

ception, which accords with this presupposition. It is therefore no censure of our deduction of the chief principle of morality, but a reproach, with which human reason in general must be charged, that it cannot render comprehensible an unconditional practical law (such as the categorical imperative must be) according to its absolute necessity; for, human reason cannot be blamed, because it does not chuse to do this by a condition, namely, by means of any one interest laid as a foundation, since it would then be no moral, that is, chief, law of liberty. And thus we do not comprehend, it is true, the practical unconditional necessity of the moral imperative, but we comprehend its INCOMPREHENSIBILITY, and this is all that can be equitably required of a philosophy, which does not pursue its researches beyond the confines of human reason.

**THE
FALSE SUBTILTY**

OF THE

FOUR SYLLOGISTIC FIGURES EVINCED.

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1.

*Universal Conception of the Nature of
Ratiocinations.*

To compare something as a mark with a thing is named *to judge*. The thing itself is the subject, the mark the predicate. The comparison is expressed by the copula *is* or *are* which, when it is used absolutely, denotes the predicate to be a mark of the subject's, but which, if it is accompanied with the negative particle, makes the predicate known as a mark opposed to the subject. The judgment in the first case is affirmative, in the second negative. It is easily understood, that, when the predicate is denominated a mark, it is not thereby said to be a mark of the subject's; for this is but in affirmative judgments, but that it, though it in a negative judgment contradicts its subject, is considered as a mark of any one thing whatever. Thus a *spirit* is the thing, which I think; *composed* a mark of some one thing or another; the judgment,

A spirit is not composed, represents this mark as colliding with the thing itself.

That, which is a mark of the mark of a thing, is named a *mediate* mark of it. Thus *necessary* is an immediate mark of *God*, but *immutable* a mark of the necessary's and a mediate mark of *God*. It is evident, That the immediate between the remote and the thing itself supplies the place of an intermedial mark (*nota intermedia*), because the remote mark is compared with the thing itself but by that immediate. A mark may however be compared negatively with a thing by an intermediate mark, by cognising, that something clashes with the immediate mark of a thing. *Contingent* collides as a mark with the *necessary*; but *necessary* is a mark of *God*, and one cognises by means of an intermedial mark, that, to be necessary, is inconsistent with *God*.

Here is now my real exposition of a ratiocination or a syllogism of reason: *Every judgment by a mediate mark is a ratiocination*, or in other words, it is the comparison of a mark with a thing by means of an intermediate mark. This intermediate mark in a ratiocination is denominated also the *middle principal conception* (*terminus medius*); as it is sufficiently known what the other principal conceptions or terms are, I need not dwell on them.

In order to cognise distinctly the reference of the mark to the thing in the judgment, *the human soul is a spirit*; I make use of the mark, *rational*, so that by means of it I consider, *to be*

be a spirit, as a mediate mark of the human soul's. Three judgments must necessarily occur here, to wit:

1. to be a spirit is a mark of the rational's,
2. rational is a mark of the human soul's,
3. to be a spirit, is a mark of the human soul's,

for, the comparison of a remote mark with the thing itself is not possible but by these three acts.

In the form of judgments they would run thus: All that is rational is a spirit, the soul of man is rational, therefore the soul of man is a spirit. This is a positive ratiocination. As to the negative one, it is equally obvious, that since I do not always cognise clearly enough the collision of a predicate and subject, I must, when I can, use the expedient; to facilitate my introspection by an intermedial mark. Let us suppose, that the negative judgment were proposed to me: The duration of God is not commensurable by any time, and, as I do not find that this predicate, immediately compared with the subject, gives me a sufficiently distinct idea of the collision, I make use of a mark, which I can represent to myself immediately in this subject, and compare the predicate therewith, and by that means with the thing itself. *To be commensurable by time* collides with all *immutable*, but *immutable* is a mark of God, consequently etc. This formally expressed would run thus: Nothing immutable is commensurable by time, the duration of God is immutable, therefore etc.

Of the chief Rules of all Ratiocinations.

From what has been said it may be cognised, that the first and universal rule of all positive ratiocinations is, *A mark of a mark is a mark of the thing's itself* (*nota nota est etiam nota rei ipsius*), of all negatives: *What contradicts the mark of a thing, contradicts the thing itself* (*repugnans notæ repugnat rei ipsi*). Neither of these rules is susceptible of any farther proof. For a proof is possible but by one or more ratiocinations, for which reason to endeavour to prove the chief formulæ of all syllogisms of reason, would be to infer in a circle. But it is evident, that these rules comprise the universal and last ground of every rational mode of syllogism, because those, which have hitherto been held by all logicians the first rules of all ratiocinations, must borrow the only ground of their truth from ours. The *dictum de omni*, the chief ground of all positive ratiocinations is, That, which is universally affirmed of a conception, is likewise affirmed of every one that is contained under it. The argument of this is clear. That conception, under which others are contained, is always separated as a mark from these; what now belongs to this conception, that is a mark of a mark, consequently a mark of the thing's itself, from which it is separated, that is, it belongs to the lower ones, which are contained under it. Every body, who is in some measure instructed in logical knowledge, perspects, That this *dictum* is true on account of this ground merely,

merely, and that it therefore ranks under our first rule. The *dictum de nullo* stands in a similar relation towards our second rule. What is universally negated of a conception, is likewise negated of all those, which are contained under it. For that conception, under which these others are contained, is but a mark separated from them. But what repugns this mark, repugns too the things themselves; consequently that, which repugns the higher conceptions, must clash with the lower, which rank under them.

3.

Of pure and of mixed Ratiocinations.

Every one knows, that there are immediate syllogisms, where from one judgment the truth of another is immediately cognised without a middle conception. For which reason such syllogisms are not ratiocinations; for instance, from the position, Every one matter is unalterable, follows directly, What is not alterable, is not matter. Logicians count different species of such immediate consequences, among which no doubt those by the logical conversion, as also by the contraposition are the most eminent.

If a ratiocination happens but by three positions, if it is but possible according to the rules, which are above-propounded of every ratiocination, I term it a pure syllogism of reason (*ratiocinium purum*), when more than three judgments are conjoined with one another, it is a mingled syllogism of reason (*ratiocinium hybridum*). Suppose, that between
the

the three head-positions an immediate conclusion must be still thrown in, and thus a position more is superadded, than a pure ratiocination allows, it is a *ratiocinium hybridum*, for example, figure to yourself, that one should infer and conclude in this manner:

Nothing, that is perishable, is simple,
Consequently nothing that is simple is perishable,

The soul of man is simple,

Therefore the soul of man is not perishable, thus he would have, it is true, no properly compound ratiocination, because this must consist of several ratiocinations, but the present one, besides that, which is required to a ratiocination, contains an immediate conclusion by the contraposition and comprehends four propositions.

