The Natural Laws of Global Trade: Hobbes and Vattel on International Commerce

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The Natural Laws of Global Trade: 
Hobbes and Vattel on International Commerce

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Epistula Deducatoria Ad Familiares et Patronos:

“All things must be doubted.” Both Rene Descartes and Soren Kierkegaard wrote these words. But it cannot be doubted that this work was completed through the aid and beneficence of my friends and teachers. I did not work alone. I must give thank to my fellow majors – both in philosophy and classics, who put up with my nonsense – to my professors, who always had an open ear and who always kindly corrected my juvenile wanderings, and finally to my family, without whom I would be nothing. My work is small and trifling, and perhaps the world will quickly forget it. Wiser words have been spoken, and better treatises have been written. I hope, however, that at least this work fulfills the principles of philosophy – logical thinking and love of enquiry – principles taught to me by great teachers and in the company of great students, and that it please those who put faith in me. Humbly do I write.

“I pray and beseech, O Readers, that you deign to receive these with equal mind.” – Hobbes, De Cive, Preface
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¹ All quotations and citations are in HAB style. For references to *Leviathan*, I have also included the page numbers to the Tuck edition of the *Cambridge Texts* series (full citation in Works Cited) because the Latin edition may not readily be available to readers.
**Introduction to Natural Law:**

The world of international relations among polities is complicated and uncertain. Unlike the domestic realm, in which the constituents of the polity commonly recognize a judge, set of laws, and oftentimes an ethnic history, the international realm is composed of various and competing entities which seldom acknowledge standards of behavior. Even when agreements are reached on the international stage, enforcement of such treaties is haphazard or unclear at best. Although the contemporary world has produced institutions, such as the United Nations, to aid in such an uncertain circumstance, the same issues remain: commerce, war, land annexation, alliance, and humanitarian aid, as had existed since the inception of polities themselves. The philosophical tradition, in particular, the natural law tradition of the early modern period, has provided frameworks by which these difficult topics may be better understood.

This paper will focus on international commerce. How should the state reconcile its own interests with international obligations? Two philosophers, Emer de Vattel of Switzerland and Thomas Hobbes of England provide two possible solutions. These two philosophers, though both belonging to the enlightenment era of western philosophy, write at opposite ends of the movement – Hobbes at its inception, and Vattel at its conclusion. Whereas the latter would be far more amenable to free trade and open borders, the former would be more skeptical and more willing to limit trade for the sake of the commonwealth. This paper will work to examine each philosopher; in regards to Hobbes, a genealogical approach shall be taken – working from the sociability of man, to the creation of the polity, and finally to the international realm and commerce. In regards to Vattel, his concept of *cosmopolis* and moral agency – both of which inform his international policy – will be examined. Finally, this paper will conclude with an analysis of each philosopher in relation to each other.
Natural law is a sub-branch of philosophy which deals with the rules or precepts known by reason by which man should conduct himself. The agent concerned in natural law may be either an individual or a polity, though – depending on the philosopher – the rules may differ by scale. Modern natural law traces its roots back to the Roman *Ius Gentium* (“Law of the Peoples”) and jurisprudence, while earlier natural law traditions have Aristotelian or Thomistic roots. Historically, natural law has played an influential role in international relations and conceptions of sovereignty. In 1609 CE, Hugo Grotius – a Dutch jurist – published *Mare Liberum* (“The Free Sea”) – a seminal work for the field. The treatise contained within it a nascent argument for free trade, as well as a framework which, although referencing biblical and theological sources, could entirely be understood by the dictates of reason. Grotius still wrote in the shadow of older traditions; later authors would rely mostly on a secular basis or reasoning. In a more politically salient manner at the time of its publication, the reasoning in *Mare Liberum* was used by the Dutch to justify the seizure of a Portuguese ship and as an attack on the monopoly held by the Spanish in the East Indies. More recently, other works in the natural law tradition, such as Immanuel Kant’s *Perpetual Peace*, have influenced the creation of international bodies. Indeed, Kant’s idea of an international “confederacy” composed of republics may best be seen in today’s European Union. Natural law, though it remains mainly as a historical school of thought in many philosophy departments around the nation, still holds relevance today; the conditions of polities have not changed so much as to obviate the natural law tradition.

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2 Grotius 2009: xiv (Introduction to text).
3 Ibid., 11: “...the greatest benefit of nature, that even by the wind she hath mingled nations scattered in regard of place and hath so divided all her goods into countries that mortal men must needs traffic among themselves.” Grotius argued that human nations must necessarily trade with one another because no one nation is self-sufficient, additionally, such trade is conducive to sociability. Any violation of free trade, then, warrants retaliation or restitution.
4 Hunter 2012: 481.
Thomas Hobbes (1588 CE – 1679 CE) is best known as a political philosopher. Hobbes’ most famous work *Leviathan* lays the groundwork for the modern polity and social contract theory. Educated at Oxford University, he worked much of his life as a tutor to the aristocratic Cavendish family, and published – in addition to political philosophy – books on optics, history, and classics (most notably, his translation of Thucydides’ *History of the Peloponnesian War*). He corresponded with other thinkers of his day such as Rene Descartes and Marin Mersenne. During his life, he fled his native England for France because of the tumultuous English Civil War – an event that many scholars speculate influenced his political philosophy. Many of his ideas would become the foundation for modern philosophy with concepts such as the egotistic nature of man and the renunciation of the *summun bonum* of earlier traditions.\(^5\) Hobbes, unpopular during both his day and even into the contemporary world, has variously been accused as an atheist and a totalitarian, even earning the title of “Monster of Malmesbury.”\(^6\) Although Hobbes is concerned mainly with the domestic condition of the polity, it is entirely possible to glean from his works a natural law conception of international relations. The works examined in his paper by Hobbes shall be his *Leviathan* and *De Cive*.

Hobbes is known most famously for his state of nature thought experiment which serves not only as the foundation for the polity, but also a possible analogue to the international realm. The state of nature is the pre-civil condition.\(^7\) Without government, *ius naturale* ("natural right"), which states that each man may do anything to preserve his own life, dominates. The state of nature is a state of uncertainty because it is a state of equality. Each man is equally liable to death, regardless of physical strength or mental acuity. The product of each man’s labor is uncertain because it may easily be stolen; the existence of industry becomes impossible. In order

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\(^5\) See *Leviathan*, Chapter XI.


\(^7\) See *Leviathan*, Chapter XIII.
to enter into civil society, man must surrender his *ius naturale* to the sovereign. Hobbes writes that there are three reasons for the founding of the polity: *Metus* (fear of violent death), *Cupiditas* (desire of the necessities of life), and *Spes* (hope for industry). The sovereign, using nineteen explicated *leges naturales* (“natural laws”) as a guide, must ensure that the constituents live better inside the polity than in the state of nature or risk rebellion and dissolution of the polity.

An area of contention is whether or not the Hobbesian state of nature on the individual level is analogous to the Hobbesian international realm. Hobbes does not explicitly state that a universal and global government is ultimate the solution to the state of nature, though this would not necessarily be contradictory to Hobbesian premises. Nonetheless, Hobbes’ political philosophy operates under the assumption that several polities interact with one another one the international stage, and thus one of the polity’s duties is to defend its constituents from other polities. Additionally, this paper would argue that the state of nature among individuals is different from that the condition among polities because the international pre-civil condition is much less uncertain and less equal. Unlike individuals, polities may be said to of be differing powers and capacities.

Trade, a byproduct of the industry for which the polity was founded, then becomes a possible and a possible benefit to the polity. Hobbes, as a materialist, would welcome the economic boon which trade would inevitably stimulate, but his stance on commerce would remain tempered and still somewhat skeptical. There are other considerations which may warrant the curtailment or regulation of trade by the sovereign. For instance, Hobbesian ideas of charity and welfare stand to limit commerce because both are essential for the integrity of state.  

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8 See Seaman, 1990. “Hobbes on Public Charity & the Prevention of Idleness: A Liberal Case for Welfare,” *Polity*, Vol. 23, No. 1, 105-126. Although one may easily mistake a Hobbesian concept of charity as a virtue, it must not be understood as such. Hobbes understood charity only so far as it would prevent the unrest of the lower classes against the upper classes – i.e. the cohesiveness of state determines charity, not some innate moral worth.
It is the fear of regression into the state of nature that motivates the establishment of the polity, and, therefore, this same fear dictates how trade ought to be conducted. Though the Hobbesian polity may benefit and even encourage international commerce, it resides with the sovereign, considering all relevant domestic concerns, to determine the extent and manner of commerce. Free trade, then, would be only at the discretion of the sovereign.

