

## **Perpetual Peace: A Philosophical Sketch**

### **Immanuel Kant**

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Whether this satirical inscription on a Dutch innkeeper's sign upon which a burial ground was painted had for its object mankind in general, or the rulers of states in particular, who are insatiable of war, or merely the philosophers who dream this sweet dream, it is not for us to decide. But one condition the author of this essay wishes to lay down. The practical politician assumes the attitude of looking down with great self-satisfaction on the political theorist as a pedant whose empty ideas in no way threaten the security of the state, inasmuch as the state must proceed on empirical principles; so the theorist is allowed to play his game without interference from the worldly-wise statesman. Such being his attitude, the practical politician--and this is the condition I make--should at least act consistently in the case of a conflict and not suspect some danger to the state in the political theorist's opinions which are ventured and publicly expressed without any ulterior purpose. By this clausula salvatoria the author desires formally and emphatically to deprecate herewith any malevolent interpretation which might be placed on his words.

#### **SECTION I**

##### **CONTAINING THE PRELIMINARY ARTICLES FOR PERPETUAL PEACE AMONG STATES**

###### **1. "No Treaty of Peace Shall Be Held Valid in Which There Is Tacitly Reserved Matter for a Future War"**

Otherwise a treaty would be only a truce, a suspension of hostilities but not peace, which means the end of all hostilities--so much so that even to attach the word "perpetual" to it is a dubious pleonasm. The causes for making future wars (which are perhaps unknown to the contracting parties) are without exception annihilated by the treaty of peace, even if they should be dug out of dusty documents by acute sleuthing. When one or both parties to a treaty of peace, being too exhausted to continue warring with each other, make a tacit reservation (*reservatio mentalis*) in regard to old claims to be elaborated only at some more favorable opportunity in the future, the treaty is made in bad faith, and we have an artifice worthy of the casuistry of a Jesuit. Considered by itself, it is beneath the dignity of a sovereign, just as the readiness to indulge in this kind of reasoning is unworthy of the dignity of his minister.

But if, in consequence of enlightened concepts of statecraft, the glory of the state is placed in its continual aggrandizement by whatever means, my conclusion will appear merely academic and pedantic.

###### **2. "No Independent States, Large or Small, Shall Come under the Dominion of Another State by Inheritance, Exchange, Purchase, or Donation"**

A state is not, like the ground which it occupies, a piece of property (*patrimonium*). It is a society of men whom no one else has any right to command or to dispose except the state itself. It is a trunk with its own roots. But to incorporate it into another state, like a graft, is to destroy its existence as a

moral person, reducing it to a thing; such incorporation thus contradicts the idea of the original contract without which no right over a people can be conceived.<sup>1</sup>

Everyone knows to what dangers Europe, the only part of the world where this manner of acquisition is known, has been brought, even down to the most recent times, by the presumption that states could espouse one another; it is in part a new kind of industry for gaining ascendancy by means of family alliances and without expenditure of forces, and in part a way of extending one's domain. Also the hiring-out of troops by one state to another, so that they can be used against an enemy not common to both, is to be counted under this principle; for in this manner the subjects, as though they were things to be manipulated at pleasure, are used and also used up.

### 3. "Standing Armies (miles perpetuus) Shall in Time Be Totally Abolished"

For they incessantly menace other states by their readiness to appear at all times prepared for war; they incite them to compete with each other in the number of armed men, and there is no limit to this. For this reason, the cost of peace finally becomes more oppressive than that of a short war, and consequently a standing army is itself a cause of offensive war waged in order to relieve the state of this burden. Add to this that to pay men to kill or to be killed seems to entail using them as mere machines and tools in the hand of another (the state), and this is hardly compatible with the rights of mankind in our own person. But the periodic and voluntary military exercises of citizens who thereby secure themselves and their country against foreign aggression are entirely different.

The accumulation of treasure would have the same effect, for, of the three powers--the power of armies, of alliances, and of money--the third is perhaps the most dependable weapon. Such accumulation of treasure is regarded by other states as a threat of war, and if it were not for the difficulties in learning the amount, it would force the other state to make an early attack.

