

Kant on Peoples, The People, and the State

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Abstract

There are two senses of the word “people”, first as an ethnic group and second as the collection of citizens of a state. How do they relate to one another and to the state? I show that in his political philosophy Kant insists that “people” in this second sense is constituted only in terms of being subject to a single state, while in his social philosophy he allows for an ethnic conception of peoples that share a language and culture and have distinct characters. In his philosophy of history he insists that the general historical correspondence between ethnic peoples and states is both natural and positive for development toward peace, both because linguistic and religious differences deter the formation of a single world-encompassing state and because their competition through war eventually leads to perpetual peace. Nevertheless I argue that Kant’s insistence on the a priori basis of right combined with the mature development of state and international institutions give reasons that states should not correspond to ethnic peoples.

Keywords

Laws, Nation, People, Ethnicity, Progress, Religion, State

In 1989 in the German Democratic Republic, the Communist leaders were faced with tens of thousands of citizens taking to the streets with the slogan “Wir sind das Volk” (“We are the people”). This slogan challenged the legitimacy of a state purporting to represent the people: the actual people disagreed. Soon after the opening of the Berlin wall, some demonstrators subtly altered the slogan to “Wir sind ein Volk” (“We are one people”), which claimed that the citizens of both of the two German states, east and west, were one

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entity and thus deserved one corresponding state rather than two. But how are these slogans related? The German term “Volk”, like the English term “People”, is ambiguous. It can refer to (roughly) an ethnic group whether or not they reside in one single sovereign state: “one people” above. I will call this meaning “ethnic peoples”. Or it can refer to the collective consisting of (roughly) the citizens who constitute a particular state: “the people” above. This is the sense of “the people” generally used in social contract theory, and I will call this meaning “political peoples”. Kant uses the term “Volk” in both senses.¹ Would Kant say that ethnic people and political people are more or less the same thing considered from different angles? Should states have a one-to-one correlation to ethnic peoples? I will show that while there is for Kant a natural correlation historically between ethnic peoples and states, in the full development of right states ought not correspond to ethnic peoples.²

I. People in the political sense

The political sense of “people” denotes the citizens in the civil condition in contrast to the state apparatus itself. In Kant’s final version of his social contract theory in the *Doctrine of Right*, the people always hold ultimate sovereignty through their united will and thus have legislative authority to make all the laws to which they are subject (RL, 6:313-14). But sovereignty is exercised through the entity that represents the people, the actual legislative institution, whether a single individual monarch or a set of representatives in an assembly. The best form of government is a republic in which the people elect their representatives who then wield this legislative authority. Kant is clear, however, that any legislative authority in a state has that authority only by virtue of representing the people (RL 6:340-41).

Political peoples exist only in and by means of a state. Kant identifies the entity I am calling “political people” only in relation to an actually existing state. There is no unified, single “political people” until a state exists. Of course groups of persons exist who might form a state, but they are not yet a political people. This claim is clearest in the discussions

¹ The term “*Volk*” is used most of the time, but Kant sometimes uses the term “*Nation*”, derived ultimately from the Latin “*natio*”, linked to birth. See, e.g., the book *Anthropology from a Pragmatic Point of View* (Anth 7:311) quoted below. The political sense is always expressed with “*Volk*”; the ethnic sense with either of the terms. In his early Physical Geography lectures, Kant uncharacteristically uses the term “*racen*” to denote specific ethnicities such as the Spanish, Goths and Moors, (the first a mixture of the latter two), and the English, Brits and Saxons (the first similarly a mixture of the latter two). He uses the term “*Stammracen*” to refer to what he identifies as the four original races of Europeans, Asians, Africans, and Americans. See the Hesse geography lectures of 1770 (V-PG/HESSE 26-2.1:107-108).

² The central issue of this paper is distinct from another issue related to states in Kant, namely, whether to have a plurality of states rather than simply one world state. Pauline Kleingeld has discussed Kant’s reason for advocating a plurality of states in terms of the autonomy of the political peoples who constitute each particular state. Her point is independent of any reference to ethnic peoples (Kleingeld 2006; see also the parallel discussion in her book Kleingeld 2012, esp. 53f). The central issue in my paper, in contrast, assumes that a plurality of states is justified and asks whether the particular division of the world into a plurality of states ought to more or less follow a division of the world’s population into different ethnic peoples.

of whether the people have a right to judge whether the government's actions are just. In the Doctrine of Right, Kant explains "since a people must be regarded as already united under a general legislative will in order to judge with rightful force about the supreme state authority, it cannot and may not judge otherwise than as the present head of state wills it to" (6:318). Kant insists that in order to be able to rightfully judge that the highest state authority is governing unjustly, a people must have a collective identity or unity.³ The only thing that can unify a people for purposes of determining right is a state. Hence the unity can only come in a state, and more importantly only through the actual state as the unifying institution. So the only way that a people can be said to be unified for purposes of right is in and through a state.

