the first who really clearly realised and endeavoured to prove that the establishment of a permanent state of peace is not only in the interest of the weaker, but is required by the European society of nations and by the reason of man. From the beginning of the history of humanity, poets and prophets had cherished the "sweet dream" of a peaceful civilisation: it is in the form of a practical project that this idea is new.

The ancient world actually represented a state

* *Mémoires ou Œconomies Royales D'Estat, Domestiques, Politiques et Militaires de Henri le Grand, par Maximilian de Bethune, Duc de Sully.*

† See *International Tribunals* (1899), p. 20 *seq.* Penn's *Essay towards the Present and Future Peace of Europe* was written about 1693, but is not included in all editions of his works.

of what was almost perpetual war. This was the reality which confronted man, his inevitable doom, it seemed, as it had been pronounced to the fallen sinners of Eden. Peace was something which man had enjoyed once, but forfeited. The myth- and poetry-loving Greeks, and, later, the poets of Rome delighted to paint a state of eternal peace, not as something to whose coming they could look forward in the future, but as a golden age of purity whose records lay buried in the past, a paradise which had been, but which was no more. Voices, more scientific, were raised even in Greece in attempts, such as Aristotle's, to show that the evolution of man had been not a course of degeneration from perfection, but of continual progress upwards from barbarism to civilisation and culture. But the change in popular thinking on this matter was due less to the arguments of philosophy than to a practical experience of the causes which operate in the interests of peace. The foundation of a universal empire under Alexander the Great gave temporary rest to nations heretofore incessantly at war. Here was a proof that the Divine Will had not decreed that man was to work out his punishment under unchanging conditions of perpetual warfare. This idea of a universal empire became the Greek ideal of a perpetual peace. Such an empire was, in the language of the Stoics, a world-

state in which all men had rights of citizenship, in which all other nations were absorbed.

Parallel to this ideal among the Greeks, we find the hope in Israel of a Messiah whose coming was to bring peace, not only to the Jewish race, but to all the nations of the earth. This idea stands out in the sharpest contrast to the early nationalism of the Hebrew people, who regarded every stranger as an idolater and an enemy. The prophecies of Judaism, combined with the cosmopolitan ideas of Greece, were the source of the idea, which is expressed in the teaching of Christ, of a spiritual world-empire, an empire held together solely by the tie of a common religion.

This hope of peace did not actually die during the first thousand years of our era, nor even under the morally stagnating influences of the Middle Ages. When feudalism and private war were abolished in Europe, it wakened to a new life. Not merely in the mouths of poets and religious enthusiasts was the cry raised against war, but by scholars like Thomas More and Erasmus, jurists like Gentilis and Grotius, men high in the state and in the eyes of Europe like Henry IV. of France and the Duc de Sully or the Abbé de St. Pierre whose *Projet de Paix Perpétuelle* (1713)*

* *Projet de traité pour rendre la paix perpétuelle entre les souverains chrétiens.* The first two volumes of this work were published in 1713 (trans. London, 1714); a third volume followed in 1717.

obtained immediate popularity and wide-spread fame. The first half of the eighteenth century was already prepared to receive and mature a plan of this kind.

Henry IV. and St. Pierre.

The *Grand Dessein* of Henry IV. is supposed to have been formed by that monarch and reproduced in Sully's *Memoirs*, written in 1634 and discovered nearly a century later by St. Pierre. The story goes that the Abbé found the book buried in an old garden. It has been shewn, however, that there is little likelihood that this project actually originated with the king, who probably corresponded fairly well to Voltaire's picture of him as war hero of the *Henriade*. The plan was more likely conceived by Sully, and ascribed to the popular king for the sake of the better hearing and greater influence it might in this way be likely to have, and also because, thereby, it might be less likely to create offence in political circles. St. Pierre himself may or may not have been acquainted with the facts.

The so-called *Grand Dessein* of Henry IV. was, shortly, as follows. * It proposed to divide Europe

* The main articles of this and other peace projects are to be found in *International Tribunals*, published by the Peace Society.

between fifteen Powers,* in such a manner that the balance of power should be established and preserved. These were to form a Christian republic on the basis of the freedom and equality of its members, the armed forces of the federation being supported by fixed contribution. A general council, consisting of representatives from the fifteen states, was to make all laws necessary for cementing the union thus formed and for maintaining the order once established. It would also be the business of this senate to "deliberate on questions that might arise, to occupy themselves with discussing different interests, to settle quarrels amicably, to throw light upon and arrange all the civil, political and religious affairs of Europe, whether internal or foreign." (*Mémoires*, vol. VI., p. 129 *seq.*)

This scheme of the king or his minister was expanded with great thoroughness and clear-sightedness by the Abbé St. Pierre: none of the many later plans for a perpetual peace has been so perfect in details. He proposes that there should be a permanent and perpetual union between, if possible, all Christian sovereigns—of whom he suggests nineteen, excluding the Czar—"to preserve unbroken peace in Europe," and that a permanent Congress

* Professor Lorimer points out that Prussia, then the Duchy of Brandenburg, is not mentioned. (*Institutes of the Law of Nations*, II. Ch. VII., p. 219.)

or senate should be formed by deputies of the federated states. The union should protect weak sovereigns, minors during a regency, and so on, and should banish civil as well as international war—it should "render prompt and adequate assistance to rulers and chief magistrates against seditious persons and rebels." All warfare henceforth is to be waged between the troops of the federation—each nation contributing an equal number—and the enemies of European security, whether outsiders or rebellious members of the union. Otherwise, where it is possible, all disputes occurring within the union are to be settled by the arbitration of the senate, and the combined military force of the federation is to be applied to drive the Turks out of Europe. There is to be a rational rearrangement of boundaries, but after this no change is to be permitted in the map of Europe. The union should bind itself to tolerate the different forms of faith.

The objections to St. Pierre's scheme are, many of them, obvious. He himself produces sixty-two arguments likely to be raised against his plan, and he examines these in turn with acuteness and eloquence. But there are other criticisms which he was less likely to be able to forestall. Of the nineteen states he names as a basis of the federation, some have disappeared and the governments of others have completely changed. Indeed St. Pierre's

scheme did not look far beyond the present. But it has besides a too strongly political character.* From this point of view, the Abbé's plan amounts practically to a European coalition against the Ottoman Empire. Moreover, we notice with a smile that the French statesman and patriot is not lost in the cosmopolitan political reformer. "The kingdom of Spain shall not go out of the House of Bourbon!"† France is to enjoy more than the privileges of honour; she is to reap distinct material and political advantages from the union. Humanity is to be a brotherhood, but, in the federation of nations, France is to stand first. § We see that these "rêves d'un homme de bien," as Cardinal Dubois called them, are not without their practical element. But the great mistake of St. Pierre is this: he actually thought that his plan could be put into execution in the near future, that an ideal of this kind was realisable at once.** "I, myself,

* The same objection was raised by Leibniz (see his *Observations* on St. Pierre's *Projet*) to the scheme of Henry IV., who, says Liebniz, thought more of overthrowing the house of Austria than of establishing a society of sovereigns.

† *Project*, Art. VI., Eng. trans. (1714), p. 119.

§ St. Pierre was not blind to this aspect of the question. Among the critical objections which he anticipates to his plan is this,—that it promises too great an increase of strength to the house of France, and that therefore the author would have been wiser to conceal his nationality.

** St. Pierre, in what may be called an apology for the wording of the title of his book (above, p. 32, *note*), justifies his confidence

form'd it," he says in the preface, "in full expectation to see it one Day executed." As Hobbes, says, "there can be nothing so absurd, but may be found in the books of philosophers." * St. Pierre was not content to make his influence felt on the statesmen of his time and prepare the way for the abolition of all arbitrary forms of government. This was the flaw which drew down upon the good Abbé Voltaire's sneering epigram † and the irony of Leibniz. § Here, above all, in this unpractical enthusiasm his scheme differs from that of Kant.

in these words:—"The Pilot who himself seems uncertain of the Success of his Voyage is not likely to persuade the Passenger to embark. . . . I am persuaded, that it is not impossible to find out Means sufficient and practicable to settle an Everlasting Peace among Christians; and even believe, that the Means which I have thought of are of that Nature." (Preface to *Project*, Eng. trans., 1714.)

* *Leviathan*, I. Ch. V.

† See too Voltaire's allusion to St. Pierre in his *Dictionary*, under "Religion."

§ Leibniz regarded the project of St. Pierre with an indifference, somewhat tinged with contempt. In a letter to Grimarest, (*Leibnit. Opera*, Dutens' ed., 1768, Vol. V., pp. 65, 66: in *Epist.*, ed. Kortholt., Vol. III., p. 327) he writes:—"I have seen something of M. de St. Pierre's plan for maintaining perpetual peace in Europe. It reminds me of an inscription outside of a churchyard which ran, '*Pax Perpetua*. For the dead, it is true, fight no more. But the living, are of another mind, and the mightiest among them have little respect for tribunals.' This is followed by the ironical suggestion that a court of arbitration should be established at Rome of which the Pope should be made president; while at the same time the old spiritual authority should be restored to the Church, and excommunication be the punishment

Rousseau's Criticism of St. Pierre.

Rousseau took St. Pierre's project * much more seriously than either Leibniz or Voltaire. But sovereigns, he thought, are deaf to the voice of justice; the absolutism of princely power would never allow a king to submit to a tribunal of nations. Moreover war was, according to Rousseau's experience, a matter not between nations, but between princes and cabinets. It was one of the ordinary pleasures of royal existence and one not likely to be voluntarily given up. † We know that history has not supported Rousseau's contention. Dynastic wars are now no more. The Great Powers have shown themselves able to impose their

of non-compliance with the arbitral decree. "Such plans," he adds, "are as likely to succeed as that of M. de St. Pierre. But as we are allowed to write novels, why should we find fault with fiction which would bring back the golden age?" But see also *Observations sur le Projet d'une Paix Perpétuelle de M. l'Abbé de St. Pierre* (Dutens, V., esp. p. 56) and the letter to Remond de Montmort (*ibid.* pp. 20, 21) where Leibniz considers this project rather more seriously.

* "C'est un livre solide et sensé," says Rousseau (*Jugement sur la Paix Perpétuelle*), "et il est très important qu'il existe." [This *Jugement* is appended to Rousseau's *Extrait du Projet de Paix Perpétuelle de Monsieur l'Abbé de Saint-Pierre*, 1761.]

† Cf. Cowper: *The Winter Morning Walk*:—

"Great princes have great playthings. Some have play'd
At hewing mountains into men, and some
At building human wonders mountain high.
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own conditions, where the welfare and security of Europe have seemed to demand it. Such a development seemed impossible enough in the eighteenth century. In the military organisation of the nations of Europe and in the necessity of making their internal development subordinate to the care for their external security, Rousseau saw the cause of all the defects in their administration. * The formation of unions on the model of the Swiss Confederation or the German *Bund* would, he thought, be in the interest of all rulers. But great obstacles seemed to him to lie in the way of the realisation of such a project as that of St. Pierre. "Without doubt," says Rousseau in conclusion, "the proposal of a perpetual peace is at present an absurd one.... It can only be put into effect by methods which are violent in themselves and dangerous to humanity. One cannot conceive of the possibility of a federative union being established, except by a revolution.

> Some seek diversion in the tented field,
> And make the sorrows of mankind their sport.
> But war's a game, which, were their subjects wise,
> Kings should not play at. Nations would do well
> T'extort their truncheons from the puny hands
> Of heroes, whose infirm and baby minds
> Are gratified with mischief, and who spoil,
> Because men suffer it, their toy the world."

* "Les troupes réglées, peste et dépopulation de l'Europe, ne sont bonnes qu'a deux fins: ou pour attaquer et conquérir les voisins, ou pour enchâiner et asservir les citoyens." (*Gouvernement de Pologne*, Ch. XII.)

And, that granted, who among us would venture to say whether this European federation is to be desired or to be feared? It would work, perhaps, more harm in a moment than it would prevent in the course of centuries." (*Jugement sur la Paix Perpétuelle.*)

The Position of Hobbes.

The most profound and searching analysis of this problem comes from Immanuel Kant, whose indebtedness in the sphere of politics to Hobbes, Locke, Montesquieu and Rousseau it is difficult to overestimate. Kant's doctrine of the sovereignty of the people comes to him from Locke through Rousseau. His explanation of the origin of society is practically that of Hobbes. The direct influence on politics of this philosopher, apart from his share in moulding the Kantian theory of the state, is one we cannot afford to neglect. His was a great influence on the new science just thrown on the world by Grotius, and his the first clear and systematic statement we have of the nature of society and the establishment of the state. The natural state of man, says Hobbes, is a state of war,* a

* Hobbes realises clearly that there probably never was such a state of war all over the world nor a state of nature conforming to a common type. The case is parallel to the use of the term "original contract" as an explanation of the manner in which the civil state came to be formed. (Cf. p. 52, *note.*)

See also Hume (*Inquiry concerning the Principles of Morals*,

bellum omnium contra omnes, where all struggle for honour and for preferment and the prizes to which every individual is by natural right equally entitled, but which can of necessity fall only to the few, the foremost in the race. Men hate and fear the society of their kind, but through this desire

Sect. III. Part I.). "This *poetical* fiction of the *golden age* is, in some respects, of a piece with the *philosophical* fiction of the *state of nature;* only that the former is represented as the most charming and most peaceable condition, which can possibly be imagined; whereas the latter is painted out as a state of mutual war and violence, attended with the most extreme necessity." This fiction of a state of nature as a state of war, says Hume, (in a note to this passage) is not the invention of Hobbes. Plato (*Republic*, II. III. IV.) refutes a hypothesis very like it, and Cicero (*Pro Sext.* l. 42) regards it as a fact universally acknowledged.

Cf. also Spinoza (*Tract. Pol.* c. ii. § 14): "Homines ex natura hostes." And (c. v. § 2): "Homines civiles non nascuntur sed fiunt." These expressions are to be understood, says Bluntschli (*Theory of the State*, IV. Ch. vi., p. 284, *note* a), "rather as a logical statement of what *would be* the condition of man apart from civil society, than as distinctly implying a historical theory."

While starting from the same premises, Spinoza carries Hobbes' political theories to their logical conclusion. If we admit that right lies with might, then right is with the people in any revolution successfully carried out. (But see Hobbes' Preface to the *Philosophical Rudiments* and Kant's *Perpetual Peace*, p. 188, *note*.) Spinoza, in a letter, thus alludes to this point of difference:—"As regards political theories, the difference which you inquire about between Hobbes and myself, consists in this, that I always preserve natural right intact, and only allot to the chief magistrates in every state a right over their subjects commensurate with the excess of their power over the power of the subjects. This is what always takes place in the state of nature." (Epistle 50, *Works*, Bohn's ed., Vol. II.)

to excel are forced to seek it: only where there are many can there be a first. This state of things, this apparent sociability which is brought about by and coupled with the least sociable of instincts, becomes unendurable. "It is necessary to peace," writes Hobbes (*On Dominion*, Ch. VI. 3) "that a man be so far forth protected against the violence of others, that he may live securely; that is, that he may have no just cause to fear others, so long as he doth them no injury. Indeed, to make men altogether safe from mutual harms, so as they cannot be hurt or injuriously killed, is impossible; and, therefore, comes not within deliberation." But to protect them so far as is possible the state is formed. Hobbes has no great faith in human contracts or promises. Man's nature is malicious and untrustworthy. A coercive power is necessary to guarantee this long-desired security within the community. "We must therefore," he adds, "provide for our security, not by compacts, but by punishments; and there is then sufficient provision made, when there are so great punishments appointed for every injury, as apparently it prove a greater evil to have done it, than not to have done it. For all men, by a necessity of nature, choose that which to them appears to be the less evil." (*Op. cit.*, Ch. VI. 4.)

These precautions secure that relative peace

within the state which is one of the conditions of the safety of the people. But it is, besides, the duty of a sovereign to guarantee an adequate protection to his subjects against foreign enemies. A state of defence as complete and perfect as possible is not only a national duty, but an absolute necessity. The following statement of the relation of the state to other states shows how closely Hobbes has been followed by Kant. "There are two things necessary," says Hobbes, (*On Dominion*, Ch. XIII. 7) "for the people's defence; to be warned and to be forearmed. *For the state of commonwealths considered in themselves, is natural, that is to say, hostile.** Neither, if they cease from fighting, is it therefore to be called peace; but rather a breathing time, in which one enemy observing the motion and countenance of the other, values his security not according to pacts, but the forces and counsels of his adversary."

Hobbes is a practical philosopher: no man was less a dreamer, a follower after ideals than he. He is, moreover, a pessimist, and his doctrine of the state is a political absolutism, † the form of govern-

* The italics are mine.—[Tr.]

† Professor Paulsen (*Immanuel Kant*, 2nd ed., 1899, p. 359—Eng. trans., p. 353) points out that pessimism and absolutism usually go together in the doctrines of philosophers. He gives as instances Hobbes, Kant and Schopenhauer.

Hobbes (*On Dominion*, Ch. X. 3, *seq.*) regarded an absolute

ment which above all has been, and is, favourable to war. He would no doubt have ridiculed the idea of a perpetual peace between nations, had such a project as that of St. Pierre—a practical project, counting upon a realisation in the near future—been brought before him. He might not even have accepted it in the very much modified form which Kant adopts, that of an ideal—an unattainable ideal—towards which humanity could not do better than work. He expected the worst possible from man the individual. *Homo homini lupus.* The strictest absolutism, amounting almost to despotism, was required to keep the vicious propensities of the human animal in check. States he looked upon as units of the same kind, members also of a society. They had, and openly exhibited, the same faults as individual men. They too might be driven with a strong enough coercive force behind them, but not without it; and such a coercive force as this did not exist in a society of nations. Federation and federal troops are terms which represent ideas of comparatively recent origin.

monarchy as the only proper form of government, while in the opinion of Locke, (*On Civil Government*, II. Ch. VII. §§ 90, 91) it was no better than a state of nature. Kant would not have gone quite so far. As a philosopher, he upheld the sovereignty of the people and rejected a monarchy which was not governed in accordance with republican principles; as a citizen, he denied the right of resistance to authority. (Cf. *Perpetual Peace*, pp. 126, 188, *note*.)

Without something of this kind, any enduring peace was not to be counted upon. International relations were and must remain at least potentially warlike in character. Under no circumstances could ideal conditions be possible either between the members of a state or between the states themselves. Human nature could form no satisfactory basis for a counsel of perfection.

Hence Hobbes never thought of questioning the necessity of war. It was in his eyes the natural condition of European society; but certain rules were necessary both for its conduct and, where this was compatible with a nation's dignity and prosperity, for its prevention. He held that international law was only a part of the Law of Nature, and that this Law of Nature laid certain obligations upon nations and their kings. Mediation must be employed between disputants as much as possible, the person of the mediators of peace being held inviolate; an umpire ought to be chosen to decide a controversy, to whose judgment the parties in dispute agree to submit themselves; such an arbiter must be impartial. These are all what Hobbes calls precepts of the Law of Nature. And he appeals to the Scriptures in confirmation of his assertion that peace is the way of righteousness and that the laws of nature of which these are a few are also laws of the heavenly kingdom. But peace is like the

straight path of Christian endeavour, difficult to find and difficult to keep. We must seek after it where it may be found; but, having done this and sought in vain, we have no alternative but to fall back upon war. Reason requires "that every man ought to endeavour peace," (*Lev.* I. Ch. XIV.) "as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war." * This, says Hobbes elsewhere, (*On Liberty*, Ch. I. 15) is the dictate of right reason, the first and fundamental law of nature.

Kant's Idea of a Perpetual Peace.

With regard to the problems of international law, Kant is of course a hundred and fifty years ahead of Hobbes. But he starts from the same point: his theory of the beginning of society is practically identical with that of the older philosopher. Men are by nature imperfect creatures, unsociable and untrustworthy, cursed by a love of glory, of possession, and of power, passions which make happiness something for ever unattainable by them. Hobbes is content to leave them here with their imperfections, and let a strong government

* We find the same rule laid down as early as the time of Dante. Cf. *De Monarchia*, Bk. II. 9:—"When two nations quarrel they are bound to try in every possible way to arrange the quarrel by means of discussion: it is only when this is hopeless that they may declare war."

help them out as it may. But not so Kant. He looks beyond man the individual, developing slowly by stages scarcely measurable, progressing at one moment, and the next, as it seems, falling behind: he looks beyond the individual, struggling and never attaining, to the race. Here Kant is no pessimist. The capacities implanted in man by nature are not all for evil: they are, he says, "destined to unfold themselves completely in the course of time, and in accordance with the end to which they are adapted." (*Idea of a Universal History from a Cosmopolitan Point of View*, 1784. Prop. 1.) This end of humanity is the evolution of man from the stage of mere self-satisfied animalism to a high state of civilisation. Through his own reason man is to attain a perfect culture, intellectual and moral. In this long period of struggle, the potential faculties which nature or Providence has bestowed upon him reach their full development. The process in which this evolution takes place is what we call history.

To man nature has given none of the perfect animal equipments for self-preservation and self-defence which she has bestowed on others of her creatures. But she has given to him reason and freedom of will, and has determined that through these faculties and without the aid of instinct he shall win for himself a complete development of his capacities and natural endowments. It is, says

Kant, no happy life that nature has marked out for man. He is filled with desires which he can never satisfy. His life is one of endeavour and not of attainment: not even the consciousness of the well-fought battle is his, for the struggle is more or less an unconscious one, the end unseen. Only in the race, and not in the individual, can the natural capacities of the human species reach full development. Reason, says Kant, (Prop. 2, *op. cit.*) "does not itself work by instinct, but requires experiments, exercise and instruction in order to advance gradually from one stage of insight to another. Hence each individual man would necessarily have to live an enormous length of time, in order to learn by himself how to make a complete use of all his natural endowments. Or, if nature should have given him but a short lease of life, as is actually the case, reason would then require an almost interminable series of generations, the one handing down its enlightenment to the other, in order that the seeds she has sown in our species may be brought at last to a stage of development which is in perfect accordance with her design." Man the individual shall travel towards the land of promise and fight for its possession, but not he, nor his children, nor his children's children shall inherit the land. "Only the latest comers can have the good fortune of inhabiting

the dwelling which the long series of their predecessors have toiled—though," adds Kant, "without any conscious intent—to build up without even the possibility of participating in the happiness which they were preparing." (Proposition 3.)

The means which nature employs to bring about this development of all the capacities implanted in men is their mutual antagonism in society—what Kant calls the "unsocial sociableness of men, that is to say, their inclination to enter into society, an inclination which yet is bound up at every point with a resistance which threatens continually to break up the society so formed." (Proposition 4.) Man hates society, and yet there alone he can develop his capacities; he cannot live there peaceably, and yet cannot live without it. It is the resistance which others offer to his inclinations and will—which he, on his part, shows likewise to the desires of others—that awakens all the latent powers of his nature and the determination to conquer his natural propensity to indolence and love of material comfort and to struggle for the first place among his fellow-creatures, to satisfy, in outstripping them, his love of glory and possession and power. "Without those, in themselves by no means lovely, qualities which set man in social opposition to man, so that each finds his selfish claims resisted by the selfishness of all the others, men would have lived

on in an Arcadian shepherd life, in perfect harmony, contentment, and mutual love; but all their talents would forever have remained hidden and undeveloped. Thus, kindly as the sheep they tended, they would scarcely have given to their existence a greater value than that of their cattle. And the place among the ends of creation which was left for the development of rational beings would not have been filled. Thanks be to nature for the unsociableness, for the spiteful competition of vanity, for the insatiate desires of gain and power! Without these, all the excellent natural capacities of humanity would have slumbered undeveloped. Man's will is for harmony; but nature knows better what is good for his species: her will is for dissension. He would like a life of comfort and satisfaction, but nature wills that he should be dragged out of idleness and inactive content and plunged into labour and trouble, in order that he may be made to seek in his own prudence for the means of again delivering himself from them. The natural impulses which prompt this effort,—the causes of unsociableness and mutual conflict, out of which so many evils spring,—are also in turn the spurs which drive him to the development of his powers. Thus, they really betray the providence of a wise Creator, and not the interference of some evil spirit which has meddled with the world which God has

nobly planned, and enviously overturned its order." (Proposition 4: Caird's translation in *The Critical Philosophy of Kant,* Vol. II., pp. 550, 551.)

