International Journal of Human Sciences Research

ISSN 2764-0558 vol. 5, n. 12, 2025

ARTICLE 1

Acceptance date: 30/09/2025

LEGAL PROGRESS IN KANTIAN PHILOSOPHY OF HISTORY: INSTITUTIONS, LEGITIMATE COERCION, AND PERPETUAL PEACE

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Abstract: This article examines Kant's philosophy of history based on the hypothesis that the "progress" it envisions is essentially legal, that is, the expansion and improvement of institutions and norms that make possible the coexistence of arbitrary powers under a universal law of freedom. Starting from the controversial context with Herder—whose cultural historicism relativizes universal ends—the text reconstructs Kant's path from theory to practice: from criticism of the limits of dogmatic metaphysics to the Metaphysics of Morals, where law is defined as a condition of external compatibility of freedoms. It is argued that history, conceived a priori as a regulative idea, finds in cosmopolitanism its normative horizon (perpetual peace, universal hospitality) and, in the rule of law, its mechanism for progressive realization. "Unsociable sociability" and the cunning of nature function as engines of development, requiring the transition from the state of nature to public law (social contract, general will, legitimate coercive legality). Historical progress, thus, is not measured by isolated internal virtues, but by the constitution of institutions capable of guaranteeing external freedom, equality, and legal security, even if by coercive means when necessary. It can be concluded that, in Kant, universal history is intelligible as a course of legal enforcement, in which normative guarantees and institutional structures that favor the practical autonomy of subjects and peoples are consolidated.

Keywords: Kant; law; philosophy of history; legal progress; cosmopolitanism; rule of law.

INTRODUCTION

In the tradition of studies related to the philosophy of history developed by Kant, there is consistent and prolific research that relates it to the notion of legal progress, that is, to the development of social relations, institutions for maintaining life in society and mediating conflicts, as well as international relations. Kant's writing on the subject ( ) was produced during a critical period and, although it is part of a more general philosophical production, with the purpose of dialoguing with Herder about the future of humanity, his ideas are articulated within the critical system in such a way as to place it at the heart of Kant's mature philosophy. The historical context of the production of the work "Idea for a Universal History from a Cosmopolitan Point of View" is Prussia, impacted by the immediate developments of the Enlightenment, the French Revolution, and the scientific revolution then underway; in this scenario, thinkers ponder the future of humanity, that is, the possible horizons of human and social development. History appears, apparently, as the understanding of a tangle of events without connection, intentionality, or guidance to direct human actions. However, in the search for meaning in a multiplicity of events, our reason compels us to ask: what awaits us ahead and to what extent are we coerced into this future, contributing directly or indirectly to its construction? Given the multiple explanations for this problem, two stand out for their relevance and implications: that of Herder, a former student of Kant who, during the period in question, had published his work "Ideas for the Philosophy of the History of Humanity," simultaneous with Kant's text, which presents a historicist, relativist,

and culturalist view of history, according to which each people develops in its own way, influenced by language, religion, customs, and natural conditions.

This view directly contradicted Kant, who sought a rational and universal law for the history of humanity, guided by reason toward a cosmopolitan end. In this sense, Kant's work stands as a counterpoint to Herder's historicist perspective.

The reading and discussion surrounding the status of the philosophy of history fueled a long debate, which was partly staged in reviews published at the time. While Herder sought to detail the "development of natural history, from the beginning of the organization of the planets in the solar system to the beginning of the cultural development of humanity" (HERDER, 1989, p. 14), seeking, from this "study of natural evolution [...] to find evidence of the existence of a purpose (or intentionality) in nature" (HERDER, 1989, p. 14), whose ultimate foundation would be the Christian God. On the other hand, Kant attempts to base his notion of the future of humanity and the guiding spirit on a kind of rational and universal law, whose sensibility and human positioning would allow both to understand it and to cooperate in the achievement of the "plan of nature." To this end, he draws on concepts present in the Critique of Pure Reason (CRP) and the Metaphysics of Morals, in order to show how, through law, it is possible to think about the future of humanity without resorting to dogmatic metaphysics.

