

Ere Nokkala

13 Rethinking the Pursuit of Happiness – Johann Heinrich Gottlob von Justi’s Critique of Paternal Rule

This chapter offers a re-interpretation of Johann Heinrich Gottlob von Justi’s (1717–1771) account of paternal rule. Justi was one of the leading German political writers in the 1750s and 1760s,¹ and he has been variously interpreted as an advocate of enlightened absolutism,² of liberalism,³ and of republicanism.⁴ In this chapter, I study Justi’s political thought by analyzing his essay “Considerations on Monarchies and Aristocracies” (1761).⁵ This essay has been overlooked; however, it offers a key to understanding the nature of Justi’s political thought. The reason not enough attention has not been paid to this essay is that it has been considered a translation and not an original piece by Justi. For instance, Ulrich Adam suggested in his seminal book on Justi that “Considerations on Monarchies and Aristocracies” was Justi’s translation of a passage from Count Giovanni Cattaneo’s (1691–1761) *The Source, the Strength, and the True Spirit of Laws*

1 Polish-British lawyer-historian C. H. Alexandrowicz considered Justi to be “one of the greatest German political writers of the eighteenth-century.” See C. H. Alexandrowicz, *The Law of Nations in Global History*, eds. David Armitage and Jennifer Pitts (Oxford: Oxford University Press, 2017), 163; Ere Nokkala, *From Natural Law to Political Economy: J. H. G von Justi on State, Commerce and International Order* (Münster: Lit Verlag, 2019), 1.

2 Diethelm Klippel and Martin Fuhrmann, “Der Staat und die Staatstheorie des aufgeklärten Absolutismus,” in *Der aufgeklärte Absolutismus im europäischen Vergleich*, ed. Helmut Reinalter and Harm Klueting (Wien: Böhlau, 2002), 223–43.

3 Uwe Wilhelm, “Das Staats- und Gesellschaftsverständnis von J. H. G. von Justi: Ein Beitrag zur Entwicklung des Frühliberalismus in Deutschland,” *Der Staat* 30 (1991), 415–441; Uwe Wilhelm, *Der deutsche Frühliberalismus: von den Anfängen bis 1789* (Frankfurt am Main: Peter Lang, 1995); Marcus Obert, *Die naturrechtliche “politische Metaphysik” des Johann Heinrich Gottlob von Justi (1717–1771)* (Frankfurt am Main: Peter Lang, 1992).

4 Horst Dreitzel, *Absolutismus und ständische Verfassung in Deutschland: Ein Beitrag zu Kontinuität und Diskontinuität der politischen Theorie in der frühen Neuzeit* (Mainz: von Zabern, 1992), 100–120.

5 Johann Heinrich Gottlob von Justi, “Betrachtungen über die Monarchien und Aristocracien,” in *Gesammelte Politische und Finanzschriften über wichtige Gegenstände der Staatskunst, der Kriegswissenschaften und des Cameral- und Finanzwesens*, 3 vols. (Copenhagen: Rothe, 1761–1764), 2: 176–190.

(1752).⁶ Cattaneo was a Venetian author active in the court of Frederick II in Berlin. Cattaneo's book was a conservative, reactionary, commentary on Montesquieu's political philosophy – above all a critical discussion of Montesquieu's *Spirit of Laws* (1748) – and it is true that Justi polemically translated a passage on the origin of governments from it to be included to his collected political and financial writings.⁷ However, “Considerations on Monarchies and Aristocracies” is Justi's lengthy introduction and critique of the arguments presented in the short translation. Therefore, it truly is an original text by Justi. The question Justi wanted to address with his introduction and translation was: Is the unlimited power of a monarch or an aristocratic assembly of natural origin? In other words, Justi asked whether unlimited monarchy or unlimited aristocracy was a natural – this is to say legitimate – form of government. Significant in answering this question was the figure of a patriarch (*Patriarche, Altvater*). As a result of trying to answer this most fundamental question, “Considerations on Monarchies and Aristocracies” is Justi's most elaborate critique of the arguments used in favour of paternal rule, in the context of eighteenth-century debates on unlimited power and political representation. Several competing reform concepts emerged in Germany in the second half of the eighteenth century: One emphasised the role of Estates balancing the power of the king; one had essentially anti-Estates politics combined with admiration of England's mixed government as mediated by Montesquieu; and one advocated the idea of “enlightened reform bureaucracy”.⁸ Building on these findings and in the footsteps of Barbara Stollberg-Rilinger, I interpret Justi as being among the anti-Estates admirers of mixed constitutions. However, departing from Stollberg-Rilinger, who unlike me inter-

⁶ Ulrich Adam, *The Political Economy of J. H. G. Justi* (Oxford: Peter Lang, 2006); Jean de Cattaneo, *La source, la force et le véritable esprit des loix: essais du J. de Cattaneo; on y joint aussi un essai sur l'origine naturelle des Gouvernemens politiques dans la Soc. humaine, par le même auteur* (Berlin: Voss, 1752), 181–185; Conte Giovanni Cattaneo, *The source, the strength, and the true spirit of laws: In three parts. In which the errors of M. de Montesquieu, and some other eminent writers, are occasionally considered. To which are added, Essays on the natural origin of political* (London: Lockyer Davis, 1753).