The problem now arises, How shall men live together, each free to work out his own development, without at the same time interfering with a like liberty on the part of his neighbour? The solution of this problem is the state. Here the liberty of each member is guaranteed and its limits strictly defined. A perfectly just civil constitution, administered according to the principles of right, would be that under which the greatest possible amount of liberty was left to each citizen within these limits. This is the ideal of Kant, and here lies the greatest practical problem which has presented itself to humanity. An ideal of this kind is difficult of realisation. But nature imposes no such duty upon us. "Out of such crooked material as man is made," says Kant, "nothing can be hammered quite straight." (Proposition 6.) We must make our constitution as good as we can and, with that, rest content.

The direct cause of this transition from a state of nature and conditions of unlimited freedom to civil society with its coercive and restraining forces is found in the evils of that state of nature as they are painted by Hobbes. A wild lawless freedom becomes impossible for man: he is compelled to

seek the protection of a civil society. He lives in uncertainty and insecurity: his liberty is so far worthless that he cannot peacefully enjoy it. For this peace he voluntarily yields up some part of his independence. The establishment of the state is in the interest of his development to a higher civilisation. It is more—the guarantee of his existence and self-preservation. This is the sense, says Professor Paulsen, in which Kant like Hobbes regards the state as "resting on a contract," * that

* Rousseau (*Contrat Social:* I. vi.) regards the social contract as tacitly implied in every actual society: its articles "are the same everywhere, and are everywhere tacitly admitted and recognised, even though they may never have found formal expression" in any constitution. In the same way he speaks of a state of nature "which no longer exists, which perhaps never has existed." (Preface to the *Discourse on the Causes of Inequality.*) But Rousseau's interpretation of these terms is, on the whole, literal in spite of these single passages. He speaks throughout the *Contrat Social,* as if history could actually record the signing and drawing up of such documents. Hobbes, Hooker, (*Ecclesiastical Polity,* I. sect. 10—see also Ritchie: *Darwin and Hegel,* p. 210 *seq.*) Hume and Kant use more careful language. "It cannot be denied," writes Hume, (*Of the Original Contract*) "that all government is, at first, founded on a contract and that the most ancient rude combinations of mankind were formed chiefly by that principle. In vain are we asked in what records this charter of our liberties is registered. It was not written on parchment, nor yet on leaves or barks of trees. It preceded the use of writing and all the other civilised arts of life. But we trace it plainly in the nature of man, and in the equality, or something approaching equality, which we find in all the individuals of that species."

This fine passage expresses admirably the views of Kant on this point. Cf. *Werke,* (Rosenkranz) IX. 160. The original contract

is to say, on the free will of all. * *Volenti non fit injuria.* Only, adds Paulsen, we must remember that this contract is not a historical fact, as it seemed to some writers of the eighteenth century, but an "idea of reason": we are speaking here not of the history of the establishment of the state, but of the reason of its existence. (Paulsen's *Kant*, p. 354.) †

is merely an idea of reason, one of those ideas which we think into things in order to explain them.

Hobbes does not professedly make the contract historical, but in Locke's *Civil Government* (II. Ch. VIII. § 102) there is some attempt made to give it a historical basis.—By consent all were equal, "till by the same consent they set rulers over themselves. So that their politic societies all began from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors, and forms of government."

Bluntschli points out (*Theory of the State*, IV. ix., p. 294 and *note*) that the same theory of contract on which Hobbes' doctrine of an absolute government was based was made the justification of violent resistance to the government at the time of the French Revolution. The theory was differently applied by Hobbes, Locke and Rousseau. According to the first, men leave the "state of nature" when they surrender their rights to a sovereign, and return to that state during revolution. But, for Rousseau, this sovereign authority is the people: a revolution would be only a change of ministry. (See *Cont. Soc.*, III. Ch. xviii.) Again Locke holds revolution to be justifiable in all cases where the government have not fulfilled the trust reposed by the people in them. (Cf. Kant's *Perpetual Peace*, p. 188, *note*).

* "If you unite many men," writes Rousseau, (*Cont. Soc.*, IV. i.) "and consider them as one body, they will have but one will; and that will must be to promote the common safety and general well-being of all." This *volonté générale*, the common element of all particular wills, cannot be in conflict with any of them. (*Op. cit.*, II. iii.)

† In Eng. trans., see p. 348.

In this civil union, self-sought, yet sought reluctantly, man is able to turn his most unlovable qualities to a profitable use. They bind this society together. They are the instrument by which he wins for himself self-culture. It is here with men, says Kant, as it is with the trees in a forest: "just because each one strives to deprive the other of air and sun, they compel each other to seek both above, and thus they grow beautiful and straight. Whereas those that, in freedom and isolation from one another, shoot out their branches at will, grow stunted and crooked and awry." (Proposition 5, *op. cit.*) Culture, art, and all that is best in the social order are the fruits of that self-loving unsociableness in man.

The problem of the establishment of a perfect civil constitution cannot be solved, says this treatise *(Idea for a Universal History)*, until the external relations of states are regulated in accordance with principles of right. For, even if the ideal internal constitution were attained, what end would it serve in the evolution of humanity, if commonwealths themselves were to remain like individuals in a state of nature, each existing in uncontrolled freedom, a law unto himself? This condition of things again cannot be permanent. Nature uses the same means as before to bring about a state of law and order. War, present or near at hand, the strain

of constant preparation for a possible future campaign or the heavy burden of debt and devastation left by the last,—these are the evils which must drive states to leave a lawless, savage state of nature, hostile to man's inward development, and seek in union the end of nature, peace. All wars are the attempts nature makes to bring about new political relations between nations, relations which, in their very nature, cannot be, and are not desired to be, permanent. These combinations will go on succeeding each other, until at last a federation of all powers is formed for the establishment of perpetual peace. This is the end of humanity, demanded by reason. Justice will reign, not only in the state, but in the whole human race when perpetual peace exists between the nations of the world.

This is the point of view of the *Idea for a Universal History*. But equally, we may say, law and justice will reign between nations, when a legally and morally perfect constitution adorns the state. External perpetual peace pre-supposes internal peace —peace civil, social, economic, religious. Now, when men are perfect—and what would this be but perfection—how can there be war? Cardinal Fleury's only objection—no light one—to St. Pierre's project was that, as even the most peace-loving could not avoid war, all men must first be men of noble character. This seems to be what is required

in the treatise on *Perpetual Peace*. Kant demands, to a certain extent, the moral regeneration of man. There must be perfect honesty in international dealings, good faith in the interpretation and fulfilment of treaties and so on (Art. 1)*: and again, every state must have a republican constitution—a term by which Kant understands a constitution as nearly as possible in accordance with the spirit of right. (Art. 1.)† This is to say that we have to start with our reformation at home, look first to the culture and education and morals of our citizens, then to our foreign relations. This is a question of self-interest as well as of ethics. On the civil and religious liberty of a state depends its commercial success. Kant saw the day coming, when industrial superiority was to be identified with political pre-eminence. The state which does not look to the enlightenment and liberty of its subjects must fail in the race. But the advantages of a high state of civilisation are not all negative. The more highly developed the individuals who form a state, the more highly developed is its consciousness of its obligations to other nations. In the ignorance and barbarism of races lies the great obstacle to a reign of law among states. Uncivilised states cannot be conceived as members of a federation of Europe.

* See p. 107.

† See p. 120.

First, the perfect civil constitution according to right: then the federation of these law-abiding Powers. This is the path which reason marks out. The treatise on *Perpetual Peace* seems to be in this respect more practical than the *Idea for a Universal History*. But it matters little which way we take it. The point of view is the same in both cases: the end remains the development of man towards good, the order of his steps in this direction is indifferent.

The Political and Social Conditions of Kant's Time.

The history of the human race, viewed as a whole, Kant regards as the realisation of a hidden plan of nature to bring about a political constitution internally and externally perfect—the only condition under which the faculties of man can be fully developed. Does experience support this theory? Kant thought that, to a certain degree, it did. This conviction was not, however, a fruit of his experience of citizenship in Prussia, an absolute dynastic state, a military monarchy waging perpetual dynastic wars of the kind he most hotly condemned. Kant had no feeling of love to Prussia, * and little of a citizen's patriotic pride, or even in-

* Unlike Hegel whose ideal was the Prussian state, as it was under Frederick the Great. An enthusiastic supporter of the power of monarchy, he showed himself comparatively indifferent to the progress of constitutional liberty.

terest, in its political achievements. This was partly because of his sympathy with republican doctrines: partly due to his love of justice and peculiar hatred of war, * a hatred based, no doubt, not less on principle than on a close personal experience of the wretchedness it brings with it. It was not the political and social conditions in which he lived which fostered Kant's love of liberty and gave him inspiration, unless in the sense in which the mind reacts upon surrounding influences. Looking beyond

* Isolated passages are sometimes quoted from Kant in support of a theory that the present treatise is at least half ironical [1] and that his views on the question of perpetual peace did not essentially differ from those of Leibniz. "Even war," he says, (*Kritik d. Urteilskraft*, I. Book ii. § 28.) "when conducted in an orderly way and with reverence for the rights of citizens has something of the sublime about it, and the more dangers a nation which wages war in this manner is exposed to and can courageously overcome, the nobler does its character grow. While, on the other hand, a prolonged peace usually has the effect of giving free play to a purely commercial spirit, and side by side with this, to an ignoble self-seeking, to cowardice and effeminacy; and the result of this is generally a degradation of national character."

This is certainly an admission that war which does not violate the Law of Nations has a good side as well as a bad. We could look for no less in so clear-sighted and unprejudiced a thinker. Kant would have been the first to admit that under certain conditions a nation can have no higher duty than to wage war. War is necessary, but it is in contradiction to reason and the spirit of right. The "scourge of mankind," "making more bad men than it takes away," the "destroyer of every good," Kant calls it elsewhere. (*Theory of Ethics*, Abbott's trans., 4th ed., p. 341, *note*.)

[1] Cf. K. v. Stengel: *Der Ewige Friede*, Munich, 1899; also Vaihinger: *Kantstudien*, Vol. IV., p. 58,

Prussia to America, in whose struggle for independence he took a keen interest, and looking to France where the old dynastic monarchy had been succeeded by a republican state, Kant seemed to see the signs of a coming democratisation of the old monarchical society of Europe. In this growing influence on the state of the mass of the people who had everything to lose in war and little to gain by victory, he saw the guarantee of a future perpetual peace. Other forces too were at work to bring about this consummation. There was a growing consciousness that war, this costly means of settling a dispute, is not even a satisfactory method of settlement. Hazardous and destructive in its effect, it is also uncertain in its results. Victory is not always gain; it no longer signifies a land to be plundered, a people to be sold to slavery. It brings fresh responsibilities to a nation, at a time when it is not always strong enough to bear them. But, above all, Kant saw, even at the end of the eighteenth century, the nations of Europe so closely bound together by commercial interests that a war —and especially a maritime war where the scene of conflict cannot be to the same extent localised as on land—between any two of them could not but seriously affect the prosperity of the others. * He

* Cf. *Idea for a Universal History*, Prop. 8; *Perpetual Peace*, pp. 142, 157.

clearly realised that the spirit of commerce was the strongest force in the service of the maintenance of peace, and that in it lay a guarantee of future union.

This scheme of a federation of the nations of the world, in accordance with principles which would put an end to war between them, was one whose interest for Kant seemed to increase during the last twenty years of his life. * It was according to him an idea of reason, and, in his first essay on the subject—that of 1784—we see the place this ideal of a perpetual peace held in the Kantian system of philosophy. Its realisation is the realisation of the highest good—the ethical and political *summum bonum*, for here the aims of morals and politics coincide: only in a perfect development of his faculties in culture and in morals can man at last find true happiness. History is working towards the consummation of this end. A moral obligation lies on man to strive to establish conditions which bring its realisation nearer. It is the duty of statesmen to form a federative union as it was formerly the duty of individuals to enter the state. The moral law points the way here as clearly as in the sphere of pure ethics:—"Thou can'st, therefore thou ought'st."

* The immediate stimulus to Kant's active interest in this subject as a practical question was the Peace of Basle (1795) which ended the first stage in the series of wars which followed the French Revolution.

Let us be under no misapprehension as to Kant's attitude to the problem of perpetual peace. It is an ideal. He states plainly that he so regards it * and that as such it is unattainable. But this is the essence of all ideals: they have not the less value in shaping the life and character of men and nations on that account. They are not ends to be realised but ideas according to which we must live, regulative principles. We cannot, says Kant, shape our life better than in acting as if such ideas of reason have objective validity and there be an immortal life in which man shall live according to the laws of reason, in peace with his neighbour and in freedom from the trammels of sense.

Hence we are concerned here, not with an end, but with the means by which we might best set about attaining it, if it were attainable. This is the subject matter of the *Treatise on Perpetual Peace* (1795), a less eloquent and less purely philosophical essay than that of 1784, but throughout more systematic and practical. We have to do, not with the favourite dream of philanthropists like St. Pierre and Rousseau, but with a statement of the conditions on the fulfilment of which the transition to a reign of peace and law depends.

* It is *eine unausführbare Idee*. See the passage quoted from the *Rechtslehre*, p. 129, *note*.

The Conditions of the Realisation of the Kantian Ideal.

These means are of two kinds. In the first place, what evils must we set about removing? What are the negative conditions? And, secondly, what are the general positive conditions which will make the realisation of this idea possible and guarantee the permanence of an international peace once attained? These negative and positive conditions Kant calls Preliminary and Definitive Articles respectively, the whole essay being carefully thrown into the form of a treaty. The Preliminary Articles of a treaty for perpetual peace are based on the principle that anything that hinders or threatens the peaceful co-existence of nations must be abolished. These conditions have been classified by Kuno Fischer. Kant, he points out, * examines the principles of right governing the different sets of circumstances in which nations find themselves—namely, (*a*) while they are actually at war; (*b*) when the time comes to conclude a treaty of peace; (*c*) when they are living in a state of peace. The six Preliminary Articles fall naturally into these groups. War must not be conducted in such a manner as to increase national hatred and embitter a future

* *Geschichte der neueren Philosophie*, (4th ed., 1899), Vol. V., I. Ch. 12, p. 168 *seq.*

peace. (Art. 6.) * The treaty which brings hostilities to an end must be concluded in an honest desire for peace. (Art. 1.) † Again a nation, when in a state of peace, must do nothing to threaten the political independence of another nation or endanger its existence, thereby giving the strongest of all motives for a fresh war. A nation may commit this injury in two ways: (1) indirectly, by causing danger to others through the growth of its standing army (Art. 3) §—always a menace to the state of peace—or by any unusual war preparations: and (2) through too great a supremacy of another kind, by amassing money, the most powerful of all weapons in warfare. The National Debt (Art. 4) ** is another standing danger to the peaceful co-existence of nations. But, besides, we have the danger of actual attack. There is no right of intervention between nations. (Art. 5.) †† Nor can states be inherited or conquered (Art. 2), §§ or in any way treated in a manner subversive of their independence and sovereignty as individuals. For a similar reason, armed troops cannot be hired and sold as things.

* See p. 114.
† See p. 107.
§ See p. 110.
** See p. 111.
†† See p. 112.
§§ See p. 108.

These then are the negative conditions of peace. * There are, besides, three positive conditions:

* A large part of Kant's requirements as they are expressed in these Preliminary Articles has already been fulfilled. The first (Art. 1) is recognised in theory at least by modern international law. More cannot be said. A treaty of this kind is of necessity more or less forced by the stronger on the weaker. The formal ratification of peace in 1871 did not prevent France from longing for the day when she might win back Alsace-Lorraine and be revenged on Prussia. Not the treaty nor a consciousness of defeat has kept the peace west of the Rhine, but a reluctant respect for the fortress of Metz and the mighty army of united Germany.

Articles 2 and 6 are already commonplaces of international law. Article 2 refers to practices which have not survived the gradual disappearance of dynastic war. Art. 6 is the basis of our modern law of war. Art. 3 has been fulfilled in the literal sense that the standing armies composed of mercenary troops to which Kant alludes exist no longer. But it is to be feared that Kant would not think that we have made things much better, nor regard our present system of progressive armaments as a step in the direction of perpetual peace. Art. 4 is not likely to be fulfilled in the near future. It is long since Cobden denounced the institution of National Debts—an institution which, as Kant points out, owes its origin to the English, the "commercial people" referred to in the text. Art. 5 no doubt came to Kant through Vattel. "No nation," says the Swiss publicist, (*Law of Nations*, II. Ch. iv. § 54) "has the least right to interfere with the government of another," unless, he adds, (Ch. v. § 70) in a case of anarchy or where the well-being of the human race demands it. This is a recognised principle of modern international law. Intervention is held to be justifiable only where the obligation to respect another's freedom of action comes into conflict with the duty of self-preservation.

Puffendorf leaves much more room for the exercise of benevolence. The natural affinity and kinship between men is, says he, (*Les Devoirs de l'homme et du citoien*, II. Ch. xvi. § xi.) "a sufficient reason to authorise us to take up defence of every person whom one sees unjustly oppressed, when he implores our aid *and when we can do it conveniently*." (The italics are mine.—[Tr.])

(*a*) The intercourse of nations is to be confined to a right of hospitality. (Art. 3.) * There is nothing new to us in this assertion of a right of way. The right to free means of international communication has in the last hundred years become a commonplace of law. And the change has been brought about, as Kant anticipated, not through an abstract respect for the idea of right, but through the pressure of purely commercial interests. Since Kant's time the nations of Europe have all been more or less transformed from agricultural to commercial states whose interests run mainly in the same direction, whose existence and development depend necessarily upon "conditions of universal hospitality." Commerce depends upon this freedom of international intercourse, and on commerce mainly depends our hope of peace.

(*b*) The first Definitive Article † requires that the constitution of every state should be republican. What Kant understands by this term is that, in the state, law should rule above force and that its

* See p. 137. The main principle involved in this passage comes from Vattel (*op. cit.*, II. Ch. viii. §§ 104, 105: Ch. ix. §§ 123, 125). A sovereign, he says, cannot object to a stranger entering his state who at the same time respects its laws. No one can be quite deprived of the right of way which has been handed down from the time when the whole earth was common to all men.

† See p. 120.

constitution should be a representative one, guaranteeing public justice and based on the freedom and equality of its members and their mutual dependence on a common legislature. Kant's demand is independent of the *form* of the government. A constitutional monarchy like that of Prussia in the time of Frederick the Great, who regarded himself as the first servant of the state and ruled with the wisdom and forethought which the nation would have had the right to demand from such an one—such a monarchy is not in contradiction to the idea of a true republic. That the state should have a constitution in accordance with the principles of right is the essential point. * To make

* Kant believed that, in the newly formed constitution of the United States, his ideal with regard to the external forms of the state as conforming to the spirit of justice was most nearly realised. Professor Paulsen draws attention, in the following passage, to the fact that Kant held the English government of the eighteenth century in very low esteem. (*Kant*, p. 357, *note*. See Eng. trans., p. 352, *note*.) It was not the English state, he says, which furnished Kant with an illustration of his theory:—"Rather in it he sees a form of despotism only slightly veiled, not Parliamentary despotism, as some people have thought, but monarchical despotism. Through bribery of the Commons and the Press, the King had actually absolute power, as was evident, above all, from the fact that he had often waged war without, and in defiance of, the will of the people. Kant has a very unfavourable opinion of the English state in every way. Among the collected notes written by him in the last ten years of the century and published by Reicke (*Lose Blätter*, I. 129) the following appears:—'The English nation (*gens*) regarded as a people (*populus*) and looked upon side by side with other races is, as a collection of individuals, of all

this possible, the law-giving power must lie with the representatives of the people: there must be a complete separation, such as Locke and Rousseau demand, between the legislature and executive. Otherwise we have despotism. Hence, while Kant admitted absolutism under certain conditions, he rejected democracy where, in his opinion, the mass of the people was despot.

An internal constitution, firmly established on the principles of right, would not only serve to kill the seeds of national hatred and diminish the likelihood of foreign war. It would do more: it would destroy sources of revolution and discontent within the state. Kant, like many writers on this subject, does not directly allude to civil war * and

mankind the most highly to be esteemed. But as a state, compared with other states, it is the most destructive, high-handed and tyrannical, and the most provocative of war among them all.'"

Kuno Fischer (*op. cit.*, Vol. V., I. Ch. 11, pp. 150, 151) to whom Professor Paulsen's reference may here perhaps allude, states that Kant's objection to the English constitution is that it was an oligarchy, Parliament being not only a legislative body, but through its ministers also executive in the interests of the ruling party or even of private individuals in that party. It seems more likely that what most offended a keen observer of the course of the American War of Independence was the arbitrary and ill-directed power of the king. But see the passage quoted by Fischer (pp. 152, 153) from the *Rechtslehre* (Part II. Sect. I.) which is, he says, unmistakeably directed against the English constitution and certain temporary conditions in the political history of the country.

* St. Pierre actually thought that his federation would prevent civil war. See *Project* (1714), p. 16.

the means by which it may be prevented or abolished. Actually to achieve this would be impossible: it is beyond the power of either arbitration or disarmament. But in a representative government and the liberty of a people lie the greatest safeguards against internal discontent. Civil peace and international peace must to a certain extent go hand in hand.

We come now to the central idea of the treatise: (*c*) the law of nations must be based upon a federation of free states. (Art. 2.) * This must be regarded as the end to which mankind is advancing. The problem here is not out of many nations to make one. This would be perhaps the surest way to attain peace, but it is scarcely practicable, and, in certain forms, it is undesirable. Kant is inclined to approve of the separation of nations by language and religion, by historical and social tradition and physical boundaries: nature seems to condemn the idea of a universal monarchy. † The only footing

* See p. 128.

† This was the ideal of Dante. Cf. *De Monarchia*, Bk. I. 54:—"We shall not find at any time except under the divine monarch Augustus, when a perfect monarchy existed, that the world was everywhere quiet."

Bluntschli (*Theory of the State*, I. Ch. ii., p. 26 *seq.*) gives an admirable account of the different attempts made to realise a universal empire in the past—the Empire of Alexander the Great, based upon a plan of uniting the races of east and west; the Roman Empire which sought vainly to stamp its national character

on which a thorough-going, indubitable system of international law is in practice possible is that of the society of nations: not the world-republic * the Greeks dreamt of, but a federation of states. Such a union in the interests of perpetual peace between nations would be the "highest political good." The relation of the federated states to one another and to the whole would be fixed by cosmopolitan law: the link of self-interest which would bind them would again be the spirit of commerce.

This scheme of a perpetual peace had not escaped ridicule in the eighteenth century: the name of

upon mankind; the Frankish Monarchy; the Holy Roman Empire which fell to pieces through the want of a central power strong enough to overcome the tendency to separation and nationalisation; and finally the attempt of Napoleon I., whose mistake was the same as that which wrecked the Roman Empire—a neglect of the strength of foreign national sentiment.