But were three judgments only actually expressed, the drawing of the conclusion from these three judgments would be possible but by virtue of an allowed logical conversion, contraposition, or another logical alteration of one of these prejudices, the ratiocination were a *ratiocinium hybridum* nevertheless; for it is not taken into consideration here what is said, but what is indispensably necessary to be thought, if a correct consequence shall exist. Let us suppose, in the ratiocination:

Nothing perishable is simple;

The soul of man is simple,

therefore the soul of man is not perishable, is but in so far a just conclusion, as I can say by a very right conversion of the major, Nothing perishable is simple, by consequence
nothing

nothing simple is perishable, thus the ratiocination remains always a mixed syllogism, because its syllogistic power rests upon the secret superadding of this immediate consequence, which one must have in thought at least.

4.

In the first Figure, commonly so named, pure Ratiocinations only are possible, in the three Other Figures mixed Ones merely.

When a ratiocination is formed immediately according to one of our two chief rules above-mentioned, it is always in the first figure. The first rule is, A mark B of a mark C of a thing A is a mark of the thing A itself. Hence arise three propositions, *videlicet*,

C has for a mark B What is rational^C is a spirit^B

A has for a mark C The human soul^A is rational^C

Ergo A has for a mark B Ergo the human soul^A is a spirit^B.

It is very easy to apply more similar ones and of others also to the rule of negative syllogisms, in order to convince one's self, that, when they are conformable to these, they always are in the first figure; but I endeavour here to avoid a tiresome prolixity. It is easily perceived, that these rules of ratiocinations do not require that, besides these judgments, any one immediate consequence from either of them must be interjected, if the argument shall be

be cogent, therefore the ratiocination in the first figure is of the pure sort.

In the second Figure none but mixed Ratiocinations are possible.

The rule of the second figure is this, When a mark is repugnant to the mark of a thing, it is repugnant to the thing itself. This position is but true, because that, which a mark repugns, repugns too this mark, but what repugns a mark, repugns the thing itself; therefore that, which a mark of a thing repugns; collides with the thing itself. Here it is now evident, that, merely because I can absolutely convert the major as a negative position, the drawing of the conclusion by means of the minor is possible. Consequently this conversion must be secretly thought, else my positions do not conclude. But the position acquired by the conversion is an interjected immediate consequence of the former, and the ratiocination has four judgments, and is a *ratiocinium hybridum*, for instance, when I say,

No spirit is divisible.

All matter is divisible,

Ergo no matter is a spirit;

I conclude right, and the syllogistic power lies therein, only, because from the first position, *no spirit is divisible*, flows by an immediate consequence, *ergo nothing divisible is a spirit*, and after this every thing follows rightly the universal rule of all ratiocinations. But as only by virtue of this immediate consequence

to be drawn from it a syllogistical capacity is in the argument, so this pertains thereto and it has four judgments,

No spirit is divisible

And therefore nothing divisible is a spirit.

All matter is divisible

Consequently no matter is a spirit.

In the third Figure none but mixed Ratiocinations are possible

The rule of the third figure is the following: What is suitable to or inconsistent with a thing, is either suitable to or inconsistent with some things, which are contained under another mark of this thing. This position itself is possible but because I can convert the judgment, in which is said, that another mark is suitable to this thing (*per conversionem logicam*), whereby it becomes conformable to the rule of all ratiocinations. *Exempli gratia*, it is said,

All men are sinners,

All men are rational,

Therefore some rational beings are sinners.

This concludes, only because I can infer from the minor by a conversion *per accidens*: therefore some rational beings are men, and then the conceptions are compared with the rule of all ratiocinations, but only by means of an interjected immediate conclusion, and one has a *ratiocinium hybridum*:

All men are sinners,

All men are rational,

therefore some rational beings are men,

consequently some rational beings are sinners.

The same may be very easily shown in the negative mode of this figure, but which for the sake of brevity I omit.

In the fourth Figure none but mixed Ratiocinations are possible.

The mode of inference in this figure is so unnatural, and is founded upon so many possible intermedial syllogisms, which must be conceived as interjected, that the rule, which I could propound for it universally, would be very obscure and unintelligible. For which reason I shall say, but on what conditions a syllogistic power lies therein. In the negative species of these syllogisms of reason a right inference is possible, because I may alter the places of the principal conceptions by either logical conversion or contraposition and thus after every major imagine its immediate consequence, so that these consequences acquire the reference, which they must have in a ratiocination according to the universal rule in general. But I shall shew of the positive ones, that they are not at all possible in the fourth figure. The negative ratiocination according to this figure is represented, as it must be thought, as follows:

No dunce is learned,
 therefore *no learned man is a dunce.*
 Some learned men are pious,
 therefore *some pious men are learned*
ergo some pious men are not dunces.

Let

Let it be a syllogism of the second sort.

Every spirit is simple,
all that is simple is incorruptible,
therefore some incorruptible is a spirit.

It is evident, that the concluding judgment, as it stands here, cannot by any means be inferred from the premises. This is quickly perceived, when the middle term is compared with it. I cannot say, some incorruptible is a spirit, because it is simple, it is not directly a spirit. Again, the premisses cannot be so disposed by all possible logical alterations, that the conclusion or but another position, from which it flows as an immediate consequence, could be deduced, if, according to the rule established in all figures, the *termini* shall have their places so, that the greater *terminus* shall occur in the major, and the smaller in the minor.* And though, when I totally alter the places of the principal conceptions, so that that becomes the smaller, which was before the greater and *vice versa*, a conclusion from which the given conclusion flows may be inferred, a total transposition of the premises is then necessary and the so named ratiocination according to the fourth figure comprises the materials, but not the form, according to

* This rule is founded in the synthetical order according to which the remote and then the proxime mark is compared with the subject. If this were however considered arbitrarily merely, it becomes indispensably necessary, when four figures must be had. For as soon as it is the same, whether I bring the predicate of the conclusion into the major or into the minor, the first figure is not at all different from the fourth. A fault of this sort may be found in *Quisius' Logic* page 600 in the note.

which must be concluded and is no ratiocination at all according to the logical order, in which only the division of the four figures is possible, which in the negative mode of conclusion in the same figure is of a quite different nature. It must be thus:

Every spirit is simple,
 all that is simple is incorruptible,
 therefore every spirit is incorruptible,
 consequently some incorruptible is a spirit.

This concludes quite right, but such a ratiocination is not different from that in the first figure by another place of the middle term, but only by the place of the premisses being altered * and in the conclusion the places of the principal conceptions. But therein consists not at all the alteration of the figure. A fault of this sort is to be found in the place above-cited of *Crusius' Logic*, where, by this liberty of altering the place of the premises, one believes to infer naturally in the fourth figure. It is a pity, that a man of great talents should give himself the trouble to endeavour to correct a useless thing: Nothing useful can be done, but by destroying it entirely.