⁷ Justi translated pages 181–185 of the original French version of Cattaneo's *La source*. Justi's translation, “Gedanken von dem Ursprunge der Monarchien und Aristocratie,” is published in Justi, *Gesammelte Politische und Finanzschriften über wichtige Gegenstände der Staatskunst, der Kriegswissenschaften und des Cameral- und Finanzwesens*, 3 vols. (Copenhagen: Rothe, 1761–1764), 2: 190–196.

⁸ Barbara Stollberg-Rilinger, *Vormünder des Volkes? Konzepte landständischer Repräsentation in der Spätphase des Alten Reiches* (Berlin: Duncker & Humblot, 1999), 189–233, 298–304. On Justi in the context of eighteenth-century German debate on representation, see especially pages 200–211.

prets Justi as a defender of pure unlimited monarchy,⁹ special emphasis in this chapter will be given not to the anti-Estates views of Justi but to the virtue of not giving unlimited power to the monarch. Recovering the critique of paternal unlimited rule in Justi is an important aspect in reinterpreting Justi's political thought and in reinterpreting eighteenth century German political economy, known as cameral sciences (*Kameralwissenschaften*) in general, whose main advocate Justi was. As this chapter will argue, Justi contributed significantly to debate in his time on unlimited power instead of just recycling well-known arguments on paternal rule. Justi advocated the freedom of citizens to evaluate politics and to legislate. Thereby, he considerably contributed to the politicisation of the German Enlightenment – to making the phenomenon of paternal rule disputable and changeable.¹⁰

In recent literature, Justi has been regarded as an advocate of paternal rule and of the tutelary interventionist state. This is also linked with a more general interpretation of cameral sciences, whose main representative Justi was. Cameralists, the practitioners and theoreticians of cameral sciences, have been regarded to be in the service of the princely chamber and the interests of the ruler. Key in this respect is the concept of happiness (*Glückseligkeit*), a difficult concept to translate into English, but the connotations of happiness come very close to those of well-being and welfare.¹¹ In this line of interpretation cameralists are seen as puppets of the prince, and it is the task of the prince to guide his subjects to happiness. Very little attention is given to the pursuits of the individuals as actors.¹²

9 Stollberg-Rilinger, *Vormünder des Volkes*, 210.

10 On politicisation of the German Enlightenment, see Hans Erich Bödeker, "Aufklärung über Aufklärung? Reinhart Kosellecks Interpretation der Aufklärung," in *Zwischen Sprache und Geschichte: Zum Werk Reinhart Kosellecks*, ed. Carsten Dutt and Reinhard Laube (Göttingen: Wallstein Verlag, 2013), 128–174. On contingency and cameralism, see Marcus Sandl, "Development as possibility: Risk and chance in the Cameralist discourse," in *Economic Growth and the Origins of Modern Political Economy: Economic Reason of State, 1500–2000*, ed. Philipp Rössner (New York & Milton Park: Routledge, 2016), 139–155.

11 On happiness in early modern German economic thought, see Lars Magnusson, "On Happiness: Welfare in Cameralist Discourse in the Seventeenth and Eighteenth Centuries," in *Cameralism and the Enlightenment: Happiness, Governance and Reform in Transnational Perspective*, ed. Ere Nokkala and Nicholas B. Miller (London: Routledge, 2019), 23–46.

12 Douglas Moggach, "Freedom and Perfection: German Debates on the State in the Eighteenth Century," *Canadian Journal of Political Science* 42 (2009): 1003–1023; Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice* (Chicago: University of Chicago Press, 2009); Andre Wakefield, "Cameralism: A German alternative to Mercantilism," in *Mercantilism Reimagined: Political Economy in Early modern Britain and its Empire*, ed. Philip J. Stern and Carl Wennerlind (Oxford: Oxford University Press, 2013), 134–150.

In this essay, I argue that the above-mentioned interpretation of Justi's thought – and simultaneously of the character of cameral sciences¹³ – has been coloured by Immanuel Kant's negative assessment of happiness as the aim of the state and as a guideline for legislation. I begin this chapter with an overview of the historiography of happiness and the aim of state doctrine. From there, I move on to discuss Kant's critique of the doctrine and demonstrate to what extent the recent historiographical interpretations have been variations of backward-looking Kantian accounts. The last section of the chapter reveals that in contrast to the traditional reading among scholars, Justi placed the individual householder's freedom before the state. Contrary to common misconceptions, Justi did not see citizens as immature children who needed to be guided towards happiness. Indeed, he advocated the interests of a *Bürger*, conceptualised as a *Hausvater*, and was willing to grant a wide private sphere to this figure, who in many ways was a *homo economicus*. I will show that in Justi's account neither an unlimited monarchy nor an unlimited aristocracy founded originally by a patriarch was a natural form of government.

