Jealousy of Trade

International Competition
and the Nation-State in
Historical Perspective

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The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the “Four-Stages” Theory

Pufendorf, and most recent writers, advocate the doctrine once proposed by the Epicureans, that is, that self-love alone, or every-one's search for his own pleasure or advantage, is the spring of all actions, and they refer to this source all affections of the mind, including even the seemingly most benevolent ones.

Francis Hutcheson, On the Natural Sociability of Man, 1710

The aim of this chapter is to reconstruct Pufendorf's theory of sociability so as to bring out its relation to a theoretical model of commercial society. This theory, it will be argued, was the result of Pufendorf's attempt to reconstruct Grotius's jurisprudence by applying the intellectual method of Thomas Hobbes. By doing this Pufendorf committed himself to an individualistic premise for his argument and to an anthropology that systematically compared human with animal nature in order to underline the contrast between civilization and barbarism. The product of this approach was a new concept of sociability that led some eighteenth-century commentators to describe Pufendorf and his close followers as "socialists."

This same model of sociability and its concomitant anthropology played a key part in Adam Smith’s theory of commercial society and in his conception of the “Age of Commerce” as the decisive fourth stage in human history.

The intimate continuity between earlier natural law theories of property and Smith’s four-stages theory of history does not need elaborate demonstration. It is commonly believed, however, that his jurist predecessors, while recognizing the three earlier stages—hunting-gathering, shepherding, and agriculture—had no clear conception of “commerce” as a further and distinct stage. A closer look at Smith’s own position reveals the anomalous position of commerce within his stages theory. His explanation for the emergence of the fourth stage was quite different in kind from those that explained the first three. Progress in the first three stages was simple. Mankind found itself compelled to turn from hunting to shepherding and then to agriculture as the primary mode of material


self-preservation under conditions of limited resources and growing population growth.” It was a lack of competitive advantage that led to “the Commerce” was a similarly

It was not marked by a lack of property through chance, but by a systematic change in the nature of the object of the wealth.” There is also a parallel throughout all agricultural societies that have existed in the past, in so far as the society loses its identity and becomes “a collection of self-perpetuating individuals.” The foundation of this “propensity to trade” is the “propensity to trade, by sequence of the most productive”: “Man has received from nature the power of choosing and to save and invest his income on any other basis, in a much more helpful way, in the present form of self-sufficing.”

Hume explained that the result of the separation of powers is simply that the state becomes “a collection of self-interest.” By the end of the eighteenth century, the embargo-era butcher, the brewer, and the printer, had explained, “but from the...
self-preservation under the dual pressure of fast-depleting natural resources and growing population. Smith claimed that the "age of commerce" was a similarly "natural" development. But it was a "natural" development of not quite the same kind as the first three stages.

It was not marked by any further step in the natural acquisition of property through occupation or accession. Commerce itself could not possibly be a primary mode of acquiring property since barter presupposed that the objects offered for exchange were already owned. Limited specialization and limited markers, Smith admitted, were clearly possible before the age of commerce. But once it became clear that commerce, even if "very much clogged and embarrassed in its operation," had already existed in the rude ages of society, it was also clear that commerce did not succeed the previous stages of subsistence, but rather developed in parallel throughout all four stages. The age of commerce followed that of agriculture only in a purely quantitative sense. Once a major proportion of a society lost its immediate access to land and "the division of labour has been once thoroughly established," the majority had to live "by exchanging" or become "in some measure a merchant." When this occurred, Smith claimed, then "the society itself grows to be what is properly a commercial society."

The foundation of the division of labor and commerce lay in the human "propensity to truck, barter, and exchange one thing for another," a consequence of the most paradoxical of contrasts between men and animals. "Man has received from the bounty of nature reason, ingenuity, art, contrivance, and capacity of improvement, far superior to that which she bestowed on any other animals," observed Smith, "but is at the same time in a much more helpless and destitute condition with regard to the support and comfort of his life." Animals were fully equipped for self-preservation, while men were not. But once they cooperated they could easily surpass animals. A multiplicity of new needs could be satisfied, completely transforming their way of living. The higher standard of living was a result of the separation of occupations made possible by men bartering selfishly on their own behalf. It was "not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner," Smith explained, "but from their regard to their own interest." This preoccup-

5. Ibid., I:1; compare with Lj(A) vi.44; Lf(B) 219; and ED 2.12.
6. Smith, Lj(A) vi.8; compare with W/N I:2; ED 2.12.
7. Smith, W/N I:2. Compare with Lj(A) vi.46; Lf(B) 220; ED 2.13.
pation with personal interests did not, however, cause society to collapse into internecine war. When men help each other from benevolence and charity, their society may be a happy place; but when they address themselves exclusively not to the “humanity” of their fellows “but to their self-love,” Smith declared, “the society, though less happy and agreeable, will not necessarily be dissolved. Society may subsist among different men, as among different merchants, from a sense of its utility, without any mutual love or affection; and though no man in it should owe any obligation, or be bound in gratitude to any other, it may still be upheld by a mercenary exchange of good offices according to an agreed valuation.”

Smith’s contemporaries recognized that the famous passage on the benevolence of the butcher, the brewer, or the baker was a direct comment on the central issues of natural law. The distinction between benevolence and charity, on the one hand, and the strict justice of contracts and bargains on the other, was a most important premise of post-Grotian jurisprudence. At least one observer, Governor Pownall, in his famous 1776 open letter to Smith, also recognized that by reconstructing the theory of “that community, which is the basis and origin of civil government” Smith was joining in the debate over the origins of government and of political and social obligations. The issue here was to discover the true “efficient cause of government as the true state of nature” to man, not as an artificial succedaneum to an imagined theoretic state of nature.”

This latter viewpoint was of course the infamous theory of Hobbes. The opposite theory, the creation of a principle of society independent of and prior to the foundation of the civil, was known in pre-Smithian natural jurisprudence as the theory of natural sociability. As his use of the language of natural jurisprudence indicated, the theoretical foundations of Smith’s fourth stage represented a qualified restatement of the natural jurists’ theory of sociability. In his brief introductory lecture on its history, with which he opened his lectures on jurisprudence, Smith summarized the opponents of Hobbes as claiming “that the state of nature was not a state of war but that society might subsist, tho’ not in so harmonious a manner, without civil obligation.” Puffendorf wrote later that it is to confute Hobbes that his work was written.

But Smith insists that society, at any point in treating of natural law, or by what simple but devastating method, can order to grasp the necessary truth of Pufendorf’s theory is not entirely clear whether it existed.

One of the hallmarks of its denial that a “principle of community” could be claimed of societies of mankind that were not families roaming the earth as equals, a fundamental and a form of subjection to other groups, after that is no more than the perspective, the state of mankind, as man argued, it was not.

In the first family the natural liberty but also the supposed relations of nature “as it was” Pufendorf argued, and nations. In this view of nature, the state of many Kingdoms with respect to the State of the Patriarch.