* For when that proposition is the major, in which the predicate of the conclusion occurs, the second proposition of the proper conclusion, which here flows immediately from the premisses, is the major and the first the minor. Then however every thing is inferred according to the first figure, only so that the given up conclusion is drawn by a logical conversion from that, which follows next from the said judgments.

5.

The logical Division of the four syllogistic Figures is a false Subtilty.

It cannot be denied that one may infer and conclude rightly in all these four figures. But it is unquestionable that all of them, except the first, determine the consequence but by a roundabout way and intermingled intermedial conclusions, and that the very same conclusion would follow perfectly pure and unmingled from the same middle conception in the first figure. It may be thought, on that account, that the other three figures are very useless, but not false. However, when one reflects on the view, with which they were invented, and are still propounded, one will judge otherwise. Were the object, to entangle a multitude of conclusions, mingled with the principal judgments, in such a manner with these, that, some being expressed and others understood, it would require great art, to judge of their agreement with the rules of syllogising, one would not just invent more figures, but could nevertheless devise more enigmatical conclusions, which might occasion brains-beating enough. But it is not the end of logic, to implicate, but to resolve, not to propound obscurely, but evidently. Hence these four modes of syllogism ought to be simple, unmingled, and without hidden collateral conclusions, else they are not allowed the liberty, to appear in a logical propounding as forms of the most distinct representation of a ratiocination. It is certain that hitherto all

logicians have considered them as simple ratiocinations without a necessary interjection of other judgments, otherwise this burghership had never been granted them. The other three species of illation as rules of ratiocinations in general are then right, but as such as comprise a simple and a pure conclusion, false. This falsity, which constitutes a right to involve introspections, instead of which, the proper ends of logic are to reduce every thing to the most simple mode of cognition, is the greater, the more particular rules (of which every figure has some proper ones) are necessary, in order, in this side leap, not to trip one's self. In fact, if much acuteness was ever bestowed on a totally useless thing, and much seeming learning lavished, it is the case here. The *moods*, so named, which are possible in every figure, intimated by strange words which, together with much secret art, contain letters that facilitate the transforming into those, will, when once the venerable rust of antiquity shall teach a more instructed posterity, to admire and to regret in these rests the diligent but fruitless labours of their predecessors, comprise a valuable curiosity of the cast of the human mind. It is easy to discover the first occasion of this subtilty. He, who first wrote a syllogism in three lines below one another, considered it as a chess-board, and tried what would be the consequence of the transposition of the places of the middle term, was as much surprised when he perceived that a rational sense was produced, as one would be who discovers an anagram. It was just as childish to
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be over-joyed with the one as with the other, especially as it was forgotten that nothing new was introduced in point of perspicuity, but only an augmentation of indistinctness and confusion. But it is the lot of human understanding, either to be inquisitive and fall on trifles, or to catch at objects too vast, and build castles in the air. Of the great crowd of thinkers one chuses the number 666, the other, either the origin of animals and plants, or the mysteries of Providence. The error into which both fall is, according to the difference of their understandings, of a very different taste.

In our days things worthy of being known augment very much. Our capacity will soon be too weak; and our life too short, to comprehend but the most useful part of them. We are presented with an abundance of riches, to make room for which we must throw away a great deal of useless lumber. It had been better never to have been occupied about it.

I would flatter myself too much, if I believed, that the labour of a few hours would be able to overthrow the colossus, whose head is hidden in the clouds of antiquity; and whose feet are of argil. However, as I cannot adjust every thing in the logical propounding conformably to my own insight, but must do much to please the reigning taste, I shall not insist any longer on this subject, but shall employ the time, which I thereby gain, in the actual enlarging of useful knowledge.

There is still another utility of the syllogistic, namely, by means of it, to get the better of the unwary in a learned conversation. But, as this belongs to the athletic of the learned, an art, which may otherwise be very useful, but does not contribute much to the advantage of truth, I shall pass it by in silence.

6,

Conclusion.

We are now instructed, that the chief rules of all pure syllogisms of reason lead immediately to that order of conceptions, which is named the first figure, that all other transpositions of the middle term, yield a right consequence but because they lead to such propositions by easy immediate inferences, which are connected in the simple order of the first figure, that it is impossible to infer in a simple and unmixed manner in more than one figure, because nothing but the first figure, which lies hidden in a ratiocination by concealed consequences, comprises the illative power, and the altering of the places of the conceptions occasions but a greater or a smaller roundabout, which one has to go, in order to perspect the consequence, and that the division of the figures in general, in so far as they shall contain pure conclusions mixed with no intermedial judgments, is false and impossible. It may be so easily gathered from our exposition, how our universal fundamental rules of all pure syllogisms of reason comprehend

prehend at the same time the particular rules of the first figure, as also how from the given conclusion and the middle principal conception every one ratiocination from one of the other figures may, without the useless diffusiveness of the formulæ of reduction, be directly altered into the first and simple mode of illation, so that either the conclusion itself, or a position, from which it follows by an immediate consequence, is inferred, that I shall not dwell on it.

I cannot however quit this subject without adding a few observations, which may be elsewhere of material use.

In the first place I say, that a *distinct* or *perspicuous* conception* is not possible but by a *judgment*, but a *complete* conception not otherwise than by a *ratiocination*. To a *distinct* conception is required, that I cognise clearly something as a criterion of a thing, but this is a judgment. That I may have a *distinct* conception of a body, I represent clearly to myself the impenetrability as a mark of it. This representation, however, is nothing but the thought, *a body is impenetrable*. It is to be observed in this, that this judgment is not the *distinct* conception itself, but the act, by which it becomes actual; for the representation, which arises from the thing itself after this act, is *distinct*. It is easily shown, that a *complete* conception is possible but by a

* The genealogical tree of this family may be seen in the translator's preface to THE PRINCIPLES OF CRITICAL PHILOSOPHY, page xxvi—xxvii.

ratiocination, one needs but peruse the first paragraph of this treatise. For which reason a distinct conception may be denominated such a one, as is clear by a judgment, but a complete conception, what is distinct by a ratiocination.

When the completeness is in the highest degree, the ratiocination is a simple one, when it is of the second or third, it is possible but by a series of chain-syllogisms, which the understanding contracts in the mode of a sorites. Hence is evident an essential fault of logic, as it is commonly treated, to wit, that distinct and complete conceptions are handled sooner, than judgments and ratiocinations, though those are possible but by these.

Secondly, as obvious as it is, that to the complete conception no other fundamental power of the soul is requisite, than to the distinct, (as the very same capability, which cognises something immediately as a mark in a thing, is likewise used to represent another mark in this mark, and thus to cogitate the thing by a remote mark;) it is just as obvious, that understanding and reason, *id est*, the faculty of cognising distinctly, and that of framing ratiocinations, are not different *fundamental capabilities*. Both consist in the faculty of judging; but one infers and concludes, when one judges mediately.

