Law of Nations as Reason of State: Diplomacy and the Balance of Power in Vattel's *Law of Nations*

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I: Introduction

The eighteenth-century European states-system witnessed the development of key practices and institutions exclusive to states' external relations. These included the establishment of foreign ministries, the incipient professionalization and expansion of resident diplomacy, and conscious management of the balance of power.[1] These practices and institutions prompted sovereigns to develop administrative machinery capable of promoting state interests in the fluid political context of a European states-system. They also afforded scholars and practitioners an opportunity to construct theoretical programmes aimed at generating or exploiting the kind of practical knowledge useful to sovereigns for the purposes of foreign policy. This essay suggests that Emer de Vattel's *Le Droit des Gens* (hereafter referred to by its English title, *Law of Nations*), originally published in 1758, is best understood as a response to developments in the diplomatic and strategic context, articulated through the intellectual resources available under the laws of nature and nations.[2] Motivated by concern over moral and imperialist, as well as lingering confessional and dynastic, threats to Europe's states-system, his intention was to write a practical contribution to the law of nature and nations, one capable of informing statecraft in a system composed of states with competing interests and uneven strengths.

Vattel's reconstruction of modern natural law improvised a more pragmatic, normative programme for the diplomatic management of Europe's

[1] I am grateful to Ian Hunter, Ryan Walter, Conal Condren, the guest editors of this Special Issue, David Martin Jones and Cathy Curtis, and the two anonymous referees for their helpful comments and advice.

[2] Emer de Vattel, *Le Droit des Gens. Ou Principes de la lois naturelle, appliqués a·la conduite & aux affairs des nations & des souverains*, 3 vols, ed. M. P. Pradier-Fodere (Paris: Guillaumin, 1863); I use the recently republished 1797 anonymous translation, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, with Three Early Essays on the Origin and Nature of Natural Law and on Luxury*, eds Béla Kapossy and Richard Whatmore (Indianapolis: Liberty Fund, 2008).

states-system. This reconstruction was made necessary by the realization that relations *among* sovereign states are fundamentally different from relations *within* them, and that this difference should yield characteristically different rules and institutions to manage the different political practices and problems that arise in this milieu. The transformations in statecraft and the various diplomatic and strategic developments Europe experienced in the seventeenth and eighteenth centuries provided a context for Vattel's reception and modification of the laws of nature and nations.

Vattel's reconstructive efforts, in attuning the law of nations to the empirical circumstances and political realities of the European states-system, granted the law of nations a certain amount of separation and autonomy from the law of nature, as if the connection between the two laws were mediated by a kind of clutch mechanism. Just as a clutch mechanism enables a user to control, limit, or adjust the transmission of power, from, say, an automobile engine to the wheels or a drill motor to the chuck, so as to deliver variable degrees of power or torque, Vattel analogously permits wielders of the law of nations a variable control over how much it engages or disengages from the law of nature. Vattel's modifications gave rise to a law of nations which permits statesmen to adjust or limit the extent to which the moral authority of natural law empowers or constrains statecraft. This had the important political consequence for Vattel of furnishing a distinctive set of rules (and accompanying institutions) for governing the conduct of sovereign territorial states in the European states-system, and thereby emancipating international politics from the influence of universalizing Christian or imperial moralities. By so doing, Vattel reinscribed the law of nations in reason of state, and posited the idea that, when it comes to relations among states, states legitimately adhere to unique forms of moral reasoning and political calculation.

To show how Vattel's reconstructed law of nations accommodates reason of state imperatives, the essay proceeds in four parts. First, I introduce the topic by positioning Vattel in relation both to the reason of state literature and to the law of nature and nations upon which Vattel primarily draws. Second, I provide an extended account of Vattel's reconstruction of natural law, showing how it disengages the law of nations from the law of nature, and situating Vattel's treatise in historiographies of the law of nature and nations. In the third part, I elaborate the diplomatic casuistry Vattel introduced into his *Law of Nations*, explaining how it legitimates the rights of self-preservation, security, and war in a context of changing diplomatic practices. Finally, I restate the argument that Vattel's *Law of Nations* can be interpreted as a continuation of the reason of state literature by virtue of its assumption that the state possesses a form of knowledge and reason peculiar to itself, especially in

its foreign relations where the specialized knowledge of diplomacy and the balance of power were paramount to the state's preservation.

II: Vattel, the Law of Nations, and Reason of State

The purpose of *The Law of Nations*, says Vattel, is to explain 'in what manner states, as such, ought to regulate all their actions'.[3] It promises a normative programme of statecraft which, by affording the law of nations a degree of give and disengagement from natural law, can better preserve the 'international' order as a system of independent states.[4] Vattel's normative programme of statecraft performs two functions vital to the maintenance of this international order: first, it acts as a bulwark against residual attempts at universal monarchy; and second, it undercuts metaphysical appeals to natural justice and objective morality in relations among states. By these means, Vattel's programme sought to contain instability and disorder in the European states-system, which, on his diagnosis, stemmed from universalizing, supra-territorial doctrines of justice and moral truth, or predatory glory-seeking imperialism.

While developments in eighteenth-century diplomacy and statecraft formed a crucial context for Vattel's reception and reconstruction of the law of nature and nations, his normative programme predominantly grows out of the secularizing humanist constructions of natural law articulated by Alberico Gentili, Hugo Grotius, Thomas Hobbes, and Samuel Pufendorf, especially in its application to international relations. This is despite the fact that in his understanding of the sovereign state as a perfectible body politic, Vattel explicitly draws upon metaphysical elements of scholastic natural law, as enunciated by Gottfried Leibniz and Christian Wolff.[5] But the terms of Vattel's normative programme are not drawn exclusively from the wide-ranging array of discourses assembled under the heading of the law of nature and nations; important also are two discourses that grew in popularity and stature in the preceding centuries – what might be called 'diplomatic theory' and 'balance of power theory', both of which represent developments within the 'mirror-for-princes' genre. The overall consequence of Vattel's absorption of these

[3] Vattel, *Law of Nations*, Preliminaries, §3, p. 67.

[4] I place the adjective 'international' in quotation marks to indicate awareness of the anachronism risked by using the term in this context.

[5] See Vattel's additional essays included in the 2008 edition of *Law of Nations*, eds Kapossy and Whatmore: 'Essay on the Foundation of Natural Law and on the First Principle of the Obligation Men Find Themselves Under to Observe Laws', pp. 747–71; and 'Dissertation on This Question: Can Natural Law bring Society to Perfection Without the Assistance of Political Laws?', trans. T. J. Hochstrasser, pp. 773–81.

discourses into a modified law of nature and nations, it shall be argued here, was to construct a law of nations responsive to the demands of reason of state.

