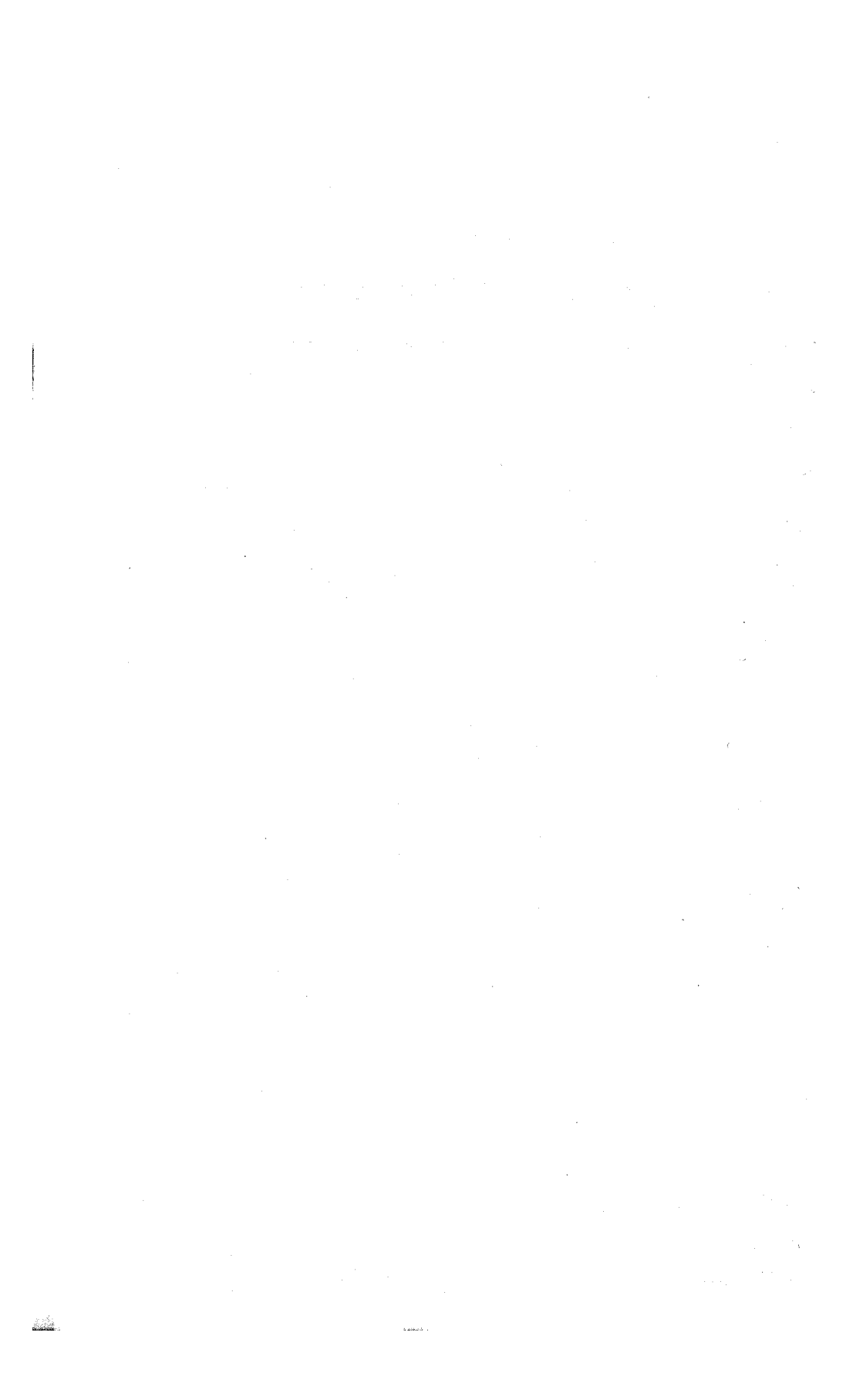


*On the common saying: That may be correct
in theory, but it is of no use in practice*



Introduction

On July 30, 1792, Kant wrote to Johann Erich Biester, editor of the *Berlinische Monatsschrift*, requesting that he return “as soon as possible” a manuscript, the four parts of which were to have appeared in four successive issues of the journal (AK 11:336). The manuscript was eventually published as *Religion within the Boundaries of Mere Reason*. Biester had obtained the Berlin censors’ imprimatur for the treatise that became Book I of *Religion* but, despite his appeal from their decision, had been firmly denied permission to publish the treatise that became Book II. As Kant pointed out, the first treatise, without the others, could cut an “odd figure” in the journal. In place of it he offered to provide a strictly “moral” treatise, dealing with Christian Garve’s criticism of Kant’s moral principle in Part I of his *Essays on Various Topics from Morals, Literature and Social Life* (1792).

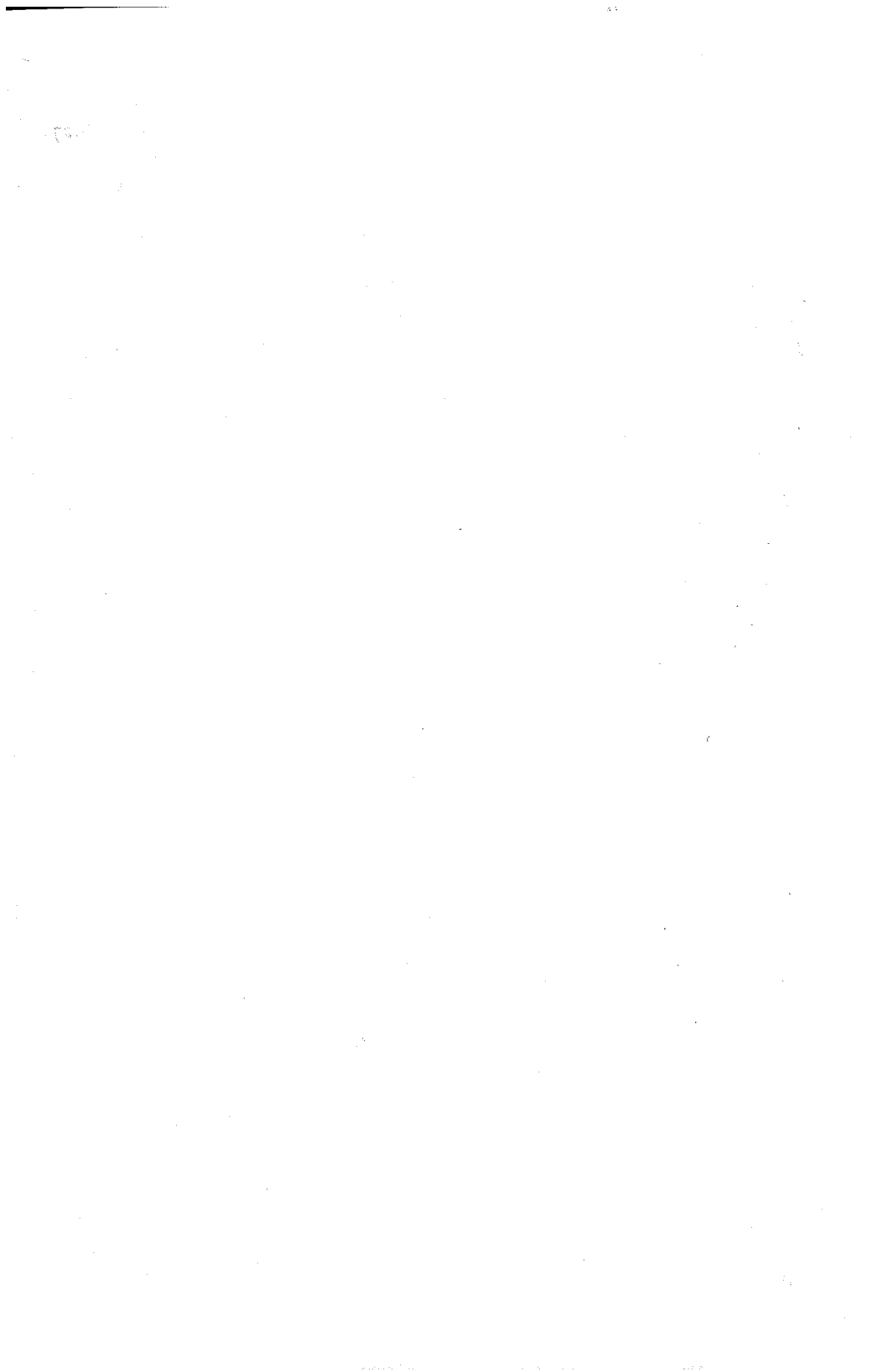
The treatise, as Kant first described it, never appeared. Instead, the reply to Garve became Part I of Kant’s essay “On the Common Saying: That May Be True in Theory, but It Is of No Use in Practice,” which was published in the *Berlinische Monatsschrift* in 1793. Since Garve’s criticism was, in part, that Kant’s formal principle could not provide a motive for action, it could well be brought under the “common saying.” So too could Kant’s contention against Hobbes, in Part II, that subjects have noncoercive rights against their sovereign, and his objection, in Part III, to Moses Mendelssohn’s view that the human race will never make moral progress. As to why Kant chose to focus on this common saying and extend it, there is no hard evidence. There is, however, room for conjecture, especially with regard to Part II.

Kant’s interest in the French Revolution, with its “Declaration of the Rights of Men and of Citizens” in 1789, was, of course, shared by others. Edmund Burke’s *Reflections on the Revolution in France* (1790) contemptuously dismissed the subtle “political metaphysics” of theorists who object to any state not established on their principles. On the other hand, August Wilhelm Rehberg’s *Examination of the French Revolution*, published at the beginning of 1793, declared that “metaphysics” had brought about the revolution, something never heard of before. In his preliminary notes to the present essay (AK 23:127) Kant mentions the recent charge, never heard of before, that metaphysics can cause a revolution, and questions

whether this gives it undeserved honor or undeserved blame, since "men of affairs" have long made it their principle to banish metaphysics to the schools. Kant's contention, here as in Part I, is that metaphysics or a priori principles can be put into practice. Although he denies that subjects have a right to rebel, he insists upon a sovereign's duty to give laws in conformity with their right to freedom, equality, and independence and so to realize a civil society that approaches reason's idea of a civil union. The objection that this cannot be done is based, like Garve's, on the futile attempt to base theory on empirical grounds.

