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978-0-521-84308-9 — Kant: Lectures and Drafts on Political Philosophy

Edited and translated by Frederick Rauscher, Translated by Kenneth R. Westphal

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IMMANUEL KANT

*Lectures and Drafts on Political Philosophy*

The purpose of the Cambridge Edition is to offer translations of the best modern German editions of Kant's work in a uniform format suitable for Kant scholars. The edition includes all of Kant's published works and a generous selection of his unpublished writings, such as the *Opus postumum*, *Handschriftlicher Nachlaß*, lectures, and correspondence.

This book is the first translation into English of the *Reflections* which Kant wrote whilst formulating his ideas in political philosophy: the preparatory drafts for *Theory and Practice*, *Towards Perpetual Peace*, the *Doctrine of Right*, and *Conflict of the Faculties*; and the only surviving student transcription of his course on Natural Right. Through these texts one can trace the development of his political thought, from his first exposure to Rousseau in the mid-1760s through to his last musings in the late 1790s after his final system of right was published. The material covers such topics as the central role of freedom, the social contract, the nature of sovereignty, the means for achieving international peace, property rights in relation to the very possibility of human agency, the general prohibition of rebellion, and Kant's philosophical defense of the French Revolution.

Frederick Rauscher is Professor of Philosophy at Michigan State University. He is the author of *Naturalism and Realism in Kant's Ethics* (2015), co-translator with Curtis Bowman and Paul Guyer of Kant's *Notes and Fragments* edited by Paul Guyer (2005), and editor with Daniel Omar Perez of *Kant in Brazil* (2012).

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THE CAMBRIDGE EDITION OF THE WORKS OF  
IMMANUEL KANT IN TRANSLATION

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## *General editors' preface*

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Within a few years of the publication of his *Critique of Pure Reason* in 1781, Immanuel Kant (1724–1804) was recognized by his contemporaries as one of the seminal philosophers of modern times – indeed as one of the great philosophers of all time. This renown soon spread beyond German-speaking lands, and translations of Kant's work into English were published even before 1800. Since then, interpretations of Kant's views have come and gone and loyalty to his positions has waxed and waned, but his importance has not diminished. Generations of scholars have devoted their efforts to producing reliable translations of Kant into English as well as into other languages.

There are four main reasons for the present edition of Kant's writings:

1. *Completeness.* Although most of the works published in Kant's life-time have been translated before, the most important ones more than once, only fragments of Kant's many important unpublished works have ever been translated. These include the *Opus postumum*, Kant's unfinished *magnum opus* on the transition from philosophy to physics; transcriptions of his classroom lectures; his correspondence; and his marginalia and other notes. One aim of this edition is to make a comprehensive sampling of these materials available in English for the first time.
2. *Availability.* Many English translations of Kant's works, especially those that have not individually played a large role in the subsequent development of philosophy, have long been inaccessible or out of print. Many of them, however, are crucial for the understanding of Kant's philosophical development, and the absence of some from English-language bibliographies may be responsible for erroneous or blinkered traditional interpretations of his doctrines by English-speaking philosophers.
3. *Organization.* Another aim of the present edition is to make all Kant's published work, both major and minor, available in comprehensive volumes organized both chronologically and topically.

## General editors' preface

so as to facilitate the serious study of his philosophy by English-speaking readers.

4. *Consistency of translation.* Although many of Kant's major works have been translated by the most distinguished scholars of their day, some of these translations are now dated, and there is considerable terminological disparity among them. Our aim has been to enlist some of the most accomplished Kant scholars and translators to produce new translations, freeing readers from both the philosophical and literary preconceptions of previous generations and allowing them to approach texts, as far as possible, with the same directness as present-day readers of the German or Latin originals.

In pursuit of these goals, our editors and translators attempt to follow several fundamental principles:

1. As far as seems advisable, the edition employs a single general glossary, especially for Kant's technical terms. Although we have not attempted to restrict the prerogative of editors and translators in choice of terminology, we have maximized consistency by putting a single editor or editorial team in charge of each of the main groupings of Kant's writings, such as his work in practical philosophy, philosophy of religion, or natural science, so that there will be a high degree of terminological consistency, at least in dealing with the same subject matter.
2. Our translators try to avoid sacrificing literalness to readability. We hope to produce translations that approximate the originals in the sense that they leave as much of the interpretive work as possible to the reader.
3. The paragraph, and even more the sentence, is often Kant's unit of argument, and one can easily transform what Kant intends as a continuous argument into a mere series of assertions by breaking up a sentence so as to make it more readable. Therefore, we try to preserve Kant's own divisions of sentences and paragraphs wherever possible.
4. Earlier editions often attempted to improve Kant's texts on the basis of controversial conceptions about their proper interpretation. In our translations, emendation or improvement of the original edition is kept to the minimum necessary to correct obvious typographical errors.
5. Our editors and translators try to minimize interpretation in other ways as well, for example, by rigorously segregating Kant's own footnotes, the editors' purely linguistic notes, and their more explanatory or informational notes; notes in this last category are treated as endnotes rather than footnotes.

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We have not attempted to standardize completely the format of individual volumes. Each, however, includes information about the context in which Kant wrote the translated works, a German–English glossary, an English–German glossary, an index, and other aids to comprehension. The general introduction to each volume includes an explanation of specific principles of translation and, where necessary, principles of selection of works included in that volume. The pagination of the standard German edition of Kant's works, *Kants gesammelte Schriften*, edited by the Royal Prussian (later German) Academy of Sciences (Berlin: Georg Reimer, later Walter de Gruyter & Co., 1900–), is indicated throughout by means of marginal numbers.

