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Beyond Justice: Pufendorf and Locke on the Desire for Esteem

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Abstract:	It is widely accepted that seventeenth-century natural jurisprudence set many questions which eighteenth-century philosophers sought to address. On most interpretations, Grotius and his successors focused on the 'perfect' duties (rules of justice), the enforcement of which was the minimal requirement for social coordination between self-seeking individuals animated by the desire for self-preservation. They had little to say about the 'imperfect' duties of love and civility. This distinction was supposedly developed by political economists in the following century: notably Smith, who offered utility-based theory of sociability. This paper offers an alternative reading of post-Grotian natural law, which reconstructs the preoccupation of Pufendorf and Locke with explaining how the 'imperfect' duties of civility and love might be realised in civil society. In so doing, they emphasised another universal human need other than self-preservation – self-esteem – and invited a further series of questions which their successors attempted to confront, and which remain pressing.

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Introduction

It is now uncontroversial to claim that seventeenth-century natural jurisprudence set many of the questions which eighteenth-century philosophers sought to address, and offered conceptual resources with which they sought to do so. Grotius, Hobbes and Pufendorf are commonly presented as leading representatives of a 'modern' tradition of natural law which endeavoured to offer what Aristotle and his scholastic successors supposedly had not: a theory of justice which was truly universal as consistent with the inherent characteristics of human nature, and the precepts of which were functionally necessary for any stable society. This quest for universality precluded any appeal to the Christian scriptures, because not all mankind had received them – and, in any case, their meaning was contested bitterly even among those nations that had enjoyed that privilege. In the aftermath of the European wars of religion, their shared imperative was to discover the minimal requirements for social coordination between individuals whose desires, wills and speculative opinions tended to pull them in contrary directions. To this end, the 'modern' natural lawyers constructed their theories of justice upon a characteristic of human nature that even the ancient sceptics, and their modern French admirers, recognised to be universal: the desire for self-preservation.[1]

In setting out these minimal requirements for social coordination, Grotius distinguished between the legally-enforceable rules of justice which preserve the essential rights (*suum*) of the individual, and the voluntary precepts of social morality. Grotius thus contrasted the 'perfect' rights and duties (justice strictly speaking) with the 'imperfect' (the domain of 'love').[2] The eighteenth-century study of political economy developed in large part from within this intellectual framework.[3] It was deemed by its critics to be a morally bankrupt science because it endorsed this supposedly realistic anthropology, suggesting that in large-scale societies individuals are inclined to benefit one another only insofar as they stand to gain materially by doing so. Adam Smith's famous dictum in the *Wealth of Nations* (1776) exemplifies this general tendency: 'It is not from the benevolence of the butcher, the brewer, or the baker that we

expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages'.[4]

This essay shifts attention from the desire for self-preservation and the 'perfect' duties to an overlooked aspect of seventeenth-century natural law theory that similarly stimulated further enquiry in the eighteenth century: the compatibility between the individual's desire for esteem (rather than narrow self-interest or economic advantage) and the construction of a functioning social order. We focus on two philosophers, Samuel Pufendorf and John Locke, whose work engaged critically and constructively with Grotius's and Hobbes's.[5] In this regard, we foreground developments *internal* to the 'modern' natural law tradition. Pufendorf and Locke broadly accepted Hobbes's self-regarding anthropology, which emphasised the strength of self-love: as Locke noted, none of God's other 'Creatures are half so wilful and proud, or half so desirous to be Masters of themselves and others, as Man'.[6] Consequently, both followed Hobbes in rejecting two of Grotius's foundational doctrines: that men are naturally sociable creatures; and that the precepts of natural law are obligatory because they represent axioms of reason. Reason, both agreed, is motivationally inert; and obligation originates in the will of a legislator with the authority to command others and to punish those who do not comply. Both were, like Hobbes, thoroughgoing voluntarists. Absent a law promulgated and enforced by a superior, moral good and ill would lose all meaning, and men's wills would be entirely unconstrained – with predictably catastrophic consequences. Similarly, both broadly agreed that the origins of justice lay in mankind's natural desire for self-preservation, and argued that justice was primarily concerned to protect the inviolability of private property.

In contrast to Hobbes, however, Pufendorf and Locke argued that a divinely-promulgated law of nature imposes obligations on men independent of (and antecedent to) civil law. If followed, this facilitates the concord for which, Hobbes argued, the institution of political authority is a prerequisite. Here Pufendorf and Locke were, like many other of Hobbes's critics, markedly resistant to his effective dissolution of natural law into civil law – and his concomitant reduction of ethics to political sociology.

Both emphasised that the law of nature is considerably more extensive than civil law in its scope: it enjoins the precepts not merely of justice (the enforcement of which could be delegated to the magistrate), but of love and social morality (which could not). They laboured the point that social morality is not an optional extra which embellishes and enriches, but in the final analysis is inessential to the stability of civil society. The performance of the social virtues could not, as Hont and Ignatieff interpret Locke as arguing, simply be 'left to the individual', because without them the mutual trust and good-will upon which society depends must remain absent (and God's will for His creatures imperfectly fulfilled).[7] Hobbes's theory could not explain how the law of love, rather than merely the rules of justice, becomes actualized as civil societies develop, nor why most men consider its precepts to be obligatory – most notably the Golden Rule (love thy neighbour as thyself). Yet neither Pufendorf nor Locke argued that the individual recognises the obligatory character of Grotius's 'imperfect' duties solely by reading the Scriptures (which not all had received), or through some autonomous faculty of conscience. Moreover, both had little to say about other-regarding emotions as a source moral motivation (of such concern to later philosophers such as Francis Hutcheson), for the simple reason that they thought that individuals naturally strive towards ends that are most advantageous to themselves. Instead, Pufendorf and Locke argued that the knowledge and performance of natural law in its fullest extent – encompassing both justice and love, self-interest and benevolence – is a consequence of the social interactions to which self-seeking men are led not merely by their need for self-*preservation*, but by their desire for *esteem*.[8] Both insisted that the desire for esteem, no less than self-preservation, is natural and universal to mankind, and has crucial implications for understanding the origins and development of civil society.

The central argument advanced in this paper is that the novelty of the two philosophers' treatments of the desire for esteem lies in their attempts to illustrate how it leads people to perform the reciprocal duties of social morality – rather than merely encouraging selfishness. The reconstruction of their views on the beneficial consequences of esteem-seeking offers an alternative way of understanding how the inescapably social and relational nature of the self emerges out of seventeenth-century natural

law theory. If the 'modern' natural law tradition offers an emaciated conception of justice as merely non-interference – leaving others in quiet possession of their life and property – then the reconstruction of Pufendorf's and Locke's interest in esteem and its consequences indicates an emergent conceptualisation of society as an autonomous sphere: one in which people embrace a richer, more meaningful vision of human life, defined by the mutual performance of social duties. Their apparently anaemic visions of justice, viewed in this light, attest to their insistence on the limits of the *political*, rather than the *ethical*: much that is most valuable in human life lies outside of the remit of 'bare Justice' (and is, it follows, scarcely mentioned in Locke's *Two Treatises*).[9]

In their interpretations of the desire for esteem and its social implications, we argue, Pufendorf and Locke challenged Hobbes's claim that the quest for recognition, in the absence of political authority, necessarily engenders hatred not love, conflict not concord. They argued that the need for esteem, like that for self-preservation, is part of man's divinely-created nature and, properly regulated, encourages men to live as God demands by fulfilling the precepts of natural law. If the drive for self-preservation underpins the laws of justice, then that for esteem encourages an adherence to the law of love. Both maintained that Hobbes's theory failed sufficiently to recognise men's capacity to learn from and through their interactions with others: interactions to which the desire for esteem necessarily leads them. This process results in an altered (and less subjective) sense of what is good or desirable, and a 'thicker' conception of the self as a social being dependent upon other such beings for the satisfaction of needs that all consider to be essential.[10] These needs, both argued, go beyond (and occasionally contradict) the purely *material* requirements of self-preservation and self-interest. In explaining how the individual acquires a knowledge of, and a sense of obligation to a law of social morality, meanwhile, both argued that society itself acts as a legislator: it prescribes duties of benevolence and gratitude and enforces their performance through the communally-imposed sanctions of praise and blame. The moral 'conscience' that results is a product of this habituation, in society, into shared norms of decency that lie outside of the political realm and cannot be enforced by the civil magistrate: an insight that restores the original meaning of conscience as '*together*-knowing'.

