

Rechts- und Staatsphilosophie bei G.W. Leibniz

Herausgegeben von
TILMANN ALTWICKER,
FRANCIS CHENEVAL und
MATTHIAS MAHLMANN

POLITIKA

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herausgegeben von
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Tilmann Altwicker ist SNF-Förderungsprofessor für Öffentliches Recht, Völkerrecht, Rechtsphilosophie und Empirische Rechtsforschung an der Rechtswissenschaftlichen Fakultät der Universität Zürich.

Francis Cheneval ist Inhaber des Lehrstuhls für Politische Philosophie an der Philosophischen Fakultät der Universität Zürich.

Matthias Mahlmann ist Inhaber des Lehrstuhls für Philosophie und Theorie des Rechts, Rechtssoziologie und Internationales Öffentliches Recht an der Rechtswissenschaftlichen Fakultät der Universität Zürich.

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Vorwort

Der vorliegende Band arbeitet den Kernbestand der Leibniz'schen Rechts- und Staatsphilosophie heraus. Sein Inhalt besteht aus überarbeiteten Beiträgen und dazu gehörenden Kommentaren, die auf der 9. Jahrestagung des Arbeitskreises Ideengeschichte der Rechtsphilosophie im Herbst 2017 an der Universität Zürich vorgestellt und diskutiert wurden. Die Organisatoren verfolgten das Ziel, den nach wie vor beträchtlichen Forschungsbedarf abzarbeiten und Leibniz' einschlägige Positionen zu würdigen.

Leibniz' Wirken in der Rechts-, Gesellschafts-, und Staatsphilosophie wurde bislang zu selten eigenständig analysiert, auch eine breitere Verortung der Positionen im Kontext seiner Metaphysik, Logik, Erkenntnistheorie und Moralphilosophie ist zu selten synoptisch in Angriff genommen worden. Diese Forschungslücke will dieser Band schließen. Hinzu kommt, dass in diesem Band nicht wenige Beiträge durch ihre Bezugnahme auf Leibniz' Diskussionspartner und Gegner auch den Reichtum der spätscholastischen und frühneuzeitlichen Philosophie in Erinnerung rufen. Zudem hat der ebenso vielbeschäftigte wie geniale Leibniz originelle Gedanken oft nur angedacht und nicht weiter oder nur fragmentarisch ausgeführt. Die Beiträge des Bandes versuchen, solche Positionen systematisch vollständiger durchzuarbeiten. Der vorliegende Band hat darüber hinaus zum Ziel, Leibniz' Rechts- und Staatsphilosophie in seiner Rezeption zu reflektieren und erneut einer breiteren Reflexion zuzuführen. Gerade im Hinblick auf die aktuelle Diskussion um die politische Gestaltung Europas und die kosmopolitische Gestaltung der Globalisierung verdient seine Philosophie Aufmerksamkeit – nicht zuletzt auch auf Grund interner Spannungen, die das politische Selbstverständnis Europas bis heute kennzeichnen.

Leibniz' Denken sind solche Spannungen nicht fremd, war er doch Metaphysiker und Fürstendiener zugleich. Verschiedene Beiträge zeigen, wie er sich durch die strategischen Interessen seiner Fürsten nicht von grundlegenden philosophischen Positionsbezügen abbringen liess. So hat er naturrechtlich dargestellt, dass von Fürsten erlassene Gesetze ungerecht sein können und die allgemein akzeptierte und praktizierte Sklaverei kritisiert. Wenn Leibniz rückwärtsgerichtet versuchte, die alte Reichslehre in einer prästabilierten Harmonie von *Civitas Dei* und *Imperium* zu begründen und zu bewahren, dann geschah dies nicht mit Bezug auf strategische Interessen, sondern auf der Grundlage von philosophisch begründeten Positionen. Er entwickelte dabei auch Argumente und institutionelle Ideen, die von heute aus betrachtet als originell und zukunfts-trächtig beurteilt werden müssen. Leibniz war ein innovativer Konservativer,