Even if Vattel's writings do not engage directly with the reason of state literature that flourished after the Piedmontese Jesuit Giovanni Botero (1540–1617) published *Della Ragion di Stato* in 1589, it is not unreasonable to align his reconstructed law of nations with reason of state.[6] This essay makes no attempt to provide a comprehensive account of the reason of state literature, it merely notes that the diverse array of European thinkers associated with this literature accepted Botero's starting point, that 'Reason of State is knowledge of the means to found, preserve and expand' a state.[7] From its intellectual inspiration in the writings of Cornelius Tacitus and Niccolò Machiavelli, through Botero and his Italian contemporaries Girolamo Frachetta, Ludovico Zuccolo, and Scipione Ammirato, to 'anti-Machiavellian' successors such as the Jesuits Pedro de Ribadeneyra and Thomas Fitzherbert, the Flemish Stoic Justus Lipsius, and the German professors of politics and history Arnold Clapmar and Johann Christian Becman, among others, reason of state literature was concerned to elaborate the methods necessary for preserving the state.[8] As Botero put it in the 1598 edition of his treatise, preserving the state occasionally required political actions that 'non si possono ridurre a ragione ordinaria e commune' (cannot be reduced to ordinary and common

[6] Botero, *Della Ragion di Stato* (1589), ed. Chiara Contanisio (Rome: Donzelli, 2009). The English translation is *The Reason of State*, trans. P. J. and D. P. Waley (London: Routledge and Kegan Paul, 1956). References to the English translation are placed in brackets.

[7] Botero, *Ragion di Stato*, p. 7 (p. 3).

[8] In addition to Friedrich Meinecke's classic, *Machiavellism: The Doctrine of Raison D'État and Its Place in Modern History*, trans. Douglas Scott (London: Routledge and Kegan Paul, 1957), see the following for useful accounts of the reception of Machiavelli and for the context and development of reason of state literature: Robert Bireley, *The Counter-Reformation Prince: Anti-Machiavellianism or Catholic Statecraft in Early Modern Europe* (Chapel Hill: University of North Carolina Press, 1990); Peter Burke, 'Tacitism, Scepticism, and Reason of State', in *The Cambridge History of Political Thought, 1450–1700*, eds J. H. Burns with Mark Goldie (Cambridge: Cambridge University Press, 1994); William F. Church, *Richelieu and Reason of State* (Princeton: Princeton University Press, 1972), pp. 44–80; Chiara Contanisio, 'Introduzione', in Botero, *Ragion di Stato*, pp. xi–xxxii; Peter S. Donaldson, *Machiavelli and Mystery of State* (New York: Cambridge University Press, 1988), Chapter 4, pp. 111–40; Horst Dreitzel, 'Reason of State and the Crisis of Political Aristotelianism: An Essay on the Development of 17th Century Political Philosophy', *History of European Ideas*, 28:3 (2003), 163–87; Giuliano Procacci, *Machiavelli nella Cultura Europea dell'Età Moderna* (Roma-Bari: Laterza, 1995); Richard Tuck, *Philosophy and Government, 1572–1651* (Cambridge: Cambridge University Press, 1993), Chapters 2–3, pp. 31–119; Maurizio Viroli, *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics, 1250–1600* (Cambridge: Cambridge University Press, 1991).

reason).[9] It was this acceptance of 'extraordinary' reasons and laws that provided reason of state literature with its distinctive political programme: the consideration of practical 'rules of good government' unconstrained by the conventional philosophical privileging of *honestum* (the right) over *utile* (the useful).[10] Prudence – as judicious decision-making based on wide knowledge and good counsel – and interest – as the overriding imperative of policy – become the guiding principles for reason of state.

As an art of government concerned chiefly with preserving the state, reason of state allowed a more pragmatic approach to politics, representing, as Robert Bireley observes, an increased disposition to casuistry.[11] Despite significant stylistic differences of intellectual inheritance and levels of abstraction between the reason of state literature and Vattel's reconstructed natural law discourse, there is convergence around the recognition that states possess their own specific forms of knowledge and reason. Even though Vattel aimed to build a systematic 'science' of state rights out of the more abstract conceptual resources made available through the laws of nature and nations, his intention was nonetheless to provide practical rules of statecraft specifically tailored to the good management of international affairs.

III. Vattel's Reconstruction of Modern Natural Law: A 'distinct science' of the International

The foundations of Vattel's reconstruction of natural law is set out in the 'Preface' and 'Preliminaries' of his *Law of Nations*. In these two chapters, he outlines his general theoretical principles. The 'Preface' is primarily concerned with situating the argument within the tradition of the law of nature and nations; the 'Preliminaries' with establishing the theoretical foundations of the law of nations as a more-or-less independent body of rules for regulating interactions among states. 'The law of nations', he says, 'is the science which teaches the rights subsisting between nations or states, and the obligations correspondent to those rights'.[12] What is novel about this enterprise is the

[9] Botero, *Ragion di Stato*, p. 185 (p. 3). Peter Burke notes that the word '*ragione*' in this context might equally be rendered as 'law': Burke, p. 480.

[10] Botero, *Ragion di Stato*, pp. 35–37 (p. 34). See also Noel Malcolm's valuable chapter on '"Reason of State" and Hobbes', in Malcolm, *Reason of State, Propaganda, and the Thirty Years' War: An Unknown Translation by Thomas Hobbes* (Oxford: Clarendon Press, 2007), pp. 92–123 (pp. 93–94).

[11] Robert Bireley, 'Scholasticism and Reason of State', in *Aristotelismo Politico e Ragion di Stato, Atti del Convegno Internazionale di Torino 11–13 Febbraio 1993*, ed. A. Enzo Baldini (Florence: Leo S. Olschki, 1995), pp. 83–101 (p. 85).

[12] Vattel, *Law of Nations*, Preliminaries §3, p. 67.

focus on how this 'science of right' applies to states and their interactions. The long history of natural law theory had always been concerned with elaborating rights and duties, but Vattel is arguably the first thinker driven by the ambition of rendering the law of nations as 'a distinct science' (*une science particulière*) of the states-system.[13]

III.i. Disengaging the Law of Nations from the Law of Nature

Vattel's 'distinct science' of the international – a normative programme of statecraft for the management of the states-system – rests on a theoretical legitimation for disengaging the law of nations from the law of nature. This section explains the argumentative moves Vattel makes within the law of nature and nations to secure this disengagement, and, in the process, carve out the law of nations as a distinct science of international statecraft.

The Law of Nations commences with Vattel voicing his disappointment at the poor treatment the law of nations has thus far received: 'though so noble and important a subject', he laments, the law of nations 'has not hitherto been treated of with all the care it deserves'.[14] The crux of Vattel's complaint here is the failure to characterize properly natural law's relationship to the law of nations. Until now, he claims, the law of nations either has been conflated with the natural law, or has not been sufficiently differentiated from it. The first criticism is aimed at Hobbes and Pufendorf, the second at Grotius. The problem, he avers, is that none of these seventeenth-century giants of natural jurisprudence establishes a distinct enough conception of the law of nations. Whether or not Vattel is entirely correct in his assessment of Grotius, Hobbes, and Pufendorf when he makes this claim will be left aside here, though in general it seems to be accurate, since none of these thinkers was trying to expound a normative programme for the diplomatic management of the European states-system and thus each was content to leave the law of nature and nations conjoined.[15] Their normative programmes were focused elsewhere, responding to different political problems and circumstances.

[13] Vattel, *Law of Nations*, Preliminaries §6, p. 69. I use the term states-system as did Martin Wight in *Systems of States*, ed. Hedley Bull (Leicester: Leicester University Press, 1977), Chapter 1, pp. 21–45.

[14] Vattel, *Law of Nations*, Preface, p. 5.