Kant defines metaphysics as "all philosophical knowledge (both true and apparent) derived from pure reason" (KANT, 2013b, pp. 662-663, B 869), that is, that which, according to the "Appendix" to the CRP, can be dealt with in the strict field of thought, with a focus on the orientation of action and the moral and political improvement of humanity. Thus, metaphysics constitutes a field of investigation focused on the examination of a priori knowledge through concepts, in addition to inquiring into the existence of supersensible entities, objects of cognition through pure concepts. Here, an important limitation arises: the claim that metaphysics objectifies knowledge through pure concepts finds its limit precisely in the impossibility of agreement with experience; there is nothing in sensitivity that the senses can capture and the understanding can organize to support what is thought about the immortality of the soul, a creator God, or freedom. As a consequence, because it is devoid of foundation, the claim of this use of reason is called the logic of appearance, or dogmatic use of ideas (KANT, 2013b, p. 295, B 350).

Despite not being corroborated by experience, the ingenuity of Kantian argumentation in the first critique exempts from contradictions thinking about (God, the soul, and the world), valuable and indispensable supersensible entities. The indispensability of the aforementioned concepts in the scope of Kantian philosophy gains more strength when it enters the realm of his practical philosophy. In this case, practice is understood as "everything that is possible through freedom" (KANT, 2013b, p. 636, B 828). The relevance of such concepts is justified by the human spirit's need to go beyond knowledge and think about its condition in the world as a being endowed with free will.

Practical philosophy is that branch of Kantian philosophy which, in contrast to theoretical philosophy, is dedicated to inves-

tigating the basis of human actions and the laws of freedom. This is because, according to Kant, reason "also gives laws, which are imperatives, that is, objective *laws* of *freedom* and which express *what must happen,* even though it never happens" (KANT, 2013b, p. 638, B 830). In the realm of nature (the world of phenomena), metaphysics was necessary to establish the titles of a pure science of nature and its transcendental principles. This is due to the possibility of understanding nature as a whole regulated by laws. In the practical or moral realm, it was also indispensable to have a metaphysics capable of deducing the existence of laws or the a *priori* principles of pure will, whose foundation and source also reside in reason. Thus, a double metaphysics is outlined, namely: the " " or "Metaphysics of Nature," responsible for natural laws, and the "Metaphysics of Morals," responsible for moral issues.

In material philosophy, objectives are subject to laws, and here there is a division, due to the characteristic of the law that each branch of knowledge deals with. Thus, if the laws are of nature, the science to which Natural Philosophy is directed is Physics. On the other hand, if they concern the laws of freedom, they are the responsibility of moral philosophy. The set of these laws in each of the aforementioned domains outlines, respectively, the "Doctrine of Nature" and the "Doctrine of Customs."

Making this conceptual distinction is important for understanding how Kant characterizes Metaphysics in two ways. That is, the empirical part and the pure part in practical philosophy, which implies establishing the pure foundation of ethics, consisting of understanding the laws of human action as being given a *priori,* in which the principles of the object of investigation, referred to as pure will, cannot be discovered empirically, but rather through an *a priori* foundation, whose seat is found in practical reason. It is possible to see how this occurs when Kant argues:

> Everyone must admit: that a law, if it is to be morally valid, that is, as the reason for an obligation, must bring with it absolute necessity; that the commandment: 'thou shalt not lie' in no way applies only to men, with other rational beings having no regard for them, and thus all other moral laws properly speaking; consequently, that the reason for the obligation should not be sought in human nature or in the circumstances of the world, but rather a *priori* solely in concepts of pure reason, and that every other precept based on principles of mere experience, and even a precept that is in a certain sense universal, can certainly be called a practical rule, but never a practical law. (KANT, 2009, p.71)

From the first argument in the above quotation, it is possible to understand the universal character of moral laws. Thus, it is still possible to deduce the fact that a law is equivalent to an obligation, being an absolute necessity appearing as an imperative, which is characterized by the imposition: "you must."

