Mounting evidence suggests that non-consensual military intervention is most often a poor instrument for alleviating mass suffering. Thus, a growing number of scholars and practitioners argue that the international toolbox for protecting populations should also contain non-coercive tools for assisting states and enhancing their capacities. But while studies of the history of military intervention proliferate, past thinking about duties of assistance and capacity-building remains relatively neglected. This article seeks to rectify this state of affairs by analyzing and seeking insights from the detailed treatment of non-coercive means of discharging duties to others offered by the eighteenth-century Swiss jurist and diplomat Emer de Vattel. Drawing on Leibniz’s conception of “perfection,” Vattel argued that states have duties to contribute to the perfection of those beyond their borders as far as they can without doing an “essential injury” to themselves. While some of his claims about duties may be uncontroversial today, others remain subject to ongoing contestation, and still others have been forgotten and demand renewed attention. Crucially, while Vattel acknowledged the need for prudence, he also demanded that states be willing to make sacrifices for the sake of vulnerable strangers. He framed the cultivation of ever greater ability to assist others as a fundamental aspect of a state’s own self-perfection.

Heated and ongoing debate about how to best contribute to the protection of vulnerable people beyond borders has, in recent years, prompted a turn to history. Scholars look particularly to the record of the theory and practice of military intervention. They scour past ideas and cases for present-day insights (Bass 2008; Simms and Trim 2011; Recchia and Welsh 2013). However, for all the discussion about intervention, nonconsensual resort to force for the purpose of protecting populations remains a rare occurrence (Bellamy 2015). This is, in my view, as it should be. Scholars and practitioners increasingly recognize that, in the absence of host-state consent, coercive intervention is usually a poor instrument for alleviating mass suffering. With some important exceptions, intervention tends to increase the suffering of civilians in the short term and proves inadequate for securing peace in the longer term (Peksen 2012; Wood, Kathman, and Gent 2012). Interventions are also politically fraught. They strain relationships among great and rising powers, and they undermine cooperation on other pressing matters within regional and international organizations. And even when successful, “military intervention is a particularly expensive way to save lives,” and, as such, creates considerable opportunity costs (Valentino 2011, 66).

With these limitations in mind, scholars and practitioners of humanitarianism, peacebuilding, and the Responsibility to Protect (R2P) increasingly emphasize that the toolbox for preventing grave suffering and mass atrocities ought to contain a range of non-coercive tools. These should aim at assisting states and enhancing their capacity to protect their populations. Advocates of R2P, for example, highlight the importance of “pillar two” efforts by international society to provide the assistance and support necessary to reinforce the “pillar one” efforts of states to protect their own populations. This, they contend, should reduce the number of occasions that require “pillar three” coercive measures to enforce protection (United Nations 2014; Sharma and Welsh 2015). However, while histories of the idea and practice of military intervention continue to proliferate, past thinking about duties of assistance and capacity-building remains relatively neglected. We need to also retrieve and seek insight from these historical deliberations.

The eighteenth-century Swiss diplomat and jurist Emer de Vattel (1714–67) considered duties of assistance and capacity-building in particular detail. Vattel’s treatment of questions of military intervention in his work The Law of Nations (1758) is well explored, even if debate continues as to how it should be interpreted (Zurbuchen 2010; Pitts 2013; Rech 2013). His engagement with questions of duties of non-coercive aid and assistance, in contrast, remains relatively neglected. The tension that Vattel grappled with in his discussion of these duties was not the tension between

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For more optimistic assessments that outline particular circumstances in which military intervention might be effective, see Krain (2005) and Seybolt (2007).

2A growing literature explores nineteenth- and twentieth-century ideas and practices of humanitarianism, particularly grappling with their ties to imperialism (Barnett 2011; Tusan 2012; Everill and Kaplan 2013; Sasson 2016). Little, however, reaches further back to consider, for example, the early modern and Enlightenment treaties on the law of nature and nations that so exercise scholars of humanitarian intervention.

3While some scholars read Vattel as a defender of non-intervention (Zurbuchen 2010), others see him as an apologist for “international adventurism and exploitation” (Tuck 1999, 195), and still others simply declare him charmingly inconsistent (Wight 1966, 119).

4Two works that at least offer useful overviews of tensions between cosmopolitan and statist duties in Vattel’s work are Linklater (1990, 80–96) and Hurrell (1996).
sovereignty and interference characteristic of many Enlightenment discussions about military intervention and given so much attention by scholars today. After all, he made clear that duties of assistance and capacity-building should never be performed without the consent of the recipient sovereign state. Rather, he grappled with the tension between the duties of states to help others and their duties to help themselves.

Vattel’s model for working through this tension was grounded in a notion of “perfection,” which he took from the natural law writings of Gottfried Wilhelm Leibniz and Christian Wolff. All states have a duty to contribute to the preservation and perfection of other states, he claimed, insofar as they can do so without neglecting their duties toward themselves. He explained that the perfection of other states involved providing for their necessities and conveniences, helping them secure peace and justice, and contributing to their capacities to achieve these things for themselves. These tasks are central to the humanitarianism, peacebuilding, and R2P agendas today.

Crucially, Vattel did not conclude that a state should assist others only if it cost them nothing to do so or only if it advanced certain short-term interests. Rather, he argued that states should prioritize the urgent or substantial needs of others over their own non-essential needs and that they should be willing to embrace a measure of self-sacrifice for the sake of vulnerable strangers. Furthermore, he insisted that the perfection of others and the perfection of oneself were not mutually exclusive. He suggested, as others had before him, that some long-term material utility could be derived from assisting vulnerable others. But he went further, arguing that contributing to the perfection or well-being of others was, in an important ideational sense, constitutive of the perfection of oneself. Such an effort to resolve the tension between duties to others and duties to ourselves demands renewed consideration today. It represents a powerful counterpoint to widespread calls for governments to focus solely on the needs of their own populations and not on the needs of strangers and foreigners beyond borders.

This article analyzes and draws insights from Vattel’s conception of duties beyond borders across four sections. First, it outlines the intellectual and political context of his study of the law of nations. It shows how his arguments about duties beyond borders were prompted intellectually by his embrace of a Leibnizian understanding of natural obligations and politically by his hope to secure the well-being of small European powers vulnerable not only to the predations of larger powers but also to famines and other calamities. The second section examines his use of Wolff’s distinction between the necessary and voluntary laws of nations. It explains how Vattel conceived the duty of a state to contribute to the perfection of those beyond its borders as internally binding on the conscience of the state, even if not externally enforceable by others.