[15] For excellent recent accounts of Hobbes on the relationship between international relations and the law of nature, see David Armitage, 'Hobbes and the Foundations of Modern International Thought', in *Rethinking the Foundations of Modern Political Thought*, eds Annabel Brett, James Tully, and Holly Hamilton-Bleakley (Cambridge: Cambridge University Press, 2006), pp. 219–35; and Noel Malcolm, *Aspects of Hobbes* (Oxford: Clarendon Press, 2002), esp. 'Hobbes's Theory of International Relations', pp. 432–56.

Nonetheless, Vattel joins his illustrious predecessors in articulating a secular natural law theory capable of resisting scholastic and imperialist incursions against sovereign territorial states.

The first step in Vattel's argument is to repeat the state of nature analogy made by Hobbes and Pufendorf. The defining characteristic of this condition (*status*) is the absence of a common authority. As Pufendorf says of the 'natural state' – clearly drawing on Hobbes's original exposition in *Leviathan* – 'no one is subject to another', each possesses a right of 'natural liberty'.[16] Since there is 'no relationship of subjection' in this state of nature, 'every man is held to be equal to every other'.[17] By being a realm of equals without any superior, the state of nature is thus constitutively opposed to the civil state.[18] The one condition is defined by 'natural liberty', the other by political subjection. Pufendorf, like Hobbes, points to international relations as an empirical historical instance of this state of nature: '[t]his is the condition [*status*] that now exists between different states [*civitas*]'.[19] He had previously expressed the same point in *Law of Nature and Nations*: 'commonwealths and their officials may properly claim for themselves the distinction of being in a state of natural liberty.'[20] Though Hobbes and Pufendorf both recognized the 'masterless' condition in which states find themselves, neither felt compelled to elaborate much further on this empirical condition of 'natural liberty'. This is where Vattel makes his contribution, beginning at the point where Grotius, Hobbes, and Pufendorf left off.

Vattel sees 'natural liberty' as a property of both men and states: 'nations or sovereign states are to be considered as so many free persons living together in the state of nature.'[21] But this state of nature is not bereft of rules; it is governed by the natural law: 'As men are subject to the laws of nature, ... the entire nation ... remains subject to the laws of nature, and is bound to respect them in all her proceedings.'[22] Vattel's main intention here is firstly, to affirm the original natural liberty of both men and states, and secondly, to insist that 'the obligations of the law of nature are no less binding on states ... than on

[16] Samuel Pufendorf, *On the Duty of Man and Citizen according to Natural Law*, ed. James Tully, trans. M. Silverthorne (Cambridge: Cambridge University Press, 1991), Book II, Chapter I, §5 & §8. See also Pufendorf, *The Law of Nature and Nations in Eight Books*, trans. C. H. and W. A. Oldfather (Oxford: Clarendon Press, 1934), II, II, §4.

[17] Pufendorf, *On the Duty of Man*, II, I, §8, p. 117.

[18] Pufendorf, *On the Duty of Man*, II, I, §5, p. 116.

[19] Pufendorf, *On the Duty of Man*, II, I, §6, p. 116.

[20] Pufendorf, *Law of Nature and Nations*, II, II, §4.

[21] Vattel, *Law of Nations*, Preliminaries, §4, p. 68.

[22] Vattel, *Law of Nations*, Preliminaries, §5, p. 68.

individuals'.[23] By virtue of being 'moral persons', states, like individuals, are subject to the natural law. Vattel is merely following Hobbes and especially Pufendorf here in conceiving states as persons – albeit artificial as opposed to physical ones – but as moral persons (both in the artificial and ethical sense), Vattel infers, states bear normative significance and remain subject to natural law, however minimally.[24]

Insofar as he takes states to be moral persons, and accepts that all moral persons are subject to natural law, Vattel is in agreement, once again, with Hobbes and Pufendorf. All three agree that the law of nature is the source of men's and states' rights and duties. But Vattel is explicit in affirming that 'the law of nations is originally no other than the law of nature applied to nations'.[25] After confirming the provenance of the law of nations in natural law, Vattel resolves to show that the two laws are not identical and that the former may be disengaged from the latter. Laws must be tailored to their subjects, or as our Swiss jurist and diplomat puts it, 'made in a manner suitable [*manière convenable*] to the subject'.[26] Therefore, 'we are not to imagine that the law of nations is precisely and in every case the same as the law of nature';[27] adjustments must be made in its application.

Vattel's next step is to assert the distinctiveness of the law that applies to states and that transforms the law of nature into the law of nations. It was Wolff, Vattel says, who systematized a natural law uniquely geared towards sovereign states. He was the one who demonstrated, in a way that no one had done previously, that the law of nations should be treated as a 'distinct system'.[28] Hobbes had made an important innovation in dividing the natural law into a law of man and a law of states, says Vattel, but his account remained 'imperfect' (*imparfaite*), for he failed to comprehend that when applied to states the natural law (*le droit naturel*) must necessarily

[23] Vattel, *Law of Nations*, Preface, p. 5.

[24] Vattel, *Law of Nations*, Preliminaries, §2, p. 67; Pufendorf, *Law of Nature and Nations*, VII, II, §13, pp. 983–84. For an extended discussion of Pufendorf's theory of 'moral entities', see Fiametta Palladini, 'I meriti di Pufendorf nell'etica e la sua teoria degli enti morali', in *Dal 'De iure naturae et gentium' di Samuel Pufendorf alla codificazione prussiana del 1794*, ed. Marta Ferronato (Padova: CEDAM, 2005), pp. 93–114. See also Michael Seidler, 'Pufendorf's Moral and Political Philosophy', *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, accessed from <http://plato.stanford.edu/entries/pufendorf-moral/>.

[25] Vattel, *Law of Nations*, Preliminaries, §6, p. 68.

[26] Vattel, *Law of Nations*, Preliminaries, §6, p. 68.

[27] Vattel, *Law of Nations*, Preliminaries, §6, p. 68.

[28] Vattel, *Law of Nations*, Preface, p. 11.

adapt.[29] The same goes for Pufendorf, he says. Only Jean Barbeyrac, before Wolff, approaches the 'true idea'. Barbeyrac recognized that the natural law 'must necessarily undergo some modifications' when applied to states, as opposed to individuals, but still he did not deliver a separate and distinct law of nations.[30] It was Wolff, the 'great philosopher' of Halle, for whom '[t]his glory was reserved'.[31] The material differences between human individuals and sovereign states (the self-sufficiency and artificial construction of states, for example), and the unlike manner of their conduct, yield different moral personae furnishing distinct moral and legal rules. So when the natural law is applied to states it must be modified accordingly, resulting in what Vattel calls the 'double law' (*double droit*).[32] This double law has two strands: firstly, the *necessary* law of nations which is the strict, unmodified application of natural law to the states-system; and secondly, the *voluntary* law of nations which is the application of natural law casuistically adjusted for the political realities of the states-system.[33] The chief effect of introducing the double law, and privileging the voluntary law of nations when considering 'nations in relation to other states', to borrow the title of Book II, is to make Vattel's law of nations consistent with the requirements of reason of state.