Of the three goals included in the motto "Liberty, Equality, Fraternity," the first two have traditionally claimed the lion's share of attention. Kant's political writings are no exception. In Part III of the present essay, however, Kant takes issue with Moses Mendelssohn's view that the human race will never make moral progress. If this were the case, Kant maintains, we should be unable to fulfill our duty of philanthropy. Although it need only be shown that the moral improvement of the human race is not impossible, another essay, apparently written in 1795, finds evidence of its improvement. Entitled "An Old Question Raised Again: Is the Human Race Constantly Progressing?" it was published in 1798 as Part II of *The Conflict of the Faculties*. The next treatise in the present volume, *Toward Perpetual Peace*, returns to the political questions raised with regard to the "common saying."

*On the common saying:
That may be correct in theory,
but it is of no use in practice*



A sum of rules, even of practical rules, is called *theory* if those rules are thought as principles having a certain generality,^a so that abstraction is made from a multitude of conditions that yet have a necessary influence on their application. Conversely, not every doing^b is called *practice*, but only that effecting of an end which is thought as the observance of certain principles of procedure represented in their generality.

It is obvious that between theory and practice there is required, besides, a middle term connecting them and providing a transition from one to the other, no matter how complete a theory may be; for, to a concept of the understanding, which contains a rule, must be added an act of judgment by which a practitioner distinguishes whether or not something is a case of the rule; and since judgment cannot always be given yet another rule by which to direct its subsumption (for this would go on to infinity), there can be theoreticians who can never in their lives become practical because they are lacking in judgment, for example, physicians or jurists who did well during their schooling but who are at a loss when they have to give an expert opinion. But even where this natural talent is present there can still be a deficiency in premises, that is, a theory can be incomplete and can, perhaps, be supplemented only by engaging in further experiments and experiences, from which the recently schooled physician, agriculturalist, or economist can and should abstract new rules for himself and make his theory complete. In such cases it was not the fault of theory if it was of little use in practice, but rather of there having been *not enough* theory, which the man in question should have learned from experience and which is true theory even if he is not in a position to state it himself and, as a teacher, set it forth systematically in general propositions, and so can make no claim to the title of theoretical physician, agriculturalist and the like. Thus no one can pretend to be practically proficient in a science and yet scorn theory without declaring that he is an ignoramus in his field, inasmuch as he believes that by groping about in experiments and experiences, without putting together certain principles (which really constitute what is called theory) and without having thought out some whole relevant to his business^c (which, if one proceeds methodically in it, is called a system), he can get further than theory could take him.

Yet it is easier to put up with an ignorant man who declares that theory is unnecessary and dispensable in his supposed practice than with a would-be expert who concedes it and its value in schools (perhaps only to exercise the mind) but at the same time maintains that matters are quite different in practice; that when one goes from school into the world one becomes aware that one has been pursuing empty ideals and philosophic

^a *Allgemeinheit*

^b *Hantirung*

^c *ein Ganzes . . . über sein Geschäft*

dreams; in short, that what sounds good in theory has no validity for practice. (This is often expressed as, this or that proposition does indeed hold *in thesi*, but not *in hypothesi*.) Now if an empirical engineer tried to disparage general mechanics, or an artilleryman the mathematical doctrine of ballistics, by saying that whereas the theory of it is nicely thought out it is not valid in practice since, when it comes to application, experience yields quite different results than theory, one would merely laugh at him (for, if the theory of friction were added to the first and the theory of the resistance of air to the second, hence if only still more theory were added, these would accord very well with experience). However, it is quite different with a theory having to do with objects of intuition than with a theory in which objects are represented only by means of concepts (with objects of mathematics and objects of philosophy); the latter objects could perhaps be *thought* quite well and irreproachably (on the part of reason), but perhaps they could not be *given* at all but might well be mere empty ideas, of which either no use at all would be made in practice or even a use that would be detrimental to it. That common saying could, therefore, still be correct in such cases.

8:277

But in a theory that is based on the *concept of duty*, concern about the empty ideality of this concept quite disappears. For it would not be a duty to aim at a certain effect of our will if this effect were not also possible in experience (whether it be thought as completed or as always approaching completion); and it is theory of this kind only that is at issue in the present treatise. For, to the scandal of philosophy, it is not uncommonly alleged of this theory that what may be correct in it is yet invalid in practice; and this is said in a lofty, disdainful tone, full of the presumption of wanting to reform reason by experience even in that in which reason puts its highest honor, and in a wisdom that can see farther and more clearly with its dim moles' eyes fixed on experience than with the eyes belonging to a being that was made to stand erect and look at the heavens.

This maxim, which has become very common in our times, so full of talk and empty of deeds, does the greatest harm when it has to do with something moral (duties of virtue or duties of right). For here it is a matter of the canon of reason (in the practical), where the worth of practice rests entirely on its conformity with the theory underlying it, and all is lost if the empirical and hence contingent conditions of carrying out the law are made conditions of the law itself, so that a practice calculated with reference to an outcome probable in accordance with *previous* experience is given authority to control a self-sufficient theory.

I divide this treatise according to the three different standpoints from which the worthy gentleman¹ who so boldly disparages theories and systems usually appraises his objects, and so in his three capacities^d 1) as a *private*

^d in *dreifacher Qualität*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY
individual who is still a *man of affairs*, 2) as a *statesman*, 3) as a *man of the world* (or citizen of the world generally). These three persons are at one in attacking the *academic*, who works on theory on behalf of them all and for their benefit; since they fancy that they understand matters better than he, they seek to banish him to his school (*illa se iacet in aula!*),^e as a scholar who, spoiled for practice, only stands in the way of their experienced wisdom.

We shall therefore present the relation of theory to practice in three parts: *first* in *morals*^f generally (with a view to the well-being^g of every human being), *second* in *politics* (with reference to the well-being of *states*), *third* from a *cosmopolitan* perspective (with a view to the well-being of the *human race* as a whole and insofar as it is conceived as progressing toward its well-being in the series of generations of all future times). The titles of the parts will, on grounds arising from the treatise itself, be expressed as the relation of theory to practice in *morals*, in the *right of a state*, and in the *right of nations*.

8:278

I.
 ON THE RELATION OF THEORY OF PRACTICE
 IN MORALS GENERALLY

(In reply to some objections by Professor Garve*)

Before I come to the real point of controversy over what, in the use of one and the same concept, may be valid in theory only or in practice, I must compare my theory, as I have elsewhere represented it, with the representation of it that Garve gives, in order to see in advance whether we even understand each other.

A. I explained morals provisionally as the introduction to a science that teaches, not how we are to become happy, but how we are to become worthy of happiness.[†] In doing so I did not fail to remark that the human

**Versuche über verschiedene Gegenstände aus der Moral und Literatur, von Ch. Garve. Erster Theil, S. 111 bis 116.* [Essays on Various Topics from Morals and Literature, by Christian Garve, Part I, pp. 111–116].² I call this worthy man's contesting of my propositions *objections* to matters in which (as I hope) he wishes to reach agreement with me, not attacks, which, as disparaging assertions, should provoke a defense; this is not the place to defend them nor am I inclined to do so here.

[†]Worthiness to be happy is that quality of a person, based upon the subject's own will, such that a reason giving universal laws (for nature as well as for free will) would harmonize with all the ends of this person. It is therefore quite different from skill in acquiring some happiness.^h For he is not even worthy of this skill and of the talents nature has lent him for it if he has a will which does not harmonize with that will which alone is adapted to a universal legislation of reason and which cannot be included in it (i.e., which conflicts with morality).

^e Let him lord it there in his own court! Virgil *Aeneid* 1.140.

^f *Moral*. Although I have translated *Moral* throughout this essay as "morals," in some passages Kant uses it in the sense of "moral philosophy."

^g *das Wohl*

^h *ein Glück*

8:279 being is not thereby required to *renounce* his natural end, happiness, when it is a matter of complying with his duty; for that he cannot do, just as no finite rational being whatever can; instead, he must *abstract* altogether from this consideration when the command of duty arises; he must on no account make it the *condition* of his compliance with the law prescribed to him by reason; indeed he must, as far as is possible for him, strive to become aware that no *incentive* derived from that gets mixed, unnoticed, into the determination of duty, and this is effected by his representing duty as connected with the sacrifices its observance (virtue) costs us rather than with the advantages it yields us, so as to represent the command of duty in all its authority, as requiring unconditional obedience, sufficient in itself and in need of no other influences.

a. Now, the way Garve expresses this proposition of mine is that "I had maintained that observance of the moral law, without any regard for happiness at all, is the *sole final end* for the human being, that is must be considered the creator's sole end." (According to my theory, neither human morality by itself nor human happiness by itself is the creator's sole end, but rather the highest good possible in the world, which consists of the union and harmony of the two.)

B. I remarked further that this concept of duty does not have to be grounded on any particular end but rather *introduces* another end for the human being's will, namely to work to the best of one's abilityⁱ toward the *highest good* possible in the world (universal happiness combined with and in conformity with the purest morality throughout the world), which, since it is within our control from one quarter but not from both taken together, exacts from reason belief, *for practical purposes*, in a moral ruler of the world and in a future life. It is not as if the universal concept of duty first gets "support and stability" only on the presupposition of both, that is, gets a sure basis and the requisite strength of an *incentive*, but rather that only in that ideal of pure reason does it also get an *object*.^{*} For, in itself

8:280 *The need to assume, as the final end of all things, a good that is the *highest good* in the world and also possible through our cooperation is a need [arising] not from a deficiency in moral incentives but from a deficiency in the external relations within which alone an object as end in itself (as moral *final end*) can be produced in conformity with these incentives. For without some end there can be no *will*, although, if it is a question only of lawful necessitation of actions, one must abstract from any end and the law alone constitutes its determining ground. But not every end is moral (e.g., that of one's own happiness is not), but this must rather be an unselfish one; and the need for a final end assigned by pure reason and comprehending the whole of all ends under one principle (a world as the highest good and possible through our cooperation) is a need of an unselfish will *extending* itself beyond observance of the formal law to production of an object (the highest good). This is a special kind of determination of the will, namely through the idea of the whole of all ends, the basis of which is that *if* we stand in certain moral relations to things in the world we must everywhere obey the moral law, and beyond this there is added the duty to bring it about as ⁱ *nach allem Vermögen*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

duty is nothing other than the *limitations* of the will to the condition of a giving of universal law possible through a maxim adopted, whatever the object of the will or the end may be (thus happiness as well), from which, as well as from every end one may have, we here abstract altogether. In the question of the *principle* of morals the doctrine of the *highest good*, as the final end of a will determined by this doctrine and conformed with its laws, can be completely passed over and set aside (as episodic); and it will also become apparent in what follows, when it comes to the real point of controversy, that this is not taken into consideration at all but only morals in general.

b. Garve expresses this proposition as follows: "that the virtuous person can never lose sight of that perspective (his own happiness) nor may he do so, since otherwise he would lose altogether passage into the invisible world, to conviction of the existence of God and of immortality, which is yet, according to this theory, absolutely necessary *to give the moral system support and stability*"; and he then concludes by briefly summing up the assertions he attributes to me: "The virtuous person, according to those principles, strives unceasingly to be worthy of happiness but never, *insofar as* he is truly virtuous, to be happy." (The words *insofar as* create an ambiguity here, which must be settled at the outset. They can mean, *in the act* by which, as virtuous he subjects himself to his duty, in which case this proposition is perfectly in accord with my theory. Or they can mean that just by his being virtuous generally, and so even when it is not a matter of duty and there would be no conflict with it, a virtuous person should still have no regard at all for happiness; and this quite contradicts my assertions.)