This essay is divided into three sections. The first explains how Pufendorf and Locke insisted, against Hobbes, that the law of nature was considerably more extensive than civil law in its scope. The second nonetheless illustrates that both recognized the importance of Hobbes's treatment of glory as a fundamental political problem. The third reconstructs both authors' explanations of how people recognize the content of the social duties of love and motivate themselves to act accordingly. In our concluding remarks, we reconsider the nature of Pufendorf's and Locke's bequest to those eighteenth-century philosophers, such as Hume and Smith, whose 'science of society' foregrounded the individual's acute sensitivity to the evaluative judgments made by others in the course of common (and communal) life.

The 'Two Tables': Justice and Social Morality

His earliest critics recognised that Hobbes drastically reduced the scope of natural law, by arguing that it only acquires its obligatory and motivational force once it is promulgated and enforced by the sovereign.[11] The first comprehensive attempt to challenge Hobbes on this score was produced by Richard Cumberland, whose *De Legibus Naturae* was published in the same year as Pufendorf's magnum opus, *De Iure Naturae et Gentium* (1672). The two epigraphs that appear on Cumberland's title-page touch on precisely this issue: Romans 13.10 (*Love is the Fulfilling of the Law*), and Matthew 22.37-40 (*Thou shalt love the LORD thy GOD with all thy Heart, and with all thy Soul, and with all thy Mind. This is the first Commandment; and the second is like unto it. Thou shalt love thy Neighbour as thyself. On these two Commandments hang all the Law and the Prophets*). Cumberland charged Hobbes with proposing 'too *narrow* an *End*' for mankind by focusing solely on 'the mere Preservation of *Life* and *Limbs*', observing that '*Men* may be very miserable, tho *these were safe*'.[12] Cumberland endeavoured to 'demonstrate' how men are animated by a more extensive self-love, which necessarily takes into account the sentiments of others and results in an enlarged, mutual benevolence that encourages an adherence to the law of love as well as to the rules of justice.

Here, Cumberland's work should serve as a warning: to Cumberland, clearly enough, love of others could develop from and be motivated by an original, and entirely natural, love of self.[13] To an early-modern mind, actions that contribute to another's well-being are not necessarily held to lose their moral quality simply because they stem originally from this impelling (and divinely-inscribed) desire for our *own* happiness and well-being. Pufendorf underlined that an individual is firstly obligated to care for himself because this responsibility is part of one's larger duty to further the preservation of humankind as a whole (*JNG* 2.3.14).[14] He is thus untroubled by any division between self-love and sociability, arguing that 'the more rationally a person loves himself the more he will see to it, by the means of his services, that others love him' (*JNG* 2.3.18/ *PWSP* 154). Locke repeatedly emphasises that self-love is itself a duty, imposed on us by God; and any categorical distinction between egoism and altruism, self-love and love of others, would have made little sense to him.[15] Even the theorist of natural benevolence and sociability, the third earl of Shaftesbury, declared in 1709 that the 'Question' that mattered was not "'Who *lov'd* himself, or Who *not*"; but "Who lov'd and serv'd himself the *rightest*, and after the truest manner"'.[16] A stricter distinction between self-love and benevolence only began to crystallise in the early eighteenth century when, as one astute commentator put it in 1733, 'a good many in the World have, in my Opinion, contrary to the Nature of Things, taken up with such narrow and contracted Notions of Self-love or Interest that, according to what they understand by it, it is indeed the most odious and pernicious Principle that can well be imagined'.[17]

In explaining how self-love could generate bonds of mutual love and affection, Cumberland argued that mankind's possession of right reason brings them into fellowship with their creator and offers access to His attributes and commands.[18] The individual is impelled to benevolence by an in-built desire for the perfection of his intellectual as well as physical nature, which (as he learns from experience) relies upon the assistance, love and good-will of God and mankind. For Pufendorf and Locke such an explanation underplayed the strict limits of human reason – and the chasm that separates God from man – and was unduly teleological. Yet in the second edition of *De Iure* Pufendorf drew extensively from Cumberland. This was unquestionably a pragmatic manoeuvre, intended to

defray the charge that his own theory was 'Hobbist'; but it also expressed Pufendorf's sympathy with Cumberland's broader conception of natural law and richer vision of social life.[19] In *De Iure*, Pufendorf declared that to refrain from doing harm to others – the primary concern of justice – was a necessary, but not sufficient condition for sociability and civil society:

> It is not enough, however, not to have hurt another, or not to have deprived him of the esteem he is owed: These only remove the just cause for hatred. Something good must also be conferred on the other, at least if the minds of men are to be conjoined by a still closer bond. Someone who has not driven me away from himself by some hostile or ungrateful deed has not discharged the debt of sociality; rather, he should furnish something beneficial so that I am glad that others who share my nature also live upon this earth. And, as well, the affinity and kinship established among men by nature must be exercised by means of mutual duties. (*JNG* 3.3.1/ *PWSP* 164-5; cf. *DMC* 1.8.1)

Locke was animated by a similar concern: only if some aspect of human nature compels or incentivises individuals to transcend their individuality to give something freely of themselves to others might love replace fear, and mutual goodwill and a sense of the common interest trump narrow self-concern. Locke declared: 'we must not content our selves with the narrow Measures of bare Justice. Charity, Bounty and Liberality must be added to it. This the Gospel enjoyns; this Reason directs; and this that natural Fellowship we are born into requires of us'.[20] In his early lectures on the law of nature (*c.* 1663-4), Locke observed that 'a great number of virtues, and the best of them, consist only in this: that we do good to others *at our own loss*'.[21] It followed that 'An Hobbist with his principle of self preservation whereof himself is to be judg, will not easily admit a great many plain dutys of morality'.[22] These 'dutys' found their clearest expression in the Golden Rule, which Cumberland employed as his epigraph.

This, however, begged at least two questions, given the nature of Pufendorf's and Locke's broader philosophical commitments. The first, which we will not pursue, was theoretical, and concerned how the content of natural law might be demonstrated by reason alone, without recourse to revelation.