Kant also discusses this issue in several Reflections over the decades. A Reflection from the 1770's makes the point that prior to the establishment of a state there is no political people but only a group of individual persons: "The *actus* {act} through which a multitude becomes a people through its unification already constitutes a sovereign power which they transfer to someone else through a law. For *pacta* {contracts} are laws and already suppose a legislative power." (R7769. 1769–75, 19:511). A Reflection in the 1780s makes the related point that if any existing state were to dissolve so that there were a return to a state of nature with no legitimate authority, then the people would likewise no longer be a single entity as a political people: "for in this latter situation they would cease to be a people" (R 8043, 19:590).⁴

³ Kant is of course not here denying that *individual citizens* can judge the actions of the state as being just or unjust; his claims about the freedom of the pen and the importance of public debate attest to the importance of this ability of individual citizens to offer their judgment of the state (see, e.g., "Theory and Practice", TP 8:304). His point in the material I am stressing is that for purposes of right a people receive their unity, their identity as a political people, only through the state itself and so cannot express any collective opinion as a unified people except through the state itself.

⁴ Another Reflection makes much the same point (taking the term "*corpus civilis*" to be equivalent to "political people"): "If the monarch no longer represents the *corpus civilis* {civil body} in his actions, then the people has a right against him, if the people constitute a *corpus civilis* without him. Since this never occurs in a sovereign government, the *multitudo* has no right at all and each individual would wrong the people in challenging the basis of the *unionis civilis* {civil union}." (Refl 7810. 1773-75. 19:523)

In his course lecture, the Feyerabend Natural Right of 1784, Kant discusses this same issue: "Are the people authorized to scrutinize the rightful authority of the sovereign? If we are talking about a group of human beings who still do not constitute a commonwealth then they are in the state of nature. Such human beings still always have a right to ask why another wants to rule them." (V-NR/Feyerabend 27:1382)

In this passage from Feyerabend Kant is very clear that the people in a state of nature are "a group of human beings", and only when they are in a commonwealth are they a people. But to some extent they are allowed to question the claims of anyone who would try to wield power over them.

There is a subtle shift in his explanation of this kind of situation around the time of the French Revolution, and likely in response to its very early stages [self-referential citation omitted here]. Kant stresses more than before that the actual sovereign in the existing state is always only "representing" the people, and that the people always latently exist on their own such that they can be summoned together in an election for a representative assembly, in which case the actual sovereign power is automatically transferred back to the people in that assembly. This is stated clearly in the published Doctrine of Right (RL 6:341-342) and also in a series of Reflections, one of the clearest of which is R8048:

"Finally the question arises whether, if a sovereign calls together the whole nation and it is completely represented, he nonetheless retains the rights of a sovereign during this time? He was not more than a

In the Doctrine of Right Kant does not equate this political people with ethnic people, even in some passages where one might expect some discussion of the link. For example, in discussing a native land (“*Vaterland*”) and immigration, he says “a country (*territorium*) whose inhabitants are citizens of it simply by its constitution, without their having to perform any special act to establish this right (and so are citizens by birth), is called their native land” (RL 6:337); he never identifies these citizens as being members of a common ethnic people. Immigration by non-natives is described only in terms of foreigner (“*Auslander*”) and not in terms of foreign peoples. He does use the term “*Volk*” in reference to peoples in international law, where he directly denies that a people are defined by having a common ancestry, although they can be seen as having a different kind of unity:

As natives of a country, those who constitute a people can be looked upon analogously to descendants of the same ancestors (*congeniti*) even though they are not. Yet in an intellectual sense and from the perspective of rights, since they are born of the same mother (the republic) they constitute as it were one family (*gens, natio*) whose members (citizens of the state) are of equally high birth. (RL 6:343).

The Doctrine of Right, then, identifies a people through their sharing a state rather than sharing a common ancestry. Here Kant even says that “they are born of the same mother (the republic)”.

One should note that in the passages just quoted Kant denies that the citizens of a single country are descendants of the same ancestors. I will show in the next section that one of the marks of an ethnic people is common ancestry. This appears to be a rather straightforward way to preclude the identification of a political people and an ethnic people, but it is not conclusive. First, it is still possible that Kant is saying that some political peoples need not be descendants of the same ancestors, leaving open that others are descendants of the same ancestors and hence ethnic peoples. He says that a political people “can” be treated as having a common ancestry even if they do not actually share one. He does not state that all political peoples fail to have a common ancestry.

Second, the correspondence between political and ethnic peoples need not be a complete coextension; that is, if the overwhelming majority of persons in a state are members of one ethnic people, then even if a small minority of persons are members of other ethnic peoples, for the purposes of the issue in this paper, the ethnic and political peoples would correspond. There is no precise way to draw a line, but if the majority ethnic people is large enough to completely dominate the political and cultural life of the country, particularly if there are no other states with such a majority of the same ethnic

placeholder, a steward, with whom the people did not make a contract but instead one to whom they have merely transferred the right to act as their representative. As long as he does this, he can hinder any movement in the people through which they are planning to constitute themselves as such. But if even once he calls them together and constitutes them as such, then not only is his authority suspended but it can also be broken off entirely, like the standing of every representative when the one who gave him that power is himself present.” (Refl 8048, 1785–89, 19:593).

people, then it can be said to have its own state and to correspond to the political people. So Kant's claim in the Doctrine of Right that the political people are not descendants of the same ancestors does not by itself resolve the main issue in this paper.