8:281

These objections are therefore nothing but misunderstandings (for I do not care to take them as misrepresentations), and their possibility would have to be astonishing, did not the human propensity to follow one's accustomed course of thought even in appraising the thoughts of others, and thus to carry the former over into the latter, adequately explain such a phenomenon.

Upon this polemical treatment of the above moral principle there now

far as we can *that* such a relation (a world in keeping with the moral highest ends) exists. In this the human being thinks of himself by analogy with the Deity who, although subjectively in need of no external thing, still cannot be thought to shut himself up within himself but rather to be determined to produce the highest good beyond himself just by his consciousness of his complete self-sufficiency; and this necessity in the supreme being (which in the human being is a duty) can be represented *by us* only as a moral need. With the human being too, accordingly, the incentive which is present in the idea of the highest good possible in the world by his cooperation is not his own happiness thereby intended but only this idea as end in itself, and hence compliance with it as duty. For it contains no prospect of happiness absolutely, but only of a proportion between it and the worthiness of a subject, whatever that may be. But a determination of will which limits itself and its aim of belonging to such a whole to this condition is *not selfish*.

8:282

follows a dogmatic assertion of the opposite. Garve concludes analytically as follows: "In the ordering of *concepts*, perception and distinction of states,^j whereby one of them is given *preference* over the other, must precede the choice^k of one of them and hence the determination in advance^l of a certain end. But a state that a being endowed with consciousness of himself and of his state *prefers* to other ways of being, when this state is present and perceived by him, is a *good* state; and a series of such good states is the most general concept expressed by the word *happiness*." Further, "A law supposes motives, while motives suppose an already perceived distinction of a worse state from a better one. This perceived distinction is the element of the concept of happiness, and so forth." Further, "*From happiness* in the most general sense of the word *arises* the motives *for every effort* and so too for observance of the moral law. I must first know in general that something is good before I can ask whether fulfillment of moral duties belongs under the heading of the good; the human being must have an *incentive*, which puts him in motion, *before* one can set him a *goal*,* toward which this motion is to be directed."

This argument is nothing more than a play upon the ambiguity of the word *the good*; for this [can be taken to mean] either what is good in itself and unconditionally, as opposed to what is evil in itself, or else what is only conditionally good, as compared with what is a lesser or greater good, since the state chosen^m in the latter case can be a state that is relatively better but in itself evil. The maxim of unconditional observance of a categorically commanding law of free choiceⁿ (i.e., of duty), without having regard for any end at all put at its basis, is essentially different, that is, different *in kind*, from the maxim in which the motive for acting in a certain way is to pursue the end assigned us by nature itself (which is called happiness in general). For the first maxim is in itself good, the second by no means; in case of a collision with duty it can be quite evil. On the other hand, if a certain end is laid down as a basis, so that no law commands unconditionally (but only under the condition of this end), then two opposing actions can both be conditionally good but one better

*This is precisely what I insist upon. The incentive which the human being can have before a goal (end) is set for him can obviously be nothing other than the law itself through the respect that it inspires (without its being determined what end one may have and may attain by complying with it). For the law with respect to what is formal in choice is indeed all that remains when I have left out of consideration the matter of choice (the goal, as Garve calls it).

^j *Zustände*. In Part I of this essay, where there is no need to distinguish *Zustand* from *Staat*, *Zustand* is translated as "state."

^k *Wahl*

^l *Vorausbestimmung*

^m *der Zustand der Wahl*

ⁿ *der freien Willkür*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

than the other (the latter of which could then be called relatively evil); for they are different from each other not *in kind* but merely *in degree*. And this is how it is with all actions the motive of which is not the unconditional law of reason (duty) but an end that we have by choice^o made their basis; for this belongs to the sum of all ends the attainment of which is called happiness, and one action can contribute more, another less to my happiness and so be better or worse than the other. But the *preference* of one state of determination of the will to another is merely an act of freedom (*res merae facultatis*,³ as jurists say), in regard to which no account at all is taken of whether this (determination of the will) is good or evil in itself, and is thus indifferent with respect to both.

A state of being bound up with a certain *given end* that I prefer to any other *of the same kind* is a relatively better state, namely in the sphere of happiness (which is recognized *by reason* as *good* only conditionally, so far as one is worthy of it). But that state in which I am aware that, in case of a collision of certain of my ends with the moral law of duty, I prefer the latter is not merely a better state but the only one that is good in itself; it is a good from another sphere altogether, where ends that may present themselves to me (and so too their sum, happiness) are not taken into consideration at all and where it is not the matter of choice (an object put at its basis) but the mere form of the universal lawfulness of its maxims that constitutes its determining ground. Thus it can by no means be said that I account to my happiness any state that I *prefer* to be in than any other kind. For I must first be sure that I am not acting against my duty; only afterwards am I permitted to look around for happiness, to the extent that I can unite the state of being happy with that morally (not naturally) good state of mine.*

8:283

Certainly, the will must have *motives*; but these are not certain objects proposed as ends related to *natural feeling*, but nothing other than the unconditional *law* itself; and the will's receptivity to finding itself subject to the law as unconditional necessitation is called *moral feeling*, which is therefore not the cause but the effect of the determination of the will, and

*Happiness contains all (and also not more than) that which nature provides us; but virtue contains what no one other than the human being can give himself or take away from himself. If someone wanted to retort that by deviating from the latter a human being can at least bring upon himself reproach and purely moral self-censure and hence dissatisfaction, so that he can make himself unhappy, that may certainly be granted. But only a virtuous man or one who is on his way to being virtuous is susceptible to^p this purely moral dissatisfaction (not from disadvantageous results of his action but from its unlawfulness itself). His dissatisfaction is consequently not the cause but only the effect of his being virtuous; and the motive for being virtuous could not be derived from such unhappiness (if one wants to give this name to the pain resulting from a misdeed).

^o *willkürlich*

^p *fähig*

8:284 we would not have the least perception of it within ourselves if that necessitation were not already present within us. Thus the old refrain, that this feeling and hence a pleasure that we make an end for ourselves is the first cause of the determination of the will, so that happiness (to which it belongs as an element) still constitutes the basis of all objective necessity in acting and hence of all obligation, is a piece of sophistical *trifling*.⁴ That is to say, if one cannot cease asking, even after a cause has been cited for a certain effect, one finally makes the effect its own cause.

I now come to the point that really concerns us here, namely to illustrate with examples and to test the supposed conflicting interests of theory and of practice in philosophy. Garve gives the best example of it in his treatise cited above. He says first (speaking of the distinction I find between a doctrine of how we are to become *happy* and one of how we are to become *worthy* of happiness): "For my own part, I confess that I very well conceive this division of ideas in my *head*, but that I do not find this division of wishes and strivings in my *heart*, and that it is even inconceivable to me how any one can become aware of having detached himself altogether from his desire for happiness and hence aware of having performed his duty quite unselfishly."

I shall first reply to the latter. I readily grant that no one can become aware with certainty of *having performed his duty* quite unselfishly; for that belongs to inner experience, and to this consciousness of his state of soul there would have to belong a perfectly clear representation of all the associated representations⁷ and considerations attached to the concept of duty by imagination, habit, and inclination, which cannot be required in any case; and, in general, the *nonexistence of something* (and so too of a covertly thought advantage) cannot be an object of experience. But that the human being *ought to perform* his duty quite unselfishly and that he *must* altogether separate his craving for happiness from the concept of duty, in order to have this concept quite pure: of that he is aware with the utmost clarity or, should he believe that he is not, it can be required of him that he be so, as far as he can; for the true worth of morality is to be found precisely in this purity, and he must therefore also be capable of it. Perhaps no one has ever performed quite unselfishly (without admixture of other incentives) the duty he cognizes and also reveres; perhaps no one will ever succeed in doing so, however hard he tries. But insofar as, in examining himself most carefully, he can perceive not only no such cooperating motive but instead self-denial with respect to many motives opposing the idea of duty, he can become aware of a maxim of striving for such purity; that he is capable of, and that is also sufficient for his observance of duty. On the other hand, to make it his maxim to foster the influence of

8:285

⁴ unter die vernünftigen Tüdelein gehört

⁷ Nebenvorstellungen

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

such motives, on the pretext that human nature does not admit of such purity (though this, again, he cannot assert with certainty) is the death of all morality.

As for Garve's avowal, just cited, that he does not find such a division (strictly speaking, separation) in his *heart*, I have no hesitation in contradicting his self-accusation outright and in championing his heart against his head. He, a man of integrity, has actually *found* this separation in his heart every time (in his determination of will), only it would not be reconciled in his head* – for the sake of speculation and of comprehending what is incomprehensible (inexplicable), namely the possibility of categorical imperatives (such as those of duty are) – with the usual principles of psychological explanation (all of which have the mechanism of natural necessity as their basis).