Our aim is to produce a comprehensive edition of Kant's writings, embodying and displaying the high standards attained by Kant scholarship in the English-speaking world during the second half of the twentieth century, and serving as both an instrument and a stimulus for the further development of Kant studies by English-speaking readers in the century to come. Because of our emphasis on literalness of translation and on information rather than interpretation in editorial practices, we hope our edition will continue to be usable despite the inevitable evolution and occasional revolutions in Kant scholarship.

PAUL GUYER

ALLEN W. WOOD



## Acknowledgments

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This translation could not have been completed without the generous contributions of many individuals and institutions over more than a decade.

Above all I would like to thank Ken Westphal for his contributions to this volume. He agreed to tackle the thorniest of the texts for this volume, the unpunctuated and sometimes nearly inscrutable preparatory drafts for the *Doctrine of Right*. His informed perspective on terminology shaped the translation choices we made for this volume. His patience and understanding in reviewing my editorial decisions balanced cooperation with firm insistence on principle.

Werner Stark kindly not only provided access to a copy of the handwritten *Naturrecht Feyerabend* notes at the Marburg Kant Archive but also helped to decipher some of the most difficult passages as we compared that manuscript to the published version in *Kants gesammelte Schriften*. He answered many queries about the process used by Kant from earliest jottings to published work and the status of various other material included here. He provided me workspace and encouragement during a research visit to the Kant Archive. I also have to acknowledge the influence his published assessments of the available editions of Kant have had on my work with these texts.

Steven Naragon answered questions about Kant's lectures in person and through the work he did in creating his comprehensive website *Kant in the Classroom*. Emily Katz, Daniel Sutherland, and Alessandro Pinzani provided help in understanding Kant's references to Aristotle, mathematics, and the French Revolution, respectively. Christian Lotz puzzled over complicated passages with me. Paul Guyer and Allen Wood offered editorial and terminological suggestions that improved the work.

The translation of the Feyerabend lecture on Natural Right in particular resulted from the assistance of many individuals. Jeppe von Platz and Fernando Costa Mattos both saved me from many errors with their thorough review of my drafts. I am very grateful to Lars Vinx for making his own unpublished translation of the Feyerabend lectures available. His renderings of the original are generally more felicitous and less

## Acknowledgments

literal than my own. He caught nuances in the text that I had overlooked and have adopted.

Most important for the Feyerabend text is the team of Heinrich P. Delfosse, Norbert Hinske, and Gianluca Sadun Bordoni, who shared with me their work on a new edition of the text based on a comprehensive rereading of the manuscript before it saw print. Without their expert work my translation of Feyerabend would be untrustworthy.

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This volume completes the Cambridge Edition of the Works of Immanuel Kant as currently envisioned. On behalf of all Anglophone readers of Kant, I would like to thank the General Editors Paul Guyer and Allen Wood, who tirelessly organized and steered the overall work in addition to making their own substantial contributions, and the late Lewis White Beck, who selflessly supported the initiation of the edition. The editors at Cambridge University Press who encouraged and guided this important project through three decades of planning and publication deserve particular thanks: Jonathan Sinclair-Wilson, Jeremy

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Mynott, the late Terry Moore, Beatrice Rehl, and Hilary Gaskin. The resulting comprehensive, consistent, and well-annotated set of Kant's writings is an achievement deserving the gratitude of all who have benefited from this resource and of those who will for decades to come.

## *General introduction*

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Although Kant's interest in political philosophy started at the latest in the mid-1760s when his reading Rousseau "set him right" that his work should help to "establish the rights of humanity" (20:44), nearly all of his published work in the subject appeared only in the last decade of his life. In the remainder of the 1760s Kant sought his philosophical voice in a range of different approaches in various works, and during the entire 1770s he worked almost exclusively on what appeared in 1781 as the *Critique of Pure Reason*. In the 1780s while Kant focused on the critical system he published only one essay focused on political matters ("What is Enlightenment?") and gave hints about his ideal political structure in two other works, a brief assessment of the ideal constitution as one centering on freedom in the first *Critique* (A316/B373) and a short overview of the ideal state and international order in "Idea for a universal history with a cosmopolitan aim" (8:22–28). Even after the French Revolution erupted in 1789 Kant withheld his views from the world of readers. Four years later Kant finally produced an essay giving details of his view on right ("On the common saying: That may be correct in theory but it is of no use in practice"), followed two years later by "Toward Perpetual Peace" largely about international relations and in two more years, more than three decades after Rousseau set him right, the comprehensive *Doctrine of Right* in 1797.

Kant's publications are only the final step in the development of his views on right. The information we have of Kant's views on right prior to these published works comes through the material included in this volume. These unpublished materials offer three different ways to access Kant's thoughts. The Reflections – Kant's shorter sketches, outlines, and notes ranging in time from 1764 through the 1790s – reveal Kant's thoughts on particular topics as they develop. The course lecture notes on natural right from 1784 capture Kant's comprehensive views about a decade before he began to publish his major works on the subject. And the drafts for those major works show Kant working during the 1790s on precise formulations of arguments to show the public. Together this material shows us the evolution of his thought over several decades, his

## General introduction

thought as a whole frozen in one moment in time, and the penultimate version of his final rendering of his thought. In this way the translations included in this volume can illuminate Kant's published works in political philosophy.