The “state of man” “ventitious” only for the “true state of nature” (as opposed to"

8. Smith, TMS II.ii.2. The whole section is entitled “Of the Utility of this constitution of Nature.” What Smith meant by this “constitution” was that “men can only subsist in society” where all members “stand in need of each others assistance, and are likewise exposed to mutual injuries.”


10. Smith, L/(B) 3.

11. Pufendorf, Duty
manner, without civil institutions." "With this design," he continued, "Pufendorf wrote his large treatise. The sole intention of the first part of it is to confute Hobbes."

But Smith insisted that Pufendorf was wrong to believe that there was any point in treating "of the laws which would take place in a state of nature, or by what means succession to property was carried on" for the simple but devastating reason that there was "no such state existing." In order to grasp the nature of Smith's objection, it is necessary to look at Pufendorf's theory of the state of nature in some detail, since it is not entirely clear whether Pufendorf himself believed that a "state of nature" ever existed.

One of the hallmarks of Pufendorf's natural jurisprudence was precisely its denial that a "pure" state of nature had in fact ever occurred. All that could be claimed on historical grounds, he argued, was that in the early ages of mankind there was a "state of natural liberty" among the different families roaming the various regions of the world. These men were all counted as equals, in full moral control of themselves and without any form of subjection or subordination to each other. Their connection with other groups, after they had wandered away from their root family, was no more than the tie of their common humanity. In a wider historical perspective, the state of natural liberty was not simply the "original" state of mankind, as many jurists had maintained. On the contrary, Pufendorf argued, it was not even the earliest state in which men found themselves. In the first family the children confronted their parents not as bearers of natural liberty but as subjects of paternal authority. Natural liberty presupposed relationships outside the structure of the family. Hence the state of nature "as it was really" was a product of history; it had developed, Pufendorf argued, as mankind evolved communities, tribes, kingdoms and nations. In this sense it was not merely a matter of the past. The state of nature, the state of natural liberty, he wrote, "at this Time is the Case of many Kingdoms and Communities, and of the Subjects of the same, with respect to the Subjects of the other; and the same was anciently the State of the Patriarchs, when they liv'd independently."

The "state of man" could "be distinguished into either Natural or Adventitious" only for purely theoretical purposes. A theoretical "state of nature" (as opposed to the "adventitious" or "acquired"), the state of

10. Smith, J.B(3).
11. Pufendorf, Duty of Man, 2.1.6.
nature "as it is really and indeed," was a pure fiction. Its "fictional" status in this context, however, did not vitiate its theoretical contribution. Provided that its fictional character was constantly kept in mind, the utility, indeed the necessity of a method based upon the "state of nature" within "natural" jurisprudence, was evident. It played a key role in the shaping of Pufendorf's theory of socialitas. To grasp this role it is helpful to consider the agenda of natural jurisprudence that Pufendorf put forward in his history of the discourse. Doing so will also indicate more clearly the connections between the intellectual undertakings of Pufendorf and Smith.

The sharp break attributed to Grotius in the history of natural law, such a prominent feature of Smith's account both in The Theory of Moral Sentiments and in the lectures on jurisprudence,13 can be regarded as essentially an "invention" of Pufendorf. Smith singled out three great seventeenth-century systems of natural jurisprudence in his introductory lecture. That of Grotius was the first since he had begun the discourse; Hobbes's was the second, and the third, in sharp reaction to Hobbes, was Pufendorf's own. By pointing out this pattern, Smith was not merely offering a very selective history. For the identification of Grotius and Hobbes as the true makers of natural jurisprudence,14 when it was Pufendorf who first espoused a German's own concepts of the firm support of the state.15

In philosophy he broke with Grotius. "The first men," he said, "had no influence upon him. ..." He understood that natural law for the whole human race, distinguished carefully from the laws of mankind. Of this he wrote in the System.17 All previous systems were, in this respect, Aristotelian in the sense of states.18 The Recognition and with the help of the considerations was rather a "system of an individual state.19 Pufendorf's project was the natural law. Since the eighteenth century, it has always been a project of humanity, it can be historically traced.

In Pufendorf's time, the project was still the one of a "natural law of nature that was suitable for mankind as a whole."20

12. The main textual foundation for this account of Pufendorf's views is the essay entitled "De Origen et Progressu Disciplinarum Juris Naturalis," first published as Ch. 1 of the polemical collection Specimen controversiarum circa Jus Naturale (1680) and then reprinted as Ch. 7 in Pufendorf's collected works. See his various critical editions, Erdi: Scandica, qua adversus libros de Jure nat. et gent. obiectae disserunt. The references follow the pagination of Fiammetta Palladini's critical edition. "De Origen et Progressu" is at page 113, 123-128. Pufendorf also wrote short but important sketches of the history of jurisprudence in the introductions to his later works. Another important source is the very important 1665 correspondence between Pufendorf and Baron Boineburg, with Cunings and Johann Heinrich Boedeker's famous critique of the Pufendorf letters, published in Christian Tomastus, Paulus Pistorius Juris Naturalis, cum duplici appendice. I. Censurae de controversiis in programmis Rehnborsi. II. Quasvis opusculorum a Pufendorfo, Cunings, Boediker ad Boineburgium scripsarum, cum notas, obviationes, dubia falsa illustratae, ad refutandos. In urbe Auditori Jacobovici Thoniensi (Halae: Salfeld, 1719). See also Fiammetta Palladini, "Le Due Lettere di Pufendorf al Barone Boineburg: Quella Nota e Quella Perduta," Storia della Repubblica delle Lettre 1 (1969): 119-144. The entirety of the extensive seventeenth-century controversy around Pufendorf is surveyed and summarized in Palladini, Discorso Scolastico su Samuel Pufendorf: Scritti Latini 1665-1700 (Bologna: Il Mulino, 1978).

13. Smith, TMS VII.47:37, IJ(B) I, 1.

14. In his first work, the Elementaria Jurisprudentiae Universitatis Libri Duo (1660) (The
dorff who first established the pattern, furnished an “apology” for the German’s own complete break with Scholastic Aristotelianism and his firm support of the moderns.

In philosophy he saw the change coming with Bacon, in jurisprudence with Grotius. “The vestiges of previous scholarship,” he said of Grotius, “had no influence over his course.” It was Grotius who first clearly understood that natural jurisprudence could be valid only if it was “of use for the whole human race.” Positive and arbitrary law must be distinguished carefully from the common or “natural” laws of the whole of mankind. Of these last Grotius provided the first real and complete system. All previous systems of jurisprudence had been compromised in this respect. Aristotle had “before his eyes the custom of his own Greek states.” The Roman lawyers were genuinely preoccupied with systematization and with first principles, but their jurisprudence was also focused on considerations which “originate in the special character of the Roman state.” Pufendorf leveled the same charge against any purely Christian natural law. Since Christianity was not the universal religion of the whole of humanity, it could not serve as the basis of universal jurisprudence.

