

## INTRODUCTION

### *The Enlightenment*

Many ages can be described as ages of enlightenment, and any definition of the eighteenth-century Enlightenment that seeks to isolate this particular period from its links with other centuries of intellectual upheaval and reorientation would be misleading. The eighteenth century reflects continuities as well as the discontinuities with which it tends to be more often identified. It was an age deeply conscious of its debt to the past, yet aware at the same time of the uniqueness of its own historical moment as an age of light, and also as an age of crisis, transition and reassessment (Gay 1969, pp. 98–125).

Within only eight decades, from the death of the Sun King, Louis XIV, in 1715 to the American Declaration of Independence in 1776 and the birth of the First French Republic in 1792, Enlightenment Europe was to witness more political and social transformation than had been seen within any single previous lifetime. The semi-divine status of royalty, already undermined in England with the Glorious Revolution of 1688, was to be terminated almost exactly a century later with an act of regicide in France that would shake the foundations of autocratic political authority throughout Europe. It is with the eighteenth-century Enlightenment, a unique product of various national Enlightenments, that the birth pangs of a political modernity, in which the realities and problems of our own world, ‘staring at us in embryo’ (Plumb 1972, p. 31), can be detected, and for which the England of the post-1688 Settlement, the France of Louis XV and Louis XVI, and the American and French Revolutions provide the dramatic backdrop.

No eighteenth-century thinker defined the Enlightenment better in contemporary terms than Kant in his seminal essay, dated 30 September 1784, entitled *An answer to the question: what is Enlightenment?* Looking back on the achievements of his time, Kant defined the Enlightenment as an intellectual coming of age, achieved slowly and painfully, and the flowering of which was still incomplete:

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*Enlightenment is man's emergence from his self-incurred immaturity. Immaturity is the inability to use one's own understanding without the guidance of another. This immaturity is self-incurred if its cause is not lack of understanding, but lack of resolution and courage to use it without the guidance of another. The motto of the Enlightenment is therefore: Sapere aude! Have courage to use your own understanding!*

Echoing the terms of Pierre Bayle's analysis of the irrational a century earlier in the *Thoughts on the comet* (1682), Kant pointed to laziness and cowardice as the reasons why 'it is so convenient to be immature!'. The shackles of past dogmas were often too familiar and comfortable to simply shake off:

Thus only a few, by cultivating their own minds, have succeeded in freeing themselves, even among those appointed as guardians of the common mass . . . Thus a public can only achieve enlightenment slowly. A revolution may well put an end to autocratic despotism and to rapacious or power-seeking oppression, but it will never produce a true reform in ways of thinking. Instead, new prejudices, like the ones they replaced, will serve as a leash to control the great unthinking mass . . . For enlightenment of this kind, all that is needed is *freedom*. And the freedom in question is the most innocuous form of all – freedom to make *public use* of one's reason in all matters . . . If it is now asked whether we at present live in an *enlightened* age, the answer is: no, but we do live in an age of *enlightenment*. As things are at present, we still have a long way to go before men as a whole can be in a position (or can even be put into a position) of using their own understanding confidently and well in religious matters, without outside guidance. But we do have distinct indications that the way is now being cleared for them to work freely in this direction, and that the obstacles to universal enlightenment, to man's emergence from his self-incurred immaturity, are gradually becoming fewer. (Reiss and Nisbet 1991, pp. 54, 55, 59–60)

Freedom to think and to express thought, freedom to act, the casting-off of external controls (often self-imposed) in the use of the human mind, were all identified by Kant as key components of the spirit of the times. Illumination of the nature of the Enlightenment's mission had also been the purpose of an earlier defining essay, Jean d'Alembert's *Preliminary discourse* (1751), written as the preface to one of the great French monuments to the Enlightenment, Denis Diderot's multi-volumed *The Encyclopedia, or rational dictionary of the sciences, arts and*

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*crafts* (see below, pp. 32–3), where tolerance and the right to free, untrammelled enquiry had been asserted in equally memorable terms.