At several points, Vattel laments that the necessary law of nations is too frequently violated, or 'rendered ineffectual by the pernicious counsels of false policy';[34] but he warns against the naïve hope that the necessary law of nations can regulate the conduct of states, saying that it would be a 'gross mistake' (*s'abuser grosseièrement*).[35] The precepts of the necessary law may be 'in themselves so noble and excellent', he says, but 'the present state of men and the ordinary maxims and conduct of nations' preclude their direct application to inter-state relations.[36] Further, since states possess natural liberty, it would be inappropriate to govern them according to the objective strictures of natural law. Vattel thus seeks to demarcate the voluntary law of nations as a pragmatic, empirically informed, natural

[29] Vattel, *Law of Nations*, Preface, p. 8.

[30] Vattel, *Law of Nations*, Preface, p. 10.

[31] Vattel, *Law of Nations*, Preface, p. 10.

[32] Vattel, *Law of Nations*, Preface, p. 17.

[33] For further elaboration on Vattel's distinction between the necessary and voluntary law of nations see Peter F. Butler, 'Legitimacy in a States-System: Vattel's *Law of Nations*', in *The Reason of States: A Study in International Political Theory*, ed. Michael Donelan (London: George Allen and Unwin, 1978), pp. 45–63.

[34] Vattel, *Law of Nations*, II, XII, §152, p. 338.

[35] Vattel, *Law of Nations*, II, I, §1, p. 261.

[36] Vattel, *Law of Nations*, II, I, §16, p. 269.

jurisprudence built around the notion of the state's natural liberty and the array of diplomatic practices and institutions inherent to the states-system. By demarcating natural jurisprudence in this manner, allowing the law of nations a degree of slippage and even full disengagement from the law of nature when cases require such adjustment, Vattel attunes the law of nations to reason of state.

III.ii. Vattel in the Historiography of the Laws of Nature and Nations

It is worth pausing at this point to consider the kind of intervention Vattel intended to make with his modification to the natural law, and the way his contribution might be incorporated into historiographies of the laws of nature and nations. Needless to say, there are multiple accounts of this historiography, but here I shall draw heavily from accounts focused on the transformation of natural law from the pens of seventeenth-century theorists such as Grotius, Hobbes, and Pufendorf. The works of Ian Hunter, Tim Hochstrasser, and Richard Tuck are central to this historiographical reconstruction, and much of what follows draws from their research. Given that much of their focus is on the seventeenth century, Vattel is usually accorded a small role towards the end of the narrative, but it is nonetheless important to acknowledge how Vattel's intervention builds on the seventeenth century even as it modifies the law of nations to adapt it to the circumstances of eighteenth-century Europe.

A citizen of the Protestant and Prussian-ruled Swiss principality Neuchâtel, Vattel was an ardent supporter of Swiss Protestant republicanism.[37] This support committed Vattel simultaneously, as Hunter notes, to the moral perfection of the state as a self-governing political community, and to the destruction of the 'supra-territorial claims of Catholic natural law'.[38] Notwithstanding the republican commitments behind his notion of state sovereignty, the bulk of Vattel's treatise is addressed to questions of 'international' relations, framed by a jurisprudential engagement with diplomatic theory and practice.[39] Though an aspiring diplomat, Vattel had

[37] Béla Kapossy, 'Rival Histories of Emer de Vattel's *Law of Nations*', *Grotiana*, 31 (2010), 5–21 (pp. 8–11). See also Béla Kapossy and Richard Whatmore, 'Emer de Vattel's *Melanges de literature de morale et de politique* (1760)', *History of European Ideas*, 34 (2007), 77–103.

[38] Ian Hunter, 'Vattel's Law of Nations: Diplomatic Casuistry for the Protestant Nation', *Grotiana*, 31 (2010), 108–40 (p. 116).

[39] Three of the four Books that make up Vattel's *Law of Nations* are concerned with 'international' relations, and by far the longest is Book II. The Books are entitled: I, Of Nations Considered in Themselves; II, Of a Nation considered in her Relation to Other States; III, Of War; IV, Of the Restoration of Peace; and of Embassies.

little diplomatic experience prior to the publication of *Law of Nations*. He was, however, well versed in natural law theories, having studied Pufendorf at the University of Basel and under Jean-Jacques Burlamaqui at the University of Geneva.

His republican metaphysics aside, Vattel may be seen as contributing to the normative programme articulated by the likes of Grotius, Hobbes, Pufendorf, Christian Thomasius, and others, whose motivation lay in removing salvational moral theologies from the civil domain, and thereby emancipating politics from religion and metaphysics. The purpose of this secularizing natural law was not to extinguish moral claims altogether, but to allow for a political morality that prized the civil goals of peace and security rather than eternal salvation. Its ends were civil or political.[40] By warning of the dangers posed by religious and moral claims of universal truth and justice in the political realm, these thinkers defended the moral legitimacy of reason of state, a form of reasoning distinctive to politics that replaced the spiritual objective of securing souls in the hereafter with the mundane objective of securing civil peace here on earth. Furthermore, these exponents of natural jurisprudence adopted an empirical and historical approach that stripped moral theologies of their metaphysical power by viewing claims to represent universal truth or justice as little more than intellectual weapons in bitter temporal battles. By detranscendentalizing morality in this way, the anti-metaphysical natural law thinkers sought not only to extinguish the flames of confessional conflict, but also to open a space for reason of state to enter public discussion at the expense of conscience.[41]

The common theme of these historiographical narratives is the suggestion that the moral legitimacy of reason of state was constructed on the political de-legitimation of morality, especially Christian scholastic versions. In Vattel, we find a natural law thinker assimilating this critique of moral conscience specifically to the law of nations. Just as Hobbes and Pufendorf insisted that, if peace is to be maintained, matters of conscience must be confined to the

[40] Vattel enumerates the ends of civil society in the same terms, saying that the general purpose is 'to procure for the citizens whatever they stand in need of, for the necessities, the conveniences, the accommodation of life', including 'a mutual defence against all external violence': Vattel, *Law of Nations*, I, II, §15, p. 86.

[41] There is an expanding and impressive literature supporting this narrative. The following is but a sample: Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*, no trans. given (Cambridge, MA: MIT Press, 1988); Tuck, *Philosophy and Government*; David Saunders, *Anti-Lawyers: Religion and the Critics of Law and State* (London: Routledge, 1997); T. J. Hochstrasser, *Natural Law Theories in the Early Enlightenment* (Cambridge: Cambridge University Press, 2000); Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2001).

private realm and should not determine (or judge) political conduct, so too does Vattel.[42] For Hobbes, Pufendorf, and Vattel alike, one must drive a wedge between inner and outer, private and public conduct, in order to replace the 'politics of conscience' with the neutral civil space of the sovereign state.[43] Hobbes, Pufendorf, and Vattel are thus all in agreement that dogmatically holding onto non-negotiable, purportedly universal moral principles, which characterizes the politics of conscience, creates dangerously inflammatory political environments. They believed that the politics of conscience would most likely lead to conflict because it allows no room for accommodation and co-existence. Whereas Hobbes and Pufendorf sought to eliminate the politics of conscience by establishing the sovereign state, Vattel seeks the same end by developing the *voluntary* law of nations; that is, by allowing the law of nations to be disengaged from the law of nature so that practical rules of statecraft could be tailored to the exigencies of the states-system. In Vattel's view, relations among states had become the main theatre where the politics of conscience was likely to do damage, so it was imperative to design a law of nations capable of containing or subduing the non-negotiable claims made on behalf of universalizing and imperial notions of justice and morality.

