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independence in Kant's philosophy of history**

Sandra Zákutná

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A PRIORI PRINCIPLES OF FREEDOM, EQUALITY AND INDEPENDENCE IN KANT'S PHILOSOPHY OF HISTORY

Sandra Zákutná

The paper deals with Kant's philosophy of history and its integral part – political philosophy – and focuses on the relationship between the a priori elements of right and experience with political reality in the context of Kant's project of perpetual peace. It primarily focuses on the notions of freedom, equality and independence about which Kant says they are the a priori principles of the civil state. Kant explicitly characterized them in the work *On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'* and the paper tries to look at these three principles in all three areas of public right: political right (*Staatsrecht*), international right (*Völkerrecht*) and cosmopolitan right. The aim of the paper is also to think over Kant's a priori principles on the one hand, and real political praxis on the other, and to show that both, the idea of perpetual peace as a universal idea of reason and empirical experience, i.e. political practices, are crucial for understanding Kant's project of philosophy of history.

In the work *On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'* Kant describes civil state (*bürgerlicher Zustand*), regarded purely as a lawful state (*rechtlicher Zustand*), as based on the a priori principles of: "1. The *freedom* of every member of society as a *human being*, 2. The *equality* of each with all the others as a *subject*. 3. The *independence* of each member of a commonwealth as a *citizen*." (TP, AA 08: 290). He continues that "these principles are not so much laws given by an already established state, as laws by which a state can alone be established in accordance with pure rational principles of external human right" (TP, AA 08: 290). The a priori legislator here is pure reason and all these principles are necessary for the civil constitution of a commonwealth.

According to Kant, man's *freedom* as a human being is based on the fact that everyone may pursue their happiness as long as it does not infringe upon the freedom of others and everyone must accept that others have the same rights. Each member of the commonwealth has the innate right of freedom, as this member is a human being, a being capable of possessing rights which should be protected by laws of the general will (TP, AA 08: 291). Man's *equality* as a subject of a state means that all "who are subject to laws are the subjects of a state, and are thus subject to the right of coercion along with all other members of the commonwealth" (TP, AA 08: 291). The only exception in this case is a single person, the head of state, through whom alone the rightful coercion of all others can be exercised. But all people are equal as subjects before the law, which is, again, the pronouncement of the general will.

The *independence* of a member of the commonwealth as a citizen, i.e. as a co-legislator, explains Kant as follows:

For all right depends on laws. But a public law which defines for everyone that which is permitted and prohibited by right, is the act of a public will, from which all right proceeds and which must not therefore itself be able to do an injustice to any one. And this requires no less than the will of the entire people (since all men decide for all men and each decides for himself). For only towards oneself can one never act unjustly. But on the other hand, the will of another person cannot decide anything for someone without injustice, so that the law made by this other person would require a further law to limit his legislation. Thus an individual will cannot legislate for a commonwealth. For this requires freedom, equality and *unity* of the will of *all* the members. And the prerequisite for unity, since it necessitates a general vote (if freedom and equality are both present), is independence. (TP, AA 08: 294f).

A citizen is anyone who has the right to vote, is his own master (*sui iuris*) and has some property. The basic law, coming from the general, united will, is the social contract which has to be based on the wills of all private individuals in a nation to form a common, public will (TP, AA 08: 297).

One of the conditions for setting up a state is that men must adhere to some kind of civil constitution and Kant adds that any legal constitution conforms to one of the three following types:

(1) a constitution based on the *civil right* of individuals within a nation (*ius civitatis*). (2) a constitution based on the *international right* of

states in their relationships with one another (*ius gentium*).⁽³⁾ a constitution based on *cosmopolitan right*, in so far as individuals and states, coexisting in an external relationship of mutual influences, may be regarded as citizens of a universal state of mankind (*ius cosmopoliticum*). This classification, with respect to the idea of a perpetual peace, is not arbitrary, but necessary. (ZeF, AA 08: 349).

