

ABSTRACT

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ROUSSEAU ON INTERNATIONAL
RELATIONS

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Jean-Jacques Rousseau's best known political work, the *Social Contract*, begins and ends by pointing to its incompleteness. Rousseau indicates that the *Social Contract's* completion would require an elaboration of the principles of international relations. However, Rousseau neither completes the *Social Contract* nor explicitly sets forth a theory of international relations. The contradiction between pointing to the necessary completion and its simultaneous absence can be solved by arguing that the principles of international relations contradicted those of the *Social Contract*. A close textual analysis of the pertinent works, Rousseau's *Social Contract*, the *Discourse on Inequality*, the *Geneva Manuscript*, the *State of War*, and the *Abstract and Judgment of the Abbé de Saint-Pierre's Plan for Perpetual Peace*, demonstrates this thesis.

The argument begins by showing the presence of two diverging principles in the *Social Contract* and their implications for international relations. The dominant set of principles of political self-rule necessarily leads to an international state of war. A secondary set of principles of security leads to the demand of international peace. Rousseau rejects the international implications of the latter set of principles, which can take the form of the Roman Catholic Church, balance of power, empire, and

commerce as sources of international order. Instead, Rousseau strongly suggests natural law and confederations as solutions consistent with political self-rule. Yet, even these solutions fail ultimately to overcome the state of war. Rousseau's intention in suggesting possible solutions to the international state of war was to moderate the potentially deleterious effects of democratic self-rule.

The incompleteness of the *Social Contract* is therefore due to the structure of international relations, whose principles are at the same time constituted by political societies and contradicted by them. This implies that the pursuits of security and freedom are mutually exclusive, contradicting in particular Immanuel Kant's claim of their compatibility and contradicting those contemporary theories of international relations derived from Kant.

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RELATIONS

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Dedication

To Claudia, who in searching for faith lost all hope

August 23, 1976 – December 27, 2007

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Finishing the dissertation provides the pleasant occasion to express my thanks and gratitude to those who helped support my studies.

Professor Charles Butterworth was the first to introduce me to the joys of political philosophy in a seminar on Alfarabi. He encouraged me to pursue my graduate studies and my dissertation on Jean-Jacques Rousseau. He exemplified at its best what an advisor and scholar should be. The dissertation began in Professor Benjamin Barber's seminar on Rousseau, who provided a congenial introduction to Rousseau's political thought.

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The Earhart Foundation provided generous financial support of my studies, for which I am very thankful.

My parents fostered my intellectual curiosity, gave me the freedom to study, and were there when the need was greatest.

To my wife, Sara, I am deeply grateful for her patience, her faith, and her encouragement. I could not have done without her.

Abbreviations

The following abbreviations and editions have been used in referring to Rousseau's works. All references to Rousseau's works are to the *Complete Writings of Rousseau* (13 vols.; published by Christopher Kelly and Roger Masters, Hanover, NH: University Press of New England) and the *Oeuvres complètes* (5 vols.; published by Bernard Gagnebin and Marcel Raymond; Paris: Gallimard, Bibliothèque de la Pléiade, 1959-1995). In the case of some works it has become customary to make the reference by book, part, letter, or chapter (as the case may be) as well as page number. For example, the reference to the *Social Contract* is in the form of "book.chapter, page", SC I.6, 160.

- C* *The Confessions of Jean-Jacques Rousseau*. In *Collected Writings of Rousseau*, vol. V and *Oeuvres complètes*, vol. I.
- E* *Emile; or On Education*. Translated by Allan Bloom. New York : Basic Books, 1979 and *Oeuvres complètes*, vol. IV.
- FD* *First Discourse or Discourse on the Arts and Sciences*. In *Collected Writings of Rousseau*, vol. II and *Oeuvres complètes*, vol. III.
- SD* *Second Discourse or Discourse on the Origin of Inequality*. In *Collected Writings of Rousseau*, vol. III and *Oeuvres complètes*, vol. III.
- GM* *Geneva Manuscript*. In *Collected Writings of Rousseau*, vol. IV and *Oeuvres complètes*, vol. III.
- SW* *State of War*. In *Collected Writings of Rousseau*, vol. XI and *Oeuvres complètes*, vol. III.
- Pl.* *Oeuvres complètes*, vol I-V.

- P* *Consideration on the Government of Poland. In Collected Writings of Rousseau, vol. XI and Oeuvres complètes, vol. III.*
- SC* *On the Social Contract. In Collected Writings of Rousseau, vol. IV and Oeuvres complètes, vol. III.*
- APPP* *Abstract of a Plan for Perpetual Peace. In Collected Writings of Rousseau, vol. XI and Oeuvres complètes, vol. III.*
- JPPP* *Judgment of a Plan for Perpetual Peace. In Collected Writings of Rousseau, vol. XI and Oeuvres complètes, vol. III.*

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Chapter 1

INTRODUCTION

This dissertation seeks to answer the question why Jean-Jacques Rousseau's most famous political work, the *Social Contract*, remained incomplete by his own admission. As the end of the *Social Contract* singles out international relations as the concluding subject, the answer must lie in setting forth Rousseau's theory of international relations. The difficulty in making this exposition is the absence of a single, coherent text by Rousseau on this subject.

The answer provided in the dissertation to the question of why the *Social Contract* remained incomplete and why a clear elaboration of international relations is absent from Rousseau's work is that he shares with his modern predecessors, especially with Niccolò Machiavelli, the notion of international relations being unbounded by morality and governed by considerations of prudent determinations of security and independence. This follows from Rousseau's argument of the historical changes of the human species. Consequently, the fundamental state of human social life is war.

This study thereby confirms the hypothesis that Rousseau's political philosophy must be seen as a continuation of Machiavellian political philosophy and not as a fundamental break with it. Rousseau's Machiavellian heritage comes to the fore most clearly by focusing on the limits of his social contract theory. On the other hand, in the *Social Contract* Rousseau sets forth a political ideal which seeks to justify morality and dedication to a non-mercenary common good. This appears to be

very un-Machiavellian. Therefore, the full exposition of a Machiavellian description of international relations would have sharply contradicted the intended effect of the *Social Contract* and the *Emile*. By hesitating to clearly set forth his view of international relations, Rousseau can be most appropriately called a reluctant realist.

1.1 Political Philosophy and the Future of the Post –Cold War World

By arguing that Rousseau ultimately viewed international relations as a Machiavellian state of affairs, one has to confront the dominant scholarly opinion that international relations can be pacified and that it is only a matter of time before this goal is achieved. While this seemed an unlikely scenario for much of the 20th century, this opinion has found a large number of adherents since the end of the Cold War. Their argument rests most prominently on Immanuel Kant's essays on this matter. Yet, Kant's argument is at the same time derived from Rousseau's argument. If it can be shown in this dissertation that Rousseau strongly fostered the hope for peace while ultimately believing in the unattainability and undesirability of international peace then the Kantian hopes are not only weakened but one also regains an awareness of the inconveniences which would have to be accepted in exchange for peace.

The question of the possibility of man-made peace gained renewed relevance at the end of the 20th century. Three conditions seemed to favour the final victory of modern liberalism and its characteristic aspirations for perpetual human peace, freedom, and prosperity. First, the end of the Cold War and the contemporaneous destruction of the Soviet Empire opened up new possibilities of peace. The United

States became the sole superpower of the world and it seemed possible to expand the influence of capitalism and democracy far beyond their previously confined sphere of influence (Krauthammer 1990/91, 23-33.).¹ The third wave of democratization began to swell and engulfed numerous countries in Europe (Huntington 1991, 12-34.).

Furthermore, the “shrinking” of the planet has greatly contributed to a new scale of global relations. Since the second half of the 20th century, global communications, global transportation, global economic relations, and global migrations have increased on a scale never seen before. This change in global relations has had mixed results. For example, while global economic relations bring economic prosperity and medical advances to the most remote parts of the globe, what used to be local conflicts now can possibly spread to the opposite end of the globe. The interdependence of the world has, for better or worse, reached never before seen proportions.

Since 1945, the most important change in the technological change of warfare has been the invention of nuclear weapons. Nuclear war entails the possibility of the destruction of both warring parties or the destruction of the entire human race. The destructiveness of nuclear weapons would imply a greater reluctance to resort to warfare as a means of political action. But contrary to some early hopes, nuclear weapons have not led to the complete abolition of warfare. War remains a possibility in the pursuit of one’s political interests. The impact of nuclear weapons had become visible in the relations between the United States and the Soviet Union, where the

¹ For criticisms of Krauthammer’s thesis see, Mark S. Sheetz and Michael Mastanduno. 1997/98. Debating the Unipolar Moment. In *International Security* 22, 3: 168-174.

mutual restraint of both sides can be greatly attributed to the existence of nuclear weapons.

The hegemony of the United States, democratization, globalization, and nuclear weapons seemed to justify hopes for a “democratic peace.” This doctrine, that democracies hardly ever fight wars against each other (Doyle 1986, 1151-1169), remains one of the few reliable axioms in international relations theory.² However, the Kant-inspired democratic peace theory did not remain unchallenged. There are at least four other theories of the structural conflicts in the post-Cold War world. Similarly to democratic peace theory, these four theories return to the debates of modern political theory beginning with Machiavelli.

In a variation of the Kantian democratic peace thesis, Francis Fukuyama and Samuel Huntington argued instead that ideological forces would lead either to an end of history or to a new alignment of ideological conflicts. In Fukuyama’s Kojève-Hegelian theory³ of the end of history, the ideological possibilities have been exhausted. Modern political philosophy has come to its completion in the modern capitalistic republic, which manifests itself in a number of administrative units called states. These, as all administrative units, experience conflicts, but they cannot rise to the level of armed conflicts or wars. Instead, they resemble the conflicts of a large profit-maximizing corporation. Contrary to the Kantian thesis, Fukuyama’s thesis claims that the end of conflict is mostly due to a *de facto* world state and not to the inherently peaceful relations among modern republics.

² For a good summary of the debate see, Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller. 1996. *Debating the Democratic Peace*. Cambridge, MA: MIT Press.

³ For this formulation see Pierre Hassner. 1997. Rousseau and the Theory and Practice of International Relations. In *The Legacy of Rousseau*, eds. Clifford Orwin and Nathan Tarcov. Chicago: University of Chicago Press, 214.

Huntington's thesis of a "clash of civilizations," by contrast, assumes that the Western world has not achieved a total victory as Fukuyama suggested. Instead, the Western world ended its internal conflict, a kind of civil war. Now, the previously secondary conflicts rise to prominence between the Western republics and the Eastern world in its various manifestations (Islam, Hindu, Confucianism, Buddhism). As the list shows, the new ideological battle lines are drawn along religious lines. In other words, Huntington argues that the large religions are the dominant forces determining community membership. There are exceptions, but they are irrelevant on a global scale. Globally, the decisive conflicts will be among those forces which can command men's allegiance and willingness to die.

One powerful criticism of Huntington came from Benjamin Barber (1995) who argued that serious practical challenges remained to complete the process (*ibid.*, 3-22). In particular, as he famously put it, the dialectic between "Jihad and McWorld" remained the decisive threat to democracy. By that he meant the contradictions between the continued dominance of tribal life in the world and its confrontation with aggressive capitalism. He pointed out that these encounters would lead to great conflicts if they could not be countered by a prior dissolution of tribal allegiances or moderation of capitalism.

Finally, Umberto Eco (1977) and Hans Magnus Enzensberger (1993) observed a new "medievalism." Both also agreed that macro-stabilization had taken place and that the great ideological conflicts had come to an end; but below the macro-level, they argued, new forms of allegiance and violence would spread somewhat randomly over the entire globe. Through the neutralization of "ideological forces" by the

commercial republic, the human desire for community based on passions would seek new outlets and find them without being geographically stable. Furthermore, a new global hierarchy based on economic inequalities would see violence manifest itself more and more within the administrative units instead of through them. This was explained by the fact that the state remained too strong to be challenged by any group, in particular because of the impossibility of a persuasive alternative. However, the injustice of economic inequality, the lack of community and patriotism would manifest themselves in sub-state violence. In rare cases this violence could also succeed in undermining and destabilizing a weak state.

In addition to the philosophical analysis of contemporary international relations, academic international relations scholarship has also sought to develop its own views of the post-Cold War situation. In general, the serious contenders for the theoretical dominance of the field of international relations are variants of realism and constructivism. Constructivism positions itself only in opposition to realist theories of international relations, broadly defined so as to include classical realists, neo-realists and neo-liberals. If one further takes the position that neo-realists and neo-liberals are very close theoretical positions, and the leading exponent of constructivism, Alexander Wendt, agrees that this is a reasonable suggestion, one is left primarily with the opposition of realism and constructivism (1999, 31). For Wendt, constructivism includes the so-called English school, the World Society theory, postmodern international relations, and feminist international relations (1999, 31-32).

The alternative perspectives on international relations can be reduced to questions about the persistence of war among states, what the causes of war and

peace are, and how much influence human art has on these phenomena. Therefore, they essentially deal with the same questions which were answered by the theorists discussed above. The works of Kenneth Waltz and Alexander Wendt are representative for contemporary realism and constructivism respectively. Similarly to the authors discussed above, they rely in their conceptualization of international relations on the works of modern political philosophers. In contrast to the visions of international relations discussed above, the theorists of international relations try to provide general or theoretical explanations of the structure of international relations. Their aim is therefore claims to be more comprehensive and “scientific” than the more historically bound explanations given above.

Alexander Wendt’s constructivist theory suggests that the post-Cold War world opens up new avenues for the human manipulation of inter-state relations. While the era of nation-states was characterized by a “naturalistic” concept of anarchy, the end of the Cold War has demonstrated that anarchy can be changed by human efforts. The structure of international relations depends on the divergent construction of actors and, due to the increasing democratization and globalization of the structure of international relations, it will change in the future accordingly. This has to be complemented by a change of the actors’ own imaginations or construction of international relations. Wendt’s goal is to “help move the international system from the law of the jungle toward the rule of law” (1999, 10). He thereby implies that he shares the description of international relations as originally determined by the law of the stronger and a concern with security. Furthermore, Wendt believes that the process toward international peace is inevitable. “Even if there is no guarantee that

cultural time in international politics will move forward, I do think one can argue that it will not move backward” (1999, 312). And further: “If there are any structural changes, they will be historically progressive” (*ibid.*). For Wendt, the peak of history is reached with the political thought of Immanuel Kant (1999).⁴ For the time being, however, political reality mostly remains at a Lockean “culture of anarchy,” with the exception of Europe, which has embraced a Kantian culture. Therefore, Wendt fundamentally agrees with the view of the post-Cold War world, which sees an inevitable progress toward world peace.

On the other hand, Waltz and other realists deny that the progress toward world peace is likely, desirable, or possible. The contemporary realists fall into defensive and offensive realist camps, depending on their respective opinion on the necessity of aggression in international affairs.⁵ For the realists, the post-Cold War world is not essentially different from the Cold War world. While the world is not dominated by the confrontation of the two superpowers, the confrontations among states continue to define international relations. One might say that they defend the Lockean vision of world politics (in Wendt’s terms) as the last word on international relations.

It is difficult to determine the validity of these different interpretations of contemporary international relations. It is remarkable what influence the classic canon of political philosophy had on all the dominant interpretations of the present

⁴ Despite Wendt’s obvious preference for Kant one wonders whether he does not follow Hegel. Instead of arguing with Kant that perpetual peace is a morally necessary, but unattainable, goal, he suggests with Hegel or Marx that perpetual peace can be attained in the near future.

⁵ For offensive realism see John J. Mearsheimer. 2001. *The Tragedy of Great Power Politics*. New York, NY: Norton. For defensive realism see Jeffrey W. Taliaferro. 2000/2001. Security-Seeking Under Anarchy: Defensive Realism Reconsidered. In *International Security* 25, 3 (Winter): 152-86; Stephen Walt. 1998. International Relations: One World, Many Theories. In *Foreign Policy* 110 (Spring): 29-45.

international order. In contemporary studies of international relations the connection between political philosophy and theories of international relations is rarely made obvious. Yet, the necessarily derivative character of theories of international relations implies that all theories of international relations are derivative from political philosophy. One first has to talk about the constitution of social actors before one can talk about their interactions. The crisis of the Western world after the end of the Cold War has showed clearly the inadequacy of theories of international relations when divorced from an awareness of its reliance on political philosophy. It therefore seems advisable to follow them in their approach and seek at first what motivated their reliance on political philosophy for evaluating contemporary affairs.

1.2 Modern Political Philosophy, International Relations, and Jean-Jacques Rousseau

Among the different descriptions of contemporary international relations, it was primarily the theories of the early moderns (i.e. Machiavelli, Hobbes, Spinoza, Locke and Montesquieu) which were vindicated by current events (Pangle and Ahrens Dorf 1999, 2). It is also the modern political philosophers to whom the contemporary analysts of international relations return. For example, the United States of America, the most powerful country in the world, is said to be based on Locke's political philosophy (Laslett 1988, 2-3). It is therefore reasonable to argue that due to the pre-eminence of the United States, Lockean political philosophy is the effective political philosophy of the world.⁶ For example, Benjamin Barber used a quasi-Lockean model

⁶ Wendt acknowledges this but tries to move it further into a Kantian world.

of the democratic nation-state in order to criticize Fukuyama's and Huntington's neo-Hegelianisms.⁷

Modern political thought, beginning with Machiavelli, puts much greater emphasis on international relations than previous political thought. Instead of using the concept to indicate the advancement of one's soul toward knowledge or redemption, modern political philosophy pursues first and foremost "comfortable self-preservation," in Locke's famous words. This is not to deny that they also aim at freedom, or that there is a higher aim implied than mere self-preservation, but this leaves open precisely the substance of individual excellence.

In this regard, it is decisive that Machiavelli is the political philosopher of war *par excellence*. Machiavelli's focus on political virtue, on war, and on victory strongly suggested that moral considerations should be secondary to those of security and glory. Machiavelli renews Alcibiades' case against Socrates, but largely ignores Socrates' defense. Therefore, courage is elevated at the cost of moderation, justice, and wisdom (Strauss 2001, 183-184). Even wisdom is now relegated to the service of courage.

It has been observed (Pangle and Ahrens Dorf 1999, 146; Tuck 1999, 9) that international relations became much more important for the moderns because they exemplify the modern's conception of the essence of human nature. As Leo Strauss noted, the moderns take their bearings from the extreme or exceptional situation while the ancients took their bearings from the ordinary situation (Strauss 1953, 178). The moderns are thus preoccupied with preserving security amid the threat of anarchy

⁷ Furthermore, Fukuyama and Huntington can be said to re-enact the debate between left-wing and right-wing Hegelians.

and disorder, whereas the ancients, assuming the existence of stable orders, sought to pursue the noble and best political regime.

Therefore, the implications of Machiavelli's teachings on international relations are a liberation of the conscience from moral concerns, in particular a liberation from the Roman Catholic Church in deed and thought. But the price which had to be paid was an amplification of the power of kings and princes. Their conflicts were suddenly unrestrained by considerations of an after-life or about their subjects. One is reminded of the great Machiavellian Frederick the Great who told his soldiers after a battle: "dogs, do you want to live forever?"⁸ The restraints now issued from being subordinated to other kings, through alliances, or in a balance-of-power system instead of from the Catholic Church, which had been able to exercise considerable through the threat of excommunication.

With Machiavelli's teaching being openly professed, one sees the need for some moderation.⁹ The first attempt to moderate Machiavelli's teachings was made by Hugo Grotius. His work on the Right of War and Peace tried to set forth a universal doctrine of international law. By using the consensus among states, either Christian or otherwise, as its foundation, Grotius concluded that war for personal interest was unjust and therefore prohibited. On the other hand, Grotius retained the notion of a just war for humanitarian causes. This had the political consequence of simultaneously attacking the Roman Catholic Church and justifying the wars against it.

⁸ See Christopher Duffy. 1985. *Frederick the Great: A Military Life*. London: Routledge.

⁹ Strauss has suggested that Machiavelli openly taught what was only said privately by the Ancient Greeks. In other words, Machiavelli's writings were an act of extraordinary and irresponsible daring due to the mortal danger posed by the Catholic Church.

Even though Hobbes himself did not have the best reputation – the beast of Malmsbury as he was called – in comparison with Machiavelli Hobbes appeared much more moderate. In particular, Hobbes sought to harness the revolutionary implications of Machiavelli’s teaching while retaining the attack on the Catholic Church.¹⁰ For that purpose, Hobbes introduced the notion of natural law into Machiavelli’s teaching. Instead of leading to individual perfection or excellence, Hobbes stated that it was a natural law to seek one’s survival or self-preservation. This reduced the Machiavellian dualism of survival and glory to a single-minded liberal emphasis upon survival. In fact, glory or the pleasures of the mind were deemed to be nothing but vainglory by Hobbes.

The foundation of modern theories of international relations is laid by Thomas Hobbes.¹¹ Hobbes is therefore traditionally presented as the originator of the “realist” school of international political thought.¹² He stands for a very bleak account of human nature and the base goals human beings pursue. For Thomas Hobbes, international relations resemble the “natural state of man” (XIII, 82-86). and the state of nature. “Yet in all times, kings, and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators; ...; which is the posture of war” (XIII, 85).

In the state of nature, human life is “nasty, brutish, and short” (*ibid.*). There is a fundamental equality among all human beings based on their equal ability to kill

¹⁰ It is first and foremost an attack on the Church and not on Christianity because Christianity itself provides a very useful education in obedience.

¹¹ Niccolò Machiavelli preceded Hobbes in this project.

¹² Goldstein, Joshua S., and Jon C. Pevehouse. 2006. *International Relations*. 7th Edition. New York: Pearson and Longman, 2006; Viotti, Paul R., and Mark V. Kauppi. 1999. *International Relations Theory: Realism, Pluralism, Globalism, and Beyond*. 3rd Edition. Boston: Allyn and Bacon.

each other. This fear of violent death and their desire to survive, leads humans to conclude a contract, which establishes a sovereign capable of maintaining peace and security among the contracting parties. In order to establish the state, each party has to relinquish all rights except for the right to self-preservation. Hobbes establishes in this manner a sphere which will remain outside the influence of the sovereign.

Still, as Richard Tuck argued, the state of nature remained a permanent possibility for Hobbes, continually threatening the peace and order created by the sovereign (1999, 203-204). The continuation of the state of nature among sovereign states provided only the most obvious example of the truth of this assertion.¹³

In international relations scholarship, Hobbes has often been read the founder of a “structural view that sees interstate anarchy as the defining cause of the state of war” (Doyle 1997, 111-112). This interpretation is based on the parallel between the state of nature among individual men and among states. The difficulty arises because the law of nature, which would demand from the sovereign to seek peace, only becomes effective through the pronouncements of a sovereign, who by definition is absent in the state of nature. While this indeed provides the incentive for men to exit the state of nature and transfer their natural rights to a common sovereign, the same procedure does not take place among sovereign states because the already existing sovereign states are too protected from the vagaries of the state of nature to force the cooperation of multiple sovereigns. Furthermore, every sovereign state has to observe the law of nature. While this might not take place in all instances, every sovereign has to adhere to this reasonable standard. Yet, who will enforce the natural law? Hobbes

¹³ For Hobbes, the state of nature was not just a thought or juridical experiment. Any caution of Hobbes on this matter was motivated by the contradictory church doctrine.

almost must believe that the people would enforce – but in his writings he argues that the people cannot and should not enforce the sovereign’s violations of the natural law. Therefore, effectively the international relations scholars might be right to accuse Hobbes of failing to remedy this weakness of his political philosophy. In practice, Hobbes’ political philosophy might lead to an exacerbation of the use of military force.

While Locke has traditionally been considered a fundamentally different philosopher than Hobbes, (see Doyle 1999, chap. 6), at closer look, many of the differences dissolve. Others as different as Leo Strauss and C.B. MacPherson argue that Hobbes and Locke share more than separates them and, what is more important, share the essential differences. In particular, Hobbes and Locke share the fundamental assumption that the end of government lies in securing the self-preservation of its citizens. They differ in their estimation of the power a government needs toward this end. The obvious difference between them is therefore the more limited power of government in Locke’s political philosophy. Yet, one should not commit the error to argue that Hobbes’ sovereign’s power is unlimited, because the sovereign’s power is always limited by the natural law.

With regard to international relations, Locke’s modification of Hobbes manifests itself mainly with a view to conquest. As property becomes sanctified and part of the state of nature, conquest can never give any right to land. Furthermore, war should not affect the non-fighting part of the opponents. In contrast, Hobbes had claimed that any acquisition by conquest was justified. Locke restricts the just acquisition to commercial exploits. Also, Locke concedes that most acquisitions of

land took place by violent conquests. Yet, he considers these violations immoral and against divine law. The conclusion is that Locke goes even further than Hobbes to limit international war and redirects international conflicts to the realm of non-violent conflict through trade (followed by Montesquieu). However, Locke makes domestic more violent by giving citizens' anger a new justification. He thereby forces a government to become responsive to the demands of its citizens. Hobbes had restricted the right to rebellion to the extreme circumstances of a violent criminal and a soldier, both of whom could reasonably be expected to be ineffective in their demand to be released from persecution or their duties, respectively.

Hobbes' political philosophy has become the foundation for modern political philosophy. In reaction to Hobbes, the revision of the natural law tradition was facilitated by Samuel Pufendorf, Christian Wolff, Emmerich de Vattel, and others. They attempted to retain a basis for a non-mercenary morality. In essence, the international lawyers of the 17th and 18th century tried to find means to moderate the state of nature existing among states. The basis of their arguments was accounts of the effectiveness of international law, which, for them, was synonymous with natural law. Going even beyond them, a number of scholars—such as William Penn, Emeric Crucé, Henry IV and Sully, and the Abbé de Saint-Pierre¹⁴--sought to rationally solve the problem by creating an empire.

Before we come to Rousseau, one should first note that while Hobbes and Locke tried to maintain a moderate foreign policy, Rousseau's successors Kant and Hegel sought to expand modern political principles and thereby constitute a universal

¹⁴ J. R. Jacob and M. C. Jacob, eds. 1972. *Peace Projects of the Seventeenth Century*. New York: Garland Pub.

empire (Hassner 1997, 201). They suggested that the universal basis of modern political philosophy on the desire for self-preservation could not stop at the borders of the nation-state but would necessarily be extended. In fact, this made it necessary to abandon the right to self-preservation as the basis for political societies. Kant and Hegel concluded that the differences among states were less important than the unifying features of human desires, and that these common features would eventually lead to the conclusion that war was an unreasonable mode of action for those who had founded their states on the desire for peace and security. As we had seen, our contemporary debate focuses much more on the political philosophies of Kant and Hegel than on Hobbes and Locke. One might be therefore equally justified to argue that it was not the neo-natural law school which was vindicated by current international affairs but instead the neo-imperialistic school of Kant and Hegel. According to Hassner, Hobbes and Locke “hope that an emergent world society, resting on a way of life that is commercial rather than warlike, will mitigate the continuing plurality and rivalry of states” (1997, 201). On the contrary, the Kantian and Hegelian schools all aim to constitute a universal order or, in Alexandre Kojève’s terms, a universal and homogenous state (Strauss 2000[1961], xiii; 146).¹⁵

The political philosopher who stands in-between the most popular accounts of our international relations is Jean-Jacques Rousseau. Rousseau is the political philosopher who participates in the early modern philosophers’ account but also prepares the ground for Kant and Hegel. Rousseau’s pivotal role for modern political

¹⁵ Kojève writes in his essay that “the political man, acting consciously in terms of the desire for ‘recognition’ (or for ‘glory’) will be *fully* ‘satisfied’ only when he is at the head of a State that is not only *universal* but also politically and socially *homogenous* (with allowances for irreducible physiological differences), that is to say of a State that is the goal and the outcome of the collective labor of all and of each” (146, his italics).

philosophy has often been acknowledged.¹⁶ But, as will be made clear in this dissertation, his importance extends to contemporary international relations.

Leo Strauss identified Rousseau as one of two modern political philosophers (the other is Edmund Burke), who unsuccessfully attempted a return to ancient political philosophy (1953, chap. 6A). According to Strauss, Rousseau's mistake was that he built his political philosophy, which resembled ancient political philosophy, on the foundation of Hobbes, i.e. on the natural right of self-preservation (1953, 277). However, Rousseau was the first to fully capture the ambivalence which was inherent in the modern project. He saw that the Enlightenment and its emphasis on reason, progress, and science would not be able to achieve its goal. The goal of the Enlightenment to create a secular paradise would come at a cost to a fully human experience and that cost might be higher than the benefits. In particular, Rousseau saw the inherent fanaticism of the Enlightenment. While the Enlightenment as a political philosophy liberated philosophy and brought reason into broad daylight, it came at a cost for non-philosophers. The life of non-philosophers was improved by an increase in material wealth, greater sophistication of tastes, and civil, moral, and political freedom. On the negative side, it risked to be unbearably oppressive in terms of love, friendship, and happiness. Rousseau thought that it was necessary to confront these disadvantages.

Rousseau's strange position between Machiavelli and Hobbes on one side, and Kant and Hegel on the other, can show us better than anyone else the contradictions inherent in our current conceptions of international relations. One can summarize the

¹⁶ See, for example, Stephen R. Graubard. 1978. "Preface." In *Daedalus* 107, 3: v-vii; Clifford Orwin and Nathan Tarcov. 1997. "Introduction." In *The Legacy of Rousseau*, eds. Orwin and Tarcov, Chicago, University of Chicago: xi-xiv.

debate between these two camps as to whether international relations can be conquered by man or if it must remain in the last analysis the realm of natural right. This question remains at the heart of our contemporary debate. Rousseau is the political philosopher who stands in-between both positions; somehow continuing and radicalizing the thoughts of his predecessors, thereby laying the foundation for his successors, and still maintaining his distance to all of them. Looking more closely at the complexity of Rousseau's writings on international relations holds therefore the promise of revealing the complexity of our situation to the fullest.¹⁷

More concretely, Pierre Hassner suggested that Rousseau rejected the option for empire as well as the moderate course of Hobbes. Yet even further, Rousseau also rejected isolation as a feasible option (1997, 201-202). In other words, Rousseau was at a loss when it came to international relations. In contrast, I believe I can show that the confusing spectacle of international relations which Rousseau presents is ultimately coherent. In opposition to Hassner it seems that the apparent confusion fulfills the function to distract from Rousseau's fundamentally modern assumptions.

In sum, the aim of modern political thought is to pacify inter-human relations, primarily domestically and secondarily externally. This presumes that the highest political aim is comfortable self-preservation. It leads to the primacy of the state's security function externally and internally. It defines all those states as enemies who seek their own self-interest in eternal or personal glory. All other states are potential

¹⁷ Of course, one might argue against this that Nietzsche, but certainly Heidegger, are not included in this list. But one should not forget either that Rousseau is sometimes considered the first existentialist, albeit an existentialist with a sensitive heart (cf. Richard L. Velkley. 2002. *Being after Rousseau: Philosophy and Culture in Question*. Chicago: Chicago University Press, esp. pp. 5-6).

allies or even friends as long as one's own self-preservation is not threatened. This stands opposed to the traditionally highest political aim of happiness.

Rousseau agrees that the men of nature pursue their self-preservation. He adds, however, that happiness is also the natural end of the men of nature. In contrast to earlier political thought Rousseau suggests that happiness is unconnected to reason and society. Even worse, reason and society prevent the experience of happiness almost entirely. Rousseau is therefore primarily concerned to outline the social and political conditions which will do the least harm to man's happiness. While a return to the natural and best condition is impossible, Rousseau seeks a political society which will provide for the necessary self-preservation while least compromising the natural soul of man.

Due to his consideration of human happiness, Rousseau's political aims in domestic and international politics diverge from each other. While large republics or empires are unproblematic from Hobbes' or Locke's viewpoint, from Rousseau's perspective they become unacceptable. Rousseau criticizes his contemporaries from the perspective of a virtuous man. From this perspective, the small republic is the best regime and not the large republics or empires. Rousseau also criticizes the small republic from the perspective of the philosopher and from the perspective of a Christian. From the latter perspective, which he takes less often than the other two, the small republic is flawed because it lacks or diminishes the concern of citizens for their fellow men. The Christian perspective at its best is capable of softening the harshness of republican reality. From the philosopher's perspective, Rousseau

criticizes all social or political life. Political life appears as only bondage and war in the pursuit of vainglory.

It is my contention that Rousseau is the only modern political philosopher who adequately captures the tensions inherent between international relations and domestic politics. This tension can now be expressed as simultaneously advocating *Realpolitik*, cosmopolitanism, and nationalism. As Rousseau believes that these tensions are ultimately irresolvable, he presents his readers with a confusing spectacle of contradictions and paradoxes. Rather than resolve these tensions, as those who came after him sought to do, or to ignore the problem all together, as did those moderns who came before, Rousseau decides to at least point to them. By following this procedure, Rousseau's vision of international relations is superior to those of his predecessors and successors because he points to practical limits of the modern political project.

1.3 Overview of the Argument

Providing an explanation for the *Social Contract's* incompleteness requires a reinterpretation of Rousseau's writings on international relations. Modern accounts of Rousseau's political philosophy, and in particular those which have tried to read Rousseau as a theorist of international relations, have, first of all, suffered from an unnecessarily narrow selection of his works. Instead of casting their nets wide, these interpretations have rested on only a small number of Rousseau's remarks.

Most importantly, the thesis of Rousseau's reluctant realism stands in tension with prior interpretations of Rousseau's thoughts on international relations. First of

all, it is opposed by those who claim that Rousseau was successful in one way or another in overcoming the fundamental structure of international relations as a state of war or that he succeed in setting forth a perfect state.

It has been claimed that confederations, the social contract, or the education of Emile provide the blueprint for overcoming of the state of war. The first claim is at the same time the first major interpretation of Rousseau's international political thought. This argument was made by Joseph-Lucien Windenberger, and more recently by Michael C. Williams (1989/2005) and Yuichi Aiko (2006),¹⁸ who argued that Rousseau had succeeded in providing the general outlines of perpetual peace (1899, 105; 188). According to Windenberger, Rousseau saw that the small republic would be too vulnerable to external enemies. Therefore, a confederation became necessary. "To realize it, one cannot count neither on religion, nor on force, nor 'on the book'" (1899, 188). Windenberger continues to argue that the confederation can only be properly constituted if it is restricted to legitimate republics as Rousseau had described them in the *Social Contract* (1899, 208; 237). Windenberger concludes: "The international contract corresponds exactly to the social contract" (1899, 231). "The theory of J.-J. Rousseau, when it is a question of the power of confederated States, as when it is about those of citizens, is therefore very neat" (*ibid.*). The confederation, constituted only by small republics, completes the *Social Contract* and brings perpetual peace.

Kenneth Waltz, in his interpretation of Rousseau as a "third image" theorist, made Rousseau the cornerstone of his new theory of international relations. Waltz

¹⁸ Aiko (2006, 113): "The need for the establishment of the confederation between states is therefore beyond controversy."

argued in *Man, the State, and War* that Rousseau explained war not based on human nature or domestic politics, but that he explained war in reference to the international system (1954, 165-186). This argument is not entirely persuasive because Waltz leaves out the ambiguity with which Rousseau expresses himself regarding international relations. In addition, it is not clear, in what essential way Hobbes differs from Rousseau. With regard to international relations, the Hobbesian and Rousseauian state are indistinguishable. It is only in the original state of nature in which the two accounts differ but these differences are not mirrored in the state of nature which exists among states. Waltz does not discuss in any detail the paradox that the original state of nature is a state of peace while the state of nature among states is a state of war. Furthermore, Waltz suggests that Rousseau was mainly focused on the structure of international relations. Yet, Rousseau was primarily concerned with the domestic structure of the political societies constituting international relations.

Stanley Hoffmann argued in an article (1963), and again in the introduction to *Rousseau on International Relations* (1991), that Rousseau had been successful in his attempt to create peace through the *Social Contract*.¹⁹ In particular written against Kenneth Waltz (1954), Hoffmann claims that Waltz had falsely attributed the opinions set forth in Rousseau's *Abstract of the Plan for Perpetual Peace* to Rousseau himself while ignoring Rousseau's *Judgment of the Plan for Perpetual Peace*. While Hoffmann's criticism of Waltz is accurate, his own argument goes too

¹⁹ More recently, David Boucher (1998, 301-306) argued with Hoffmann that Rousseau's small, autarkic republic was meant as a serious solution to the state of war.

far by suggesting that the *Social Contract* provided a solution for domestic as well as international conflicts.

Finally, Grace Roosevelt comes to the conclusion that “Rousseau’s political and educational writings indicate that the divergent values of patriotism and humanitarianism are not mutually exclusive in the long run” (1990, 181). Her argument relies on the notion of “perfectibility” in the *Second Discourse* and by the possibility of the education of Emile. However, this reading of Rousseau goes against Rousseau’s skepticism of the course of history. “All that human wisdom can do is to forestall changes, to arrest from afar all that brings them on” (*Letter to d’Alembert*, 305[V, 68]). It also does not take into consideration what happens to *Emile* and Sophie in *Les Solitaires*. While Roosevelt was the first to fundamentally revise the reading of *The State of War* given in the Pléiade edition of Rousseau’s works, her interpretation of Rousseau regarding international politics seems far too optimistic.

If these interpreters had claimed that Rousseau succeeded in overcoming the state of war, others claimed that the state of war would persist. These interpreters are therefore much closer to the interpretation presented in this dissertation. However, contrary to the claim made here these interpretations all share the opinion that Rousseau put forth the aim of peace in all honesty. Here the claim is made that Rousseau was aware of the limitations of his own argument.

Among the earlier interpreters of Rousseau as being incapable of overcoming war is F.H. Hinsley (1963). Importantly, Hinsley points to two positions in Rousseau’s writings on international relations, the historical and the moral position.

However, Hinsley comments that “his inconclusiveness and defeatism were, indeed, the result of his failure to reconcile his historical arguments with the initial assumptions of his moral and political philosophy” (1963, 55). Hinsley further suggests that Kant was able to resolve the contradictions which Rousseau was unable to find (1963, 60-61). While this points in the right direction, it is not necessary, contrary to Hinsley, that the tension is resolvable or that Kant correctly resolved the tension.