* Reason requires a State of nations. This is the ideal, and Kant's proposal of a federation of states is a practical substitute from which we may work to higher things. Kant, like Fichte, (*Werke*, VII. 467) strongly disapproves of a universal monarchy such as that of which Dante dreamed—a modern Roman Empire. The force of necessity, he says, will bring nations at last to become members of a cosmopolitan state, "or if such a state of universal peace proves (as has often been the case with too great states) a greater danger to freedom from another point of view, in that it introduces despotism of the most terrible kind, then this same necessity must compel the nations to enter a state which indeed has the form not of a cosmopolitan commonweath under one sovereign, but of a federation regulated by legal principles determined by a common code of international law." (*Das mag in d. Theorie richtig sein*, *Werke*, (Rosenkranz) VII., p. 225). Cf. also *Theory of Ethics*, (Abbott), p. 341, *note; Perpetual Peace*, pp. 155, 156.

Kant protected it henceforth. The facts of history, even more conclusively than the voices of philosophers, soldiers and princes, show how great has been the progress of this idea in recent years. But it has not gained its present hold upon the popular mind without great and lasting opposition. Indeed we have here what must still be regarded as a controversial question. There have been, and are still, men who regard perpetual peace as a state of things as undesirable as it is unattainable. For such persons, war is a necessity of our civilisation: it is impossible that it should ever cease to exist. All that we can do, and there is no harm, nor any contradiction in the attempt, is to make wars shorter, fewer and more humane: the whole question, beyond this, is without practical significance. Others, on the other hand,—and these perhaps more thoughtful—regard war as hostile to culture, an evil of the worst kind, although a necessary evil. In peace, for them, lies the true ideal of humanity, although in any perfect form this cannot be realised in the near future. The extreme forms of these views are to be sought in what has been called in Germany "the philosophy of the barracks" which comes forward with a glorification of war for its own sake, and in the attitude of modern Peace Societies which denounce all war wholesale, without respect of causes or conditions.

Hegel, Schiller and Moltke.

Hegel, the greatest of the champions of war, would have nothing to do with Kant's federation of nations formed in the interests of peace. The welfare of a state, he held, is its own highest law; and he refused to admit that this welfare was to be sought in an international peace. Hegel lived in an age when all power and order seemed to lie with the sword. Something of the charm of Napoleonism seems to hang over him. He does not go the length of writers like Joseph de Maistre, who see in war the finger of God or an arrangement for the survival of the fittest—a theory, as far as regards individuals, quite in contradiction with the real facts, which show that it is precisely the physically unfit whom war, as a method of extermination, cannot reach. But, like Schiller and Moltke, Hegel sees in war an educative instrument, developing virtues in a nation which could not be fully developed otherwise, (much as pain and suffering bring patience and resignation and other such qualities into play in the individual), and drawing the nation together, making each citizen conscious of his citizenship, as no other influence can. War, he holds, leaves a nation always stronger than it was before; it buries causes of inner dissension, and consolidates the

internal power of the state. * No other trial can, in the same way, show what is the real strength and weakness of a nation, what it *is*, not merely materially, but physically, intellectually and morally.

With this last statement most people will be inclined to agree. There is only a part of the truth in Napoleon's dictum that "God is on the side of the biggest battalions"; or in the old saying that war requires three necessaries—in the first place, money; in the second place, money; and in the third, money. Money is a great deal: it is a necessity; but what we call national back-bone and character is more. So far we are with Hegel. But he goes further. In peace, says he, mankind would grow effeminate and degenerate in luxury. This opinion was expressed in forcible language in his own time by Schiller,† and in more

* See the *Philosophie d. Rechts*, (*Werke*, Vol. VIII.) Part iii. § 324 and appendix.

† Cf. *Die Braut von Messina*:—

"Denn der Mensch verkümmert im Frieden,
Müssige Ruh' ist das Grab des Muths.
Das Gesetz ist der Freund des Schwachen,
Alles will es nur eben machen,
Möchte gerne die Welt verflachen;
Aber der Krieg lässt die Kraft erscheinen,
Alles erhebt er zum Ungemeinen,
Selber dem Feigen erzeugt er den Muth."

This passage perhaps scarcely gives a fair representation of Schiller's views on the question, which, if we judge from *Wilhelm*

recent years by Count Moltke. "Perpetual peace," says a letter of the great general,* "is a dream and not a beautiful dream either: war is part of the divine order of the world. During war are developed the noblest virtues which belong to man—courage and self-denial, fidelity to duty and the spirit of self-sacrifice: the soldier is called upon to risk his life. Without war the world would sink in materialism." † "Want and misery, disease, suffering and war," he says elsewhere, "are all

Tell, must have been very moderate. War he says, in this oft-quoted passage, is sometimes a necessity. There is a limit to the power of tyranny and, when the burden becomes unbearable, an appeal to Heaven and the sword.

Wilhelm Tell: Act. II. Sc. 2.

"Nein, eine Grenze hat Tyrannenmacht.
Wenn der Gedrückte nirgends Recht kann finden,
Wenn unerträglich wird die Last greift er
Hinauf getrosten Muthes in den Himmel
Und holt herunter seine ew'gen Rechte,
Die droben hangen unveräusserlich
Und unzerbrechlich, wie die Sterne selbst—
Der alte Urstand der Natur kehrt wieder,
Wo Mensch dem Menschen gegenüber steht—
Zum letzten Mittel, wenn kein andres mehr
Verfangen will, ist ihm das Schwert gegeben."

* Letter to Bluntschli, dated Berlin, 11th Dec., 1880 (published in Bluntschli's *Gesammelte Kleine Schriften*, Vol. II., p. 271).

† Cf. Tennyson's *Maud:* Part I., vi. and xiii.

"Why do they prate of the blessings of Peace? we have made them a curse,
Pickpockets, each hand lusting for all that is not its own;
And lust of gain, in the spirit of Cain, is it better or worse
Than the heart of the citizen hissing in war on his own hearthstone?

given elements in the Divine order of the universe." Moltke's eulogy of war, however, is somewhat modified by his additional statement that "the greatest kindness in war lies in its being quickly ended." (Letter to Bluntschli, 11th Dec.,

> For I trust if an enemy's fleet came yonder round by the hill,
> And the rushing battle-bolt sang from the three-decker out of the foam,
> That the smooth-faced snub-nosed rogue would leap from his counter and till,
> And strike, if he could, were it but with his cheating yardwand, home."

See too Part III., ii. and iv.

> "And it was but a dream, yet it lighten'd my despair
> When I thought that a war would arise in defence of the right,
> That an iron tyranny now should bend or cease,
> The glory of manhood stand on his ancient height,
> Nor Britain's one sole God be the millionaire:
> No more shall commerce be all in all, and Peace
> Pipe on her pastoral hillock a languid note,
> And watch her harvest ripen, her herd increase,
> Nor the cannon-bullet rest on a slothful shore,
> And the cobweb woven across the cannon's throat
> Shall shake its threaded tears in the wind no more.
>
> Let it go or stay, so I wake to the higher aims
> Of a land that has lost for a little her lust of gold,
> And love of a peace that was full of wrongs and shames,
> Horrible, hateful, monstrous, not to be told;
> And hail once more to the banner of battle unroll'd!
> Tho' many a light shall darken, and many shall weep
> For those that are crush'd in the clash of jarring claims,
> For God's just wrath shall be wreak'd on a giant liar;
> And many a darkness into the light shall leap,
> And shine in the sudden making of splendid names,
> And noble thought be freer under the sun,
> And the heart of a people beat with one desire."

1880.) * The great forces which we recognise as factors in the moral regeneration of mankind are always slow of action as they are sure. War, if too quickly over, could not have the great moral influence which has been attributed to it. The explanation may be that it is not all that it naturally appears to a great and successful general. Hegel, Moltke, Trendelenburg, Treitschke † and the others—not Schiller § who was able to sing the blessings of peace as eloquently as of war—were apt to forget that war is as efficient a school for forming vices as virtues; and that, moreover, those virtues which military life is said to cultivate—courage, self-sacrifice and the rest—can be at least as perfectly developed in other trials. There are in human life dangers every day bravely met and overcome which are not less terrible than those which face the soldier, in whom patriotism may be less a sentiment than a duty, and whose cowardice must be dearly paid.

War under Altered Conditions.

The Peace Societies of our century, untiring supporters of a point of view diametrically opposite

* Moltke strangely enough was, at an earlier period, of the opinion that war, even when it is successful, is a national misfortune. Cf. Kehrbach's preface to Kant's essay, *Zum Ewigen Frieden*, p. XVII.

† See his discussion on constitutional monarchy in Germany. (*Hist. u. Pol. Aufsätze*, Bd. III., p. 533 *seq.*)

§ See *Die Piccolomini:* Act. I. Sc. 4.

to that of Hegel, owe their existence in the first place to new ideas on the subject of the relative advantages and disadvantages of war, which again were partly due to changes in the character of war itself, partly to a new theory that the warfare of the future should be a war of free competition for industrial interests, or, in Herbert Spencer's language, that the warlike type of mankind should make room for an industrial type. This theory, amounting in the minds of some thinkers to a fervid conviction, and itself, in a sense, the source of what has been contemptuously styled our British "shopkeeper's policy" in Europe, was based on something more solid than mere enthusiasm. The years of peace which followed the downfall of Napoleon had brought immense increase in material wealth to countries like France and Britain. Something of the glamour had fallen away from the sword of the great Emperor. The illusive excitement of a desire for conquest had died: the glory of war had faded with it, but the burden still remained: its cost was still there, something to be calmly reckoned up and not soon to be forgotten. Europe was seen to be actually moving towards ruin. "We shall have to get rid of war in all civilised countries," said Louis Philippe in 1843. "Soon no nation will be able to afford it." War was not only becoming more costly. New conditions had altered it in other directions.

With the development of technical science and its application to the perfecting of methods and instruments of destruction every new war was found to be bloodier than the last; and the day seemed to be in sight, when this very development would make war (with instruments of extermination) impossible altogether. The romance and picturesqueness with which it was invested in the days of hand-to-hand combat was gone. But, above all, war was now waged for questions fewer and more important than in the time of Kant. Napoleon's successful appeal to the masses had suggested to Prussia the idea of consciously nationalising the army. Our modern national wars exact a sacrifice, necessarily much more heavy, much more reluctantly made than those of the past which were fought with mercenary troops. Such wars have not only greater dignity: they are more earnest, and their issue, as in a sense the issue of conflict between higher and lower types of civilisation, is speedier and more decisive.

In the hundred years since Kant's death, much that he prophesied has come to pass, although sometimes by different paths than he anticipated. The strides made in recent years by commerce and the growing power of the people in every state have had much of the influence which he foretold. There is a greater reluctance to wage

war. * But, unfortunately, as Professor Paulsen points out, the progress of democracy and the nationalisation of war have not worked merely in the direction of progress towards peace. War has now become popular for the first time. "The progress of democracy in states," he says, (*Kant*, p. 364 †) "has not only not done away with war, but has very greatly changed the feeling of people towards it. With the universal military service, introduced by the Revolution, war has become the people's affair and popular, as it could not be in the case of dynastic wars carried on with mercenary troops." In the people the love of peace is strong, but so too is the love of a fight, the love of victory.

It is in the contemplation of facts and conflicting tendencies like these that Peace Societies § have been formed. The peace party is, we may say, an eclectic body: it embraces many different sections of political opinion. There are those who hold, for instance, that peace is to be established on a basis of communism of property. There are others who insist on the establishment throughout Europe of a republican form of government, or again, on a

* An admirable short account of popular feeling on this matter is to be found in Lawrence's *Principles of International Law*, § 240.

† The first Peace Society was founded in London in 1816, and the first International Peace Congress held in 1843.

§ In Eng. trans. see p. 358.

redistribution of European territory in which Alsace-Lorraine is restored to France—changes of which at least the last two would be difficult to carry out, unless through international warfare. But these are not the fundamental general principles of peace workers. The members of this party agree in rejecting the principle of intervention, in demanding a complete or partial disarmament of the nations of Europe, and in requiring that all disputes between nations—and they admit the prospects of dispute—should be settled by means of arbitration. In how far are these principles useful or practicable?

The Value of Arbitration.

There is a strong feeling in favour of arbitration on the part of all classes of society. It is cheaper under all circumstances than war. It is a judgment at once more certain and more complete, excluding as far as possible the element of chance, leaving irritation perhaps behind it, but none of the lasting bitterness which is the legacy of every war. Arbitration has an important place in all peace projects except that of Kant, whose federal union would naturally fulfil the function of a tribunal of arbitration. St. Pierre, Jeremy Bentham, *

* See "A Plan for a Universal and Perpetual Peace" in the *Principles of International Law* (*Works*, Vol. II). One of the main principles advocated by Bentham in this essay (written between 1787 and 1789) is that every state should give up its colonies.

Bluntschli * the German publicist, Professor Lorimer † and others among political writers, § and among rulers, Louis Napoleon and the Emperor Alexander I. of Russia, have all made proposals more or less ineffectual for the peaceful settlement of international disputes. A number of cases have already been decided by this means. But let us examine the questions which have been at issue. Of a hundred and thirty matters of dispute settled by arbitration since 1815 (cf. *International Tribunals*, published by the Peace Society, 1899) it will be seen that all, with the exception of one or two trifling cases of doubt as to the succession to certain titles or principalities, can be classified roughly under two heads—disputes as to the determination of boundaries or the possession of certain territory, and questions of claims for compensation and indemnities due either to individuals or states, arising from the seizure of fleets or merchant vessels, the insult or injury to private persons and so on—briefly, questions of money or of territory.

* See his *Kleine Schriften*.

† *Institutes of the Law of Nations* (1884), Vol. II., Ch. XIV.

§ John Stuart Mill holds that the multiplication of federal unions would be a benefit to the world. [See his *Considerations on Representative Government* (1865), Ch. XVII., where he discusses the conditions necessary to render such unions successful.] But the Peace Society is scarcely justified, on the strength of what is here, in including Mill among writers who have made definite proposals of peace or federation. (See *Inter. Trib.*)

These may fairly be said to be trifling causes, not touching national honour or great political questions. That they should have been settled in this way, however, shows a great advance. Smaller causes than these have made some of the bloodiest wars in history. That arbitration should have been the means of preventing even one war which would otherwise have been waged is a strong reason why we should fully examine its claims. "Quand l'institution d'une haute cour," writes Laveleye, (*Des causes actuelles de guerre en Europe et de l'arbitrage*) "n'éviterait qu'une guerre sur vingt, il vaudrait encore la peine de l'établir." But history shows us that there is no single instance of a supreme conflict having been settled otherwise than by war. Arbitration is a method admirably adapted to certain cases: to those we have named, where it has been successfully applied, to the interpretation of contracts, to offences against the Law of Nations—some writers say to trivial questions of honour—in all cases where the use of armed force would be impossible, as, for instance, in any quarrel in which neutralised countries* like Belgium or Luxembourg should take a principal part, or in a difference between two nations, such as (to take an extreme case) the United States and Switzerland,

* See what Lawrence says (*op. cit.*, § 241) of neutralisation and the limits of its usefulness as a remedy for war.

which could not easily engage in actual combat. These cases, which we cannot too carefully examine, show that what is here essential is that it should be possible to formulate a juridical statement of the conflicting claims. In Germany the *Bundestag* had only power to decide questions of law. Other disputes were left to be fought out. Questions on which the existence and vital honour of a state depend—any question which nearly concerns the disputants—cannot be reduced to any cut and dry legal formula of right and wrong. We may pass over the consideration that in some cases (as in the Franco-Prussian War) the delay caused by seeking mediation of any kind would deprive a nation of the advantage its state of military preparation deserved. And we may neglect the problem of finding an impartial judge on some questions of dispute, although its solution might be a matter of extreme difficulty, so closely are the interests of modern nations bound up in one another. How could the Eastern Question, for example, be settled by arbitration? It is impossible that such a means should be sufficient for every case. Arbitration in other words may prevent war, but can never be a substitute for war. We cannot wonder that this is so. So numerous and conflicting are the interests of states, so various are the grades of civilisation to which they have attained and the directions

along which they are developing, that differences of the most vital kind are bound to occur and these can never be settled by any peaceful means at present known to Europe. This is above all true where the self-preservation * or independence of a people are concerned. Here the "good-will" of the nations who disagree would necessarily be wanting: there could be no question of the arbitration of an outsider.

But, indeed, looking away from questions so vital and on which there can be little difference of opinion, we are apt to forget, when we allow ourselves to talk extravagantly of the future of arbitration, that every nation thinks, or at least pretends to think, that it is in the right in every dispute in which it appears (cf. Kant: *Perpetual Peace*, p. 120.): and, as a matter of history, there

* Montesquieu: *Esprit des Lois*, X. Ch. 2. "The life of governments is like that of man. The latter has a right to kill in case of natural defence: the former have a right to wage war for their own preservation."

See also Vattel (*Law of Nations*, II. Ch. XVIII. § 332):—"But if anyone would rob a nation of one of her essential rights, or a right without which she could not hope to support her national existence,—if an ambitious neighbour threatens the liberty of a republic, if he attempts to subjugate and enslave her,—she will take counsel only from her own courage. She will not even attempt the method of conferences, in the case of a contention so odious as this. She will, in such a quarrel, exert her utmost efforts, exhaust every resource and lavish her blood to the last drop if necessary. To listen to the slightest proposal in a matter of this kind is to risk everything."

has never been a conflict between civilised states in which an appeal to this "right" on the part of each has not been made. We talk glibly of the right and wrong of this question or of that, of the justice of this war, the iniquity of that. But what do these terms really mean? *Do* we know, in spite of the labour which has been spent on this question by the older publicists, which are the causes that justify a war? Is it not true that the same war might be just in one set of circumstances and unjust in another? Practically all writers on this subject, exclusive of those who apply the biblical doctrine of non-resistance, agree in admitting that a nation is justified in defending its own existence or independence, that this is even a moral duty as it is a fundamental right of a state. Many, especially the older writers, make the confident assertion that all wars of defence are just. But will this serve as a standard? Gibbon tells us somewhere, that Livy asserts that the Romans conquered the world in self-defence. The distinction between wars of aggression and defence is one very difficult to draw. The cause of a nation which waits to be actually attacked is often lost: the critical moment in its defence may be past. The essence of a state's defensive power may lie in a readiness to strike the first blow, or its whole interests may be bound up in the necessity of fighting the matter out in its

enemy's country, rather than at home. It is not in the strictly military interpretation of the term "defensive", but in its wider ethical and political sense that we can speak of wars of defence as just. But, indeed, we cannot judge these questions abstractly. Where a war is necessary, it matters very little whether it is just or not. Only the judgment of history can finally decide; and generally it seems at the time that both parties have something of right on their side, something perhaps too of wrong. *

* The difficulties in the way of hard and fast judgments on a complicated problem of this kind are convincingly demonstrated in a recent essay by Professor D. G. Ritchie (*Studies in Political and Social Ethics*, Sonnenschein, 1902). Professor Ritchie considers in detail a number of concrete cases which occurred in the century between 1770 and 1870. "Let any one take the judgments he would pass on these or any similarly varied cases, and I think he will find that we do not restrict our approval to wars of self-defence, that we do not approve self-defence under all circumstances, that there are some cases in which we approve of absorption of smaller states by larger, that there are cases in which we excuse intervention of third parties in quarrels with which at first they had nothing to do, and that we sometimes approve war even when begun without the authority of any already existing sovereign. Can any principles be found underlying such judgments? In the first place we ought not to disguise from ourselves the fact that our judgments after the result are based largely on success. . . . I think it will be found that our judgments on the wars of the century from 1770 to 1870 turn very largely on the question, Which of the conflicting forces was making for constitutional government and for social progress? or, to put it in wider terms, Which represented the higher civilisation? And thus it is that we may sometimes approve the rise of a new state and sometimes the absorption of an old." (*Op. cit.*, pp. 152, 155.)

A consideration of difficulties like these brings us to a realisation of the fact that the chances are small that a nation, in the heat of a dispute, will admit the likelihood of its being in the wrong. To refuse to admit this is generally tantamount to a refusal to submit the difficulty to arbitration. And neither international law, nor the moral force of public opinion can induce a state to act contrary to what it believes to be its own interest. Moreover, as international law now stands, it is not a duty to have recourse to arbitration. This was made quite clear in the proceedings of the Peace Conference at the Hague in 1899. * It was strongly recommended that arbitration should be sought wherever it was possible, but, at the same time definitely stated, that this course could in no case be compulsory. In this respect things have not advanced beyond the position of the Paris Congress of 1856. † The wars waged in Europe subsequent to that date, have all been begun without previous attempt at mediation.

But the work of the peace party regarding the

* See Fred. W. Holls: *The Peace Conference at the Hague*, Macmillan, 1900.

† The feeling of the Congress expressed itself thus cautiously:—"Messieurs les plénipotentiaires n'hésitent pas à exprimer, au nom de leur gouvernements, le voeu, que les Etats entre lesquels s'éléverait un dissentiment sérieux, avant d'en appeler aux armes, eussent recours, en tant que les circonstances l'admettraient, aux bons offices d'une puissance amie."

humaner methods of settlement is not to be neglected. The popular feeling which they have been partly the means of stimulating has no doubt done something to influence the action of statesmen towards extreme caution in the treatment of questions likely to arouse national passions and prejudices. Arbitration has undoubtedly made headway in recent years. Britain and America, the two nations whose names naturally suggest themselves to us as future centres of federative union, both countries whose industrial interests are numerous and complicated, have most readily, as they have most frequently, settled disputes in this practical manner. It has shown itself to be a policy as economical as it is business-like. Its value, in its proper place, cannot be overrated by any Peace Congress or by any peace pamphlet; but we have endeavoured to make it clear that this sphere is but a limited one. The "good-will" may not be there when it ought perhaps to appear: it will certainly not be there when any vital interest is at stake. But, even if this were not so and arbitration were the natural sequence of every dispute, no coercive force exists to enforce the decree of the court. The moral restraint of public opinion is here a poor substitute. Treaties, it is often said, are in the same position; but treaties have been broken, and will no doubt be broken again. We

are moved to the conclusion that a thoroughly logical peace programme cannot stop short of the principle of federation. Federal troops are necessary to carry out the decrees of a tribunal of arbitration, if that court is not to run a risk of being held feeble and ineffectual. Except on some such basis, arbitration, as a substitute for war, stands on but a weak footing.

Disarmament.

The efforts of the Peace Society are directed with even less hope of complete success against another evil of our time, the crushing burden of modern armaments. We have peace at this moment, but at a daily increasing cost. The Peace Society is rightly concerned in pressing this point. It is not enough to keep off actual war: there is a limit to the price we can afford to pay even for peace. Probably no principle has cost Europe so much in the last century as that handed down from Rome:—"Si vis pacem, pare bellum." It is now a hundred and fifty years since Montesquieu* protested

* *Esprit des Lois*, XIII. Chap. 17. "A new distemper has spread itself over Europe: it has infected our princes, and induces them to keep up an exorbitant number of troops. It has its redoublings, and of necessity becomes contagious. For as soon as one prince augments what he calls his troops, the rest of course do the same: so that nothing is gained thereby but the public

against this "new distemper" which was spreading itself over Europe; but never, in time of peace, has complaint been so loud or so general as now: and this, not only against the universal burden of taxation which weighs upon all nations alike, but, in continental countries, against the waste of productive force due to compulsory military service, a discontent which seems to strike at the very foundations of society. Vattel relates that in early times a treaty of peace generally stipulated that both parties should afterwards disarm. And there is no doubt that Kant was right in regarding standing armies as a danger to peace, not only as openly expressing the rivalry and distrust between nation and nation which Hobbes regards as the basis of international relations, but also as putting a power into the hand of a nation which it may some day have the temptation to abuse. A war-loving, overbearing spirit in a people thrives none the worse for a consciousness that its army or navy can hold its own with any other in Europe. Were it not the case that the essence of armed peace is that a high state of efficiency should be

ruin. Each monarch keeps as many armies on foot as if his people were in danger of being exterminated: and they give the name of Peace to this general effort of all against all."