Thirdly, and lastly, it is likewise to be collected from this, that the chief power of cognition absolutely rests but upon the faculty to judge. Consequently, if a being can judge,
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it is endowed with the chief capability of cognition. If one has cause to deny it this capability, it is not able to judge. The neglect of such contemplations occasioned a celebrated man of letters to grant distinct conceptions to brutes. An ox, it is said, in his representation of the stall has also a clear representation of its mark, the door, therefore a distinct conception of the stall. It is easy, to avoid the confusion here. The distinctness of a conception does not consist in that, which is a mark of the thing's, being represented clearly, but in its being cognised as a mark of the thing. The door is indeed something belonging to the stall, and may serve for a mark of it, but only he, who forms the judgment, *this door belongs to this stall*, has a distinct conception of the building, and this is surely above the faculty of the brute.

I go still farther, and maintain, That it is totally different to *distinguish* things one from another, and to cognise the *difference* of things. The latter is possible but by judging, and cannot be done by any irrational animal. The following division may be of great use. *To distinguish logically* is, to cognise that A is not B, and is always a negative judgment; *to distinguish physically* is, to be instigated to different actions by different representations. A dog distinguishes roast beef from bread, because he is differently affected by the roast beef (for different things occasion different sensations) and the sensation of the former is a ground of another appetite in him, than
that

that of the latter,* according to the natural connection of his instincts with his representations. Hence occasion may be given to reflect better on the essential distinction between rational and irrational animals. Were one able to perspect what sort of a secret power that is, whereby judging becomes possible, one would resolve the difficulty. My present opinion is, that this power or faculty is nothing but the faculty of the internal sense, *id est*, to make one's own representations the object of one's thoughts. This faculty is not to be deduced from another, it is a fundamental faculty in the proper signification, and in my apprehension can belong to rational beings merely. Upon this however rests the whole higher power of cognition. I shall conclude with a representation, which cannot fail to be agreeable to those, who can take pleasure in contemplating the unity in human cognitions. All affirmative judgments rank under a common formule, the position of agreement: *Cuilibet* *subjecto competit predicatum ipsi oppositum.* All affirmative ratiocinations are contained under the rule: *Nota notæ est nota rei ipsius*, all negative ones under this: *Oppositum notæ opponitur re ipsi.* All judgments that rank immediately under the propositions of agreement or of

* It is of the greatest importance indeed, to pay attention to this in the investigation of animal nature. We perceive in brutes external actions merely, whose difference points out different determinations of their appetites. Whether the same action of their cognoscitive power happens in their interior, as they are conscious to themselves of the agreement or of the disagreement of that, which is in one sensation, with that which is to be found in another, and therefore to judge, is by no means a consequent therefrom.

contradiction,

contradiction, that is, in which neither the identity nor the repugnancy is perspected by an intermediate mark (consequently not by means of the anatomizing of conceptions,) but immediately, are inevincible judgments, those, which can be mediately cognised, are evincible. Human cognition teems with such inevincible judgments. Some of these previously occur to every definition, as soon as one, in order to attain it, represents to one's self that, which one cognises in a thing as proxime or immediately, as a mark of it. Those philosophers err, who proceed as if there were no inevincible fundamental truths at all besides that. Those, who, without a sufficient guaranty, are too liberal in giving this precedence to several of their own positions, err just as much.

ON

THE POPULAR JUDGMENT:

THAT MAY BE RIGHT IN THEORY, BUT DOES
NOT HOLD GOOD IN THE PRAXIS.

INTRODUCTION.

The aggregate of even practical rules is denominated **THEORY**, when these rules, as principles, are thought in a certain universality, and thereby is abstracted from a multitude of conditions, which necessarily have influence on their exercise. Conversely, not every handicraft, but only that attaining of an end, is named **PRAxis**, which is thought as the observance of certain principles of procedure represented in the general.

It is evident, that between the theory and the praxis a medium of connection and of transition from the one to the other is still required, let the theory be ever so complete; for, to the conception of understanding, which comprises the rule, must be superadded an act of judgement, whereby the practitioner discriminates, whether something be the case of the rule or not; and, as rules, by which the judgement could take its measures in the subsumption, cannot always be given. (because that would go to the infinite), there may be theorists, who never in their lives can become practitioners, because they want judgement; for instance, physicians, or lawyers, who may have prosecuted their studies successfully, but who, when they are to give advice, do not know how to proceed. — But where this gift of nature is even to be met with, there may yet be a want of premises; that is, the

theory may be incomplete and the complement of it obtained perhaps but by experiments and experiences to be made still, from which the physician, the farmer, or the financier, on quitting his school, ought to abstract rules for himself, and render his theory complete. The theory however was not to be blamed, if it did not yet suffice to the praxis, but the fault was, that theory *enough* did *not* exist, which the man ought to have learned from experience; and which is real theory, though he is not able to communicate it, and, as a teacher, to propound it systematically in universal positions, consequently can lay no claim to the title of a theoretical physician, farmer, etc. — Nobody therefore can pretend to be practically versed in a science and at the same time despise the theory, without exposing himself to be held an ignorant in his own province: believing, by groping in experiments and experiences, without collecting for himself certain principles (which constitute that, properly named theory), and without having reflected on his business as a whole (which, when one proceeds in this methodically, is termed a system), to make more progress, than the theory would permit.

It is however more supportable, that an ignorant should give out theory as unnecessary, and which may be dispensed with in his operative praxis, than that a sciolist should admit of it and of its use in the schools (in order to exercise the understanding only), but maintain at the same time, that the praxis is quite of another nature; that, when one quits
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the school and goes into the world, one perceives void ideals and philosophical reveries to be followed; in a word, that which is right in theory, is of no validity for the praxis. (It is often expressed thus: this or that proposition is valid, it is true, *in thesi*, but not *in hypothesis*). Were empirical machinists, to pronounce in this manner on universal mechanics, or bombardiers, on the mathematical doctrine of the throwing of bombs, that the theory in these sciences is indeed nicely excogitated, but is not at all valid in the praxis, because in the execution experience gives quite other results, they would be but laughed at, (for, if to the former were superadded the theory of friction, to the latter the resistance of the air, consequently, but more theory in general, they would harmonize perfectly with experience). But the case is quite different with a theory, which concerns objects of intuition, than with that, in which objects are represented but by conceptions (with objects of mathematics, and of philosophy): the latter of which perhaps may easily be *thought* and without censure (on the part of reason), but perhaps not at all *given*, but may be void ideas merely, of which no use whatsoever would be made in the praxis, or a use, even disadvantageous to it. Therefore that popular judgment may in such cases be perfectly correct.