Carter (1987), Goyard-Fabre (1994; 2000), Asbach (2002), and Boucher (2004) conclude that Rousseau was ultimately unable to provide a solution to the state of war even though he desired to find a solution for it (Carter 1987, 211-212; Boucher 2004, 363). Carter in particular dismisses Rousseau’s cosmopolitanism (1987, 198; 208). However, this raises the difficulty of Rousseau’s intention in writing from a cosmopolitan or humanitarian perspective. The account of international relations as only a state of war leaves aside Rousseau’s entire positive project of the *Emile* and the *Social Contract*. It is not sufficient to claim that these are defective from the perspective of the philosopher, one must also explain why they are central part of Rousseau’s political philosophy.

Pierre Hassner (1997) argues that “in his practical answers concerning international relations Rousseau does not succeed in avoiding the very contradictions and ambiguities he wants to suppress” (207). “The diversity of his influence was at the price of much hesitation and an ultimate failure to cut the Gordian knot of the “mixed state” (ibid.). Yet, Hassner does not show that Rousseau was unaware of these contradictions or that he believed it necessary to solve them. Instead, it is rather likely

that the “mixed state” remained because Rousseau believed that an alternative way of life had to exist, which transcended the limitations of the state.

In the following chapter it will be established that the state of war constitutes the fundamental condition of international relations. This chapter first elaborates on the observation that Rousseau’s political works were never completed despite his frequent promises to finish them. Rousseau’s decision to begin and end the treatise with a reference to its incompleteness points to the problem of international relations.

A tension exists between the condition of universal war, which points to the demand of universal peace, and the primary demand to establish a legitimately ruled political society. The latter leads to the plurality of states and is based on an unjust attribution of territory to a limited number of men. The injustice of any political founding remains part of every political society and cannot be overcome without destroying its own existence. Therefore, every political society finds itself in the position to simultaneously desire to further advance peace while having to reaffirm its own existence through war. It points to the conclusion that every political society is necessarily imperfect. Therefore, the incompleteness of the *Social Contract* points to imperfection instead of the otherwise dominant impression of perfection created in that work. In addition to the necessary and desirable plurality of political societies, the case for the permanence of the state of war can also be derived from human history. Rousseau makes this argument especially in the *Second Discourse*.

Chapter three reviews four different arguments which Rousseau leveled against contemporary solutions of the state of war. For different reasons, Rousseau rejects Christian religion, balance of power, empire, and commerce. These were the

solutions which his contemporaries had suggested and which derived from either a Christian's perspective or the perspective of the *philosophes*. Among these three, Rousseau prefers the balance of power, moderated by commerce, to the other three options. The balance of power is the solution suggested by first by Machiavelli, while its modification was elaborated by Locke and Montesquieu. However, it relies on permanent war and competition. For Rousseau, this is clearly an unsatisfactory state and he will seek to improve upon Locke and Montesquieu in particular.

Rousseau's own attempted solutions are presented in chapters four and five. Chapter four explores the solutions of natural law, international law, and the law of the war, and discusses how far these solutions would suffice to the end the state of war. In the end, neither of these three types of law is accepted by Rousseau as the perfect solution to the state of war. In particular, Rousseau rejects international law as it is in his opinion nothing more than an expression of the accidental congruence of self-interest. However, Rousseau comes very close to suggesting the existence of natural law.

In addition, Rousseau introduces a novel understanding of the state of war, which differs from the permanent state of war underlying all human relations. Based on this understanding of the state of war, a law of war also necessarily exists which limits the actions of states. These have the status of prudential rules which no state should violate in most circumstances. Yet, if the laws of war contradict a state's survival, it may violate them. In fact, Rousseau uses the phrase "state of war" in two distinct senses: first, to refer to the state of war which is not subject to any law, and second in order to refer to the state of war among states.

The confederation as Rousseau's most prominent solution to overcome the state of war is explored in chapter five. While I show that Rousseau finally rejects this option as well, he advertises it loudly as the best possible option, superior in particular to the unbearable balance of power. The confederation remains necessary as a moral symbol of hope. The confederation reflects the hope of most people for a better and more peaceful world, despite its practical impossibility. However, as Rousseau saw, the confederation would require the illusion of local independence, otherwise it would undermine the stability of its constituent units. Therefore, Rousseau chooses to advertise the confederation only with the aim of limiting republics and monarchies alike, as well as to provide an aim for the subjects and citizens of those states. Rousseau thereby anticipates and inspires Immanuel Kant in his plans for a perpetual peace.

Finally I conclude that Rousseau's primary view of international relations was Machiavellian. Yet, he also made a strong case for natural law, law of war, and confederations. Even though Rousseau held this argument to be flawed, he used it in order to counter the prevailing opinions on international relations. Furthermore, Rousseau believed that this argument was a necessary complement of the domestic solution presented in the *Social Contract*. While Rousseau's writings lend themselves to be radicalized, it appears that he offered a primarily nationalistic vision of international relations, opposed this with his humanitarian vision. Lastly, he contradicted both political solutions from his anti-political, individualistic cosmopolitan viewpoint. The last vision, however, lends itself only with difficulty to a political application because it is so radically individualistic.

Chapter 2

COMPLETING THE SOCIAL CONTRACT: INTERNATIONAL RELATIONS IN THE THOUGHT OF JEAN-JACQUES ROUSSEAU

2.1 Introduction

Rousseau's most famous work on politics, the *Social Contract*, appears to be incomplete. The *Social Contract* begins and ends with a reference to the incomplete nature of this work. In the *Notice*, Rousseau writes: "This small treatise is drawn from a larger work, undertaken many years ago without consulting my strength and long since abandoned." In chapter nine of book four, entitled "Conclusion," he writes: "After setting down the true principles of political right and trying to found the State on its basis, it would remain to buttress the State by its external relations; which would include the right of nations, commerce, the right of war and conquests, public right, league, negotiations, treaties, etc. But all this forms a new object too vast for my short sight; I should always have fixed it nearer to myself." (*SC*, IV.9, 224[III, 470]). In a work which is considered by many one of the most important, most polished works of political philosophy, it is remarkable that its most obvious characteristic, its imperfection, should have been ignored by most readers.

But the *Social Contract* is not simply incomplete. Rather, the *Social Contract* is incomplete with regard to one particular issue: external relations. In addition to this reference in the *Social Contract*, Rousseau discussed this topic in two other works. In the *Confessions*, Rousseau repeats that the *Social Contract* is indeed an incomplete

work and second, that the more complete work would have had the title *Political Institutions*.

I examined the state of this book [i.e. the *Political Institutions*] and I found that it still required several more years of work. I did not have the courage to pursue it and to wait until it was finished to execute my resolution. Thus, renouncing this work, I resolved to extract from it what could be detached, then to burn all the rest, and pushing this work with zeal, without interrupting that on *Emile*, in less than two years I put the finishing touches on the *Social Contract* (C, X, 432[I, 516]).

In the *Emile*, the content of much of the *Social Contract* is summarized. Yet, the pupil Emile experiences the teachings of the *Social Contract* during his travels, while everyone else has access to these teachings only through Rousseau's writings. Here, we find an extensive elaboration on the short paragraph contained in the *Social Contract*.

Once we have thus considered each species of civil society in itself, we shall compare them in order to observe their diverse relations: some large, others small; some strong, others weak; attacking, resisting, and destroying one another, and in this continual action and reaction, responsible for more misery and loss of life than if men had all kept their initial freedom. We shall examine whether the establishment of society accomplished too much or too little; whether individuals – who are subject to laws and to men, while societies among themselves maintain their independence of nature – remain exposed to the ills of both conditions without having their advantages; and whether it would be better to have no civil society in the world than to have many. Is it not this mixed condition which participates in both and secures neither *per quem neutrum licet, nec tanquam in bello paratum esse, nec tanquam in pace securum*? Is it not this partial and imperfect association which produces tyranny and war; and are not tyranny and war the greatest plagues of humanity?

Finally we shall examine the kind of remedies for these disadvantages provided by leagues and confederations, which leave each state its own master within but arm it against every unjust aggressor from without. We shall investigate how a good federative association can be established, what can make it durable, and how far the right of confederation can be extended without jeopardizing that of sovereignty.

The Abbé de Saint-Pierre proposed an association of all the states of Europe in order maintain perpetual peace among them. Was this association feasible? And if it had been established, can it be presumed that it would have lasted? These investigations lead us directly to all the questions of public right which can complete the clarification of questions of political right.

Finally, we shall lay down the true principles of the right of war, and we shall examine why Grotius and the others presented only false ones.

I would not be surprised if my young man, who has good sense, were to interrupt me in the middle of all our reasoning and say, “Some one might say that we are building our edifice with wood and not with men, so exactly do we align each piece with the ruler!” It is true, my friend, but keep in mind that right is not bent by men’s passions, and that our first concern was to establish the true principles of political right. Now that our foundations are laid, come and examine what men have built on them; and you will see some fine things! (*E*, V, 466-467).

This shows that Rousseau had consistently considered his political writings to include the principles of domestic and external politics. Furthermore, by comparing the quotes from the *Social Contract* and the *Emile* we can get a fairly accurate idea of the issues which Rousseau would have covered with regard to external relations. By outlining the structure of the above quote from the *Emile*, we find that Rousseau planned to deal with the following three themes:

In the first theme, Rousseau explores “whether the establishment of society accomplished too much or too little.” Rousseau points here to one of his fundamental principles, that society is an unnatural human invention. Further, Rousseau expresses here his skepticism regarding the ability of human art to improve upon nature. The most important indication of the insufficiency of human art is the plurality of political societies or the existence of international relations.

The second theme seeks solutions or, better, “remedies” for the insufficiency of human art. As the limits of human art come to view most clearly in foreign affairs,

the remedies are thought in solving the problem of international war and competition. Rousseau would have to show how confederation could be established, how they can last, especially in light of their tension with sovereignty. In particular, Rousseau will look at the already existing example of the Abbé de Saint-Pierre's *Plan for Perpetual Peace* and whether it can solve the problem of establishment and durability. The main problem raised here seems to be how the solution to external relations would conflict with the solution to domestic relations.

Lastly, this leads more generally to an inquiry into the relationship between public right and political right. The third issue comprises “questions of public right” and the “true principles of the right of war.” It is unclear how the concepts of public right and right of war are related to political right. In his enumeration in the *Social Contract*, Rousseau had enumerated seven aspects of external relations, “right of nations, commerce, the right of war and conquests, public right, leagues, negotiations, treaties, etc.” (*SC*, IV.9, 224[III, 470]), three of which he now refers to in the *Emile* in reverse order: leagues, public right, and the right of war and conquests. It has been suggested by Sven Stelling-Michaud that the enumeration in the *Social Contract* can be divided by taking the right of nations as the main concept. The right of nations in turn can be divided into three subordinate concepts: 1. commerce, 2. right of war and peace, 3. public right or the leagues, negotiations, treaties, etc. (*Pl.*, III, 1507). Stelling-Michaud further claims that Rousseau used public right in the sense in which we today use public international right/law (*Pl.*, III, 1508). However, we do not need to rely on recent secondary sources but instead can turn to the definition of these terms in the *Encyclopédie*. Here we find articles on the right of nations and its

relationship to other kinds of right by Diderot and Boucher d'Argis. Stelling-Michaud's categorization is confirmed in the article on the right of nations. Based on this categorization, in the *Emile* Rousseau fails to mention commerce and the general concept of the right of nations.

This reduction of topics is not unique to external relations. Other important examples are the exclusion of the topic of the lawgiver and on civil religion from *Emile's* experiences in his voyages. As with the other exclusions, so the exclusion of the right of nations and commerce appears to be significant. While we will discuss this in our chapter on Rousseau's concept of natural right, it will suffice here to point to the two concepts which Rousseau excludes. First, the right of nations is comprised of the general and private right of nations. Furthermore, commerce is part of the private right of nations (*Encyclopédie*, V, 135).²⁰

Based on these three issues, we would therefore suggest that the incompleteness of the *Social Contract* is primarily problematic with regard to the status of civil society, the possibility of peace, commerce, and the right of nations.

We now have an overview of the issues which the problem of external relations had raised for Rousseau. But we are still uncertain in what way Rousseau's answer would be relevant. Even though the *Social Contract* is incomplete by Rousseau's own admission, this does not answer the question whether this is significant at all for our understanding of international relations, of the *Social Contract*, or of Rousseau's political philosophy. It is my claim that it is not an accident that the *Social Contract* remained incomplete, and that it had to remain incomplete with regard to international relations. In a work as carefully crafted as the

²⁰ Rousseau follows Montesquieu here (see Montesquieu, *The Spirit of the Laws*, Book I, chapter 3).

Social Contract, Rousseau could have concluded the *Social Contract* with the chapter on civil religion. Instead, he went out of his way to indicate that the work is incomplete. Yet, it is very difficult to discern why he left the *Social Contract* incomplete and why he did so in particular with reference to international relations. The subject matter of international relations poses a difficulty for Rousseau and for the theory of the legitimate political regime, which he presents in the *Social Contract*. The incompleteness reflects a deeper tension in Rousseau's political philosophy between the best and the good way of life, i.e. between man and citizen. The incompleteness is relevant for us today because the tension which Rousseau pointed to is felt particularly intensely in international relations and is therefore a suitable starting point to inquire our modern predicament.

2.2 Previous Attempts to Complete the *Social Contract*

If the history of debating the *Social Contract* gives us any indication, it appears at first that the issue of the incompleteness of the *Social Contract* is rather insignificant. The first academic study dates from 1899, i.e. about 140 years after the *Social Contract* was published (Windenberger 1899).²¹ The belated response indicates that it might not have been a primary interest of Rousseau's readers. However, the belated response does not mean that the subject was insignificant. Instead, readers became only slowly aware of the importance of international relations for Rousseau's political thought. As Robert Derathé writes in his introduction to the *Social Contract* in the Pléiade edition, Rousseau began only to be studied in France in a non-partisan

²¹ Windenberger wrote the first book-length study of Rousseau's thoughts on international relations. He was also the first to utilize all the fragments and unpublished manuscripts dealing with foreign affairs. His study remains the starting point for any serious study of Rousseau's international thought.

manner around the end of the 19th century (*Pl.*, III, cxiv). Before that, the study of Rousseau had been overshadowed by his popularity during the French Revolution. Rousseau's work was consequently discredited by the political failure of the revolution. Both, the royalists and the liberals were opposed to his ideas. For example, Benjamin Constant's critique of Rousseau became the quintessential classical liberal rejection of Rousseau for about a century.

Furthermore, before the French revolution the *Social Contract* was not widely read. The *Emile* and the *New Heloise* were much more widely read. A major change occurred when the first French critical edition of Rousseau's work by Dreyfus-Brisac in 1896 became available. The obvious problem of the conclusion of the *Social Contract* did not escape his careful readers, and they now had a number of additional essays and fragments available to probe this problem more deeply. It was soon after the publication of the critical edition that Windenberger attempted to solve the puzzle of the end of the *Social Contract*. He complemented the material from the critical edition with his own research in the archives and found a number of additional fragments, essays, and letters that shed light on the problem of external relations. Therefore, the lack of a quick response to this problem should not discourage us from seeking for some meaning in the omission. It might even be a most promising avenue of research to get to the heart of Rousseau's political philosophy, instead of leading away from it as it might first appear.

As mentioned, Windenberger was the first to suggest an answer posed by the conclusion of the *Social Contract*. He assumed that the *Social Contract* could be completed by extending the principles of political right to international relations. He

identified the general will and equality as the two central principles set forth in the *Social Contract* and applied these to international relations. Furthermore, by comparing his extension of Rousseau's principles with Rousseau's essays on perpetual peace, Windenberger found that both solutions agreed with each other. He concluded that the principles of the *Social Contract* could only be applied to a confederation, striking a balance between security and inalienable sovereignty. Therefore, the *Social Contract* finds its completion in a confederation of republics. This is a significant result because it shows how republics can solve their external security dilemma while at the same time ensuring domestic legitimacy. In this reading, Rousseau appears as the father of modern republics and of modern international organizations.

While it is obvious that Rousseau meant to discuss international relations, it is not convincing that he meant to discuss it in the manner of Windenberger. The realm of international relations seems structurally not analogous to the realm of human relations. Rousseau mentions in the *Notice*, as we have seen, and in a letter to Moultou (CC X, 41-42), that the larger work of the *Political Institutions*, which supposedly would have included a discussion of international relations, was "beyond his forces" or "too vast for his short sight." From Rousseau's remarks it appears that the task of finishing the *Political Institutions*, or the part on international relations, was more complex than extending his principles of political right to external relations.

It is therefore necessary to look for alternative reasons as to why Rousseau did not complete the *Social Contract*. There are three possible answers. First, he did not

believe he could finish the *Social Contract*. For example, Lassudrie- Duchêne (1906, 89) has argued that Rousseau's deteriorating health prevented him from undertaking such an extensive project. Yet, not only did Rousseau live for seventeen years after he published the *Social Contract*, but he completed during that time major works such as *Letters Written from the Mountain*, *Confessions*, and *Dialogues*. It is therefore unlikely that his health prevented him from completing the *Social Contract*.

Second, the *Social Contract* is indeed complete. Here, the difficulty is that it seems superfluous for Rousseau to begin and end the *Social Contract* with a reference to its incompleteness. Therefore, we still need to peruse the *Social Contract* carefully for those aspects that would point to its intrinsic incompleteness.

Lastly, and this reason might simply be a complement to the previous argument, the *Social Contract* might be incomplete because the *Social Contract* is based on one set of principles, while it is contradicted by another set of principles. The two references would therefore point beyond the *Social Contract* itself to another, possibly higher set of principles, that the principles of the *Social Contract* either contradict or form a special case of a broader set of principles. In either case, the incompleteness of the *Social Contract* would point to the limits of the argument of the work. Furthermore, Rousseau believed that these limits would become most visible with regard to international relations.

2.3 Reasons Intrinsic to the *Social Contract*

The reasons for leaving the *Social Contract* unfinished may follow directly from the argument set forth in the *Social Contract*. Therefore, we will first turn to an analysis

of the argument of the *Social Contract* in order to see whether the argument of the *Social Contract* points to external affairs. We will see that the aim of the *Social Contract* is to promulgate the principles of political right. These, however, are based on the condition that the state remains small and therefore vulnerable to external threats. Consequently, the argument of the *Social Contract* seems to necessitate its completion by setting forth the principles by which the small republic could protect itself and its legitimacy against external threats. Then, we will turn to Rousseau's argument in the *Discourse on Inequality* where he outlines the permanence of the state of war among states. Both arguments lead to the conclusion that the problem of external relations exposed the limits of Rousseau's political thought.

Rousseau claims at the end of the *Social Contract* to have set forth "the true principles of political right and trying to found the State on its basis" (*SC*, IV.9, 224[III, 470]). Also, at the beginning of the *Social Contract*, Rousseau set forth his aim in the following manner: "I want to inquire whether in the civil order there can be some legitimate and sure rule of administration, taking men as they are, and the laws as they can be..." (*SC*, I.intro., 131[III, 351]). And in I.1, Rousseau makes the famous statement that "man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question" (*SC*, I, 131[III, I.1]). The function of the "true principles of political right" is the establishment of legitimate political rule (Gildin 1983, 1). As Gourevitch has remarked, civil society enslaves men but it may do so legitimately (1997, xvii; see also Gildin 1983, 146; Bloom 1997, 143; Strauss 1959, 53). The *Social Contract* can

be understood to be complete in this regard, i.e. that it determines how political rule can be legitimately established. One may therefore agree with Reinhard Brandt that the *Social Contract* does not point beyond itself (1984, 109).

While Rousseau succeeds to demonstrate the principles of political right, he also has to minimize an alternative formulation of the aim of the *Social Contract*. In order to focus on legitimacy, Rousseau has to diminish the importance of other possible goals of a political regime. Most importantly is his diminution of the importance of external security. In contrast to Thomas Hobbes, for example, the *raison d'état* is not its self-preservation or security, but its legitimacy. For Hobbes, the reason of all individuals to consent to the social contract is due to their equal fear of violent death. The state's central task and reason for being is to ensure the physical security of all subjects. If the state ceases to provide this security then the individuals are again free to provide for their own security, or to choose themselves the means to their self-preservation. It appears that for Rousseau the claims of legitimacy take precedence over the claims of self-preservation. Giddin suggests that freedom and equality were Rousseau's highest aims while it was peace for Hobbes (1983, 12).

Yet, in the formulation of the explicit aim of the social contract, Rousseau also states that the social contract must ensure the self-preservation of all its members: "To find a form of association that will defend and protect the person and goods of each associate with the full force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before" (*SC*, I.6, 138[III, 359]). The need of a social contract arises because each man's own forces are insufficient to secure his survival. "Each man's force and freedom are his primary instruments of

self-preservation” (*SC*, I.6, 138[III, 359]). Rousseau summarizes here the developments detailed in the *Second Discourse*. In that work, the need to establish a social contract arose because the state of nature had become a state of war and the self-preservation of all had become precarious (49-54[III, 171-178]). The aim of the social contract can be said to establish a political society which does not protect the liberty of some at the cost of enslaving the rest of society. Again, political society has to be a mutual enslavement of all to the law.

From this perspective, Rousseau indeed shows in the *Social Contract* what principles establish legitimate political rule. Legitimate political rule means that “each man’s force and freedom” as the means to self-preservation are replaced with legitimate political institutions, or by political institutions which everyone can consent to. Moral and civil freedom replace natural freedom (see *SC*, I.8, 141-142[III, 365]). Between the two aims pursued politically, i.e. self-preservation and freedom, Rousseau is unwilling to opt entirely for self-preservation, as the comparison with Hobbes showed. Instead, Rousseau tries to find a compromise between the two aims, while limiting the requirements of self-preservation to a bare minimum. Conversely, this means that Rousseau tries to maximize freedom.

Yet in some sense, the aim of Rousseau’s work, the *Social Contract*, is not the same as the aim of a social contract. Rousseau seeks to make political rule legitimate, while a social contract seeks to ensure the self-preservation of men. In III.9, Rousseau affirms the aim of the social contract: “[The end of the political association] is the preservation and prosperity of its members” (185[III, 420]). One might even come to the conclusion that the people in the state of war would rather submit to a Hobbesian

Leviathan than to Rousseau's *Social Contract* because the former is much more effective at ensuring the minimal aim of self-preservation.

The problem of self-preservation, noted at the beginning and at the end of the *Social Contract*, becomes particularly obvious when one notes the republic's vulnerability to foreign attack. This vulnerability follows from Rousseau's argument that a political regime can only reliably maintain its legitimacy over time if it is very small. In order to ensure political legitimacy, Rousseau is forced to name the conditions for political legitimacy. Size is one of the most important conditions, although not all important conditions for ensuring legitimacy have also a negative impact on its vulnerability.

Rousseau discusses the size of the legitimate states in three different contexts: first, he discusses it as a condition necessary for the constitution of the state, second, he discusses it in relation to government, and lastly, he discusses it as a condition for maintaining sovereign legislative power (cf. Gilpin 1983, 90-91). The problem with these three different passages is that they seem to contradict each other. While the first and last discussion suggest that only a small state could be established and maintain itself by remaining legitimately, the central discussion suggests that size would not matter.

The legitimate political regime is not possible "in all climates" as Rousseau writes, following Montesquieu (*SC*, III.8, 181[III, 415]). There are numerous circumstantial conditions which have to be present for the founding of a stable legitimate regime. The first discussion of these conditions comes in *Social Contract* II.8-10, all chapters entitled "Of the People." These three chapters follow upon the

discussion of the legislator in *Social Contract* II.7. The need for a legislator had occurred after Rousseau had found that the substance of the laws could not be supplied by the people themselves.

By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment which guides it is not always enlightened. It must be made to see objects as they are, sometimes as they should appear to it, shown the good path which it is seeking, secured against seduction by particular wills, bring together places and times within its purview, weigh the appeal of present, perceptible advantages against the danger of remote and hidden evils. ... Hence arises the necessity of a Lawgiver (*SC*, II.6, 154[III, 380]).

As Gildin writes, Rousseau here takes up the problem of wisdom and consent (1983, 89). Rousseau “explored the circumstances under which these conditions [i.e. the conditions necessary for good positive laws] were likely to be met” (*ibid.*). The discussion of *Social Contract* II.8-10 takes up three kinds of conditions, time (*SC*, II.8), extent of the state (*SC*, II.9), and ratio of size and people (*SC*, II.10), which were present in a successful founding. These conditions must be necessarily met for the initial founding of the state and the later “political legislator” to be successful. Each type of condition is difficult to meet on its own, but even rarer is a coincidence of all three conditions.

While *Social Contract* II.8 deals with the difficulty of encountering a people which is at the same time old and young, chapters nine and ten both deal with different aspects of size.

Just as nature has set limits to the stature of a well-formed man, beyond which it makes only Giants and Dwarfs, so, too with regard to the best constitution of a State, there are bounds to the size it can have in order not to be either too large to be well governed, or too small to be self-sustaining. In every body politic there is a maximum of force which it cannot exceed, and from which it often strays by dint of

growing too large. The more the social bond stretches, the looser it grows, and in general a small State is proportionately stronger than a large one (SC, II.9, 159[III, 386]).

In *Social Contract* II.10, Rousseau discusses why a large state would have adversarial effects on the people understood as citizens, i.e. as parts of the sovereign, and as beneficiaries of mutual action.²² First, a large state is ineffective in delivering services to the local population. The larger the state the more levels of administration are necessary, more corruption is possible, and consequently the larger the percentage of money spent on administration instead of on delivering services. Second, the larger state the less effective laws are as an instrument of rule. This comes about because the larger state the more diverse the local circumstances and the more difficult and inappropriate to apply a general law. This again leads to a secondary effect on the size of government which needs additional resources to enforce the laws. Third, patriotism is smaller the larger the state. This is because the people have a smaller emotional bond with their leaders and with their fellow-citizens. Lastly, the large size of the administration to provide services diminishes its reserves to deal with emergencies, above all with external threats.

The second aspect of the size of states is the ratio between land and people, or population density. The ideal population density varies greatly according to local conditions. It depends on the fertility of the land, the fertility of the people, the arts used for cultivation, but also the desires of the people in what to eat. It is most

²² In *Social Contract* III.13 Rousseau remarks that: “This does not contradict what I said above, II.9, about the inconveniences of large States; for there it was a question of the Government’s authority over its members, and here it is a question of force against its subject. Its scattered members serve it as fulcra for acting on the people at a distance, but it has no fulcrum for acting directly on these members themselves. Thus in one case the length of the lever makes for its weakness, and in the other its force.”

important for the stability of a state to be able at almost all times to feed its people.

As Rousseau writes:

For if there is too much land its defense is burdensome, its cultivation deficient, its produce superfluous; this is the proximate cause of defensive wars; if there is not enough land, the State finds itself at its neighbors' discretion for the supplement [it needs]; this is the proximate cause of offensive wars. Any people which, because of its location, has no other alternative than commerce or war is inherently weak; it is dependent on its neighbors; it is dependent on circumstances; it can never have any but a precarious and brief existence. Either it subjugates and changes its situation, or it is subjugated and it is nothing. It can preserve its freedom only by being very small or very large (*SC*, II.10, 160-161[III, 388]).

In order to found a legitimate state which can maintain itself over time it is therefore necessary to observe both conditions: a general limit of size based on the human limits to efficient administration, homogeneity of conditions, and patriotism, and a relative limit of size based on providing for food and shelter. While these conditions do not create legitimate government by itself, they are the best condition for it.

Rousseau suggests here an upper limit to the size of states. He also suggests a lower limit to it, which is less often noticed. This limit is implicit in Rousseau's opening remark that as men have a right size between dwarfs and giants, so do states have a limit beyond which they are too large or too small. The lower limit is formed by the land needed to adequately nourish the population.

Rousseau's second discussion of the size of states comes in the context of his discussion of the best type of government. By government, Rousseau means the institution or function of executive power separate from the sovereign or lawmaking power. After discussing first democracy and then aristocracy, Rousseau concludes with a discussion of monarchy. Here, Rousseau concludes that "if in each State the

number of supreme magistrates should be inversely proportional to the number of Citizens, it follows that in general Democratic Government suit small States, Aristocratic Government suits medium-sized ones, and Monarchy large ones” (*SC*, III.3, 173[III, 404]). And again in *Social Contract* III.6: “monarchy is suited only to large States” (177[III, 410]). This gives the impression that Rousseau accepts the possibility of a legitimate monarchy governing a large state. But when one turns to his discussion of monarchical government, one is quickly disabused of this notion. Monarchical government has a number of defects, the most important of which is the ease with which a monarch is able to substitute his own personal will for the general will.

In *Social Contract* III.6, Rousseau mentions one of the many disadvantages of monarchical government: “The distance between Prince and People is then too great, and the State lacks cohesion. To form such cohesion, intermediate orders are therefore needed: to fill these, Princes, Grandees, nobility are needed” (177[III, 410]). This recalls the disadvantage mentioned in *Social Contract* II.9 where Rousseau had talked about the burden of additional layers of administration. It also returns to Rousseau’s argument that the people are insufficiently patriotic in a monarchy. Moreover, Rousseau introduces an argument against monarchy based on the argument that for a monarchical state “to be well governed, its size or extent would have to be commensurate with the faculties of the one who governs.” This implies that “a kingdom should, so to speak, expand or contract with each reign according to the Prince’s scope” (*SC*, III.6, 178[III, 408]). The coincidence the two factors, i.e. size of the state with the faculties of its monarch, make for almost universal bad

governance. This argument is based on the assumption that there is a constant or natural measure of a state's size, and that monarchical government is more likely to make the quality of the prince the measure of it, instead of the ability to provide sustenance. The latter is a constant or only slowly changing standard, and therefore preferable to the standard derived from the quality of the monarch.

Lastly, monarchical governments tend to be more stable the larger they become. This confirms Rousseau's earlier statement that "monarchical governments are best suited to large states." Yet, now it becomes clear that the reason that monarchical governments and large states go hand in hand is because monarchies, which now appear to be exclusively tyrannies, more easily suppress their population in large states. "The larger the area which a constant number of inhabitants occupy, the more difficult it is to revolt; because it is impossible to take concerted action quickly or in secret, and it is always easy for the Government to get wind of plans and to cut communications: but the closer together a numerous people draws, the less can the Government usurp from the Sovereign" (*SC*, III.8, 184[III, 418]). Furthermore, it is not only the size of the country but also a corresponding population density. "The least populous countries are thus the most suited to Tyranny: wild beasts reign only in wildernesses" (*ibid.*). This implies that monarchies will tend to expand and they will tend to depopulate the area under their control, because only in that way are they stable. But if one recalls what Rousseau had said earlier about population density one notices that the low population density also increases the risk of foreign attack. Therefore, monarchies can never achieve stability because by trying to secure their domestic rule they become increasingly vulnerable from foreign attack. Monarchies

are much more preoccupied with external politics than with domestic matters as a matter of principle (see also III.8 on the instability of monarchies).

This brings us to Rousseau's third and final discussion of size. In a section parallel to Rousseau's first discussion of size, entitled "How the Sovereign Authority is Maintained" in (*SC*, III.12-14) Rousseau addresses the question of how the people can best maintain their sovereignty. In *Social Contract* II.8-10 he had addressed the best conditions under which the people can become the sovereign. In book three, the tripartite chapter follows upon the problem that the legislative power of the people is always threatened. "The principle of political life resides in the Sovereign authority. The legislative power is the heart of the State, the executive power is its brain, which gives movement to all the parts. The brain may become paralyzed and the individual still live. A man can remain imbecile and live: but as soon as the heart stopped to function, the animal is dead" (*SC*, III.11, 188[III, 424]). His advice to maintain the state is to ensure the frequent direct participation of the people in law-making. "There must be fixed and periodic assemblies which nothing can abolish or prorogue" (*SC*, III.13, 190[III, 426]).

The small state is necessary because of Rousseau's rejection of representation. Rousseau points to the loss of freedom through representatives (*SC*, III.15). "Sovereignty cannot be represented for the same reason that it cannot be alienated" (*SC*, III.15, 192[III, 429]). What Rousseau here means is that the sovereignty of the people is exercised in legislating. Only if the power to make laws frequently returns to the people are the people protected from usurpations of power. Representation is one among a handful of instruments to reduce the power of the people.

Representation is a mechanism to transfer power from the people to a newly constituted body, which becomes the effective people. This new body has the advantage of making the deliberations more rational. Because of its size, the ease of assembly, its ability to focus attention to political issues, the representative body is capable of avoiding many of the defects of direct democracy.

Rousseau rejects representation because it presents a danger to popular sovereignty. Representation implies that the sovereignty of the people can be placed in a body different from the actual people. This new body can then perceive itself as the true people or the true sovereign. Yet, in relation to the people as a whole, they could develop a particular will contrary to the general will or the will of the people. This would be to the disadvantage of the people. Therefore, representation of sovereignty in this sense is indeed impossible.²³

Legislation through representatives is for Rousseau not legitimate legislation. Rousseau consistently maintains that only self-legislation is legitimate legislation. The introduction of an intermediary body between the people and its general will implies that the people are in some way defective. Either the conditions for founding were not present or the *moeurs* of the people are too corrupt to bear the burden of self-government. Therefore, Rousseau concludes in *Social Contract* III.15 that the state has to be small: “All things considered, I do not see that among us the Sovereign can henceforth preserve the exercise of its rights unless the City is very small” (194[III, 432]). The state has to be small with regard to its founding and with regard to securing the sovereignty of the people against its government.

²³ Rousseau opposes here Hobbes, Locke, and Montesquieu.

Rousseau himself draws the consequence of the small size for its external power and he suggests a remedy in the form of confederations:

It is always an evil to unite several cities into a single City, and anyone who wants to bring about such a union should not flatter himself that he can avoid its natural inconveniences. The abuse of large States should not be urged as an objection to someone who wants only small ones: but how are small States to be given enough force to resist the large ones? In the same way that formerly the Greek cities resisted the great King, and more recently Holland and Switzerland resisted the House of Austria (*SC*, III.13, 190[III, 427]).

And similarly at the end of *Social Contract* III.15:

All things considered, I do not see that among us the Sovereign can henceforth preserve the exercise of its rights unless the City is very small. But if it is very small, will it not be subjugated? No. I shall show below how the external power of a great People can be combined with the simple administration and the good order of a small State (194[III, 432]).

Rousseau leaves it in the *Social Contract* at pointing to the necessity of small republics to unite in confederations. Again, the only direct reference in the *Social Contract* besides the beginning and the end occurs here, and it is again with reference to international relations.

In the *Social Contract*, Rousseau set out to maximize freedom and equality while ensuring a minimum of security. This leads to the consequence that the only stable legitimate state is also very small. Therefore, not only is the founding of a legitimate highly unlikely but also its continued existence due to foreign threats. In fact, there are permanent reasons for all states, but in particular for the small republic, to expand one's territory in order to protect oneself against external insecurity.

For all peoples have a kind of centrifugal force by which they constantly act against one another and tend to enlarge themselves at their neighbors' expense, like Descartes' vortices. This shows that there are reasons to expand and reasons to contract, and it is not the

least of the politician's talents to find the proportion between these two sets of reasons which most favors the preservation of the State. In general it may be said that the first, since they are merely external and relative, should be subordinated to the others, which are internal and absolute; a healthy and strong constitution is the first thing to strive for, and one should rely more on the vigor born of good government, than on the resources provided by a large territory (*SC*, II.9, 160[III, 387]).

For the small republic, however, the consequences of an expansive foreign policy are particularly devastating. Either the republic incorporates the newly conquered territories, which threatens its legitimacy by empowering government, or it reduces the conquered population to slavery, contradicting its political principles, i.e. its virtue.

Based on its explicit argument, the *Social Contract* would require its completion with regard to the ability of the small legitimate republic to provide for its external security or its ability to provide for its self-preservation. In this regard, the *Social Contract* is incomplete. But the question is whether this problem is amenable to a human solution. In the *Second Discourse*, Rousseau not only discusses whether this problem can be solved but he also discusses the genesis of this problem.

2.4 Reasons Extrinsic to the *Social Contract*

In the *Social Contract*, it appears that the only threat for the legitimate state comes from larger, more powerful, and implicitly also illegitimate states. It appears as if the legitimate republic would exist separately from all other states, republican or otherwise. Its internal constitution would never lead to warfare except in the case of justified defense against an unjust aggressor. Either just or unjust offensive war appears impossible based on the principles of political right. The problem of external

relations appears to stem exclusively from the difficulty of founding and maintaining legitimate constitutions. Therefore, external relations provide one with another reason to reform the internal constitutions of states so that they become legitimate.

Yet, contrary to this impression from the *Social Contract*, the evidence in the *Second Discourse* and *The State of War* points to the inevitability of war among states, regardless of their internal constitution. In this case, external relations and the possibility of war are equally problematic for legitimate republics and for illegitimate tyrannies. While the discussion of external relations was first mostly confined to the difficulties which they posed to political legitimacy, the discussion now points to the more fundamental problem whether peace is possible among men. If the argument of the *Second Discourse* and *The State of War* leads to the conclusion that indeed peaceful relations among political societies are structurally impossible then this would be an important reason why the *Social Contract* was left incomplete.

According to Rousseau, the state of war characterizes the relations among sovereign states qua sovereign state. Yet, Rousseau also argued that according to the original nature of the human species, war was absent from the beginning. Therefore, we first need to see what mankind was like in the state of nature and what caused its corruption. The state of war among sovereign states can be explained by the impossibility of a return to the state of nature and the essence of the sovereign state.

2.4.1 The State of Nature

In the *Discourse on Inequality* and *The State of War*, Rousseau shows that it is not part of human nature for human beings to be in a state of war with each other.

