

Principles of the Right of War

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Note: This is a very rough first draft translation. I suspect there are many errors of translation. Please alert me in the event you discover one (or many).

I open books on law and morality, I listen to scholars and jurists and, imbued with their insidious discourses, I deplore the miseries of nature, I admire peace and justice established by civil order, I bless the wisdom of the public institutions and console myself to being a man and seeing myself as a citizen. Enlightened by my work and my happiness, I close the book, leave the classroom, and look all around: I see unfortunate peoples wailing about from beneath an iron yoke, the first human race crushed by a handful of oppressors; a mob painfully overworked and starving for bread—the blood and tears of whom the rich drink in peace—and everywhere the strong armed against the weak with the formidable power of the laws. All of this was accomplished peacefully and without resistance: it's the tranquility of Ulysses's companions locked up in Cyclops's cavern, waiting to be devoured. We must lament it and keep quiet. Let us drape an eternal veil over these horrible objects. I open my eyes and look ahead. I see fires and flames, deserted countrysides, cities pillaged. Savage men: where are you dragging the unfortunate? I hear an awful noise, such tumult and such screaming. I approach; I see a murderous scene: the throats of ten thousand men slit, the dead thrown into piles, the dying trampled by horses, bearing the image of death and agony. Such is the fruit of these peaceful institutions. The pity and the indignation build deep down in my heart. Oh, barbaric philosopher! Come read us your book on the battlefield.

Whose core wouldn't be stirred up by these sad affairs? And yet it is no longer permitted to be a man and to plead the cause of humanity. Justice and truth must give way to the interest of the most powerful—that's the rule. The populace doesn't give out pensions, jobs, university chairs, or places in the academy. In virtue of what would we guard them? Magnanimous princes, from whom we expect everything, I speak of the name of the literary corpus. Oppress the people in clear conscience; it is of you alone whom we expect everything, and the people will never do us any good.

How can such a weak voice make itself heard through so much venal clamor? Alas, I must stay quiet, but wouldn't the voice of my heart know how to break through such a sad silence? No, without getting into the odious details that would pass for satire if only they were true, I will

restrict myself as I've always done to examining the human establishments by their principles, to correct, where possible, the false ideas that we attribute to interesting authors; and to ensure that injustice and violence do not shamelessly take over the name of law and equality.

The first thing I notice while considering the state of the human race is a manifest contradiction in its constitution that renders it unstable. From man to man, we live within a civil state and subject to its laws. From people to people, each benefits from natural liberty, which makes our situation fundamentally worse than if these distinctions were unknown. For living both within the social order and in a state of nature, we are subjected to the inconveniences of each, without finding security in either. The perfection of the social order consists, it is true, in the cooperation of the force of the law. But the law must therefore direct the force; whereas the ideas of the absolute independence of princes the driving force, speaking to the citizens under the guise of the law and to foreigners under the guise of the national interest, deprives them of power and others the will to resist, ensuring that the empty name of justice will serve only as a safeguard against violence. As for that which we commonly call the right of nations, it is certain that [for want of penalty] its laws are nothing but illusions even weaker than the law of nature, the latter of which speaks at least to the heart of particulars, whereas the right of individuals, having no other guarantee but the utility of that to which they submit themselves, their decisions are only respected as much as the interest confirms them. In the mixed condition in which we find ourselves, in doing too much or too little, we have done nothing and we are places in the worst state in which we could find ourselves. This seems to me the true origin of these public calamities.

Let us take a moment to place these ideas in opposition to Hobbes's horrible system, and we will find, much to the contrary of his absurd doctrine, that far from being natural to man, the state of war was born from peace, or at least from the precautions that men took to ensure a durable peace. But before entering into this discussion, let us first attempt to define the idea that we must have of the state of war.

Although the two ideas of war and of peace seem exactly correlated, the latter contains a much more extended significance, considering that one can interrupt and disturb the peace in many ways short of going to war. Ceasefire, coalitions, peace accords: all these notions of goodwill and mutual affection seem contained in this gentle word, peace. It brings the soul a plentitude of feeling that makes us enjoy both our own existence and that of others, it represents the connection between those who unite in the universal system, it only reaches its fullest extent in God's spirit, [to whom] nothing that exists can be harmed and who desires the preservation of all the beings he has created.