The third section expounds Vattel’s model of the duty of states to preserve and perfect others. His model emphasizes the need for prudence, but also demands that states be willing to make sacrifices for the sake of others. Indeed, it frames the cultivation of greater ability to assist others as a fundamental aspect of a state’s own self-perfection. The fourth section examines his principle of non-interference and his insistence that perfection should not be imposed on other states without their consent. It shows that, while he called for the provision of non-coercive and consensual assistance to the vulnerable, he largely rejected efforts to forcibly remake the world. The article concludes by outlining how Vattel’s conception of a responsibility to perfect can make a valuable contribution to debates about duties to assist and protect the vulnerable today.

Vattel’s Intellectual and Political Context

Vattel was not the first natural law theorist to contemplate duties to extend non-coercive assistance to foreigners in times of need. Certainly, from the sixteenth century onward, the leading deliberations on the principles and laws that should guide relations between states tended to focus on the rights and duties of coercive intervention, war, and conquest.5 This is not surprising given the context of devastating wars that accompanied the end of ecclesial unity and the emergence of the territorial sovereign state within Europe, as well as the intense and often violent competition among imperial powers for markets and territory beyond Europe. However, many of these treatises on the “law of nature and nations” also gave detailed consideration to non-coercive means of discharging the “offices of humanity” that nations were said to owe to each other. During the sixteenth and seventeenth centuries, constructions of these offices, or duties, tended to require nations to make use of their own domain for the benefit of others. They involved duties to engage in commerce and to provide safe passage, hospitality, and refuge (Cavallar 2002). Perversely, in the hands of some, such as the Dutch jurist Hugo Grotius, they were framed so as to justify a right of war by European powers against peoples of the East Indies and the Americas who failed to perform them. Others, such as the German jurist Samuel Pufendorf, subsequently denied the compulsory nature of these duties and thus made clear that their violation did not constitute just grounds for imperial conquest (Grotius 1925, II.2, 186–205; Pufendorf 1934, III.3, 346–78; Tuck 1999, 78–108, 140–65). In the eighteenth century, theorists such as Vattel began to deliberate duties of mutual aid and assistance that required states not only to make use of their own domain but also to take non-coercive action beyond their borders for the benefit of vulnerable peoples.

What were the key intellectual currents and political crises that prompted and influenced Vattel’s treatment of duties beyond borders? Protestant natural law theorists of the early Enlightenment proffered a range of rival visions of the aims and possibilities of law and politics (see Hochstrasser 2000; Hunter 2001; Haakonsen 2006). Some, such as Thomas Hobbes and Pufendorf, responded to decades of violence and instability, both within and between states, by positing systems of natural law that sought merely to facilitate the maintenance of peace and order. The purpose of law and politics, for them, entailed the restraint and pacification of humanity. They defended the absolute authority of the sovereign ruler within the state and the indefeasible rights of states to defend their liberty and independence against external threats.

Whereas Hobbes rejected the Aristotelian claim that humans were naturally sociable, Pufendorf sought to protect himself against charges of Hobbism by grounding his system in a fundamental law of human sociability. But this sociability was driven by considerations of utility. The justification and purpose of sociability, for Pufendorf, was merely the Hobbesian end of securing one’s own

5In addition to the humanitarian intervention literature cited earlier, see studies of these works by Tuck (1999), Muthu (2012), and Pagden (2015), among many.
preservation in a dangerous world (Palladini 2008; Christov 2015, 143–210). When Pufendorf applied the law of sociability to relations between states, potential duties of mutual aid and assistance tended to quickly give way to the strict duty of states to prioritize their own security and interests. This marginalization of duties to others provided the grounds for him to reject some of the justifications for imperial conquest offered by earlier theorists, as noted earlier. But it also led him to draw some callous conclusions, including the claim that states could justly expel foreigners in times of famine for the sake of their own citizens (Pufendorf 1934, III.3.9, 365–66).

In contrast to Hobbes and Pufendorf, whose natural law theories were so focused on the preservation of peace and order, others, such as Leibniz and Wolff, embraced the Aristotelian-Thomist claim that the law should aim higher and seek to facilitate the natural human inclination to perfection. They understood perfection in terms of completeness or wholeness. They offered expansive visions of the ends of social life that required individuals to pursue the perfection, good, and happiness not only of themselves but also of others. Across numerous essays and letters, Leibniz produced a theory of natural law that grounded moral action in the pleasure and perfection that individuals derive from benevolently promoting the perfection of others (see Leibniz 1972, 45–84; Brown 1995; Riley 1996). He rebuked Pufendorf for basing his natural law on selfish calculations of utility. Individuals should instead seek to love their neighbor and “procure good for everybody,” insofar as they can, he declared (Leibniz 1972, 83). Individuals will derive lasting pleasure from pursuing the perfection of others and in so doing will further the perfection of themselves.

Wolff undertook to elaborate and systematize Leibniz’s ideas and apply them to relations between states. In The Law of Nations (1749), he bluntly rejected “the perverse idea … that the mainspring of the law of nations is personal advantage” (Wolff 1934, II.163, 87). He insisted, instead, that every nation ought to “have the fixed and lasting desire to promote the happiness of other nations” (Wolff 1934, II.162, 87). Just as “every man ought to love and cherish every other man as himself,” he claimed, “every nation too ought to love and care for every other nation as for itself” (Wolff 1934, II.161, 86). Wolff acknowledged that every nation was bound to preserve and perfect itself. But he also insisted that “every nation owes to every other nation that which it owes to itself,” insofar as it can perform it without neglecting its duty to itself (Wolff 1934, II.156, 84). The perfection of a nation involved the accomplishment of “a sufficiency for life, tranquility, and security.” He elaborated: “sufficiency for life consists in the abundance of those things which are required for the necessity, advantage and pleasure of life, and in the means of happiness … tranquility consists in freedom from fear of injuries, and security in freedom from fear of violence, especially from the outside.” Every nation was bound to contribute to each other’s accomplishment of these things insofar as it was in a position to do so and the other was unable to attain them for itself (Wolff 1934, II.177, 92).