But in a theory, which bottoms upon the CONCEPTION OF DUTY, the apprehension on account of the void idealness of this conception ceases entirely. For it would not be duty to proceed on a certain effect of our will, if

this were not possible in experience too (whether it be thought as accomplished or continually approaching to the accomplishment); and this sort of theory only is the subject of the present treatise. For, it is not seldom pretended of it, to the scandal of philosophy, that, what may be right in it, is however not valid for the praxis: and indeed in an imperious disdainful tone, full of presumption, willing by experience to reform reason in that even, in which it places its greatest honour; and with an arrogated wisdom and mole's eyes, which are fixed on experience, imagining to be able to see farther and better, than with eyes, which have fallen to the share of a being, made to stand erect and to behold the heavens.

This maxim, become very common in our times, rich in sentences, but poor in facts, when it concerns any thing moral (duty of law or of ethics), occasions the greatest mischief. For here we have to do with the canon of reason (in the practical field), where the value of the praxis rests entirely upon its suitability to the theory upon which it is built, and all is lost, when the empirical and by consequence fortuitous conditions of the execution of the law are made conditions of the law itself, and thus a praxis, which is calculated on a probable issue according to a *precedent* experience, becomes entitled to master the theory subsisting of itself.

This treatise is divided according to the three different stations, from which the man of honour, accustomed to pronounce so boldly
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on theories and on systems, is wont to judge his object; consequently in a threefold quality: 1. as a private man but a MAN OF BUSINESS, 2. as a STATESMAN, 3. as a MAN OF THE WORLD, (or a citizen of the world in general). These three personages are unanimous in falling upon the SCHOOLMAN, (who elaborates theory for them all and for their greatest good) in order, as they believe themselves better qualified, to send him to his school (*illa se jactet in aula!*), as a pedant who, spoiled for the praxis, but stands in the way of their experienced wisdom.

We shall therefore represent the relation in which the theory stands to the praxis in three sections: *first*, in MORAL in general (with a view to the good of every *man*), *secondly*, in POLITICS (in reference to the good of *states*), *thirdly*, in a COSMOPOLITICAL consideration (with a view to the good of the *human species* in general, so far as it is engaged in advancing to that good in the series of generations of all future times). — But the titles of the sections will be expressed, for reasons which unfold themselves in the treatise itself, by the relation of the theory to the praxis in MORAL, in THE LAW OF STATE, and in the LAW OF NATIONS.

ON

THE POPULAR JUDGMENT:

THAT MAY BE RIGHT IN THEORY, BUT DOES
NOT HOLD GOOD IN THE PRAXIS.

SECTION I.

OF THE RELATION, WHICH THE THEORY BEARS
TO THE PRAXIS IN MORAL IN GENERAL.

*(In answer to a few Objections started by Professor Garve.)**

Before I come to the proper point of dispute, concerning what may be valid in the use of the same conception for the theory merely, or for the praxis; I must compare my theory, as I have represented it elsewhere, with the representation which Mr. Garve gives of it, in order previously to see, whether we understand one another.

A. By way of introduction I explained moral as a science, which teaches, not how we shall become happy, but how we shall

* *Essays on different Subjects moral and literary, by Prof. Garve Vol. I. p. 111—116.* I name the disputing of my positions *objections* of this worthy man's to that, in which he (I hope) wishes to agree with me; not attacks, which as positive assertions would provoke to a defence, for which it is neither the place here, nor have I the inclination.

become worthy of felicity.* At the same time I did not neglect to observe, that it thereby was not required of man, that, when the observance of duty was concerned, he should *renounce* his natural end, felicity; for he cannot do that, no more than any finite rational being in general; but he must, when the commandment of duty is in question, totally *abstract* from the consideration of felicity; he must by no means make it the *condition* of the observance of the law prescribed to him by reason; nay, as much as it is possible for him, even to endeavour to become conscious to himself, that no *springs* derived from that source shall imperceptibly mix themselves with the determination of duty:— which is effectuated, by representing duty combined rather with sacrifices, which its observance (virtue) costs, than with the advantages, it yields us: in order to represent to ourselves the commandment of duty in its whole consequence or importance, requiring unconditional obedience, enough for itself and standing in need of no other influence whatever.

a. Mr. Garve expresses this my position thus: ‘that I maintained, that observance of

* The worthiness of being happy is that quality of a person resting upon the proper will of the subject, in conformity to which a universally legislative reason, (for nature as well as for the free will) would harmonise with all the ends of this person. It is therefore totally different from the address in procuring happiness to one’s self. For he is not worthy of this even, and of the talent, which nature has lent him for that purpose, when he has a will that does not accord with what only is suitable to an universal legislation, and cannot be comprehended therein (that is, which is repugnant to morality).

the moral law is, entirely without consideration of felicity, the *only scope* of man, that it must be considered as the sole end of the Creator.' (According to my theory, neither the morality of man of itself, nor felicity of itself only, but the highest good possible in the world, which consists of the union and harmony of both, is the only end of the Creator).

B. I observed farther, that this conception of duty has no occasion to bottom upon any particular end, but rather *brings about* another end for the will of man, namely, to contribute to the utmost to the *highest good* possible in the world (universal felicity conjoined with the purest morality, and that felicity conformable to this morality in the universe): which, as it is indeed in our power on one side, but not on both sides taken together, extorts from reason in a *practical view* the belief in a moral Sovereign of the world and in a future life. Not, as if the universal conception of duty should receive *support and stability* but on the presupposition of both, that is, a sure ground and the requisite strength of a *spring*, but that it may receive an *object* but in that ideal of pure reason.* For duty

* The need or necessity of supposing a *highest good* possible by our cooperation in the world, as the scope or final end of all things, is not a need for want of moral springs, but in external relations, in which only, conformably to these springs, an *object* can be produced, as end in itself (as moral *scope*). For no *will* can be without all end; though, when legal necessitation of actions merely is concerned, it must be abstracted from and the law only constitutes the determinative of the will. But every end is not moral (for example, that of proper felicity is not), but this must be disinterested; and the need of a scope given by pure reason comprehending the whole of all ends under one prin-

in itself is nothing, but *limitation* of the will to the condition of an universal legislation possible by an assumed maxim, let the object, or the end of the will be what it pleases (consequently even felicity); but from which and from every end that one may have, it is hereby totally abstracted. In the question concerning the *principle* of moral, the doctrine of the *chief good*, as ultimate end of a will determined by it and suitable to its laws, may then (as episodical) be passed over in silence; as it will appear in the sequel, that, where the proper point of dispute is concerned, no regard whatever is paid to it, but merely to the universal moral.

ciple (a world as the highest good possible by our cooperation), is a need of the disinterested will's *extending* itself beyond the observation of the formal laws to the production of an object (the chief good). — This is a determination of will of a peculiar sort, namely, by the idea of the whole of all ends, where this is laid as a foundation, to wit, that, *when* we stand in certain moral relations to things in the world, we must every-where obey the moral law; and more than that the duty still survenes, to cause with all our might, that such a relation (a world suitable to the moral chief ends) may exist.: In this man cogitates himself according to the analogy with the Deity, which, though subjective, stands in need of no external thing; however it cannot be thought, that he should shut himself up within himself, but is destined to produce the chief good without himself, even by the consciousness of his all-sufficiency: which necessity (which in men is duty) in the supreme Being cannot be represented *by us* but as a moral need. With man therefore the spring that lies in the idea of the highest good possible in the world by his cooperation, is not the proper felicity thereby intended, but only this idea as end in itself, consequently its observance as duty. For it contains not a prospect of happiness absolutely, but a proportion between it and the worthiness of the subject, whatever it be. But a determination of will, which limits itself and its design, to belong to such a whole, to this condition, is *not interested*.