But I must loudly and zealously contradict Garve when he concludes by saying: "Such fine distinctions among ideas already become *obscure* in *reflecting* upon particular objects; but they *disappear completely* when it comes to *acting*, when they are to be applied to desires and purposes. The more simple, rapid and *stripped of clear representations* is the step by which we pass from considering motives to actually acting, so much the less is it possible to cognize precisely and surely the determinate weight that each motive contributed to guiding the step in this and in no other way."

8:286

The concept of duty in its complete purity is not only incomparably simpler, clearer and, for practical use, more readily grasped and more natural to everyone than any motive derived from happiness, or mixed with it and with regard for it (which always requires much art¹ and reflection); it is also, even in the judgment of the most common human reason – if only the concept is presented in its purity to a human will, separated from and even in opposition to the latter – far *more powerful*, forceful, and promising of results than all motives borrowed from the latter, selfish principle. Take the case, for example, that someone is holding in trust something belonging to another (*depositum*), the owner of which has died, and that the owner's heirs know nothing about it and can

*Professor Garve (in his notes to Cicero's book on duties [*De Officiis*], 1783 edition, p. 69) makes the following admission, notable and worthy of his acuteness: "Freedom, according to his innermost conviction, will always remain unresolved and will never be explained." A proof of its reality can absolutely not be found either in an immediate or in a mediate experience; and yet one also cannot accept it without any proof. Since a proof of its reality cannot be derived from merely theoretical grounds (for these would have to be sought in experience) and must therefore be derived from practical rational propositions only – but not from technically practical ones (since these would in turn require experiential grounds) – and can consequently be derived only from morally practical propositions, one has to wonder why Garve did not have recourse to the concept of freedom, so as at least to save the possibility of such imperatives.

¹ *Kunst*

never come to know of it. We submit this case even to a child some eight or nine years old, and add that the holder of this deposit suffers at this very time (through no fault of his own) a complete reversal of his fortune and sees around him a miserable family of wife and children oppressed by want that he could relieve in a moment by appropriating this deposit; we add further that he is philanthropic and beneficent whereas those heirs are wealthy, hard-hearted and, besides, so thoroughly given to luxury and wastefulness that adding anything to their resources would be equivalent to throwing it into the sea. And we now ask whether, under such circumstances, it can be considered permissible for him to put this deposit to his own use. The one being questioned will undoubtedly answer, No! and, in place of any grounds, will be able to say only, *It is wrong!* – that is, it conflicts with duty. Nothing is clearer than this, though it is surely not clear that the trustee would be furthering his own *happiness* by giving up the deposit. For, if he expected to determine his decision in view of the latter he could, for example, think as follows: “If you give up the other’s goods you have to the true owners without being called upon to do so, they will presumably reward you for your honesty; or if that does not happen, you will acquire a good reputation at large, which can be very lucrative. But all this is most uncertain. Many doubts also arise about the opposite course: If you embezzle the deposit so as to get out of your depressed circumstances at one stroke, by making quick use of it you will incur suspicion as to how and by what means you had so soon bettered your circumstances; but if you put it to work slowly, your poverty will meanwhile increase so much it would come to be beyond remedy.” By the maxim of happiness a will thus vacillates between its incentives as to what it should decide upon; for it looks to the outcome and this is highly uncertain; a good head is required to find a way out of the crush of arguments and counterarguments without cheating oneself in the total reckoning. On the other hand, if he asks himself what his duty is in this matter, he is not at all perplexed about what answer to give but certain on the spot what he has to do. He even feels, if the concept of duty counts for something with him, a revulsion merely at calculating the advantages he could gain by transgressing it, as if he still had a choice¹ in the matter.

That these distinctions (which, as we have just shown, are not so fine as Garve thinks but are inscribed on the human soul in the broadest and most legible characters), as he says, *disappear altogether when it comes to acting* thus contradicts even his own experience. Admittedly, it does not contradict the experience that the *history* of maxims drawn from the one or the other principle presents; such experience proves, regrettably, that maxims for the most part flow from the latter principle (of selfishness);

¹ *Wahl*

but it does contradict the experience, which can only be inward," that no idea so elevates the human mind and animates it even to inspiration as that of a pure moral disposition, revering duty above all else, struggling with the countless ills of life and even with its most seductive allurements and yet overcoming them (as we may rightly assume that one is capable of doing). That the human being is aware that he can do this because he ought to discloses within him a depth of divine predispositions and lets him feel, as it were, a holy awe at the greatness and sublimity of his true vocation. And if this attention were drawn to it more often and he became used to ridding virtue completely of all the rich booty of advantages to be amassed through the observance of duty and to representing it in all its purity; if it became a principle of private and public instruction always to make use of this (a method of inculcating duties that has almost always been neglected), human morality would soon be better off. That historical experience up to now has still not proved the success of the doctrine of virtue may well be the fault of just the false presupposition that the incentive derived from the idea of duty in itself is much too fine for the common concept whereas the coarser incentive drawn from certain advantages to be expected, in this world or even in a future one, from compliance with the law (without regard for the law itself as the incentive) would work more powerfully on the mind, and that up to now it has been made a principle of education and homiletics to give preference to the aspiration for happiness over that which reason makes the supreme condition of this, namely worthiness to be happy. For *precepts* as to how one can make oneself happy or at least avoid what is disadvantageous are not *commands*. They do not bind anyone absolutely; having been warned, one may choose^v what he thinks good, if he is prepared to suffer the consequences. He has no cause to regard as punishments such troubles as might issue from his failure to follow the advice he was given; for punishments happen only to a will that is free but contrary to the law; nature and inclination, however, cannot give laws to freedom. It is quite different with the idea of duty, someone's transgression of which, even without his considering the disadvantages to himself resulting from it, works immediately upon his mind and makes him reprehensible and punishable in his own eyes.

Here, then, is a clear proof that everything in moral philosophy that is correct for theory must also hold for practice. Everyone in his capacity as a human being, a being subjected by his own reason to certain duties, is accordingly a *man of affairs*; and since, as a man, he never outgrows the school of wisdom, he cannot with proud contempt, as someone supposedly better instructed by experience about what a human being is and what can be required of him, send the adherent of theory back to school.

^u *innerlich*
^v *wählen*

8:289 For all this experience does not help him at all to escape the precept of theory, but at most only helps him to learn how theory could be better and more generally put to work, after one has adopted it into one's principles; but we are not speaking here of such pragmatic skill but only of principles.

II.

ON THE RELATION OF THEORY TO PRACTICE
IN THE RIGHT OF A STATE

(Against Hobbes)

Among all the contracts by which a multitude of people unites into a society (*pactum sociale*), the contract establishing a *civil constitution* among them (*pactum unionis civilis*) is of such a distinctive kind that, although with respect to its *application*^w it has much in common with any other (which is likewise directed to some discretionary^x end to be promoted by common effort), it is essentially different from every other in the principle of its institution (*constitutionis civilis*). The union of many for some (common) end (that all of them *have*) is to be found in any social contract; but that union which is in itself an end (that each *ought to have*) and which is therefore the unconditional and first duty in any external relation of people in general, who cannot help mutually affecting one another, is to be found in a society only insofar as it is in the civil condition,^y that is, constitutes a commonwealth. Now the end that, in such an external relation, is in itself duty and even the supreme formal condition^z (*conditio sine qua non*) of all other external duties is the *right* of human beings under *public coercive laws*, by which what belongs to each can be determined for him and secured against encroachment by any other.

8:290 But the concept of an external right as such proceeds entirely from the concept of *freedom* in the external relation of people to one another and has nothing at all to do with the end that all of them naturally have (their aim of happiness) and with the prescribing of means for attaining it; hence too the latter absolutely must not intrude in the laws of the former as their determining ground. *Right* is the limitation of the freedom of each to the *condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law*; and *public right* is the sum of *external laws* which make such a thoroughgoing harmony possible. Now, since any limitation of freedom through another's choice^a is called coercion, it follows that a civil constitution is a relation of *free* human beings

^w *Ausführung*^x *beliebigen*^y *Zustand*^z *Bedingung*^a *Willkür*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

who (without prejudice to their freedom within the whole of their union with one another) are nevertheless subject to coercive laws; for reason itself wills it so, and indeed pure reason giving laws a priori, which has no regard for any empirical ends (all of which are comprehended under the general name happiness); for, since people differ in their thinking about happiness and how each would have it constituted, their wills with respect to it cannot be brought under any common principle and so under any external law harmonizing with everyone's freedom.

Thus the civil condition, regarded merely as a rightful condition, is based a priori on the following principles:

1. The *freedom* of every member of the society as a human being.
2. His *equality* with every other as a *subject*.
3. The *independence* of every member of a commonwealth as a *citizen*.

These principles are not so much laws given by a state already established as rather principles in accordance with which alone the establishment of a state is possible in conformity with pure rational principles of external human right. Accordingly,

1. As for the *freedom* [of every member of a state] as a human being I express its principle for the constitution of a commonwealth in the following formula: No one can coerce me to be happy in his way (as he thinks of the welfare^b of other human beings); instead, each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end which can coexist with the freedom of everyone in accordance with a possible universal law (i.e., does not infringe upon this right of another). A government established on the principle of benevolence toward the people like that of a *father* toward his children – that is, a *paternalistic government* (*imperium paternale*), in which the subjects, like minor children who cannot distinguish between what is truly useful or harmful to them, are constrained to behave only passively, so as to wait only upon the judgment of the head of state as to how they *should be* happy and, as for his also willing their happiness, only upon his kindness – is the greatest *despotism* thinkable (a constitution that abrogates all the freedom of the subjects, who in that case have no rights at all). Not a *paternalistic* but a *patriotic government* (*imperium non paternale, sed patrioticum*) is the only one that can be thought for human beings, who are capable^c of rights, and also with reference to the benevolence of the ruler. In a *patriotic* way of thinking everyone in a state (its head not excepted) regards the commonwealth as the maternal womb, or the country as the paternal land, from which and on which he has arisen and which he must also leave behind as a cherished pledge, only so as to consider himself

8:291

^b *Wohlsein*

^c *fähig*

authorized to protect its rights by laws of the common will but not to subject the use of it to his unconditional discretion. This right of freedom belongs to him, a member of a commonwealth, as a human being namely insofar as he is a being that is, as such, capable of rights.