Understanding the a priori principles of freedom, equality and independence in complexity of Kant's philosophy of history, all three areas of public right should be taken into consideration. The process to establish any type of this constitution was marked by many hardships and to secure rights for everyone, people had to accept universal violence and the subsequent distress which makes them accept the coercion advocated by reason itself. It was accepted by people and the same principle should be adopted by states. Kant explains that on this principle it will be possible to approach the idea of perpetual peace, and states will finally enter a cosmopolitan constitution which would work as a lawful federation under a commonly accepted international right (TP, AA 08: 310-311). In *Perpetual Peace* Kant says that it may sound hard but the problem of setting up a state can be solved even by a nation of devils so long as they possess understanding (ZeF, AA 08: 366). Right represents a restriction of freedom of individuals which is then compatible with the freedom of everyone else and it is public right which makes it possible – even through coercion (restriction of freedom). A civil constitution is thus “a relationship among *free* men who are subject to coercive laws, while they retain their freedom within the general union with their fellows. Such is the requirement of pure reason, which legislates *a priori*” (TP, AA 8: 290). The laws are produced by the united general will that guarantees their rightfulness.

Following Kant's project of philosophy of history, Kant argues that permanent universal peace can be secured by “international right, based upon enforceable public laws to which each state must submit (by analogy with a state of civil or political right among individual men)” (TP, AA 8: 312). This, however, represents only one part of approaching perpetual peace because securing permanent peace means that the a priori principles of freedom, equality and independence are present in all three areas of public right – political, international and cosmopolitan right. Kant deals with the interconnection between the three areas of public right in the work *Perpetual Peace* in which he formulates three

definitive articles of a perpetual peace that would guarantee formally instituted state of peace. The first definitive article of a perpetual peace says that “*The Civil Constitution of Every State shall be Republican.*” (ZeF, AA 08: 349). In the argumentation Kant explains that it is because a republican constitution is founded upon three principles which he calls “innate and inalienable rights” and “the necessary property of mankind”: firstly, the principle of *freedom* for all members of a society (as men); secondly, the principle of the *dependence* of everyone upon a single common legislation (as subjects); and thirdly, the principle of legal *equality* for everyone (as citizens) (ZeF, AA 08: 349).

Second Definitive Article of a Perpetual Peace says that “*The Right of Nations shall be based on a Federation of Free States*” because when individuals were able to group themselves into nation, each state, for the sake of its own security, can and ought to demand of the others that they should enter along with it into a constitution, similar to the civil one, within which the rights of each could be secured (ZeF, AA 08: 354). The right of nations shall be based on a federation among free states and this federation should preserve and secure the freedom of each state. International right of states is another step in the way to the highest universal principle of cosmopolitan right. In this context, Kant writes about the international right that: “[t]he problem of establishing a perfect civil constitution is subordinate to the problem of a law-governed external relationship with other states, and cannot be solved unless the latter is also solved.” (IaG, AA 08: 24). Here is a similarity with the situation of people forming a state and with the fact that there exists the same antagonism among states as there is among men. People entered society because of antagonism and the same principle can be applied to states. Kant says that states enter the state of peace and security only “after many devastations, upheavals and even the complete inner exhaustion of their powers” (IaG, AA 08: 24). These negative experiences would not have been necessary if states had listened to reason “abandoning a lawless state of savagery and entering a federation of peoples in which every state, even the smallest, could expect to derive its security and rights not from its own power or its own legal judgement, but solely from this great federation (*Foedus Amphictyonum*), from a united power and the law-governed decisions of a united will” (IaG, AA 08: 24).

