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Kant's Perpetual Peace and Its Hidden Sources:  
A Textual Approach  
**William Ossipow**

## Research Note

# Kant's *Perpetual Peace* and Its Hidden Sources: A Textual Approach

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*The problem of Kant's sources in Perpetual Peace has never before been dealt with in a systematic fashion. As some commentators have already noticed, Kant seldom quotes his sources in Perpetual Peace and in quite a number of other works. The purpose of the present research note is to analyze the Kantian text and to find philological traces of the various authors that we believe have been important to Kant's work in the field of political philosophy. With this in mind, a methodology has been elaborated which includes three aspects: a textual and comparative analysis, a consistency analysis and a contextual analysis. These three approaches combined should allow us to systematically shed light on the key role played by Emer de Vattel's famous book The Law of Nations (1758) and, more unexpectedly, by the Federalist Papers, in particular articles No. 10, 14 and 51 written by Madison.*

KEYWORDS: Kant • Perpetual Peace • Vattel • Madison • Textual Methodology

### Introduction

Kant's relationship to the authors who preceded him and had an influence upon him is problematic. Sometimes he mentions his intellectual debt, as it is the case with Hume who, in Kant's own words, awoke him "from his dogmatic slumber".<sup>1</sup> In this case, the acknowledgement of debt is frank and explicit. Sometimes Kant mentions his predecessor without giving an exact reference; sometimes – indeed quite often – his works neither mention nor quote authors who have obviously played an important role

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<sup>1</sup> This famous expression appears in the Preface of Kant's work *Prolegomena to Any Future Metaphysics* (1783).

in building his argument. This is the case, for instance, in his 1797 book *Theory of Right* (part one of the *Metaphysics of Morals*) which hardly has any footnotes and hardly mentions any authors at all.

So Kant is very often silent about his own intellectual sources, and this curious practice has already attracted the attention of some commentators (Gawlick and Kreimendahl 1987). Speaking of *Religion Within the Limits of Reason Alone* (1793), Philonenko mentions “un problème redoutable, celui des sources de Kant” (1986: 1320).

This problem is certainly also present in the case of the very famous 1795 pamphlet *Perpetual Peace*. The aim of the present research note is to shed some light on the sources of Kant’s political and legal thought as they appear according to a textual and comparative analysis. Some of the commentators quite rightly speak of “silent quotations” (Gawlick and Kreimendahl 1987: 176). This phrase refers to the fact that there are fragments of Kant’s discourse which have their origin in the discourse of other authors who are neither mentioned nor quoted. These fragments have to be identified by analysts. Let us add that a systematic identification of these fragments has never, to my knowledge, been carried out in the case of *Perpetual Peace*. I intend to contribute to this task by underscoring the quantitative and qualitative importance of two particular sources of inspiration for Kant’s argument (or two sources of *silent quotations*): first, the *The Law of Nations* by the Swiss philosopher and jurist Emerich de Vattel and second, some passages from the *Federalist Papers*.

The core of the method which will be used consists mainly of exhibiting the philological similarities and textual consistency between two series of texts: Kant’s *Perpetual Peace* on one side and the silent quotations (or, more precisely, the silently quoted texts) on the other. Thus there is a text, the Kantian text, which appears clearly in the written lines. However, the analysis I am advocating lets another “silently quoted” text emerge, a text which dwells in some way between the lines like a palimpsest, where a first layer of writing has been erased to let a second layer appear (Genette 1982). In other words, it can be said that the Kantian text is full of echoes which come from other pieces of philosophical literature and which are inserted in Kant’s philosophical argument.

## Methodology

The first and most basic methodological problem is to identify within the Kantian text some other texts belonging to philosophical literature which may have been a source of inspiration to Kant. In order to do this, the analyst must rely on his own culture and knowledge of the philosophical corpus to ascertain the connection between the Kantian text and the inspiring (or silently quoted) texts. Then, the identified fragments must be presented for the consideration of the cultivated reader, who will have the opportunity to make comments and add different fragments from the same sources or from different sources.

Once the two series of texts are established, a more elaborate, three-step methodology may be applied: a *textual* comparative analysis between the two series; a *consistency analysis* of the system of (silent) quotations; and an investigation of the *contextual (historical) data* at our disposal.

The *textual comparative analysis* looks for similarities between the Kantian text and the alleged silently quoted texts. These similarities may be (and generally are) at the philological level, including similar words or synonyms between fragments of the two series; the use of similar rhetorical figures; and the use of similar, or proximate arguments. The *consistency analysis* looks for the systematic feature of a whole subset of (silent) quotations in a given subset of the Kantian text, for instance a chapter, or what takes place of chapters in the structure of *Perpetual Peace* (see below). These two methodological approaches must be completed by some *contextual indications* which increase the plausibility of the fact that Kant, despite not quoting such or such authors, nevertheless knew them and had some knowledge of their work.

These types of analyses have never before been systematically applied to *Perpetual Peace*. A few authors in scientific literature have given some vague hints that there could be similarities between Kant's pamphlet and the *Federalist Papers* (or, more specifically, with James Madison's theories) and with Vattel's masterwork (Cavallar 1992). For example, quoting the much celebrated passage of *Perpetual Peace* dealing with the "people of devils", Sheldon Wolin (1960: 389) makes the following commentary:

"The same general direction had been followed earlier in the American *Federalist Papers*. The Federalists had accepted as axiomatic that the shape of constitutional government was dictated by the selfish nature of man and his restless pursuit of interest".

In this paper, my aim is more ambitious than just suggesting that two texts are following the “same general direction”: the aim is to make a tentative exhaustive list or register of all the silent quotations and to build an evidence base demonstrating that Kant has, in a way, been deeply influenced by both Vattel and the *Federalist Papers*. This list is shown below in Table 1.

First of all, it is necessary to recall the strange structure Kant gave to his short essay *Perpetual Peace* (which occupies less than forty pages in the Cambridge University Press edition). It is composed of the six following parts:<sup>2</sup>

- First section: six preliminary articles
- Second section: three definitive articles
- First Supplement
- Second Supplement
- Appendix I
- Appendix II

Throughout the Synoptic Table given below and the present note, the following abbreviations will be used: p. or pp. followed by a number indicates the page(s) of *Perpetual Peace* in Kant’s *Political Writings*, edited by H.S. Reiss (1991); AC followed by a Roman numeral indicates the American Articles of Confederation (1781); N followed by a number indicates Madison’s article in *National Gazette*, the number is the page in *The Writings of James Madison*, edited by Gaillard Hunt (1906); F followed by a numeral indicates the number of the relevant *Federalist Papers*. References to Vattel’s classical treatise *Law of Nations* are standard.

In order to have a clear view of their geo-cultural origin, the list of silent quotations is split into two columns *American corpus* and *General (European) corpus of political and legal philosophy*.

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<sup>2</sup> This heavy textual structure for such a short pamphlet is further loaded down by footnotes, some of them being rather long. Kant’s footnotes very seldom aim at quoting or giving the exact reference of a borrowed passage (an explicit quotation), one of the modern functions of the footnote. Rather, they aim at developing some points of an argument. It is not within this paper’s scope to delve into the various reasons for this curious and complex textual structure. It will be the object of a more extended work about *Perpetual Peace*.

Table 1: Synoptic Table.