In Pufendorf’s eyes even Grotius had in fact to some extent compromised his own enterprise. For by admitting as a means of establishing the law of nature the common custom of the more civilized nations he had

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15. For Pufendorf’s views on Bacon and Descartes see his essay "De Novitatis Philosophic," in Erstes Sammel, pp. 128-133.

17. Ibid., p. 123.
18. Ibid., pp. 125-126.
19. Ibid., p. 125.
20. Ibid., pp. 124-125.
given a place within his own system to the skeptical view of history as cultural diversity. While accepting the relevance of the humanist insistence on *consensus* both in international law and in the theology of tolerance, Pufendorf himself believed that this concession to Aristotelianism was inadmissible. For if one really accepted the force of the skeptical argument there could be little point in referring to the custom and laws of a few, selected countries. Skepticism entailed that the criteria of civilization were also matters for legitimate dispute.22

In this instance the weakness of Grotius’s system lay in its incompleteness. It lacked an epistemology and a proper study of human nature. It was here that Pufendorf saw the relevance of Hobbes. He did not wish to defend what he called Hobbes’s “Epicureanism” or his perverse theology. But among the great errors in Hobbes, he observed, there were also great lessons to be learned, particularly from his method. “These very falsehoods which he passes on,” he wrote, “provide a foothold by which moral and political science can be led to the highest peak. Thus, much of what helps to complete this study would never have entered anybody’s mind if it were not in Hobbes’ writings.”23

Attention to Hobbes was thus the first way forward from Grotius. The second invoked the heritage of the Stoics. As a major relaxation of his aggressive modernism, Pufendorf admitted that “among the various schools of the ancient philosophers, the tenets of the Stoics, with a few alterations, could, it seems, be easily incorporated in a consistent system of natural law.”24 For in Cicero and the Stoics he had found a countervailing to Hobbes’s doctrine of virtue.

With a clear view of Pufendorf's master strategy in mind one can understand why he was willing to exploit the ambiguities in the word "nature" and to use the phrase "state of nature" to describe both the "real" historical condition in question and a hypothetical analytical device. Many of the apparent ambiguities of his jurisprudence would be nonexistent if he had demarcated the relationship between these two distinct "states of nature" more consistently in each of his particular arguments. His failure to do so was itself an index of the enormous difficulty that he experienced in attempting to reconstruct the theory of Grotius with the help of Hobbes's method but without committing himself to Hobbes's own conclusions.

It was a central and conspicuous feature of Pufendorf's mature jurisprudence that it deployed the apparatus of Hobbes's "state of nature" in an instrumental and two-sided fashion. There was more to this instrumental use of Hobbes's method than a simple endorsement of his strategy for countering skepticism. The analytical concept of the "state of nature" effectively supplanted the use of Aristotle's concept of the common custom of civilized nations. But the content of this idea, a contrast between civilization and barbarism, remained eminently present. For what Pufendorf saw clearly was that in important ways Hobbes himself had not destroyed but preserved the view of human nature accepted by the protestant Aristotelians. By dividing the object of analysis into two parts,
with cultural diversity entirely on the one side and "pure" human nature in the abstract on the other, the humanist message of the late-sixteenth-century skeptics could be rescued from their own skepticism.

The content that Hobbes gave to the contrast between civilitas and "state of nature" preserved the humanist and skeptical valuation of the modern world as something genuinely human in its cultural diversity, in opposition to the bestial and primitive uniformity of the early beginnings of mankind. It was in this sense that Pufendorf could claim that Hobbes had been right in De Cive, both descriptively and evaluatively, in his assessment of the "inconveniences" of the "state of nature" when compared with the civilitas. This evaluative contrast, which was as essential to the positions of Montaigne and Charron as it was to that of Hobbes, furnished an effective defense of the humanism of modernity. In Pufendorf's words:

There cannot be a more effectual way found out to silence the Complaints and Murmurs of the Common People, when they pretend to find fault with the Miscarriages and the Impositions of the Government than if we would lay before them a true Prospect of the Misery and Confusion which attends a Natural State.

But this judgment did not make Pufendorf a Hobbist. Adam Smith was quite right to observe that the first books of Pufendorf's De Iure Naturae et Gentium constituted a defense of natural jurisprudence against Hobbes, despite Pufendorf's analytical use of the "state of nature" methodology and his acceptance of the skeptical humanist anthropology which this carried with it. Both poles of the contrast that underlay this anthropology entailed conclusions that were unacceptable to Pufendorf. At one pole there lay an irrevocably individualist premise—solitary individuals living outside any "City"—at the other the political community itself, the civilitas. The direct juxtaposition of the "fiction" of discrete individuals and the state implied that society was constituted solely on the basis of each individual's interest in his own self-preservation and on the dynamics of human nature. Pufendorf was well aware of the unsavory consequences of this position: the diversity of the human kind as an artifact—the diversity within the possibility of the possibility of human society, the individual self-preservation of the individual, more than considered in the anthropological framework did he explain. In the triadic model, he explained the not enough...existence. Regardless of the work of a Hobbes, Pufendorf transformed it into a tricadic model.

Pufendorf's fictive process, as he terms the concept, did involve the understanding of a fictive presence of a People. He understood the Brutes. The People was not by the fund of the People. Both People and the People's People, his fictive presence superior to the individual and the individual, of animals who did not act and did not act in a group.

26. For an example see P. Charron, Of Wisdom, Three Books written in French, trans. S. Lennard (London: Blount and Aspley, n.d. [before 1612]), Ch. 33, "The second Consideration of Man, by comparing him with all other creatures" and Ch. 58, "A comparison of the civil and sociable life with the solitary." Pufendorf cited this work thirty-four times. Montaigne was also a favorite author of Pufendorf.


28. For an example see Richard Tuck, Pufendorf...
of this position. The skeptical theory of politics had reappeared. Even if the diversity of the laws and customs of mankind was now irrelevant, the contemplation of human nature in itself had shown that only a contractual artifact—the political power of the state—was sufficient to form a structure within which individual self-preservation could be guaranteed. The possibility of natural society, it appeared, had been eradicated.

The essence of Pufendorf’s “socialism” lay precisely in his answer to the problem raised by Hobbes. As Pufendorf realized, his task was to re-establish Grotius’s fundamental law of nature, that is, the preservation of human society, the custodia societatis humanae, on the methodological principles of Hobbes. Grotius started from two fundamental aspects of human nature: the instinct of self-preservation and the instinctive propensity for society, the appetitus socialis. There was no difficulty in the use of individual self-preservation. Indeed, Hobbes had stressed its relevance even more than Grotius by insisting that it offered the only incontrovertible anthropological foundation for natural law. Pufendorf agreed since, as he explained, to put natural jurisprudence on a secure foundation it was not enough just to reemphasize sociability as an observed fact of human existence. Rather, this fact itself had to be reexpressed within the framework of a Hobbesian analysis of the “state of nature.” To do this Pufendorf transformed Hobbes’s unitary model of the state of nature into a triadic model.

