

On the common saying: That may be correct in theory, but it is of no use in practice [1793]

ON THE COMMON SAYING... is an essay written by Immanuel Kant on the role of ideal theory. In the work, Kant argues against the claim that ideal theories (theories about the way the world *ought* to be) are not relevant to the 'real' world, since our world is not ideal. The practical use of ideal theory, Kant explains, is not in attempting some kind of immediate implementation of it in our non-ideal world. Instead, we should use ideal theories as standards against which we measure our world, in order to understand how well we are achieving our goals. In the case of our government and laws, our aim should be distributive justice, where citizens can freely exercise their rights. By developing a picture of what a government based on the free exercise of a rights would look like (as Kant does in section II), we can evaluate the degree to which our existing institutions achieve the aim of distributive justice.

The Social Contract

1. The contract which establishes a **civil constitution**
2. Is a contract (an agreement between parties), but a unique kind
 - a. a people often come together (unite) and agree to work toward a common goal, but a social contract has that union as *its own* goal
 - b. social contract is the only contract which bears the force of necessity
3. Has as its content the rights¹ of all humans, which everyone agrees should be protected under public laws, backed by force— this secures to each person what is theirs
 - a. this requires a lot of specific laws for coordinating action. All of the laws, when taken together, are called **public right**

¹ 'External Rights' arise out of the human capacity for *freedom* in their actions. Since rights arise from the capacity for freedom, they serve to protect each person's freedom and not, e.g., their happiness. Each person has a right to exercise their capacity for free action up until the point that it would restrict another person's free action: [T]he limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law [UG AK 8:290]

The fact that the civil union is supposed to protect everyone's freedom means, despite particulars about the individuals involved, the laws will have to be based on the following principles:

1. The *freedom* of every member of the society as a **human being**: each person is allowed to pursue their own goals (their happiness) without the interference of others,² so long as their own pursuit doesn't interfere with others' ability to do the same
2. Their *equality* with every other as a **subject**: a. each person has the same rights and duties as any other person in their civil union— although this may result in people having different material amounts of wealth
3. The *independence* of every member of a commonwealth as a **citizen**: a. the civil union is governed by a legislature which must represent the united will of its citizens. Hence, when the legislature enacts laws, it does so on behalf of the citizens, and it is as though the citizens are giving themselves their own laws (independence) and not being directed by the choices of someone else (dependence)

² The government's job is to protect our ability to continue in this way (freely pursuing our own goals), but not to substitute in what those goals should be (trying to estimate what would make us happy would be paternalistic)