Now that we have situated the practical part of Kantian philosophy and distinguished it from other areas of the system, it is time to understand how Kant creates a division within the metaphysics of morals itself. This occurs in an insipid manner in

the Critique of Pure Reason and in a detailed manner in *the Critique of Practical Reason,* when Kant attributes two different meanings to freedom. In the first, it is conceived as a pure concept, produced by reason independent of experience. From this perspective, freedom is capable of establishing a y state in which causality is not subject to any law of nature. It is an unconditional causality of the cause in the phenomenon, characterized by the philosopher as a "transcendental freedom" (KANT, 2013b, p. 408, B 476). On the other hand, we have the second concept of freedom, practical freedom, which implies conceiving man as endowed with a will that is also the cause of phenomena in the world. This occurs because, in addition to participating in the natural world, man also inhabits the intelligible world, which is why he becomes capable of acting on the world, modifying it according to what it should be, and must, therefore, guide his actions by rules, as already demonstrated.

MORALITY AS LAW

Morality can be treated from two points of view: as Ethics and as Law. These are the two types of morality. In this regard, in this article, we will focus on morality as law, concentrating not so much on the differences between the two types, but on the peculiarity of Law as a part of morality, whose motives are external.

Morality in its form as law is investigated in the "Doctrine of Law," which is the first part of *the Metaphysics of Morals*. In it, the foundation of *a priori* principles is undertaken, which serve as a normative standard of measurement for positive legislation. Kant, in turn, defines law as "the set of conditions under which the will of one can be reconciled with the will of another according to a universal law of freedom" (KANT, 2013a, p.36). In law, this law is formulated by the following imperative: "Act externally in such a way that the free use of your will can coexist with the freedom of each person according to a universal law" (KANT, 2013a, p. 37). Two issues deserve attention in this quote. The first concerns external action, in which the author categorically calls, as his name suggests, for "external action." This seems to indicate a peculiarity of action, responsible for distinguishing it from another type, in which the motivator of action is internal. But, because it is an external action, would this modality exclude Law from the field of Morality? To what extent can the actions of rational beings be external and constitute free actions, in the sense of autonomy of will?

The second question that deserves attention is found at the end of the quote, when Kant points out the need to make free use of free will, in such a way that it enables the coexistence of freedom "according to a universal law." Upon examining this question, it occurs t s to ask: what universal law is being referred to? That of the field of customs, that is, practical freedom, or a universal law of nature? Although they may seem trivial at first glance, these questions have a place in interpretations of Kantian legal philosophy and, over the years, have given rise to further tension in the field of practical philosophy developed by the German philosopher.

Before addressing the conceptual frameworks that allow us to consider the questions outlined above, as well as to answer them, it is necessary to clarify the use of the concepts of ethics, law, and morality in works dealing with practical philosophy.

Kant uses these terms in both a broad and a strict sense. In the broad sense, morality means the "Doctrine of Customs," which encompasses both ethics and law. This is because both are branches of a "Metaphysics of Customs," in which ethics belongs to the "Doctrine of Virtue" and law to the "Doctrine of Law." In a strict sense, morality and ethics are used to refer to those duties that cannot be determined externally. These distinctions are important both in terms of characterizing their use (sometimes as synonyms) and in terms of the differences and similarities between law and ethics. Understanding what differentiates them cannot be separated from morality, since this is the trunk from which both branches originate.

What makes law and ethics branch out from the "Doctrine of Customs" is the fact that their actions are based on the concept of freedom of rational beings. It should be noted, however, that in law what matters are external relations and, consequently, external freedom. Thus, it is the way in which human beings' actions, regardless of their intentions, influence them that is highlighted.