Emer de Vattel (1714 CE – 1767 CE), unlike Hobbes, wrote almost exclusively on international relations. Although born technically as a subject of the Prussian king (because Neuchatel was under the Prussian aegis), Vattel was ethnically and culturally a Swiss. He was educated at the University of Basel and became a public intellectual who wrote reviews of enlightenment works (including Jean-Jacques Rousseau’s *Second Discourse*). He would eventually be appointed as a diplomat for the Elector of Saxony. His most famous piece *The Law of Nations*, read by many of the American founding fathers, is a handbook that explicates the duties of polities toward one another. Vattel refined the ideas of internationalism and international obligation which were first broached by some of his predecessors and teachers such as Samuel von Pufendorf and Christian Wolff – other writers in the natural law tradition. In contrast to Hobbes, Vattel views man as naturally sociable – a stance which would play an important role of international commerce. The works examined in this paper by Vattel will be *The Law of Nations*.

One of Vattel’s main contributions to the field of natural law and international relations is the idea of the polity itself as a moral agent and the conception of a *cosmopolis* – or community

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9 Hunter 2012: 481.
10 Samuel von Pufendorf (1632 CE – 1664 CE) was a German jurist and natural law philosopher. He was the author of *De Jure Naturae et Gentium* (and its compendium, *De Officio Hominis et Civis*). Pufendorf developed a natural law theory which viewed man as sociable (in contrast to Hobbes). Christian Wolff (1679 CE – 1754 CE) was a German philosopher and author of *Jus Naturae*. He advocated for a *civitas maxima*, or an international world state.
of states. Vattelian natural law holds that every agent has a right to self-perfection; additionally, it is natural to strive toward this innate goal. This idea is complicated by the proposition that polities themselves are moral agents. There are two possible interpretations for what constitutes such a kind of self-perfection: the conglomeration of its constituents’ goals or a non-reductionist goal of the polity itself. In either case, the idea of self-perfection of the polity must be reconciled with the *cosmopolis* – obligations polities have to one another, such as aiding one another in times of famine. The interaction of these different factors would yield a nuanced view of commerce which would seem friendly to free trade.

This paper will now enter into the discussion of the ideas of both philosophers. Hobbes begins from a stance of skepticism and – though uncertainty lessens as he progresses from pre-civil to state to international – skepticism continues as a hallmark of his philosophy. To assuage this uncertainty, his polity is one that ultimately holds regulation over the reins of trade. Vattel, on the other hand, begins from human sociability. Though he does makes allowances for the rights of individual polities, the idea of a *cosmopolis* or “great society” pervades his work. Trade, in Vattel, is a means to curb unfriendly powers – but ultimately a boon by which all nations benefit.

**Chapter I: Hobbes – From the State of Nature to the Polity**

This chapter proceeds chronologically from the Hobbesian view of human nature to the natural condition of man and then concludes with the foundation of the polity and its role. Hobbes may best be categorized as a skeptical philosopher, at least in regards to the previous
philosophical traditions. He does not accept the premises of earlier Aristotelian and Thomistic
strains of thought which stress the *summum bonum* – or an objective teleological goal of civil
society. Instead, Hobbes attributes the creation of polity to the prevention of the brutish and
dismal state of nature – a condition of perpetual war. The polity exists so that its constituents
may pursue their own diverse and ultimately arbitrary passions. He stresses the necessity of
economic well-being, correct explication of terms as defined by the sovereign (because they do
not exist external to the polity), and creation of a tolerant environment.

**Human Nature and the Natural Condition**

Hobbesian skepticism is prevalent in his view of speech and language; the use of
language is merely to connect an idea with a particular kind of common experience – there are
no universals in the Hobbesian system. Ancient philosophy holds that there are certain objective
immutable principles in reality. Platonic forms and Aristotelian teleology are the exemplars of
this trend. Hobbes holds no such contentions. The world is by nature a set of fundamentally
random and arbitrary occurrences and objects with no set blueprint or goals:

Nominum alia sunt Propria, significantia rem unam singularem; ut Petrus, Iohannes, hic homo,
haec arbor. Alia autem multis rebus sunt Communia; ut Homo, Equus, Arbor; nam
unumquoque eorum, etsi unicum sit, multarum tamen rerum particularium nomen est. Respectu
autem omnium illorum particularium, vocatur universale. Nihil enim in rerum natura universale
est praeter rerum vocabula; nam res nominatae sunt omnes Individuae & Singulares.¹¹

Some names are proper, signifying a singular thing, such as Peter, John, this man, this tree.
Other names, however, are common to many things, such as man, horse, tree, for each one of
these, although it may be one word, nevertheless, is the name for many particulars. In regards,
however, to the all of these particulars, [this word] may be called a universal. Nothing, however,
in nature is universal before the naming of these things; for all things named are individual and
singular.

Common names refer to particular instances of a universal class or category. For instance,

“Thomas Hobbes” is a particular of the “human” class. This universal category “human” refers

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not only to “Thomas Hobbes,” but also all other particulars of the same class – such as “Benedictus Spinoza” or “Jean-Jacques Rousseau.” Hobbes, however, acknowledges that this larger class of “human” is itself a kind of construct. “Human” is understood to signify a biped, mammalian creature – not because there is such a thing as “humanity” or “human-ness,” but rather because it has been agreed upon to signify such by convention and practice. Eventually, Hobbes would argue that the sovereign is the most practical definer of terms. Hobbes is skeptical as to whether or not such a class may be known; instead, such designations are created solely for utilitarian purposes, so that humans may communicate and contract with one another. In the natural condition, there is no practical way to organize these particulars properly into universal classes; the natural condition is an epistemic cacophony.

Continuing from the lack of universals and goals in nature, Hobbes maintains that the passions of man behave in a similar manner; the passions, though diverse, have no ultimate goal. Human happiness is not static (“Foelicitatem non consistere in tranquillitate sive requie animi” – “Felicity does not consist in the repose of a mind in tranquility”), but rather “Felicitas progressus perpetuus est ab una Cupiditate ad alteram” – “Felicity is the endless movement from one desire to another.” Lacking any preordained purpose, these desires – and the progressions from one to another – are various, endless, and dependent on the inclinations of each man. Man, so long as there is breath in his body, is in a state of continual want; this desire terminates only in death.

It cannot be denied that such a view of human nature is somewhat pessimistic, but the state of nature is worse still – it is a condition of perpetual war. Before the founding of civil society, humans in the state of nature possess *ius naturale* – natural right. Natural right may be

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12 Hobbes may be interpreted as a “Machiavellian” in this sense – i.e. the sovereign’s ability to define terms is merely a power play and a means by which the constituents may be better controlled. This, however, does not necessarily encompass the whole truth. Language is an epistemological, as well as a political concern.

13 *Leviathan*, Chapter XI, 151; Tuck edition, 70.
best understood as absolute liberty – it is each man’s right to do whatever he deems necessary, including murder and pillage, to preserve his own life.\textsuperscript{14} This right is responsible for the dismal state of nature. Industry cannot prosper because the fruits of labor are always uncertain and always subject to theft. No man has any incentive to develop tools or stockpile food because he cannot reasonably trust his neighbor to respect his right of his possession. Additionally, man’s only recourse to any injury is violence because there is no common judge to whom he may appeal. Hobbesian skepticism is seen here once again; man, even though he is not naturally evil, must act in a hostile manner to preserve himself in such a state of distrust and uncertainty. Although men in the natural condition may not be battling one another in every instance, the perpetual threat of combat nevertheless constitutes war: “Consistit enim natura Belli, non in pugna, sed in tractu aliquo temporis, quo durante Voluntas Armis decertandi est manifesta” – “the nature of war consists not [only] in fighting but in any tract of time in which the intention of fighting by arms is made known.”\textsuperscript{15} Indeed, coupled with Hobbes’ view of happiness or felicity, such a natural condition of war is perhaps the most antagonistic to man’s prospering. The fear of reversion to the state of war, or natural condition among individuals since the two are nearly indistinguishable, is one a cornerstone of Hobbesian political philosophy.