Here, they parted ways: Pufendorf argued that they could be deduced from the foundational duty of sociability; whereas Locke derived them from what he took to be the foundational duty, under God's design, of self-love.[23] To the second question, however, they offered strikingly similar responses. This concerned how, *in practice* rather than theory, and given the strict limits of natural human reason, benevolence and sociability, it appears that most men do in fact arrive at an adequate knowledge of their duties and frequently feel compelled to act according to them. This separation between a normative explanation of why mankind *ought* to live virtuously and why *in fact* they do so is not as artificial as it might appear. Pufendorf and Locke insisted that moral practice does not rely on an accurate philosophical deduction of moral duties from first principles –fortunately, given how few are willing or able to employ their reason in this way. Instead, most men (and, indeed, entire nations) broadly adhere to the precepts of natural law without comprehending the foundations of their obligation. As Locke observed: 'It must be allowed, that several Moral Rules, may receive, from Mankind, a very general Approbation, *without either knowing, or admitting the true ground of Morality*' (*E* 1.3.6; italics added).[24] Pufendorf concurred with Locke that this was the case for almost all individuals in civil society, who lack 'the gift of uncovering the causes of things' (*OHC* 1.1.5/ *DMC* 17).

Regarding the rules of justice, both agreed with Hobbes that civil penalties act as inducements encouraging men, animated by their concern for self-preservation and by their acquisitive nature, to refrain from invading others' rights. Yet this narrow conception of self-interest is of little beneficial consequence when it comes to the 'imperfect' duties of social morality, which, as Grotius had argued, are not enforceable by means of civil sanctions: it is for this reason that they are meritorious, as voluntary. Here, Pufendorf and Locke both drew attention to a second characteristic of human nature which is, like self-preservation, both natural and universal to mankind: the desire for esteem. People naturally crave respect from others in the form of recognition of their worth as human beings. As Pufendorf put this point:

> In addition to that love which man has for his own life, body and things, and because of which he cannot avoid repelling or fleeing everything tending to their destruction, we also find embedded in his mind a very delicate self-esteem (*sui estimatio*). And if anyone detracts from this in any way, he is usually no less, but in fact often more upset than if some harm is done to his body or things. Although this esteem is heightened by various causes, its primary basis seems to be *human nature itself.* (*JNG* 3.2.1/ *PWSP* 159: italics added)

As this passage suggests, the emotional need to be recognized as a human being can override one's inclination to self-preservation. The defining feature of esteem, both noted, is that it is comparative, and reliant upon the evaluative judgments of others. This encourages individuals to act in ways of which their neighbours are likely to approve, because of the pleasure they derive from finding their good opinion of themselves affirmed by others. As Locke noted in his educational writings, which foreground the beneficial moral consequences of men's natural love of reputation, 'the Esteem [men] have for one thing above another, they borrow from others': the desire for esteem impels men to value things, and to take pleasure in actions, which they recognise other self-loving individuals to consider to be estimable.[25] This was not a new insight: Augustine and legions of Christian moralists identified the individual's tendency to look to other, equally sinful men (rather than to God) to judge of the relative merit and worth of things and actions as indicative of post-lapsarian depravity, further engulfing them in concupiscence, self-idolatry and hypocrisy.[26] Although it might encourage an individual to put on the appearance of virtue, by doing so for the love of men not God their actions lack all merit. The French Jansenist, Pierre Nicole, developed this way of thinking in his popular *Essais de Morale* (1671), which Locke translated in the mid-1670s.[27] In this as in many other respects Hobbes took on such broadly Augustinian insights, but put them to a quite different purpose. When set against this context, the novelty of Pufendorf's and Locke's treatment of esteem and its potentially beneficial moral and social consequences comes into sharper relief.

Hobbes on Glory, Pride and Concord

In marked contrast to previous moral philosophers, heathen or Christian, Hobbes refused to denominate particular qualities of human nature as virtuous or vicious in themselves. They are to be evaluated according to whether they dispose individuals to peace or conflict. From this perspective, men's desire for esteem (or 'Glory') falls firmly into the latter camp.[28] Hobbes emphasised that, in their natural state, men are not by nature equal: some are stronger, or wittier, or more resourceful than others. Yet the erection of political society, and the securing of peace, relies upon every individual's acknowledgement of mutual equality at the moment when they contract, one with another, to subject their wills to the will of the sovereign. Equality, as Kinch Hoekstra emphasises, was for Hobbes a political, rather than a physical, metaphysical or ontological imperative.[29] As he declared in *De Cive* (1642): 'Whether therefore men be equal by nature, the equality is to be *acknowledged*; or whether unequal, because they are like to contest for dominion, it is necessary for the obtaining of peace that they be *esteemed* as equal'. Hobbes's eighth law of nature was '*that every man be accounted by nature equal to another*', and he noted that 'the contrary to [this] law is *pride*'.[30] This opposition between pride (*superbia*) and concord (*concordia*), and the understanding of esteem-seeking as a species of pride, illustrate the continuities between Hobbes's thinking and Augustinian moral theology. The seminal difference is that for Hobbes such pride, including the quest for esteem, precludes mankind's transition from their natural to their civil state, not from a state of sin to that of grace. For Hobbes, it is only by acknowledging our mutual – and equal – subordination to the authority of our earthly, rather than spiritual sovereign that we conquer the deficiencies of our nature, and come together to form tolerably peaceful, secure and even prosperous communities.[31]

The desire for recognition, on Hobbes's account, threatens to obliterate this respect for others as our equals. In the natural state, it leads inevitably to conflict, which is not exclusively or even primarily predicated on the struggle for finite material resources. Rather, Hobbes drew attention to men's psychological craving to have their sense of self-worth affirmed by others: the desire for 'Glory' and 'Reputation' is one of the 'three principall causes of quarrel' in man's natural state.[32] This quest for recognition is a zero-sum game: the individual seeks affirmation from others, and yet is unwilling to

satisfy their claim to the same. The defining characteristic of esteem is that it is comparative, *and scarce*. It follows that the only possible type of intersubjective relation in man's natural state takes the form of non-recognition and yields not dialogue but attempted domination. In their civil state, this desire for pre-eminence remains an ever-present danger, and can only be averted if the sovereign possesses the authority to determine the 'Lawes of Honour and a publique rate of the worth' of citizens.[33] The economy of esteem requires comprehensive state intervention to function in ways which reliably conduce to social peace and harmony.[34] Esteem is, for Hobbes, a source of power; and it is essential that citizens look in awe to the sovereign alone for the protection that power can provide. This led Hobbes to declare in a remarkable passage in *Leviathan* that the sovereign is empowered to dictate and carefully to monitor the 'signes of respect' men 'give to one another' even in '*private* meetings'.[35] In civil worship as in religious Hobbes hoped, through a rigorously-enforced regime of public education made possible by the sovereign's control of the apparatuses of socialisation (such as the university, church and printing press), to habituate men to obedience in such a way that any sentiments of esteem they express for one another, God and even themselves are approved of and controlled by the sovereign.[36]

Pufendorf and Locke on the beneficial consequences of esteem-seeking

Pufendorf and Locke clearly recognised the acuity of Hobbes's identification of unrestrained pride and esteem-seeking as an element of human nature that presents the greatest danger to what the former called 'the sacred ties of society' (*JNG* 2.2.6/ *LNNO* 167).[37] Locke routinely denounced 'Pride and Ambition', and associated both with 'Covetousness', 'Rapine', 'Discord' and 'Contention'.[38] Pufendorf observed that the 'struggle for honour and dignity' is unique to man, stimulating an 'envy, rivalry and hatred' that is nowhere to be found in the animal kingdom, and that potentially leads them to transgress the clearest dictates of natural law (*JNG* 7.2.4/ *LNNO* 969; cf. *DMC* 1.3.4). If man is by nature the most necessitous and vulnerable of creatures, and so in greatest need of mutual assistance, the ravenous desire for pre-eminence of certain individuals persistently undermines any durable sense of this shared imperative.

