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The Science of Right in Leibniz's Practical Philosophy

A Dissertation Presented

by

Christopher Lowell Johns

to

The Graduate School

in Partial Fulfillment of the

Requirements

for the Degree of

Doctor of Philosophy

in

Philosophy

Stony Brook University

August 2007

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Abstract of the Dissertation

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by

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Doctor of Philosophy

in

Philosophy

Stony Brook University

2007

This dissertation examines a neglected area of Leibniz's philosophy, namely, natural right (*jus*). Contrary to prevailing views, I argue that his "science of right" is nothing less than the theoretical foundation of his moral/practical philosophy. In contemporary terms, Leibniz's conception of right may be called "subjective right," and is informed by a variety of sources, most dominantly Aristotle and Roman Law. His practical philosophy is motivated generally by two main concerns: (1) to establish the moral limitations on *power*, whether natural, political, or divine power; (2) to reconcile *utilitas* (conceived as the good for oneself) with *honestas* (conceived as the good for others). The resolution to these problems lies in Leibniz's *a priori* "science" of right.

A key feature of this science is Leibniz's demonstrative method, according to which right is the moral power (*potentia moralis*) and obligation is the moral necessity of a person (*substantia rationalis*) to perform and to demand what is just. On this *deontic* basis Leibniz "derives" additional founding principles, such as the three precepts of right (*harm no one, give to each his due, and live honorably*) and justice as "charity of the wise." Most treatments of Leibniz's practical philosophy focus on the requirements of pleasure, happiness, love, divine retribution, metaphysical perfection, or on the compatibility of divine freedom with an optimum world. However, I argue that these requirements, including *caritas sapientis*, fundamentally depend on his science of right as their normative foundation. On the most basic level, right is the self-limiting *freedom and necessity* of a moral agent. On the broadest level it implies a perfectionist virtue ethics.

I support these claims through a detailed examination of Leibniz's most important writings on natural right, from earliest to latest (1666-1706). I aim to determine the philosophical basis for his arguments and to understand and evaluate them in relation to their historical context. The relevant commentary is also engaged. Overall, the dissertation shows that Leibniz's "science of right" provides complex and well-grounded responses to foundational moral issues of considerable historical and contemporary relevance.

I dedicate this dissertation to my Mother, Marlene Ann Talbott-Green, Ph.D
To the memory of my Father, Jonathan Herman Johns
And to the memory of my Stepfather, Donald Chase Boyer

The more power he has, the less license he takes, because if it is happiness to have the power to do whatever one wants, it is virtue to want only what one may do, that is to say, to want only what one ought to do.*

Gottfried Wilhelm Leibniz
*Le Portrait du Prince, tirés des qualités
du duc Jean Frédéric (1679)*

* Klopp 4.480: “Plus qu’elle a de pouvoir, moins elle prend de licence, parce que s’il est de la félicité de pouvoir tout ce que l’on veut, il est de la vertu de ne vouloir que ce que l’on peut, c’est à dire de ne vouloir que ce que l’on doit faire.”

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Preface

This dissertation examines a neglected area of Leibniz's philosophy, namely, his theory of right (*jus*). Contrary to prevailing views, I argue that his theory, much of which is established in his earliest writings, is the foundation of his practical philosophy as a whole. In contemporary terms, Leibniz's conception of right may be called "subjective right," rooted in the Grotian tradition; but it is also informed by a variety of historical sources, most dominantly Aristotle and Roman Law. In general, we can understand Leibniz's theory to be motivated by two main concerns: (1) to establish the moral limitations on *power*, whether natural, political, or divine power; (2) to reconcile *utilitas* (conceived as the good for oneself) with *honestas* (conceived as the good for others). The resolution to these concerns, I argue, lies in Leibniz's *a priori* "science" of right.

A key feature of this science is Leibniz's demonstrative method, which consists of the analysis of definitions and the derivation of precepts. I show, according to Leibniz's definitions, that the science of right is constructed in the following way: right (*jus*) and obligation are the moral qualities of a rational substance (*substantia rationalis*). In other words, right is the moral power (*potentia moralis*) and obligation is the moral necessity of a person to perform and to demand what is just. On this *deontic* basis Leibniz "derives" additional founding principles: the three precepts of right (*harm no one, give to each his due, and live honorably*); the just condition (the common good); the definition of the good person (one who loves everyone); and justice defined as a virtue (ultimately as "the charity of the wise"). Thus, the concepts of right and obligation denote the deontic moral properties of an agent enabling her to act according to an objectively just order. On the most basic level, subjective right is the self-limiting, self-determining, capacity of a moral agent. On the broadest level subjective right implies moral perfection or virtue, and partly constitutes the freedom of rational beings. While Leibniz's practical philosophy undergoes certain developments, this foundation of right as a moral power remains essential. Notably, Leibniz had established this foundation well-before his earliest conception of monadic substance.

Most treatments of Leibniz's practical philosophy focus on the requirements of pleasure, happiness, love, divine retribution, metaphysical perfection, or on the compatibility of divine free will with divine creation of an optimum world. Most commentators hold that Leibniz's theory of right (often subsumed under the more general category of "natural law") derives from these central and overarching metaphysical premises, or, that his early formulations are superseded and sufficiently summarized by his mature definition of justice as "charity of the wise" (*caritas sapientis*). However, I argue that the derivation is exactly reversed: these central metaphysical premises, along with *caritas sapientis*, depend on his science of right as their normative foundation.

This reversal of ground and consequent in Leibniz's practical philosophy requires understanding the logical connection between the moral qualities (right and obligation) and the precepts of right. It also requires carefully distinguishing the meanings of right (*jus*), just (*justum*) and justice (*justitia*) as a virtue. Furthermore, Leibniz's attempt to reconcile *utilitas* and *honestas* leads him to find "disinterested love" essential to justice, and this appears to lead him to fundamentally hedonist grounds for practical philosophy. I

show, however, that pleasure and love are employed only to fulfill the psychophysical requirements of action, and thus are the means for fulfilling the obligations of right established *a priori*. Moreover, the foundation of right in its fullest expression leads to the rational moderation of love. i.e., the virtue of justice. Justice ultimately consists in the “spiritual disposition” to take pleasure in justice for its own sake.

Not only does justice, properly understood, resolve the apparent dichotomy between utility and honor, but it establishes the moral limitations on power. Against the voluntarist premises of Hobbes and Pufendorf, Leibniz’s practical philosophy depends on “internal” sources of motivation (on right, right reason, and one’s own virtue) —rather than on external sources, such as the command of a superior. Divine right as well depends on what God “owes” to his rational-moral essence. In the end, *right (jus)* will be understood to be the moral power, that is, *the freedom and necessity* of an agent to determine herself according to objective moral ends. Overall, Leibniz’s “science of right” provides complex and well-grounded responses to foundational moral issues of considerable historical and contemporary relevance.

I argue for these claims through a detailed examination of Leibniz’s most important writings on natural right, from earliest to latest (1666-1706). Most of the earlier Latin writings have not previously been translated into English. I aim to determine the philosophical basis for his arguments, their systematic relation, to evaluate their cogency, and to understand them in relation to their historical context and development. I also engage the relevant English, French, and German commentary. The dissertation, I argue in general, should lead us to place Leibniz’s “science of right” in a central rather than peripheral relation to his practical philosophy, if not to his metaphysics as a whole.

Acknowledgements

I would like to thank my committee: Professor Edwards for his extensive and detailed comments, and for suggestions that greatly improved the dissertation. Professor Baum for the many supererogatory discussion sessions. Professor de Laurentiis especially for her timely and encouraging e-mails, and Professor Miller for his attention and compliments. I owe a lot to each also for their great teaching and scholarly example.

I am thankful for the wealth of support, learning, and fun I gained from friends and fellow graduate students at Stony Brook and in Germany, especially Peter Fristedt, Senem Saner, Mango Meier, Cynthia Paccacerqua, Adam Wilkins, Chris Kaposy, and Joachim Horvath. Special thanks to Jennifer Matey for keeping me company long distance.

Much thanks to my family for their support and encouragement.

Thanks also to the Leibniz Forschungsstelle in Münster for guidance and access to some key texts.

Finally I must acknowledge that without the funding of the Transatlantic Collegium and the DAAD, I would not have had the time to take so long to work on this project.

CHAPTER ONE: SUBJECTIVE RIGHT AND THE SCIENCE OF JURISPRUDENCE IN THE NOVA METHODUS.

Chapter sections:

1. Introduction
2. General remarks on Parts I and II of the *Nova Methodus*
3. The “New Method” of Jurisprudence and its definitions: *jus* and *obligatio*
4. Derivation of the three precepts of natural right
5. Summary and conclusion

Section 1: Introduction

I begin my dissertation with an analysis of one of Leibniz’s earliest works: *Nova Methodus Discendae Docendaeque Jurisprudentiae* (1667).¹ This work contains his first comprehensive conception of the “science of jurisprudence.” As will be seen, this science encompasses the theoretical foundations of natural right (*jus*). This work is crucial for a proper understanding of Leibniz’s practical philosophy, for three main reasons: (1) nowhere else are these foundations as systematically defined; (2) the basic theses established here remain essentially unchanged throughout Leibniz’s career;² (3) this work remains largely ignored by most Leibniz commentators.³ Thus, the *Nova Methodus* is not to be dismissed as an early, immature work, supplanted by later developments, but recognized as the foundation and integral part of Leibniz’s entire practical philosophy.

Leibniz wrote this work at the age of 21 with the aim of securing a position on the court of the Elector of Mainz (John Phillip of Schönborn); but his aim for the work itself was to systematize the whole unsystematic, unwieldy (historically derived and confused) field of jurisprudence. The result of the work was not only a position on the Court, but an appointment to revise the legal code. This appointment led to his writing a series of drafts the following year called *Elementa Juris Naturalis* (1668).⁴ I will examine the *Elementa*

¹ *New Method for Learning and Teaching Jurisprudence*. All quotations of Leibniz’s Latin are from the Akademie Edition, Sechste Reihe, Erster Band. Except for translations from Part I, which are Loemker’s (some of which I have emended) all translations are mine. However, I rely heavily on Hubertus Busche’s Lateinisch-Deutsch edition of *Gottfried Wilhelm Leibniz: Frühe Schriften zum Naturrecht*. It should be noted that very little of Part II, has ever been translated into English, yet it contains by far the most important passages, especially §§ 13-19, which are translated here for the first time.

² Much later, in 1697-1700, Leibniz made a series of revision notes to the *Nova Methodus*, which are included as footnotes in the Akademie edition. While the notes provide some important clarifications (some of which I indicate throughout), they propose no essential changes. As Busche (2003) reports, quoting R. Kahn’s *Die Grundbegriffe der Philosophie Leibnizens* (1909), “zwischen den juristischen Schriften der Jugendzeit und denen der späteren Periode in den Hauptpunkten keinen wesentlichen Unterschied gibt” (Busche, Einleitung XXXVI). Leibniz occasionally mentioned his intention to revise and publish the *Nova Methodus*. Interestingly, after his death, an open copy of the *Nova Methodus* was reportedly found on Leibniz’s writing desk (Schneider p. 50).

³ The only extended works on Leibniz’s practical philosophy, in English, are Hostler (1975) and Riley (1996). Major works in French are Grua (1953) and (1956), and Sève (1989); in German: Schneider, Hans-Peter (1967), Heinkamp (1969), and Schiedermair (1970). In each of these works the *Nova Methodus* receives only passing discussion, if it is mentioned at all. A few notable articles, e.g., Schneiders (1966) and Mulvaney (1968) discuss the work somewhat. Mulvaney completely ignores the all-important sections on definitions (e.g., of *jus* and *obligatio*, seen below), as have all English commentators before and since.

⁴ This is according to Loemker’s introduction, p. 85.

in Chapter Two.

The *Nova Methodus* consists of two parts: Part I (which I discuss only briefly) outlines a “psychology and philosophy of education.”⁵ Part II (which I examine at length) attempts to systematize the philosophical foundations of law, or in other words, to establish a “science of jurisprudence.” This science will be seen to consist most generally of a Euclidean *method*, i.e., to begin with *definitions* and from them to derive the *precepts* of natural right. More specifically, this science consists of the definitions of ‘jurisprudence’, ‘the just’, ‘morality’ (*moralitas*), ‘right and obligation’ (*jus* and *obligatio*), along with a number of associated terms. The derived precepts are *harm no one*, *give to each his due*, and *live honorably*. In this way, borrowing largely from Euclid, Grotius, and Roman law (and at a deeper level, Aristotle), Leibniz establishes the *a priori* foundations of natural right, as well as a science for the judgment of the jurisconsult. The claim that jurisprudence is an *a priori* science is essential for Leibniz, since only as an *a priori* science can jurisprudence be a truly demonstrative, and thus a certain and universal science, by which actions can be determined just or unjust. This attempt to establish *a priori* foundations remains characteristic of all of Leibniz’s subsequent thinking on the foundations of justice and morality, indeed, on the whole of his practical philosophy, as will be shown.

Leibniz’s science of jurisprudence has an extremely important consequence, although he does not make this consequence entirely explicit. The definitional structure of this science reveals that *jurisprudence*, encompassing as it does, justice, morals, natural law, and even theology, *is grounded in the moral qualities of right (jus) and obligation*. These are the moral qualities of a rational substance (*substantia rationalis*). Right is the “moral power” (*potentia moralis*) of a rational substance (i.e., God or a human); and obligation is the “moral necessity” of a rational substance. Thus, the concepts of right and obligation denote the deontic properties of moral agents, the properties enabling the subject to act according to the good (public utility). In other words, right and obligation constitute the subject’s self-limiting power and freedom to be a moral agent. In contemporary terms, this notion of *right* is called “subjective right.” In short, *jus* is the central grounding concept of Leibniz’s practical philosophy. This claim, which is a major claim of the dissertation, may at first glance appear strange and controversial. Nevertheless, I maintain that *only* on the conception of right that Leibniz develops here can the nature and development of his practical philosophy *as a whole* be properly understood.⁶

Section 2: General Remarks on Parts I and II of the *Nova Methodus*

Part I of the *Nova Methodus* contains, among other things, several key points for understanding the work and Leibniz’s practical philosophy in general. I begin with the subheading and first sentence:

Part I: General and Common to All other Faculties: On a plan for Studies
in General.

⁵ See Loemker’s introductory remarks, p. 85.

⁶ As I will show, Leibniz’s moral philosophy, which, as everyone recognizes, contains hedonistic, utilitarian, and egoistic elements, is incomplete and misunderstood without his theory of right.

By a plan for studies we mean a certain kind of state of reason; that is, a method for arriving at a state of perfected actions. (LL 85)⁷

As a departure point for any field of inquiry (that is, as a plan for any faculty, such as theology, knowledge, and here, jurisprudence), Leibniz is above all concerned with method. The faculty of jurisprudence must utilize a method in two general ways, and these correspond to the two parts of the *Nova Methodus*: (1) a psychophysical method designed to promote the habit of acting virtuously; (2) a rational/geometric method designed to establish the rational grounds of right and virtue. The overall aim of the method is to perfect the actions and judgments of the jurisconsult. As he says in the second sentence: “This state [of perfected actions] is called habit, which I define as a permanent but acquired readiness to act” (LL 85).⁸ This definition should be kept in mind, since in the *Elementa Juris Naturalis* Leibniz eventually comes to define *justice* as a virtue, that is, as a “constant disposition” or habit to do what is just. Throughout his writings, Leibniz retains this Aristotelian notion that justice is a virtue, indeed, “the whole of virtue,”⁹ and this notion of virtue is contained in his ultimate definition of justice as “charity of the wise,” as we will see in Chapter Six.

Crucially relevant to an understanding of Leibniz’s method in the *Nova Methodus*, as well as in all his texts, is what he calls here the “art of judging” or “analytics.” As shown here, Leibniz finds Descartes’ rules for method insufficient, and so he establishes his own rules.

Analytics, or the art of judging, seems to me to be almost completely reducible to two rules: (1) no word is to be accepted without being explained, and (2) no proposition is to be accepted without being proved. These I believe to be far more absolute than the four Cartesian rules in the *first Philosophy*, the first of which is that whatever I perceive clearly and distinctly is true. This is deceptive in endless ways. (LL 88 § 25)¹⁰

⁷ A.6.1.266: “Pars I. Generalis, caeterisque Facultatibus communis. De ratione Studiorum in universum. §.1. Studiorum ratio est species quaedam Rationis Status, id est, modus perveniendi ad statum actionum perfectarum.”

⁸ A.6.1.266: “Status autem iste dicitur Habitus, quem definitio: Agendi promptitudinem acquisitam permanentem.”

⁹ AE Book V. 1129b30: “In justice is every virtue comprehended. And it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbor also.”

¹⁰ A.6.1.279-80: “Analytica seu ars judicandi, mihi quidem videtur duabus ferè regulis tota absolvi: (1.) Ut nulla vox admittatur, nisi explicata, (2.) ut nulla propositio, nisi probata. Quas arbitror longè absolutiores esse, quàm quatuor illas *Cartesianas* in *prima Philosophi*, quarum primaria est, quicquid clarè distinctquè percipio, illud est verum: Quae infinitis modis fallit.” It is not clear, however, to which passage of Descartes Leibniz is referring. Loemker claims that Leibniz’s reference to “*prima Philosophia*” is incorrect, since the “four Cartesian rules” Leibniz refers to are in *Discours de la méthode* (LL 91). However, this claim also seems incorrect, since the first rule does not express what Leibniz says it does: “Le premier était de ne recevoir jamais aucune chose pour vraie que je ne la connusse évidemment être telle; c’est-à-dire, d’éviter soigneusement la précipitation et la prévention, et de ne comprendre rien de plus en mes jugements que ce qui se présenterait si clairement et si distinctement à mon esprit, que je n’eusse aucune occasion de le mettre en doute” (*Discours*, part 2 par. 18). Much closer to Leibniz’s reference is this passage from *Meditationes de Prima Philosophia*: “ac proinde jam videor pro regulâ generali posse statuere, illud omne esse verum, quòd valde clare & distincte percipio” (*Med 3*, par. 35). I take this to be the passage to which Leibniz

Notably, this is essentially Leibniz's late position, as well. In this (1697-1700) revision note to the above passage, Leibniz clarifies and elaborates:

(1) that no derivative notion is to be accepted unless it is explained, and (2) no derivative proposition unless it is proved. Explanation takes place through definition, proof through syllogism, which provides a conclusion by force of its form . . . and not everything necessary to the conclusion is expressed, in order to avoid tedium. But it is no small matter to have a way of reasoning infallibly on this basis if we do not avoid the effort involved. The rules of Descartes are less adequate, however. Certainly the first one—that what is perceived clearly and distinctly is true—is itself untrue (unless it be restricted on some ground) and proves, not existence, but only possibility. Nor is it very useful, unless we already have the criteria of clearness and distinctness which I once stated in a study on truth and ideas. (LL 91)¹¹

The “study” Leibniz refers to is his *Meditationes de Cognitione, Veritate, and Ideis* (1684). Most important to note here is that both of these passages essentially characterize the Euclidean geometric method he will often allude to, if not employ, in the *Nova Methodus* and elsewhere: Definitions must be thoroughly analyzed to prove their *possibility*, i.e., the logical compatibility of their concepts; and propositions must be proven by *demonstration*; and demonstration consists of a chain of definitions.¹² In the *Nova Methodus*, Leibniz is hardly this rigorous; but he refines his method considerably in the *Elementa Juris Naturalis*, as we will see. Nevertheless, the definitions he does lay down here in the *Nova Methodus* are extremely important, since they establish, among other things, a normative distinction between “right” and “fact.” This distinction also depends on the distinction between “real” and “nominal” definition, and more broadly, corresponds with the metaphysical distinction between essence and existence.¹³ I will return to these points below and in subsequent chapters. But the point to bear in mind is

intended to refer. In any case, whether or not it agrees with Descartes, Leibniz's position (better expressed in his later formulation, below) must be born in mind: you cannot prove the existence of something from a clear and distinct perception of it; you can only prove its *possibility*.

¹¹ A.6.1.279. Z.9: “(1.) Ut nulla notio derivativa admittatur, nisi explicata, (2.) ut nulla propositio derivativa, nisi probata. Explicatio fit per definitionem, probatio per Syllogismum vi formae concludentum . . . neque omnia ad consequentiam necessaria exprimantur taedii vitandi causa. Interim non exigua res est, hac ratione habere nos modum infallibiliter ratiocinandi, si laborem non defugiamus. Regulae autem Cartesianae minus sunt sufficientes. Certè illa prima: quod clarè et distinctè percipio verum est, nec vera est (nisi certa ratione circumscribatur), neque enim existentiam sed tantum possibilitatem probat; nec valde utilis est, nisi clari et distincti criteria habeantur quae indicavimus aliquando in *schediasmate de veritate et ideis*.”

¹² I will examine Leibniz's demonstrative method in much more detail in Chapter Four.

¹³ These above passages show that Leibniz had always maintained that the *existence* of something cannot be proven from its mere possibility as an idea. This may seem surprising and inconsistent with some of his (later) major arguments, e.g., for the existence of a necessary being. However, I am interested only in how his theory and use of definitions affects his attempts to establish “real” definitions (of *right* and *justice*) as opposed to “nominal” and “arbitrary” definitions. This distinction between real and nominal definition is absolutely central, at every point of his career, to the grounds of his claims for right, morality, and justice.

that for Leibniz the science of jurisprudence, and indeed, any true science, whether it be metaphysics or morals, must employ a Euclidean-like method. This method consists in discovering definitions that are *possible* (i.e., analyzed adequately; although, in practice, carried out more or less so) and in deriving the *precepts* that follow from them. This method as it is applied to the principles of jurisprudence is first established in the *Nova Methodus*.

It may be said, then, that Part I of the *Nova Methodus* indicates the overall aim, not only of the work, but also of Leibniz's practical philosophy, namely, to perfect the arts of virtue and judgment. This is to be accomplished through knowledge of the psychophysical grounds of practical philosophy as well as through knowledge of the rational justificatory grounds of practical philosophy. However, as will be seen throughout the dissertation, it is important to keep psychophysical *motivations* (such as pleasure, or happiness, or love) conceptually distinct from rational *justifications*. Confusing these two is the cause of taking Leibniz's practical philosophy, wrongly, I think, to be based primarily on psychophysical motivations, as I will argue.

Now let us turn to the more specific aims of Part II. It begins with a definition of *jurisprudence* as "the science of right in relation to some case or action."¹⁴ As we will see, this means primarily that the science of right consists of *truths of reason* wholly separate from *matters of fact*, and that the former are to be the normative/regulatory grounds for the latter. In other words, a distinct part of jurisprudence consists of an *a priori* science whose definitions and precepts determine the rightness of laws, actions, and judgments.¹⁵ What all this means will be explained as we proceed.

Similar to Part I, Leibniz begins Part II by explaining that the overall aim of this science of jurisprudence is, in keeping with Cicero's *de Oratore*, the perfection of the jurisconsult. Yet at the same time, in keeping with Plato's *Republic*, the aim is to show the way of ascent to the perfect or *ideal* State. Thus, the overall aim of jurisprudence is the perfection of both the jurisconsult and the State. However, in a concession to Plato's *Laws*, the aim need be only to show what is "second and third" to the ideal State, and that is what for any State may be *permitted*.¹⁶ What Leibniz's sketchy remarks mean can be gathered from a passage in Plato's *Laws*. The context for this passage is a discussion on the need for the establishment of law, in view of the lack of perfection in the lawmaker. The "Athenian" argues that the ideal state can be ruled only by those possessing both perfect knowledge (knowledge of the good of the community) and the perfect virtue to employ it (that is, the virtue of not succumbing to private interest). But since no one possesses such perfect knowledge and virtue, "we have to choose second best, ordinance and law."¹⁷ For Leibniz, then, jurisprudence is the science that determines the permissible

¹⁴ A.6.1.293. §1: "*Jurisprudentia* est Scientia, Juris, proposito aliquo casu seu facto."