Furthermore, the state of war belongs properly to political societies. Consequently, Hobbes' argument must have been inaccurate on both accounts. Hobbes had argued that men were naturally in a state of war and that the state of war is possible among men. For Hobbes, the state of war had been the natural state for mankind. It was characterized by diffidence, glory, and competition (XIII.6).²⁴ These three factors, natural to men according to Hobbes, were the cause of life in the state of nature being "nasty, brutish, and short" (XIII.9, 84). This made the *exeundum e statu naturali* necessary and the sovereign state the only rational solution. But in Rousseau's writings, the state of nature had hardly any semblance to Hobbes' state of war. Even more, Rousseau's state of nature was meant to refute in particular Hobbes, as he made clear in *The State of War* and in the *Second Discourse*. Most importantly, the state of war was not coeval with mankind and there was nothing in human nature which pointed by nature beyond the state of nature. Instead, the state of nature showed the natural goodness of man.

As Arthur Melzer has argued, the natural goodness of man means first and foremost the natural goodness of man for himself (1990, chap. 1). The meaning of goodness is therefore that by nature every man has the ability to survive without relying on any other being. Natural man as an individual and as a species is able to survive in the state of nature. Rousseau shows in part one of the *Second Discourse* that survival in the state of nature does not require any particularly human abilities. In some climates, survival might even be almost effortless. The basic needs of food and sleep are easily satisfied, because nature provides man with enough of both. Men are more likely herbivores than carnivores. They live in climates suited to their natural

²⁴ Due to the numerous editions of the *Leviathan* available, I will quote it by chapter and paragraph.

strength, which are especially rich in natural sustenance. Other men and animals are not a very great threat. Men are more likely to flee other men and animals than to stand and fight, mostly because there is no shame in fleeing a naturally stronger opponent. Importantly, men are intelligent enough to fear death and do not organize their life around the inevitability of death. Death has no meaning for them, and even if it did, natural men could not anticipate it. In addition to food and sleep, the only additional necessity is sex. However, sex is only necessary from the standpoint of the species not from the individual. Therefore, a crucial question for Rousseau is whether sex would lead to natural societies. Rousseau denies that it necessarily does because the possibility exists that women are fully capable of caring for their children by themselves. Furthermore, sex does not give rise to other social passions because the human female does not have exclusionary periods of conception and the males are therefore not in competition for females.

Rousseau cannot see any natural bond among human beings which would be necessary to ensure either the individual's or the species' survival. In other words, natural man does not need any man-made or artificial bonds to ensure his survival in the state of nature. In particular, political society is unnecessary to guarantee the self-preservation of mankind. The nature of man does not point to societies or the necessity of political rule. Rousseau therefore rejects Hobbes' argument that it is primarily self-preservation which causes the establishment of political societies. Instead, it is pride or amour-propre which leads to political rule (Bloom 1997, 151).

In addition to the pure state of nature, which showed natural men completely independent from each other, Rousseau introduced in the second part of the *Second*

Discourse a second stage within the state of nature where natural men live together in small villages. Rousseau relaxes here some of the assumptions he had made in the first part describing pure natural man. Now, humans live together in huts with their families. Rousseau calls this a first revolution and it is meant to show that nature allows for the development of some social bonds. This state is the only one, with the exception of the last stage of civil society, which can be empirically observed. As Rousseau writes, most of the savage tribes discovered by European explorers are in this stage of human development (*SD*, 48[III, 170]). In effect, it shows human beings in a stage of their most advanced natural development, suitable to all men at all times. Any further development of any potential human faculties means an existence against nature as a whole and as mankind as part of it. At this stage, mankind continues to survive, and survive better than in the pure state of nature, i.e. mankind multiplies steadily. However, there is no development of men which would benefit either mankind as a whole or continue to be in consonance with nature. Still, it can be of great benefit to individual man whose talents remain undeveloped at this stage.

In the second stage of the state of nature, the stage of permanent abodes and families, conflicts indeed become increasingly violent and ferocious. Rousseau's description of them is quite evocative of their savagery. Yet, he tries his best to play down this side of savage existence by calling this stage the "best and happiest of mankind" in order to overcome the prejudice of his "enlightened" contemporaries. This prejudice made it all too easy to only look at the savagery (cannibalism among them) to show on this basis the superiority of 18th century polite society over the savage tribes. Rousseau points out that these violent conflicts, as brutal as they might

be, do not threaten the survival of the species or of the tribes. Instead, they seem to be natural consequences of the advantages for men derived from life in tribes. Most of the conflicts which Rousseau gives as examples are conflicts within the tribe. These conflicts are moderated by pity or compassion. Rousseau argues that man's natural compassion is still capable of moderating the nascent tensions among tribal men. These tensions or conflicts are due to an increase in *amour-propre*, i.e. pride. While still devoid of reason, Rousseau therefore shows that the stability of this stage can be explained with opposing passions alone, that neither reason nor public institutions are required, and that the savagery is due to *amour-propre*. Imagination has made compassion possible, because now men are capable to imagine to be in the place of one of their fellow tribesmen. Without man's own doing, nature seems to have accounted for the possibility of the first revolution in man's relations developments and ensured its continued stability. The first two stages of mankind are both internally stable and self-sufficient and do not point beyond themselves toward political rule.

2.4.2 *Leaving the State of Nature*

The challenge of beginning with mankind solidly anchored in the state of nature is to explain the causes of its corruption. In this stable and self-stabilizing state of nature, what can possibly have caused the creation of political societies? In Rousseau's account of human nature, the natural human faculty – in fact the only truly natural human faculty - of perfectibility has to bear the burden of explaining man's exit from the natural whole and the self-imposed human burden of having to replace it by means of human art. In order not to rely on either human nature, nature, or God,

Rousseau had to identify a human faculty which was present in the state of nature but would only under exceptional, accidental circumstance produce the result which could be observed in human history. In other words, Rousseau argued that the factual outcome of human history – political society – should not be confused with nature’s most likely outcome – the family and small villages at most.

The human faculty of perfectibility allows the human species to develop all of its other faculties.²⁵ Perfectibility is a certain freedom from instinct (Plattner 1979, 46-51). While other animals seem to be bound closely to nature – so that they rather have to die than eat meat, for example (*SD*, 25-26[III, 141]) – human beings can adapt to changing circumstances. While they are probably herbivorous, they can become omnivorous. Another example is the unique fertility of human females who do not have particular periods of fertility throughout the year. Therefore, they are again less bound to the geographic conditions than other animals, and less subject to sudden changes in their natural environment. Perfectibility is the material cause of human development; it is not a final cause. The difference between the two is that the latter points to a natural human end while the former allows for the possibility that mankind would remain forever in the state of nature. The current civil state is therefore not the fulfillment of a natural end, which it took human history millennia to attain, but it is merely one among many possible outcomes, and it is not necessarily the best. While perfectibility in itself might be a fleeting phenomenon, Rousseau also must explain how an accidental occurrence in man’s environment could produce lasting results. Rousseau consequently needs to explain the generation of memory,

²⁵ This means that it is misleading when Rousseau speaks of “natural faculties.” Furthermore, the newly developed “faculties” are new passions which become effective in human history.

language, and reason by which knowledge could be retained and communicated to other men and transmitted to future generations.²⁶

In Rousseau's "hypothetical history" of mankind (*SD*, 19[III, 133]), it was only the revolution of metallurgy and agriculture which caused the state of war. In the original state of nature, war did not exist. There only was the harmony of the human species with nature. The natural constitution of the human species allowed for occasional conflicts and even murder. Violence was or is part of the human species, but in a condition of plenty and of dispersion there was hardly enough cause or opportunity to use violence. Even if conflict occurred, because of the lack of mutual relations with one's fellow beings, it appears to have been impossible to sustain any conflict over long periods of time.

The exit from the state of nature becomes necessary because individual self-preservation becomes impossible in the corrupted state of nature. This story is first told in the *Second Discourse* and, in a much abbreviated form, in the *Social Contract* (see Scott 1992). In the *Social Contract*, Rousseau portrays the necessity of a social contract as follows: "I assume men having reached the point where the obstacles that interfere with their preservation in the state of nature prevail by their resistance over the forces which each individual can muster to maintain himself in that state. Then that primitive state can no longer subsist, and humankind would perish if it did not change its way of being" (*SC*, I.6, 138[III, 359]). Therefore, the necessity of a social contract follows from the increase in force of the obstacles opposing the individual ability of each man to preserve himself. However, Rousseau does not specify the

²⁶ For memory, see especially Note XII of the *Second Discourse*. For language see *Second Discourse*, 30-33[III, 147-151] and the *On the Origin of Language*.

causes of this increase. For this, we have to turn to the *Second Discourse*. In particular, we should turn to paragraphs 20-29 in the second part of the *Discourse on Inequality*.²⁷

According to Rousseau, the accidental cause of the first the state of war, and then political societies, was metallurgy and agriculture.²⁸ It was above all the observation of the natural processes of metal production which caused this “great revolution” (*SD*, 49[III, 171]). “The invention of the other arts was therefore necessary to force the human species to apply itself to the one of agriculture” (*SD*, 50[III, 173]). This observation produced results in mankind which made political societies necessary, i.e. the accidental occurrence produced lasting results in men. The first innovation could produce permanent results because human beings were capable to remember the processes of metallurgy and to communicate them to other men.

The two central arts, i.e. metallurgy and agriculture, led necessarily to “the first rules of justice” (*SD*, 50[III, 173]), to a division of labor among men (*ibid.*), and to private property (*SD*, 51[III, 174]). Those with the greatest talents, especially of acquisition, were now capable to use the labor force of the untalented. Natural inequalities, i.e. inequalities which always existed, only now became effective in ordering the relations among men. Society, or the artificial order, is founded on the general acceptance of private property. Furthermore, private property and the

²⁷ This is in two regards the center of the *Second Discourse*: first, paragraphs 27 and 28 are the central paragraphs of the second part. Furthermore, the discussion of metallurgy is in the center of the entire book, if one includes the epistle dedicatory and Rousseau’s notes.

²⁸ By the time the state of war has occurred, political societies have become an inevitable result. Unless the invention of metallurgy could have been reversed, mankind necessarily entered into a state of war, which in turn could only be overcome through political societies. As Rousseau writes in the *Second Discourse*, mankind had often invented agriculture and abandoned it again. Agriculture was therefore not the decisive cause. Only metallurgy caused the permanent change in man’s nature.

ownership in the property of labor are justified by resorting to the gods. “That is, the right of property, different from the one which results from natural Law” (*SD*, 51[III, 174]).

But the human order is threatened by the natural order. “In a word, competition and rivalry on one hand, opposition of interests on the other; and always the hidden desire to profit at the cost of others. All these evils are the first effect of property and the inseparable consequence of nascent inequality” (*SD*, 52[III, 175]).

The human or artificial order stands opposed to the fundamental principle of the natural order. Rousseau expresses this thought in the two effective principles of each type of order: the right of the stronger and the right of the first occupant (*SD*, 52[III, 176]). The conflict between the natural order and the artificial order becomes manifest in the opposition between two rights, i.e. natural right and artificial right.²⁹ The difficulty is that the rich and the poor claim a right, i.e. the right of the stronger, to violate artificial right, i.e. property right. This is contradictory on the part of the rich because they violate the right which they would want everyone else to observe. It is just on the part of the poor because they act out of necessity. It is the potential of natural inequalities, of talents, which creates a new order (*SD*, 50-51[III, 174]). This new order is in principle just because it derives from nature (end of *SD*, 67[192-93]). But in contrast to the natural order it is unstable (cf. *SC*, II.6). The instability stems from the possibility of pretending to be better than one really is and from greed and ambition, i.e. one’s natural preference for oneself (*SD*, 50-52 [III, 174-176]).

²⁹ As Rousseau writes later in the *Second Discourse*, the terms rich and poor, and strong and weak are ambiguous. The reason is that the rich are not necessarily strong nor the poor necessarily weak, partially due to technologies which give greater force to the rich.

The result is that the obstacles to self-preservation are unintentionally man-made. The social contract of the *Second Discourse* arises therefore from the same necessity as the social contract of the *Social Contract*. Yet, the appropriate reaction to the corrupted state of nature is very different in the *Second Discourse* and in the *Social Contract*. While both continue to the founding of a political society, the political society in the *Second Discourse* is based on force and fraud while the political society of the *Social Contract* is based on consent only.

These accidental developments are decisive because they create a new mankind which would, as Hobbes had argued, be incapable of surviving without the substitution of political rule for self-rule (1996[1651], XIII). The difference between Hobbes and Rousseau is therefore that political society is not established due to human nature, but that it emerges in reaction to human history. Yet, it is not a universal phenomenon but identifiable in time and space. The necessary conditions for a part of mankind to leave the state of nature and seek refuge in political societies occur only in certain geographic regions and at a certain time. Political society is meant to pacify the relations of one specific group of people and for the rest, political society is unnecessary but unavoidable.

2.4.3 *The Historical State of War*

The invention of political societies becomes an accidental necessity because the discovery of metallurgy leads necessarily to a state of war and then to political societies. Paradoxically, the relations among political societies recreate the state of war among individuals in the state of nature. Among sovereign states, the state of

nature continues to exist, but only in its last instantiation as a state of war – and not as the pure state of nature or the tribal state of nature. This result is at first surprising because the moral being “authorized by the consent of men,” (Scott 1992, 699) i.e. the sovereign state, seems to be completely autonomous from other similarly created moral beings. It was, after all, the obstacles men had created for themselves which made their self-preservation impossible. As self-preservation seems now assured, it is as if peace among moral beings would necessarily follow, and that only the internal corruption of a moral being would lead to war.

Rousseau foresees this argument and instead suggests that the relations among moral beings will essentially resemble the relations among men in the state of war.

But it will be said, since each one of these bodies is so solidly set, how can they possibly ever collide? Should not their own constitution preserve eternal peace between them? Do they, like men, have to go look outside for the wherewithal to provide for their needs? Have they not within themselves everything needed for their preservation? Are competition and exchange an inevitable source of discord, and is not the fact that the inhabitants of all the countries in the world supported themselves before there was commerce proof conclusive that they could subsist without it? (*SW*, 66[III, 605]).

Rousseau’s answer to these questions is negative. Each political society is only a provisional answer to the problem of self-preservation which men had come to face in the state of war. It is important to recall that self-preservation was unproblematic in the pure state of nature and even at the stage of “nascent society.” The historical changes described above had made self-preservation for individual man problematic and forced them into political societies. It is this modified problem of self-preservation which was solved by the founding of political societies. Consequently,

the founding of one political society aggravated the problem of survival for the rest of mankind and forced them into political societies as well.

Rousseau pointed to this necessity in *The State of War* as well as in the *Second Discourse*. “With the first society formed, the formation of all the others necessarily follows. One must either belong to it or unite to resist it. One must either imitate it or let oneself be swallowed by it.” (SW, 66[III, 603]). Similarly, he writes in the *Second Discourse*:

It is easy to see how the establishment of a single Society made the establishment of all the others indispensable, and how, in order to stand up to united forces, it became necessary to unite in turn. Societies, multiplying and expanding rapidly, soon covered the entire face of the earth, and it was no longer possible to find a single corner anywhere in the universe where one might cast off the yoke and withdraw one’s head out of the way of the often ill-guided sword everyone perpetually saw suspended over it (54[III, 179]).

Rousseau elaborates his definition of the state of war among political societies. “War is a permanent state which presupposes lasting relations” (SW, 65[III, 602]). In the *Social Contract*, Rousseau elaborates further: “since the state of war cannot arise from simple personal relations but only from property relations” (I.4, 135[III, 357]). Therefore, one can only properly call war the conflicts between political societies.

But this definition does not apply to the state of war described in the *Second Discourse*. There, the state of war was between men claiming the natural right of the stronger and men claiming the right of the first occupant. While it remains an accurate statement that there is no state of war among men, the last stage of the state of nature just prior to the founding of political societies emerged because of property relations. The state of war among men prior to the founding of political societies and the state of war among sovereign state is therefore structurally the same. Furthermore,

men return to the state of war if the political regime becomes despotic (*SD*, 65[III, 191]). It follows that the state of war among men is replaced by a state of war among sovereign states and that the state of war always remains a structural feature of human relations.

Yet, despite the structural analogy between the state of war among men and the state of war among sovereign states, the entities at war with each other appear to be essentially different. This will lead to some modifications of the state of war. The first and most obvious difference is that the sovereign state does not exist by nature. Rousseau often calls the sovereign state a “moral being” (*Pl.*, III, 357; 608). Rousseau had shown in the *Second Discourse*, that man in the pure state of nature was completely free from having moral relations with his fellow-beings. Rousseau defined *moral being* as “intelligent, free, and considered in its relations with other being” (*SD*, 14[III, 124]; Masters 1964, 94). Scott (1992, 699) pointed out that Rousseau distinguishes between two different meanings of “moral being:” that which is moral in the sense “established” by “a sort of convention” as men begin to associate together and another, more “political” form that is moral in the sense of being “authorized, by the consent of men.” The sovereign state is a moral being of the latter type, which Rousseau also calls a “being of reason.” Because the sovereign state depends in its constitution on the consent of men, it is the consent of all its members, i.e. their general will, which is its most distinguishing characteristic (cf. Derathé 1950, 397-410 and Melzer 1990, 185-188).³⁰

³⁰ It is important to note here that the sovereign state will be compared to men as they present themselves in the state of war, i.e. not in the pure state of nature or the savages. For example, the sovereign state relies on reason for its stability while man in the pure state of nature survived without it.

The sovereign state is not part of a natural harmony. Men, on the other hand, are either a part of nature, or, as citizen, part of a state. With mankind's exit from the natural order, the sovereign state becomes an *ersatz* or *supplement* nature (Scott 1992). Yet, the state cannot completely replace nature because men always remain partially a natural being, and because the sovereign state seeks to artificially produce outcomes which nature produced by itself. As Rousseau writes: citizens "cannot join it [the state] as true members are joined to the body" (SW, 68[III, 606]).³¹

Second, the state lacks a nature or a natural measure. It does not know a natural size or boundary, and its desires are never equal to its capacities.

The size of the body politic is purely relative, it is forced constantly to compare itself in order to know itself; it depends on everything around it, and has to take an interest in everything happening around it, for regardless of how much it might wish to remain within itself without gain or loss, it becomes small or large, weak or strong, according to whether its neighbor expands or contract and grows stronger or weaker. Finally, its very stability, by steadying its relations, secures a more dependable outcome to all of its actions, and makes all of its quarrels more dangerous (SW, 67[III, 605]).

The balance between desires and capacities characterized natural man and constituted his happiness or at least contentment (E, 80). But the sovereign state always tends beyond its current limits. In addition, the sovereign state does not have a natural limit and there is always a greater capacity for wealth, etc. (SW, 67[III, 605-06]). This is decisive because the sovereign state is much more courageous in comparison to a man. The sovereign state is aware of the possibility of its own death, so it is again unlike man in the pure state of nature. However, the sovereign state can by its own

³¹ For example, in this understanding, war might be the equivalent of natural catastrophes, i.e. the necessary occurrence which returns everything to its beginning. The difficulty is obviously that men are incapable of desiring their own destruction. Therefore, they will try to improve upon nature and seek to avoid war. In the end, Rousseau seems to assume, it will be nature which will reassert itself against human art.

efforts hope to extend its life ad infinitum. At the same time its principle of life, i.e. the general will, is much better protected than a man's heart. Both differences would lead to much greater daring than a man in the state of war could muster.

Rousseau explicitly rejects the hypothesis that the only principle of the state is reason (*SW*, 67[III, 605]). Instead, "the essence of society consists in the activities of its members, and that a State without movement would be nothing but a dead body" (*ibid.*). By movement, Rousseau means that the state needs to excite the passions of its members. "For this state to endure, the liveliness of its passions must therefore make up for the lack of liveliness of its movements, and its will must quicken by as much as its power grows slack" (*SW*, 68[III, 606]). As Rousseau also calls the state "a being of reason" he does not mean to imply that reason plays no role in the constitution of the state; what he wants to reject is the opposite argument that the state relies only on reason. In comparison with a man, the sovereign state tends towards activity and man toward rest.

The sovereign state shares with man in the state of war the importance of amour-propre. The sovereign state "is constantly forced to compare itself in order to know itself; ...for regardless of how much it might wish to remain within itself ... it becomes small or large, weak or strong, according to whether its neighbor expands or contracts and grows stronger or weaker" (*SW*, 67[III, 605]). This reminds one of the passage in the *Second Discourse* where Rousseau distinguishes between the savage and civilized man: "The savage lives in himself; sociable man knows always to live outside himself and in the opinion of others; and it is, so to speak, only from their judgment that he draws the sentiment of his own existence" (66[III, 193]). The man in

the state of war and the sovereign state suffer from the same defect. For both of them, *amour-propre* has become the most important principle of their lives. The difference, however, is that this is an unnatural condition for men, while it is the “natural” condition of the sovereign state. This is because the sovereign state does not have an absolute existence or can truly know itself as a man could theoretically know himself. The sentiment of existence, which is the deepest justification for seeking self-preservation, is not an experience of the state. The state only exists for the sake of self-preservation.

Finally, another difference between the sovereign state and natural man is that the sovereign state is by its nature social. Because *amour-propre* is part of its constitution, it has necessary relations with other states. But the natural sociability of sovereign states does not lead to peace. On the contrary, relations are defined by competition, diffidence, and glory, as Hobbes had claimed in the *Leviathan*. Hobbes’ state of war existed because by abstracting from political institutions he had concluded that men as we see them would prefer to have political institutions over having no political institutions.³² The state of war exists because there is no institution with the power to judge, with the power to enforce judgments, and that there was no difference between good and evil and *meum* and *tuum*. Everyone remains a judge in his own case about the means to his self-preservation. This is the situation of sovereign states.

After the founding of political societies, it appears at first that the war of the state of nature has been satisfactorily been replaced by a new and better state of existence. The existence of men as citizens and subjects in political societies allows

³² This is the first question in the above quote from *Emile*, V, 466-467.

all to develop their talents to the fullest extent possible and only in this way become men fully human (SC I.8, 141[III, 364]). However, the possibility of achieving happiness through politics is contradicted by the existence of other political societies. The greatest inconvenience of the political state is that every citizen necessarily becomes an enemy to all citizens of other political societies. This could only be overcome by leaving one's citizenship behind and reuniting with other fellow-men as human beings simply. Yet, this again puts one in opposition to one's fellow citizens and threatens to put oneself at war with them.

Rousseau also notes this paradoxical situation at four different occasions. He writes in *The State of War*.³³

When I consider the situation of mankind, the first thing I notice is a manifest contradiction in its constitution, which makes it forever unstable. Man to man we live in the civil state and subject to laws; people to people, each enjoys natural freedom: which at bottom makes our situation worse than if these distinctions were unknown. For by living in the social order and in the state of nature, we are subject to the inconveniences of both without finding security in either. (62[III, 610]).

And in the *Second Discourse*:

The Bodies Politic thus remaining in the state of Nature among themselves soon experienced the inconveniences that had forced individuals to leave it, and this state became even more fatal among these great Bodies than it had previously been among the individuals who made them up. From it arose the National Wars, Battles, murders, reprisals that make Nature tremble and that shock reason, and all those horrible prejudices that rank among the virtues the honor of spilling human blood. The most honest men learned to count it as one of their duties to slay their kind; in time men were seen to massacre one another by the thousands without knowing why; and more murders were committed in a single day's fighting, and more horrors at the capture of a single town, than had been committed in the state of Nature for centuries together over the entire face of the earth. Such are

³³ The other passages can be found in *Emile* and in the *Abstract of Perpetual Peace*.

the first discernible effects of the division of Mankind into different Societies” (55[III, 178-179]).

The situation of men appears to be reflected in the situation of sovereign states. As men are simultaneously citizens, subjects, and men the moral being is state, sovereign, and power (*SC* I.6, 139[III, 361]). But the moral entity of the state is only derivative from men and does not have an existence independent from their wills. Men exist in a mixed state because they participate in nature and in society. The moral being of the state also appears to exist in a state of nature and in a civil state. Yet, there is a decisive difference between men and the sovereign state. While for men international relations put into doubt the absoluteness of their existence as citizens, it does not do so for the state. The state by itself is always only a moral being. In order to protect itself and its own existence it has to assert itself internationally and seek recognition. It is as if internationally the individual becomes aware again of his natural existence as a man. Only if he forgets that he is also man and only citizen, i.e. part of the sovereign state, does the individual act towards strangers as enemies. The possibility of relating to other men as citizens, and therefore as enemies, did not exist in the state of nature. It is only by being part of the moral being of the state that a man can act this way.

One can sum up the difference between the sovereign state and man in the following manner: The sovereign state does not exist by nature but because of the art of men. As an artificial being, its aim is to ensure the self-preservation and well-being of its members. These aims can never be completely achieved because self-preservation is not an aim in itself by nature. On the contrary, the natural aim of man is the sentiment of existence. It is therefore true that “their [the states] mutual

relations are nevertheless far closer than those among individuals” (SW, 67[III, 604]). Man aims at a radically individual good while the pursuit of self-preservation and well-being is necessarily competitive because of the scarcity of goods. Consequently, man seeks an end to motion while the sovereign state seeks the perpetuation of motion. In this regard, the ends of man and the state are joined with regard to self-preservation and well-being, but the ends of man transcend the ends of the state.

If one recalls Hobbes’ first law of nature, it said that everyone shall seek peace, including the state. This becomes more complicated for Rousseau. According to Rousseau, men indeed seek peace or repose. Yet, the same is not true for the state. While it might go too far to claim that the state seeks war, according to Rousseau the state cannot seek peace because that would lead to its own death. As the state needs men to become active on its part, the state increases the difficulties for its citizens to experience the sentiment of existence for which it was originally incorporated.

The consequence is the following: a man as human being exists in two different relations and in a mixed state. The moral being constitutes the existence of man as a citizen in order to create peace among neighbors. The moral being is threatened by external relations in its existence but the citizen is reminded of his natural constitution, i.e. his solitary being. This is an aspect of external relations which Rousseau only hints at but does not make explicit.

2.5 Conclusion

Based on the previous discussion it appears that the *Social Contract* is indeed incomplete. The *Social Contract* is incomplete because here Rousseau argued that

only a small republic could secure its own liberty. The internal liberty, however, was bought at the price of being vulnerable to external conquest. Furthermore, the *Social Contract* assumes that mankind had previously encountered difficulties to its survival which could only be remedied through political societies. The *Social Contract* provides an answer to the legitimacy to political rule but not to the more fundamental and prior problem of survival, which was the immediate cause of its founding. Therefore, the *Social Contract* needs to be completed because it neither secures the self-preservation of man nor the self-preservation of the legitimate state.

Yet, the *Social Contract* is also incomplete because the problem it points to is ultimately unsolvable. Even in the best case that mankind will be governed by a myriad of small, independent, and legitimate republics, the state of war among the various political societies will not end. While all citizens in principle desire peace, their ability to act as citizens is predicated on the existence of a general will. The general will, however, aims at their common self-preservation and not at their individual happiness.

However, one might claim that if it were possible to secure the survival of each political society and its citizens could there be a chance for peace.³⁴ However, the assurance of survival does not solve the state of war. It is not mere survival which is at stake, but it is the modified self-preservation which led to the founding of sovereign states in the first place. That means that the general rule still applies that even the small legitimate republic seeks to make itself safer, which means that it pursues a relatively superior position to all of its neighbors. Rousseau had elaborated

³⁴ One might think here of the possibility of food aid. This solves the most basic cause for war.

this point in *The State of War*. Similarly, in the *Social Contract* Rousseau discussed the “centrifugal forces” (II.9, 160[III, 387]) to which every state is subject.

The impossibility of ending the state of war did not imply that a moderation of the state of war was also impossible. Instead, the small, legitimate republic might also be the most moderate state. Paradoxically, the most moderate states would also be the most vulnerable to conquest by an immodest state. Consequently, this again leads to the question how international relations could be made more peaceful and safer for republics. Rousseau discussed as possible alternatives the balance of power, a new empire, the use of international law, world state, and finally confederations. In the following chapters, I will discuss these different alternatives and why Rousseau found all of them wanting.

Chapter 3

PEACE THROUGH CULTURE AND NATURE: THE ROMAN CATHOLIC CHURCH, BALANCE OF POWER, THE GERMAN EMPIRE, AND COMMERCE

3.1 Introduction

The self-preservation of the legitimate small republic is a problem which goes to the heart of Rousseau's political theory. The impossibility of creating a world state meant that the state of war would always remain a structural feature of human relations. At the same time, the good human life in a legitimate republic would be possible only if one assumed that the problem of the state of war had been solved. Therefore, Rousseau pursued different strategies to address the state of war among states in order to suggest avenues to moderate or pacify their relations. One way of addressing this difficulty was by suggesting externally imposed limitations for states. These limits would serve the purpose to facilitate the self-preservation of a state by moderating external threats. At the same time, these limits would favor the legitimate regime more than an illegitimate regime. An alternative strategy would be for a state to become more peaceful.³⁵

Rousseau discusses in his oeuvre a number of possible strategies to pacify the relations among states. His most extensive discussion of different strategies is found

³⁵ This argument will be taken up in chapter five.

in the *Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace*.³⁶

The *Abstract* is one of four essays which Rousseau wrote shortly after having arrived at the country retreat of Montmorency in 1756 at the invitation of his friend Madame d'Epinay. He worked on these writings parallel to his work on the *Political Institutions* and *Sensitive Morality*, both also never completed (C IX, 339-344[I, 404-410]). All these projects were begun during a period of Rousseau's life when he was "intoxicated with virtue," (C IX, 350[I, 417]) a period of four years when he saw his task to "dispel all these illusions," which he saw in "the teachings of our wisest men" and to remedy the "misery and oppression in our social order." (C IX, 350[I, 416]). As Rousseau tells us in the *Confessions*, the editing of the work of the Abbé de Saint-Pierre "had been suggested to me after my return from Geneva by the Abbé de Mably, not directly, but through the intervention of Madame Dupin" (IX, 342[I, 408]).

Rousseau had met the Abbé de Saint-Pierre at one of the salons of Paris and had gained a favorable impression of him (C IX, 413[I, 355]). Rousseau seemed attracted to the Abbé and his works due to their entirely anti-monarchical and pragmatic nature (C IX, 355-356[I, 423]). The Abbé himself had been a member of the *Académie Française*, but had been expelled from it after the publication of the *Polysynody* (*ibid.*). In the *Polysynody*, the Abbé had argued that the administration of the monarchy should be taken over by what we today would call "career bureaucrats." This would have left the monarch as the nominal head of state but without any real powers. Despite the Abbé's influence at court, his French citizenship, and his

³⁶ From here on the *Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace* is simply referred to as *Abstract*. Similarly, the *Judgment of the Plan for Perpetual Peace* is referred to as *Judgment*. The *Polysynody* and the *Judgment on the Polysynodie* will be referred to by their full title.

inability to write persuasively, he did not escape suffering the consequences of publishing the anti-monarchical *Polysynody*. Rousseau at first believed that it was possible to use the Abbé's writings to protect himself against a similar or worse fate, due to his different status in France. However, as he writes in the *Confessions*, he quickly came to a different conclusion. "Fortunately before going any further I saw the hold I was going to give against myself, and I withdrew quickly" (C IX, 356[I, 424]). Thus, despite his commitment to the Abbé de Saint-Pierre's family and friends and already having spent much time with his works, Rousseau abandoned the project to edit the works of the Abbé de Saint-Pierre.

From the *Confessions* we also know that Rousseau had gone through the voluminous writings of the Abbé and read a substantial part of them. Furthermore, he had begun to rewrite some of the essays. Of these, Rousseau had finished four, and they were all revised to such an extent that he had instructed his publisher to include them in his posthumous complete edition, just after the *Social Contract* (*Pl.*, III, cxxxix). The four writings are really two pairs of essays. The first pair was the *Abstract on Perpetual Peace* and the *Judgment of Perpetual Peace* and the second pair is the *Polysynody* and the *Judgment of the Polysynody*. Rousseau had decided on this procedure partly because he had come to the conclusion that his disagreements with the Abbé de Saint-Pierre were too substantial and that a more extensive reworking of the Abbé's works would have amounted to publishing his works under the Abbé's name (C IX, 355[I, 422]).

During Rousseau's lifetime, only the *Abstract* was published. It appeared in the Parisian journal "Le Monde" in 1761, which at the time had a wide circulation

among the European educated classes.³⁷ It was even read in the English colonies in America as James Madison's reaction to it in the *National Gazette* in 1792 showed.³⁸

In the *Abstract*, Rousseau discusses five different strategies to limit or end the state of war among states. These strategies are: first, the possibility that the social bonds among European peoples could lead to peace; second, that an equilibrium or a balance of power among states would eventually also produce peace; third, that a European federation modeled after the German Empire could achieve this end; fourth, that commercial relations could prevent war, and finally, that a confederation of a new kind could lead to peace. Other strategies not discussed, or only alluded to, in the *Abstract* are the pacification of inter-state relations by international law, by domestic constitutional reforms, or through a single world-state. In this chapter, I discuss the first four strategies, culture, balance of power, empire, and commerce. These are the strategies formulated by Rousseau in opposition to Christian political thinkers on one side and to Enlightenment thinkers on the other side.

³⁷ The essay therefore was published about a year before the *Social Contract* and the *Emile*, which appeared almost simultaneously in April and May 1762, respectively. It was also published before his novel *Julie or the New Heloise*, which was published in 1761, but which Rousseau had begun after he had abandoned his work on the Abbé de Saint-Pierre's work. As Rousseau remarks in the *Confessions*, he only agreed to the publication of the *Abstract* after the publisher of *Le Monde*, M. de Bastide, had repeatedly asked him for a manuscript (C, XI, 458-459[I, 548]). Also, the letter to M. Bastide indicates that Rousseau had finished this work shortly after his arrival at Montmorency. Furthermore, in the *Confessions* Rousseau writes that after he had finished the editing work and had begun the *Julie*, he received a copy of Voltaire's *Poem on the Lisbon Disaster*, which prompted him to respond in an open letter on August 18, 1756 (IX, 360[I, 429]). In the *Oeuvres Completes*, Stelling-Michaud dates the beginning of the work on the Abbé's papers to the fall of 1754. Therefore, Rousseau worked on the Abbé's papers for close to two years, while probably writing most of the essays between April and August 1756.

³⁸ James Madison. "Universal Peace" *National Gazette*, February 2, 1792, www.constitution.org.

3.2 European Culture and Religion

Early in the *Abstract*, Rousseau repeats what he had also claimed in the *Second Discourse*, “that by uniting ourselves to several men, we really become the enemies of the human race” (*APPP*, 28[III, 563]; cf. *SD*, 55[III, 178-79]). In the *Second Discourse* as well as in the *State of War*, it was individuals who remained in this mixed state between the civil and the natural state. In the *Abstract*, however, it is societies which remain in a mixed state. Therefore, the aim pursued in the *Abstract* is to see whether the states of Europe can be united “by bonds similar to those which unite individuals, equally subject both of them to the authority of Laws” (*ibid.*).

After the introductory part, the first argument which Rousseau takes up in the *Abstract* is a discussion of the society of Europe and the balance of power to pacify their mutual relations. Both arguments had been used by the Abbé de Saint-Pierre in his *Plan for Perpetual Peace* to argue for a confederation, and both were regarded at the time to account for the relations among European states. The reference to the society of Europe was first of all a reference to the common Christian tradition uniting the European peoples. “It is above all to Christianity that Europe still owed today the sort of society that endured among its members” (*APPP*, 30[III, 566]). The second argument was used in particular by followers of Niccolò Machiavelli. They argued that the balance of power would naturally lead to a state of peace among the European peoples. The discussion of these two points takes up roughly a third of the *Abstract*, or eight of the total of twenty-five pages. More precisely, Rousseau discusses the society of European states and the balance of power in paragraphs 5-29.

At first it appears as if the European states are already in a peaceful state.

Rousseau writes:

All the Powers of Europe form a sort of system among themselves which unites them by one single religion, the same international law, morals, literature, commerce, and a sort of equilibrium that is the necessary effect of all of this, and which, without anyone in fact thinking about preserving it, would nevertheless not be as simple to break up as many people think (*APPP*, 29[III, 565]).

While there is not a “public confederation” as it exists for the Germanic Body, the Helvetian League, or the Estates General (*ibid.*), the European peoples are already connected by strong ties which Rousseau enumerated in the quote above.

As Rousseau makes clear in the following paragraphs, the bonds uniting the European peoples were not natural but are due to the Roman conquest of Europe (*ibid.*). The Roman conquests meant in reality a union of most European peoples with the Roman Emperor as its head. However, the Roman Empire was transformed through Christianity. This bond, “stronger than the preceding ones, was that of Religion” (*APPP*, 30[III, 566]). Yet, clarifying Rousseau’s first assertion, the European peoples are only united by “maxims and opinions” (*APPP*, 31[III, 567]) and not by a “real community of interests, of rights or of dependency” (*APPP*. 30-31[III, 567]).

In paragraph fourteen, Rousseau returns a third time to the basis of the European society (*APPP*, 31). It again appears at first that Europe quasi-naturally forms a society. Yet, in addition to geographic and climatic factors, Rousseau now adds technological and commercial relations, i.e. cultural factors, which bind the European peoples together. Yet, he ends by saying that “all these causes form out of Europe, . . . , a real society which has its Religion, its morals, its customs and even its

laws” (*ibid.*). The conclusion is that the central factor, the Roman Catholic Church, was most important in holding Europe together as a political society. With the erosion of the power of the Roman Catholic Church over European states, the European powers remained dependent on each other, but without the necessary force to transform this dependence into peace, connected on many levels. The foundation of Europe is Christianity on which most of its “maxims and opinions” or, in other words, “morals, customs and even its laws are based.” But the unity of “maxims and opinions” does not lead to peace.