While Pufendorf and Locke took very seriously Hobbes's identification of an excessive desire for esteem as the greatest threat to peaceful social life, they nonetheless treated of this desire in ways that are both more nuanced and ambivalent than anything found in Hobbes. There was a distinction, elided by Hobbes, between preferential esteem – the craving to be recognised as an individual, superior to others in various respects – and wilful ambition or pride. Both were also more positive than Hobbes regarding the consequences of the kinds of social interactions that the desire for preferential esteem encourages.[39]

Pufendorf made an important distinction between two types of esteem: 'simple' (*existimatio simplex*) and 'intensive' (*existimatio intensiva*).[40] 'Simple' esteem implies the right to be treated by others not as 'a dog or beast, but as much a man as you' (*JNG* 3.2.1/ *PWSP* 159). The recognition of such basic equality might discourage men from mutual 'hatred', and so encourage respect for the laws of justice; it cannot, however, lay the foundations for the reciprocal love and friendship that Pufendorf held to be essential for the realisation of the duty of sociability. For 'affinity and kinship' to be 'established among men', a more generous and positive act in the realm of recognition – the gift of 'intensive' esteem – is required. Unlike on Hobbes's account, such preferential esteem is neither reducible to pride in the esteem-seeker, nor to base flattery in the esteem-giver; nor is it necessarily destructive of social concord. It involves a free acknowledgement of another as an individual who has exercised his will – again, freely – in ways the admirer deems worthy of admiration and praise. Drawing from Seneca's *De Beneficiis* and Cicero's *De Officiis* – texts which Locke similarly admired – Pufendorf suggested that the reciprocal exchange of benefits and gratitude to which the quest for esteem leads men ties them together ever-more closely as society develops.[41] It gives rise to an economy of abundance driven by a non-material need (the psychological craving for esteem), and in which the good being transacted is love (the care for another's interests and a desire for their happiness).

In *De Iure*, Pufendorf criticised Hobbes's treatment of esteem in *Leviathan* explicitly. People cannot be compelled in the realm of civil, any more than religious worship with any durable effect. Due to men's

psychological make-up, 'intensive' esteem is valued only to the extent that it is perceived (by the esteem-seeker) to be unforced and therefore genuine. This will not be the case if such sentiments of esteem are deemed to be the product of *another*'s will (the sovereign's). As Pufendorf noted, 'things which may be extorted by force have no such power to win the hearts of others, as those which may be denied without fear' (*JNG* 3.4.6/ *LNNO* 386). Hobbes failed to recognise that 'the mere external signs of honour, *unless they arise from the submission of the mind*, are empty things': a point further extended to acceptable religious worship by Locke.[42] Such submission of the mind, as Hobbes himself recognised in drawing a distinction between the internal sentiment (*in foro interno*) and the external performance or utterance (*in foro externo*), cannot be 'forced from a man', even 'by the power of sovereignty' and on pain of death (*JNG* 8.4.14/ *LNNO* 1249: italics added).[43] It has to be freely given; and in any case – as Grotius's distinction between the 'perfect' and 'imperfect' duties suggested – benevolence and gratitude lie outside of the remit of civil law and might be withheld without incurring its sanctions. Meanwhile, try as we might, we are incapable of concealing the spontaneous sentiments we experience when judging and/or being judged by others in everyday life: blushing and other involuntary corporeal signs give the game away.[44]

Although they lie outside of the scope of justice and the political machinery by which it is enforced, it need not follow that there are no sanctions enforcing the social virtues, however: the 'imperfect' duties are too important to society, and indeed to God's providential plan for His creatures, to be left 'to every individual'.[45] This point was developed more comprehensively, and systematically, by Locke than by Pufendorf, even as Locke's interest in esteem and its consequences might well have been stimulated by his reading of *De Iure*.

In *An Essay concerning Human Understanding* (1689), Locke identified '*three Sorts*' of '*Moral Rules*, or Laws' which, enforced by sanctions, might be held to motivate and regulate men's actions. The first, and only true law is God's: all moral obligation originates in mankind's dependence upon God as the creator and preserver of life, and those who transgress His commands will be held accountable on the Day of

Judgement. Yet due to their inherent frailties, all too few individuals either understand this law, or are capable of internalising and keeping in view the sheer weight of its sanctions.[46] Furthermore, certain societies lack any idea of God, and yet manage to function tolerably well. Consequently, Locke argued that the two further, manmade laws are more efficacious in constraining men to regulate their conduct according to shared norms. The first he called the 'Hobbist' law: men are compelled to adhere to rules 'because the Publick requires it, and the *Leviathan* will punish you, if you do not'. Yet this law, too, is limited in its coercive and imaginative efficacy. It cannot regulate men's conduct in private, nor in those many areas of life in which civil law has no legitimate or efficacious jurisdictional reach (not least when it comes to the 'imperfect' duties). It is the final law which, in practice, is by far the most powerful and effective of the three. This is the 'Law of *Opinion* or *Reputation*', and its sanctions are praise and blame, esteem and contempt (*E* 2.28.7-10).[47] 'No Man', Locke declared, ''scapes the Punishment of Censure and Dislike, who offends against the Fashion and Opinion of the Company he keeps, and would recommend himself to'. It is 'a Burthen too heavy for humane Sufferance' to 'live in Society, under the constant Dislike, and ill Opinion of his Familiars, and those he converses with'. Consequently, 'he who imagines Commendation and Disgrace, not to be strong Motives on Men, to accommodate themselves to the Opinions and Rules of those, with whom they converse, seems little skill'd in the Nature, or History of Mankind' (*E* 2.28.12).[48]

It is worth pausing to note just how strange this 'Law' is, given Locke's own understanding of that concept.[49] 'The originall & foundation of all Law', Locke argued, 'is dependency': it represents the declared will of one who is authorised to command, thereby regulating the conduct of those who are obliged to obey.[50] Yet in the case of the 'Law of *Reputation*', the legislator appears to be society itself. As his private manuscripts attest, in considering reputation as a law, and praise and contempt as its sanctions, Locke consciously broadened out his voluntarist concept of law by appropriating an alternative definition, more familiar to intellectualist natural lawyers such as Thomas Aquinas and Richard Hooker. Locke observed that Hooker, in his *Laws of Ecclesiastical Polity* (1594), justified 'inlarging' the conventional 'sense' of law, to call 'any kinde of rule or Canon whereby actions are

framed a law'.[51] (In offering this definition of law in opposition to a narrowly voluntarist conception, Hooker was paraphrasing Aquinas: something of which Locke was probably unaware.[52]) Due to the individual's pervasive concern for esteem, the collective judgments of others act in precisely this way, because they shape and mould our sense of what kinds of qualities or actions are estimable and advantageous – even if their 'commands', formally speaking, cannot in themselves impose an obligation. Just as every individual in the state of nature is authorised under natural law to punish transgressions of the rules of justice governing property, it seems that for Locke they are similarly empowered to enforce the rules of *propriety* which are just as much a part of natural law.[53] If the former power can subsequently be entrusted to the civil magistrate, the latter cannot, precisely because his authority is limited to the enforcement of the rules of justice not those of virtue.[54] This was a point laboured by Locke: 'give me leave to say, however strange it may seem, that the law-maker hath nothing to do with moral virtues and vices, nor ought to enjoin the duties of the second table any otherwise than barely as they are subservient to the good and preservation of mankind under government'.[55] Consequently, in the civil state as in the natural, the social virtues remain, for the most part, policed by the community at large; and because the judgements of any given community develop according to what it finds to be in the collective interest of all its members, this ensures that individuals are held to a standard of propriety which is not subjective.