At the beginning of the quote, Kant states that "these laws of freedom are called moral" because they are opposed to those of nature. As for the latter, we have already conceptualized what Kant understands them to be, and we have highlighted the difference between them and the "laws of freedom." Thus, we will now demonstrate how these laws relate to rational beings and to what extent they can be thought of in a practical sense. This relationship can be seen in the distinction drawn in *the Critique of Pure Reason,* when we read:

> Freedom in the practical sense is the independence of free will from the coercion of the impulses of sensitivity. In fact, free will is sensitive to the extent that it is pathologically affected (by the motives of sensitivity); and it is called animal (*arbitrium brutum*) when it can be pathologically needy. Human free will ( ) is undoubtedly *arbitrium sensitivum,* but not *arbitrium brutum;* it is *arbitrium liberum* because sensitivity does not necessitate its action and man has the capacity to determine himself, independently of the coercion of sensitive impulses. (KANT, 2013b, p. 463, B 562)

The distinction between an *arbitrium liberum* and an *arbitrium brutum*, that is, the distinction between animals and human beings, is already a starting point for situating law in the field of morality, for if man did not have free will, but rather a brute will, his actions would be determined solely by sensitivity. However, what distinguishes man and gives him freedom in the practical sense is precisely his ability to determine himself, escaping the coercion of nature. Hence, Kant states in another passage of the first critique: "practical is everything that is possible through freedom" (KANT, 2013b, p. 636, B828).

Considering what has been said, if ethics is identified solely with morality, excluding law from the practical domain, a problem arises: with regard to the exteriority of actions, human beings act in an animalistic manner (*arbitrium brutum*) and not as

rational beings. The conception of this form of action as a maxim is compromised, since humans can act morally precisely because of their ability to escape the dictates of nature. This gives rise to the need to include law in the scope of practical laws motivated by freedom, and consequently to a possible overcoming of theories that defend a separation between law and morality.

Despite the justification that has just been given, a more detailed explanation is needed on the inclusion of law within the scope of practical laws and freedom as the surest way to overcome current theories. To this end, the following aspects will be addressed: the universal and moral character of law, the link between law and the idea of autonomy, and the specification of the motive for action in the legal sphere.

Legislation has a dual composition, one subjective and the other objective. The objective part is the law, which "represents as necessary an action that must occur, that is, it makes the action a duty" (KANT, 2013a, p. 24). The subjective part corresponds to the motive for action, the reason for action, or that which drives action. This motive is what "subjectively connects the basis for determining free will for this action to the representation of the law" (KANT, 2013a, p. 24). Law and ethics share the objective data of legislation, that is, both are based on the notion of autonomy, which in law is the faculty of not obeying any external law except those to which I can give my consent. Autonomy, as we have seen, is the quality of the will by which it is a law unto itself. In ethics, it functions in such a way that calls upon the maxim of the individual's action to become a universal law; it is the law of an individual will. In law, on the other hand, it is the relationship between wills. In this sense, an action always concerns the will of others or, in a concept that Kant absorbs from Rousseau, a general will. In the relationship between wills, unlike in ethics, it is no longer intentions or propensities that matter, but actions. It is these that need to be observed, which, in this field, implies noting their interaction. To what has just been said about autonomy, we can add that:

> the relationships between wills in law will be considered under a general will, which refers to autonomy in law, since everyone participates in the legislation to which they are subject, and legal relationships must take place under the universal laws of freedom; thus, external (legal) freedom is defined as 'the faculty of not obeying any external law except those to which I can give my consent'. (TERRA, 1995, pp. 90-91)

In the subjective field of legislation, it is possible to perceive a difference between law and ethics, since in each of these areas there is a kind of motive to direct action. In ethics, the motive of the will is respect for the law itself, while in law a motive other than duty is admitted, which Kant calls motives derived from pathological principles. Above, we saw that legal principles are a requirement of pure practical reason, since, because they are not of a pure infinite will, human beings still act in accordance with their passions and interests. These, in turn, are subject to distinction from moral principles, which undermines the coexistence of freedoms. Thus, "recognizing the weakness

of human will in the pursuit of moral law, reason grants authorization for the establishment of stronger motives as a guarantee of the universal coexistence of free will" (BECKENKAMP, 2003, pp. 158-159).