2. The *equality* [of each member of a state] as a subject, the formula of which can read: Each member of a commonwealth has coercive rights against every other, the only exception being the head of state (since he is not a member of the commonwealth but its creator or preserver), who alone is authorized to coerce without himself being subject to a coercive law. But whoever is *subject* to laws^d is a subject^e within a state and is thus subjected^f to coercive right equally with all the other members of the commonwealth; only one (physical or moral person), the head of state, by whom alone any rightful coercion can be exercised, is excepted. For if he could also be coerced he would not be the head of state and the sequence of subordination would ascend to infinity. But if there were two of them (uncoercible persons), neither would be subject to coercive laws and one could do the other no wrong; and that is impossible.

8:292 But this thoroughgoing equality of individuals within a state, as its subjects, it quite consistent with the greatest inequality in terms of the quantity and degree of their possessions, whether in physical or mental superiority over others or in external goods^g and in rights generally (of which there can be many) relatively to others; thus the welfare of one is very much dependent upon the will of another (that of the poor on the rich); thus one must obey (as a child its elders or a wife her husband) and the other directs; thus one serves (a day laborer) and the other pays him, and so forth. But *in terms of right* (which, as the expression of the general will, can be only one and which concerns the form of what is laid down as right^h not the matter or the object in which I have a right), they are nevertheless all equal to one another as subjects; for, no one of them can coerce any other except through public law (and its executor, the head of state), through which every other also resists him in like measure; but no one can lose this authorization to coerce (and so to have a right against others) except by his own crime, and he cannot give it away of his own accord, that is, by a contract, and so bring it about by a rightful actionⁱ that he has no rights but only duties; for he would thereby deprive himself of the right to make a contract and thus the contract would nullify itself.

From this idea of the equality of human beings as subjects within a

^d *unter Gesetzen steht*

^e *Untertan*

^f *unterworfen*

^g *Glücksgütern*

^h *Rechtens*

ⁱ *rechtliche Handlung*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

commonwealth there also issues the following formula: Every member of a commonwealth must be allowed to attain any level of rank within it (that can belong to a subject) to which his talent, his industry and his luck can take him; and his fellow subjects may not stand in his way by means of a *hereditary* prerogative (privileges [reserved] for a certain rank), so as to keep him and his descendants forever beneath the rank.

For all right consists merely in the limitation of the freedom of every other to the condition^j that it can coexist with my freedom in accordance with a universal law, and public right (within a commonwealth) is merely the condition^k of an actual legislation in conformity with this principle and joined with power, by virtue of which all those belonging to a people as subjects are in a rightful condition (*status iuridicus*) as such, namely a condition of equality of action and reaction of a choice limiting one another^l in conformity with a universal law of freedom (which is called the civil condition); hence the *innate right* of each in this condition (i.e., his right prior to any rightful deed) is altogether *equal* with respect to the authorization to coerce every other to remain always within the bounds of the consistency of the use of his freedom with mine. Now since birth is not a *deed* of the one who is born, he cannot incur by it any inequality of rightful condition and any other subjection to coercive laws than merely that which is common to him along with all others, as subjects of the sole supreme legislative power; hence there can be no innate prerogative of one member of a commonwealth over another as fellow subjects, and no one can bequeath to his descendants the prerogative of the *rank* which he has within a commonwealth and so also cannot, as if qualified by birth for the ruling rank, coercively prevent others from attaining by their own merit the higher levels of subordination (of *superior* and *inferior*, in which no one, however, is *imperans* and the other *subiectus*). He may bequeath anything else, whatever is a thing (not pertaining to personality) and can be acquired as property and also alienated by him, and so in a series of generations produce a considerable inequality of financial circumstances among the members of a commonwealth (of hireling and hirer, landowners^m and agricultural laborers, and so forth); but he may not prevent their being authorized to raise themselves to like circumstances if their talent, their industry, and their luck make this possible for them. For otherwise he could coerce without others in turn being able to coerce him by their reaction, and would rise above the level of a fellow subject. Again, no one living in a rightful condition of a commonwealth can fall from this equality otherwise than by his own crime, never by a contract or by military force

8:293

^j *Bedingung*

^k *Zustand*

^l *einer . . . einander einschränkenden Willkür*

^m *Gutseigentümers*

8:294 (*occupatio bellica*); for he cannot, by means of any rightful deed (whether his own or another's) cease to be in rightful possession of himselfⁿ and enter the class of domestic animals, which are used for any service as one wants and are kept in it without their consent as long as one wants, even though with the restriction (sometimes sanctioned by religion, as with the Indians) not to maim or kill them. He can be considered happy^o in that condition provided he is aware that, if he does not reach the same level as others, the fault lies only in himself ([his lack of] ability or earnest will) or in circumstances for which he cannot blame any other, but not in the irresistible will of others who, as his fellow subjects in this condition, have no advantage over him as far as right is concerned.*

3. The *independence (sibusufficiencia)* of a member of a state as a *citizen*, that is, as a legislator. As for legislation itself, it is not the case that all who are free and equal under already existing public laws are to be held equal with regard to the right to give these laws. Those who are not qualified^t for this right are still, as members of the commonwealth, subject to compliance with these laws and thereby enjoy protection in accordance with them, not, however, as *citizens* but as *cobeneficiaries of this protection*.^u All right, that is to say, depends upon laws. But a public law that determines for everyone what is to be rightfully permitted or forbidden him is

*If we want to connect with the word *gracious* a determinate concept (distinct from kind, beneficent, protective and the like), it can be assigned only to him against whom there is *no coercive right*. Hence only the head of *public administration*^p who brings about and bestows whatever good is possible in accordance with public laws (for the *sovereign*, which gives laws, is, as it were invisible; it is the personified law itself, not its agent) can be entitled *gracious lord*, as the only one against whom there is no coercive right. So even in an aristocracy, as in Venice, for example, the *Senate* is the only gracious lord; all the nobles who comprise it, not excluding the *Doge* himself, are subjects (for only the *Grand Council* is the sovereign) and, as far as the exercise of right^q is concerned, are equal to all others, that is a coercive right against each of them belongs to a subject. Princes (i.e., persons to whom there belongs a hereditary right to government) are, however, called gracious lords (by courtly etiquette, *par courtoisie*) only prospectively and because of that claim; but in terms of their status of possession^r they are still fellow subjects, and even the least of their servants must have a coercive right against them by means of the head of state. Thus there can be no more than a single gracious lord within a state. But as for gracious (strictly speaking, distinguished) ladies, they can be regarded as justified [in their claim to] this title by their *rank* together with their *sex* (thus only against the *male sex*), and this by virtue of a refinement of manners^s (called gallantry) by which the male sex believes that it honors itself in proportion as it grants the fair sex precedence over itself.

ⁿ *Eigner seiner selbst zu sein*

^o *für glücklich*

^p *Staatsverwaltung*

^q *Rechtsausübung*

^r *Besitzstand*

^s *Sitten*

^t *fähig*

^u *Schutzgenossen*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

the act of a public will, from which all right proceeds and which must therefore itself be incapable of doing wrong to anyone. But this is possible through no other will than that of the entire people (since all decide about all, hence each about himself); for it is only to oneself that one can never do wrong. But if it is another, then the mere will of one distinct from him can decide nothing about him that could not be wrong, and the law of this will would, accordingly, require yet another law that would limit its legislation; hence no particular will can be legislative for a commonwealth. (Strictly speaking, the concepts of external freedom, equality, and the unity of the will of all come together in order to constitute this concept, and if the first two are taken together, independence is the condition of the last where voting is required.)^v This basic law, which can arise only from the general (united) will of the people, is called the *original contract*.

8:295

He who has the right to vote in this legislation is called a *citizen* (*citoyen*, i.e., *citizen of a state*, not of a town, *bourgeois*). The quality requisite to this, apart from the *natural* one (of not being a child or a woman), is only that of *being one's own master* (*sui iuris*), hence having some *property* (and any art, craft, fine art, or science can be counted as property) that supports him – that is, if he must acquire from others in order to live, he does so only by *alienating* what is *his** and not by giving others permission to make use of his powers – and hence [the requisite quality is] that, in the strict sense of the word, he *serves* no one other than the commonwealth. Here craftsmen and large (or small) landowners are all equal, namely each is entitled to only one vote. For in regard to the latter – without even raising the question, how it could with right have come about that someone received as his own more land than he could himself make use of with his own hands (for acquisition by military seizure is not first acquisition), and how it came about that many human beings who could otherwise have acquired a lasting status of possession were thereby reduced merely to serving him in order to be able to live? – it would already conflict with the above principle of equality if a law were to grant them such a privileged rank that either

8:296

*Someone who makes an *opus* can convey it to someone else by *alienating* it, just as if it were his property. But *praestatio operae*⁴ is not alienating something. A domestic servant, a shop clerk, a day laborer, or even a barber are merely *operarii*, not *artifices* (in the wider sense of the word) and not members of the state, and are thus also not qualified to be citizens. Although a man to whom I give my firewood to chop and a tailor to whom I give my cloth to make into clothes both seem to be in a quite similar relation to me, still the former differs from the latter, as a barber from a wigmaker (even if I have given him the hair for the wig) and hence as a day laborer from an artist or craftsman, who makes a work that belongs to him until he is paid for it). The latter, in pursuing his trade, thus exchanges his property with another (*opus*), the former, the use of his powers, which he grants^w to another (*operam*). It is, I admit, somewhat difficult to determine what is required in order to be able to claim the rank of a human being who is his own master.

^v zu welcher letzteren, da Stimmgebung erfordert wird . . . Selbstständigkeit die Bedingung ist

^w bewilligt

their descendants should always remain large (feudal) landowners, whose estates could not be sold or divided by inheritance and thus be used by more of the people, or else that, if there were such a division, no one other than those belonging to a certain class of people decreed at will^x could acquire something of it. That is to say, a great landowner^y eliminates as many smaller owners and their votes as could take his place; thus he does not vote in their name and accordingly has only one vote. Since it must therefore be left dependent only upon the ability, industry, and good fortune of each member of a commonwealth for each at some time to acquire a part of it and all to acquire the whole, but this distinction cannot be taken into account in the universal legislation, the number of those qualified to vote in legislation must be appraised by the number of those in the status of possession, not by the size of their possessions.