In the state of nature, such as the one where sovereign states exist, acts committed against the inner law of conscience (the necessary law of nations) may be judged as morally 'wrong', Vattel concedes, but there is nothing that can be done in practice. To force a state to act according to the necessary natural law would be to injure it by violating its natural liberty. Vattel thus introduces and privileges 'an essentially political morality', as Reinhart Koselleck observes,[44] one which, I argue, is designed to defend the moral legitimacy of reason of state within the broad intellectual armoury of the law of nature and nations. According to this political morality, which Vattel sets out under the name of a 'voluntary law of nations', states may legitimately suspend their obligations to other states (owed under the necessary law of nations) if they judge them to be detrimental to their own preservation and security. The point of subordinating the necessary law of nations to the voluntary law of nations, and adopting what Hunter calls 'diplomatic casuistry', is not simply to guarantee the rights of states and to maintain order

[42] This is Koselleck's argument: Chapter 3, pp. 41–50.

[43] I have recounted Hobbes's and Pufendorf's denunciations of conscience and moral theology in 'Between Kant and Pufendorf: Humanitarian Intervention, Critical International Theory and a Critique of Statist Anti-Cosmopolitanism', *Review of International Studies*, Special Issue, 33 (2007), 151–74.

[44] Koselleck, p. 45.

in the European states-system, but to defend the political morality specific to the states-system; namely, reason of state.

In a recent path-breaking article, Hunter has shown how interpretations of Vattel are flawed to the extent that they portray the *Law of Nations* as falling into idealistic irrelevance or immoral *Realpolitik* because of alleged contradictions. Hunter accepts that Vattel's treatise is indeed riven by an irreducible tension between universal principles of justice and morality on the one side, and maxims of particular state interests on the other; what Vattel calls the 'double law'. But rather than criticize this 'normative duality' or 'double law' for its philosophical incoherence or Machiavellian hypocrisy, or applaud it for its promise of philosophical sublation in a higher law of nature and nations, Hunter identifies an altogether different purpose behind the duality, namely, its purpose in framing 'an exemplary practice of diplomatic casuistry'.[45] This diplomatic casuistry, as Hunter observes, allows Vattel to adjust, and if necessary, suspend, the necessary law of nations under particular circumstances. The statesman must judge situations and make decisions on the basis of prudential calculations and historical conventions of statecraft that supplement and on occasion supplant the necessary law of nations.[46]

Vattel's purpose is not to reconcile the necessary and the voluntary law of nations, but to allow statesmen room for manoeuvre in a complex political environment like the European states-system. His voluntary law of nations is thus conceived as an autonomous normative framework capable of disengaging from the necessary law of nations; and most importantly, permitting reason of state to displace 'inner conscience' as the impulse behind political judgement. Tim Hochstrasser proposes a similar reading, suggesting that Vattel allows 'the conscience of a sovereign ... to take its bearings from political facts rather than moral laws and that the amelioration of international strife is more likely to occur by allowing calculations of *raison d'état* to have weight than through excluding them'.[47] The following section demonstrates how Vattel deploys his diplomatic casuistry when discussing security, war, and the balance of power.

[45] Hunter, 'Vattel's Law of Nations', p. 114.

[46] Hunter, 'Vattel's Law of Nations', p. 114–15.

[47] Hochstrasser, p. 181.

IV. Vattel's Diplomatic Casuistry: Security, War, and the Balance of Power

IV.i. Self-preservation, Security, and the Right to War

As might be expected given his intellectual debts to Grotius, Hobbes, and Pufendorf, Vattel reserves his harshest criticisms in the *Law of Nations* for transcendent or universal claims to authority, whether it is the temporal authority claimed by the Holy Roman Empire, the spiritual authority of the pope, or by a state intent on interfering in the affairs of other states. In all such cases, Vattel dismisses claims to represent universal or objective justice or theological truth for the threat they pose to the states-system. All such appeals to inner conscience or universal morality are regarded by Vattel as spurious at best and dangerous at worst when made in the political realm.

While Vattel appears to insist on states adhering to the 'eternal and immutable law of nature', he consistently resiles from it, permitting states to deviate from a strict interpretation of the necessary natural law. He elaborates his diplomatic casuistry by recounting a series of cases where the 'offices of humanity' reach their limits. In each case, the limit is the state's duty of self-preservation. A moral person's 'first duty', according to Vattel, is always to its own preservation. Nothing can deprive a moral person of the things necessary to survival. In explicitly linking this idea to the state, Vattel proclaims that under the law of nations, states have 'a right to everything necessary for [their] preservation'. So when Vattel extols the virtues of the 'offices of humanity', it is never at the expense of a state's self-preservation, a notion that Grotius, Hobbes, and Pufendorf all made central to their modern reconstructions of natural law.[48] States may be obliged to do 'everything in [their] power for the preservation and happiness of others' but according to Vattel, duties to humanity are only compelling when they can be reconciled with states' duties to themselves.[49]

Like his seventeenth-century natural law predecessors, Vattel's starting point in these matters is not scholasticism's idealized Christian image of moral–rational man, but the empirical anthropology informing skeptical and epicurean humanisms. The 'present state of men' and 'the ordinary maxims and conduct of nations' form Vattel's starting point here, acting as limits and modifiers to natural law's precepts when considering the political

[48] Richard Tuck, 'The "Modern" School of Natural Law', in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge: Cambridge University Press, 1987), pp. 99–120.

[49] Vattel, *Law of Nations*, II, I, §2, p. 261.

pressures and exigencies of the states-system. Given political realities, the law of nations lowers the expectation that states ought to promote universal justice; otherwise they risk being exploited by more ruthless politicians and statesmen. As Vattel puts it:

> The law of nature cannot condemn the good to become dupes and prey of the wicked, and the victims of their injustice and ingratitude. Melancholy experience shews that most nations aim only to strengthen and enrich themselves at the expense of others, – to domineer over them, and even, if an opportunity offers, to oppress and bring them under the yoke.[50]

The law of nations is thus presented by Vattel as a normative framework entirely consistent with the fundamental imperative of self-preservation, or, to use the phrase Vattel employs when discussing relations among states, the '*droit de sûreté*' (right to security).[51]

So while a state should be prepared 'to labour for the preservation of others and for securing them from ruin and destruction', it is not required to expose itself to too great a risk to its own security and survival.[52] Vattel uses this emphasis on self-preservation as the preface to a discussion of pre-emptive attacks for the purposes of protecting others. He argues that a state has a duty to defend another state 'unjustly attacked by a powerful enemy who threatens to oppress it'.[53] But it is important to note here that Vattel's reasoning is not driven by an altruistic commitment to the offices of humanity; rather, it is driven by an interest in acting to forestall tilts at universal domination. This is revealed later in the same discussion where Vattel says:

> It is the interest of princes to stop the progress of an ambitious monarch who aims at aggrandizing himself by subjugating his neighbours. A powerful league was formed in favour of the United Provinces, when threatened with the yoke of [Louis] XIV.[54]

The alliance formed to counter Louis's assaults on the Dutch in the 1670s, was less concerned with the plight of the United Provinces than with the consequences of failing to resist the Sun King's hegemonic designs; the Spanish Habsburgs were no friends of the Dutch but they nevertheless joined the war effort to defend them against the French. The point, for Vattel, is that resort to force is legitimate, and consistent with the natural law duty to others, when exercising the balance of power.