In relation to the Kantian account of happiness I highlight the significant differences between the political theories of Justi and Christian Wolff (1679–1754), the leading German political philosopher of the time. I will demonstrate that – contrary to numerous existing accounts – Justi certainly did not follow Wolff in his conception of the principles of civil legislation. Whereas Kantian criticism can still be successfully applied to Wolff, it does not do full justice to Justi's thought. This becomes clear when considering the central role played by freedom in Justi's political thought. It is particularly clear regarding the relationship between the ruler and the ruled. Here Justi embodies a major shift within the tradition of cameralism, which took place at a conceptual level: For Justi, the focus of interest is not the economy of the ruler, but the political economy (*Staatswirtschaft*) based on citizens' active pursuit of their own happiness. In line with this, unlike many of his predecessors, Justi granted citizens the right to evaluate the policies of a given government. In his view, if the ruler was not advancing the benefit of the political economy, and granting the citizens sufficient freedom, he or she was neglecting his or her duties.

13 For recent studies on cameral sciences written from a pan-European and transnational perspectives, see Philipp R. Rössner, ed., *Economic Growth and the Origins of Modern Political Economy: Economic Reason of State, 1500–2000* (New York & Milton Park: Routledge, 2016); Marten Seppel and Keith Tribe, eds., *Cameralism in Practice: State Administration and Economy in Early Modern Europe* (Woodbridge: Boydell & Brewer, 2017) and Ere Nokkala and Nicholas B. Miller (eds.), *Cameralism and the Enlightenment: Happiness, Governance and Reform in Transnational Perspective* (London: Routledge, 2019).

In sum, this chapter argues that if paternalism is understood in a Kantian sense, where fatherly government (*väterliche Regierung*) treats the people as immature children who do not know how best to pursue their own happiness,¹⁴ then Justi was not a paternalist. These findings beg a rethinking of cameral sciences in general. It cannot be that cameral sciences were purely in service of the prince and represented some kind of escape from politics to management. Rather, I suggest that they contributed to the politicisation of the German Enlightenment.

Prehistory: The Aim of the State Doctrine

In the context of early-modern German political thought, the concept of happiness is inseparably linked with the doctrine of the aim of the state (*Staatszwecklehre*).¹⁵ Discussing the aims of the political commonwealth was of course nothing new in early-modern Europe. Common aims had been a matter of discussion since antiquity and the Aristotelian notions of *bonum commune* and *beatitudo civilis* continued to be of great interest to early-modern political thinkers. A significant shift in the doctrine of the aim of the state took place in the seventeenth century, when the aim of the state was for the first time reformulated in the context of the modern concept of the state as laid down by Thomas Hobbes and Samuel Pufendorf.¹⁶ Another significant redefinition took place in the course of the eighteenth century.¹⁷ For Pufendorf, maintenance of social peace was the main aim of the state. This is understandable in light of the contemporary situation

14 Immanuel Kant, “Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis (1793),” in *Akademie Ausgabe von Immanuel Kants Gesammelten Werken*, Bd. 8 (Abhandlungen nach 1781), 290–91, <https://korpora.zim.uni-duisburg-essen.de/kant/aa08/290.html> (web page visited 30 September 2019). “Eine Regierung, die auf dem Prinzip des Wohlwollens gegen das Volk als eines Vaters gegen seine Kinder errichtet wäre, d.i. eine väterliche Regierung (*imperium paternale*), wo also die Untertanen als unmündige Kinder, die nicht unterscheiden können, was ihnen wahrhaftig nützlich oder schädlich ist, sich bloß passiv zu verhalten genötigt sind . . . ist der größte denkbare Despotismus.”

15 On the development of the aim of the State doctrine, see Michael Stolleis, “Staatszweck,” in *Historisches Wörterbuch der Philosophie*, vol. 10, ed. Joachim Ritter and Karlfried Gründer (Basel: Schwabe, 1998), 80–84.

16 Stolleis, “Staatszweck”; On Pufendorf’s natural law, see Kari Saastamoinen, *The Morality of the Fallen Man: Samuel Pufendorf on Natural Law* (Helsinki: Societas Historica Finlandiae, 1995); Heikki Haara, *Pufendorf’s Theory of Sociability: Passions, Habits and Social Order* (Cham: Springer, 2018).

17 Ulrich Engelhardt, “Zum Begriff der Glückseligkeit in der kameralistischen Staatslehre des 18. Jahrhunderts (J. H. G von Justi),” *Zeitschrift für Historische Forschung* 8 (1981): 41.

in which he was writing. In the aftermath of the Thirty Years' War, his thought was focused on peace and security. Over the course of the eighteenth century most German political and economic thinkers started to appoint the state a much broader spectrum of activities. This can be detected in the way the main aim of the state changed from security to happiness. By far the most famous and influential political theorist advocating happiness as the aim of the state was Christian Wolff. In Wolff's philosophy happiness was understood as unhindered progress towards higher levels of perfection. In short, according to Wolff, the state was necessary in order to secure the common good through the most effective pursuit of perfection and happiness. Wolff set about explaining how the state should direct the perfection of the goods of the mind, the goods of the body and external goods (*tranquilitas, securitas, vitae sufficientia*). Wolff's philosophical system resulted in an extraordinary welfare state, where the state's pursuit of the welfare of its citizens had no theoretical limits.¹⁸ At times Wolff has been regarded as one of the first theoreticians of the welfare state. For instance, it has been claimed that he was the founder of the "cameralistic welfare state".¹⁹ The changing concept of happiness showed how great was the belief that state could produce welfare and bring happiness to its citizens. Simultaneously, this aim was monopolised in the hands of the state.²⁰

