



Enlightenment and its Impact To Vina Convention on The Law of Treaties 1969

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ABSTRACT

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The Enlightenment, particularly the philosophy of Immanuel Kant, profoundly influenced the development of modern international law, including the Vienna Convention on the Law of Treaties (VCLT) 1969. This paper explores the connection between Enlightenment ideals and critical principles in the VCLT, such as *pacta sunt servanda* (Article 26) and the obligation to respect treaties regardless of internal laws (Article 27). The Enlightenment's emphasis on reason, autonomy, and universal moral obligations is a cornerstone for these principles, ensuring rationality and good faith in international relations. The problem addressed in this study is the extent to which these Enlightenment principles influenced the codification of international treaty law in the VCLT, particularly its emphasis on the binding nature of treaties and the universality of legal obligations. The methodology involves a philosophical and legal analysis of the VCLT's Articles 26 and 27, tracing their conceptual roots to Kantian philosophy and Enlightenment thought. Through this analysis, the findings reveal a direct connection between Enlightenment ideals and the VCLT's principles. Article 26's emphasis on good faith and binding commitments mirrors Kant's views on moral autonomy and universal laws. Article 27 reflects the Enlightenment's belief in universal obligations superseding localized, subjective rules, ensuring the supremacy of reason and international stability. The findings reveal that the VCLT's codification of *pacta sunt servanda* and related principles embodies the enduring influence of Enlightenment ideals, particularly those of Kant, in shaping a rational, cooperative, and just international legal order.

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INTRODUCTION

Talking about the Enlightenment (Aufklärung) cannot be separated from the central role of Rene Descartes (1596-1650), who is the founder and father of Modern Philosophy (Scott, J. F., 2016). Descartes succeeded in igniting the scientific spirit and the importance of the philosophy of consciousness before the physicist Newton. This scientist also inspired Adam Smith in the British Enlightenment movement, known for the idea of *laissez-faire* and the invisible hands. (Fanning, B., 2021). Living contemporarily with Bacon and Galileo, Descartes was able to unify the methods of various human endeavors of inquiry by laying a systematic foundation in the realm of philosophy called the "method of doubt," where for him, to doubt is to think he sought to direct reason towards the systematic discovery of truth and a solid basis for reality. Chukwu, C. N. (2024). Descartes emphasized that having good reasoning power is not enough; more important is how to use it well. He built the foundation of science with certainty and allowed for the unification of thought. (Williams, B., & Cottingham, J., 2014).

The power of human ratios occupies an essential position in the spirit of this age of Enlightenment, namely its efforts in challenging the dominance of religion, medieval metaphysical thinking, and belief in superstition. (Aquila, D. A. 2022). With ratio, humans are convinced that they can shift the role of faith so that it can give birth to authentic truths that lead to a happy life - no wonder if this enlightenment project is identical

to the secularisation movement, even if it remains steady in religious faith, the rational and empirical aspects must be more dominant. In the view of Immanuel Kant (1724-1804), a critical condition for realizing happiness in this life is that humans must use the ratio seriously. (Altman, M. C., 2011).

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For Kant, Enlightenment is freedom; as such, people should be encouraged to exercise their freedom of reason in both the tradition of debate and the courage to express opinions. However, there is always a high price to pay in terms of attempted restrictions on every freedom. (Peterson, J. 2008). Such restrictions could be imposed by a military force on the ruler's instructions or even by a clergyman or religionist who fails to understand the spirit of the Enlightenment.

Religious people accustomed to preaching are not necessarily successful in communicating with their congregation, and they misunderstand religious and social symbols due to the loss of scrutiny and open-mindedness towards the freedom of their society's ratios. (Moyaert, M. (2014). Restrictions on liberty will only create contradictions between what is believed and the core of religious teachings if he realizes that his attitude of restricting others will make him not accessible because he creates restriction rules for others.