der zur Bewahrung der gerechten Elemente der politischen Ordnung neue Ideen und Konzepte entwickelte und dazu die philosophisch sorgfältig begründete Geltungsgrundlage mitlieferte. Im Hinblick auf C. Wolff und I. Kant hat die Leibniz'sche Lehre der *Civitas maxima* eine wichtige Bedeutung als Konzeption eines kosmopolitischen Reichs der Moral und des Rechts, dem der Mensch als Vernunftwesen angehört. Diese Position steht in Spannung zu der von Leibniz nicht vertretenen Idee eines einzelstaatlich verfassten Europas. Leibniz war ein Denker des geeinten, aber nicht vereinheitlichten Europas. Leibniz hat wie keiner vor ihm die kosmopolitischen Implikationen des modernen Rationalismus herausgearbeitet, er hat diesen aber nicht etatistisch konzipiert. Wie die explizit imperialistischen Aussagen in seinen politischen Schriften zu beurteilen sind, mögen die Lesenden dieses Bandes selber entscheiden, sie finden dazu im Band eine spannende Diskussion.

Aber auch andere in diesem Band eingehend zur Sprache kommende Elemente der Leibniz'schen Philosophie sind von besonderem systematischen Interesse und laden dazu ein, mit frischem Blick gewürdigt zu werden. Ein interessantes Beispiel dafür liefert etwa seine Epistemologie und Theorie eingeborener Ideen, die im Licht der kognitiven Revolution im 20. Jahrhundert verdienen, neu gelesen zu werden. Dazu gehören aber auch seine Bemerkungen zum Problem der Willensfreiheit, seine Tugendethik sowie sein Begriff und seine Begründung und Einteilung des Naturrechts. Auch die in diesem Band kontrovers diskutierte Straftheorie von Leibniz verdient Aufmerksamkeit, denn die Idee, dass die Strafe die Wiederherstellung der moralischen Integrität der schuldigen Person zum Ziel hat, bietet vielversprechende Perspektiven und lässt sich weder auf den bei Leibniz auch diskutierten Retributivismus noch auf den Konsequentialismus zurückführen. Der heute prominent vertretenen Gleichsetzung von Gerechtigkeit und Fairness kann ob der Leibniz'schen Behandlung des Begriffs der Billigkeit und seinen Erörterungen der Beziehung von Billigkeit und *ius strictum* zumindest Komplexitätsverlust, wenn nicht Irrtum, vorgeworfen werden. Auch der Urstreit zwischen Deontologie und Utilitarismus kann mit Leibniz' Philosophie im Gepäck differenzierter geführt werden, denn die Unterscheidung von Recht und Billigkeit erlaubt es Leibniz, den Konflikt zwischen Nützlichkeit und Individualrechten je nach den Umständen verschieden aufzulösen, und auch zu bestimmen, wer unter welchen Umständen dazu befugt ist, über die unterschiedliche Auflösung zu entscheiden. Um diese unvollständige Liste abzuschließen: Leibniz' Gedanken zur *praesumptio* sind im Kontext der stark zunehmenden Gouvernanz durch prädiktive Algorithmen und statistische Risikoanalysen heute besonders relevant.

Die Herausgeber danken dem Schweizerischen Nationalfonds (SNF) für die großzügige Förderung der diesem Band zugrundeliegenden Tagung des Arbeitskreises Ideengeschichte der Rechtsphilosophie (einer Subsektion der Deutschen Sektion der Internationalen Vereinigung für Rechts- und Sozialphiloso-

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Zürich, im Frühjahr 2020

Tilmann Altwicker

Francis Cheneval

Matthias Mahlmann

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Stephan Waldbhoff

„Ich habe von meiner ersten jugend an ... mein gemüth auff ...
gemeines beste gerichtet“

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Teil 1:

Recht und Erkenntnistheorie

Grounding Jurisprudence in Theology – Leibniz’s Rebuff of Protestant Voluntarism

Ursula Goldenbaum

It is a widespread opinion that early modern law theory resulted from secularization, meaning the independence of law from religion or theology. Grotius is (in)famous for his claim that the natural right, *ius naturale* remained true even if no God existed.¹ Hobbes and Spinoza are seen as radically modern thinkers who understood law and politics as human-made works. Pufendorf as well as Locke count as their less radical disciples – and thus as moderns beyond doubt. In contrast, Leibniz is understood as a reconciliator who tried to bridge the strong opposition between tradition and modernity, religion and secular philosophy, and above all, religion and law. Some authors even present Leibniz as an eclectic thinker who was a modern in mathematics and natural sciences but remained a pre-modern in moral philosophy and philosophy of law. Patrick Riley is the strongest proponent of such an understanding of Leibniz; for him, the German thinker remained close to the ancient and Christian-scholastic tradition.² Hans-Peter Schneider also opposes the allegedly pre-modern Leibniz to the modern thinkers Pufendorf and Thomasius. With their criticism