Vattel knew these rival conceptions of natural law well and was most positively disposed to the philosophies of Leibniz and Wolff. He studied the law of nature and nations under the tutelage of Jean-Jacques Burlamaqui at the University of Geneva in the 1730s. Burlamaqui’s teaching drew heavily on the work of Pufendorf, but it was grounded in foundational principles that mirrored more closely those of Leibniz. He insisted, for example, that the laws of nature existed not to restrain the passions of man and merely facilitate his survival, as Hobbes and Pufendorf suggested, but “to conduct him safely to the end, which every one has, and indeed ought to have, in view, namely, true and solid happiness” (Burlamaqui 2006, I.I.1, 31).

Vattel’s (1741) first book provided a detailed defense of the philosophy of Leibniz. Living in the Swiss principality of his birth, Neuchâtel, ruled at the time by Prussia, he dedicated the book to his king, Frederick the Great. He sought but failed to secure a diplomatic position in the Prussian court and instead accepted a promise of employment by Count Brühl, first minister of Elector Friedrich August II of Saxony. While he waited for Brühl to call on him, Vattel spent several years in Neuchâtel, studying the works of both Leibniz and Wolff and composing a collection of essays, which he published in 1746. The collection included an Essay on the Foundation of Natural Law and on the First Principle of the Obligation Men Find Themselves Under to Observe Laws. This Essay offered a distinctly Leibnizian explanation of the obligation of individuals to obey natural law. It emphasized the happiness and perfection that one derives from obeying the dictates of reason and conforming to the demands of justice (Vattel 2008, 747–71).

Apart from a brief stint as Saxony’s permanent minister to the Swiss Republic of Berne, Vattel remained in Neuchâtel for several more years. Here he wrote his most famous work, The Law of Nations, which he published in 1758. As we will see, he grounded his law of nations in the Leibniz-Wolffian conception of perfection, recommending that nations contribute to each other’s perfection insofar as they are in a position to do so without neglecting their duties to themselves. However, he also endorsed Pufendorfian claims about the material utility derived from acting in this way.

Kaposy and Whatmore (2008, xii) rightly note that, while “a subject of the king of Prussia by birth, and a servant of the elector of Saxony by profession, Vattel was first and foremost Swiss.” He cherished this Swiss heritage. “I was born in a country of which liberty is the soul, the treasure, and the fundamental law,” he declared in the preface to The Law of Nations, “and my birth qualifies me to be the friend of all nations” (Vattel 2008, Preface, 20).

His primary purpose in writing the work seems to have been to advance the security and well-being of the small Swiss principalities and republics amid the large and often predatory militarist and commercial powers of Europe, particularly France and Prussia (see Kaposy 2010; Whatmore 2010; Toyoda 2011, 161–90). Some Swiss theorists, such as Jean-Jacques Rousseau, recommended isolationism as the means of protecting Swiss liberty. But Vattel argued that the freedom and welfare of vulnerable states could be better advanced by binding Europe more tightly together through the cultivation of mutual commitment to the common good (Kaposy and Whatmore 2008, xiii; Christov 2013). He famously celebrated that Europe was “not, as formerly, a confused heap of detached pieces, each of which thought herself very little concerned in the

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1For more detailed discussion of Vattel’s intellectual and political context, see Kaposy and Whatmore (2008), Toyoda (2011, 161–90), and Rech (2013).

2The full title of the work was The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns.

3Hereafter, citations to Vattel’s Law of Nations (2008) are made simply with section and page references.
fate of the others.” Rather, it had been made into “a kind of republic, of which the members—each independent, but all linked together by the ties of common interest—unite for the maintenance of order and liberty” (III.3.47, 496).

It is often emphasized that Vattel argued that the common good could be further promoted through greater commitment to international commerce, the balance of power, and the formation of coalitions to suppress ambitious and aggressive powers (see Nakhimovsky 2007; Devetak 2011; Rech 2013). It is less commonly acknowledged that he insisted that the common good should also be advanced through the cultivation of concern for vulnerable and oppressed peoples and the development of capacities to provide mutual aid and assistance in time of need.

Throughout the seventeenth and eighteenth centuries, Europe repeatedly confronted not only problems of domestic tyranny and international aggression but also debilitating natural disasters and famines. Oftentimes, the latter triggered the former (see Wheeler 2008; Parker 2013). Such urgent crises led Vattel, who appears to have had no experience in colonial matters, to naively embrace the Lockean “agricultural argument,” which justified European occupation of uncultivated lands in the Americas (see Cavallar 2008; Anghie 2011). But it also prompted him to outline demanding duties of mutual assistance among European states. He followed closely Wolff’s framework for such duties. Vattel took his assertions about the “imperfect” nature of these duties and the right of states to judge for themselves the extent to which they could perform them without neglecting their duties to care for their own needs directly from Wolff. But Vattel, consciously writing not only for fellow philosophers and jurists but also for sovereigns and their ministers, provided more practical detail and offered more instructive examples than Wolff, whose geometrical method for writing moral philosophy was notorious for its tedious proximity (see Preface, 10–20). While much of the groundwork had been laid by Wolff, it remained for Vattel to present to a wide audience an expansive and compelling vision of duties for the protection of vulnerable peoples beyond borders.

The Necessary and Voluntary Laws of Nations

Nature has established society among individuals, Vattel declared in the Preliminaries to The Law of Nations. The “general law” of that natural society is that “each individual should do for the others every thing which their necessities require, and which he can perform without neglecting the duty that he owes to himself.” This was “a law which all men must observe in order to live in a manner consonant to their nature, and conformable to the views of their common creator.” It was also “a law which our own safety, our happiness, our dearest interests, ought to render sacred to every one of us.” While individuals were free to unite with each other to form separate “states” or “nations” (he tended to use the two terms interchangeably), they could not thereby liberate themselves from their duties to humankind. Rather, in so uniting, “it thenceforth belongs to that body, that state, and its rulers, to fulfil the duties of humanity towards strangers.” Just as nature has established society among individuals, so too has nature established a “great society” among nations. The “first general law” of that society is that “each individual nation is bound to contribute every thing in her power to the happiness and perfection of all the others.” However, this duty needed moderating by the duties of nations toward themselves:

But the duties that we owe to ourselves being unquestionably paramount to those we owe to others,—a nation owes herself in the first instance, and in preference to all other nations, to do everything she [lawfully] can to promote her own happiness and perfection ...When therefore she cannot contribute to the welfare of another nation without doing an essential injury to herself, her obligation ceases on that particular occasion, and she is considered as lying under disability to perform the office in question. (Prelim. §§10–14, 72–74)

The “second general law” of the society of nations, in turn, was respect for the natural liberty and independence of each nation. Consequently, a nation must always retain the right to judge for herself what her conscience prescribes and “to examine and determine whether she can perform any office for another nation without neglecting the duty which she owes to herself.” In all cases that depend on such judgment, “no other nation can compel her to act in such or such particular manner: for any attempt at such compulsion would be an infringement on the liberty of nations” (Prelim. §§15–16, 74).