Without the federation of states perpetual peace could not be approached. Everything should be subordinated to the idea of perfect constitution which would be able to last forever and states should realize that

instead of permanent preparations for war it is necessary to set laws which would guarantee cosmopolitan state with free and equal citizens of the world and security of states. According to the works *Idea for a Universal History with a Cosmopolitan Purpose* and *Perpetual Peace*, states must gradually realize that wars are unnecessary, dangerous and expensive and that the only way how to live a good life is to “indirectly prepare the way for a great political body of the future, without precedent in the past” (IaG, AA 08: 28). Kant hopes that in accordance with cosmopolitan right mankind is able to enter a phase where all the conditions for “a universal *cosmopolitan existence*” (IaG, AA 08: 28), would be fulfilled. In this type of society, there are new rules on which people have agreed, and state guarantees people’s rights and their freedom.

The last – third article – specifies the subject of universal hospitality and Kant says that “*Cosmopolitan Right shall be limited to Conditions of Universal Hospitality*” (ZeF, AA 08: 357). Hospitality is here a juridical principle, a legal duty. It is a cosmopolitan system of law that provides the legal foundation of the federation and it must be accepted by all members of the federation. Kant’s federation is a system of states “whose internal governance is structured by the category of community, expressed in the practical sphere by the idea of *commercium*–reciprocal action and reaction” while “[i]ndependence in a Kantian system is a consequence of reciprocal recognition.” (ANDERSON-GOLD, 2011, p. 237).

In the definitive articles of perpetual peace Kant presents how the a priori ideas of reason can lead to the idea of perpetual peace. However, the political reality is much different from the definite articles and from the a priori principles of right. In *Perpetual Peace* Kant directly describes political practices employed by someone whom he calls “the supposed practitioner”, or political moralist. The practices are described by mottos: 1. *Fac et excusa.*, 2. *Si fecisti, nega* and 3. *Divide et impera* (ZeF, AA 08: 374f). This type of politics is called *sophistry*, i.e., a theory of maxims using the best means for its own profit. These political practices are based on lies, the politician is here called *the man of practices*. Political moralists, or despotizing moralists, or moralizing politicians (men of practices) are called politically smart people operating with political practices – it means tricks (instead of correct behaviour), to ensure their own private advantage. Then, when they want to apply these practices to state and international law they do it through chicanery and despotically formulated coercive laws – they do it mechanically “even in a sphere where the concepts of reason only allow for lawful

coercion, in keeping with the principles of freedom, which alone makes possible a rightfully established political constitution. The supposed practitioner believes he can solve this problem empirically, ignoring the idea of reason [...].” (ZeF, AA 08: 374). The true system of politics shall, however, be a continuous process of society in which priority of law is clear and it becomes basis for political action. Kant illustrates it on the example of two types of politicians: political moralist and moral politician who are compared with principles of practical reason – a *material* principle and a *formal* principle. Kant describes the *material* principle, i.e. its *end*, as an object of the will and connects it with political moralist, and the *formal* principle, i.e. the principle which rests on man’s freedom in his external relations as: “Act in such a way that you can wish your maxim to become a universal law (irrespective of what the end in view may be).” (ZeF, AA 08: 377). The formal principle functions as a principle of moral politician “for whom it is a *moral task*, [...], to bring about perpetual peace, which is desirable not just as a physical good, but also as a state of affairs which must arise out of recognising one’s duty” (ZeF, AA 08: 377). The final end of man and history can be achieved by following the formal principle which can be guaranteed by practical reason and to achieve it, it means to achieve the state of law. Law is determined by the will of all. “For example”, writes Kant, “it is a principle of moral politics that a people should combine to form a state in accordance with freedom and equality as its sole concepts of right, and this principle *is* based not on expediency, but on duty” (ZeF, AA 08: 378).

In connection with duties Kant also mentions philanthropy and respect for the rights of man, both of them being obligatory but as he puts it, while philanthropy is only a *conditional* duty, the respect for the rights of man is an *unconditional* and absolutely imperative one (ZeF, AA 08: 385). He is then able to formulate principle of public right in the following way: “All maxims which *require* publicity if they are not to fail in their purpose can be reconciled both with right and with politics.” (ZeF, AA 08: 386). Politics has many tasks, one of its most important is to remain in harmony with the aim of the public through making it satisfied with its condition and the maxims should be in harmony with public right – because “only within this right is it possible to unite the ends of everyone” (ZeF, AA 08: 386).