The political thought of the Enlightenment can be traced back to the Renaissance and the sceptical tradition of Montaigne and Charron, and of course beyond that to the ancient world (Sabine and Thorson 1973; Skinner 1980; Waddicor 1970). The more immediately influential authorities shaping the terms of eighteenth-century political discourse are, however, to be found among seventeenth-century theorists and philosophers, often vulgarised in translation from the original Latin, or German or English. Some were not to have an impact on Europe until many decades after the initial publication of their works. Many early eighteenth-century political treatises, and some later ones, are essentially responses to, and expanded commentaries upon, ideas emanating from this earlier period. The ‘delayed reaction’ effect is equally apparent in the eighteenth century. Hume noted, for example, that his *Treatise of human nature* ‘came unnoticed and unobserved into the world’, and even the tremors from an earthquake of a work like Rousseau’s *Social contract*, little read in the author’s lifetime, with only one new edition between 1763 and 1790, had to wait almost three decades before being widely felt. This hiatus between publication and impact in an age in which the dissemination of ideas was still a difficult and dangerous enterprise inevitably complicates modern attempts to assess the historical significance of individual treatises as *Enlightenment* texts.

For this reason, writers whose work reflects specific features of Enlightenment political thought, but whose influence was largely confined to their times, are included among the more familiar names of writers whose impact transcended their times, and whose ideas continue to have potency. Moreover, not all the writers included in this volume are theorists or philosophers operating uniquely in the world of ideas, like Kant or Mandeville or Barbeyrac. Several texts reflect the professional experience of men holding public office at different times in their lives and who, like Siéyès or Moser, Condorcet or Burke, were professionally involved in the practice of government. Others, like Smith, Montesquieu and Rousseau (if we count his brief period as an embassy official in Venice), moved between both worlds.

In any consideration of the period’s political thought, modern readers must also engage with the earlier ideas of Locke, Hobbes, Descartes, Boyle, Bayle, Selden and others, as well as with natural law theorists, such as Hugo de Groot (Grotius),

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Samuel Pufendorf and Richard Cumberland. Politics and theology remained closely interlinked in the Enlightenment, and what earlier schools of thought had to say on human nature, God's laws and man's laws, the authority of sovereigns, the relationship between rulers and the ruled, the social contract, property, trade, taxation, war, morality and rights remained indispensable points of reference for most Enlightenment political theorists. Locke's *Letters concerning toleration* (1689–92), the *Two treatises of government* (1690) and above all the *Essay concerning human understanding* (1690), Hobbes' *Of the citizen* (1642) and the *Leviathan* (1651), Grotius' *On the law of war and peace* (1625) and Pufendorf's *On the law of nature and nations* (1672) and *On the duty of man and citizen according to natural law* (1673) are all examples of seminal texts in this regard.

Written mainly in the form of substantial, heavily annotated, densely argued and often rebarbative treatises, many spilling over into theology and metaphysics, this rich seam of seventeenth-century political scholarship was accessible only to a relatively small and intellectually sophisticated readership, well versed in ancient and modern sources and languages. Seventeenth-century political thought evolved, moreover, in the aftermath of the Thirty Years War, of which most of Europe still carried the scars and memories, and against a background of continuing civil unrest and conflict. However, the greatest political commentators of the period bequeathed to the Enlightenment works that transcended their particular experience of historical processes, and touched upon enduring principles and dilemmas. Part of the Enlightenment's achievement was to vulgarise and clarify the arcane language and rhetorical formulations of the seventeenth-century academic treatise, and provide a much wider public access to the ideas it contained, and to an understanding of their contemporary relevance. The language of political analysis in the Enlightenment would grow increasingly secular and polite, and the modes of dissemination more varied and flexible. This is the period in which the elegant, attractively written essay would come of age, largely in response to the rise of the middle classes, and a bourgeois culture which gradually replaced that of the court. Writers like Hume (see below, pp. 26–8, 217–18) had to take increasing account of changes in taste and style, and the need to appeal to a broader and very different readership to that of the narrow circles addressed by the learned treatise-writers of the previous century. However, the old questions about the nature of man and the organisation of the civil order would continue to be posed, but answered in terms of new political and social realities, and in the language of polite society rather than that of Latin discourse. If the format and language of political

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argument changed, however, its substance and frame of reference continued to be shaped and nourished by the work of this earlier generation.