Furthermore, because the natural law as laid down by a beneficent God is intended for mankind's benefit as well as His glory, it enshrines precepts which conduce to the well-being of human society. This makes it likely, though not inevitable that the 'Law of *Reputation*', the precepts of which have developed on account of their beneficial social consequences, is broadly in accordance with the dictates of natural law:

> everywhere Vertue and Praise, Vice and Blame, go together […]. And though, perhaps, by the different Temper, Education, Fashion, Maxims, or Interest of different sorts of Men it fell out, that what was thought Praiseworthy in one Place, escaped not censure in another; and so in

> different Societies, Vertues and Vices were changed: Yet, as to the Main, they for the most part kept the same every where. For since nothing can be more natural, than to encourage with Esteem and Reputation that, wherein every one finds his Advantage; and to blame and discountenance the contrary: 'tis no Wonder, that Esteem and Discredit, Vertue and Vice, should in a great measure every-where correspond with the unchangeable Rule of Right and Wrong, which the Law of God hath established; there being nothing, that so directly, and visibly secures, and advances the general Good of Mankind in this World, as Obedience to the Laws, [God] has set them, and nothing that breeds such Mischiefs and Confusion, as the neglect of them. (*E* 2.28.11)[56]

Seen in this light, mankind's need for esteem facilitates the development of a shared moral language even in the absence of political authority: something that Hobbes held to be impossible. Moreover, that language is likely to enshrine ideas of moral good and ill that are broadly in accordance with the precepts of natural law. Its norms secure needs which animate every individual, but which go beyond mere self-preservation and material advancement and thus beyond 'bare Justice': including the need for recognition, goodwill and love from others. Here we might note that, if Locke's theory of justice and property in the *Second Treatise* is conspicuously silent on the question of charity, this need not contradict his insistence elsewhere that charity is a duty under natural law: rather, except in times of urgent necessity, charity lies outside of the realm of justice and its political machinery of enforcement.[57] Like civility and liberality more broadly, it is inculcated and policed by society, and by its alternative inducements of praise, esteem and credit. Small wonder that, in his educational theory, Locke exhorted parents to stimulate and heighten their child's desire for praise and aversion to contempt.[58] A 'quick sence of Reputation' ensures an acute sensitivity (or 'Tenderness') to those social sanctions that enforce the more extensive moral duties that are obligatory under natural law, essential for social co-existence and communal well-being, but do not fall within the remit of civil law and justice.[59]

Conclusion

In contrast to Hobbes, for Pufendorf and Locke it is precisely their craving for esteem, rather than fear, that renders human beings – by nature solipsistic and necessitous creatures – amenable to disciplining through their mutual interactions in ways which conduce not just to peace, but to a more profound sense of mutual connection. Civil society depends not merely on individuals finding the means to overcome their mutual hatred and suspicion, but on their capacity to behave in ways which endear them to others. To put this point differently: in the transition from their natural to their civil state, love (of self, and of others) must conquer fear and the narrow self-interest it expresses. When it comes to the rules of justice, every individual can recognise their desire for self-preservation, and through social interactions learn that this is shared by all other men. By these means all can agree to leave others in quiet enjoyment of their essential ('perfect') rights to property and person. By a parity of reason, Pufendorf observed, through reflection the individual is also able to identify his desire for esteem, and to appreciate the pain that results from non-recognition and contempt from others: a point laboured at greater length, and explored more systematically, by Locke in his *Essay* and writings on education. From this, all might learn to treat others as they would wish to be treated (thus realising the Golden Rule). Recognising that 'other men feel the same way about themselves' as they do, they cultivate the virtues of civility, charity and liberality (*JNG* 3.2.6/ *LNNO* 339).

Locke and Pufendorf could agree with Hobbes that 'not just anyone has such goodness of character as to be willing to do all the things by which he can benefit others out of humanity or charity alone, without a well-founded hope of receiving an equivalent in return' (*JNG* 3.4.1/ *PWSP* 166; cf. *OHC* 1.4.9/ *DMC* 44). Natural benevolence and sociability is an insufficient foundation for civil society. As had Hobbes, they accepted that an *external* bridle (law) must be imposed on solipsistic man's desires and wills for obligation to exist, and society to subsist. Neither were Kantians *avant la lettre*.[60] Given the limited hold of natural law in the state of nature, more immediate inducements are required to constrain men to adhere to its precepts. Positive law, enforced by judicial punishment, is one means.

Locke's 'Law of *Reputation*', founded upon men's desire for what Pufendorf termed 'intensive' esteem, is another.

It is important to emphasise that, for Locke and Pufendorf as later for Hume and Smith, the enforcement of the 'perfect duties' by civil law remained the *sine qua non* for the maintenance of social life. In the absence of political authority and justice, men would find themselves back in a pre-civil state of nature that both portrayed in decidedly Hobbesian terms. As Pufendorf observed, in the absence of justice, the limited regulatory power of esteem would be exposed: 'something weightier than shame and a sense of propriety is required to check men's immoderate desires' (*JNG* 1.6.12/ *PWSP* 126). Locke similarly opined that justice is 'the greatest and difficultest duty' and, once established, 'the rest will not be hard'.[61] The point, instead, is that for both philosophers the communally-enforced mechanism of praise and blame supplements civil law in crucial ways. It offers rewards (praise, recognition) as well as punishments (shame, contempt), and thereby incentivises the performance of virtue rather than merely discouraging the practice of injustice. In their practical consequences, both disciplinary regimes – the political, and the reputational – tend (or ought to tend) to the same end: the realisation of natural law in its fullest extent, enforcing *both* the laws of justice *and* the law of love. The esteem of others offers precisely the 'equivalent' that 'humanity and charity' alone cannot, by affording a pleasure which, as Hobbes recognised, is greater than all others, but which Pufendorf and Locke argued lies outside the political realm. This is the enjoyment of the good opinion of one's neighbour, whom Christ commands us to love, not merely to tolerate. In this regard Pufendorf's and Locke's endorsement of a broadly self-regarding anthropology in no sense led them to deny that men are capable of forming bonds of mutual love and affection; indeed, self-love, when properly cultivated, necessarily leads to the love of others. 'If then happinesse be our interest end & business', Locke observed, ''tis evident the way to it is to love our neighbour as our self, for by that means we enlarge & secure our pleasures, since then all the good we doe to them redoubles upon our selves & gives us an undecaying & uninterrupted pleasure'.[62]

It may well be that eighteenth-century political economists such as Smith and Hume were confident that, left to its own natural principles, market society offers mechanisms which reconcile the unequal distribution of property (protected by the strict enforcement of the 'perfect' duties) with the material needs of those who have the least. Pufendorf's and Locke's writings were stimulating here: both pointed towards the possibility of an economy of abundance with the division of labour and decline of feudalism, which generates sufficient wealth to ensure that even the poorest in European societies are better fed, clothed and housed than tribal American kings.[63] The quest for wealth, like that for esteem, need not be a zero-sum game.[64] Meanwhile Locke and Pufendorf, like Hume and Smith, had limited sympathy for a civic republican understanding of virtue as dependent upon active political participation and endangered by the corrosive effects of luxury and the division of labour (both economic and political).[65] Yet their writings also invited further questions, which are linked to that of the relationship between (material) needs and justice even as they complicate it. What is the nature of the relationship between the economy of abundance which has money as its currency, and an alternative such economy that trades in esteem? How does rampant economic inequality effect our ability to evaluate fairly the *moral* value of others, and thereby to reward them with a non-material good (deserved esteem) which perhaps makes up for the failure of the market to acknowledge their contribution to a profounder conception of the common good than is measurable by GDP? Might the redistribution of property be required for such recognition (rather than merely basic respect) to be afforded once more to all in commercial society who genuinely merit it?[66]