„war die Lehre vom christlichen Naturrecht innerhalb des protestantischen Spätaristotelismus recht eigentlich schon zum Untergang verurteilt, auch wenn Rechtsgelehrte wie Placcius, Bodinus [Heinrich] oder Leibniz sich noch um ihre Weiterbildung bemühten. Denn hatte man den überlieferten Kernbestand des reformatorischen Naturrechts erst einmal in das Gebiet der Moraltheologie verwiesen, dann konnte unter den Juristen des 18. Jahrhunderts ein Interesse am Verständnis selbst des rechtsphilosophischen Sinngehalts der christlichen Naturrechtslehre überhaupt nicht mehr aufkommen.“³

¹ „Et haec quidem quae iam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana.“ (*Grotius*, *De jure belli et pacis*, Prolegomena, § 11 [p. 7]).

² He states: “Leibniz was the last of the great Christian Platonists, and left the world just as Hume, Rousseau, and Kant were about to transform and ‘secularize’ it.” (*Riley* 1996, pp. 23–34). For a critique of this interpretation of Leibniz as a premodern thinker in law and morals, see *Goldenbaum* 2017b, pp. 170–173.

³ With Thomasius and Pufendorf, „the doctrine of Christian natural law within Protestant Neo-Aristotelianism had been doomed, even if jurists such as Placcius, Bodinus [Heinrich] or Leibniz still tried to further develop it. Once the traditional core of the reformatory natural law had been moved into the area of moral theology, an interest in the meaning of Christian natural law doctrine in terms of a philosophy of law could no longer arise among the jurists of the 18th century.“ (*Schneider* 1967, p. 308).

This widespread view (together with the difficult access to Leibniz's juridical texts for more than two hundred years) is the reason that Leibniz is well acknowledged as a great metaphysician, mathematician, logician, and even as a natural scientist, but has no significance in the history of philosophy of law or politics.⁴

It is the aim of this paper to question this view and to present Leibniz as a modern philosopher of law, notwithstanding his connecting of jurisprudence and theology. First of all, the eclectic view described above seems already problematic because Leibniz never treated the disciplines independently from each other. Moreover, he used the demonstrative or geometrical method in all areas he worked in, not only in geometry, mathematics, mechanics, and optics, but also in law, morals, and natural theology.⁵ Such use of the geometrical method was the common mark of rationalists in early modern times, from Descartes to Christian Wolff, and all but Leibniz are acknowledged as moderns. This method asks first that all concepts be defined unequivocally, and secondly, that all propositions be demonstrated, beginning with definitions.⁶ Many rationalists, from Galileo to Leibniz, saw our human capacity to produce *a priori* or demonstrative knowledge as a divine power that connected us with God.⁷

Second, I would like to question the criterion for modernity in early modern philosophy of law – secularization. Neither Hobbes and Spinoza nor Thomasius and Pufendorf develop their doctrines without referring to God. The *Leviathan* contains extensive arguments about natural laws as laws given by God.⁸ Spinoza's 4th chapter of the *Theological-political Treatise* begins with an interpretation of the Old Testament, discusses the revealed (so-called) divine law and its relation to the natural divine law.⁹ The *Theological-Political Treatise* as well

⁴ It is telling that *The Cambridge Leibniz Companion* (1995) does not even have a chapter on Leibniz's Philosophy of Law.

⁵ Only the young Leibniz used the geometrical method in a palpable way, e.g. 1669, in his argument for the election of the Polish king (A IV, 1, Nr. 1). He would continue writing according to this method, beginning with definitions and concluding from them.