[50] Vattel, *Law of Nations*, II, I, §16, p. 269.

[51] See Vattel, *Law of Nations*, II, IV, pp. 289–95.

[52] Vattel, *Law of Nations*, II, I, §4, p. 262.

[53] Vattel, *Law of Nations*, II, I, §4, p. 263.

[54] Vattel, *Law of Nations*, II, I, §4, p. 263.

Each state or nation, says Vattel, possesses a right to 'preserve herself from all injury'.[55] This right may be defended by force if necessary.[56] Moreover, it extends forward in time, permitting pre-emptive attacks, since states have 'a right to provide for their future security'.[57] States need not wait until they, or their friends or neighbours, are attacked or disturbed before doing something about it. As Vattel avers:

> If then there is anywhere a nation of a restless and mischievous disposition, ever ready to injure others, to traverse their designs, and to excite domestic disturbances in their dominions, – it is not to be doubted that all the other nations have a right to form a coalition in order to repress and chastise that nation, and to put it forever after out of her power to injure them.[58]

States like France under Louis XIV earn a reputation for imperial aggrandizement against which others may legitimately take pre-emptive action. If it is legitimate for states to wage pre-emptive wars to forestall hegemonic ambitions, states unquestionably possess a right to take up arms against imperial predation. In perhaps the most significant chapter of Vattel's treatise, Book III, Chapter 3, Vattel makes this point exactly. 'It is asked', says Vattel,

> whether the aggrandisement of a neighbouring power, by whom a nation fears she may one day be crushed, be a sufficient reason for making war against him, – whether she be justifiable in taking up arms to oppose his aggrandisement, or to weaken him, with the sole view of securing herself from those dangers which the weaker states have almost always reason to apprehend from an overgrown power.[59]

Although Vattel confirms the natural right states have to increase their 'power by all the arts of good government', this right does not extend to unjustifiable predation. States on the receiving end of aggrandizement certainly have a right to defend themselves by force; but more interestingly, Vattel invokes historical experience to demonstrate the risks of allowing a state to grow too powerful. '[I]t is but too well known from sad and uniform experience, that predominating powers seldom fail to molest their neighbours, to oppress them, and even totally subjugate them', whenever presented with an opportunity.[60] Vattel infers from historical experience that prudence and

[55] Vattel, *Law of Nations*, II, IV, §49, p. 288.

[56] Vattel, *Law of Nations*, II, IV, §50, p. 288.

[57] Vattel, *Law of Nations*, II, IV, §52, p. 289.

[58] Vattel, *Law of Nations*, II, IV, §53, p. 289.

[59] Vattel, *Law of Nations*, III, III, §42, p. 491.

[60] Vattel, *Law of Nations*, III, III, §42, p. 491.

interest require states to take pre-emptive action against imperial ambition, whether or not they have not suffered direct harm themselves. 'Should a formidable power betray an unjust and ambitious disposition by doing the least injustice to another', Vattel argues,

> all nations may avail themselves of the occasion, and, by joining the injured party, thus form a coalition of strength, in order to humble that ambitious potentate, and disable him from so easily oppressing his neighbours, or keeping them in continual awe and fear.[61]

In the face of such threats, and mindful of historical experience, Europe's rulers must maintain constant vigilance. They should recall European experience during the first half of the sixteenth century when Charles V, Henry VIII, and Francis I remained watchful of each other, constantly making and breaking alliances, and joining armed resistance to imperial design, in order to maintain 'the liberties of all Europe'.[62] This phrase had become widespread in Restoration and post-Restoration English discussions of foreign policy. An explosion of pamphlets appeared during these years, expressing concern at the English failure under the Stuarts to contain Louis XIV's aspiration to achieve 'universal monarchy', and advocated a war against France to maintain the balance of power. Vattel was an avid supporter of England's role as 'balancer', so would have been well aware of this phrase's meaning.[63]

By operating to maintain the liberties or natural rights of states, the balance of power achieves a central importance in Vattel's version of the law of nations. It is the chief means by which the states-system is preserved as a system of independent, sovereign territorial states. 'Of all the rights that can belong to a nation, sovereignty is, doubtless, the most precious, and that which other nations ought the most scrupulously to respect', says Vattel.[64] And since all states are morally and legally equal insofar as they are sovereign,[65] no state has a right to pass judgement on another's method of government.[66]

[61] Vattel, *Law of Nations*, III, III, §45, pp. 494–95.

[62] Vattel, *Law of Nations*, III, III, §45, p. 495; see also, Richard Whatmore, '"Neither Masters nor Slaves": Small States and Empire in the Long Eighteenth Century', *Proceedings of the British Academy*, 155 (2009), 53–81.

[63] England, says Vattel, 'has the glory of holding the political balance': *Law of Nations*, III, III, §48, p. 497.

[64] Vattel, *Law of Nations*, II, IV, §54, p. 289.

[65] Vattel, *Law of Nations*, Preliminaries, §18, p. 75, where Vattel famously says that 'A dwarf is as much a man as a giant'.

[66] Vattel, *Law of Nations*, II, IV, §55, p. 290.

To illustrate this point that states have no right to judge others who possess the same natural liberty and equality, Vattel cites the case of Spain setting themselves up as judges over Athualpa's government of the Incas in the sixteenth century. If the Incas had injured the Spanish, the latter would have had a right to punish the former, he says. But since Athualpa was accused of murdering his own subjects, not the Spanish, by engaging in polygamy and other such things 'for which he was not accountable at all to [Spain]', Spain's alleged right to mete out punishment in this case derived from a violation of the law of nations.[67] The natural law justice Spain claimed to be exercising was spurious, grounded on nothing but their self-proclaimed moral authority. So despite Spanish claims to be enforcing an objective or universal conception of the natural law, Vattel follows Pufendorf in denying any state the right to judge others.[68]

Denial of this right to judge others extends to cases of war. By defining war as the prosecution of rights by force,[69] Vattel asserts that states alone are in a position to determine what is necessary to uphold their rights and protect themselves. In 'regular wars', that is, wars between sovereign states, 'both sides [are] accounted just', and 'no one has a right to judge a nation' and 'what she thinks necessary for her own safety' (*sûreté*).[70] This is despite the fact that, according to the necessary law of nature, only one side in a war can be judged to have justice behind it. Vattel's reasoning here is a practical response to historical experience. It is counterproductive, he says, to insist on a distinction between just and unjust war in relations among states.[71] This would likely open the 'door to endless discussions and quarrels', lengthening and exacerbating the violence, and doing nothing to prepare the way for the peaceful settlement of a dispute.

As a counter to the image of contending accounts of justice or moral truth, Vattel supplies a notion of war fought within an overarching framework of norms and institutions formed by the European states-system. For Vattel, European states are bound together by common interests and common institutions, such as diplomacy and the balance of power to form a states-system. In what is perhaps the most famous passage of the *Law of Nations*, Vattel enlarges on this notion:

[67] Vattel, *Law of Nations*, II, IV, §55, p. 290.

[68] See Pufendorf, *Law of Nature and Nations*, II, II, §4, and V, VIII, §2.

[69] Vattel, *Law of Nations*, III, I, §1, p. 469.

[70] Vattel, *Law of Nations*, III, XIII, §195, p. 594.

[71] Vattel, *Law of Nations*, III, XIII, §195, p. 595.