¹⁵ This aim is also reflected, as we will see, in the 1702 *Méditation sur la notion commun de la justice*, wherein the "formal reason" of justice is said to determine what ought to be the case "in advance" of what is the case.

¹⁶ A.6.1.293. §1: "*Jurisprudentia* est scientia, juris, proposito aliquo casu seu facto. Cujus tradendae methodum cum moliamur, necesse est ut duo agamus: (1.) in idea delineemus Jctum perfectum, et quicquid ad ejus consummationem pertinet, quemadmodum Cicero fecit in libris *de Oratore*; (2.) vias designemus ad perfectionem grassandi, aut sicubi placeret, in secundis tertiisque consistendi. Quemadmodum Plato in libris *de Republica*, Ideam; in Dialogis vero *de Legibus*, quod assequi cuique liceret, exposuit."

¹⁷ *Laws*, 875 c-d. Busche (p. 406) provides this reference. This passage is quite illuminating and I take it to

laws of the State, i.e., the laws that regulate the lawmaker in advance of the establishment of the State.

Leibniz may also have Plato's *Statesman*¹⁸ in mind, where the stranger distinguishes the one true constitution (the city-state ruled by the right exercise of political power) from mere imitations. The true constitution stands as a normative model for the laws of any existing state. This succinctly expresses, I think, the overall aim of Leibniz's science of jurisprudence in its relation to "facts." Jurisprudence is a normatively grounding science designed to regulate the State "in advance" of custom, positive law, and sovereign power. Thus, it is necessary to establish the *essence* of the law, so that the State can be modeled accordingly, rather than on the contingencies of law, as it happens to develop. This thought that the essence of law must be established a priori corresponds with a late revision to §1 above: "with this knowledge they commonly call the distinction between Essence and Existence, and is observed by Plato in the *Republic* as the sought-after form, and what is hoped for in the *Laws*."¹⁹

For Leibniz, however, the sphere of jurisprudence encompasses much more: not only does jurisprudence regulate political power but *divine* power, as well.²⁰ This is expressed in his striking claim that "*natural theology is a species of jurisprudence*."²¹ What can this mean? We must first understand that the faculties of jurisprudence and theology share a "wonderful similarity," since both share the same two sources: (1) *reason*, the source of natural theology and natural law, and (2) *scripture*, the source of positive laws, both divine and human.²² However, it is crucial to distinguish the *grounds*

be closely representative of Leibniz's philosophy of right, law, morals, politics, and psychology: "Mankind must either give themselves a law and regulate their lives by it, or live no better than the wildest of beasts, and that for the following reason. There is no man whose natural endowments will ensure that he shall both discern what is good for mankind as a community and invariably be both able and willing to put the good into practice when he has perceived it. It is hard, in the first place, to perceive that a true social science must be concerned with the community, not with the individual—common interest tending to cement society as private to disrupt it—and that it is to the advantage of community and individual at once that public well-being should be considered before private. Again, even one who had attained clear perception of this principle as a point of scientific theory, if subsequently placed in a position of irresponsible autocratic sovereignty, would never prove loyal to his conviction, or spend his life in the promotion of the public good of the state as the paramount object to which his own advantage must be secondary. His frail human nature . . . will be bent beyond all reason on the avoidance of pain and pursuit of pleasure, and put both these ends before the claims of the right and the good; in this self-caused blindness it will end by sinking him and his community with him in the depths of ruin. I grant you readily that if ever, by God's mercy, a man were born with the capacity to attain this perception, he would need no laws to govern him. *No law or ordinance whatever has the right to sovereignty over true knowledge* [my emphasis]. 'Tis a sin that understanding should be any creature's subject or servant; its place is to be ruler of all, if only it is indeed, as it ought to be, genuine and free. But, as things are, such insight is nowhere to be met with, except in faint vestiges, and so we have to choose the second best, ordinance and law" (*Laws* 875a, c-d).

¹⁸ *Statesman* 297c-e. Busche (p. 406) cites 297e and 300c as possibly relevant to Leibniz's meaning.

¹⁹ A.6.1.293. Z.6: "Hoc vulgo discrimen esse ajunt inter essentiam et existentiam scientiae, notantqve Platonem in libris de *Republica* formam optatam, in *Legibus* sperabiliora exposuisse . . ."

²⁰ This basically reflects Leibniz's intellectualism, which is a recurring theme throughout his writings, as we will see.

²¹ For the full passage, see below.

²² A.6.1.294. §4: "Merito autem partitionis nostrae exemplum à *Theologia* ad Jurisprudentiam transtulimus, quia mira est utriusque Facultatis similitudo. Utraque enim duplex principium habet, partim rationem, hinc *Theologia* Jurisprudentiaque naturalis . . . partim *Scripturam* seu librum quendam Authenticum Leges positivas, illic Divinas, hic Humanas continentem."

of these sources. In (1) the ground is reason itself; in (2) it is the will of a superior (either God or a human sovereign). Leibniz illustrates the point with this analogy: “Euclid is believed, not on the basis of what he *says*, but on the basis of what he proves, which is otherwise in divine and human laws, where the will stands in place of reason [ground].”²³ In other words, this is an argument by analogy: geometry is not grounded in the will of Euclid, but in reason; just so, natural theology and jurisprudence are grounded, not in the will of God, but in reason. However, divine and positive law, as revealed in scripture and in the existing State, are grounded in the will of a superior—although the will is not, ultimately, the justificatory ground of law. Scripture and human law must reflect the science jurisprudence. In this sense, we can understand Leibniz’s striking claim:

It is no wonder that what has come to jurisprudence, the same has come to be used in theology; for, theology is a certain species of jurisprudence, universally taken; it concerns namely Right and the maintaining of Laws in the State, or better, the reign of God over humans.²⁴

Thus the science of jurisprudence “universally taken” means not merely a science for the jurisconsult of a particular State, but a science regulating the rule of a universal monarch, i.e., God. In its most encompassing form, jurisprudence is the science of God’s rule over humanity. This claim is significant for several reasons: (1) it places the principles of jurisprudence in a primary relation to theological principles, dictating, to some extent at least, what sort of being God must be; (2) it places jurisprudence in a primary relation to metaphysics, since the former dictates the sort of world, indeed, the sort of *moral* world, that God must create; (3) the claim conveys Leibniz’s lifelong position that *power*, whether it belongs to God, the sovereign, or the human subject, must be regulated by reason.²⁵ God has right as a moral power. This point is also relevant to the debate concerning voluntarism. Several commentators have claimed that Leibniz was a voluntarist in his early writings. However, the above passages (and others, as we will see)

²³ A.6.1.294.§4: “*Euclidi non creditur quia dicit, sed quia probat, quod secus est in Legibus Divinus Humanisque, ubi stat pro ratione voluntas.*” In a late revision note to this line Leibniz adds, “the will is not for those who change the laws; reasoning may be servicable to the interpretation of obscure laws; indeed, for the wise, the will never stands without reason [ground] (*voluntas apud eos quibus jus Leges mutandi non est; qvanquam ratio etiam ad legis obscurae interpretationem inserviat; nunquam enim apud sapientem voluntas stat sine ratione.*)”

²⁴ A.6.1.294.§5 “*Nec mirum est, quod in Jurisprudencia, idem et in Theologia usu venire, quia Theologia species quaedam est Jurisprudenciae universim sumtae, agit enim de Jure et Legibus obtinentibus in Republica aut potius regno DEI super homines;*”

²⁵ Leibniz goes on in this section to explain that “in brief almost the whole of Theology depends for the greater part on Jurisprudence” (*Breviter tota fere Theologia magnam partem ex Jurisprudencia pendet*) p. 295. He also refers the reader to his earlier, *de Arte Combinatoria* (1666), where he states, “Par in Theologica terminorum ration est, quae est quasi Jurisprudencia quaedam specialis, sed eadem fundamentalis ratione caeterum. Est enim velut doctrina quaedam de Jure publico quod obtinet in Republica DEI in homines” (A.6.1.190.31-33). See also, *Nouveaux Essais*, p. 526: “La Theologie traite de la felicité eternelle et de tout ce qui s’y raporte, autant que cela depend de l’Ame et de la conscience, c’est comme une Jurisprudencia qui regarde ce qu’on dit estre *de foro interno* et employe des substances et intelligences invisibles.” Schneider, H-P 1967, p.342) cites two letters, and especially *Monita ad S. Pufendorfii* (1706 Dutens 6.3.278): “. . . communesque regulae utique in scientiam cadunt, & in jurisprudencia universali tradi debent, cujus praeceptis etiam theologia naturalis utetur.”

clearly show that their claims cannot be correct.²⁶ From the beginning Leibniz took quite seriously the idea that the ground of jurisprudence, or “the science of right” as he later calls it,²⁷ is an *a priori* science based on reason. Reason is the essence of God’s understanding, which the will is obliged to follow.

Section 3: The “New Method” of jurisprudence and its definitions: *jus* and *obligatio*

Now that we have a sense of the general features of the *Nova Methodus*, let us turn to its Euclidean “elements.” These are the *definitions* (or at least, the *clarifications* of terms) and propositions or *precepts*.²⁸ Leibniz recognizes that works such as Hobbes’ *Elementa de Cive et Corpore* and Pufendorf’s *Elementa Jurisprudentiae* were also modeled after Euclid. But Leibniz considers his unique contribution to be the systematization of jurisprudence from out of its historical confusion. Before offering any definitions, he at length identifies several problems with its historical development and figures. The main problem lies in the history of methodological failure to distinguish *right* from *fact*.²⁹ For example, Leibniz claims that the Roman *Institutes* and the *Digest* consist of endless divisions of the objects of Right into persons, things, and actions. Each of these is further divided into kinds of persons, kinds of things, kinds of actions involving the relations between persons and things, and so on. Leibniz protests that not only are such divisions uncertain, but that this method of division is largely empirical, subject to change, and lacking in any universal standard of measure. It is unclear, for example, how to distinguish a slave owner’s rights over his slave from his rights over his property (such as a horse), since slaves have some rights as persons, but lack other rights as property. But the divisions set out in Roman law are incapable of making such distinctions clear. The “old method” of the *Digest*, Leibniz says, is “as absurd as if a geographer were to fix his science, not according to the form, but to the matter, that is, according to the measure of acres, pastures, and fields.” According to this method, “who would not laugh at such a new Euclid?” (A.6.1.298). In other words, the science of jurisprudence must be an *a priori* deductive science, “established straight from the very definitions of things,”³⁰ that is, from the *definitions* of Right, not from the things that have been given rights in a wholly non-systematic, historically contingent manner.

Leibniz’s first methodological move, then, is to establish a normative distinction

²⁶ Leibniz’s anti-voluntarism in his *later* writings, such as *Méditation* (1703) and *On the Principles of Pufendorf* (1706) is well-known. Notably, the line in §4 above, “*stat pro ratione voluntas*,” (which is from Juvenal’s *Saturae*) is called in the *Méditation*, “the motto of a tyrant.” Leibniz then argues for a “formal reason” of justice to stand as the criterion to which the will of a superior must conform. But some commentators claim that Leibniz was a voluntarist in his early writings (citing *de Arte Combinatoria* and *Nova Methodus*). Riley (2004) is one; Mulvaney (1968) is another; Busche (p. 430) cites others and disputes their claims.

²⁷ That is, “*la science de droit*” as we will see in the *Méditation*.

²⁸ A.6.1.295.§6: “*Jurisprudence Didactica*, Elementorum nomine non ineptè appellabitur ad imitationem Elementorum Euclidis, [...] Elementa duobus absolvuntur: Explicatione terminorum seu *Definitionibus*, quibus respondet titulus *de verb. sign.*, et propositionibus seu *praeceptis*, quo pertinet titulus *de reg. jur.*” In a revision note, Leibniz adds to ‘propositionibus seu praeceptis’ “enunciationibus seu praeceptis.” According to Busche, ‘titulus’ refers to Book 50, chapters 16 and 17 of the *Digest*.

²⁹ A.6.1.298.§10: “Et ut breviter dicam, est haec Methodus non ex juris sed Facti visceribus sumpta.”

³⁰ A.6.1.300.§14: “. . . ut solidam methodum ex ipsis rerum definitionibus eruamus.”

between “fact” on one hand and “right” on the other: “Persons and things are terms of fact, [while] power and obligation are terms of Right.”³¹ It is thus the *terms of right* that determine the rights belonging to persons and involving things. Hubertus Busche explains the distinction this way: On one hand there is a *quaestio facti* and on the other a *quaestio juris*. The former asks ‘in whose possession is thing *y*?’ while the latter asks ‘is thing *y* in the possession of person *x* also the *property* of person *x*?’ As Busche puts it, “this latter question has to do with normative criteria and can only be answered through a deduction or proof of legality.”³² For Leibniz, a deduction of legality can begin only with definitions that are prior to fact, i.e., a priori definitions, not with conditions contingently determined. Thus, the normative grounds of right are to be based on the definitions of the terms of Right, i.e., *jurisprudence*, *just*, *right*, *obligation*, *law*, and *property*—as we will see. We may wonder at this point what is the ontological and epistemological status of these definitions, that is, what sort of thing are definitions and how do we know that *these* are the correct definitions. Leibniz does not discuss that here. However, in the *Elementa*, as we will see, he takes definitions to be “real” in a platonic sense and analyzes them more rigorously. In the *Nova Methodus*, on the other hand, he seems to think it is sufficient to set out the intensional content of a term, in which the content does not refer to any factual or existing conditions. This may be seen in what follows.

Having established this methodological point, Leibniz now sets out an important series of definitions, beginning with the term ‘jurisprudence.’

Jurisprudence is the science of actions, insofar as they are called just or unjust. *Just* and *unjust* are what is useful or harmful to the public. *To the Public* means first to the world, or to God, its Rector, and then to Humanity, and finally to the State.³³

According to this passage, *jurisprudence* as a whole is the science of just actions, and just actions are those that promote public utility. The specific components of this science will be spelled out, below. But first it is important to note two main points: (1) Leibniz’s frequent methodological device, that of presenting definitions in a series, or “definition chain.” This is the first of a series that will include definitions of morality, right, and obligation.³⁴ (2) It is important not to take this particular series of definitions as evidence of Leibniz’s utilitarianism and voluntarism.³⁵ On the contrary, he is drawing Roman law into a fundamentally platonic (perhaps neo-platonic) moral-political tradition. His

³¹ A.6.1.298.§10: “Personae enim et Res sunt facti, Potestas et Obligatio, etc. juris termini.” Note that Leibniz often seems to use *potentia* and *potestas* interchangeably.

³² Busche, p. 415 fn. 44: “Ein Rechtsfrage dagegen hat es mit normativen Kriterien zu tun und kann nur durch eine Deduktion oder Prüfung der Legalität (bzw. Legitimität) beantwortet werden.”

³³ A.6.1.300-301.§14: “*Jurisprudentia* est scientia acitonum [sic] quatenus justae vel injustae dicuntur. *Iustum* autem atque *injustum* est, quicquid publicè utile vel damnosum est. *Publicè*, id est, primum Mundo, seu Rectori ejus Deo, deinde Generi Humano, denique Reipublicae.”

³⁴ A much longer definition chain will be analyzed in his *Elementa Juris Naturalis*.

³⁵ The passage might be taken in a voluntarist sense to mean that *the just* is what serve’s God’s interest and follows his will, and thus, as for Thrasymachus, justice ultimately serves the interest of the Superior (God, for Leibniz). However, as we will see, such a Thrasymachian interpretation leaves out Leibniz’s crucial qualifications, established early on, that God’s interest conform to reason and goodness, and must if God is to be revered. The meaning of ‘reason’ and ‘goodness’ does not depend solely on God’s will or power. God’s power lies in God’s capacity to distribute reason and goodness, within metaphysical limits.

intention is to show that jurisprudence is the science of universal justice encompassing subordinate levels of good, as well as of *right*, from highest right to lowest.³⁶ The utilities of God, Humanity, and the State correspond, as we will see, to the Roman precepts of right: *honeste vivere, suum cuique tribuere, and neminem laedere*.³⁷ Thus, public utility (which becomes ‘the common good’ in later texts) has a certain priority over individual utility, as it does for Plato.³⁸ Indeed, Leibniz’s intention is clarified in the sentences immediately following the above passage:

There is an order of subordination of utility in cases of conflict: the will or utility of God, if it is permitted to speak thus, is preferred to the utility of Humankind, and these [are preferred] to the utility of the State, and this is preferred to one’s own utility; from which comes Divine, Human, and Civil jurisprudence.³⁹

Thus, private (individual) utility (which comes under civil jurisprudence) appears to be subordinate to public utility.

This position, however, represents a characteristic problem for Leibniz; namely, his overall effort, not entirely successful, to harmonize public and private utility. It is not clear in Leibniz that the overall aim of *public utility* justifies the subordination of private utility, since public utility *also* entails the preservation of certain individual *rights*. Indeed, as I will argue, subjective right is not only the *ground* of individual rights but also of public utility. While most commentators are disposed to think that Leibniz’s practical philosophy is grounded in the requirements of public utility, I argue that it is grounded in the *moral nature of rational substance*. Public utility is the practical extension of its moral nature. As we will soon see, the above series of definitions beginning with ‘jurisprudence,’ is intended to define an *objective* sphere of jurisprudence. In other words, jurisprudence has application to the conditions which promote public utility,

³⁶ At this point it we may suppose that “the good” for Leibniz is not simply the happiness of all individuals but rather the moral flourishing of rational minds, which is to say *virtue*. This claim will be better established in Chapter Six.

³⁷ These “three degrees of right” will be examined below, in Section 4 of this chapter.

³⁸ We can recall the passage from Plato’s *Laws*, cited above, where the Athenian says: “It is hard, in the first place, to perceive that a true social science must be concerned with the community, not with the individual—common interest tending to cement society as private to disrupt it—and that it is to the advantage of community and individual at once that public well-being should be considered before private. (*Gnônai men gar prôton chalepon hoti politikêi kai alêthei technêi ou to idion alla to koinon anankê melein--to men gar koinon sundei, to de idion diaspai tas poleis--kai hoti sumpherei tôi koinôi te kai idiôi, toin amphoin, ên to koinon tithêtai kalôs mallon ê to idion.*) Again, even one who had attained clear perception of this principle as a point of scientific theory, if subsequently placed in a position of irresponsible autocratic sovereignty, would never prove loyal to his conviction, or spend his life in the promotion of the public good of the state as the paramount object to which his own advantage must be secondary” (875 a-b).

³⁹ A.6.1.301.§14: “Hac subordinatione, ut in casu pugnantis, voluntas, seu utilitas Dei, si ita loqui licet, praeferatur utilitati generis humani, et haec utilitati reipublicae, et haec propriae. Hinc Jurisprudentia Divina, Humana, Civilis.” The sentence immediately following is misleading: “Private utility belongs not to Jurisprudence but to Politics (De propria autem utilitate dicere, non *Jurisprudentia*, sed *Politicae* est)”. But this is not what he means. As Busche points out (footnote p. 323), in a letter to Conring (January 1670) Leibniz clarifies that he aims to place private utility under ethics, and public utility under politics and positive law.

however ‘public utility’ is defined. With this in mind we can now turn to the following sections, wherein the *subjective* sphere of jurisprudence is defined, as having its source in the moral agent.

The following sections of the *Nova Methodus* (§§ 14a-19) are extremely important, since without them, Leibniz’s practical philosophy cannot be properly understood. They are also the least well-known, and require close scrutiny and additional context, since Leibniz provides only a sketch of what their main terms mean. After having defined *jurisprudence* as the science of just and unjust actions, in view of their utility, Leibniz now defines the *morality* of an act in terms of the “moral quality” of a person.

The morality, however, that is, the Justice or Injustice of the act of the person, springs from the quality of the person in view of the order of the action, stemming from preceding actions, and is called *moral Quality*. Since, however, the real quality in the order of the action is two-fold, namely, the *power* to act, and the *necessity* to act; therefore, moral power is called *Right*, and moral necessity is called *Obligation*.⁴⁰

This is a striking yet puzzling passage, especially since Leibniz does not provide any immediate explanation for it. In what follows I will try to fill in the relevant contextual background, focusing on the terms *moral quality*, *right*, and *obligation*. Let us begin by rephrasing the passage more simply: The morality (or the justice) of the act of a person originates in the moral quality of the person. The moral quality has a two-fold character: *Right*, which is the power to act; and *Obligation*, which is the necessity to act. Thus the morality of the act of a person is grounded in the moral qualities of right and obligation, which are the qualities of a person acting. One of the most important questions here is wherein lies the “necessity” to act.

Now, let us understand that by comparing jurisprudence with morality (as in §14 and §14a, respectively), Leibniz is not making a distinction between legality and morality.⁴¹ Rather (like Grotius) he is distinguishing the objective sphere of jurisprudence from its subjective sphere. In §14, jurisprudence is defined as the science of *just and unjust actions*. By “just and unjust actions,” he means *actions in relation to an objective order of things*, i.e., those actions that are objectively just, namely, actions that promote public utility. By contrast, §14a defines a *subjective* sphere of jurisprudence, i.e., *morality*. The morality of an action is identified not with the just (*justum*), but with justice (*justitia*). This means, among other things, that the morality and justice of an

⁴⁰ A.6.1.301.§14[a]: “*Moralitas* autem, seu *Justitia*, vel *Injustitia* actionis oritur, ex qualitate personae agentis in ordine ad actionem, ex actionibus praecedentibus orta, quae dicitur: *Qualitas moralis*. Ut autem *Qualitas* realis in ordine ad actionem duplex est: *Potentia* agendi, et *necessitas* agendi; ita *potentia* moralis dicitur *Jus*, *necessitas* moralis dicitur *Obligatio*.” In a late revision, Leibniz strikes out “ex actionibus praecedentibus orta.” Also important is this late revision note: “*Potentia* et *necessitas*, id est *posse* et non *posse* non.” This indicates that Leibniz understood *potentia* also as a moral *possibility*. This is important since in the *Elementa Juris Naturalis* Leibniz clearly associates the just (*iustum*) with what is possible for a good person (*vir bonus*). “*Iustum* est quicquid possibile est fieri à *Viro Bono*” (A.6.1.480). This will be discussed at length in Chapter Two.

⁴¹ See Schneiders (1966) p. 609.

action are grounded in the subject, in the moral quality of the acting person.⁴² This is well supported by §14a, as we saw, which says that morality (the justice or injustice of the action of the person) “springs from the quality of the person.”⁴³ Now, this term “quality” is essential, since it refers to the doctrine of the “moral qualities” inherent in persons, i.e., rational agents (about which I will say more, below). Also essential is to notice the complex character of the moral quality. As Leibniz says, the *real* quality of an action is two-fold (*duplex*), since it stems from (1) the moral power to act (*jus*) and the moral necessity to act (*obligatio*). Therefore, ‘right and obligation’ denote the moral quality, or the subjective power enabling one to perform ‘what is just’ in the objective sense. In short, the moral qualities designate the subjective sphere of jurisprudence, the qualities of a person enabling her to act justly.