### 4. "National Debts Shall Not Be Contracted with a View to the External Friction of States"

This expedient of seeking aid within or without the state is above suspicion when the purpose is domestic economy (e.g., the improvement of roads, new settlements, establishment of stores against unfruitful years, etc.). But as an opposing machine in the antagonism of powers, a credit system which grows beyond sight and which is yet a safe debt for the present requirements--because all the creditors do not require payment at one time--constitutes a dangerous money power. This ingenious invention of a commercial people [England] in this century is dangerous because it is a war treasure which exceeds the treasures of all other states; it cannot be exhausted except by default of taxes (which is inevitable), though it can be long delayed by the stimulus to trade which occurs through the reaction of credit on industry and commerce. This facility in making war, together with the inclination to do so on the part of rulers--an inclination which seems inborn in human nature--is thus a great hindrance to perpetual peace. Therefore, to forbid this credit system must be a preliminary article of perpetual peace all the more because it must eventually entangle many innocent states in the inevitable bankruptcy and openly harm them. They are therefore justified in allying themselves against such a state and its measures.

### 5. "No State Shall by Force Interfere with the Constitution or Government of Another State"

For what is there to authorize it to do so? The offense, perhaps, which a state gives to the subjects of another state? Rather the example of the evil into which a state has fallen because of its lawlessness should serve as a warning. Moreover, the bad example which one free person affords another as a scandalum acceptum is not an infringement of his rights. But it would be quite different if a state, by internal rebellion, should fall into two parts, each of which pretended to be a separate state making claim to the whole. To lend assistance to one of these cannot be considered an interference

in the constitution of the other state (for it is then in a state of anarchy). But so long as the internal dissension has not come to this critical point, such interference by foreign powers would infringe on the rights of an independent people struggling with its internal disease; hence it would itself be an offense and would render the autonomy of all states insecure.

6. "No State Shall, during War, Permit Such Acts of Hostility Which Would Make Mutual Confidence in the Subsequent Peace Impossible: Such Are the Employment of Assassins (*percussores*), Poisoners (*venefici*), Breach of Capitulation, and Incitement to Treason (*perduellio*) in the Opposing State"

These are dishonorable stratagems. For some confidence in the character of the enemy must remain even in the midst of war, as otherwise no peace could be concluded and the hostilities would degenerate into a war of extermination (*bellum internecinum*). War, however, is only the sad recourse in the state of nature (where there is no tribunal which could judge with the force of law) by which each state asserts its right by violence and in which neither party can be adjudged unjust (for that would presuppose a juridical decision); in lieu of such a decision, the issue of the conflict (as if given by a so-called "judgment of God") decides on which side justice lies. But between states no punitive war (*bellum punitivum*) is conceivable, because there is no relation between them of master and servant.

It follows that a war of extermination, in which the destruction of both parties and of all justice can result, would permit perpetual peace only in the vast burial ground of the human race. Therefore, such a war and the use of all means leading to it must be absolutely forbidden. But that the means cited do inevitably lead to it is clear from the fact that these infernal arts, vile in themselves, when once used would not long be confined to the sphere of war. Take, for instance, the use of spies (*uti exploratoribus*). In this, one employs the infamy of others (which can never be entirely eradicated) only to encourage its persistence even into the state of peace, to the undoing of the very spirit of peace.

Although the laws stated are objectively, i.e., in so far as they express the intention of rulers, mere prohibitions (*leges prohibitivae*), some of them are of that strict kind which hold regardless of circumstances (*leges strictae*) and which demand prompt execution. Such are Nos. 1, 5, and 6. Others, like Nos. 2, 3, and 4, while not exceptions from the rule of law, nevertheless are subjectively broader (*leges latae*) in respect to their observation, containing permission to delay their execution without, however, losing sight of the end. This permission does not authorize, under No. 2, for example, delaying until doomsday (or, as Augustus used to say, *ad calendas Graecas*) the re-establishment of the freedom of states which have been deprived of it--i.e., it does not permit us to fail to do it, but it allows a delay to prevent precipitation which might injure the goal striven for. For the prohibition concerns only the manner of acquisition which is no longer permitted, but not the possession, which, though not bearing a requisite title of right, has nevertheless been held lawful in all states by the public opinion of the time (the time of the putative acquisition).2.