Such questions were invited, if scarcely addressed by writers working in the natural law tradition after Hobbes; and there is every reason to suggest that the eighteenth-century practitioners of what Hume termed 'the science of MAN' recognised the interest of earlier natural law theorists like Pufendorf and Locke in the remarkable strength and consequences of mankind's natural desire for esteem, rather than merely in the desire for self-preservation.[67] For Pufendorf and Locke, our concern for the esteem of others plays a crucial role as we orient ourselves in the social world; in contrast to Hobbes, this implies

that the individual is at least as much the product of society as the author of it through an initial self-interested compact. The moral theories developed by eighteenth-century philosophers such as Hume and Smith built powerfully upon these insights, and – like their seventeenth-century forebears – resisted any neat categorical distinction between self-love and benevolence. Our love and affection for others is inseparable from a strong and constant love of self, because our sense of our own well-being depends upon the esteem in which we are held by other agents who likewise crave our approval. Smith's *Theory of Moral Sentiments* (1759), building on Hume's *Treatise of Human Nature* (1739-40), offered a spectatorial theory of morals which suggests that subjectivity and moral agency result from our sense that we are continually subject to the judgments and moral evaluations of observing others.[68] This awareness leads us to view ourselves – and to assess the value of our actions, and the propriety of our affective responses to those of other moral agents – through eyes that are not our own. In this respect, self-love leads us outside of ourselves, rather than confining us within the prison of our own narrow self-interest: a largely self-regarding anthropology, as we have seen, need not yield Hobbesian conclusions.

Viewed in this light, the lasting achievement of those eighteenth-century philosophers who recognised that political economy was not a morally-neutral science was boldly to articulate these pressing tensions between a market economy facilitated by the strict enforcement of the laws of justice, and an alternative economy of esteem regulated by moral achievement, mutual affection and love – not least Smith, Rousseau and Hegel.[69] It is for this reason that their writings are once more (and deservedly) attracting attention from political and critical theorists, because these questions again seem pressing. Here the attempt more satisfactorily to recover the intellectual and conceptual framework(s) in which such questions were initially formulated might prove salutary, even if it would surely be in vain to look for answers to seventeenth-century natural lawyers who remained, to some extent at least, confident in God's providential design and ongoing care for His creatures.

[1] See, for summary discussions: Richard Tuck, 'The "Modern" Theory of Natural Law', in *The Languages of Political Theory in Early Modern Europe*, ed. Anthony Pagden (Cambridge: Cambridge University Press, 1987), 99-122; Knud Haakonssen and Michael J. Seidler, 'Natural Law: Law, Rights and Duties', in *A Companion to Intellectual History*, ed. Richard Whatmore and Brian Young (West Sussex: Wiley Blackwell, 2016), 377-401; and Ian Hunter, 'The Law of Nature and Nations', in *The Routledge Companion to Eighteenth-Century Philosophy*, ed. Aaron Garrett (New York: Routledge, 2014), 559-92.

[2] Grotius, *The Rights of War and Peace*, ed. Richard Tuck, 3 vols. (Indianapolis: Liberty Fund, 2005), 1.1.2.5. For the scholastic heritage of this distinction see Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150-1625* (Atlanta, Ga: Scholars Press, 1997), 323-24.

[3] Duncan Forbes, 'Natural Law and the Scottish Enlightenment', in *The Origins and Nature of the Scottish Enlightenment*, ed. Roy H. Campbell and Andrew S. Skinner (Edinburgh: J. Donald, 1982), 186-204; Istvàn Hont and Michael Ignatieff, 'Needs and Justice in the *Wealth of Nations*: An Introductory Essay', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Hont and Ignatieff (Cambridge: Cambridge University Press, 1983), 1-44; and Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996).

[4] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Roy H. Campbell and Andrew S. Skinner, 2 vols. (Indianapolis: Liberty Fund, 1981), I.ii.2.

[5] Even as they were direct contemporaries (b. 1632), who clearly addressed shared questions, and despite Locke's obvious admiration for Pufendorf's works, there remains no comprehensive, comparative study of the two men. For briefer discussions, see: Stephen Darwall, 'Autonomy in Natural Law', in *New Essays on the History of Autonomy: A Collection Honoring J.B. Schneewind*, ed. Natalie Brender and Larry Krasnoff (Cambridge: Cambridge University Press, 2004), 110-29; Hannah Dawson, 'Natural Religion: Pufendorf and Locke on the Edge of Freedom and Reason', in *Freedom and the Construction of Europe*, ed. Quentin Skinner and Martin van Gelderen (Cambridge: Cambridge University Press, 2013), 115-33; and Michael J. Seidler, 'The Politics of Self-Preservation: Toleration and Identity

in Pufendorf and Locke', in *Early Modern Natural Law Theories: Context and Strategies in the Early Enlightenment*, ed. Tim J. Hochstrasser and Peter Schröder (Dordrecht: Kluwer, 2003), 227-55. Locke expressed his admiration for Pufendorf's work in his educational writings: *Some Thoughts concerning Education*, and 'Some Thoughts concerning Reading and Study for a Gentleman' [1703], in *The Educational Writings of John Locke*, ed. James L. Axtell (Cambridge: Cambridge University Press, 1968), §186, 294; 400.

[6] Locke, *Some Thoughts*, §35, 139.

[7] Hont and Ignatieff, 'Needs and Justice', 37.

[8] In the case of both Pufendorf and Locke, only one scholar has drawn concerted attention to the importance of esteem in their thinking: see Kari Saastamoinen, 'Pufendorf on Natural Equality, Human Dignity, and Self-Esteem', *Journal of the History of Ideas* 71, no. 1 (2010): 39-62; and James Tully, 'Governing Conduct', in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 12-71.

[9] For a similar caution about reconstructing Locke's broader social and moral vision from a work – the *Treatises* – concerned exclusively with the origins and legitimate jurisdiction of *political* authority, see Steven Forde, 'The Charitable John Locke', *The Review of Politics* 71, no. 3 (2009): 428-58.

[10] Contrast this with Hont's claim that Pufendorf offered a 'utility-based sociability', in which the reciprocal duties between individuals stem from the desire for self-preservation and need for collaboration: *Politics in Commercial Society*, 175-79.

[11] Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640-1700* (Cambridge: Cambridge University Press, 2007).

[12] Richard Cumberland, *A Treatise on the Laws of Nature*, trans. John Maxwell and ed. Jon Parkin (Indianapolis: Liberty Fund, 2005), I: §XXIX, 344-45.

[13] We are grateful to one of the journal's anonymous reviewers for pressing us to clarify the relationship between self-love and love of others in early-modern philosophy.