Locke's *Essay concerning human understanding*, his *Letters on toleration* and, in a rather more diffuse and ambiguous way, his *Two treatises of government*, received much attention from Enlightenment thinkers, for example. There were twenty editions of the *Essay* alone between 1700 and 1800, and countless reprints. Locke demonstrated how freedom was limited by the very nature of the civil order, and in his philosophical writings he revealed the ways in which human knowledge was limited to the world revealed by the senses, exposing the inadequacy of innate ideas as a principle of understanding. In the second of the *Two treatises* contemporary acceptance of biblical, patriarchalist accounts of the origins of political power, exemplified in civil war tracts like Robert Filmer's defence of royalism in *Patriarcha* (1680), had been rejected, thereby marking out new paths of political debate for the next generation of thinkers in England and elsewhere (Hampsher-Monk 1992, pp. 76–88). In politics as well as philosophy, it was the Lockean revolution in the understanding of the sources and boundaries of knowledge that marked the true beginnings of the Enlightenment. His impact on the eighteenth century was immeasurable, and is still being assessed.

Hobbes' *Leviathan, or the matter, form and power of a commonwealth ecclesiastical and civil*, published two years after the execution of Charles I, offered a political analysis based on a view of the natural order which 'is a condition of war of everyone against everyone' (I, 14). Only the fear of death and 'desire of such things as are necessary to commodious living' could incline men to peace, the social order being maintained, and deliverance from the chaos of nature ensured, by a combination of fear and the calculation of self-interest. For Hobbes the state of nature was simply the condition of man deprived of the restraints of sovereign authority, and the political obligations of contract. Hobbes aroused much opposition and vilification, particularly in view of his contempt for religion, but for the Enlightenment much of his importance lay in the way in which he discarded traditional orthodoxies in favour of a doctrine that cut through any notion of the civil order as being the outcome of natural processes, or of instinctive sociability: 'Men have no pleasure in keeping company, where there is no power able to over-awe them all' (I, 13). Echoes, often dissenting, of Hobbes' views on the role of the calculation of self-interest in persuading men to accept the dictates of natural and civil law, and his defence of the absolute power of the sovereign to compel order, without whose iron fist society would swiftly revert to the lethal

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anarchy of the state of nature, can be heard in countless Enlightenment debates on the authority of rulers, the nature–society controversies, rights, freedoms, duties and moral enquiries into the nature of man (Taylor 1989, p. 20; Hampsher-Monk 1992, pp. 29–36).

In the establishment of the ‘modern’ natural law school of thought the work of Grotius was also influential (Haakonssen 1985). In his *On the law of war and peace* Grotius had mapped out the frontiers between divine and natural law, thereby severing the links between theology and natural law. Grotius’ formulation of the concept of subjective right in his discussion of the origin of political authority was also destined to bear substantial fruits in the later years of his own century and in the next. His successor in natural law theory, Samuel Pufendorf, perhaps the most influential natural law theorist of the whole period, widened this new distance between laws, metaphysics and theological precepts in *On the law of nature and nations* (1672) and *On the duty of man and citizen according to natural law* (1673). The treatises of Grotius and Pufendorf were translated into several European languages, and constituted the basis for key text books for the study of natural and civil law in European universities and law-schools throughout the Enlightenment. Pufendorf, in particular, helped to shape the ideas of eighteenth-century natural law theorists and philosophers like Burlamaqui (see below, pp. 10–14, 85–6), Barbeyrac (see below, pp. 44–6, 364) and Johann Jakob Brucker in the first half of the eighteenth century, as well as political thinkers like Montesquieu, Rousseau and Hume (see below, pp. 15–19, 26–30, 105–6, 217–18, 245–6), to whose principles natural law theory was, in differing ways, a central point of reference. Pufendorf’s influence extended even to the nineteenth century with the work of Johann Gottlieb Buhle (Tuck 1987, pp. 99–119).

In addition to these major sources of influence, it should be noted also that it was in the late seventeenth century that streams of translations of other key works from even earlier periods became widely available for the first time in countries other than the country of origin. Machiavelli’s *Prince* (1513) was translated into French in 1683, followed by the *Discourses* in 1691, and the works of other Italians such as Paolo Sarpi, Gregorio Leti and Gian Paolo Marana were all widely read in translation in England and France in the late seventeenth and early eighteenth centuries. The major texts of the English seventeenth-century Enlightenment had started to flood into France and other European countries at the turn of the century, possibly as a consequence of the industry of Huguenot refugees from religious persecution living in London and Amsterdam. Among these one of the

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most influential figures was the Protestant theologian and dissenter, Pierre Bayle, whose attacks on intolerance in France in the wake of Louis XIV's revocation in 1685 of the Edict of Nantes, which Henri IV had enacted in 1598 granting Protestants liberty of conscience, were widely disseminated. It was with Bayle that religious, moral and political controversy started to merge with more public forms of discourse than the academic treatise. His exchanges with contemporary scholars and theologians heralded in fact the emergence of a letter-exchanging Republic of Letters, as well as the rise of the journal and the periodical that would eventually characterise so much of the Enlightenment's publishing trade, and the way in which it was organised.