## **SECTION II**

### **CONTAINING THE DEFINITIVE ARTICLES FOR PERPETUAL PEACE AMONG STATES**

The state of peace among men living side by side is not the natural state (*status naturalis*); the natural state is one of war. This does not always mean open hostilities, but at least an unceasing threat of war. A state of peace, therefore, must be established, for in order to be secured against hostility it is not sufficient that hostilities simply be not committed; and, unless this security is pledged to each by his neighbor (a thing that can occur only in a civil state), each may treat his neighbor, from whom he demands this security, as an enemy.3

## FIRST DEFINITIVE ARTICLE FOR PERPETUAL PEACE

"The Civil Constitution of Every State Should Be Republican"

The only constitution which derives from the idea of the original compact, and on which all juridical legislation of a people must be based, is the republican. <sup>4</sup> This constitution is established, firstly, by principles of the freedom of the members of a society (as men); secondly, by principles of dependence of all upon a single common legislation (as subjects); and, thirdly, by the law of their equality (as citizens). The republican constitution, therefore, is, with respect to law, the one which is the original basis of every form of civil constitution. The only question now is: Is it also the one which can lead to perpetual peace?

The republican constitution, besides the purity of its origin (having sprung from the pure source of the concept of law), also gives a favorable prospect for the desired consequence, i.e., perpetual peace. The reason is this: if the consent of the citizens is required in order to decide that war should be declared (and in this constitution it cannot but be the case), nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war. Among the latter would be: having to fight, having to pay the costs of war from their own resources, having painfully to repair the devastation war leaves behind, and, to fill up the measure of evils, load themselves with a heavy national debt that would embitter peace itself and that can never be liquidated on account of constant wars in the future. But, on the other hand, in a constitution which is not republican, and under which the subjects are not citizens, a declaration of war is the easiest thing in the world to decide upon, because war does not require of the ruler, who is the proprietor and not a member of the state, the least sacrifice of the pleasures of his table, the chase, his country houses, his court functions, and the like. He may, therefore, resolve on war as on a pleasure party for the most trivial reasons, and with perfect indifference leave the justification which decency requires to the diplomatic corps who are ever ready to provide it.

In order not to confuse the republican constitution with the democratic (as is commonly done), the following should be noted. The forms of a state (civitas) can be divided either according to the persons who possess the sovereign power or according to the mode of administration exercised over the people by the chief, whoever he may be. The first is properly called the form of sovereignty (forma imperii), and there are only three possible forms of it: autocracy, in which one, aristocracy, in which some associated together, or democracy, in which all those who constitute society, possess sovereign power. They may be characterized, respectively, as the power of a monarch, of the nobility, or of the people. The second division is that by the form of government (forma regiminis) and is based on the way in which the state makes use of its power; this way is based on the constitution, which is the act of the general will through which the many persons become one nation. In this respect government is either republican or despotic. Republicanism is the political principle of the separation of the executive power (the administration) from the legislative; despotism is that of the autonomous execution by the state of laws which it has itself decreed. Thus in a despotism the public will is administered by the ruler as his own will. Of the three forms of the state, that of democracy is, properly speaking, necessarily a despotism, because it establishes an executive power in which "all" decide for or even against one who does not agree; that is, "all," who are not quite all, decide, and this is a contradiction of the general will with itself and with freedom.

Every form of government which is not representative is, properly speaking, without form. The legislator can unite in one and the same person his function as legislative and as executor of his will just as little as the universal of the major premise in a syllogism can also be the subsumption of the particular under the universal in the minor. And even though the other two constitutions are always

defective to the extent that they do leave room for this mode of administration, it is at least possible for them to assume a mode of government conforming to the spirit of a representative system (as when Frederick II at least said he was merely the first servant of the state).<sup>5</sup> On the other hand, the democratic mode of government makes this impossible, since everyone wishes to be master. Therefore, we can say: the smaller the personnel of the government (the smaller the number of rulers), the greater is their representation and the more nearly the constitution approaches to the possibility of republicanism; thus the constitution may be expected by gradual reform finally to raise itself to republicanism. For these reasons it is more difficult for an aristocracy than for a monarchy to achieve the one completely juridical constitution, and it is impossible for a democracy to do so except by violent revolution.