What Beckenkamp's (2003) proposition implies is that philosophy must demonstrate the legitimacy of the motives of law, as well as how reason justifies the limitation of freedom as necessary for the maintenance of the coexistence of freedoms.

In paragraph B of the "Doctrine of Law," Kant seeks to find the foundations of the *a priori* principles of law. To this end, he first asks "what is law?" (KANT, 2013a, p. 35), and then points out how, due to its complexity, this question can even embarrass legal professionals, who, in turn, resort to examples and cultural or anthropological situations to try to answer it. These attempts tend to fail because, while they are useful for the application of law, they fail in terms of their reasoning. This happens because the empirical principles of law are insufficient for the establishment of positive legislation and institutions. In this regard, it is no coincidence that Kant uses the following metaphor: "a merely empirical doctrine of law is (like the wooden head in Phaedrus' fable) a head that may be beautiful, but which, unfortunately, has no brain" (KANT, 2013a, p.36).

The concept of reason that Kant finds in law, unlike what occurs with the "Doctrine of Virtue," does not refer to the internal dispositions of the subject, but to the way in which freedoms relate to each other, that is, to external freedom. The "Doctrine of Law" investigates how one person's free will can relate to another person's free will, in which case what is observed are the actions of individuals towards others. It is up to the law to enable people to live together.

THE PLACE OF LAW IN KANTIAN PHILOSOPHY OF HISTORY

Once we have outlined the difference between law and ethics, as well as the concept and principles that underpin law, it is up to the development of this argument to relate law to history. Not with empirical history, but with universal history, whose object of research is the predestination of the human race, allowing us to indicate how and why law and history are linked.

History—or the course of humanity directed toward the future—as an idea is linked to law insofar as this idea of history as progress requires the implementation of a legal constitution capable of managing the relationship between relations of freedom.

A closer look at the title of the work *Idea* already provides a clue, which allows for an interpretation linking the story to the practical aspects of Kant's critical system. The title of the aforementioned work is *Idea for a Universal History with a Cosmopolitan Purpose*. In this regard, it is known that cosmopolitanism in Kant points to two interrelated interpretations. The first points to a condition that can be achieved in the world through the establishment of a treaty that promotes "perpetual peace." Achieving this, however, presupposes that states come together and, by agreement, create a federation to draft an armistice treaty, or peacekeeping agreement. The second, in turn, indicates a development of man that favors his recognition as a citizen of a cosmopolitan world in which individuals see themselves not only as members of their states, but also of society.

The legal principle on which the above idea is based asserts that originally all individuals have the same right to the land. It also

leads to the understanding that "no one has more right than anyone else to be in a place on earth" (KANT, 1989, p. 43). In this regard, as it is not an empirical right, the right to be on earth is not based on acquired legal principles, but on a principle of freedom, therefore, a *priori* and universal.

In the field of moral ethics, the "kingdom of ends" is an idea that unites pure wills according to an internal universal law, characterized by the second formula of the categorical imperative, the formula of humanity, which advocates: "act according to a maxim that contains within itself at the same time its own universal validity for every rational being" (KANT, 2009, p.275). In the historical legal field, cosmopolitanism is an idea that serves as a standard for individuals and states to organize their relations according to a universal concept of humanity.

Furthermore, it is not only the analysis of the title of the work *Idea* that helps to understand the link between history and law. In several passages of the work, there are direct and indirect references to the relationship between the two concepts. This relationship runs through Kant's entire philosophy of history, since, according to Terra (2004), the realization of law is the central issue of the philosophy of history, which he justifies as follows:

> We have seen how the *a priori* guiding thread serves to point out the meaning of the realization of the cosmopolitan perspective, which takes place in legal form. We may ask ourselves whether the conception of law here is the same as *in Perpetual Peace*, *Reschtslehre*, and *The Conflict of the Faculties*. In general, it seems so, although there is an important difference. Kant's position in his later texts is one of a certain balance between a liberal and a democratic perspective. That is, a balance between freedom as reciprocal limitation (and the defense of individual rights) and freedom as autonomy (popular sovereignty) (TERRA, 2004, pp. 22-23).