Pufendorf’s first “state of nature” did not in fact correspond with the fictive procedure he described. It was rather a restatement in observational terms of the skeptical humanist anthropology of Hobbes. But it did involve the use of the technique of contrast employed in the genuinely fictive presentations of the “state of nature.” Human life could be best understood by supposing that “contrary to this State is the Life of Brutus.” The real difference between man and animal could be captured by the fundamental disparities between needs and the ability to satisfy them. Both man and animals desired self-preservation. The animal’s abilities, his faculties, were matched to his needs and in this respect he was superior to man. But this close match also had its limitations. The needs of animals were finite and firmly bounded by natural abilities. If they lived or acted together in society they cooperated solely under the guidance of

29. Pufendorf, Duty of Man, 2.1.3.
their appetites and instincts, which were uniform in all members of the species. With the satisfaction of present need their cooperation ceased.

Man’s position in creation was truly paradoxical inasmuch as man was at the same time both inferior and superior to animals. Although created with the same basic need for self-preservation, he lacked the corresponding ability. Man was a “mute and ignoble Animal, Master of no Powers or Capacities,” displaying nothing else but “exceeding Weakness,” a “wonderful Impotency” and “natural Indigence.” But this condition of imbecillity and necessitousness, indigentia, was not the end of the matter. In contrast to animals the structure of man’s needs was radically different. Human needs were neither finite nor uniform across the species. Man’s desires did not cease when the instinct of self-preservation was minimally satisfied. Even the most elementary needs were transformed by man’s nature. Food had not only “to satisfy his Belly, but tickle his Palate.” Similarly, despite the initial handicap with which he began his life, man was able to turn “the Infirmity of his Nakedness into an Occasion of Vanity and Pride.” “Besides,” Pufendorf continued, “do not Men float in a whole Tide of Affections and Desires, utterly unknown to Beasts?” The chief of these, Pufendorf went on, was “an endless Thirst after Things superfluous.”

Furthermore, the desires of man were not only often insatiable, but also infinitely varied. “There is,” Pufendorf said, “no more Diversity of living, than there is Opinions and ways of living; each of which is cry’d up, with wonderful Perversness, by the several Patrons of them.” Beyond this desire for well-being and for infinite kinds of the “elegancy of Living,” man also harbored desires that moved him far beyond material covetousness. Man was ambitious, was willing to enter competition not only for riches but also for honor; and most importantly he had a restless desire after power. The consequences of this plasticity and diversity of needs and desires could be read in two ways. On the one hand, Pufendorf argued, man was thus subject to “prodigious Corruption and Degeneracy”; on the other, however, he was perfectible, “more capable of fruitful Culture and of useful Improvement” than any other creature.

To analyze the “state of nature” validly, Pufendorf maintained, it was necessary to “contemplate the Natural State of Man, by seriously forming in our Minds an Idea of what his Condition would be, if everyone one were left alone to himself.”

The crucial question could be captured thus: the material condition of political and social life was wrong in that it was founded upon the fact that it was wrong in theory. Accordingly, Pufendorf continued:

In order to distinguish from a Chris.

*status civilis,*

*of the civitas.*

man’s natural life, to live reciprocally in superior, and of which the state of nature was one “which resulteth, as it might seem as if it were.

While the emphatic thoroughgoing idea of men could not reside in the manifest,” he wrote, “one in the former.

By distinguishing the prominent components of his generic link between of nature and also implied tributary obligations which took to be the human nature that curiously un-Hobbesque the contrast be.

left alone to himself without any Help from other Men." In this respect the crucial question for Pufendorf was whether all the relevant features could be captured by a single abstraction. Such nonsocial men would lack the material comforts of society, but they would also be tied to no system of political and social subordination. They would be indigent but free. If it was true that these were analytically separate properties, then Hobbes was wrong in trying to specify both by a single analytical procedure founded upon the contrast between the natural state and the civitas. Accordingly, Pufendorf divided Hobbes's single model into two.

In order to decide in what "Sense it is, that a Natural State is distinguished from a Civil State," that is, the "State of Man in a Community (status civilis)," Pufendorf had to give a definition of the differentia specifica of the civitas. He decided that its essence was the renunciation of man's natural liberty. Thus in contrast to the civitas, "those are said to live reciprocally in a State of Nature, who acknowledge no common Superior, and of whom none can pretend Dominion over his fellow." In the state of nature the only link obtaining between individuals was the one "which results from the Likeness of their Natures." Superficially it might seem as if this model was identical with the state of natural liberty. While the emphasis in both cases was on the autonomy of agents, the thoroughgoing individualist version was a pure fiction. In the real world men could not normally be found outside society. "It is then taken for manifest," he went on, "that all Mankind never were universally and at one in the former Natural State."

By distinguishing Hobbes's model of the state of nature into two distinct components, Pufendorf eliminated the possibility of an immediate generic link between the anthropology of the first specification of a "state of nature" and the construction of political government. His approach also implied that men were able to form society and to acknowledge plain obligations without making a contract, which Pufendorf, like Hobbes, took to be the foundation of the civitas. How could the conception of human nature that he presupposed, following Hobbes, produce this startlingly un-Hobbesian result? Pufendorf's first point was an insistence that the contrast between animal and human nature made cooperation be-

31. Pufendorf, Duty of Man, 2.1.4.
32. Ibid., 2.1.5.
33. Ibid.
34. Ibid., 2.1.7.
tween men an absolute necessity. A human being on his own could not survive. Even a cursory look at the achievements of the contemporary world would prove, Pufendorf claimed, that human cooperation in society necessarily took the form of a process of cumulative learning. He asked his readers, what would happen "should we suppose a Number of such helpless Wretches thrown together by Nature on some uninhabited Soil"?25

We cannot but think that they would so long however continue in a brutal Wildness and Disorder, till at last, either by their own Wit and Experience, or by some Hints and Instructions taken from the conduct of Mute Creatures they should by Degrees arrive at some Method and Elegancy of Living, as Virgil says, "Studious Need might beat out Useful Arts." This will easily be acknowledgment'd by any one that looks about on the numerous Improvements and Assurances which we make use of in our daily Actions, and at the same time considers how difficult it would be for any Man to invent all these of his own Head, if he were not put in the Way by previous Labour and Guidance of others . . . 26

In "this sense," Pufendorf concluded, "the Natural State is opposed to a Life cultivated by the Industry of Men."27 in short, cultura.28 The opposite of cultura was not natural liberty but rather the result of man's imbecilitus, his initial condition of need, indigentia. But indigentia did not just cover this initial condition. As an explanatory principle bridging the two poles of the contrast between natura and cultura it also expressed the intrinsic perfectibility or corruptibility of human nature, the fact that its moving principle was the irrepressible creation of ever-pressing new needs. It was, that is to say, a general principle of human social action. This lay bare, as Pufendorf realized, the Aristotelian foundation of the contrast between civilization and the condition of need. Originally it had been Plato who had argued in the Republic that deresia or indigentia was the "sole or this, reason, had no doubt, directly to the same sense politikon.