The passage (§14a) can be generally understood, then, as an expression of the historical notion of “subjective right,” according to which right is the power of a person to do what is licit or permissive. Leibniz is certainly influenced in this regard by Grotius’ definitions of ‘right’ in *De Jure Belli ac Pacis* (1625), as can be seen in what follows.⁴⁴ Grotius begins his work by distinguishing several “significations” of ‘right’ (*ius*). The first may be called objective right: “For right in this Place signifies merely *that which is just*”; and ‘the just’ is what is conducive to “a Society of reasonable creatures” (GR I.1.3.136).⁴⁵ But Grotius then adds:

There is another Signification of the word Right different from this, but yet arising from it, which relates directly to the *Person*: In which sense Right is a *moral* Quality annexed to the Person, enabling him to have, or do, something justly. (GR I.1.4.138)⁴⁶

⁴² Leibniz does not emphasize the significance of this identification of morality and justice (nor the significance of the distinction between *justum* and *justitia*); but it is very significant. For example, in the *Elementa*, *iustitia* is clearly defined as a virtue, and comes to play the role that *ius* plays here, that is, as the subjective counterpart to the objective *iustum*. Thus it may be said that ‘subjective right’ implies virtue, for Leibniz. That justice is a virtue (as it is for Aristotle) has been true from the very beginning. In a brief passage in *De Arte Combinatoria* (1666), called “Practica,” Leibniz considers Aristotle’s definition of justice as a mean of things, and rejects this in favor of justice as a mean in affections: “Justitia (particularis) est virtus servans mediocritatem circa affectus hominis erga hominem, juvandi et nocendi, seu favorem et odium. Regula mediocritatis est: licere eo usque alterum (me) juvare, quo usque (alteri) tertio non nocetur . . . Virtutes quoque non rerum, sed animorum habitus sunt. Quare ostendimus Iustitiam et ipsam in affectuum moderatione esse positam” (A.6.1.229). Leibniz takes up this definition again in the *Elementa*, accepts it again, and then rejects it, as we will see.

⁴³ Again, Leibniz associates justice (*justitia*) with an act originating in the person, not with the just condition (*iustum*).

⁴⁴ Leibniz in fact mentions and quotes Grotius’s *De Jure* in numerous places throughout the *Nova Methodus*.

⁴⁵ GJ I.1.3: “Nam ius hic nihil aliud quam quod iustum est significat.” Following that, Grotius actually says, “Now that is unjust which is repugnant to the Nature of a Society of reasonable Creatures. So Cicero says, it is unnatural to take from another to enrich one’s self; which he proves thus, because, if every one were to do so, all Human Society and Intercourse must necessarily be dissolved” (*Est autem injustum quod naturae societatis ratione ventionum repugnat. Sic alteri detrahere sui commodi eansa contra naturam esse dicit Cicero, idque ita probat, quia si id fiat societas hominum & communitas evertatur necesse fit.*)

⁴⁶ GJ I.1.4: “Ab hac iuris singificatione diversa est altera, sed, ab hac ipsa veniens, quae ad personam refertur; quo sensu ius est Qualitas moralis personae competens ad aliquid iuste habendum vel agendum.”

Grotius' two significations of 'right' correspond, respectively, to a much older objective sense of right (i.e., a just order) and to a subsequently derived 'subjective' sense: the moral quality of a person (Tierney 325). This division closely follows Leibniz's: (1) jurisprudence defines an objective order; the just is what is useful to the public. (2) But the *morality* of an action, i.e., its justice, stems from the moral quality (or subjective power) of a person, relative to a just order.⁴⁷ Grotius also defines right as a *faculty*, a term that Leibniz will also use:

The juriconsults call a *faculty* that right which a man has to his own; but we shall hereafter call it a right properly and strictly taken. Under which are contained: 1. a power over ourselves, which is termed Liberty; or over others, such as that of a father over his children or a lord over his slave. 2. Property, which is either complete or imperfect. . . . 3. the faculty of demanding what is due, and this answers to the Obligation of rendering what is owing. (GR I.1.5.138)⁴⁸

Much more could be said about the history of the notion of subjective right.⁴⁹ But it is sufficient to note that this history informs Leibniz's conception of jurisprudence, morality, and right. To summarize §14a at this point, we can say that the morality or justice (or injustice) of an act originates in the moral quality of a person. We must now

⁴⁷ More light on subjective right may be shed by Suarez's *De Legibus ac Deo Legislatore* (1612), which was likely Grotius' source. As Brian Tierney claims, "At the beginning of the seventeenth-century Suarez defined *ius* specifically in terms of the powers and claims of an individual." Quoting Suarez from *De Legibus*: "According to its strict signification *ius* is called a kind of moral power (*facultas*) which anyone has concerning his own property or something due to him. So the owner of a thing is said to have a right in the thing [*ius in re*] and a workman is said to have a right to his wages [*ius ad rem*] . . . (Tierney 303; Suarez 1:1.2.5,24: "*Et iuxta . . . strictam iuris significationem solet proprie ius vocari facultas quadam moralis, quam unusquisque habet vel circa rem suam vel ad rem sibi debitam; sic enim dominus rei dicitur habere ius in re et operarius dicitur habere ius ad stipendium. . .*") Important here is that this moral power is a right to one's own or to what is *due*, which may be a slight twist on Ulpianus' definition of justice as "the constant will to give to each his own right." (*Digesta*, I.1.10: "Iustitia est constans et perpetua voluntas ius suum cuique tribuendi"). But Tierney claims that Suarez was working with Aquinas' "objective" sense of right, and that "by associating the juridical language of *ius in re* and *ius ad rem* with Aquinas' definitions, Suarez arrived at a subjective understanding of *ius* as a moral faculty inhering in a rights-holder" (Tierney 303). With this formulation the modern sense of *right* as a subjective power really took hold.

⁴⁸ *De Jure Belli ac Pacis* I.V: "Facultatem iurisconsulti nomine Sui appellant: nos posthac ius proprie aut stricte dictum appellabimus: sub quo continentur potestas, tum in se, quae libertas dicitur, tum in alios, vt patria, dominica: dominium, plenum siue minus pleno. & creditum cui ex aduerso respondet debitum." The footnote to JBP refers the reader to the *Digest* (Lib. I. Tit. 4): "Libertas est naturalis facultas ejus, quod cuique facere libet, nisi quid vi, aut jure, prohibetur."

⁴⁹ Interestingly, Tierney, in *The Idea of Natural Rights* (1997) argues at length that the notion of *ius* as "subjective right" was not invented, as is typically thought, in the 16th and 17th century by Suarez, Grotius, Hobbes, or Locke, nor in the 14th century by Ockham, as Villey had argued. Against Villey's thesis that Ockham invented a subjective meaning of *ius*, one that could only have been produced by a nominalist philosophy, Tierney shows that Ockham took for granted a subjective notion of *ius* found in the 12th century juriconsult glosses on Gratian's *Decretum*. Richard Tuck (1979) holds a similar view, although he does not trace the notion back as far. He claims that in 1402, prior to Ockham, Jean Gerson had already written that "*Ius* is a dispositional *facultas* or power, appropriate to someone and in accordance with the dictates of right reason"(Tuck p. 25). Leibniz's views are somewhat different; but nonetheless he is working with a notion much older than Grotius.

examine the notion of “moral quality” more closely.

While the passage from Grotius above indicates Leibniz’s likely source for the notion of moral quality as a subjective power, his direct source for it was his mathematics professor at Jena, Erhard Weigel. Leibniz himself explains the following: Weigel had distinguished three highest genera of entities: natural, moral, and notional. Under moral entity (*entia morali*) is a subgroup of moral qualities (*qualitates morales*), of which rights (*jura*) are one kind.⁵⁰ Pufendorf (whom Leibniz cites here, and who was also a student of Weigel) refers to this subgroup as “moral operative qualities” and identified them specifically as power, right, and obligation.⁵¹ This means then, that the moral qualities are distinct from physical qualities, since they are in a genus distinct from natural (and notional) entities.⁵² As a result, they denote the capacity of the agent to deliberate and act according to a just order, as well as the capacity for making moral claims against others.⁵³ This capacity to act as well as to impose restrictions on acting characterizes the moral quality as “two-fold,” that is, as consisting of *right* and *obligation*—a power and a restriction upon power.

Now let us consider the passage again. To recall the last line of §14a, above: “moral power is called *Right* and moral necessity is called *Obligation*.” These terms, *right* and *obligation* designate the two-fold (*duplex*) real quality of an action. Leibniz does not, however, explain the nature of this two-fold quality. In a much later text (1696) Leibniz asserts: “Right and obligation are not to be treated separately. They constitute one relation composed from both.”⁵⁴ Yet he does not explain the nature of this relation. As we have learned, right is the power to do what is just, and what is just is what serves public utility, while obligation is called moral necessity. But two quite critical questions remain (for Leibniz and for this dissertation): (1) What exactly is the relation between right and obligation? (2) What exactly grounds the *necessity* of obligation? In what follows I will suggest a preliminary answer to these questions.

Regarding (1), there appears to be an *analytic* relation between the terms *jus* and

⁵⁰ As Leibniz explains in an earlier work, *Specimen Quaestionum Philosophicarum* (1664): “Jura ista H.Grot. J.B. et P. 1.1.4. appellat Qualitates morales tanquam si naturalibus contradistingueret. Et CI^{mus} Weigelius, Prof. Mathematicum Jenensis, Praeceptor, Fautorque meus colendus tria summa genera Entium constituit: Naturale, Morale, et Notionale Jura igitur ad qualitates morales reducit, et uti actioni naturali seu motui Spatium substratum sit, spatium quoddam morale esse Statum, in quo quasi motus moralis exerceatur” (A.6.1.94).

⁵¹ Pufendorf in *On the Law of Nature and of Nations* says that *entia moralia* are modes (thus qualities) of intelligent substances, “superadded” to them by God. They do not physically direct actions but only “make clear to men along what lines they should govern their liberty of action” (cited in Schneewind 2003, p. 171). Pufendorf describes moral qualities as “moral operative qualities” and as either active or passive. “Of the former the most noble species are *power*, *right*, and *obligation*. Power is that by which a man is able to do something legally and with a moral effect. This effect is that an obligation is laid upon another to perform some task . . . or not to hinder another” (Schneewind 173). See Pufendorf’s *de Jure Naturae et Gentium*, 1.1.1, 1-21, or Leibniz’s citation: *Elementa Jurisprudentialiae*, Bk. 1, def. 1.

⁵² As Werner Schneiders claims, for Leibniz the concept ‘morality’ (*moralitas*) “designates the legal-moral judgeable quality of an action, in contrast to its mere physical quality; not some contrast between morality and legality (“Dieser Begriff [moralitas] bezeichnet die rechtlich-moralisch beurteilbare Qualität einer Handlung im Gegensatz zu ihrer bloß physischen Qualität; nicht etwas eine Moralität im Gegensatz zur Legalität” (Schneiders 609).

⁵³ See also Grua, *Jurisprudence Universelle et Théodique selon Leibniz* (p. 227) and Schiedermaier pp. 79-80.

⁵⁴ TI 802: “*Jus et obligatio non sunt separanda in tractando. Constituunt unam relationem ex utroque compositam*” (*Notae in Tabulam Jurisprudentialiae*, 1696?).

obligatio. That is, conceptually speaking an analytic relation holds between one's *power* to act and the *restriction* to act in regard to others. We can find this relation in the Grotian definition (cited above), says that *right* includes "the faculty of demanding what is due, and this answers to the Obligation of rendering what is owing" (GR I.1.5.138). What is due, of course, cuts both ways. By definition my right imposes an obligation (what is owing) on you not to violate my right; and, your right imposes an obligation on me not to violate it. Therefore, right analytically entails obligation, and obligation depends on right. Understood analytically, right is the power of rendering what is owed to another.

To see how this applies specifically to Leibniz, we need to jump ahead briefly to §16 (which I will examine more closely later), where he outlines the meaning of right and obligation in more detail. The right to one's own body is called *Freedom*; the right to things is *Faculty*; and the right to persons is called the *right to coercion (potestas)*.⁵⁵ It then immediately follows that "*Obligation* means not to obstruct the freedom, faculty, and *potestas* of another, the obstruction of which is called *injury*."⁵⁶ This shows that an analytic connection holds between (1) these rights (freedom, faculty, and coercion) and (2) the obligation not to violate them in others. Based on this relation between these rights and their corresponding obligations, right means the *power* to do what is just, while obligation means the *restriction* upon doing what is unjust. To do what is unjust is literally to 'in-jure' another. Thus, from *right* defined as the moral power of doing what is just it is an analytic necessity that one has the *obligation* not to do what is unjust. In this way, the *two-fold unified* relation of right and obligation may be understood. Obligation is the *moral necessity* of doing what is owed to another.⁵⁷

To understand (2), the ground of the *necessity* of obligation, we must go beyond this analytic relationship. After all, a just action is an *action*, not merely a logical relation. Therefore, we must understand that the two-fold moral quality constitutes the *moral capability*, that is, the *moral freedom and limitation* of a rational substance.⁵⁸ It is this moral freedom that imposes or *necessitates* obligations for a moral agent. What will be important to understand is that this imposition is not externally imposed, but originates in the agent's rational-moral potential. Now, this is not at all to say that there are no external requirements to be met. As Leibniz has established, *the just* designates an objective order (i.e., public utility). We have also found an analytic relation between right and obligation. But rightly understood, these objective conditions only inform the subject of what is conceptually entailed in her right. Thus, the necessity at stake here is a *deontic* necessity, since it is "up to" the agent to determine herself according to the objective order.⁵⁹

It is also important to bear in mind that, as I will show, the objective order itself (i.e., public utility) is grounded at least partly in the nature of rational substance, that is, in the maintenance and promotion of right. It is also important to keep in mind that the agent must determine herself in the right way—not by fear of punishment. But for now

⁵⁵ A.6.1.302.§16: "Jus in corpus meum tanquam subjecti dicitur *Libertas*. Jus in rem dicitur *Facultas*. . . . Jus in personam dicitur *Potestas*."

⁵⁶ A.6.1.302.§16: "*Obligatio* est, ne alterius *Libertas*, *Facultas*, *Potestasque* impediatur. Quae impeditio dicitur *Injuria*."

⁵⁷ This is actually an important formulation to keep in mind, in view of my discussion of "moral necessity" in Chapter Seven.

⁵⁸ As we will see in §15, Leibniz defines the *subject* of moral quality as a *person*, and a person as a *rational substance*.

⁵⁹ This point should also be kept in mind for Chapter Seven.

let us summarize the “duplex” relationship between these foundational terms, right and obligation. These terms designate the moral qualities of a rational substance. An analytic relation holds between the meanings of right and obligation, such that one’s moral power entails obligations to be performed and granted. The *necessity* of this relation is grounded in the subjective capacity to recognize an objectively just moral order (public utility) and to determine oneself in accord with it. This implies the self-determining freedom of rational substances. Thus, a moral agent is one who is endowed with the capacity of making one’s right consonant with the right of all rational beings.

The implications and plausibility of this position I attribute to Leibniz will be seen as we proceed. But before proceeding to §15, it is useful to compare these formulations with Hobbes’. While it would take us far afield to analyze Hobbes’ formulations thoroughly, it is sufficient to review his fundamental premises in Chapter 14 of *Leviathan* (1651), where he defines and resolves the relations among right, power, and obligation. Hobbes begins the chapter by distinguishing right (*jus*) from law (*lex*), in order to show that *right* includes the concept of Liberty, but does not include any restrictions, let alone obligations.

The RIGHT OF NATURE, which Writers commonly call *Jus Naturale*, is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. (H 189)

It is not always clear how far Hobbes intends this right or liberty to extend. Is it limited to bare self-preservation, or may it entail the right to anything whatsoever? Hobbes next defines ‘liberty’ as “the absence of externall Impediments: which Impediments, may oft take away part of a mans power to do what hee would” (H 189). This formulation does not seem to impose any limitation on liberty. For Hobbes, the only restriction on liberty comes from the *law* of nature, which is wholly distinct from the Right of nature, that is, in the same way that obligation is wholly distinct from liberty:

A LAW OF NATURE, (*Lex Naturalis*,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same. . . . For though they that speak of this subject, use to confound *Jus*, and *Lex*, *Right* and *Law*; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent. (H 189)

Hobbes is clear that Obligation is no part of the right of nature; indeed, obligation is inconsistent with the very concept of right. For this reason, the right of nature leads to the condition of war of every one against every one. Thus, “it followeth, that in such a condition, every man has a Right to every thing; even to one another’s body” (H 190). This is significant, since Leibniz, as we just saw, says that Liberty consists in the right to

one's own body; furthermore, given the analytic connection between right and obligation, it follows that right conceptually (or logically) includes the obligation not to impede or injure the same right in another. This is clearly not Hobbes' view. For Hobbes, the restriction on right comes from the *law* of nature. The first law of nature is a rule of right reason, containing two branches: it tell us "to seek peace, and follow it," and "by all means we can, to defend our selves" (H 190). These laws then permit one to take another's life, if one judges this necessary for one's survival.

The difference is further shown by the passages describing the second law of nature, i.e., Hobbes' solution to the inherent insecurity of the state of nature: "That a man be willing, when others are so to, . . . to lay down this right to all things; . . . To *lay downe* a mans *Right* to any thing, is to *devest* himselfe of the *Liberty*, of hindring another of the benefit of his own right to the same" (H 190). But this implies that for Hobbes *jus naturale* does indeed include the right to hinder another's right to self-preservation. It also means that the connection between right and obligation is not an analytic one, but rather a *practical* one: One gives up one's right in the state of nature because the state of nature is dangerous; one must follow the law of nature because this law tells one how properly to preserve oneself. It is at this very point, and *only* at this point, that obligation (and justice) comes on the scene. Due to the dangers of the state of *jus naturale*, the Law of Nature instructs us to "seek peace" by renouncing or transferring (in either manner) our *jus in omnia* to a sovereign body:

And when a man hath in either manner abandoned, or granted away his Right; then is he said to be OBLIGED, or BOUND not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he *Ought*, and it is his DUTY, not to make voyd that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *Sine Jure*; the Right being before renounced, or transferred. (H 191)

This essentially says that an obligation is established only when one has renounced one's right in the state of nature. Now, there is one important qualification in my reading of Hobbes. Interestingly, the obligation not to hinder another is based on what the "Scholars" call an Absurdity, i.e., "to contradict what one maintained in the Beginning" (H 191). In other words, according to Hobbes it is a contradiction voluntarily to violate the very obligation that one has voluntarily put oneself under: "it is called Injustice, and Injury, voluntarily to undo that, which from the beginning he had voluntarily done" (H 191). This may suggest that reason itself has some kind of binding force for Hobbes: once you have given up your right, you are bound, under penalty of contradiction or absurdity, not to harm another who has also given up her right. Arguably, however, the penalty of contradiction is not the binding force of the obligation for Hobbes, nor is contradiction the impetus for giving up one's right in the first place. The reasons are strictly practical, following right reason. The reason one gives up one's natural right follows from the first branch of the first law of nature, which is "to seek peace." The *means* for seeking peace follow from the second branch of the first law: "to lay down one's right." The reason one *maintains* the law of nature is due to the, "Feare of some evill consequence upon the rapture" (H 192). That is, one is *motivated by fear* (or ought to be) to maintain the obligation not to harm another. Thus for Hobbes the laws of nature (i.e., right reason) tell

us what our obligations are, *in relation to* the right of nature and the conditions of insecurity in the natural state.

In view of these contrasts with Hobbes we can understand Leibniz more clearly. Hobbes derives right and obligation from the conditions of *empirical* nature, i.e., from the facts and contingencies of power, from the natural egoism of individuals, and from the conditions of fear and insecurity inherent to the state of nature. While Hobbes also derives obligation from right reason (and perhaps from the nature of reason itself), arguably obligation ultimately derives from what reason tells us is *practically necessary* to do, *given the conditions of empirical nature*. And once we have taken up this practical necessity, we no longer have our original right. For Leibniz on the other hand, right derives from our rational-moral nature but does not depend on the *conditions* of nature. Right is not the unrestricted permission to act as one *can*, but is the self-limiting power to act in a manner consistent with the right of others. We may also say that right is the power to act according to the just condition (public utility). For Leibniz *jus* is a moral power of us that entails *obligatio*, and this relation constitutes the moral quality of the subject. Thus right and obligation do not depend on the contingency that the state of nature is unbearable and that our natural powers are relatively unlimited, but rather on the nature of rational-moral substance. For Leibniz a rational substance is an inherently moral substance, possessing the capacity to judge and do what is just in relation to others. This capacity to be just makes right a *moral* power (*potential moralis*) rather than simply a power to preserve oneself. Nor can it be given up. For Hobbes, right is not a *moral* power, and obligation stems from what the natural law tells us to do in regard to others, so that we preserve ourselves more effectively.

After having examined §14a and the moral qualities of right and obligation, or simply “subjective right,” we can now resume Leibniz’s effort to clarify and define the terms of right. In §15, Leibniz defines the *subjects* of moral quality as *person* and *thing*.⁶⁰ Now, it may seem strange to say that things could be subjects of moral qualities, but this will be explained below. Leibniz defines *person* as “a rational substance, and either a natural or a civil person.” Natural persons are God, angels, and men. *Civil* persons are those whose will is made known through some “sign,” that is, through some sort of representation of their will.

A key point however is that while all persons have rights and obligations, God does not: “God is the subject of the whole of justice [or of the highest right] but not of any true obligation.”⁶¹ Now, this *appears* to be inconsistent with his having just said that God is a subject of moral quality, and yet moral quality implies obligation. However, Leibniz’s position can be explained as follows. According to Busche (in a footnote to this section, p. 420), Leibniz is both borrowing from and altering Hobbes. For Hobbes, a man’s right to everything (*jus in omnia*) in the state of nature is given up to the highest power, the Sovereign, who preserves peaceful coexistence. But the Sovereign, including God, is not subject to any obligation in regard to his subjects. (At least, that is one plausible reading of Hobbes.) However, for Leibniz God *is* obligated in certain sense. As Busche remarks, although God possesses the ‘highest right of all,’ i.e., the highest power, he does not rule solely by his power, but by his omniscience and goodness. In other

⁶⁰ A.6.1.301. §15. “*Subjectum qualitatis moralis est Persona et Res. Persona est substantia rationalis, eaque vel naturalis vel civilis. Naturalis DEUS, Angelus, homo.*”

⁶¹ A.6.1.301. §15: “*Sed DEUS est subjectum juris summi in omnia, nullius vero Obligationis.*”

words, the sense in which God is subject to an obligation is that God is subject to the rules of wisdom, reason, and goodness. These rules and ideas, Leibniz often says, are contained in God's essence and determine God's will; it is not God's will that determines them.⁶² The sense in which God is not subject to any "true obligation" is that God is not obligated to humans in the way that persons of equal rank are obligated to each other. Yet God *is* obligated by his superior reason, will, and power, to do what is just.⁶³

Leibniz then briefly explains what he means by right and obligation inhering in *things*. For example, in case a service worker is unable to fulfill a contract due to accidental harm done to him, the obligation to fulfill the contract remains. In addition, for *rights of succession*, the right consists in the power of a thing to be the subject of successive possessions. Likely, Leibniz is simply following a certain conception of rights within Roman law, in which rights were sometimes conceived as incorporeal objects inhering in material things.⁶⁴ That is the sense in which *things* are said to be subjects of moral qualities.