Montesquieu is of course writing in the days of mercenary troops; but the cost to the nation of our modern armies, both in time of peace and of war, is incomparably greater.

general, the danger to peace would be very great indeed. No doubt it is due to this fact that France has kept quietly to her side of the Rhine during the last thirty years. The annexation of Alsace-Lorraine was an immediate stimulus to the increase of armaments; but otherwise, just because of this greater efficiency and the slightly stronger military position of Germany, it has been an influence on the side of peace.

The Czar's Rescript of 1898 gave a new stimulus to an interest in this question which the subsequent conference at the Hague was unable fully to satisfy. We are compelled to consider carefully how a process of simultaneous disarmament can actually be carried out, and what results might be anticipated from this step, with a view not only to the present but the future. Can this be done in accordance with the principles of justice? Organisations like a great navy or a highly disciplined army have been built up, in the course of centuries, at great cost and at much sacrifice to the nation. They are the fruit of years of wise government and a high record of national industry. Are such visible tokens of the culture and character and worth of a people to be swept away and Britain, France, Germany, Italy, Spain, Turkey to stand on the same level? And, even if no such ethical considerations should arise, on what method are

we to proceed? The standard as well as the nature of armament depends in every state on its geographical conditions and its historical position. An ocean-bound empire like Britain is comparatively immune from the danger of invasion: her army can be safely despatched to the colonies, her fleet protects her at home, her position is one of natural defence. But Germany and Austria find themselves in exactly opposite circumstances, with the hard necessity imposed upon them of guarding their frontiers on every side. The safety of a nation like Germany is in the hands of its army: its military strength lies in an almost perfect mastery of the science of attack.

The Peace Society has hitherto made no attempt to face the difficulties inseparable from any attempt to apply a uniform method of treatment to peculiarities and conditions so conflicting and various as these. Those who have been more conscientious have not been very successful in solving them. Indeed, so constantly is military technique changing that it is difficult to prophesy wherein will lie, a few years hence, the essence of a state's defensive power or what part the modern navy will play in this defence. No careful thinker would suggest, in the face of dangers threatening from the

East,* a complete disarmament. The simplest of many suggestions made—but this on the basis of universal conscription – seems to be that the number of years or months of compulsory military service should be reduced to some fixed period. But this does not touch the difficulty of colonial empires† like Britain which might to a certain extent disarm, like their neighbours, in Europe, but would be compelled to keep an army for the defence of their colonies elsewhere. It is, in the meantime, inevitable that Europe should keep up a high standard of armament—this is, (and even if we had European federation, would remain) an absolute necessity as a protection against the yellow races, and in Europe itself there are at present elements hostile to the cause of peace. Alsace-Lorraine, Polish Prussia, Russian Poland and Finland are still, to a considerable degree, sources of discontent and dissatisfaction. But in Russia itself lies the great obstacle to a future European peace or European federation: we can scarcely picture Russia as a reliable member of such a union. That Russia should disarm is scarcely

* Even St. Pierre was alive to this danger (*Projet*, Art. VIII: in the English translation of 1714, p. 160):—"The *European* Union shall endeavour to obtain in *Asia*, a *permanent* society like that of *Europe*, that Peace may be maintain'd There also; and especially that it may have no cause to fear any *Asiatic* Sovereign, either as to its tranquillity, or its Commerce in *Asia*."

† Bentham's suggestion would be useful here! See bove, p. 79, *note*.

feasible, in view of its own interest: it has always to face the danger of rebellion in Poland and anarchy at home. But that Europe should disarm, before Russia has attained a higher civilisation, a consciousness of its great future as a north-eastern, inter-oceanic empire, and a government more favourable to the diffusion of liberty, is still less practicable.* We have here to fall back upon federation again. It is not impossible that, in the course of time, this problem may be solved and that the contribution to the federal troops of a European union may be regulated upon some equitable basis the form of which we cannot now well prophesy.

European federation would likewise meet all difficulties where a risk might be likely to occur of one nation intervening to protect another. As we have said (above, p. 64, *note*) nations are now-a-days slow to intervene in the interests of humanity: they are in general constrained to do so only by strong motives of self-interest, and when these are not at hand they are said to refrain from respect for another's right of independent action. Actually a state which is actuated by less selfish impulses is apt to lose considerably more than it

* The best thing for Europe might be that Russia (perhaps including China) should be regarded as a serious danger by all the civilised powers of the West. *That* would bring us nearer to the United States of Europe *and* America (for the United States, America, is Russia's neighbour on the East) than anything else.

gains, and the feeling of the people expresses itself strongly against any quixotic or sentimental policy. It is not impossible that the Powers may have yet to intervene to protect Turkey against Russia. Such a step might well be dictated purely by a proper care for the security of Europe; but wars of this kind seem not likely to play an important part in the near future.

We have said that the causes of difference which may be expected to disturb the peace of Europe are now fewer. A modern sovereign no longer spends his leisure time in the excitement of slaying or seeing slain. He could not, if he would. His honour and his vanity are protected by other means: they play no longer an important part in the affairs of nations. The causes of war can no more be either trifling or personal. Some crises there are, which are ever likely to be fatal to peace. There present themselves, in the lives of nations, ideal ends for which everything must be sacrificed: there are rights which must at all cost be defended. The question of civil war we may neglect: liberty and wise government are the only medicine for social discontent, and much may be hoped from that in the future. But now, looking beyond the state to the great family of civilised nations, we may say that the one certain cause of war between them or of rebellion within a future federated union will be a

menace to the sovereign rights, the independence and existence of any member of that federation. Other causes of quarrel offer a more hopeful prospect. Some questions have been seen to be specially fitted for the legal procedure of a tribunal of arbitration, others to be such as a federal court would quickly settle. The preservation of the balance of power which Frederick the Great regarded as the talisman of peace in Europe—a judgment surely not borne out by experience—is happily one of the causes of war which are of the past. Wars of colonisation, such as would be an attempt on the part of Russia to conquer India, seem scarcely likely to recur except between higher and lower races. The cost is now-a-days too great. Political wars, wars for national union and unity, of which there were so many during the past century, seem at present not to be near at hand; and the integration of European nations—what may be called the great mission of war—is, for the moment, practically complete; for it is highly improbable that either Alsace-Lorraine or Poland—still less Finland—will be the cause of a war of this kind.

Our hope lies in a federated Europe. Its troops would serve to preserve law and order in the country from which they were drawn and to protect its colonies abroad; but their higher function would

be to keep peace in Europe, to protect the weaker members of the Federation and to enforce the decision of the majority, either, if necessary, by actual war, or by the mere threatening demonstrations of fleets, such as have before proved effectual.

We have carefully considered what has been attempted by peace workers, and we have now to take note that all the results of the last fifty years are not to be attributed to their conscientious but often ill-directed labour. The diminution of the causes of war is to be traced less to the efforts of the Peace Society, (except indirectly, in so far as they have influenced the minds of the masses) than to the increasing power of the people themselves. The various classes of society are opposed to violent methods of settlement, not in the main from a conviction as to the wrongfulness of war or from any fanatical enthusiasm for a brotherhood of nations, but from self-interest. War is death to the industrial interests of a nation. It is vain to talk, in the language of past centuries, of trade between civilised countries being advanced and markets opened up or enlarged by this means. *

* Trade in barbarous or savage countries is still increased by war, especially on the French and German plan which leaves no open door to other nations. Here the trade follows the flag. And war, of course, among civilised races causes small nations to disappear and their tariffs with them. *This* is beneficial to trade, but to a degree so trifling that it may here be neglected.

Kings give up the dream of military glory and accept instead the certainty of peaceful labour and industrial progress, and all this (for we may believe that to some monarchs it is much) from no enthusiastic appreciation of the efforts of Peace Societies, from no careful examination of the New Testament nor inspired interpretation of its teaching. It is self-interest, the prosperity of the country—patriotism, if you will—that seems better than war.

What may be expected from Federation.

Federation and federation alone can help out the programme of the Peace Society. It cannot be pretended that it will do everything. To state the worst at once, it will not prevent war. Even the federations of the states of Germany and America, bound together by ties of blood and language and, in the latter case, of sentiment, were not strong enough within to keep out dissension and disunion. * Wars would not cease, but they would become much less frequent. "Why is there no longer war between England and Scotland? Why did Prussian and Hanoverian fight side by side in 1870, though they had fought

* Cf. also the civil war of 1847 in Switzerland.

against each other only four years before? . . . If we wish to know how war is to cease, we should ask ourselves how it *has* ceased" (Professor D. G. Ritchie, *op. cit.*, p. 169). Wars between different grades of civilisation are bound to exist as long as civilisation itself exists. The history of culture and of progress has been more or less a history of war. A calm acceptance of this position may mean to certain short-sighted, enthusiastic theorists an impossible sacrifice of the ideal; but, the sacrifice once made, we stand on a better footing with regard to at least one class of arguments against a federation of the world. Such a union will lead, it is said, to an equality in culture, a sameness of interests fatal to progress; all struggle and conflict will be cast out of the state itself; national characteristics and individuality will be obliterated; the lamb and the wolf will lie down together: stagnation will result, intellectual progress will be at an end, politics will be no more, history will stand still. This is a sweeping assertion, an alarming prophecy. But a little thought will assure us that there is small cause for apprehension. There can be no such standstill, no millennium in human affairs. A gradual smoothing down of sharply accentuated national characteristics there might be: this is a result which a freer, more friendly intercourse between nations would be very

likely to produce. But conflicting interests, keen rivalry in their pursuit, difference of culture and natural aptitude, and all or much of the individuality which language and literature, historical and religious traditions, even climatic and physical conditions produce are bound to survive until the coming of some more overwhelming and far-spreading revolution than this. It would not be well if it were otherwise, if those "unconscious and invisible peculiarities" in which Fichte sees the hand of God and the guarantee of a nation's future dignity, virtue and merit should be swept away. (*Reden an die deutsche Nation,** 1807.) Nor is stagnation to be feared. "Strife," said the old philosopher, "is the father of all things." There can be no lasting peace in the processes of nature and existence. It has been in the constant rivalry between classes within themselves, and in the struggle for existence with other races that great nations have reached the highwater mark of their development. A perpetual peace in international relations we may—nay, surely will—one day have, but eternity will not see the end to the feverish unrest within the state and the jealous competition and distrust between individuals, groups and classes of society. Here there must ever be perpetual war.

It was only of this political peace between civil-

* See *Werke*, VII., p. 467.

ised nations that Kant thought. * In this form it is bound to come. The federation of Europe will follow the federation of Germany and of Italy, not only because it offers a solution of many problems which have long taxed Europe, but because great men and careful thinkers believe in it. † It may not come quickly, but such men can afford to wait. "If I were legislator," cried Jean Jacques Rousseau, "I should not say what ought to be done, but I would do it." This is the attitude of the unthinking, unpractical enthusiast. The wish is not enough: the will is not enough. The mills of God must take their own time: no hope or faith of ours, no struggle or labour even can hurry them.

It is a misfortune that the Peace Society has identified itself with so narrow and uncritical an attitude towards war, and that the copious elo-

* The other he knew was impossible. Peace within the state meant decay and death. In the antagonism of nations, he saw nature's means of educating the race: it was a law of existence, a law of progress, and, as such, eternal.

† For a vivid picture of the material advantages offered by such a union and of the dismal future that may lie before an unfederated Europe, we cannot do better than read Mr. Andrew Carnegie's recent Rectorial Address to the students of St. Andrews University (Oct. 1902). Unfortunately, Mr. Carnegie's enthusiasm stops here: he does not tell us by what means the difficulties at present in the way of a federation, industrial or political, are to be overcome.

quence of its members is not based upon a consideration of the practical difficulties of the case. This well-meaning, hard working and enthusiastic body would like to do what is impossible by an impossible method. The end which it sets for itself is an unattainable one. But this need not be so. To make unjustifiable aggression difficult, to banish unworthy pretexts for making war might be a high enough ideal for any enthusiasm and offer scope wide enough for the labours of any society. But the Peace Society has not contented itself with this great work. Through its over-estimation of the value of peace, * its cause has been injured and much of its influence has been weakened or lost. Our age is one which sets a high value upon human life; and to this change of thinking may be traced our modern reform in the methods of war and all that has been done for the alleviation of suffering by the great Conventions of recent years. For the eyes of most people war is merely a hideous spectacle of bloodshed and deliberate destruction of life: this is its obvious side. But it is possible to exaggerate this confessedly great evil. Peace has its sacrifices as well as war: the

* Professor D. G. Ritchie remarks that it is less an over-estimation of the value of peace than a too easy-going acceptance of abstract and unanalysed phrases about the rights of nations that injures the work of the Peace Society. Cf. his note on the principles of the Peace Congresses (*op. cit.*, p. 172).

progress of humanity requires that the individual should often be put aside for the sake of lasting advantage to the whole. An opposite view can only be reckoned individualistic, perhaps materialistic. "The reverence for human life," says Martineau, (*Studies of Christianity*, pp. 352, 354) "is carried to an immoral idolatry, when it is held more sacred than justice and right, and when the spectacle of blood becomes more horrible than the sight of desolating tyrannies and triumphant hypocrisies.... We have, therefore, no more doubt that a war may be right, than that a policeman may be a security for justice, and we object to a fortress as little as to a handcuff."

The Peace Society are not of this opinion: they greatly doubt that a war may be right, and they rarely fail to take their doubts to the tribunal of Scripture. Their efforts are well meant, this piety may be genuine enough; but a text is rarely a proof of anything, and in any case serves one man in as good stead as another. We remember that "the devil can cite Scripture for his purpose." This unscientific method of proof or persuasion has ever been widely popular. It is a serious examination of the question that we want, a more careful study of its actual history and of the possibilities of human nature; less vague, exaggerated language about what ought to be done, and a realisation of

what has been actually achieved; above all, a clear perception of what may fairly be asked from the future.

It used to be said—is perhaps asserted still by the war-lovers—that there was no path to civilisation which had not been beaten by the force of arms, no height to which the sword had not led the way. The inspiration of war was upon the great arts of civilisation: its hand was upon the greatest of the sciences. These obligations extended even to commerce. War not only created new branches of industry, it opened new markets and enlarged the old. These are great claims, according to which war might be called the moving principle of history. If we keep our eyes fixed upon the history of the past, they seem not only plausible: they are in a great sense true. Progress did tread at the heels of the great Alexander's army: the advance of European culture stands in the closest connection with the Crusades. But was this happy compensation for a miserable state of affairs not due to the peculiarly unsocial conditions of early times and the absence of every facility for the interchange of ideas or material advantages? It is inconceivable that now-a-days * any aid to the development of thought in Europe should come from war. The

* The day is past, when a nation could enjoy the exclusive advantages of its own inventions. Vattel naively recommends that we should keep the knowledge of certain kinds of trade, the

old adage, in more than a literal sense, has but too often been proved true:—"Inter arma, Musae silent." Peace is for us the real promoter of culture.

We have to endeavour to take an intermediate course between uncritical praise and wholesale condemnation, between extravagant expectation and unjustifiable pessimism. War used to be the rule: it is now an overwhelming and terrible exception—an interruption to the peaceful prosperous course of things, inflicting unlimited suffering and temporary or lasting loss. Its evils are on the surface, apparent to the most unthinking observer. The day may yet dawn, when Europeans will have learned to regard the force of arms as an instrument for the civilisation of savage or half-savage races, and war within their continent as civil war, necessary and justifiable sometimes perhaps, but still a blot upon their civilisation and brotherhood as men. Such a suggestion rings strangely. But the great changes, which the roll of centuries has marked, once came upon the world not less unexpectedly. How far off must the idea of a civil peace have seemed to small towns and states of Europe in the fifteenth century! How strange, only a century

building of war-ships and the like, to ourselves. Prudence, he says, prevents us from making an enemy stronger and the care of our own safety forbids it. (*Law of Nations*, II. Ch. I. § 16.)

ago, would the idea of applying steam power or electrical force have seemed to ourselves! Let us not despair. War has played a great part in the history of the world: it has been ever the great architect of nations, the true mother of cities. It has justified itself to-day in the union of kindred peoples, the making of great empires. It may be that one decisive war may yet be required to unite Europe. May Europe survive that struggle and go forward fearlessly to her great future! A peaceful future that may not be. It must never be forgotten that war is sometimes a moral duty, that it is ever the natural sequence of human passion and human prejudice. An unbroken peace we cannot and do not expect; but it is this that we must work for. As Kant says, we must keep it before us as an ideal.

TRANSLATION *

"PERPETUAL PEACE" †

WE need not try to decide whether this satirical inscription, (once found on a Dutch innkeeper's sign-board above the picture of a churchyard) is aimed at mankind in general, or at the rulers of states in particular, unwearying in their love of war, or perhaps only at the philosophers who cherish the sweet dream of perpetual peace. The author of the present sketch would make one stipulation, however. The practical politician stands upon a definite footing with the theorist: with great self-complacency he looks down upon him as a mere pedant whose empty ideas can threaten no danger to the state (starting as it does from principles derived from experience), and who may always be permitted to

* The text used in this translation is that edited by Kehrbach. [Tr.]

† I have seen something of M. de St. Pierre's plan for maintaining perpetual peace in Europe. It reminds me of an inscription outside of a churchyard, which ran "*Pax Perpetua.* For the dead, it is true, fight no more. But the living are of another mind, and the mightiest among them have little respect for tribunals." (Leibnitz: *Letter to Grimarest*, quoted above, p. 37, note §.) [Tr.]

knock down his eleven skittles at once without a worldly-wise statesman needing to disturb himself. Hence, in the event of a quarrel arising between the two, the practical statesman must always act consistently, and not scent danger to the state behind opinions ventured by the theoretical politician at random and publicly expressed. With which saving clause (*clausula salvatoria*) the author will herewith consider himself duly and expressly protected against all malicious misinterpretation.

FIRST SECTION

CONTAINING THE PRELIMINARY ARTICLES OF PERPETUAL PEACE BETWEEN STATES

1.—"No treaty of peace shall be regarded as valid, if made with the secret reservation of material for a future war."

For then it would be a mere truce, a mere suspension of hostilities, not peace. A peace signifies the end of all hostilities and to attach to it the epithet "eternal" is not only a verbal pleonasm, but matter of suspicion. The causes of a future war existing, although perhaps not yet known to the high contracting parties themselves, are entirely

annihilated by the conclusion of peace, however acutely they may be ferreted out of documents in the public archives. There may be a mental reservation of old claims to be thought out at a future time, which are, none of them, mentioned at this stage, because both parties are too much exhausted to continue the war, while the evil intention remains of using the first favourable opportunity for further hostilities. Diplomacy of this kind only Jesuitical casuistry can justify: it is beneath the dignity of a ruler, just as acquiescence in such processes of reasoning is beneath the dignity of his minister, if one judges the facts as they really are. *

If, however, according to present enlightened ideas of political wisdom, the true glory of a state lies in the uninterrupted development of its power by every possible means, this judgment must certainly strike one as scholastic and pedantic.

2.—"No state having an independent existence—whether it be great or small—shall be acquired by another through inheritance, exchange, purchase or donation." †

* On the honourable interpretation of treaties, see Vattel (*op. cit.*, II. Ch. XVII., esp. §§ 263—296, 291). See also what he says of the validity of treaties and the necessity for holding them sacred (II. Ch. XII. §§ 157, 158: II. Ch. XV). [Tr.]

† "Even the smoothest way," says Hume, (*Of the Original Contract*) "by which a nation may receive a foreign master, by

For a state is not a property (*patrimonium*), as may be the ground on which its people are settled. It is a society of human beings over whom no one but itself has the right to rule and to dispose. Like the trunk of a tree, it has its own roots, and to graft it on to another state is to do away with its existence as a moral person, and to make of it a thing. Hence it is in contradiction to the idea of the original contract without which no right over a people is thinkable. * Everyone knows to what danger the bias in favour of these modes of acquisition has brought Europe (in other parts of the world it has never been known). The custom of marriage between states, as if they were individuals, has survived even up to the most recent times,† and is regarded partly as a new kind of industry by which ascendency may be acquired through family alliances, without any expenditure of strength; partly

marriage or a will, is not extremely honourable for the people; but supposes them to be disposed of, like a dowry or a legacy, according to the pleasure or interest of their rulers." [Tr.]

* An hereditary kingdom is not a state which can be inherited by another state, but one whose sovereign power can be inherited by another physical person. The state then acquires a ruler, not the ruler as such (that is, as one already possessing another realm) the state.

† This has been one of the causes of the extraordinary admixture of races in the modern Austrian empire. Cf. the lines of Matthias Corvinus of Hungary (quoted in Sir W. Stirling Maxwell's *Cloister Life of Charles the Fifth*, Ch. I., *note*):—

"Bella gerant alii, tu, felix Austria, nube!
Nam quae Mars aliis, dat tibi regna Venus." [Tr.]

as a device for territorial expansion. Moreover, the hiring out of the troops of one state to another to fight against an enemy not at war with their native country is to be reckoned in this connection; for the subjects are in this way used and abused at will as personal property.

3.—"Standing armies (*miles perpetuus*) shall be abolished in course of time."

For they are always threatening other states with war by appearing to be in constant readiness to fight. They incite the various states to outrival one another in the number of their soldiers, and to this number no limit can be set. Now, since owing to the sums devoted to this purpose, peace at last becomes even more oppressive than a short war, these standing armies are themselves the cause of wars of aggression, undertaken in order to get rid of this burden. To which we must add that the practice of hiring men to kill or to be killed seems to imply a use of them as mere machines and instruments in the hand of another (namely, the state) which cannot easily be reconciled with the right of humanity in our own person. * The

* A Bulgarian Prince thus answered the Greek Emperor who magnanimously offered to settle a quarrel with him, not by shedding the blood of his subjects, but by a duel:—"A smith who has

matter stands quite differently in the case of voluntary periodical military exercise on the part of citizens of the state, who thereby seek to secure themselves and their country against attack from without.

The accumulation of treasure in a state would in the same way be regarded by other states as a menace of war, and might compel them to anticipate this by striking the first blow. For of the three forces, the power of arms, the power of alliance and the power of money, the last might well become the most reliable instrument of war, did not the difficulty of ascertaining the amount stand in the way.

4.—"No national debts shall be contracted in connection with the external affairs of the state."

This source of help is above suspicion, where assistance is sought outside or within the state, on behalf of the economic administration of the country (for instance, the improvement of the roads, the settlement and support of new colonies, the establishment of granaries to provide against seasons of scarcity, and so on). But, as a common weapon used by the Powers against one another, a credit system under which debts go on indefinitely in-

tongs will not take the red-hot iron from the fire with his hands" (This note is a-wanting in the second Edition of 1796. It is repeated in Art. II., see p. 130.) [Tr.]

creasing and are yet always assured against immediate claims (because all the creditors do not put in their claim at once) is a dangerous money power. This ingenious invention of a commercial people in the present century is, in other words, a treasure for the carrying on of war which may exceed the treasures of all the other states taken together, and can only be exhausted by a threatening deficiency in the taxes—an event, however, which will long be kept off by the very briskness of commerce resulting from the reaction of this system on industry and trade. The ease, then, with which war may be waged, coupled with the inclination of rulers towards it—an inclination which seems to be implanted in human nature—is a great obstacle in the way of perpetual peace. The prohibition of this system must be laid down as a preliminary article of perpetual peace, all the more necessarily because the final inevitable bankruptcy of the state in question must involve in the loss many who are innocent; and this would be a public injury to these states. Therefore other nations are at least justified in uniting themselves against such an one and its pretensions.