Olaf Asbach has claimed that Rousseau saw a number of factors uniting Europe, and that Rousseau appears to share the optimism of the Abbé de Saint-Pierre (2002, 229-230).³⁹ As was just shown, Rousseau did not think that Europe was by nature a unit, as he had made clear in the paragraph on the Roman conquests. Instead, he agrees that the development of the modern arts and sciences is an important factor uniting the European peoples. But this unity through commerce, the arts, and the sciences, does not warrant the evaluation that Rousseau shares here the opinion of the Abbé de Saint-Pierre on the beneficial effects of these developments. Furthermore, even in the *First Discourse* Rousseau had not condemned the arts and sciences outright, but instead counseled against the prudence and possibility of general enlightenment (Strauss 1953, 260). “Those whom nature intended as her disciples had no need of master. Such men as Verulam, Descartes and Newton, these Preceptors of

³⁹ Asbach has published extensively on 18th century political thought, in particular in regard to international relations. His 2002 book-length study of the Abbé de Saint-Pierre and Rousseau is the currently best available work on this subject. I owe much to his stimulating discussion, although I believe to provide a more accurate account of Rousseau’s thought.

Mankind, had none themselves, and indeed what guides could have led them as far as their own vast genius carried them?" (21[III, 29]).

Rousseau then continues to make explicit what had only been implied before. Despite the society or the bonds of community among European peoples, they remain in a state of war (*APPP*, 31-32). In this, Rousseau argues, "things are only following their natural course" (*APPP*, 31[III, 568]). The first implication is that maxims or opinions, even if they are based on a common religion, do not lead to peace. Instead, one might even think that these bonds make conflicts even more likely than if there were no relations at all.

The ancient union of the Peoples of Europe has complicated their interests and their rights in a thousand ways; they touch each other at so many points, that the slightest motion of some cannot fail to collide with the others; the more intimate their relations are the more fatal their divisions are; and their frequent quarrels are almost as cruel as civil wars (*APPP*, 32[III, 568]).

The "natural course" is the one which states follow by their nature, i.e. the one described in the last chapter. The society of maxims and opinions lacks "laws or Leaders" (*ibid.*). Furthermore, Rousseau carefully blames the confusion of political rule in Europe as one of the "hidden but no less real" (*ibid.*) causes of war. Among the numerous confusions he enumerates, the common denominator is that the question about who rules is entirely confused in Europe, either internally or externally.

Rousseau now portrays the society of Europe in a completely different light. Instead of emphasizing the strong bonds of community among European peoples, now the European peoples are only a "union formed or maintained by chance" (*ibid.*).

Consequently, Rousseau concludes: “Let us agree, then, that the relative state of the Powers of Europe is properly speaking a state of war” (*ibid.*).

Contrary to what some of Rousseau’s contemporaries claimed, neither treaties nor public right or reason are sufficient, in his opinion, for ending the state of war among European states. “All the partial Treaties among some of these Powers are rather momentary Truces than genuine Peace” (*ibid.*). Furthermore, “the public right of Europe is not at all established or authorized in concert” (*ibid.*) and this leads to the consequence that conflicts are “reconciled only by the right of the stronger” (*ibid.*). Public right, which is founded on reason, is opposed by one’s own interests, and therefore cannot be the foundation for peace among the European states.

Consequently, the fundamental cause of the state of war is the lack of laws and leaders. Yet, Rousseau earlier had argued that the European society has laws. In paragraphs 7, 11, and 14, Rousseau had claimed that there is law common to all European states while in paragraph 16 he denied that such a law exists. Rousseau’s obvious contradiction leads to the conclusion that the existence of a nominal law has to be supported by power in order to be effective. This condition also applies to the state of war among states. Therefore, it is on the one hand possible to speak of a European society which has laws, while on the other hand arguing that this European society remains in a state of war. Therefore, it is the lack of leaders or government which is the fundamental cause of the state of war among European powers. Rousseau reaffirms this at the end of his discussion of the state of European society. “As soon as there is a society, a compulsory force is necessary, which orders and concert its Members’ movements, in order to give the common interests and reciprocal

engagements the solidity they cannot have by themselves” (*APPP*, 33[III, 569]).

Therefore, Rousseau argues that the society of Europe which exists due to history and nature will not become peaceful unless there is a common force, which implies also a common leader.

This in some sense takes up the situation of the *Second Discourse* prior to the conclusion of the social compact. Here, a society also already exists, a kind of tribe, with a religion, mores, and customs. Still, it is necessary to conclude a social compact which makes political rule possible for the tribe to be able to leave the state of war. This is to say that the foundation of political rule has to be force and law. “It is true that the perfection of the social order consists in the union of force and law” (*SW*, 62[III, 610]). The paradox Rousseau points to here is that European society shows the existence of law without force. Consequently, it cannot establish political rule, which in turn makes the law, even though it exists, ineffective. The alternative case of force without law existed in the *Second Discourse* or in book one, chapter three of the *Social Contract*. Another way of expressing this paradox is that force is necessary to establish political rule and is therefore the beginning of political rule, but that force has to be subordinated to law; one therefore has to forget the beginning of war and violence in order to pursue one’s ends, i.e. peace.

3.3 Balance of Power

After showing that the European cultural ties cannot by themselves lead to peace, Rousseau turns to the balance of power. According to Rousseau, the balance of power, first introduced by Machiavelli in the *Discourses on Livy* as a possibly

desirable configuration of international relations, was seen at the time as an alternative mechanism to the cultural ties leading to peace. Rousseau first referred to the balance of power at the beginning of this section of the *Abstract* (in paragraph 7): “a sort of equilibrium ... is the necessary effect of all this,” (*APPP*, 29[III, 565]), by which Rousseau means an effect of the social bonds connecting all European states. However, the equilibrium was not a state of peace. “Perpetual dissensions, brigandage, usurpations, revolts, wars, murders which daily despoil this respectable abode of the Wise, this brilliant sanctuary of the Sciences and the Arts” (*APPP*, 31[III, 568]). In this section, Rousseau rejects the solution of the balance of power because it is an inadequate combination of nature and culture, which Rousseau suggests can still be improved upon.

The focus of Rousseau’s discussion of the balance of power is to correct the erroneous view of the balance of power, which claims that the balance of power will lead either by nature or as God’s work to a peaceful order. Rousseau wants to show that neither the state of war nor the balance of power exist or have been brought into existence in order to establish a preordained order. Instead, “the system of Europe has precisely the degree of solidity that can maintain it in a perpetual agitation, without overturning it completely; and if our ills might not be increasing, even less can they end, because every great revolution is impossible from now on” (*APPP*, 33[III, 570]). Therefore, “it would be a great error to hope that this violent state could ever change by the force of things alone” (*ibid.*). Rousseau is faced with the difficulty that his opponents would suggest that the observable balance of power will eventually lead to

peace. Against this opinion, Rousseau has to explain how the balance of power is at the same time stable *and* necessarily bellicose.

For this purpose, Rousseau argues that the balance of power imperfectly combines nature and culture. As Rousseau remarks, the new system “maintains [the European powers] in a continuous agitation; their efforts always vain and always being reborn, like those waves in the sea, which constantly agitate its surface without ever changing its level; so that Peoples are ceaselessly laid waste, without tangible profit for Sovereigns” (*APPP*, 35[III, 573]). The presence of war would appear to indicate great instability instead of great stability. It is therefore necessary to first gain some clarity why the presence of war is an indicator for a deeper, structural stability, which makes “every great revolution” (*APPP*, 33[III, 570]) impossible.

For Rousseau, conflicts among European states are a consequence of the intricate web of social connections. More specifically, Rousseau argues that the particular interests of each state will inevitably be opposed to the particular interests of other states (*APPP*, 32-33). As Rousseau writes: “Every division is born from opposed interests” (*APPP*, 33[III, 569]). Because in Europe each state depends on other states for their security and survival, the pursuit of their particular interest leads them to war. This implies that on the contrary, if the European states were not dependent on each other for their survival and were not connected to each other through other means then there would be much less cause for war. The state of war among European states persists and becomes worse because of their social relations.

One can therefore say that the original or natural state of Europe was a state of peace. Due to the lack of contacts among the tribes populating Europe there was very

little cause for war; and even if they met there was again hardly any cause for quarrel among them. Only after the conquests of Roman Empire were connections among most European tribes established. The force which united Europe under the Roman Empire and which continues to work against the natural limits is human ambition. As he writes: "This is not to say that the Alps, the Rhine, the Sea, the Pyrenees are insurmountable obstacles to ambition" (*APPP*, 34[III, 571]). These connections were later easily maintained through natural, i.e. geographic and climatic factors, which transformed the relations among European states. Yet, Rousseau also attributes a pacifying influence to the geographical features of Europe. "The position of the mountains, seas, and rivers that serve as the borders of the Nations that inhabit it seem to have settled the number and extent of these Nations; and one can say that the political order of this Part of the world is, in certain regards, Nature's work" (*ibid.*).

Therefore, according to Rousseau, nature has three different and opposing influences on European states' relations. In the first account, all the European tribes are isolated from each others as islands in the ocean. Because of the lack of relations among them, there also was no state of war. After the establishment of relations among them, nature facilitated these relations and had the effect of enhancing conflict or perpetuating the state of war among them. This natural effect prevails due to the continuing influence of geographic and climatic factors. Nature, however, also has an opposite effect on European relations by supporting a balance of power among them. This effect of nature is achieved by not only facilitating contacts but also preventing contacts through mountains, rivers, mores, etc. From these different effects of nature one can draw the conclusion that the more fundamental effect of nature is to separate

the European states. The original natural determinants for the European tribes kept them separated until they were artificially united by the conquests of the Roman Empire.

It now becomes clear that the equilibrium of forces can be understood to work on two levels: first, it is an equilibrium among the European states, which works by opposing ambition with ambition. Second, it is an equilibrium between nature and human ambition. When Rousseau speaks about the balance of power, he means first and foremost the latter equilibrium. Only in this sense can one understand his remarks that the balance of power was not established by anyone and does not rely on anyone maintaining it. In another work, the *State of War*, Rousseau writes that “it is vain to think that nature can be annihilated, it arises anew and appears where it was least expected” (66[III, 604]).⁴⁰

As the Roman Empire shows most clearly, human ambition was capable of uniting the originally disjointed parts of Europe against nature. This requires Rousseau to argue why there is a distinction between the time of the Roman Empire and Rousseau’s time that precludes the possibility of another empire. The first reason for the mistaken hope of conquest stems from the greater knowledge everyone has about their enemies. “All Conquerors who have brought about revolutions always presented themselves with unexpected forces, or with foreign and differently hardened troops to Peoples who were either unarmed or divided, or without discipline; but where would a European Prince take up unexpected forces in order to

⁴⁰ Art can never completely replace nature, which is the ultimate reason why the confederation cannot succeed in Rousseau’s judgment.

overpower all the others,..?” (*APPP*, 33[III, 570]). In fact, any kind of conquest, not to speak of the conquest of all of Europe, is very unlikely (*APPP*, 35).

The second reason for the impossibility of success to conquer all of Europe is due to the emergence of a new kind of balance of power. The central element of the balance of power is Germanic Body.⁴¹ While Rousseau at first suggests that the European balance of power is natural, his references to the system of negotiations and the Germanic Body demonstrate that the balance of power is artificial being. As was mentioned above, Rousseau gives a cultural and a natural account of the balance of power. While arguing that the balance of power is natural, Rousseau contradicts himself by arguing that there are two factors which are essential to the stability of Europe.

What forms the true support of the system of Europe is certainly in part the interplay of negotiations, which almost always cancel each other out; but this system has another even more solid prop; and this prop is the Germanic Body, placed almost at the center of Europe, which keeps all the other parts in check, and perhaps serves to maintain its Neighbors even more than its own members (*APPP*, 34-35[III, 571]).

Neither the “interplay of negotiations” nor the “Germanic Body” are made by nature. The “interplay of negotiations” refers to the new system of diplomatic relations, which had developed as a consequence of a new system of international relations. Instead of going through the Vatican or other church officials, the warring sides increasingly relied on direct or bilateral talks. As war had become less about justice than about acquisition, war had become one tool among many in order to deprive the opponent of his property. In this period of “rational” warfare for the purpose of

⁴¹ By Germanic Body Rousseau refers to the part of the Holy Roman Empire of German Nation without the Austro-Hungarian Empire.

acquisition, the aristocracy became the class charged with carrying out the negotiations. They were best suited for this task due to their common language and their European connections. Furthermore, they were able to carry out the negotiations with little emotional attachment and as rational and calculative as possible. Beginning in the late Middle Ages, a new system of diplomatic relations had been established in Europe.⁴²

The second and, by Rousseau's estimate, more important part of the system of Europe is the Germanic Body. However, the reference here to the Germanic Body is again highly ambiguous. As Rousseau acknowledges in a footnote (*APPP*, 31), the Emperor of Germany was said by many juriconsults of the Middle Ages to be the "natural Sovereign of the world," and by making this reference Rousseau implied that he did not share this opinion. Furthermore, Rousseau shows his awareness that the German Emperor was the temporal arm of the Roman Church. But Rousseau refers explicitly to the Germanic Body as it was reconstituted according to the Treaty of Westphalia of 1648.⁴³ The Treaty of Westphalia became the "Eternal Constitution" of the Empire. The Germanic Body is therefore another fairly recent institution which helped to produce a European equilibrium.

The Germanic Body can fulfill its function for the maintenance of the European balance of power because it is

"a Body formidable to its Neighbors even more than its own members: a Body formidable to Foreigners by its extent, by the number and valor of its Peoples; but useful to all by its constitution, which, depriving it of the means and the will of conquering anything, makes

⁴² See, for example, François de Callières. 2000. *On the Manner of Negotiating with Princes*. New York: Houghton Mifflin.

⁴³ See, for example, Karl Otmar von Aretin. 1993-2000. *Das Alte Reich 1648–1806*. 4 Vol. Stuttgart: Klett-Cotta.

it into a stumbling block for Conquerors. In spite of the defects of this constitution of the Empire, it is certain that, as long as it exists, the equilibrium of Europe will never be broken, no Potentate will have to fear being dethroned by another, and hat among us, the Treaty of Westphalia will perhaps always be the basis of the political system. Thus, public Right, which the Germans study with such care, is even more important than they think, and is not only German public Right, but in certain regards, that of the whole of Europe” (*APPP*, 35[III, 572]).

In this quote, Rousseau identifies six factors which explain the importance of the Germanic Body: firstly the size, secondly the number and valor of the People, thirdly the constitution, fourthly the absence of fear of dethronement, fifthly the Treaty of Westphalia, and lastly public right. Rousseau does not use the term public right very often. More frequently, Rousseau uses instead political right, which is explicated in the *Social Contract*. In the *Emile*, Rousseau writes that the “the questions of public right ... can complete the clarification of the questions of political right” (*E*, V, 467[III, 848-849]). Public right is therefore a reference to a higher kind of law. The author of the *Encyclopédie* article on public right, Jaucort, divided public right into general and particular public right. General public right in turn is the same as the general right of nations, both aiming at the common good of all nations. Particular public right, however, is concerned with the particular utility or whatever is advantageous for a single state. By focusing exclusively on political right or particular public right, Rousseau excludes any notion of the common good of all nations. He would therefore speak rather about public law than public right.

In the above quote, public right contains the three previously mentioned factors: the constitution, the lack of dethronement, and the Treaty of Westphalia. Furthermore, the Treaty of Westphalia formed the new constitution of the Germanic Body as well

as provided guarantees to every sovereign of the Germanic Body and its European neighbors.

It is a combination of natural and artificial factors which Rousseau enumerated. On the one hand, the size of the Germanic Body and the number and valor of its people are established by nature. Furthermore, in the *Social Contract* Rousseau had asserted that the character of a people and their number are influenced by natural factors (SC II.8-11). The decisive factor in establishing the Germanic Body as the “true support” of the European balance of power is therefore the Treaty of Westphalia and public right. The Treaty of Westphalia, ending the Thirty Years’ War in 1648, ensured the sovereignty of each state in particular in religious matters. The Thirty Years’ War had entirely devastated the territory of the Germanic Body and had eventually led to an impasse between Protestants and Catholics. In addition, as Rousseau elaborated in the above quote, the Treaty of Westphalia is based on public right.

The difficulty with this argument is that Rousseau had said a few pages earlier that the “public right of Europe is not at all established or authorized in concert, has no general principles, and constantly changes in accordance with times and places, it is full of contradictory rules which can be reconciled only by the right of the stronger” (APPP, 32[III, 568]). Also, Rousseau had remarked that “all the partial Treaties among some of these Powers are rather momentary Truces than genuine Peace” (*ibid.*). It seems therefore unlikely that Rousseau seriously believed that the Germanic Body could sustain the European balance of power over an extended period of time. For the time being, it might fulfill this function because it is

itself deprived of the means to expand, because it is based on the premise that no sovereign can be dethroned, and because it leaves all of Europe in a state of unrest.

This view is further strengthened by Rousseau's later comments on the Germanic Body where he speaks about "the abuses of its Public Order, and the extreme inequality of its Members" (*APPP*, 40[III, 578]) and "since the Germanic Body has a permanent Leader, the authority of this Leader must necessarily constantly tend toward usurpation" (*APPP*, 44[III, 583]). These are hardly positive comments on the Germanic Body and lead one further to suspect that Rousseau did not share the Abbé's enthusiasm for it. Moreover, one should take into consideration that Rousseau wrote during the Seven Years War (1756-63), which saw France fight Prussia on the side of the Germanic Body for the first time in centuries. It was this war which for all means and purposes ended the role of the Germanic Body as an effective neutralizer for Europe and saw the rise of Prussia over the old Empire.⁴⁴

Rousseau's comment might therefore be interpreted to mean that the core principles of public right established by the Treaty of Westphalia were the reestablishment of the principle of sovereignty of each state in religious matters (*cuius regio eio religio*). In this regard, public right, as it had become established in Germany, was going to become, in Rousseau's estimate, the public right of Europe, because it was based on the idea that the order of Germany would benefit Europe as a whole. Rousseau's comments would then indicate that the subordination of religion to political power had established a new principle of a European balance of power based on countering ambition with ambition. Furthermore, by mentioning public right and its particular relevance for Germany, Rousseau referred to the most

⁴⁴ Prussia was not originally a part of the Germanic Empire.

important German political thinkers, Christian Wolff and Samuel Pufendorf. Their use of natural law doctrine continued to the modern natural law doctrine first formulated by Hobbes (Strauss 1953, 190).

Rousseau's argument up to this point can be understood to mean that the balance of power is "natural," given the social and technological advances made by the European peoples and the history of the Roman Empire. However, human ambition leads to the attempt to destroy the "natural" balance of power. With the help of human art, manifest in a modern system of negotiations and the creation of the Germanic Body, two "automatic stabilizers" are in place, which negate the effects of the earlier human interventions. Therefore, based on natural relations, men can neutralize human effects with other human effects to ensure the virtue of the original relations. Of course, the purely natural relations of men to each other were completely independent from each other, as Rousseau had indicated at the beginning of his discussion (*APPP*, 29[III,565]).

The Germanic Body incites the ambition of all participants by appearing to be vulnerable to conquest and also worth the effort. At the same time it is able to withstand any conquering power long enough for the other European powers to come to its support and repel the attack. Internally, the constitution of the Germanic Body guarantees all the sovereign states, "despite the abuses of its police, and the extreme inequality of its members" (*APPP*, 40[III, 578]). Its weakness, however, continuously invites external forces to invade it and try to overthrow it.

Therefore, the European balance of power has the effect of making conquest almost impossible. The mutual recognition of European states based on public right

prevents the conquest of another state. As every state's existence is guaranteed by all the others, conquest becomes almost impossible. Yet, the impossibility of success does not remove the causes of conflict mentioned above. States continue to have opposing interests and their leaders continue to be ambitious. The impossibility of hoping to completely overcome the balance of power also has the paradoxical effect of making war among European powers more likely. As the balance of power apparently ensures every state's survival, it also makes it easier for the states' leaders to engage in warfare, because the balance of power minimizes the risks. The balance of power among monarchies transforms warfare into something more akin to a sport than to a very serious endeavor.

Furthermore, the balance of power relies on the constant readiness of everyone to fight and conquer. This is in Rousseau's and the Abbé's opinion the greatest disadvantage. Every state is, in the best case, an unwilling participant in the balance of power. Everyone is required to use as many resources as possible in order to seek to outlast one's opponents. Moreover, the leaders must be the most ambitious and bellicose. The balance of power can be said to support the internal structure of European states as monarchies, because republics would endanger not only themselves but also the stability of the European equilibrium. Republics could not compete because of the relative weakness of their leaders, the slowness of their decisions, their inability to secure sufficient resources for war, and their inability to sustain war over extended periods of time. In the *Judgment on the Polysynody* Rousseau writes that the Abbé de Saint-Pierre in the end "founds his Polysynody on his European Republic" (97]III, 643]). This is to say that the abolition of monarchy,

which the Polysynody is in effect, assumes that international relations have become save for republics.⁴⁵

The rational consequence in this situation would be the one suggested by the Abbé de Saint-Pierre and Rousseau: if a confederation is not established, at least Rousseau's text will have had the benefit of robbing some states of the argument that they are acting for the common good to reestablish the balance of power. More importantly, now that everyone knows that nature is opposed to their ambitions and that they cannot hope to reach "universal monarchy" (*APP*, 33[III, 570]), a confederation should be founded to abolish war and to create institutions to adjudicate quarrels among states. The rational conclusion is indeed the founding of a confederation in order to prevent the future outbreak of war. A further reason to make war impossible is the absence of any serious justification of conquest. As was shown above, the balance of power in Europe guarantees every state's survival, which also means that there can only be marginal conquests, but no conquests for self-preservation, i.e. the deepest and natural cause of war. While that still leaves retribution, justice, or glory as motivations for war, they certainly have become less defensible reasons for warfare than mere self-preservation or self-defense. Self-preservation is immediately comprehensible by everyone while war for the purpose of glory, or in the search for justice, requires a more complicated argument.

Instead, the balance of power can be said to be the common good of all European powers, which means the self-preservation of all European states, as long

⁴⁵ The *Polysynody* is in effect a rotation of councils and most importantly a rotation of the head of the administration. This would in effect render the monarch powerless. The French king had shared this opinion of the Abbé treatise and forced the Academie Française to expel the Abbé. Also, Rousseau assumes here that republics are vastly inferior to monarchies in foreign affairs – an opinion shared by the entire tradition of Western political thought.

as they are willing to fight. Yet, the balance of power was only established accidentally and the overall stability of the entire institution is only maintained at the cost of perpetual war. The rational conclusion is therefore to improve upon the accidental institution in order to bring forth stability and peace. Rousseau thereby elevates the balance of power or peace to the common goal pursued by the confederation. Rousseau's argument is open to the objection that, if this situation were indeed as obvious as he portrays it, some of the participants of the balance of power might have reached this conclusion by themselves.

Yet, there are two arguments which speak against this: first, because nobody can unilaterally declare peace as it would lead to his demise and the destruction of the balance of power and second, because of the effect of commerce, which has led to a change of balance of power politics. Therefore, in order to overcome the "prisoner's dilemma," because every participant in the balance of power would individually prefer to choose a better alternative but is prevented from choosing it because of his fear that others might turn against him, it is necessary to conclude an irrevocable treaty constituting a confederation.

It is indeed a paradoxical situation. On the one hand, the European states are in a stable condition. The system is self-enforcing and self-stabilizing. One would think that the insight into this system would lead to the abandonment of any aggressive intention because of the futility of any attempt to overthrow it. On the other hand, the system relies on everyone's belligerence and attempts to overthrow the system. Only these attempts guarantee that the system continues to be self-stabilizing. In other words, the European balance of power relies on everyone's

aggressiveness or ambition or vice. If anyone even tried to become good or to act on the insight that the system cannot be overthrown this state would thereby expose itself to become a victim of the other power. As long as a state participates in the balance of power it is ensured self-preservation, but only under the condition that it continues to participate actively in the balance of power. The European system relies on for its stability on collective vice and aggressive pursuit of one's self-interest. Still, as Rousseau made amply clear, because of its defects, the system of the European balance of power is solid, but does not aim very high. It cannot lead to everyone's highest goal, which is peace, but it ensures every state's survival.

3.4 The German Empire

Rousseau's account of the Germanic Body is surprising as he seems to endorse the view that the Germanic Body could be the institutional example on which to model a confederation.⁴⁶ It is a union of states for the purpose of common defense without being capable of offensive action. On a larger scale, Europe could become a defensive union which no external power could conquer. As the Abbé de Saint-Pierre argued in book two of his *Plan for Perpetual Peace*, if the Germanic Body could be made to exist, so could a European Union. In fact, the Abbé argued that the obstacles for the existence of the Germanic Body were even greater than the obstacles facing a European Union (1713, Vol.1, 61-115).

Some 20th century historians have understood this passage to mean that Rousseau endorsed the Germanic Body as a model for a confederation. In order to

⁴⁶ For the discussion of the German Empire I am heavily indebted to Olaf Asbach's (2002, chap. IV.3) excellent treatment.

understand better the European order of the 17th and 18th centuries, some have argued that the Abbé and Rousseau are two political thinkers who seem to have had a more positive opinion of the Germanic Body in contrast to the long row of thinkers criticizing the Germanic Body.⁴⁷ This surprising endorsement by Rousseau has been referred to by historians when arguing that the criticism of the Germanic Body was not shared by everyone.

However, one fundamental difficulty is whether Rousseau here simply copies the Abbé de Saint-Pierre. As Rousseau had remarked in the *Confessions*, and the editor of the *Abstract* in his introduction, Rousseau had introduced some of his own ideas under the mantle of the Abbé de Saint-Pierre (C, 342[I, 407] ; Rousseau 2005, Vol. XI, 26). Yet, obviously some of the ideas were the Abbé's and the question is then whether this particular reference is not simply taken over from the Abbé. At first one could easily be convinced that Rousseau simply took it over because there are no other references to the Germanic Body, especially as an example to be followed in building a confederation. The easy answer is to look at the Abbé's book and compare it to what Rousseau had said.

Asbach⁴⁸ shows persuasively that Rousseau's conception of the Germanic Body varies considerably from the Abbé's (2002, 237). In particular, the Abbé did not claim that the Germanic Body had a pacifying impact on European relations.

⁴⁷ Samuel Pufendorf. 1994[1667/1706]. *Die Verfassung des deutschen Reiches*. Frankfurt: Insel Verlag, Gabriel Bonnot Abbé de Mably. 1988. *De l'Etude de l'Histoire: Suivi de la Maniere d'Ecrire l'Histoire*. Paris : Fayard, p. 135) and Georg Wilhelm Friedrich Hegel. 2009[1800-1802]. *Die Verfassung Deutschlands*. Vol 1. Eds. Eva Moldenhauer and Karl Markus Michel. Frankfurt:Suhrkamp, 449-610.

⁴⁸ However, Asbach does not face the problem presented by the two contradictory statements regarding public right.

In addition, Asbach falsely claims that Rousseau deals with the Germanic Body in connection with the European society. Instead, Rousseau deals with it as one of the factors explaining the stability of the system.

Further, the Empire was for the Abbé an example for the structure of institutionalizing legal relations among sovereign states (*ibid.*).⁴⁹

Therefore, setting aside the argument that the Abbé's argument and Rousseau's argument are identical, the question remains whether the Germanic Body was supposed to serve as a model for a European confederation. This indeed makes sense in so far as the Germanic Body was a confederation of states which were able to pacify their internal relations while at the same being incapable of external warfare. Furthermore, the Germanic Body was large enough to withstand any external threats. In this sense, Rousseau quoted the Germanic Body together with the Helvetic and Dutch League as contemporary examples of confederations, combining the freedom of republics with the security of monarchies.

In his later discussion of the confederation, Rousseau cites the Germanic Body for its ability to restrain its members and for its member's devotion to the entire state.

Look at what happens in the Germanic Body, in spite of the abuses of its Public Order, and the extreme inequality of its Members: is there a single one of them, even among the most Powerful, which would dare to expose itself to the ban of the Empire, by openly wounding its constitution, unless it believed it had good reasons not to fear that the Empire would want to act against it in earnest? ... Moreover, there is a great deal of difference between depending on someone else, or only on a Body of which one is a member and of which each is the leader in his turn; for in the latter case one does nothing but secure one's freedom by the pledges one gives for it; it would be alienated in the hands of a master, but it is strengthened in those of Associates. This is confirmed by the example of the Germanic Body; for although in many regards the sovereignty of its members is weakened by its constitution, and they are consequently in a less favorable case than those of the European Body would be, nevertheless there is not a single one of them, however jealous it might be of its authority, that

⁴⁹ This idea actually comes from Stelling-Michaud (*Pl.*, III, 1546). Also see von Raumer (1953), 146.

would want, if it could, to be certain of an absolute independence by detaching itself from the Empire (*APPP*, 40, 44-45[III, 578; 583]).

It appears that the Germanic Body is indeed the model for the confederation. The important difference here is that the main defect of the Germanic Body is its constitution as a monarchy with a sovereign. The confederation as Rousseau and the Abbé de Saint-Pierre envisioned them would be led by a rotating presidency chosen from the member states. One must therefore take into consideration the anti-monarchical implication of the confederation and the limitation of the power of monarchs.

Yet, the difficulty is that Rousseau appears very skeptical whether the confederation would not be impractical in the end. If our above reading of this passage in the *Abstract* was correct then the answer can only be negative. Rousseau's comment has to be understood in the context of its importance for the maintenance of the European balance of power. The constitution of the Germanic Body conveniently serves to support the European balance of power. The Germanic Body exists to incite ambition, absorb the initial blows, and then be rescued by a counter-coalition. In turn, the Germanic Body itself is incapable of offensive warfare and therefore poses no threat to its neighboring states. This comes at the cost of the Germanic Body being perpetually the battleground of European wars.

It would be neither desirable for Europe to become the battleground of the world nor would it be in the interest of any European state to relinquish the initiative about one's well-being to extra-European powers. These extra-European powers would do the attacking and the counter-attacking and all of Europe would suffer. While Rousseau describes the position of the Germanic Body well, the Germanic

Body only was put in this position after the worst devastation of any European country in recent memory. The peace that was established after the Thirty Years' War was better than a further continuation of that war. However, as Rousseau also seems to have indicated with his reference to the Seven Years War and public right, the foundation of the Germanic Body was so weak that its breakdown was very likely.

Another reason to reject the parallel is that neither the Germanic Body as a whole nor most of its parts were republics. The Germanic Body was an empire and most of its parts were monarchies. Rousseau points to this when he criticizes its constitution (*APPP*, 44-45[III, 583-584]). "Notice, in addition, that since the Germanic Body has a permanent Leader, the authority of this Leader must necessarily constantly tend toward usurpation; which cannot happen in the same way in the European Diet, where the presidency ought to alternate, and without regard to the inequality of power" (*ibid.*).

Asbach, in his account of the balance of power, overlooks that Rousseau does not openly criticize the balance of power. The fundamental fact for Rousseau is the mutual dependence among European powers (*APPP*, 36[III, 573]). It is the state of war, which follows from the mutual dependence, which led to the balance of power. In Rousseau's words, the balance of power was "begun by fortune" (*ibid.*). Furthermore, Rousseau claims that "this much vaunted equilibrium has [not] been established by anyone" (*APPP*, 33[III, 570]). While the balance of power is in a certain sense the natural outcome of European relations, it leaves much to be desired. In particular, "Peoples are ceaselessly laid to waste, without any tangible profit for

Sovereigns” (*APPP*, 35[III, 572]). This leads Rousseau to the judgment that “the imperfection of this society renders the condition of those who compose it worse than the privation of all society among them would” (*APPP*, 36[III, 573]). The obvious conclusion is that a confederation would complement the work of nature by a work of art, or rather a work of reason (*ibid.*). The alternative option would be to destroy the European society.⁵⁰ If either of these options is impracticable then the balance of power, complemented by commerce, would remain the best available alternative.

3.5 Commerce

One has to say a few words about the role of commerce. Contrary to what Rousseau says in other works, commerce is not a simply bad institution.⁵¹ One should only recall Rousseau’s remark in the *First Discourse* that “the ancient politicians forever spoke of morals and virtue; ours speak only of commerce and money” (14[III, 19]). Yet, here Rousseau argues that commerce softens the pursuit of real self-interest and allows states to avoid becoming dependent on other states. As he writes: “commerce ... deprives them [certain Powers] of one of the great means they used to have for laying down the law for the others [i.e. other Powers]” (*APPP*, 35[III, 573]). This refers to the different intentions inherent in commerce and war (FD, 14[III, 19]). While commerce appeals to material gains and is connected with luxury and moral laxity, war requires severity, restraint, and patriotism. Therefore, Rousseau argues that commerce makes conquest or the imposition and extension of one’s law much

⁵⁰ Rousseau’s pursues this alternative in his other political writings.

⁵¹ See especially *Political Economy* (160-161[III, 266]).

more difficult. Now, as there is luxury and commerce, it becomes possible for states to avoid clear dependence. One state might receive food for luxury products, for example food for wine in the famous example by David Ricardo. It is to both their advantages. However, previously the state receiving wine might have simply forced the other state to give them the wine for free or the state needing food might have started a war. This passage is very important in making the case that commerce was not simply bad for Rousseau but had political advantages. Furthermore, this kind of commerce makes it possible that states forget about their true interests. Commerce makes it possible for states to perceive their interest as variable.

One can also further ask whether the European balance of power and European commerce does not signify considerable progress over the previous state of European affairs. As Rousseau makes clear, the European balance of power was only fairly recently solidly established with the Treaty of Westphalia in 1648. As Rousseau said, the “true support of the system of Europe” is the Germanic Body and the system of negotiations, and those are also of fairly recent origin. If one imagines what the situation in Europe must have been like before the establishment of the European balance of power, one first of all notices that Europe was for some time effectively ruled by the Roman Catholic Church. The Church was the final arbiter of the conflicts among the European princes and therefore the true sovereign. The emergence of Protestantism and the ensuing independence of European princes from the Catholic Church meant that the situation of all sovereigns had now become worse than before. Each sovereign had not acquired the right to unlimited acquisition. But each one’s right was limited by his opponents’ strength to resist him. The balance of

power was therefore the only possible consequence of the demise of the Catholic Church and in a certain sense the natural condition of Europe. It was natural in the sense that given the establishment of loosely connected states in Europe they had to be in a state of war. Under the condition of some natural condition such as geography and climate, they would find themselves in a condition of equilibrium.

Yet, the natural condition of the state of Europe did not mean that it was the best condition. As Rousseau wrote, the balance of power leaves the European states in a constant state of agitation. One therefore wonders, and Rousseau suggests, whether human art and reason are incapable of improving on this situation. As Rousseau argues, it is the confederation which is supposed to fulfill that promise. It is a rationally designed institution in order to overcome the shortcoming of the balance of power.

3.6 Conclusion

In Rousseau's view, all four solutions discussed in this chapter were deficient. Yet, the discussion of them helped to explain which conditions had to exist for any viable solution. The three suggested solutions were aligned along a continuum from nature to culture. The first solution discussed, the European society, was a purely cultural solution, with almost no support from nature. This solution was to be founded on the cultural ties existing among the European states. Rousseau showed how these cultural ties were the remnants of a decayed Roman Empire, which had been able to sustain themselves through the Roman Catholic Church. Contrary to the hopes of some for these cultural ties to lead to peace, Rousseau argued that they had led to more conflict

among European states than should have been expected. The cultural ties among European countries and the state of war among them describe the factual situation in Europe. Rousseau does not claim that the cultural ties as they exist represent the full extent of the possibilities of cultural ties. Instead he argues that these cultural ties would have to be changed in order to lead to peace.

The balance of power is a solution which seeks to combine nature and culture. The balance of power is based on nature, as the geographic and climatic factors provide any attempt to build an empire with “insurmountable obstacles.” Based on this natural foundation, the balance of power relies on cultural factors by controlling ambition with ambition. However, Rousseau never claimed that the balance of power would lead to peace. The balance of power could not and will not remedy this situation. Instead, it stabilizes the European system at a low level. Contrary to the opinion prevailing in Europe at the time, the progress of the arts and sciences had not led to political or moral progress. In particular with regard to international relations, the balance of power exemplified a decline rather than progress for Rousseau. While the balance of power guarantees the general stability of the system of Europe, it does so at the cost of creating instability at the sub-system level, i.e. at the cost of increased conflict, including war, among states. Surprisingly, Rousseau agrees that the disorientation in the pursuit of true interests brought about by commerce has a war-reducing effect. The Germanic Body is essential for the functioning of the balance of power but rests on the weak foundation of public right. If public right could be strengthened then the European balance of power might be transformed into a peaceful European confederation.

The third suggested solution of the Germanic Empire exemplifies a differently conceived cultural solution. In this case, the Germanic Empire could serve as the model for a new European Empire. Contrary to the Christian Empire, the Germanic Empire would rely for its stability on the uniting institution of an emperor. The Abbé de Saint-Pierre had suggested that the Germanic Empire, which in the Middle Ages was checked by the Catholic Church, would now be checked by democratic institutions, such as establishing the equality of all European sovereigns and periodically rotating the position of emperor. Rousseau rejects this solution as impracticable under the conditions of the balance of power. As the balance of power is based on countering ambition with ambition, no consensus could be reached to transform the current system to a new empire. Furthermore, Rousseau also denies that mixing democratic and monarchical institutions would be a possibility. But the institution of the emperor is based on the principle of personal ambition and glory, and for that reason unacceptable to Rousseau as a solution to bring about peace. For Rousseau, this peace would have more in common with the peace of Ulysses and his comrades in the Cyclops's cave than with genuine peace.

While commerce is the most acceptable moderation of international relations, its pursuit is based on the liberation of desires. Differently states, commerce is based on luxury and leads politically to a pernicious inequality among citizens. Rousseau's rejection of commerce is therefore the best example of his rejection of the Enlightenment and especially Locke and Montesquieu. While they give greater importance to peace and security, he, Rousseau, will give greater importance to the self-rule of all (male) citizens.

After rejecting all four solutions based on this analysis of the European situation, it has become clear that any solution to the state of war among European states must artfully combine nature and culture. Rousseau has rejected solutions based on Christian compassion or individual glory. The viable combination of nature and culture in the form of the European balance of power, is for Rousseau a better solution than either the solution of the Christian or secular empire. Furthermore, the balance of power could be further moderated by increasing commercial ties among states. However, Rousseau seeks to improve upon the balance of power because of the obvious disadvantages it has, in particular because of its disadvantages for the subjects of the European aristocracies. Therefore, a confederation should replace the balance of power with supra-national institutions. This would be the solution which Rousseau set out to seek at the beginning of the *Abstract*, which was to “put law above men.” If the latter would be impossible, and this still has to be seen, Rousseau would surprisingly seem to endorse the solution of a European balance of power moderated by commerce as a second-best solution.