But *all* who have this right to vote must agree to this law of public justice; for otherwise there would be a dispute about rights^z between those who do not agree to it and the first, and yet another higher principle of right would be needed to decide it. Thus if the first cannot be expected of an entire people, so that a majority of votes – and indeed not of those voting directly (in a large people) but only of those delegated to do so as representatives of the people – is all that can be foreseen as attainable, the very principle of letting such a majority be sufficient, adopted as with universal agreement and so by a contract, must be the ultimate basis on which a civil constitution is established.

Conclusion

Now this is an *original contract*, on which alone a civil and hence thoroughly rightful constitution among human beings can be based and a commonwealth established. But it is by no means necessary that this contract (called *contractus originarius* or *pactum sociale*), as a coalition of every particular and private will within a people into a common and public will (for the sake of a merely rightful legislation), be presupposed as a *fact* (as a fact it is indeed not possible) – as if it would first have to be proved from history that a people, into whose rights and obligations we have entered as descendants, once actually carried out such an act, and that it must have left some sure record or instrument of it, orally or in writing, if one is to hold oneself bound to an already existing civil constitution. It is instead *only an idea* of reason, which, however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people and to regard

^x *willkürlich*

^y *Gutsbesitzer*

^z *Rechtstreit*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

each subject, insofar as he wants to be a citizen, as if he has joined in voting for such a will. For this is the touchstone of any public law's conformity with right. In other words, if a public law is so constituted that a whole people *could not possibly* give its consent to it (as, e.g., that a certain class of *subjects* should have the hereditary privilege of *ruling rank*), it is unjust;^a but if it is *only possible* that a people could agree to it, it is a duty to consider the law just, even if the people is at present in such a situation or frame of mind that, if consulted about it, it would probably refuse its consent.*

But this limitation obviously holds only for the judgment of the legislator, not that of a subject. Thus if a people now subject to a certain actual legislation were to judge that in all probability this is detrimental to its happiness, what is to be done about it? Should the people not resist it? The answer can only be that, on the part of the people, there is nothing to be done about it but to obey. For what is under discussion here is not the happiness that a subject may expect from the institution or administration of a commonwealth but above all merely the right that is to be secured for each by means of it, which is the supreme principle for which all maxims having to do with a commonwealth must proceed and which is limited by no other principle. With respect to the former (happiness) no universally valid principle for laws can be given. For both the circumstances of the times and the highly conflicting but always changing illusion^b in which someone places his happiness (though no one can prescribe to him in what he should place it) make any fixed principle impossible and [happiness] in itself unfit to be a principle of legislation. The saying *Salus publica suprema civitatis lex est*^c remains undiminished in its worth and authority; but the public well-being^d that must *first* be taken into account is precisely that lawful constitution which secures everyone his freedom by laws, whereby each remains at liberty to seek his happiness in whatever way seems best to him, provided he does not infringe upon that universal freedom in conformity with law and hence upon the right of other fellow subjects.

8:298

*If, e.g., a war tax were imposed proportionately on all subjects, they could not, because they found it oppressive, say that it is unjust because in their opinion the war may be unnecessary; for they are not entitled to appraise this but instead, because it is still always *possible* that the war is unavoidable and the tax indispensable, the tax must hold in a subject's judgment as in conformity with right. But if, during such a war, certain landowners were burdened with levies while others of the same rank were exempted, it is easily seen that a whole people could not agree to a law of this kind, and it is authorized at least to make representations against it, since it cannot take this unequal distribution of burdens to be just.

^a *nicht gerecht*

^b *Wahn*

^c The public well-being is the supreme law of the state

^d *Heil*

IMMANUEL KANT

8:299 If the supreme power gives laws that are directed chiefly to happiness (the prosperity of the citizens, increased population and the like), this is not done as the end for which a civil constitution is established but merely as means for *securing a rightful condition*, especially against a people's external enemies. A head of state must be authorized to judge for himself and alone whether such laws pertain to the commonwealth's flourishing, which is required to secure its strength and stability both internally and against external enemies, not in order, as it were, to make the people happy against its will but only to make it exist as a commonwealth.* Now the legislator can indeed err in his appraisal of whether those measures are adopted *prudently*, but not when he asks himself whether the law also harmonizes with the principle of right; for there he has that idea of the original contract at hand as an infallible standard, and indeed has it a priori (and need not, as with the principle of happiness, wait for experience that would first have to teach him whether his means are suitable). For, provided it is not self-contradictory that an entire people should agree to such a law, however bitter they might find it, the law is in conformity with right. But if a public law is in conformity with this, and so beyond reproach (*irresprehensibel*) with regard to right, then there is also joined with it authorization to coerce and, on the other's part, a prohibition against actively resisting the will of the legislator; that is, the power within a state that gives effect to the law is also unopposable (*irresistibel*), and there exists no rightful commonwealth that can hold its own without a force of this kind that puts down all internal resistance, since each resistance would take place in conformity with a maxim that, made universal, would annihilate any civil constitution and eradicate the condition in which alone people can be in possession of rights generally.

8:300 From this it follows that any resistance to the supreme legislative power, any incitement to have the subjects' dissatisfaction become active, any insurrection that breaks out in rebellion, is the highest and most punishable crime within a commonwealth, because it destroys its foundation. And this prohibition is *unconditional*, so that even if that power or its agent, the head of state, has gone so far as to violate the original contract and has thereby, according to the subjects' concept, forfeited the right to be legislator inasmuch as he has empowered the government to proceed quite violently (tyrannically), a subject is still not permitted any resistance by way of counteracting force. The ground of this is that in an already existing civil constitution the people's judgment to determine how the

*Certain restrictions on imports are included among these laws, so that the means of acquiring livelihood will promote the subjects' interests and not the advantage of foreigners or encouragement of others' industry, since a state, without the prosperity of the people, would not possess enough strength to resist foreign enemies or to maintain itself as a commonwealth.

constitution should be administered is no longer valid.^e For suppose that the people can so judge, and indeed contrary to the judgment of the actual head of state; who is to decide on which side the right is? Neither can make the decision as judge in its own suit. Hence there would have to be another head above the head of state, that would decide between him and the people; and this is self-contradictory. Nor could a right of necessity (*ius in casu necessitatis*), which, as a supposed *right* to do *wrong* when in extreme (physical) need, is in any case an absurdity,* enter here and provide a way to raise the barrier limiting the people's despotic power.^h For, the head of state can as well urge that his harsh behavior toward his subjects is justified by their recalcitrance as they can urge that their rebellion is justified by their complaints against him of their undeserved suffering; and who is to decide the issue? Only he who possesses the supreme administration of public right can do so, and that is precisely the head of state; and no one within a commonwealth can, accordingly, have a right to contest his possession of it.

Yet I find estimable men who maintain that under certain circumstances a subject is authorized to use force against his superiors; the only one of them I want to cite here is Achenwall,^{ts} who is very cautious, definite, and modest in his teachings on natural right. He says: "If the danger that threatens a commonwealth as a result of continuing to endure the injustice of the head of state is greater than the danger to be feared from taking up arms against him, then the people can resist him, for the sake of this right' withdraw from its contract of subjection, and dethrone

8:301

*There is no *casus necessitatis* except in a case where duties, namely an *unconditional duty* and a (perhaps very important yet) *conditional duty*, conflict with each other, e.g., if it is a matter of preventing some catastrophe to the state by betraying a man who might stand in the relationship to another of father and son. This prevention of trouble to the former is an unconditional duty, whereas preventing misfortune to the latter is only a conditional duty (namely, insofar as he has not made himself guilty of a crime against the state). One of the relatives might report the other's plans to the authorities with the utmost reluctance, but he is compelled by necessity (namely, moral necessity) – but if it is said of someone who, in order to preserve his own life, pushes another survivor of a shipwreck from his plank, that he has a *right to do so by his (physical) necessity, that is quite false. For to preserve my life is only a conditional duty (if it can be done without a crime); but not to take the life of another who is committing no offense against me^f and does not even lead me into the danger of losing my life is an unconditional duty. Yet teachers of general civil right proceed quite consistently in conceding rightful authorization for such extreme measures.^g For the authorities can connect no punishment with the prohibition, since this punishment would have to be death. But it would be an absurd law to threaten someone with death if he did not voluntarily deliver himself up to death in dangerous circumstances.*

^t*Ius Naturae. Editio Via. Pars posterior, §203–6.*

^e*das Volk kein zu Recht beständiges Urteil mehr hat*

^f*der mich nicht beleidigt*

^g*Nothülfe*

^h*die Eigenmacht des Volkes*

ⁱ*zum Behuf dieses Rechts*

him as a tyrant.” From this he concludes: “In this way the people (in relation to its previous ruler) returns to the state of nature.”

I readily believe that neither Achenwall nor any of the worthy men who have reasoned subtly in agreement with him on this would ever have given their advice or assent to such a dangerous undertaking in any case at hand; and it is hardly to be doubted that if those uprisings by which Switzerland or the United Netherlands or even Great Britain won its constitution, now considered so fortunate, had failed, those who read the history of them would see in the execution of their now celebrated authors nothing but the deserved punishment of great political criminals. For the outcome usually mingles in our appraisal of the rightful grounds,^j though the former was uncertain and the latter certain. But it is clear that, as far as the latter is concerned – even if it is granted that by such an uprising no wrong is done to a ruler (perhaps one who had violated a *joyeuse entrée*,⁶ an actual basic contract^k with the people – nevertheless the people did wrong in the highest degree by seeking their rights in this way; for this way of doing it (adopted as a maxim) would make every rightful constitution insecure and introduce a condition of complete lawlessness (*status naturalis*), in which all rights cease, at least to have effect. In view of this propensity of so many well-meaning authors to take the people’s part (to its own ruin), I want to remark only that the cause of their doing so is in part the common mistake, when the principle of right is under discussion, of substituting the principle of happiness for it in their judgments, and in part that, where there is to be found no instrument of an actual contract submitted to the commonwealth, accepted by its head, and sanctioned by both, they take the idea of an original contract, which is always present in reason as the basis [of a commonwealth], as something that must *actually* have taken place, and so think they can always save for the people authorization to withdraw from the contract as it sees fit if, though by its own appraisal, the contract has been grossly violated.*

8:302

Here it is obvious what evil the principle of happiness (which is really not fit for any determinate principle at all) gives rise to in the right of a

*Even if an actual contract of the people with the ruler has been violated, the people cannot react at once as a *commonwealth* but only as a mob.^l For the previously existing constitution has been torn up by the people, while their organization into a new commonwealth has not yet taken place. It is here that the condition of anarchy arises with all the horrors that are at least possible by means of it; and the wrong that is done here is that which each faction in the people inflicts on the other, as is also clear from the example cited, where the rebellious subjects of that state finally wanted to thrust upon one another by force a constitution which would have been far more oppressive than the one they abandoned: they would, namely, have been devoured by ecclesiastics and aristocrats, instead of being able to expect greater equality in the distribution of political burdens under one head of state ruling over all.