## I. THE ORIGIN AND NATURE OF THE MATERIAL

Kant was nothing if not industrious. During his critical period he produced eleven books and sixteen essays while teaching up to sixteen hours per week. He wrote extensive notes both for teaching and to work out his ideas on a wide range of topics. The amount of material unpublished during Kant's lifetime that survived long enough to be published suggests that much more was discarded or lost, particularly drafts for earlier work. This volume of translations contains three interrelated modalities of Kant's unpublished work on political philosophy: the Reflections, the course lecture, and the drafts for published works.

The Reflections on political philosophy stem largely from the textbook that Kant used for his own lectures, *Jus Naturae* by Gottfried Achenwall.<sup>1</sup> Kant's practice was to write his own notes for his lectures in the margins of his textbooks. In some cases, although not with the Achenwall volume, he had the bookbinder add interleaved blank pages so that he had a blank page facing each printed page of the text. Kant wrote in the margins, on the blank pages, on the title page, and when space was scarce even between the lines or atop previous notes. He referred to these notes when lecturing. Sometimes one can hear the echo of the Reflections in the lectures. The simplest possible example of the interplay between the Reflections and the Feyerabend text comes in R7484 (19:404), the entire content of which is one word: "*Rusland*." The Achenwall sections next to which Kant wrote his word (§§168–169) discuss patrimonial succession in a monarchy. At the corresponding stage the Feyerabend lecture contains Kant's illustrative example "Russia is a patrimonial kingdom" (27:1389). Numerous connections such as these reveal that many of the Reflections were written to guide Kant as he stood at the podium.

Kant used these Reflections in lieu of any fully prepared text to read as his lectures. When he had no book to write in he did use some loose sheets of notes, for example for his Anthropology lectures (small parts of which are translated in this volume). From Kant's side of the lectern we have only those few loose sheets and the Reflections in his textbooks. But on the other side of the lectern some students were busy

<sup>1</sup> For more information about Achenwall and this book, see the editor's introduction to the Feyerabend translation.

## General introduction

writing down as much as they could in order to produce transcripts of what Kant said. The resulting notes were polished, copied, and sold to others. These lecture transcripts are in general useful in seeing Kant's approaches and topics, and even the particular arguments or definitions of terms, but they must be used carefully. Kant himself noted in a letter to his former student Marcus Herz on October 20, 1778 that "those who are most thorough in note-taking are seldom capable of distinguishing the important from the unimportant. They pile a mass of misunderstood stuff under what they may possibly have grasped correctly" (10:243). As Kant's renown grew, one hopes, the student note-takers would have been more and more careful. The symbiotic relationship between the student lecture transcripts and Kant's notes in his own copy of the textbook can help to confirm the reliability of the former.

The course lecture translated here, unfortunately, has reflections from only the second of the two volumes of Achenwall's work. The first volume was either never owned by Kant or, more likely, lost or given away. It is not contained in the standard list of the books Kant owned;<sup>2</sup> however, that list was based not on any inventory taken upon his death but on an inventory taken four years later upon the death of Kant's friend and fellow professor Johann Friedrich Gensichen (1759–1807), to whom Kant had bequeathed his books, and further that list does not even contain the second volume of Achenwall's book that Kant certainly did own. The result of the lack of the first volume is that there are no corresponding Reflections outside a very few loose sheets or material from other textbooks on some of the most interesting topics in Kant's political thought: the relation between right and ethics, the principle of right, freedom as an innate right and its relation to other rights, the nature and justification of property, and many detailed issues related to acquisition of property and contract rights. Here the Feyerabend lecture transcript plays a very important role. For these topics it is virtually the only source of Kant's views before Kant's preparation for his major published works in political philosophy.

Beside their use as lecture notes the Reflections also had another purpose. Kant also used the spaces in his textbooks to work out his ideas in opposition to the textbook's position as well as on topics not covered in the texts. Some rather long reflections on a single topic that differ only slightly from one another are likely to have been written for Kant's own purposes. Kant may have written in the textbooks because he wanted to keep together his thoughts on one subject, or because he had new thoughts while teaching the course, or because of a lack of paper. Kant's loose sheets are sometimes the backs of letters he received or

<sup>2</sup> Arthur Warda, *Immanuel Kants Bücher* (Berlin: Verlag von Martin Breslauer, 1922).

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announcements of public academic defenses. (In two cases he used students' diplomas to bundle loose sheets together.<sup>3</sup>) On these loose sheets Kant wrote in a small script, filling the pages and adding material in the margin. He sometimes used signs to indicate that he was adding a sentence or paragraph in the middle of a previously written paragraph. Some signs refer to other loose sheets. The loose sheets can in some cases be identified as drafts for particular works. Kant certainly wrote out in his own hand the full draft of his books and essays on loose sheets, but only a few scattered pages from these full drafts have survived. It is likely that Kant or the printer simply discarded many of these various drafts.

The loose sheets he did save piled up in Kant's dwelling places. Kant gave some away to visitors and friends.<sup>4</sup> He gave notes for his course lectures on Logic, Pedagogy, and Physical Geography to those he had requested to transform them into books reflecting his lectures, as Kant himself had done with his Anthropology notes. Toward the end of his life he directed in a will that they be distributed as his executor Gensichen decided, although some were bequeathed to the children of Kant's recently deceased brother. When Kant died, some more of the sheets were given to friends. Most of the manuscripts became housed at the Albertus University Library in Königsberg, while others entered private collections or other university library archives. Kant's thoughts that had been put to paper by a printing press were collected and widely read while his thoughts put down using his own feather pen were stored away.