Chapter 4

“SETTING LAW ABOVE FORCE”: NATURAL LAW, INTERNATIONAL LAW, AND THE LAW OF WAR AS LIMITS TO THE STATE OF WAR

4.1 Introduction

After the previous chapter had demonstrated that Rousseau rejected the contemporary solutions suggested for the pacification of international relations, this chapter presents with natural law, international law, and the law of war those solutions, which Rousseau had set forth in his own name. The discussion of the state of war in chapter two has shown that international relations seem to have no inherent limits as to the means which a state may use in pursuit of its self-preservation. However, in the last chapter of the *Social Contract* and in the *Emile* Rousseau had enumerated treaties, natural law or right, and right of nations as subjects to be treated. With the exception of confederations, their existence and effectiveness in limiting or abolishing war would demonstrate that Rousseau could have completed the *Social Contract* in principle. If, however, it could be shown that Rousseau ultimately rejected these solutions it would provide further evidence for the hypothesis that the international state of war cannot be overcome.

The first subject discussed in this chapter is natural law or right. The question regarding the existence of natural law has a long history.⁵² Contrary to those who are of the opinion that Rousseau believed in a natural law ordering political societies, the argument in this chapter will show that Rousseau denied the existence of a natural law. Instead, he argued that every human being had by nature the right to self-preservation. This right to self-preservation equally applies to sovereign states. Therefore, the sovereign state faces in international relations no restrictions on the means it uses to pursue its self-preservation, nor is there any independent standard by which to judge its actions.

The second subject of this chapter is international law. The question raised here is whether Rousseau believes that an idea of a universal justice exists which governs the relations among states. Rousseau discusses this question most explicitly in the *Geneva Manuscript*. However, Rousseau rejects the idea that such a society of mankind could effectively provide us with standards and that consequently the idea of law derived from anything but political institutions has to be rejected.

The third subject of this chapter is the law of war. While the law of war is usually treated as part of natural law, Rousseau also draws some consequences from his conception of the state of war which are not immediately apparent and also do not depend on natural law. The discussion will therefore take a closer look at Rousseau's fragmentary essay *The State of War* and its sections dedicated to explaining the meaning of the state of war. While Rousseau does not postulate any standards transcending and not depending on political society, he derives some limitations on

⁵² Vaughan (1915), vol. I, 16-18, Hendel (1934), vol. 1, 97-99, 182, Cobban (1934), 115, 147-50, Crocker (1961-62), Masters (1968), 76-89, 158-65, 316-22, Goldschmidt (1974), 133-55, Plattner (1979), chap. 5, and Melzer (1990), chap. 8.

warfare from the foundation of states on property. Based on the ideal of a legitimate state, Rousseau argues that some forms of warfare would be more likely to lead to illegitimacy and should therefore be rejected.

As is the case with most technical terms, Rousseau uses some terms very carefully and deliberately in his work. In a response to Mme. d'Epinau's reaction to his work, he advised her "to learn my dictionary" (CC III, 296, March 1756).

Rousseau does not necessarily use these terms consistently in one work and even less so across different works. It is therefore important to get a sense of the meaning of his terms, first based on the context and then how their meaning changes within a work. Only then it is possible to compare these meanings and the arguments they support across his different works.

Furthermore, with regard to the term "natural law" a word of caution is especially necessary. While the term "natural law" had a long history originating in pre-modern political thought, the term was also used in a different sense by modern legal scholars as well as by Thomas Hobbes and John Locke. It suffices here to point to Thomas Hobbes' use of natural law in the *Leviathan* and the very different use of the term in Grotius' *Right of War and Peace*. Essentially, Hobbes had used the term natural law in order to determine those principles which would be necessary to constitute a political society. Grotius on the other hand had continued to use the term in its Aristotelian sense to indicate the highest ends of men.

For a discussion of the term "natural law," but also the closely related terms of "law of nature," "natural right," "right of the stronger," "natural justice," "right of nations," and "law of nations" one must first and foremost turn to the *Second*

Discourse. It is in the Preface to that essay where one finds Rousseau's most extensive discussion of the term "natural law." On this basis one can then turn to the relevant passages in the *Social Contract* and in the *Geneva Manuscript* which seem to contradict Rousseau's argument from the *Second Discourse*. It can be shown that they only superficially contradict each other and that the meaning of natural law derived from the *Second Discourse* prevails.

4.2 Natural Law and Natural Right

The argument on natural law is part of the general argument of the Preface to the *Second Discourse*. In the Preface, Rousseau argues that "the most useful and the least advanced of all human knowledge seems to me the knowledge of man" (12[III, 122]). Therefore, Rousseau will show in the *Second Discourse* the "unshakable foundations" (15[III, 127]) on which the political societies of men are erected. It is in this context that Rousseau discusses in six of the twelve paragraphs of the Preface the question of natural right and natural law.⁵³ After asserting that the nature of man is still unknown, Rousseau transitions to the discussion of natural right (*droit naturel*) and the obvious difficulty of deriving natural right from a nature of man if the nature is known. Rousseau cites here Jean Jacques Burlamaqui (1694-1748) by name, a well-known Protestant professor of natural right at the Academy of Geneva, in order to suggest

⁵³ David Lay Williams (2007) argues, following Helena Rosenblatt (1997), that the discussion of natural law should be interpreted in the light of the *Second Discourses*' Dedication. Because Rousseau desires to support the Genevan citizens against the magistrates, he also has to reject the Hobbesian political philosophy (Williams 2007, 79). However, the support of the Genevan people does not necessarily imply a parallel rejection of modern natural law (see Melzer 1990, chap. 13).

agreement with the common opinion on natural law, while disagreeing with it in the following paragraphs.

Rousseau illustrates man's ignorance about his nature by referring to the considerable differences of scholars with regard to the meaning of natural law or natural right. The two positions which Rousseau references are those of the "Roman juriconsults" and of the "moderns." For the former the term "natural law" (*loi naturelle*) means "the Law which Nature has imposed on itself rather than the law which nature prescribes" (*SD*, 14[III, 124]). Therefore, the natural law applies equally to men and animals (*animaux*) and would consequently specify the law which applies to men as an animal and not with regard to what makes him human. More concretely, the natural law is that law which leads every living being "to their mutual preservation" (*SD*, 14[III, 124]). In other words, every species follows by its nature the law of self-preservation or has a natural end.

On the contrary, the "moderns" use the term law in a different sense than the ancient Romans. It is uncertain to whom Rousseau refers when speaking about the moderns. He could first of all refer to his contemporaries who were known to defend a natural law doctrine, for example, Hugo Grotius, Samuel Pufendorf, Christian Wolff, or the aforementioned Burlamaqui.⁵⁴ Yet, even Thomas Hobbes had used the terms of natural right and natural law and Rousseau might also refer to him. However, later in the *Second Discourse* Rousseau explicitly distinguishes Hobbes from the moderns (35[III, 152]). Moreover, Rousseau could refer to all those who opposed the ancient Roman concept of natural law. As Heinrich Meier notes in his edition of the *Second Discourse*, Rousseau does not explicitly mention that the concept of natural

⁵⁴ Burlamaqui, Grotius, Wolff, and Pufendorf were Protestants.

law explicitly presumes God as a lawgiver (2001, 52n58). Therefore, the moderns are all those thinkers who postulated a natural law based on Christianity, and that includes men like Grotius, Pufendorf, or Wolff.

For Rousseau, the “moderns” use the term natural law as “a rule prescribed to a moral being, that is to say intelligent, free, and considered in its relations with other beings, limiting the competence of natural law (*loi naturelle*) consequently to the only animal endowed with reason, that is to say to man” (*SD*, 14[III, 124-125]). Here the term natural law has the meaning of guiding the life of man with regard to what is the highest in man and what distinguishes him from animals. While the Roman jurists and the moderns both use natural law to indicate the end of man, they differ in that the ancient notion is limited to the lowest in man and shared with animals, while the moderns use it to indicate what is highest in man and not shared with any other animal.

According to Rousseau, the difficulty with the “modern” definition of natural law is that they “all establish it [natural law] on metaphysical principles” (*SD*, 14[III, 125]), which is to say that the essence of man remains controversial and beyond the reaches of reason. Rousseau finds evidence for the weakness of these definitions of natural law because they continue to lead to quarrels among them and the “rule prescribed to a moral being” remains controversial. As long as there is no consensus among the wise as to the nature of man a natural law cannot exist either.

An additional complication results from Rousseau’s use of the term “law of nature” instead of “natural law.” “So that all definitions of these learned men, otherwise in perpetual contradiction to each other, agree only that it is impossible to

understand the Law of Nature and consequently to obey it, except by being a very great reasoner and a profound metaphysician” (*ibid.*). The question is whether these two terms are at all different. Meier in his notes remarks that Rousseau uses the term natural law always in a normative sense, while the meaning of the term law of nature varies. Most often he uses it in the sense of a “physical” law, sometimes law of nature is used in the normative sense, and rarely are the two meanings identical. By that Meier means to say that in some rare cases the execution of the normative law becomes a physical necessity (2001, 53n59). This passage seems to fit the second possibility most closely, as the “law of nature” referred to is the same as the natural law referred to earlier. The consequence is that the prescriptions of natural law apply only to men and that men are incapable of obeying them unless they have someone else to teach the natural law to them. In a primitive state or if this knowledge is lost, men would live their lives without being aware that they are living in violation of the natural law. In other words, the natural law requires reason.

Rousseau draws out this conclusion in the subsequent paragraph. In addition to the lack of reason which prevents the natural law to be effective in a more primitive or uncivilized time of mankind, Rousseau also rejects the hypothesis by Pufendorf, Cumberland, Barbeyrac, and others (Meier 2001, 54n60) that the obvious utility of following natural laws would have made natural law effective in a primitive state. In order to understand this argument one should imagine an ideal situation in which men follow rules in order to achieve the best outcome for all. The great difficulty of this procedure is the assumption, which one necessarily has to make, that the end was knowable or desirable to men in this state. Once the end has been

accepted, the rules are indeed the best means to this end. However, men most likely could not have imagined the advantages which would follow from living according to natural laws (*SD*, 14[III, 125]).

Based on his presentation of the two common opinions on natural law, Rousseau concludes that law must fulfill the following two conditions: “Everything that we can see very clearly about this Law, is, so that it will be Law, that it is not only necessary that the will of him whom it obliges could be submitted to it knowingly; but it is also necessary, so that it is natural, that it speaks immediately with the voice of Nature” (*ibid.*).⁵⁵ In order for a natural law to exist it is necessary that it simultaneously can be conceived knowingly and effective through one’s passions. This appears to be the meaning of the expression “voice of nature.”

The question is whether both conditions can be fulfilled at the same time, or, as Plattner (1979, 106) suspects, it is an ironic reference to natural law because both conditions can never be fulfilled. From this Plattner concludes that there cannot be a natural law in the strict sense. This appears to be correct insofar as men are either in a primitive state and therefore incapable of knowing the natural law or they are in a civilized state and then the law of nature will not speak to them with “the gentle voice of nature” (*GM*, 77[III, 154]).

After Rousseau has stated the two conditions for the existence of natural law, in the immediately following paragraph he seems, however, to affirm the existence of natural law.

⁵⁵ I have reproduced this quote as literally as possible even though it reads very clumsily. However, Rousseau’s French sentence is equally difficult to follow and it therefore seems to be an appropriate translation.

Meditating about the first and most simple operations of the human Soul, I believe to perceive in it two principles anterior to reason, of which the one interests us ardently in our well-being and in the preservation of ourselves, and the other inspires in us a natural repugnance to see any sensitive Being, and principally our similars (*nos semblables*), perish or suffer. From the conjunction and the combination which our mind makes from these two Principles, without it being necessary to introduce the principle of sociability, all the rules of natural right seem to follow; rules which reason is later forced to reestablish on other foundations, when by its successive developments it has achieved to stifle Nature (*SD*, 14-15[III, 126-127]).⁵⁶

The two principles which Rousseau mentions in the first sentence are *amour de soi* or self-love and *pitié* or pity or commiseration. As these two principles are the effective guidance mechanism of nature, they also establish the rules by which men interact. It is important to note, however, that Rousseau speaks here of *natural right* instead of natural law and that consequently none of the natural law definitions can be accurately applied to primitive men. Therefore, Plattner's interpretation of the previous passage remains valid. Rousseau does not admit that either of them.

One additional distinction is important to make. It has to be noted that Rousseau gives first a definition of law, before he continues to apply to it the natural condition of man. According to Rousseau, a law can exist only if men are capable to submit to it knowingly. For Rousseau, this condition already excludes the possibility that a natural law exists because for him, as he will make clear later in the *Second Discourse*, primitive men do not have language and reason. It is noteworthy, however, that this definition of law remains valid, without the additional condition of

⁵⁶ Méditant sur les premières et plus simples opérations de l'Ame humaine, j'y crois appercevoir deux principes antérieurs à la raison, dont l'un nous intéresse ardemment à notre bien-être et à la répugnance naturelle à voir perir ou souffrir tout Etre sensible et principalement nos semblables. C'est du concours et de la combinaison que notre esprit est en état de faire de ces deux Principes, sans qu'il soit nécessaire d'y faire entrer celui de la sociabilité, que me paroissent découler toutes les règles du droit naturel ; règles que la raison es ensuite forcée de rétablir sur d'autres fondemens, quand par ses développemens successifs elle est venue à bout d'étouffer la Nature.

the law being natural. The difference between the two conditions is not as easily visible in the English translations because they all have a comma where Rousseau uses a semicolon in the French. Thereby, Rousseau separates the second condition more visibly from the first condition.

An important consequence can be drawn from this definition of the term law and the condition for it to be natural. While it excludes the possibility that a properly called “natural law” existed for Rousseau, it still states the conditions for an effective law. According to this definition, a good law, made by men themselves, will be most effective if it can combine reason and passion. There are two extremes on either side, i.e. a rule either relying entirely on reason or a rule relying entirely on passion. Only rules to which men submit knowingly are properly called law. The term law, however, is inappropriate for rules which men follow because of their passions. For those rules it would be necessary to find another name.⁵⁷

In the following paragraph, Rousseau indeed specifies on what principles of passion one might find effective rules. Rousseau suggests that the human soul follows two principles which constitute the basis for the rules of natural *right*.⁵⁸ Both principles speak directly with the “voice of nature” or with passions and thereby establish rules of conduct for primitive men unbeknownst to them. For the above-

⁵⁷ Two additional features of a law are that it implies a hierarchy and that it binds the will. Being bound by a law means that a man consents to the law as his superior with regard to future actions. For Rousseau this submission is unnatural. The necessity of submission only arises if a man is dependent on others for his survival. The general will is activated by the reasonable insight of the necessary conditions for common survival. Laws are the records of the general will in order to hold every member of the general will accountable and make the general will enforceable. The general will cannot be bound by laws as the individual will could originally not be bound by laws. The purpose of the general will is to bind the individual wills. This is achieved most effectively if every individual will expressed its consent to it.

⁵⁸ In his attempt to refute the hypothesis that Rousseau rejects natural law, David Williams seems to have missed the distinction between natural law and natural right at this point (cf. Williams 2007, 80).

mentioned reasons it would be inappropriate to call these rules laws. Instead, they establish rights. As Rousseau emphasizes, he assumes as the only natural aim of men what can be most certainly be established. In particular, Rousseau rejects human sociability as an additional principle, whose introduction would have given society claims over individuals or imposed duties on individuals, which Rousseau wanted to avoid (Strauss 1953, 277-78). The most important consequence of this rejection is the unnaturalness of human society. Rousseau rejects here the Aristotelian argument of man as a political animal.

However, between the two principles which determine the rules of natural right, the first principle of self-preservation takes precedence over the principle of pity. If man's self-preservation is threatened, and every man is the sole judge, he has every right to do whatever it takes to ensure his self-preservation. Because he is the sole judge, and he might not always be a perfect judge, there is no means which would be closed off to him. The secondary principle of pity will most likely prevent him from using unnecessarily cruel means and if there are less cruel means to achieve his self-preservation he will instinctively use those instead. As some commentators have remarked before (Masters 1968, 136-46, Plattner 1979, 82-87, Meier 2001, 57n65), one recognizes the different status of the two principles already in the language Rousseau uses. While we are "ardently interested" in our self-preservation and well-being, we are only "naturally repulsed" by seeing others suffer.

Rousseau draws out this consequence himself when he writes:

By this means one also ends the old disputes about the participation of animals in the natural Law, because it is clear that, deprived of enlightenment (*lumières*) and liberty, they cannot recognize this Law; but to take part in some way in our nature through the sensibility with

which they are endowed, one will judge that they should also participate in natural right, and that man is committed towards them in some kind of duties (*SD*, 15[III, 126]).

While Rousseau had just rejected the notion of natural law of the moderns, he now returns to the ancient or Roman concept of natural law. Rousseau's concept of natural right and the Roman jurists' concept of natural law agree in applying equally to men and animals. The crucial difference between the two concepts is that the Roman concept assumes the natural sociability of men, which Rousseau had just rejected.

Therefore, it has been shown that men are only subject to natural right in the state of nature. Man is indistinguishable from animals and pursues like all animals solely his self-preservation and well-being, and moderated under the right conditions by pity. Furthermore, every man and woman is in the beginning the judge of the means to his or her self-preservation, which also includes possessing those means to self-preservation.

The other passages in the *Second Discourse* where Rousseau uses the terms "natural law," "law of nature," and "natural right" confirm the interpretation of the Preface. Still, these passages give us additional information about the implication of these terms. As had become clear in the Preface, the term natural right implied the right to self-preservation and well-being. Rousseau uses natural right twice (*SD*, 53; 67[III, 177; 194]) in this sense. In the latter passage, Rousseau points out that moral or conventional inequality has to be based on natural right, i.e. on everyone's natural aim to self-preservation. In addition, Rousseau once uses the term "Right of Nature", which he uses to further emphasize that everyone is naturally free or has the right to pursue what he thinks best for himself. Moreover, Rousseau uses the term "law of

nature” twice (*SD*, 57; 67[III, 182; 194]) to indicate that according to this law there are no natural titles of some to rule over others.

Furthermore, Rousseau also indicates that his understanding of natural right implies that the only effective right in the state of nature is the right of the stronger.⁵⁹ His first use of the term right of the stronger occurs as a rebuttal that the right of the stronger does not give a title to rule in the state of nature (*SD*, 43[III, 164]). Yet, it is still surprising because this remark implies that the effective principle of the state of nature is the right of the stronger. A similarly revealing reference is when Rousseau writes: „Here everything returns to the sole Law of the stronger, and consequently to a new state of Nature different from the one with which we began, in that the one was a Nature in its purity and this latter one is the fruit of an excess of corruption” (*SD*, 65[III, 191]). Rousseau goes one step further by explicitly identifying the natural right with the right of the stronger, when he writes that the rich man was capable to “use in his favour the forces even of those who attacked him, ..., by giving them other institutions which were as favourable to him as the natural Right was against him” (*SD*, 53[III, 177]). Finally, the clearest example that the natural state of man was characterized by the right of the stronger was the conflict which characterized the state of war prior to the conclusion of a social contract: “There arose between the right of the stronger and the right of first occupant a perpetual conflict which ended only with combat and death” (*SD*, 52[III, 176]).

⁵⁹ Rousseau only once speaks of the right of the stronger, otherwise he uses the expression law of the stronger. This is in accordance with his general notion of right versus law. The law of the stronger refers to the necessary and unavoidable submission to the one with greater force. However, there is strictly speaking no right of the stronger because nature did not confer the right to rule anyone. In other words, Williams has not conclusively shown that Rousseau rejected modern natural law theory (2007, 81).

As Rousseau points out in the *Social Contract* as well as in the *Second Discourse*, “the rule of the stronger” is a misnomer because there is no political rule in the state of nature (*SD*, 59[III, 184]). The “rule” of the stronger is ineffective because someone subject to that rule would simply take his things and walk away. In addition, the rule of the stronger is simply based on necessity (*SC*, I.3, 134[III, 354]). In this regard, the use of the term “law of nature” is appropriate because it refers, as Meier remarked, to the physical or necessary laws (2001, 53n59). But Rousseau is also right in asserting that the rule of the stronger cannot be the basis of political society, because the basis of society is religion and property (*SD*, 50-51[III, 173-174]), which are both opposed to force. This comes out most clearly when Rousseau writes that: “property right differs from the right which results from the natural Law” (*SD*, 51[III, 174]). This remark only makes sense if one understands by right the right to appropriate to oneself everything which one needs for one’s own self-preservation. Understood in this manner, the right resulting from natural law is different from property right, which never gives anyone the right to transgress someone else’s property right.

In sum, the only effective principle in the state of war is the right of the stronger. This also characterizes the state of war among sovereign states. “The civil right having so become the common rule of the Citizens, the Law of Nature was only situated among the different Societies, where, under the name Right of Nations, it was moderated by some tacit conventions to make commerce possible and to substitute for natural commiseration...” (*SD*, 54[III, 178]). Here, Rousseau explicitly identifies the law of nature with the law of stronger. This means that in international relations,

every society has the right to pursue its own self-preservation by any means it deems necessary to achieve that goal.

4.3 On International Law or the Unlimited Right to War

Against the interpretation that Rousseau rejected the idea of a natural law limiting the actions of men and sovereign states alike, one might level three charges. These charges are based on passages in the *Social Contract*, *Political Economy*, and the *Geneva Manuscript*. The first argument is to use the *Social Contract* to show that Rousseau's aim is to make men submit to laws knowingly or to gain their consent to political rule. Secondly, the argument is made that Rousseau uses conscience, or the "voice of nature," to indicate that men have a natural intuition of right and wrong. Lastly, Rousseau is said to advocate a "transcendent notion of justice" (Williams 2007, 80).

With regard to the first argument, the *Social Contract* is indeed supposed to fulfill the function of making men submit to laws. However, the laws which are made in a republic are not natural laws. As was shown above, Rousseau gives a definition of law and not natural law, which is admittedly difficult to see in an English translation. Another category of laws is the constitutional order of a republic. As Rousseau says, the republic is supposed to be made in accordance with natural right and not in accordance with natural law (*SD*, 13-14[III, 126]). Secondly, Rousseau uses the word "conscience" only twice in the *Second Discourse* (7; 26[III, 116; 142]). The first mention of conscience occurs in the Dedication in order to appeal to the citizens of Geneva. The only time he uses it in the main text of the *Second Discourse*

Rousseau uses it in the sense of “awareness” or “knowledge” and not in order to indicate a “natural” sense of good and evil. Whatever he might say in his other writings, in the *Second Discourse* nothing leads one to believe that the “voice of nature” is the same as conscience. Instead, the “voice of nature” is pity.⁶⁰

The case of the “transcendent norms of justice” (Williams 2007, 86-87) rests to a large extent on evidence from the *Geneva Manuscript* (Williams 2007, 81-88). The *Geneva Manuscript* is one of the original drafts of the *Social Contract*. For the final version of the *Social Contract*, Rousseau substantially reworked the manuscript and left out two sections in particular, the second chapter from book one, *Of the General Society of Mankind*, and the fourth chapter of book two, *Of the Nature of the Laws, and of the Principle of Civil Justice*. Both chapters were deleted from the final version but they contain important references to the addressee of the work, Rousseau’s motivation, and especially to the connection between the *Second Discourse* and the *Social Contract*.

The evidence in favor of transcendent justice comes at the end of the book I, chapter 2, *Geneva Manuscript*, and is then connected to passages in *Geneva Manuscript* II.4, the *Social Contract* II.6, and the essay *Political Economy*. Before the evidence is presented it is first necessary to put these passages in the context from which they are usually torn. It has to be remembered that the argument of the *Geneva Manuscript* I.2 in particular is about a refutation of a general society of mankind, and more specifically a refutation of Diderot’s argument in favor of such a general society in the article “Natural Right” in the *Encyclopédie*.

⁶⁰ See Rousseau’s discussion of pity as the “other principle” in the *Second Discourse* (36-38[III, 154-158]).

The commonly used arguments for transcendent justice or natural law imply the notion of a general society of mankind, or speaking about a general society of mankind leads to the idea of natural justice. With regard to international relations, this implies in turn that by nature the plurality of political societies is a historical aberration and injustice, which eventually must be overcome. The details of overcoming the aberration depend decisively on one's faith or religion, which also stipulated the idea of natural justice.⁶¹ One's faith and religion lead then necessarily to imperial claims of a universal community.

In the *Geneva Manuscript*, Rousseau seems to reject the general society of mankind. We had already seen in chapter two that Rousseau consistently made the case that political societies will find their perfection in a small republic, and therefore necessarily will have to accept the existence of a state of war. As Strauss wrote: "No modern thinker has understood better than Rousseau the philosophic conception of the *polis*: the *polis* is that complete association which corresponds to the natural range of man's power of knowing and of loving" (1953, 254n2; Strauss' italics).

The argument in this chapter begins with a reprise of arguments made in the *Second Discourse*: man is by nature self-sufficient and lacks sociability as well as reason. It is only the desires which man created which lead him out of the natural state.

Our needs unite us in proportion as our passions divide us, and the more we become our fellows' enemies, the less we can do without them. Such are the first bonds of general society; such are the foundations of that universal benevolence the sentiment of which seems to get stifled by the recognition that it is necessary, and the

⁶¹ It is however not a necessary characteristic of every faith or religion to point to a transcendent notion of justice.

fruits of which everyone would like to enjoy, without being obliged to cultivate it (*GM*, I.2, 76-77[III, 282]).

As Arthur Melzer has pointed out (1990, chap. 8), Rousseau rejects the general society of mankind because a society based on needs alone would end in complete tyranny:

The general society which our mutual needs might engender thus offers no effective help to man become miserable, or rather it provides new forces only to the one who already had too many, while the weak, lost, stifled, crushed in the multitude, finds no refuge to which he might flee, no support in his weakness, and in the end he perishes a victim of this deceptive union from which he expected happiness (*GM*, I.2, 77[III, 282]).

This impression is further confirmed in the deleted paragraph which follows.

Here, Rousseau shows similar to the fraudulent social contract of the *Second Discourse*, which men consent to because they expect individual benefits and not because they hope to achieve any common good. This state “would only be a source of crimes and of miseries for men” (*GM*, I.2, 77[III, 283]). But despite the disadvantages of political societies, political societies also have the massive advantage of making civilization possible, most importantly the “love of virtue” (*ibid.*).

Rousseau believes that the general society of mankind is “either unknown or impracticable” (*GM*, I.2, 78[III, 284]), because the condition for men’s progress is a development of selfish passions, like glory, pride, or vanity (*amour-propre*), which weakens the common sentiment of humanity or compassion, if it then existed. As in the *Second Discourse*, Rousseau admits that some philosophers (*ibid.*) or cosmopolitan souls (*E*, I, 39 and *SD*, 54[III, 178]) are exempt from this limitation.

Yet, Rousseau also strongly affirms that this is a rare exception and by no means extendable to more men or even the people as a whole.

This fundamental contradiction is at the center of Rousseau's argument against the general society of mankind. Rousseau takes up Diderot's "violent reasoner" from the *Encyclopédie* article on natural right (V, 116). Diderot had argued against Rousseau that the "violent reasoner" would be effectively restrained through reason. One could therefore expect every enlightened man to conform to the universal and eternal rules of natural right. Non-conformity with these rules implies the exclusion of these animal-like men from the universal human society. Rousseau responds that the difficulty is to show this man "what interest he has in being just" (*GM*, I.2, 80[III, 286]). It is important for our concern here that Rousseau explicitly draws the parallel between the "enlightened and independent man" and sovereign society (*GM*, I.2, 79[III, 285]).⁶² Furthermore, in paragraph eleven, Rousseau identifies the independent man with the multitude. It is a question of philosophy and law to restrain the independent man or multitude.

So far, Rousseau simply refutes the idea of a general society of mankind. However, Rousseau suddenly seems to consider the idea of universal justice, which he had apparently outright rejected. In *GM* II.4, Rousseau writes:

⁶² One answer to the question why the *Social Contract* is incomplete is therefore that one can restrain the violent reasoner but not society. The success of the *Social Contract* depends on its ability to successfully transform the violent reasoner into a citizen. However, Rousseau believes that this transformation cannot be extended beyond a certain point because personal interest can never completely be eradicated. Furthermore, this transformation does not apply to societies, which means that a society cannot be transformed into a citizen of a world-state. This occurs because every society necessarily has to deal with an area of responsibility to which the normal rules of goodness do not apply, most importantly foreign relations. This would be an area in which the violent reasoner would reason correctly. Yet, in order to make citizenship possible, this area would have to be ignored by most subjects of a state. Here, we get the sense that Rousseau addresses himself first and foremost to the non-gentleman, contra Aristotle, who assumes in the *Ethics* and *Politics* that the virtues of gentlemen can be taken for granted.

Extend this maxim to the general society of which the State gives us an idea, protected by the society of which we are members, or by that in which we live, the natural revulsion to do evil no longer being offset by the fear of having evil done to us, we are inclined at once by nature, by habit, by reason to deal with other men more or less as [we do] with our fellow-citizens, and this disposition reduced to actions gives rise to rules of reasoned natural right, different from natural right properly so called, which is founded on nothing but a true but very vague sentiment often stifled by the love of ourselves” (113[III, 329]).

This seems to point to the existence of universal justice, as Rousseau makes clear in the following paragraph. “This is how the first distinct notions of the just and the unjust are formed in us; for the law precedes justice, not justice the law” (*ibid.*).

Williams, following Hendel (1934), in particular has argued that this points to Rousseau’s position of a transcendent, universal justice (2007, 84-85). In support, Williams cites *Political Economy* (147-148[III, 250-251]) and *Social Contract*, II.6 (152[III, 378]):

But it always has two infallible rules for acting well on such occasions: one is the spirit of the law, which should help decide the cases it could not anticipate; the other is the general will, the source and supplement of all the laws, and which should always be consulted in their absence. How, I shall be asked, can the general will be known in the cases in which it has not declared itself? ...the chiefs know well enough that the general will is always on the side most favorable to the public interest, that is to say, the most equitable; so that one need only be just in order to be sure of following the general will.

The passage from the *Social Contract*, is from II.6 entitled On Law.

What is good and conformable to order is so by the nature of things and independently of human conventions. All justice comes from God, he alone is its source; but if we were capable of receiving it from so high, we would need neither government nor laws. No doubt there is a universal justice emanating from reason alone;⁶³ but this justice, to be admitted among us, has to be reciprocal. Considering things in human terms, the laws of justice are vain among men for want of natural sanctions; they only bring good to the wicked and evil to the just when

⁶³ Note here that Rousseau equates reason and God as the same source of justice.

he observes them toward everyone while no one observes them toward him. Conventions and laws are therefore necessary to combine rights with duties and to bring justice back to its object.

Williams reads these passages as confirming Rousseau's acceptance of a universal standard of justice. Yet, this standard cannot be eternal because man in the state of nature did not have reason and therefore the standards of justice could not be known to man. The argument then is to say that once man developed reason, man could recognize the universal standard, which must have already existed prior to man acquiring reason.

First, Rousseau never tells us what that universal justice would look like. What did Rousseau mean by "universal justice emanating from reason alone?" For Rousseau, this means first and foremost that there is no natural rule. The universal justice is then that everyone has the right to live and that he himself is the best judge on how to live. In the case of conflict, we would be able to discern who has the right to live or the right to live well and who does not. Reason can give us this rule, but it is incapable of ensuring that it will be adhered to among men. We cannot expect that all men will always respect this limit towards others. This problem finds its parallel in the *Second Discourse*. There, Rousseau describes the obstacles created by the arts and sciences to the rule of reason. Melzer therefore accurately points to Rousseau's criticism of the enlightenment (1990, 135-42). Therefore, reason will never be enough, even though it would be best to live without laws and government.

Then the question is what laws and government one should have. The aim of the government and laws must be to ensure the right to live freely and to have the right to participate in judgments, i.e. to live free and equally (*SC*, II.11, 162[III, 391]).

As Rousseau continues, this does not happen for men, because under actual conditions one will necessarily be subject to others as other people will judge for you and in the worst case will declare that your life is worthless and should be sacrificed for the good of the whole.

But contrary to Williams' interpretation, it appears possible to understand these passages differently. First of all, chapter four begins with giving us an understanding of "the true foundations of justice and of natural right" (*GM*, II.4, 113[III, 328]). If one recalls, Rousseau's definition of natural right in the *Second Discourse* had been the right to self-preservation. It is certainly possible to understand what follows in *Geneva Manuscript* II.4 in light of this definition. Here, it is indeed, as Rousseau writes, necessary that "the first law, the only genuine fundamental law that flows immediately from the social pact, is that each man in all things prefer the greatest good of all" (*ibid.*). If this were not the case, then society could not, or only with difficulty, exist. Therefore, the natural right to self-preservation is transferred to the political society as a whole. "The greatest good of all" is their common self-preservation and well-being. Further, "right narrowly so called or positive right" (*ibid.*) are those decisions or laws which require of men actions to support the self-preservation of all or the greatest good. All actions which the laws do not or cannot demand, but which men still do, are now "called force or virtue" (*GM*, II.4, 113[III, 328-329]). This is the context of the above quote which put us in such a quandary.

The maxim, which Rousseau mentioned, referred to the acts of civility which law cannot require of us. The conditions for civility are the freedom from fear and the presence of a "vague sentiment" (*GM*, II.4, 113[III, 329]). However, the extension of

civility from fellow citizens to all men is based on flawed imagination. This inference is based on neglecting the prior fact that civility was supposed to serve the greatest good of one's own society, possibly to the detriment of other societies. Moreover, civility is necessary in every society because not every action benefiting the common good can be regulated by positive laws. Every society therefore relies on having citizens who truly prefer the pursuit of the common good, even to their own prejudice. This can also be expressed differently. Rousseau writes that "if the law cannot be unjust, it is not because it has justice as its basis, which might not always be true; but because it is against nature to want to injure oneself; which is [true] without exception" (*GM*, II.4, 113[III, 329]). This, however, implies that any act of fighting for one's country would be against nature. A society therefore relies on citizens who will imagine that the common good is also their good.

The primacy of law over justice implies that the Christian principle of "do unto others as we would wish to be done unto" (*ibid.*) is a secondary consideration over *cuique suum* or to each his own. The primary rule is *cuique suum* because private property and civil freedom are the "foundations of the community" (*GM*, II.4, 114[III, 330]). Here again one needs to recall the *Second Discourse*. The first rule of justice had been: "to give each his own everyone must be able to have something. The more men began to look toward what was to come, and seeing that everyone had something to lose there was nobody who did not have to fear the retribution for the wrongs which he might do to others" (*SD*, 50[III, 173]). The argument of the *Geneva Manuscript* is therefore consistent with the argument of the *Second Discourse*. In

both essays Rousseau rejects the Christian golden rule in favor of the golden rule of natural right.

In other words, in case of conflict among men, it is everyone's right and duty to defend what is his; and only when those needs are satisfied to follow the Christian golden rule. It is only the experience of ownership and political participation which gives men a sense of justice. There is therefore no doubt that Rousseau rejected the idea of a justice which somehow preceded civil society. Justice is based on the prior injustice of "marking off land" for oneself and declaring it one's own (*SD*, 43[III, 164]). Moreover, men experience civility and virtue as something good, but it is based on a deracination and redirection of their natural selfishness. This transformation is necessary for the functioning of society and for the civility which can prevail among men in general. However, both the deracination and the civility toward strangers have their limits in the happiness of the individual.

An important consideration with regard to international relations, however, is the importance of citizenship for dealing with strangers. The people, in particular the Christian people, are much more benevolent or civil toward strangers than the Ancient Greeks or Romans (*GM*, I.2). Due to the influence of "love thy neighbor as thyself" it is possible for Christian citizens to take the experience of their society and to extend to others. This was not always so. "The healthy ideas of natural right and of the common brotherhood of all men spread rather late and made such slow progress in the world that it was only Christianity which generalized them sufficiently (*GM*, 81[III, 287]). As Rousseau writes, in this regard Christianity is more "natural" than the Ancients because Christianity gives expression to the natural sentiment of pity,

which these societies disregarded. It is for that reason that Hobbes was wrong because he mistakenly assumed that the political relations among the ancients accurately characterized men. Instead from Rousseau's perspective, Hobbes should have gone back even further in time to the entirely non-human beginnings of the human species. Similarly, Rousseau takes up this question in *Social Contract* IV.8 where he concludes as well as that the ancients were much more brutal than the moderns. In the same passage of the *Social Contract* Rousseau praises Christianity's great benefit of perpetuating the sentiment of compassion, which was necessary to moderate relations among men.

Another important question is whether the natural right is equivalent to the law of nations. In the above quote, Rousseau used the term right of nations (*droit de gens*) synonymously with the right of nature. In the *Second Discourse*, this is the only occurrence of the term "right of nations." The relations among sovereign states or powers, as Rousseau calls them in the *Social Contract* (I.6, 139[III, 361]), are characterized by a hierarchy based on their strength, by each state's right to self-preservation, and of everyone's right to judge which means are best to achieve their self-preservation.

If one recalls Rousseau's outline of the topics which he would cover in his treatment of foreign relations, he had subsumed under the heading of right of nations the rules of international trade, the right of war and conquest, and the public right, covering confederations, treaties, and negotiations (*E*, V, 466-67). If one contrasts this with his remarks in the *Second Discourse*, one has to come to the conclusion that he failed to treat these topics because the right of nations cannot be subject to the

same systematic treatment as the principles of political right. They cannot be subject to this because they are based on the constantly changing interests of men or states and not founded on the knowledge of the nature of man (*SC*, II.10). One gets a similar impression from the essay *The State of War*:

As for what is commonly called the right of nations, it is certain that, for want of sanction, its laws are nothing but chimeras even weaker than the law of nature. This latter at least speaks to the heart of individuals, whereas the right of nations, having no other guarantee than its utility to the one who submits to it, its decisions are respected only as long as self-interest confirms them (62[III, 610]).