Third, there is an important limitation to Kant's overall point: it is restricted to the "perspective of rights" (RL 6:343). This means that Kant is not denying that the population that constitutes a single entity as a political people in a state as defined by right cannot also be considered a single entity as a different kind of people from other perspectives. The definition of a political people in terms of their unity through the state is specifically geared toward their political action as a single entity – whether and how they are allowed to exercise their sovereign power. They may only act as a single entity – and this includes judging the actions of the government – when there is an institution that embodies the will of the people. But they may exist and be described as an ethnic people in other senses independent of this action. So Kant's strictly political conception of "people" requires for purposes of right that the unity of a political people, their existence as such an entity, is dependent upon their organization into a state and is expressed only through the state institutions.⁵ But he does not exclude that the human beings who constitute this political people can have some kind of identity independent of this strictly rightful conception, and this leaves open the question of whether political peoples should correspond to ethnic peoples.

II. *People in the Ethnic Sense*

Kant clearly uses the term "*Volk*" in the sense of ethnic peoples in several places.⁶ I will first examine the several ways he differentiates among ethnic peoples and then note the role of character for an ethnic people. Just as he assumes that human beings are divisible into distinct racial groups, he also assumes that human beings have a natural division into distinct ethnic groups.⁷ In his discussion of ethnic peoples, unlike his discussion of what he takes to be the four races, Kant never identifies all the different ethnic peoples. But he does provide ways to try to identify specific ethnic peoples. Kant

⁵ Kant sometimes suggests in unpublished material on political philosophy that there is a "people" existing in some way even without a state, although they are not organized and cannot be said to have the kind of unity sufficient for political right. The evidence for this comes in Reflection 8065 (1780-89, 19:599), where Kant says that just as individuals in a state of nature can be coerced into a civil condition with others, so too a "civilized people" could coerce "peoples" into their civil society, but as individuals; Kant insists that as peoples already in their own states they cannot be coerced – this is an instance in which Kant uses the term "people" for a political purpose but seems to mean natural groups of individuals or ethnic peoples. For discussion of Kant on non-state peoples, see Stilz, 2014.

⁶ As mentioned in an earlier footnote, Kant sometimes uses the term "Nation" instead. There is no systematic distinction in his uses of the two terms, so I treat them as synonyms. I discuss in this section the Anthropology lectures and *Toward Perpetual Peace*. He also discusses peoples to a great degree in his book *Physical Geography*. There he does not define the term "people" but simply launches into discussions of the differences among human beings "in various parts of the earth" (PG 9:311).

⁷ This paper will not discuss issues related to race in any detail. The relation between race and ethnicity generally seems to be one in which race is the broader category and ethnicity is a smaller subdivision of the races, but Kant is not explicit about this, and it is possible that an ethnic people is a mixture of two races.

mentions four interrelated to divide the human species into peoples: inhabitation, ancestry, language, and religion.

When Kant defines “people” in the Anthropology book,⁸ he bases it on inhabitation of a common region but also links it in part to common ancestry using the term “nation”.

“By the word *people* (*populus*) is meant a multitude of human beings united in a region insofar as they constitute a whole. This multitude, or even the part of it that recognizes itself as united into a civil whole through common ancestry, is called a *nation* (*gens*). That part that exempts itself from these laws (the unruly crowd within this people) is called a *rabble* (*vulgas*), whose illegal association is *the mob* (*agere per turbas*) – conduct that excludes them from the quality of a citizen. (Anth 7:311)

The people – Kant uses the term “*Volk*” – consists of the multitude of individuals in a region, a geographical characteristic. This same multitude could be considered a “nation” – Kant uses the term “*Nation*” – if it is united by common ancestry, although Kant also seems to indicate that perhaps only “a part of it” would count for this common ancestry. Thus Kant does distinguish between the potential of a unity between a group of individuals based on geography and a group of individuals based on ancestry.⁹ Kant also here invokes another political element by contrasting the “nation” with the “rabble”, or those who do not see themselves as belonging to that particular legal order. Even those people in the rabble, however, would be included in the ethnic people (*Volk*) based upon inhabitation of a common region. And if what distinguishes them from others is that they do not want to be part of the civil whole, then that distinction does not preclude the rabble from being part of the common ancestry as well.

Kant does not get into much detail about possible distinctions between habitation and common ancestry. Historically portions of some ethnic peoples have migrated so that they do not dwell in any one unified area of habitation although they may originally have had a

⁸ That book is the only place where Kant provides anything like a definition of ethnic peoples. Surprisingly there is no corresponding attempt at a definition in the student transcriptions of Kant’s anthropology course. The Friedländer lectures of 1775-76 features Kant stressing that the a people would “through climate and other causes” receive a unique ingrained constitution (V-Anth/Fried 25:654). In another lecture in 1781-82 Kant mentions climate as well as the “natural products” that would be linked to the location and climate as the physical causes that shape a people’s character (V-Anth/Mensch 25:1181). In contrast, in his own notes for these lectures, the Reflections on anthropology, Kant again does not provide a definition or mark for a people but denies that climate is a cause of character, which “is earned not from the government, the practices, nor from the climate, but from ancestry” (Refl 1520 15:880).