Any attempt to restrict freedom, even because of the protection of the authorities and the military, will not last. Society will not allow it to happen for too long because it is a crime against human nature, that humans want to live freely and have freedom of reason. The principles found in Articles 26 and 27 of the Vienna Convention on the Law of Treaties (VCLT) closely align with the Enlightenment ideals, particularly those articulated by Kant, emphasizing autonomy, reason, and universal moral obligations. (Grosse Ruse-Khan, H., & Rai, A. 2024). These articles will reflect how Enlightenment ideals underpin modern international law, ensuring that rationality, autonomy, and universal moral obligations guide state behavior in global relations.

RESULTS AND DISCUSSION

1. The Discourse of Freedom of Ratio in the Enlightenment

Immanuel Kant wrote *Was ist Aufklärung?* (What is Enlightenment?) in Königsberg on 30 September 1784. Kant's most famous words are about the meaning of Enlightenment (*Aufklärung*), which, in his view, means the liberation of man from immaturity caused by his own mistakes because he cannot use reason without the guidance of others. (Nisbet, H. B. 1982) What Kant meant by What is Enlightenment is clearly illustrated in his calm and sharp description.

In the critical period, Kant's ideas were to answer three essential questions. His work *Critique of Pure Reason* (1781) is to answer what I can know, *Critique of Practical Reason* (1788) is to answer what I ought to do, and *Critique of Judgement* (1790) is to answer what I may hope. (Valihora, K. 2010). With his critiques, Kant wanted to critically examine the validity of knowledge, not by empirical testing, but by a priori principles within the subject. The philosophy is called transcendentalism. He wants to find a priori principles in the ratio relating to the objects of the external world, namely about the "conditions of possibility" of knowledge. Research is called transcendental if it focuses on all pure conditions within the subject of knowledge. Finally, Kant can synthesize rationalism, which is concerned with prior knowledge, and empiricism, which is concerned with posterior knowledge.⁸ For Kant, knowledge is a synthesis of a priori and a posteriori elements - both technical terms that Kant borrowed from Gottfried Wilhelm Leibniz.

His philosophy is known as criticism as opposed to dogmatism. If dogmatism accepts the ratio's ability without testing its limits, then criticism must investigate the ability and limits of the ratio before starting the investigation. For Kant, criticism must investigate the conditions of possibility for knowledge—dogmatic philosophers such as Wolff, who had influenced him in metaphysics without testing the validity of metaphysics. For Kant, criticism is a tool to test validity. The testing process critically examines various knowledge claims to obtain knowledge according to the correct procedure.

Kant saw that the barrier to the courageous use of reason was the apparent threat created by laziness and cowardice. Conversely, if one competes in a task, one is considered dangerous and will only get into trouble. But Kant reminds us that humans must be brave and free to use reason to overcome all these threats and dangers. One must continue to learn to walk on one's own, and even if one has to fall up and down many times, one must continue one's endeavors without fear.

The protection of authority over a person who has been tamed by reason will make it difficult for him to think freely, and he will not be allowed to endeavor to use his reason freely. But believe me, Kant still hopes that even

if only a few people are willing to use their reason boldly through the effort of their minds, they can be considered as having succeeded in liberating themselves from helplessness and as evidence of moral firmness.

For Kant, Enlightenment is freedom; as such, people should be encouraged to exercise their freedom of reason in both the tradition of debate and the courage to express opinions. However, there is always a high price to pay in terms of attempted restrictions on every freedom. Such restrictions could be imposed by a military force on the ruler's instructions or even by a clergyman or religionist who fails to understand the spirit of the Enlightenment.

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No nation would choose to abide by restrictive and oppressive measures. Allowing these stumbling blocks to continue will only add to the heavy burden on a country that wants to progress and be free. The impact of these restrictive measures lies in the threat of disintegration, one of which Kant is most concerned about is inter-religious disharmony. Kant believes that religious harmony will be realized for the better by involving every citizen in exercising freedom of ratio and opinion. Never waste time and opportunity for the betterment of humanity by delaying Enlightenment and violating human rights.

The moral messages of Kant's Enlightenment inspired later philosophers and were a bright idea for German philosophy. I have noted at least twelve important and socially, religiously, and politically correlated messages that can be learned from Kant's Enlightenment: First, this is an essential message of the German Enlightenment, a form of wisdom from individual ethics, namely that Kant reminds us of the importance of freeing human beings from the shackles of ignorance that have been driven by their weaknesses that are unable to mobilize the creative potential that God has bestowed upon them, namely, the courage to think free from the shadows and dependence on others.