The mode of governments, 6 however, is incomparably more important to the people than the form of sovereignty, although much depends on the greater or lesser suitability of the latter to the end of [good] government. To conform to the concept of law, however, government must have a representative form, and in this system only a republican mode of government is possible; without it, government is despotic and arbitrary, whatever the constitution may be. None of the ancient so-called "republics" knew this system, and they all finally and inevitably degenerated into despotism under the sovereignty of one, which is the most bearable of all forms of despotism.

#### SECOND DEFINITIVE ARTICLE FOR A PERPETUAL PEACE

"The Law of Nations Shall be Founded on a Federation of Free States"

Peoples, as states, like individuals, may be judged to injure one another merely by their coexistence in the state of nature (i.e., while independent of external laws). Each of them, may and should for the sake of its own security demand that the others enter with it into a constitution similar to the civil constitution, for under such a constitution each can be secure in his right. This would be a league of nations, but it would not have to be a state consisting of nations. That would be contradictory, since a state implies the relation of a superior (legislating) to an inferior (obeying), i.e., the people, and many nations in one state would then constitute only one nation. This contradicts the presupposition, for here we have to weigh the rights of nations against each other so far as they are distinct states and not amalgamated into one.

When we see the attachment of savages to their lawless freedom, preferring ceaseless combat to subjection to a lawful constraint which they might establish, and thus preferring senseless freedom to rational freedom, we regard it with deep contempt as barbarity, rudeness, and a brutish degradation of humanity. Accordingly, one would think that civilized people (each united in a state) would hasten all the more to escape, the sooner the better, from such a depraved condition. But, instead, each state places its majesty (for it is absurd to speak of the majesty of the people) in being subject to no external juridical restraint, and the splendor of its sovereign consists in the fact that many thousands stand at his command to sacrifice themselves for something that does not concern them and without his needing to place himself in the least danger.<sup>7</sup> The chief difference between European and American savages lies in the fact that many tribes of the latter have been eaten by their enemies, while the former know how to make better use of their conquered enemies than to dine off them; they know better how to use them to increase the number of their subjects and thus the quantity of instruments for even more extensive wars.

When we consider the perverseness of human nature which is nakedly revealed in the uncontrolled relations between nations (this perverseness being veiled in the state of civil law by the constraint exercised by government), we may well be astonished that the word "law" has not yet been banished from war politics as pedantic, and that no state has yet been bold enough to advocate this point of view. Up to the present, Hugo Grotius, Pufendorf, Vattel, and many other irritating

comforters have been cited in justification of war, though their code, philosophically or diplomatically formulated, has not and cannot have the least legal force, because states as such do not stand under a common external power. There is no instance on record that a state has ever been moved to desist from its purpose because of arguments backed up by the testimony of such great men. But the homage which each state pays (at least in words) to the concept of law proves that there is slumbering in man an even greater moral disposition to become master of the evil principle in himself (which he cannot disclaim) and to hope for the same from others. Otherwise the word "law" would never be pronounced by states which wish to war upon one another; it would be used only ironically, as a Gallic prince interpreted it when he said, "It is the prerogative which nature has given the stronger that the weaker should obey him."

States do not plead their cause before a tribunal; war alone is their way of bringing suit. But by war and its favorable issue, in victory, right is not decided, and though by a treaty of peace this particular war is brought to an end, the state of war, of always finding a new pretext to hostilities, is not terminated. Nor can this be declared wrong, considering the fact that in this state each is the judge of his own case. Notwithstanding, the obligation which men in a lawless condition have under the natural law, and which requires them to abandon the state of nature, does not quite apply to states under the law of nations, for as states they already have an internal juridical constitution and have thus outgrown compulsion from others to submit to a more extended lawful constitution according to their ideas of right. This is true in spite of the fact that reason, from its throne of supreme moral legislating authority, absolutely condemns war as a legal recourse and makes a state of peace a direct duty, even though peace cannot be established or secured except by a compact among nations.