## II. THE PUBLICATION OF THE MATERIAL

The German texts translated here are drawn mainly from the standard German collection *Kants gesammelte Schriften*, known popularly as the Academy edition.<sup>5</sup> The first of twenty-nine volumes, several of which

<sup>3</sup> Kant wrapped the several bundles of loose sheets now known as the *Opus Postumum* in two diplomas, six newspaper pages, and an invitation to celebrate the king's birthday, among other similar sheets (Eckart Förster, "Introduction," *Opus Postumum* in the Cambridge Edition of the Works of Immanuel Kant, p. xxvi).

<sup>4</sup> Information in this paragraph is from Werner Stark, *Nachforschungen zu Briefen und Handschriften Immanuel Kants* (Berlin: Akademie Verlag, 1993), pp. 39–43. It is not known how extensive Kant's practice of giving away manuscripts was.

<sup>5</sup> *Kants gesammelte Schriften* published under the auspices of the Royal Prussian Academy of Sciences and successors (Berlin: Georg Reimer and subsequently Walter de Gruyter, 1900–) is the standard edition of Kant's writings in the original language. Pagination to this edition by volume and page number is given in the margins in this volume, excepting a few of Kant's notes left out of that edition but published elsewhere. Parenthetical references to other writings by Kant will use the Academy edition volume and page number except the *Critique of Pure Reason*, for which the standard "A" and "B" edition pagination is used.

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are subdivided into two halves, with some halves further subdivided into two parts, were published in 1900; the final half of the final volume has yet to appear.<sup>6</sup> The four sections composing the Academy edition are: (1) published works, (2) correspondence, (3) the *Handschriftlicher Nachlaß* or unpublished writings of various kinds left at Kant's death, and (4) course lectures. Translations in this volume are drawn from seven different volumes of the Academy edition (15, 16, 19, 20, 21, 23, and 27) from the last two sections. Of these only Volume 27 consists of course lectures; detailed discussion of the editorial issues of that volume will be given in the editor's introduction to the Feyerabend Natural Right course lecture. The remaining volumes are all part of the third, and unfortunately also most problematic, section.

When this four-part structure was proposed to the Royal Prussian Academy of Sciences in 1895 by Wilhelm Dilthey (1833–1911)<sup>7</sup> for the most extensive collection of Kant's writings up to that time (and since),<sup>8</sup> the third section was assigned to Erich Adickes (1866–1928), a

<sup>6</sup> Volume 26.2 consisting of Lectures on Physical Geography is in preparation. Volume 29 is incomplete on paper but not in practice: its two published books are the first part of the first half, consisting of “lesser lectures” on philosophical encyclopedia, mathematics, and physics, plus a fragment of a lecture on ethics, and the second part of the first half, consisting of miscellaneous lectures on metaphysics, logic, and religion discovered after the publication of their corresponding volumes. Their editor Gerhard Lehmann appears to have left room for a second half of Volume 29 for any other lectures that might be found. Detailed information about the content and structure of the Academy edition is available in Steve Naragon, *Kant in the Classroom* ([www.manchester.edu/kant/Home/index.htm](http://www.manchester.edu/kant/Home/index.htm)).

<sup>7</sup> The most detailed history of the origin and production of the Academy edition, focusing on the second and third sections, is in Werner Stark, *Nachforschungen*. Paul Guyer drew mainly on Stark when providing a detailed summary in the Introduction to *Notes and Fragments* in the Cambridge Edition. Information from these sources is the basis of much of the material presented here.

<sup>8</sup> Earlier in the nineteenth century several collections appeared, none of which had the range and depth of the proposed Academy edition. *Immanuel Kant's Werke* edited by Gustav Hartenstein (Leipzig: Modes und Baumann, 1838–39) appeared in ten volumes and arranged Kant's published works by topic; a few decades later an edition entitled *Sämmtliche Werke* also edited by Hartenstein, this time in chronological order, was published in eight volumes (Leipzig: Voss, 1867–68). At the same time as Hartenstein's first collection Friedrich Wilhelm Schubert and Karl Rosenkranz published their own similarly titled *Sämmtliche Werke* in twelve volumes (Leipzig: Voss, 1838–42) which consisted mainly of Kant's published works but added a biography and Rosenkranz's “History of the Kantian Philosophy” as the twelfth volume. An eight-volume edition appearing in 57 parts (!) edited by Julius Hermann von Kirchmann was published in Berlin, Leipzig, and Heidelberg as *Kant: Sämmtliche Werke* over many years as part of the series *Philosophischen Bibliothek* that he began, one that evolved into the most respected series of philosophical texts in Germany and for the past century published by Felix Meiner Verlag. (Some information from Erich Adickes, *German Kantian Bibliography* (Boston: Ginn & Company, 1896), the reprint of Adickes's original bibliography in *Philosophical Review* 2 (1893) number 3 and for the following nine numbers as well.)



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very young and detail-oriented Kant scholar, because of his work habits already displayed in, among other things, a 622-page annotated bibliography of primary and secondary works on Kant published in Germany up through the time of Kant's death.<sup>9</sup> "He exhibited the greatest precision in the use of sources, complete acquaintance with the contemporary literature, penetrative acumen" according to Paul Menzer (1873–1960), at the time working under Dilthey, making Adickes the ideal person for the job.<sup>10</sup> Adickes was faced with the task of editing and annotating the collection of Kant's loose sheets and marginal notes that had already been published in separate editions by Rudolf Reicke (1825–1905) and Benno Erdmann (1851–1921)<sup>11</sup> as well as any other material he could collect together.