⁹ Susan Shell interprets this passage as providing a sharper distinction between peoples and nations than I do. She stresses Kant’s tie between a nation and the civic institution, so that a nation but not a people is a set of citizens defined in part by their civic unity. (Shell 2010. p. 103). Her illuminating discussion on that and the following few pages highlights some places where Kant stresses the settled civic unity of some particular peoples (e.g. the French) and notes the effect on other people of a lack of a particular civic (state) institution (e.g. the Poles). I am reluctant to stress the civic portion of Kant’s quotation, however, for two reasons. First, Kant stresses common ancestry as the basis of the “civic whole” for a nation, and if a nation is defined as Shell has it, then a people (in contrast to a nation) would not be characterized by common ancestry, which seems to undermine Kant’s claims about ethnic peoples. Second, two prominent examples of “nations” that Kant uses (and Shell mentions) are the Germans and the Italians, neither of which were united in one civic whole during Kant’s lifetime but were subjects of multitudes of different independent political entities.

specific geographical location. The Roma, for example, do not have a current specific geographical homeland. In Kant's time ethnic peoples tended to have more or less clearly identifiable regions of habitation, but many of these areas included migrants from other ethnic groups as well. European settlement of colonies in North and South America was upending the traditional habitation and homelands of indigenous peoples as well as mixing various settler, enslaved, and indigenous ethnic groups together in the new colonies. Another issue Kant does not discuss is the scope of the "common ancestry" of the ethnic peoples that might occupy a particular area. For example the part of Europe called "Germany" at the time consisted of many groups such as Bavarians, Prussians, and Saxons that might claim to be distinct ethnic peoples even while falling within the broader German ethnic people. Kant treats Germans as a single ethnic people in his *Anthropology*. Thus, there is certainly some imprecision in using inhabitation and common ancestry as marks for identifying ethnic peoples, but these marks are functional enough for Kant's purposes.

Ethnic peoples can also be identified by the two other marks Kant provides: a common language or common religion. In "Toward Perpetual Peace" Kant says "we see peoples whose unity of language enables us to recognize the unity of their descent, such as the Samoyeds on the Arctic Ocean on the one and on the other a people of similar language two hundred miles distant in the Altaian Mountains" (ZeF 8:364). Thus there is at least a connection between common language and ethnic peoplehood. Kant also makes the connection between a language and an ethnic people in his brief "Postscript of a Friend" to Christian Gottlieb Mielcke's 1800 Lithuanian-German and German-Lithuanian Dictionary: "It is still of importance for the formation of every small people in a country . . . to instruct it in the schools and from the pulpit according to the model of the purest . . . language . . . and to make this language more and more current, because thereby the language becomes more suited to the peculiarity of the people and the latter's comprehension becomes more enlightened" (NMW 8:445).¹⁰ The self-understanding of an ethnic people is tied to its language. In the published *Anthropology*, when comparing the French and English, Kant takes their different aptitudes to have been shaped by language yet also "derived from the innate character of the original people of their ancestry" (Anth 7:312).

Kant also suggests in "Toward Perpetual Peace" that religion can define an ethnic people. Nature "makes use of two means to prevent peoples from intermingling and to separate them: differences of language and of religion" (ZeF 8:367). If language is tied to common descent, it certainly need not be an inherited trait. Religion of course is not inherited either and Kant stresses that it is too contingent of a mark to play any part in forming a character. But both of these are correlated with different peoples. I will return to this issue later in discussing whether peoples should be naturally divided into distinct states.

¹⁰ For a broader discussion of this piece, see Shell 2010.

There are, then, these four ways – inhabitation, ancestry, language, and religion– in which the different ethnic peoples are identified.

Kant dedicated the second half of his *Anthropology* to the different ways that human beings have characters, as individuals, according to sex, to peoples, to race, and finally common to the human species as a whole. In the *Anthropology* lectures, Kant discusses “the character of the peoples” in ways that indicate that he believes that ethnic peoples have characteristics in some natural way. For example, in the Friedländer lectures of 1775-76 Kant says¹¹:

It is surely possible that something characteristic could be determined in the whole of a people who, through long duration, through climate and other causes, has in the end received a unique ingrained constitution. The determination of the character must not be taken from contingent matter, for example, from religion, otherwise it is based on chance; rather the hereditary peculiarity, uniform in determination, which has yet remained an essential component among all the variations of the nation, must be picked out. (V-Anth/Fried 25:654)

