

# The Law of Nations or the Principles of Natural Law (1758)

by Emmerich de Vattel

BOOK 4, CHAPTER 1  
Of Peace, and the Obligation to Cultivate It<sup>i</sup>



## § 1. What peace is

PEACE is the reverse of war: it is that desirable state in which every one quietly enjoys his rights, or, if controverted, amicably discusses them by force of argument. Hobbes has had the boldness to assert, that war is the natural state of man. But if, by "the natural state of man," we understand (as reason requires that we should) that state to which he is destined and called by his nature, peace should rather be termed his natural state. For, it is the part of a rational being to terminate his differences by rational methods; whereas, it is the characteristic of the brute creation to decide theirs by force.<sup>1</sup> Man, as we have already observed, alone and destitute of succors, would necessarily be a very wretched creature. He stands in need of the intercourse and assistance of his species, in order to enjoy the sweets of life, to develop his faculties, and live in a manner suitable to his nature. Now, it is in peace alone that all these advantages are to be found: it is in peace that men respect, assist, and love each other: nor would they ever depart from that happy state, if they were not hurried on by the impetuosity of their passions, and blinded by the gross deceptions of self-love. What little we have said of the effects will be sufficient to give some idea of its various calamities; and it is an unfortunate circumstance for the human race, that the injustice of unprincipled men should so often render it inevitable.

## § 2. Obligation of cultivating it

Nations who are really impressed with sentiments of humanity, — who seriously attend to their duty, and are acquainted with their true and substantial interests, — will never seek to promote their own advantage at the expense and detriment of other nations: however intent they may be on their own happiness, they will ever be careful to combine it with that of others, and with justice and equity. Thus disposed, they will necessarily cultivate peace. If they do not live together in peace, how can they perform those mutual and sacred duties which nature enjoins them? And this state is found to be no less necessary to their happiness than to the discharge of their duties. Thus, the law of nature every way obliges them to seek and cultivate peace. That divine law has no other end in view than the welfare of mankind: to that object all its rules and all its precepts lend: they are all deducible from this principle, that men should seek their own felicity; and morality is no more than the art of acquiring happiness. As this is true of individuals, it is equally so of nations, as must appear evident to any one who will but take the trouble of reflecting on what we have said of their common and reciprocal duties, in the first chapter of the second book.

## § 3. The sovereign's obligation to it

This obligation of cultivating peace binds the sovereign by a double tie. He owes this attention to his people, on whom war would pour a torrent of evils; and he owes it in the most strict and indispensable manner, since it is solely for the advantage and welfare of the nation that he is intrusted with the government. He owes the same attention to foreign nations, whose happiness likewise is disturbed by war.

The nation's duty in this respect has been shown in the preceding chapter; and the sovereign, being invested with the public authority, is at the same time charged with all the duties of the society, or body of the nation.

#### **§ 4. Extent of this duty**

The nation or the sovereign ought not only to refrain, on their own part, from disturbing that peace which is so salutary to mankind: they are, moreover, bound to promote it as far as lies in their power, — to prevent others from breaking it without necessity, and to inspire them with the love of justice, equity, and public tranquility, — in a word, with the love of peace. It is one of the best offices a sovereign can render to nations, and to the whole universe. What a glorious and amiable character is that of peace-maker! Were a powerful prince thoroughly acquainted with the advantages attending it, — were he to conceive what pure and effulgent glory he may derive from that endearing character, together with the gratitude, the love, the veneration, and the confidence of nations, — did he know what it is to reign over the hearts of men, — he would wish thus to become the benefactor, the friend, the father of mankind; and in being so, he would find infinitely more delight than in the most splendid conquests. Augustus, shutting the temple of Janus, giving peace to the universe, and adjusting the disputes of kings and nations, — Augustus, at that moment, appears the greatest of mortals, and, as it were, a god upon earth.

#### **§ 5. Of the disturbers of the public peace**

But those disturbers of the public peace, — those scourges of the earth, who, fired by a lawless thirst of power, or impelled by the pride and ferocity of their disposition, snatch up arms without justice or reason, and sport with the quiet of mankind and the blood of their subjects, — those monstrous heroes, though almost deified by the foolish admiration of the vulgar, are in effect the most cruel enemies of the human race, and ought to be treated as such. Experience shows what a train of calamities war entails even upon nations that are not immediately engaged in it. War disturbs commerce, destroys the subsistence of mankind, raises the price of all the most necessary articles, spreads just alarms, and obliges all nations to be upon their guard, and to keep up an armed force. He, therefore, who without just cause breaks the general peace, unavoidably does an injury even to those nations which are not the objects of his arms; and by his pernicious example he essentially attacks the happiness and safety of every nation upon earth. He gives them a right to join in a general confederacy for the purpose of repressing and chastising him, and depriving him of a power which he so enormously abuses. What evils does he not bring on his own nation, lavishing her blood to gratify his inordinate passions, and exposing her to the resentment of a host of enemies! A famous minister of the last century has justly merited the indignation of his country, by involving her in unjust or unnecessary wars. If by his abilities and indefatigable application, he procured her distinguished successes in the field of battle, he drew on her, at least for a time, the execration of all Europe.

#### **§ 6. How far war may be continued**

The love of peace should equally prevent us from embarking in a war without necessity, and from persevering in it after the necessity has ceased to exist. When a sovereign has been compelled to take up arms for just and important reasons, he may carry on the operations of war till he has attained its lawful end, which is, to procure justice and safety.

If the cause be dubious, the just end of war can only be to bring the enemy to an equitable compromise; and consequently the war must not be continued beyond that point. The moment our enemy proposes or consents to such compromise, it is our duty to desist from hostilities.

But if we have to do with a perfidious enemy, it would be imprudent to trust either his words or his oaths. In such case, justice allows and prudence requires that we should avail ourselves of a successful war, and

follow up our advantages, till we have humbled a dangerous and excessive power, or compelled the enemy to give us sufficient security for the time to come.

Finally, if the enemy obstinately rejects equitable conditions, he himself forces us to continue our progress till we have obtained a complete and decisive victory, by which he is absolutely reduced and subjected. The use to be made of victory has been shown above.

### **§ 7. Peace the end of war**

When one of the parties is reduced to sue for peace, or both are weary of the war, then thoughts of an accommodation are entertained, and the conditions are agreed on. Thus peace steps in and puts a period to the war.

### **§ 8. General effects of peace**

The general and necessary effects of peace are the reconciliation of enemies and the cessation of hostilities on both sides. It restores the two nations to their natural state.

1. Nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim, — cumque illud proprium sit hominis, hoc belluarum, — confuglendum est ad posterius, si ut non licet superiore. Cicero, de Offic. lib. i. cap. 11.

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<sup>i</sup> Can be located online at: <http://www.lonang.com/exlibris/vattel/vatt-401.htm>