Kant's Critique of the Paternalism of the Previous Generation

The view of the concept of happiness as the aim of civil legislation was widespread in eighteenth-century Germany. Kant's influence provides a clue as to why it is often overlooked that for the vast majority of eighteenth-century German political theorists the aim of the state was happiness.²¹ The German philos-

18 Knud Haakonssen, "German Natural Law," in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), 273.

19 Alexander Kaufman, *Welfare in the Kantian State* (Oxford: Oxford University Press, 1999), 57–58.

20 Engelhardt, "Zum Begriff der Glückseligkeit," 43. Engelhardt untenably holds that practically all cameralists adopted Wolff's idea of a welfare state and that Wolff was the philosopher who influenced the majority of cameralists' views on human nature and indeed played the greatest role in shaping their general worldview.

21 On Kant's critique on the doctrine of happiness as the aim of state, see Frank Grunert, "Die Objektivität des Glücks: Aspekte der Eudämonismus Diskussion in der deutschen Aufklärung,"

opher Moses Mendelssohn (1729–1786) famously called Kant the all-destroyer (*der Alles zermalmende*).²² Among that which Kant stood accused of “destroying” was the notion that happiness could be the guiding principle of civil legislation. Kant’s devastating critique of the usefulness of the concept of happiness in ethics and civil philosophy long dominated the views of the historians. Only recently has there been growing interest in studying happiness – a key concept in eighteenth-century German political thought – in its contemporary context and on its own terms, as opposed to in the light in which Kant portrayed it.²³

Kant was very familiar with Wolff’s work and the categories, and to a great extent the concepts that Kant used in his own philosophy came from Wolff. However, this certainly did not stop Kant from criticising Wolff. Kant directed his critique of the *Glückseligkeitslehre* against conservative politicians of his own time and possibly even more so against the political theory of Wolff.²⁴ However, it needs to be emphasised that Kant does not express his critique of happiness as the aim of the state explicitly against Wolff. Rather, this critique was an implicit consequence of how Kant developed his own philosophy. In addition, it is necessary to mention that Kant did not so much question Wolff’s or anyone else’s intentions when they advocated happiness as the aim of the state, rather Kant asserted that happiness as a principle of civil legislation inevitably leads to despotism, be it intended or not. Kant argued that happiness functioned as a principle of a paternalistic state prepared for far-reaching moral interventions into the lives of individual citizens. According to this view, under a paternal government subjects are only obliged to behave passively and rely on the judgments of the head of the state as to how they ought to achieve happiness. Kant associated the doctrine of the aim of the state understood as happiness with unlimited absolutist regimes in which the ruler was seen as a father guiding his subjects to happiness. After all, in *Glückseligkeitslehre* it was ultimately the ruler who decided how subjects ought to be happy and indeed of what that happiness consisted. This was the exact opposite to Kant’s understanding of the Enlightenment as an

in *Aufklärung als praktische Philosophie: Werner Schneiders zum 65. Geburtstag*, ed. Frank Gruert and Friedrich Vollhardt (Tübingen: De Gruyter, 1998), 351–368. See especially pages 351 and 368.

²² Moses Mendelssohn, *Morgenstunden oder Vorlesungen über das Daseyn Gottes* (Berlin: Voß, 1785), Preface, 2.

²³ For a path-breaking study from this new viewpoint, see Clemens Schwaiger, *Das Problem des Glücks im Denken Christian Wolffs: Eine quellen-, begriffs- und entwicklungsgeschichtliche Studie zu Schlüsselbegriffen seiner Ethik* (Stuttgart: Frommann-Holzboog, 1995). For a new important treatment of happiness in European political thought, see László Kontler and Mark Somos, ed., *Trust and Happiness in the History of European Political Thought* (Leiden: Brill, 2018).