Kant then devotes many pages to descriptions of some particular characters for some, mainly European, ethnic peoples. I will not delve into his characterizations in any detail here. I will simply note that Kant did believe that the human species could be divided into ethnic peoples, and that those ethnic peoples possessed particular distinct characteristics that set them apart from other ethnic peoples culturally. Kant does not claim that every single individual within any particular ethnic people possesses precisely those characteristics but views them as a generalization over the whole population as exhibited in a paradigm example. In the book *On the Feeling of the Beautiful and Sublime*, his first published account of “national characters”, although limited to characteristics related to the sublime and the beautiful, he offers this disclaimer: “One can readily guess that only a tolerable level of accuracy can be demanded in such a depiction, that its prototypes stand out in the large crowds of those who make claim to a finer feeling, and that no nation is lacking in casts of mind which unite the foremost predominant qualities of this kind” (GSE 2:243). These national characters, then, are not supposed to be universally applicable descriptions of each member of the ethnic people in question but rather a description of a prototypical individual who best exhibits the differences between the average persons of each ethnic people from other ethnic peoples. The fact that an ethnic people has a distinct character¹² has some bearing on whether states should correspond to ethnic peoples.

¹¹ Another telling passage in from the 1782 lecture called *Menschenkunde* where Kant says “The variety of natural gifts among the many diverse nations [*Nationen*] cannot be explained entirely by incidental causes but must lie in the nature of the human being himself, because this variety also often occurs under identical circumstances. The incidental causes are 1) physical; to these belong the climates (climatic zones) and domestic products, and 2) moral. (new paragraph:) If a people [*Volk*] in no way improved itself over centuries, then one may assume that there already exists in it a certain natural predisposition which it is not capable of exceeding.” (V-Anth/Mensch 25:1181).

¹² In the *Anthropology* Mrongovious lectures of 1784-85 Kant denies that every ethnic people has to have a distinct character in order to be a single ethnic people:

III. *Why Kant thought that states tended to correspond to ethnic peoples*

This section of my paper will look at the reasons Kant gives for the fact that states often tend to, or should, correspond to ethnic peoples.¹³ The following section will look at reasons that Kant could give that there should be no correlation between ethnic peoples and states. Since political peoples have a one-to-one correlation with states because political peoples are defined by their unity in one state, these sections are asking whether political peoples ought to correspond to ethnic peoples.

One reason Kant gives in favor of a correlation between ethnic peoples and states is so that an ethnic people may have laws that reflect their own culture. This reason appears in Kant's book *Physical Geography* and corresponding parts of his course lectures on the topic, although not in his specific discussion of various ethnic peoples but in the introductory section on the scope of the subject of physical geography. While the book concerns "physical geography", which is knowledge of nature through a physical description of the earth (PG 9:157), Kant notes that it is important to see the relation of the physical to other possible "geographies", including moral geography and political geography (PG 9:164). He observes that laws reflect the ethnic people's particular characteristics:

"If many characters are found within a people, the entire people has no character. . . . because if the individuals each have a distinct character they do not constitute a whole. The people is thus without character because it lacks uniformity." (V-Anth/Mron 25:1398).

Kant specifically identifies the English, referencing Hume. The claim here is surprising because it means that an ethnic people are not defined by any specific character yet have some identity as an ethnic people. It also wrongly precludes individuals who differ from one another in many ways from having something in common in another way. Perhaps because of this, Kant reverses himself on this exact point in the published *Anthropology* where he instead says:

"It seems to me that [Hume] is mistaken, for affection of a character is precisely the general character of the people to which he himself belongs, and it is contempt for all foreigners – a character like this is arrogant rudeness" (Anth 7:311)

¹³ Regarding the identification of ethnic peoples with language and religion, Kant does not directly advocate division into states on those bases. Regarding language, Kant says nothing directly about a benefit of a single language for a state. We might note that ease of understanding of laws and state procedures is an empirically relevant factor that would count toward correlating states with language speaking groups, but the actual experience of states with multiple official languages as well as the use of translators in court proceedings and for other purposes eases that concern. Further, the specific ability to speak a particular language is not an inherited trait; rather, human beings are able to learn any particular language from birth upon repeated exposure, and of course can learn other languages through education. There is no compelling reason, then, to correlate states with ethnic peoples on the basis of language. A language does, of course, reflect the specific culture of an ethnic people, but that is of importance only to the extent that including certain cultures in the legal code is important. Regarding religion, Kant of course holds that a state should not impose any religion on its citizens. The extent to which a religion might permeate the culture of an ethnic people and thus inform their practices and customs is a further issue. These cultural aspects of religion would fall under the first of the three reasons that I set out in this section in favor of a ethnic/political people correlation.

If the fundamental principle of civil society is universal law and an irresistible force exerted against anyone who breaches this law, and if the laws are based on the nature of the soil *and of the inhabitants*, then political geography also belongs here because it is founded on physical geography. (PG 9:164, my emphasis)

Kant provides two examples in which the direction of rivers and the presence of deserts has affected the political situations in Russia and Persia, neither of which concern characters of the ethnic peoples. But this discussion of political geography is connected to “moral geography”, which concerns the various characteristics of ethnic peoples through custom and mores. Kant’s examples of “moral geography” include the various degrees to which different ethnic peoples treat parricide as either a horrible crime deserving of extremely severe punishment or as a justifiable action expressing a filial duty in certain situations (PG 9:164). Combining the claims about moral and political geography, one can assume that Kant takes as natural that different laws in a national political jurisdiction will reflect differences among the ethnic peoples. There is thus some hint that cultural differences among ethnic peoples can justify a distinction into states on that basis.