The constitution of the universe does not allow for all the sensible beings that compose it to contribute both to mutual happiness, but the well-being of one making another in pain, each according to the law of nature giving preference to himself, and, when he works to his own benefit by harming others, at the instant peace is troubled by the consideration of the suffering;

so not only is it natural to reject the harm that follows us, but when an intelligent being sees this harm befall him from the ill will of another, he loses patience and tries to deflect it towards its author; from this, discord is born—the quarrels, sometimes combats, and most importantly, war.

Finally, when things get to the point where a being endowed with reason is convinced that care and preservation is incompatible not only with the well-being of another, but with his existence, he then arms himself (against his life) and tries to destroy it with the same zeal with which he tries to preserve his own life and for the same reason. For his part, the attacked, sensing that the security of his existence is incompatible with the existence of the aggressor, attacks with all his power the life of the person who tries to take his; this will manifested in mutual destruction, and all the acts that depend on it, produce between the two adversaries a relation that we call war.

From this it follows that war consists neither in one nor several non-premeditated combats, nor even in homicide or assassination committed in a fit of rage, but in the constant, reflective, and manifest desire to destroy one's enemy. For to judge that the existence of this enemy is incompatible with our well being, one must have self-control and reason, which produces a durable resolution, and in order for the relationship to be mutual, so too must the enemy, knowing that his life is in jeopardy, have the aim of defending it at the expense of our own. All of these ideas are contained within this word war.

The public effects of this ill will reduced to an act are called hostilities: but whether or not there are hostilities, the relation of war, once established, cannot cease but by a formal peace. Otherwise, each of the two enemies, having no evidence that the other has ceased to want him dead, cannot or should not cease to defend himself at the expense of the other's life.

These differences result in several distinctions in the terminology. When each is kept constantly on edge by continual hostilities, that is what is properly known as making war. By contrast, when two declared enemies remain calm and do not make any offensive acts toward one another, their relation does not change as a result; but as long as there is no actual effect, this is called only the state of war. Long tiresome wars that cannot be ended ordinarily produce this state. Sometimes, far from resting in inaction, the animosity means waiting for the right moment to surprise the enemy, and often the loosened state of war is more dangerous than the war itself. It is contested whether or not a truce, a cease-fire, or God's peace are states of war or peace.

It is clear from the foregoing notions that all of this is but a modified state of war, in which the two enemies shake hands without jettisoning nor masking the will to harm each other. Preparations are made, weapons and materials are amassed for sieges, all unspecified military operations continue. This demonstrates that intentions haven't changed. The same is true when two enemies encounter each other in neutral territory without attacking.

Who could have imagined without trembling the ridiculous system of natural war of one

against all? What a strange animal, that one would believe his well being is connected to the destruction of his entire species. And how can it be that this species, so heinous and so detestable, could last even two generations? And yet this is where the desire, or rather the fury, to establish despotism and passive obedience drove one of the very best minds that ever existed [i.e. Hobbes]. Such a ferocious principle is worthy of its object.

The state of society that constrains all our natural inclinations would, however, be incapable of wiping them out. Despite our prejudices and despite ourselves, they still speak from deep within our souls, and bring us often to the truth that we jettison for illusions. If this mutual destructive enmity were attached to our constitution, it would therefore make itself felt again and would repel us despite ourselves across all the social chains. Humanity's awful hatred would eat away at the heart of man. He would be distressed by the birth of his own children and would be delighted at the death of his brothers, and when he comes across a sleeping person his first movement would be to kill him.

The goodwill that makes us take part in the happiness of our own kind, the compassion that identifies us with those who suffer and afflicts us with their pain, would be unknown sentiments and directly contrary to nature. This sensitive and pitiful man would be a monster, and we would naturally be that which we had trouble becoming in the situation of deprivation that pursues us.