The state of nature is also one of extreme equality; each man, because of uncertainty, is equally liable to death. Hobbes is willing to assert that, by nature, some people possess greater talent in certain fields than others. For instance, one man may be naturally gifted in physical prowess, while another is more skilled in cleverness and the faculties of mind. The uncertainty of the natural condition, however, erases these distinctions and reduces all men to equality. The weakest man – “vel dolo, vel conjunctione cum aliis” – “by treachery or confederacy with

\textsuperscript{14} \textit{Leviathan}, Chapter XIV, 199; Tuck edition, 91.
\textsuperscript{15} \textit{Leviathan}, Chapter XIII, 193; Tuck edition, 88.
others” – may nevertheless overpower or even murder the strongest. Man, always vulnerable to natural infirmities such as disease or sleep, is especially vulnerable in the state of nature – in which there is no protection but one’s own strength. This equality is oppressive in that it prevents the development of industry and arts; additionally, it exacerbates the uncertainty of the natural condition.

**Founding of the Polity:**

Man may escape the natural condition by creating a polity. The sovereign, or Leviathan, is the means by which man maintains the civil condition and staves off the state of nature. The polity is created by transferring natural right to either a single man or a body of people who would rule in the name of the constituents. For Hobbes, the polity is founded and maintained for three reasons: fear, desire, and hope – “Passiones quibus homines ad Pacem perduci possunt, sunt Metus praesertim vero Metus Mortis violentae, & Cupiditas rerum ad bene vivendum necessariarum, & spes per industriam illas obtiendi.” – “The passions by which men are able to be led to peace are fear, especially fear of violent death, desire of the necessities of life, and hope for industry of obtaining them [i.e. the necessities].” In essence, these three passions symbolize the shortcomings of the state of nature; they represent the “detrimental” part of natural right. Natural right allows man liberty to preserve himself, but this liberty of one man is potentially detrimental to the life of another (accounting for the Metus). The uncertainty of the natural condition also prevents the fulfilment of the cupiditas and spes. Additionally, the

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16 *Leviathan*, Chapter XIII, 189; Tuck edition, 87.
17 Hobbes, although he states that fear may be the basis for the polity, does not explicitly state the movement from state of nature to civil society – i.e. the manner or process by which people transfer natural right. Instead, scholarship has suggested that Hobbes wrote *Leviathan* not for people moving *from status naturae*, but for sovereign hoping to prevent regression to such a state (Seaman 1990: 124). *Leviathan* may then be seen not as a practical handbook for the creation of a polity out of nothing, but as a justification for and a tool for maintaining it.
18 *Leviathan*, Chapter XVII, 254; Tuck edition, 117.
19 *Leviathan*, Chapter XIII, 197; Tuck edition, 90.
sovereign must enforce contracts among its constituents and define the terms by which the polity may conduct itself.\textsuperscript{20} The sovereign must attempt to maintain the natural liberty of each individual, but curtail it when it becomes damaging to others.

The Hobbesian polity is one that makes allowances for material well-being, but the main role of the polity is the curtailment of human passions in so far as it reduces fear. Scholars such as Leo Strauss argue that the polity is a response to the problem of uncontrolled human passions: “Only the State is capable of keeping pride down in the long run, indeed it has no other \textit{raison d’etre} except that man’s natural appetite is pride, ambition, and vanity.”\textsuperscript{21} It cannot be argued that material conditions of the state of nature are better than in the civil condition; in the former, industry is rendered completely impossible by uncertainty, while industry is at least possible in the latter. Industry – i.e. progression of the sciences – is merely secondary, an added boon, to the purpose of state. The Hobbesian polity is one that, at the basest minimum and in necessity, preserves the integrity of itself, and the basal material existence of its constituents. It is, in essence, a large organization that curtails the appetite of all for the sake of all.

Although the sovereign has no juridical obligation to protect the interests of its constituents, it is limited both by practical and prudential concerns – mainly the constituents’ right of rebellion. The \textit{leges naturales} – or natural laws – are the precepts by which a prudent sovereign rules.\textsuperscript{22} Although they lack any juridical weight (i.e. constituents, in the Hobbesian system, cannot bring the sovereign to court over the violation of these laws), the natural laws are offered by Hobbes as a kind of outline for an ideal sovereign. In total, there are 19 natural laws – varying from checks on pride (the sovereign must not be overbearing) to limits on expansionist

\begin{itemize}
\item \textsuperscript{20} \textit{Leviathan}, 221: “Lex Natruae tertia: Praestanda esse Pacta” – “The third natural law: contracts must be fulfilled;” Tuck 100.
\item \textsuperscript{21} Strauss 1961: 13.
\item \textsuperscript{22} \textit{Leviathan}, Chapter XIV, 199; Tuck Edition 91.
\end{itemize}
land policies. Nevertheless, Hobbes acknowledges that constituents of the polity still maintain the right of rebellion: “Si quis seipsum non defensurum esse contra vim paciscatur, Pactum invalidum est” – “A pact, if anyone agrees to not defend himself from force, is invalid.”

A citizen, even in the state of society, maintains some semblance of natural right. Should a polity threaten the citizen’s life or bodily constitution, natural right is resumed and the citizen may act against the polity. On a macroscale, i.e. should the state of society degenerate to such an extent that it is worse than the state of nature, this would likely mean open rebellion and dissolution the polity itself. This retention of the right of rebellion is the most salient check on a polity’s actions.

**Purpose of the Polity:**

More specifically, the Hobbesian polity is responsible for the definition of terms, the creation of a tolerant environment, and a base economic living standard (as an extension of natural right).

As aforementioned, Hobbesian epistemology is highly skeptical; it is the responsibility of the sovereign to define the terms by which the constituents of the polity may conduct themselves – both on a practical level (for the contracting of economic arrangements) and general epistemological principles such as truth. The sixth natural law explicitly states that the sovereign must define terms: “Summae Potestati adhaeret, quae ad conservationem vel violationem Pacis tendunt decernere, & quando, quatenus, quibus apud multitudinem concionari permittendum sit, & qui libri publicandi, & a quibus examinandi sint.” – “It is allotted to the Sovereign to discern what is conducive and detrimental to the conservation of peace, and when, to what extent, and by what means anyone would be permitted address the masses, and who should examine books.

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23 *Leviathan*, Chapter XV.
24 *Leviathan*, Chapter XIV, 215; Tuck 98.
about to be published.” Since nature, for Hobbes, is composed of a multitude of particulars, the
sovereign must determine how to categorize these particulars into constructed universal classes
for the sake of common communication among the constituents of the polity. This idea may
seem foreign to those in the Anglosphere because no such government institution exists in any
Anglophonic polity (despite Hobbes being one of the most well-known English philosophers).
Nevertheless, such an institution may best be exemplified by the Académie Française – a French
government agency which regulates language, both grammar and vocabulary. Such an
institution is necessarily Hobbesian; it represents an imposition of human constructs on
cacophonous nature. The definitions and terms propagated by the sovereign are maintained by
political power; though it need not be articulated in a government agency, in a Hobbesian
commonwealth, the sovereign is the ultimate source of authority on language. On a practical
level, this serves a utilitarian standard; trade, for example, may homogenized and facilitated by a
common system of weights and measurements (such as the definition of a pound or kilogram).
On a more philosophical level, a common language would facilitate discussion of ideas, and even
truth.

The state of nature – a state of absolute liberty – is paradoxically a state in which the
actual practice and enjoyment of liberty is largely curtailed (because of uncertainty, distrust,
etc.); the sovereign must create a “tolerant” environment in which actual liberty may, as much as
it may be able to, practiced by the constituents. Hobbes may be seen as a precursor to
conception of modern liberalism and toleration. Hobbes, in dismissing the premise of a \textit{summum}
\textit{bonum}, allows for the pursuit of the diverse passions and desire of each individual. The pursuit
of these desires, however, is limited in so far as the pursuit does not present a threat to the

\footnote{\textit{Leviathan}, Chapter XVIII, 272; Tuck edition, 124.}
\footnote{To be fair, a Hobbesian conception of truth is merely a “relation of words” – i.e. an internal and logical
consistency within a given philosophical system (\textit{Elements of Logic}, Chapter III)}
stability of the polity. The Hobbesian polity is one that promulgates “negative” rather than “positive” laws: “Reliqua Civium Libertas dependet a Legum Silentio. Ubi enim non definit Lex, uncuile faciendi vel non faciendi Libertas est.” – “Remaining liberty depends on the silence of law. When [the sovereign] does not define a law, the liberty belongs to each man – whether to do or not to do.”