Underpinning this claim that duties to contribute to the perfection of other nations cannot be compelled was a distinction between the “necessary law of nations” and the “voluntary law of nations,” which Vattel borrowed from Wolff. The necessary law consisted in the direct application of the law of nature to nations. Although internally binding on the conscience of nations who were absolutely bound to observe it, this law was not appropriately subject to enforcement by other nations. The voluntary law, in contrast, delineated that which was externally binding and enforceable. While it “flows from the same source, and is founded on the same principles” as the necessary law, it needed modifying and regulating so as to avoid states constantly taking up arms to punish the supposed wrongs of others (III.13.192, 592–93).

Wolff famously suggested that this voluntary law was promulgated by a fictional supreme state (civitas maxima). The supreme state comprised all nations and enjoyed “some sovereignty” over them all (Wolff 1954, Proleg. §§7–21, 11–17). Vattel vigorously rejected this idea. Such a fictional body was not necessary for regulating the necessary modifications to the natural law, he claimed. Rather, “all these alterations are deducible from the natural liberty of nations, from the attention due to their common safety, from the nature of their mutual correspondence, their reciprocal duties, and the distinctions of their various rights, internal and external, perfect and imperfect” (Preface, 16).

While nations are always internally bound by the necessary law to obey their conscience, the external obligations produced by the voluntary law needed division into perfect and imperfect duties. A nation can be rightly subject to compulsion for violating perfect duties that correspond to the perfect rights of others, such as a right of freedom from injury. But an imperfect duty, which depends on the

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9 The distinction between perfect and imperfect duties was first developed by Pufendorf (1991, I.3.4, 69).
judgment of the duty-bearing nation, should not be subject to compulsion. The other nation has merely an imperfect right to its performance, which entails a right to ask but not to compel (Prelim. §17, 74–75). He explained:

A nation then is mistress of her own actions so long as they do not affect the proper and perfect rights of any other nation,—so long as she is only internally bound, and does not lie under any external and perfect obligation. If she makes an ill use of her liberty, she is guilty of a breach of duty; but other nations are bound to acquiesce in her conduct, since they have no right to dictate to her. (Prelim. §20, 75; see also §§9 and 21, 71, 75–76)\(^{10}\)

Some scholars conclude that, while Vattel deployed the language of universal duties that flowed from nature, his arguments about the voluntary law ultimately amounted to a justification for action guided by calculations of reason of state. T. J. Hochstrasser (2000, 181–82), for example, suggests that “this distinction between a necessary and voluntary law of nations is effectively an endorsement of current state practice camouflaged by the supposedly self-enforcing sanction of conscience... Vattel told professional diplomats what they wanted to hear” (see also Tuck 1999, 191–96; Armitage 2013, 154–71). Ian Hunter defends Vattel against such charges. He argues that the Swiss jurist did not seek to defend the doctrine of reason of state, but nor was he the champion of a principle of universal justice. Rather, he sought to hone the “art of diplomatic casuistry” in which “the natural-law principle of cosmopolitan mutual perfection is continuously adjusted—moderated, adapted, suspended—in relation to the divergent maxims and exigent circumstances of national self-interest” (Hunter 2010a, 125–26; see also Hunter 2011, 2015).

Hunter’s argument usefully directs us to the fact that Vattel sought to present a model for how diplomats should weigh their duties to others against their duties to themselves on a case-by-case basis, weavesthe extremes of universalism and statism according to the circumstances at hand. However, Hunter at times takes this argument too far and exaggerates the extent to which Vattel let states off the hook. He presents Vattel’s voluntary law as a concession to the exigencies of national self-interest. He claims that Vattel’s model of “diplomatic casuistry” establishes a “bi-polar field of judgment” in which “the ‘consciential’ obligations of cosmopolitan mutual perfection are suspended when they conflict with the maxims of national welfare in the domain of ‘external relations’” (Hunter 2010a, 124).

But this is not what Vattel argues. The difference between the necessary and the voluntary law is not that the former is solely concerned with cosmopolitan duties and the latter adds consideration of national welfare. Vattel makes clear that the weighing of cosmopolitan duties against national duties is already a feature of the necessary law and a matter of internal conscience. The difference between the necessary and the voluntary law is that the latter adds that no nation has the right to question another’s judgment or to accuse it of violating its conscience. Vattel explains that, if the law permitted nations to so act, it would mean “opening the door to endless discussions and quarrels” (III.13.196, 595). The voluntary law, therefore, is not a concession to the exigencies of national self-interest. Rather, it is a concession to the need to maintain international peace and security:

as the necessary law is always obligatory on the conscience, a nation ought never to lose sight of it in deliberating on the line of conduct she is to pursue in order to fulfill her duty: but when there is question of examining what she may demand of other states, she must consult the voluntary law, whose maxims are devoted to the safety and advantage of the universal society of mankind. (Prelim. §28, 79; see also Preface, III.12.192, 16–17, 593)

Moreover, while Hunter (2010a, 123) suggests that Vattel argued that “there can be no universal principle of justice governing... transactions in the society of nations,” Vattel in fact made no such argument. Certainly, Vattel suggests that it does not belong to others “to pronounce a judgment on the contested question.” But he also makes clear that there is always a just and unjust side and that “The party who is in the wrong is guilty of a crime against her own conscience” (Prelim. §21, 76). The voluntary law insists that no state has a right to compel another to perform its imperfect duties. But this in no way means that states should consider themselves morally free to act as they choose. Their casuistic reasoning about how to weigh their duties to others against their duties to themselves in a given situation must be aimed at determining the just course of action.\(^{11}\) And crucially, as we will see in the next section, Vattel provided sovereigns and their ministers with clear principles and guidelines as to how such cosmopolitan and national duties should be weighed.

