Since no man has any natural authority over his fellow-men, and since force is not the source of right, conventions remain as the basis of all lawful authority among men.

If an individual, says Grotius, can alienate his liberty and become the slave of a master, why should not a whole people be able to alienate theirs, and become subject to a king? In this there are many equivocal terms requiring explanation; but let us confine ourselves to the word alienate. To alienate is to give or sell. Now, a man who becomes another’s slave does not give himself; he sells himself at the very least for his subsistence. But why does a nation sell itself? So far from a king supplying his subjects with their subsistence, he draws his from them; and, according to Rabelais, a king does not live on a little. Do subjects, then, give up their persons on condition that their property also shall be taken? I do not see what is left for them to keep.

It will be said that the despot secures to his subjects civil peace. Be it so; but what do they gain by that, if the wars which his ambition brings upon them, together with his insatiable greed and the vexations of his administration, harass them more than their own dissensions would? What do they gain by it if this tranquility is itself one of their miseries? Men live tranquilly also in dungeons; is that enough to make them contented there? The Greeks confined in the cave of Cyclops lived peacefully until their turn came to be devoured.

To say that a man gives himself for nothing is to say what is absurd and inconceivable; such an act is illegitimate and invalid, for the simple reason that he who performs it is not in his right mind. To say the same thing of a whole nation is to suppose a nation of fools, and madness does not confer rights.

Even if each person could alienate himself, he could not alienate his children; they are born free men; their liberty belongs to them, and no one has
a right to dispose of it except themselves. Before they have come to years of
discretion, the father can, in their name, stipulate conditions for their
preservation and welfare, but not surrender them irrevocably and
unconditionally; for such a gift is contrary to the ends of nature, and exceeds
the rights of paternity. In order, then, that an arbitrary government might be
legitimate, it would be necessary that the people in each generation should
have the option of accepting or rejecting it; but in that case such a government
would no longer be arbitrary.

To renounce one’s liberty is to renounce one’s quality as a man, the rights
and also the duties of humanity. For him who renounces everything there is no
possible compensation. Such a renunciation is incompatible with man’s nature,
for to take away all freedom from his will is to take away all morality from his
actions. In short, a convention which stipulates absolute authority on the one
side and unlimited obedience on the other is vain and contradictory. Is it not
clear that we are under no obligations whatsoever towards a man from whom
we have a right to demand everything? And does not this single condition,
without equivalent, without exchange, involve the nullity of the act? For what
right would my slave have against me, since all that he has belongs to me? His
rights being mine, this right of me against myself is a meaningless phrase.

Grotius and others derive from war another origin for the pretended right
of slavery. The victor having, according to them, the right of slaying the
vanquished, the latter may purchase his life at the cost of his freedom; an
agreement so much the more legitimate that it turns to the advantage of both.

But it is manifest that this pretended right of slaying the vanquished in no
way results from the state of war. Men are not naturally enemies, if only for
the reason that, living in their primitive independence, they have no mutual
relations sufficiently durable to constitute a state of peace or a state of war. It is
the relations of things and not of men which constitutes war; and since the
state of war cannot arise from simple personal relations, but only from real
relations, private war—war between man and man—cannot exist either in the
state of nature, where there is no settled ownership, or in the social state,
where everything is under the authority of the laws.

Private combats, duels, and encounters are acts which do not constitute a
state of war; and with regard to the private wars authorised by the
Establishments of Louis IX, king of France, and suspended by the Peace of
God, they were abuses of the feudal government, an absurd system if ever
there was one, contrary both to the principles of natural right and to all sound
government.

War, then, is not a relations between man and man, but a relations
between State and State, in which individuals are enemies only by accident,
not as men, nor even as citizens, but as soldiers; not as members of the
fatherland, but as its defenders. In short, each State can have as enemies only
other States and not individual men, inasmuch as it is impossible to fix any
true relations between things of different kinds.
This principle is also conformable to the established maxims of all ages and to the invariable practice of all civilized nations. Declarations of war are not so much warnings to the powers as to their subjects. The foreigner, whether king, or nation, or private person, that robs, slays, or detains subjects without declaring war against the government, is not an enemy, but a brigand. Even in open war, a just prince, while he rightly takes possession of all that belongs to the State in an enemy's country, respects the person and property of individuals; he respects the rights on which his own are based. The aim of war being the destruction of the hostile State, we have a right to slay its defenders so long as they have arms in their hands; but as soon as they lay them down and surrender, ceasing to be enemies or instruments of the enemy, they become again simply men, and no one has any further right over their lives. Sometimes it is possible to destroy the State without killing a single one of its members; but war confers no right except what is necessary to its end. These are not the principles of Grotius; they are not based on the authority of poets, but are derived from the nature of things, and are founded on reason.

With regard to the right of conquest, it has no other foundation than the law of the strongest. If war does not confer on the victor the right of slaying the vanquished, this right, which he does not possess, cannot be the foundation of a right to enslave them. If we have a right to slay an enemy only when it is impossible to enslave him, the right to enslave him is not derived from the right to kill him; it is, therefore, an iniquitous bargain to make him purchase his life, over which the victor has no right, at the cost of his liberty. In establishing the right of life and death upon the right of slavery, and the right of slavery upon the right of life and death, is it not manifest that one falls into a vicious circle?

Even if we grant this terrible right of killing everybody, I say that a slave made in war, or a conquered nation, is under no obligation at all to a master, except to obey him so far as compelled. In taking an equivalent for his life the victor has conferred no favour on the slave; instead of killing him unprofitably, he has destroyed him for his own advantage. Far, then, from having acquired over him any authority in addition to that of force, the state of war subsists between them as before, their relation even is the effect of it; and the exercise of the rights of war supposes that there is no treaty of peace. They have made a convention. Be it so; but this convention, far from terminating the state of war, supposes its continuance.

Thus, in whatever way we regard things, the right of slavery is invalid, not only because it is illegitimate, but because it is absurd and meaningless. These terms, slavery and right, are contradictory and mutually exclusive. Whether addressed by a man to a man, or by a man to a nation, such a speech as this will always be equally foolish: "I make an agreement with you wholly at your expense and wholly for my benefit, and I shall observe it as long as I please, while you also shall observe it as long as I please."