²⁴ Kaufman, *Welfare*, 40.

escape “from the self-imposed immaturity” caused by a lack of courage and resolve and an inability to use reason without external guidance. According to Kant, in a paternalistic government (*väterliche Regierung, imperium paternale*) citizens were treated as immature children, which for Kant exemplified the greatest of possible despotisms (*der größte denkbare Despotismus*).²⁵

Indeed, Kant’s perceptions on happiness as the aim of the state were not without merit; the paternalistic character of the political thought of Christian Wolff is beyond question. Wolff wrote explicitly that ruling persons were to their subjects as fathers to their children. The task of the ruler was the same as a father’s: to provide their children with means necessary for their advancement in perfecting their internal and external condition. The ruler or father should also guide their actions towards perfection and happiness.²⁶ According to Wolff, subjects were simply not able to direct themselves towards the highest perfection and happiness. It does not go too far to say that Wolff was writing political theory for a tutelary interventionist state.²⁷ As Frank Grunert has argued, Wolff’s theory built on dual absolutisms. First, the philosopher was to provide proper insights into the truth of the common good. Second, true knowledge would be implemented as the right policy. In this way Wolff’s theoretical absolutism became a political absolutism. Ultimately, practically everything, even natural law, could be subordinated to the aim of the state, which itself was defined by philosophers.²⁸ Ideally the ruler would be a philosopher as well. In Wolff’s philosophy, the concept of happiness served to legitimise the paternalistic state, which executed far-reaching moral interventions into the lives of individual subjects. Subjects were expected to behave passively and rely on the superior judgements of the head of the state regarding the way in which they ought to pursue their happiness. Even more importantly, the ruler not only decided how subjects ought to become happy, he decided what happiness meant. The ruler was the one to decide on the common good, happiness, and welfare. In sum, Wolff was an advocate of a paternalistic government as he stated openly

25 Kant, “Über den Gemeinspruch,” 290.

26 Christian Wolff, *Vernünfftige Gedancken von dem gesellschaftlichen Leben der Menschen und insonderheit dem Gemeinen Wesen* (Frankfurt: Renger, 1747 [1721]), § 264, 200–201. For a more extensive discussion, see Frank Grunert, “Absolutism(s): Necessary Ambivalences in the Political Theory of Christian Wolff,” *Tijdschrift voor Rechtsgeschiedenis* 73 (2005): 141–52.

27 Moggach, “Freedom and Perfection,” 1004–1009. Moggach argues that “Wolff’s affinities with the theory and practice of cameralism are apparent” (page 1008).

28 Grunert, “Absolutism(s)”; Frank Grunert, “Vollkommenheit als (politische) Norm: Zur politischen Philosophie von Christian Wolff (1679–1754),” in *Politische Theorien des 17. und 18. Jahrhunderts: Staat und Politik in Deutschland*, ed. Bernd Heidenreich and Gerhard Goehler (Mainz: von Zabern, 2011), 164–184.

himself, and under this paternalistic government citizens were treated as immature children.²⁹

Kant's evaluation of happiness as the main principle of civil legislation has long dominated the historiography of eighteenth-century German political and economic thought, and it is still often taken for granted in research. For instance, it is often argued that in the name of the happiness of the state and its citizens, any state action could be legitimised. Therefore, in this line of interpretation the old *Staatszwecklehre* – prior to the very end of the eighteenth century – is associated with a profoundly hostile attitude towards freedom.³⁰ According to this view, in the society organised by the state with happiness in mind there existed no noteworthy free sphere for the citizen that remained out of bounds for the rulers. Furthermore, it has been argued that by taking the discussion of the aim of the state on the level of individuals, of subjects, the notion of happiness justified an extension of state activity not only theoretically but also in terms of the practice of statecraft. This was even more so because the maintenance and support of freedom was excluded from the definition of happiness. Another aspect of the older German natural law was that it emphasised the duties of citizens over their rights. Moreover, in eighteenth-century German political theory the distinction between state (*Staat*) and state of nature (*Naturzustand*) was central, yet, unlike in the English tradition of natural law, the aim of the contract as the basis of the state was not to secure the rights of individuals in the state. In other words, in Germany the social contract served merely as a tool to undermine individual freedom. Neither the making of the contract nor its content was in the power of the people. Therefore, the social contract neither ensured the minimal rights of individuals nor set limits to the power of the sovereign.³¹ Interestingly, Justi has been interpreted as a representative of an older natural law that was hostile towards freedom and emphasised duties over rights. According to this line of interpretation, the major change in the aims of the state took place no sooner than

29 Wolff, *Vernünfftige Gedancken*, § 264, 201. “Derowegen ist klar, daß Obrigkeiten oder regierende Personen eben das in Ansehung ihrer Unterthanen ablieget, was Vätern in Ansehung ihrer Kinder und sowohl Untherthanen, als Kinder zum Gehorsam bereit und willig seyn sollen. Und dannhero werden auch regierende Personen mit Recht Landes-Väter und Väter des Vaterlands genennt.”

30 Jan Rolin, *Der Ursprung des Staates: die naturrechtlich-rechtsphilosophische Legitimation von Staat und Staatsgewalt im Deutschland des 18. und 19. Jahrhunderts* (Tübingen: Mohr Siebeck, 2005), 52.

31 Diethelm Klippel, “Reasonable Aims of Civil Society: Concerns of the State in German Political Theory in the Eighteenth and Early Nineteenth Centuries,” in *Rethinking Leviathan: The Eighteenth-Century State in Britain and Germany*, ed. John Brewer and Eckhart Hellmuth (Oxford: Oxford University Press, 1999), 78.

at the end of the eighteenth century when the role of the state was limited to providing security.³² This coincided with the time when the first critiques of the older aim of the state doctrine were published.³³ Kant's critique belonged to this wave of criticism and due to his prominence, it was the most influential one. This line of interpretation overlooks that one of the most influential writers, Justi, does not fit into this framework at all, as I will show in the following section. The Wolffian part of the history of eighteenth-century German political thought has been adequately studied, whereas Justi's accounts are strongly at odds with the overall historiographical interpretations of the aim of state doctrine.