This kind of relation may be understood as the contemporary relationship between the United States’ federal and state governments; although federal law reigns supreme over state law, if there is no specific federal law, the state retains liberty on that topic. A Hobbesian constituent, if his sovereign does not specify a law, has full discretion to act in whatever manner that seems fitting to him or herself – thereby allowing the constituent to pursue whatever desired passion. Hobbes, however, maintains sovereign’s right of censorship to maintain public order and stability. Judd Owen, a Hobbesian scholar who writes on liberty in the polity, maintains that ideas such as radical Islam, communism, anarchism, and other political ideologies that threaten the idea of modern liberalism and toleration would be ideas that would Hobbes would likely censor. This conception of censorship, however, seems reasonable; ideas which threaten the foundation of any given polity may justly be curtailed for the sake of stability.

The Hobbesian sovereign recognizes that gross economic inequality is indeed an issue that may lead to the dissolution of the polity itself; as such, the Hobbesian scheme makes allowances for redistribution, charity, and public works. In Chapter XI of *Leviathan*, Hobbes recognizes that “needy” men are inclined towards war because of their penury. This proposition holds true also in the state of society; the poor, in destitution, pose a risk of rebellion to the polity. The polity, to discourage sedition and dissonance between the rich and poor, would

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27 *Leviathan*, Chapter XXI, 341; Tuck edition, 152.
28 The idea of censorship is implicit in the sovereign’s right to define terms (see footnote 21).
prudentially provide at least some basic economic standard. Additionally, contemporary Hobbesian scholars are receptive to the idea that public welfare may be just compensation for the transferring of natural right to the sovereign.\textsuperscript{31} The base economic minimum may then be seen as a kind of continuation of natural right in the polity and a fulfillment of the Hobbesian promise of \textit{spes per industriam}. It would seem likely that Hobbes would prefer public works (e.g. building of roads) to public charity (e.g. welfare checks) because the former contributes to the accumulation of wealth of the polity as a whole (and would be consistent with potentially Hobbesian idea of mercantilism\textsuperscript{32}), while the latter may be lambasted as unfair “handouts” to the poor by the working classes (and therefore create animosity in the polity). The concept of a base economic minimum, however, must be seen as a contingency of society – not as a necessary condition. This minimum, in a Hobbesian sense, is constructed for the sake of the integrity of the polity. It should be seen as a logical continuation of the Hobbesian scheme, brought about in complex societies, rather than a necessary feature.

The issue of resolving inequality by means of redistribution or public action necessarily involves issues of property rights; Hobbes holds that property is held by constituents at the behest of the sovereign – recent scholarship specifies further that this economic minimum may be determined by a given society. Plausibly, the solution to gross economic inequality is redistribution or some kind of public intervention on behalf of the indigent. In either case, public funds (i.e. tax revenues) would be required, therefore, a Hobbesian solution is likely to be a redistributive scheme, involving taxation (i.e. appropriation of private property). The Hobbesian sovereign may rightly and justly seize any property of any constituent because property exists only in civil society (and not in the state of nature): “Summae Potestatis Ius est, regulas

\textsuperscript{31} Seaman 1990: 115: “...a second possible basis for his welfare policies: they are compensation for a consensual departure from [natural] equality.”

\textsuperscript{32} See Collela, “Mercantilism and Hobbes’ Leviathan”
praescribere, quibus, quid sit suum unusquisque sciat & fruatur….” – “It is the right of the sovereign to legislate the laws by which each man knows and enjoys his own [goods]…”33

Though the typical restraint of the right of rebellion retained by constituents still applies, redistribution in the Hobbesian scheme would not be unheard of and quite preferable to the disdain of the penurious of the polity. Since property exists under the aegis of polity, the sovereign may justifiably create a base economic minimum which may be standardized among all constituents for the sake of reducing inequality which may lead to dissolution of the polity. What exactly is the extent of the Hobbesian minimum economic standard? Hobbes himself never specifies in any of his works (though he does enumerate the enjoyment of certain natural and common goods, such as water and air).34 Recent scholarship suggests that, given the differing levels of economic development of societies (e.g. agricultural vs. industrial), economic minimum would depend on the material conditions of society.35 This would allow for a more flexible interpretation of the Hobbesian economic interest in propping up the poor.

Conclusion:

The Hobbesian system begins from epistemic skepticism. Hobbes is skeptical of the kinds of knowledge that may be known, especially in regards to final ends or purpose. *Ius naturale* makes the natural condition one of distrust and uncertainty – which ultimately degenerates into a brutish state of perpetual war. The Hobbesian polity is a solution to both these problems. By transferring natural right to a sovereign, individuals are granted a common

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33 *Leviathan*, Chapter XVIII, 275; Tuck edition, 125.
34 *Leviathan*, Chapter XV, 235: “…retineri quaedam necessarium esset, nempe Iura proprii corporis curandi, Igne, Aqua, Aere fruendi, caterisque sine quibus Homo vivere non potest…” – “…it would be necessary that [man] of course retain rights needed for the care of his own body – the use of fire, water, air, and other [necessities] without which man is not able to survive.”; Tuck edition, 107.
35 Seaman 1990: 123: “…[man’s] inalienable right to life is a right to the means not simply of living but living well and that the boundaries of this inalienable right to living well must depend ultimately on the private judgment of subjects.”
vocabulary by which they may conduct themselves in business transactions, a tolerant environment in which (to an extent greater than in the natural condition) they may pursue their passions, and even a base economic living standard. It is important to note that the state of nature is a guiding principle in the Hobbesian scheme; it is the litmus test by constitutions may decide whether or not to exercise the right of rebellion. These considerations – common vocabulary, economic opportunity, and a limited kind of liberty exercised in tolerance – would play an important role in the regulation of international commerce. Although economic and material conditions would play important roles in the purpose and formation of state, the Hobbesian polity has at its base a baser purpose: preservation and safety of the individual – trade then becomes secondary to this goal. This stance will be contrasted later with Vattel’s view, which determines a moralistic view of trade.

Chapter II: Hobbes – International Condition or Status Inter Civitates

Hobbes does not explicitly elucidate a natural law philosophy in regards to international relations and commerce. Instead, it is necessary to glean and deduce, from his domestic political scheme, theorems which would apply on the international level. The state of nature scenario among individuals differs in three integral ways from the condition among polities in the international realm: the composite nature of the polities, the presence of domestic industry, and the absence of equality. These distinctions play an important role in how the polity would conduct commerce with outside powers; since the condition of its citizens is the state’s sole purpose, commercial activity with other states becomes a function of domestic concerns – both in terms of material well-being and general character of its people.

Similarities between Status Naturae et Status Inter Civitates:
Although ultimately distinct, the *status inter civitates* [the international condition]\(^{36}\) shares some similarities with the state of nature – namely in the lack of central authority. A polity does not have the ability to contract or create meaningful agreements with other polities. There is no central power to which polities may appeal should a contract go unfulfilled. Additionally, there is no common language or set of terms by which the various polities may adequately communicate. Both these issues, though solved inside the polity, continue to exist in the *status inter civitates*. It is for these reasons that Hobbes would state that: “Reges tamen & Personae summam habentes potestatem, omni tempore hostes inter se sunt. Semper enim alií aliis specti sunt, more stantes gladiatorio…quaæ east conditio Belli.” – “Nevertheless, Kings and Persons holding the power of state are enemies at all times. Always are they distrustful to one another, standing in the posture of gladiators.”\(^{37}\) The uncertainty, however, is of a mitigated kind. The succeeding section will address the differences.

Although international bodies such as the United Nations exist in the contemporary world exist, the Hobbesian international condition of uncertainty still exists because such a body does not have the might and power of an actual polity. In the previous Latin quote, Hobbes equates state power with *summam potestatem* – or the “highest power.” The United Nations lacks the dexterity and efficiency in enforcing its own laws and mandates upon its constituent members. The polities which compose the United Nations have not surrendered their own sovereignty and therefore continue to retain independence – which is evident by each state’s ability to self-legislate. In order to be properly considered a world government, the United Nations would likely have to be transformed into something much more akin to the United States – which each law is enforced by force (if necessary) from a central government.

\(^{36}\) Original term, coined by author.