Political thought in the European Enlightenment fed continuously on this pre-Enlightenment mentality of empirical interrogation of past dogma and theory, of rational challenge to authority and tradition, of scepticism, scientific enquiry, increasing secularism and humanitarianism. The result was the creation of an intellectual environment in which a new-found confidence in the ability of man to understand his past, improve his present and establish a blueprint for his future was the key to unlock a vision of indefinite perfectibility, reflected in the last decade of the century most eloquently in the positivism of Condorcet's tenth *époque* in his remarkable *Historical sketch of the progress of the human mind* of 1795 (Williams 1993, pp. 165–6).

Inevitably, the range of writers who feature in the present volume, some more familiar than others, will appear to be arbitrary and incomplete. What constitutes an Enlightenment text is not always clear-cut, for the ideological, as well as the temporal, boundaries of the Enlightenment are fluid, and notoriously difficult to pinpoint accurately, the historical frame changing according to whether the angle of perception is primarily philosophical, aesthetic, scientific, moral, theological or political. The political perspective, in particular, requires location within the 'long' Enlightenment. Much of the political thought of the early and mid-eighteenth century reflects an assimilation, application and reformulation of concepts that crystallised in the seventeenth century, much as political thinking after the French Revolution reflects a maturation of ideas that first took shape in the closing years of the *ancien régime*. The Enlightenment did not dawn in 1700, nor did it set in 1789, or even 1800.

The frame of reference will thus span the period dating from the 1670s to the 1790s. The texts themselves were written and published for the most part in the middle and later years of the century, but seven belong to the pre-1750 period,

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and five post-date the French Revolution. Moreover, the Enlightenment was not confined to the activities of a group of mid-eighteenth-century Parisian *philosophes*, important as their role was, and in this volume no less than seven European countries are represented: England, Scotland, Ireland, France, Germany, Italy and Switzerland. One text relates to America. From the standpoint of subject matter, extracts have been arranged under nine thematic headings that interlock, and in many cases overlap: natural law, the civil order, the nation state, government, civil rights, war and international relations, trade and economics, crime and punishment, revolution. Within each grouping, texts are arranged in a chronological order determined by the date of the first edition.

*Natural law*

Natural law doctrines have their origins in the thought of the earliest ancient Greek philosophers of the sixth to fifth centuries BC. Ancient Greek and Roman currents of speculative thought about the operations of a transcendent intelligence in the natural world and in the world of human affairs gradually coalesced into the theory of a natural law of justice that was separate from, and sometimes in conflict with, society's own laws and conventions. Post-Renaissance interpretations of natural law owe much to the *jus gentium* (or 'law of nations') of the Romans systemised as a code of civil laws under Justinian, of which the *Institutes* and the *Pandects* were the most important from the standpoint of natural law theory (Waddicor 1970, pp. 1–4; Finnis 1980; Tuck 1987).

The ancient tradition of natural law as it came down through the work of the Stoics and the Roman jurists, via Aristotle and Cicero in particular, was developed further by the medieval Church, and in the thirteenth century the *Summa theologica* of St Thomas Aquinas emerged as the orthodox interpretation by which natural law was assimilated into Christian theology, and made subordinate to the principle of divine law. Subordination of natural law to divine law was resisted by secular theorists, and the move to redefine the links between natural and divine law culminated in the seventeenth century with the work of Grotius, Selden, Hobbes, Cumberland, Boyle, Domat, Locke and above all Pufendorf. In the Enlightenment the foundations of a rational, secular school of natural law doctrine that increasingly eroded the medieval understanding of the relationship of God's law to natural law were reinforced with the contributions of jurists and philo-



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sophers such as Burlamaqui, Gravina, Vattel, Montesquieu and especially Barbeyrac, editor and translator of treatises by Grotius, Pufendorf, Richard Cumberland and Archbishop Tillotson.