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b. Mr. Garrye reduces these positions to the following expressions: 'that the virtuous neither can, nor dares lose sight of that point of view (proper felicity), — because otherwise he would totally lose the transition to the invisible world, that to the conviction of the existence of God and of immortality; which however, according to this theory, is absolutely necessary, to give *the system support and stability*;' and concludes in order to comprehend in a small space the sum of the assertions ascribed to me: 'The virtuous in consequence of those principles aspires incessantly to be worthy of felicity, but, *in so far*, as he is really virtuous, never to be happy.' (The expression *in so far* occasions here an ambiguity, which must first be removed. It may mean: *in the act*, in which he as virtuous subjects himself to his duty; and in that case this position harmonizes completely with my theory. Or: when he is but virtuous in general, and even where duty is not concerned and impugned, the virtuous shall pay no regard at all to felicity; and that contradicts my assertions entirely).

These objections, therefore, are nothing but misunderstandings (for I do not chuse to hold them misinterpretations); whose possibility would seem very strange, did not the human propensity, to follow the train of thought to which it is once accustomed in even the judgment of other's thoughts, and thus to transfer that to this, sufficiently explain such a phenomenon.

A dogmatical assertion of the opposite follows this polemical treatment of the above moral principle. Mr. Garve concludes analytically thus: 'In the order of *conceptions* must precede the perception and distinguishing of states, whereby the *preference* is given to the one over the other, to the choice of one of them, and thus to the previous determination of a certain end. But a state, which a being, endued with the consciousness of himself and of his state, when this state is present and perceived by him, *prefers* to other modes of being, is a *good state*; and a series of such good states is the most general conception, which the word *felicity* expresses.' — Again: 'A law presupposes motives, but motives presuppose a previously perceived difference of a worse state from a better. This difference perceived is the element of the conception of *felicity* etc.' Again: '*From felicity*, in the most general sense of the word, *spring the motives to every pursuit*; therefore to the observance of the moral law. I must first know in general, that something is good, before I can inquire, whether the observance of the moral duties belongs to the rubric of the good; man must have a *spring*, that puts him in motion, *before* an *aim* can be set up to him,* to which this motion shall be directed.'

* That is exactly what I insist on. The spring, which man can previously have, before an aim (end) is set up to him, can evidently be nothing, but the law itself, by the reverence, which it (undetermined, what ends one may have and may attain by their observance) inspires. For the law, in regard of the formal of the arbitrament, is indeed the only one, that remains, when we have abstracted from the matter of the arbitrament (the aim, as Mr. G. names it.)
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This argument is nothing more than a play with the ambiguity of the word *the good*: as this is either in itself and unconditionally good, in contradiction to that bad in itself; or, never but good in a conditional manner, compared with the better or with the worse, as the state of the choice of the former can be but a comparatively better state, but in itself may be bad. — The maxim of an unconditional observance of a categorically commanding law of the free arbitrament (that is, duty) having no regard at all to ends as a foundation; is essentially, that is, *according to the species*, different from the maxim, 'To observe that end (which is named felicity in general) pointed out to us by nature itself, as a motive to a certain mode of action. For the first is good in itself, but the second by no means; it may in the event of the collision with duty, be very bad. Whereas, when a certain end is founded upon, consequently no law commands unconditionally (but only on the condition of this end), thus two opposite actions may be both good in a conditional manner, only, one better than the other (which latter would therefore be named comparatively bad); for, they are not different from one another *according to the sort*, but merely *according to the degree*. And of this nature are all actions, whose motive is not the unconditional law of reason (duty), but an end arbitrarily laid by us as a foundation: for this belongs to the sum of all ends, whose attainment is denominated felicity; and one action may contribute more, another less, to my felicity, consequently

sequently be better or worse than the other. — But the *preferring* of the one state of the determination of the will to the other is an act of liberty merely, (*res meræ facultatis*, as the jurists say); in which, it is not at all taken into consideration whether this (determination of the will) be good or bad in itself, therefore it is, in respect of both, equipollent.

A state of being in connection with a certain *given end*, which I prefer to every other *of the same sort*, is a comparatively better state, in the field of felicity (which can be acknowledged as *good by reason* but in a conditional manner, so far as one is worthy of it). But that state, in which, in case of the collision of any of my ends with the moral law of duty, I am conscious to myself, to prefer this, is not only a better state, but that state only good in itself: a good from a quite other field, where we have no regard at all to ends, which may present themselves to us (consequently to their sum, felicity), and where, not the matter of the arbitrament (an object upon which it bottoms) but the mere form of the universal legality of its maxim, constitutes its determinative. — Therefore it cannot by any means be said, that I can reckon every state, which I *prefer* to every other mode of being, to felicity. For I must first be certain that I do not act contrary to my duty; as I am but then allowed to look out for felicity, and to see how much of it I can unite with that my morally (not physically) good state.*

* Felicity comprises all (but nothing more, than) that, with which nature can supply us; but virtue that, which
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The will must certainly have *motives*; but these are not certain designed objects referred to the *physical feeling*, as ends, but nothing but the unconditional *law* itself; for which reason the receptibility of the will, to find itself under that law, as an unconditional necessitation is termed the MORAL FEELING; which is therefore not the cause, but the effect of the determination of the will, of which we would not have the smallest perception in us, if that necessitation in us did not precede. Hence the old song, That this feeling, consequently a pleasure, which we make our end, constitutes the first cause of the determination of the will, of course felicity (to which that pleasure belongs as element) the ground of all objective necessity of acting, therefore of all obligation, pertains to the reasoning *toyings*. When, in alleging a cause to a certain effect, one cannot cease inquiring, thus at last one makes the effect the cause of itself.

At present I come to the point, which properly occupies us here, namely, to try by examples and to prove the interest of the theory and of the praxis opiniatively jarring in philosophy. Mr. G. in his above-mentioned Essay

nobody but man himself can give himself, or can take. Did one on the contrary say, that by deviation from virtue man may incur at least reproaches and pure moral self-censure, therefore discontentment, consequently may make himself unhappy; that may perhaps be granted. But the virtuous only, or he who is on the way to become so, is capable of the pure moral discontentment (not from the consequences of the action pernicious to him, but from its illegality itself). Therefore this discontentment is not the cause, but only the effect of his being virtuous; and the motive for being virtuous could not be taken from this misfortune (if one chooses so to name the pain occasioned by a misdeed).