\(^{37}\) *Leviathan*, Chapter XIII, 197; Tuck edition 90.
Differences between *Status Naturae* et *Status Inter Civitates*:

The polity, unlike an individual, is a composite construct which may be destroyed by both internal and external forces. An individual in the state of nature is subject only to external impediments or foes (other individuals, wild animals, etc.). A polity, on the other hand, must worry about not only external powers (e.g. other polities) but also internal factions in the *status inter civitates*. As aforementioned in the previous section, individuals under a sovereign still legitimately retain the right of rebellion, should the political condition deteriorate to such an extent that the state of nature becomes more appealing than to live under a polity. Additionally, sedition – which may be defined as the right of rebellion misused (e.g. rebelling for personal interest or ambition) – remains a constant threat, even to well-regulated states. Polities, then, are limited more than individuals in the manner in which they may act. *Status inter civitates* would be similar to the individual’s state of nature, if the individual would worry about his or her own internal organs rebelling, in addition to other individuals.

The *status inter civitates* is further distinguished from the state of nature by the lack of natural equality. Among individuals, regardless of natural capacities, all men are equal because of uncertainty. Polities, on the other hand, vary widely. There are natural differences, such as geography and presence of natural resources, as well as artificial or human-made differences, such as differences in population or progress in technologies. Corollary to this idea is that polities are not as easily or as uniformly destroyed as individuals. Whereas individuals suffer physical infirmities (e.g. sleep, sickness, hunger) of human life, polities possess more durable artificial life: “…ad conservationem Civitatis necessaria erat Artificialis vita, sine qua post aetatem unam, moriente Monarcha Civitas omnis interiret. Vita autem haec Artificialis ea east, quam vocant Ius Sucessionis.” – “Artificial life is necessary for the conservation of the polity,
without which – after one generation, with the monarch dying – the entire polity would perish. Moreover, this life is artificial, which they call the right of succession.” The right of succession, in some sense, grants the polity a kind of immortality. Should the sovereign – whether king or assembly – be destroyed, the polity would continue to exist. The polity, then, is not as easily dissolved as an individual is killed.

Finally, unlike in the state of nature, the status inter civitates has developed industry. The uncertainty of the state of nature is absent when a polity is formed. Although it is true that each sovereign continues to exist in uncertainty in relation to other sovereigns, the constituents under each respective sovereign have been guaranteed a certain amount of safety because the sovereign has created institutions by terms may be defined and justice administered. In the worst case – in which each polity is completely insulated, never coming into contact with one another – there is at least industry and trade on the domestic level. It may then be assumed that, even in this extremely isolationist condition, human existence is still preferable materially than the state of nature.

The Hobbesian polity is one that would engage in international trade, but only with much reservation. One must remember the purpose of state set forth by Hobbes: the prevention of violent death, the desire for necessities, and hope for industry. These goals may easily be fulfilled on a domestic level without any international interference. The status inter civitates, although existing in uncertainty, exist not in the brutal perpetual war as the state of nature among individuals. The commonwealth would enter into trade, so long as the trade remains beneficial to its citizens. Such trade, however, is not mandatory and would only be pursued at the behest of the sovereign.

The Commonwealth and Human Nature:

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38 *Leviathan*, Chapter XIX, 299; Tuck edition, 135.
The continuous acquisition of material goods by individuals in the state of nature is not indicative of human nature itself, but rather it is a response to the uncertainty and scarcity of the pre-civil condition. On a domestic level, the polity establishes the rules by which people may conduct themselves and pursue industry. On an international level, although there remains much uncertainty, industry is maintained and trade may be pursued. In his work *De Cive*, Hobbes writes: “Frequentissima autem causa quare homines se mutuo laedere cupiunt, ex eo nascitum, quod multi simul eandem rem appetent, qua tamen saepissime neque frui communiter, neque diuider possunt; unde sequitur fortiori dandum esse quis autem fortiori sit, pugna iudicandum est.” – “The most frequent reason why men desire to hurt one another mutually is born out of this, that many at the same time seek the same thing, which most of the time they cannot enjoy in common, nor divide, from which it follows that it must be given to the stronger, and whoever is stronger is determined by battle.”³⁹ This adequately describes the state of nature among individuals, but not the *status inter civitates*. The conveniences afforded by the sovereign – safety guaranteed so that industry may be pursued, definition of terms so that agreements may be contracted, and enforcement of contracts themselves – drastically change these circumstances. Scarcity no longer exists because of industry and technology has alleviated material concerns. Additionally, since constituents live under a sovereign (i.e. a polity with its accompanying organizations such as military, courts, etc.), the fear and uncertainty regarding violent death is largely mitigated, if not completely curtailed.

Although Hobbes attributes to man an antagonistic and power-hungry appetite, the purpose of state should be to curtail this appetite for the benefit of all. In the opening chapters of the *Leviathan*, Hobbes writes that man seeks all things: “Primo ergo loco pono, Morem omnium hominum esse, ut perpetuo atque indesinenter Potentiam unam post aliam per omnem vitam

³⁹ *De Cive*, Chapter I, 94.
persequantur.” - “Therefore, I posit in the first place that the manner of all men is that they ceaselessly and perpetually seek throughout all their lives one power after another.”\textsuperscript{40} The natural inclinations of men, then, are destructive towards peace because they tend to be rapacious and insatiable. The Hobbesian natural laws, however, incline men, i.e. the citizens as individuals, to more peaceable ends: “Officium Imperantis est, ut Cives Iustitiam doceantur: id est, ut primo, ne quis Civis Civem alium occidat, aut copori damnum inferat sine Authoritate pulica.” – “It is the duty of the one commanding [i.e. the sovereign] that the citizens be taught justice: that is, firstly, citizens should not kill one another, nor inflict damage upon the body [of another citizens] without public authority.”\textsuperscript{41} The inclination of man to seek power after power is curbed in civil society; instead, the sovereign teaches man to be more peaceable to one another, reserving the use of force solely to the commonwealth.

Civil society, in its barest sense, must provide the benefits of communal life while at the same time preserving natural right. As aforementioned, freedom may be detrimental when taken to an extreme in the state of nature (i.e. \textit{ius naturale sine restrictioibus}); the polity must sterilize this freedom – so that industry may emerge: “Legum Civilium ferendarum Finis erat restrictio Iuris Naturalis, sive Iuris omnium in Omnia, quo stante, pax nulla esse potuit.” – “The purpose of civil laws is the restriction of natural right, or the right of all in regards to all, by means of which, no peace is able to be possible.”\textsuperscript{42} Admittedly, this is a rather libertarian interpretation of Hobbes. The role of laws, then, is solely to limit natural right (or liberty) for the sake of preserving the peace of polity. Articulated in a different fashion, civil laws should ensure that a citizen enjoys freedom only so far as this freedom does not infringe upon another. For instance, a musician’s freedom to practice violin only extends so far as it does not disturb others. Indeed,

\textsuperscript{40} \textit{Leviathan}, Chapter XI, 151; Tuck edition, 70.
\textsuperscript{41} \textit{Leviathan}, Chapter XXX, 531; Tuck edition, 236.
\textsuperscript{42} \textit{Leviathan}, Chapter XXVI, 419; Tuck edition, 185.
this conception of law facilitates the *spes per industriam* – or the hope of industry. It is conception of law and liberty that distinguishes the state of nature and the civil condition. Scholars have pointed to Hobbes as an early advocate of modern liberalism: “the purpose of state is not to encourage or legitimize the subordination of the weak by the strong, but rather to give individuals the opportunity to utilize their peaceful, creative, and non-adversarial powers to develop the benefits of civilization.” Hobbesian state of nature is barbaric and lacking in resources, but Hobbesian civil society is much more peaceful and plentiful.

Many benefits of society, however, are themselves products of society – completely unknown in the state of nature. In the state of nature, man knows nothing of the advantages of community; he does not know trade, community, contract, or other concepts that exist only civil society. It is from the sovereign, from the establishment of the polity, that these concepts be known. One may argue, however, that – although such benefits accrue from society, it would just as easily be possible that passions or desires also come about in this manner, i.e. artificially. For instance, in contemporary society, it would be unimaginable for a professional of any type (professor, lawyer, doctor, etc.) to be able to properly fulfill his job without a computer or the internet; in this sense, the passions or desires for electronic apparatus are artificial in so far as they do not exist in the state of nature. Although this concept is tangential to this thesis, it must nevertheless be argued that the certain passions persist from the state of nature into the state of city – e.g. the need for the necessities of life (water, food, etc.) are just as easily felt by professionals in civil society as man in the state of nature; it is these basal passions, contained within human nature, which the polity at its barest must maintain.