Secondly, Kant abhors the cowardice and laziness that plague most of humanity. Success achieved through non-transparent relationships and due to corruption, collusion, and nepotism, rather than through honesty and a commitment to sincerely give whatever is best for a mandate, is not worthy of that mandate. Everything can be paid for for all his wants, desires, and lusts, a destructive disposition that must be avoided.

Thirdly, Kant emphasized the importance of independence. Most competent and honest people are considered a threat to a department or government. If at all possible, they should be removed quickly. However, for Kant, self-reliance is essential for someone who wants to free himself from the shackles and constraints of the government. Fourthly, Kant believed that endeavors based on our thoughts can release us from the helplessness caused by dependence on others, superiors, or authorities.

Fifth, Kant emphasized the importance of freedom as a prerequisite for Enlightenment. Be a free thinker to overcome all forms of suspicion and thus be able to overcome oppressive leaders and cruel oppressors.

Sixth, Kant reminds us that despite the limitations imposed by the regime or power, the freedom of reason is a beacon for the courage to argue for the truth.

Seventh, Kant believed that people should be encouraged to use reason freely, even if a government or ruling regime would impose strict restrictions, threats, and prohibitions.

Eighth, Kant criticized religion as a tool to curb the freedom of the ratio because there is no rational thought that contradicts and contradicts religious teachings as long as it is based on honesty and individual obligations to obey morals and obligations as humans.

Ninth, Kant believed that inter-religious harmony can be created only with the freedom of the people's ratios, so delaying or returning to being a timid, ignorant, and restrained nation is no longer possible.

Tenth, Kant could not accept the arrogance of power that legitimizes the prohibition of the freedom of reason of its people just to pretend to be obedient or the unfounded fear of the fall of power with the intelligence of its people. Intelligent religious attitudes must be based on freedom of reason, for that is the true meaning of Kant's Enlightenment, and from it will come inter-religious tolerance.

Eleventh, Kant reminds us that immaturity in religion will be very detrimental to a country. Especially if the ruler does not guarantee the freedom of his people to them, a Head of State who supports religious Enlightenment will make the fate of his people better. Twelfth, Kant strongly hoped that an enlightened leader could release himself from the shadow of others who frightened and shackled him all this time. The impact of a leadership attitude that cares about the freedom of ratios can encourage its people to build their nation with wholehearted ability and benefit everyone.

2. Enlightenment And Pacta Sunt Servanda

The connection between the Enlightenment, particularly Kant's philosophy, and the principle of *pacta sunt servanda* lies in their shared emphasis on reason, autonomy, and the moral imperative to honor commitments. Kant's Enlightenment ideals center on human autonomy and the use of reason to guide moral decisions. For Kant, individuals possess the freedom of reason to govern their lives and act according to moral autonomy rather than being subject to external forces. This autonomy forms the basis for the categorical imperative, which dictates that one must act only according to maxims that can be universally applied, such as the obligation to keep promises. Similarly, *pacta sunt servanda* ("agreements must be kept") reflects the sanctity of promises in legal and moral contexts. This principle, rooted in good faith, underscores that contracts or agreements freely entered into create binding obligations. Just as Kantian ethics views the breach of promises as a failure to uphold universal moral law, *pacta sunt servanda* views the violation of agreements as undermining trust and social order. Both frameworks assert that mutual respect and commitment adherence are essential in interpersonal relations or legal structures. In essence, Kant's ethical theory and the legal principle of *pacta sunt servanda* rest on individuals' rational and moral autonomy to create and honor obligations. They promote integrity and trust as foundational elements of social and legal interactions. By emphasizing the universality of honoring commitments, both demonstrate how rational freedom and moral responsibility underpin human relationships and societal order.

The Vienna Convention on the Law of Treaties (VCLT, 1969) embodies the principle of *pacta sunt servanda*, which holds that treaties are binding on the parties to them and must be performed in good faith. This principle reflects the sanctity of agreements and has roots in customary international law, emphasizing that agreements between states carry the force of law and moral obligation. The VCLT provides a structured framework for the conclusion, interpretation, and enforcement of international treaties, serving as a benchmark for treaty-making even in cases where states are not formal signatories.