⁶ This explains the long chains of definitions in *Leibniz's* *Elementa juris naturalis* that follow Hobbes' understanding of demonstrations as chains of definitions: A VI, 1, N. 12, (pp. 468–474). For *Leibniz's* explanation of demonstrations as chains of definitions see his letter to Conring from the beginning of May 1671, A 'II, 1, N. 49 (p. 95); cf. *Hobbes*, *Leviathan*, P. I, IV, 9–12 and P. I, V, 4 and 17 (pp. 18f., 23 and 25).

⁷ Galileo stated: "I say that as to the truth of the knowledge which is given by mathematical proofs, this is the *same* that Divine wisdom recognizes." (*Galilei*, *Dialogue* [p. 103]). He continues on definitions: "all these properties [of things in nature] are in effect virtually included in the definitions of all things; and ultimately, through being infinite, are perhaps but one in their essence and in the Divine mind" (*ibid.*, p. 104). Spinoza and Leibniz both agreed that adequate ideas are the same in God's and the human intellect; God though knows everything adequately and intuitively while human beings are limited in their reach of adequate ideas, even more of intuitive knowledge. Cf. *Goldenbaum* 2017a, pp. 274–307.

⁸ See *Hobbes*, *Leviathan*, P. I, XV, 41 (p. 100).

⁹ Spinoza states that, eventually, all things are determined by the universal laws of nature

as the *Political Treatise* see the natural origin of the state ultimately in God.¹⁰ In Pufendorf (and also in Locke), God has to play his role, although for them, the divine natural law cannot be fully understood by human reason; we have to rely on revelation through which God’s *will* has been declared.¹¹ Scripture teaches that God gave the sword to the rulers and that we are to obey them and their laws. Pufendorf remained thus, in spite of his borrowings from Hobbes (and even Spinoza), within the framework of Luther’s doctrine of the two realms of God – on earth and in heaven.¹²

But yet, the argument goes, the pre-modern Leibniz criticized Hobbes and Spinoza as well as Thomasius and Pufendorf for their identification of justice with obedience to the positive law.¹³ In contrast, he based his concept of justice on that of love or charity – therefore, he must be a disciple of Augustine and Plato and thus be a pre-modern.¹⁴ I reply though that Leibniz widely agrees with Hobbes and Spinoza that God’s law is knowable through reason. While Hobbes is more cautious about our knowledge of God, he still sees the natural laws as knowable through human reason and these laws are given by God (as we know through Scripture).¹⁵ It is this grounding of natural laws in reason, in divine reason, that Leibniz has in common with the two radically modern thinkers; and it is this rational approach that divides him from Pufendorf and Thomasius. This grounding of natural law in divine reason, and of positive law in natural law,¹⁶ protects state law from the arbitrariness of Rechtspositivismus and allows for an objective measure of the goodness of positive laws.

even if human, that is, positive laws do so in a more mediated way. That is why he treats them as depending on human will as their next cause. See *Spinoza*, *Tractatus theologico-politicus*, ch. 4 (pp. 57–68).

¹⁰ See footnote 9 above, and *Spinoza*, *Tractatus politicus*, ch. 2, § 5 (p. 277).

¹¹ See e.g. *Pufendorf*, *Lectori Benevolus Salutem* [Preface] (pp. 5–9); *Locke*, *Two Treatises of Government*, ch. II, 135 (pp. 357–358). Locke also backs the right of resistance on an “appeal to heaven” (*ibid.*, ch. II, 176, and 241 [pp. 386, and 427]).

¹² The classical text is *Luther*, *Von weltlicher Oberkeit*.

¹³ Unfortunately, Matthias Armgardt continues this stereotype again in: *Armgardt* 2015, pp. 13–27.

¹⁴ Throughout his book, Riley tries to present Leibniz as a fierce enemy of Hobbes and Spinoza because of their alleged voluntarism, see especially *Riley* 1996, pp. 91–98 and 128–133. His bias shows in his bizarre complaint about Hobbes’ alleged reduction of “love or charity [...] not just to lust but to homosexual lust – scarcely a promising foundation for celebrating ‘the charity of the wise.’” (*ibid.*, p. 164). How “terrible” this could be, all what Hobbes actually does, is mockingly questioning the purely “Platonic” intentions of Socrates to Alcibiades. While this may be disputable, it does not say anything about Hobbes’ concept of love or charity.