	Kant <i>Perpetual Peace</i>	American corpus	General (European) corpus of political and legal philosophy
Fragment 1 First Preliminary Article	No secret reservation (pp. 93–94)	AC IX	Vattel, Book II, chap. XVII § 275
Fragment 2 Second Prelimi- nary Article	Against Patrimoni- al Conception of State (p. 94)		Vattel, Book I, chap.V § 61 / 68
Fragment 3 Second Prelimi- nary Article	State As a Moral Per- sonality (p. 94)		Vattel, Preliminar- ies § 2
Fragment 4 Third Preliminary Article	Against Standing Ar- mies (pp. 94–95)	AC VI F 8	Hume, “On Public Credit”, in <i>Essays</i> Vattel, <i>Book III</i> , chap. III § 50
Fragment 5 Third Preliminary Article	Case of the Militia (p. 95)		Hume “Idea of a Perfect Commonwealth”, in <i>Essays</i> Vattel, <i>Book III</i> , chap III § 50
Fragment 6 Fourth Prelimi- nary Article	No National Debt in Relation to Wars (p. 95)	N 90	Hume, “On Public Credit”, in <i>Essays</i>
Fragment 7 Fifth Preliminary Article	No Interference in the Affairs of Another State (p. 96)		Vattel, Book II, chap IV § 54
Fragment 8 Fifth Preliminary Article	Exception to Non In- terference: Case of An- archy (p. 96)		Vattel, Book II, chap IV § 56
Fragment 9 Sixth Preliminary Article	No Dishonourable Stratagems (pp. 96–97)		Vattel, Book III, chap X § 174
Fragment 10 First Definitive Article	The Republican Con- stitution, Obstacle to War (p. 100)	N 89	Hume
Fragment 11 First Definitive Article	The Republic. Consti- tution Has Not To Be Confused with Democ- racy (p. 100)	F 10 F 14	

Table 1 (continued)

	Kant <i>Perpetual Peace</i>	American corpus	General (European) corpus of political and legal philosophy
Fragment 12 First Definitive Article	Normal Form of Gov- ernment: Representa- tive (p. 101)	F 10 F 14	
Fragment 13 First Definitive Article	Size of the Polity (p. 101)	F 10 F 14	Montesquieu, Rous- seau, Hume
Fragment 14 First Definitive Article	Monarchy and Repre- sentative Government (p. 101)		Vattel, Book I, chap IV § 40
Fragment 15 First Definitive Article	Example of the Re- publics of Antiquity (p. 102)	F 14	
Fragment 16 Second Definit. Article	Federation of Free States (p. 102)	AC III	Vattel, Book I, chap. 1, § 10
Fragment 17 Second Definitive Article	Freedom of Each State (p. 104)	AC II	Vattel, Preliminaries, § 15 and § 21
Fragment 18 Second Definitive Article	Analogy Between In- dividual and States (p. 105)		Vattel, Preliminaries § 15 and § 18
Fragment 19 Second Definit. Article	Idea of a World Repub- lic (p. 105)		Vattel, Book II, chap. I § 17
Fragment 20 Third Definitive Article	Universal Hospitality (p. 105)	AC IV	Vitoria Vattel, Book II, chap VIII § 104
Fragment 21 Third Definitive Article	Communal Posses- sion of Earth's Surface (p. 106)		Vattel, Book II, chap. IX § 117
Fragment 22 Third Definitive Article	Example of China, Ja- pan and the Dutch (pp. 106–07)		Vattel, Book II, chap. VIII, § 100 and § 108
Fragment 23 Third Definitive Article	Inhospitable Con- duct of Civilised States (Against Colonialism) (p. 107)	F 11	

Table 1 (continued)

	Kant <i>Perpetual Peace</i>	American corpus	General (European) corpus of political and legal philosophy
Fragment 24 First Supplement	On the Guarantee of a <i>Perpetual Peace</i> (p. 108)	F 51	Vattel, Book II, chap. XVI § 235
Fragment 25 First Supplement	Objection to Republic- an Constitution: Only Within a State of An- gels (p. 112)	F 51	Rousseau <i>Du contrat social</i> , Livre III, chap. IV
Fragment 26 First Supplement	Men's Self-seeking In- clinations...A Nation of Devils (pp. 112–13)	F 10 F 51	
Fragment 27 First Supplement	Opposite Views May Inhibit One Another (p. 113)	F 51	Hume
Fragment 28 First Supplement	Nature Uses Two Means to Separate Na- tions: Linguistic and Religious Differences (p. 113)	F 51	
Fragment 29 First Supplement	The Spirit of Com- merce (p. 114)	F 6	Hume, "Of Com- merce", in <i>Essays</i> Montesquieu, <i>Esprit</i> <i>des Lois</i> , XX, II
Fragment 30 Second Supplement	Relationship Between the King and the Phi- losopher (p. 115)	F 49	Plato, Christian Wolff

## Analysis

Thirty fragments in the Kantian texts (column 2) have been identified as bearing a relationship to "silently quoted" fragments in the corpus of political philosophy, either from the American one (column 3) or from the general corpus of European philosophy, mainly 18th century political or law philosophy (column 4). This is a high figure given the fact that *Perpetual Peace* is a rather short book. In addition, it must be noted that there are no identified fragments in the two last subdivisions, namely Appendix I and II. This implies that these Appendices are apparently immune from silent quotations and thus purely Kantian in their inspiration. On the other

hand, it is easy to see that the main bulk of the fragments is concentrated in the three first subdivisions of the book. This list can be modified and will most likely be extended with further investigation. The entire analysis conducted below is therefore susceptible to be contested and refuted by additional evidence and counter-arguments that may surface.

### Consistency analysis

Highlighting the consistent structure of the silent quotations is an important methodological phase because it displays a constructive logic in Kant's way of managing the information available to him. This analysis will be conducted in three steps:

1. There are various 18th century authors who are mentioned in the Synoptic Table: for example, Montesquieu, Rousseau and Hume are listed several times. But two references are much more frequently listed than any others, namely Emer de Vattel and the *Federalist Papers*. It is a first level of *consistency* in the process of silent quotations: some authors are more frequently listed than others. Vattel appears 17 times out of a total of 30 fragments; the *Federalist Papers* (FP) appear 13 times out of a total of 30. (In some cases, as in Fragments 4 and 24, both Vattel and FP are listed for the same fragment). This fact is a sign that the occurrences of the authors on the table are not merely random but that they follow a consistent pattern. Kant's preparatory readings were obviously highly selective and concentrated on very few authors who were useful for his purpose.
2. There is a second level of consistency which is much more telling than the first. Each kind of quoted text appears in a given specific textual context:
  - Fragments 1 to 9 refer mainly to Vattel's *Law of Nations*
  - Fragments 10 to 15 refer mainly to *Federalist Papers* No. 10 /14 (with the important exception of Fragment 14)
  - Fragments 16 to 19 refer solely to Vattel's *Law of Nations*
  - Fragments 20 to 23 refer mainly to Vattel's *Law of Nations*

Fragments 24 to 30 refer to the *Federalist Papers* (mainly No. 51). This breakdown of the silent quotations into five sorts of blocs is perfectly consistent with the thematic fields involved in the Kantian discourse. Fragments 1–9 belong to the *preliminary articles* which deal with legal problems in international law, of which Emerich de Vattel was one of the main theoreticians in the 18th century.<sup>3</sup> The same is true concerning Fragments 16–19 (the *second definitive article* dealing with the federation of free states) and 20–23 (the *third definitive article* dealing with hospitality and cosmopolitan law). On the other hand, Fragments 10–15 refer to the *first definitive article* which has to do with the internal form of government. And finally, Fragments 24–30 have mainly to do with the *first supplement* which deals with the natural and anthropological conditions of realizing the ideal of *Perpetual Peace*.