The next section (§16) is most illustrative, since it defines the *object* of right and obligation and introduces a long discourse on the rights deduced from the moral qualities.

The Object of Right and Obligation is the body of the subject, a thing, and a third person. The right to my body, whose subject I am, so to speak, is called *Freedom*; the right in things is called *Faculty*, and has the following species: the direct ownership of the matter of a thing; right of use or enjoyment of a thing, . . . the right of acquiring and retaining ownership, and other material rights. The right to persons is called *right to coercion*, and varies in many ways: such as the right over one's life and death, the right to punish and reproach another, etc. *Obligation* is not to obstruct the Freedom, Faculty, and right of coercion of another, the obstruction of which is called *Injury*.⁶⁵

Although this passage only briefly mentions some important rights, the basic idea seems to be this: Right in the first instance is the right to freedom over one's body. This right implies the acquisition and possession of things useful for maintenance of one's body; and this right includes the right to coercive force against injury to one's body (including

⁶² Leibniz never waivers from this basic position. In the *Meditation* (1703) he adds that God is not subject to any obligation other than to goodness, and goodness (and reason) are found in God's essence.

⁶³ This point will become more clear in the discussion of the third degree of natural law, in my Section 4, below.

⁶⁴ See for example *Digesta* I.8.1: "Quaedam praeterea res corporales sunt, quaedam incorporales. Corporales hae sunt, quae tangi possunt, veluti fundus homo vestis aurum argentum et denique aliae res innumerabiles: incorporales sunt, quae tangi non possunt, qualia sunt ea, quae in iure consistunt, sicut hereditas, usus fructus, obligationes quoquo modo contractae. . . . nam ipsum ius successionis et ipsum ius utendi fruendi et ipsum ius obligationis incorporale est. Eodem numero sunt et iura praediorum urbanorum et rusticorum, quae etiam servitutes vocantur."

⁶⁵ A.6.1.302.§16: "*Objectum Juris et Obligationis* est corpus subjecti, res, persona tertii. Jus in corpus meum tanquam subjecti dicitur *Libertas*, Jus in rem dicitur *Facultas*, et habet species: Dominium directum in rei materiam, utile seu Jus utendi fruendi in formam, . . . Jus retendi, usucapiendi Conditionem, et alia Jura realia. Jus in personam dicitur *Potestas*, et multis modis variat, interdum vitae et necis, interdum castigationis, interdum increpationis, etc. *Obligatio* est, ne alterius Libertas, Facultas, Potestasque impediatur. Quae impeditio dicitur *Injuria*."

one's possessions), which right may be called simply self-defense. However, these rights are *restricted* by the obligation not to violate another's rights to the same. Since each subject has these rights *by definition*, each subject is by definition forbidden to violate the rights of another. The right to one's body includes the *Faculty* to acquire, use, own, or otherwise control *things*, but not persons. The right of coercion is the right to punish another for injury to one's body or for impeding one's right to acquire things that belong to no one (discussed below). All of these rights follow directly from the moral quality of right and obligation, the moral quality of rational substance. Leibniz does not explain how these rights follow, but it can be fairly assumed that they follow since they are required for both the preservation of self and of society. The freedom over one's body must also include the freedom to acquire things necessary for its preservation, as well as the right to defend oneself against injury to one's body. Furthermore, since a moral power is the power to do what is consistent with public utility, these rights, which everyone possesses, must also be consistent with public utility.

In §17 Leibniz shows more specifically how these rights are derived from the moral quality; in fact, it is shown that moral quality is the source of laws under a civil contract. To begin the section he says, "The cause of moral quality is nature and action. Nature is the cause of freedom and faculty, and in another, corresponds to the obligation not to impede."⁶⁶ Once again, this is an expression of the two-fold quality of right and obligation, although the emphasis is on the obligation that another person has toward oneself. But what is meant by 'cause' and 'nature' here is not entirely clear. Presumably, Leibniz does not mean that the *efficient* cause of the moral qualities is *material* nature; rather, he means that the reason or source of the moral qualities is the *nature* of rational substance. The meaning of 'action' is more complex. It means the right of force or coercion (*potestas*) in relation to (1) the *possession* of things, (2) restitution in case of *injury* to one's rights, and (3) the maintenance of rights and obligations under *convention*.⁶⁷ To paraphrase, (1) I have a material right to *possession*, first over my own body, which is the right of liberty. This right to possession of my body also grants me a right to possess things that belong to no one, which right is called faculty (*facultas*). This right gives rise to an obligation in the other not to take what I have rightfully acquired. (2) If this right is violated, it is called *injury*, and when I am injured in the pure state of nature, I have the right of coercive force against the violator. This right may be called "the right of war."⁶⁸ The right of war is given because injury impedes the rights of freedom, faculty, and force. Injury in the state of nature harms not just a person, but the whole community; and so *injury* is the source of the right to punish offenses.⁶⁹ This does not mean that the state of nature is a state of war, since the right of war is not a right to everything, but only a coercive right against injury.⁷⁰ But it means that injury (the violation of rights) authorizes self-defense. This authorization is the basis for (3) the right of *convention*, in which individuals, through mutual promise and acceptance, transfer the

⁶⁶ A.6.1.303.§17: "*Causa Qualitatis Moralis* est Natura et Actio. *Natura* est causa Libertatis et Facultatis et correspondentis in alio obligationis de non impediendo."

⁶⁷ A.6.1.303.§17: "*Actio* est causa potestatis in persona agente, ad aliquid faciendum, vel in seipsa, aut rebus suis patiendum estque vel *possessio* vel *injuria* vel *conventio*."

⁶⁸ A.6.1.303.§17: "Injuria in statu mere naturali dat laeso jus libertatis, facultatis potestatisque omnimodae, seu Jus belli in laedentem societatis ruptorem."

⁶⁹ A.6.1.303.§17: "Injuria igitur fons est delictorum et quasi delictorum."

⁷⁰ For Leibniz the state of nature is already a state of community, as it is for Aristotle and Grotius.

right of war and punishment to the State. Within the State, the right of war is much reduced, although not entirely, by being managed under a just leader.⁷¹ Leibniz does not offer an explanation for *why* we would give up the right of war, but presumably it is because the right is better managed by the State.⁷² In sum, the rights and obligations of the State are grounded in the agreements of its citizens; but the source or authorization for the contract (or convention) itself is the moral quality of persons (rational substances).⁷³ These points are emphasized in §18.

Whereby, all obligations resulting from the decisions of the legal body, including bodily and pecuniary punishments, pertain to *the source of the contracts* [my emphasis]. For, any subject of the Republic mutually promises to respect the State's authority in such decisions, since it is the promise of fidelity that binds everyone to the contract.⁷⁴

The source of the contract is thus the act of promising to hand over the right of punishment to the State. However, individuals retain their right to their own body, at least against unjust punishment. This promise of fidelity becomes "public right" (*jus publicum*) or the positive right of the public. The "end" of public right is "enforcement, which is the realization of the moral qualities, so that one who has the right of coercion or moral necessity, may also have the natural power."⁷⁵ In other words, the end of *public right* is to actualize one's natural moral power by means of the rights of punishment and restitution under the contract.

At this point, the main definitional elements of Leibniz's "science of jurisprudence" are in place, as he declares in §19: "Thus therefore we have deduced the highest source of the whole of Right."⁷⁶ As reiterated in §20, "Therefore I judge the highest source of right to be sufficiently arranged with the most evident principles of pure right."⁷⁷ This source is the moral qualities of right and obligation, from which are derived

⁷¹ A.6.1.303.§17: "Sed in rebuspublicis, imo et aequitate duce ita restricta est haec licentia, ut laesus aestimatione debeat esse contentus, reservata Reipublicae poena si damnum consulto datum est. Injuria igitur fons est delictorum et quasi delictorum. Conventio vero promissiones acceptationesque omnes in se continet, quo pertinet doctrina de Verborum Interpretatione, Conditionibus, etc. Quasi contractus vero ad Jus reale pertinent. Multa vero quae ex his naturae fontibus non videntur descendere, sed ex Lege, illa omnia eo ipso ex eorum uno, nempe ex conventionione descendunt, quia populus in Legislatorem compromisit."

⁷² Leibniz provides some explanation in §73, below.

⁷³ It is interesting to note that the *State's* right to punish as grounded in the *individual's* right to punish closely follows Grotius. As Tierney claims, "Grotius maintained that, since the power of the commonwealth came from its individual members, and since no one could confer a right he does not possess, the individuals must have possessed the right to punish before the state was formed" (Tierney 333). Leibniz makes a similar argument in the *Meditation*.

⁷⁴ A.6.1.304.§18: "Quare et omnes obligationes publicorum Judiciorum, sive ad poenam corporalem sive pecuniariam tendant, pertinent ad pactorum fontem; promisit enim quilibet subditus Reipublicae se decreta ejus vel universalialia, ut leges; vel singularia, ut sententias; rata habiturum. . . . Ex ipso igitur Pacto promissae fidelitatis tenetur."

⁷⁵ A.6.1.304.§18: "Cujus finis est executio, quae est realis realis moralium, seu ut qui habet potestatem vel necessitatem moralem, habeat et naturalem."

⁷⁶ A.6.1.304.§19: "Ita igitur universi Juris summa capita deduximus."

⁷⁷ A.6.1.306.§20: "Ita igitur arbitror, summa Juris capita ex meri Juris evidentissimis principiis a me satis digesta esse."

the rights of possession, injury, and convention. This conclusion corresponds with Leibniz's initial methodological demand that the science of jurisprudence be built on "pure" a priori definitions of the terms of right, not on matters of fact.

As Leibniz had also said, corresponding to the definitions of right are the *precepts* of right. But before turning to the precepts, we must summarize the main definitions and propositions he has established so far, not only to clarify Leibniz's argument, but to bring to light an essential point that he does not make explicit.

1. Jurisprudence is the science of just and unjust actions (§ 14).
2. A just (or unjust) action is useful (or harmful) to the public (§ 14).
3. The *justice* of an action stems from the morality of a person (§ 14a).
4. The morality of a person consists in moral quality (§ 14a).
5. Moral quality consists of moral power (*potentia moralis*), also called *Right*; and moral necessity, also called *Obligation* (§ 14a).
6. From Right and Obligation are derived the right of freedom over one's body, the right to possession, the right of coercion against injury, and the right of convention (§§ 15-19).

This series of propositions, however, reflects the order of Leibniz's presentation, rather than the logical order of his argument. This might lead us to miss an extremely important point, which is that *public utility is grounded in subjective right*. Here is what I mean. From the first two propositions it may be concluded that jurisprudence is the science of public utility, i.e., the science of what is just. These propositions define the *objective* sphere of jurisprudence, as I argued. However, propositions 3-5 define the *subjective* sphere of morality (or *justice*), which is the moral quality of the acting agent. Proposition 6 then defines the rights derived from the moral qualities. But what is the logical connection between the objective and subjective spheres? Leibniz does not make this clear; neither does the order of presentation. But there must be a connection, and so it must be this:

1. All rights are derived from the moral qualities (propositions 5-6).
2. The maintenance and promotion of rights constitutes public utility (implied in §§ 15-19).

Premise 2 is the missing logical connection between the subjective and objective spheres. Leibniz has not clearly defined public utility, except to define it as 'what is just.' But now we can see, from §§ 15-19, that 'public utility' must mean the maintenance and promotion of the rights of everyone. These rights are fulfilled by the right of the State to administer public right. These rights are, to recall, the right to one's own body, the right to possession, the right against injury, the right to convention, in sum—the rights that regulate communal relations.⁷⁸ These rights all derive from the moral qualities of right and obligation, as we saw. As a result, *the objective order (public utility) is derived from the moral qualities of right and obligation*. In other words, since the moral qualities entail the maintenance and promotion of the rights and obligations of everyone, then the moral

⁷⁸ This point will become even more apparent when we turn to the three precepts of right in the following section.

qualities are the ground of public utility. Thus, it may be said that the concept that grounds Leibniz's science of jurisprudence is simply *jus*. Everything else (including public utility) can be explained from the definition of *jus* as the moral quality of rational substances. Here now is the *logical* order of Leibniz's argument.

1. A person is a rational substance.
2. A rational substance is the subject of moral qualities.
3. The moral qualities are *Right* and *Obligation*.
4. The objects of *Right* are one's body, other things, and other persons.
5. The right to one's body is called *freedom*, and the right to other things is called *faculty* (or acquisition).
6. The objects of *Obligation* are other persons: one's right is restricted by the obligation not to violate another person's right to the same.
7. Right and obligation are protected against violation by the right of coercion (*potestas*).
8. The right of coercion is the ground of the rights of the convention.
9. The right of the convention, indeed, the maintenance of all rights, entails public utility.

Thus public utility is grounded in, and is the consequence of, the right and obligation of rational substances. This argument strikes me as firmly representative of the logic of Leibniz's science of jurisprudence, even though he has not explicitly presented it this way. This is the only way to understand the logical relation between the objective and subjective spheres of jurisprudence (or between public utility and subjective right) as he has defined them.

This claim, that public utility is grounded in *Right*, and in the nature of rational substance, may be surprising to those who are used to thinking of Leibniz's practical philosophy as grounded in hedonistic pleasure or utilitarian happiness.⁷⁹ But most commentators simply have not taken notice of, or have not taken seriously enough, these foundational definitions and properties. It should be noted that the themes of pleasure and happiness are *not at all* mentioned in the *Nova Methodus*. It can nevertheless be shown that an ethics of happiness is consistent with this *science of jus*—although, not as the *ground* of right, but rather as a motivation and result of right. Granted, it is often recognized that the ultimate aim of Leibniz's practical philosophy is not strictly the *happiness* of rational substances, but rather the perfection of their rational nature.⁸⁰ However, the perfection of one's moral nature is equally important, if not more so. According to Leibniz, I would say, the primary aim of a rational substance is to express its moral nature. This moral nature may be essentially described as *jus: the self-limiting power of a rational substance*. It is this fundamental moral power that establishes the aims and requirements of public utility.

In sum, in a historical sense, it may be said that Leibniz's science of jurisprudence largely follows the two Grotian senses of right. In the *objective* sense, right is what is conducive to a society of rational beings; or better—what is conducive to the communal activity of rational beings. In the *subjective* sense, right is the moral power and necessity

⁷⁹ Russell is a primary example.

⁸⁰ This is essentially Rutherford's (1995) position, for example.

of rational beings to do what is, in the end, conducive to such a society. But it is the definition of right as the moral quality of rational substances that determines the requirements of the whole science. Thus Right (and its necessary correlate, obligation) is an essential “element” of the science. It is, however, only one-half of the science. In accord with his method, having begun with definitions, Leibniz must now outline the *precepts* that derive from them, precepts he uniquely borrows from a much older tradition, namely, Roman law.

Section 4: The derivation of *precepts*: the three degrees of natural right

After having treated the *definitions* of right, Leibniz now turns to the other elements of this science of jurisprudence, namely, its *precepts*. Just as geometry has general laws or rules following from definitions, the science of right has prescriptive laws specifying what is commanded, permitted, or forbidden. First, Leibniz considers the *matter* of a precept, and then the *form*. The matter is “what is expressly emphasized in the Laws, in which the status or Right is made secure and as uncontroversial as possible.”⁸¹ *Form* refers only to the arrangement of the laws by chapters and subchapters, following the definitions. But his main objective is “so far as possible, to abstract a universal precept from the definitions.”⁸² This will be his task in the sections that follow.

Before getting to the precepts, there are a few clarificational remarks. Leibniz repeats the methodological need for “a compass to guide us through the immense sea of jurisprudence” and for the “decision principles” to guide the jurisconsult.⁸³ He speaks here of two points of view that the jurisconsult must maintain: one is the rational measure from natural right, and the other is the measure of civil law, or questions of fact. For example, if a custom is to become a matter of positive law, one must take into account both the consistency of the custom with present facts of the matter and with other laws. But primarily, the custom must not violate the natural law. Thus the jurisconsult’s guiding principle consists of a dual science: *Scientia Nomothetica* and *Scientia Juris Naturalis* (p. 342. §70).

As for the guiding compass, it seems that Leibniz has already provided one by defining the terms of right. But now he has in mind to show that while various historical opinions on natural right (or natural law) have *some* truth to them, they all may be reconciled by his own.⁸⁴ The first historical figure that Leibniz cites is Plato, as having established that the foundation of right (or law) is public utility. Although as Thrasymachus had countered (in Plato’s *Republic* Bk. 1, 338c), the just is what is useful to the stronger.⁸⁵ We have already seen how Leibniz thinks Plato’s and Thrasymachus’ positions are reconcilable, namely, through the claim that God’s power lies in his wisdom, and his interest lies in public utility. We will come back to this point in §75. Leibniz also cites Aristotle and the Stoics as having held that the natural law consisted in

⁸¹ A.6.1.307. §23: “Inserantur ea tantum, quae in Legibus expresse extant, et certi minimeque controversi Juris sunt.”

⁸² A.6.1.309. §24: “Deinde observetur inprimis, ut, quantum fieri potest, abstrahantur universalialia.”

⁸³ A.6.1.341. §§ 69 & 70.

⁸⁴ A.6.1.342. §71: “Juris Naturalis non minutissima quaeque, sed principia tantum persequemur. Eaque primum ex sententia aliorum, deinde et nostra.”

⁸⁵ A.6.1.342. §71: “Plato passim Juris fundamentum statuit, το κοινε συμφερον, publicum utilitatem. In libris *de Republica* Thrasymachus disputat *Justum* esse: Potentiori utile.”

what conforms to the best or perfect in nature, whether that be human nature, or, in the case of the Stoics, nature in the divine-rational sense, i.e., the *logos*. Leibniz will maintain that these views are partly correct, since Aristotle was right about virtue being a natural human excellence, and since the Stoic *logos* is simply the natural law of God. At the same time, for Epicurus the natural law is what is useful to oneself, or “whatever truly produces pleasure in the soul and tranquility of mind” (A.6.1.342. §71). This too is agreeable to Leibniz, as long as pleasure does not remain the rule.⁸⁶ Leibniz then asserts as quite sound a principle from Cicero’s *De Officiis*, that “no one is born for himself, but is claimed partly by his country, partly his parents, and partly by his friends.”⁸⁷ This seems to express the natural laws of obligation and society we find in Leibniz. Thus, he agrees with Grotius and Aristotle, against Hobbes, that humans are social by nature (*hominem esse natura sociale*).⁸⁸ Yet another opinion Leibniz agrees with is that of Sforza Pallavicino, who held that “the just” is whatever is pleasing to nature, that is, whatever is beautiful and ordered in the movements of nature.⁸⁹ Then, Leibniz again conveys his understanding of Hobbes. He cites Hobbes’ *De Cive Elementa* as holding that the condition of man is either (1) outside of a superior in state of nature, or (2) under a superior in the civil state. In (1) is the rule of all against all or the right of war; in (2) the right of nature no longer obtains and the rule becomes “whatever pleases the State.” Since the state of nature is destructive, everyone is disposed by “sane reason” to pursue peace in the civil state.⁹⁰ Leibniz does not here indicate whether he agrees or disagrees—perhaps both. As we have seen, Leibniz allows that in a state of nature every person has the right of war; and that this right is better managed within the State (§17). Thus Leibniz appears very similar to Hobbes. Yet he seems to differ in two ways: (1) as he has suggested just above, human social nature tends us toward society, rather than toward a state of war;⁹¹ (2) although Leibniz holds there is a right of war, it is restricted by obligation; that is, it is valid only when one’s right is violated. This also implies that the natural *law* must not subject us (as Hobbes appears to say) to whatever pleases the State, especially if this means being subject to abuse by the State. Yet another opinion mentioned is that of Robert Scharrok, who, like Epicurus, holds that the highest good is the desire of the heart (or soul). On this view, injustice is due to wrong desires and is countered by right ones. According to Scharrok, “God has so created our heart that a

⁸⁶ The role of pleasure for Leibniz is quite important and will be examined in Chapter’s Two, Five, and Six. Leibniz is much closer to Aristotle and the Stoics. For Aristotle, the “good man” judges rightly what the true good is in things, whereas “error seems to be due to pleasure, for it appears a good when it is not” (AE Bk. 3.113b). In addition, the highest good for Aristotle is *eudaimonia*, not pleasure. For the Stoics, pleasure is the *result* of virtue, but not the goal of virtue.

⁸⁷ Cicero: *De officiis*, I, 22; *De finibus* II, 45 (cited by Busche p. 427 fn. 118). In a late revision note (Z. 16-17) Leibniz adds: “(to which I may have added) God the whole” “(ut ego addiderim) Deus totum.”

⁸⁸ See *De Cive* I.2. for Hobbes’ view.

⁸⁹ Italian Cardinal and Jesuit, b. 1607; d. 1667. Leibniz refers to his book *Philosophia moralis seu de Bono* (1646).

⁹⁰ A.6.1.342. §72: “Th. Hobbes in subtilissimus *de Cive Elementis* sic procedit: Statum hominum esse vel extra superiorem, vel sub superiore seu in civitate. Illic esse Jus merum omnium in omnia sed Jus belli, sed cum status belli sit exitiosus, teneri quemlibet sana ratione duce, *ut se disponat ad pacem*, statum in una civitate, *quantum in se est*, constituta autem civitate simpliciter juris esse *quicquid civitati placuit*, neque aliud ibi naturae jus obtinere.”

⁹¹ Implying preference to Aristotle’s view of man as a social/political animal, Leibniz cites here John Felden’s *Elementis Jurisprudentialiae* as having “reduced and refined Aristotle’s principles.”

certain natural antipathy stands between the heart and whatever one calls sin.” This view is consistent with the Christian notion of the instinct of natural law, stemming from St. Paul’s saying in Romans 2:15, that the natural law is written in our hearts.⁹² But Leibniz’s concluding point for this whole summary of historical opinion is the following:

These [opinions] we will easily reconcile, explaining our own opinion. Namely, the Right of Nature has three degrees: strict right, equity, and piety.⁹³

Leibniz’s claim here is enormously significant. He claims that these positions may be summed up by what is found in the “three degrees of natural right [or natural law].” He has taken and modified this claim from a single sentence of the Roman *Digest*, namely: “the precepts of right are these: to live honestly, to harm no one, to give to each his own.”⁹⁴ What he will now show is not so much how the history of natural right is reconciled in them, but rather how these precepts derive from the definitions established above. These “three degrees” will become essential components of his practical philosophy from now on.

The following sections of the *Nova Methodus* (§§73-76) are crucial for an adequate understanding of the science of jurisprudence in the *Nova Methodus*, not to mention for Leibniz’s entire practical philosophy.⁹⁵ Following from his definitions, the three degrees or precepts of natural right are supposed to complement the science of jurisprudence.⁹⁶ Here is an overview of the three degrees and their corresponding precepts, as Leibniz configures them. The first (and “lowest”) degree is called “strict right” (*jus strictum*) and its precept is “to harm no one” (*neminem laedere*). The second degree is called “equity” (*aequitas*), and its precept is “to give each his due” (*sum cuique tribuere*). The third and highest degree is “piety” (*pietas*) and its precept is “to live honorably” (*honeste vivere*). Leibniz also thinks of these degrees as *perfections*. This recalls his general claim at the beginning of the *Nova Methodus* that the aim of the science of jurisprudence is the perfection of the jurisconsult. But in particular, this means that each degree is a perfection or completion of the preceding one. “From these degrees, each following one is more perfect than the previous and confirms [or strengthens] it, and in controversial cases the lower one is withdrawn.”⁹⁷ Thus, the law determined by the higher degree holds priority over the law determined by the lower. These points should be kept in mind as we now turn to the details.