¹⁵ *Hobbes*, *Leviathan*, P. I, XV, 41 (p. 100); Spinoza clearly allows for our capacity to achieve essential although not complete knowledge of the concept of God as shows in part I of his *Ethics*.

¹⁶ Hubertus Busche, in his excellent introduction to Leibniz’ writings on philosophy of law, also emphasizes the normative role of natural right for positive law in Leibniz. See *Busche* 2003, p. LIX.

Therefore, instead of juxtaposing Leibniz, as a pre-modern, to the modern philosophers of law, I would argue that within modern philosophy of law there exists an opposition between authors who grounded positive law in the *will* of God or of the ruler (thereby abandoning an objective rational basis), and those who saw the origin of law in *reason*, grounded in God's intellect (thereby defending the objectivity of natural law and measuring positive laws against it). According to this confrontation within early modern philosophy of law, Leibniz comes to sit very close to Hobbes and Spinoza and agrees with them that natural law can be understood by reason and that the truth of natural law/right is guaranteed by God.

My emphasis on Leibniz's agreement with Hobbes and Spinoza is not intended to show Leibniz's dependence on these thinkers, although the young Leibniz certainly studied Hobbes and learned from him.¹⁷ More importantly though, such agreement can serve as an indication of Leibniz's modernity.

I. Theology as Jurisprudence?

According to Leibniz, all creatures got some rights from God, but human beings, as rational monads, obtained also reason.¹⁸ All rational beings though have citizen rights in God's *City of God*, since they share reason with God; human reason differs from that of God only in degree.¹⁹ That is the major difference between Leibniz and Pufendorf, and it is *this* difference that explains Leibniz's far-reaching agreement with Hobbes and Spinoza and his strong opposition to Pufendorf.

Already in his early writing *De arte combinatoria* (1666), Leibniz saw theology as a kind of special jurisprudence: "Est enim velut doctrina quaedam de Jure publico quod obtinet in Republica DEI in homines".²⁰ Similar formulations are found in the *Nova methodus*²¹ and still in the *Nowveaux Essais* (1705).²² Leibniz sees also parallels between theology and jurisprudence because both rely on two roots, namely reason and written sources, according to which we

¹⁷ See Goldenbaum forthcoming 2019.

¹⁸ See Leibniz, La Monadologie, 83–86, GP VI (p. 621 f.).

¹⁹ Leibniz, Theodicée. Discours Preliminaire, § 4, GP VI (p. 104).

²⁰ Leibniz, De Arte Combinatoria, A VI, 1, N. 8 (p. 190); „For theology is a sort of public law which applies in the kingdom of God among men.“ (Loemker 1956, p. 82).

²¹ Leibniz, Nova methodus, II, § 5, A VI, 1, N. 10 (p. 294); Massimo de Iuliis (p. 34).

²² “La Theologie traite de la felicité eternelle et de tout ce qui s’raporte, autant que cela depend de l’Ame et de la conscience, c’est comme une Jurisprudence qui regarde ce qu’on dit estre de foro interno et employe des substances et intelligences invisibles.” (A VI, 6, N. 2 [p. 526]); „Theology [...] is a sort of jurisprudence which has to do with the matters which are said to concern the inner ‚tribunal‘, and which relates to invisible substances and minds.“ (Remnant/Bennett 1981, p. 526).

are supposed to act.²³ Reason remains the measure of what is right even within the political state, together with those positive laws made by the sovereign, just as natural reason and revelation are both to be considered in theology.²⁴

These statements and Leibniz’s use of the term *City of God* seem to suggest his leaning toward Augustine. But the view of God as the sovereign ruler of the universe can also be found in Hobbes²⁵ (and to some extent even in Spinoza)²⁶. This is often neglected, since we are used to emphasizing the opposition of Leibniz to these radical thinkers. The young Leibniz though was not shy to express his great admiration for Hobbes²⁷ and even to confess his agreement to Hobbes himself while reformulating Hobbes’ view in his own words:

„[...] neque diffiteris supposito Mundi Rectore nullum esse posse hominum statum purè naturalem extra omnem Rempublicam, cum Deus sit omnium Monarcha communis: ac proinde non rectè nonnullos hypothesis Tuis licentiam impietatemqve impingere. Ego qvi Tua, ita ut dixi semper intellexi, fateor magnam in iis mihi lucem accensam, ad persequendum quod molior cum amico, opus Iurisprudentiae rationalis.“²⁸

²³ In the *Nova methodus*, Leibniz states as well: „Nec mirum est, quod in Jurisprudentia, idem et in Theologia usu venire, quia Theologia species quaedam est Jurisprudentiae universim sumtae, agit enim de Jure et Legibus obtinentibus in Republicâ aut potius regno DEI super homines“. (*Leibniz, Nova methodus*, II, §5, A VI, 1, N. 10 [p. 294], Massimo de Iulius [p. 34]).

²⁴ Hubertus Busche, in his excellent introduction to Leibniz’ writings on philosophy of law, also emphasizes the normativ role of natural right for positive law in Leibniz. See *Busche* 2003, p. LIX.

²⁵ „Because the *word of God*, ruling by nature only, is supposed to be nothing else but right reason, and the laws of kings can be known by *their* word only; it is manifest that the laws of God, ruling by nature alone, are only the natural laws [...] deduced from the dictates of reason, humility, equity, justice, mercy; and other moral virtues befriending peace, which pertain to the discharge of the duties of men one toward the other; and those which right reason shall dictate besides, concerning the honour and worship of the Divine Majesty.“ (*Hobbes, De cive*, XV, 8 [p. 337]; cf. also *Hobbes, Leviathan*. P. II, XXXI: Of the Kingdom of God by Nature [pp. 233–250]).

²⁶ Obviously, Spinoza does not acknowledge a personal God and does not see the Hebrew divine law as given by a sovereign. But he does interpret human laws in agreement with the natural divine law, even the Hebrew human law. See footnotes 9 and 10 above. For the Hebrew law as eventually being grounded in the law of *Deus sive natura*, see *Spinoza, Tractatus theologico-politicus*, ch. 5 (p. 69–80). There he gives a detailed explanation how the Ceremonial law of the Hebrew people developed according to the natural laws that rule everything and that it was not given directly by God as a person.

²⁷ *Leibniz’s* enthusiasm for Hobbes shows in his letters to Thomasius, Conring, and Chappelin between 1669 and 1671, A II, 1, N. 11, 15, and 24.

²⁸ Leibniz to Hobbes on July 13/23, 1670, A II, 1, Nr. 25 (p. 56); „Nor will you deny that, assuming a ruler in the world, there can be no purely natural state of man which would place him beyond the pale of any community, since God is the common monarch of all; and that certain men are therefore wrong in ascribing license and impiety to your hypotheses. As I have said, I have always understood your works in this way, and I acknowledge that I have received great light from them in carrying out a work on rational jurisprudence on which I am collaborating with a friend.“ (*Loemker* 1956, p. 106).

Indeed, Hobbes teaches that the natural laws which we can know by reason are also given as positive laws by God as absolute sovereign of the world. They are valid through God's will but true through their agreement with reason. It is this second aspect that has been overlooked by Pufendorf and other followers of Hobbes, who adopted his doctrine. Leibniz though embraces both aspects. The natural laws, although they are valid only *in foro interno* until the foundation of a state, remain the measure for the positive law of earthly sovereigns and of our judgment about the positive laws. Natural laws can become positive laws only through the sovereigns in political states, valid *in foro externo*, but natural laws will yet remain their objective measure. The more agreement between natural and positive law can be obtained, the more they will stabilize the commonwealth.

That the young Leibniz followed so easily the disputed Hobbes, who was abhorred by most contemporaries for his godless views, is perhaps due to the latter's compatibility with Luther's doctrine.²⁹ Hobbes' insistence on the sovereign's *will* as the root of the positive laws qua laws had attracted the Lutheran Pufendorf as well. At least, the young Leibniz criticizes the more moderate or (better) the Arminian Protestant Grotius for his (in)famous Dictum that the natural law would be true even if God did not exist.³⁰ In contrast, for Leibniz, God's existence remained the precondition for the validity of natural law and justice – just as for Hobbes and to some extent Pufendorf.³¹ But in contrast to Pufendorf, who saw the positive law and justice rooted in the *will* of earthly rulers alone (which one had to obey because this was prescribed by God's revelation), Leibniz saw the law and justice rooted in natural law rooted in God's *intellect*. Therefore, it is not surprising that the young Leibniz could even praise Hobbes in letters to contemporary scholars and indeed to Hobbes himself.