It appears that there is a very logical, consistent and sustained division of labour between Kant's two alleged main sources of inspiration: Vattel's fragments are used for matters in international and cosmopolitan law (*jus gentium*), whereas the *Federalist Papers* fragments are used for anthropological or internal political questions. Analyzing the consistency of the quoted fragments is important inasmuch as it gives an additional guarantee that a quoted fragment is not in the list merely by chance. In my view, this analysis is also important because these quoted fragments belong to works or documents that Kant used extensively as a source of inspiration, giving him material to construct his argument.

It is also important for another reason: as one can see in the Synoptic Table, in some cases there are multiple fragments which may be qualified as "silent quotations". This is the case, for example, in

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<sup>3</sup> Emerich de Vattel (1714–67) was a Swiss lawyer and philosopher native of Neuchâtel. He admired the work of the Prussian philosopher Christian von Wolff, a follower of Leibnitz. Wolff was an important source of inspiration for him. Besides his diplomatic activities at the service of the prince of Saxony, Vattel worked at his own scientific work. His main book is the highly celebrated *Le Droit des gens ou Principes de la loi naturelle appliqués à la conduite des Nations et des Souverains*, which was first published in 1758. The success of this book was immediate and considerable. Many subsequent French editions were made and very soon translations in various languages were published: in German (1760) and English translations in England and the United States as soon as 1759: *The Law of Nations or the Principles of International Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns*. Particularly in the United States, Vattel's *Law of Nations* garnered success and enjoyed a lasting influence on jurisprudence.

Fragment 13 concerning the size of the polity, where the *Federalist Papers*, Montesquieu, Rousseau, Hume (after Aristotle) are all eligible for this title. In order to decide between all these potential sources, we can follow the general principle of consistency: if we have the option of attributing the origin of a fragment to more than one source, the principle of consistency would stipulate that we choose the source which proves to be the most consistent with fragments in the textual proximity (if there is no compelling reason to do otherwise). This principle plays the role of an *Ockham's razor* (or the methodological principle of parsimony) in the selection of relevant authors and fragments.

3. There is a third level of consistency which appears in the Synoptic Table: inside a given subdivision of the Kantian text (for instance the *first supplement*), different steps of the Kantian argument are linked mainly with silent quotations of the same subset of the inspiring corpus. In the case of the *first supplement*, the main corpus from which the silent quotations are drawn is *Federalist Papers* No. 51.<sup>4</sup> This means that Kant was not only inspired by Madison in a loose and indefinite way, but that he was inspired by a very precise piece of Madison's contribution to the *Federalist Papers* and used it in a very precise subdivision of his own work.

### Textual Analysis

Textual (or philological) analysis is the basic methodology which is used in this research to determine the plausibility of the fact that some texts in the literature of political philosophy played the role of "silent quotations". This analysis takes the form of a comparative confrontation between two sets of texts, the Kantian one (the left column of the following tables) and the text stemming from the corpus of the literature of political philosophy (the right column).

It is not within the scope of this research note to analyze the 30 fragments distributed into the five blocs. I will concentrate on two blocs, first the bloc of the *preliminary articles* related to Vattel's famous work *The Law of Nations*, then the bloc of the *first supplement* related to *Federalist Papers* No. 51 written by James Madison.

<sup>4</sup> This analysis is less valid concerning the fragments related to Vattel's work.

***Perpetual Peace and Vattel's Law of Nations: A First Insight***

In the following pages, I will try to demonstrate Emer de Vattel's influence on *Perpetual Peace*. Due to lack of space, I will only concentrate on Fragments 1 to 9 of the Synoptic Table, fragments related to the first subdivision of *Perpetual Peace*, namely the six *Preliminary Articles*.

The reader will find an extract for each fragment, with the Kantian text in the left column and the alleged origin in the right column.

*Fragment 1*

First Preliminary Article

Vattel, Book II, chap. XVII § 275

"No conclusion of peace shall be considered valid as such if it was made with *secret reservation* of the material for a future war" (pp. 93–94).

"Is it necessary, in an enlightened age, to say that *mental reservations* cannot be admitted in treaties?"

The first fragment identified in the Kantian text bears a similarity to Vattel's words and substantial content. In Fragment 1, Kant finds in Vattel's treatise a forerunner in condemning secret diplomacy and politics and in advocating the "public use of reason" in domestic and international political affairs.<sup>5</sup> In Appendix II of *Perpetual Peace*, Kant once again takes up this famous theme of publicity, which nowadays has been re-examined by Arendt and Habermas.

*Fragment 2*

Second Preliminary Article

Vattel, Book I, chap.V § 61

"No independently existing states, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift" (p. 94).

"The *state* neither is nor can be a *patrimony*, since the end of patrimony is the advantage of the possessor, whereas the prince is established only for the advantage of the state".

"For a *state*, unlike the ground on which it is based, is not a *possession* (*patrimonium*)."

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<sup>5</sup> The public use of reason is a theme of Kant's *An Answer to the Question: What is Enlightenment?* (1784).

The struggle against an interpretation of the state as a patrimony, a current interpretation at this time, is a central point in Vattel's conception of international order. For him, the state is not a thing or an object which may be transferred as a gift or an inheritance. It is not a private good providing wealth and power to its possessor. As stated in the following fragment, the state has to be understood as a *moral person*. This is a radically new view of the state, put forward by Vattel and taken up by Kant, who is clearly of the same mind regarding the rejection of the patrimonial conception (*der Staat ist nicht eine Habe [...] nicht eine Sache*) and the idea of the state as a moral person.

### Fragment 3

Second Preliminary Article

“Like a tree, it (the state) has its own roots, and to graft it on to another state as if it were a shoot is to terminate its existence as a moral personality and make it into a commodity. This contradicts the idea of the original contract, without which the rights of a people are unthinkable” (p. 94).

Vattel, Preliminaries § 2

“Such a society has [nations or states] her affairs and her interests; thus becoming a moral person, who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights.”

Fragment 3 is the logical corollary of Fragment 2: if one rejects the concept of the state as a thing or a commodity, one has to consider it a person, and a person has obligations and rights and cannot be used as a tool to obtain something else since a person is an end in itself. Both Vattel and Kant explicitly express the view that there is a link between considering the state as a moral person and the idea of rights.

### Fragment 4

Third Preliminary Article

“*Standing armies (miles perpetuus)* will gradually be abolished altogether.”

“For they constantly threaten other states with war by the very fact that they are always prepared for it. They

Hume, *Essay IX, Of Public Credit*

“Mankind caught by the same baits: The same tricks, played over and over again, still trepan them. The heights of popularity and patriotism are still the beaten road to power and tyranny; flattery to treachery; *stand-*

spur on the states to outdo one another in arming *unlimited number of soldiers*, and since the resultant *costs* eventually make peace more oppressive than a short war, the armies are themselves the cause of wars of aggression which set out to end burdensome military expenditure. Furthermore, the hiring of men to kill or to be killed seems to mean using them as mere machines and instruments in the hands of someone else (the state) which *cannot easily be reconciled with the rights of man* in one's own person" (pp. 94–95)

*ing armies* to arbitrary government [...]"