The preamble of the Vienna Convention on the Law of Treaties (VCLT) connects with Enlightenment ideals, particularly Kantian philosophy, through its emphasis on free consent, good faith, and the universality of the principle of *pacta sunt servanda*. The Enlightenment championed reason, autonomy, and universal principles as the foundation for individual and collective behavior. The principle of free consent in treaty-making reflects the Enlightenment belief in autonomy, where states, like individuals, must act freely and rationally to create binding obligations. Similarly, good faith, which ensures sincerity and honor in fulfilling treaty obligations, aligns with Kant's idea of the categorical imperative: acting in a manner that could become a universal law, fostering trust and cooperation.

Furthermore, the universality of *pacta sunt servanda*, highlighted in the preamble, resonates with the Enlightenment's focus on establishing universal principles for human interaction. Kant believed that a stable and peaceful global order required adherence to rational and moral laws. By making *pacta sunt servanda* a cornerstone of treaty law, the VCLT codifies this ideal, ensuring that treaties—voluntary commitments among sovereign states—carry binding force and moral legitimacy. This universality reflects the Enlightenment goal of fostering rational, cooperative, and just international relations based on shared principles and mutual respect.

This principle and its formal recognition in the VCLT can be connected to Kant's Enlightenment philosophy through the shared emphasis on reason, autonomy, and the moral duty to respect commitments. Kant's philosophy underscores the importance of autonomy, where rational individuals and entities (like states) freely make decisions and bear responsibility for their outcomes. In the context of treaties, this mirrors the idea that sovereign states, as rational actors, voluntarily enter agreements and must honor them as part of their moral and legal autonomy. Violating treaties undermines trust and the order of international relations, much like breaking promises, which violates Kant's categorical imperative by disrupting the universal application of moral law.

From the Enlightenment perspective, governing international relations through rational, universally accepted principles such as those in the VCLT reflects the Enlightenment's broader goals of fostering reason, cooperation, and progress. Kant's vision of perpetual peace hinges on nations adhering to legal frameworks and moral laws that promote trust and good faith. The VCLT and its codification of *pacta sunt servanda* exemplify the Enlightenment's legacy in shaping international law, where reason and mutual respect guide state behavior in a structured and cooperative global system.

In principle, humans must be free and have freedom of ratio. Kant believed that God gave humans the freedom of reason to live and interpret their lives. Freedom is the ability to be governed by the mind; Kant called this ability the autonomy of the will. Kant was a humanist who believed in the ability of reason, emphasizing the autonomy of the will as the highest principle of morality, which he distinguished from heteronomy. The authority of faith is actually within ourselves and not outside humans. For Kant, man is the final authority in judging faith. The codification of Enlightenment principles in treaty law underscores their continued relevance in fostering a stable and cooperative international system. The VCLT ensures that treaties are meaningful international governance instruments by emphasizing good faith and binding commitments. This reflects the Enlightenment vision of a peaceful and just global order based on rationality, mutual respect, and adherence to shared rules.

Synthesis of Philosophy and Practice: The connection between Enlightenment philosophy and the principles enshrined in the VCLT highlights how moral and rational ideals can shape practical legal frameworks. The

enduring influence of these ideas underscores the Enlightenment's legacy in promoting ethical conduct, legal integrity, and universal cooperation in both personal and international contexts.

CONCLUSION

The Enlightenment, emphasizing reason, autonomy, and universal principles, provides the foundation for concepts like free consent, good faith, and *pacta sunt servanda* in the Vienna Convention on the Law of Treaties (VCLT). These principles reflect the moral and rational autonomy emphasized by Kant, where individuals and states are bound by obligations freely entered into, promoting trust and cooperation.

The VCLT's universality of *pacta sunt servanda* demonstrates the Enlightenment's commitment to creating universal norms that guide behavior across cultures and nations. Just as Kant's categorical imperative insists on universalizable moral laws, the principle of *pacta sunt servanda* ensures that treaty commitments are binding and respected globally, establishing an ethical and legal framework for international relations.

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