Whereas Pufendorf and other Lutheran lawyers distinguish sharply between morals (moral theology) and law, Leibniz insists on the continuity between theology, morals, and law, which all have their ultimate ground in God, not only in his will but above all in his intellect and wisdom.³² That is why he states: „C'est donc la seule consideration de Dieu et de la immortalité qui rend les obligations de la vertu et de la justice absolument indispensables.“³³ Still in his *Theodicy*,

²⁹ Hobbes was not shy to refer to Luther and Calvin when he had to defend his critical view on free will against Bishop Bramhall's accusation of atheism. See *Hobbes/Bramhall* (pp. 70 and 80).

³⁰ See *Leibniz's* early criticism on Grotius in: A VI, 1, N. 8 (p. 229f.).

³¹ „Je reconnois aussi que certaines regles de la justice ne sauroient estre démontrées dans toute leur étendue et perfection qu'en supposant l'existence de Dieu et l'immortalité de l'ame“. (*Leibniz*, *Nouveaux Essais*, II, 2, § 2; A VI, 6, N. 2 [p. 89]); „I recognize too that certain rules of justice can be demonstrated in their full extent and perfection only if we assume the existence of God and the immortality of the soul“. (*Remnant/Bennett* 1981, p. 89).

³² See *Goldenbaum* 2015.

³³ *Leibniz*, *Nouveaux Essais*, II, 21, § 55, A VI, 6, N. 2 (p. 201); „that certain rules of justice

voluntarist views as promoted by Pufendorf or Thomasius and by Protestant theologians³⁴ are a major target of Leibniz’s polemics:

„Tous ces trois dogmes, quoyqu’un peu differens entr’eux, savoir (1) que la nature de la justice est arbitraire, (2) qu’elle est fixe, mais qu’il n’est pas seur que Dieu l’observe, et enfin (3) que la justice que nous connoissons n’est pas celle qu’il observe, detruisent et la confiance en Dieu, qui fait nostre repos, et l’amour de Dieu, qui fait nostre felicité. Rien n’empêche qu’un tel Dieu n’en use en tyran et un ennemi des gens de bien, et qu’il se plaise à ce que nous appellons mal.“³⁵

Such a God could be a tyrant even, an absurd idea for Leibniz: „Le vray Dieu est toujours le même; la Religion naturelle même demande qu’il soit essentiellement bon et sage, autant que puissant.“³⁶

Already in §1 of the *Discours de Métaphysique*, Leibniz defines God as absolutely perfect. From this definition he deduces God’s absolutely perfect wisdom. In the two following paragraphs, Leibniz polemicizes against those who see God’s will as arbitrary: „Où sera donc sa justice et sa sagesse; s’il ne reste qu’un certain pouvoir despotique, si la volonté tient lieu de raison, et si selon la definition des tyrans, ce qui plaist au plus puissant est juste par là même?“³⁷ He continues:

„C’est pourquoi je trouve encor cette expression de quelques philosophes tout à fait estrange, que les verités eternelles de la Metaphysique ou de la Geometrie (et par consequent aussi les regles de la bonté, de la justice et de la perfection) ne sont que des effects de la volonté de Dieu, au lieu qu’il me semble, que ce sont *des suites de son entendement, qui assurement ne depend point de sa volonté non plus que son essence.*“³⁸

in their entire extension and perfection can only be demonstrated under the precondition of God’s existence and the immortality of the soul.“ (*Remnant/Bennett* 1981, p.201. Cf. also *Leibniz*, *Nova Methodus*, II, §75, A VI, 1, N. 10 [p. 344f.]).

³⁴ For the angry early voluntarist reactions from Protestant theologians against Leibniz’s *Theodicée* see *Lorenz* 1997, pp. 101–121.