But Aristotle's social understanding of the state established, or rather independent and coherent expli- sociability. He also sequenced the system of one separate four foundation upon Hierarchy.

Here the Pufendorf's spiritus's appetitus was "natural" to accept this phe- nomenological explanation of the inspired justifications of the also began to speak or reflect in the mutuality of this model of

Hobbes had in its own sake for Traffique.

35. The picture of a group of castaways on an uninhabited island often served the very same purpose as the fictional image of a "state of nature." It served Adam Smith's opening gambit for his own theoretical history of property; see LJ(A) 1.27; LJ(B) 1.49.
37. Pufendorf, Duty of Man, 2.1.4.
38. The emergence of this very important concept in Pufendorf's jurisprudence was first analyzed in detail in Joseph Niedermann, Kultur: Wurden und Wandlungen des Begriffes und seiner Ersatzbegriffe von Cicero bis Herder (Florence: Bibliopolis, 1941).
the “sole or the principal Cause” of the rise of the polis. Pufendorf himself had no doubt that Plato had been wrong to link the concept of need directly to the origins of the state. Aristotle too had been wrong in just the same sense in claiming that man was naturally a political being, a zoon politikon.

But Aristotle also offered another and more promising approach to social understanding. For in Aristotle’s theory chreia was the principle not of the state but of society or community, koinonia. Having thus established, or reestablished, the concept of society as an organizational form independent of the civitas, Pufendorf was now in a position to offer a coherent explanation of the central category of his jurisprudence, socialitas, sociability. He had no desire to argue, as against Hobbes, that the consequences of man’s paradoxical nature needed no regulation through a system of obligations. But these “plain” obligations now had their own separate foundation in men’s sociability rather than in state power founded upon contract.

Here the fundamental differences between the inner construction of Pufendorf’s and Grotius’s concept of sociability become evident. Grotius’s appetitus societatis was a theory based on the observation that man was “naturally” fond of society. But Pufendorf was in no position to accept this premise since he was now committed to a radically individualist explanation of the very possibility of human social association. His fiction of the state of nature abstracted from social interaction; it presupposed juxtaposed and discrete individuals. His account of human nature also began by conceiving a single individual outside society, unable to speak or relate to other human beings. The model of koinonia consisted in the mutual satisfaction of needs through commerce. But to construct this model he turned directly to the ideas of De Cive.

Hobbes had explained that “men do not seek each other’s company for its own sake, but for honour or profit.” In this second case, “if they meet for Traffique, it’s plain every man regards not his Fellow, but his Busi-

nesse,” and if the reason is “to discharge some Office,” the relationship which obtains is “a certain Market-friendship.” The reference to “Market-friendship” in the English version might mislead the modern reader. Hobbes’s Latin is more prosaic. What he meant was that “Law-friendship,” which occurred in the forum, the market square. It is “traffic,” which is directly relevant here. For in Hobbes’s Latin, *communium (si civitatem enim commerci cædum) referred to people who wanted each other’s goods (non socium, sed rem suam colit). It was this which Pufendorf paraphrased in the following way: “They who unite in a Body for promoting of Traffic, are led to it purely by Hopes of advancing their Goods more in Conjunction with others, than they could by their private Industry: and whatever disappoints or puts an end to these Hopes, prevails with all, but Fools or Madmen, to put an end likewise to the Society (societati).” *Communium thus corresponded to *societas, not to *civitas.

Pufendorf followed Hobbes’s argument with a discussion of Aristotle’s notion of man as *zoön politikon, as one “born fit for Society.” The “Greeks,” Hobbes wrote, had built their whole “Doctrine of Civill Society” (*doctrinam civilem, there is no *societas here in Hobbes’s Latin) on this principle. Their error becomes apparent if one observes that in this case society had to include everybody since all were equally humans and not only those who could reciprocate with each other in matters of “Honour or Profit.” From this Hobbes turned to a contractual model, arguing that men form “all manner of Society” only if there is a common aim “which every one of those, who gather together, propounds to himselfe for good.” Pufendorf refused to accept the “common will” element of Hobbes’s conclusion on the grounds that Hobbes had confused the principles of voluntary associations with the origins of society at large; instead he connected the model of a commercially-constituted society with the idea of industry or industriousness which lay at the center of his model of *civitas.

42. The passage in question is in Hobbes, *De Cive*, 1.2. “Law-Friendship” is not in the seventeenth-century translation reported by Howard Warrender in the Oxford edition of *De Cive*, but Basil Kennett’s own translation from Hobbes’s Latin as inserted in Pufendorf’s text. In Michael Silverthorne’s modern translation of *De Cive* the passage reads: “Men’s purpose in seeking each other’s company may be inferred from what they do once they meet. If they meet to do business, everyone is looking for profit not for friendship. If the reason is public affairs, a kind of political relationship develops, which holds more mutual fear than love; it sometimes occasions faction, but never goodwill.” Hobbes, *On The Citizen*, ed. Richard Tuck and Michael Silverthorne (Cambridge: CUP, 1998), p. 22.

With this insight he grasped the *civitas societatis* as the acknowledged primacy of interaction of society without social faculty. His own doctrine of self-preservation, he claimed, “in seeking of first Place and Influence morality founded on the Stoic argument was naturally was “sooner seen that which he bears the characterization of the concept of human behavior. Sociability was essential to Fellow subject.

In *socialitas* self-regarding position, rather they had in mind at this point man’s “unsocial social self-preservation itself thereafter was to follow to represent this mutual argument had been put as *Cive*, “when a Man do agreeable to the Law room.” In order to a self-regarding and self-sacrificions, which weigh’d the contrary Scale.” *Cive*.

The technique of reposition of others was
With this insight he could now reconstruct Grotius's interpretation of the *cuestio societatis humanae* by bridging the gap between the acknowledged primacy of individual self-preservation and the peaceful preservation of society without introducing any such notion as social appetite or social faculty. His own concept of *socialitas* was built firmly on the notion of self-preservation.44 Here Pufendorf turned to Stoic foundations. If, he claimed, “in seeking out the true Condition of Men we have assign’d the first Place and Influence to Self-Love,” this was not out of approval of a morality founded on selfishness but rather in recognition of the force of the Stoic argument which pointed to the simple fact that every man naturally was “sooner sensible of the Love he bears towards himself, than of that which he bears towards others.”45 He strongly resisted any trivialization of the concept of sociability as the antithesis of self-regarding behavior. Sociability was not any trifling prescription of “kindness and courtesy to Fellow subjects.”46