For these reasons there must be a league of a particular kind, which can be called a league of peace (*foedus pacificum*), and which would be distinguished from a treaty of peace (*pactum pacis*) by the fact that the latter terminates only one war, while the former seeks to make an end of all wars forever. This league does not tend to any dominion over the power of the state but only to the maintenance and security of the freedom of the state itself and of other states in league with it, without there being any need for them to submit to civil laws and their compulsion, as men in a state of nature must submit.

The practicability (objective reality) of this idea of federation, which should gradually spread to all states and thus lead to perpetual peace, can be proved. For if fortune directs that a powerful and enlightened people can make itself a republic, which by its nature must be inclined to perpetual peace, this gives a fulcrum to the federation with other states so that they may adhere to it and thus secure freedom under the idea of the law of nations. By more and more such associations, the federation may be gradually extended.

We may readily conceive that a people should say, "There ought to be no war among us, for we want to make ourselves into a state; that is, we want to establish a supreme legislative, executive, and judiciary power which will reconcile our differences peaceably." But when this state says, "There ought to be no war between myself and other states, even though I acknowledge no supreme legislative power by which our rights are mutually guaranteed," it is not at all clear on what I can base my confidence in my own rights unless it is the free federation, the surrogate of the civil social order, which reason necessarily associates with the concept of the law of nations--assuming that something is really meant by the latter.

The concept of a law of nations as a right to make war does not really mean anything, because it is then a law of deciding what is right by unilateral maxims through force and not by universally valid public laws which restrict the freedom of each one. The only conceivable meaning of such a law of nations might be that it serves men right who are so inclined that they should destroy each other and

thus find perpetual peace in the vast grave that swallows both the atrocities and their perpetrators. For states in their relation to each other, there cannot be any reasonable way out of the lawless condition which entails only war except that they, like individual men, should give up their savage (lawless) freedom, adjust themselves to the constraints of public law, and thus establish a continuously growing state consisting of various nations (*civitas gentium*), which will ultimately include all the nations of the world. But under the idea of the law of nations they do not wish this, and reject in practice what is correct in theory. If all is not to be lost, there can be, then, in place of the positive idea of a world republic, only the negative surrogate of an alliance which averts war, endures, spreads, and holds back the stream of those hostile passions which fear the law, though such an alliance is in constant peril of their breaking loose again.<sup>8</sup> *Furor impius intus . . . fremit horridus ore cruento* (Virgil).

### THIRD DEFINITIVE ARTICLE FOR A PERPETUAL PEACE

"The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality"

Here, as in the preceding articles, it is not a question of philanthropy but of right. Hospitality means the right of a stranger not to be treated as an enemy when he arrives in the land of another. One may refuse to receive him when this can be done without causing his destruction; but, so long as he peacefully occupies his place, one may not treat him with hostility. It is not the right to be a permanent visitor that one may demand. A special beneficent agreement would be needed in order to give an outsider a right to become a fellow inhabitant for a certain length of time. It is only a right of temporary sojourn, a right to associate, which all men have. They have it by virtue of their common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other. Originally, no one had more right than another to a particular part of the earth.

Uninhabitable parts of the earth--the sea and the deserts--divide this community of all men, but the ship and the camel (the desert ship) enable them to approach each other across these unruled regions and to establish communication by using the common right to the face of the earth, which belongs to human beings generally. The inhospitality of the inhabitants of coasts (for instance, of the Barbary Coast) in robbing ships in neighboring seas or enslaving stranded travelers, or the inhospitality of the inhabitants of the deserts (for instance, the Bedouin Arabs) who view contact with nomadic tribes as conferring the right to plunder them, is thus opposed to natural law, even though it extends the right of hospitality, i.e., the privilege of foreign arrivals, no further than to conditions of the possibility of seeking to communicate with the prior inhabitants. In this way distant parts of the world can come into peaceable relations with each other, and these are finally publicly established by law. Thus the human race can gradually be brought closer and closer to a constitution establishing world citizenship.