Both Grotius and Pufendorf related natural law to the rules governing self-survival and the individual's drive for self-preservation, although Pufendorf was to depart from Grotius on the issue of moral obligation (Tully and Silverthorne 1991, pp. xxiv–xxix). Grotius envisaged two primary laws of nature, namely the right to self-defence and the right to acquire the means and possessions that facilitate life and well-being. His break with past theorists arose with the celebrated statement in *On the law of war and peace* (*De jure belli ac pacis*) of 1625 that the laws of nature would bind men 'though we should even grant, what without the greatest wickedness cannot be granted, that there is no God, or that He takes no care of human affairs' (Tuck 1987, p. 112).

One of the early models of political analysis, Pufendorf made a significant contribution to the evolution of natural law theory, as well as to concepts of authority and social organisation (Tully and Silverthorne 1991, p. xx). Pufendorf's work was widely referred to, especially in the early decades of the eighteenth century, although later thinkers, such as Rousseau, found much to disagree with. His two seminal treatises, *On the law of nature and nations* (*De jure naturae et gentium*) of 1672 and *On the duty of man and citizen according to natural law* (*De officio hominis et civis juxta legem naturalem*) of 1673, translated into French by Barbeyrac in 1707, systemised and modified the ideas of Grotius, particularly with respect to the latter's integration of natural law into the drive for self-preservation. Pufendorf saw natural law manifesting itself primarily in sociability rather than in self-interest. Moreover, sociability, and the duty to God, to others and to self that this implied, had 'clear utility'. This meant that the drive to obey the raw instincts of self-interest and self-preservation could be over-ridden by the duties of sociability, which were in his view commensurate with long-term interests of the individual (Tully and Silverthorn 1991, p. xxvii).

Pufendorf's thought reflects his experience of life following the 1648 Peace of Westphalia, marking the end of the Thirty Years War, and the emergence of modern nation states in Europe. This experience taught him to see the state as the only true guarantor of order, stability and progress and, bearing in mind the irreconcilable religious conflicts at the heart of the Thirty Years War, he sought, like his French translator Jean Barbeyrac, to reconstruct natural law and develop a new political order on the basis of a scientific theory of politics that was

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independent of all sectarian religious considerations, yet would tolerate the practice of different religions within a newly defined moral framework (Carr and Seidler 1994, pp. 6–7; Tully and Silverthorne 1991, pp. xviii–xix). In defending the need for the state, however, Pufendorf was equally concerned with the threat to freedom posed by the exercise of sovereign authority, and in *On the duty of man and citizen* he had much to say about the dangers of tyranny, and the restraints on sovereign power that can be provided only by the sovereign's subjects themselves.

In decoupling natural law from institutional religious precept, as well as from other aspects of existing law codes, Pufendorf still retained God as the central legitimising authority for his view of the law, and he sought to align with divine will the needs derived from human nature, to whose features civil law should in his view always respond. For Pufendorf the twin principles of duty and obligation, central to his notion of sociability, lay at the heart of all political dynamics, and involved a close analysis of the benefits of obedience and the conditions of sovereign rule that apply to this. He saw human beings as creatures motivated by the desire to survive, and to advance their well-being. In the pursuit of these two ends, the individual's need for others becomes the key factor in the social equation. In order for men to be secure they must be 'sociable', and sociability becomes the 'common character and condition of mankind'. Pufendorf envisaged the primary role of sociability not simply as an empirically observed, anthropological phenomenon, but more importantly as an expression of natural *and* divine law, and it was in that context that he located its force and authority (see also the 'Fourth dialogue' of Mandeville's *Fable of the bees*, Kaye 1966, II, pp. 177–91). Pufendorf presented the Enlightenment, and modernity, with urgent issues of power and political legitimacy (Krieger 1965; Laurent 1982). He set an agenda that inspired and illuminated European attitudes towards natural law and its role in the legal machinery of civil society, in power relationships, in the understanding of rights and duties, and above all in the promotion of sociability as a basic natural law principle.

Building on the work of Grotius, Pufendorf, Hobbes (and also Barbeyrac), Jean-Jacques Burlamaqui (see below, p. 85) represents a position on self-love, duty, rights, happiness, freedom, virtue, religion, civil society, civil authority and civil obligation typical of the orthodox, Protestant school of Enlightenment natural law doctrine (Rosenblatt 1997, pp. 96–9). In the *Principles of natural right [and natural law]* (1747) he reassessed the role of moral theology as part of the defence and definition of natural right and natural law, and in this he reflected elements