^j *Rechtsgründe*

^k *zum Grunde liegenden Vertrag*

^l *durch Rottierung*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

state, just as it does in morals, despite the best intentions of those who teach it. The sovereign wants to make the people happy in accordance with his concepts and becomes a despot; the people are not willing to give up their universal human claim to their own happiness and become rebels. Had it first been asked what is laid down as right (where principles stand firm a priori and no empiricist can bungle them), then the idea of the social contract would remain in its incontestable authority, not however as a fact (as Danton would have it, apart from which he declares null and void all rights and all property to be found in the actually existing civil constitution?) but only as a rational principle for appraising any public rightful constitution. And it would then be seen that before the general will exists the people possesses no coercive right at all against its commander^m since it can rightfully use coercion only through him; but if the general will exists, there is likewise no coercion to be exercised by it against him, since otherwise the people itself would be the supreme commander; hence the people never has a coercive right against the head of state (insubordination in word or deed).

8:303

We also see this theory adequately confirmed in practice. In the constitution of Great Britain – where the people carry on about their constitution as if it were the model for the whole world – we nevertheless find that it is quite silent about the authorization belonging to the people in case the monarch should transgress the contract of 1688,⁸ so that if he wanted to violate the constitution, there being no law about such a case, the people secretly reserves to itself rebellion against him. For, that the constitution should contain a law for such a case authorizing the overthrow of the existing constitution, from which all particular laws proceed (even supposing the contract violated) is an obvious contradiction; for then it would also have to contain a *publicly constituted** opposing power, so that there would have to be a second head of state to protect the people's rights against the first, and then yet a third to decide between the two, which of them had right on its side. Moreover, those leaders (or, if you will, guardians) of the people, being concerned about such an accusation should their undertaking fail, preferred to *attribute* a voluntary abdication of government to the monarch they frightened away than to claim the right to depose him, whereby they would have put the constitution in obvious contradiction with itself.

I will surely not be reproached, because of these assertions, with flatter-

*No right within a state can be concealed, treacherously as it were, by a secret reservation, least of all the right that the people claims for itself as one belonging to the constitution; for all laws of the constitution must be thought as arising out of a public will. Thus if the constitution permitted insurrection, it would have to declare publicly the right to it and in what way use is to be made of it.

^m *Gebietet*

ing monarchs too much by such inviolability; so, I hope, I will also be spared the reproach of overstating the case in favor of the people when I say that the people too has its inalienable rights against the head of state, although these cannot be coercive rights.

8:304 Hobbes is of the opposite opinion. According to him (*de Cive*, Chap. 7, §14), a head of state has no obligation to the people by the contract and cannot do a citizen any wrong (he may make what arrangements he wants about him). This proposition would be quite correct if a wrong were taken to mean an injury that gives the injured party a *coercive right* against the one who wronged him; but stated so generally, the proposition is appalling.

A nonrecalcitrant subject must be able to assume that his ruler does not *want* to do him any wrong. Accordingly, since every human being still has his inalienable rights, which he can never give up even if he wanted to and about which he is authorized to judge for himself, while, on that assumption, the wrong that in his opinion is done to him occurs only from the supreme power's error or ignorance of certain consequences of his laws, a citizen must have, with the approval of the ruler himself, the authorization to make known publicly his opinions about what it is in the ruler's arrangements that seems to him to be a wrong against the commonwealth. For, to assume that the head of state could never err or be ignorant of something would be to represent him as favored with divine inspiration and raised above humanity. Thus *freedom of the pen* – kept within the limits of esteem and love for the constitution within which one lives by the subjects' liberal way of thinking, which the constitution itself instills in them (and pens themselves also keep one another within these limits, so that they do not lose their freedom) – is the sole palladium of the people's rights. For to want to deny them this freedom is not only tantamount to taking from them any claim to a right with respect to the supreme commander (according to Hobbes), but is also to withhold from the latter – whose will gives order to the subjects as citizens only by representing the general will of the people – all knowledge of matters that he himself would change if he knew about them and to put him in contradiction with himself. But to instill in a head of state concern that unrest in the state might be aroused by [the subjects'] thinking independently and aloud is tantamount to awakening in him mistrust of his own power or even hatred of his people.

But the universal principle by which a people has to appraise its rights *negatively* – that is, appraise merely what may be regarded as *not ordained* by the supreme legislation, as with its best will – is contained in the proposition: *What a people cannot decree for itself, a legislator also cannot decree for a people.*

8:305 Thus if the question is, for example: Can a law prescribing that a certain ecclesiastical constitution, once arranged, is to continue perma-

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

nently, be regarded as issuing from the realⁿ will of the legislator (his intention)? then it will first be asked: *May* a people itself make it a law that certain articles of faith and forms of external religion, once adopted, are to remain forever? And so: *May* a people hinder itself, in its posterity, from making further progress in religious insight or from at some time correcting old errors? It then becomes clear that an original contract of the people that made this a law would in itself be null and void because it conflicts with the vocation and end of humanity; hence a law given about this is not to be regarded as the real will of the monarch, to whom counterrepresentations can accordingly be made. In all cases, however, where something of this sort was nevertheless arranged by the supreme legislation, general and public judgments could be passed on it, but resistance to it in word or deed could never be summoned.

In every commonwealth there must be *obedience* under the mechanism of the state constitution to coercive laws (applying to the whole), but there must also be a *spirit of freedom*, since each, in what has to do with universal human duties, requires to be convinced by reason that this coercion is in conformity with right, lest he fall into contradiction with himself. The former without the latter is the occasioning cause^o of all *secret societies*. For it is a natural calling of humanity to communicate with one another, especially in what concerns people generally; hence those societies would disappear if such freedom were favored. And how else, again, could the government get the knowledge it requires for its own essential purpose than by letting the spirit of freedom, so worthy of respect in its origin and in its effects, express itself?

∴

Nowhere does a practice that ignores all pure rational principles deny theory so arrogantly as in the question of what is required for a good constitution of a state. The cause is that a lawful constitution of long standing gradually accustoms the people to a rule of appraising its happiness as well as its rights in terms of the condition^p in which everything up to now has followed its quiet course, but not, conversely, to evaluate that condition in terms of the concepts of both provided by reason; instead [it leads the people] always to prefer that passive condition to the dangerous situation of seeking a better one (what Hippocrates told physicians to take to heart holds here: *iudicium anceps, experimentum periculosum*).^q Now, all constitutions of sufficiently long standing, whatever deficiencies they may have and for all their differences, give the same result, namely being

8:306

ⁿ *eigentlichen*

^o *veranlassende Ursache*

^p *Zustand*

^q judgment is uncertain and experiments are dangerous

IMMANUEL KANT

satisfied with the constitution one is in; so, if one looks to the *people's welfare*, no theory at all is really valid, but everything rests on a practice docile to experience.

But if there is in reason something that can be expressed by the words *right of a state*, and if this concept has binding force for people opposed to one another in the antagonism of their freedom, and hence has objective (practical) reality irrespective of the well-being or ill-being that may arise from it (knowledge of which rests only on experience), then the right of a state is based on a priori principles (for experience cannot teach what right is),⁷ and there is a *theory* of the right of a state, no practice being valid unless it accords with this.

The only objection that can be raised to this is that, although people have in their heads the idea of rights belonging to them, they would still be unqualified and unworthy to be treated in accord with them because of the hardness of their hearts, so that a supreme power proceeding merely in accordance with rules of prudence may and must keep them in order. But this desperate leap (*salto mortale*) is of such a kind that, once the issue is not that of right but only of force, the people may also try out its own force and thus make every lawful constitution insecure. If there is not something that through reason compels immediate respect (such as the rights of human beings), then all influences on the choice of human beings are incapable of restraining their freedom; but if, alongside benevolence, right speaks out loudly, human nature does not show itself too depraved to listen deferentially to its voice. (*Tum pietate gravem meritisque si forte virum quem Conspexere, silent arrectisque auribus adstant.* Virgil.)⁸

III.

ON THE RELATION OF THEORY TO PRACTICE IN
THE RIGHT OF NATIONS CONSIDERED FROM A
UNIVERSALLY PHILANTHROPIC, THAT IS,
COSMOPOLITAN POINT OF VIEW*

(Against Moses Mendelssohn)⁹

Is the human race as a whole to be loved, or is it an object such that one must regard it with vexation, for which one indeed wishes everything good

*It is not at once obvious how a universally *philanthropic* presupposition can point the way to a *cosmopolitan* constitution, and this in turn to the foundation of a *right of nations* as a condition in which alone the predispositions belonging to humanity that make our species worthy of love can be developed. But the conclusion of this part will make this connection clear.

⁷ *was Recht sei*

⁸ Or perhaps "its freedom," *derselben* referring to *Willkür*

⁹ If they catch sight of a man respected for his virtue and services, they are silent and stand close with ears alert. Virgil *Aeneid* 1.151-2.

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

(so as not to become misanthropic) but of which one must never expect this, so that one must prefer to avert one's eyes from it? The reply to this question rests upon the answer one gives to another: Are there in human nature predispositions from which one can gather that the race will always progress toward what is better and that the evil of present and past times will disappear in the good of future times? For in that case we could still love the race, at least in its constant approach to the good; otherwise, we should have to hate or despise it, whatever might be said to the contrary by the affectations of universal philanthropy (which would then be at most only a love of benevolence, not of delight).¹⁰ For, however one may try to exact love from oneself, one cannot avoid hating what is and remains evil, especially in deliberate mutual violation of the most sacred human rights not exactly so as to inflict troubles upon him but still so as to have as little as possible to do with him.