Adickes dedicated the remaining years of his life to sorting through several different types of material on various loose sheets and books left by Kant. The first type is the notes Kant wrote in the margins and other spaces of his textbooks to use for his course lectures and to work out his ideas on subjects related to those books. Second is the loose sheets of paper (*Löse Blätter*) on which Kant wrote longer arguments and outlines of material. Third is material identifiable as drafts or preparatory work (*Vorarbeiten*) for a published book or essay, a few of which are fragments of surviving copies of the final or near final versions of his books and essays prepared for the printer.<sup>12</sup> A fourth type is complete or nearly complete works that Kant did not publish in his lifetime.<sup>13</sup> Fifth is the

<sup>9</sup> Guyer, *Notes*, xix–xx. <sup>10</sup> Stark, *Nachforschungen*, p. 80.

<sup>11</sup> Rudolf Reicke, *Löse Blätter aus Kants Nachlaß*, 3 vols. (Königsberg: F. Beyer, 1889, 1895, and 1898) and Benno Erdmann, *Reflexionen Kants zur kritischen Philosophie*, 2 vols. (Leipzig: Fues's Verlag, 1882 and 1884). Reicke's material was, as the title suggests, material Kant had written on loose sheets of paper. Erdmann included material Kant had written in his copy of Alexander Baumgarten's *Metaphysica*, which Kant used for his lectures on metaphysics and for part of his lectures on anthropology concerning empirical psychology, and in the margins of his copy of his own *Observations on the Feeling of the Beautiful and the Sublime*.

<sup>12</sup> This volume includes all of the first three types; two other volumes in the Cambridge Edition include some of this material as well. The material in *Notes and Fragments* in the Cambridge Edition includes generous selections from the Academy edition volumes of *Reflections on Anthropology*, *Logic*, *Metaphysics*, and *Ethics* (Academy edition volumes 15–19). The *Opus Postumum* volume in the Cambridge Edition includes selections of the material on loose sheets identified as preparatory work for a book on the transition from metaphysical philosophy of nature to empirical physics, a project which as it evolved came to center on the very nature of transcendental philosophy itself (Academy edition volumes 21–22).

<sup>13</sup> The three are the "First Introduction" to the *Critique of the Power of Judgment*, included in the Cambridge Edition of the third *Critique*, his essay for the prize competition on progress in metaphysics, and an essay in response to Eberhard's objections, both included in *Theoretical Philosophy after 1781* in the Cambridge Edition.

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Edited and translated by Frederick Rauscher, Translated by Kenneth R. Westphal

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notes Kant wrote in the margins of two of his personal copies of his own works.<sup>14</sup>

Adickes decided to arrange the material into two distinct, though unlabeled and unnumbered, parts. He planned to include both marginal notes in Kant's textbooks and loose sheets that he saw as either preparatory for Kant's lectures or as notes not directly related to any published work in six volumes arranged by topic in accordance with Kant's various courses: 14: Mathematics, Physics and Chemistry, and Physical Geography; 15: Anthropology; 16: Logic; 17 & 18: Metaphysics; and 19: Ethics, Political Philosophy, and Philosophy of Religion. These fragments he numbered continuously from number one in Volume 14 – a small sketch of relations among angles in a figure (14:3) – to number 8112 in Volume 19 – Kant's few marginal notations in his own copy of the Bible (19:651–54); these numbers are used today with the prefix “R” for “reflection” universally by Kant scholars. The second part would be drafts for books and essays, to be arranged chronologically rather than by topic, and some material of publishable quality that Kant, for various reasons, did not publish during his lifetime, arranged in a separate chronological order (14:xxvi–xxviii). Adickes did not assign any numbering or other identification system to this material. No space was set aside for the notes and drafts for Kant's incomplete project known as the *Opus postumum* because at the time it appeared that the right to publish it would not be given by its owners.<sup>15</sup>

This division rested on an assumption that even Adickes himself acknowledged as questionable, namely that there was a sure way to identify which notes were written as drafts for particular books or essays and which were not. In many cases it is not clear whether Kant had in mind a particular completed work when he wrote the material on the *Löse Blätter*. Even material in Kant's textbook margins could be related to the drafts. For example R8055 bears a striking resemblance to an argument in the *Doctrine of Right*; did Kant write that reflection in anticipation of

<sup>14</sup> The few short marginal notes to Kant's copy of the first “A” edition of the *Critique of Pure Reason* are included in annotations to that volume in the Cambridge Edition. The lengthier remarks written in *Observations on the Feeling of the Beautiful and the Sublime* are included in full in Kant, *Observations on the Feeling of the Beautiful and the Sublime and Other Writings*, ed. Patrick Frierson and Paul Guyer (Cambridge University Press, 2011) and in part in *Notes and Fragments* in the Cambridge Edition.

<sup>15</sup> Guyer, *Notes*, xx. Eventually the *Opus Postumum* rights were obtained and the material published as Volumes 21 and 22 of the Academy edition, before the publication of Adickes's originally planned Volumes 20 and 21, forcing the renumbering of the originally-planned volumes of preparatory notes and supplements to 20 and 23. Gerhard Lehmann, final editor of all four volumes, considered all of them to fall under the “Preparatory Drafts and Supplements” label (23:v), although that name appears only on the title page of volume 23. The title page of volumes 21 and 22 has “Opus Postumum” and the title page of Volume 20 has no title.

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the book, or did he happen to find and use an old marginal note when writing the book? In addition the majority of the notes on metaphysics contained in Volumes 17 and 18 of the Academy edition are seen now as preparatory work for the two editions of the *Critique of Pure Reason*, and were likely seen as such by Kant as well, although many are written in Kant's textbook for his course on metaphysics and some bear only a tangential relation to the actual language and specific arguments used in the published *Critique*.