The sophist would say in vain that this mutual enmity is not innate and immediate, but founded on the inevitable concurrence of everyone's right to everything, for the sentiment of this so-called right is not more natural to man than the war that is born from it. I already said and cannot repeat enough: Hobbes' and other philosophers' error is to confound the natural man with the men they have before their eyes, and to transport in one system a being that can only subsist in another. The man wants his well-being and all that can contribute to it, that is uncontestable. But naturally, man's well-being is born of a physical necessity: for when it/he has a sane soul and his soul doesn't suffer, what is he missing for being happy according to his constitution? He who has nothing desires few things, he who orders no one else has little ambition. But the unnecessary awakens the greed: the more we acquire, the more we desire. He who has a lot wants to have everything, and the craziness of the universal monarchy has never tormented anyone but the hear of a great king. Such is the march of nature; such is the development of the passions. A superficial philosopher observes the souls one-hundred times repeties and fermented in the yeast of the society and believes to have observed man. But to know it well, one must know how to sort out the natural gradation of the sentiments, and it is not in the population of the citizens of a large city that one must look for the first trait of nature imprinted on the human heart.

Thus this analytic method offers to reason only chasms and mysteries in which the wisest understand the least: How one demands why the morals are corrupted to the extent that the

minds light up; unable to find the cause of it, they will have the grounds for denying the fact. How one asks why the savages transported among us share neither our passions nor our pleasures and do not worry about all that we desire with so much ardor. They will never explain it or will only explain it by my principles. They only know what they see and have never seen nature. They know very well what a Bourgeois Londoner or Parisian is, but they will never know what a man is.

But when it would be true that this untamable and unlimited longing would be developed in all men to the point supposed by our sophist, still would not produce this state of universal war of all against all, the horrible picture which Hobbes has dared to draw. This unrestrained desire to appropriate everything for oneself is incompatible with that desire to destroy all of one's fellows: the victor, having killed everyone, would possess the misfortune of being alone in the world, enjoying nothing while having everything. What good are riches if they cannot be communicated? What use is possessing the entire universe if one is the sole inhabitant of it? Will one's stomach eat up all the earth's fruits? Who will gather the products of all the other climates? Who will bring accounts of the vast solitudes of his empire in which he doesn't live? What will he do with his treasures? Who will eat his food? In whose views will he lay out his power? I'm listening. Instead of massacring everyone, he will put them in prison, at least in order to have slaves. That changes, in an instant, the entire state of the question; and, since it is no longer a question of destruction, the state of war is eliminated. May the reader suspend his judgment here. I will not forget to treat this point. (p. 32)

Man is naturally peaceful and fearful. At the slightest danger, his first movement is to flee; he becomes tougher only by force of habit and experience. Honor, interest, prejudices, vengeance, all the passions that can make him brave perils and death are far from him in the state of nature. It is only after having made society with some man that he decides to attack another; and he only becomes a soldier after having been a citizen. One does not see the grand dispositions to start wars in all his kind. But it is enough to end on a system as revolting as it is absurd that has already been refuted a hundred times.

There is therefore no general war between men, and the human species was not formed only for destroying itself. It remains to consider accidental and particular war that can emerge between two or more individuals.

If the natural law were written only in human reason, it would hardly be capable of directing the majority of our actions, but it is engraved in man's heart in indelible characters, and it is there that the law speaks to man more strongly than all of the precepts of Philosophers; it is there that the law shouts at him that he is not permitted to sacrifice the life of another but for the preservation of his own, and that makes it so he cannot stand to shed human blood without anger, even when he takes himself to be obligated to.

I perceive that in the quarrels without arbitrators that can come about in the state of nature,

an irritated man will sometimes be able to kill another, whether by outright force or by surprise; but if it is about a genuine war, let us imagine in what strange position this same man must be in to not be able to preserve his life but at the cost of another's life, and that by a relation established between them, one must die so the other may live. War is a permanent state that supposes constant relations, and these relations have very rarely taken place from man to man where everything between the individuals is in a constant flux that incessantly changes the relations and the interests. Hence, a subject of dispute arises and ceases at nearly the same instant, a quarrel begins and finishes in a day, and there may be combats and deaths but never, or very rarely, the long enmities of wars.

In civil society, where the life of all the citizens is under the power of the sovereign, and where no one has the right to dispose of his own life or that of another, the state of war can take place no longer between individuals. And as for duels, challenges, cartels, calls for singular combat: as well as being an illegitimate and barbaric abuse of a fully military constitution, it does not result from a genuine state of war but a particular affair that empties in a limited time and place, so much that for a second combat it would be necessary for another call. One must exclude from it private wars that are suspended by a worker's truce, called God's peace, and which receive the blessings of Saint-Louis. But this example is unique in history.