In addition to indicating the practical interest in the philosophy of history present in Kant's cited works, the reference to Terra (2004) also announces how history and law are interrelated, the former being a process of realization of the latter.

As for history, what characterizes it is its aprioristic perspective, in which a *priori* is understood as the method for discovering a non-empirical, but rational, element in the course of humanity. This element constitutes a guiding thread of history. But not only that. *A priori* also concerns the way in which history is conceived, that is, a universal history, thought of as the progress of humanity. As a method, the aprioristic perspective consists of seeking to discover a kind of hidden plan or conceptual guarantee. In this regard, right at the beginning of *the Idea,* Kant reveals the author of this hidden plan. He does so by announcing the purpose of nature for those who, endowed with reason, proceed without a plan of their own. This is what transpires when he observes:

> Since the philosopher cannot presuppose any rational purpose of their own in men and their games, taken as a whole, he has no choice but to try to discover, in this absurd course of human affairs, a purpose of nature that nevertheless makes possible a History according to a certain plan of nature for creatures who proceed without a plan of their own. We want to see if we can find a guiding thread for such a history and leave it to nature to generate the man who is in a position to write it according to this guiding thread (KANT, 1986, p. 10).

In another passage, Kant returns to the idea of nature as a provider, adding another important element. This is the idea that nature's cunning occurs through human ignorance of this kind of artifice, which is made explicit when he states:

> Men as individuals and even entire peoples hardly realize that, while pursuing particular purposes, each seeking their own advantage and often against each other, they inadvertently follow, as if guided by a thread, the purpose of nature, which is unknown to them, and work towards its realization, and even if they knew this purpose, it would matter little to them (KANT, 1986, p. 10).

The above passage shows how nature's ruse is more of a guarantee that the interests of practical reason can be realized. Kant goes to great lengths to show the path of possibilities and the need for the effectiveness of law. The law indicates the existence of a rational requirement that men act according to a universal external law, in order to favor the coexistence of the free will of one with that of others. With the idea of an intention of nature, this purpose gains a reinforcement that, in a way, goes beyond individualized human interest. This can happen because, even without knowing or wanting t , human beings follow nature's purpose. This does not mean that Kant conceives of them as puppets. On the contrary, still in Idea, he is emphatic about the role of men in the midst of this produced plot, as when he states:

> Nature wanted man to remove entirely from himself everything that exceeds the mechanical order of his animal existence and not to participate in any happiness or perfection other than that which he provides for himself, free from instinct, through his own reason. Nature does nothing truly superfluous and is not wasteful in the use of means to achieve its ends. Having given man reason and the freedom of will that is based on it, nature has provided a clear indication of its purpose in endowing him with these qualities. (KANT, 1986, p. 12)

In this way, nature does not act for human beings; it prepares the conditions for action to occur. These are configured through unsociable sociability, a strategy it uses to bring men together, since, as social beings, they need community to develop their dispositions. In addition, the need for others is also subject to discord, rivalry, and competition. Marked by these elements, relations between men impel them to a condition of conflict and hateful unsociability. Due to their unsustainability, such conditions compel them, through reason itself, to overcome a situation of laziness and complacency. This results in the development of human dispositions, as well as the overcoming of the situation of anarchy, arising from the institution of relations regulated by laws

The outline of the relationship between law and history still finds a strong link when Kant states that the course of humanity requires the foundation of a rule of law for the improvement of the human race. Its foundation takes place, not in a factual, but in an ideal framework, namely: in the social contract and in law. At the beginning of the fifth proposition of *the Idea*, we read: "The greatest problem for the human species, whose solution nature compels, is to achieve a civil society that universally administers the law" (KANT, 1986, p.15).

Understanding why the rule of law, guided by a civil constitution, is effective is a problem, but at the same time, it is "the highest task of nature for the human species" (KANT, 1986, p.15).