Adickes listed several criteria for labeling a given manuscript as a draft rather than a reflection (14:xxvi–xxvii):

1. The relation to a projected or an actually published work is “fairly certain.”
2. If part of a sheet was identified as a draft, then all the material on that sheet related to the topic of that work would be included even if other particular portions were not themselves clearly drafts for that work.
3. If the material could be a draft for any of several different works, it would be included among the Reflections, not the drafts, but would be noted as such.
4. The one exception to the above rules was the material clearly intended for the *Critique of Pure Reason*, which would be included in the earlier volumes as Reflections rather than the later volumes as drafts. Adickes made two exceptions to this exception (!) and included two loose sheets as drafts for the *Critique* in Volume 23 (23:17–20) because he thought that they related to the final form of the *Critique*.

Adickes specifically notes that he would include the loose sheets on ethics and political philosophy among the drafts only if “no doubt” remained that they were related to published works, in particular the *Metaphysics of Morals*. Adickes's susceptibility to doubt has since been questioned in several cases, e.g. R8077, whose content Adickes notes in his annotation “recalls” the second part of *Conflict of the Faculties* (19:603), has been clearly identified as a draft and is included among the drafts for that work in this volume. The distinction between mere reflection and draft, then, is not hard and fast. In this volume of translations I follow the identification of drafts by Werner Stark of the Kant Archive in Marburg. Everything that Adickes identified as a draft remains in that category, but a few Reflections are also included among the translated drafts.

Adickes also faced the task of discerning which of the mass of lines on a book page or loose sheet belonged together as distinct Reflections. Some of this work had been done by Erdmann in his earlier collection of Reflections taken from Kant's textbooks, but Reicke had published

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the loose sheets in his collection in the order they were found regardless of topic. The divisions between Reflections were based on factors such as placement on a page, the different sizes of Kant's handwriting, different tints of the inks used, and the like. Of course more substantive clues such as the topic could play a part in distinguishing Reflections as well, but this method played a larger role in the assessment of the contents of the loose sheets. Loose sheets were often folded in half before use, making for four pages of material. Sometimes the loose sheets were devoted to a single topic or the writing flowed as a single sustained treatment of a series of related topics, in which case their contents could be reprinted as a whole either as one Reflection or, if a draft, simply as a unit. In other cases material covering many different topics appeared on the same sheet. Adickes then divided the loose sheet's contents into several parts and placed these among the appropriate sets of Reflections or drafts. He planned to devote the last half of the last volume to a comprehensive explanation of the origin of each Reflection on the various textbook pages and loose sheets, explaining their relation on the page and the justification of their specific place in the Academy edition, both topically and chronologically (14:xliv).

As mentioned, the drafts were to be arranged chronologically in accordance with their corresponding book or essay. The draft material is relatively easy to date as within a few years of the publication of its corresponding work, some work was apparently done to distinguish earlier from later drafts within these narrow time periods. For the volumes of Reflections, while their large-scale arrangement is by lecture topic for Kant's courses, Adickes wanted to arrange the material chronologically as well. He would place reflections from the same time period into chapters, and within each chapter arrange the notes in accordance with the table of contents of Kant's various textbooks (when possible). Identifying the date for particular note was difficult. Adickes decided to use some obvious means to provide an absolute date for a few: for example, notes on the back of a letter or that mention a specific event could not possibly pre-date that letter or event. He could assign a relative date using visual clues such as the placement of one note in a more distant marginal spot on a textbook page rather than immediately adjacent to the relevant text, as an obviously earlier note is. But these did not satisfy Adickes. For even more precision, he turned to the tint of the ink Kant used in scratching out the notes, sometimes "black," sometimes "red-brown," sometimes "black-brown to black" (14:xxxvii). This method also helped to distinguish one reflection from another. In the end Adickes used a combination of all these clues to identify thirty-three different periods, which he called "strata" in geological fashion, some overlapping others, some quite narrow and specific and others lengthier or approximate. He was able to assign Kant's notes in some cases to particular strata; in many cases he

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suggests that a note might be from any of several periods. When he identified more than one period he generally considered some more likely than others and marked the notes accordingly; he then placed the Reflection in the chapter for the most likely period. More specifics about how these notes are presented are given in the editor's introduction to the Reflections. Adickes's achievement in bringing such a detailed chronological and topic order out of the bundles of loose sheets and marginal notations ranks as the greatest contribution to Kant studies made by any one individual and has formed the basis of countless studies of Kant's philosophical development.

Adickes set to work and in 1911 published the first of his assigned volumes. By 1928, the year of his death, he had published Volumes 14–18 and also second editions of Volumes 14–16. The first volume is quite unlike the others since most of the space is taken up by Adickes's own annotations. Given his interest in Kant's natural sciences he had much to share, often comparing Kant's notes to other contemporary works that Kant knew. R42 is an extreme example: the four-page loose sheet and Adickes's commentary extend from 14:174 through 14:233. The later volumes have fewer substantive annotations. They also reprint some of the textbooks that Kant used in full, allowing users to find the page or section in the book where Kant wrote each note.