The Duty to Preserve and Perfect Other Nations

Vattel devoted the second of the four books of The Law of Nations to expounding a wide range of duties that nations owed to others and considering how they should be weighed against duties to themselves. “The following maxims will appear very strange to cabinet politicians,” he began, “and such is the misfortune of mankind, that, to many of those refined conductors of nations, the doctrine [of the duties of nations to others] will be a subject of ridicule.” Nevertheless, he declared, even if we should not always expect sovereigns and their ministers to discharge their “offices of humanity,” it was worth boldly spelling them out, not only with the desire of convincing some, but also with the hope of shaming others into compliance: “even those who relish them the least, are thereby laid under a necessity of keeping within some bounds, lest they should forfeit their characters altogether” (II.1.1, 259–61).\(^{12}\)

\(^{10}\)It was in this context that Vattel famously defended the equality of states, declaring that “A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom” (Prelim. §18, 75).

\(^{11}\)My argument here accords with Jouanet (1998) and Zurbuchen’s (2009) claims that, for all the liberty and independence that Vattel granted to states, he always maintained that they were bound by universal principles of justice. See likewise Koskenniemi (2011), who notes how Vattel deployed a language that was at once realistic and idealistic.

\(^{12}\)This might be fruitfully read as an early recognition of a distinction between logics of appropriateness and logics of consequences, or between the constitutive and regulative impacts of social norms. Elsewhere, he likewise anticipated contemporary constructivist claims about how to detect such norms in the discourse of actors, even in examples of violation: “Pretexts are at least a Homage which unjust men pay to justice. He who screens himself with them shews that he still retains some sense of shame. He does not openly...
He took the “general principle of all the mutual duties of nations” directly from Wolff: “One state owes to another state whatever it owes to itself, so far as that other stands in real need of its assistance, and the former can grant it without neglecting the duties it owes to itself” (II.1.3, 262). He framed this in Leibnizian terms of promoting the perfection and happiness of others. But he founded it on Pufendorfian considerations of self-interest. It is the inability of individuals to supply all their wants and to preserve and perfect themselves on their own that obliges them to extend to each other mutual aid and assistance. And those same duties that individuals owe to each other are, in a way, also owed by nations to each other. However, he offered two observations to relieve those readers “who might be alarmed at this doctrine, as totally subversive of the maxims of sound policy”:

1. Social bodies or sovereign states are much more capable of supplying all their wants than individual men are; and mutual assistance is not so necessary among them, nor so frequently required . . .
2. The duties of a nation towards itself, and chiefly the care of its own safety, require much more circumspection and reserve, than need be observed by an individual in giving assistance to others. (II.1.3, 262)

But despite these two considerations, Vattel proceeded to outline a range of ways in which states ought to discharge their duty to preserve and perfect others. As noted earlier, in contrast to earlier theorists who tended to focus on the duties of states to make use of their own domain for the sake of others, Vattel also gave substantial attention to the duties of states to step beyond their borders and extend aid and assistance to vulnerable outsiders. He began by outlining the duty to take up arms to aid a neighboring nation unjustly attacked by an aggressive enemy (II.1.4, 262–63). Many before him had done the same (see Grotius 1925, II.25.4–6, 581–82; Pufendorf 1934, VIII.6.14, 1305–7). But, in a break from earlier theorists who tended to focus on such duties of war, Vattel added that nations ought also to provide non-coercive assistance to others afflicted with “famine or any other calamities”:

if a nation is afflicted with famine, all those who have provisions to spare ought to relieve her distress, without however exposing themselves to want . . . To give assistance in such extreme necessity is so essentially conformable to humanity, that the duty is seldom neglected by any nation that has received the slightest polish of civilization. (II.1.5, 263)

He cited the example of Henry IV of France, who he (somewhat misleadingly) indicated facilitated the supply of food to “obstinate rebels who were bent on his destruction” during his Siege of Paris in 1590.13

“Whatsoever be the calamity with which a nation is afflicted,” Vattel declared, “the like assistance is due to it.” He invoked the example of “little states in Switzerland” who ordered public collections to succor villages of neighboring countries that had been ruined by fire, “the difference of religion proving no bar to the performance of so humane a deed.” He likewise endorsed the “noble generosity” of England, whose parliament responded to the Lisbon earthquake of 1755 by voting for the provision of one hundred thousand pounds worth of assistance, half in money and half in ships laden with food, clothing, and tools, for the relief of the suffering people of Portugal (II.1.5, 263–64). The official record of the House of Commons debate notes with pride this generous assistance provided at a time “when the People of England were themselves greatly distressed for want of Corn” (House of Commons 1770, 185). Vattel asserted that Protestant England’s generosity convinced the Catholic Portuguese that “an opposition in belief and worship does not restrain the beneficence of those who understand the claims of humanity” (II.1.5, 264). The obligations to perform these “offices of humanity,” he explained, were “solely founded on the nature of man.” No nation can refuse them to another on the grounds of difference of religion. Rather, “to be entitled to them, it is sufficient that the claimant is our fellow creature” (II.1.15, 268).

Crucially, Vattel added that a nation is bound not only to contribute to the perfection of other nations by providing for their necessities and conveniences and helping them secure peace and justice. It is also obligated to, “occasionally, and according to its power,” contribute to the capacities of these nations so that they can better procure such things for themselves. Thus, for example, if a nation should seek instruction in the sciences or in wise laws, a learned nation ought not to refuse these things. The offices of humanity, then, are not owed only in times of crisis. Rather, they should be discharged whenever possible, so that nations may be made more capable of preventing or responding to crises themselves (II.1.6, 264–65).

Such a claim is echoed today in calls from scholars and practitioners of humanitarianism, peacebuilding, and R2P for more substantial and effective international efforts to strengthen the capacities of states and societies so that they might be better able to prevent the emergence of humanitarian crises, the descent into civil war, and the occurrence of mass atrocities (see, among others, Juma and Suhrke 2002; Richmond 2014; Sharma and Welsh 2015). Such calls push against a tendency to conceive of duties beyond borders as being generated by crises.16 It is relatively easy to articulate an urgent duty and therefore to mobilize political will for international action in response to crises that have already erupted. It is more difficult to expound an ordinary and ongoing duty and motivate

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14On the generous provision of aid by Britain and also Spain in response to the Lisbon earthquake, and the comparative reluctance of France and the Netherlands to assist, see Shrady (2008, 45–47).