In *socialitas* self-regarding and other-regarding motives were not in opposition, rather they formed a distinctive combination. What Pufendorf had in mind at this point was precisely what Kant was later to christen man’s “unsocial sociability.” His initial premise was precisely that human self-preservation itself depended directly on others. But his strategy thereafter was to follow the argument of the Stoics rather than attempt to represent this mutual need by a contract. The essence of the Stoic argument had been pointed out by Hobbes himself when he wrote in *De Cive*, “when a Man doubts whether what he is going to do to another be agreeable to the Law of Nature, let him suppose himself in the other’s room.” In order to arrive at a correct evaluation of the balance between self-regarding and other-regarding motives “Self-love and the other Passions, which weigh’d down one Scale” had to be put in imagination “into the contrary Scale.”47

The technique of role-switching, of mirroring one’s own motives in the position of others was, if repeated and multiplied, the model of sociability

in action, and as Pufendorf remarked, "the same Precept was made use of by Yaca Manco Capace, the Founder of the Peruvian Empire; in order to the reducing his Subjects to a Life of Civility" (2.3.13). It was a very basic insight into the operation of human society. Reciprocity in itself, Pufendorf admitted, was not, however, the fundamental point, because it was, on reflection, "only a Corollary of that Law which obliges us to hold all Men equal with our selves; and therefore may be demonstrated a priori." But because of their direct link to self-preservation and the consequent need for cooperation, the dictates of mutuality could be taken as the operational manifestation of the unsocial and yet sociable nature of man. For Pufendorf this was then the fundamental law of nature itself.

Here therefore was a "law of nature" based on no naturalized concept of sociability at all. Just as the real state of nature, the state of natural liberty was, in fact, an adventitious state, so sociability was a historical product. But this did not imply that it was in any sense inappropriate to describe the fundamental law itself as "natural." Sociability was natural even though it was not given directly by nature. To understand the true merits of Hobbes's approach, Pufendorf argued, one had to consider "diligently the Ambiguity of the Word Nature." The fact that something was not there in the beginning by nature, should not be taken to mean that its later development is not natural. To deny the epithet "natural" to sociability simply because it was not innate was like arguing that "Speech is by Nature actually born with no Man; therefore all Speech which is afterwards learnt is against the Design of Nature." However paradoxical it might seem, Pufendorf claimed, "natural" sociability was a "social" construct.

Having restored the Grotian principle of custodia sociatis humanae to its full vigor by applying strictly Hobbesian principles, Pufendorf had two more essential tasks. He had to clarify the law-like nature of societas, and he had to set out at least some guidelines concerning its operational content as a law. In view of the instauration of desires and infinite diversity of human practices, the claim that mutual sociability was capable of sustaining itself was open to obvious doubts. One could not hope that "Rules

would be observed, nor could "good" and "expediency" be possible for men to pursue. Nevertheless, diversities of natural regulation and the difficulties in a European life without Law must be

The more "Voyage to the Sound, or the human Life in a jarring Dissonance a Musical Agony"

This made it all the more necessary for the picture of life to be understood as providing a material resource to the fundamental principle of societas founded on human reason: "the Necessity of Living with him, and not of Living guided and restrained by Nature."

The theory of societas, however, could only develop its own rational foundation as Civic Moralist.

52. Pufendorf, for a suggestion, see S. Foster, "The Seventeenth- century to Social Analysis: Wealth and Virtue, in the Moral Philos. of Vincent Hope. Laurent, Pufendorf"

54. Pufendorf, "Rules..."
would be observ'd out of bare Regard to Interest" even if the "Usefulness and Expediency of them be clearly apparent." Sociableness made it possible for men to live together and ensure their self-preservation. Nonetheless, diversity of desires, the "endless Methods of Living" cried out for natural regulation. Hobbes was wrong in thinking that social diversity and the difficulty of survival required the creation of the civitas. But, Pufendorf argued, "it is not agreeable to the Nature of Man that he should live without Law":

The more Voices there are, the more harsh and unpleasant would be the Sound, unless they join'd in Consort and Harmony; so would human Life be nothing else but Noise and Confusion, were not the jarring Dissonance compos'd and sweetened by Law, and turn'd into a Musical Agreement.53

This made it absolutely necessary to introduce a higher agency or principle into the picture, since "all Law supposes a Superior Power." Sociability had to be underpinned by a command of God.54 As its Maker God had to provide his Creation with the means of survival. Apart from the material resources for survival, he gave man reason. In doing so, in addition to the fundamental law of sociability and before there was any other law founded on human agreements, he willed man to follow the dictates of reason: "the Natural Liberty of Man, such as really and truly agrees to him, and not only in the abstracted Sense, must always be understood as guided and restrained by the Ties of Reason, and by the Laws of Nature."55

The theory of sociability, with its apparatus of dictates of reason im-

51. Hobbes, Leviathan, 12.2.2.
52. Pufendorf, Law of Nature, 2.1.7. Hume and Smith used similar musical metaphors to develop their own theory of sociability. For an interesting interpretation of Smith's theory of market sociability that takes this idea into account, see Nicholas Phillipson, "Adam Smith as Civic Moralist" in Wealth and Virtue, pp. 179–202.
posing duties directly on each and every man, also helped Pufendorf to create a historical account of the rise of property which in no way predetermined or foreshadowed the historical outcome. His famous theory of negative community was a resolution of a many-sided argument. For besides refuting Hobbes's initial theory of community as everybody's right to everything, Pufendorf, like Locke, had to fight the revived Adamic theory which placed the origin of private property at the very beginning of human history. In the negative community there were no property rights. In this state, Pufendorf claimed, "rights" had to be understood exclusively, but as "indefinite Dominion, not formally possess'd, but absolutely allow'd; not Actual, but Potential." As Barbevrau remarked, these could be regarded as rights if one allowed the name "right" to cover "any sort of right," including a mere "shadow of Property, or a power of possessing with Property" instead of "true and actual Property." In the negative community first occupation was guided by the dictate of reason, expressed as a proviso of moderation, commanding that no man, or family, should occupy more than what was needed for self-preservation. In the case of land this amounted to the territory that the occupier was able to cultivate. The proviso was meant to operate in the peaceful world of abundance. Apart from miserable worthless wretches who were always "in a Humour of invading" others, it was just not the case that "the All-wise Creator [has] been so unkind or so sparing in his Provisions for the human Race, that two persons must always lay Claim to the same Thing."

The theory of property in Pufendorf was genuinely historical in the sense that it described a process in time. Mankind moved slowly and gradually, Pufendorf argued, "according as the Temper or Condition of Men, the Nature of the things themselves, and the difference of place required." The change in the type of social bond, in the shape of communities, has been marked by a weak link. The state was characterized by a process of growth towards a more agricultural society. This growth was described by Smith, in Smith's _Wealth of Nations_, decisions. But this process was also characterized by the growth of private property. Smith described the process as "the whole artifices of the civil state of man." If these were not enough, then the growth of the state depended on the mutual dependence of citizens; for to each citizen, the more he has, the more he needs, and the more he needs, the more he is able to cultivate. Without such a process, society on the whole would stagnate. Without such a process, society on the whole would stagnate. Without such a process, society on the whole would stagnate.