⁹² As I will show in Chapter Five, Leibniz treats this law as expressing (a) the double command of love and (b) as well what “reason commands” (*Nouveaux essais*, A.6.6.92.§9).

⁹³ A.6.1.343.§73: “Hos facile inter se conciliabimus, explicata *nostra sententia*. Scilicet Juris Naturae tres sunt gradus: *Jus strictum, aequitas, pietas*.” I translate *juris naturae* as ‘the law of nature,’ but it could also be translated as ‘the right of nature’ or ‘natural law’ as it is by others. Busche’s German translation is “Es sind naemlich drei Stufen des Naturrechts zu unterscheiden.”

⁹⁴ Ulpian, *Digesta*, 1.1.10: “Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere.” Ulpian’s precepts had originally appeared in *Regulae Ulpiani*, Book 1.

⁹⁵ Surprisingly little of these sections has been translated into English. Mulvaney (1968) has translated some of them.

⁹⁶ See Busche, pp. lxxviii- xciii for thorough background on the three degrees. Also see Grua (1956) pp. 77-95 and H-P Schneider (1967) pp. 352-356; 401-420.

⁹⁷ A.6.1.343.§73: “Quorum sequens antecedente perfectior, eumque confirmat, et in casu pugnantis ei derogat.” I’m not confident in this translation.

Beginning with *jus strictum* or what he often calls “pure” and “strict right,” Leibniz shows how the precept “harm no one” follows from the definition of right as a moral quality:

*Strict or pure right descends from the definition of terms, and when rightly considered, is nothing other than the Right of war and peace.*⁹⁸

Just as everyone has the right to one’s own body, everyone has the obligation not to impede another’s right to his or her own body. To say that this means nothing other than the right to war and peace means this: when you violate another’s right, you invoke her right of war, or what may be called right to self-defense. The right of peace is simply the condition in which the right to one’s body is not violated. “For between persons the right of peace rules so long as one does not instigate a war, or a harm.”⁹⁹ The right of peace is logically prior to the right of war. Therefore, the precept of strict right, *harm no one*, “follows” from the definition of terms; namely, from the definitions of right and obligation as the moral qualities of persons.¹⁰⁰

It is worth remarking again on how Leibniz compares to Hobbes on this point. On one hand, for Hobbes, the Right of Nature is the right of self-preservation. This is similar to Leibniz’s strict right. However, for Hobbes the right of nature leads to “a condition of Warre of every one against every one,” in which “every man has a Right to every thing; even to one anothers body” (H 1.14). But for Leibniz, no one has a right to another’s body. One may have the physical capacity, but not the moral right. Furthermore, the state of nature is not a perpetual state of war among self-interested agents; but is rather (normally) a state of peaceful coexistence among naturally social beings. We move into civil society and into the state of justice, not as a prudential matter of self-preservation, but rather as a natural extension of our natural right of peace.¹⁰¹ As Leibniz said just

⁹⁸ A.6.1.343.§73: “Jus strictum seu merum ex terminorum definitione descendit, et est si recte expendas, nihil aliud quam Jus belli et pacis.” A late revision note to this line is added: “Merum simpliciter in conservatione pacis consistit, ut ne quid fiat qvo cuiquam belli ratio praebeatur.”

⁹⁹ A.6.1.343.§73: “Nam inter personam et personam tamdiu est Jus pacis, quamdiu alter non incepit bellum, seu laesit.”

¹⁰⁰ Although, it ought to be pointed out as a matter of logic that this “following” cannot be a strictly *logical* following. Precepts, which are imperatives, and thus not true or false, cannot be logically derived from definitions, since the latter are propositions true or false. However, though this is just speculation, perhaps Leibniz does not conceive of the precepts as deriving from *propositions*. He may conceive of the moral qualities as containing a command-like character, e.g., *do the good; refrain from wrong*.

¹⁰¹ On this point Grotius can be distinguished from Hobbes, as well. Citing this sentence from Creech, “Nature [alone] cannot distinguish iniquity from the just (*nec natura potest iusto secernere iniquum*),” Grotius responds that this may be true for animals, but not men: “Now amongst the Things peculiar to Man, is his Desire of Society, that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding; which disposition the Stoicks termed *Οικειωσιν*”(GR 81); (*Inter haec autem quae homini sunt propria, est appetitus societatis, id est communitatis, non qualiscunque, sed tranquillae & pro sui intellectus modo ordinatae, cum his qui sui sunt generis quam οικειωσιν Stoici appellabant*)” (GJ Prolog. 6). According to Barbeyrac’s footnote to Grotius’ passage, referring to others who have noted the natural sociability, “They all seem to have copied Aristotle in this Particular, who says, *Ἰδοι δ αν τισ, και εν ταισ πλαναισ ωσ ΟΙΚΕΙΟΝ απασ ανθρωπο και φιλον*. Ethic. Nicom. Lib. VIII. Cap. I.” What Aristotle actually says there (1155a21) is slightly different: “Ἰδοι δ αν τισ, και εν ταισ πλαναισ ωσ οικειον απασ ανθρωπος ανθρωπω και φιλον” (“We may see even in our travels how disposed to friendship every man is to every other”).

above, “the right of peace rules so long as one does not instigate a war.” Hobbes does not have the “two-fold quality” that makes right imply an obligation. For Leibniz, natural right is not a power *simpliciter*, but a *moral* power, which means the power not to violate the right of another. Furthermore, on the level of strict right, each person is regarded *equally*, not by virtue of an equal capacity to overpower another, but by the moral capacity each person has to maintain peaceful coexistence.¹⁰² Therefore, the precept of strict right, based on the moral qualities, distinguishes Leibniz from Hobbes.

This difference is further made here by Leibniz’s discussion of our power over *things*, that is, our power of acquiring and possessing them. While the right and obligation of peaceful coexistence holds among rational persons, the right of war characterizes our relations with respect to things (or non-persons). As he says, just as a lion is permitted (*licet*) to destroy a man, and an avalanche to crush him, men are permitted to restrain the lion, and to mine the mountain. Thus we have a right to possession through capturing and conquering things, and the right of war to keep them, as long as they are not already possessed by other persons.¹⁰³ Leibniz is clear that taking another’s rightfully acquired possessions gives the right of war to the other, and that stealing constitutes a violation of the precept against harm.¹⁰⁴ To lie is also a harm, a harm to the mind; and from this stems the requirement (*necessitas*) to keep promises. Offenses then are covered under the precept of strict right: “harm no one, so that the right of war may not be given.”¹⁰⁵ It may be said that Leibniz thus follows Grotius and earlier rights theorists who maintained that subjective right is a power permitting one (or authorizing one) to acquire, control, and maintain property.

Leibniz concludes the section on “strict right” by mentioning two important Aristotelian terms that he does not explain here. He says that the precept against harm “pertains to Commutative justice, and to [the] Right, which Grotius calls faculty.”¹⁰⁶ These terms, ‘commutative’ and ‘faculty,’ are used differently by different authors, and Leibniz uses them as short hand in later texts. So, it is important to have some sense of what he means by them. I will first discuss ‘commutative’ and then ‘faculty.’ In *Nicomachean Ethics* (Bk. V chap. 3-4), Aristotle discusses two kinds of justice: (1) distributive and (2) commutative. As for (1) he defines ‘the just’ as a proportion in which goods are *distributed* according to merit. For example, “the common funds of a partnership [will be distributed] according to the same ratio which the funds put into the business by the partners bear to one another.”¹⁰⁷ Thus, when goods are distributed in

¹⁰² This will be shown in the *second* degree of right. Leibniz will claim that we naturally seek not merely peaceful coexistence, but also the improvement of society as a whole. Thus the precept against harm is a *negative* right, since it commands us to *refrain* from doing wrong, but the second precept (give each his due) commands us to act benevolently and is thus a positive right.

¹⁰³ A.6.1.343.§73: “Victoria autem personae super rem reique captivitas dicitur possessio. Possessio igitur dat personae Jus in rem, Jure belli, dummodo res sit nullius.”

¹⁰⁴ A.6.1.343.§73: “Si igitur alterum alter vel in *persona*, vel *rebus* suis laesit, dat ei Jus quod habet in rem seu Jus belli.”

¹⁰⁵ A.6.1.343.§73: “Est autem et inter laesionis species deceptio pernicioosa, qua damnum datur *menti*, ex quo descendit servandorum promissorum necessitas. Ex quo patet Juris Naturae meri unicum praeceptum esse: *Neminem laedere*, ne detur ei Jus belli.”

¹⁰⁶ A.6.1.343.§73: “Huc pertinet Justitia Commutativa, et Jus, quod *Grotius* vocat Facultatem.”

¹⁰⁷ AE 1131b29-31. So, for example, if partner A had put in 50 drachmas to start the olive business, while partner B had put in 100 drachmas, A would get 34% of the profits, while B would get 66%. This is not Aristotle’s example, but it illustrates the point.

proportion to contribution, this is called distributive justice. But distributive justice also refers to a distribution of goods relative to the *status* of a person, such as a slave, freeman, oligarch, or noble. So, if A was a nobleman and B a slave, A may take a share proportional to his higher social status. The important point here is that under distributive justice the distribution of goods is *relatively* equal according to *some* criterion of merit. This relative equality Aristotle calls “geometrical.” For Leibniz, distributive justice characterizes the second degree of natural right, although the distribution is determined according to merit, not social status. But distributive justice is distinguished from (2) *commutative* justice, which follows *arithmetic* equality. As Aristotle explains, in commutative justice the law is applied in each case equally.¹⁰⁸ Thus:

It makes no difference whether a good man has defrauded a bad man or a bad man a good one, nor whether it is a good or bad man that has committed adultery; the law looks only to the distinctive character of the injury, and treats the parties as equal, if one is in the wrong and the other is being wronged...¹⁰⁹

The point of this in relation to Leibniz is that “strict right” has the kind of justice Aristotle calls commutative, meaning that it is valid for everyone regardless of contribution or status. In other words, strict right means that everyone possesses the same set of original rights and obligations. As a subject, regardless of social standing, each person has the right of war and peace in relation to every other subject.

Regarding the term ‘faculty,’ Leibniz borrows this straight from Grotius, who uses it to distinguish *perfect* rights from *imperfect* rights. In the context of defining *right* as a moral quality, Grotius says, “this moral quality when perfect, is called by us a Faculty; when imperfect, an Aptitude. The former answers to the *Act*, and the latter to the *Power*, when we speak of natural things.”¹¹⁰ ‘Aptitude,’ as Grotius clarifies, is what Aristotle calls *axion* (worth or value). In other words, Grotius is saying that a perfect right is one that may always authorize legal force, whereas an imperfect right carries a sort of *moral* force, but does not authorize legal force. An aptitude may be morally praiseworthy but not legally binding, such as giving alms to the poor.¹¹¹ Leibniz, then, appears to be following this Grotian distinction. Strict right is a perfect right and equity is an imperfect right. But whatever technical issues are involved here (between Grotian and Aristotelian terminology) the point to be grasped is this: Leibniz means to distinguish the first degree of natural right (*jus strictum*) from the second. Strict right is characterized by arithmetical-commutative justice, wherein each person has the same faculty of right, irrespective of contribution or status. The second degree involves a relative “proportion” of right, so to speak. In this way the second degree derives from the first, but expands the scope of right.

¹⁰⁸ As an aside, Aristotle calls commutative justice “rectificatory,” although it has nothing to do with punishments themselves, but rather with the equal application of the law to the offense committed, irrespective of merit or status.

¹⁰⁹ AE 1132a3-5.

¹¹⁰ GJ I.1.4: “Qualitas autem moralis perfecta, Facultas nobis dicitur; minus perfecta, Aptitudo: quibus respondent in naturalibus, illi quidem actus, huic autem potentia.”

¹¹¹ In the *Codex Juris Gentium* (1693) Leibniz himself gives this example of alms giving to distinguish perfect from imperfect rights, and thus the first degree from the second, as we will see.

In the following section (§74) Leibniz turns, although briefly, to the second degree of natural right, which he calls “equity” and whose precept is “to give each his own.”¹¹² In general, this degree is an amplification or extension of strict right. As noted, strict right was called “commutative justice” and was characterized by arithmetical equality. In the second degree, the mathematical character is a bit different, as can be seen in the first few sentences.

Equity or equality, that is, the ratio or proportion between two or more rights claims, consists in harmony or congruence. This coincides with the principles of *Aristotle*, *Grotius*, and *Felden*. This requires that, for he who harms me, no murderous war is perpetuated, but rather restitution.¹¹³

The phrase ‘equity or equality’ refers to geometrical equality, which is called simply *equity*. The point is that the second degree of natural right involves, not strictly reciprocal relations, but proportional ones, that is, relations of *equity* and *merit*.¹¹⁴ This is exemplified in the case of harm; it is not equitable to return to a state of war with another, but rather to be compensated for damages. Equity may also involve distributions according to need. As noted in §73, the kind of justice that Aristotle and Grotius identified with merit is called *distributive*. Thus, the notions of equity, merit, proportion, and need are contained in the precept, “to give each his due.”¹¹⁵

This move from strict right to equity may indicate a move toward positive law; however, equity remains within the normative sphere of right. This is indicated by the above reference to “murderous war” and “restitution.” In the first degree, the right of war is granted; yet in the second degree, this right is replaced by the right of compensation and punishment, through arbitration. The motivation for this move seems to be that a much broader set of communal relations simply requires government regulation to avoid greater harm. Leibniz recognizes that the hazards of self-rule and the tendency for revenge require the management of force through the rule of law. For these reasons Leibniz introduces a rule of judgment (or, a rule for the judge): “what you do not want to have done to yourself, do not do to others.” This is the negative version of the so-called Golden Rule.¹¹⁶

Leibniz does not indicate how this rule is to be applied, or how it reflects the right

¹¹² Note the definition of justice from the *Digest* (I.1.10): “Iustitia est constans et perpetua voluntas ius suum cuique tribuendi”.

¹¹³ A.6.1.343-4. §74: “*Aequitas* seu aequalitas, id est, duorum pluriumve ratio vel proportio consistit in harmonia seu congruentia. Et coincidit cum Principiis *Aristotelis*, *Grotii* et *Felden*: Haec requirit, ut in eum qui me laesit, non bellum internecinum instituum, sed ad restitutionem;”

¹¹⁴ Busche (fn.129 p. 430) provides the following: In his doctoral dissertation, *de Causibus Perplexis in jure* (1666), Leibniz had said that equity is geometric equality, which is to say that equity is a relation of proportion or congruence between two or more claimants. A.6.1.249.27: “daturque aequilibrium iustitiae, cum libra paria utrinque pondera sustinet. Idem et aequitati (id est aequalitatis Geometricae congruum. Nam, ut ingeniose definit *Vultejus* in *Jurisp. Rom. pr.*, aequitas duorum pluriumve proportio est, id est, ut participant de jure pro rata meritorum causae.”

¹¹⁵ Leibniz adds some clarification in a later revision note to §74, Z. 7-9: “Ad hunc juris gradum iustitia distributiva pertinet et praeceptum quod jubet: suum cuique tribuere.”

¹¹⁶ A.6.1.344. §74: “arbitros admitti, quod tibi nolis, alteri non faciendum;” This is a notable point. Leibniz has a special version of the Golden Rule which he uses as the measure of justice in *Meditation on the Common Notion of Justice*, as we will see.

of equity.¹¹⁷ Nevertheless, it appears that equity is more concerned with the intentions of the agent, rather than merely with prudent action and conformity to rules. For example, under strict right, stealing is *imprudent*, since it invites the right of war; but under equity, the intentions of the agent, such as trickery and wickedness, may be taken into account.¹¹⁸ In another example, equity seems to demand that the good be promoted where possible: “overly strict contracts may be weakened, and the defrauded person may be helped.”¹¹⁹ In yet another example, Leibniz appears to show that the right of equity means right in a “wide sense” (*jus laxe*). While strict right involves the “disposition for peace,” equity implies “a wider sense” of right, which Grotius had called an “aptitude” and “imperfect right.”¹²⁰ To strict right belongs the “full obligation” whereas, equity means *jus laxe*. This implies that there are moral obligations beyond the strictly legal ones that have a kind of moral force. If someone has freed himself from a debt through deceitful means, “the obligation safely remains in the forum of conscience.”¹²¹ That is, an obligation does not disappear in the absence of legal means to enforce it. But legal means may be used to punish crimes repugnant to conscience. The main idea is that the law takes its moral direction from equity.

There is one important caveat at this point. Although the distinction between strict right and equity appears similar to the distinction between perfect and imperfect rights, this should not be understood as a distinction between morality and legality. Leibniz has not made any explicit distinction between the legality of the action itself and the moral disposition of the agent in taking the action. Since strict right and equity derive from the moral qualities of right and obligation, they fall under the genus *morality*, and are thus part of the a priori foundation for positive law.¹²² Strict right, even if it requires positive law for enforcement, is not grounded in positive law. The same is true for equity, and most of its demands cannot be made positive law. The essential difference between strict right and equity is rather the difference between refraining and promoting. Strict right requires that one only refrain from harm, whereas equity also demands the promotion of another’s good; and promotion of public utility is the direction that the civil law is to take. The main difficulty for Leibniz will be to determine under what conditions, if any, equity, the greater good, may supersede strict right.¹²³ But he does not address that problem here.

We finally come to §75, which contains the third degree of right (or, the highest precept of natural right). This degree is called “piety,” and its precept is “to live

¹¹⁷ In fact, in the *Méditation*, the negative version of the rule applies to strict right, whereas, the positive version is the rule of equity.

¹¹⁸ A.6.1.344. §74: “item ut puniatur non tam imprudentia, quam dolus et malitia;

¹¹⁹ A.6.1.344. §74: “item ut infirmentur contractus subtiles, et circumventis subveniatur. De caetero Jus strictum observari ipsa aequitas jubet.”

¹²⁰ A.6.1.344. §74: “Huc pertinent *Hobbii* dispositiones ad pacem. Sed aequitas dat solum jus laxe dictum seu Grotii stylo aptitudinem uni; alteri vero obligationem plenam.” Grotius says that aptitude or imperfect Right is “the attendant of those Virtues that are beneficial to others, as Liberality, Mercy, and prudent administration of Government” (*Attributrix quae Aristoteli διανεμητικη comes earum virtutum quae alijs hominibus vtilitatem adferunt, vt liberalitatis, misericordiae, providentiae rectoris*) (GR p.143/GJ I.1.8). Similarly for Leibniz, while the first degree gives authorization for legal action only against harm, the second degree provides a moral aptitude for obligations of virtue.

¹²¹ A.6.1.344. §74: “Interim in foro conscientiae obligatio salva manet;”

¹²² See Schneiders p. 611.

¹²³ He addresses it in more detail in Draft 3 of the *Elementa*, as we will see.

honorably” (*honeste vivere*).¹²⁴ To live honorably, or with moral rectitude, appears to mean to live as far as possible according to the wisdom, power, and *perfection* of God. The particulars of this degree can be divided into three themes: (A) the role of God’s will and power (Leibniz’s relation to voluntarism); (B) the coincidence of God’s will with human utility; and (C) the *motives* of virtue and of reward and punishment. These themes are important to Leibniz’s practical philosophy on the whole, so I will discuss each in turn.

(A) Leibniz begins by characterizing the third degree in a seemingly voluntarist way: “The third precept of natural right is the will of a superior. And here is what Thrasymachus was saying to Plato, above: The just is useful to the more powerful.”¹²⁵ Does this mean that Leibniz was a voluntarist in the *Nova Methodus*, as some have maintained?¹²⁶ To address this question correctly, we must note several kinds of superiority that Leibniz attributes to God in this passage. (1) God is superior by nature. This refers simply to his natural wisdom, reason, and goodness. On this basis, God is to be revered.¹²⁷ (2) God is superior in *law*, meaning divine positive law, or revelation, which is superior to human law.¹²⁸ But this does not mean that divine law is superior to the laws of reason, or even to jurisprudence. As we saw in §4 above, jurisprudence and natural theology have their common source in *reason*, and natural theology contains divine positive law. Moreover, in section §5, natural theology was said to be a species of jurisprudence. Therefore, divine positive law is a species of jurisprudence and natural reason. (3) God is superior in regard to contracts, which apparently means that God’s covenant with man supersedes (is superior to) all other contracts. (4) For these reasons, “piety is the third degree of natural right, and provides perfection and execution [to the other two degrees].”¹²⁹ This implies that God’s superiority resides in his capacity as perfect moral judge and upholder of strict right and equity. (5) The most important type of superiority involves God’s power. God is of course said to be the most powerful being, and thus has no superior. Furthermore, as can be recalled from § 15, strictly speaking, “God is the subject of no true obligation.” Therefore, God could violate even strict right. However, God does not do this, since “because he is omniscient and wise, God confirms pure Right and equity; and because of his power, it is executed.”¹³⁰ This reflects Leibniz’s life-long intellectualist views, that is, that the ideas of *right* and *good* are found in God’s understanding, rather than determined solely by God’s will.¹³¹ This position also

¹²⁴ The Latin ‘*honestas*’ best translates as ‘moral rectitude.’

¹²⁵ A.6.1.344.§75: “Tertium Juris principium est voluntas Superioris. Et huc quae Trasymachus apud Platonem supra dicebat: Justum esse potentiori utile.”

¹²⁶ See Riley (2004) and Welzel (1962, p. 147).

¹²⁷ A.6.1.344.§75: “Superior autem est vel natura, Deus: Ejusque voluntas iterum est vel naturalis, hinc *Pietas*, vel Lex, hinc *Jus divinum positivum*; vel superior est pacto, ut homo, hinc *Jus Civile*.”

¹²⁸ Civil right (*jus civile*), where the will of the superior holds for humans, is distinguished from divine right, in the passage directly above.

¹²⁹ A.6.1.344.§75: “*Pietas* igitur tertius est gradus Juris Naturae, tribuitque caeteris perfectionem et effectum.”

¹³⁰ A.6.1.344.§75: “Nam Deus, quia omniscius et sapiens est, jus merum et aequitatem confirmat; quia omnipotens, exequitur.”

¹³¹ It is appropriate to note Schiedermaier’s observation that “Gottes Weisheit ist also hiernach der Ursprung des Rechtes und sein Wille nur die Exekutive” (p. 62). In Chapter Six, I deal at length with Leibniz’s criticisms of voluntarism. In *Meditation on the Common Notion of Justice* and the *Monita On the Principles of Pufendorf*, Leibniz claims, against the voluntarist, that justice is founded on the immutable truths of

agrees with the distinction between *right* and *fact* that Leibniz had made at the beginning of the *Nova Methodus*. Right is determined on the basis of *a priori* reasons, i.e., on definitions and the precepts that follow from them, not on the contingencies of will, history and circumstance. For this reason neither can right be determined by the will of a human legislator. In sum, Leibniz holds that God is the superior in whom natural right is grounded, and for whom the just is useful. However, he does not advocate the sort of voluntarism that says natural right is grounded in the arbitrary will of a superior. In the end, “the just” is grounded in God’s wisdom; and “the useful” is to humanity as much as to God. But will and power must always conform to *a priori* normative reasons. These normative reasons are grounded in the nature of rational substance (whether divine or human) as stated in §§14-15.¹³² God is simply the perfect executor of the moral qualities.¹³³

(B) Aside from the voluntarism issue, there are other illuminating aspects of the degree of piety. For example, the “coincidence” among private utility, public utility, beauty and order, and honor, which together make the utility of humankind coincident with God’s will.