*The Commonwealth and Commerce:*

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44 This is a common theme taken up by later thinkers, e.g. Jean-Jacques Rousseau in his *Second Discourse on the Origins of Inequality.*
The Hobbesian commonwealth would be one that engages guardedly in commercial activity, merely out the material necessities. Hobbes writes that any polity may benefit from international trade: “…sed Commutatione, vel Bello, vel Labore, (nam etiam labore hominum, non minus quam res aliae cum bonis aliis quibuscunque commutabiles sunt) bonorum Nativorum defectum suppleunt.” – “…but by exchange, or by war or by labor (for the labors of men are commodities not less things exchangeable for whatever other benefits) are deficiencies of native goods supplemented.”45 Whether or not a polity is able to be completely insulated in international commerce and exchange matters little; even under the case that a polity should be able to provide wholly for its material necessities, indubitably would it be able to benefit from international exchange. This benefit is merely borne from the principle of specialization. For instance, Spain may be able to supply itself with all its wine needed, merely by its own vineyards. It would, however, be more beneficial materially that Spain import French wine, and instead use its vineyards for another plant or crop. On a macroscale, if every polity would specialize in one product, every polity would be able to cheaply create its one product and exchange for other products, rather than every polity attempting to be self-sufficient.

The condition and terms of trade are ultimately at the determined by the sovereign. Hobbes writes that trade and international commerce are to be regulated by the commonwealth for the sake of the constituents, who may pursue their passions inefficiently:

Ad eandem Summan Potestatem pertinet quae Bona, & in quas terras, Civis vel Civium numerus quicunque exportabit, & quae importabit definire. Nam si uncuique in hac re suo ipsius arbitrio uti permetteretur, non deessent qui lucre sui causa hostibus ea venderent, quibus Civitati nocere possent, eaque importarent quae Civibus fortasse grata, sed noxia vel saltem inutilia essent. Ad Summan ergo Potestatem pertinet tum de locis, tum de materia negotiandi constituere.

To define the commodities which any citizen or number of citizens will export into foreign lands and import [into domestic lands] belongs to the same sovereign. For if, to each man, it were permitted that he be judge of himself in this matter, there would not be lacking those who would

45 *Leviathan*, Chapter XXIV, 387; Tuck edition, 171.
sell things, by means of which [the enemy] would be able to hurt the commonwealth, to the enemy for their own benefit, and [those who would] import things which perhaps pleasing to the citizens, but would be noxious or at least useless. Therefore, to approve [the things] concerning both the places and materials of commerce belong to the sovereign.46

The sovereign then should control reins of international trade not only for the sake of sustaining the commonwealth (prevention of goods which may be used by hostibus) but also for the health or welfare of the citizens (prevention of imported products, either useless or dangerous). It is not the demand of domestic consumers or other market forces that dictate what is imported or exported, but office of the sovereign. This may be seen as an extension of Hobbesian policy, in regards to the protection which the sovereign should provide to the citizenry. Just as the Leviathan should defend its subjects from the coercion or violence of other polities, so too should this protection apply to products which may prove to be detrimental to the citizens. Additionally, just as in a state of nature without the sovereign, people are consumed by their own passions (or, the collective desiring and pursuing of passion by all), so too would people be likewise consumed by noxia [detrimental commodities], should they remain without the guidance and regulation of the sovereign in commercial matters.

Historically, Hobbes would likely prescribe to a mercantilist economic policy which stresses government regulation in commerce and accumulation of precious metals as a measure of national strength, rather than free trade. Hobbesian skepticism would provide a likely foundation for mercantilist thought. The lack of an international sovereign by whom the distrust and uncertainty of states may be dispelled would validate mercantilist thought that nations should be materially self-sufficient or at least insulated, rather than depending on the fruits of free trade.47 Hobbes, like many mercantilist thinkers, held that precious metals should as gold

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46 Leviathan, Chapter XXIV, 392; Tuck edition, 173.
47 In the Preface to Leviathan, Hobbes refers to the polity as a person. Although this analogy fails in so far as it does not accurately describe polities as existing in a state of nature as individuals, the analogy succeeds in the
and silver are important measures of the power of a polity: “Pecunia Aurea & Argentea, quia propter ipsam materiam aestimantur, eximum hoc habet, ut penes unam, aut paucas Civitates non sit, pretium eius aut augere aut minuere.” – “Silver and gold money, because they are valued because of themselves, have this special [property] that, in the hand of one or a few polities, the value of it is not increased or decreased.”

Since the status inter civitates is so uncertain, fiat currencies and commodities are subject to constant change (based on market and political climates). Silver and gold, since they are of a limited quantity and under the jurisdiction of no one polity, are best able to preserve value. Later authors would economically dismiss the theory of mercantilism (among them, Adam Smith and David Hume), but Hobbes is not concerned merely with the economics of this theory; instead, Hobbes aims at a system of insulation or autarky (complete self-sufficiency) as a means to preserve the polity. Mercantilism, almost completely an economic theory, may find philosophical basis in Hobbes: “the regulated economy mercantilism and the political absolutism of Hobbes’ commonwealth are complementary in a manner which sheds light on both.”

The skepticism inherent in the Hobbesian system lends itself to a mercantilistic system.

Conclusion:

The picture of the Hobbesian state of nature differs from that of the status inter civitates. Although in the former, humans behave greedily and rapaciously, the presence of polities on the international stage – and the different nature of polity versus human – lessens the degree of uncertainty in the latter. Polities find it beneficial to trade internationally, for the sake of material efficiency or acquisition. The skepticism, characteristic of Hobbes, however, still

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48 Leviathan, Chapter XXIV, 395; Tuck edition, 174.
49 Collela 1982: 98.
remains. It is to the sovereign, not to market conditions such as consumer demand, that the
regulation of trade falls. This may be seen as a right of the sovereign for the sake of preserving
the integrity of the polity. For instance, one may expand the state of nature argument, not only to
violence, but to commercial activities as well. Just as physical violence or coercion may injure
individuals, so too may commercial transactions; as such, the regulation of both belongs to the
sovereign once the individual enter the polity. Historically, this viewpoint would be consistent
with (and even provide a philosophical foundation for) early modern mercantilism. The
Hobbesian polity regulates international commercial activity and, in this way, it regulates the
desires and passions of its citizens, in such a way as to preserve both their material well-being as
well as the practice of their natural liberty.
Chapter III: Vattel – Human Nature to the Cosmopolis

This chapter looks at the international condition and the obligations of polities, as gleaned from his *Law of Nations*. Although not as explicit as Hobbes in his *status naturae* thought experiment, Vattel writes about human nature and the duties of the polity to its citizens. Once those points have been explicated, the chapter will look at the international condition, with particular regards to commerce. Vatel’s conception of human nature is much less pessimistic than Hobbes’ conception; it views people as naturally sociable and possessing an obligation to help one another. Nations are an outgrowth of natural sociability, and – because of this – they are equals on the international world stage. This natural equality, coupled with sociability, creates the foundation for the Vattelian *cosmopolis* or “la grande societe.” Additionally, with a few exceptions, the rules which apply to individuals on a microscale, likewise apply to polities on the macroscale. Commerce is seen as a means by which one man may help his fellow man. On the international scale, commerce may also be used as a means of maintaining a balance of power.

Human Nature and the Polity:

Vattel writes that man is naturally sociable because of both natural infirmities and the natural language. In the *Preliminaries* to his *Law of Nations*, Vattel explicates the reason for society:
We see moreover that nature has refused to bestow on men the same strength and natural weapons of defence with which she has furnished other animals – having, in lieu of those advantages, endowed mankind with the faculties of speech and reason, or a capability of acquiring them by an intercourse with fellow-creatures.  

Humans lack the physical attributes of other animals – e.g. the flight of a bird or the claws of tiger. Instead, nature – according to Vattel – has given man an ability to communicate and harmonize with one another so that the race may thrive. Speech, according to Vattel, is the most salient example of this natural sociability. Additionally, the nation or polity itself may be seen as a sign of human sociability: “Agreements to establish communities or nations are consistent with our natural interdependence, and therefore nature established the great society of nations, which similarly requires mutual assistance.”