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gives the best testimony of this. First; says he (speaking of the distinction, which I find between a doctrine, how we shall become *happy* and that, how we shall become *worthy* of felicity): 'I for my part acknowledge, that I perfectly comprehend this partition of ideas in my *head*, but that, I do not find this partition of the wishes and aspirations in my *heart*; that it is even incomprehensible to me, how any one person can be conscious to himself of having purely separated his desire for felicity itself, and therefore discharged his duty quite disinterestedly.'

I first reply to the latter, namely, I willingly grant, that no man can with certainty be conscious to himself of *having discharged* his duty quite disinterestedly: for that belongs to internal experience, and to this consciousness of the state of his mind would belong a thoroughly clear representation of all the collateral representations and considerations associating themselves with the conception of duty, by imagination, assuetude, and inclination, which cannot be required in any case; the nonexistence of something cannot be an object of experience (consequently an advantage thought in secret cannot). But man is conscious to himself with the greatest distinctness, that he *ought to discharge* his duty quite disinterestedly, and *must* totally separate his desire for felicity from the conception of duty, in order to have it quite pure; or, did he believe not to be conscious of this, it can be required of him that he be so, as far as it is in his power; because just in this purity
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is to be met with the real value of morality, and he must therefore be able to be so. Perhaps, no man may have ever quite disinterestedly discharged (without a mixture of other springs) his duty, acknowledged and even honoured by him: perhaps no one, notwithstanding the greatest efforts, will ever reach so far. But, as much as he can perceive in himself by the most careful self-examination, to be conscious to himself not only of no such cooperating motives, but rather of self-denial with regard to many things opposing the idea of duty, consequently of the maxim, to aspire to that purity: that he is able to do; and that is enough for the observance of his duty. Whereas, to adopt as a maxim the favouring of the influence of such motives, under the pretext, that human nature does not allow such a purity (which however he cannot maintain with certitude), is the death of all morality.

As to the laconic confession of Mr. G. to wit, not to find in his *heart* that partition (more properly separation); I make no hesitation to contradict him directly in his self-accusation, and to protect his heart against his head. He, honest man, always found it actually in his heart (in the determination of his will); but they would only not accord, for the behoof of speculation and for the comprehending of what is incomprehensible (inexplicable), namely, the possibility of categorical imperatives, (such as those of duty are); in his head with the common principles of psychological explications (which collectively bottom upon the mechanism of the necessity of nature.*

* Professor Garve, in his observations on *Cicero on Duties*
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But when Mr. G. at last says: 'Such fine distinctions become *obscure* in *reflecting* on particular objects; but *they are lost entirely*, when *acting* is in question, when they are to be applied to appetites and views. The simpler, and quicker the step is, by which we pass from the considerations of the motives to real action, and the more *divested of clear representations*; the less is it possible to cognise precisely and certainly the determinate weight, which every motive has added, to direct the step so and not otherwise' — I must be allowed to contradict him flatly, and with an audible voice.

The conception of duty in its whole purity is not only beyond all comparison simpler, more perspicuous, more conceivable to every body for practical use, and more natural, than any motive taken from felicity, or mingled with it and having regard to it (which always requires great art and reflection); but, in the judgment of even the most common human reason, when it is but brought to this, and with separation from, nay, even in opposi-

p. 69. ed. 1785, makes this remarkable confession, which is at the same time worthy of his ingenuity: 'Liberty, according to my most intimate conviction, will always remain inextricable and will never be explained.' A proof of actuality cannot absolutely be met with, either in an immediate, or mediate experience; and one cannot assume it without all proof. As a proof of it cannot be given from theoretical grounds merely, (for these must be sought in experience), therefore from practical positions of reason merely, but not from technically practical ones (for these would require grounds of experience), consequently but from morally practical positions: it is surprising that P. G. had not recourse to the conception of liberty, in order to save the possibility, at least, of such imperatives.

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tion to these, to the will of man far more *energetical*, penetrating, and promises more success, than all the motives borrowed from the latter interested principle. — Let us, for example, put the case: that a certain person has in his hands another's property which was intrusted to him (*depositum*), whose proprietor is dead, and that his heirs neither know, nor can ever hear of that property. Let this case be propounded even to a child, of eight or nine years old: and at the same time, that the detainer of this deposit is (without his fault) exactly at this instant totally ruined in his circumstances, and sees around him a wife and a numerous family of helpless children, melancholy and dejected through want, from which distressing situation he would be immediately relieved, should he appropriate that deposit to himself; let him at the same time be humane and beneficent, but that heir opulent and uncharitable, and in the highest degree luxurious and prodigal, so that this addition to his fortune would be like throwing a drop of water into the ocean. And were it now asked, Whether the detainer, under these circumstances, can be allowed to apply this deposit to his own use? The answer would certainly be: no! and, instead of all grounds, nothing, but that *it is wrong*, that is, repugnant to duty. Nothing is clearer than this; and indeed not that the detainer promotes his own *felicity* by giving up the deposit. For, if he expected the fixing of his resolution from the view to felicity, he might reason thus: if I

return this deposit to its proper owner, without its being demanded, I shall in all probability be rewarded for my honesty; or, should I not be rewarded, I shall acquire a good reputation, which may be highly advantageous to me. But all this is very uncertain. On the other hand many doubts occur: if I should keep the deposit, in order to relieve my distresses at once, I would, should I make a speedy use of it, incur suspicion, and every body would inquire how I came to better my fortune so suddenly; but were I to proceed in this slowly, the misery would increase to so high a degree, that it would not be possible afterwards to remedy it. — The will therefore according to the maxim of felicity hesitates between its springs, what it shall conclude; for it looks to the consequence and that is very uncertain; it requires a good understanding to disentangle one's self from the crowd of arguments and counter-arguments and not to deceive one's self in the summing up. Whereas when one questions one's self, What is duty here? one is at no loss at all what answer to give, but is immediately certain what ought to be done. Nay, if the conception of duty has any weight with us, we even feel an aversion to enter but on the calculation of advantages, which might arise to us from the transgression of our duty, as if we still had the choice here.