Hence coincides the utility of humankind, indeed, the beauty and harmony of the world, with the divine will. From this principle it is never permitted to abuse animals and creatures. This leads back to the considerations of Sforza Pallavicino.^[134] On this ground it is never permitted to abuse oneself, because we ourselves belong to God, whose omnipotence distributes Right into everything.¹³⁵

In sum, God’s decree is coincident with human utility. Since God has established the nature of things by creating them, and since whatever God creates is good, we are obligated not to destroy what is good by nature, i.e., ourselves and the rest of creation. But this obligation seems also rooted in the notion that we *belong* to God, and thus it would follow from the meaning of *right* established in §14a. From there, we can derive strict right, which prohibits us from violating the possessions of another. Likewise, as God’s possessions we are forbidden to violate ourselves and his creation, that is, to do

mathematics and geometry. The role of God’s power is only to make what is right an actuality or “fact.”

¹³² Thus, as Busche points out it is a misunderstanding to suppose that Leibniz ever maintained purely voluntaristic grounds for natural right (fn 135 p. 430). He always maintains that God’s laws are based on God’s wisdom. This point seems to have been missed by Riley (2004), who, in a polemical piece, repeatedly insists that in the *Nova Methodus* Leibniz was a voluntarist: “What is even more perverse is to suggest that the voluntaristic *Nova Methodus* counts as the relevant background to “the common notion of justice” as conceived by the mature Leibniz” (p.203). On the contrary, the *Nova Methodus* is quite consistent with the spirit of the later text in its insistence on the *a priori*, demonstrative grounds of morals and justice. The difference is largely a matter of emphasis.

¹³³ God’s only other limitation is the metaphysical requirement that a created world contain *degrees* of perfection (thus imperfection).

¹³⁴ As noted in §72 Pallavicino was the Italian cardinal who held that “the just” is whatever is beautiful and ordered in the movements of nature.

¹³⁵ A.6.1.344.§75: “Hinc coincidit utilitas generis humani, imo decor et harmonia mundi, cum voluntate divina. Ex hoc principio jam ne bestiis quidem et creaturis abuti licet. Huc reducuntur meditationes *Sforziae Pallavicini*. Ex hoc fundamento, ne se ipso quidem abuti licet, quia nos ipsimet sumus Dei, cui omnipotentia tribuit jus in omnia.”

what causes us harm. In this way, God's will and right coincide with human utility.

This coincidence between human utility and God's right leads to the coincidence between utility and *honor*, and thus to the precept of piety in its Roman formulation:

Hence the precept: *to live honorably*. Whenever strict right and equity lack the physical bond, God helps to bring it about so that what is useful to the public, that is, what is useful for humanity and the world, is also made useful for the individual, and thus everything honorable is useful, and everything dishonorable harmful.¹³⁶

Leibniz will often emphasize this saying of Cicero's that utility (understood as one's own good) can never be in conflict with honor (understood as the good for another, or understood as moral rectitude).¹³⁷ Thus, truth-telling is honorable since it promotes public utility. At the same time, public utility must be consistent with individual good. Therefore, the sum total of effects upon individuals and upon the whole of humanity must be taken into account. But only God can perceive the sum total of effects. In this way, honor becomes piety, or simply the respect for God as one who completes and perfects the demands of strict right and equity. Also in this way, the third degree of natural right is a universal right. God is the one who distributes *jus in omnia*, thus giving right to the whole of humanity.¹³⁸ This implies that rights are to be maintained not merely within individual states, but among a republic of states, over which God is universal monarch. Thus, the third degree means *perfection*, since it means the universal actualization of right.¹³⁹

(C) Another part of piety involves the *motivation* to act honorably or piously. Now, Leibniz does not say this explicitly, but in general we can distinguish two kinds of motives (1) motives of prudence, such as self-preservation, pleasure and pain, and fear of punishment and hope of reward; (2) motives of virtue, which are said to be good in themselves. Throughout his writings on the precept of piety, Leibniz offers both kinds of motives as reasons to follow the precept of piety, although (1) is much more emphasized than (2). The problem is, this emphasis obscures the fact that for Leibniz the motives of virtue are the only properly moral motives. As will be seen in Chapter Six, Leibniz holds that it is "supreme virtue" to be motivated by the virtue of justice, and not by hope of

¹³⁶ A.6.1.344. § 75: "Hinc illud praeceptum: *Honeste vivere*. Cumque jus strictum et aequitas careat vinculo Physico; Deus accedens efficit, ut quicquid publice, id est, generi humano et mundo utile est, idem fiat etiam utile singulis; atque ita omne honestum sit utile, et omne turpe damnosum."

¹³⁷ Cicero, *De officiis* Book 3 Chapter 2 par. 9: "numquam posset utilitas cum honestate pugnare." The moral compatibility of usefulness and honor is the central problem Leibniz sets out to solve in his *Elementa Juris Naturalis*, as we will see in Chapter Two.

¹³⁸ Following Leibniz's adaptation of Aristotelian kinds of justice, the first degree of natural law is commutative justice, the second degree is distributive justice, and the third degree is universal justice. This schema is more explicitly adopted in later texts, as we will see.

¹³⁹ This universality can also be expressed in Leibniz's Augustinianism, a good example of which is found in *Monadology* (1714) §§84-6: "C'est ce qui fait que les Esprits sont capables d'entrer dans une maniere de Societé avec Dieu D'où il est aisé de conclure que l'assemblage de tous les Esprits doit composer la Cité de Dieu, c'est à dire le plus parfait état qui soit possible sous le plus parfait des Monarques. Cette Cité de Dieu, cette Monarchie veritablement Universelle est un Monde Moral dans le Mond Naturel, et ce qu'il y a de plus élevé et de plus divin dans les ouvrages de Dieu et c'est en luy consiste veritablement la gloire de Dieu" (G.6.621-2). See also *Principes de la Nature et de la Grace fondés en raison*, G.6.605. §15.

reward or fear of punishment, nor simply by the motives of pleasure or happiness. Here in the *Nova Methodus*, however, he indicates only the motive of reward and punishment. As mentioned in the passage above, strict right and equity may lack that *vincula physica* to move us to act honorably (with moral rectitude). Therefore, God has made honor coincident with utility, so that we may be moved to act honorably. As Leibniz says, “by his wisdom God determines rewards for the just and punishments for the unjust. And what he has determined to bring to completion, his omnipotence sets it through.”¹⁴⁰ This means that we may be motivated by the assurance that God will execute the natural right of reward and punishment. In this way, “piety” means the motivation brought about by the recognition of God’s power and justice.

To conclude on piety, we find Leibniz making the rather bold claim (at this point) that the existence of God is the “ultimate foundation” of natural right:

The existence then of the wisest and most powerful being, or God, is the ultimate foundation of natural right, which for us is demonstrated with mathematical certainty, and when shown to the public, will entirely dissipate the truth-covering clouds of the atheists.¹⁴¹

The claim that “God is the ultimate foundation of natural right” needs to be qualified, however. First, this does not at all imply that natural right has a voluntarist foundation. We have just seen that God’s power, superiority, and honorability lie principally in his wisdom. It should also be recalled that Leibniz had said back in §5 that natural theology is “a species of jurisprudence, universally understood.” This means that natural theology must at least conform to the principles of jurisprudence.¹⁴² Therefore, God is the foundation of natural right, not by founding its meaning, but by executing its prescriptions.¹⁴³ The second qualification is that Leibniz does not here provide any argument, demonstrative or otherwise, for God’s existence; nor does he demonstrate that natural right derives from God’s existence, as he seems to suggest it does. However, he may very well be alluding to his earlier *De Arte Combinatoria* (1666), which includes his *Demonstratio Existentiae Dei, ad Mathematicam Certitudinem Exacta*.¹⁴⁴ A bit later in

¹⁴⁰ A.6.1.344. §75: “Quia Deum justis praemia, injustis poenas destinasse ex ejus sapientia constat: Et quae destinavit perfecturum omnipotentiae ratio evincit.”

¹⁴¹ A.6.1.344-5. §75: “Existentia igitur Entis alicujus sapientissimi et potentissimi, seu Dei, est juris naturae fundamentum ultimum, quae a nobis mathematica certitudine demonstrata, cum prodibit in publicum, disjectura est penitus nebulas ab atheis veritati offusas.” In a late revision note Leibniz adds: “Juris Naturae simul fundamentum ultimum et fastigium supremum; in quo theoreticae et practicae philosophiae supremae rationes junguntur, nisi alterius loci essent” (Z. 1-3. p. 345).

¹⁴² Leibniz later agrees with Grotius, Bayle, and others, that in a sense the natural law would be valid even if God did not exist (*Theodicy* §§182-4). In Chapter Six I will explain how Leibniz reconciles this apparently inconsistent view.

¹⁴³ See also Schneider, H-P. (1967) p. 338: “Der Bereich des natürlichen Rechts (jus naturale, seltener: jus naturae) umfaßte sowohl die gesamte Ordnung des Seins, der göttlichen Schöpfung, so fern sie ihre Entstehung nicht dem göttlichen Willen (voluntas), sondern der Weisheit Gottes (sapientia Dei) verdankte und in der Natur der Dinge (natura rerum) begründet lag, als auch alle sich daraus ergebenden Tugenden und Pflichten, diese Ordnung zu erhalten. Demgegenüber zählte Leibniz zum Bereich des positiven Rechts (jus positivum, legitimum, voluntarium, arbitrarium) alle diejenigen Rechtsgebiete, deren konkrete Ausgestaltung von einem bestimmten, menschlichen oder göttlichen Willensentschluß abhängt.”

¹⁴⁴ A.6.1.169

Confessio Naturae Contra Atheistas (1669), Leibniz provides a continuous sorites argument for the immortality of the soul.¹⁴⁵ Although these proofs are not designed to draw explicitly moral conclusions, Leibniz often alludes to proofs for God’s existence and the immortality of the soul as the demonstrative ground of morality. However, I consider these arguments to be the weaker elements of his practical philosophy—and I think Leibniz does, too.¹⁴⁶ His argument here for the science of jurisprudence is quite substantial and does not really require a theological foundation. For these reasons Leibniz’s appeal to God as the *ultimate* foundation of natural right does not imply that God is the *entire* foundation of natural right. The foundation of right lies in the moral power of rational substance.

To conclude this science of jurisprudence in the *Nova Methodus*, Leibniz returns to the themes he had introduced at the beginning of parts I and II, namely, the perfection of the jurisconsult and the perfection of the republic. The jurisconsult must keep in mind two viewpoints, the theoretical, i.e., the definitions of right so far established, and the *political*. The latter is called the “nomothetic” viewpoint.¹⁴⁷ The theoretical and nomothetic viewpoints are not wholly distinct, of course, but the nomothetic is more particularly concerned with *utilitas Reipublicae*, i.e., what is useful for the State. In this way, the nomothetic viewpoint on the State is a reflection of God’s viewpoint on the whole world or “universal republic.”¹⁴⁸ This essentially means that the aim of the State is the utility of its citizens. As Leibniz then says, following Cicero’s *De Legibus* (III.3.3), the supreme law of the State is the well-being of the people (*salus populi*). The good of the Government consists in maintaining public right through the maintenance of good laws.¹⁴⁹ The good of the citizen consists in internal well-being (*eudaimonia*) and independence (*autarkeia*).¹⁵⁰ The State is to direct the *well-being* of its citizens by providing for their education and association, and by enforcing rewards for virtue and penalties for vice. To promote *independence* the state directs the laws of commerce, manufacture, and public expenses.¹⁵¹ Although the State will often fall short of its aims, the jurisconsult, by keeping in mind this nomothetic viewpoint “may strive to bring the State as close to perfection as possible.”¹⁵² This aim of perfection expresses Leibniz’s goal in the *Nova Methodus*: the aim of a science of jurisprudence is to establish the principles and method for the right judgment of the jurisconsult and consequently the right rule for the State. Its aim, it may be said, is the rule of the best, or the wisest,

¹⁴⁵ A.6.1.492

¹⁴⁶ As mentioned, in the *Méditation*, Leibniz argues that acting from “supreme virtue” is morally superior to acting from the motive of retribution. He also gives moral truths their demonstrative character by assimilating them to mathematical truths.

¹⁴⁷ According to Busche (fn. 139 p. 431), after Joachim Hopper’s *Seduardus*, in which is contained the *Nomothesia sive de juris et legum condendarum scientia*.

¹⁴⁸ A.6.1.345.§76: “Alter Jurisconsulti in casibus decidendis oculus est *Nomothesia*, cujus principium utilitas Reipublicae, quae ita est ad Rempubicam, uti pietas ad mundum et Rempubicam universalem.”

¹⁴⁹ A.6.1.345.§76: “Bonum Regiminis consistit in jure publico, et tali caeterarum quoque Legum formatione, ut mutatio praecaveatur.”

¹⁵⁰ A.6.1.345.§76: “Bonum civium consistit in εὐδαιμονία et αὐταρκεία, seu bonis animi et fortunae.”

¹⁵¹ A.6.1.345.§76: “Ad εὐδαιμονία, seu virtutem pertinent omnes Ordinationes Politicae, inprimis quibus educatio et conversatio, tanquam principia malorum et bonorum morum formantur; item praemia virtutibus, poenae vitiis. Ad αὐταρκεία pertinent Leges de Commerciis, Manufacturis, Sumtuarum, etc.”

¹⁵² A.6.1.34.§76: “Sed huc perfectionis non veniemus, det tamen Jurisconsultus operam, ut ad eam quantum potest, accedat.”

reflecting God's perfection as much as possible. The interest of the State is the same as the interest of God: the *eudaimonia* of the citizen. In addition, the interest of God, as the third degree of natural right indicates, is the whole of humanity, i.e., not just a particular state, but all states.

Section 5: Chapter summary and conclusion

To conclude this chapter I will summarize the main propositions of Leibniz's science of jurisprudence, and then point out a few problems. In accord with Leibniz's demonstrative method, which begins with definitions, it is important to see how the three *precepts* of natural right (or natural law) derive from the definitions. To begin with, jurisprudence is defined as the science of just and unjust actions. The *justness* of an action is a measure of its public utility.¹⁵³ Yet the *morality* or *justice* of an action is determined by the "moral quality" of the acting agent. Moral quality is the quality of a rational substance. Moral quality consists of *Right*, which is the moral power of an agent, and obligation, which is a moral necessity.¹⁵⁴ Furthermore, the object of right is one's own body, and in this respect is called *Freedom*. This right of freedom also establishes the right to things (*facultas*) and the right of coercion (*potestas*) for the purposes of one's preservation.¹⁵⁵ *Obligation*, then, or moral necessity, means "not to obstruct the freedom, faculty, and *potestas* of another, the obstruction of which is called *injury*."¹⁵⁶ This set of definitions beginning with "jurisprudence" may be summarized by saying that *right means the self-restricting power of a subject to do what is just*. 'Jurisprudence' is therefore the science of right.

Now, "the just" (*justum*) was defined as public utility. And while 'public utility' has not been precisely defined, we can take it to mean 'what is useful to all.' In fact, as we have seen, *public utility* turns out to mean the preservation and promotion of the right (and rights) of every moral agent. In this light it is most appropriate to define "the just" as *the condition wherein the right (or freedom) of a subject is compatible with the right (or freedom) of all other subjects*. On this basis I have concluded that the requirement of public utility derives from the moral qualities of the subject.

However, as I have argued, it is crucial to understand wherein lies the *necessity of obligation* concerning the right and the just. First it is useful to remark on where it does *not* lie. Obligation does not follow from a law of nature, e.g., the requirements of sociality (as in Pufendorf) or from the desire for society (as in Grotius); nor is obligation imposed by the law and power of a superior (such as God or a human legislator, as in Hobbes); nor from the prudential requirements of self-preservation. Nor is obligation grounded in the *physical* nature of human beings (e.g., in their capacity for pleasure and pain). Nor does it lie in a moral faculty of conscience. Leibniz does not argue for any of these positions in the *Nova Methodus*.

There is some indication, however, in the third degree of right, that the necessity

¹⁵³ A.6.1.300-301.§14: "*Jurisprudentia* est scientia actionum quatenus justae vel injustae dicuntur. *Justum* autem atque injustum est, quicquid publicè utile vel damnosum est."

¹⁵⁴ A.6.1.301.§14[a] and §15.

¹⁵⁵ A.6.1.302.§16: Jus in corpus meum tanquam subjecti dicitur *Libertas*. Jus in rem dicitur *Facultas*. . . . Jus in personam dicitur *Potestas*."

¹⁵⁶ A.6.1.302.§16: "*Obligatio* est, ne alterius *Libertas*, *Facultas*, *Potestasque* impediatur. Quae impeditio dicitur *Injuria*."

of an obligation stems from divine retribution. However, this does not seem to be a ground of necessity, as much as a useful incentive. Furthermore, as we will see in later texts, Leibniz ultimately rejects this as improper. But neither is obligation grounded in a notion of the highest good (such as love or public utility). To be sure, right is the power of doing what is in the public interest. However, as I have shown, the logic of Leibniz's science of right reveals that this obligation derives from subjective right. It cannot be that the subjective right of persons (or even of God) is given *so that* they may fulfill the objective requirements of public utility. That is because 'public utility' has no meaning without the moral capacity that *each* rational substance naturally has. Public utility is the fullest expression or realization of the capacity that every moral subject already possesses. The moral capacity of a subject is what makes the harmonization of ends both a *possibility* and a *necessity*.

In this sense, therefore, the necessity of the obligation to be just consists in the subjective right of persons.¹⁵⁷ This can be understood in two ways, as we saw. First, obligation is analytically entailed by right, meaning that the moral power of a rational substance entails both what is owed to another and what another may demand of us. Secondly, *right* and *obligation* denote the *deontic properties* of a rational substance, which together denote the moral capability of a rational substance.¹⁵⁸ In other words, moral necessity (obligation) is grounded in the freedom of the agent to be constrained by the requirements of just actions. Right can then be understood to be a self-limiting capacity that an agent must freely employ, and by means of which she may harmonize her ends with the ends of all other rational agents.

We may now see how the *precepts* of right "derive" from these definitions. The first precept, *harm no one* (the degree of "strict right") follows from the definition of right. To harm another means to violate another's freedom. It also invites the right of war against oneself. Thus, the precept requires us not to violate the right of another. The second precept, *give each his due* (the degree of equity, or right in a wider sense) is a logical extension of the first precept, in two ways. (1) To give each his due (or one's own) means to secure the freedom of each person by means of the civil contract and state power. This means substituting, although not giving up entirely, the right of war for the right of compensation through a judicial body. In this way each person's right can be managed with stability and fairness. (2) Equity means right "in the wide sense." This means we can hold someone morally accountable, not merely for her compliance or in-compliance with the law, but for her intention in committing the act. Also, in strict right, we are required only to *refrain* from harming another. But equity means helping and promoting the good of another.¹⁵⁹ The third precept, *live honorably* (the degree of piety) may be summarized as the perfection and completion of the rights in the first and

¹⁵⁷ Again, I make this claim against the prevailing view that Leibniz's theory of right is supplemental and derivative of a theory of the good, or of his broader metaphysical framework, as we will see further in chapters Three and Six.

¹⁵⁸ The suggestion that right and obligation denote the most basic *deontic properties* of the moral agent is made by Jeffrey Edwards. The meaning of this will become clearer in Chapter Two, where right and obligation form the moral quality of the *vir bonus*. From this Leibniz derives a whole deontic logic, where *potentia* and *obligatio* form the basis of the deontic categories of the permitted, forbidden (impossible) and owed. These "modes of right" correspond analogously to the alethic modes of *possibility* and *necessity*, as we will see.

¹⁵⁹ Although Leibniz has not explored this last point here, he does so in later texts, as we will see.

second degrees. As a precept of piety, it consists in the recognition of God as the perfect executor of natural right. Thus piety may be derived from the definitions in three ways: (1) *To live honorably* means to act in view of the perfection of God, who possesses the moral qualities of right and obligation to the highest degree. God's *potentia* consists of the highest power and wisdom in distributing and executing the law. As we saw, however, "God is not the subject of any true obligation."¹⁶⁰ Yet this means only that while God has no superior, God remains bound by the rules of wisdom and reason. What these rules are Leibniz has not made explicit; however, they are implied in his allusion to the mathematical kinds of justice borrowed from Aristotle, i.e., commutative and distributive justice, or, respectively, arithmetical equality and geometric proportion.¹⁶¹ To live honorably then means to apply equality and equity to their highest degree. This means, moreover, that rights are to be granted not only to particular individuals or particular states, but to the whole of humanity. (2) *To live honorably* means to realize (both to recognize and to bring about) the coincidence of private utility and honor (moral rectitude). Just as God has brought it about that everything prudent is also useful, so we may find our own good in performing the good for another. In addition, as God's creations, we are obligated not to harm ourselves or others. This follows from right and obligation; since moral quality entails the right of possession, God holds the right of possession over us. (3) *To live honorably* means to be *motivated* by God's power of retribution. We are motivated to act rightly, knowing that God will guarantee that rewards for the just and punishments for the unjust will be delivered, if not in this life, then in the next.

With the whole of Leibniz's science of jurisprudence in view, it is appropriate to point out a few criticisms, beginning with his *method*. As he stated in the beginning of Part I, his aim is to establish not only a science of jurisprudence, but also a method for it. Let us review what that method was supposed to consist of, beginning with "analytics," as stated in Part I:

Analytics, or the art of judging, seems to me to be almost completely reducible to two rules: (1) no word is to be accepted without being explained, and (2) no proposition is to be accepted without being proved. (LL 88 § 25)¹⁶²

This "art of judging" we can recall, was intended to refine the judgment of the jurisconsult. However, this appears to have been more of an ideal for the jurisconsult rather than an actual practice in the *Nova Methodus*. Many of the main definitions were accepted with little explanation, and no propositions were demonstrated. Nevertheless, Leibniz thought that the science of jurisprudence might follow the Euclidean method of establishing definitions and their corresponding precepts, as he had expressed in §6 of Part II: "*Didactic jurisprudence* could, in imitation of Euclid's Elements, not ineptly be called Elements, [. . .] The elements encompass these two: The explication of terms or

¹⁶⁰ A.6.1.301.§15: "Sed DEUS est subjectum juris summi in omnia, nullius vero Obligationis."

¹⁶¹ More will be said about these mathematical kinds in later chapters. We will also see the sense in which God is "obligated" by the eternal truths of reason, in Chapter Six.

¹⁶² A.6.1.279-80: "Analytica seu ars iudicandi, mihi quidem videtur duabus feré regulis tota absolvi: (1.) Ut nulla vox admittatur, nisi explicata, (2.) ut nulla propositio, nisi probata."

definitions . . . and propositions or precepts."¹⁶³ Leibniz has at least made some effort to set out the definitions of right and their corresponding precepts, although we are left to fill in the gaps. His main purpose in doing so, however, is to correct the history of methodological failure to distinguish *right* from *fact*.¹⁶⁴ That is, he aims to establish a normative distinction between what is a matter of right and what is a matter of fact. In this sense, the method consists of establishing the *a priori* foundation of jurisprudence. Although Leibniz has not used the term "a priori," this is clearly what he means. Jurisprudence is a science in the pure sense, established straight from the very definitions of things.¹⁶⁵ The problem, however, is that at this point Leibniz does not provide any argument for why these definitions are not merely nominal or arbitrary stipulations. Hobbes, as we have seen, defines *right* and *obligation* quite differently. But which definitions are "correct"? At this point Leibniz has not yet established a method for adjudicating among competing definitions. In the next chapter, however, we will see how he develops and carries out a much more rigorous method of deriving definitions.