Perhaps as a corollary of this idea is the first natural law; man has an obligation beyond himself: “each individual should do for others everything which their necessities require, and which he can perform without neglecting the duty that he owes to himself.” A common motif used in natural law philosophers of the same kind as Vattel (such as Hugo Grotius in his *Mare Liberum*) is the idea of sharing fire; to kindle a neighbor’s torch, by means of one’s own, hurts no one, while helping everyone.

The formation of society is to help its constituents reach their respective forms of self-perfection. It is difficult to determine what exactly Vattel means by “self-perfection” on the individual level. The closest explication of this is also in the *Preliminaries* – “The great end of every being endowed with intellect and sentiment is happiness.”

Vattelian self-perfection, then, is a kind of “eudaemonism” or philosophy which focuses on the happiness of the individual. The duties of a polity toward itself and its constituents would best inform the

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50 Law of Nations, 71.
51 Boucher 1998: 263.
52 Law of Nations, 72.
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Vattelian conception of happiness. The first of these political duties is the cultivation of soil, considered a national necessity: “every nation is then obliged by the law of nature to cultivate the land that has fallen to its share…”

Agriculture, then, is important. Not only does fertile and productive land provide the necessities of life for the citizens, it is also conducive to population growth – population itself being a national resource, useful in the defense of the polity, as well as its technological and intellectual progress.

In addition to cultivation, Vattel also stresses progress of the arts and defense from the external as a sovereign’s duty to his or her citizens. Vattel writes that the state has a stake in the furthering of its constituents’ education: “The nation and its conductors ought then to protect men of learning and great artist, and to call forth talents by honours and rewards.”

Education is important for military purposes (for it is from education that innovations such as gunpowder emerge), as well as national prestige (so that bright foreigners may flock to the polity for opportunity, thereby further augmenting state power). Additionally, and most practically, the polity should defend itself from the violence of other polities: “one of the ends of political society is to defend itself with its combined strength against all external insult or violence.”

A sovereignty, in order to remain sovereign and rule over its people, must preserve itself against the predation of others, even by force.

The Vattelian system does not begin from a state of nature, as the Hobbesian system, because essence and self-perfection play an integral role. As aforementioned, the world of Hobbes is a world of particulars – there are no universals or necessary purposes. The Vattelian world, in contrast, is one in which nations themselves are moral agents; Vattel, in the vein of Aristotle and earlier thinkers, takes purpose as a given premise. The absence of Hobbesian

54 Law of Nations, 129.
55 Law of Nations, 146.
56 Law of Nations, 198.
skepticism inclines Vattel to a view more reliant on interdependence and sociability; the agents in the Vattelian system are more predictable in that each has a better defined purpose and end – rather than the restless seeking of power after power in the Hobbesian scheme. This entire system may be seen as a species of response to Hobbesian skepticism; it becomes possible in Vattel that international cooperation be both possible and meaningful.

The Vattelian conception of happiness is one that incorporates all three duties of polity to people. The people must first be agricultural, properly utilizing all land for the sake of farming. Additionally, they must be educated and defended from external threats.

There are, however, instances in which the people may absolve the polity; Vattel does indeed recognize tyranny more formally than other philosophers. A sovereign (legitimate rule) may become a tyrant (illegitimate rule) in cases of extremity: “[citizens] ought to be attempted only in cases of extremity, when public misery is raised to such a height that the people may say with Tacitus: ‘Even war is good for a miserable peace.’”57 Violations of political duties to an exorbitant extent would likely constitute such a kind of misery; indeed, in pages prior, Vattel cites the emperor Nero as one such case. A tyrant, in the Vattelian scheme, is a ruler who does not take into account the perfection of the constituents of the individual. Other philosophers, such as Hobbes, would argue the contrary. In the Hobbesian scheme, all order is arbitrary because – in order for order to be distinguished from chaos – there would already need to be some kind of coercive power.

There are, however, other more peaceful ways in which tyranny may be curbed. Arbitration may also be used, and is indeed suggested over open rebellion: “a compromise between the prince and the subjects, to submit to the decision of a friendly power for all the

disputes that might arise between them.” Although Vattel has in mind arbitration in an older sense (i.e. a neighboring kingdom arbitrating among royal pretenders of another), modern analogies may be diplomatic summits in which a third party attempts to mediate. Vattel’s deference to foreign powers in domestic matters such as the potential of civil war is indicative of his sociable view of human nature.

The International Condition:

The natural law which governs men also governs polities on the international level, but with two exceptions. Vattel explicitly distinguishes between the condition of individuals versus that of polities: “social bodies or sovereign states are much more capable of supplying all their wants than individual men are…the duties of a nation towards itself…[especially its] safety require much more circumspection and reserve than need be observed by an individual in giving assistance to others.” The differences between individual and polity, then, pertain to their scale. Since nations are composite, they are better able than individuals to sustain themselves. For instance, a polity is more self-sufficient than an individual in procuring the necessities of existence because it has more resources available (many individuals) rather than an individual alone. Additionally, since nations possess more power than individuals and the consequences of their decisions affect a great number of people, nations should be more careful cautious in their dealings. For instance, a man who chooses to attack his neighbor injures only one man – but a nation who decides similarly declares war and potentially kills many more.

Nations, additionally, must respect the liberty and sovereignty of other nations. In addition to observing the first natural law of assistance (as among individuals), nations must also respect the autonomy of other nations: “but though a nation be obliged to promote, as far as lies

59 Law of Nations, 262.
in its power the perfection of others, it is not entitled to obtrude these office on them. Such an attempt would be a violation of their natural liberty.”  

Natural liberty is based on the conception that polities themselves are moral persons, and like moral persons, possess the obligation of self-perfection: “[a polity] has her affairs and interests…thus becoming a moral person.” Polities, regardless of size or prominence are equal – because each one seek its own self-perfection. The Vattelian international condition is not as uncertain as the Hobbesian; it is one that promotes mutual aid: “the object of the great society [i.e. international world] established by nature between all nations is also the interchange of mutual assistance for their own improvement and that of their condition.”

The idea of mutual aid extends even to the dignity of a polity’s representative or sovereign: “every sovereign and independent state deserve consideration and respect, because it makes an immediate figure in the great society of the human race…the sovereign represents his whole nation; he unites in his person all its majesty.”

This is a kind of cosmopolis – or world city – in which people are obligated, rather than skeptical, to one another. Each nation is one equal to one another and each nation deserves fair and just treatment on the international stage.

Although the polity has obligations to other polities, Vattel holds that a nation has obligations to itself first. Vattel writes that a nation should put itself first: “[a nation’s duties] towards others depend very much on its duties towards itself, as the former are to be regulated by the latter.”

This distinction is further explicated in his perfect and imperfect duties: the former are duties that are mandatory, while the latter are those that are merely optional. Perfect rights

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60 Law of Nations, 265.
62 Law of Nations, 73.
63 Law of Nations, 281.
64 Law of Nations, 85.
65 Law of Nations, 75.
are those rights which pertain to political sovereignty (i.e. self-perfection), while imperfect rights are everything else (including obligations to other polities). Nevertheless, though Vattel views these obligations to others as merely optional on the international stage, he puts forth several arguments friendly to free trade and international commerce.

**International Commerce:**

International trade, according to Vattel, is a means by which the first natural law of mutual assistance may be fulfilled. Vattel defines commerce as beneficial: “by it every man may still supply his want”\(^66\) and even as a type of freedom: “freedom being very favourable to commerce…[polities] should support [commerce] as much as possible, instead of cramping it by unnecessary burdens or restrictions.”\(^67\) Vattel views trade as a kind of peaceful intercourse among polities – it is a way in which material necessities may be satisfied without violence or animosity. He also equates commerce with liberty. To impose “burdens” (such as tariffs or other ways in which trade may be limited) would be to hinder the liberty of man. International commerce is essential to the flourishing of the people, both those of any given polity and all those in the *cosmopolis* as well.

There are other passages as well which would support Vattel’s favorable disposition to free trade – such as on his thoughts regarding military power. Vattel is skeptical regarding a military that is too large: “[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 a nation by whom they are maintained.”\(^68\) Many enlightenment thinkers, remained wary of large standing armies because they could be used as oppressive tools of the government. Vattel additionally points to the marginal costs of the army; that labor employed in the defense or held

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\(^{66}\) *Law of Nations*, 274

\(^{67}\) *Law of Nations*, 275.