Justi's Critique of Paternal Rule

Scholars who argue that *Glückseligkeitslehre* underwrote absolutism have tended to interpret Wolff's position as representative of German political thought in the second half of the eighteenth century. According to this interpretation, happiness as the aim of the state served to justify almost any action of the state. In addition, the security and happiness of a state were tightly intertwined with that of the ruler. It has often been argued that the happiness of the state, ruler, and subject existed harmoniously, without any conflict of interests. Consequently, the role and freedom of an individual or citizen were subordinated to that of the state and prince.

Justi did set theoretical limits to the actions of the state as well as to the power of the sovereign. In addition, he was very decisive in his critique of equating the power of the state, or political power, with paternal rule. Furthermore, Justi represents an important departure from the rule that the maintenance and support of freedom was not included in the aims of the state prior to the end of the eighteenth century. In fact, the concept of freedom is the key to understanding Justi's doctrine about the aim of the state. Justi argued that civil freedom (*bürgerliche Freyheit*) is an indistinguishable part of the aim of the state. Maintenance and the support of civil freedom were high on his agenda. In his *Nature and Essence of the States* (1760), Justi stated that every government is obliged to interfere in the natural liberty of its subjects (*die natürliche Freyheit ihrer Unterthanen*) as little as possible. The best government was that which managed

32 Diethelm Klippel, "Der liberale Interventionsstaat: Staatszweck und Staatstätigkeit in der deutschen politischen Theorie des 18. und der ersten Hälfte des 19. Jahrhunderts," in *Recht und Rechtswissenschaft im mitteldeutschen Raum*, ed. Heiner Lück (Köln: Böhlau, 1998), 77–78.

33 Stolte, "Staatszweck," 80–84.

to serve the republic's final aim without endangering natural freedom. For Justi, the latter consisted of the freedom enjoyed in the state of nature, within which the only laws men need obey are the laws they have given to themselves. Of course, this was not possible once the state had been established, yet, Justi's point was that the number of laws imposed by the state should be kept to a minimum. As far as possible everyone should lead himself to happiness. Men were to be active, above all in economic affairs. Justi went as far as to argue for a citizen's right to pursue his own happiness.³⁴

Justi gave his clearest exposition of the question of the best art of government in his essay "Considerations on Monarchies and Aristocracies". Here Justi took a clear stand against any form of unlimited power. For Justi, unlimited power was a system in which legislative and executive power were held either by one person (*Person eines Einzigen*), or by a single senate, collegium or group of people.³⁵ In either system the people had no say in legislative matters. Justi called the first form of unlimited power a simple monarchy and the second a simple aristocracy. He approved of neither, arguing that the greatest and happiest states have always been those that have given legislative power to the people. As reasonable beings, humans were meant to govern themselves.³⁶ Justi's conviction was that every thinking being ought to govern himself, and following the definition of governing oneself, he stated that the people should always have at least a part in legislative power.³⁷ It was here that he concluded that it was never in the interest of any people to hand unlimited power to anyone.³⁸ As we see, Justi was definitely not a defender of pure and unlimited monarchy.

34 Justi, Johann, *Natur und Wesen der Staaten als die Quelle aller Regierungswissenschaften und Gesetze* (Mittau: Haude und Spener, [1760] 1771), 40.

35 Justi, "Betrachtungen über die Monarchien und Aristocratieen," 176. "Durch die uneingeschränkte oder einfache Monarchie verstehe ich hier die Regierung eines einzigen, welcher in seiner Person alle Arten von Gewalt in Staate, nämlich sowohl die gesetzgebende, als vollziehende Macht, davon ich in der ersten Abhandlung dieses Bandes gehandelt habe, vereinigt. Unter der einfachen Aristocratie hingegen ist zu verstehen, wenn diese beyden höchsten Arten von Gewalt, bey einem Senat, Collegio, oder besondern Classe des Volkes allein beruhet, ohne daß das Volk an der gesetzgebenden Gewalt den geringsten Antheil hat."

36 *Ibid.*, 177. "Ein jedes verständige Wesen soll sich selbst regieren."

37 *Ibid.*, 182. "Sich selbst regieren, bestehet darinnen, daß man sich selbst Gesetze giebt; und wenn die Menschen in den bürgerlichen Verfassungen die Gesetzgebung sich selbst vorbehalten und blos zu Vollziehung der Gesetze eine Regierung über sich setzen; so thun sie dasjenige, was verständigen und freyen Wesen, die in bürgerlichen Gesellschaften mit einander leben wollen, gemäß ist."