Vattel, Book III, chap. III § 50

"It is true, however, that if a sovereign continues to keep up a *powerful army* in profound peace, his neighbours must not suffer their vigilance to be entirely lulled to sleep by his bare word [...]"

And what a *burden* is this to a state! [...]"

If, in a time of profound peace, a prince was disposed to keep up any *considerable number of forces*, his neighbours took their measures accordingly, formed leagues against him, and obliged him to disarm. Why has not that salutary custom been preserved? The constant maintenance of numerous armies deprives the soil of its cultivators, checks the progress of population, and can only serve to *destroy the liberties* of the nation by whom they are maintained."

The theme of the *standing armies* was one of the most discussed and debated political topics of the 18th century (Epstein 1966: 289–91). For example, it can be found in Hume's work, in *Federalist Papers* No. 8 and once again in *Perpetual Peace*. In both Kant's and Vattel's texts, we find three arguments against standing armies: they are a threat to peace between nations, their cost or burden is very high, and they are not compatible with human rights or the liberties of the nation.

### Fragment 5

Third Preliminary Article

"It is quite a different matter if the citizens undertake voluntary military *training* from time to time in order to *secure themselves and their father-*

Vattel, Book III, chap. III § 50

"Happy Switzerland ! if, continuing carefully to *exercise* her militia, she keeps herself in a condition to *repel any foreign enemies*, without feeding

*land against attacks from outside”*  
(p. 95).

a host of idle soldiers who might one day crush the liberties of the people [...].”

D. Hume, *Essay XVI, Idea of a Perfect Commonwealth*

“The militia is established in imitation of that of Swisserland [sic!], which being well known, we shall not insist upon it.”

What logically follows the refusal of standing armies is the praise of the militia. Here again, this common theme can be found in both corpuses under scrutiny, just as it can be found in Hume’s *Essays*. It is interesting to note that the American Articles of Confederation made a provision (Article VI) obligating the States of the Union to foster a militia: “but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered [...].”

### *Fragment 6*

Fourth Preliminary Article

“No national debt shall be contracted in connection with the external affairs of the state” (p. 95).

D. Hume, *Essay IX, Of public Credit*

“I must confess, when I see princes and states fighting and quarrelling, amidst their debts, funds and public mortgages, it always bring to my mind a match of cudgel-playing fought in a China shop.”

Here the silent quotation does not seem to be drawn from Vattel’s *Law of Nations*, but from Hume’s *Essays IX, Of Public Credit*, where the great philosopher makes a vigorous indictment of public debt in general and of public debt related to wars in particular. When developing this fourth interdiction, Kant engages in politico-economic type of reasoning, rather in the Scottish style. It must be emphasized that this type of reasoning (exhibiting the costs of war on the future generations, which is the specific consequence of accumulating a huge debt) was, at its turn, very much debated in Europe (cf. Hume, Kant) and in the United States (cf. Madison 1792) during the 18th century. The *First Definitive Article* (especially Fragment 10 in the Synoptic Table) will touch on this topic once again, as it was very much in the *Zeitgeist*.

*Fragment 7*

Fifth Preliminary Article

“No state shall forcibly *interfere* in the constitution and *government of another state*” (p. 96)

Vattel, Book II, chap. IV § 54

“It is an evident consequence of the liberty and independence of nations, that all have a right to be governed as they think proper, and that *no state* has the smallest right *to interfere in the government of another.*”

Vattel was undoubtedly an eminent forerunner of modern international law. This is demonstrated in various places, particularly in his rejection of the state as a patrimony (Fragment 2) and here in the rejection of the antique custom of one state interfering in the affairs of another. He advocates the complete autonomy and sovereignty of each state. Kant fully subscribes to this breakthrough in the law between nations. At the textual level, the great similarity between the very wording of the two authors becomes obvious.

*Fragment 8*

Fifth Preliminary Article (continuation)

“*But* it would be a different matter if a state, through internal discord, were to split into two parts, each of which set itself up as a separate state and claimed authority over the whole. For it could not be reckoned as interference in another state’s constitution if an external state were to *lend support* to one of them, because their condition is one of anarchy” (p. 96)

Vattel, Book II, chap. IV § 56

“*But* if the prince, by violating the fundamental laws, gives his subjects a legal right to resist him,—if tyranny becoming insupportable obliges the nation to rise in their own defence,—every foreign power has a right *to succour* an oppressed people who implore their assistance.”

The Fifth Preliminary Article (Fragment 7) states a general principle of international law known as non intervention in the affairs of another nation. But both Vattel and Kant add a dispensation to this general principle. I reproduce this dispensation in Fragment 8. It must be emphasized that the reasons of this departure from the general principle are quite different in Vattel and in Kant. The former argues from the point of view of an oppressed people: in the case of tyranny, there is an obvious right to bring help to the oppressed people. Kant cannot subscribe to this argument

which would admit a right to oppose legitimate authority. His argument in favour of a dispensation to the general principle of non intervention is based on the risk of anarchy in case a state splits into two parts, i.e. in case of *secession*. State aid to one of the parts cannot be considered prohibited intervention.

### Fragment 9

#### Sixth Preliminary Article

“No state at war with another shall permit such acts of hostility as would make *mutual confidence* impossible during a future time of peace.”

“These are *dishonourable stratagems*. For it must still remain possible, even in wartime, to have some sort of trust in the attitude of the enemy, otherwise peace could not be concluded and the hostilities would turn into a war of *extermination* [...]”

“It thus follows that a war of extermination, in which both parties and right itself might all be simultaneously annihilated, would allow *Perpetual Peace* only on the vast graveyard of the human race” (p. 96).

“[...] This applies, for example, to the *employment of spies (uti exploratoribus)* [...]”

#### Vattel, Book III, chap. X

“Of *faith between enemies*, -of stratagems, artifices in war, spies, and some other practices”

#### Vattel, Book III, chap. X § 174

“War would degenerate into an unbridled and cruel licentiousness: its evils would be restrained by no bounds; and how could we ever bring it to a conclusion and re-establish peace? If *faith* be banished from among enemies, a war can never be terminated with any degree of safety, otherwise than by the *total destruction* of one of the parties”.

#### Vattel, Book III, chap. X § 178.

“*Stratagems and artifices in war*”.

#### Vattel, Book III, chap. X § 179

“The *employment of spies* is a kind of clandestine practice or deceit in war”.

Vattel’s Book III, chap. X is devoted to *faith between enemies* and to what destroys this faith, namely *stratagems*, deceits and acts of unnecessary cruelty. Kant speaks of the need for *mutual confidence* which must remain between the hostile parties. Both authors speak of *stratagems*, Vattel in the title of the chapter X and in particular in § 178 (*stratagems and artifices in war*), Kant in his condemnation of the dishonourable stratagems (*ehrlose Stratagemen*). Both authors speak about spies; in § 179 Vattel depicts the desperate consequences of using such means as extermination, cruelty.

If these means were to be used, according to both authors, the end result would be the definitive impossibility of reaching peace and *Perpetual Peace*.