5.—"No state shall violently interfere with the constitution and administration of another."

For what can justify it in so doing? The scandal which is here presented to the subjects of another state? The erring state can much more serve as a warning by exemplifying the great evils which a nation draws down on itself through its own lawlessness. Moreover, the bad example which one free person gives another, (as *scandalum acceptum*) does no injury to the latter. In this connection, it is true, we cannot count the case of a state which has become split up through internal corruption into two parts, each of them representing by itself an individual state which lays claim to the whole. Here the yielding of assistance to one faction could not be reckoned as interference on the part of a foreign state with the constitution of another, for here anarchy prevails. So long, however, as the inner strife has not yet reached this stage the interference of other powers would be a violation of the rights of an independent nation which is only struggling with internal disease.* It would

* See Vattel: *Law of Nations*, II. Ch. IV. § 55. No foreign power, he says, has a right to judge the conduct and administration of any sovereign or oblige him to alter it. "If he loads his subjects with taxes, or if he treats them with severity, the nation alone is concerned; and no other is called upon to offer redress for his behaviour, or oblige him to follow more wise and equitable maxims. . . . . But (*loc. cit.* § 56) when the bands of the political society are broken, or at least suspended, between the sovereign and his people, the contending parties may then be considered as two distinct powers; and, since they are both equally

therefore itself cause a scandal, and make the autonomy of all states insecure.

6.—"No state at war with another shall countenance such modes of hostility as would make mutual confidence impossible in a subsequent state of peace: such are the employment of assassins (*percussores*) or of poisoners (*venefici*), breaches of capitulation, the instigating and making use of treachery (*perduellio*) in the hostile state."

These are dishonourable stratagems. For some kind of confidence in the disposition of the enemy must exist even in the midst of war, as otherwise peace could not be concluded, and the hostilities would pass into a war of extermination (*bellum internecinum*). War, however, is only our wretched expedient of asserting a right by force, an expedient adopted in the state of nature, where no court of justice exists which could settle the matter in dispute. In circumstances like these, neither of the two parties can be called an unjust enemy, because this form of speech presupposes a legal decision: the issue of the conflict—just as in the

independent of all foreign authority, nobody has a right to judge them. Either may be in the right; and each of those who grant their assistance may imagine that he is giving his support to the better cause." [Tr.]

case of the so-called judgments of God—decides on which side right is. Between states, however, no punitive war (*bellum punitivum*) is thinkable, because between them a relation of superior and inferior does not exist. Whence it follows that a war of extermination, where the process of annihilation would strike both parties at once and all right as well, would bring about perpetual peace only in the great graveyard of the human race. Such a war then, and therefore also the use of all means which lead to it, must be absolutely forbidden. That the methods just mentioned do inevitably lead to this result is obvious from the fact that these infernal arts, already vile in themselves, on coming into use, are not long confined to the sphere of war. Take, for example, the use of spies (*uti exploratoribus*). Here only the dishonesty of others is made use of; but vices such as these, when once encouraged, cannot in the nature of things be stamped out and would be carried over into the state of peace, where their presence would be utterly destructive to the purpose of that state.

Although the laws stated are, objectively regarded, (*i.e.* in so far as they affect the action of rulers) purely prohibitive laws (*leges prohibitivæ*), some of them (*leges strictæ*) are strictly valid without regard to circumstances and urgently require to be enforced. Such are Nos. 1, 5, 6. Others, again, (like Nos. 2,

3, 4) although not indeed exceptions to the maxims of law, yet in respect of the practical application of these maxims allow subjectively of a certain latitude to suit particular circumstances. The enforcement of these *leges latæ* may be legitimately put off, so long as we do not lose sight of the ends at which they aim. This purpose of reform does not permit of the deferment of an act of restitution (as, for example, the restoration to certain states of freedom of which they have been deprived in the manner described in article 2) to an infinitely distant date—as Augustus used to say, to the "Greek Kalends", a day that will never come. This would be to sanction non-restitution. Delay is permitted only with the intention that restitution should not be made too precipitately and so defeat the purpose we have in view. For the prohibition refers here only to the *mode of acquisition* which is to be no longer valid, and not to the *fact of possession* which, although indeed it has not the necessary title of right, yet at the time of so-called acquisition was held legal by all states, in accordance with the public opinion of the time. *

* It has been hitherto doubted, not without reason, whether there can be laws of permission (*leges permissivæ*) of pure reason as well as commands (*leges præceptivæ*) and prohibitions (*leges prohibitivæ*). For law in general has a basis of objective practical necessity: permission, on the other hand, is based upon the con-

SECOND SECTION

CONTAINING THE DEFINITIVE ARTICLES OF A PERPETUAL PEACE BETWEEN STATES

A state of peace among men who live side by side is not the natural state (*status naturalis*), which

tingency of certain actions in practice. It follows that a law of permission would enforce what cannot be enforced; and this would involve a contradiction, if the object of the law should be the same in both cases. Here, however, in the present case of a law of permission, the presupposed prohibition is aimed merely at the future manner of acquisition of a right—for example, acquisition through inheritance: the exemption from this prohibition (*i.e.* the permission) refers to the present state of possession. In the transition from a state of nature to the civil state, this holding of property can continue as a *bona fide*, if usurpatory, ownership, under the new social conditions, in accordance with a permission of the Law of Nature. Ownership of this kind, as soon as its true nature becomes known, is seen to be mere nominal possession (*possessio putativa*) sanctioned by opinion and customs in a natural state of society. After the transition stage is passed, such modes of acquisition are likewise forbidden in the subsequently evolved civil state: and this power to remain in possession would not be admitted if the supposed acquisition had taken place in the civilized community. It would be bound to come to an end as an injury to the right of others, the moment its illegality became patent.

I have wished here only by the way to draw the attention of teachers of the Law of Nature to the idea of a *lex permissiva* which presents itself spontaneously in any system of rational classification. I do so chiefly because use is often made of this concept in civil law with reference to statutes; with this difference, that the law of prohibition stands alone by itself, while permission is not, as it ought to be, introduced into that law as a limiting clause, but is thrown among the exceptions. Thus "this or that is forbidden",—say, Nos. 1, 2, 3, and so on in an infinite progression,—while permissions are only added to the law incidentally: they are not reached by the application of some principle, but only by

is rather to be described as a state of war: * that is to say, although there is not perhaps always actual open hostility, yet there is a constant threatening that an outbreak may occur. Thus the state of peace must be *established.* † For the mere

groping about among cases which have actually occurred. Were this not so, qualifications would have had to be brought into the formula of laws of prohibition which would have immediately transformed them into laws of permission. Count von Windischgrätz, a man whose wisdom was equal to his discrimination, urged this very point in the form of a question propounded by him for a prize essay. One must therefore regret that this ingenious problem has been so soon neglected and left unsolved. For the possibility of a formula similar to those of mathematics is the sole real test of a legislation that would be consistent. Without this, the so-called *jus certum* will remain forever a mere pious wish: we can have only general laws valid on the whole; no general laws possessing the universal validity which the concept law seems to demand.

* "From this diffidence of one another, there is no way for any man to secure himself, so reasonable, as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his own conservation requireth, and is generally allowed." (Hobbes: *Lev.* I. Ch. XIII.) [Tr.]

† Hobbes thus describes the establishment of the state. "A *commonwealth* is said to be *instituted*, when a *multitude* of men do agree, and *covenant*, *every one*, *with every one*, that to whatsoever *man*, or *assembly of men*, shall be given by the major part, the *right* to *present* the person of them all, that is to say, to be their *representative*; everyone, as well he that *voted for it*, as he that *voted against it*, shall *authorize* all the actions and judgments, of that man, or assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men." (*Lev.* II. Ch. XVIII.)

There is a covenant between them, "as if every man should say to every man, *I authorize and give up my right of governing*

cessation of hostilities is no guarantee of continued peaceful relations, and unless this guarantee is given by every individual to his neighbour—which can only be done in a state of society regulated by law—one man is at liberty to challenge another and treat him as an enemy.*

myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner." (*Lev.* II. Ch. XVII.) [Tr.]

* It is usually accepted that a man may not take hostile steps against any one, unless the latter has already injured him by act. This is quite accurate, if both are citizens of a law-governed state. For, in becoming a member of this community, each gives the other the security he demands against injury, by means of the supreme authority exercising control over them both. The individual, however, (or nation) who remains in a mere state of nature deprives me of this security and does me injury, by mere proximity. There is perhaps no active (*facto*) molestation, but there is a state of lawlessness (*status injustus*) which, by its very existence, offers a continual menace to me. I can therefore compel him, either to enter into relations with me under which we are both subject to law, or to withdraw from my neighbourhood. So that the postulate upon which the following articles are based is:—"All men who have the power to exert a mutual influence upon one another must be under a civil government of some kind."

A legal constitution is, according to the nature of the individuals who compose the state:—

(1) A constitution formed in accordance with the right of citizenship of the individuals who constitute a nation (*jus civitatis*).

(2) A constitution whose principle is international law which determines the relations of states (*jus gentium*).

(3) A constitution formed in accordance with cosmopolitan law, in as far as individuals and states, standing in an external relation of mutual reaction, may be regarded as citizens of one world-state (*jus cosmopoliticum*).

This classification is not an arbitrary one, but is necessary with reference to the idea of perpetual peace. For, if even one of

FIRST DEFINITIVE ARTICLE OF PERPETUAL PEACE

I.—"The civil constitution of each state shall be republican."

The only constitution which has its origin in the idea of the original contract, upon which the lawful legislation of every nation must be based, is the republican. * It is a constitution, in the first place,

these units of society were in a position physically to influence another, while yet remaining a member of a primitive order of society, then a state of war would be joined with these primitive conditions; and from this it is our present purpose to free ourselves.

* Lawful, that is to say, external freedom cannot be defined, as it so often is, as the right [*Befugniss*] "to do whatever one likes, so long as this does not wrong anyone else." [1] For what is this right? It is the possibility of actions which do not lead to the injury of others. So the explanation of a "right" would be something like this:—"Freedom is the possibility of actions which do not injure anyone. A man does not wrong another—whatever his action—if he does not wrong another": which is empty tautology. My external (lawful) freedom is rather to be explained in this way: it is the right through which I require not to obey any external laws except those to which I could have given my consent. In exactly the same way, external (legal) equality in a state is that relation of the subjects in consequence of which no individual can legally bind or oblige another to anything, without at the same time submitting himself to the law which ensures that he can, in his turn, be bound and obliged in like manner by this other.

The principle of lawful independence requires no explanation,

[1] Hobbes' definition of freedom is interesting. See *Lev.* II. Ch. XXI.:—"A FREEMAN, *is he, that in those things, which by his strength and wit he is able to do, is not hindered to do what he has a will to.*" [Tr.]

founded in accordance with the principle of the freedom of the members of society as human beings: secondly, in accordance with the principle of the dependence of all, as subjects, on a common legislation: and, thirdly, in accordance with the law of the equality of the members as citizens. It is then, looking at the question of right, the only constitution whose fundamental principles lie at the basis of every form of civil constitution. And the only question for us now is, whether it is also the one constitution which can lead to perpetual peace.

Now the republican constitution apart from the soundness of its origin, since it arose from the

as it is involved in the general concept of a constitution. The validity of this hereditary and inalienable right, which belongs of necessity to mankind, is affirmed and ennobled by the principle of a lawful relation between man himself and higher beings, if indeed he believes in such beings. This is so, because he thinks of himself, in accordance with these very principles, as a citizen of a transcendental world as well as of the world of sense. For, as far as my freedom goes, I am bound by no obligation even with regard to Divine Laws—which are apprehended by me only through my reason—except in so far as I could have given my assent to them; for it is through the law of freedom of my own reason that I first form for myself a concept of a Divine Will... As for the principle of equality, in so far as it applies to the most sublime being in the universe next to God—a being I might perhaps figure to myself as a mighty emanation of the Divine spirit,—there is no reason why, if I perform my duty in the sphere in which I am placed, as that aeon does in his, the duty of obedience alone should fall to my share, the right to command to him. That this principle of

pure source of the concept of right, has also the prospect of attaining the desired result, namely, perpetual peace. And the reason is this. If, as must be so under this constitution, the consent of the subjects is required to determine whether there shall be war or not, nothing is more natural than that they should weigh the matter well, before undertaking such a bad business. For in decreeing war, they would of necessity be resolving to bring down the miseries of war upon their country. This implies: they must fight themselves; they must hand over the costs of the war out of their own

equality, (unlike the principle of freedom), does not apply to our relation to God is due to the fact that, to this Being alone, the idea of duty does not belong.

As for the right to equality which belongs to all citizens as subjects, the solution of the problem of the admissibility of an hereditary nobility hinges on the following question:—"Does social rank—acknowledged by the state to be higher in the case of one subject than another—stand above desert, or does merit take precedence of social standing?" Now it is obvious that, if high position is combined with good family, it is quite uncertain whether merit, that is to say, skill and fidelity in office, will follow as well. This amounts to granting the favoured individual a commanding position without any question of desert; and to that, the universal will of the people—expressed in an original contract which is the fundamental principle of all right—would never consent. For it does not follow that a nobleman is a man of noble character. In the case of the official nobility, as one might term the rank of higher magistracy—which one must acquire by merit—the social position is not attached like property to the person but to his office, and equality is not thereby disturbed; for, if a man gives up office, he lays down with it his official rank and falls back into the rank of his fellows.

property; they must do their poor best to make good the devastation which it leaves behind; and finally, as a crowning ill, they have to accept a burden of debt which will embitter even peace itself, and which they can never pay off on account of the new wars which are always impending. On the other hand, in a government where the subject is not a citizen holding a vote, (*i. e.* in a constitution which is not republican), the plunging into war is the least serious thing in the world. For the ruler is not a citizen, but the owner of the state, and does not lose a whit by the war, while he goes on enjoying the delights of his table or sport, or of his pleasure palaces and gala days. He can therefore decide on war for the most trifling reasons, as if it were a kind of pleasure party. * Any justification of it that is necessary for the sake of decency he can leave without concern to the diplomatic corps who are always only too ready with their services.

* * *

* Cf. Cowper: *The Winter Morning Walk*:—

"But is it fit, or can it bear the shock
Of rational discussion, that a man,
Compounded and made up like other men
Of elements tumultuous, ...
. . . . . .
Should when he pleases, and on whom he will,
Wage war, with any or with no pretence
Of provocation giv'n or wrong sustain'd,

The following remarks must be made in order that we may not fall into the common error of confusing the republican with the democratic constitution. The forms of the state (*civitas*) * may be classified according to either of two principles of division:—the difference of the persons who hold the supreme authority in the state, and the manner in which the people are governed by their ruler whoever he may be. The first is properly called the form of sovereignty (*forma imperii*), and there can be only three constitutions differing in this respect: where, namely, the supreme authority belongs to only one, to several individuals working together, or to the whole people constituting the civil society. Thus we have autocracy or the sovereignty of a monarch, aristocracy or the sovereignty of the nobility, and democracy or the

> And force the beggarly last doit, by means
> That his own humour dictates, from the clutch
> Of poverty, that thus he may procure
> His thousands, weary of penurious life,
> A splendid opportunity to die?"
> . . . . . .
> . . . . . .
> "He deems a thousand or ten thousand lives
> Spent in the purchase of renown for him,
> An easy reckoning." [Tr.]

* Cf. Hobbes: *On Dominion*, Ch. VII. § 1. "As for the difference of cities, it is taken from the difference of the persons to whom the supreme power is committed. This power is committed either to *one man*, or *council*, or some *one court* consisting of many men." [Tr.]

sovereignty of the people. The second principle of division is the form of government (*forma regiminis*), and refers to the way in which the state makes use of its supreme power: for the manner of government is based on the constitution, itself the act of that universal will which transforms a multitude into a nation. In this respect the form of government is either republican or despotic. Republicanism is the political principle of severing the executive power of the government from the legislature. Despotism is that principle in pursuance of which the state arbitrarily puts into effect laws which it has itself made: consequently it is the administration of the public will, but this is identical with the private will of the ruler. Of these three forms of a state, democracy, in the proper sense of the word, is of necessity despotism, because it establishes an executive power, since all decree regarding—and, if need be, against—any individual who dissents from them. Therefore the "whole people", so-called, who carry their measure are really not all, but only a majority: so that here the universal will is in contradiction with itself and with the principle of freedom.

Every form of government in fact which is not representative is really no true constitution at all, because a law-giver may no more be, in one and the same person, the administrator of his own

will, than the universal major premise of a syllogism may be, at the same time, the subsumption under itself of the particulars contained in the minor premise. And, although the other two constitutions, autocracy and aristocracy, are always defective in so far as they leave the way open for such a form of government, yet there is at least always a possibility in these cases, that they may take the form of a government in accordance with the spirit of a representative system. Thus Frederick the Great used at least to *say* that he was "merely the highest servant of the state. * The democratic constitution, on the other hand, makes this impossible, because under such a government every one wishes to be master. We may therefore say that the smaller the staff of the executive—that is to say, the number of rulers—and the more real, on the other hand, their representation of the people, so much the more is the government of the state in

* The lofty appellations which are often given to a ruler—such as the Lord's Anointed, the Administrator of the Divine Will upon earth and Vicar of God—have been many times censured as flattery gross enough to make one giddy. But it seems to me without cause. Far from making a prince arrogant, names like these must rather make him humble at heart, if he has any intelligence—which we take for granted he has—and reflects that he has undertaken an office which is too great for any human being. For, indeed, it is the holiest which God has on earth—namely, the right of ruling mankind: and he must ever live in fear of injuring this treasure of God in some respect or other.

accordance with a possible republicanism; and it may hope by gradual reforms to raise itself to that standard. For this reason, it is more difficult under an aristocracy than under a monarchy—while under a democracy it is impossible except by a violent revolution—to attain to this, the one perfectly lawful constitution. The kind of government, * however, is of infinitely more importance to the people than the kind of constitution, although the greater or less aptitude of a people for this ideal greatly depends upon such external form. The form of government, however, if it is to be in accordance with the idea of right, must embody the representative system in which alone a republican form of administration is pos-

* Mallet du Pan boasts in his seemingly brilliant but shallow and superficial language that, after many years experience, he has come at last to be convinced of the truth of the well known saying of Pope [*Essay on Man*, III. 303]:—

"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, then, in Swift's phrase, he has cracked a nut to find a worm in it. If it means, however, that the best conducted government is also the best kind of government,—that is, the best form of political constitution,—then it is utterly false: for examples of wise administration are no proof of the kind of government. Who ever ruled better than Titus and Marcus Aurelius, and yet the one left Domitian, the other Commodus, as his successor? This could not have happened where the constitution was a good one, for their absolute unfitness for the position was early enough known, and the power of the emperor was sufficiently great to exclude them.

sible and without which it is despotic and violent, be the constitution what it may. None of the ancient so-called republics were aware of this, and they necessarily slipped into absolute despotism which, of all despotisms, is most endurable under the sovereignty of one individual.

SECOND DEFINITIVE ARTICLE OF PERPETUAL PEACE

II.—"The law of nations shall be founded on a federation of free states."

Nations, as states, may be judged like individuals who, living in the natural state of society—that is to say, uncontrolled by external law—injure one another through their very proximity. * Every state, for the sake of its own security, may—and ought to—demand that its neighbour should submit itself to conditions, similar to those of the civil society where the right of every individual is guaranteed.

* "For as amongst masterless men, there is perpetual war, of every man against his neighbour; no inheritance, to transmit to the son, nor to expect from the father; no propriety of goods, or lands; no security; but a full and absolute liberty in every particular man: so in states, and commonwealths not dependent on one another, every commonwealth, not every man, has an absolute liberty, to do what it shall judge, that is to say, what that man, or assembly that representeth it, shall judge most conducing to their benefit. But withal, they live in the condition of a perpetual war, and upon the confines of battle, with their frontiers armed, and cannons planted against their neighbours round about." (Hobbes: *Leviathan*, II. Ch. XXI.) [Tr.]

This would give rise to a federation of nations which, however, would not have to be a State of nations. * That would involve a contradiction. For the term "state" implies the relation of one who rules to those who obey—that is to say, of lawgiver to the subject people: and many nations in one state would constitute only one nation, which contradicts our hypothesis, since here we have to consider the right of one nation against another, in so far as they are so many separate states and are not to be fused into one.

* But see p. 136, where Kant seems to speak of a State of nations as the ideal. Kant expresses himself, on this point, more clearly in the *Rechtslehre*, Part. II. § 61:—"The natural state of nations," he says here, "like that of individual men, is a condition which must be abandoned, in order that they may enter a state regulated by law. Hence, before this can take place, every right possessed by these nations and every external "mine" and "thine" [*id est*, symbol of possession] which states acquire or preserve through war are merely *provisional*, and can become *peremptorily* valid and constitute a true state of peace only in a universal *union of states*, by a process analogous to that through which a people becomes a state. Since, however, the too great extension of such a State of nations over vast territories must, in the long run, make the government of that union—and therefore the protection of each of its members—impossible, a multitude of such corporations will lead again to a state of war. So that *perpetual peace*, the final goal of international law as a whole, is really an impracticable idea [*eine unausführbare Idee*]. The political principles, however, which are directed towards this end, (that is to say, towards the establishment of such unions of states as may serve as a continual approximation to that ideal), are not impracticable; on the contrary, as this approximation is required by duty and is therefore founded also upon the rights of men and of states, these principles are, without doubt, capable of practical realization." [Tr.]

The attachment of savages to their lawless liberty, the fact that they would rather be at hopeless variance with one another than submit themselves to a legal authority constituted by themselves, that they therefore prefer their senseless freedom to a reason-governed liberty, is regarded by us with profound contempt as barbarism and uncivilisation and the brutal degradation of humanity. So one would think that civilised races, each formed into a state by itself, must come out of such an abandoned condition as soon as they possibly can. On the contrary, however, every state thinks rather that its majesty (the "majesty" of a people is an absurd expression) lies just in the very fact that it is subject to no external legal authority; and the glory of the ruler consists in this, that, without his requiring to expose himself to danger, thousands stand at his command ready to let themselves be sacrificed for a matter of no concern to them.* The difference between the savages of Europe and those of America lies chiefly in this, that, while many tribes of the latter have been entirely devoured by their enemies, Europeans know a better way of using the vanquished than by eating

* A Greek Emperor who magnanimously volunteered to settle by a duel his quarrel with a Bulgarian Prince, got the following answer:—"A smith who has tongs will not pluck the glowing iron from the fire with his hands."

them; and they prefer to increase through them the number of their subjects, and so the number of instruments at their command for still more widely spread war.