We may ask again if the kings, which are in fact independent of human power, could establish among themselves personal and particular wars independent of those of the state. That is certainly a pointless question, for it is not as though one knows the custom of Princes to spare others in order to personally expose themselves. Moreover, this question depends on another which I am not able to decide. Is the Prince himself subject to the laws of the state or not; for if he is subject, his person is linked and his life belongs to the state, like that of any other citizen. But if the Prince is above the laws, he lives in the pure state of nature and must consider neither his subjects nor anyone any of his actions.

On the Social State

Let us enter not into a new order of things. We will see men, unified by an artificial concord, gather to slit each other's throats and all the horrors of war born from the care we had taken to prevent it. But it imports firstly to form itself on the essence of the political body more exact ideas than we have made thus far. May the reader dream only that it is less about history and facts than about right and justice, and that I want to examine things by their nature rather than by our prejudices.

From the first society formed follows necessarily the formation of all the others. It is necessary to either become a part of it or else unite to resist it. It is necessary to imitate it or else be gobbled up by it.

And so the entire face of the earth is changed. Everywhere nature has disappeared; everywhere human art has taken its place. Independence and natural liberty took the place of laws and slavery. There no longer exists free beings; the philosopher searches for such a man and no longer finds him. But it is in vain that we think of destroying nature, for she is reborn and shows herself where we least expect her. The independence that we strip from man seeks refuge in societies, and these large bodies left to their own devices produce shocks more terrible in proportion than their masses bring upon individuals.

But, it is said, each of these bodies having such a strong basis, how is it possible that they never come to encounter one another? Shouldn't their proper constitution maintain an eternal peace between them? Are they obligated like men to go searching for things with which to provide for their needs; don't they have within them everything necessary for their preservation? Are the concurrence and exchanges a source of inevitable discord, and in all the countries of the world haven't the inhabitants existed prior to commerce—insurmountable proof that they can subsist without them?

To that I would be content to reply with the facts, and I would not reply with worry, but I have not forgotten that I reason here on the nature of things and not on the events that may have a thousand particular causes independent of the common principle. But let us consider attentively the constitution of the political bodies and, whatever rigor suffices for the preservation of each, we will find that their mutual relations are no less intimate than those of individuals. For man, at his core, has no necessary relation with his kind, he can subsist without their cooperation with all imaginable vigor; he doesn't need as much care from man as he does the fruits of the earth; and the earth produces more than is required for nourishing all its inhabitants. Add to this that there is a limit to man's force and greatness fixed by nature that he could not know how to overcome. In some sense that he envisions, he finds all his faculties limited. His life is short; his years are numbered. His stomach does not grow alongside his riches, his passions might well intensify, his pleasures have their worth, his heart is restricted like all the rest, his capacity for enjoyment is always the same. He may well elevate himself in thought, but he always rests small.

By contrast, the State, being an artificial body, is by no means determined, the greatness which is its own is indefinite, always increasable; it feels weak as long as there are others greater than it. Its security and preservation demand that it makes itself more powerful than all its neighbors; it can only increase, feed, and exercise its force at their expense, and, if it doesn't need to look for subsistence beyond its borders, it looks incessantly for new members to provide it with a more unshakable consistency. For man's inequality has borders posed by the hands of nature, but those of societies can grow incessantly until one alone absorbs all the others.

Thus the greatness of the body politic being purely relative, it is forced to compare itself without end in order to know itself; it depends on all who surround it, and must take an interest in everything that happens there, for it might well want to stay within itself, without gaining or

losing anything; it becomes small or large, weak or strong, according to how its neighbor expands or retracts and strengthens or weakens. Finally its solidity, even by making its relations more constant, gives the effect more sure to all of its actions and renders its quarrels more dangerous.