Moses Mendelssohn was of the latter opinion (*Jerusalem* Section II, pp. 44–47), which he opposed to his friend Lessing's hypothesis of a divine education of the human race.¹¹ It is, to him, a fantasy "that the whole, humanity here below, should in the course of time always move forward and perfect itself." "We see," he said, "the human race as a whole make small oscillations, and it never takes a few steps forward without soon afterward sliding back twice as fast into its former state." (This is precisely the stone of Sisyphus; and in this way one takes the earth, as the Indians do, as a place of atonement for ancient sins that can now no longer be remembered.) "An individual makes progress, but humanity constantly vacillates between fixed limits; regarded as a whole, however, it maintains in all periods of time roughly the same level of morality, the same measure of religion and irreligious, of virtue and vice, of happiness (?) and misery." He introduces these assertions by saying (p. 46): "Do you want to guess what sort of purpose providence has for humanity? Forge no hypotheses" (he had earlier called these "theory"); "just look around at what is actually happening, and if you can take an overview of the history of all past ages, look at what has happened from time immemorial. This is fact, this must have belonged to that purpose, must have been approved within the plan of wisdom or at least adopted along with it."

8:308

I am of another opinion. If it is a sight worthy of a divinity to see a virtuous man struggling with adversity and temptations to evil and yet holding out against them, it is a sight most unworthy, I shall not say of a divinity but even of the most common but well-disposed human being to see the human race from period to period taking steps upward toward virtue and soon after falling back just as deeply into vice and misery. To watch this tragedy for a while might be moving and instructive, but the curtain must eventually fall. For in the long run it turns into a farce; and even if the actors do not tire of it, because they are fools, the spectator does, when one or another act gives him sufficient grounds for gathering

that the never-ending piece is forever the same. If it is merely a play, the punishment coming at the end can make up for his unpleasant feelings^u by means of the outcome. But in real life,^v to let countless vices pile one upon another (even with virtues intervening), so that some day there will be plenty to punish is, at least according to our concepts, even contrary to the morality of a wise creator and ruler of the world.

8:309

I shall therefore be allowed to assume that, since the human race is constantly advancing with respect to culture (as its natural end) it is also to be conceived as progressing toward what is better with respect to the moral end of its existence, and that this will indeed be *interrupted* from time to time but will never be *broken off*. I do not need to prove this presupposition; it is up to its adversary to prove [his] case. For I rest my case on my innate duty, the duty of every member of the series of generations – to which I (as a human being in general) belong and am yet not so good in the moral character^w required of me as I ought to be and hence could be – so to influence posterity that it becomes always better (the possibility of this must, accordingly, also be assumed), and to do it in such a way that this duty may be legitimately^x handed down from one member [in the series of] generations to another. It does not matter how many doubts may be raised against my hopes from history, which, if they were proved, could move me to desist from a task so apparently futile; as long as these doubts cannot be made quite certain I cannot exchange the duty (as something *liquidum*) for the rule of prudence not to attempt the impracticable (as something *illiquidum*, since it is merely hypothetical); and however uncertain I may always be and remain as to whether something better is to be hoped for the human race, this cannot infringe upon the maxim, and hence upon its presupposition, necessary for practical purposes, that it is practicable.

This hope for better times, without which an earnest desire to do something profitable for the general well-being^y would never have warmed the human heart, has moreover always influenced the work of well-disposed people; and even the good Mendelssohn must have counted on it when he exerted himself so zealously for the enlightenment and welfare of the nation to which he belonged. For he could not reasonably hope to bring this about all by himself, without others after him continuing along the same path. Confronted by the sorry sight, not so much of those troubles that oppress human beings from natural causes as rather of those that they themselves inflict upon one another, the mind is nevertheless cheered up by the pros-

^u *Empfindungen*

^v *in der Wirklichkeit*

^w *Beschaffenheit*

^x *rechtmäßig*

^y *Wohl*

pect that matters could become better in the future, and indeed with unselfish benevolence, since we shall be long in our graves and shall not harvest the fruits we have helped to sow. Empirical arguments² against the success of these resolutions, which are taken on hope, accomplish nothing here. For, that what has not succeeded up to now will therefore never succeed does not even justify abandoning a pragmatic or technical purpose (for example, that of flights with aerostatic balloons), still less a moral purpose that, if only it is not demonstratively impossible to effect it, becomes a duty. Besides, a good deal of evidence³ can be put forward to show that in our age, as compared with all previous ages, the human race as a whole has actually made considerable moral progress (short-term checks can prove nothing to the contrary), and that the outcry about its incessantly increasing depravity comes from the very fact that when it reaches a higher level of morality it sees farther ahead, and its judgment about what one is as compared with what one ought to be, hence our self-reproach, becomes all the more severe the more levels of morality we have already climbed during the whole of the course of the world that we have become acquainted with.

8:310

If we now ask by what means this unending progress toward the better can be maintained and even accelerated, it is soon seen that this immeasurably distant success will depend not so much upon what *we* do (e.g., on the education we give the younger generation) and by what methods we should proceed in order to bring it about, but instead upon what human *nature* will do in and with us to *force* us onto a track we would not readily take of our own accord. For only from nature, or rather from *providence* (since supreme wisdom is required for the complete fulfillment of this end), can we expect an outcome that is directed to the whole and from it to the parts, whereas people in their *schemes* set out only from the parts and may well remain with them, and may be able to reach the whole, as something too great for them, in their ideas but not in their influence, especially since, with their mutually adverse schemes, they would hardly unite for it by their own free resolution.

Just as omnilateral violence and the need arising from it must finally bring a people to decide to subject itself to the coercion that reason itself prescribes to them as means, namely to public law, and to enter into a *civil*^b *constitution*, so too must the need arising from the constant wars by which states in turn try to encroach upon or subjugate one another at last bring them, even against their will, to enter into a *cosmopolitan*^c *constitution*; or else, if this condition^d of universal peace is still more dangerous to freedom from

8:311

² *Beweisgründe*³ *Beweise*^b *staatsbürgerliche*^c *weltbürgerliche*^d *Zustand*

another quarter, by leading to the most fearful despotism (as has indeed happened more than once with states that have grown too large), this need must still constrain states to enter a condition that is not a cosmopolitan commonwealth under a single head but is still a rightful condition of *federation* in accordance with a commonly agreed upon *right of nations*.

For the advancing culture of states, along with their growing propensity to aggrandize themselves by cunning or violence at the expense of others, must multiply wars and give rise to higher and higher costs because of ever larger armies (remaining under pay), kept at the ready and in training and equipped with ever more numerous instruments of war; meanwhile the price of all necessities constantly rises, though a corresponding increase in the metals representing them cannot be hoped for; moreover, no peace lasts long enough for the savings during it to catch up with expenditures on costs for the next war, and the invention of a national debt against this, though certainly an ingenious expedient, is in the end a self-defeating one; hence impotence must eventually bring about what good will ought to have done but did not do: that each state becomes so organized internally that it is not the head of state, whom war really costs nothing (since he wages it at another's cost, namely that of the people), who has the decisive voice as to whether there is to be war or not, but instead the people, which pays for it (admittedly, this necessarily presupposes the realization of that idea of the original contract). For the people will not readily put itself in danger of personal poverty, which does not touch the head of state, out of a mere desire for aggrandizement or because of some supposed, merely verbal offense. And thus posterity too (to which no burdens not incurred by it will be shifted) could always progress to the better even in the moral sense, without love for posterity having to be the cause of this but only the self-love of each age, such progress being possible because every commonwealth, unable to harm another by force, must have recourse only to right and has grounds to hope that others similarly constituted will come to its assistance in this.

8:312 This is, however, only an opinion and a mere hypothesis; it is uncertain, like all judgments that want to assign for an intended effect not entirely within our control the only natural cause adequate to it; and even as such, it does not involve a principle for the subjects in an already existing state to enforce it (as has already been shown), but only for uncoercible heads of state. Although in the usual order of things it is not in the nature of the human being to relinquish his power by choice⁶ it is still not impossible in pressing circumstances. Thus it can be considered an expression not unbecom-
fitting the moral wishes and hopes of people (once aware of their inability) to expect the circumstances required for these from *providence*, which will provide an outcome for the end of *humanity* as a whole species, to reach its

⁶ *willkürlich*

ON THE COMMON SAYING: THAT MAY BE CORRECT IN THEORY

final destination by the free use of its powers as far as they extend, to which end the ends of *human beings*, considered separately, are directly opposed. For, the very opposition of inclinations to one another, from which evil arises, furnishes reason a free play to subjugate them all and, in place of evil, which destroys itself, to establish the rule of good, which, once it exists, continues to maintain itself of its own accord.

∴

Nowhere does human nature appear less lovable than in the relations of entire peoples to one another. No state is for a moment secure from others in either its independence or its property. The will to subjugate one another or to diminish what belongs to another always exists, and arming for defence, which often makes peace more oppressive and more destructive of internal welfare than war itself, can never be relaxed. Now, the only possible remedy for this is a right of nations, based on public laws accompanied by power to which each state would have to submit (by analogy with civil right, or the right of a state, among individuals); for, an enduring universal peace by means of the so-called *balance of power in Europe* is a mere fantasy, like Swift's house that the builder had constructed in such perfect accord with all the laws of equilibrium that it collapsed as soon as a sparrow alighted upon it. But, it will be said, states will never submit to coercive laws of this kind; and a proposal for a universal state of nations^f

8:313

to whose power all individual states should voluntarily accommodate themselves so as to obey its laws – however good it may sound in the theory of an Abbé St. Pierre or of a Rousseau¹² – still does not hold in practice; and so it has always been ridiculed by great statesmen, and still more by heads of state, as an academic and childish idea emerging from the schools.

For my own part, I nevertheless put my trust in theory, which proceeds from the principle of right, as to what relations among human beings and states *ought to be*, and which commends to earthly gods the maxim always so to behave in their conflicts that such a universal state of nations will thereby be ushered in, and so to assume that it is possible (*in praxi*) and that it *can be*; but at the same time I put my trust (*in subsidium*) in the nature of things, which constrains one to go where one does not want to go (*fata volentem ducunt, nolentem trahunt*).^g In the latter, account is also taken of human nature, in which respect for right and duty is still alive, so that I cannot and will not take it to be so immersed in evil that morally practical reason should not, after many unsuccessful attempts, finally triumph over evil and present human nature as lovable after all. Thus on the cosmopolitan level, too, it can be maintained: What on rational grounds holds for theory also holds for practice.

^f *Völkerstaat*

^g The fates lead the willing, drive the unwilling. Seneca *Epist. mor.* 18.4.