15It is worth noting the universal language being deployed here. Vattel tended to draw his examples from within Europe for two reasons: it was the context that he knew best, and his particular concern was with the relatively small Swiss republics who had limited capacity to extend their assistance further than to their near neighbors. We will see that, insofar as he considered duties with respect to the non-European world, his concerns lay with the injustices of European imperialism, emphasizing that European assistance should not be forcefully imposed upon unwilling non-Europeans. Nevertheless, the fact that he grounded his arguments in “the nature of man” and insisted that they extend to all who are “our fellow creature” makes clear that he conceived his duties as applicable to all states and peoples (II.1.15, 268).

16For an example of the language of “a duty-generating crisis,” see Erskine (2014, 139).
international action to build capabilities and resilience and to empower societies so that they are better able to prevent such crises from occurring in the first place. Much attention is given to the need for states to respond to cases like Libya (2011) in which atrocities are already occurring. Less is given to cases like Kenya (2007–2008) and Guinea (2009–2010) in which international actors can play a significant role in preventing possible atrocities, or to a range of other cases in which international actors can engage in ongoing action, empowering locals and helping strengthen governance, enhance security, and promote justice, such that future crises might not emerge.\textsuperscript{17} Practices of capacity-building and prevention are in many instances just as complex and precarious as forcible intervention. But they are usually much less costly in terms of blood and treasure and much less destabilizing at local, regional, and international levels. States would do well to heed Vattel’s call to recognize a duty not only to contribute to the urgent needs of others in times of crisis but also to engage in routine efforts to contribute to the capacities of others to avert or effectively respond to emergent crises themselves.

Vattel further insisted that a nation is bound not only to seek to benefit others when it is in a position to do so. Rather, for a nation to truly perfect itself, it should strive to cultivate ever greater capacity to promote the perfection and happiness of others (II.1.13, 267).\textsuperscript{18} Nations, then, are not called to simply weigh their duties to others against their duties to themselves as if they are mutually exclusive. Rather, their perfection of others should be understood as in some way constitutive of the perfection of themselves. Vattel thus applied Leibniz’s argument about individuals to states.\textsuperscript{19}

Leibniz (1972, 83, 197) urged individuals to recognize that they would derive enduring happiness from pursuing the perfection of others, and in so doing they would further their own perfection. The “true interest” of individuals, he insisted, lay not in the pursuit of material utility but in the pursuit of happiness and perfection—understood in the Thomist sense of completeness or wholeness. This happiness and perfection was advanced by contributing to the good, well-being, and perfection of others.\textsuperscript{20} Vattel by no means rejected the pursuit of material utility as a motivation for right action. Indeed, he endorsed Pufendorf’s embrace of material utility as the grounds for sociability among states. But Vattel also adopted Leibniz’s notion of individual perfection and applied it to the collective. He encouraged states to recognize not only the material advantages but the ideational benefits that they would derive from contributing to the perfection of others. He suggested that this should motivate them to not only give of their existing resources but to strive to cultivate ever greater capacity to give.\textsuperscript{21}

Today, many nations appear increasingly unconvincing by arguments in favor of the material benefits of sociability and are instead turning inward. This is exemplified in the British people’s decision to withdraw from the European Union and US president Donald Trump’s efforts to implement an “America First” program. In such a context, Vattel’s Leibnizian appeal to the ideational benefits of contributing to the needs of those beyond borders may well be worth reinserting into public debate. Indeed, German chancellor Angela Merkel’s efforts in 2015 to encourage the German people to recognize the “happiness” and “pride” that could be derived from bearing a measure of vulnerability and sacrifice in order to assist refugees fleeing the Syrian crisis arguably represents an example of such a Leibnizian appeal to the ideational benefits of performing the offices of humanity (Yohannes 2015; The Guardian 2015).

Of course, Vattel was sure to remind his readers that nations must always retain the right to judge for themselves what they can and cannot contribute to the preservation and perfection of others. While every nation has a perfect right to ask another for assistance, the nation that receives the request for its kind offices has “a right of judging whether the case really demands them, and whether circumstances will allow her to grant them consistently with that regard which she ought to pay to her own safety and interests.” A nation that refuses to perform such duties without good reason “offends against equity … but thereby no injury is done; injury or injustice being a trespass against the perfect right of another” (II.1.9–10, 266). Consequently, the offending nation should not be subject to compulsion. Vattel also emphasized that nations need to exercise prudence when considering what they can do for others. After all, the law of nature does not oblige good nations to become “the dupes and prey of the wicked.” Nor does it command that they strengthen enemy nations who have intentions of “plundering and oppressing” them. Likewise, a prince should be careful not “to obey without reserve all the suggestions of a noble and generous heart impelling him to sacrifice his own interests to the advantage of others.” The prince’s first priority is to care for “the nation who has committed herself to his care” (II.1.16–17, 268–71).

But Vattel did not thereby let states off the hook. While states were not rightly subject to compulsion for the performance of their duties to others, they were still morally culpable for violating them. And while they needed to exercise prudence when weighing their moral obligations, this in no way justified unreasonably neglecting the needs of others. He suggested, by way of example, that Russia had recently carried out a “prudent performance” of its duties. She had “generously assisted Sweden when threatened with a famine,” but refused to allow other nations to purchase corn that she needed for her own people (II.1.9, 266). He offered a similar suggestion when he turned to discuss the imperfect duty to admit refugees. He recommended that, while states should exercise prudence when contemplating what this duty demanded of them in a given instance, “this prudence should be free from unnecessary suspicion and jealousy” and a nation ought “never to lose sight of the charity and commiseration which are due to the unhappy” (I.19.231, 227).