Adickes's death in 1928 meant that others would have to complete the third section of the Academy edition. Volume 19, which contains Kant's Reflections on the Philosophy of Right, was well along at the time, and Adickes's assistant Friedrich Berger (1901–1975) was appointed to complete Volume 19 and “if possible” Volume 20.<sup>16</sup> Berger himself wrote that the Reflections were by and large already transcribed and chronologically ordered by Adickes when he was assigned the volume (19:vi). Still, it took six years before publication, and Berger's work was apparently further edited by de Gruyter house editors Arthur Buchenau (1879–1946) and Gerhard Lehmann (1900–1987). The final work, although excellent, fell a little short of Adickes's high standards.<sup>17</sup> Since nearly all of the Reflections translated here stem from this volume, one must have just a little less faith in the details than one would had Adickes seen it to press. Disputes between Berger and Buchenau

<sup>16</sup> Stark, *Nachforschungen*, pp. 152–58, provides information about Berger's tenure as editor.

<sup>17</sup> Berger did not, for example, compare the Reflections on ethics with student transcriptions of Kant's lectures on ethics. In R6624 (19:116) this led to a likely error where Kant had left a blank space obviously intended for a philosopher's name. Based on the context Berger suggested one name, while a look at the student lecture notes suggests another. See *Notes and Fragments*, pp. 426 and 604–05 note, and Stark, *Nachforschungen*, p. 157.

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and Lehmann team also led to the remaining volumes of the third part (the *Handschriftlicher Nachlaß*) being assigned to Lehmann.

Lehmann, then, edited Volumes 20–23, including the material translated in this volume as drafts.<sup>18</sup> Lehmann first edited and published the two volumes (Academy edition 21–22) of the *Opus postumum*, pushing the volume of drafts to a new Volume 23, separated from its companion Volume 20. When editing the *Opus postumum* Lehmann relegated Adickes's careful chronological ordering of the material to a small chart and instead arranged the material in the order it was found, a series of fascicles or bundles of loose sheets created by folding another sheet over several loose sheets as a wrapper. This method makes the text difficult to use, and other problems in the transcription also harm the edition.<sup>19</sup> Lehmann then turned to Volume 20, which contains Kant's draft reply to a review of the *Doctrine of Right* translated in this volume, and Volume 23, the most problematic of the material in this translation.

As with the *Opus postumum*, Lehmann's presentation of the material identified as drafts for the published books and essays is problematic. He follows Adickes's plan to place the material in chronological order by publication date of book or essay, but he abandons any attempt to put the material within each work into chronological order. Further, some material identified as drafts by Adickes were overlooked and excluded from the Academy edition; this material has been identified and later printed in other venues. Along with more recently discovered fragments, that missing material was examined for inclusion in this volume of translations. Lehmann did produce a very workable volume despite these lapses, providing material ranging from fragments related to a prize essay competition in 1754 to a draft of Kant's preface to an 1800 work by his friend Jachmann on Kant's philosophy of religion.

Werner Stark notes that Lehmann also did not fulfill Adickes's original plan to include a comprehensive explanation of the relation of each particular manuscript (the loose sheets and textbook pages) with its various appearances in the Academy edition and to provide its provenance and dating. Stark, who must be acknowledged as equal to Adickes in his dedication, knowledge, and thoroughness, himself undertook part of that effort, producing two different tables: one arranging the loose sheets by identification letter or name and showing each place in the Academy edition or elsewhere where its parts are printed (and including the text for those that were not printed anywhere else), and one arranging the loose

<sup>18</sup> Details about Lehmann and the production of these volumes are given in Stark, *Nachforschungen*, pp. 158–205.

<sup>19</sup> For information about the *Opus Postumum*, see the editor's introduction to the Cambridge Edition of the *Opus Postumum*, edited by Eckart Förster.

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sheets appearing in Volumes 20 and 23 by the published or planned work for which they are drafts.<sup>20</sup>

A few more details regarding particular material will be given in separate editor's introductions to each part of this translation. Here it must be noted that I have traced the history of the publication of the Reflections and drafts but not the lecture, the third of the major divisions in this translation. A few brief words about the Academy edition of the Feyerabend Natural Right lecture are appropriate here; much more detail is given in the particular editor's introduction later in this volume. The same Gerhard Lehmann edited the volume of lectures in which Feyerabend appeared in 1979. His edition was deliberately included as an appendix to the lectures on ethics without annotations of any kind. The problematic nature of the edition has been long acknowledged. As I and others began to work on translations into English, Italian, Portuguese, and Spanish, the need for a revised edition increased. Over the past decade a team has produced what is now to be considered the standard edition. Heinrich P. Delfosse, Norbert Hinske, and Gianluca Sadun Bordoni have published an annotated edition in the series *Kant Index* based on a fresh reading of the manuscript with all the appropriate editorial apparatuses.<sup>21</sup> The translation here is based on this new edition, with reference both to the manuscript and to the Academy edition.

## III. THE TRANSLATIONS IN THIS VOLUME

The material translated in this volume is arranged into three parts, in very rough chronological order, followed by an English–German and German–English glossary of important terminology, a Concordance to aid in comparing the Reflections with the course lecture, the endnotes, and a comprehensive index.

The first part consists of a generous selection of Reflections that range in date from 1764 through 1799, although the vast majority are from the 1770s and 1780s and only a handful date from the 1790s. These Reflections are arranged in the order they appear in the Academy edition: they are first grouped in accordance with Volume number by broad topic (Anthropology, Logic, Ethics, Political Philosophy), and then within each major group in chronological order as determined by Adickes's strata. Adickes further arranged the Reflections from one stratum into

<sup>20</sup> Stark, *Nachforschungen*, pp. 186–87, 279–319.

<sup>21</sup> Heinrich P. Delfosse, Norbert Hinske, and Gianluca Sadun Bordoni, *Stellenindex und Konkordanz zum 'Naturrecht Feyerabend'*, three parts. *Forschungen und Materialien zur deutschen Aufklärung. Abteilung III: Indices. Kant-Index. Section 2: Indices zum Kantschen Ethikcorpus. Bände 30.1, 30.2, 30.3* (Stuttgart-Bad Cannstatt: frommann-holzboog, 2010 and 2014).