[14] All references to *De Iure* (1672) refer first (*JNG*) to *De Jure Naturae et Gentium*, ed. Frank Böhling, vol. 4 of *Samuel Pufendorf*: *Gesammelte Werke*, series ed. Wilhelm Schmidt-Biggemann (Berlin: Akademie Verlag, 2008); and then (*PWSP*) to the translation (where available) offered in *The Political Writings of Samuel Pufendorf*, trans. Michael J. Seidler and ed. Craig L. Carr (New York: Oxford University Press, 1994), or (*LNNO*) in *Of the Law of Nature and Nations*, trans. Charles H. Oldfather and William A. Oldfather, 2 vols. (Oxford: Clarendon Press, 1934). All references to *De Officio* (1673) are first (*OHC*) to *De Officio*, ed. Gerard Hartung, vol. 2 of *Gesammelte Werke* (Berlin: Akademie Verlag, 1997), and then (*DMC*) to *On the Duty of Man and Citizen*, ed. James Tully and trans. Michael Silverthorne (Cambridge: Cambridge University Press, 1991).

[15] A point noted by Thomas Mautner: Francis Hutcheson, *Two Texts on Human Nature*, ed. Mautner (Cambridge: Cambridge University Press, 1993), Appendix 3, 149.

[16] Shaftesbury, *Sensus Communis, an Essay on the Freedom of Wit and Humour* (1709), in *Characteristicks of Men, Manners, Opinions, Times*, ed. Douglas Den Uyl, 3 vols. (Indianapolis: Liberty Fund, 2001), i, 3.3, 76.

[17] Archibald Campbell, *An Enquiry into the Original of Moral Virtue* (Edinburgh: Gavin Hamilton, 1733), 2.1, 259-60. (Campbell's primary target here is Francis Hutcheson.)

[18] For this early-modern vision of community, see Jerome B. Schneewind, *Essays in the History of Moral Philosophy* (Oxford: Oxford University Press, 2009), 149-69.

[19] For the controversies engendered by *De Iure*, see Fiammetta Palladini, *Discussioni Seicentesche su Samuel Pufendorf. Scritti Latini: 1663-1700* (Bologna: Il Mulino, 1978); and Tim J. Hochstrasser, *Natural Law Theories in the Early Enlightenment* (Cambridge: Cambridge University Press, 2000), Ch. 2. For Pufendorf's and Locke's critical engagement with Cumberland, see Jon Parkin, *Science, Religion and Politics in Restoration England: Richard Cumberland's De Legibus Naturae* (Woodbridge: Boydell Press, 1999), Ch. 7.

[20] Locke, *A Letter concerning Toleration*, ed. Mark Goldie (Indianapolis: Liberty Fund, 2010), 20.

[21] Locke, *Essays on the Law of Nature*, ed. Wolfgang von Leyden (Oxford: Clarendon Press, 1954), 150 (italics added).

[22] Bodleian Library MS Locke, f.2, 120-21 (3 April 1677).

[23] For Locke, see Ian Harris, 'Locke on Justice', in *English Philosophy in the Age of Locke*, ed. Michael A. Stewart (Oxford: Clarendon Press, 2001), 49-85.

[24] Locke, *An Essay concerning Human Understanding*, ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975).

[25] Locke, *Some Thoughts*, §129, 236.

[26] For one canonical statement, see Augustine, *The City of God against the Pagans*, ed. Robert W. Dyson (Cambridge: Cambridge University Press, 1998), 5.14, 212-15: 'There are, then, those who bridle their baser desires by means of the desire for human praise and glory, and not with the faith of godliness and the love of intelligible beauty given by the Holy Spirit. These are not, therefore, yet holy; they are only less vile.'

[27] *John Locke as Translator: Three of the Essais of Pierre Nicole in French and English*, ed. Jean S. Yolton (Oxford: Voltaire Foundation, 2000). For Jansenist moral thinking, see Jennifer A. Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (Chicago: University of Chicago Press, 2008).

[28] For discussion, see Gabriella Slomp, *Thomas Hobbes and the Political Philosophy of Glory* (Basingstoke: Macmillan, 2000); and Julie E. Cooper, 'Vainglory, Modesty, and Political Agency in the Political Theory of Thomas Hobbes', *The Review of Politics* 72, no. 2 (2010): 241-69.

[29] Kinch Hoekstra, 'Hobbesian Equality', in *Hobbes Today: Insights for the 21st Century*, ed. Sharon A. Lloyd (Cambridge: Cambridge University Press, 2012), 76-112.

[30] Hobbes, *On the Citizen*, ed. Richard Tuck and trans. Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 3.13. (We prefer the translation offered in *The English Works of Thomas Hobbes of Malmesbury*, ed. Sir William Molesworth, 11 vols. (London, 1839-45), ii, 39.) On Hobbes's engagement

with a longer Christian understanding of *agnosco* (acknowledgement), see Risto Saarinen, *Recognition and Religion: A Historical and Systematic Study* (Oxford: Oxford University Press, 2016), 110-14.

[31] Cf. Joshua Mitchell, 'Hobbes and the Equality of All Under the One', *Political Theory* 21, no. 1 (1993): 78-100.

[32] *Leviathan*, ed. Noel Malcolm, 3 vols. (Oxford: Oxford University Press, 2013), ii, 1.13, 192. Hont thus observed that Hobbes's 'understanding of politics stems from the politics of recognition': *Politics in Commercial Society*, 12. See further Arash Abizadeh, 'Hobbes on the Causes of War: A Disagreement Theory', *American Political Science Review* 105, no. 2 (2011): 298-315; and Paul Sagar, *The Opinion of Mankind: Sociability and the Theory of the State From Hobbes to Smith* (Princeton: Princeton University Press, 2018), 27-39.

[33] Ibid, ii, 2.18, 276.

[34] The phrase is borrowed from Geoffrey Brennan and Philip Pettit, *The Economy of Esteem: An Essay on Civil and Political Society* (Oxford: Oxford University Press, 2004).

[35] *Leviathan*, ii, 2.18, 276. For the importance attached by Hobbes to the regulation of civil communication, see Teresa M. Bejan, *Mere Civility: Disagreement and the Limits of Toleration* (Cambridge, MA: Harvard University Press, 2017), Ch. 3; and Quentin Skinner, 'Hobbes and the Social Control of Unsociability', in *The Oxford Handbook of Hobbes*, ed. Aloysius P. Martinich and Kinch Hoekstra (Oxford: Oxford University Press, 2016), 432-52.

[36] For penetrating discussion, see Timothy Stanton, 'Hobbes and Schmitt', *History of European Ideas* 37, no. 2 (2011): 160-167.

[37] Pufendorf cites Cicero's *De Officiis*, 1.8.26.

[38] For examples, see Locke, *Letter concerning Toleration*, 11, 26, 40.

[39] Cumberland had already gestured in this direction: *Treatise*, I: §XXXII, 350-53.

[40] For further discussion of this complex distinction, see Heikki Haara, *Pufendorf's Theory of Sociability: Passions, Habits and Social Order* (Dordrecht: Springer, Forthcoming), Ch. 4.

[41] For Locke's admiration for *De Officiis*, see Philip Mitsis, 'Locke's Offices', in *Hellenistic and Early Modern Philosophy*, ed. Jon Miller and Brad Inwood (Cambridge: Cambridge University Press, 2003), 45-61.

[42] See Locke, *Letter concerning Toleration*, 13: the awe, '*esteem'* and gratitude one expresses for the deity must be an outward token of sincere inner faith to be 'pleasing unto God'; otherwise, we show through our 'Hypocrisie' a '*Contempt* of his Divine Majesty'. Such sentiments cannot be coerced, as 'All the Life and Power of True Religion consists in the inward and full perswasion of the mind: And Faith is not Faith without believing'.