Kant notes in several scattered places that the political system of an ethnic people that has its own state is shaped in part by the character of that ethnic people. In the *Anthropology* Mrongovius of 1784, for example, he concludes the section on national character with this statement: “Now the political constitution of the form of government, education, in short, everything that pertains to anthropology, is grounded on the depiction of this national character” (V-Anth/Mron 25:1414). In the early Hesse Geography lecture, Kant stresses that an ethnic people’s character will influence the everyday functioning of the government: “One does not know whether the government is a consequence of the character of the people [*Nation*] or the character a consequence of the government, yet it is natural for a people [*Nation*] who erect a government to direct it according to their inclination and their character, and for the government that rules the people [*Volk*] to do so in accordance with their cast of mind” (V-PG/HESSE 26.2:126). In the *Anthropology* book he holds that in order for a political constitution to shape a distinct character of an ethnic people, it must itself be distinct, and there must be some causal explanation for the distinct character of the political system: “To claim that the kind of character a people will have depends entirely on its form of government is an ungrounded assertion that explains nothing; for from where does the government itself get its particular character?” (Anth 7:313).

One must be clear about the extent to which Kant would accept these differences in a legal code stemming from differences among the ethnic people. Variations in the laws in Kant’s mature theory are allowed only to the extent that they remain within the a priori confines of the Principle of Right.¹⁴ This restriction does not by itself settle the issue. On

¹⁴ Of course Kant’s strain of legal positivism allows any sovereign authority to issue laws that lie beyond question, but here the issue is the laws that ought to be instituted. On the extent to which Kant’s theory supports legal positivism, see Waldron 1996, Alexy 2019, and Stone 2017.

the one hand, Kant's insistence that any state that provides a lawful order is to a great extent just and must be obeyed for that reason would allow for different cultural practices of different peoples to be enshrined into law. Hence one state might allow parricide in certain circumstances while another might not, in the same way that some states might today allow for assisted suicide or some forms of euthanasia while others treat them as murder. On the other hand, Kant himself insists upon some content for a state's laws. Laws that routinely sentenced those convicted of murder to something less than capital punishment, or that prevented private property, or that required individuals to adhere to a particular religious doctrine, would all be unjustifiable. But presumably even this limitation allows for wide variations between legal orders in different states.

The second and third reasons for an ethnic/political people correspondence in a state lies in Kant's theory of history: differences between ethnic peoples prevent the creation of a tyrannical world state, and competition between ethnic peoples fuels wars that eventually lead to peace. In *Perpetual Peace* Kant argues that nature wills that the earth be populated by a plurality of states, and that in order to ensure this, nature uses the mechanism of diversity of languages and religions to differentiate ethnic peoples (ZeF 8:367). The resulting plurality of states helps to prevent any one government from becoming too powerful and ultimately prevents the creation of a possibly tyrannical single world state. The "unsocial sociability" that is one of the unintended driving forces of progress in history, as described in Kant's essay "Idea for a Universal History with a Cosmopolitan Aim", applies not only to individuals within a particular society but also to the competition between states themselves (IaG 8:24). The division of the world into a plurality of competing states leads to war, which in turn leads eventually to the international institutions to promote peace.

These second and third reasons related to a world state and world peace both feature some good that is supposed to arise from the existence of independent competing states. The correspondence between ethnic peoples and political peoples in states is then a good because the competition between ethnic peoples as political peoples amplifies the competition between states. If there were no division of humanity into ethnic peoples, or if ethnic peoples did not have distinct and contrasting characters, then there would be fewer reasons for the development of competing states through political peoples, and a single, tyrannical world state would be more likely to develop (although there could be other reasons for division into states, such as geographical isolation or administrative convenience). Further, a lack of ethnic peoples or competition among them would eliminate one way that human unsocial sociability is expressed at the state level, thus making wars less likely. Given the role that the plurality of ethnic peoples has in history as a driving force for the formation of multiple states for them as political peoples, both to prevent tyranny and to promote peace, and noting the ways that a legal order might reflect

the particular character of a people, Kant must, then, take these factors to be reasons for a division into states based on a correspondence of ethnic and political peoples.¹⁵

IV. Reasons Against Correlating States with Ethnic Peoples

This section will look at elements of Kant's social and political philosophy that could function as reasons to reject the correlation between ethnic peoples and political peoples in states. I will suggest three reasons corresponding to the three reasons just given that Kant has for this correlation. I present these three reasons in the reverse order to the previous section. These are reasons I draw from Kant's philosophy and are not explicitly given by Kant himself as reasons to avoid states in which ethnic and political peoples coincide. Kant does not make these connections, but I suggest that they are strong reasons he does have for preferring states that are not centered on one ethnic people.