> Europe forms a political system, an integral body, closely connected by the relations and different interests of the nations inhabiting this part of the world. It is not, as formerly, a confused heap of detached pieces, each of which thought herself very little concerned in the fate of the others, and seldom regarded things which did not immediately concern her. The continual attention of sovereigns to every occurrence, the constant residence of ministers, and the perpetual negotiations, make of modern Europe a kind of republic, of which the members – each independent, but all linked together by the ties of common interest – unite for the maintenance of order and liberty. Hence arose that famous scheme of the political balance, or the equilibrium of power; by which is understood such a disposition of things, as that no one potentate be able absolutely to predominate, and prescribe laws to the others.[72]

This passage contains the clearest statement of Vattel's normative programme and his conception of the states-system. States forming this system had become conscious of interacting in the same system or field of action, aware that their actions inevitably hold implications for other states, and that if they are to preserve themselves they must take into account the actions and intentions of other states. This states-system may still contain risks of violence and war, but it also contains mechanisms for averting any state from resorting to force, or at least using force for the purposes of maintaining the 'liberties of Europe', and thus achieving the security and liberty of independent states. In particular, as Vattel underscored in this and other passages, it is the crucial role played by the balance of power and diplomatic machinery that socializes and disciplines states into conduct consistent with the law of nations.

IV.ii. Developments in Diplomacy and the Balance of Power

If the seventeenth century had been a century of religious wars, the eighteenth was shaping up as a century of dynastic wars, with crisis and conflict breaking out over the successions in Spain, Sweden, France, Austria, and Poland.[73] But in the responses of European powers to these cases, it became clear that dynasticism, as a determinant of foreign policy, was under severe challenge by a more politically savvy calculation of state interests. The Treaty of Utrecht (1713) had already demonstrated this as Europe's great and emerging powers fought to stave off a legitimate French claim to inherit the Spanish crown, which would have seen a vast and dangerous growth in Bourbon power and authority. Traditional laws of succession were suspended to avoid a political

[72] Vattel, *Law of Nations*, III, iii, §47, p. 496.

[73] J. H. Shennan, *International Relations in Europe, 1689–1789* (London: Routledge, 1995).

outcome that all of Europe, except for the French, was desperate to avoid, the threat of 'universal monarchy'. The Treaty of Utrecht had made the point explicitly: 'the great danger which threatened the liberty and safety of all Europe, from too close conjunction of the kingdoms of Spain and France', was to be averted, it insisted, 'by an equal balance of power (which is the best and most solid foundation of a mutual friendship, and of a concord which will be lasting on all sides)'.[74] The balance of power was understood as an alternative means of securing European order beyond the unpalatable choices of 'universal monarchy' and the anarchy of religious war.

The balance of power required states to monitor their environment more closely. Diplomacy increasingly became viewed as a vital instrument of state, and contributed to the establishment of foreign ministries and the institutionalization of regular diplomacy across Europe. Maurice Keens-Soper highlights the development on this front by comparing the French foreign ministry in 1661, when Louis XIV assumed the crown, to 1713, at the Utrecht settlement. In the space of this half-century of Louis's rule, the French Foreign ministry and diplomatic appurtenances grew dramatically from their humble origins in a small handful of clerks. By 1713, Keens-Soper notes, 'twenty coaches were needed to transport [the Marquis de] Torcy and his specialized entourage of secretaries, permanent officials, heads of bureaux, interpreters, archivists, code clerks and all'.[75] New foreign ministries were also established in this period, including Spain in 1714, Savoy in 1717, Brandenburg–Prussia in 1728. Great Britain eventually established a separate foreign ministry in 1782.[76]

The period since the 1670s, when Louis was at the peak of his predatory powers, also saw the rapid development of permanent resident ambassadors across Europe. The idea was not itself new, but princes and their foreign ministers came increasingly to see the value in having a cadre of well-trained,

[74] Treaty of Peace and Friendship between Great Britain and Spain, signed at Utrecht, 13 July 1713, in *Consolidated Treaty Series*, ed. Clive Parry, 231 vols (Dobbs Ferry, NY: Oceana Publications, 1969), XXVIII, 325–26. For useful accounts of the Peace of Utrecht see Andreas Osiander's indispensible, *The States System of Europe, 1640–1990: Peacemaking and the Conditions of International Stability* (Oxford: Oxford University Press, 1994), Chapter 3, pp. 90–165; and Ian Clarke, *Legitimacy in International Society* (Oxford: Oxford University Press, 2005), Chapter 4, pp. 71–84.

[75] Maurice Keens-Soper, 'The French Political Academy, 1712: A School for Ambassadors', *European Studies Review*, 2 (1972), 329–55.

[76] H. M. Scott, 'The Rise of the First Minister in Eighteenth-Century Europe', in *History and Biography: Essays in Honour of Derek Beales*, eds T. C. W. Blanning and David Carradine (Cambridge: Cambridge University Press, 1996), pp. 21–52 (pp. 31–32). On Britain see D. B. Horn, *The British Diplomatic Service, 1689–1789* (Oxford: Clarendon Press, 1961).

professional diplomats in their service. Influenced by the diplomatic manuals of Abraham de Wicqefort and François de Callières, Torcy was inspired to establish a Political Academy in 1712 that would professionally train these diplomats and foreign ministry administrators to represent the nation and execute its foreign policies. This short-lived 'School for Ambassadors' devised a curriculum based on study of the law of nations and nature, particularly Grotius's *Law of War and Peace*, the study of diplomatic and treaty history, and language training.[77]

The point here is that states learned to develop administrative machinery and cultivate individuals (in the personae of statesmen or diplomats) capable of generating specialized foreign policy knowledge, developing understandings of international affairs, and more specifically, strategies, programmes, and agendas intended to fulfil short-term as well as longer-term foreign policy goals. Clearly this required knowledge of the international environment, and a capacity to analyse threats and conflicting interests. While Vattel's *Law of Nations* does not pretend to provide a detailed empirical or historical account of interests in the European states-system, it does make clear that an understanding of the international environment depends on appreciating the centrality of war, diplomacy, and the balance of power. It thus forms an intellectual response to Europe's changing political and diplomatic milieu, the aim of which was to provide statesmen and diplomats with a broad normative programme. As Vattel makes plain in his 'Preface', the law of nations laid out in his treatise is written 'principally for [sovereigns] and for their ministers', for 'conductors of states' (*conducteurs des peuples*) and those 'called to the council of nations' (*conseils des nations*).[78]

War, diplomacy, and the manipulation of the balance of power are but three of the most important political practices and institutions through which states seek to mobilize and enhance the forces of state strength for the purpose of security. In Vattel, they feature as practices and institutions specific to sovereign states which allow for the state's own political morality (reason of state) to be granted legitimacy as essential not only to the preservation of the state 'considered on its own', but to the management and preservation of the states-system as a whole. To manage effectively the state's foreign policy, governments needed to establish and maintain institutions and cultivate a cadre of professional diplomats to gather intelligence and execute policies,

[77] The Political Academy collapsed in 1721. On the Academy see Keens-Soper; and Joseph Klaits, 'Men of Letters and Political Reform in France at the End of the Reign of Louis XIV: The Founding of the Académie Politique', *Journal of Modern History*, 43 (1971), 577–97.