### ***Perpetual Peace and the Federalist Papers: The Case of Federalist Papers No. 51***

There is a high degree of consistency linking a portion of Kant's text to *Federalist Papers* No. 51. All the fragments related to F 51 are located in the *First Supplement* (Fragments 24–29).<sup>6</sup> This means that the argument of the first supplement follows the argument of F 51 rather closely.

#### *Fragment 24*

First Supplement

“On the *Guarantee* of a Perpetual Peace” (Von der Garantie des ewigen Friedens) pp. 108 ff.

“What does nature do in relation to the end which man's own reason prescribes to him as a duty, i.e. how does nature help to promote his *moral purpose*? And how does nature *guarantee* (Gewähr leiste) that what man ought to do by the laws of his freedom (but does not do) will in fact be done through nature compulsion, without prejudice to the free agency of man?” (p. 112)

Vattel, Book II, chap. XVI

“Of *Securities* given for the Observance of Treatises.”

Ibid. § 235

“When those who make a treaty of peace, or any other treaty, are not perfectly easy with respect to its observance, they require the *guaranty* of a powerful sovereign. The *guarantee* promises to maintain the conditions of the treaty, and to cause it to be observed.”

*Federalist Papers* No. 51

“But the great *security* against a gradual concentration of the several powers [...]”

The first supplement deals with what is called the “guarantee of the *Perpetual Peace*”, the guarantee being first of all a term belonging to the language of law but which has been incorporated into the idiom of philosophy during the 18th century. At a lexical level, we see in Vattel's quotation (Frag-

<sup>6</sup> It does not mean that all the Kantian fragments of the first supplement are related to F 51 (see Fragment 29).

ment 24) that the two terms “security” and “guarantee” must be considered synonyms. Similarly, in the original German text *Zum Ewigen Frieden*, Kant uses both words “Garantie” and “Gewähr”. Madison, in F 51, is looking for a “security”, i.e. a device that is sure to prevent the concentration of powers. The search for a guarantee is the key issue in both the first supplement and in F 51.

Whereas we find pure juridical devices of guarantee in Vattel’s perspective, the great political invention due to the “American science of politics”<sup>7</sup> is to obtain this guarantee by playing in a quasi mechanical way with the basic anthropological features at hand and by designing institutions in such a way as to obtain the best output of the interplay between men and institutions. This is, no doubt, what has attracted Kant’s attention.

### Fragment 25

#### First Supplement

“Now the *republican* constitution is the only one which does complete justice to the rights of man. But it is also the most difficult to establish, and even more so to preserve, so that many maintain that it would only be possible within a state of *angels*, since men, with their self-seeking inclinations, would be incapable of adhering to a constitution of so sublime a nature” (p. 11).

Rousseau, *Du Contrat social*, Book III, chap. IV

“S’il y avait un peuple de dieux, il se gouvernerait démocratiquement. Un gouvernement si parfait ne convient pas à des hommes.”

*Federalist Papers* No. 51

“If men were *angels*, no government would be necessary. If angels were to govern men, neither external nor internal controuls [*sic!*] on government would be necessary.”

These passages are very famous. As shown here, Rousseau already used the hypothetical reasoning where the premise assumes that people are a people of gods and the conclusion is that, in this case, democracy is possible.

Publius (Madison) states the premise that a people of *angels* would need no government at all. As people are not angels, the conclusion is that they need a government. Kant, on the other hand, rejects the argument that republics could be an adequate form of government only in a perfect world of angels. To further develop the argument already constructed in the

<sup>7</sup> According to the expression used by Gordon Wood (1972).

first definitive article (cf. Fragment 11 not analysed in the present paper), also inspired by Madison, he uses the word *republic* instead of Rousseau's *democracy*. Contrary to Rousseau, he states that the task of establishing a republican constitution, however difficult it may seem, is quite possible.

This argument is parallel to Madison's and consists of organizing the human world at the political level in the anthropological and moral very imperfect state in which humans find themselves. The lexeme "angels" is used in both corpuses as a metaphor for the virtuous man who does not exist in real life. Kant, a few lines below (p. 112), will extend the use of this rhetorical reasoning in metaphorical terms when he adds this very well-known sentence:

"As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding)."

Politics is radically divorced from an ideal moral state. It is the very task of the polity to cope with people as they are in their anthropological reality, defined by egoistic behaviours and a very mean level of morality.

This Kantian fragment could be related either to Rousseau's *Du contrat social* or to *Federalist Papers* No. 51. It is a perfect example of what can be called a floating statement, i.e. a statement that may be found in the work of various authors with more or less the same significance, although it may be slightly different in its formulation. In this case it may seem pointless to attribute the origin of such floating statements to one author or another, since apparently they belong more to the *Zeitgeist* than to individuals. However, for reasons of consistency it seems difficult to avoid linking Fragment 24 to FP 51: the other fragments in the immediate proximity are related to FP 51 and, applying *Ockham's razor*, there is no need to find another origin.

### *Fragment 26*

#### First supplement

"It only remains for men to create a good organisation for the state, a task which is well within their capability, and to arrange it in such a way that their *self-seeking energies are opposed to one another*, each thereby neutralising or eliminating the de-

#### *Federalist Papers* No. 51

"This policy of *supplying by opposite and rival interests, the defect of better motives*, might be traced through the whole system of human affairs, private as well as public."

structive effects of the rest. And as far as reason is concerned, the result is the same as if man's selfish tendencies were non-existent, so that *man, even if he is not morally good in himself, is nevertheless compelled to be a good citizen*" (p. 112).

"For such a task *does not involve the moral improvement of man*" (p. 113).

In Publius' terms, the anthropological mechanism functions through the opposition and rivalry of interests; in Kant's words, it works by opposing self-seeking energies. In both cases this mechanism operates in lieu of an improbably high moral standard for individuals. This process can reach the point where a high level of morality is no longer required for social and political life. At this point in the argument, we see that a huge rupture with the antique Aristotelian and republican ethos has taken place. Virtue, which was still so highly praised in the American colonies some decades before the publication of the *Papers* (Wood 1972), is no longer required in public life. The mechanics of opposite passions and interests regulates society and does the job even in the absence of moral standing. And Kant, so highly praised for his exigencies stressing moral duties, endorses the same attitude towards the functioning of the social and political sphere as though he himself had become a kind of Scottish enlightened.<sup>8</sup>

### *Fragment 27*

First supplement

"It only remains for men to create a good *organisation* for the state, a task which is well within their capability, and *to arrange it in such a way* that their self-seeking energies are *opposed to one another*, each thereby neutralising or eliminating

*Federalist Papers* No. 51

*"Ambition must be made to counter-act ambition."*

"We see it particularly displayed in all the subordinate distributions of power; where the constant aim is to divide and *arrange the several of-*

<sup>8</sup> Lewis White Beck could give the following title to one of his articles on Kant: *A Prussian Hume and a Scottish Kant* (Beck 1978).

the destructive effects of the rest” (p. 112).

“it only means finding out how the mechanism of nature can be *applied to men in such a manner* that the *antagonism of their hostile attitudes* will make them compel one another to submit to coercive laws, thereby producing a condition of peace within which the laws can be enforced” (p. 113).

*fices in such a manner* as that each may be a check on the other; that the private interest of individual, may be a centinel over the public rights.”