Another point relevant to his demonstrative method is that it is not clear that Leibniz's definitions are entirely *a priori*, if by 'a priori' is meant 'independent of any empirical premises.' At times Leibniz, like Grotius and Aristotle, depends on the assumption that humans are naturally inclined to be social rather than egoistic, so that they will naturally seek a state of convenience and cooperation. But these assumptions are taken from observations about natural tendencies in humans, not from the definitions of the terms of right; and it does not appear possible to decide on the true nature of human beings solely by considering a priori definitions. Moreover, while we might agree that humans are by definition rational substances, it does not follow with deductive necessity that we have the moral qualities of right and obligation, since God could have given humans some other nature and some other qualities. The assumption that we are rational, social, rights-bearing beings could very easily be based on empirical observations about our tendencies and what best accords with them. This is however not a crucial criticism. Aspects of our natural physical constitution are after all *part* of what constitutes "natural law," and Leibniz never denies this. Nor will he give up the search for a priori principles, nor for a way to make such principles compatible with the laws of our nature. As we will see, Leibniz often deals with two principles: one based on human physical nature and the other based on a priori reason. The problem is, however, that Leibniz has no straightforward way of clearly distinguishing between a posteriori and a priori in these matters.

A final observation pertains to typical interpretations of Leibniz's practical philosophy. A striking feature of the *Nova Methodus* is that it does not at all discuss the typical psychological motivations for action, such as happiness and pleasure, frequently found in Leibniz's moral theorizing. The only motives discussed here are those connected with divine reward and punishment. Nor is the science of jurisprudence premised upon the requirements of metaphysical perfection, i.e., the maximization of reality. This is significant, since it is often assumed that Leibniz's practical philosophy consists merely

¹⁶³ A.6.1.295.§6: "*Jurisprudence Didactica*, Elementorum nomine non ineptè appellabitur ad imitationem Elementorum Euclidis [...] Elementa duobus absolvuntur: Explicatione terminorum seu *Definitionibus*, quibus respondet titulus *de verb. sign.*, et propositionibus seu *praeceptis*, quo pertinet titulus *de reg. jur.*"

¹⁶⁴ A.6.1.298.§10: "Et ut breviter dicam, est haec Methodus non ex juris sed Facti visceribus sumpta."

¹⁶⁵ A.6.1.300.§14: "Demus igitur operam, ut solidam methodum ex ipsis rerum definitionibus eruamus."

of a set of prudential instructions on how to achieve happiness, or that it is a mere appendage to the grand scheme of metaphysical perfection.¹⁶⁶ But it seems possible to understand the matter as precisely the opposite: The ends of metaphysical and moral perfection depend on the premises established by jurisprudence. We should recall that theology a *species* of the genus jurisprudence, universally understood. Is not God's will the supreme *potentia moralis*? To be a moral agent requires not simply the knowledge of the conditions of metaphysical perfection, or the knowledge of the good for all, but requires the self-restricting moral power to harmonize one's ends with the ends of everyone. This account of right sets Leibniz's practical philosophy quite part from accounts that ground it in utilitarian terms.¹⁶⁷ While the agent is indeed obligated to the good for all, Leibniz is saying that this obligation is grounded in the capacity of the moral agent, that is, in her right, not in the amount of good that her actions produce. Often overlooked in these accounts are the normative definitions of right, especially as established here in the *Nova Methodus*; and yet they form the core concepts from which the whole of Leibniz's practical philosophy can be derived.

It will be important to see, then, which elements of Leibniz's introductory science of jurisprudence remain and how they develop. As we turn to his *Elementa Juris Naturalis* (1671), we will find one important change taking place. Leibniz will again attempt a science of jurisprudence (called a science of right) based on definitions; he will even refine its method in important ways; and the moral qualities will remain central. However, this time the science will focus considerably on the definition of *justice*, whose essence is determined to be *love*. This change is striking, since nowhere in the *Nova Methodus* is love mentioned in relation to jurisprudence. But the themes of love and justice will become fundamental and permanent elements of Leibniz's practical philosophy.

¹⁶⁶ As Russell holds, for example, in *The Philosophy of Leibniz*, p. 197.

¹⁶⁷ A good example is René Sève, in his *Leibniz et l'école modern du droit naturel*.

CHAPTER TWO: JUSTICE, LOVE, AND THE MODES OF RIGHT IN THE *ELEMENTA JURIS NATURALIS*

Chapter sections:

1. Introduction to chapter and to the *Elementa*: objections to Grotius
2. *The just* as equity; *justice* as virtue of the mean
3. Right, just, justice, and the nature of love
4. The normative logic of right
5. Demonstration of the proposition, ‘*Vir bonus* is one who loves everyone’
6. Concluding considerations

Section 1: Introduction

Leibniz’s *Elementa Juris Naturalis* (1669-71) consists on the whole a series of attempts (in six drafts) to develop a satisfactory account of justice (*justitia*). Written for the purposes of completing a legal reform project, its motivating conceptual principle is to provide an answer to Carneadean skepticism about justice. Carneades supposedly said that either justice does not exist, because there is only self-interest, or justice is folly, since it enjoins one to do good for others at one’s own expense. Leibniz responds by showing how one’s own good can be consistent with another’s good. The consistency lies in the nature of justice, which, rightly understood, is love. In the process of working out this problem, the *Elementa* continues to develop the themes initiated in the *Nova Methodus*--method, moral quality, right, obligation, the just, and justice—but refines and takes them in new directions. The overall result is a deeper understanding of how the moral qualities of right and obligation form the grounding principles of these developments and of Leibniz’s practical philosophy in general.

Since the developments in the *Elementa* are lengthy and complex, it is necessary to summarize briefly the main points of each Draft. In Draft 1 Leibniz discusses two important disagreements with Grotius, one regarding Carneades’ skepticism about justice, and the other regarding whether the just (*justum*) depends on God’s existence. In Drafts 2 and 3 Leibniz attempts to resolve the first disagreement by defining the just as a mean proportion between own and other good. Justice (*justitia*) is then defined, eventually, as a *virtue* to the mean proportion. In Draft 4, these definitions are subjected to additional scrutiny and lead to the most important development: the essence of justice is “deduced” and found to be *love*. This is because to love means, “to find pleasure in the happiness of another.” Thus, the solution to the Carneadean problem of justice is that both the good for oneself and that of another are found in love. This development is of major importance for three reasons: (1) Leibniz provides a much more detailed account of his method of definition and demonstration than he had provided in the *Nova Methodus*; (2) For the first time the themes of love, pleasure, and happiness become central to Leibniz’s practical philosophy; (3) This deduction refines the definitions of *right*, *just* and *justice*, since *right* is defined as ‘the power to do what is just’; *the just* is defined as proportional love; and *justice* is defined as ‘the habit of doing what is just’ (loving everyone proportionally).¹

¹ It is very important throughout these developments to distinguish the concepts of right (*jus*), just (*justum*),

In Drafts 5 and 6 Leibniz then applies these developments to the concept of the Aristotelian *phronemos* (*vir bonus*) i.e., “the good person.” Several important, complex, and barely explained moves are made here. The moral qualities of right and obligation (*ius* and *obligatio*) become the moral qualities of the good person. The *good person* is defined as “one who loves everyone,” and *justice* becomes “the habit of loving everyone.” This leads to two additional developments: (1) Leibniz’s invention of a normative (i.e., deontic) logic for the “good person.” In other words, moral *potentia* and *obligatio* become the basis for a normative logic of *possibility* and *necessity* for the good person. (2) Leibniz “demonstrates” the proposition “the good person is one who loves everyone.” This demonstration consists of a long “definition chain” that leads to the notions of universal harmony and perfection, among others. In sum, the moral qualities of right and obligation are shown to form the grounding principles of the definition of justice as the habit of loving everyone, and therefore the grounding principles of Leibniz’s practical philosophy. Not only does Leibniz solve the Carneadean problem through the definition of love, but the definition of justice as the virtue of loving everyone merges naturally with the justificatory principles of subjective right. In other words, the major developmental move here is that the *moral power and necessity* of rational substances becomes the *virtue* of justice, that is, the habit of loving everyone.

Leibniz begins Draft 1 of the *Elementa* by disagreeing with two key points Grotius makes in the prolegomena to *De Iure Belli ac Pacis*. The first is Grotius’ disagreement with Carneades’ skepticism about justice:

Grotius in his prolegomena introduces the Carneadean assertion that *either justice does not exist or it is the greatest folly, since it advises harm to oneself for the sake of caring for others.*² Grotius denies it is folly to care for another at loss to oneself. I [however] do not doubt that this is foolish; indeed, if this is not foolish then nothing is. What indeed, I beg, is foolish if not the neglect of one’s own utility? More right is Cicero, who denies that utility must be separated from honor.³

Leibniz thinks that Grotius holds that justice means neglect of one’s own utility. So, he opposes Grotius with his unwavering (Ciceronian) conviction that one’s own utility is consistent with public utility (i.e., with honor). Showing how these can be consistent is the central problem to be resolved in the *Elementa*. At this point, however, it is unclear why Leibniz disagrees with Grotius, since their views are actually quite similar. In fact, to understand what is at stake in Leibniz’s disagreement with Grotius, it is best to turn to Grotius himself.

In his prolegomena, Grotius attributes two claims to Carneades: (1) since “laws

and (*justitia*). That these have not been properly distinguished in English translations of the *Elementa* is the cause of some important misunderstandings, as I will point out.

² We have no writings from Carneades, but discussions on his arguments on justice are found in Lactantius, *Institutiones Divinae*, lib V cap. XV, and in Cicero’s *De Republica*, lib. III.

³ A.6.1.431: “*H. Grotius proleg. introducitur Carneadem asserentem justitiam aut nullam aut summum esse stultitiam, quoniam sibi noceat alienis commodis consulens. Grotius negat stultum esse alienis commodis suo damno consulere. Ego non dubito quin hoc stultum sit, adeo ut nisi hoc sit stultum nihil sit stultum. Quid est enim obsecro stultitia nisi negligentia . . . propriae utilitatis. Rectius Cicero negat utilitatem ab honestate se jungi debere.*”

were instituted by men for the sake of interest” and since interest is variable across times and places, universal justice does not exist (GR. 79 sec v). (2) “Natural law is a chimera,” if it means seeking the good of others, since, “nature prompts all men, and in general all Animals, to seek their own particular advantage.” Thus Carneades concludes (according to Grotius) “either there is no justice at all, or if there is any, it is extreme folly, because it engages us to procure the Good of others, to our own prejudice” (GR 79).⁴ In other words, Carneades holds that since it is human nature to seek one’s own advantage, and since justice demands that one act against one’s own advantage, justice is folly. To oppose these claims Grotius asserts this universal principle:

Now amongst the things peculiar to man is the Desire of Society, that is, a certain inclination to live with those of his own kind, not in any manner whatever, but peaceably and in a community regulated according to the best of his understanding; which disposition the Stoicks termed *Oikeion*. Therefore, the saying that every creature is led by Nature to seek its own private advantage, expressed thus universally, must not be granted. (GR 79-81)⁵

This inclination or desire for society, he goes on to claim, allows us to act both in the interest of ourselves and others. Grotius is not explicit, but his argument against Carneades seems to be this: (1) the social inclination is universal human nature (and the laws of reason that enable us to achieve society are also universal); (2) the social inclination means that we seek our own good as well, since our own good is fulfilled in the natural inclination for society. Therefore, we do not merely seek private advantage. Furthermore, since justice demands that we seek the good of others, and since the good of ourselves is fulfilled in this demand, justice is not folly. Carneades is entirely wrong.

Grotius’ argument should in fact be quite agreeable to Leibniz, insofar as it makes one’s own good compatible with another’s good. But Leibniz seems to think that Grotius has not done enough. What he really objects to is Grotius’ denial above that “every creature is led by nature to seek his private advantage.” He seems to take Grotius to mean that justice entails the exclusion of one’s own advantage (although, on a charitable reading, Grotius does not mean this). Yet Leibniz will forever insist, not simply that it is folly *not* to seek one’s own advantage, but that it is *impossible* not to seek one’s own advantage. The real issue for Leibniz is that Grotius has not sufficiently explained—that the inclination for society does not sufficiently explain this: how one can act for another’s good while simultaneously acting for one’s own good. That is, for Leibniz the social inclination does not really explain how egoism and altruism can be consistent. Furthermore (as can be gathered from the rest of the *Elementa*) it seems that Grotius does not sufficiently explain just *how much* of one’s own good is consistent with another’s good. Nor does Grotius explain how these inclinations, or any others, may be effectively

⁴ Grotius also opposes here a view stated by Horace, which is that “by naked nature was never understood what’s just and right.” As Grotius will go on to show, our natural sociability, conformable with reason, is the “fountain” of just and right.

⁵ GJ prolog. 6: “Inter haec [actiones] autem quae homini sunt propria, est appetitus societatis, id est communitatis, non qualiscunque, sed tranquillae & pro sui intellectus modo ordinatae cum his qui sui sunt generis quam οικειοσυν Stoici appellabant. Quod ergo dicitur natura quodque animal ad suas tantum utilitates ferri, ita universe sumtum concedi non debet.”

regulated. As we will eventually see, Leibniz thinks he has a solution to these problems. When we understand that the nature of justice is love (and when we understand the nature of love, and of pleasure, and finally of *perfection*), there will be no dichotomy between one's own good and another's, nor between private utility and honor. Leibniz may also have in mind that the social inclination is an *empirical fact* about a general tendency in human nature. But for Leibniz, whatever *our* nature is, the nature of justice as love is discovered through a wholly *a priori* investigation, revealing moreover the very idea or form of justice, not merely a general tendency of human nature. For Leibniz, the science of justice (or what he actually calls in Draft 4 "the science of right") is not an empirical, but an *a priori* science.

Leibniz's second disagreement regards Grotius' famous claim (in sec. XI of the prolegomena to *De Iure Belli ac Pacis*) that the laws of our nature and the rules of natural right would hold even if God did not exist. As Grotius himself writes: "And indeed, all we have now said would take place, though we should even grant, what without the greatest wickedness cannot be granted, that there is no God, or that he takes no Care of human Affairs" (GR 89).⁶ This passage is widely recognized as one of the main reasons Grotius is said to have inaugurated the Modern era of natural law.⁷ Leibniz's take on this passage is this:

Grotius writes in the prolegomena: The just is what agrees with human nature, which however is congruent with the maintenance of society. . . . The just will have been what concerns the preservation of society, even if God should not exist.⁸

Leibniz takes Grotius to hold that *what is just (iustum)* is the preservation of society; thus, an act that preserves society would be just, with or without God making it so. Leibniz however objects to this position mainly for the reason that if God did not exist an important motivational factor would be lost, namely, divine sanction:

To this I cannot assent, generally, that there yet be something just without God. For, to sacrifice oneself for the health of one's country would be foolish, if there were no reward to be hoped for beyond death.⁹

And then, "Nothing foolish is just."¹⁰ Leibniz implies here that it is just to sacrifice oneself for the good of one's country, but only as long as it results in some good for oneself, namely, some reward after death. But if we suppose God does not exist, then we would have no reason to expect a reward after death. Without God, then, Carneades would indeed be right: justice would be folly, since it would mean acting for the good of others at one's own expense.

⁶ GJ prolog 9: "Et haec quidem qua iam diximus, locum haberent etiamsi daremus, quod sine summo scelere dari, non esse Deum, aut non curati ab eo negotia humana."

⁷ See Schneewind, *The Invention of Autonomy*, p. 73.

⁸ A.6.1.431: "Iustum est quod convenit naturae humanae, ei autem congruit societatis custodia. . . . Iustum fore, quod societatis conservandae interest, etiamsi nullus esset DEUS."

⁹ A.6.1.431: "*Hoc assentiri non possum*, generaliter esset tamen aliquid iustum nullo dato Deo. Nam morte sua redimere salutem patriae, stultum est si nullum est praemium sperandum ultra mortem."

¹⁰ A.6.1.431: "Nihil autem stultum iustum est."

To conclude Leibniz's objections to Grotius, two important qualifications should be made: (1) If it appears that in his objections Leibniz favors egoism (one's own good) over the good of others, it is only because he really thinks that we have not yet discovered the right means for determining the right balance of good. (2) We should not confuse the *motivation* to be just with the objective *grounds* of the just. On one hand *the just* depends on God, but only insofar as God's sanction is an effective motivation to be just. It is true that Leibniz often leans heavily on divine punishment. He frequently asserts, although not so much in the *Elementa*, that the proofs for God's existence and the immortality of the soul are the true demonstrative grounds of jurisprudence, morality, and justice. However, these proofs serve *only* as assurances that acting with justice will be rewarded eventually, and that just conditions will eventually obtain. This motivational assurance, however, does not determine the *objective* ground of what is just. As we have seen in the *Nova Methodus*, *the just*, defined as public utility, is derived from the definition of right. But *the just* is also defined (as suggested here, and as will be worked out) as an equitable proportion between the good for oneself and another. Leibniz even rejects the fear of punishment as a sufficient determination of what is just. Justice, moreover, is defined as the virtue of loving everyone. Despite Leibniz's objections to Grotius, these definitions do not depend on divine punishment, nor, for that matter, do they depend on God at all. But to understand these definitions correctly, we must set aside these preliminary considerations and turn to Draft 2, where Leibniz begins to work out the definitions of *justum* and *justitia*.

Section 2: The just as equity; justice as virtue of the mean

Leibniz's methodological preoccupation with definitions shows itself prominently in Draft 2 of the *Elementa*. Most of the draft consists of an effort to determine which sorts of acts are properly categorized in terms of the three degrees of natural right (*strict right, equity, and piety*) that Leibniz had introduced in the *Nova Methodus* (§73). Interesting as this is, I shall focus rather on the sets of definitions with which the draft begins and ends. These involve the definitions of 'the just' (*iustum*) and 'justice' (*iustitia*). These two concepts, important to distinguish, are related similarly to the way that public utility and right (*ius*) were related in the *Nova Methodus*. That is, *public utility* designated an objective condition (i.e., what is just), whereas *right* designated the subjective capacity to do what is just. In Draft 2 of the *Elementa* we are led through two main developments. (1) *The just* is not defined simply as public utility, but as an equitable proportion between one's own good and another's. (2) *Justice* is defined variously, but essentially as the virtue *to do what is just*. Justice is defined as prudence, then as the constant will to bring about a balance of felicity, and then, in Draft 3, as a virtue to the mean proportion of good. In Draft 3, justice is defined as a mean in affections between love and aversion toward another. Much in these drafts is trial and error. However, they effectively show how Leibniz is led to the concept of love.¹¹

Draft 2 begins by defining 'the just' as a proportion between one's own advantage (*lucrum*) and another's: "*The just* is my advantage not connected with the disadvantage of another." *Unjust* is then defined as the logically equivalent inverse: "*Unjust* is my

¹¹ In Section 3, we will examine Draft 4, where Leibniz offers a rigorous argument for his conclusive definition of love.

advantage connected with the disadvantage of another.”¹² *Advantage* is “the positive acquisition of an absent good and/or the positive removal of a present evil,” while *disadvantage* is “the positive removal of a present good or the positive occurrence of an absent evil.”¹³ Also useful to note is the definition of misery (*miseriam*) as “the condition in which the aggregate of evil is preponderate over the aggregate of good.” Defining ‘the good’ would seem to be appropriate here, but Leibniz does not do this, at least not yet. But it is not critical at this point, since all he is concerned with is to work out the correct proportion of the good, whatever the good turns out to be. In sum, *the just* at this point is defined as an advantage to oneself that does not result in harm, disadvantage, or misery, for another. Note that so far Leibniz is concerned only with defining a just *condition* or a just *action*, not with defining a just *person*, or a just *intention*. The latter two will concern the definition of justice. It should also be noted that this definition of the just is consistent with the first degree of natural law (*jus strictum*), whose precept is *harm no one*. Thus, it marks out a rather minimal condition for the just, one that Leibniz will now seek to move beyond.

To make this move Leibniz now defines *justice* as if its definition were a direct consequence of the preceding definition of *the just*. In a way it is; but actually, he makes two important additions: one that indicates the kind of thing that *justice* is, and the other that expands the kind of thing the *just* is.

So therefore justice is the *state of mind* [my emphasis] not to harm anyone unnecessarily; but something is still to be added. Without a doubt, the just man ought not to harm another unnecessarily, but also to help another: first, when he can relieve the misery of another, without suffering misery himself; second, when without neglect to his own advantage he can remove the disadvantage of another; and third, when without neglect to his own advantage he can seek the gain of another.¹⁴

The passage makes basically two claims: (1) Justice is a state of the mind or soul. Since *the just*, as has been defined, is the condition in which one’s own advantage is not connected with another’s disadvantage, *justice* must be the state of mind or soul to bring about this condition. This idea, that justice is an animus of some sort (or a disposition) to do what is just, will be developed further. (2) The just, as has been defined, means not to harm another (essentially, the precept of strict right). But now the just means *also* to promote another’s good.

However, we should wonder at this point how Leibniz thinks he can move from the obligation not to harm another to the obligation to help another, for Leibniz does say we are “obliged” on both accounts. But the passage, along with the preceding definitions,

¹² A.6.1.433: “*Iustum est lucrum meum cum non lucro alieno indemnitas. Injustum est lucrum meum cum damno alieno.*”

¹³ A.6.1.433: “*Lucrum* voco hic omnem boni absentis positivi acquisitionem, aut mali praesentis positivi amotionem. *Damnum* voco omnem boni praesentis positivi remotionem, aut mali absentis positivi adventum.”

¹⁴ A.6.1.433: “*Ut ergo justitia sit animus nemini sine necessitate damnosus, sed addendum adhuc est aliquid. Nimirum justis non tantum non nocere alteri debet, sine necessitate sua, sed et juvare alterum, primum cum sine miseria sua miseriam alterius redimere potest, deinde cum sine cessatione lucri sui damnum alterius redimere potest, tertio cum sine cessatione lucri sui alteri lucrum quaerere potest.*”

indicates that the move can be made in several gradual steps or degrees. First, I am not obligated to harm you, unless you harm me without cause of self-defense (an unnecessary harm is one that is not done for self-defense). Nor am I obligated to relieve harm to you, if relieving your harm causes harm to me.¹⁵ At this level the relation of good (not being harmed) between self and other is equal, and so is the obligation. On the second level, however, if you are suffering some disadvantage while I am not, *and* I can help you out of it without disadvantage to myself, then the relation of good is unequal. Furthermore, under these conditions, my refusal to help you is the cause of your continual disadvantage. Therefore (as long I am not harmed) I am obliged to remedy the imbalance of good and to help you. Once that obligation is established, one can then establish an obligation to *promote* another's advantage, even if the relation of good is already equal. This follows from the above definition of disadvantage. Since 'disadvantage' means "the absence of a present good," my failure to promote your good results in a disadvantage to you, and thus an imbalance of good. Thus (as long as I am able to help you and I suffer no disadvantage in doing so), I am obligated to rectify the imbalance by promoting your advantage. Such a balance of good Leibniz will call 'proportional', 'equitable', or simply 'just'. In this way Leibniz moves in gradual steps from the obligation not to harm another to the obligation to promote another's good. The consistent thread through each step is that while no one is obligated to undergo harm or disadvantage, the general good is promoted, and a just or equal proportion of good is maintained.¹⁶

It appears, then, that from these results we can infer the following definition of justice: *justice* is the state of mind not to harm another, and to help another as long as one is not harmed. Essentially, justice must be the *animus* (or disposition) to serve both one's own and another's good. It might also seem then, that Leibniz has just solved the Carneadean problem, since justice now includes both the good for oneself and another. However, this conclusion would be premature, since Leibniz must still determine what a just good is and how one can be motivated to be just.