But to this perfection compare the inhospitable actions of the civilized and especially of the commercial states of our part of the world. The injustice which they show to lands and peoples they visit (which is equivalent to conquering them) is carried by them to terrifying lengths. America, the lands inhabited by the Negro, the Spice Islands, the Cape, etc., were at the time of their discovery considered by these civilized intruders as lands without owners, for they counted the inhabitants as nothing. In East India (Hindustan), under the pretense of establishing economic undertakings, they brought in foreign soldiers and used them to oppress the natives, excited widespread wars among the various states, spread famine, rebellion, perfidy, and the whole litany of evils which afflict mankind.

China <sup>9</sup> and Japan (Nippon), who have had experience with such guests, have wisely refused them entry, the former permitting their approach to their shores but not their entry, while the latter permit

this approach to only one European people, the Dutch, but treat them like prisoners, not allowing them any communication with the inhabitants. The worst of this (or, to speak with the moralist, the best) is that all these outrages profit them nothing, since all these commercial ventures stand on the verge of collapse, and the Sugar Islands, that place of the most refined and cruel slavery, produces no real revenue except indirectly, only serving a not very praiseworthy purpose of furnishing sailors for war fleets and thus for the conduct of war in Europe. This service is rendered to powers which make a great show of their piety, and, while they drink injustice like water, they regard themselves as the elect in point of orthodoxy.

Since the narrower or wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a law of world citizenship is no high-flown or exaggerated notion. It is a supplement to the unwritten code of the civil and international law, indispensable for the maintenance of the public human rights and hence also of perpetual peace. One cannot flatter oneself into believing one can approach this peace except under the condition outlined here.

### **Footnotes**

1. A hereditary kingdom is not a state which can be inherited by another state, but the right to govern it can be inherited by another physical person. The state thereby acquires a ruler, but he, as a ruler (i.e., as one already possessing another realm), does not acquire the state.

2. It has not without cause hitherto been doubted whether besides the commands (*leges praeceptivae*) and prohibitions (*leges prohibitivae*) there could also be permissive laws (*leges permissivae*) of pure reason. For laws as such contain a principle of objective practical necessity, while permission implies a principle of the practical contingency of certain actions. Hence a law of permission would imply constraint to an action to do that to which no one can be constrained. If the object of the law has the same meaning in both cases, this is a contradiction. But in permissive law, which is in question here, the prohibition refers only to the future mode of acquisition of a right (e.g., by succession), while the permission annuls this prohibition only with reference to the present possession. This possession, though only putative, may be held to be just (*possessio putative*) in the transition from the state of nature to a civil state, by virtue of a permissive law included under natural law, even though it is [strictly] illegal. But, as soon as it is recognized as illegal in the state of nature, a similar mode of acquisition in the subsequent civil state (after this transition has occurred) is forbidden, and this right to continuing possession would not hold if such a presumptive acquisition had taken place in the civil state. For in this case it would be an infringement which would have to cease as soon as its illegality was discovered.

I have wished only to call the attention of the teachers of natural law to the concept of a *lex permissiva*, which systematic reason affords, particularly since in civil (statute) law use is often made of it. But in the ordinary use of it, there is this difference: prohibitive law stands alone, while permission is not introduced into it as a limiting condition (as it should be) but counted among the exceptions to it. Then it is said, "This or that is forbidden, except Nos. 1, 2, 3," and so on indefinitely. These exceptions are added to the law only as an afterthought required by our groping around among cases as they arise, and not by any principle. Otherwise the conditions would have had to be introduced into the formula of the prohibition, and in this way it would itself have become a permissive law. It is, therefore, unfortunate that the subtle question proposed by the wise and acute Count von Windischgrätz was never answered and soon consigned to oblivion, because it insisted on the point here discussed. For the possibility of a formula similar to those of mathematics is the only legitimate criterion of a consistent legislation, and without it the so-called *ius certum* must always remain a pious wish. Otherwise we shall have merely general laws (which apply to a



great number of cases), but no universal laws (which apply to all cases) as the concept of law seems to require.