[43] *De Cive*, 3.27, 53-4; *Leviathan*, ii, 1.15, 240; *Behemoth; Or, the Long Parliament*, ed. F. Tönnies and intro. S. Holmes (Chicago: University of Chicago Press, 1990), 62; and cf. Locke, 'First Tract', in *Two Tracts on Government*, ed. Philip Abrams (Cambridge: Cambridge University Press, 1967), 127-28.

[44] Pufendorf's observation that blushing was caused by shame was a conventional claim; less so was his association of it with the individual's desire for 'intensive' rather than 'simple' esteem. Blushing expresses the pain of discovering oneself to be 'an object of disdain […] not, indeed, in the sight of man in general but of those, whose esteem we especially desire' (*JNG* 1.2.7/ *LNNO* 32). Cf. Locke's discussion of the '*Physiognomy of the Mind*', which is most legible in children, in *Some Thoughts*, §101, 206.

[45] Cf. n. 7, above.

[46] Pufendorf similarly noted how most men 'embrace the Christian religion from no personal conviction', and so fail 'to take it to heart to improve their character according to its direction' (*JNG* 2.4.3/ *LNNO* 233).

[47] In the first edition of the *Essay*, the 'Law of *Opinion* or *Reputation'* was named 'the *philosophical* Law'. It acquired its new title from the second edition (1694).

[48] Cf. MS Locke c.27, f.30^{r} (1675): 'The 1st Question, every man ought to aske in all things he doth, or undertakes; is, how is this acceptable to God? But the first Question most men ask, is, how will this render me to my Company, and those, whose esteeme I value?'.

[49] For further discussion, see Tim Stuart-Buttle, '"A Burthen Too Heavy for Humane Sufferance": Locke on Reputation', *History of Political Thought* 38, no. 4 (2017): 644-80.

[50] MS Locke c.28, f. 141 (*c.* 1693).

[51] Locke's reading notes on Hooker can be found in MS Locke f.4, 67, 73-7 (on 74, dated 26 June 1680). Locke paraphrases Hooker, *Of the Laws of Ecclesiastical Polity*, in *The Works… of Hooker* (London, 1676), 1.2, 70: 'They who are thus accustomed to speak apply the name of *Law* unto that only rule of working which superior authority imposeth; whereas we, somewhat more enlarging the sense thereof, term any kind of rule or canon, whereby actions are framed, a law'.

[52] *Summa Theologiae*, 1a.2ae.90.1: 'Law is a rule or measure of an action in virtue of which one is led to perform certain actions and restrained from the performance of others'. Hooker's debt to Aquinas is noted by A.P. d'Entrèves, who observes that this definition of law was criticised by Suarez for being 'too broad and general': *Natural Law: An Introduction to Legal Philosophy*, 2nd edn. (London: Hutchinson University Library, 1970), 76. For Locke's apparent lack of 'first-hand knowledge of the writings of the great medieval schoolmen', see John R. Milton, 'The Scholastic Background to Locke's Thought', *The Locke Newsletter* 15 (1984): 25-34 (on 30).

[53] Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), II.2, §8-9.

[54] Locke here contradicts Cumberland's claim that 'the magistrate, in order to pursue the Common Good, . . . must be constituted Guardian of both tables of the Decalogue'. As this implies, 'the *Limits* of the Civil Power still remain very *extensive*' for Cumberland: *Treatise*, XI: §§VI-VIII, 714-18. For discussion, see Parkin, *Science, Religion and Politics*, 50-52.

[55] Locke, 'An Essay concerning Toleration' (1667), in *Political Writings*, ed. David Wootton (Indianapolis: Liberty Fund, 1993), 195. This crucial point is missed by Tully, 'Governing Conscience', who by employing a Foucauldian interpretative lens reduces the 'Law of *Reputation*' to a technique of political governance – which convinces for Hobbes, but not for Locke or Pufendorf.

[56] Pufendorf was less explicit on this point, but paraphrased Cicero in noting that actions which are in conformity with natural law 'tend to maintain and increase a man's honour, esteem and dignity' (*JNG* 2.3.10), and are 'the fittest material for winning praise' (*OHC* 1.8.5).

[57] For two recent attempts to grapple with the ambiguities of Locke's treatment of charity, which converge in various respects with our interpretation, see Forde, 'The Charitable John Locke'; and Robert Lamb and Benjamin Thompson, 'The Meaning of Charity in Locke's Political Thought', *European Journal of Political Theory* 8, no. 2 (2009): 229-52. Pufendorf and Locke are also discussed in Jerome B. Schneewind, 'Philosophical Ideas of Charity: Some Historical Reflections', in *Giving: Western Ideas of Philanthropy*, ed. Jerome B. Schneewind (Bloomington: Indiana University Press, 1996), 59-63.

[58] Michelle E. Brady, 'Locke's *Thoughts* on Reputation', *The Review of Politics* 75, no. 3 (2013): 335-56.

[59] Locke, *Some Thoughts*, §113, 217.

[60] For a valiant attempt to interpret Pufendorf and Locke in this light, see Darwall, 'Autonomy in Natural Law'.

[61] MS Locke c.28, f. 140^{r} (*c.* 1677-8). Locke continues: 'The next sort of virtues are those which relate to society and so border on Justice but yet are not comprised under direct articles of contract such as are Civility, Charity, Liberality'. Cf. Adam Smith, *The Theory of Moral Sentiments*, ed. David D. Raphael and Alec L. Macfie (Indianapolis: Liberty Fund, 1982), II.ii.3.3; VII.iv.36.

[62] MS Locke c.42B, 224 (1692); cf. *Some Thoughts*, §110, 213-14.

[63] Locke, *Two Treatises*, II.5, §41. For discussion, see Hont and Ignatieff, 'Needs and Justice'.

[64] For the evolution of Locke's economic thought, compare the above-cited statement in *Two Treatises* with his earlier zero-sum interpretation of economics in *Essays on the Law of Nature*, 211 ('it is impossible for anyone to grow rich except at the expense of someone else'). Locke's thinking about the economy of esteem underwent a similar shift from a distinctly Hobbist, zero-sum interpretation in *Two Tracts* to his later treatment of the issue.

[65] For the civic republican tradition, see John G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); and for the early-modern luxury debate, Istvàn Hont, 'The Early Enlightenment Debate on Commerce and Luxury', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), 377-418. For the relationship between the civic republican and natural law traditions in Scotland, see Haakonssen, *Natural Law and Moral Philosophy*, 63-99.

[66] For stimulating debate, see Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*, trans. Joel Golb, James Ingram and Christiane Wilke (London: Verso, 2003).

[67] For initial probing of this theme, see Heikki Haara and Aino Lahdenranta, 'Smithian Sentimentalism Anticipated: Pufendorf on the Desire for Esteem and Moral Conduct', *Journal of Scottish Philosophy* 16, no. 1 (2018): 19-37; and Tim Stuart-Buttle, *From Moral Theology to Moral Philosophy: Cicero and Visions of Humanity from Locke to Hume* (Oxford: Oxford University Press, Forthcoming), esp. Ch. 5.

[68] See especially Fonna Forman-Barzilai, *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory* (Cambridge: Cambridge University Press, 2010).

[69] Smith wrestled with this question until the end of his life. See the new chapter added to the sixth edition of the *Theory* in 1790, entitled 'Of the corruption of our moral sentiments, which is occasioned by this disposition to admire the rich and great, and to despise or neglect persons of poor and mean condition' – a 'disposition' that increases as societies advance economically (*TMS* I.iii.3).