In the state of nature, an individual can have something as his own, and this right, insofar as it belongs to him, belongs to all other individuals, just as the defense of what is theirs belongs to them. In this case, freedom and equality are established as the natural right of men . While one is free to act—and this freedom makes an individual equal to all who possess it—one also has the right of possession, that is, the right to appropriate the things of the world. Despite allowing such appropriation to occur, the right of possession does not provide legal guarantees, which, in the absence of a higher power, culminates in the need to establish public law. This, in turn, is defined as the sphere that brings together the general will to maintain freedom, equality, and property, now protected by a public force and no longer a private one.

> The set of laws that must be universally enacted to produce a legal state is public law. This is, therefore, a system of laws for a people, that is, for a group of men or a group of peoples who, being in a relationship of mutual influence, need a legal state under a will that unifies them in a constitution (KANT, 2013a, p.117).

Because of their natural rights, men demand laws in which they participate. Thus, the freedom that is abandoned in the state of nature, when integrated into the legal space, takes on another meaning. It becomes a legal freedom, defined by Kant as "the authorization not to obey any external law except those to which I could give my consent" (KANT, 1989, p. 34). In this way, relationships, now subject to the order of public law, will be thought of according to a general will. This links them to the idea of autonomy, developed in *the Groundwork of the Metaphysics of Morals,* since it respects and submits only to those laws in which one can participate. From this follows the fact that "civil legisla-

tion has as its essential supreme principle the realization of the natural right of man, which in *the status naturali* is a mere idea" (KANT, *apud* TERRA 1995, p. 95).

Realizing natural law, as a simple idea, means maximizing the principle of freedom by guaranteeing agreement among men as a universal maxim of external freedom. The principle in question cannot be realized anywhere else but in history. However, when faced with real history, what we see is a scene of desolation permeated with childish brutality, selfishness, and vanity. Thus, for the right, history must be more than a collection of facts; it must be more of a hope, or a guarantee that the laws of freedom, based on the solidity of legal institutions, can be realized. This history, which is already a philosophical history, proposes the notion of progress as an idea of a regular course of improvement to be gradually achieved by a perfect political constitution.

CONCLUSION

The reading of the philosophy of history developed by Kant as a progress of legal achievements, that is, the construction of a social organization in which maximum legality among free wills can be guaranteed, is that carried out by defenders of the primacy of legal progress in the philosophy of history. In other words, what they want to advocate is that the idea of progress that Kant articulates in his universal history is thought of as progress in legal achievements in states and in the world through the organization of states.

According to this perspective, the development of freedom that is achieved takes place in the sphere of external freedom, which is responsible for calling on human beings not to obey any external laws except those they consent to. External laws, as is well known, depend on the creation of institutions that can both validate them and, when necessary, guarantee their enforcement and effectiveness. Hence, the evocation of a second element of progress related to the conquest of more rights: coercion. In this regard, it is worth recalling the metaphor in which Kant, when comparing the matter of which man is made, to "truly twisted wood," justifies his tendency to abuse the use of his freedom when he has no one above him to exercise power according to the laws.

The above argument aims to elucidate the links that allow progress to be conceived as that which indicates man's entry into the sphere of public law, as well as the creation of institutions that can manage public laws through the use of coercive power. This is because, since legal progress results from external freedom, any human action that represents an obstacle to obtaining this freedom constitutes an impediment to progress. Therefore, "the coercion that opposes it, as *an impediment to an obstacle to freedom,* agrees with freedom according to universal laws, that is, it is correct" (KANT, 2013a, p. 37).

With the presentation of Kant's philosophy of history focused on the idea of legal progress, it is possible to see the reasons for considering this idea of progress possible in universal history. The theoretical foundations that support this position are: unsociable sociability as an insurmountable anthropological element responsible for the need for human beings to enter into a civil state; law as the only possible plane of realization in the philosophy of history; the existence of historical facts that offer some evidence that there is progress in law and politics occurring in history; and, finally, the possibility of the development in society of a type of

virtue that allows human beings to be more receptive to the laws and norms of social coexistence, driven by habit and no longer solely by fear of punishment.

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