First, the historical reasons that Kant gives for the correlation of ethnic peoples and political peoples works in the opposite direction as well. If Kant is right that the competition among distinct states has a positive role in historical progress, it does so mainly by driving the competition among states that leads to war. As wars become more and more destructive, states turn out of self-interest to peaceful means of settling disputes. Once the international organizations have been established, or are within reach of imminent establishment, the need for this competition among states is past; in fact competition among different ethnic peoples through states should be decreased in order to make war *less* likely. It would be more likely for a state that sees itself as representing a particular ethnic people to go to war on behalf of some imagined ethnic competition than it would for a state that represented a plurality of non-dominant ethnic peoples. If ethnic peoples were divided into multiple states, and if each state contained a diverse mixture of ethnic peoples, then rivalry among ethnic peoples would be less likely to lead to state-vs-state wars. In this way denying ethnic peoples correlation with political peoples in states contributes to perpetual peace. Thus at a certain point in historical development the competition among states fueled by an ethnic/political peoples correspondence turns from a good, as a means to cause wars to bring about institutions for peace, to an evil, as an instigation toward possible wars despite the existence of institutions for peace.

¹⁵ Kant appears to have some reasons in favor of the existence of distinct ethnic peoples that have nothing to do with their division into states or political effect. Competition among ethnic peoples can be beneficial whether or not they are correlated with distinct states. In the published *Anthropology* Kant says "This much we can judge with probability: that the mixture of tribes (by extensive conquests) which gradually extinguishes their characters is not beneficial to the human race – all so called philanthropy notwithstanding" (*Anth* 7:320). And in the essay "Conjectural Beginning of Human History", in what I assume references the biblical story of Babel in which God is said to have divided the human race into different languages to prevent their cooperation as one ethnic people, he hints "The holy document is quite right to represent the melting together of the peoples into one society and its complete liberation from external danger, when its culture had hardly begun, as a restraint on all further culture and as a sinking into incurable corruption" (*MAM* 8:121).

The second reason continues this reappraisal of the historical role of ethnic peoples as political peoples. Kant had worried about a single world state becoming tyrannical and had seen the separation of ethnic peoples as political peoples in their own states as a good to prevent a single world state. But once history has reached a point of international cooperation, the set of existing states would likely become more or less permanent. No state would have reason to try to take over and absorb other states through wars because each state is able to cooperate with all other states through the international system. There would be no incentive for any particular state to try to attain world dominance. Thus regardless of whether political peoples in those cooperating states correspond to ethnic peoples, the international system would retain a division into states rather than merge into one world state. In this case, unlike the case of competition leading to wars, the result is not that ethnic peoples-based states are bad, but that the historical function they played is no longer needed. A world state is unlikely to emerge from the international cooperative institutions among states. Separation of states along ethnic peoples lines would not be needed, since states would have no incentive to combine anyway.

The third reason relates to the expression of the character of an ethnic people in the laws, and has to do with the structure of Kant's practical philosophy overall. I take this third reason to be the best Kantian reason to avoid correlating ethnic peoples with political peoples. Kant stresses that a priori claims of reason have priority over any empirical claims.¹⁶ In the political realm, the demands of right limit the normative claim of particular facts about human nature and thus ethnic peoples or cultures. In practice this means that as individuals emigrate from one nation to another – provided of course for Kant that the second state allows for immigration – any laws that are based upon particular cultural features of ethnic peoples must be relaxed or changed to accommodate the new immigrants, because these new immigrants now form part of the political people of that state. Recall that Kant always defines political people in relation to the state itself rather than anything related to ethnic peoples. Thus, even though the legal order might initially reflect the culture of an ethnic people, if members of other ethnic peoples join the state, their rights supersede the earlier ethnic culture.

To give an example: suppose that because an ethnic people historically shared a particular religion that was reflected in the legal order, citizens never had a conflict with state mandated duties such as jury duty and their culture's religious holidays or sabbath days. This could occur as part of a normal weekly division into work days and rest days. State mandated duties such as jury duty would only be imposed on work days that already reflected the culture's religious calendar and weekly patterns. Suppose that new citizens arrive who are from a non-dominant ethnic people and have different religious holidays. They ought to receive state accommodation for exemption from state mandated duties to reflect their religious holidays or sabbath. Such accommodation would be a way to equalize the burden so that state mandated duties such as jury duty did not conflict with

¹⁶ See, for perhaps the clearest example, the Preface to the *Groundwork* at GMS 4:387-88.

anyone's religious beliefs, whether from the majority ethnic people or not. The empirical legal order would have to be altered to reflect the equal right of all members of the political people, now composed of several different ethnic peoples, to practice their religions.

The example I just gave shows that as a state previously dominated by one ethnic people as the political people shifted so that multiple ethnic peoples become members of the political people, the law would have to develop to take into account the various characters, religions, practices, or customs of the different ethnic groups. But notice that there is a very important shift in the purpose of the law. When only one ethnic people dominate, the reason the law does not require state mandated duties on religious holidays is because the people's culture, their character, embedded that holiday in their practices. But when other ethnic peoples' needs arise to have their religious holidays reflected in these state mandated duties, the reason for the law becomes not that it reflects the particular culture of the ethnic peoples but that it reflects the right of different citizens to equal treatment under the law, in this case equal recognition of religions rather than preferential treatment for one religion.