As Rousseau clearly states, the right of nations is based on self-interest and utility, and the self-interest changes with the conditions. In that case, whenever self-interest changes, the laws of the right of nations which are opposed to self-interest will be abandoned, without anyone having the power to enforce the previous laws. Self-interest is an insufficient guarantee for the adherence to self-imposed laws.

4.4 The Law of War

The above discussion has shown that Rousseau rejected the notion of a normative natural law which would provide a transcendent standard of justice for the judgments of political actions. This led to the conclusion that the actions of states in foreign affairs are not limited by a standard above the state. Furthermore, there are seemingly no universal standards based on a law of nations. There only seems to be the right of the stronger as the effective principle in international affairs. The contemporary interpretations of Kenneth Waltz or Stanley Hoffmann in portraying Rousseau as a proponent of Machiavellian foreign policy seem therefore justified (Carter 1987, 210, Goyard-Fabre 2000, 171). Yet, Rousseau also suggested limitations of state action

related to the most extreme case – war. Rousseau attempts to derive principles of the right of war (*CC V, Letter to Rey*, March 9, 1758, 50-51) from “the nature of things” (*SC*, I.4, 136[III, 357]).⁶⁴ What Rousseau means by this is to base his principles of the right of war on the conventional character of the state.

The first possibility to derive a limitation of the state’s foreign policy could be based on the sovereignty of the people. In the *Social Contract*, Rousseau made clear that the sovereign, i.e. the people, do not participate in foreign-policy making (*SC*, II.6). The participation of the people, in Rousseau’s case male citizens of a certain age and wealth, is restricted to law-making. Law-making in turn is defined as the activity where all citizens consider themselves as a whole and agree on passing a law which will apply to all. Law-making can therefore take place where these two entities, the people as citizen law-makers and citizen subjects, exist. As a vital area of policy-making, however, foreign affairs are outside the realm of legitimate law-making power. Furthermore, the citizens are not directly affected by foreign policy.

Therefore, foreign policy is made by the government without necessarily having to consult the people. One must recall here that one of Rousseau’s most memorable contributions to political theory was his clear distinction between the sovereign and the government (*SC*, III.1). While previous thinkers had usually equated the two, Rousseau argued that the sovereignty was inalienably the people’s sovereignty. Yet, the practical impossibility of governing themselves truly democratically, i.e. to achieve a unity between the sovereign and the government, made it necessary to derive government from the people. One can find practical

⁶⁴ In the letter from March 9, 1758 to his editor Marc-Michel Rey, Rousseau announces that instead of a work on the principles on the right of war he has finished another work, presumably the *Social Contract*, as he points to its small size (*CC*, V, 51).

examples of this in modern democracies' use of the terms "administration" (US) or "chancellor" (Germany) for the government, implying that they are only carrying out the people's will. However, foreign policy deals most importantly with matters of survival and independence. They are therefore of utmost importance to the citizens and should concern them. But Rousseau excludes the citizens from any involvement in them.

This raises the difficulty of controlling the government in matters of foreign policy. Rousseau recognizes that the people's sovereignty does not reach beyond its border. He also recognizes that the government might use its control over foreign affairs to extend its power domestically (*JPPP*, 54[III, 592]). Rousseau's references to foreign affairs fulfill partially the purpose of deliberating supra-national institutions which would fulfill the function of limiting the government in international affairs.⁶⁵

Rousseau addresses the question of what he understand by the state of war most extensively in two sections of his unfinished essay "The State of War." The essay was written while he was working on his *Political Institutions* between 1756 and 1758. Parts of this essay were eventually used in the *Social Contract*, mostly in book I, chapter 4. The fragment containing this essay was found only in 1965 and published in 1967 by Bernard Gagnebin.⁶⁶ At first, it appeared to contain only loosely related fragments regarding various themes mentioned in the *Social Contract*, but Grace Roosevelt (1990, 15-16) showed that by refolding two of the three pages of the manuscript in the opposite direction than had been usually done, the different fragments actually formed a continuous whole. Now, the text begins with "I open my

⁶⁵ This is discussed in chapter five.

⁶⁶ Bernard Gagnebin. 1967. "Un Inedit de Rousseau Sur l'État de Guerre." In *De Ronsard a Breton: Hommage a Marcel Raymond*. Paris: Librairie Jose Corti, 103-109.

books about rights and morals” instead of the version included in the Pléiade edition, which begins with “But...” In addition to the new ordering of the manuscript, the Geneva fragment discovered by Gagnebin now can be logically included into the larger essay by inserting it before the page beginning with “these examples...” This reconstruction of the essay has since become the accepted version, for example for the new edition of the *Collected Writings of Jean-Jacques Rousseau*, vol. 11.

Rousseau had entitled the essay *That the State of War Arises from the Social State*, but later crossed it out. The current title originates with C.E. Vaughan.⁶⁷ It contains four additional sections, entitled by Rousseau, Of the Social State, The General Idea of War between One State and Another, What the State of War Is, and Fundamental Distinctions. The last three sections are of primary interest because they relate directly to the limitations of warfare.

In these sections of *The State of War*, Rousseau elaborates further on the foundation and limits of the state of war. He goes beyond his treatment of the state of war in the *Second Discourse*, primarily because the focus of the *Second Discourse* was to present the decline of the human species. In the essay *The State of War*, however, Rousseau tries to show how the same conditions can lead to progress and to an amelioration of the state of war. Ultimately, however, Rousseau is unsuccessful in his attempt to moderate the state of war.

The most important aspect of Rousseau’s definition of the state of war is his claim that the state of war only exists among sovereign states, and that it consequently cannot exist among individuals.

⁶⁷ C.E. Vaughan. 1915. *Jean-Jacques Rousseau: The Political Writings*. Vol. 1. Cambridge: Cambridge University Press: 293-307.

Rousseau distinguishes three kinds of states for men: the first being peace properly so-called, a state between war and peace, and the state of war. Peace, in Rousseau's conception, comes close to being a perfect state of being. "It [this sweet word peace] conveys to the soul the fullness of sentiment that makes us love at once our own and other people's existence" (*SW*, 70[III, 1902]). As Rousseau says at the end of the paragraph, this peace is realized only in the mind of God. "The constitution of this universe does not allow for all the sentient beings that make it up to concur all at once in their mutual happiness" (*ibid.*). Rousseau says here as clearly as possible that peace cannot be attained. First of all, because one would have to reach a god-like state which is only reachable for very few men, if any at all, as Rousseau pointed out in the *Second Discourse* when referring to the "few cosmopolitan souls who are able to transcend the borders of the world" (54[III, 178]). Furthermore, peace cannot be attained because happiness is a relative sentiment for most men and therefore cause for strife.

Yet, Rousseau argues that the disturbance or imperfection of peace does not lead to war. It is by nature impossible that all beings achieve happiness. Injustice and the disturbance of peace are inevitable. For most men, most of the time, only two states are possible, and these are either a time of "discord, quarrels, sometimes fights" or, by becoming part of a political society, a state of war.⁶⁸ The state of war is defined as: "the effect of a mutual, steady and manifest disposition to destroy the enemy State, or at least to weaken it, by all means possible. This disposition reduced to

⁶⁸ Rousseau clarifies in this context that the content of the law of nature, which results in each being giving preference to itself, is that self-preservation is an absolute necessity for each being. As long as the injustice is perceived to originate in nobody in particular, the evil is acceptable. However, if the injustice seems to originate in another's "ill-will" (*SW*, 71[III, 1903]) then conflict arises.

actions is war properly so called; so long as it remains without consequences, it remains nothing but the state of war” (*SW*, 72[III, 607]).

The difference between the state of war and the state of quarrels and discord must be that:

war is a permanent state which presupposes lasting relations, and such relations rarely obtain between man and man, where everything between one individual and another is in continual flux which constantly changes relations and interests. So that the subject of a dispute arises and disappears almost instantaneously, a quarrel being and ends in a single day, and there may be fights and murders, but never or very rarely extended enmities and war (*SW*, 65[III, 602], also *SC*, I.4).

The difference between the two states hinges on the presence of self-possession and reason. By self-possession, Rousseau refers to the “lasting relations,” or property, which are the condition to sustain any war. Furthermore, Rousseau calls the state, which is build on property, a moral being or being of reason (*SW*, 73[III, 608]). This means that the state depends on the permanent will of its members to consider themselves as a whole with regard to their mutual self-preservation. Therefore, the state of war cannot exist among men who are either not endowed with reason or property.

As soon as two sides believe that either one’s existence is incompatible with one’s well-being, the state of war exists, even if that state does not manifest itself in actions (*SW*, 71-72[III, 1904]). Rousseau distinguishes here “waging war,” i.e. continuous manifest hostilities, from “the state of war,” in which the actions are absent even though the intentions of both states for the mutual destruction persist (*SW*, 72[III, 1904]). This resembles what became known in the 20th century as a “cold war.” The periods of a “cold” and a “hot” war are distinguished by “a truce, an

armistice, the peace of God” (*ibid.*). In order to be able to distinguish between the two states one would first have to know the intentions of the states in order to determine whether they are in a state of war or in the state previously described as a state of discord.

Among the three different types of relations, Rousseau had made it clear that the state of war only applies to states. Some have argued that Rousseau seriously considered the possibility of peace treaties among states as a way out of the state of war.⁶⁹ However, from his argument it appears that every political society is necessarily in a state of war with all other political societies. In order for political societies to exist in a state of discord instead of in a state of war, they would regard another state as not influencing either their own well-being or their self-preservation. This is imaginable as one could say that there was no state of war between France and China prior to the 18th century. As soon as there are relations among states which can potentially affect one another’s happiness, the states are in a state of war. One might ask about alliances. But in this understanding alliances are merely a truce against a more dangerous opponent and do not properly constitute a state in which hostilities have become impossible.

Rousseau does not make this distinction as clear as he might have, either because the essay is incomplete or because he intentionally did not want to emphasize the fundamental condition among states. He illustrates his view of the impossibility of peace treaties, by showing that a peace treaty would only be evidence that “the other has ceased to threaten his life” and therefore each state “could not or should not cease

⁶⁹ Windenberger (1899, 208), Lassudrie-Duchêne (1904, 187), Fetscher (1960, 125; 182). Furthermore, this state should not be confused with a complete state of peace, which can never be attained by men (SW, 70[III, 1903]).

defending it at the expense of the other's life" (SW, 71[III, 1903]). The state of war is further characterized by making "preparations, accumulate weapons, materials for a siege" (SW, 71[III, 1904]). And lastly, the "overt manifestations of ill-will which signal the intentions to harm, such as denying a power the titles that are its due, ignoring its rights, rejecting its claims, depriving its subjects of the freedom to trade, stirring up enemies against it" (SW, 72[III, 606]). One sees, that practically speaking the state of war exists among almost all countries, unless the state has no necessary relations with any other state. Another kind of peace is created through peace treaties which end open warfare and either require or prohibit other forms of warfare. However, this kind of peace is only a superficial peace.

After the meaning of the state of war has been clarified, Rousseau derives some surprising consequences from it. Most importantly, the state of war is a state which does not require violence at all, contrary to a common understanding of the term. Because the state of war is a relation between states, the aim of the state is to destroy the opposing state's principle, which is its general will.

The principle of life of the body politic and, so to speak, the heart of the state, is the social pact which, as soon as it is injured, causes the State instantly to die, collapse and be dissolved; but this pact is not a charter on parchment which can be destroyed simply by being torn up; it is inscribed in the general will, and that is where it is not easily annulled (SW, 69[III, 1900]).

This makes a direct attack on the social contract impossible. One can only indirectly attack the social contract through its embodiments, in the "government, the laws, morals, goods, possessions, men" (*ibid.*). At the end of the essay, Rousseau writes: "What, then, is it to wage war on a sovereign? It is to attack the public convention

and all that results from it; for that is all the essence of the State consists in” (SW, 73[III, 608]).

As the general will comes into being only by accident, the conclusion is that the state of war is essentially non-material or spiritual. The aim of every war is to destroy the opponent’s will to fight. Rousseau’s understanding of the areas in which war takes place is therefore much greater than a contemporary common understanding of war. If violence is only incidental to war, but does not express its essence, the question is raised how this close connection between violence and war has been made. One might object to Rousseau’s definition that violence fulfills an important function in war nonetheless. For once, it deprives the enemy directly of the use of some of the embodiments of the general will. Among the five different ways to attack an enemy, Rousseau first enumerates financial contributions, seizing land, or moving populations, i.e. referring to goods, possessions, and men. These three means of warfare are the most obvious kind of warfare. They attack the material basis of the state.

As a means towards the ultimate aim of destroying the enemy state, it is therefore most important to attack the citizens and their property. However, in contrast to the other means, one cannot benefit from it as directly, as one would from attacking the material basis of the enemy state. Such an attack elevates one’s own material position and has more tangible benefits for one’s population, without, however, achieving one’s true goal as closely as if one were to succeed at weakening one’s enemies’ government, laws, or morals. As the examples make clear, these are

the superior and more effective aims of warfare, more effective than any attack on goods, possessions, or men.

As we are seeking the limitations of warfare, the current topic leads Rousseau to caution against the danger of pursuing material aims in the state of war. This way of thinking about one's advantage "insensibly changes ideas about things, war finally degenerates into brigandage, and from enemies and warriors, one little by little turns into Tyranny and thieves" (*SW*, 72[III, 606]). The way in which political bodies are being attacked will cause the moral decline of one's own political body. It is therefore paramount that violence is always used for the spiritual aim of destroying one's enemies and not as an end in itself. This also sheds some light on Rousseau's rejection of Montesquieu's substitution of warfare with commercial competition. Commercial competition has the benefit of reducing violence but it has the disadvantage of becoming divorced from the higher aim of spiritual warfare and to become an end in itself. For Rousseau, as long as violence is an important part of the state of war this has the advantage of being used more cautiously than commercial warfare and to better prevent the moral decline of men.

Rousseau's main point in the last paragraph of the section is to demonstrate that the form of government is a central tool for the administration of a vanquished enemy. That does not necessarily mean that one would have to change the form of government, as sometimes the continuation of the established laws guarantees with greater certainty the continued servitude of the defeated. Rousseau mentions the Greek republics, Macedonia, Sparta, the Roman Republic, and, implicitly, Persia. By name, he mentions Fabius' and Marcellus' deeds from the Second Punic War as well

as those of Cyrus and Aristodemus. Beginning with the Greek Republics, Rousseau's examples show increasingly more tyrannical examples: first from the Greek republic to the Greek empire, then from the Roman republic to the Roman Empire, and finally the examples of two "truly enlightened princes:" Cyrus and the tyrant Aristodemus.

These examples illustrate a difference in the means employed by various regimes to weaken their enemies. The Greek republics weakened their enemies by changing their governments. Also the enemies of Sparta removed the laws of Sparta's lawgiver, Lycurgus. Similarly, the Romans left their enemies their laws. In addition, they tried to keep their own way of life as purely Roman as possible. When the Romans began to change their way of life, Rousseau uses here the example of the looting of Syracusan religious art and bringing them to Rome, the Roman republic was showing the first signs of a "decadence of Roman morals" (SW, 70[III, 1901]).⁷⁰ The last example, that of Cyrus and the tyrant Aristodemus, who either left an effeminate manner of life in place or established it, further illustrates the use of morals for the extension of empire or in support of domestic rule.

The first limitation of war could be derived from its status as necessarily aiming at a spiritual goal instead of a material one. The means which a state will employ depend on its own regime type and therefore do not allow for any absolute restrictions. Yet, Rousseau explicitly warns that the means should never become the ends because it will indicate one's own decline. War carries risks which go farther than the loss of men or land. Instead, the greatest danger of war is a decline to tyranny. The main consequence is that war does not necessarily take place on the

⁷⁰ The structure of the examples in this paragraph is: 1. The republic is associated with the change of forms of government. 2. The empire is associated with a change of laws. 3. The enlightened princes are associated with a change in morals.

material plane. In fact, the more important conflict takes place on the spiritual plane. This in turn implies a preference for non-material warfare simply because these techniques might be a more effective means to harm one's enemies. While some might be discontent that these seem like very minor limitations on warfare, Rousseau nevertheless maintains a clear hierarchy of ends and means and therefore provides a standard by which to judge a state's actions.

Another implication of Rousseau's definition as a state between sovereign states is that this allows him to make a distinction between the fighting and the non-fighting part of each state's population. Rousseau introduces here a well-known distinction between combatants and civilians. This distinction also extends to civilian property and state property (*SC*, I.4). Therefore, the sovereign does damage and the state receives it, as Rousseau specified in his definition of war. The surprising consequence is that war is never directed at men, and "one can wage it without depriving anyone of his life" (*SW*, 73[III, 608]).

The distinction between combatants and civilians also implies that the termination of hostilities does not give the victorious party any right to kill the enemy combatants or take away their property. As soon as an enemy combatant surrenders, the victorious party ceases to have any rights over him and must treat him as they would normally treat a civilian foreigner in their country. It follows that without a right to kill a surrendered enemy, the victorious state also has no right to enslave the enemy.

In this sense, one does find in Rousseau a limitation of warfare. By showing how absurd and unnecessary the means of warfare are to their goal, he implies that

one might restrict the state of war to non-violent warfare, i.e. to what we would call today propaganda. As Rousseau has shown, it is more important to change the enemy's government, laws, and morals than to plunder, pillage, and kill him. Furthermore, the danger is that during hostilities one loses sight of the primary goal and the hostilities become an end in themselves.

Yet, it has been remarked (Hassner 1997, Asbach 2002, 254-256) that Rousseau's critique of warfare is fraught with contradictions. First of all, the distinction between combatants and civilians collapses in the case of republics. As Rousseau writes in a fragment on war: "All citizens are soldiers in times of war, and there are no soldiers in times of peace" (75[III, 614]). Even if there are times of peace, which one can reasonably doubt that there ever are times of peace, it raises the difficulty that in times of war every citizen becomes a legitimate target for the enemy. In fact, Rousseau suggested precisely this consequence in the *Emile* (I, 39; also see note 2). Therefore, the law of war distinguishing between civilians and combatants assumes that the war is being fought for anything but survival. In the case of a war of survival, the laws of war are likely to be violated, as Rousseau knew. However, in the case of a war for anything else, the generally accepted notion of a law of war would prevent excesses from taking place. Still, as Rousseau suggested that the only legitimate aim of war was survival, the law of war is necessarily of only minor importance.

Furthermore, a second contradiction derives from the prohibition of ending war without being able to kill, enslave, or plunder the enemy or his property. The question arises why the victorious state should not continue to pursue by all means its

goal of annihilating an enemy whose existence it had deemed to be incompatible with its own? Rousseau answers that from the perspective of right, the victor is prohibited from violating the natural freedom of the defeated. Therefore, the defeated enemy cannot be harmed. On the other side, can one really speak about victory if the defeated enemy returns to his home in order to quickly take up hostilities again?

This question was raised by Rousseau in a different form in the *Second Discourse* and in the *Social Contract*. In both works, the answer was that not violence, but only fraud, would be effective to bring about a change in the relations between the people. Indeed, Rousseau points here to the difficulty encountered by any republic in war. In order to win the war, a republic has to act according to principles which are alien to its constitution. Here we encounter again the difficulty which we arose in chapter two. On the one hand, the republic is founded on the principle of freedom and equality. On the other hand, however, international relations or the state of war is based on the principle of self-preservation. A republic can only sustain itself if it is capable of winning wars without violating its own principles of freedom and equality. Therefore, the challenge is to win the war while leaving the defeated state in freedom.⁷¹

However, this critique of Rousseau overlooks the true importance of the “declaration of war.” Rousseau’s explicit aim, as he expresses it, is to transform the natural state of war into a legitimate of state of war, which he hopes to achieve through the declaration of war.

⁷¹ Rousseau is not entirely serious about this, which becomes clear when one contrasts the argument of the *Second Discourse*, i.e. all political society is slavery, with the *Social Contract*’s apparently absolute rejection of slavery. Rousseau loudly proclaims the freedom of the society’s founding while quietly admitting that almost all governments are founded on conquest (SC, I.9).

Since according to me the state of war is natural between powers, why need the disposition from which war results be manifest? To this I answer that previously I spoke of the natural state, that here I speak of the legitimate state, and that in the sequel I will show how, in order to make it legitimate, war requires a declaration (*SW*, 72[III, 606]).

The transformation from the state of war to a legitimate state of war is the same transformation which occurs in the *Second Discourse* and in the *Social Contract*. In the *Second Discourse*, the state of war is transformed into a state of slavery. In the *Social Contract*, Rousseau argues that he cannot make men free but he can make their state legitimate. As the above examples have shown, Rousseau's understanding of war implied that the most important task would be to prevent war from becoming detached from its aim, i.e., the destruction of one's enemy, and instead be about acquisition of material goods. For this purpose, it became necessary to exert control over a state's government. If a government were to pursue war for its own benefit or for the wrong aims then one could speak about the government being a tyranny or a government of thieves. Therefore, the only way to make war legitimate is for the people to have some control over their government. As Rousseau explains in the *Social Contract*, the declaration of war is not so much aimed at the enemy but rather to signal to one's own people that hostilities are being undertaken and that the people need to be cautious (I.4). This means that the declaration forces the government to state the reasons for opening hostilities publicly and therefore provides at least a minimum of control over the government's actions. Ultimately, one can say that the state of war is made legitimate by Rousseau's *Social Contract*. The standard by which Rousseau tries to limit the state of war is of his own making.

Rousseau illustrates how he intended to transform the state of war into a legitimate state of war by giving an example of the treatment of Helots, the perpetual slaves of Spartans. In this example, the Spartans declared war every year on the Helots in order to justify the treatment of them and to remind the Helots that they owed them their service because they had been beaten in battle. According to this example, it is obviously not enough to declare war to legitimize it. For Rousseau this declaration was superfluous because the relationship as master and slaves continued the state of war. This implies that the social contract is the only solution to the state of war, because it ends the state of war within society. Otherwise, as long as there are masters and slaves, the state of war continues, even within society. The declaration of war by an illegitimate state leads only to the justification of unjust rule, be that the rule of the stronger, monarchy (patriarchal rule), etc. Finally, this example of slavery takes up the point of paragraph 14, in which Rousseau had criticized Hobbes' notion of the state of war being natural. Instead, Rousseau had argued that not destruction but slavery would be the aim in the state of war. "Instead of massacring them all, he will put them all in chains, in order at least to have Slaves"(SW, 61[III, 601]). With the *First Discourse* and the *Social Contract* in mind, i.e. that slavery is a fact and that one can only, with the help of the arts and sciences, legitimize it, one wonders how the slavery of the Helots could be made legitimate. Apparently not with a declaration of war as the Spartans had done. A different declaration of war is needed, which Rousseau provides with the *Social Contract*.

In criticizing Rousseau, Asbach (2002) and Hassner (1997) forget this important function of the *Social Contract* itself. Rousseau was convinced that a

legitimate government would be much more bound in its foreign policies if it derived its power from the people alone. Further, as remarked above, Rousseau had no illusions about the extent and cruelty of republican warfare (*E*, I, 248n2). Asbach (2002, 255) pointed to this passage but did not question his own interpretation. Moreover, the injection that the distinction between citizens and soldiers would become difficult is also not a serious objection. Rousseau was careful to identify the citizens as the potential fighting part of the republic, which excluded women and children. This objection seems to be more motivated by a look at contemporary regimes and their extension of citizenship to almost everyone older than eighteen. Therefore, the limitations of Rousseau's state of war could very well be upheld.

4.5. Conclusion

The question of this chapter was whether Rousseau admitted any standards by which the actions of the state would be limited in international affairs. For this purpose, natural law, international law, and the law of war were suggested as potential limits of the modern state. As was shown, none of these laws could provide an effective standard by which to judge a state's foreign affairs. Rousseau tried to ensure the sovereignty of each state by avoiding the formulation of any concrete standard by which to measure a state's actions. Fundamentally, international relations can be characterized by the law of the stronger. Every state is like a "violent reasoner" who sees no reason to be just.

In the *Geneva Manuscript*, Rousseau announces that the purpose of the *Social Contract* is to show to the "violent reasoner" that it is in his self-interest to abandon

his anti-social position and become a virtuous citizen. That this is indeed the intention of the *Social Contract* can be gleaned from Rousseau's opening paragraphs:

I want to inquire whether in the civil order there can be some legitimate and sure rule of administration, taking men as they are, and the laws as they might be: In this inquiry I shall try always to combine what right permits with what interest prescribes, so that justice and utility may not be disjoined (I.intro, 131[III, 352]).

Here Rousseau says concisely what he said in so many words in book I, chapter 2 of the *Geneva Manuscript*.⁷²

Rousseau, however, never does anything comparable for the great violent reasoners of the world, the sovereign states. We might find the reason for this omission in the failure of the *Social Contract* to achieve its goal. Despite his best efforts, Rousseau concluded that the *Social Contract* is insufficient to convince or persuade the "violent reasoner." The *Social Contract*, i.e. Rousseau's new formulation of the idea of a social contract, might be enough to convince those who are already decent men, but it is incapable of convincing those ambitious men who seek first and foremost their own glory. For them, it is necessary to have recourse to a semi-divine legislator and a civil religion. Both additional devices are necessary to prevent most ambitious men to seek their own good at the cost of everyone else. With these additional requirements in place, one sees why Rousseau thought that it would exceed his powers to restrain sovereign states as he had tried to restrain individual men. One would need a legislator powerful enough to convince all of mankind and a

⁷² "It is false that in the state of independence, reason, perceiving our self-interest, inclines us to contribute to the common good; far from there being an alliance between particular interest and the general good, they exclude one another in the natural order of things, and social laws are a yoke which everyone is willing to impose on others, but not to assume himself" (*GM*, 79[III, 285]).

civil religion universally accepted for a peaceful world-state to be created. Rousseau strongly doubted that such a legislator could ever exist.

Yet, the *Social Contract* also shows that the “violent reasoners” of the world are restrained by past lawgivers and religions. Regardless of their truth, they all share a number of structural features which allows them to maintain political order. The best regime is the one most capable of maintaining the rule of law. This is to say that Rousseau puts forth a regime which is held to be universally the best and which provides the standard by which to measure all other regimes. In the absence of a natural law, Rousseau introduces a new universal standard to which every regime should aspire. One might call this a law of reason. The law of reason stands in opposition to natural right.

This explains the confusing spectacle of the law of war. The first approach to understand Rousseau’s law of war begins by rejecting any external standard by which to judge a state’s foreign policy or conduct with regard to war. The foreign policy of illegitimate as well as legitimate regimes alike does not allow for an outside or objective judgment using the categories of good or bad. Instead, the winner or the stronger has right on its side. The second approach, however, looks at the law of war from the perspective of the legitimate regime. Instead of being neutral with regard to external affairs, a state’s foreign policy can now be judged by its conformity to the standards of legitimacy and political right. If one looks at the three categories of the law of war, i.e., the *ius ad bellum*, *ius in bello*, and the *ius post bellum*,⁷³ one sees in the first case that the distinction between just and unjust war becomes possible. An illegitimate regime, for example, can engage in a just war only if it is in self-defense.

⁷³ These are the three different categories of law relating to war.

All other wars are unjust because these wars are made for the benefit of their government instead of being for the benefit of the country. On the other hand, a legitimate regime can make a just war. As it was the will of the people to make war, and they make war only if their self-preservation or well-being is threatened, their wars will be, by definition, just.⁷⁴

Similarly, the conduct in and after war will be influenced by the legitimacy of the regime. A legitimate regime will distinguish between combatants and non-combatants, it will treat the defeated soldiers as regular civilians once they lay down their weapons, and it will refrain from taking any property away from the defeated enemy. Among the means of warfare, the legitimate regime prefers non-violent means because they attack the enemy more directly. More directly means here that it attacks the enemy's social contract, the enemy's hearts and minds, instead of the enemy's property. If violence is used, it will be strictly in the service of the spiritual aim of warfare. "War confers no right that is not necessary to its end" (*SC*, I.4, 136[III, 358]). Any unnecessary violence will be avoided. On the other hand, an illegitimate regime will observe neither of these limitations. Instead, illegitimate regimes will engage in warfare in order to acquire property instead of aiming to destroy the enemy out of necessity.

The most difficult case is conquest. From the perspective of the legitimate regime, conquest is impossible because two different principles collide. On the one side, a legitimate state might have engaged in warfare and won the war. However, after the conclusion of war the legitimate state is incapable of using the victory to its

⁷⁴ This does not mean that a corruption of the lawmaking-process could not lead a people to wrongly engage in war. But in a legitimate state this would later be corrected (*SC*, II.3).

advantage because it has acquired no rights over the property or the inhabitants of the vanquished. While this is certainly another incentive to avoid warfare, it seems difficult to avoid in practice. The law of war is therefore an ideal which can never be reached.

Consequently, the law of war becomes subject to the same restrictions as the *Social Contract* as a whole. While it exercises an influence over most people, it is not by itself capable of restraining ambitious men. However, as the *Social Contract* gives voice to a standard which most men will find easy to accept, and at the same time makes it mandatory for them to participate in lawmaking, they will outnumber the few ambitious or “violent reasoners.” For many domestic matters this structure is satisfactory and more stable than alternative regimes. However, in foreign affairs the high standards of the many might be insufficient to ensure prudent action. Rousseau therefore separates the actual foreign policy making from the people, while at the same time restraining the government through the standards which the people hold about foreign policy. The law of war as formulated in the *Social Contract* provides a standard for the people to judge their government. It provides a standard from the perspective of the city. Therefore, any violation of it by the government, which might very well be necessary, always risks to undermine its own power. Then it becomes a question whether the people can limit the government or if the government will usurp the power given to it by the people. Any violation of these standards implies a violation of the principles of political right and therefore of the principles on which the government rests.

It was demonstrated in this chapter that neither natural law nor international law could provide an effective standard for the limitation or abolition of war. Furthermore, the laws of war express prudential maxims of international politics. The incompleteness of the *Social Contract* is therefore due to the international structure constituted by the *Social Contract* itself. Yet, Rousseau argued in the *Social Contract* and in the *Emile* that confederations, could alternatively maintain peace among themselves. The following chapter explores whether confederations could fulfill this promise.

Chapter 5

“IT IS IMPORTANT THAT IT EXIST:” JEAN-JACQUES ROUSSEAU AND THE PLAN FOR PERPETUAL PEACE

5.1 Introduction

In the following I will show that Rousseau argues in the *Abstract of Monsieur the Abbé de Saint-Pierre’s Plan for Perpetual Peace* and the *Judgment of the Plan for Perpetual Peace* that reason is an insufficient foundation for cooperation among nations. Instead, Rousseau suggests that the appeal to compassion might hold out the promise for more peaceful international relations. First, I show that most interpreters have misunderstood Rousseau’s essays because they chose either the *Abstract* or the *Judgment* to represent Rousseau’s true opinion. Second, I demonstrate how Rousseau argues for confederations in the essays and how he argues against confederations. The arguments for and against confederations are developed throughout both essays. Finally, I suggest that the importance of the *Writings on the Abbé de Saint-Pierre* results from Rousseau’s attempt to moderate “princes” by creating new ideals.

The chapter takes Niccolò Machiavelli’s fundamental change of political philosophy as its background. As Leo Strauss argued in *Natural Right and History*, Rousseau attempted a return to ancient political philosophy on the basis of modern political philosophy. According to Strauss (1953, 178), Machiavelli is the first modern philosopher and it is therefore Machiavelli who supplies the basis on which Rousseau builds his political philosophy. However, one cannot help but notice the

strikingly different topics each philosopher chose. Violence, weapons, conquest, sieges – warfare in general – are central topics for Machiavelli while they are peripheral issues for Rousseau. Rousseau instead chose more uplifting issues, especially if one considers his most popular book, the *Julie or New Heloise*. If Strauss’ argument is correct it would imply that the main reason for the disappearance of the language of warfare in Rousseau’s work and, in the language of most moderns, is due to Machiavelli’s victory on this matter. The “new modes and orders” carried the day and all modern political philosophy became a footnote to Machiavelli. The language of warfare became largely unnecessary. Furthermore, the primary or most basic audience of modern political philosophy became increasingly democratic; and, for the demos, the language of warfare might be unfamiliar or repulsive.

Instead of the language of warfare, the moderns following Machiavelli will speak a language which deals with civil war at most. It possibly becomes a language of civil war or revolution because the conflicts are among Machiavelli’s followers and not with his fundamental opponents. After Machiavelli’s revelation of the “force and fraud endemic to political rule and especially to its founding” many of his successors try to moderate his teaching (Lynch 2003, xxv). One attempt to moderate Machiavelli is made by John Locke and Montesquieu and their suggestion of a commercial republic.⁷⁵ Another attempt is made by Jean-Jacques Rousseau who sought to recover the “imagined republics and principalities” which Machiavelli had sought to abandon (*Prince*, XV). I will show in the following essay how, in his writings on the *Abbé de Saint-Pierre’s Plan for Perpetual Peace*, Rousseau suggested

⁷⁵ See for example Thomas Pangle. 1973. *Montesquieu’s Philosophy of Liberalism: A Commentary on the Spirit of the Laws*. Chicago: University of Chicago Press.

that Machiavelli's "captains" should be moderated by popularizing the use of appropriate "imagined republics." This will confirm Strauss' argument that Rousseau was in decisive questions a follower of Machiavelli.

In his *Judgment of the Abbé de Saint-Pierre's Plan for Perpetual Peace* Rousseau makes a puzzling remark. "At first the Abbé de St. Pierre's work on perpetual peace appears useless for producing it and superfluous for preserving it; thus some impatient Reader will say it is a vain speculation. No, it is a solid and well thought out book, and it is important that it exist" (53[III, 592]). The argument Rousseau discusses here is that the plan for perpetual peace describes an ideal state of European confederation, which would certainly continue if such perfection could come into being.⁷⁶ But such perfection would not be in need of the institutions described by the Abbé de Saint-Pierre. The alleged "uselessness for producing it" results from the false assumptions about the nature of "princes" underlying the plan for perpetual peace. It is for this reason that Rousseau claimed those institutions would apparently be "superfluous for preserving" the state of peace. The puzzle is that despite its apparent uselessness and superfluity, due to its disregard for the nature of real sovereigns, Rousseau thought the plan for perpetual peace is not "a vain speculation," that it is "solid and well thought out," and that "it is important that it exist."

⁷⁶ The perfection referred to here means that human institutions could lead to happiness.

5.2 How to Read the Two Essays

One obstacle to gaining a clear understanding of Rousseau's assessment of Abbé de Saint-Pierre's peace plan—and, by extension, of the propriety of confederations for ending war—is that Rousseau wrote two separate (and apparently conflicting) essays on Abbé de Saint-Pierre's book: the *Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace* and the *Judgment of the Plan for Perpetual Peace*. To discern what Rousseau really thought, one must first explain why he proceeded in this manner.

One explanation is presented by Rousseau himself in the *Confessions* and the *Emile*. In the *Confessions*, Rousseau argues that his reasons for separating the essays into an abstract and a judgment were due to his “obligation to treat the author [Abbé de Saint-Pierre] with respect” (*C*, IX, 355[I, 423]). Therefore, Rousseau decided to “present the author's ideas separately from my [Rousseau's] own and, in the process, to enter fully into his views, to clarify them, to expand them, and to spare no effort in demonstrating their true value” (*ibid.*). Similarly, in the *Emile*, Rousseau claims that “the arguments *for* have been expounded in the extract from the Abbé's project; the arguments *against* – at least those which appeared solid to me – are to be found in the collection of my writings that follows this extract” (*E*, V, 467). Taken together these statements suggest that Rousseau summarized the Abbé de Saint-Pierre's work accurately in the *Abstract*, and then balanced this with his own arguments against confederations in the *Judgment*.

Unfortunately, this explanation is problematic. First of all, Rousseau by his own admission says that his argument for confederations is not identical to the

Abbé's original position. Rousseau writes that he expanded the Abbé's ideas (cf. *C*, IX, 355[I, 423]). The comparisons between the Abbé's and Rousseau's position have demonstrated that there were substantial differences between the Abbé and Rousseau. Most importantly, the Abbé suggested a political science in a purely geometric spirit (see Carter 1987, 125-126; Roosevelt 1990; Asbach 2002), i.e. entirely based on calculative reason. Rousseau himself remarked on the Abbé's singular focus on providing reasonable solutions to practical problems. "His political works revealed only superficial opinions and projects that were useful but impracticable because of the mistaken idea, of which the author was never able to divest himself, that men are governed by their reason rather than their passion" (*C*, IX, 354[I, 422]). However, Rousseau's *Abstract* was also shown to modify the Abbé's in important respects.

In addition to his substantive disagreements with the Abbé's method of getting his projects adopted, Rousseau also had good reasons to dissemble the extent of his disagreements with the Abbé and consequently the extent to which the essays are his works. As Rousseau comments in the *Confessions*, the Abbé's projects were politically dangerous for Rousseau and had been dangerous to the Abbé. The Abbé had lost his seat at the *Academie Francaise* because of the *Polysynodie*, the second work which Rousseau would abstract and judge, in which the Abbé had argued for the "bureaucratization" of every political position in the state, including the monarch's. Rousseau's claims to present merely summaries of the Abbé's works are therefore prudent claims to protect himself from persecution. But even with this additional protection Rousseau still felt that his work of abstracting and judging was politically too dangerous for him. He realized that it was not the substance of his

thought which had offered the Abbé protection from persecution but his status as a French member of the clergy and the nobility as well as his ineffectiveness as a writer. The Abbé's manner of writing prevented him from persuading his intended audience. Rousseau could lay claim to none of these refuges.