Moreover, he made clear that, while a state should pay attention to its own safety and interests, it should nevertheless be willing to bear some cost and inconvenience for the sake of the vulnerable beyond its borders. Certainly, a state was under no obligation to contribute to the welfare...
of another if this would require doing “an essential injury to herself” (Prelim. §14, 74). But it ought not to refuse to aid others out of fear of “a slight loss, or any little inconvenience: humanity forbids this; and the mutual love which men owe to each other, requires greater sacrifices.” While states should weigh their duties to others against their duties to themselves, it was by no means the case that reason of state simply trumps the good of others: “a nation ought on all occasions to regulate her conduct by reasons proportioned to the advantages and necessities of others, and to reckon as nothing a small expense or a supportable inconvenience, when great good will thence result to another nation” (II.10.131, 326). It is instructive to compare this sentiment with Grotius (1925, II.25.5, 581), who proposed a much more restrictive conception of duties beyond borders, recommending that sovereigns come to the defense of friends who are unjustly attacked only if such aid “can be rendered easily and without loss.” Vattel elaborated on his theme of self-sacrifice in powerful terms:

A nation is under many obligations of duty towards herself, towards other nations, and towards the great society of mankind. We know that the duties we owe to ourselves are, generally speaking, paramount to those we owe to others; but this is to be understood only of such duties as bear some proportion to each other. We cannot refuse, in some degree, to forget ourselves with respect to interests that are not essential, and to make some sacrifices, in order to assist other persons, and especially for the greater benefit of human society: and let us even remark, that we are invited by our own advantage, by our own safety, to make these generous sacrifices; for the private good of each is intimately connected with the general happiness. What idea should we entertain of a prince or a nation who would refuse to give up the smallest advantage for the sake of procuring to the world the inestimable blessings of peace? (II.18.332, 454)

Having made this point clear, Vattel was, as always, willing to supplement his Leibnizian understanding of duties of mutual perfection with a Pufendorfian appeal to the long-term utility derived from assisting others. The “sacrifices” that states were required to make for the sake of others were not contrary to their interests, he insisted, since “it is natural to think that others will behave in the same manner in return; and how great the advantages that will result to all states from such a line of conduct!” (II.10.131, 326).  

No Right to Impose Perfection on Unwilling Others

While a nation has a duty to promote the perfection of others insofar as it can, such perfection should never be forcibly imposed against the wishes of the recipient nation, Vattel declared. To thrust one’s good offices on an unwilling nation and compel them to receive assistance of one’s own choosing would constitute a violation of their natural liberty and independence. He admonished those “ambitious Europeans who attacked the American nations, and subjected them to their greedy dominion, in order, as they pretended, to civilize them, and cause them to be instructed in the true religion.” The Europeans’ pretext for war was “equally unjust and ridiculous” (II.1.7, 265).

Vattel accompanied this argument with a more general rejection of the right of states to interfere in each other’s affairs. From the liberty and independence of nations flow a right of each to govern itself as it thinks proper, he insisted. This sovereign right is one that others “ought the most scrupulously to respect, if they would not do her an injury” (II.4.54, 289). Even if a sovereign should treat his subjects with severity, no outsider may oblige him to alter his conduct. The Spaniards violated this law when they acted as judges of the Inca ruler Atahualpa, he claimed. Had Atahualpa injured the Spaniards, they would have had a right to punish him. But he was not accountable to them for the crimes of polygamy and human sacrifice of which they accused him (II.4.55, 290).

Vattel suggested a crucial exception, however: “But if the prince, by violating the fundamental laws, gives his subjects a legal right to resist him,—if tyranny becoming insupportable obliges the nation to rise in their own defence,—every foreign power has a right to succour an oppressed people who implore their assistance.” Like many before him, he offered James II of England as an example of such a tyrant, who sought “to overthrow the constitution, and to destroy the liberties and the religion of the people.” The nobility and patriots of England, having determined to resist the tyrant, appealed to the United Provinces for assistance, and William of Orange was right to respond to their plea: “for when a people from good reasons take up arms against an oppressor, it is but an act of justice and generosity to assist brave men in the defence of their liberties” (II.4.56, 290–91).

Vattel indicated that such interference did not constitute a violation of the liberty and independence of the state. This was because, in such instances, “the bands of the political society are broken, or at least suspended, between the sovereign and his people.” Thus it remains for other states to judge for themselves whether the sovereign or the people have justice on their side and to grant their assistance accordingly (II.4.56, 290–91; see also II.4.62, 295). A further exception to the principle of non-interference that he permitted was the right of war against those beastly rulers and mischievous nations, both from within Europe and beyond, who disturb the peace, trample on justice, and willingly disregard the law of nations. Such monsters do an injury to all nations, he claimed. Therefore, nations may rightly form a coalition to chastise them and deprive them of their power (II.4.53, 5.70, III.3.34, IV.2.5, 289, 297–98, 487, 653–54).

Certainly, these were significant exceptions to the principle of non-interference, and it is understandable that scholars give them so much attention (see for example Pitts 2013; Rech 2013). These exceptions aside, however, Vattel tended to prioritize the need to respect the liberty and independence of states. While his willingness to allow states to judge for themselves whether they have just grounds for war in a given instance may strike us as

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22He highlighted, for example, the immediate benefits derived from extending residence to refugees, noting that a sovereign can turn “his charity ... to his own advantage, to the increase of his power, and to the greater benefit of the state. What a difference is observable in Brandenburg since the settlement of the French refugees!” (II.10.136, 329; see similarly Pufendorf 1954, III.3.10, 366). Such arguments are increasingly heard again today (see for example Betts et al. 2014).

23He supplemented this rejection of the right to impose perfection with a scathing critique of Grotius’s notion of the right of sovereigns to punish grave violations of the natural law wherever they may occur.
troubling today, the principles that he outlined to guide states in their decision-making set quite a high bar to intervention (see Zurbuchen 2010). He detailed a demanding set of duties to preserve and perfect the vulnerable beyond borders, but for the most part he recommended that these duties be discharged without resorting to force. He claimed that the values of state liberty and independence and the interests of international peace and security should be prioritized over the desires of powerful states to set themselves up as judges of weaker others and to seek to civilize or convert them without their consent. Only if others were willing to receive aid and assistance should a state provide these things. Given what we increasingly understand about the difficulties of achieving good rather than harm via non-consensual military intervention, such a model of mutual duties of consensual and non-coercive assistance demands renewed attention today.