38 *Ibid.*

In paternalist political theories, those with superior abilities and means to look out for the well-being of the less fortunate were to take the leading role.³⁹ As we saw, Christian Wolff's political theory was exemplary in this sense. Justi reflected on this question and asked whether it would not be better to let the more reasonable people guide the less reasonable ones towards their happiness. His answer was straightforwardly in the negative: Justi acknowledged that many people were uneducated and ignorant; however, this did not mean that they did not have any reason. According to Justi, the right to guide oneself to happiness should be respected, because even meagre reason was enough for people to enable them to pursue their own happiness and therefore they should not forcibly be directed by others.⁴⁰ Justi emphasised that citizens were always better in a position to legislate than even the wisest government ever could be. This was a consequence of the fact that no single individual or small group of individuals acting as a state knew the circumstances, needs, and powers of the people as well as they did. This was a critique of the simple forms of "enlightened reform bureaucracy" where the state was perceived to have superior knowledge of the circumstances of the people. In Justi's view, the simplicity of the people was not an obstacle to legislation. Moreover, Justi explained that if people living in the state were ignorant, the matters that needed to be solved by legislation could not be of a complicated nature either. As an immediate corollary, Justi concluded that every householder living in the nation of Iroquois was equally skilled to contribute to the legislation of his nation as the most prudent member of Parliament in England.⁴¹

Justi found historical examples in favour giving the legislative power to the people. He pointed out that in ancient times the successful Roman and German

39 Gaby Mahlberg, "Patriarchalism and the Monarchical Republics," in *Monarchism and Absolutism in Early Modern Europe*, ed. Cesare Cuttica and Glenn Burgess (London: Routledge, 2012), 54–55.

40 Justi, "Betrachtungen über die Monarchien und Aristocratrien," 178. "Ein Mensch erkennt leicht, daß er ungelehrt und unwissend ist. Allein dem ohngeachtet ist er weit davon entfernt, zu erkennen, daß er keinen Verstand besitze und deshalb nöthig habe, von einem andern regieret zu werden. Die Natur eines freyen und verständigen Wesens wirkt allemal so viel, daß es sich zutrauet, sich selbst leiten zu können."

41 *Ibid.*, 182–183. "Die Bürger eines Staats sind auch allemal zur Gesetzgebung besser geschickt, als die weiseste Regierung niemals seyn kann. Niemand kann ihren Zustand, ihre Bedürfnisse, ihre Noth, ihre Kräfte besser kennen, als sie selbst; und die Einfalt der Bürger ist in dieser Gesetzgebung niemals eine Hinderniß. Wenn sie sämtlich einfältig und unwissend sind; so werden auch gewiß allemal die Angelegenheiten des Staates von einem sehr geringen Umfange seyn. Ein jeder Hausvater bey der Nation der Iroquoisen ist eben so geschickt über die Gesetzgebung seines Volkes zu stimmen, als das Klügste Parlamentsglied in Engelland."

nations had granted legislative power to the people. Among contemporary states England represented the most powerful and happy nation, and it had indeed given the legislative power to the people.⁴² Justi also observed that at no point in history had people voluntarily relinquished legislative power; to do so was simply not in the interest of any reasonable being. Basically, Justi was here supporting the mixed form of government as represented by England. In this context, it is important to remember that many of the works of Justi, including his “Considerations on Monarchies and Aristocracies” were written and published in the context of Seven Years’ War. He participated in the conflict by writing Pro-Prussian and Pro-English pamphlets. However, this immediate occupation did not hinder him criticising the dynastic foreign policy practiced by European emperors. Justi identified the will to dominate and conquer, so widespread in the Europe of his lifetime, as the cause of non-freedom in Europe. This sad state of affairs explained why legislative power was so rarely found in the hands of the people in his own time. The imperial vices, Justi argued, had buried the freedom of the people.⁴³ This point was an implicit criticism of the foreign policy of his own patron, Frederick II.

Justi’s essay “Considerations on Monarchies and Aristocracies” and his translation of the passage from Giovanni Cattaneo’s *The Source, the Strength, and the True Spirit of Laws* aimed at questioning the legitimacy of paternal rule. According to Justi, simple monarchy was not a “natural form of government”. He was not able to imagine a situation where a king would have been so impudent that he would have required the whole legislative power to be in his hands. Such a demand would have been equal to telling his future citizens that they should leave themselves to the arbitrary will of the king; the king would say: Just expect your happiness to follow from my will and passions.⁴⁴ Here Justi’s position was that being dependent on the arbitrary will of anyone is a state of un-freedom. Justi noted that human beings want to be masters of

42 Ibid., 189. “Die größten und glücklichsten Staaten sind diejenigen gewesen, die nach der Natur verständiger Wesen die Gesetzgebung dem Volke überlassen haben. Bey Römern hatte das Volk die gesetzgebende und der aristocratische Senat die vollziehende Macht. Die teutschen Völker, welche das römische Reich zu Grunde richteten, nachdem es sich in eine Monarchie verwandelt hatte, hatten alle die gesetzgebende und ihre Könige die vollziehende Macht und heutiges Tages giebt uns Großbritannien ein überzeugendes Beyspiel, wie reich, mächtig und glücklich ein solcher Staat werden kann.”