Furthermore, Rousseau admitted that he sought to “shape ...[his own] work in such a way as to include in it many important truths, which it would be much better should they appear under the Abbé de Saint-Pierre's mantle than under my own” (C, IX, 342[I, 408]). This leads to a plausible explanation for why Rousseau modified the Abbé's position so extensively in the *Abstract*. This made it possible for him to reveal the “true value” of the Abbé's ideas (*ibid.*), and provided the reasons for Rousseau's assessment that “it is important that it exist” (*JPPP*, 53[III, 592]). In addition to dealing with the Abbé's politically dangerous ideas Rousseau modified the position of the Abbé to such an extent to include in it politically dangerous ideas of his own.

While Rousseau might have been inspired by the Abbé de Saint-Pierre to write about confederations and perpetual peace, one could, together with the original editor of Rousseau's work, Bastide, also assume that Rousseau used the Abbé's work as an external front in order to set forth his own political ideas. “From the simplicity of the title it will appear at first to many people that M. Rousseau here has only the merit of having made a good abstract. Do not be deceived by this, as here, in many respects, the Analyst is the creator” (*APPP*, Foreword, 26). Similarly, the immediate 18th century readers took the *Abstract* to be Rousseau's work and addressed their public comments to Rousseau directly. The best known of these early readers were Voltaire, James Madison, and Immanuel Kant. The difficulty with this interpretation is that the

18th century commentators did not know of Rousseau's *Judgment*. However, this does not lead to any great difficulties with regard to the establishment of authorship as the *Judgment* is unquestionably Rousseau's. Their knowledge of the *Judgment* would have possibly led them to revise their criticism of Rousseau, but it does not change the fact that they undoubtedly considered Rousseau the author of the *Abstract*.

Furthermore, the titles of the *Abstract* and *Judgment* indicate that Rousseau understood both essays to contribute to a single main argument. If one categorizes Rousseau's writings into either indicating a person or object (e.g. *Emile* and *Julie*), a genre (Discourse or Dialogues), or an activity (e.g. *Confessions*), the two titles of the *Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace by J.J. Rousseau, Citizen of Geneva* and the *Judgment of the Plan for Perpetual Peace* are unique among Rousseau's writings. As both essays clearly belong together, they refer to all three different categories. The *Abstract* refers to a specific genre and its person and object (*Abbé de Saint-Pierre* and *Plan for Perpetual Peace*).⁷⁷ The title of the *Judgment* refers to an activity as well an object. In the case of the title of the *Abstract*, Rousseau emphasizes his passivity with regard to the objects of the essay, i.e. the Abbé de Saint-Pierre and the plan for perpetual peace. This puts Rousseau in a mediating position between the original author and the public on the object of the *Plan for Perpetual Peace*. Rousseau as author of the *Abstract* remains in the background, thereby reducing the distance between the reader and the plan for perpetual peace. This impression is confirmed by Rousseau's comments that he has done his "best to put them [the Abbé's projects] in a condition to be read. It is up to

⁷⁷ See Heinrich Meier 2005, 27, for categorizing Rousseau's titles.

the citizens to read them in the same spirit that dictated them and that abstracted them” (*Pl.*, II, 652).

In the title of the *Judgment* Rousseau becomes the subjective critic of the *Plan for Perpetual Peace*. In that title, the name of the Abbé disappears indicating that in the *Judgment* Rousseau will speak immediately about the subject of the essay, the Plan for Perpetual Peace. Rousseau is not the mediator anymore but one of the judges of the plan. “It is up to the public to judge them [the Abbé’s projects]. ... Thus my judgment is not a rule, but an example. I wish that it might be followed by all my readers and that, for the public utility, each might want to state his opinion about it, for or against it, as frankly as I have stated mine” (*ibid.*). Rousseau’s judgment is supposed to start the debate and not end it. The *Judgment* assumes the prior success of the *Abstract*, which was to introduce the readers to confederations as an object requiring their attention (*C IX*, 354-355[I, 421-423]). While Rousseau wants the debate to proceed according to reason, he does not want any authority to interfere with the reader’s own reasoning about the utility of the Abbé’s projects.

Rousseau does not decide the question for or against confederations because, as he wrote, they are impossible to put into practice; yet their existence in speech is important. Rousseau speaks to two diverging opinions with regard to confederations or perpetual peace. In order to achieve this, the separation of his argument into an *Abstract* and a *Judgment* is instrumental, as well as the separation between a discussion of what is desirable in the *Abstract* and what is realistic in the *Judgment*. The *Judgment* assumes that the *Abstract* successfully described a desirable goal for the public. Rousseau’s fundamental assumption in the *Abstract* is that his readers will

agree with him that peace is a desirable goal. What he has to overcome is their skepticism with regard to the possibility of a confederation ever becoming real. Therefore, Rousseau's task is to make the connection for his readers that the desirable could be possible by means of a confederation, even if it is very unlikely that it will ever become real.

5.3 Rousseau's Case for Confederations

Therefore, one has to read the two essays as a whole in order to discern Rousseau's intention. It seems reasonable to begin with Rousseau's advice and to look at his arguments for and against confederation separately. Only after the surface of the arguments has been made explicit is it possible to see the deeper layer of Rousseau's argument. Rousseau's essays are first and foremost a critical review of the Abbé de Saint-Pierre's argument for confederations. Moreover, the essays criticize contemporary foreign policy in Europe and the *philosophes*, like Voltaire, supporting it. Rousseau tries to find a middle ground among these three positions. One should expect that Rousseau is most amicable toward the Abbé's position in the *Abstract*, while only carefully hinting at his criticism. In the *Judgment*, Rousseau is able to distance himself from the Abbé's position, but in his criticism he has to avoid the impression of simply agreeing with Voltaire and the European status quo. This leads Rousseau to justify the Abbé's *Plan for Perpetual Peace* on his own grounds.

A look at the structure of the argument of the *Abstract* will illustrate this point. The structure of the argument of the *Abstract* is divided into four parts consisting of a total of eighty-seven paragraphs. First, the introduction (*APPP*, paras. 1-4) sets up the

central problem, which is the coexistence of the civil state with the state of nature. In the second part (*APPP*, paras. 5-29) a society of European states is described, which is defective but perfectible. Thirdly, (*APPP*, paras. 30-85) the path to perfection, to the “real confederation” (*APPP*, para. 30), is proposed.⁷⁸ Lastly, (*APPP*, paras. 86-87) Rousseau argues that if all involved followed their “true interests” (*APPP*, para. 87) then confederations would be established.

In the first four paragraphs Rousseau lays out his task as well as its limitations. He begins with a praise of the plan for perpetual peace: “no greater, finer, or more useful Plan has ever occupied the human mind” (*APPP*, 27[III, 563]) He encourages his reader to “[resist] the pleasure of persuasion” (*APPP*, 28[III, 563]) and he begs them to not “deny anything that he [the reader] does not refute” (*ibid.*). However, Rousseau indicates that his plan will be based on emotional zeal, opposed by reason, will see in the “mind’s eye... the image of felicity that does not exist at all,” (*ibid.*) and will be opposed by readers who are incapable of reasoning but reject the plan for perpetual peace anyway. In sum, Rousseau begins with an appeal to his readers to give in to compassion and brotherly feelings and then to reason on that basis.

Therefore, Rousseau does not prove that peace among mankind is desirable, but he appeals to his readers’ emotions to deliver the proof. Rousseau appeals to those emotions of his readers which connect them to their fellow citizens. He puts them in the position of extending in their imagination this feeling to all of mankind. In the rest of the *Abstract* Rousseau describes by reasonable arguments how peoples can be

⁷⁸ The two parts after the introduction can be further divided into five parts (para. 5, 6-14, 15-19, 21-28, 29) and seven parts (para. 30, 31-39, 40-43, 44-61, 62-71, 72-84, and 85-87) respectively.

united “by bonds similar to those which unite individuals,” eventually enabling mankind finally to “equally subject both of them [peoples and individuals] to the authority of Laws” (*APP*, 28[III, 564]).

However, the creation of the emotional state is still an insufficient preparation for the introduction of the Abbé’s *Plan for Perpetual Peace*. If he had moved to the *Plan* at this point his readers would have objected that there is no need for such a plan, that wars inevitably occur from time to time, that they are necessary to defend one’s rights against others, and that war cannot be avoided by human art. Therefore, Rousseau must describe a practical problem for which the *Plan for Perpetual Peace* appears to be the only reasonable solution. He makes this argument in paragraphs 5-29.

We have already closely analyzed the next argument and this is only a short summary of it. Here, Rousseau rejects four possible solutions to the state of war among European states - the Christian Empire, balance of power, commerce, and the Roman Empire – all of which he finds wanting. Rousseau first establishes that there are bonds connecting European peoples, forming a kind of hidden or imaginary confederation (*APP*, 28-31[III, 564-567]). Among the bonds he mentions, religion is the most important, although a common Roman citizenship and Roman civil law are part of that tradition as well. Rousseau evokes here the memory of better times when Europe was a single whole. This is particularly appropriate for the kind of audience he could have expected in France. Of course, Rousseau is far from suggesting that the old Roman Empire should be revived, which is indicated by Rousseau’s placement of the pope as only one of the nineteen sovereigns to be represented in the

confederation. Instead, Rousseau shows his audience here that there are bonds which connect them to their fellow Europeans. This is entirely in line with the emotional feeling of brotherhood he had appealed to in paragraph two. Yet, Rousseau must also explain why these traditional bonds are insufficient. His answer is that there is no “real community of interests, of rights or of dependency” but only of “maxims and opinions” (*APPP*, 31[III, 567]). Therefore, despite everything which connects European peoples, the bonds are too weak to prevent war.

Instead, what prevents war in Europe at the moment is a quasi-natural balance of power. “One can say that the political order of this Part of the world is, in certain regards, Nature’s work” (*APPP*, 33[III, 569]). Rousseau quickly asserts that the balance of power was not established by anyone; i.e. it is not the work of any nation, people, prince, or God. If one accepts that a balance of power exists, one cannot but conclude that this state is unsatisfactory. The belief in a balance of power leads one to the conclusion that any war is a pointless exercise because one will, by nature’s force, always be thrown back to where one started, and one therefore might as well use human art to perfect nature.

Rousseau suggests that based on the bonds of Europe’s “religion, its morals, its customs, and even its laws” one should choose confederations instead of a balance of power. (*APPP*, 31[III, 567]). As the balance of power leads nowhere except to the misery of European peoples, one might as well complete those bonds. This recalls the beginning of Rousseau’s argument in paragraph four and its conclusion in paragraph twenty-nine, in which he argues that European peoples are caught in a mixed state, which achieves “too much or too little.” (*APPP*, 28[III, 564]). After the current

situation has been presented by Rousseau as the imperfect consequences of the decline of the two Roman Empires, one secular and one spiritual, the reader is prepared to agree with Rousseau that human art could correct this state of affairs.

For the whole *Abstract*, these arguments were meant to lead the reader from their initial skepticism to the desirability as well as the possibility of a confederation. In the following fifty-eight paragraphs Rousseau describes the plan for perpetual peace and how it would be advantageous for almost everyone. Beginning with paragraph thirty, the confederation is supposed to show that “this great work, begun by fortune, can be completed by reason; and how the free and voluntary society which unites all the European States, taking on the force and the solidity of a true Body politic, can change itself into a real confederation” (*APPP*, 36[III, 574]) Rousseau will show in the remaining half of the *Abstract* how Europe can be transformed by reason. For this purpose, he will first describe which actions and institutions are necessary to create a “firm and durable” (*ibid.*) confederation (paras. 31-39). Then, Rousseau will argue that the confederation is in the general interest (paras. 44 to 55) as well as in the particular interest (paras. 56-74) of all European states. The three most difficult problems he has to solve are the effects which will result from the confederation, “what means are suited for establishing it, and what reasonable hope one can have of putting it into execution” (*APPP*, 37[III, 574]).

The confederation will be established by signing a treaty which has to include five articles. First, the treaty, which has to be irrevocable, will establish a permanent congress of the confederation. The congress will resolve all conflicts among the members. Second, the number of members will be fixed and cannot be expanded

without consent of the other members. The presidency of congress will rotate in fixed intervals, and the financial contributions of each member will be established. Third, “the confederation will guarantee to each of its Members the possession and the government of all the States it possesses at present, likewise elective or hereditary” (*APPP*, 37[III, 575]). This includes a guarantee of the confederation against domestic enemies or uprisings. It further means that the borders of all states are now fixed and that there is explicit prohibition on the use of force. Fourth, it stipulates that the conditions under which a state can be held to be in violation of treaty and how the treaty will be enforced. Lastly, the congress will have lawmaking powers by at least a plurality of votes. This is the basic structure of the confederation as Rousseau suggested it.

Rousseau then proceeds to take up the questions of whether the treaty as it was just described would be able to secure peace and whether it is possible to establish it (*APPP*, 38[III, 576]). With regard to the first issue, Rousseau wants to show that the confederation can effectively establish and secure peace. Here the confederation must defend against two essential causes of war: rebellion (paras. 44-49) and ambition. Rousseau asserts that the confederation is able to put down rebellions and restrain ambitious men (paras. 50-55). Rousseau shows that the confederation secures peace by demonstrating that the confederation does not have to fear rebellion (paras. 44-49). This means that the institutions of the confederations have sufficient power to maintain internal peace. It is an important insight into Rousseau’s view on the foundations of stable political societies that the control of physical violence is a necessary prerequisite.

Furthermore, Rousseau needed to show that a confederation can be established. For that purpose, Rousseau tries to show that, according to the “true interests” of sovereign states, peace is preferable to war. He takes up six separate arguments which sovereigns might make in arguing against perpetual peace. These arguments are the advantages of conquests, the subjection of the sovereign to law, the danger to border countries, the decline of the military art, and the possibility of surprise attacks. Rousseau rejects these arguments, and he makes one argument that perpetual peace would increase a sovereign’s wealth because of reduced military expenditures. He concludes with a summary of the “inconveniences” of the current state (para. 76) and the advantages of the future state (paras. 77-85).

These are the arguments in favor of confederations. Rousseau has demonstrated that Europe could be transformed into a peaceful confederation if a supra-national government could be established with a legislature and an executive. These institutions would be able to establish peace in Europe by suppressing rebellions and thwarting ambitious power. Furthermore, the confederation could be established if everyone were convinced to follow their “true interests.” However, Rousseau ends the *Abstract* by doubting that there is much hope that the confederation will ever see the light of day (*APPP*, 48-49[III, 589]).

5.4 Rousseau’s Case Against Confederations

5.4.1 The Abstract

In his outline of his discussion of confederations (*APPP*, 36-37[III, 57]), Rousseau had wanted to address the question of “hope” at the end. Therefore, Rousseau ends

the *Abstract* by highlighting that it is in some important respect incomplete. The *Plan for Perpetual Peace*, despite its apparent rationality, is an impossible plan. The reasons must be grounded in either a false assessment of political realities or in a flawed argumentation with regard to its necessity, efficacy, or desirability.

Furthermore, Rousseau had promised in paragraph thirty to solve two important problems, i.e. “what means are suited for establishing it [a real confederation], and what reasonable hope one can have of putting it into execution” (*ibid.*). Rousseau only addresses the first problem very briefly in paragraph thirty-two. The monarchs or their negotiators are somehow all overcome at the same time by “common sense” to conclude the treaty founding the confederation. That is a highly unlikely occurrence and as Rousseau does not address the question at any other point, we should conclude that Rousseau wanted to indicate that the founding of the confederation remains a massive problem. Voltaire refers to this difficulty in particular in his famous criticism of the peace plan (Rousseau 2005, Vol. XI, 50-52).

The second question of how much hope we can have to see the confederation established is answered ambiguously in the last paragraph. Rousseau claims “that the establishment of perpetual Peace depends solely on the consent of the Sovereigns” (*APPP*, 48[III, 589]). For the reader this suggests that if the monarchs only desire it they could establish peace in Europe. However, Rousseau writes that “this is not to say that the Sovereigns will adopt the Plan; (Who can answer for anyone else’s reason?) but only that they would adopt it if they consulted their true interests...” (*ibid.*). As Rousseau has repeated twice in the *Abstract* (35; 48[III, 573; 589]) the true interests would always lead toward a confederation and perpetual peace. However,

“this Plan remains unexecuted, ... not because it is chimerical; it is because men are insane, and because it is a sort of folly to be wise in the midst of fools” (*APPP*, 49[III, 589]). If we recall Rousseau’s comment that the *Plan for Perpetual Peace* is the product of cool reason (cf. *APPP*, 28[III, 564] and *Fragments*, 2, 3, 11[III, 658-659]) then we understand that the *Plan for Perpetual Peace* is the reasonable and therefore desirable solution to our mixed condition.

The two arguments against confederations which Rousseau already expressed in the *Abstract* are with regard to the sovereign’s will and the necessary combination of force and law. The *Plan for Perpetual Peace* seeks to remedy the current situation in Europe by measures described in paragraph twenty. However, this remedy is “a compulsory force..., which orders and concerts its Members’ movements, in order to give the common interests and reciprocal engagements the solidity they cannot have by themselves.” The aim of this is described in paragraph five, which states that the “authority of Laws” should be established above all bysovereigns. This is achieved by putting “all its [the confederation’s] Members into such a mutual dependence that none might be in a position to resist all the others by itself” (*APPP*, 36[III, 573]). Even though Rousseau at first seems to suggest that the confederation would be the result of peaceful negotiations he argues here that it would be established instead by combining force and law. As the limitations of the plan for perpetual peace mentioned in paragraph three, this again serves to prefigure Rousseau’s judgment of confederations.

Furthermore, as Rousseau admits in paragraph fifty-seven, the establishment of the law above the sovereigns would require the sovereigns to be deprived “of the

right of carrying out justice for themselves; that is to say of being unjust when it pleases them” (*APPP*, 42[III, 580]). Of course, it is the essence of the sovereign to be above the law. If the sovereign accepted law above himself he would not be sovereign anymore. Rousseau expresses his own doubt here very carefully by ridiculing the position of the sovereigns. It is the essence of sovereignty as Rousseau understands it of being the last arbiter and enforcer of worldly justice. This implies that his critique of the sovereigns is moot at this point because the same criticism would apply to the confederation. The confederation as well would be “unjust when it pleases [it].”

Rousseau’s statement is effective because he can count on his audience to have a very negative prejudice against monarchs. They forget that a confederation would confront them with the same issue. It is in this context that we find Rousseau’s only explicit criticism of the Abbé de Saint-Pierre. Rousseau writes: “I would not dare respond along with the Abbé de Saint-Pierre: That the genuine glory of Princes consists in procuring the public utility, and their Subjects’ happiness” (*APPP*, 42[III, 581]).

Rousseau continues to list the differences between the Abbé’s assumptions about sovereigns and Rousseau’s assessment of them. In the *Abstract*, Rousseau refrains from drawing out the consequences from these different assessments. It is only in the *Judgment* where Rousseau takes that additional step.

Moreover, Rousseau hints at one more difficulty with the Abbé’s argument. In paragraphs forty and fifty-six, Rousseau shows that peace is always in the general interest. However, he also shows that war can be preferable to peace if one pursues particular interests. It is therefore much more difficult than we are led to believe in the *Abstract* to convince the sovereigns of the utility of peace and justice.

Summing it up, in the *Abstract* Rousseau leaves the question of the founding of the confederation unsolved. This suggests, therefore, that one should have little hope that the confederation will ever come about. The founding is so difficult because it has to be able to put law above the sovereigns. Any sovereign would resist the attempts of anyone to take away their natural freedom to judge what is just and unjust for themselves. This right could only be taken away by force and fraud, and would therefore more likely lead to perpetual war instead of peace.

5.4.2 *The Judgment*

In the *Judgment of the Plan for Perpetual Peace*, Rousseau elaborates on the criticism which he had carefully alluded to in the *Abstract*. The *Judgment* is about a third of the length of the *Abstract* and consists of twenty paragraphs. The first two paragraphs defend the Abbé's plan, but they raise the concern that the sovereigns will refuse to adopt the confederation. Rousseau justifies his criticism in paragraphs 3-14 by showing what the political realities of governments are like explaining why this would render them highly unlikely to found a confederation. Paragraphs 15-19 deal with the Abbé's main example, Henri IV and his minister Sully, who had earlier suggested a peace plan. Rousseau shows that the intentions behind this peace plan were far less benign than the Abbé had made his readers believe. Finally, Rousseau concludes that for all practical purposes the peace plan should not be pursued.

The question of "true interests" is the first and main issue in Rousseau's *Judgment of the Plan for Perpetual Peace*. In the *Abstract*, Rousseau was inclined to follow the Abbé's assumption that sovereigns would pursue their "true interest."

While he had already expressed some doubt about this in the *Abstract*, Rousseau made it the focus of his critique in the *Judgment*. The pursuit of true interests is possible if one always acts according to reason and can expect everyone else to act according to reason. Otherwise force and fraud are necessary. In the *Judgment* Rousseau demonstrates why true interests are rarely or never pursued. Even though true interests would lead to cooperation, they are ignored because it is not the case that

wisdom is equal to their [the sovereigns of Europe's] ambition and that the more strongly they desire their advantage, the better they see it; whereas it is the great punishment of the excess of amour-propre always to have recourse to means that deceive it and the very ardor of the passions is almost always what diverts them from their goal (*JPPP*, 54[III, 592]).

This reminds one of Rousseau's comment in paragraph four of the *Abstract* that society is not based on reason but passion.

Furthermore, instead of pursuing their true interest, sovereigns, as well as everyone else, will pursue their particular interest. Contrary to what Rousseau had suggested, sovereigns cannot simply be assumed to pursue their true interest. Instead, they pursue their "apparent interests" (*ibid.*). It now becomes clear that his discussion of the particular utility of perpetual peace was based on an abstraction from personal interest, therefore allowing him to make the case that everyone would equally benefit from peace (cf. *JPPP*, 53[III, 592]). It also now strikes the eye more directly that Rousseau had in the *Abstract* carefully avoided discussing whether these advantages would hold up in the eyes of sovereigns.⁷⁹ The possibility of sovereigns accepting perpetual peace was based on a denial of passion. As society and personal interest are

⁷⁹ Rousseau discusses the same argument of opponents of confederations in para. 62 of the *Abstract* (43-44[III, 582]) and para. 3 (53-54[III, 592]) of the *Judgment*.

based on passion it is of no importance whether the sovereign is a monarch or a people. In contrast to Rousseau's readers the sovereigns will not be moved by his appeals to compassion and brotherhood. This means that the sovereigns would have to desire perpetual peace solely based on the reasonable argument set forth in the *Abstract* beginning with paragraph twenty or based on the Abbé de Saint-Pierre's books. As Rousseau writes in *Judgment*, it was Henry IV's life-long plan to establish peace with every means available to him, including great armies, whose "same establishment [i.e. perpetual peace] ... the Abbé de Saint-Pierre claims to do with a book" (60[III, 599]).

In the *Judgment* Rousseau reintroduces passion or amour-propre as an important factor to determine the interests of sovereigns and the possibility of change. Rousseau makes an "excess of amour-propre" (*JPPP*, 54[III, 592]) responsible for clouding the sight of sovereigns with regard to their true interest. The main example for Rousseau is the pursuit of "apparent interests" by kings. "The entire occupation of Kings ... relates to only two objects, extending their domination abroad and rendering it more absolute at home" (*JPPP*, 54[III, 593]). In recalling the *Abstract*, Rousseau had only once explicitly distanced himself from the Abbé de Saint-Pierre's opinion. It was precisely with regard to the Abbé's characterization of the personal interest of "Princes" that Rousseau wrote in paragraph fifty-eight that he "would not dare respond along with the Abbé de Saint-Pierre: That the genuine glory consists in procuring the public utility..." (*APPP*, 42[III, 581]). This explicit rejection of the Abbé's opinion at the point in Rousseau's argument when he was beginning to discuss the personal interest of sovereigns, now takes on the meaning of a very gentle

hint at the fact that the Abbé based his confederations on false assumptions about sovereigns. But Rousseau does so only after having prefaced it with the caution that sovereignty is about being unjust (*raison d'état*).

I would not dare respond along with the Abbé de Saint-Pierre: That the genuine glory of Princes consists in procuring the public utility, and their Subjects' happiness; that all their interests are subordinate to their reputation; and that the reputation that one acquires among the wise is measured by the good one does for men; that, since perpetual Peace is the greatest undertaking that has ever been done, it is most capable of covering its Author with immortal glory; that, since this same undertaking is also most useful for Peoples, it is also the most honorable for Sovereigns; above all the only one that is not soiled with blood, rapine, tears, curses; and finally that the surest way to distinguish oneself in the crowd of Kings is to work for the public happiness (*APPP*, 42[III, 581]).

Not without reason was it that this particular paragraph caused the French censors to reject Rousseau's essay. They saw that Rousseau revealed the monarchy to be free from its traditional religious bonds, and he revealed Roman Catholicism to be ineffectual in checking the power of kings. This also highlights Rousseau's argument in last paragraph of the *Abstract* where he writes that "we have not at all assumed men to be as they ought to be, good, generous, disinterested, and loving the public good out of humanity; but as they are, unjust, greedy, and preferring self-interest to everything" (*APPP*, 48-49[589-590]). As this is the first mentioning of this assumption it becomes clear that this assumption did not refer to the entire *Abstract* but only to the last paragraph and Rousseau's argument that the sovereigns would lack the will to establish confederations. These arguments suggest that the use of force and personal interest are connected.

The primary or apparent interest of sovereigns lies in "a state of absolute independence which removes sovereigns from the empire of law in order to subject

them to that of fortune, like an insane pilot who, in order to make a show of a vain knowledge and command his sailors, would rather drift among rocks during the storm than tie down his vessel with anchors” (para. 4).

Furthermore, in the *Judgment* Rousseau shows that kings in particular will not be convinced by the proposal for perpetual peace. “The entire occupation of Kings, or those they charge with their functions, relates to only two objects, extending their domination abroad and rendering it more absolute at home” (54[III, 593]). He shows how important war is for them, that they would reject the rule of law, that monetary calculations do not matter, and that relative advantages are as good for them as acquiring absolute advantages (*JPPP*, paras. 6-11).

Rousseau takes a realistic assessment of the aims of Kings or Sovereigns and comes to the conclusion that the Abbé’s appeal to reason and true interest will not lead to the founding of a confederation. In particular, the “two fundamental maxims” of Kings, by which Rousseau not only means monarchs but more generally governments, will be limited by a confederation. Their own power would be greatly limited and this would lead them to oppose a confederation. A confederation would not only guarantee the government of any state by the confederation, as the Abbé had suggested, but it would also guarantee “the subject against the Tyranny of Princes at the same time” (*JPPP*, 54[III, 593]).⁸⁰ In addition to the domestic disadvantages of a confederation, the external disadvantages of a confederation are also manifest. In Rousseau’s view, the Abbé neglected the advantages which war has to stabilize

⁸⁰ Rousseau is often interpreted to argue against confederations because he could not accept a confederation which would stabilize monarchical government (Asbach 2002, 268-276 and Carter 1987, chap. 4). However, Rousseau says here only that a confederation would transform a monarchy into a constitutional monarchy. As one can see from the *Social Contract*, Rousseau would have supported such an institution (*SC*, III.6).

political rule. “War and conquests and the progression of Despotism mutually reinforce each other.... Each sees well enough that conquering Princes wage war against their subjects at least as much as against their enemies and that the position of the conquerors is not any better than that of the conquered” (*JPPP*, 54-55[III, 593]). Rousseau continues to show that a sovereign would not consent to be subject to a “superior tribunal” (*JPPP*, 55[III, 593]), that the dangers of war are always trumped by the hope in victory (*JPPP*, 55[III, 594]), and that monetary gains are less valuable if another has even greater gains (*JPPP*, 55-56[III, 594]).

Finally, Rousseau shows that the Abbé’s example, which supposedly demonstrated the good intentions of Henry IV and Sully to establish a confederation in Europe, was based on the adept manipulation of personal interests against Habsburg while concealing the personal interests of France. The confederation of Europe described in the *Abstract* would have been based on force and not on reason. These are two of the three explicit instances in the *Judgment* when Rousseau criticizes the Abbé (56; 60[III, 595; 599]). The last instance not mentioned so far occurs in paragraph one where Rousseau criticizes the Abbé “that this healthy soul ... measured the efforts it gave to things solely upon the greatness of utility without ... ever considering personal interest” (*JPPP*, 53[III, 592]). In other words, the Abbé wrongly assumed that every man could be made to put their self-interest aside for the public good.

In the *Judgment*, Rousseau supplements the *Abstract* with a realistic portrayal of the personal interests of sovereigns which will make the founding of a confederation impossible. This leads Rousseau to conclude that “the plan was very

wise, the means for executing it make one feel the author's [i.e. the Abbé de Saint-Pierre's] simplicity... He saw rather well the effect of things if they were established, but that he judged means for establishing them like a child" (*JPPP*, 56[III, 595]). Similarly to what Rousseau had suggested in the *Abstract*, "if a harmony does not take place, force is the only thing that can take its place, and then it is no longer a question of persuading but of constraining and what is necessary is not to write books but rather to raise troops" (*ibid.*).

Most interpreters have understood Rousseau's criticism to mean that the confederation cannot be realized because of the political situation in 18th century Europe. This misinterpretation has a long history and originated with the peace movement after World War I. The experience of that war had demonstrated that the warnings about war as well as the suggested peace plans had not been taken seriously enough (see Dickinson 1927; Hemleben 1943; Leroy 1915; Marriott 1936; Meyer 1928; Patterson 1920; Souleyman. 1941). One might indeed read Rousseau as saying that it is only due to monarchical governments that confederations have so far remained practically impossible. With the replacement of legitimately elected government, so runs the arguments, one would also allow the governments to finally pursue their true interests and the true interest of the people. Yet, this seems to be a misleading interpretation.

First of all, Rousseau identifies the pursuit of apparent interest with the end pursued by the legitimate republic: independence. It is in particular the legitimate regime which is much more adamant about pursuing a strategy of autarchy or domination than the illegitimate regimes. Although many interpreters have

acknowledged independence as the aim of the legitimate political regime, they have failed to see that Rousseau identifies this aim here with the pursuit of an apparent interest.⁸¹

Furthermore, Rousseau seems to focus more on the essential features of any government or sovereign than the feature of monarchical governments in particular. A government in a legitimate state is also free to pursue whatever course it pleases in international affairs. It therefore is subject to the same pressures which Rousseau lists here as contributing to the reluctance to submit to a confederation. Also, a government of a legitimate state might use war to stabilize its own political order. Rousseau acknowledges the necessity of the same connection between despotism and war in the *Social Contract*, III.4. One of the extra-legal institutions of the *Social Contract*, Rousseau sees the necessity of having recourse to it from time to time. That includes accepting the danger that the dictator might usurp domestic power and extend his dictatorship by seeking new wars instead of ending the first one.

In addition, it does not make a great difference whether the sovereign is a people or a single individual with regard to accepting a confederation. The difficulties which Rousseau mentions of a sovereign or monarch accepting an authority above are the same for a sovereign or people. Neither easily suffers a superior tribunal (even in the *Social Contract* this is a problem, not to mention a tribunal completely constituted by foreigners), the dangers of war, and the relativity of wealth. The difficulties of relinquishing sovereignty are insurmountable in both cases. The prevalent interpretations of these sections speak more about the democratic bias of the interpreters than about Rousseau's intention. He certainly meant them to appear to

⁸¹ See for example, Hoffmann 1963; Asbach 2002; Carter 1987.

apply first and foremost to monarchies, but as the *Social Contract* showed, they apply equally to his legitimate republic. One therefore has to conclude that the confederation would be equally unlikely for a republic as for a monarchy.

5.5 Reason vs. Passion

The central point of Rousseau's critique of confederations was the apparent impossibility of founding it. The Abbé had falsely assumed that sovereigns could be persuaded by reason to follow their true interest. It was first of all the Abbé's manner of writing which made the achievement of his goal impossible. But the Abbé's manner of writing also reflected his presumption that his readers would be open to rational argument. Instead, Rousseau showed that one had to assume that sovereigns are motivated by amour-propre. Therefore, if one wanted to bring about change one would have to write in such a manner as to appeal to amour-propre.

The appeal to amour-propre, however, can take many forms as amour-propre can refer to different passions which Rousseau collapses under this general term. As Rousseau understands it, amour-propre refers to all passions which human being experience in and due to society. In particular, amour-propre refers to vanity or pride (*SD*, 91-92[III, 219]; *Corsica*, 153-154[III, 937]). But amour-propre also includes such feelings as anger, ambition, envy, or affection.

As we have seen, Rousseau built his arguments for perpetual peace in the *Writings on the Abbé de Saint-Pierre* on compassion for other human beings. This led him to the conclusion that if sovereigns could only be made to see their true interests perpetual peace could be established. The *Abstract* began with an appeal to

compassion; it ends with an appeal to the reader's moral indignation that the sovereigns are so foolish and unjust to pursue their own interests while burdening the people with their wars. Rousseau appeals in the *Abstract* to those feelings which will be held by ordinary people. They will likely respond to the appeal that there is a basic similarity among people everywhere, a feeling which has been fostered by Christianity. They will also believe that powerful men pursue their own interest, which explains their inability to pursue the common good. Also, they are likely to overhear the quiet voices reminding them of the shortcomings of the argument. This would lead to calls for a revolution.

Rousseau corrects his appeal to moral indignation in the *Judgment*. He now states loud and clear that the Abbé had misjudged the passions of sovereigns. While he had framed this conclusion by appealing to moral indignation in the *Abstract*, he now frames it by appealing to reason. In the *Judgment*, Rousseau's argument is made in response to someone who dismisses the Abbé's plan as unrealistic and therefore worthless. Rousseau then presents the reasons why the Abbé's plan can not be realized. However, by praising the Abbé's plan at the beginning and criticizing him for "judging ... like a child" the means necessary to create change, the conclusion would seem to be that if one could change sovereigns and kings the confederation should become a reality. In putting forth the motivations of sovereigns, Rousseau creates the illusion that only monarchs are characterized by ambition and amour-propre. Therefore, Rousseau can suggest that without monarchs confederations would become possible and that the world would become a more peaceful, more prosperous,

in short, better place. Instead of bringing about change with books one should take up arms.

However, there is a second way of reading the *Judgment*, which leads to the exact opposite conclusion. Instead of extending the argument of the *Abstract*, the *Judgment* is here a harsh criticism of the Abbé and is supposed to disabuse the readers of the *Abstract* of their moral indignation by showing them how unrealistic and hopeless the founding of a confederation is.

The last paragraph of the *Judgment* illustrates the two ways of reading nicely:

Let us admire such a fine plan, but console ourselves for not seeing it executed; for that cannot be done except by means that are violent and formidable to humanity. One does not see federative Leagues established by any way other than by revolutions, and on this principle who among us would dare to state whether this European League is to be desired or to be feared? Perhaps it would cause more harm all at once than it would prevent for centuries (60[III, 599]).

One can read this quote as either saying that violence is necessary for the establishment of a confederation and for the public good, or one can read it as saying that the confederation would not improve politics and possibly even make it worse. In the *Abstract* and the *Judgment* Rousseau mentioned the word revolution twice. In paragraph twenty-one of the *Abstract*, Rousseau writes that “every great revolution is impossible from now on” (33[III, 569]). However, this statement is limited by the claim that “this violent state could ever change by the force of things alone, and without the aid of art” (*ibid.*). Therefore, Rousseau suggests that the current state of affairs can be changed by art, even though force will prevent any major changes.

The second reference to revolution is made in paragraph nineteen of the *Judgment*. Contrary to his suggestion in the *Abstract*, Rousseau specifies now that art in general can improve the current situation in Europe, but that a confederation cannot be created through art. Instead, a confederation has to be based on force. In order to prevent anyone from pursuing this road even further and to dream about using force to bring about the apparently greatest public good, Rousseau points out that the force required for the foundation of a confederation would be equal to the force at the command of Henry IV. Of course, only a fool would think of himself as this powerful. The *Judgment* can therefore be read as either a call for a violent revolution or as an acceptance of the status quo.

Based on the evidence from the *Social Contract* cited above, Rousseau would have considered the conservative reading of the essays as the accurate one. However, one cannot deny that they also contain an explosive revolutionary, anti-monarchical argument which is in many ways more obvious than the more moderate reading. In Rousseau's essays on perpetual peace it is the first opinion, i.e. compassion mixed with moral indignation, which retains the upper hand as the example of revolutions demonstrated. If Rousseau wrote the essays being fully aware of both readings one must conclude that Rousseau tries to moderate the few who are more likely to look at politics coolly and rationally with the "good" passions of the many.

5.6 Conclusion

In conclusion, the contradictory interpretations of the *Writings on the Abbé de Saint-Pierre* were intentionally created by Rousseau. In addition to Rousseau's remarks

indicating this intention, it was demonstrated that the *Abstract* convinced its readers that based on their humane passions perpetual peace would be the reasonable and useful remedy for an unsatisfactory situation. In the *Judgment* Rousseau argued solely against the *Abstract's* abstraction from passions.⁸² Therefore, Rousseau's separation of his argument into two essays mirrors the separation between reason and passion, but forms a single argument for the rule of passions over reason in politics.

Most interpreters chose either the *Abstract* or the *Judgment* as Rousseau's true opinion. If they argued for confederations that showed them to be good human beings; at the same time they argued unconsciously based on passion. If they argued against confederations they would admit that it would be impossible to overcome the gap between self-interest and the public good, which is an unsustainable position in public discourse, especially if the people have the power. Rousseau argued in the *Judgment* that self-interest is apparent interest for most people because of corrupt amour-propre. In the *Abstract* however he showed how amour-propre extended to mankind can make people pursue perpetual peace. Yet, Rousseau believed that corrupt amour-propre is the case most of the time while one only extraordinarily succeeds in the extension of compassion to mankind.