This mechanics consists, according to both texts, of a clever arrangement (Kant uses the lexeme *organisation*<sup>9</sup>) of institutions which must be set together in such a way to nullify the noxious effects of human flaws and vices. In both series of texts, the theme of what is nowadays called *institution building* or *institution design* is put forward and represents the surrogate to individual civic morality. Madison speaks of *arranging the several offices* and Kant's intent is to *arrange the organisation of the state*. Madison speaks of ambition and of the private interests of the individual, Kant of self-seeking energies; Madison speaks of *check on the other*, Kant of *neutralising*; Madison hopes to transform *the private interest in centinel [sic!] over the public rights* whereas Kant wants to convert *the antagonism of hostile attitudes into conditions of peace*. What is specifically Kantian in this fragment is the allusion to the *mechanism of nature*. This concept links institution design to the necessary laws of nature which are the effective guarantee of the gradual process towards perpetual and effective peace. I will address this pivotal point later.

<sup>9</sup> In the *Critique of Judgment* (1790), Part II § 65, note 1, Kant writes: “In a recent complete transformation of a great people into a state the word *organization* for the regulation of magistracies, etc., and even of the whole body politic, has often been fitly used”. Most commentators think that the here mentioned *great people* refers to the United States of America.

*Fragment 28*

First supplement

“It is nonetheless the desire of every state (or its ruler) to achieve lasting peace by thus dominating the whole world, if at all possible. But *nature* wills it otherwise, and uses *two means* to separate the nations and prevent them from intermingling – *linguistic* and *religious differences*” (pp. 113–14).

*Federalist Papers* No. 51

“The *second method* will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals or of the minority, will be in little danger from interested combinations of the majority. In a free government, the *security* for civil rights must be the same as for religious rights. It consists in the one case in the *multiplicity of interests*, and in the other, in the *multiplicity of sects*. The degree of security in both cases will depend on the number of interests and sects, [...]”

This fragment has to do with the means to achieve the desired end. In Madison’s perspective, security, i.e. the ways to make sure the desired results will occur, is to break the body politics into numerous parts, each part being an interest balancing other private and individual interests. In Kant’s text, nature plays a fundamental role once again, since it is the very guarantee (security) that the result will be obtained. In the American science of politics as professed in *Federalist Papers* No. 51, the method is the most extensive fragmentation of the religious field and of the interests fields. And the mean (method) used by nature, according to Kant’s interpretation, is linguistic and religious diversity and differences. The argument is basically and impressively the same in both series of texts.

*Fragment 29*

First supplement

“Thus nature wisely separates the nations, although the will of each individual state, even basing its arguments on international right, would gladly unite them under its own

Montesquieu, *Esprit des Lois*, Livre XX, chap. II

“*L’effet naturel du commerce est de porter à la paix*. Deux nations qui négocient ensemble se rendent réciproquement dépendantes: si l’une a

sway by force or by cunning. On the other hand, nature also unites nations which the concept of cosmopolitan right would not have protected from violence and war, and does so by means of their mutual interests. *For the spirit of commerce sooner or later takes hold of every people, and it cannot exist side by side with war*" (p. 114).

intérêt d'acheter, l'autre a intérêt de vendre; et toutes les unions sont fondées sur des besoins mutuels."

*Federalist Papers* No. 6

"But notwithstanding the concurring testimony of experience, in this particular, there are still to be found visionary, or designing men, who stand ready to advocate the paradox of *Perpetual Peace* between the States, though dismembered and alienated from each other. The genius of republics (say they) is pacific; the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humours which have so often kindle into wars"

Kant relies here on Montesquieu's very famous argument stating that commerce is incompatible with war and that the mutual interest of people all over the world is to trade with one another and to become wealthier. Commerce is a *cunning of nature* to secure, even with people seeking their sole individual interest, the reign of right and law. In this last fragment of the *first supplement*, Kant breaks with the American corpus. In this case, he borrows one of Montesquieu's well-known ideas: trade between people and states fosters peace. Here again Kant's argument relies on *nature*, i.e. on the anthropological fact of the low level of human morality. But this very vice – human love of profit, comfort and wealth – is a tool for attaining the desired goal, peace between nations, since war is an antagonist to becoming richer. The American authors of the *Federalist Papers* were perfectly well aware of this argument, discussed by Hamilton in *Federalist Papers* No. 6. Hamilton was very sceptical about the peaceful effects of the "spirit of commerce". Kant, quite clearly, follows Montesquieu's tradition on this point and does not share the American scepticism about the positive impact of trade on peace.

### Assessment of the Consistency

Analysis of the two selected blocs of fragments authorizes the following comments. First, it must be recalled that the whole method relies on the identification of silent quotations by similarities between two sets of texts. It is, of course, difficult to infer from just one fragment that Kant has drawn inspiration from any particular author. For instance, it is quite possible for Vattel and Kant to have advocated non intervention in the government of other states completely independently from one another. Similarities found in one fragment may be due to chance or to what circulates in the *Zeitgeist*. However it is not possible to attribute whole sets of textual similarities between two series of texts to chance only, or to a vague notion of *Zeitgeist*. That is why the analysis of the levels of consistency is necessary.

Concerning our analysis of Fragments 1–9 (Preliminary Articles), we found textual similarities with Vattel’s work in eight (out of nine) fragments. This is a sign of a fairly high degree of *level consistency*, and I infer that these similarities cannot be the result of mere chance.

Concerning the analysis of Fragments 24–29 (*First Supplement*), the similarities link the Kantian text with *Federalist Papers* No. 51 written by Madison. Here five (out of six) fragments exhibit this pattern of similarities. Moreover, most the references of the homogeneous subdivision *First Supplement* are linked to an homogeneous subdivision of the *Federalist Papers*, i.e. FP 51. Therefore there is, in this particular case, a higher level of consistency.

It is worth noting that, in previous and still unpublished works, the same method was used for the entire set of the thirty fragments and gave results fully in line with those presented here.

### Contextual Clues

Some clues from Kant’s life or works (other than *Perpetual Peace*) may give more plausibility to the hypothesis that he has been inspired by any given author. These clues are factual or textual elements reported by biographers or historians, or by Kant himself in other books, articles or letters, which testify in favour of the author’s knowledge of some precise pieces of philosophical literature.

We have strong evidences that Kant knew of Vattel’s work in international law and held it in high esteem. To begin with the least of these clues,

let us recall that Vattel is briefly mentioned (albeit scornfully) in the very text of *Perpetual Peace*: “For Hugo Grotius, Pufendorf, Vattel and the rest (sorry comforters as they are) are still dutifully quoted in *justification* of military aggression [...]”.<sup>10</sup> The *prima facie* meaning of this quotation suggests that Kant wants the reader to believe that he does not owe anything to these famous authors in international law. However, we have two additional, more powerful contextual clues. The first one is the fact that Kant himself qualified Vattel's *Law of Nations* as “beste Arbeit über Völkerrecht” (Cavallar 1992: 188). The second is the fact, brought to light long ago by Arthur Warda, that Kant possessed a copy of the German translation of Vattel's masterwork in his personal library.<sup>11</sup>

As a conclusion of the assessment concerning Kant's relationship to Vattel, one can say that there is a great convergence of the three pillars of our method: comparison of two sets of texts which produces striking philological similarities; a fairly high level of consistency; and strong contextual evidences.