3. We ordinarily assume that no one may act inimically toward another except when he has been actively injured by the other. This is quite correct if both are under civil law, for, by entering into such a state, they afford each other the requisite security through the sovereign which has power over both. Man (or the people) in the state of nature deprives me of this security and injures me, if he is near me, by this mere status of his, even though he does not injure me actively (*facto*); he does so by the lawlessness of his condition (*statu iniusto*) which constantly threatens me. Therefore, I can compel him either to enter with me into a state of civil law or to remove himself from my neighborhood. The postulate which is basic to all the following articles is: All men who can reciprocally influence each other must stand under some civil constitution.

Every juridical constitution which concerns the person who stands under it is one of the following:

- (1) The constitution conforming to the civil law of men in a nation (*ius civitatis*).
- (2) The constitution conforming to the law of nations in their relation to one another (*ius gentium*).
- (3) The constitution conforming to the law of world citizenship, so far as men and states are considered as citizens of a universal state of men, in their external mutual relationships (*ius cosmopoliticum*).

This division is not arbitrary, being necessary in relation to the idea of perpetual peace. For if only one state were related to another by physical influence and were yet in a state of nature, war would necessarily follow, and our purpose here is precisely to free ourselves of war.

4. Juridical (and hence) external freedom cannot be defined, as is usual, by the privilege of doing anything one wills so long as he does not injure another. For what is a privilege? It is the possibility of an action so far as one does not injure anyone by it. Then the definition would read: Freedom is the possibility of those actions by which one does no one an injury. One does another no injury (he may do as he pleases) only if he does another no injury--an empty tautology. Rather, my external (juridical) freedom is to be defined as follows: It is the privilege to lend obedience to no external laws except those to which I could have given consent. Similarly, external (juridical) equality in a state is that relationship among the citizens in which no one can lawfully bind another without at the same time subjecting himself to the law by which he also can be bound. No definition of juridical dependence is needed, as this already lies in the concept of a state's constitution as such.

The validity of these inborn rights, which are inalienable and belong necessarily to humanity, is raised to an even higher level by the principle of the juridical relation of man to higher beings, for, if he believes in them, he regards himself by the same principles as a citizen of a supersensuous world. For in what concerns my freedom, I have no obligation with respect to divine law, which can be acknowledged by my reason alone, except in so far as I could have given my consent to it. Indeed, it is only through the law of freedom of my own reason that I frame a concept of the divine will. With regard to the most sublime reason in the world that I can think of, with the exception of God--say, the great Aeon--when I do my duty in my post as he does in his, there is no reason under the law of equality why obedience to duty should fall only to me and the right to command only to him. The reason why this principle of equality does not pertain to our relation to God (as the principle of freedom does) is that this Being is the only one to which the concept of duty does not apply.

But with respect to the right of equality of all citizens as subjects, the question of whether a hereditary nobility may be tolerated turns upon the answer to the question as to whether the pre-eminent rank granted by the state to one citizen over another ought to precede merit or follow it. Now it is obvious that, if rank is associated with birth, it is uncertain whether merit (political skill and integrity) will also follow; hence it would be as if a favorite without any merit were given

command. The general will of the people would never agree to this in the original contract, which is the principle of all law, for a nobleman is not necessarily a noble man. With regard to the nobility of office (as we might call the rank of the higher magistracy) which one must earn by merit, this rank does not belong to the person as his property; it belongs to his post, and equality is not thereby infringed, because when a man quits his office he renounces the rank it confers and re-enters into the class of his fellows.

5. The lofty epithets of "the Lord's anointed..... the executor of the divine will on earth," and "the vicar of God," which have been lavished on sovereigns, have been frequently censured as crude and intoxicating flatteries. But this seems to me without good reason. Far from inspiring a monarch with pride, they should rather render him humble, providing he possesses some intelligence (which we must assume). They should make him reflect that he has taken an office too great for man, an office which is the holiest God has ordained on earth, to be the trustee of the rights of men, and that he must always stand in dread of having in some way injured this "apple of God's eye."