The depravity of human nature* shows itself without disguise in the unrestrained relations of nations to each other, while in the law-governed civil state much of this is hidden by the check of government. This being so, it is astonishing that the word "right" has not yet been entirely banished from the politics of war as pedantic, and that no state has yet ventured to publicly advocate this point of view. For Hugo Grotius, Puffendorf, Vattel and others—Job's comforters, all of them—are always quoted in good faith to justify an attack, although their codes, whether couched in philosophical or diplomatic terms, have not—nor can have—the slightest legal force, because states, as such, are under no common external authority; and there is no instance of a state having ever

* "Both sayings are very true: that *man to man is a kind of God;* and that *man to man is an arrant wolf.* The first is true, if we compare citizens amongst themselves; and the second, if we compare cities. In the one, there is some analogy of similitude with the Deity; to wit, justice and charity, the twin sisters of peace. But in the other, good men must defend themselves by taking to them for a sanctuary the two daughters of war, deceit and violence: that is, in plain terms, a mere brutal rapacity." (Hobbes: Epistle Dedicatory to the *Philosophical Rudiments concerning Government and Society.*) [Tr.]

been moved by argument to desist from its purpose, even when this was backed up by the testimony of such great men. This homage which every state renders—in words at least—to the idea of right, proves that, although it may be slumbering, there is, notwithstanding, to be found in man a still higher natural moral capacity by the aid of which he will in time gain the mastery over the evil principle in his nature, the existence of which he is unable to deny. And he hopes the same of others; for otherwise the word "right" would never be uttered by states who wish to wage war, unless to deride it like the Gallic Prince who declared:—"The privilege which nature gives the strong is that the weak must obey them." *

The method by which states prosecute their rights can never be by process of law—as it is where there is an external tribunal—but only by war. Through this means, however, and its favourable issue, victory, the question of right is never decided. A treaty of peace makes, it may be, an end to the war of the moment, but not to the conditions

* "The strongest are still never sufficiently strong to ensure them the continual mastership, unless they find means of transforming force into right, and obedience into duty.

From the right of the strongest, right takes an ironical appearance, and is rarely established as a principle." (*Contrat Social*, I. Ch. III.) [Tr.]

of war which at any time may afford a new pretext for opening hostilities; and this we cannot exactly condemn as unjust, because under these conditions everyone is his own judge. Notwithstanding, not quite the same rule applies to states according to the law of nations as holds good of individuals in a lawless condition according to the law of nature, namely, "that they ought to advance out of this condition." This is so, because, as states, they have already within themselves a legal constitution, and have therefore advanced beyond the stage at which others, in accordance with their ideas of right, can force them to come under a wider legal constitution. Meanwhile, however, reason, from her throne of the supreme law-giving moral power, absolutely condemns war * as a morally lawful proceeding,

* "The natural state," says Hobbes, (*On Dominion*, Ch. VII. § 18) "hath the same proportion to the civil, (I mean, liberty to subjection), which passion hath to reason, or a beast to a man."

Locke speaks thus of man, when he puts himself into the state of war with another:—"having quitted reason, which God hath given to be the rule betwixt man and man, and the common bond whereby human kind is united into one fellowship and society; and having renounced the way of peace which that teaches, and made use of the force of war, to compass his unjust ends upon another, where he has no right; and so revolting from his own kind to that of beasts, by making force, which is theirs, to be his rule of right, he renders himself liable to be destroyed by the injured person, and the rest of mankind that will join with him in the execution of justice, as any other wild beast, or noxious brute, with whom mankind can have neither society nor security." (*Civil Government*, Ch. XV. § 172.) [Tr.]

and makes a state of peace, on the other hand, an immediate duty. Without a compact between the nations, however, this state of peace cannot be established or assured. Hence there must be an alliance of a particular kind which we may call a covenant of peace (*foedus pacificum*), which would differ from a treaty of peace (*pactum pacis*) in this respect, that the latter merely puts an end to one war, while the former would seek to put an end to war for ever. This alliance does not aim at the gain of any power whatsoever of the state, but merely at the preservation and security of the freedom of the state for itself and of other allied states at the same time. * The latter do not, however, require, for this reason, to submit themselves like individuals in the state of nature to public laws and coercion. The practicability or objective reality of this idea of federation which is to extend gradually over all states and so lead to perpetual peace can be shewn. For, if Fortune ordains that a powerful and enlightened people should form a republic,—which by its very nature is inclined to perpetual peace—this would serve as a centre of federal union for other states wishing to join, and thus secure conditions of freedom

* Cf. Rousseau: *Gouvernement de Pologne*, Ch. V. Federate government is "the only one which unites in itself all the advantages of great and small states." [Tr.]

among the states in accordance with the idea of the law of nations. Gradually, through different unions of this kind, the federation would extend further and further.

It is quite comprehensible that a people should say:—"There shall be no war among us, for we shall form ourselves into a state, that is to say, constitute for ourselves a supreme legislative, administrative and judicial power which will settle our disputes peaceably." But if this state says:—"There shall be no war between me and other states, although I recognise no supreme law-giving power which will secure me, my rights and whose rights I will guarantee;" then it is not at all clear upon what grounds I could base my confidence in my right, unless it were the substitute for that compact on which civil society is based—namely, free federation which reason must necessarily connect with the idea of the law of nations, if indeed any meaning is to be left in that concept at all.

There is no intelligible meaning in the idea of the law of nations as giving a right to make war; for that must be a right to decide what is just, not in accordance with universal, external laws limiting the freedom of each individual, but by means of one-sided maxims applied by force. We must then understand by this that men of such ways of thinking are quite justly served, when they

destroy one another, and thus find perpetual peace in the wide grave which covers all the abominations of acts of violence as well as the authors of such deeds. For states, in their relation to one another, there can be, according to reason, no other way of advancing from that lawless condition which unceasing war implies, than by giving up their savage lawless freedom, just as individual men have done, and yielding to the coercion of public laws. Thus they can form a State of nations (*civitas gentium*), one, too, which will be ever increasing and would finally embrace all the peoples of the earth. States, however, in accordance with their understanding of the law of nations, by no means desire this, and therefore reject *in hypothesi* what is correct *in thesi*. Hence, instead of the positive idea of a world-republic, if all is not to be lost, only the negative substitute for it, a federation averting war, maintaining its ground and ever extending over the world may stop the current of this tendency to war and shrinking from the control of law. But even then there will be a constant danger that this propensity may break out. *

* On the conclusion of peace at the end of a war, it might not be unseemly for a nation to appoint a day of humiliation, after the festival of thanksgiving, on which to invoke the mercy of Heaven for the terrible sin which the human race are guilty of, in their continued unwillingness to submit (in their relations with other states) to a law-governed constitution, preferring rather

"Furor impius intus—fremit horridus ore cruento." (Virgil.) *

THIRD DEFINITIVE ARTICLE OF PERPETUAL PEACE

III.—"The rights of men, as citizens of the world, shall be limited to the conditions of universal hospitality."

We are speaking here, as in the previous articles, not of philanthropy, but of right; and in this sphere hospitality signifies the claim of a stranger entering foreign territory to be treated by its owner without hostility. The latter may send him away again, if this can be done without causing his death; but, so long as he conducts himself peaceably, he must not be treated as an enemy. It is not a right to be treated as a guest to which the stranger can lay

in the pride of their independence to use the barbarous method of war, which after all does not really settle what is wanted, namely, the right of each state in a quarrel. The feasts of thanksgiving during a war for a victorious battle, the hymns which are sung—to use the Jewish expression—"to the Lord of Hosts" are not in less strong contrast to the ethical idea of a father of mankind; for, apart from the indifference these customs show to the way in which nations seek to establish their rights—sad enough as it is—these rejoicings bring in an element of exultation that a great number of lives, or at least the happiness of many, has been destroyed.

* Cf. *Aeneidos*, I. 294 *seq.*

"Furor impius intus,
Saeva sedens super arma, et centum vinctus aënis
Post tergum nodis, fremet horridus ore cruento." [Tr.]

claim—a special friendly compact on his behalf would be required to make him for a given time an actual inmate—but he has a right of visitation. This right * to present themselves to society belongs to all mankind in virtue of our common right of possession on the surface of the earth on which, as it is a globe, we cannot be infinitely scattered, and must in the end reconcile ourselves to existence side by side: at the same time, originally no one individual had more right than another to live in any one particular spot. Uninhabitable portions of the surface, ocean and desert, split up the human community, but in such a way that ships and camels —"the ship of the desert"—make it possible for men to come into touch with one another across these unappropriated regions and to take advantage of our common claim to the face of the earth with a view to a possible intercommunication. The inhospitality of the inhabitants of certain sea coasts —as, for example, the coast of Barbary—in plundering ships in neighbouring seas or making slaves of shipwrecked mariners; or the behaviour of the Arab Bedouins in the deserts, who think that

* Cf. Vattel (*op. cit.*, II. ch. IX. § 123):—"The right of passage is also a remnant of the primitive state of communion, in which the entire earth was common to all mankind, and the passage was everywhere free to each individual according to his necessities. Nobody can be entirely deprived of this right." See also above, p, 65, *note*. [Tr.]

proximity to nomadic tribes constitutes a right to rob, is thus contrary to the law of nature. This right to hospitality, however—that is to say, the privilege of strangers arriving on foreign soil—does not amount to more than what is implied in a permission to make an attempt at intercourse with the original inhabitants. In this way far distant territories may enter into peaceful relations with one another. These relations may at last come under the public control of law, and thus the human race may be brought nearer the realisation of a cosmopolitan constitution.

Let us look now, for the sake of comparison, at the inhospitable behaviour of the civilised nations, especially the commercial states of our continent. The injustice which they exhibit on visiting foreign lands and races—this being equivalent in their eyes to conquest—is such as to fill us with horror. America, the negro countries, the Spice Islands, the Cape etc. were, on being discovered, looked upon as countries which belonged to nobody; for the native inhabitants were reckoned as nothing. In Hindustan, under the pretext of intending to establish merely commercial depots, the Europeans introduced foreign troops; and, as a result, the different states of Hindustan were stirred up to far-spreading wars. Oppression of the natives followed, famine, insurrection, perfidy and all

the rest of the litany of evils which can afflict mankind.

China * and Japan (Nipon) which had made an attempt at receiving guests of this kind, have now

* In order to call this great empire by the name which it gives itself—namely, China, not Sina or a word of similar sound—we have only to look at Georgii: *Alphab. Tibet.*, pp. 651—654, particularly *note* b., below. According to the observation of Professor Fischer of St. Petersburg, there is really no particular name which it always goes by: the most usual is the word *Kin*, *i.e.* gold, which the inhabitants of Tibet call *Ser*. Hence the emperor is called the king of gold, *i.e.* the king of the most splendid country in the world. This word *Kin* may probably be *Chin* in the empire itself, but be pronounced *Kin* by the Italian missionaries on account of the gutturals. Thus we see that the country of the Seres, so often mentioned by the Romans, was China: the silk, however, was despatched to Europe across Greater Tibet, probably through Smaller Tibet and Bucharia, through Persia and then on. This leads to many reflections as to the antiquity of this wonderful state, as compared with Hindustan, at the time of its union with Tibet and thence with Japan. On the other hand, the name Sina or Tschina which is said to be given to this land by neighbouring peoples leads to nothing.

Perhaps we can explain the ancient intercourse of Europe with Tibet—a fact at no time widely known—by looking at what Hesychius has preserved on the matter. I refer to the shout, Κονξ Ομπαξ (*Konx Ompax*), the cry of the Hierophants in the Eleusinian mysteries (cf. *Travels of Anacharsis the Younger*, Part V., p. 447, *seq.*). For, according to Georgii *Alph. Tibet.*, the word *Concioa* which bears a striking resemblance to *Konx* means God. *Pah-cio* (*ib.* p. 520) which might easily be pronounced by the Greeks like *pax* means *promulgator legis*, the divine principle permeating nature (called also, on p. 177, *Cencresi*). *Om*, however, which La Croze translates by *benedictus*, *i.e.* blessed, can when applied to the Deity mean nothing but beatified (p. 507). Now P. Franc. Horatius, when he asked the Lhamas of Tibet, as he often did, what they understood by God (*Concioa*) always got the answer:—

taken a prudent step. Only to a single European people, the Dutch, has China given the right of access to her shores (but not of entrance into the country), while Japan has granted both these concessions; but at the same time they exclude the Dutch who enter, as if they were prisoners, from social intercourse with the inhabitants. The worst, or from the standpoint of ethical judgment the best, of all this is that no satisfaction is derived from all this violence, that all these trading companies stand on the verge of ruin, that the Sugar Islands, that seat of the most horrible and delib-

"it is the assembly of all the saints," *i. e.* the assembly of those blessed ones who have been born again according to the faith of the Lama and, after many wanderings in changing forms, have at last returned to God, to Burchane: that is to say, they are beings to be worshipped, souls which have undergone transmigration (p. 223). So the mysterious expression *Konx Ompax* ought probably to mean the holy (*Konx*), blessed, (*Om*) and wise (*Pax*) supreme Being pervading the universe, the personification of nature. Its use in the Greek mysteries probably signified monotheism for the Epoptes, in distinction from the polytheism of the people, although elsewhere P. Horatius scented atheism here. How that mysterious word came by way of Tibet to the Greeks may be explained as above; and, on the other hand, in this way is made probable an early intercourse of Europe with China across Tibet, earlier perhaps than the communication with Hindustan. (There is some difference of opinion as to the meaning of the words κόγξ ὄμπαξ—according to Liddell and Scott, a corruption of κόγξ, ὁμοίως πάξ. Kant's inferences here seem to be more than far-fetched. Lobeck, in his *Aglaophamus* (p. 775), gives a quite different interpretation which has, he says, been approved by scholars. And Whately (*Historic Doubts relative to Napoleon Bonaparte*, 3rd. ed., Postcript) uses Konx Ompax as a pseudonym. [Tr.])

erate slavery, yield no real profit, but only have their use indirectly and for no very praiseworthy object—namely, that of furnishing men to be trained as sailors for the men-of-war and thereby contributing to the carrying on of war in Europe. And this has been done by nations who make a great ado about their piety, and who, while they are quite ready to commit injustice, would like, in their orthodoxy, to be considered among the elect.

The intercourse, more or less close, which has been everywhere steadily increasing between the nations of the earth, has now extended so enormously that a violation of right in one part of the world is felt all over it. Hence the idea of a cosmopolitan right is no fantastical, high-flown notion of right, but a complement of the unwritten code of law—constitutional as well as international law—necessary for the public rights of mankind in general and thus for the realisation of perpetual peace. For only by endeavouring to fulfil the conditions laid down by this cosmopolitan law can we flatter ourselves that we are gradually approaching that ideal.

FIRST SUPPLEMENT

CONCERNING THE GUARANTEE OF PERPETUAL PEACE

THIS guarantee is given by no less a power than the great artist nature (*natura dædala rerum*) in whose mechanical course is clearly exhibited a predetermined design to make harmony spring from human discord, even against the will of man. Now this design, although called Fate when looked upon as the compelling force of a cause, the laws of whose operation are unknown to us, is, when considered as the purpose manifested in the course of nature, called Providence,* as the deep-

* In the mechanical system of nature to which man belongs as a sentient being, there appears, as the underlying ground of its existence, a certain *form* which we cannot make intelligible to ourselves except by thinking into the physical world the idea of an end preconceived by the Author of the universe: this predetermination of nature on the part of God we generally call Divine Providence. In so far as this providence appears in the origin of the universe, we speak of Providence as founder of the world (*providentia conditrix; semel jussit, semper parent.* Augustine). As it maintains the course of nature, however, according to universal laws of adaptation to preconceived ends, [*i.e.* teleological laws] we call it a ruling providence (*providentia gubernatrix*). Further, we name it the guiding providence (*providentia directrix*), as it appears in the world for special ends, which we could not foresee, but suspect only from the result. Finally, regarding particular events

lying wisdom of a Higher Cause, directing itself towards the ultimate practical end of the human race and predetermining the course of things with a view to its realisation. This Providence we do

as divine purposes, we speak no longer of providence, but of dispensation (*directio extraordinaria*). As this term, however, really suggests the idea of miracles, although the events are not spoken of by this name, the desire to fathom dispensation, as such, is a foolish presumption in men. 'For, from one single occurrence, to jump at the conclusion that there is a particular principle of efficient causes and that this event is an end and not merely the natural [*natur-mechanische*] sequence of a design quite unknown to us is absurd and presumptuous, in however pious and humble a spirit we may speak of it. In the same way to distinguish between a universal and a particular providence when regarding it *materialiter*, in its relation to actual objects in the world (to say, for instance, that there may be, indeed, a providence for the preservation of the different species of creation, but that individuals are left to chance) is false and contradictory. For providence is called universal for the very reason that no single thing may be thought of as shut out from its care. Probably the distinction of two kinds of providence, *formaliter* or subjectively considered, had reference to the manner in which its purposes are fulfilled. So that we have ordinary providence (*e.g.* the yearly decay and awakening to new life in nature with change of season) and what we may call unusual or special providence (*e.g.* the bringing of timber by ocean currents to Arctic shores where it does not grow, and where without this aid the inhabitants could not live). Here, although we can quite well explain the physico-mechanical cause of these phenomena —in this case, for example, the banks of the rivers in temperate countries are over-grown with trees, some of which fall into the water and are carried along, probably by the Gulf Stream— we must not overlook the teleological cause which points to the providential care of a ruling wisdom above nature. But the concept, commonly used in the schools of philosophy, of a co-operation on the part of the Deity or a concurrence (*concursus*) in the operations going on in the world of sense, must be dropped. For it is, firstly,

not, it is true, perceive in the cunning contrivances [*Kunstanstalten*] of nature; nor can we even conclude from the fact of their existence that it is there; but, as in every relation between the form of things and their final cause, we can, and must, supply the thought of a Higher Wisdom, in order that we may be able to form an idea of the possible existence of these products after the analogy of human works of art [*Kunsthand-*

self-contradictory to couple the like and the unlike together (*gryphes jungere equis*) and to let Him who is Himself the entire cause of the changes in the universe make good any shortcomings in His own predetermining providence (which to require this must be defective) during the course of the world; for example, to say that the physician has restored the sick with the help of God—that is to say that He has been present as a support. For *causa solitaria non juvat*. God created the physician as well as his means of healing; and we must ascribe the result wholly to Him, if we will go back to the supreme First Cause which, theoretically, is beyond our comprehension. Or we can ascribe the result entirely to the physician, in so far as we follow up this event, as explicable in the chain of physical causes, according to the order of nature. Secondly, moreover, such a way of looking at this question destroys all the fixed principles by which we judge an effect. But, from the ethico-practical point of view which looks entirely to the transcendental side of things, the idea of a divine concurrence is quite proper and even necessary: for example, in the faith that God will make good the imperfection of our human justice, if only our feelings and intentions are sincere; and that He will do this by means beyond our comprehension, and therefore we should not slacken our efforts after what is good. Whence it follows, as a matter of course, that no one must attempt to explain a good action as a mere event in time by this *concursus*; for that would be to pretend a theoretical knowledge of the supersensible and hence be absurd,

lungen]. * The representation to ourselves of the relation and agreement of these formations of nature to the moral purpose for which they were made and which reason directly prescribes to us, is an Idea it is true, which is in theory superfluous; but in practice it is dogmatic, and its objective reality is well established. † Thus we see, for example, with regard to the ideal [*Pflichtbegriff*] of perpetual peace, that it is our duty to make use of the mechanism of nature for the realisation of that end. Moreover, in a case like this where we are interested merely in the theory and not in the religious question, the use of the word "nature" is more appropriate than that of "providence", in view of the limitations of human reason, which, in considering the relation of effects to their causes, must keep within the limits of possible experience. And the term "nature" is also less presumptuous than the other. To speak of a Providence knowable by us would be boldly to put on the wings of Icarus in order to draw near to the mystery of its unfathomable purpose.

Before we determine the surety given by nature more exactly, we must first look at what ultimately makes this guarantee of peace necessary—the

* *Id est*, which we cannot dissever from the idea of a creative skill capable of producing them. [Tr.]

† See preface, p. ix. above.

circumstances in which nature has carefully placed the actors in her great theatre. In the next place, we shall proceed to consider the manner in which she gives this surety.

The provisions she has made are as follow: (1) she has taken care that men *can* live in all parts of the world; (2) she has scattered them by means of war in all directions, even into the most inhospitable regions, so that these too might be populated; (3) by this very means she has forced them to enter into relations more or less controlled by law. It is surely wonderful that, on the cold wastes round the Arctic Ocean, there is always to be found moss for the reindeer to scrape out from under the snow, the reindeer itself either serving as food or to draw the sledge of the Ostiak or Samoyedes. And salt deserts which would otherwise be left unutilised have the camel, which seems as if created for travelling in such lands. This evidence of design in things, however, is still more clear when we come to know that, besides the fur-clad animals of the shores of the Arctic Ocean, there are seals, walruses and whales whose flesh furnishes food and whose oil fire for the dwellers in these regions. But the providential care of nature excites our wonder above all, when we hear of the driftwood which is carried—whence no one knows—to these treeless shores: for without the

aid of this material the natives could neither construct their craft, nor weapons, nor huts for shelter. Here too they have so much to do, making war against wild animals, that they live at peace with one another. But what drove them originally into these regions was probably nothing but war.

Of animals, used by us as instruments of war, the horse was the first which man learned to tame and domesticate during the period of the peopling of the earth; the elephant belongs to the later period of the luxury of states already established. In the same way, the art of cultivating certain grasses called cereals—no longer known to us in their original form—and also the multiplication and improvement, by transplanting and grafting, of the original kinds of fruit—in Europe, probably only two species, the crab-apple and wild pear—could only originate under the conditions accompanying established states where the rights of property are assured. That is to say it would be after man, hitherto existing in lawless liberty, had advanced beyond the occupations of a hunter, * a fisherman

* Of all modes of livelihood the life of the hunter is undoubtedly most incompatible with a civilised condition of society. Because, to live by hunting, families must isolate themselves from their neighbours, soon becoming estranged and spread over widely scattered forests, to be before long on terms of hostility, since each requires a great deal of space to obtain food and raiment. God's command to Noah not to shed blood (I. *Genesis*, IX. 4—6)

or a shepherd to the life of a tiller of the soil, when salt and iron were discovered,—to become, perhaps, the first articles of commerce between different peoples,—and were sought far and near. In this way the peoples would be at first brought into peaceful relation with one another, and so come to an understanding and the enjoyment of friendly intercourse, even with their most distant neighbours.

Now while nature provided that men could live on all parts of the earth, she also at the same time despotically willed that they *should* live everywhere on it, although against their own inclination and even although this imperative did not presuppose an idea of duty which would compel obedience to nature with the force of a moral law. But, to attain this end, she has chosen war. So we see certain peoples, widely separated, whose common

[4. "But flesh with the life thereof, which is the blood thereof, shall ye not eat.

5. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.

6. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man."]

is frequently quoted, and was afterwards—in another connection it is true—made by the baptised Jews a condition to which Christians, newly converted from heathendom, had to conform. Cf. *Acts* XV. 20; XXI. 25. This command seems originally to have been nothing else than a prohibition of the life of the hunter; for here the possibility of eating raw flesh must often occur, and, in forbidding the one custom, we condemn the other.

descent is made evident by affinity in their languages. Thus, for instance, we find the Samoyedes on the Arctic Ocean, and again a people speaking a similar language on the Altai Mts., 200 miles [*Meilen*] * off, between whom has pressed in a mounted tribe, war-like in character and of Mongolian origin, which has driven one branch of the race far from the other, into the most inhospitable regions where their own inclination would certainly not have carried them. † In the same way, through the intrusion of the Gothic and Sarmatian tribes, the Finns in the most northerly regions of Europe, whom we call Laplanders, have been separated by as great a distance from the Hungarians, with whose language their own is allied. And what but war can have brought the Esquimos to the north of America, a race quite distinct from those of that country and probably European adventurers of

* About 1000 English miles.