At the beginning I quoted Rousseau's paradoxical second paragraph from the *Judgment on Perpetual Peace*. The reason for Rousseau's assertion that "it is important that it exist" results from his exemplary demonstration of how one passion,

⁸² Here one must separate between Rousseau's appeal to the passions of his readers and the abstraction from passions presupposing the possibility of a confederation. Perpetual peace will only be possible if those holding political power will be capable to approach the issue based on reason. If their passions were to interfere with their rational judgments they would not sign the peace treaty. On the other hand, Rousseau uses an appeal to compassion to convince his readers of the value of the plan for perpetual peace.

i.e. self-interest, could be opposed by another, i.e. compassion. The opposition of one passion with another passion is appropriate for Rousseau in the public realm. In the private realm, reason might be still superior to passion, but that would require a separate argument. It is certain that it was virtue which led Rousseau to conceive of his argument. The two essays are important for Rousseau in at least four ways. First, they were important because they created for the public an image of how the world could be. This image gave the public hope so it could relish in the pleasant feeling of compassion, and it gave the public a goal. Rousseau recognized the importance of hope, compassion, and an aim for the public. Second, it showed that monarchs must be held accountable to some standard and the *Plan for Perpetual Peace* revealed them as frivolously engaging in war.⁸³ It further supplies a standard for judgment for non-monarchical regimes as well. Third, it showed that Christianity by itself has become an insufficient bond to regulate affairs among sovereigns. Finally, and above all, the Enlightenment itself is attacked because the rule of reason, as exemplified in the original *Plan for Perpetual Peace*, is an “evident impossibility” (*APPP*, 28[III, 564] and *CC*, VI, Letter to Madame Dupin, May 6, 1759).⁸⁴ The Enlightenment is also revealed to woefully lack moral standards by which to hold the sovereign accountable. Furthermore, the progress foreseen by the Enlightenment does not promise either individual happiness or peace, which questions the usefulness of the entire project.

⁸³ Note, however, that every monarch fails this test because every monarch’s war is frivolous.

⁸⁴ “Not any further question, if you please, Madame, of the little writing of which your goodness for me has made you desire a copy. In editing this abridgment I discovered that the project was impracticable, and if it would not have been it by itself, it would have become it by the form which I had given it; but I wrote for the public and not for ministers. I hope that in my life I would never have to write anything for those” (*CC*, VI, 90).

The answer to the initial problem, i.e. why is it important that the plan for perpetual exist, can be explained by the impact it has on the people's opinion of foreign affairs. Similarly to the result of chapter four, the confederation served as a critical ideal of a state's foreign policy. While Rousseau was convinced that it was an unrealistic and not even desirable hope to create perpetual peace, he also believed that the people's imagination of foreign affairs as potentially peaceful would provide a standard of judgment by which to hold governments accountable. This applied to legitimate republican regimes and even more so to illegitimate monarchical regimes. The imaginary confederation would force a monarch to become more moderate because he still had to rely on the people's willingness to fight. Also, he might be forced to justify his actions and to demonstrate to the people that he was engaged in war to further the goals of the entire state and not only of his own personal goals. The same limitation would be imposed on a legitimately elected government which was as free in foreign affairs as an illegitimate despot. In addition, Rousseau made it more difficult or impossible to disprove the people in their suspicion of him and therefore further undermine monarchy as a viable political regime.

The difference between the solutions proposed in this chapter and in chapter four are based on a different imagination of international relations. While both had as part of their goal the limitation of government with regard to foreign affairs and to create a public opinion of foreign affairs which would force the government to limit its actions for fear of undermining its legitimacy, the two different images were based on two different passions. As was shown in this chapter, the hope for a confederation

was based on compassion. In this sense it used the Christian culture in order to show the people how they form in truth one great society.

In chapter three, however, Rousseau had considered this solution as secondary to patriotism or *amour de patrie*. For Rousseau, the love for one's own fatherland and one's own culture had to precede the more general and therefore weaker feeling of compassion for all of mankind. In *Political Economy*, Rousseau had written that "the sentiment of humanity dissipates and weakens as it spreads to the whole earth" (151, III, 254]). In the *Second Discourse*, Rousseau had also shown that the passion for one's own tribe or nation even precedes the formation of political societies altogether. While part of the task of political societies is to transcend the limits of the tribes and to unite them under law instead of patriarchy, the nation as well as the family is closer to human nature than political society. Christianity as well as philosophy are opposed to these pre-political ways of life and are therefore in danger of destroying them. Rousseau's opposition to both can therefore be explained by his concern that the new power of enlightened philosophy, together with Christianity, was in danger of destroying the possibility of a content life for most people. As a corrective, Rousseau emphasized patriotism to ensure that ordinary men would not be robbed of that chance.

As Rousseau remarked in the *Judgment*, confederation is based on "real interest" or a truly reasonable view of mankind. But to maintain such a view is beyond the possibility of most men, although a civilized Christian gentleman might firmly believe in it. The other view is to hope for "absolute independence" or autarchy, which Rousseau identifies here as the view of "an insane pilot." Yet, it was

that hope which was stirred by the *Social Contract*. The two images of international relations are therefore incompatible. While they both fulfill an important political function, they also are at odds with regard to the possibilities of international relations and what should be done to remedy them.⁸⁵

Therefore, one can see that Rousseau addresses himself to two types of readers who will come away with different lessons from reading the *Writings on the Abbé de Saint-Pierre*. The first type will be morally indignant against the sovereign. These are decent men who are outraged at all the suffering due to the vanity of kings. The second type of reader will see that perpetual peace is a practical impossibility because the *amour-propre* of sovereigns stands in the way of making it a reality. Rousseau's writings appeal to their belief that self-interest rules in society and that any solutions to war are therefore in vain. One could say that the first opinion is more common than the second and that the first is therefore the common opinion of the people while the second is the opinion of the powerful. In Rousseau's essays on perpetual peace it is the first opinion, i.e. compassion mixed with moral indignation, which retains the upper hand as the example of revolutions demonstrated. This leads to the conclusion that Rousseau tries to moderate the few who are more likely to look at politics coolly with the "good" passions of the many.

One might surmise that Rousseau found both images of international relations necessary in most political regimes. As both have the benefit of leading to a limitation of the government's power and the harmful effect unnecessary foreign adventures have for the people, Rousseau could support both of them. For practical purposes he

⁸⁵ In *Social Contract* IV.8, Rousseau seeks a compromise between pure Christianity and pure nationalism. The purpose of the civil religion is to institutionalize compassion on the basis of patriotism.

would have preferred the patriotic image because it would have relied less on Christian principles and could move the heart more powerfully than compassion could.

But one should not go so far to conclude that Rousseau himself held either opinion. In fact, it seems likely that Rousseau would have put himself in the category of those “rare cosmopolitan souls” instead of the category of “patriot,” despite his frequent referrals to himself as “Citizen of Geneva.” Rousseau’s own image of international relations was neither of the two but instead the sad image of a state of war.

Chapter 6

CONCLUSION

6.1 Summary of the Argument

The question of Rousseau's theory of international relations begins with the question of the incompleteness of the *Social Contract*. Yet, Rousseau never completed the *Social Contract* or the political teaching in the *Emile*. It was the primary task of this dissertation to state why the completion was neither possible nor desirable. This answer can now be given. First, Rousseau ultimately shared Machiavelli's opinion about the nature of politics. Second, Rousseau believed that it was imprudent to leave a Machiavellian account of politics unmitigated. Therefore, Rousseau set forth his much more idealistic view of domestic politics with a view to a good society. However, Rousseau indicated his agreement with Machiavelli by pointing repeatedly to international relations, where the natural principles of politics become more clearly visible. Third, the completion of the *Social Contract* would have dealt with a new international law. The new international law could have only taken the form of a universal moral doctrine. This universal moral doctrine would have been properly called a law of nations, because it would have established the rights and duties of every republic, and because it would have provided for the law's enforcement. However, Rousseau neither thought that this law of nations existed or could ever exist. Rousseau's rejection of international law and of a universal moral doctrine indirectly confirms Rousseau's agreement with Machiavelli.

Furthermore, the question was raised why Rousseau nevertheless repeatedly referred to the incompleteness of the *Social Contract*. If the completion of the *Social Contract* was an evident impossibility, as many previous commentators had claimed, then one wonders what motivated Rousseau to refer to it. It has become clear that Rousseau preferred to allude to the law of nations, instead of making the inexistence explicit, because the inexistence would have been damaging to the intention of the *Social Contract*. The intention of the *Social Contract* was to demonstrate to the reader which political institutions would best secure legitimate political rule or the consent of the people to political rule. If Rousseau had made the inexistence of a law of nations explicit it might have led to the undesirable conclusion by some of his readers that monarchy is more urgently needed than legitimacy or that Christian compassion is more necessary than patriotism.

In order to substantiate these hypotheses, the argument of the dissertation began by setting forth the structure of international relations as a permanent state of war. Chapter two demonstrated that the conditions of legitimacy set forth in the *Social Contract* would necessarily lead to geographically and numerically limited republics and therefore to the plurality of states. On a global scale this meant that Rousseau's best regime could not become a world empire but had to coexist with many other regimes. The plurality of states is grounded in Rousseau's belief that every regime is conditioned by the unique factors of its environment. Therefore, there is no universally valid solution to create legitimate political regimes. As the plurality of regimes did not necessarily imply conflict among states, the argument proceeded to show that the state of war prevails irrespective of their constitution. For the

continuation of the state of war it did not matter whether the world is made up of legitimate republics or illegitimate tyrannies; the state of war persists nonetheless.

Opposed to the *Social Contract's* predominant theme of creating legitimate political rule was the universal challenge of the state of war prior to the founding of a political society. Instead of pointing to a plurality of regimes, the universal character of the state of war would suggest the necessity of a universal regime in order to overcome the state of war. It was demonstrated that the intention of men to leave the state of war would not lead to the legitimate regime as prescribed by Rousseau, but instead would lead to monarchy. In addition, the legitimate regime rests on a foundation which contradicts the principles of its own existence. Both, the founding and the continued existence of the legitimate regime, point beyond the existence of the legitimate regime during normal times (and distinguished from extraordinary times). The permanence of the state of war would therefore continue to exert pressures on the legitimate regime to transform itself from a republic into a monarchy.

The fundamental problem posed by the state of war led Rousseau to explore various alternatives. In chapter three it was shown that Rousseau rejected four possible alternatives, which his predecessors or contemporaries favored. In particular in the *Abstract on Perpetual Peace*, Rousseau had begun to suggest Christian society, balance of power, empire, and commerce as possible alternatives. He rejected Christian society because it failed to provide for the necessary force, empire he rejected because it assumed a universal natural law, and the balance of power he rejected because it forced men to become aggressive and belligerent. Finally,

Rousseau rejected commerce because it replaced the true citizen with the bourgeois. This provided the positive image for Rousseau's own solution, which would combine force and law, subject force to law, allow states their independence and security, and provide for true citizenship.

The three alternatives were united by being placed along a continuum of nature and culture. While Christian society and commerce were cultural solutions which neglected nature, Empire was based on a solution which subjected culture to nature. The balance of power was a natural solution which neglected culture. Rousseau sought a solution which would use perfected culture to overcome nature while giving nature its due.

After the exploration of the four rejected alternatives, chapter four begins by exploring natural law, international law, and the law of war. Instead of following Christian society, balance of power, empire, or commerce, Rousseau could have sought to apply different notions of law to international relations. If Rousseau had had such a law in mind it would have provided an independent standard by which to measure their actions. This standard would have meant that all states around the world would have to adhere to this standard if they were sufficiently civilized. This is the standard which Rousseau had referred to in the last chapter of the *Social Contract*.

The result of the analysis in chapter four was that Rousseau rejected the idea of natural law as a solution for the state of war. Instead of a natural law, Rousseau argued that men followed instinctively natural right. This natural right meant the right to one's self-preservation and the interest one has in ensuring one's survival. Moreover, this entails the right to judge for oneself what is in one's self-interest. The

natural right does not impose any duties on man if these duties would conflict with one's self-preservation. All the benevolent actions which one might observe by natural men are the consequence of one's natural goodwill or compassion of man with other living beings, but especially with other men.

The second question treated in this chapter is whether natural right and the law of nations are used synonymously by Rousseau. While there is no law of nations by nature, Rousseau derives instead a law of nations from the artificial nature of the state. The state's existence is based on a quasi-religious belief in the justness of the state's existence. The difficulty is that this belief is not shared by other states, which see only unjust appropriation of land. Therefore, each state will necessarily have to extend the principles of its existence to international relations. For republics, this creates unique difficulties. The best example is a defensive war of a republic, which, if won, puts the republic in the impossible situation of not being able to secure its own victory. Victory would imply the right to kill the vanquished and to divide the enemy's possessions among themselves. However, the principles of the legitimate republic negate any such right and would require the republic to restore all property and freedom to the defeated. This puts the republic in the quandary between following its highest aims of freedom and equality or security. A different way of expressing this paradox is that the state should do everything in its power to ensure its survival, but for that purpose it has to violate its principles of political right.

The principles of political right lead not only to the constitution of the legitimate republic, but they also lead to a particular self-understanding of the republic's place in the world. It was shown that the principles of political right would

lead to the ideal of a self-sufficient and autarkic republic. It leads to the understanding of citizens as essentially different from other men, which is given expression through great variations in mores.

As the autarkic ideal increases the barriers among states, it leads to a reduction in external ambitions because the outside world has nothing, or only very little, to offer. In addition, it makes it more difficult to conquer a republic because the force necessary for its conquest seems much greater than the possible benefit one could derive from it. Also, it leads to a limitation of governments in international affairs because it becomes more difficult to justify foreign war to the citizens.

Furthermore, the law of war, determined by the principles of political right, will restrict warfare to combatants only, will protect non-combatants from the effects of warfare, will protect prisoners of war, and will determine the conditions of victory. In effect, it will clearly delineate warfare from non-warfare. Moral reasoning is given much greater force in a republic because the people are much less aware of the contradictions of international relations than aristocrats. These would have either much greater personal experience with the choices inherent in foreign relations or would be able to reason about these matters themselves. It has the consequence that it reduces foreign ambitions as well as dependencies on foreign states. A disadvantage of republican warfare is that most wars will be fought as a just or defensive war for survival. As most wars are therefore connected to the highest possible stakes it requires a massive effort which allows for no compromise.⁸⁶

⁸⁶ A second type of war typical for republican warfare is due to moral indignation. In this case, a republic fights in defense of its moral customs.

Lastly, it was shown that the autarkic ideal used to be the ancient ideal of republics in international relations. However, modern republics are different from ancient republics as they are united on the highest level by Christianity or Islam. This makes the ancient ideal of the autarkic republic entirely unattainable. It also has the advantage that modern republics cannot be as harsh to foreigners, especially if they are Christians. Yet, the vulnerability of republics to the institutionalized Christian empire leads Rousseau to the introduction of a universalized civil religion with tolerance as its theoretical core. This is meant to provide a shield against any renewal of a Christian empire while at the same time preserving a softer modern republic.

This is the theme of chapter four. Rousseau's primary solution to the state of war, i.e. domestic reform, could only give limited relief from the political necessities of international relations. The domestic reforms did not amount to a complete subordination of force under law. Instead, they remained limited to small republics. In the *Abstract* and *Judgment on Perpetual Peace*, Rousseau explored one option to achieve this change not only for a small republic but on a much larger, or even a world-wide, scale. The foundation of this unity had to be man's compassion with their fellow men.

However, Rousseau in the end took an ambiguous position toward this proposal. He rejected the solution of subjecting force by law in international relations. He did not believe that this change was either possible or desirable. In his opinion, a confederation would necessarily become a despotic government which would enslave men on a large scale. As it had to rely on transferring governmental power to supra-republican institutions, it would rob the people of their natural right to govern

themselves. Moreover, a confederation would accelerate the decline of virtue. As virtue is primarily political virtue for Rousseau, the apparent solution of the political problem by the confederation would make the practice of virtue superfluous. This would also imply the disappearance of citizenship. It then is confirmed that the existence of a general will among a people also constitutes a permanent declaration of war.

Based on Rousseau's judgment of confederations one might be tempted to dismiss the entire project outright. But Rousseau's criticism must be balanced with his explicit praise of confederations. Confederations remain an ideal because Rousseau considers them incapable of reliably putting law above force or at too great cost. Still, the ideal has a number of positive effects on monarchies and republics alike. As an ideal, it maintains in the people's opinion what the political aims of states in international relations should be. It thereby creates a standard by which to measure any government's actions. At the least, it forces even a despotic government to couch its external ambitions in terms of the common good. It also benefits a republic because a republic occasionally has to rely on dictatorships and their potential to substitute republics with tyrannies. Here the ideal of a confederation helps to restrain the dictator or the government.

The confederate ideal is based on man's foolish hope for perpetual peace. The religious element is here important because Christianity promised a path to eternal peace, although only in the after-life. The Enlightenment promised the attainment of eternal peace in this life. This hope is derived from a belief in the natural harmony of all interests and a natural common good. While Rousseau was convinced that this was

a false opinion, he also realized that this opinion was prevalent among all Christian peoples and used by the powerful for their selfish goals. He therefore thought to turn this belief against the powerful by showing that the confederation should really be in their power and that eternal peace could be achieved if the powerful only pursued the interest of the common good. In addition, peace could be achieved without war. This ingenious proposal meant that a monarch or tyrant could hardly claim that a war was required to achieve peace. Instead, he first had to show that he had tried everything through negotiations to come to a compromise.⁸⁷

In sum, the *Social Contract* is incomplete because its completion would undermine the dominant theme of patriotism in the legitimate republic. First, it would lead to an argument to unite all republics into ever larger confederations. In this scenario the individual republics would not be sovereign because their law-giving authority would be severely circumscribed by the supra-authority of the confederation. But it was the essence of the legitimate republic that each citizen would continue to participate in law-making. Completing the *Social Contract* would have meant to set forth the terms of confederations, law of nations, etc. But that would have limited the sovereignty of the republic.

The second reason why Rousseau did not complete the *Social Contract* was to avoid speaking about the character of the state of war. As he had done in the *State of War* and in the *Second Discourse*, the state is insurmountable. The *Social Contract*

⁸⁷ Civil religion is a universal religion and therefore leads inevitably to considerations of international confederations. But just as the other supra-national institutions, tribunals, dictators, and censors, the civil religion is not supposed to constitute the essence of the legitimate republic. It has to be countered by a strong patriotic sentiment. Especially the demand of toleration of other religions leads to renewed calls of compassion and understanding for those who are different. This is certainly in tension with the demands of the republic to always renew one's own distinctiveness.

always remains in a state of war, even though it ameliorates it in many regards. But it ameliorates by avoiding it rather than solving it (Hoffmann 1964). The main purpose of the *Social Contract* was to tell all citizens what they should expect of their political order. That message would have only been confused if Rousseau had told them that their regime is part of a state of war. This would have given renewed power to monarchs or aristocrats who could have claimed that the republic was too weak internationally (an opinion Rousseau shared). It also would have increased the tendency of the people to submit to a dictator. In sum, it would have given more power to those who claimed that survival, and the institutions that go along with it, is primary. Instead, Rousseau pursued the aim to strengthen the institutions which foster participation, or freedom and equality.⁸⁸

6.2. Implications for Current International Relations

Rousseau's analysis of the structure of international relations has implications for 21st century's debates on international relations, in particular with regard to the debates on democratic peace and international cooperation.

The central argument of this study was to show that Rousseau is a realist in the tradition of Machiavelli. While Rousseau was convinced that the structure of international relations was anarchical, he also believed that it would be imprudent to advertise this insight. Instead, for the stability and well-being of a political regime it is necessary to utilize the predominant prejudices. These predominant prejudices are Christianity and patriotism, which present to the reader a strange and contradictory

⁸⁸ The beginning of political society is the state of war. This points at the same time to self-preservation or security and to freedom or independence.

spectacle of opposing opinions on international relations. Rousseau believed that it would be more beneficial to suggest the compatibility of a legitimate republic and international peace. In the language of contemporary international relations theory, Rousseau is a structural realist with an important idealistic inclination.⁸⁹

But Rousseau did not leave it at that. Instead, he joined Hobbes in trying to find a more salutary, even if rhetorical, teaching. Rousseau shared Hobbes' faith in the power of rhetoric to transform men by removing any obstacles to the effectiveness of force. The importance of Rousseau was that he, the actor-author, would instill in the educated and moderate men new hopes and desires. Instead of leading to a new world of virulent, even if non-violent, competition, Rousseau's vision would lead to brotherhood. Rousseau's structural realism is balanced by an imagined idealism.

In contemporary international relations theory the most important hypothesis states that democratic states will not fight against each other (Doyle 1983a, 1983b, 1986). As this hypothesis assumes that regime type has a crucial impact on international interactions, it counters an important claim of the realist school of international relations theory. In the version of Kenneth Waltz (1979), the claim is made that the structure of international relations is anarchical independent from the characteristics of the elements constituting the structure.

Logically, the democratic peace hypothesis implied that international war could be eradicated if states could be transformed into democracies. At the same time, this provided a "regime change" agenda for Western democracies and in particular for the United States. In recent years, this theory seems to have had a powerful influence

⁸⁹ For a similar argument see Melzer 1990 and for a counter-argument see Roosevelt 1989.

on the administration of George W. Bush to change the regime in Iraq.⁹⁰ Democratic peace theory justifies an aggressive foreign policy and constitutes the core of a so-called “liberal” theory of international relations opposed to the classic realist position.⁹¹

Doyle’s hypothesis has been refined in recent years. At first it was thought that democracies were simply more peaceful than other regimes. First of all, there is in fact hardly any evidence for war among democracies (Rousseau, Gelpi, Reiter, and Huth 1996). However, it now is a commonly held opinion that democracies are not more peaceful regimes. In addition, the hypothesis is most persuasive with regard to wealthy, well-established democracies (Mansfield and Snyder 1995). Finally, democracies seem to choose and conduct their wars differently than other regimes: their wars are usually shorter and overwhelming successful (Reiter and Stam 2002). Still, as Gates, Knutsen, and Moses (1996; also Layne 1994, 38) have pointed out, the main difficulty of democratic peace theory has been to give a comprehensive account of the causes underlying the correlation between peace and democracy.⁹²

We are now in a position to state Rousseau’s view of democratic peace theory. By writing his essays on perpetual peace, Rousseau suggested democratic peace and became the inspiration for Immanuel Kant, the most famous democratic peace theorist. In particular, Rousseau suggested that the existence of a ruler above the law led to war, and that the sovereignty of the people would lead to war only in the case of self-defense. Yet, as was shown, Rousseau did not consider republics to be

⁹⁰ "Democracies don't go to war with each other. . . . I've got great faith in democracies to promote peace" (Bush 2004).

⁹¹ See Kant and his awareness of the danger of any moralistic interpretation (cf. Pangle 1978, 1394).

⁹² This statement was affirmed by Gartzke (2007, 168).

intrinsically more peaceful than monarchies. He thereby agrees with the argument of democratic peace theory which claims that republics and non-republics are equally war-prone. In addition, democracies could band together in confederations. Rousseau believed that regimes of the same kind could strengthen their internal stability through international organizations like a confederation. Rousseau's emphasis is much more on the impact of confederations on internal stability than on external peace.

Rousseau's apparent support of contemporary democratic peace theory is contradicted by his opinion that the prospect of democratic peace is not only unlikely in Rousseau's opinion but also undesirable. Rousseau's rejection of democratic peace theory is based on four arguments. First of all, for Rousseau the expansion of democratic peace, while a laudable project in itself, would depend on commerce, balance of power, and religion. Second, each of these conditions has the tendency to undermine the legitimacy of political rule. Democratic peace would lead to, or require, mutual dependence, further contributing to the weakness of moral virtue. Moreover, the prospect of democratic peace leads inevitably to an imperial temptation by the established republics. Lastly, Rousseau denied that a confederation could be a reliable means to peace, and that a confederation could stabilize monarchical regimes as much as democratic regimes. While suggesting democratic peace in general, Rousseau thought it to be a secondary aim which would be more than a pious dream rather than a plan for action.

The first argument against democratic peace theory reveals that this theory derives its force from modern political theory, in particular Hobbesian political

thought. As it was demonstrated, the *summum malum* of Hobbesian political thought was the fear of violent death which commanded everyone to seek refuge under the wings of the modern state. The logical consequence of this principle was world-wide peace. The aim of Hobbes' political philosophy is to convince men that their only rational self-interest lies in their survival and comfortable well-being. Violent conflicts are consequently the most irrational behavior. The more influential Hobbes' arguments would become the more "peaceful" the world would be. One therefore has attributed to Immanuel Kant what should have been primarily attributed to Hobbes.

In addition, Rousseau accuses Hobbes of founding regimes singularly dedicated to peace and commerce. Similarly, Rousseau criticizes Locke's and Montesquieu's modification of Hobbes by putting an even greater emphasis on the commercial republic. He rejects the redirecting of ambition from violent toward commercial conquest. He is convinced that the pursuit of peace, understood as the absence of physical violence, does not lead to a true state of peace but instead to war by other means.

Rousseau claims that his republic would revive the communal bonds without the traditionally attributed disadvantage of being overly bellicose. Instead, the legitimate republic would be peaceful because it would be devoid of foreign ambitions. It is a more complete suppression of ambition, and the remaining ambition would be entirely used for public service. It would only fight in case of self-defense. There would be a democratic peace, but its peace would depend on isolation instead of mutual dependence.

One sees this most clearly if one realizes that the Hobbesian regime is incapable to defend itself. If every citizen of Hobbes' regime were as rational as Hobbes assumed then it would lack soldiers. It has to rely on mercenaries or fools for its self-defense. On the contrary, Rousseau's regime can defend itself with its own citizens. Every citizen's readiness to fight for their country depends on their desire to be free. One's own country becomes endowed with a new sanctity. One also sees that Rousseau's world would be less peaceful than Hobbes' because in Rousseau's world there is room for wars – accidental war if based on a false sense of threat as well as necessary wars if based on self-preservation. Also, the possibility of war is closely connected to the existence of citizenship and in that sense desirable. Despite Rousseau's negative comments on war, violent death is not the absolute evil it had been for Hobbes.

For Hobbes and his followers, commerce fulfilled an important function because the accumulation of material goods and the satisfaction of material desires are supposed to become the activity constituting the highest in men's life. Commerce will become the substitute for warfare. Rousseau on the other hand considered commerce as a source of tension among men. Rousseau did not go so far to claim that commerce would be the source of warfare, but he did claim that commerce would expand the state of war into man's life.⁹³ Human relationships which had been previously protected from commerce would be folded into this pervasive state of war. Rousseau feared that avoidance of civil war was to be purchased by more widely spreading the condition of (non-violent) civil war.

⁹³ Indirectly, commerce could lead to more war because it homogenizes and intensifies needs and desires across cultures. This would lead to increased competition for more and often superfluous goods.

This amounted to the thesis that an inverse relation between international war and civil war exists. As there is always a structural war, there are different ways to hedge against the state of war. Based on the inverse relations between international war and civil war, Rousseau could choose either to fully pacify external relations by completely internalizing conflict or the reverse. Rousseau opted in the *Social Contract* for the extreme of domestic peace.

As the more pacified internal relations implied more violent external relations, Rousseau hoped that republics could be moderated by wholesome prejudices. One of these prejudices, Christianity, Rousseau found in ready supply in Europe and he knew it was necessary to use it for this purpose. The more effective prejudice, however, was to state clearly the most beneficial foreign policy for a republic – isolation – and prevent the republic's demise through external ambitions.

Rousseau also showed that a civil war would prevent external wars. The short-term reaction of any government would be to use foreign wars to pacify internal relations. In the long-term this strategy would not work. This implies that a monarchy is a more pacific regime than a republic, because a republic tends to foreign wars more easily than a monarchy as the republic's government is tempted to solve domestic tensions by seeking refuge in military campaigns. On the contrary, a monarchy has greater control over domestic affairs. Rousseau's argument that tyrannies and war are intimately related is correct in so far as he assumes that the political regime is fundamentally a republic and that the tyrant is unjustly trying to pacify domestic relations. But he is speaking here with a republican bias about a corrupted regime.

Given Rousseau's critique of Hobbes' political philosophy we might surmise that his critique of democratic peace theory amounts to a critique of the understanding of modern democracy. For Rousseau, Hobbes' regime amounted to despotism. The lack of continuous participation in lawmaking deprived men of their natural right to judge for themselves the means to ensure their survival. Representation, Hobbes' central institutional feature, leaves only a reflection of man's original power. Representation makes it possible to separate virtue from political rule and consequently makes citizenship impossible. One cannot call these "liberal" regimes democracies. Therefore, Rousseau suggests that the democracies which establish peace among themselves are in fact not democracies. From Rousseau's perspective, the democratic peace should be called despotic peace. Michael Doyle (2005), who almost single-handedly revived Kantian democratic peace theory in the late 20th century, argues that representation, human rights, and interdependence are the "three pillars of democratic peace." It does not come as a surprise that Rousseau rejects each one of them as indicative of an illegitimate regime.

Lastly, one is confronted with the apparent success of international institutions, such as the United Nations or the European Union. Can one therefore argue that Rousseau, given his critique of confederations in the *Judgment*, was accidentally much more successful than he had himself dared to hope? From Rousseau's perspective, contemporary international cooperation is difficult to explain because it appears to contradict his arguments against confederations. Instead, international cooperation appears to approach Rousseau's argument of the *Abstract on Perpetual Peace*. International cooperation guarantees the minimal conditions for

national democratic government without infringing on the nations' sovereignty. In particular, there seem to be a number of very successful security arrangements, for example NATO, which reliably have prevented warfare and have made war unthinkable among some countries.

The most difficult case of international cooperation to explain for Rousseau is the European Union. It is so difficult to answer because it seems to be the fulfillment of the Abbé de Saint-Pierre's project and Rousseau's presentation of it. Primarily, the European Union has made war unthinkable among its members. Furthermore, the European Union is militarily so strong that it does not have to fear any external enemies; in particular as the most powerful state, the United States, is integrated into the European security arrangements. The members of the European Union are then free to pursue their individual commercial interests. In case these interests collide, the European Union has established institutions with the authority to judge these conflicts, even directly adjudicating individual citizens' claims.⁹⁴ Moreover, the European Union has been able to function without its own enforcement mechanism. The enforcement of these judgments continues to lie with the individual member states. Contrary to Rousseau's opinion, a confederation can work without necessarily having to use force.

In contemporary studies of international relations, the topics of sovereignty and the basis for international cooperation have been hotly contested (Haas 1964; Keohane 1984; Krasner 1999; Mitrany 1964; Ruggie 1993). The central question is whether the European Union is a confederation, i.e. an inter-governmental

⁹⁴ The direct power over individuals is the distinction made in Federalist #15 between a confederation and a federal state.

organization, or a federal state with its own sovereign personality. Based on the analysis presented here, Rousseau's position is that international cooperation is accurately described as revolving around a limited number of issues. The competence over vital issues, such as religion or survival, cannot be subject of cooperation unless a true shift in sovereignty has occurred. Expressed differently, sovereignty exists where the lives of men are directed towards a unified experience (Manent 2006, 8). For Rousseau, the European Union remains essentially an inter-governmental organization based on large number of international treaties. These treaties could be abrogated at any time.

Yet, the European Union has been extraordinarily stable and successful. Over the period of now more than fifty years it has increasingly expanded its extent and depth. In order to find Rousseau's explanation of the European Union's success one should remember his famous statement in the *Consideration on the Government of Poland*:

Today there are no longer any Frenchmen, Germans, Spaniards, even Englishmen, whatever might be said about it; there are only Europeans. All have the same tastes, the same passions, the same morals, because none of them has received any national form by means of a distinctive foundation. In the same circumstances all of them will do the same things; all will say they are disinterested and be scoundrels; all will speak about the public good and think only about themselves; all will praise moderation and wish to be Croesus; they are ambitious only for luxury, they have no passion except for gold. Sure of having, along with it, everything that tempts them, all will sell themselves to the first who is willing to pay them. What does it matter to them which master they obey, the law of which State they follow? As long as they find money to steal and women to corrupt they are in their own country everywhere (*P*, 174-175[III, 960]).

For Rousseau, European unity was a consequence of Christianity and the Enlightenment. As he had argued, Christianity had introduced a powerful belief in the fundamental equality of all men. This belief was given a new political expression by Machiavelli, Hobbes, and their successors. The belief in the equality of all men as sinners was transformed into the equality of all men as mortals. The orientation toward eternal life was removed and the desires were liberated, “commodious living” became the substitute for eternal life. This implies the equal desire of all to replace violent conflicts with commercial conflicts. This can be readily observed in above quote from the *Government of Poland*. A confederation based on Hobbesian political thought would seek to outlaw war while providing the institutional foundation for international commerce.

Yet, according to Rousseau these conditions had already been present in his times. However, Rousseau believed that a confederation could not come into existence except through force. The main obstacles in the way to a confederation were the hereditary aristocracy and monarchs. While contemporary theories of European integration do not speak about these conditions one might argue that it simply took two hundred years and two world wars to remove this obstacle.

Once this additional condition is fulfilled, the current theories of European integration provide explanations of the integration process in agreement with Rousseau’s theories. The best known explanation of European integration is functionalism. The founding father of European integration, Jean Monnet, had argued that the cooperation in one economic area would lead to so-called “spill-over effects” which would necessitate further integration in related areas. Furthermore, the original

cooperation among France and Germany, as well as Belgium, Luxemburg, and the Netherlands, was made possible by the temporary mutual need for cooperation. While France wanted to prevent the renewed rise of German military power, Germany wanted to overcome its international isolation after World War II. For Rousseau, once there is an agreement among different peoples that their main interest in life is monetary gain and luxury the conditions are ripe for commercial integration. Functionalism therefore accurately reflects Rousseau's opinion on the forces at work leading to European integration.

The stability of the European Union follows at least in part from the stability of the cultural conditions. A contrary opinion is held by the so-called "inter-governmentalists" who claim that the success and stability of the European Union is due to the threat formerly posed by the Soviet Union, by balancing the power of the United States, and by American military preponderance. The adherents of this theory further hold that the loci of sovereignty remain in the individual member-states of the European Union. The European Union is therefore not a federal government.

Rousseau's writings are insufficient to deduce his opinion of the stability of the European Union. As was argued above, Rousseau attributed an important function for the establishment and viability of a confederation to cultural factors. However, he also argued that without a transfer of sovereignty a confederation would quickly collapse. The European Union, however, seems to be the exceptional case which "squares the circle" (quote Poland) of subjecting force to law without a transfer of sovereignty.

The only argument against the European Union's viability derives from the fourth book of the *Social Contract*. In chapters five, six, and seven, Rousseau enumerated censorship, the tribunate, and the dictator as three institutions having authority above the law (see Gildin 1983). While censorship in a culturally homogenous liberal regime has a very weak position⁹⁵ and the tribunate, i.e. a supreme court, exists in the European Union,⁹⁶ a dictator is absent from the EU's institutions. Rousseau might therefore argue that the European Union is ill-equipped to deal with military threats, or relies on NATO and the external security provided by the United States. This would imply that the United States is the final arbiter of the EU's emergency situation. If this accurately reflects Rousseau's opinion then he would argue that the European states are part of federation which finds its sovereign entirely outside their realm. But this is admittedly a very tenuous position which is not reflected in the contemporary academic literature. Therefore one has to conclude that the nature of the European Union cannot be fully explained with the arguments provided by Rousseau.

While Rousseau can at least partially explain European integration, it is also true that Rousseau would have lamented European integration. For him, the confederation remained undesirable because it relied on the cultural homogenization of all men and the substitution of the hereditary aristocracy and monarchs with the bourgeois or a commercial aristocracy. While it appears that, if pressed to choose between these two evils, he would have preferred the commercial aristocracy as closer to the natural aristocracy than the hereditary aristocracy, he considered both

⁹⁵ See the introduction by Allan Bloom to his translation of Rousseau's Letter to d'Alembert (1960).

⁹⁶ This is the European Court of Justice.

solutions as illegitimate political rule. Instead, Rousseau had hoped to prevent the further progress of luxury and, as the 19th century and its nationalist movements showed, he initially had some success. Rousseau's own hope lay in fostering the patriotic spirit. Accessible by all, regardless of birth and wealth, the pride in one's mores was supposed to allow states to peacefully coexist. Patriotism meant to highlight one's differences, as small and superficial as they might be, against one's similarities. Furthermore, Rousseau would have been concerned that European integration would be achieved by destroying citizenship. This concern, most fully elaborated in Rousseau's *First Discourse*, would lead to the inability of the confederation to defend itself as the confederation's inhabitants would be unwilling to fight and die for it. In other words, Rousseau saw virtue disappear from a confederation which had achieved such wealth and peace. Rousseau's position still finds adherents today who opt for the polis against both empire and cosmopolitanism (e.g. Plattner 2008; Manent 2006).

In sum, democratic peace theory and international cooperation find an important advocate as well as critic in Rousseau. For him, democratic peace theory is at the same time an inevitable outcome of modern political theory as well as a serious threat to liberty.⁹⁷ The apparent success of global commercial relations and democracies in the past twenty years has shown that modern liberalism and the Enlightenment had much greater strength than was believed after the two world wars. Therefore, the current peace is best described as a liberal peace. Similarly, cooperation through international institutions was traced back by Rousseau to its

⁹⁷ Note that this also explains the curious alliance of left-wing and right-wing groups in their fight against globalization. While left-wing groups see the threat of global economic exploitation, right-wing groups react against the threat to patriotic sentiments.

modern origins. As he had criticized democratic peace in the name of liberty and human nature, so he emphasized the disadvantages of international cooperation.

With the contemporary success of the Enlightenment in the form of greater international cooperation, international interdependence, and economic globalization, Rousseau's arguments against the Enlightenment continue to resurface. However, while Rousseau continues to speak to men's hearts, one wonders whether his political philosophy can provide a viable alternative. Historically, his political philosophy led to the radicalization of the French Revolution. Furthermore, the patriotism of the 19th century was insufficiently stable to prevent the wars of the 20th century. In addition, the withdrawal from society in the form of the artist's life was never meant as an option for most men. [After the historic experience it should be easier to look at Rousseau with much more moderation than his contemporaries could. We have to take him seriously in order to avoid the mistake of constituting an end to history, as too many have before. After all, Rousseau never wavered in his opinion that human life is a state of war.] Therefore, Rousseau's criticism seems most appropriate as a warning against the possible excesses of the Enlightenment. It cannot provide an alternative to the Enlightenment. Whether it has become necessary for us to search for a new path is arguably the most important question of our times.

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