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topics in accordance with their place in the Achenwall textbook, or for loose sheets the corresponding topic. The Concordance at the end of this volume lists all the topics from Achenwall's book and orders the Reflections by number into those topics. The Concordance also distinguishes these Reflections very roughly by date so that one can see which topics were of most concern to Kant at which period of his development. In these Reflections one can see Kant attempting to resolve such difficulties as whether sovereignty is embodied in the people or a ruler; whether individuals have any right of disobedience to the state; whether a social contract is pragmatic or moral and how the idea of a social contract functions; whether and how punishment is justified; the legal relations between husband and wife, and between them and children and servants; and what rights people have in the state of nature. Kant also provides a detailed argument in the last series of these notes that the early French Revolution was perfectly in accord with right (an important passage given his stringent opposition to revolution in general but support for radical republican principles). Rauscher is responsible for these translations.

The second part of the book consists of the 1784 Feyerabend Natural Right course transcript. Since Kant used the Achenwall text for this course lecture, Feyerabend's transcript itself is divided into books, sections, and titles matching those in Achenwall. The Concordance shows which of Achenwall's section corresponds to which pages in the lecture, thus also allowing a comparison of the Reflections with that segment of the lecture. The Reflection dating in the Concordance makes it easy to see which Reflections are probably before and which are certainly after the course was given. The first quarter of the lecture provides one of Kant's clearest summaries of the foundations of his practical philosophy in general and the relation between right (*Jus*, *Recht*) and ethics proper (*Ethic*, *Tugend*), showing how Kant thought that the *Groundwork of the Metaphysics of Morals*, which he was completing at the time, ranged over both; this introductory material also explains the principle of right and the innate right of freedom. The middle portion of the lecture adheres more closely to Achenwall's text and provides detailed evaluation of property and contract. The last quarter turns to family right, public right, and international right, featuring discussions of marriage, the state of nature, sovereignty, punishment, rebellion, and the principles for just war. Rauscher is responsible for the translation of this lecture material.

The third part of the book provides extensive selections from Kant's drafts for four works: *Theory and Practice* (1793), *Perpetual Peace* (1795), the *Metaphysics of Morals*, mainly from the *Doctrine of Right* (1797), and the second essay in *Conflict of the Faculties* on progress in history (1798). These drafts date after nearly every Reflection, mainly because Kant



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stopped lecturing on Natural Right in 1788 (or possibly 1790<sup>22</sup>) and so did not use the Achenwall text any more. The vast majority of the drafts are for the *Doctrine of Right*, and the bulk of those concern the nature of and justification for property. This material is not included in the Concordance because Kant's *Doctrine of Right* does not mirror the arrangement of Achenwall's *Jus Naturae* in any but the broadest fashion.<sup>23</sup> Perhaps most telling about the importance of these drafts is that his surviving loose sheets reveal that the three projects which seem to have demanded the most effort from him, as measured by the quantity of surviving draft arguments for material destined for books, are the *Critique of Pure Reason*, the unfinished *Opus postumum* project, and the *Doctrine of Right* of the *Metaphysics of Morals*. In the drafts for that work Kant struggles with his conception of property, formulating drafts of a deduction, searching for the proper relation between empirical fact and transcendental basis for right acquisition, and trying to fit his property theory onto marriage and family relations. He also provides different versions of the distinction between right and virtue and discusses the nature of a constitution and the importance of freedom. In the drafts of the other works Kant is more explicit about the French Revolution and the nature of a republican government than he is in their published versions. Rauscher translated the shorter drafts of *Theory and Practice*, *Towards Perpetual Peace*, and *Conflict of the Faculties*, while Westphal translated the much longer set of drafts for the *Metaphysics of Morals*, most of which are related to the *Doctrine of Right*.

The German–English, English–German Glossary follows standard Cambridge Edition format. No Latin–English Glossary is provided because the Latin terms, used extensively in the Feyerabend lecture, are retained and translated within the text itself. Much time was devoted to the index so that individuals can find the material related to a subject of interest despite the scattered occurrences throughout the various types of material. Each part and, for the drafts, also each work, is given its own specific introduction to provide useful information unique to the given material. The translators' remarks range over all material in the book.

Parts of this volume were originally slated to be included in *Notes and Fragments*, originally conceived as the only Cambridge Edition collection of Kant's *Nachlaß* outside the *Opus postumum*. When it became apparent that not all the material would fit in one volume it was decided

<sup>22</sup> See the editor's introduction to the Feyerabend lecture below, note 3.

<sup>23</sup> A recent study does provide some correspondence between the Feyerabend lecture and the published *Doctrine of Right*. Philipp-Alexander Hirsch shows that most of the material in Kant's Introduction to the *Doctrine of Right* is also found in the early sections of the Feyerabend lecture as well as the contemporaneous Mrongovius lecture notes on ethics. Hirsch, *Kants Einleitung in die Rechtslehre von 1784* (Universitätsverlag Göttingen, 2012).

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that the material from the *Nachlaß* on political philosophy would be spun off from *Notes and Fragments* and placed in a new volume alongside the Feyerabend course lecture. This arrangement also allowed for a much more extensive selection from the drafts for the *Doctrine of Right* and the inclusion of other drafts as well. This volume is both an extension of the Cambridge Edition version of the *Nachlaß* and an addition to the Cambridge Edition set of Kant's lectures.