† The question might be put:—"If it is nature's will that these Arctic shores should not remain unpopulated, what will become of their inhabitants, if, as is to be expected, at some time or other no more driftwood should be brought to them? For we may believe that, with the advance of civilisation, the inhabitants of temperate zones will utilise berter the wood which grows on the banks of their rivers, and not let it fall into the stream and so be swept away." I answer: the inhabitants of the shores of the River Obi, the Yenisei, the Lena will supply them with it through trade, and take in exchange the animal produce in which the seas of Arctic shores are so rich—that is, if nature has first of all brought about peace among them.

prehistoric times? And war too, nature's method of populating the earth, must have driven the Pescherais * in South America as far as Patagonia. War itself, however, is in need of no special stimulating cause, but seems engrafted in human nature, and is even regarded as something noble in itself to which man is inspired by the love of glory apart from motives of self-interest. Hence, among the savages of America as well as those of Europe in the age of chivalry, martial courage is looked upon as of great value in itself, not merely when a war is going on, as is reasonable enough, but in order that there should be war: and thus war is often entered upon merely to exhibit this quality. So that an intrinsic dignity is held to attach to war in itself, and even philosophers eulogise it as an ennobling, refining influence on humanity, unmindful of the Greek proverb, "War is evil, in so far as it makes more bad people than it takes away."

So much, then, of what nature does for her own ends with regard to the human race as members of the animal world. Now comes the question which touches the essential points in this design of a perpetual peace:—"What does nature do in this respect with reference to the end which man's own

* Cf. *Enc. Brit.* (9th ed.), art. "Indians", in which there is an allusion to "Fuegians, the *Pescherais*" of some writers. [Tr.]

reason sets before him as a duty? and consequently what does she do to further the realisation of his moral purpose? How does she guarantee that what man, by the laws of freedom, ought to do and yet fails to do, he will do, without any infringement of his freedom by the compulsion of nature and that, moreover, this shall be done in accordance with the three forms of public right—constitutional or political law, international law and cosmopolitan law?" When I say of nature that she *wills* that this or that should take place, I do not mean that she imposes upon us the duty to do it—for only the free, unrestrained, practical reason can do that—but that she does it herself, whether we will or not. "*Fata volentem ducunt, nolentem trahunt.*"

1. Even if a people were not compelled through internal discord to submit to the restraint of public laws, war would bring this about, working from without. For, according to the contrivance of nature which we have mentioned, every people finds another tribe in its neighbourhood, pressing upon it in such a manner that it is compelled to form itself internally into a state to be able to defend itself as a power should. Now the republican constitution is the only one which is perfectly adapted to the rights of man, but it is also the most difficult to establish and still more to maintain. So generally is this recognised that people

often say the members of a republican state would require to be angels, * because men, with their self-seeking propensities, are not fit for a constitution of so sublime a form But now nature comes to the aid of the universal, reason-derived will which, much as we honour it, is in practice powerless. And this she does, by means of these very self-seeking propensities, so that it only depends—and so much lies within the power of man—on a good organisation of the state for their forces to be so pitted against one another, that the one may check the destructive activity of the other or neutralise its effect. And hence, from the standpoint of reason, the result will be the same as if both forces did not exist, and each individual is compelled to be, if not a morally good man, yet at least a good citizen. The problem of the formation of the state, hard as it may sound, is not insoluble, even for a

* Rousseau uses these terms in speaking of democracy. (*Cont. Soc.*, III. Ch. 4.) "If there were a nation of Gods, they might be governed by a democracy: but so perfect a government will not agree with men."

But he writes elsewhere of republican governments (*op. cit.*, II. Ch. 6.):—"All lawful governments are republican." And in a footnote to this passage:—"I do not by the word 'republic' mean an aristocracy or democracy only, but in general all governments directed by the public will which is the law. If a government is to be lawful, it must not be confused with the sovereign power, but be considered as the administrator of that power: and then monarchy itself is a republic." This language has a close affinity with that used by Kant. (Cf. above, p. 126.) [Tr.]

race of devils, granted that they have intelligence. It may be put thus:—"Given a multitude of rational beings who, in a body, require general laws for their own preservation, but each of whom, as an individual, is secretly inclined to exempt himself from this restraint: how are we to order their affairs and how establish for them a constitution such that, although their private dispositions may be really antagonistic, they may yet so act as a check upon one another, that, in their public relations, the effect is the same as if they had no such evil sentiments." Such a problem must be capable of solution. For it deals, not with the moral reformation of mankind, but only with the mechanism of nature; and the problem is to learn how this mechanism of nature can be applied to men, in order so to regulate the antagonism of conflicting interests in a people that they may even compel one another to submit to compulsory laws and thus necessarily bring about the state of peace in which laws have force. We can see, in states actually existing, although very imperfectly organised, that, in externals, they already approximate very nearly to what the Idea of right prescribes, although the principle of morality is certainly not the cause. A good political constitution, however, is not to be expected as a result of progress in morality; but rather, conversely, the good moral condition of a nation is to be looked for, as one of

the first fruits of such a constitution. Hence the mechanism of nature, working through the self-seeking propensities of man (which of course counteract one another in their external effects), may be used by reason as a means of making way for the realisation of her own purpose, the empire of right, and, as far as is in the power of the state, to promote and secure in this way internal as well as external peace. We may say, then, that it is the irresistible will of nature that right shall at last get the supremacy. What one here fails to do will be accomplished in the long run, although perhaps with much inconvenience to us. As Bouterwek says, "If you bend the reed too much it breaks: he who would do too much does nothing."

2. The idea of international law presupposes the separate existence of a number of neighbouring and independent states; and, although such a condition of things is in itself already a state of war, (if a federative union of these nations does not prevent the outbreak of hostilities) yet, according to the Idea of reason, this is better than that all the states should be merged into one under a power which has gained the ascendency over its neighbours and gradually become a universal monarchy.* For the wider the sphere of their jurisdic-

* See above, p. 69, *note*, esp. reference to *Theory of Ethics*. [Tr.]

tion, the more laws lose in force; and soulless despotism, when it has choked the seeds of good, at last sinks into anarchy. Nevertheless it is the desire of every state, or of its ruler, to attain to a permanent condition of peace in this very way; that is to say, by subjecting the whole world as far as possible to its sway. But nature wills it otherwise. She employs two means to separate nations, and prevent them from intermixing: namely, the differences of language and of religion.* These differences bring with them a tendency to mutual hatred, and furnish pretexts for waging war. But, none the less, with the growth of culture and the gradual advance of men to greater unanimity of principle, they lead to concord in a state of peace which, unlike the despotism we have spoken of, (the churchyard of freedom) does not arise from the weakening of all forces, but is brought into being and secured through the equilibrium of these forces in their most active rivalry.

* Difference of religion! A strange expression, as if one were to speak of different kinds of morality. There may indeed be different historical forms of belief,—that is to say, the various means which have been used in the course of time to promote religion,—but they are mere subjects of learned investigation, and do not really lie within the sphere of religion. In the same way there are many religious works—the *Zendavesta*, *Veda*, *Koran* etc.—but there is only one religion, binding for all men and for all times. These books are each no more than the accidental mouthpiece of religion, and may be different according to differences in time and place.

3. As nature wisely separates nations which the will of each state, sanctioned even by the principles of international law, would gladly unite under its own sway by stratagem or force; in the same way, on the other hand, she unites nations whom the principle of a cosmopolitan right would not have secured against violence and war. And this union she brings about through an appeal to their mutual interests. The commercial spirit cannot co-exist with war, and sooner or later it takes possession of every nation. For, of all the forces which lie at the command of a state, the power of money is probably the most reliable. Hence states find themselves compelled —not, it is true, exactly from motives of morality— to further the noble end of peace and to avert war, by means of mediation, wherever it threatens to break out, just as if they had made a permanent league for this purpose. For great alliances with a view to war can, from the nature of things, only very rarely occur, and still more seldom succeed.

In this way nature guarantees the coming of perpetual peace, through the natural course of human propensities: not indeed with sufficient certainty to enable us to prophesy the future of this ideal theoretically, but yet clearly enough for practical purposes. And thus this guarantee of nature makes it a duty that we should labour for this end, an end which is no mere chimera.

SECOND SUPPLEMENT

A SECRET ARTICLE FOR PERPETUAL PEACE

A SECRET article in negotiations concerning public right is, when looked at objectively or with regard to the meaning of the term, a contradiction. When we view it, however, from the subjective standpoint, with regard to the character and condition of the person who dictates it, we see that it might quite well involve some private consideration, so that he would regard it as hazardous to his dignity to acknowledge such an article as originating from him.

The only article of this kind is contained in the following proposition:—"The opinions of philosophers, with regard to the conditions of the possibility of a public peace, shall be taken into consideration by states armed for war."

It seems, however, to be derogatory to the dignity of the legislative authority of a state—to which we must of course attribute all wisdom—to ask advice from subjects (among whom stand philosophers) about the rules of its behaviour to other states. At the same time, it is very advisable that this should be done. Hence the state will silently invite suggestion for this purpose, while at the same time keeping the fact secret. This amounts to

saying that the state will allow philosophers to discuss freely and publicly the universal principles governing the conduct of war and establishment of peace; for they will do this of their own accord, if no prohibition is laid upon them. * The arrangement between states, on this point, does not require that a special agreement should be made, merely for this purpose; for it is already involved in the obligation imposed by the universal reason of man which gives the moral law. We would not be understood to say that the state must give a preference to the principles of the philosopher, rather than to the opinions of the jurist, the representative of state authority; but only that he should be heard. The latter, who has chosen for a symbol the scales of right and the sword of justice, † generally uses that sword not merely to keep off all outside influences from the scales; for, when one pan of the balance will not go down, he throws his sword into it; and then *Væ victis!* The jurist, not being

* Montesquieu speaks thus in praise of the English state:—"As the enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts and to lay open his sentiments, a citizen in this state will say or write whatever the laws do not expressly forbid to be said or written." (*Esprit des Lois*, XIX. Ch. 27.) Hobbes is opposed to all free discussion of political questions and to freedom as a source of danger to the state. [Tr.]

† Kant is thinking here not of the sword of justice, in the moral sense, but of a sword which is symbolical of the executive power of the actual law. [Tr.]

a moral philosopher, is under the greatest temptation to do this, because it is his business only to apply existing laws and not to investigate whether these are not themselves in need of improvement; and this actually lower function of his profession he looks upon as the nobler, because it is linked to power (as is the case also in both the other faculties, theology and medicine). Philosophy occupies a very low position compared with this combined power. So that it is said, for example, that she is the handmaid of theology; and the same has been said of her position with regard to law and medicine. It is not quite clear, however, "whether she bears the torch before these gracious ladies, or carries the train."

That kings should philosophise, or philosophers become kings, is not to be expected. But neither is it to be desired; for the possession of power is inevitably fatal to the free exercise of reason. But it is absolutely indispensable, for their enlightenment as to the full significance of their vocations, that both kings and sovereign nations, which rule themselves in accordance with laws of equality, should not allow the class of philosophers to disappear, nor forbid the expression of their opinions, but should allow them to speak openly. And since this class of men, by their very nature, are incapable of instigating rebellion or forming unions for purposes of political agitation, they should not be suspected of propagandism.

APPENDIX I

ON THE DISAGREEMENT BETWEEN MORALS AND POLITICS WITH REFERENCE TO PERPETUAL PEACE

In an objective sense, morals is a practical science, as the sum of laws exacting unconditional obedience, in accordance with which we *ought* to act. Now, once we have admitted the authority of this idea of duty, it is evidently inconsistent that we should think of saying that we *cannot* act thus. For, in this case, the idea of duty falls to the ground of itself; "*ultra posse nemo obligatur.*" Hence there can be no quarrel between politics, as the practical science of right, and morals, which is also a science of right, but theoretical. That is, theory cannot come into conflict with practice. For, in that case, we would need to understand under the term "ethics" or "morals" a universal doctrine of expediency, or, in other words, a theory of precepts which may guide us in choosing the best means for attaining ends calculated for our advantage. This is to deny that a science of morals exists.

Politics says, "Be wise as serpents"; morals adds the limiting condition, "and guileless as doves." If these precepts cannot stand together in one command, then there is a real quarrel between politics and morals. * But if they can be completely brought into accord, then the idea of any antagonism between them is absurd, and the question of how best to make a compromise between the two points of view ceases to be even raised. Although the saying, "Honesty is the best policy,"

* Cf. Aristotle: *Politics*, (Welldon's trans.) IV. Ch. XIV. "The same principles of morality are best both for individuals and States."

Among the ancients the connection between politics and morals was never questioned, although there were differences of opinion as to which science stood first in importance. Thus, while Plato put politics second to morals, Aristotle regarded politics as the chief science and ethics as a part of politics. This connection between the sciences was denied by Machiavelli, who lays down the dictum that, in the relations of sovereigns and states, the ordinary rules of morality do not apply. See *The Prince*, Ch. XVIII. "A Prince," he says, "and most of all a new Prince, cannot observe all those rules of conduct in respect of which men are accounted good, being frequently obliged, in order to preserve his Princedom, to act in opposition to good faith, charity, humanity, and religion. He must therefore keep his mind ready to shift as the winds and tides of Fortune turn, and, as I have already said, he ought not to quit good courses if he can help it, but should know how to follow evil courses if he must."

Hume thought that laxer principles might be allowed to govern states than private persons, because intercourse between them was not so "necessary and advantageous" as between individuals. "There is a system of morals," he says, "calculated for princes, much more free than that which ought to govern private persons." (*Treatise*, III., Part. II., Sect. IX.) [Tr.]

expresses a theory which, alas, is often contradicted in practice, yet the likewise theoretical maxim, "Honesty is better than any policy," is exalted high above every possible objection, is indeed the necessary condition of all politics.

The Terminus of morals does not yield to Jupiter, the Terminus of force; for the latter remains beneath the sway of Fate. In other words, reason is not sufficiently enlightened to survey the series of predetermining causes which would make it possible for us to predict with certainty the good or bad results of human action, as they follow from the mechanical laws of nature; although we may hope that things will turn out as we should desire. But what we have to do, in order to remain in the path of duty guided by the rules of wisdom, reason makes everywhere perfectly clear, and does this for the purpose of furthering her ultimate ends.

The practical man, however, for whom morals is mere theory, even while admitting that what ought to be can be, bases his dreary verdict against our well-meant hopes really on this: he pretends that he can foresee from his observation of human nature, that men will never be willing to do what is required in order to bring about the wished-for results leading to perpetual peace. It is true that the will of all individual men to live under a legal constitution according to the principles of liberty—

that is to say, the distributive unity of the wills of all—is not sufficient to attain this end. We must have the collective unity of their united will: all as a body must determine these new conditions. The solution of this difficult problem is required in order that civil society should be a whole. To all this diversity of individual wills there must come a uniting cause, in order to produce a common will which no distributive will is able to give. Hence, in the practical realisation of that idea, no other beginning of a law-governed society can be counted upon than one that is brought about by force: upon this force, too, public law afterwards rests. This state of things certainly prepares us to meet considerable deviation in actual experience from the theoretical idea of perpetual peace, since we cannot take into account the moral character and disposition of a law-giver in this connection, or expect that, after he has united a wild multitude into one people, he will leave it to them to bring about a legal constitution by their common will.

It amounts to this. Any ruler who has once got the power in his hands will not let the people dictate laws for him. A state which enjoys an independence of the control of external law will not submit to the judgment of the tribunals of other states, when it has to consider how to obtain

its rights against them. And even a continent, when it feels its superiority to another, whether this be in its way or not, will not fail to take advantage of an opportunity offered of strengthening its power by the spoliation or even conquest of this territory. Hence all theoretical schemes, connected with constitutional, international or cosmopolitan law, crumble away into empty impracticable ideals. While, on the other hand, a practical science, based on the empirical principles of human nature, which does not disdain to model its maxims on an observation of actual life, can alone hope to find a sure foundation on which to build up a system of national policy.

Now certainly, if there is neither freedom nor a moral law founded upon it, and every actual or possible event happens in the mere mechanical course of nature, then politics, as the art of making use of this physical necessity in things for the government of men, is the whole of practical wisdom and the idea of right is an empty concept. If, on the other hand, we find that this idea of right is necessarily to be conjoined with politics and even to be raised to the position of a limiting condition of that science, then the possibility of reconciling them must be admitted. I can thus imagine a moral politician, that is to say, one who understands the principles of statesmanship to be such as do not

conflict with morals; but I cannot conceive of a political moralist who fashions for himself such a system of ethics as may serve the interest of statesmen.

The moral politician will always act upon the following principle:—"If certain defects which could not have been avoided are found in the political constitution or foreign relations of a state, it is a duty for all, especially for the rulers of the state, to apply their whole energy to correcting them as soon as possible, and to bringing the constitution and political relations on these points into conformity with the Law of Nature, as it is held up as a model before us in the idea of reason; and this they should do even at a sacrifice of their own interest." Now it is contrary to all politics—which is, in this particular, in agreement with morals—to dissever any of the links binding citizens together in the state or nations in cosmopolitan union, before a better constitution is there to take the place of what has been thus destroyed. And hence it would be absurd indeed to demand that every imperfection in political matters must be violently altered on the spot. But, at the same time, it may be required of a ruler at least that he should earnestly keep the maxim in mind which points to the necessity of such a change; so that he may go on constantly approaching the end to be realised,

namely, the best possible constitution according to the laws of right. Even although it is still under despotic rule, in accordance with its constitution as then existing, a state may govern itself on republican lines, until the people gradually become capable of being influenced by the mere idea of the authority of law, just as if it had physical power. And they become accordingly capable of self-legislation, their faculty for which is founded on original right. But if, through the violence of revolution, the product of a bad government, a constitution more in accord with the spirit of law were attained even by unlawful means, it should no longer be held justifiable to bring the people back to the old constitution, although, while the revolution was going on, every one who took part in it by use of force or stratagem, may have been justly punished as a rebel. As regards the external relations of nations, a state cannot be asked to give up its constitution, even although that be a despotism (which is, at the same time, the strongest constitution where foreign enemies are concerned), so long as it runs the risk of being immediately swallowed up by other states. Hence, when such a proposal is made, the state whose constitution is in question must at least be allowed to defer acting upon it until a more convenient time. *

* These are *permissive* laws of reason which allow us to leave a system of public law, when it is tainted by injustice, to remain

It is always possible that moralists who rule despotically, and are at a loss in practical matters, will come into collision with the rules of political wisdom in many ways, by adopting measures without sufficient deliberation which show themselves afterwards to have been overestimated. When they thus offend against nature, experience must gradually lead them into a better track. But, instead of this being the case, politicians who are fond of moralising do all they can to make moral improvement impossible and to perpetuate violations of law, by extenuating political principles which are antagonistic to the idea of right, on the pretext that human nature is not capable of good, in the sense of the ideal which reason prescribes.

These politicians, instead of adopting an open, straightforward way of doing things (as they boast), mix themselves up in intrigue. They get at the

just as it is, until everything is entirely revolutionised through an internal development, either spontaneous, or fostered and matured by peaceful influences. For any legal constitution whatsoever, even although it conforms only slightly with the spirit of law is better than none at all—that is to say, anarchy, which is the fate of a precipitate reform. Hence, as things now are, the wise politician will look upon it as his duty to make reforms on the lines marked out by the ideal of public law. He will not use revolutions, when these have been brought about by natural causes, to extenuate still greater oppression than caused them, but will regard them as the voice of nature, calling upon him to make such thorough reforms as will bring about the only lasting constitution, a lawful constitution based on the principles of freedom.

authorities in power and say what will please them; their sole bent is to sacrifice the nation, or even, if they can, the whole world, with the one end in view that their own private interest may be forwarded. This is the manner of regular jurists (I mean the journeyman lawyer not the legislator), when they aspire to politics. For, as it is not their business to reason too nicely over legislation, but only to enforce the laws of the country, every legal constitution in its existing form and, when this is changed by the proper authorities, the one which takes its place, will always seem to them the best possible. And the consequence is that everything is purely mechanical. But this adroitness in suiting themselves to any circumstances may lead them to the delusion that they are also capable of giving an opinion about the principles of political constitutions in general, in so far as they conform to ideas of right, and are therefore not empirical, but *a priori*. And they may therefore brag about their knowledge of men,—which indeed one expects to find, since they have to deal with so many—without really knowing the nature of man and what can be made of it, to gain which knowledge a higher standpoint of anthropological observation than theirs is required. Filled with ideas of this kind, if they trespass outside their own sphere on the boundaries of political and international law,

looked upon as ideals which reason holds before us, they can do so only in the spirit of chicanery. For they will follow their usual method of making everything conform mechanically to compulsory laws despotically made and enforced, even here, where the ideas of reason recognise the validity of a legal compulsory force, only when it is in accordance with the principles of freedom through which a permanently valid constitution becomes first of all possible. The would-be practical man, leaving out of account this idea of reason, thinks that he can solve this problem empirically by looking to the way in which those constitutions which have best survived the test of time were established, even although the spirit of these may have been generally contrary to the idea of right. The principles which he makes use of here, although indeed he does not make them public, amount pretty much to the following sophistical maxims.

1. Fac et excusa. Seize the most favourable opportunity for arbitrary usurpation—either of the authority of the state over its own people or over a neighbouring people; the justification of the act and extenuation of the use of force will come much more easily and gracefully, when the deed is done, than if one has to think out convincing reasons for taking this step and first hear through all the objections which can be made against it. This is

especially true in the first case mentioned, where the supreme power in the state also controls the legislature which we must obey without any reasoning about it. Besides, this show of audacity in a statesman even lends him a certain semblance of inward conviction of the justice of his action; and once he has got so far the god of success *(bonus eventus)* is his best advocate.

2. **Si fecisti, nega.** As for any crime you have committed, such as has, for instance, brought your people to despair and thence to insurrection, deny that it has happened owing to any fault of yours. Say rather that it is all caused by the insubordination of your subjects, or, in the case of your having usurped a neighbouring state, that human nature is to blame; for, if a man is not ready to use force and steal a march upon his neighbour, he may certainly count on the latter forestalling him and taking him prisoner.

3. **Divide et impera.** That is to say, if there are certain privileged persons, holding authority among the people, who have merely chosen you for their sovereign as *primus inter pares*, bring about a quarrel among them, and make mischief between them and the people. Now back up the people with a dazzling promise of greater freedom; everything will now depend unconditionally on your will. Or again, if there is a difficulty with

foreign states, then to stir up dissension among them is a pretty sure means of subjecting first one and then the other to your sway, under the pretext of aiding the weaker.

