

**Wahlfach: Politische Philosophie und Philosophie des Rechts**  
**Optional Course: Political and Legal Philosophy**  
(Einheit 8/Lesson 8: Kant & Hegel)

Mittwoch / Wednesday 21. 11. 2007

**Erreichbarkeit / contact:**

**Mag. Jürgen Busch LL.M. D.E.A.**  
University of Vienna, Department for Legal and Constitutional History  
Schottenbastei 10-16, A 1010 Wien  
E-Mail: juergen.busch@univie.ac.at  
Tel: +43/1/4277-34564 (office)

**Weiterführende Literaturhinweise / Useful Sources and Materials**

Paperback series „Denker“ (ed. by *Otfried Höffe*), Verlag C.H. Beck, München:  
*Otfried Höffe*, Immanuel Kant<sup>6</sup>, München 2004

**Paperback editions of the main writings in English language**

„Penguin“ paperback series:

*Immanuel Kant (1724–1804)*: Critique of Pure Reason (1781/1787), An Answer To The Question: What Is Enlightenment? (1784), Critique of Practical Reason (1788), Perpetual Peace (1795), Metaphysics of Morals (1797)

*Georg Wilhelm Friedrich Hegel (1770–1831)*: Phenomenology of Spirit (1807), Elements of the Philosophy of Rights (1821)

**Internet-Links on Kant and Hegel**

Deutsch: [http://de.wikipedia.org/wiki/Immanuel\\_Kant](http://de.wikipedia.org/wiki/Immanuel_Kant)

<http://de.wikipedia.org/wiki/Hegel>

English: [http://en.wikipedia.org/wiki/Immanuel\\_Kant](http://en.wikipedia.org/wiki/Immanuel_Kant)

<http://plato.stanford.edu/entries/kant-metaphysics/>

[http://en.wikipedia.org/wiki/Georg\\_Wilhelm\\_Friedrich\\_Hegel](http://en.wikipedia.org/wiki/Georg_Wilhelm_Friedrich_Hegel)

<http://plato.stanford.edu/entries/hegel/>

**Text Examples**

**Kant, "An Answer To The Question: What Is Enlightenment?" (1784)**

Aufklärung ist der Ausgang des Menschen aus seiner selbstverschuldeten Unmündigkeit. Unmündigkeit ist das Unvermögen, sich seines Verstandes ohne Leitung eines anderen zu bedienen. Selbstverschuldet ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschliebung und des Mutes liegt, sich seiner ohne Leitung eines andern zu bedienen. Sapere aude! Habe Mut, dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung. (...)

**Kant, The Critique of Pure Reason (1781/1787), Preface 2nd edition**

(...) It appears to me that the examples of mathematics and natural philosophy, which, as we have seen, were brought into their present condition by a sudden revolution, are sufficiently remarkable to

fix our attention on the essential circumstances of the change which has proved so advantageous to them, and to induce us to make the experiment of imitating them, so far as the analogy which, as rational sciences, they bear to metaphysics may permit. It has hitherto been assumed that our cognition must conform to the objects; but all attempts to ascertain anything about these objects a priori, by means of conceptions, and thus to extend the range of our knowledge, have been rendered abortive by this assumption. Let us then make the experiment whether we may not be more successful in metaphysics, if we assume that the objects must conform to our cognition. This appears, at all events, to accord better with the possibility of our gaining the end we have in view, that is to say, of arriving at the cognition of objects a priori, of determining something with respect to these objects, before they are given to us. We here propose to do just what Copernicus did in attempting to explain the celestial movements. When he found that he could make no progress by assuming that all the heavenly bodies revolved round the spectator, he reversed the process, and tried the experiment of assuming that the spectator revolved, while the stars remained at rest. We may make the same experiment with regard to the intuition of objects. If the intuition must conform to the nature of the objects, I do not see how we can know anything of them a priori. If, on the other hand, the object conforms to the nature of our faculty of intuition, I can then easily conceive the possibility of such an a priori knowledge. Now as I cannot rest in the mere intuitions, but—if they are to become cognitions—must refer them, as representations, to something, as object, and must determine the latter by means of the former, here again there are two courses open to me. Either, first, I may assume that the conceptions, by which I effect this determination, conform to the object—and in this case I am reduced to the same perplexity as before; or secondly, I may assume that the objects, or, which is the same thing, that experience, in which alone as given objects they are cognized, conform to my conceptions—and then I am at no loss how to proceed. For experience itself is a mode of cognition which requires understanding. Before objects, are given to me, that is, a priori, I must presuppose in myself laws of the understanding which are expressed in conceptions a priori. To these conceptions, then, all the objects of experience must necessarily conform. Now there are objects which reason thinks, and that necessarily, but which cannot be given in experience, or, at least, cannot be given so as reason thinks them. The attempt to think these objects will hereafter furnish an excellent test of the new method of thought which we have adopted, and which is based on the principle that we only cognize in things a priori that which we ourselves place in them. (...)

### **Kant, Perpetual Peace: A Philosophical Sketch (1795)**

#### **SECTION I. CONTAINING THE PRELIMINARY ARTICLES FOR PERPETUAL PEACE AMONG STATES**

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

A state is not, like the ground which it occupies, a piece of property (patrimonium). It is a society of men whom no one else has any right to command or to dispose except the state itself. It is a trunk with its own roots. But to incorporate it into another state, like a graft, is to destroy its existence as a moral person, reducing it to a thing; such incorporation thus contradicts the idea of the original contract without which no right over a people can be conceived.

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

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

For they incessantly menace other states by their readiness to appear at all times prepared for war; they incite them to compete with each other in the number of armed men, and there is no limit to this. For this reason, the cost of peace finally becomes more oppressive than that of a short war, and consequently a standing army is itself a cause of offensive war waged in order to relieve the state of this burden. Add to this that to pay men to kill or to be killed seems to entail using them as mere

machines and tools in the hand of another (the state), and this is hardly compatible with the rights of mankind in our own person. But the periodic and voluntary military exercises of citizens who thereby secure themselves and their country against foreign aggression are entirely different.

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

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

For what is there to authorize it to do so? The offense, perhaps, which a state gives to the subjects of another state? Rather the example of the evil into which a state has fallen because of its lawlessness should serve as a warning. Moreover, the bad example which one free person affords another as a scandalum acceptum is not an infringement of his rights. But it would be quite different if a state, by internal rebellion, should fall into two parts, each of which pretended to be a separate state making claim to the whole. To lend assistance to one of these cannot be considered an interference in the constitution of the other state (for it is then in a state of anarchy) . But so long as the internal dissension has not come to this critical point, such interference by foreign powers would infringe on the rights of an independent people struggling with its internal disease; hence it would itself be an offense and would render the autonomy of all states insecure.

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

## **SECTION II.**

### **FIRST DEFINITIVE ARTICLE FOR PERPETUAL PEACE. "The Civil Constitution of Every State Should Be Republican"**

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

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

**SECOND DEFINITIVE ARTICLE FOR A PERPETUAL PEACE. "The Law of Nations Shall be *Founded on a Federation of Free States*"**

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

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

**THIRD DEFINITIVE ARTICLE FOR A PERPETUAL PEACE. "The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality"**

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

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