It therefore contradicts, even proper experience, that these distinctions (which, as shown above, are not so fine, as Mr. G. fancies, but are written in the most legible characters

acters in the soul of man) *are*, as he expresses himself, *totally lost, when acting is in question*. It does not indeed contradict that experience, which exhibits the *history* of the maxims drawn from the one or from the other principle: for there it evinces, unfortunately, that they for the most part flow from the latter (self-interest); but the experience, which can be but internal, that no idea elevates the human mind more, and animates it to ecstasy even, than that of a pure moral sentiment revering duty above all, struggling with the innumerable evils of life and even with its seducing allurements, and yet overcoming them (as it is supposed with reason, that man is able to do it). That man is conscious to himself, that he can do this, because he ought to do it, opens in him a depth of godlike predispositions, which makes him feel, in a manner, a solemn shudder and reflect on the grandeur and sublimity of his real destination. And were he frequently made attentive and accustomed, to disburden virtue totally of all the riches and spoil of the advantages, which it can make from the observance of duty, and to represent it to himself in its whole purity; were it a principle in the private as well as in the public instruction to make constant use of it (a method of inculcating duties, which has almost always been neglected); the morality of men would soon be on a better footing. That the experience of history has not yet had the good consequence, which moralists wished to evince, is the fault of the false presupposition, That the spring derived from the idea of

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duty in itself is far too fine for the common conception, whereas the coarser spring taken from certain advantages to be expected in this world, nay, even in a future, from the observance of the law (without attending to it as spring), would act more forcibly on the mind; and that to give the aspiring to felicity the preference to that, which reason makes the highest condition, namely, the worthiness of being happy, has hitherto been made the principle of education and of the propounding from the pulpit. For *precepts*, how one may make himself happy, or at least avoid his disadvantage, are no *commandments*. They bind nobody absolutely; and he, after he has been warned, may chuse what he pleases, when he is content with suffering, whatever may happen to him. He has then no reason to consider the evils, which may arise to him from the neglect of the advice given him, as punishments: for these reach, only the free but the wrongful will; but nature and inclination cannot give laws to liberty. Quite differently circumstanced is the idea of duty, whose transgression, without having regard to the disadvantages arising to men therefrom, acts immediately on the mind, and renders them in their own eyes culpable and punishable.

Here is now a clear proof, that in moral all that is right in theory, must be valid for the praxis too. — In the quality of a man, as a being subjected to certain duties by his own reason, every one is a *man of business*; and, as he, as a man, never grows too tall
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for the school of wisdom, he cannot, as opiniatively better versed by experience in what a man is and what can be required of him, with arrogant contempt send back to the school the adherers to the theory. For all this experience does not help him to avoid the precept of theory, but only to teach, how it; when it is adopted as a principle, may be better and more generally put in execution; but which pragmatistical address is not the subject of the present discussion.

SECTION II.

OF THE RELATION WHICH THE THEORY BEARS
TO THE PRAXIS IN THE LAW OF STATE.

(Against Hobbes).

Among all contracts, by which a number of men combine themselves in a society (*pactum sociale*), the contract of the foundation of a *civil constitution* among them (*pactum unionis civilis*) is of so peculiar a nature, that, though it has indeed, with regard to the *execution*, much in common with every other (which is equally directed to any one arbitrable end to be promoted in common), it is in the principle of its establishment (*constitutionis civilis*) essentially different from all others. The conjunction of many to any one (common) end (which all *have*) is to be met with in all contracts of society; but the conjunction of what is end in itself (which every one *ought to have*), consequently that in every external relation of men in general, who cannot avoid falling into a reciprocal influence on one another, is an unconditional and the first duty: such a conjunction is to be met with but in a society, so far as it finds itself in the civil state; that is, constitutes a commonwealth. This end now, which, in such an external relation,

relation, is duty in itself and even the chief formal condition (*conditio sine qua non*) of every other external duty, is the RIGHT of MEN UNDER PUBLIC COACTIVE LAWS, by which what belongs to every one can be determined and secured from the encroachment of every other person.

But the conception of an external right in general proceeds entirely from the conception of LIBERTY in the external relations of men towards one another; and has nothing at all to do with the end which all men naturally have (the view to felicity), and the prescribing of the means to attain it: so that this, therefore, must absolutely not be mixed with the laws of that right, as their determinative. RIGHT is the limitation of the liberty of every one to the condition of its agreement with the liberty of every body, so far as this is possible according to an universal law; and PUBLIC LAW is the complex of EXTERNAL LAWS, which renders such a thorough agreement possible.

As every limitation of liberty by the arbitrament of another is named COACTION; it follows, that the civil constitution is a relation of *free* men, who (without prejudice to their liberty in the whole of their conjunction with others) rank under coactive laws: because reason itself will have it so, and indeed pure legislative reason *à priori*, which has no regard to any empirical end (all such ends are comprehended under the universal name of felicity); as in respect to which, and wherein every one chuses to place it, men think very differently, insomuch that their will can be brought

brought under no common principle, consequently, under no external law harmonizing with the liberty of every one.

The civil state, then, considered as a juridical state merely, is founded in the following principles *à priori*:

1. The LIBERTY of every member of the society, as a MAN.

2. His EQUALITY with every other, as a SUBJECT.

3. The SELF-SUFFICIENCY of every member of a commonwealth, as a CITIZEN.

These principles are not so much laws, which the state already founded gives, but according to which only a foundation of a state is possible, conformably to pure rational principles of the external rights of men in general. Therefore:

1. The *liberty* as a man, whose principle for the constitution of a commonwealth I express in the formule: Nobody can compel me to be happy in his way (as he conceives the wellbeing of other men), but every one may seek his felicity in the way he chuses himself, if he does not derogate from the liberty of others, to aspire to a similar end, which liberty can consist with the liberty of every one according to a possible universal law, (that is, not to derogate from this right of others). — A government, founded upon the principle of benevolence towards the people as that of a *father* towards his children, that is, a *paternal government* (*imperium paternale*), where the subjects, as minors or infants, who cannot distinguish what is really useful or hurt-

hurtful to them, are obliged to conduct themselves in a passive manner merely, in order, to expect, how they *ought* to be happy, barely from the judgment of the head of the state; and, that he shall be pleased to will this, from his goodness merely, is the greatest-DESPOTISM imaginable (a constitution, which destroys all liberty of the subjects, who have then no rights whatever). Not a paternal, but a *patriotic* government (*imperium, non paternale, sed patrioticum*) is that only, which can be conceived for men, who are capable of rights, and at the same time in reference to the benevolence of the ruler. That cast of mind is PATRIOTIC, where every one in the state (its head not excepted) considers the commonwealth as the maternal womb, from which, or the country as the paternal land, upon which, he took his origin, and which he must leave behind him as a dear pledge, only in order to protect its rights by laws of the common will, but not to hold himself entitled, to subject it to the use of his own unconditional will and pleasure. — This right of liberty belongs to him, the member of the commonwealth, as a man, so far as he is a being, who is capable of rights in general.

2. The *equality* as a subject, whose formula may run thus: Every one member of the commonwealth has coactive rights against every other, its head only excepted (because he is no member of it, but its creator or preserver); who only has the moral faculty to compel, without being subjected himself to a coactive law. But all, that rank
under