It is true that nowadays no body is taken in by these political maxims, for they are all familiar to everyone. Moreover, there is no need of being ashamed of them, as if their injustice were too patent. For the great Powers never feel shame before the judgment of the common herd, but only before one another; so that as far as this matter goes, it is not the revelation of these guiding principles of policy that can make rulers ashamed, but only the unsuccessful use of them. For as to the morality of these maxims, politicians are all agreed. Hence there is always left political prestige on which they can safely count; and this means the glory of increasing their power by any means that offer. *

* * *

In all these twistings and turnings of an immoral doctrine of expediency which aims at substituting a state of peace for the warlike conditions in which men are placed by nature, so much at least is clear;—that men cannot get away from

* It is still sometimes denied that we find, in members of a civilised community, a certain depravity rooted in the nature of

the idea of right in their private any more than in their public relations; and that they do not dare (this is indeed most strikingly seen in the concept of an international law) to base politics

man;[1] and it might, indeed, be alleged with some show of truth that not an innate corruptness in human nature, but the barbarism of men, the defect of a not yet sufficiently developed culture, is the cause of the evident antipathy to law which their attitude indicates. In the external relations of states, however, human wickedness shows itself incontestably, without any attempt at concealment. Within the state, it is covered over by the compelling authority of civil laws. For, working against the tendency every citizen has to commit acts of violence against his neighbour, there is the much stronger force of the government which not only gives an appearance of morality to the whole state (*causae non causae*), but, by checking the outbreak of lawless propensities, actually aids the moral qualities of men considerably, in their development of a direct respect for the law. For every individual thinks that he himself would hold the idea of right sacred and follow faithfully what it prescribes, if only he could expect that everyone else would do the same. This guarantee is in part given to him by the government; and a great advance is made

[1] This depravity of human nature is denied by Rousseau, who held that the mind of man was naturally inclined to virtue, and that good civil and social institutions are all that is required. (*Discourse on the Sciences and Arts*, 1750.) Kant here takes sides with Hobbes against Rousseau. See Kant's *Theory of Ethics*, Abbott's trans. (4th ed., 1889), p. 339 *seq.*—esp. p. 341 and *note*. Cf. also Hooker's *Ecclesiastical Polity*, I. § 10:—"Laws politic, ordained for external order and regiment amongst men, are never framed as they should be, unless presuming the will of man to be inwardly obstinate, rebellious, and averse from all obedience to the sacred laws of his nature; in a word, unless presuming man to be, in regard of his depraved mind, little better than a wild beast, they do accordingly provide, notwithstanding, so to frame his outward actions, that they be no hindrance unto the common good, for which societies are instituted." [Tr.]

merely on the manipulations of expediency and therefore to refuse all obedience to the idea of a public right. On the contrary, they pay all fitting honour to the idea of right in itself, even although they should, at the same time, devise a hundred subterfuges and excuses to avoid it in practice, and should regard force, backed up by cunning, as having the authority which comes from being the source and unifying principle of all right. It will be well to put an end to this sophistry, if not to the injustice it extenuates, and to bring the false advocates of the mighty of the earth to confess that it is not right but might in whose interest they speak, and that it is the worship of might from which they take their cue, as if in this matter they had a right to command. In order to do this, we must first expose the delusion by which they deceive them-

by this step which is not deliberately moral, towards the ideal of fidelity to the concept of duty for its own sake without thought of return. As, however, every man's good opinion of himself presupposes an evil disposition in everyone else, we have an expression of their mutual judgment of one another, namely, that when it comes to hard facts, none of them are worth much; but whence this judgment comes remains unexplained, as we cannot lay the blame on the nature of man, since he is a being in the possession of freedom. The respect for the idea of right, of which it is absolutely impossible for man to divest himself, sanctions in the most solemn manner the theory of our power to conform to its dictates. And hence every man sees himself obliged to act in accordance with what the idea of right prescribes, whether his neighbours fulfil their obligation or not.

selves and others; then discover the ultimate principle from which their plans for a perpetual peace proceed; and thence show that all the evil which stands in the way of the realisation of that ideal springs from the fact that the political moralist begins where the moral politician rightly ends and that, by subordinating principles to an end or putting the cart before the horse, he defeats his intention of bringing politics into harmony with morals.

In order to make practical philosophy consistent with itself, we must first decide the following question:—In dealing with the problems of practical reason must we begin from its material principle—the end as the object of free choice—or from its formal principle which is based merely on freedom in its external relation?—from which comes the following law:—"Act so that thou canst will that thy maxim should be a universal law, be the end of thy action what it will." *

Without doubt, the latter determining principle of action must stand first; for, as a principle of right, it carries unconditional necessity with it, whereas the former is obligatory only if we assume the empirical conditions of the end set before us,—that is to say, that it is an end capable of being

* With regard to the meaning of the moral law and its significance in the Kantian system of ethics, see Abbott's translation of the *Theory of Ethics* (1889), pp. 38, 45, 54, 55, 119, 282. [Tr.]

practically realised. And if this end—as, for example, the end of perpetual peace—should be also a duty, this same duty must necessarily have been deduced from the formal principle governing the maxims which guide external action. Now the first principle is the principle of the political moralist; the problems of constitutional, international and cosmopolitan law are mere technical problems (*problema technicum*). The second or formal principle, on the other hand, as the principle of the moral politician who regards it as a moral problem (*problema morale*), differs widely from the other principle in its methods of bringing about perpetual peace, which we desire not only as a material good, but also as a state of things resulting from our recognition of the precepts of duty. *

To solve the first problem—that, namely, of political expediency—much knowledge of nature is required, that her mechanical laws may be employed for the end in view. And yet the result of all knowledge of this kind is uncertain, as far as perpetual peace is concerned. This we find to be so, whichever of the three departments of public law we take. It is uncertain whether a people could be better kept in obedience and at the same time prosperity by severity or by baits held out to their

* See Abbott's trans., pp. 33, 34. [Tr.]

vanity; whether they would be better governed under the sovereignty of a single individual or by the authority of several acting together; whether the combined authority might be better secured merely, say, by an official nobility or by the power of the people within the state; and, finally, whether such conditions could be long maintained. There are examples to the contrary in history in the case of all forms of government, with the exception of the only true republican constitution, the idea of which can occur only to a moral politician. Still more uncertain is a law of nations, ostensibly established upon statutes devised by ministers; for this amounts in fact to mere empty words, and rests on treaties which, in the very act of ratification, contain a secret reservation of the right to violate them. On the other hand, the solution of the second problem—the problem of political wisdom—forces itself, we may say, upon us; it is quite obvious to every one, and puts all crooked dealings to shame; it leads, too, straight to the desired end, while at the same time, discretion warns us not to drag in the conditions of perpetual peace by force, but to take time and approach this ideal gradually as favourable circumstances permit.

This may be expressed in the following maxim:—"Seek ye first the kingdom of pure practical reason and its righteousness, and the object of your en-

deavour, the blessing of perpetual peace, will be added unto you." For the science of morals generally has this peculiarity,—and it has it also with regard to the moral principles of public law, and therefore with regard to a science of politics knowable *a priori*,—that the less it makes a man's conduct depend on the end he has set before him, his purposed material or moral gain, so much the more, nevertheless, does it conform in general to this end. The reason for this is that it is just the universal will, given *a priori*, which exists in a people or in the relation of different peoples to one another, that alone determines what is lawful among men. This union of individual wills, however, if we proceed consistently in practice, in observance of the mechanical laws of nature, may be at the same time the cause of bringing about the result intended and practically realizing the idea of right. Hence it is, for example, a principle of moral politics that a people should unite into a state according to the only valid concepts of right, the ideas of freedom and equality; and this principle is not based on expediency, but upon duty. Political moralists, however, do not deserve a hearing, much and sophistically as they may reason about the existence, in a multitude of men forming a society, of certain natural tendencies which would weaken those principles and defeat their intention. They

may endeavour to prove their assertion by giving instances of badly organised constitutions, chosen both from ancient and modern times, (as, for example, democracies without a representative system); but such arguments are to be treated with contempt, all the more, because a pernicious theory of this kind may perhaps even bring about the evil which it prophesies. For, in accordance with such reasoning, man is thrown into a class with all other living machines which only require the consciousness that they are not free creatures to make them in their own judgment the most miserable of all beings.

Fiat justitia, pereat mundus. This saying has become proverbial, and although it savours a little of boastfulness, is also true. We may translate it thus:—"Let justice rule on earth, although all the rogues in the world should go to the bottom." It is a good, honest principle of right cutting off all the crooked ways made by knavery or violence. It must not, however, be misunderstood as allowing anyone to exercise his own rights with the utmost severity, a course in contradiction to our moral duty; but we must take it to signify an obligation, binding upon rulers, to refrain from refusing to yield anyone his rights or from curtailing them, out of personal feeling or sympathy for others. For this end, in particular, we require, firstly, that a state

should have an internal political constitution, established according to the pure principles of right; secondly, that a union should be formed between this state and neighbouring or distant nations for a legal settlement of their differences, after the analogy of the universal state. This proposition means nothing more than this:—Political maxims must not start from the idea of a prosperity and happiness which are to be expected from observance of such precepts in every state; that is, not from the end which each nation makes the object of its will as the highest empirical principle of political wisdom; but they must set out from the pure concept of the duty of right, from the "*ought*" whose principle is given *a priori* through pure reason. This is the law, whatever the material consequences may be. The world will certainly not perish by any means, because the number of wicked people in it is becoming fewer. The morally bad has one peculiarity, inseparable from its nature;—in its purposes, especially in relation to other evil influences, it is in contradiction with itself, and counteracts its own natural effect, and thus makes room for the moral principle of good, although advance in this direction may be slow.

Hence objectively, in theory, there is no quarrel between morals and politics. But subjectively, in the self-seeking tendencies of men (which we cannot

actually call their morality, as we would a course of action based on maxims of reason,) this disagreement in principle exists and may always survive; for it serves as a whetstone to virtue. According to the principle, *Tu ne cede malis, sed contra audentior ito*, the true courage of virtue in the present case lies not so much in facing the evils and self-sacrifices which must be met here as in firmly confronting the evil principle in our own nature and conquering its wiles. For this is a principle far more dangerous, false, treacherous and sophistical which puts forward the weakness in human nature as a justification for every transgression.

In fact the political moralist may say that a ruler and people, or nation and nation do *one another* no wrong, when thy enter on a war with violence or cunning, although they do wrong, generally speaking, in refusing to respect the idea of right which alone could establish peace for all time. For, as both are equally wrongly disposed to one another, each transgressing the duty he owes to his neighbour, they are both quite rightly served, when they are thus destroyed in war. This mutual destruction stops short at the point of extermination, so that there are always enough of the race left to keep this game going on through all the ages, and a far-off posterity may take warning

by them. The Providence that orders the course of the world is hereby justified. For the moral principle in mankind never becomes extinguished, and human reason, fitted for the practical realisation of ideas of right according to that principle, grows continually in fitness for that purpose with the ever advancing march of culture; while at the same time, it must be said, the guilt of transgression increases as well. But it seems that, by no theodicy or vindication of the justice of God, can we justify Creation in putting such a race of corrupt creatures into the world at all, if, that is, we assume that the human race neither will nor can ever be in a happier condition than it is now. This standpoint, however, is too high a one for us to judge from, or to theorise, with the limited concepts we have at our command, about the wisdom of that supreme Power which is unknowable by us. We are inevitably driven to such despairing conclusions as these, if we do not admit that the pure principles of right have objective reality—that is to say, are capable of being practically realised—and consequently that action must be taken on the part of the people of a state and, further, by states in relation to one another, whatever arguments empirical politics may bring forward against this course. Politics in the real sense cannot take a step forward without first paying homage

to the principles of morals. And, although politics, *per se*, is a difficult art,* in its union with morals no art is required; for in the case of a conflict arising between the two sciences, the moralist can cut asunder the knot which politics is unable to untie. Right must be held sacred by man, however great the cost and sacrifice to the ruling power. Here is no half-and-half course. We cannot devise a happy medium between right and expediency, a right pragmatically conditioned. But all politics must bend the knee to the principle of right, and may, in that way, hope to reach, although slowly perhaps, a level whence it may shine upon men for all time.

* Matthew Arnold defines politics somewhere as the art of "making reason and the will of God prevail"—an art, one would say, difficult enough. [Tr.]

APPENDIX II

CONCERNING THE HARMONY OF POLITICS WITH MORALS ACCORDING TO THE TRANSCENDENTAL IDEA OF PUBLIC RIGHT.

If I look at public right from the point of view of most professors of law, and abstract from its *matter* or its empirical elements, varying according to the circumstances given in our experience of individuals in a state or of states among themselves, then there remains the *form* of publicity. The possibility of this publicity, every legal title implies. For without it there could be no justice, which can only be thought as before the eyes of men; and, without justice, there would be no right, for, from justice only, right can come.

This characteristic of publicity must belong to every legal title. Hence, as, in any particular case that occurs, there is no difficulty in deciding whether this essential attribute is present or not, (whether, that is, it is reconcilable with the principles of the agent or not), it furnishes an easily applied criterion

which is to be found *a priori* in the reason, so that in the particular case we can at once recognise the falsity or illegality of a proposed claim (*praetensio juris*), as it were by an experiment of pure reason.

Having thus, as it were, abstracted from all the empirical elements contained in the concept of a political and international law, such as, for instance, the evil tendency in human nature which makes compulsion necessary, we may give the following proposition as the *transcendental formula* of public right:—"All actions relating to the rights of other men are wrong, if the maxims from which they follow are inconsistent with publicity."

This principle must be regarded not merely as ethical, as belonging to the doctrine of virtue, but also as juridical, referring to the rights of men. For there is something wrong in a maxim of conduct which I cannot divulge without at once defeating my purpose, a maxim which must therefore be kept secret, if it is to succeed, and which I could not publicly ackowledge without infallibly stirring up the opposition of everyone. This necessary and universal resistance with which everyone meets me, a resistance therefore evident *a priori*, can be due to no other cause than the injustice with which such a maxim threatens everyone. Further, this testing principle is merely negative; that is, it serves only as a means by which we may know

when an action is unjust to others. Like axioms, it has a certainty incapable of demonstration; it is besides easy of application as appears from the following examples of public right.

1.—**Constitutional Law.** Let us take in the first place the public law of the state (*jus civitatis*), particularly in its application to matters within the state. Here a question arises which many think difficult to answer, but which the transcendental principle of publicity solves quite readily:—"Is revolution a legitimate means for a people to adopt, for the purpose of throwing off the oppressive yoke of a so-called tyrant *(non titulo, sed exercitio talis)*?" The rights of a nation are violated in a government of this kind, and no wrong is done to the tyrant in dethroning him. Of this there is no doubt. None the less, it is in the highest degree wrong of the subjects to prosecute their rights in this way; and they would be just as little justified in complaining, if they happened to be defeated in their attempt and had to endure the severest punishment in consequence.

A great many reasons for and against both sides of this question may be given, if we seek to settle it by a dogmatic deduction of the principles of right. But the transcendental principle of the publicity of public right can spare itself this diffuse argumentation. For, according to that principle, the

people would ask themselves, before the civil contract was made, whether they could venture to publish maxims, proposing insurrection when a favourable opportunity should present itself. It is quite clear that if, when a constitution is established, it were made a condition that force may be exercised against the sovereign under certain circumstances, the people would be obliged to claim a lawful authority higher than his. But in that case, the so-called sovereign would be no longer sovereign: or, if both powers, that of the sovereign and that of the people, were made a condition of the constitution of the state, then its establishment (which was the aim of the people) would be impossible. The wrongfulness of revolution is quite obvious from the fact that openly to acknowledge maxims which justify this step would make attainment of the end at which they aim impossible. We are obliged to keep them secret. But this secrecy would not be necessary on the part of the head of the state. He may say quite plainly that the ringleaders of every rebellion will be punished by death, even although they may hold that it was he who first transgressed the fundamental law. For, if a ruler is conscious of possessing irresistible sovereign power (and this must be assumed in every civil constitution, because a sovereign who has not power to protect any individual member

of the nation against his neighbour has also not the right to exercise authority over him), then he need have no fear that making known the maxims which guide him will cause the defeat of his plans. And it is quite consistent with this view to hold that, if the people are successful in their insurrection, the sovereign must return to the rank of a subject, and refrain from inciting rebellion with a view to regaining his lost sovereignty. At the same time he need have no fear of being called to account for his former administration.*

* "When a king has dethroned himself," says Locke, (*On Civil Government*, Ch. XIX. § 239) "and put himself in a state of war with his people, what shall hinder them from prosecuting him who is no king, as they would any other man, who has put himself into a state of war with them?" . . . . "The legislative being only a fiduciary power to act for certain ends, there remains still *in the people a supreme power to remove or alter the legislative.*" (*Op. cit.*, Ch. XIII. § 149.) And again, (*op. cit.*, Ch. XI. § 134.) we find the words, ". . . . over whom [*i.e.* society] no body can have a power to make laws, but by their own consent, and by authority received from them." Cf. also Ch. XIX. § 228 *seq.*

Hobbes represents the opposite point of view. "How many kings," he wrote, (Preface to the *Philosophical Rudiments concerning Government and Society*) "and those good men too, hath this one error, that a tyrant king might lawfully be put to death, been the slaughter of! How many throats hath this false position cut, that a prince for some causes may by some certain men be deposed! And what bloodshed hath not this erroneous doctrine caused, that kings are not superiors to, but administrators for the multitude!" This "erroneous doctrine" Kant received from Locke through Rousseau. He advocated, or at least practised as a citizen, a doctrine of passive obedience to the state. A free press, he held, offered the only lawful outlet for protest against tyranny. But, in theory, he was an enemy to absolute monarchy. [Tr.]

2.—**International Law.** There can be no question of an international law, except on the assumption of some kind of a law-governed state of things, the external condition under which any right can belong to man. For the very idea of international law, as public right, implies the publication of a universal will determining the rights and property of each individual nation; and this *status juridicus* must spring out of a contract of some sort which may not, like the contract to which the state owes its origin, be founded upon compulsory laws, but may be, at the most, the agreement of a permanent free association such as the federation of the different states, to which we have alluded above. For, without the control of law to some extent, to serve as an active bond of union among different merely natural or moral individuals,—that is to say, in a state of nature,—there can only be private law. And here we find a disagreement between morals, regarded as the science of right, and politics. The criterion, obtained by observing the effect of publicity on maxims, is just as easily applied, but only when we understand that this agreement binds the contracting states solely with the object that peace may be preserved among them, and between them and other states; in no sense with a view to the acquisition of new territory or power. The following instances of antinomy occur between

politics and morals, which are given here with the solution in each case.

a. "When either of these states has promised something to another, (as, for instance, assistance, or a relinquishment of certain territory, or subsidies and such like), the question may arise whether, in a case where the safety of the state thus bound depends on its evading the fulfilment of this promise, it can do so by maintaining a right to be regarded as a double person:—firstly, as sovereign and accountable to no one in the state of which that sovereign power is head; and, secondly, merely as the highest official in the service of that state, who is obliged to answer to the state for every action. And the result of this is that the state is acquitted in its second capacity of any obligation to which it has committed itself in the first." But, if a nation or its sovereign proclaimed these maxims, the natural consequence would be that every other would flee from it, or unite with other states to oppose such pretensions. And this is a proof that politics, with all its cunning, defeats its own ends, if the test of making principles of action public, which we have indicated, be applied. Hence the maxim we have quoted must be wrong.

b. "If a state which has increased its power to a formidable extent (*potentia tremenda*) excites anxiety in its neighbours, is it right to assume

that, since it has the means, it will also have the will to oppress others; and does that give less powerful states a right to unite and attack the greater nation without any definite cause of offence?" A state which would here answer openly in the affirmative would only bring the evil about more surely and speedily. For the greater power would forestall those smaller nations, and their union would be but a weak reed of defence against a state which knew how to apply the maxim, *divide et impera*. This maxim of political expediency then, when openly acknowledged, necessarily defeats the end at which it aims, and is therefore wrong.

c. "If a smaller state by its geographical position breaks up the territory of a greater, so as to prevent a unity necessary to the preservation of that state, is the latter not justified in subjugating its less powerful neighbour and uniting the territory in question with its own?" We can easily see that the greater state dare not publish such a maxim beforehand; for either all smaller states would without loss of time unite against it, or other powers would contend for this booty. Hence the impracticability of such a maxim becomes evident under the light of publicity. And this is a sign that it is wrong, and that in a very great degree; for, although the victim of an act of injustice may be

of small account, that does not prevent the injustice done from being very great.

3.—**Cosmopolitan Law.** We may pass over this department of right in silence, for, owing to its analogy with international law, its maxims are easily specified and estimated.

* * *

In this principle of the incompatibility of the maxims of international law with their publicity, we have a good indication of the non-agreement between politics and morals, regarded as a science of right. Now we require to know under what conditions these maxims do agree with the law of nations. For we cannot conclude that the converse holds, and that all maxims which can bear publicity are therefore just. For anyone who has a decided supremacy has no need to make any secret about his maxims. The condition of a law of nations being possible at all is that, in the first place, there should be a law-governed state of things. If this is not so, there can be no public right, and all right which we can think of outside the law-governed state,—that is to say, in the state of nature,—is mere private right. Now we have seen

above that something of the nature of a federation between nations, for the sole purpose of doing away with war, is the only rightful condition of things reconcilable with their individual freedom. Hence the agreement of politics and morals is only possible in a federative union, a union which is necessarily given *a priori*, according to the principles of right. And the lawful basis of all politics can only be the establishment of this union in its widest possible extent. Apart from this end, all political sophistry is folly and veiled injustice. Now this sham politics has a casuistry, not to be excelled in the best Jesuit school. It has its mental reservation (*reservatio mentalis*): as in the drawing up of a public treaty in such terms as we can, if we will, interpret when occasion serves to our advantage; for example, the distinction between the *status quo* in fact (*de fait*) and in right (*de droit*). Secondly, it has its probabilism; when it pretends to discover evil intentions in another, or makes the probability of their possible future ascendency a lawful reason for bringing about the destruction of other peaceful states. Finally, it has its philosophical sin (*peccatum philosophicum*, *peccatillum*, *baggatelle*) which is that of holding it a trifle easily pardoned that a smaller state should be swallowed up, if this be to the gain of a nation much more powerful; for such an increase in power is

supposed to tend to the greater prosperity of the whole world. *

Duplicity gives politics the advantage of using one branch or the other of morals, just as suits its own ends. The love of our fellowmen is a duty: so too is respect for their rights. But the former is only conditional: the latter, on the other hand, an unconditional, absolutely imperative duty; and anyone who would give himself up to the sweet consciousness of well-doing must be first perfectly assured that he has not transgressed its commands. Politics has no difficulty in agreeing with morals in the first sense of the term, as ethics, to secure that men should give to superiors their rights. But when it comes to morals, in its second aspect, as the science of right before which politics must bow the knee, the politician finds it prudent to have nothing to do with compacts and rather to deny all reality to morals in this sense, and reduce all duty to mere benevolence. Philosophy could easily frustrate the artifices of a politics like

* We can find the voucher for maxims such as these in Herr Hofrichter Garve's essay, *On the Connection of Morals with Politics*, 1788. This worthy scholar confesses at the very beginning that he is unable to give a satisfactory answer to this question. But his sanction of such maxims, even when coupled with the admission that he cannot altogether clear away the arguments raised against them, seems to be a greater concession in favour of those who shew considerable inclination to abuse them, than it might perhaps be wise to admit.

this, which shuns the light of criticism, by publishing its maxims, if only statesmen would have the courage to grant philosophers the right to ventilate their opinions.

With this end in view, I propose another principle of public right, which is at once transcendental and affirmative. Its formula would be as follows: —"All maxims which require publicity, in order that they may not fail to attain their end, are in agreement both with right and politics."

For, if these maxims can only attain the end at which they aim by being published, they must be in harmony with the universal end of mankind, which is happiness; and to be in sympathy with this (to make the people contented with their lot) is the real business of politics. Now, if this end should be attainable only by publicity, or in other words, through the removal of all distrust of the maxims of politics, these must be in harmony with the right of the people; for a union of the ends of all is only possible in a harmony with this right.

I must postpone the further development and discussion of this principle till another opportunity. That it is a transcendental formula is quite evident from the fact that all the empirical conditions of a doctrine of happiness, or the *matter* of law, are absent, and that it has regard only to the *form* of universal conformity to law.

* * *

If it is our duty to realise a state of public right, if at the same time there are good grounds for hope that this ideal may be realised, although only by an approximation advancing *ad infinitum*, then perpetual peace, following hitherto falsely so-called conclusions of peace, which have been in reality mere cessations of hostilities, is no mere empty idea. But rather we have here a problem which gradually works out its own solution and, as the periods in which a given advance takes place towards the realisation of the ideal of perpetual peace will, we hope, become with the passing of time shorter and shorter, we must approach ever nearer to this goal.

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