\(^{68}\) *Law of Nations*, 500.
in reserve for defense may better be utilized in other industries. Vattel likely also has some concern about war posturing. The creation of large armies, though they themselves are not war, may precipitate war because of the fear they arouse in neighboring polities. Trade and international commerce, without any hindrances from government and with people employed in trade rather than war, would prosper.

International trade becomes a possibility in the Vattelian system because contracts are valid, even without a central authority by which they may be enforced. Vattel holds justice is the basis by which commerce is made possible and by which treaties may be enforced. Secondary scholarship recognizes the Vattel’s cosmopolis as “a kind of system of reciprocal compliance and relatively stable interactions.” The basis for this is man’s natural sociability, as well as an intermingling of interests. For instance, Vattel would likely say that, should two polities be engaged intimately in trade, they would be less inclined to war against one another and more inclined to trusting one another. Additionally, unlike more skeptical philosophers, Vattel is open to the idea of international coordination to suppress less sociable polities – a coordination itself which would not necessarily limit the liberty of any polity involved.

Commerce, as noted earlier, is an imperfect right – not a perfect right; Vattel, however, point to commerce as a means by which an international balance of power may be maintained. The idea of a balance of power proceeds naturally from Vattel’s conception of international relations. If each polity is itself a moral person, and therefore equal and autonomous, it follows that one should not become so strong as to dominate others. Vattel recognizes that each polity is unique, and to be dominated by another would represent a violation of natural right: “it is the interest of princes to stop the progress of an ambitious monarch who

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69 Law of Nations, 342.
70 Christov 2013: 8.
aims at aggrandizing himself by subjugating his neighbors.”

Commerce becomes one weapon in order to prevent this situation: “if a nation finds herself in such circumstances that she thinks foreign commerce dangerous to the state, she may renounce and prohibit it.” Economic sanctions are a peaceful way to curb the power of a state which would threaten the liberty of others.

The role of commerce in the *cosmopolis* is one that is both punitive and beneficial; what Vattel seeks to preserve is an international calm rather than national integrity. The balance of power – each polity preserving itself as it stands – is the central thesis of Vattel’s system. Vattel’s second law of non-interference may be seen as way to preserve the status quo: “[this law] is necessary to ward off the greater evil of the breakdown of international society that would follow from the attempt to impose international justice.” For instance, a tyrannical government may remain in power – oppressing its citizenry – with tacit approval by the international community, so long as it enters into market arrangements. Trade is beneficial, but should a polity grow too strong to such an extent that it threatens other polities – economic sanctions are used to check that power. The *cosmopolis* is static.

The *cosmopolis* of Vattel has lofty goals, though they are mainly pacific. War is generally abhorred in the Vattelian system. Indeed, commerce may be both a boon (to those trading) and a way in which unruly powers may be curbed, without outright war. Scholars postulate that – though the polity may never completely be rid of its military – it may move its

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73 Vattel suggests other ways in which a growing power may be curtailed. For instance, he suggests confederacy of lesser powers. This, however, he acknowledges as tenuous. The confederacy of smaller powers may easily be played off against one another. Additionally, such a confederacies are typically military in nature – thereby working against the natural sociability of men.
74 Hunter 2012: 495.
75 One notable exception is against “monster” states (such as ones lead by men like Cesare Borgia) which should be completely eliminated (*Law of Nations*, 289).
emphasis from expansion to security. In many ways, then, Vattel may be seen as a product of his time. He wrote in the early modern period in which nation-states and polities were first forming themselves. Oftentimes, questions of national and political character determined themselves by war. Economic sanctions – and the idea of a more peaceable international condition such as a *cosmopolis* – would have been a welcome respite from internal warring.

**Conclusion:**

Vattel’s system is one that views humanity as sociable. As such, on an individual scale, humans have an obligation to help one another. On the national level, this also applies – but with a few caveats, adjusting for the increased scale. The most important distinction is that of not interfering with another polity’s liberty or autonomy. This is based on the natural equality of nations. Trade becomes a way in which polities may aid one another – and Vattel encourages it by both his equation of it with freedom and his skepticism regarding military power. Polities, still, however, retain the right of not trading, since all obligations are first to itself. Additionally, since humans are sociable, polities may reasonably engage in trade with one another for extended amounts of time. In this way, trade becomes something with which the polity may contribute to the well-being of others, while also a means to curtail the power of worrisome powers. It may seem like Vattel’s system is one that is static – but it, at least, makes many allowance for peace.

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**Conclusion to Natural Law and International Commerce:**

76 Christov 2013: 17.
The international realm is fraught with issues regarding free trade. To whom does or should the benefit of commerce fall? Of what kind of nature is this benefit? On the one hand, Thomas Hobbes is skeptical to trade. His conception of the state of nature informs his international policy. The state of nature is so cruel and abysmal that the sovereign must do everything within his or her power to prevent it; additionally, the constituents of the commonwealth must surrender as many rights and freedoms as possible to the sovereign to aid in this. The right of trade is one such right. It is the duty of the sovereign to determine the correct amount of trade to prevent the dissolution of the state and the reversion back to the state of nature. It is not market forces, but government that determines the correct amount, since power ultimately lies with the Leviathan. The idea behind the Hobbesian policy in trade (as well as perhaps every other facet of his philosophy) is to incline the individual in such a way as to create in him a desire for peace and certainty. The limitation of commerce – on both the domestic and international scale – are part of this purpose.

The Hobbesian ideal trading state would be a “closed” system. One solution which is commonly proposed to the Hobbesian dilemma of the state of nature is a one-world state; just as individuals unite in a polity, so too must polities unite into a global state to dispel uncertainty. Although this globalization idea is not necessarily antagonistic to Hobbesian premises, it is not the only solution.⁷⁷ Indeed, a more logical and attainable solution to the uncertainty would be a “closed” system – at its most radical form, complete autarky – but milder iterations would be a system of tariffs meant for the sustaining of domestic industries. Historically, Great Britain’s early colonial empire (i.e. the North American possessions) would be an example of the former;

⁷⁷ Williams 1996: 232: "Since aggression is not innate but arises in part from uncertainty, Hobbes’s Leviathans are not necessarily aggressive toward one another." Williams is working from a similar perspective as this paper: the Hobbesian dilemma is ultimately epistemic, not necessarily material. Essentially, since the status inter civitates is different from the status naturae, there is no need for a global state.
trade would only occur among those for whom there is a common sovereign by whom disputes may be settled. Tariffs meant to stimulate or protect domestic interests would be exemplify the latter – e.g. the institution of tax laws for foreign countries and the establishment of a minimum wage.

Emer de Vattel is far more amenable to open trade. Vattel begins from a premise of human sociability – that humans have an obligation to one another. A modified version of this rule applies also to polities on the international level – in the *cosmopolis*. Polities may best aid one another by means of trade – it is a pacific kind of intercourse in which all parties benefit. Endeavors such as military service are even posited as less favorable, and trade itself is seen as a kind of liberty. Polities still, however, maintain the right to not trade – particularly as a means of curbing the growth of threatening nations. International powers may coordinate with one another and use economic sanctions or trade restrictions to maintain a balance of power (and, in doing so, preserve the autonomy and equality of states). This system is one that is at least pacific and less inclined for war; it is ultimately a system that (with no threatening powers) would advocate free and open trade. Vattel’s *cosmopolis* is less militaristic and more trusting than any Hobbesian *status inter civitates*.

The Vattelian ideal trading state would not exist alone in a closed system as in the Hobbesian scheme; it would necessarily be part of a larger more globalized community. Ultimately, open borders and free trade would dominate such a community. It would be static, in the sense that there is a balance of power among the polities, and – supposedly – each polity would benefit mutually.

This paper would conclude with an endorsement of the Hobbesian over the Vattelian; limitations of trade are necessary for the sustaining of the polity itself. The question must again
be asked: “cui bono”? The polity must look to the well-being of its constituents; this includes a kind of curtailing of dangerous patterns and practices. It is well-accepted that governments regulate violence (cynically, one may look at government as an organization with a virtual monopoly on violence), but this too much extent to the marketplace. Passions, too, are present in the marketplace. The Vattelian system views trade as a boon and an alternative to war. The Hobbesian system views trade as a different kind of war. Hobbes is wont to quote Cicero in his *Leviathan*: “Salus populi lex suprema esto” – “Let the safety of the people the highest law.” The safety of the people includes not only their corporeal well-being, but defense from the detriments of the market.

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