Conclusion

Ever since John Rawls (1971) first developed his “Kantian” theory of justice, theorizing about matters of global justice has tended to proceed on the assumption that Immanuel Kant can be read as setting the terms of debate. This implies no real need to grapple with the ideas of those philosophers, jurists, and theologians that preceded him. Kant has thus largely succeeded in his effort to supersede all earlier theorists and to position himself as one who transcended his historical, regional, and political context and provided a timeless, universal, and pure framework for moral reasoning (see Hunter 2001). In his essay Toward Perpetual Peace, published in 1795, the German philosopher famously dismissed Grotius, Pufendorf, and Vattel as “sorry comforters,” whose “code, couched philosophically or diplomatically, has not the slightest lawful force and cannot even have such force (since states as such are not subject to a common external constraint).” While these earlier theorists may have outlined clear principles on the use of military force, he suggested, “there is no instance of a state ever having been moved to desist from its plan by arguments armed with the testimony of such important men” (Kant 1996, 8.355, 326). He sought to remedy this by proposing a set of binding and enforceable articles that, if adopted, would establish and guarantee perpetual peace between states.

Given the reliance on Kant—or at least “Kantian” reasoning—by so many theorists of duties beyond borders today (see, for example, Bagnoli 2006; Brown 2009; Roff 2013), one might expect to find the great theorist of cosmopolitanism likewise launtening that Vattel’s treatment of the duty of mutual perfection also offered “sorry comfort” to those vulnerable peoples who stood in need of its performance, since this duty was similarly immune to external enforcement, and proposing a set of binding and enforceable duties of mutual aid and protection in its place. But he did no such thing. When Kant came to outline his conception of the rights and duties that states were to wield in his “league of nations,” such duties were nowhere to be found. Rather, even though he asserted that the community of nations had developed to the point that “a violation of right on one place of the earth is felt in all,” he insisted that “Cosmopolitan right shall be limited to conditions of universal hospitality,” and he claimed that this involved merely “the right of a foreigner not to be treated with hostility because he has arrived on the land of another” (Kant 1996, 8.354, 357, 360, pp. 326, 328–29, 330).

Preoccupied as he was with the problem of war, Kant suggested that morality required not the establishment of a “friendly” community of nations, but merely a “peaceful” one (Kant 1996, 6.352, 489). Thus, while he accorded to nations stringent negative duties to refrain from interfering in each other’s affairs, the positive duties that states were said to bear in their relations with each other in his ideal “cosmopolitan constitution” were remarkably minimal (Kant 1996, 8.358, 329).

Present-day Kantians seeking to explain why states might have duties to care for the vulnerable beyond their borders tend to derive such duties from Kant’s foundational principles and maxims. In doing so, they must either ignore or awkwardly explain away the fact that Kant himself implicitly rejected such duties. As fruitful as some of this work is, it would serve us well to reengage with those theorists that the German philosopher was so quick to dismiss. These include Vattel, who not only embraced duties to assist and protect beyond borders but gave sustained attention to their nature, scope, and implications. Certainly, Vattel’s ideas bear clear marks of a historical, regional, and political context very different to ours. They are grounded in metaphysical assumptions that we may not all share. But scholars increasingly recognize that this is no less the case with Kant, despite the German’s pretensions to the contrary (Hunter 2010b; Maliks 2014). For all the distance between him and us, Vattel’s conception of duties beyond borders contains several profound insights that can help us as we think about what we owe the vulnerable today.

From Vattel’s rich treatment of duties, we might highlight three ideas in particular that may fruitfully inform—or challenge—some of the parameters and assumptions of present-day debate. The first is his claim that states are obligated not only to contribute to the perfection of others in times of crisis, but also to seek to build the capacities of others so that they are better able to care for themselves and to prevent crises from emerging in the first place. This idea is remarkable for its prescience. It is increasingly well understood by theorists of humanitarianism, peacebuilding, and R2P. But, in practice, international society can still do much more to implement the kind of routinized programs for capacity-building in weak and fragile states (in addition to non-routine responses to attention-attracting crises) that Vattel recommends.

The second relates to his suggestion that states should be willing to bear a measure of sacrifice for the sake of vulnerable outsiders. State leaders today commonly emphasize that their engagement with global duties needs to conform to their national interests. When they discharge duties that do not seem to advance their short-term interests, they tend to emphasize the gaining of longer-term benefits, noting that grave suffering, injustice, and instability in one part of the world can have global consequences. Vattel certainly endorsed such an

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24 O’Neill (2000, 65–80) highlights the importance of distinguishing Kant’s own ideas from present-day “Kantianism.”

25 Such notions of duties, after all, were known to him via the work of Vattel, among others.

26 See, for example, Barack Obama’s (2013, 2015) insistence in 2013 that he needed to measure humanitarian and security concerns in Syria “against my bottom line, which is what’s in the best interest of America’s security,” and his claim in 2015 that, in a globalized world, it was in the interests of all to have concern for “the plight of the powerless, the plight of refugees, the plight of the marginalized.”
“enlightened” understanding of self-interest. But he also went further. He appealed to states to be willing to sacrifice their interests to a degree for the sake of vulnerable outsiders, so long as in discharging their duties to others they did not do an “essential injury” to themselves. Such a claim is echoed in Merkel’s appeal to Germans to embrace the element of self-sacrifice involved in opening up Germany’s borders in 2015, declaring that “Germany is a strong country—we will manage” (BBC News 2015). Vattel insisted that states are not bound to help others only in those instances where they can do so without trouble and inconvenience. Rather, the care of one’s own interests should be in proportion to the needs of others, and a state should not hesitate to sacrifice its interests a little in order to help others a lot.

The third idea particularly worth highlighting regards Vattel’s conceptualization of the relationship between the duties that states owe to others and the duties they owe to themselves. As we have seen, Vattel suggested that a state’s perfection of others should be understood as constitutive of its own self-perfection. Rather than simply helping states work through the tension between cosmopolitan duties and statist duties—between other-perfection and self-perfection—Vattel encouraged states to recognize that the cultivation of greater ability to contribute to the perfection of others should be understood as a fundamental aspect of their own perfection. We perhaps hear echoes of such a claim in President Barack Obama’s suggestion that we are in some sense “diminished” when “ethnic cleansing is happening somewhere around the world and we stand by” (quoted in Pattison 2010, 177n6), but few explore this sentiment today. Vattel’s claim entails more than a Pufendorfian appeal to recognize the long-term material utility derived from serving others. It is an appeal for states to appreciate that they are unavoidably united with each other in the “great society” of humankind and, as such, the ends of others are, in some ultimate and non-utilitarian way, united with their own.

The References