[78] Vattel, *Law of Nations*, Preface, p. 18.

as well as soldiers to fight wars. Vattel's *Law of Nations* offered a diplomatic casuistry which would afford statesmen a better understanding of the range of practices and reasons available to states in a states-system.

V. Reason of State: From Mirror-for-Princes to the Modern Natural Law

Though Vattel's *Law of Nations* makes no direct reference to the reason of state literature inaugurated by Giovanni Botero in the late sixteenth century, it nonetheless accepts this literature's key precept: that the state possesses its own specific forms of knowledge and reason which are vital to its security and survival. In Botero's hands, of course, this knowledge was presented as the array of techniques and instruments, ordinary and extraordinary, for founding, preserving, and extending the state's dominion.[79] This understanding of reason of state persisted into the late seventeenth and eighteenth centuries, especially in British thinking where the likes of Slingsby Bethel, John Toland, and countless other anonymous pamphleteers widened the focus of the state's 'interests' to include an analysis of Europe as a states-system.[80] Botero himself had written a sprawling account of the topography, geography, and political history of the major states across the world, that, despite its promise to 'discourse of their situations, manners, customs, strengths and policies', does little to apply reason of state analysis to international relations.[81] Nonetheless, Robert Johnson's English translation appeared in numerous editions and was widely read by travellers and politicians alike.

In the British literature published around the end of the seventeenth century, reason of state was considered not as a cynical, Machiavellian form of political manipulation, but as the legitimate pursuit of a state's interest; allowing that in cases of pressing urgency, states may need to suspend the *necessary* law of nations in order to protect themselves. In *The Art of Governing by Partys* (1701), Toland asserted that 'reason of state is nothing else but the right reason of managing the affairs of the State at home and abroad, according

[79] Botero, *Ragion di Stato*, 'Appendice 1', p. 185 (p. 3). This line was added by Botero to the 1598 edition.

[80] As a sample from England see: Slingsby Bethel, *The Interests of the Princes and States of Europe* (London, 1681); and the following three anonymous pamphlets: *Discourses upon the Modern Affaires of Europe* (London, 1680); *Europae Modernae Speculum: Or, a View of the Empires, Kingdoms, Principalities, Seigneuries, and Commonwealth of Europe* (London, 1665); *The Ballance of Power: Or, A Comparison of the Strength of the Emperor and the French King* (London, 1701).

[81] Giovanni Botero, *Le Relationi Universali* (Vicenza, 1595); English translation, *Relations of the Most Famous Kingdoms and Common-Weales Thorough the World. Discoursing of their Scituations, Manners, Customes, Strengthes and Pollicies*, trans. Robert Johnson (London, 1608).

to the Constitution of the Government, and with regard to the Interest or Power of other Nations'.[82] This means understanding reason of state not as the antithesis of ethics, but as the state's own morality; a political morality specific to the pursuit of state interests in the context of a states-system. This vision of statecraft not only detaches the ends or purposes of government from religious or moral injunction and dynasticism, it also detaches them from ruler (prince) and ruled (people).

While reason of state is commonly associated with Niccoló Machiavelli, it is important to note how Botero's articulation of reason of state marked an important difference. In *The Prince*, Machiavelli consistently relates the state (*lo stato*) to the person of the prince, advising him to act according to necessity in order to maintain *his* state.[83] Machiavelli's advice can therefore better be described as 'reason of princes'.[84] The Boterovan notion of reason of state (*ragion di stato*) is predicated on a split between the prince and state, conceiving the latter as a separate and impersonal entity.[85] This entity is an assemblage of 'forces', says Botero,[86] which the government or ruler must manipulate, manage, and harness through an array of methods and techniques all to the end of preserving and enlarging the state's dominion and strength. Reason of state literature then arises as a modern approach to the art of government that depends on, and fosters, specialized concrete knowledges of the state's interests and strengths.

Reason of state as a concept thus becomes the *modus vivendi* of a state accountable to itself alone, acting only in the interests of its self-preservation and security. This idea of reason of state was not confined to the political genre of mirror-for-princes. It also found expression in modern theories of natural law, especially those of theorists, like Hobbes and Pufendorf, whose motivation was to justify and defend the civil sovereignty of the territorial

[82] Cited in David Armitage, 'Burke and Reason of State', *Journal of the History of Ideas*, 61 (2000), 617–34 (p. 622).

[83] Quentin Skinner, *Machiavelli* (Oxford: Oxford University Press, 1981), pp. 29–47; J. H. Hexter, *The Vision of Politics on the Eve of the Reformation: More, Machiavelli and Seyssel* (London: Allen Lane, 1973), esp. 'The Predatory Vision: Niccolò Machiavelli: *Il Principe* and *lo stato*', pp. 150–72.

[84] See Quentin Skinner, *Visions of Politics, Vol. II: Renaissance Virtues* (Cambridge: Cambridge University Press, 2002), esp. 'From the State of Princes to the Person of the State', pp. 368–413.

[85] See Quentin Skinner's work on the modern state, *The Foundations of Modern Political Thought*, 2 vols (Cambridge: Cambridge University Press, 1978); 'The State', in *Political Innovation and Conceptual Change*, eds Terence Ball, James Farr, and Russell Hanson (Cambridge: Cambridge University Press, 1989), pp. 90–131; 'A Genealogy of the Modern State', *Proceedings of the British Academy*, 162 (2009), 325–70.

[86] Botero, *Ragion di Stato*, Chapter 7, pp. 131–47.

state. Reason of state in this intellectual context was used to conceptualize an anti-metaphysical version of the law of nature and nations, intended to destroy transcendent claims to authority made by the papacy and the Emperor, and expressed in appeals to universal religious truth and justice. These modern natural law theorists thus advanced reason of state as a means to overcome doctrinal, ideological, or religious fanaticism. It promoted a politics of co-existence and toleration grounded on civil as opposed to sacral conceptions of the sovereign territorial state. In the hands of Vattel, these arguments were transposed to the states-system, rendering reason of state as a specialized diplomatic and jurisprudential knowledge vital to preserving the state in a states-system rife with conflicting interests.

Vattel's intentions in *Law of Nations* are continuous with the secularizing and territorializing, normative programme of civil sovereignty articulated by modern natural law theorists such as Grotius, Hobbes, and Pufendorf. But given the changed historical circumstances, Vattel's version of modern natural law is tailored to the specific contemporary political context of the European states-system and its emergent diplomatic appurtenances, both discursive and institutional. Vattel's normative programme is thus focused primarily on the implications of this territorializing normative programme for *relations among sovereign states*. In other words, Vattel's law of nations is specific to the states-system as a discrete realm of political life.

VI: Conclusion

The purpose of this essay has been to show how the modifications Vattel made to the law of nature and nations, concerned as they were to combat doctrines of justice and moral truth and predatory forms of aggrandizement, may also be understood as a contribution to the reason of state. By grafting insights from diplomatic theory and balance of power theory onto the secular humanist constructions of modern natural law inherited from Grotius, Hobbes, and Pufendorf, Vattel was able to tailor modern natural jurisprudence to the specific demands of a states-system by disengaging the law of nations from natural law. By these means, Vattel adapted the law of nations to the demands of reason of state, improvising a normative programme that could be of practical use to statesmen engaged in the diplomatic management of the state's security and interests in a complex, and at times volatile, European states-system.

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