It seems we have taken on the task of reversing all the true ideas of things. Everything bring natural man to rest; eating and sleeping are the only needs that he knows, and hunger is the only thing that takes him away from his laziness. One is made into a madman, always ready to torment his fellows by passions he does not know: by contrast these passions excited by the core of the society by all that can inflame them may be taken to not exist. A thousand writers have dared to say that the body politic is passionless and that there is no other reason of the state than reason herself. It's as if one had not seen to the contrary that the essence of society consists in the activity of its members, and that, without movement, the State would be nothing but a lifeless corpse. It's as if the whole of world history hasn't shown us that the best constituted societies are also the most active; and whether from within or without, the continuous action and reaction of all its members bears witness to the vigor of the entire body.

The difference between human art and the work of nature makes itself felt by its effects. The citizens may well call themselves members of the State, they would not know to unite to it as real limbs are to a body. It is impossible to make it so none of them has an separate individual existence, in which he could suffer alone in his own preservation. Nerves are less sensitive; muscles have less vigor; all the links are again released; the smallest accident can divide them all.

Whether we consider the number in the aggregation of the body politic, public force is inferior to the sum of particular forces, however much friction there is in the game of the whole machine, as it were, and we will find that every size looks after the weakest man with more force for its own conservation than a more robust state has for its own.

In order for the State to persist, the liveliness of its passions must therefore replace that of its movements, and its will must come alive as much as its power eases. It is the preservationist law that nature herself establishes between species, and which maintains all of them despite their inequality. It is also, by the way, the reason why small States have proportionately more vigor than large States; for the public sensibility does not increase along with the territory: the more it extends, the more the will cools and the movements weaken, and this large body, overloaded by its own weight, caves in, becomes inert, and perishes.

After having seen new States cover the earth, after having discovered a general relation between them that tends toward their mutual destruction, we are left to see in what precisely their existence consists, their well being and their life, in order to find next by what kinds of hostilities they can attack and harm each other.

It is from the social pact that the body politic receives its collective self; its government and its laws rendering its constitution more or less robust, its life is in the heart of the citizens, their courage and their moral habits make it more or less durable. The only actions that it commits

freely and that one can impute to it are dictated by the general will, and it is by the nature of these actions that one may judge if the being that produces them is well or poorly constituted.

Thus, as long as there exists a common will to observe the social pact and the laws, this pact subsists still; and as long as this will manifests itself by exterior acts the State is not destroyed. But without ceasing to exist, it can find itself in a spot of vigor or decline, strong or weak, healthy or sick, and tending to destroy itself or to strengthen itself. Its well-being can improve or deteriorate in infinite ways, which depends almost entirely on it. This immense detail is not my subject; but thus is the summary relating to it.

General Idea of War from State to State

The principle of the life of the body politic—and if one may say so, the heart of the State—is the social pact by which as soon as one harms another, he dies and fades away; but this pact is not a charter in parchment that would be sufficiently destroyed by tearing it up. It is written in the general will, and it is there where it is not easy to annul it.

Being first unable to dismantle the whole, one reaches for its parts. If the body is invulnerable, one harms the members to weaken it. If one cannot strip it of its existence, one alters at least its wellbeing. If one cannot arrive at the base of life, one destroys that which maintains it: one attacks the government, laws, moral habits, assets, possessions, men—the state must necessarily perish when all of that which preserves it is destroyed.

All these means are employed, or can be, in a war of one power against another, and they are often only the conditions imposed by the victor in order to continue to harm the unarmed vanquished.

For the object of all the wrong that one does to one's enemy through war is to force it to suffer so that one does it again through peace. There are not these sorts of hostilities of which history does not furnish examples. I do not need to speak of financial contributions, in goods or commodities, nor of taken territory or transplanted inhabitants. The annual tax of men is not even a rare thing. We needn't go all the way back to Minos and the Athenians; it is known that the Emperors of Mexico attacked their neighbors only in order to have captives to sacrifice, and nowadays the wars between Guinean kings and their treaties with the people of Europe has no purpose but taxes and slave trafficking. That the goal and the effect of war are sometimes only to alter the constitution of the enemy State is no longer difficult to justify. The Republics of Greece attacked each other less to strip each other of their liberty than to change the form of their government, and changed the government of the vanquished only to better keep them dependent. The Macedonians and all the victors of Sparta always made an important affair of abolishing the laws of Lycurgus, and the Romans believed there to be no greater mark of clemency to a subdued people than to leave them with its own laws. It is still known that it was a maxim of their policy to