As far as Kant's relationship to the *Federalist Papers* is concerned, the situation is rather different in respect to the contextual evidences. We do not have a single document providing any explicit proof that he was familiar with the famous articles written under the pseudonym of Publius. We have no historical or factual clear evidence showing that Kant has ever read or had knowledge of the *Federalist Papers* or some excerpts of them. But the fact that there is no available evidence of this influence does not constitute a definitive logical obstacle to it. What we know, on the other hand, on a sound historical base is that Kant was a great admirer of the American people and of American political achievements. Moreover, in Germany at this time, there were two main academic centres which had developed a depth of knowledge of what was happening in the English speaking world. The main one was Göttingen, where the University took a great interest in North America, the American Revolution and American politics. The other academic institution was Königsberg itself, which, according to Klaus Epstein, “stood in the shadow of the mighty Göttingen, and its professors – including Kant – frequently used the handbooks of professors who taught at the prestigious sister institution”. Both Göttingen

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<sup>10</sup> Second Definitive Article (p. 103).

<sup>11</sup> Warda's list of books belonging to Kant is available on the following website: [http://web.uni-marburg.de/kant/webseite/ka\\_lektu.htm](http://web.uni-marburg.de/kant/webseite/ka_lektu.htm)

and Königsberg became active centres of diffusion for Adam Smith's and Anglo-American thought in the German area (Epstein 1966: 180–81).

One may hypothesize that our philosopher also heard much about American politics and political texts when eating and chatting with Green and Motherby, his best friends in Königsberg, both English merchants residing in the Prussian harbour and fond of politics and philosophy. We know that Kant and Green had passionately discussed the American Revolution, to which Kant was very favourable (Kuehn 2001: 154–55). His friends may very well have provided Kant with books and documents they themselves received from England and United States; for instance, some fragments of the *Federalist Papers* which our philosopher's friends could have translated into German.<sup>12</sup> But this point is mere conjecture.

However it is possible to be somewhat more precise about the knowledge Kant had of the American institutional system and about his interest about it. There are at least two passages in his work of the period 1790–97 which support this thesis. First, let us mention again the famous footnote to § 65 of the *Critique of Judgment* (1790):

“We can conversely throw light upon a certain combination, much more often met with in Idea than in actuality, by means of an analogy to the so-called immediate natural purposes. In a recent complete transformation of a great people into a state the word *organisation* for the regulation of magistracies, etc., and even of the whole body politic, has often been fitly used. For in such a whole every member should surely be purpose as well as means, and, whilst all work together towards the possibility of the whole, each should be determined as regards place and function by means of the Idea of the whole.”<sup>13</sup>

Kant talks about the American people as a “great” people, thus uttering his own admiration for the political achievements of the former colonies. He also uses the word “organization”, of prime importance in his views on teleology stated in the third *Critique*. Now, as already mentioned, it is the

<sup>12</sup> A more comprehensive study on the relationship between Kant and the newly founded American State would have to be completed. As very preliminary research, Till Hanisch demonstrates in an unpublished study that it was perfectly likely that Kant could have some knowledge of the *Federalist Papers*. Hanisch has found, in an issue of the *Allgemeine Literatur Zeitung* (Leipzig 1792, Vol. 4, 26 December, 1792), two reviews of books published in France dealing with American constitutional matters and with a French translation of the *Federalist Papers*. Kant was perfectly well aware of this journal since he had himself published works in it.

<sup>13</sup> Kant, *Critique of Judgment*. Translation and notes by J.H. Bernard, Macmillan and Co, London, 1914, p.279. Hannah Arendt has conferred great importance to this footnote and its relation to the American Revolution (Arendt 1982: 16).

same word that Kant uses in *Perpetual Peace*, in the famous passage where he declares that “setting up a state can be solved even by a nation of devils (so long as they possess understanding). It may be stated as follows: “In order to organise a group of rational beings....the constitution must be so designed that...” (Kant 1991: 112–13).

The second passage is drawn from *The Metaphysics of Morals* (1797), more specifically from the *Theory of Right (Rechtslehre)*. Kant is dealing, in the second section (from § 53 to §61), with the *law of nations*. In § 61 he examines the possibility of various sovereign states to commit themselves into a kind of union. Following a rather rare use in political vocabulary at the end of seventeenth century, he proposes the idea of a *congress of states* to designate the form of union which is possible and which has already been tested in the real political life.

“Such a *union of several states* designed to preserve peace may be called a *permanent congress* of states, and all neighbouring states are free to join it. A congress of this very kind (at least as far as the formalities of international right in relation to the preservation of peace are concerned) found expression in the assembly of the States General at The Hague in the first half of this century. To this assembly, the ministers of most European courts and even of the smallest republics brought their complaints about any aggression suffered by one of their number at the hands of another. They thus thought of all Europe as a single federated state, which they accepted as an arbiter in all their public disputes. Since then, however, international right has disappeared from cabinets, surviving only in books, or it has been consigned to the obscurity of the archives as a form of empty deduction after violent measures have already been employed”.

“In the present context, however, a *congress* merely signifies a voluntary gathering of various states which can be *dissolved* at any time, not an association which, like that of the American states, is based on a political constitution and is therefore indissoluble. For this is the only means of realizing the idea of public international right as it ought to be instituted, thereby enabling the nations to settle their disputes in a civilized manner by legal proceedings, not in a barbaric manner (like that of the savages) by acts of war” (Kant 1991: 171).

Kant has recourse to the very word, not so much used in the European political vocabulary, which had been made well-known in America, first by the *Continental Congress* and then by the 1787 Constitution. He suggests, again with a certain amount of admiration, that the American States “have found the only means” to achieve a perpetual association and to settle peacefully their disputes. The solution lays on a political constitution, not on a voluntary and temporary gathering. Thus we can see that from 1790

onward our philosopher holds in a tight semantic network the following concepts: organization, constitution, peace, United States of America.

In brief, the hypothesis of a relationship between Kant and the American corpus is strongly documented by textual similarities, by a high level of consistency and by some telling facts and texts drawn from the context.

## Conclusion

The present research should give us a better knowledge and understanding of the highly complex streams of intellectual influence at the end of 18th century. In this respect, Vattel emerges as an important source used by Kant in his political philosophy. This result is not at all a complete novelty, but our research provides, probably for the first time, a systematic approach of this point. It is interesting to add that Vattel's *Law of Nations* prestige and influence have not been restricted to the European area. Very quickly after the first edition in French (1758), an English translation has been published in London in 1759. We now know with certainty that this first English edition has been imported in the American colonies as soon as 1762 and has been a major work inspiring the Founding Fathers.<sup>14</sup> Later the *Law of Nations* became a precious aid at the disposal of the American judicial process and American diplomacy. Thus, Vattel's importance in the shaping of enlightened politics and legislation in the last third of 18th century may now be better reassessed.