Since Pufendorf, through his work on the question of the nature of property, society has been described in terms of individual rights and responsibilities. The growth of private property was heavily influenced by the growth of communities, and the growth of communities was heavily influenced by the growth of private property. The growth of private property was heavily influenced by the growth of communities, and the growth of communities was heavily influenced by the growth of private property. The growth of private property was heavy
munities, had a curious elliptical trajectory in Pufendorf’s theory. From the weak links of sociability obtaining in the state of natural liberty that characterized the early negative community, the direction of movement was towards a multiplicity of positive communities reaching, in the agricultural stage, complex agricultural and shepherding groups such as those described by Tacitus in his Germania. In Pufendorf’s theory, just as in Smith’s, this process involved a number of contracts, or rather joint decisions. But once the agriculturists agreed to the establishment of full private property, their community reverted to a kind of intracommunal state of natural liberty. Every family was now an island unto itself. In their capacity as private property owners, communal relationships between families came to an end; and their isolation in some ways reproduced artificially the atomized structure of Hobbes’s and Pufendorf’s fictional state of nature, although on a much higher level of material culture.

If these men wanted to live “happily and conveniently,” Pufendorf argued, then they had to have “continuall Occasion for the Works and for the Supplies of their Neighbours.” He emphasized two aspects of this mutual dependence. First, they needed their fellows at times when “their own Time as well as Power would fail them to procure the most useful and the most necessary Things.” Second, since in their hour of need they could only offer things in exchange “which they themselves do not want,” they also needed their neighbors as consumers, as partners in exchange. Without such “takers” the creation of surplus would have had to come to an end since they “would turn to no Use or Account, unless they were thus bestow’d and dispense’d.” It was a commonplace of jurisprudence that the birth of private property led to the advent of commerce and the introduction of money. But what is most significant here is that the sentences just quoted belong to the core of Pufendorf’s definition of sociability. The commerce of private property owners reconstituted a new society on the basis of the mechanisms offered by Pufendorf’s basic utility-based sociability.

Since Pufendorf had already established the viability of such a society through his fundamental theory of socialitas, he could now ask Smith’s question from, as it were, the opposite direction. Why was it that the society of direct cooperation could not survive? Why did the joint owners of communal land agree to its privatization? Customary moral language was heavily loaded in favor of the old community. The notions of abun-

60. Ibid., 2.3.14.
dance and "liberty" attached to primeval communities, "flattering us with being free from all manners of Subjection," were hard to counter. Pufendorf also had to be careful not to readmit Hobbes through the back door. He could not argue that these communities of property were anarchical. "Communion considered by itself," he emphasized, "doth not render Life altogether lawless and unsocial, but only more simple and unpolish'd." Thus the whole burden of legitimating property had to be carried by the analysis of the historical development of refinement and politeness, which in turn underpinned the theory of sociability. The conceptual emphasis had to fall on needs and desires rather than on liberty and power. Pufendorf agreed with Hobbes that the civitas had to come into being when the destructive and antisocial traits of human nature became incompatible in practice with the peace of a relatively complex cultura viva. But as envy, covetousness, ambition, and the desire for domination were permanent features of human nature, they themselves could not have been symptoms of change. What had changed was the sheer extent of cultura, not its psychological underpinnings.

Primeval communities were "strangers to Delicacies and Excess" and as yet "ignorant of Wealth," "finding an ease Supply of Food from Nature's Store." "What matter they could have for Bounty," Pufendorf asked, "when there was no Occasion to scrape up Treasure." One strong, "natural" motivation for change came from the heavy pressure of population growth. In the long run population growth was capable of rendering the whole Earth too small for mankind. But local scarcities appeared quite early. Most things "which are applied to the ends of Nourishment and Cloathing, are not by bare unassisted Nature produc'd every where in so great an abundance, as to yield a plentiful supply to all." Self-preservation increasingly became a matter of the consumption of the "fruits of industry." The competition for scarce resources dramatically raised the potentiality for social conflict. The rationale of the communal system of property was to replace the increasingly disregarded proviso of moderation with conscious regulations.

Grotius had previously suggested that the early communities could persist only as long as men continued to live "with great plainness and simplicity." Generalizing this insight, he had also suggested that community as a mode of living was not unique to the Eminent Charity. It was, he maintained, the case in the liberal societies of early Christianity and in the communities of the Jews. Furthermore, it was "entirely evident that these are the mere effects of human nature, and nothing more." These observations underpinned their plans for constructing a perfect Men that is neither.

The critique of Hobbes' theory of proper dominion contained in Plato's advocacy of" the Just Republic" represented, not the impossibility of the immanence of the state of nature, as Pufendorf repeatedly argued, but the need for a communitarian sense of virtue, simplicity and equipoise in a world of competition and strife but a more harmonious one. Labor in a commonwealth was "socialized" and sanctioned needs through a "just" rule of a man's rights to dominion but a direct communitarian view of the nature of society. Aristotle and the communitarian notion of humanity and beauty of the "Art and Occasion" would be supported and assist a Friend to our city, a satisfaction and Delight to us, and that we have a separate realm.

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as a mode of living was possible if "Men liv'd under the Influence of an Eminent Charity and Friendship towards each other," such as had been the case in the life of the modern "Ascetick" communities or among the old Christians and Essenes. Pufendorf was quick to point out that such societies were modeled on small voluntary communities. This kind of community could be maintained among no more than a "few Persons." Furthermore, it presupposed men of "singular Modesty and Goodness." It also ran directly counter to the skeptical conception of what human beings are really like. This radical departure from a realistic assessment of human nature had been the great mistake of More and Campanella in their plans for communitarian utopias, "it being much more easy to fan the perfect Men than to find them."  

The critique of the society of humanity and beneficence in Pufendorf's theory of property returned quite consciously to Aristotle's critique of Plato's advocacy of community of property in the *Republic*. This was, in itself, plainly no innovation. It already underlined Hobbes's explanation of the impossibility of living within a system of common rights. But Pufendorf proceeded to apply it directly to the abandonment of the early communitarian stage of mankind. The communitarian arrangement of simplicity and equality was now shown to be not a solution for disorder and strife but a major cause of it. The placing of the products of a man's labor in a common store for redistribution according to his communally-sanctioned needs was a major cause of strife because it severed the natural link between his efforts and his share in consumption. The protection of a man's rights to the products of his own labor, although corrosive of direct community, was now upheld as a precondition for the peace of society. Aristotle's critique of Plato had furthermore suggested that the communitarian redistributive system even failed to leave any scope for humanity and beneficence. With the introduction of property the "Matter and Occasion" was supplied for "liberality and Beneficence." "To gratifie and assist a Friend, a Guest, or a Companion, fills us with Sensible Satisfaction and Delight," argued Pufendorf, "and this we cannot do, unless we have a separate Share of Good things to ourselves."