³⁵ *Leibniz*, *Theodicée*, § 177, GP VI (p. 220); „All these three dogmas, albeit a little different from one another, namely, (1) that the nature of justice is arbitrary, (2) that it is fixed, but it is not certain that God will observe it, and finally (3) that the justice we know is not that which he observes, destroy the confidence in God that gives us tranquility, and the love of God that makes our happiness. There is nothing to prevent such a God from behaving as a tyrant and an enemy of honest folk, and from taking pleasure in what we call evil.“ (*Huggard* 1951, p. 237).

³⁶ *Ibid.*; „The true God is always the same: natural religion itself demands that he be essentially good and wise as he is powerful.“ (*Huggard* 1951, p. 238).

³⁷ *Leibniz*, *Discours de Métaphysique*, § 2, A VI, 4, N. 306 (p. 1533); „Where will his justice and wisdom be found if nothing is left but a certain despotic power, if will takes the place of reason, and if, according to the definition of tyrants, that which is pleasing to the most powerful is by that very fact just?“ (*Loemker* 1956, p. 304).

³⁸ *Ibid.* (my emphasis – UG); „This is why I find entirely strange, also, the expression of certain other philosophers who say that the eternal truths of metaphysics and geometry, and consequently also the rules of goodness, justice, and perfection, are merely the effects of the will of God; while it seems to me that they are rather *the consequences of his understanding*,

Just as we cannot change the consequences of geometrical propositions, thus the consequences of natural law follow necessarily.

Emphasizing that God's will is always determined by his perfect wisdom, Leibniz criticizes those philosophers who believe „que Dieu agit en quelque chose sans avoir aucune raison de sa volonté, outre qu'il semble que cela ne se peut point, c'est un sentiment peu conforme à sa gloire.“³⁹ Therefore, God's kingdom must be a kingdom ruled by reason and therefore by absolute justice. God's major intention must be the happiness of the citizens, that is of all rational spirits. The *Discours* ends with reference to Jesus Christ's revelation of precisely this divine plan that is known to all who can use their reason. For Leibniz, understanding the natural law is the greatest perfection and brings the greatest pleasure:

„Cependent ceux qui ne fondent la justice que sur les necessités de cette vie et sur le besoin qu'ils en ont, plustost que sur le plaisir qu'ils y devroient prendre, qui est des plus grands lors que Dieu en est le fondement; ceux-la sont sujets à ressembler un peu à la société des Bandits.“⁴⁰

And he quotes Horace: „Sit spes fallendi miscebis sacra profanis.“⁴¹

Together with divine reason, Leibniz argues, humans obtained the capacity to create commonwealths with laws and courts, the capability to love their neighbor, and to love God – and thus to do what has been ordered by God, through his will as well as through his intellect.

which certainly does not depend upon his will any more than does his essence.“ (Loemker 1956, p. 304).

³⁹ Leibniz, *Discours de Métaphysique*, § 3, A VI, 4, N. 306 (p. 1534); „that God acts in any matter without having any reason for his will, even overlooking the fact that this seems impossible, is an opinion which is hardly in accord with God's glory.“ (Loemker 1956, p. 305). In his correspondence with Arnauld, Leibniz writes: „Aussi Dieu gouverne les substances brutes suivant les lois materielles de la force ou des communications du mouvement, mais les Esprits suivant les loix spirituelles de la Justice dont les autres sont incapables. Et c'est pour cela que les substances brutes se preuvent appeller materielles, par ce que l'oeconomie que Dieu observe à leur égard est celle d'un ouvrier ou Machiniste, mais à l'égard des esprits, Dieu fait la fonction de Prince ou de Legislatateur, qui est infiniment plus relevée.“ (Leibniz to Arnauld on Oct 9, 1687, A II, 2, N. 57 [p. 257]); (Loemker 1956, p. 346).

⁴⁰ Leibniz, *Nouveaux Essais*, I, 2, § 2, A VI, 6, N. 2 (p. 89f.); „However, those for whom justice is founded only on the necessities of this life and on their own need for justice – rather than on the satisfaction which they ought to take in it, which is one of the greatest satisfactions when God is its foundation – are apt to resemble a community of thieves.“ (Remnant/Bennett 1981, p. 89f.).

⁴¹ Horace, *The Epistles*, I, XVI, v. 54 (p. 106) (Leibniz's quotation differs slightly, he may well have quoted it by heart.)