incite in their enemies and divert from themselves the effeminate and sedentary arts that annoy and soften the men. Let us leave to the Tarantinos their irritable Gods, said Fabius, when tasked with bringing to Rome statues and tableaus adorned with Taranto, and the first degradation of Roman moral habits is justifiably attributed to Marcellus for not having followed the same policy in Syracuse. It is indeed true that a skillful conqueror sometimes harms the vanquished more by what is left to them than by what he takes from them, and conversely an avid usurper often harms himself more than his enemy by the wrongs he does to them indiscreetly. This influence of moral habits has always been regarded as very important by truly enlightened princes. All the pain that Cyrus imposed on the rebellious Lydians made a soft and effeminate life, and the means the tyrant Aristodemus took in order to keep the inhabitants of Cumae dependent on him is too curious not to mention.

These examples suffice to give an idea of the diverse ways in which a state is weakened and of the ways in which war seems to authorize the using and harming of one's enemy. With regard to the treaties in which any one of these means are conditions, what ultimately is such peace if not a continuous war with so much more cruelty, the vanquished enemy having no right to defend itself? I will speak of this on another occasion.

Join to all this the sensible accounts of bad will that announces the intention of harming, to refuse a power the status that is its due, to be unaware of its rights, to reject its demands to strip free commerce from its subjects, to set off his enemies, and finally to violate the right of nations in his name, under whatever pretext there might be.

These diverse ways of offending a body politic are all neither equally feasible, nor equally useful to those who employ them, and those that result at the same time in our own advantage and harming the enemy are naturally preferable. The earth, money, men, all the booty that one can appropriate thus becomes the principal objects of reciprocal hostilities. And this base greed gradually changing the ideas of things, war finally degenerates into robbery, and from enemies and warriors we become, little by little, tyrants and thieves.

I therefore call war of one power against another the effect of a constant and manifest mutual disposition to destroy the enemy State, or to weaken it at least by all possible means. This disposition reduced to acts is war properly named; as long as it stays dormant, it is only the state of war.

I foresee an objection: since, on my view, the state of war is natural between powers, why does the resulting disposition need to manifest itself? To that I reply that I spoke before of the natural state, and that I speak here of the legitimate state, and that I will show later how such a war needs a declaration.

Fundamental Distinctions

I beg readers to not forget that I am not looking for what makes war advantageous to he who makes it, but for what makes it legitimate. It costs almost everything in order to be just. Has one thereby dispensed with being?

If there were never and could not be any veritable wars between particulars, who then are those between whom war takes place and who can truly call themselves enemies? I reply that these are public persons. And what is a public person? I reply that it is this moral being that is called sovereign, to whom the social pact gave existence and the desires of whom take the name of laws. Let us apply here the preceding distinctions: it can be said in war's effects that it is the sovereign who created the damage and the State who receives it.

If war does not take place except between moral beings, there is no need for men, and it can occur without stripping anyone of his life. But this demands explanation.

Considering things only according to strictness of the social pact, the earth, money, men, and all that is included within the walls of the State belongs to it without reserve. But the rights of society founded on those of nature being unable to destroy them, all these objects must be considered in a double relation—namely, the sun as public territory and as the patrimony of particulars, the assets as belonging in one sense to the sovereign and in another to the owners, the inhabitants as citizens and as men. Ultimately, the body politic, being only a moral person, is nothing but a being with reason. Remove public convention, and instantly the being is destroyed without the least alteration in its composition; and all man's conventions would not know how to change anything in the physique of things. What is this therefore but making war against the sovereign; it is to attack public convention and all that results from it; for the essence of the state is nothing but that. If the social pact could have been removed with a single blow, war would cease instantly; and in this single blow the State would be killed, without killing a single man. Aristotle said that in order to authorize the cruel treatments to which the Helots were made to suffer in Sparta, by taking charge, the Ephors solemnly declared war on them. This declaration was as superfluous as it was barbaric. The state of war subsisted necessarily between them only by the fact that one side was comprised of masters, the other of slaves. It is not unlikely that, since the Lacedemonians killed the Helots, the Helots had no right to kill the Lacedemonians.