On the other hand and contrary to preconceived notions, the present research confirms that the streams of intellectual influence were not solely and unilaterally directed from East to West, from Europe to America (for instance, the influence of Locke, Montesquieu or Hume on the Founding Fathers), but were also moving in the other direction, from the New to the Old World. This result is certainly an interesting piece of what may be called the geo-dynamic of political ideas and concepts. Whereas it is generally taken for granted that Kant was a great admirer of the French revolution, we are now able to better document his interest in American politics and institutions. Our findings should open the road to a readjustment of the respective value Kant conferred to the two great revolutions of his time, the American and the French one. It is clear that Kant scholars

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<sup>14</sup> Thanks to a Swiss National Science Foundation subsidy, I am presently conducting, in collaboration with Dominik Gerber, a research on Vattel's *Law of Nations* reception in America.

have, up to now, far too much underrated the importance of what happened in the former colonies and comparatively overrated the importance of the French events in Kant's eyes.<sup>15</sup>

In this respect, our findings should open to a renewed interpretation some of Kant's political concepts and normative positions as the following example shows. In the *fifth preliminary article* of *Perpetual Peace* (Fragment 7 in the Synoptic Table), Kant asserts the prohibition of intervention of a state in the affairs of another state. However he also accepts a dispensation to this prohibition for a very specific reason: in case of *secession* of a part of a state from the other one, and to avoid anarchy, another state may "lend support to one of them". Now, it is precisely what France did since 1776 to 1783 by helping the early American republic to fight for its independence against the British Crown. This intervention has been a decisive move which enabled the nascent Union to survive at all. We have therefore some good reasons to think that Kant had the American secession from England in mind while formulating the fifth preliminary article and its dispensation.

We also have a better understanding of Kant's method of constructing his argument, at least in the case of *Perpetual Peace*. Drawing from the corpus of his predecessors, he uses pieces of arguments with great liberty: for example, he seems, in the *first supplement*, to follow the argument of *Federalist* No. 51 rather closely, but at the end he does not hesitate to diverge from this source and take his inspiration from Montesquieu's work. In the first *definitive article*, he seems to follow *Federalist* No. 10 and 14, but he also transforms the basic idea of republican representation by introducing Vattel's monarchic conception of it (see Fragment 14). Kant successfully builds an argument with pre-existing *philosophèmes* (elements of a philosophical theory). Even if many ideas found in *Perpetual Peace* are borrowed from preceding authors, Kant's manner of organising them in a series of arguments and sub-arguments is original. He does not copy; he borrows and integrates elements in order to put them in his own philosophical perspective. But a question remains which has not yet found a satisfactory answer: why did Kant rely so much on what we called *silent quotations*? why did he not quote in due form the authors who helped him to shape his philosophy?

Many interpretations, I suppose, may be given at different levels. I would suggest the following explanation: in Kant's eyes, the fact of incor-

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<sup>15</sup> In this context, Arendt is certainly an exception. See Arendt (1982).

porating some fragments of the work of other authors transforms their very nature; they were fragments of an alien thought, they become parts of one's own work. Therefore it is no longer an obligation – neither moral nor legal – to *quote* the original source.

Kant has developed such an argument at the very end of a short pamphlet written in 1785, *Of the Injustice of Counterfeiting Books*.<sup>16</sup> This pamphlet is not well known, is very seldom commented, and has been considered as a minor work, what it obviously is. But it may give an unexpected solution to the problem of silent quotations. Facing the problem of counterfeiting books, Kant's effort is to clarify the respective roles of the author and of the editor (publisher). The philosopher also takes the opportunity to make some relevant conceptual distinctions: first between the right to possess a copy of a book and the right to edit, and then sell, the book in which the speech (or discourse) of the author is incorporated. The editor acts on behalf of the author and is linked to him by a legal contract. Moreover Kant makes a curious distinction between a *work* (opus) and the *speech* or *discourse*, of a person (opera). The former – for instance a sculpture, actually any artefact – may very well be legally imitated or copied, and sold in the proper name of the imitator; the latter transmits the very thought of an author, and this kind of transmission can only be made in his name.

Kant concludes his theory with an extremely curious statement:

When one, in the meantime, alters (abridges or augments or retouches) the book of another, so that it would now be wrong even to give it out under the name of the author of the original; then the retouching in the proper name of the publisher is no counterfeit, and therefore not prohibited. For here another author transacts through his editor another business than the first [...]; he represents not that author, as speaking through him, but another. Likewise, the translation into another language cannot be held to a counterfeit; for it is not the same speech of the author, though the thoughts may be exactly the same.

According to this theory, a modified book (abridged, augmented or retouched) – and a translated book as well – escapes from its original author; the person who modifies the original book becomes author in his turn. If X modifies or translates (or both) a book originally written by Y, it is no counterfeit to publish it under X's name. A fortiori, this argument should be valid in the case of quotations, since quotations are only tiny parts of a text.

<sup>16</sup> The original version in German is Vol. VIII, pp 77–87 of the Akademie edition of Kant's Complete Works. In English the text is available on the web: <http://www.hkbu.edu.hk/~ppp/fne/essay3.html>

What we call a *quotation* is a text set in quite another context than its previous, non quoted status; it is a text which is modified by the new context in which it now appears and by the person who makes this modification. And the modified text belongs to the person who modifies it, not to the original author. It is what Kant did with Vattel's work and with the *Federalist Papers*. It is quite obvious that he has been inspired by these works and that he made a large use of them by incorporation in his own argument. Having developed a relevant theory he must have felt justified in the practice of silent quotations.

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### ***La Paix perpétuelle de Kant et ses sources cachées: Une approche textuelle***

Le problème des sources de *la Paix Perpétuelle* de Kant n'a jamais été traité de manière systématique. Or, comme dans d'autres ouvrages du philosophe, Kant cite peu ses sources ainsi que l'ont remarqué différents commentateurs. Il est proposé ici d'analyser le texte kantien et de retrouver les traces philologiques des auteurs qui ont compté dans la rédaction du célèbre opuscule. A cette fin, une méthodologie a été élaborée qui comprend trois volets: une analyse textuelle comparative, une analyse dite de cohérence des références et, enfin, une analyse contextuelle. Une combinaison de ces trois approches permet de mettre en évidence de manière systématique le rôle éminent joué par le célèbre ouvrage de Emer de Vattel, *Le Droit des gens* (1758), puis, ce qui est plus inattendu, l'importance de l'inspiration américaine de Kant, en particulier celle des *Federalist Papers*, et notamment les contributions de James Madison dans les numéros 10, 14 et 51 du célèbre recueil d'articles.

### **Kants *Zum ewigen Frieden* and seine verborgenen Quellen: Ein philologischer Zugang**

Das Problem von Kants Quellen in *Zum ewigen Frieden* wurde noch nie systematisch behandelt. Wie auch in mehreren anderen Werken zitiert Kant seine Quellen nur selten, was von verschiedenen Beobachtern bemerkt worden ist. In diesem Beitrag wird eine Analyse von Kants Text unternommen, and zwar mit dem Ziel, philologische Spuren verschiedener Autoren zu finden, die massgebend waren für Kants berühmte Schrift im Bereich der politischen Philosophie. Zu diesem Zweck wurde eine Methode erarbeitet, die drei Aspekte beinhaltet: eine vergleichende Textanalyse; eine Kohärenzanalyse der Bezüge auf die "stillen Zitate", sowie eine Kontextanalyse. Eine Kombination dieser drei Vorgehen ermöglicht es, auf systematische Weise die Schlüsselrolle von Emer de Vattels berühmtem *Völkerrecht* (1758) aufzuzeigen. Ebenso wird die – unerwartetere – Wichtigkeit der amerikanischen Inspirationsquellen Kants beleuchtet, insbesondere

jene der *Federalist Papers*, vor allem James Madisons Beiträge in den Ausgaben 10, 14 and 51.

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