The development of a legal order toward a more universal, all-inclusive view of legal rights would be beneficial for strengthening the recognition of the genuine basis of right. As long as states are correlated with ethnic peoples, and particular legal orders reflect the empirical cultural differences among those peoples, citizens would be confronted with laws that reflect both the universal a priori basis of right and the empirical cultural specificity of one ethnic people. The relative importance of universal right would be harder for citizens to comprehend. But if each state contained multiple ethnic peoples, and the legal order correspondingly reflected a more universal basis of the right of human beings, the basis of right in our shared rational nature would be more obvious. Very roughly speaking, to the extent that a single ethnic people's character is reflected in the laws, to that extent the universal basis of right is shrouded and hidden.

The example I gave related to religious practices tied to ethnic peoples but the point broadly extends to any cultural custom or practice embedded into the laws. If the law prevents citizens from pursuing their own ends as they see fit, then the law falls short of the Kantian standard. Customs that prescribe or prohibit certain kinds of behavior are based upon the empirically-derived character of an ethnic people and not upon the a priori rights of individual citizens. Customary beliefs about the nature or roles of the genders that become enshrined in law, or restrictions on types of medical interventions are other examples. Even if there were only one ethnic people in a state, individuals born into that ethnic group ought not to be legally restricted from choosing and pursuing ends that do not correspond to that ethnic group's conception of the good. A state whose political people is constituted by a number of different ethnic peoples would be more likely to have laws that reflect not one particular ethnic people but the more abstract rights of individuals.

V. Conclusion.

I began this paper by raising the issue of the relationship between ethnic peoples and political peoples in Kant. These two different concepts that emerge from two different aspects of Kant’s philosophy – the a priori theory of right and the empirical theory of human being – come together in the question of whether a state’s political people ought to correspond to an ethnic people. Kant expected that as a matter of history this would happen, and that there were some positive benefits from this correspondence. Particular laws could match the culture of an ethnic people, and competition among ethnic people through states could lead to peace among a plurality of states. These reasons in favor of a correspondence of ethnic peoples with political peoples in states, however, are overshadowed by other reasons within Kant’s own philosophy that stress the more general characteristic of political rights and the desire to avoid causes of wars once historical development has reached a stage characterized by international organizations to guarantee peace. The better situation for all human beings is one in which states no longer correspond one-on-one with ethnic peoples.

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All citations to Kant’s writings use the volume and page number from Kant, Immanuel: *Gesammelte Schriften* Hrsg.: Bd. 1–22 Preussische Akademie der Wissenschaften, Bd. 23 Deutsche Akademie der Wissenschaften zu Berlin, ab Bd. 24 Akademie der Wissenschaften zu Göttingen. Berlin 1900ff. Specific materials are identified using the abbreviations listed here. Translations are taken from the Cambridge Edition of the Works of Immanuel Kant; translations of material not appearing in the Cambridge Edition are my own.

Anth	Anthropologie in pragmatischer Hinsicht (Anthropology from a Pragmatic Point of View)
GMS	Grundlegung zur Metaphysik der Sitten (Groundwork of the Metaphysics of Morals)
GSE	Beobachtungen über das Gefühl des Schönen und Erhabenen (Observations on the Feeling of the Beautiful and Sublime)
IaG	Idee zu einer allgemeinen Geschichte in weltbürgerlicher

	Absicht (Idea for a Universal History with a Cosmopolitan Aim)
MAM	Muthmaßlicher Anfang der Menschengeschichte (Conjectural Beginnings of Human History)
RL	Metaphysische Anfangsgründe der Rechtslehre (Doctrine of Right)
NMW	Nachschrift zu Christian Gottlieb Mielckes Littauisch-deutschem und deutsch-littauischem Wörterbuch (Postscript to Christian Gottlieb Mielckes Lithuanian-German and German-Lithuanian Dictionary)
PG	Physische Geographie (Physical Geography)
Refl	Reflexion (Reflection)
TP	Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis (On the Common Saying: That May be Correct in Theory, But it is of No Use in Practice)
V-Anth/Fried	Vorlesungen Wintersemester 1775/1776 Friedländer (Friedländer Lectures on Anthropology)
V-Anth/Mensch	Vorlesungen Wintersemester 1781/1782 Menschenkunde, Petersburg
V-Anth/Mron	Vorlesungen Wintersemester 1784/1785 Mrongovius (Mrongovius Lectures on Anthropology)
V-NR/Feyerabend	Naturrecht Feyerabend (Winter 1784) (Feyerabend Lectures on Natural Right)
V-PG/Hesse	Vorlesungen über Physische Geographie (Hesse Lectures on Physical Geography)
ZeF	Zum ewigen Frieden (Toward Perpetual Peace)

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