6. Mallet du Pan, in his pompous but empty and hollow language, pretends to have become convinced, after long experience, of the truth of Pope's well-known saying:

"For forms of government let fools contest:  
Whate'er is best administered, is best."

If that means that the best-administered state is the state that is best administered, he has, to make use of Swift's expression, "cracked a nut to come at a maggot." But if it means that the best-administered state also has the best mode of government, i.e., the best constitution, then it is thoroughly wrong, for examples of good governments prove nothing about the form of government. Whoever reigned better than a Titus and a Marcus Aurelius? Yet one was succeeded by a Domitian and the other by a Commodus. This could never have happened under a good constitution, for their unworthiness for this post was known early enough and also the power of the ruler was sufficient to have excluded them.

7. A Bulgarian prince gave the following answer to the Greek emperor who good-naturedly suggested that they settle their difference by a duel: "A smith who has tongs won't pluck the glowing iron from the fire with his bare hands."

8. It would not ill become a people that has just terminated a war to decree, besides a day of thanksgiving, a day of fasting in order to ask heaven, in the name of the state, for forgiveness for the great iniquity which the human race still goes on to perpetuate in refusing to submit to a lawful constitution in their relation to other peoples, preferring, from pride in their independence, to make use of the barbarous means of war even though they are not able to attain what is sought, namely, the rights of a single state. The thanksgiving for victory won during the war, the hymns which are sung to the God of Hosts (in good Israelitic manner), stand in equally sharp contrast to the moral idea of the Father of Men. For they not only show a sad enough indifference to the way in which nations seek their rights, but in addition express a joy in having annihilated a multitude of men or their happiness.

9. To call this great empire by the name it gives itself, namely "China" and not "Sina" or anything like that, we have only to refer to [A.] Georgi, *Alphabetum Tibetanum*, pp. 651-54, especially note b. According to the note of Professor [Johann Eberhard] Fischer of Petersburg, there is no definite word used in that country as its name; the most usual word is "Kin," i.e., gold (which the Tibetans call "Ser"). Accordingly, the emperor is called "the king of gold," that is, king of the most splendid country in the world. In the empire itself, this word may be pronounced Chin, while because of the 'guttural sound the Italian missionaries may have called it Kin.--It is clear that what the Romans called the "Land of Seres" was China; the silk, however, was sent to Europe across Greater Tibet (through Lesser Tibet, Bukhara, Persia, and then on).

This suggests many reflections concerning the antiquity of this wonderful state, in comparison with that of Hindustan at the time of its union with Tibet and thence with Japan. We see, on the contrary, that the name "Sina" or "Tshina," said to have been used by the neighbors of the country, suggests nothing.

Perhaps we can also explain the very ancient but never well-known intercourse of Europe with Tibet by considering the shout, ('Konx Ompax'), of the hierophants in the Eleusinian mysteries, as we learn from Hysichius (cf. *Travels of the Young Anacharsis*, Part V, p. 447 ff.). For, according to Georgi, *op. cit.*, the word Concoia means God, which has a striking resemblance to Konx. Pah-cio (*ibid.*, 520), which the Greeks may well have pronounced pax, means the promulgator legis, divinity pervading the whole of nature (also called Cencresi, p. 177). Om, however, which La Croze translates as benedictus ("blessed"), when applied to divinity perhaps means "the beatified" (p. 507). P. Franz Orazio often asked the Lamas of Tibet what they understood by "God" (Concoia) and always got the answer, "It is the assembly of saints" (i.e., the assembly of the blessed ones who, according to the doctrine of rebirth, finally, after many wanderings through bodies of all kinds, have returned to God, or Burchane; that is to say, they are transmigrated souls, beings to be worshiped, p. 223). That mysterious expression Konx Ompax may well mean "the holy" (Konx), the blessed (Om), the wise (Pax), the supreme being pervading the world (nature personified). Its use in the Greek mysteries may indicate monotheism among the epopts in contrast to the polytheism of the people (though Orazio scented atheism there). How that mysterious word came to the Greeks via Tibet can perhaps be explained in this way; and the early traffic of Europe with China, also through Tibet, and perhaps earlier than communication with Hindustan, is made probable.