Pufendorf's argument entailed that the peace of society would be better preserved if communally organized artificial beneficence gave way to the

64. Ibid., 4.4.7.
mutual sociability of selfish agents. For the deconstructed society of private property owners could still be linked sufficiently through the mutual needs of its members. In order to exchange their goods they had to barter, they had, that is, to form themselves into a commercial society. While self-preservation and population growth could explain mankind's passage from hunting and gathering to agriculture, no account of the transformation of society after the decision to introduce private property in land could be expressed in terms of the origins of property. The matter of the secondary acquisition of goods dominated the fourth stage, which succeeded the overwhelmingly agricultural one. In his discussion of the ensuing system of mutual barter, the rise of money, the rules of commercial sociability embodied in the principles of value and price formation, Pufendorf returned to purely Aristotelian foundations.

According to Aristotle's theory, as cited by Grotius, society, *koinonia*, was held together by need. "The cause of bargaining was want, *indigentia*, *doría*. Once sociability had been expressed as commerce all further steps in social development could be directly derived from an analysis of the mechanisms of human need. At first there was only simple barter, *permutatio*, "Work was paid in Work, or else in Commodities." But the craving for refinement and a more commodious life demanded ever-increasing extensions of the system. The matching of needs through direct exchange was therefore clearly possible only in small communities. Soon, it would necessarily become "hard for many to possess such Goods, for which any other would be willing to barter those Commodities he wanted, or which, indeed, could be exactly equivalent of them." Society based on the mechanisms of sociability depended on the extension of the market. The introduction of money and foreign trade followed logically and inevitably from the stage of *permutatio*.

With the introduction of foreign trade, Pufendorf rounded off his analysis. Sovereign states and their citizens were truly in the state of natural liberty even when they associated through commerce. Hence commercial sociability was perfectly capable of creating "society" without its agents uniting under "the same Government and Constitution." The theory of society and the theory of the state now had to be separated even more sharply. In most historical cases Hobbes's suggestion was entirely correct.

Civilized standards. But this was argued Pufendorf,lishments, in a context that of the Fathers of government from the distance himself from and from the endless define the modern *cultura* by identifying commercial sociability.

The good life was, of the early agric,"Prospect of living together, than the an urbane society... Plenty and Luxury declared, was a_prone to negative features of it. It was easily prosper; trade with "the Relief of tendedly be without

Having constructive sociability, Pufendorf's practical note. Once a stance, once cities irreversible. As Pufendorf, "the meaner People forced (for Livelihood). Once private property the links of market were

70. Ibid.
71. Ibid.
72. Ibid.
73. For Pufendorf's and largely wrote as a Losson in *Disertationes*.
74. Pufendorf, *Law

67. See ibid., 5.1.4. Pufendorf cites Aristotle from Grotius, the reference is to *Nicomachean Ethics* 1133a.
69. Ibid., 7.1.6.
Civilized standards of living were associated with the presence of government. But this was not a necessary connection. "Instances can be given," argued Pufendorf, "of People living for many Ages, under Civil Establishments, in a condition no way superior, for Plenty and Abundance to that of the Fathers of Families in ancient Time." By divorcing the origins of government from the satisfaction of human need, Pufendorf could also distance himself from any moral endorsement of the spiral of instability and from the endless diversification of the content of need. He could now define the modern cultura vitae more sharply and distinguish it from vera cultura by identifying with great accuracy the institutional outcome of commercial sociability.

The good life was a simple life, fully attainable in the moderate plenty of the early agricultural state. But the trajectory opened up by men's "Prospect of living in a better Fashion and greater Plenty, when united together, than they can possibly do in a Condition of Solitude" leads to an urbane society, to "magnum orbis," not to civitates. "All that mighty Plenty and Luxury, which now reigns in some Parts of the World," he declared, was a product of "great Cities." It was in the cities that the negative features of human nature, ambition, vanity, and emulation could easily prosper; trades could establish themselves which had nothing to do with "the Relief of Men's real Necessities." "Civitates" could very contendedly be without the "luxurious objects manufactured in the towns."

Having constructed his jurisprudence around the concept of commercial sociability, Pufendorf could not end his analysis on quite such a critical note. Once a system of private property in land has made its appearance, once cities have developed, the dynamics of progress becomes irreversible. As Pufendorf observed, luxury progressed in the cities because "the meaner People (vulgus), having no Income from Cartel or Land, are forced (for Livelihood) upon improving divers Arts and Inventions." Once private property had been established in a society, the extension of the links of market sociability had to be permanent. Despite his misgivings Pufendorf endorsed the introduction of money as a generalized means of

70. Ibid.
71. Ibid.
72. Ibid.
73. For Pufendorf's other traditional casuistry of luxury see the dissertation he directed and largely wrote as a professor at Lund, "De Legibus Summaribus" (respondens Daniel Losius) in Dissertations Academicae Selectiores, pp. 404-428.
exchange. As he explained, “in a well-regulated State, where the subjects are divided into various Orders and Ranks, there must be several Sorts of Men which would not be able to subsist, or at least very hardly, did the simple way of Bartering still prevail.” Because of this, the theoretical history of private property could not simply end with the establishment of exclusive private property by men in the age of agriculture. A fourth stage had to be added to clarify the preconditions for the secondary acquisition of the means of self-preservation as well as the goods that fulfilled the needs of luxury and which in turn allowed everybody, and not only the owners of cattle and land, to survive.

Jean Barbeyrac, noting the moral opposition to the corruption caused by the rise of commerce and the great cities, felt the need to underline the force of Pufendorf’s conception of sociability. Such denunciation of corruption, he argued, was more a matter for divinity than for civil law. In the human world as this had come to be it was clear that commerce had to be included firmly within the scope of natural jurisprudence. As Barbeyrac wrote:

It is sufficient, that in the State that Things now are, Commerce, as well as Propriety of Goods, is necessary among Men, in the Condition they are; so that we may say, that the Settlements of Commerce in General are very conformable to the most pure Reason, and the Law of Nations, so called in the most agreeable Sense.  

It was in this spirit that the “four-stages theory” was conceived in the eighteenth century. It was not an attempt to create a new definition of commercial society, which then could be added to the existing historical theory of the origins of property, but rather to integrate the fragmented aspects of Pufendorfian natural jurisprudence into a single theory of the history of civilization. The foundations of a theory of commercial society were already fully present in Pufendorf’s “socialism.”

75. Ibid., 5.1.11.
76. Smith owned Barbeyrac’s French translation of Pufendorf and referred to Barbeyrac’s footnotes in TMS, VII i.11. See Hiroshi Minuta, Adam Smith’s Library: A Catalogue (Oxford: OUP, 2006), p. 207. The passage above is in Barbeyrac’s first footnote to Pufendorf, Law of Nations 5.1.1. The immediate target of the criticism was Thomasius, who had been the first to break away from the “socialists,” replacing sociability with happiness at the center of his jurisprudence.