Through the description of political practices Kant named the key problems of everyday politics in the form of empirical reality and illustrated

the distinction between what is really happening in politics and what should be happening according to the a priori core of politics. In Kant's argumentation, it is possible to see that in the relationship of what *is* and what *ought to be*, he always prefers what *ought to be*. He asks how it is possible to achieve realization of public right so that it is in accordance with politics and says that "if we consider it absolutely necessary to couple the concept of right with politics, or even to make it a limiting condition of politics, it must be conceded that the two are compatible" (ZeF, AA 08: 372). The most important moral task is to bring about perpetual peace and the true system of politics is necessarily connected with the idea of public right. In the writing *On a Supposed Right to Lie from Philanthropy* Kant explains the relationship between right and politics and its principle derived from practical reason in the following way:

Now, in order to progress from a *metaphysics* of right (which abstracts from all conditions of experience) to a principle of *politics* (which applies these concepts to cases of experience) and, by means of this, to the solution of a problem of politics in keeping with the universal principle of right, a philosopher will give 1) an *axiom*, that is, an apodictically certain proposition that issues immediately from the definition of external right (consistency of the *freedom* of each with the freedom of everyone in accordance with a universal law); 2) a *postulate* (of external public *law*, as the united will of all in accordance with the principle of *equality*, without which there would be no freedom of everyone); 3) a *problem* of how it is to be arranged that in a society, however large, harmony in accordance with the principles of freedom and equality is maintained (namely, by means of a representative system); this will then be a principle of *politics*, the arrangement and organization of which will contain decrees, drawn from experiential cognition of human beings, that have in view only the mechanism for administering right and how this can be managed appropriately. Right must never be accommodated to politics, but politics must always be accommodated to right. (VRML, AA 08: 429).

Kant explains the reason why the a priori form of politics is important and he comments on the importance of the a priori principles of reason in connection with practice derived from experience also in the writing *Theory and Practice* where he illustrates it on the example of political constitution:

Nowhere does practice so readily bypass all pure principles of reason and treat theory so presumptuously as in the question of what is needed for a good political constitution. [...] Thus all constitutions which have

lasted for a sufficiently long time, whatever their inadequacies and variations, produce the same result: the people remain content with what they have. If we therefore consider the *welfare of the people*, theory is not in fact valid, for everything depends upon practice derived from experience. But reason provides a concept which we express by the words *political right*. And this concept has binding force for human beings who coexist in a state of antagonism produced by their natural freedom, so that it has an objective, practical reality, irrespective of the good or ill it may produce (for these can only be known by experience). Thus it is based on *a priori* principles, for experience cannot provide knowledge of what is right, and there is a *theory* of political right to which practice must conform before it can be valid. (TP, AA 08: 305f).

Although this describes the political right, the relationship between a priori principles and empirical reality would be similar in the international right. Cosmopolitan right has an a priori status based on universal principles approaching perpetual peace.

Kant's philosophy of history presents a system of many (unsuccessful) attempts but Kant believes that in all parts of public right it is true that what is valid in theory is also valid in practice. There is always an inevitable need for the a priori principles of right because only through them it is possible to understand what to approach. To approach the ideal of perpetual peace, the a priori principles are necessary and they ought to be recognised also in the realm of experience. On the other hand, because the idea of perpetual peace is only an ideal, which can never be fully achieved, the right can never make political action useless. Kant's philosophy of history explains the political issues through the level of civil society, federation of states and global legal state in the form of perpetual peace representing the regulative idea of right "derived a priori by reason from the ideal of a rightful association of men under public laws as such" (MS, AA 06: 355). Perpetual peace is the highest political good which is the highest idea to be approached by the cosmopolitan right. While the civil right reflects the fundamental freedom, equality and independence of people, and the international right represents a parallel among people and states, the cosmopolitan right guarantees these principles on a cosmopolitan level for all people as citizens of the world.

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