43 Ibid., 189–190.

44 Ibid., 183. “Bey Errichtung eines neuen Staats wird auch niemals ein König so unverschämt seyn, daß er die gesetzgebende Gewalt verlangen sollte. Diese Forderung würde im Grunde eben das seyn, als wenn er zu seinen künftigen Bürgern sagte: Ueberlaßet euch gänzlich meiner Willkühr! Erwartet euer Glück lediglich von meinem Willen und Leidenschaften.”

their own fate. He explained that we do need judges and commanders in war, but an unlimited legislator was not something that would be desired by anyone. According to Justi, this was because we – as reasonable beings – could best decide what was beneficial for our common good (*gemeinschaftlichen Besten*), and this was exactly because of the above-mentioned reason: No one knows our needs and shortcomings as well as we do.⁴⁵

Justi elaborated on his point about distinguishing the political power from the paternal rule by returning to the analogy regarding the unlimited power of a father over his children. Justi acknowledged that a father had unlimited power over his children. However, this was only for the limited period of time during which the children did not possess enough reason and were immature. At the time the children became reasonable beings (*verständige Wesen*), the father had no power over his children, and the children had the right to guide themselves to their own happiness.⁴⁶ In short, Justi argued that human beings should have the right to pursue their own happiness, and in line with this the legislative power in the state should lie in the hands of people, who as reasonable beings – no matter how meagre that reason – were best prepared to decide what was best for them. It is worth emphasising that Justi spoke explicitly about citizens' right (*Recht*) to pursue for their happiness. This finding is in stark contrast with the earlier interpretations of Justi's political thought and with overall interpretations of the character of cameral sciences, as paternal in character or as mere propaganda of the princely chamber.

Conclusion

My aim in this chapter has been to re-interpret Justi's political thought with a focus on his essay on simple monarchies and simple aristocracies published in his collected political and financial writings. I have argued that if paternalism is understood in a Kantian sense, according to which fatherly government (*väter-*

⁴⁵ Ibid., 184. "Allein wir wollen immer selbst Meister über unser Schicksal bleiben. Wir haben einen Richter und Anführer im Kriege nöthig, aber wir bedürfen keinen uneingeschränkten Gesetzgeber; weil wir als verständige Wesen selbst im Stande sind, zu beschließen, was zu unsern gemeinschaftlichen Besten zuträglich ist, und weil unsere Bedürfnisse und Mängel niemand so gut empfinden kann, als wir selbst."

⁴⁶ Ibid., 185. "Die Natur giebt dem Vater allerdings eine uneingeschränkte Gewalt über seine Kinder; aber man muß hinzusetzen: so lange sie noch unverständlich und unerwachsen sind. Sobald sie selbst verständige Wesen sind; so haben sie unstreitig das Recht ihre Glückseligkeit selbst zu leiten."

liche Regierung) is a government that treats the people as immature children who do not know how best to pursue their own happiness, then Justi's thought cannot be included in such a characterisation. According to Justi, paternal government, as it had been advocated, for instance, by Christian Wolff, was an unnatural form of government. The points made by Justi in his "Considerations on Monarchies and Aristocracies" bear resemblance to John Locke's views presented in his *Two Treatises of Government* (1690). In debate with Robert Filmer, Locke argued that political power was to be differentiated from paternal power.⁴⁷ Perhaps it is not completely out of place to state in Kari Saastamoinen's words that "Justi could almost be considered as some kind of poor man's Locke". However, it is best to contextualise Justi within contemporary German and European proposals for reform. The more immediate German context of Justi's proposal was to support a reform of government to appreciate the principles of a mixed constitution. Justi's advocacy for change and recognition of the open-endedness of future were part and parcel of the politicisation of the German Enlightenment.

Instead of focusing conventionally on the canon of great political philosophers only the focus on contemporary discussions helps us to avoid the major problem present in several of the previous interpretations of Justi's political thought and of cameral sciences in general. This problem is the so-called "dead hand of philosophy".⁴⁸ We first arrange arguments into "systems of thought" that are rationalised according to philosophic principles; then we plunder the archive for proofs of the validity of such "systems", treating individual "thinkers" as exemplars or critics or deviationists from the system that has been used to frame them. In this chapter, I have demonstrated that Justi has been "framed" by the Kant-inspired critique of Wolff, a critique that did highlight real differences, but which converted all intervening writing into one of two categories: post-Wolffian or pre-Kantian. However, as we have seen, this framework does not fit Justi and the cameral sciences as he advocated them.

⁴⁷ John Locke, *Two treatises of government: in the former, the false principles and foundation of Sir Robert Filmer and his followers are detected and overthrown, the latter is an essay concerning the true original, extent, and end of civil government* (London: Awnsham Churchill, 1690); Cesare Cuttica, *Sir Robert Filmer (1588–1653) and the Patriotic Monarch: Patriarchalism in Seventeenth-Century Political Thought* (Manchester: Manchester University Press, 2013).

⁴⁸ I want to thank Keith Tribe for discussions on this topic.