Toward this end, and after some reflection on the causes of compensation involving benefit and harm, Leibniz sees that justice can be defined in terms of *prudence*: "Justice is prudence in helping or harming others."¹⁷ To understand this better we need to see that he also makes a slight adjustment in the definition of 'the just':

The doctrine of the just and the doctrine of duties are the same, namely, [they consist of] what one person can with reason desire from another. 'With reason' means that it may be shown either that my good does not harm him or that my evil harms him.¹⁸

¹⁵ As Leibniz asserts a bit further down, one is never commanded (*imperari*) to aid another at loss to oneself.

¹⁶ As we will see in Chapter Six, in the *Meditation* Leibniz makes a virtually identical "argument by degrees," although he calls these degrees "causes of complaint." He uses them as the basis for a "nominal" definition of justice: "the constant will to act in such a way that no one has reason to complain of us." They also imply his unique version of the Golden Rule.

¹⁷ A.6.1.434: "Justitia est prudentia in aliis juvandis aut laedendis."

¹⁸ A.6.1.435: "Doctrina de iusto et doctrina de officiis eadem est, scilicet quid persona a persona cum ratione desiderare possit, cum ratione, id est . . . ut vel ostendatur ei non nocere bonum meum, vel ostendatur ei nocere malum meum."

To see how this passage implies prudence, we can understand it this way: *The just* here means a relation with others, such that one's desires and reasons for action are those which another person would either accept or reject. The *form* of acceptance and rejection is taken by reward and punishment: when our desires are harmless, they are accepted and we are rewarded; when they are harmful, they are rejected and we are punished. Thus, *the just* depends greatly on how others would respond to us in the form of rewards and punishments. This is where prudence comes in: to judge matters correctly, we need to *know* how others would respond to us in this way; and this knowledge is simply prudence. Now we can see how *justice* is prudence. Since *justice* is a state of the mind or soul (*animus*), to do what is just, it must be the state of knowledge about how to act justly, that is, the state of mind of dealing in rewards and punishments. As Leibniz puts it: "So that therefore Justice is prudence, for which we do not harm others because of the penalty and we help them because of the reward."¹⁹ Also,

Generally: *Justice* is the prudence in bringing about the other's good (or not his evil); and by declaring this intention to bring about one's own good (or not one's evil) that is, an award to attain or a punishment to avoid.²⁰

With this definition we have arrived at justice as prudence, as the practical knowledge and desire to attain one's own good. This turn to prudence however does not prove definitionally fruitful. *Reward* and *punishment* are then defined by pleasure and pain; and these in turn are defined as "Good" and "Evil," bringing Leibniz to recognize that "we are going around in a circle."²¹

Clearly, Leibniz is defining justice in terms of Aristotelian prudence (*phronesis*), although arguably more ego-centered and retributively-based.²² This is, however, only a step along the way. Leibniz does not intend to define justice *as* prudence, but rather to defeat the Carneadean problem by showing that justice is *consistent* with prudence; thus not folly. He further intends to move away from the implied egoism by defining justice as a virtue of the mean, and eventually, in Draft 3, as the virtue of friendship. This development passes through several stages, beginning with a new set of definitions (on art, science, knowledge, opinion, wisdom, etc.) appearing at the end of Draft 2. We can focus on the following:

Prudence is the judiciousness about what is good and bad.
Virtue is the readiness to act well.

¹⁹ A.6.1.435: "Ut ergo tandem Iustitia sit prudentia, qva non nocemus aliis poenae, prosumus praemii causa."

²⁰ A.6.1.435: "Generaliter: *Iustitia* est prudentia in efficiendo aliorum bono aut non efficiendo malo boni sui hac animi declaratione efficiendi, aut mali sui non efficiendi (id est praemii assequendi aut poenae vitandae) causa."

²¹ A. 6.1.435: "Redeamus in circulum."

²² See Aristotle's initial characterization of prudence (*phronesis*, often translated as 'practical wisdom'): "Now it is thought to be the mark of a man of practical wisdom to be able to deliberate well about what is good and expedient for himself . . . about what sorts of things conduce to the good life in general"(AE.5.5.1140a). Also, "Practical wisdom is the quality of mind concerned with things just and noble and good for man, but these are the things which it is the mark of a good man to do" (AE.5.6.1143b21). Leibniz defines 'prudence' in a slightly different context, as part of a long series of definitions in Draft 3: "Prudentia est ars vivendi, seu ars procurandae sibi felicitatis" (A.6.1.457).

Vice is the readiness to act badly; or better: the former is the inclination for the good, and the latter for the bad.

Moral virtue is the virtue of the will.

Justice is the virtue to will what is just (or to cite from ‘virtue,’ since the good of the will appears to be taken from the just, then) *justice* will be the readiness to will what is just.²³

Justice is now the readiness or inclination (both terms are used) to will what is just. Note that it is not simply the readiness to *do* what is just, although that is important, but the readiness *to will*. When it comes to justice, intention matters.

But now, the definition of *the just* undergoes a change, and the result is quite significant. Leibniz addresses two main problems here: (1) if *justice* is defined in terms of prudence, and it is supposed that God does not exist, then *the just* will be whatever can be sought with impunity.²⁴ In other words, the just will be whatever one can get away with, self-interest will be primary, and this cannot be right. (2) On the other hand, if we consider whether *the just* is public utility, there is also a problem, since:

it then follows it will not be just to prefer to save myself over a thousand others; and thus it will be obligatory to offer oneself up for eternal damnation, so that the well-being of others is attained; which however no one will say is done by right.²⁵

In sum, if *the just* is to be determined by prudence, then the result is *too much* good for the individual. If the just is to be determined by public utility, the result is *too little* good for the individual. This must mean that some sort of “right” proportion is required. Leibniz then considers the following:

The just is for each one to do what he would want everyone should do. Or, so that everyone provides for another, what one would want another to do for oneself, where this involves wanting from another only as much as one is prepared to provide to the other.²⁶

It appears that something like the so-called Golden Rule determines the sought-after proportion of good. Although here Leibniz makes no grand pronouncement about the Rule, he will return to it repeatedly, as we will see. Nevertheless, his use of this rule

²³ A.6.1.454: “*Prudentia* est judiciositas circa id quod bonum malumve est. *Virtus* est promptitudo bene agendi. *Vitium* est promptitudo male agendi, vel potius inclinatio ad bonorum, hoc ad malum. *Virtus* moralis est virtus volendi.

Justitia est virtus volendi quod justum est, vel pro virtutis voce, quia bene volendi esse ex justis adjecto apparet, erit *justitia* promptitudo volendi quod justum est.”

²⁴ A.6.1.454: “Iustitiam a prudentia definire debes. An non valde ambiguum est, si ponatur nullus esse DEUS. Iustum erit, quicquid impune sperari potest, si a prudentia definienda justitia est.”

²⁵ A.6.1.454: “Sin non est a prudentia definienda justitia, a quo ergo, an a bono publico, tunc sequetur justum non esse se quam mille alios salvum malle, ac proinde debet et aliquis etiam aeternae damnationi se offerre, ut aliorum salutem procuret, quod tamen nemo jure fieri dixerit.”

²⁶ A.6.1.454: “Seu justum est ut faciant singuli quod factum vellent ab universis. Seu ut quisque alii praestet, quod vellet ab alio factum sibi, et tantum quisque velit ab alio, quantum eidem praestare paratus est.”

establishes three important positions: (1) *the just* involves a mean between the extremes of own good and public good; (2) to judge this mean properly, one must consider one's own desires in relation to everyone's ability to meet them; this way, one will not desire too much nor too little, nor receive too much nor too little, of what is good;²⁷ (3) Leibniz is now speaking of *affects*, namely, desires, and their satisfaction, as components of the just. This provides a more specific idea of just what "the good" is that has been mentioned all along. The good (at least at this point, and in one respect) is *the satisfaction of one's desires*, in relation to the desires of others. And this satisfaction is called *felicity*. Actually, it is most appropriate to define *the good* as thoroughly-considered desire.²⁸ But *the just* then must be defined as the good in relation to another's good.

These results explain why Leibniz then goes on to define justice in the following way. If *the just* consists of a mean satisfaction of desires, and the satisfaction of desires is the same as happiness, and *justice* involves the *animus* to be just, then justice will be "*the constant striving for the common felicity, while preserving one's own.*"²⁹ This definition of justice brings together several developing notions: prudence, the good of everyone, felicity, and finally virtue. The term *common felicity* encompasses the just, while "constant striving" implies that justice is a virtue. Thus, and to conclude Draft 2, justice becomes *the virtue* of the mean proportion:

Here is it clear that the matter cannot be sufficiently settled on proportion, any better than by the virtue to the mean. Hence the measure of ends and affects will be the same, so that they do not conflict with the reason of men, so that where their own felicity is preserved, they may take care that others live as happily as possible.³⁰

Although Leibniz's account is somewhat sketchy, he seems to have this in mind: The notions of "constant striving" and "affect" imply that justice is a disposition or virtue, specifically, the virtue to bring about a just condition. The just condition consists in a mean proportion of felicity, and the common felicity is the end of action. In other words, *the just* (*justum*) is a mean proportion of good (the good in relation to another's good). *The good* (*bonum*) is thoroughly-considered desire. So *justice* (*justitia*) is the virtue of a mean in thoroughly-considered desires. In brief, justice is the virtue of bringing about the common felicity. This ends Draft 2.

²⁷ Leibniz will further refine this criterion in terms of "the place of others," as we will see in later chapters.

²⁸ Leibniz in fact defines 'the good' and 'felicity,' quite briefly and as part of long set of definitions in Draft 3. "Felicitas est status voluptatis sine dolore." "Voluptas est quod appetitur propter se." "Bonum est quod appetit qui pernoctat" (the good is what one desires that one has examined well) (A.6.1.457).

²⁹ A.6.1.454: "*Iustitia* est constans conatus ad felicitatem communem salva sua." He then offers definitions of *obligation*, *equity*, and *merit*, but which add little. "*Obligatio* est quicquid praestandum est alienae felicitati ut inde redundet ad nostram. Iustum est. *Aequitas* est aequalitas rationis bonorum cum ratione meritorum. Meritum est hoc loco bonum publicum privato connexum. Ut adeo aequitas sit aequalitas bonorum inter plures, salva eorum productione in universum quanta maxima haberi potest." In Draft 3 Leibniz defines 'felicity' only very loosely and insufficiently as *status voluptatis sine dolore* (A.6.1.457). He also introduces a very important term, *conatus*, loosely defined as *initium motis*. This term plays an important role in his metaphysics of substance. But here we must refrain from opening those floodgates.

³⁰ A.6.1.454: "Hinc patet non posse rem satis solide ad proportionem revocari, non magis quam virtutem ad mediocritatem. Cum unica sit mensura finis et affectuum ut rationi non reluctantur hominum, ut ubi ipsa felicitas salva est, curent alios quam maxime esse felices."

This formulation of justice as a virtue involving affects serves to move Leibniz toward considering what sort of virtue justice really is, and what exactly a just condition is. These are important developments toward deciding whether justice involves a mean in *things* or in a mean of *affections*. As we turn to Draft 3, Leibniz again endorses a view he had originally broached in the very last paragraph of his *De Arte Combinatoria* (1666).³¹ There, he had cited Grotius' criticism of Aristotle,³² according to which, Aristotle had miscategorized the kind of virtue that justice is. Virtues generally are means of affections. But Aristotle classifies justice as a mean in *things*, meaning that justice is the disposition to give another her due in things or goods. According to Grotius, this is a misclassification of species (or a category mistake) since, if virtues are means of affections, and justice is a virtue, justice cannot consist in a mean of things. Leibniz, however, claims that justice *can* be understood as a mean of affections, although in the *De Arte Combinatoria* he does not explain how. But in the *Elementa* he does, and moreover he hits upon the theme that will become a central and permanent component of subsequent definitions of justice.

Aristotle has arranged all the virtues in a certain moderating affection, with the sole exception of justice, which is concerned with a medium of things. But if you will have examined [the matter] more closely, you will learn that justice is the moderator of love and aversion of a man toward other men. Nor indeed must we love one so that we harm another; nor hate one more than required of another. Now there are two rules for moderating these affections: 1. Harm no one. 2. Help everyone, so far as not to harm a third. In the former rule Justice is founded; in the latter is *Friendship* or *Equity*.³³

Presumably, Leibniz thinks that the right kind of affection toward others will result in the right kind of action. However, he also seems to think of these “two rules” he cites here as *regulating* the affections. This is an important point. Notably, these two rules correspond to the first two degrees of natural right, i.e., *strict right* and *equity*. He also goes on to say that only the first rule may be enforced or regulated, while the rule of helping (characteristic of friendship) may not be.³⁴ This is quite sensible, since it does not seem possible legally to enforce affections. At the same time, affections require some kind of rule, and Leibniz will be forever seeking the right rule for them. But the most significant development in this passage is the implicit introduction of the notion of practical love.

³¹ A.6.1.229-30. Also, I cite most of this passage in Chapter One, on discussion of §14 of the *Nova Methodus*.

³² GJ prolegomena sec. 44-45. Virtue as a mean in affections is discussed by Aristotle in AE 1106a15-1106b. Justice as a mean of things may be seen, roughly, at 1133b33. I do not address whether Grotius or Leibniz's understanding of Aristotle is accurate. Busche remarks that Leibniz's claims are hard to verify from Aristotle's text (B 460, fn. 119).

³³ A.6.1.455: “Aristoteles collocavit virtutes omnes in affectu quodam moderando, solius justitiae medium in rebus tantum quaesivit. At si acutius introspexeris, comperies justitiam esse moderatricem amoris atque odii hominis erga hominem. Neque enim unum ita amare debemus, ut alteri noceamus; neque unum ultra odisse, quam alteri opus est. Duae sunt autem Regulae Affectus huius moderandi, I.) neminem laedere, 2.) cuique quousque alius non laeditur prodesse. In illo *Iustitia* fundatur, in hoc *Amicitia* seu *Aequitas*.”

³⁴ A.6.1.455: “Licet autem impedire laedentem, non me tantum, sed alium. Ad juvandum alios cogi non possum, regulariter.”

Justice must (and will always) involve this kind of affection.³⁵ Although he speaks here of *amicitia* or friendship³⁶ he will more often speak of love generally as *amor*, and in later texts as *caritas* or brotherly love. But this definition of justice as the moderating affection of friendship appears to be the starting point. And it brings about yet another re-definition of *the just*.

The just is not accurately enough defined as the publicly useful, since it may be permitted to prefer the ruin of many to my own ruin. The just is either necessary or harmful for no one. The just is the balanced relationship between the love of myself and the love of neighbor.³⁷

It turns out that public utility may allow for a disproportionate preference, since, it can happen that others will be somewhat worse off in order to provide a necessity for oneself. Thus *the just* is now defined in terms of balanced and reciprocal love (*amor*). Leibniz appears to be moving away from any definition in terms of egoistic prudence, since love is somehow the right moderator of both ends and affections. The right *end* is doing the just for its own sake, and the right *affection* is love: “Justice is the will to do what is equitable because it is equitable. It is the virtue of love or friendship.”³⁸ *The equitable* is defined once again in terms similar to the Golden Rule: “The *Equitable* is to grant to the other as much as one would demand from another.”³⁹ The main idea at this point seems to be that *justice is the virtue of equitable love*. What remains to be worked out is how the affection of love is a good both for oneself and another.

Before we further develop the definition of justice in terms of love, an important side issue needs to be addressed. Despite these clarifications and developments, a difficulty arises in Draft 3 pertaining to whether strict right must be subordinate to equity. As we saw in the *Nova Methodus*, Leibniz was clear that strict right was subordinate to *public utility*.⁴⁰ But now with a new set of considerations in the *Elementa*, namely, that the just is often defined in terms of *equity*, the question must be raised anew. At first it is held that strict right may not be violated; however, there seems to be an exception.

It is not permitted to violate strict right for the sake of equity, unless there is certain expectation of victory and maintaining it. So for example a penniless man has not the right to take down and plunder a greedy rich man; also peasants have not the right to rob the rich. However, if there were a thousand peasants, there is no doubt that they would have the right to free themselves from a general state of emergency, only if they were certain, that not a still greater unhappiness (misfortune) would follow, as could be expected from the license and confusion of these men.⁴¹

³⁵ The reason why will become clarified in Draft 4.

³⁶ Probably following Aristotle in Book 8 of N.E.: “and when men are friends they have no need of justice.”

³⁷ A.6.1.455: “*Iustum* non satis accurate definitur publice utile, cum liceat multorum interitum meo praefere. *Iustum* est quicquid aut necessarium aut nemini damnosum est. *Iustum* proportionale inter amorem mei et proximi.”

³⁸ A.6.1.455: “*Iustitia* est voluntas agendi quod aequum est, quia aequum est, virtus amandi seu amicitiae.”

³⁹ A.6.1.455: “*Aequum* est tantum quemque concedere alteri, quantum ab altero posceret sibi.”

⁴⁰ A.6.1.301. §14, as cited in my Chapter One, Section 3.

⁴¹ A.6.1.456: “*Ius strictum* aequitatis causa violare non licet, nisi certa spe victoriae, et obtentionis, v.g.

This example illustrates the difficulty of reconciling strict right in its private application with the public good. On one hand, as established in the *Nova Methodus*, strict right is closely tied to the right to property, the violation of which constitutes harm and authorizes the right of war. It is not to be violated, even if the violation were to result in the gain of the poor person at no loss to the wealthy person. On the other hand, if a sufficiently large number of persons were suffering due to no fault of their own, then they would have the right to violate the strict right of others to obtain their needs, as long as this does not result in more harm. Leibniz is not explicit, but what legitimizes the violation of strict right in this case appears to be strict right itself: since the essential function of strict right is to preserve life, the right of a few may be violated in order to preserve the lives of many, such as in cases of extreme need.

This position however is not unique to Leibniz, since it is consistent with what other natural lawyers, including Suarez and Grotius, had called *ius in extremis*.⁴² This was the claim that in times of extreme public need, such as natural disasters, private right would be abolished and all things would revert to common. However, there are reasons to think this was not Leibniz's definitive position. As Busche speculates, Leibniz likely recognizes that the appeal to equity would eventually lead to the annulment of private rights, which he sought to maintain; thus the question then becomes whether the higher levels of right really can supersede the lower.⁴³ Busche also speculates that Leibniz would allow the violation of *certain* rights, such as rights to property, but killing to attain another's property, even in cases of extreme need, would always be forbidden. Therefore, strict right is to be preserved *for the most part*.⁴⁴ Leibniz likely also sees that if the public good too-easily supersedes private good, then Carneades would be right: justice would be another's good at the expense of one's own. In any case, the precise conditions under which strict right may be violated remain unresolved, for Leibniz. We can conclude Draft 3 by keeping in mind these developments: the just is defined in terms of a mean proportion similar to that of the Golden Rule; while *justice* has been defined as the mean in affections between love and aversion concerning others. But to understand the nature of love and *precisely* how it resolves the dichotomy within justice (that is, the dichotomy between selfish and benevolent interests) we must now turn to Draft 4.

Section 3: Right, just, justice, and the nature of love

Draft 4 is the most important and complete (that is, conceptually and stylistically complete) draft of the *Elementa*.⁴⁵ In it Leibniz further develops his definition of justice

uni mendico divitem avarum involare, et depraedari ius non est, nec rusticis divites destruere. At si centena millia rusticorum sapientum dari possent, non est dubium quin recte se à miseria publica liberarent, si certi essent non securam majorem quae à licentia confusioneque eorum hominum expectanda est.”

⁴² See Haakonssen p. 1320

⁴³ B xcvi-iii.

⁴⁴ See Sève (1983) for some question about this.

⁴⁵ Loemker's 1969 translation of the *Elementa Juris Naturalis* (*The Elements of Natural Law*) consists only of Draft 4, and this remains the only published English translation of any portion of the *Elementa*, aside from a few brief passages appearing in a few articles, e.g., Mulvaney (1968). My emendations to Loemker's translation are indicated by brackets. In general, the typical English translation of *ius naturale* is 'natural law,' rather than 'natural right.' This often results in the translation of both *jus* and *lex* as 'law'

by making the “deduction” that the essence of justice is love. He also defines love (*amor*) in terms of pleasure and happiness. Thus, this draft is important to understand how justice relates to the well-known components of Leibniz’s practical philosophy (i.e., pleasure and happiness). But his immediate aim seems to be to solve once and for all the Carneadean problem, i.e., to show more rigorously how justice is compatible with own and other good. Toward this aim, justice will be defined as “the virtue of loving everyone.” Draft 4 also provides a more detailed account of Leibniz’s demonstrative method. The results here will lead to the development in Draft 5 (my section 4) of a normative/deontic logic for “the good man,” who will be defined as “one who loves everyone.”

Draft 4 begins with a sort of grand sweeping narrative about the history, knowledge, and power of mankind—in contrast to our ethical knowledge.

It is obvious that the happiness of mankind consists in two things—[to be able], as far as is permitted, to do what it wills and to know what, from the nature of things, [should] be willed. Of these, mankind has almost achieved the former; as to the latter, it has failed in that it is particularly impotent with respect to itself. For the power of man has certainly increased immensely in the present age . . . [however] everything is clear to man but man. (LL 131-2)⁴⁶

Although our power (*potentia*) has achieved great things, we lack sufficient knowledge of the nature of things, most notably our own nature, to do what is best. Of course, this could be understood in a non-ethical sense: we lack the knowledge of what would make us happy. But it is clear that Leibniz has in mind a normative, ethical sort of happiness, consisting of the knowledge (or science) of doing what is permitted (*licitum*) or just. “The science of the pleasant is medicine, that of the useful is politics, and that of the just is ethics” (LL 132).⁴⁷ Leibniz has in mind to supply the required ethical knowledge by resolving the dichotomy between own and other good: “for those who appraise this matter truly understand that the sciences of the just and the useful, that is, of the public good and of their own private good are mutually implied.”⁴⁸ However, “until now we have not drunk from the true springs of equity and good” (LL 132).⁴⁹ What Leibniz will now endeavor to show is what these true springs are, as they are found in the meanings of *right*, *just* and *justice*.

As we saw in the *Nova Methodus*, Leibniz’s conceived of his “science of jurisprudence” as an a priori science based on definitions. In the *Elementa*, he introduces

when often they must be distinguished. Therefore, I translate *ius naturale* as ‘natural right’ and *jus* as ‘right.’ However, where the context clearly indicates that law in general is meant, and not positive law, then I translate *jus naturale* as ‘natural law.’

⁴⁶ A.6.1.459: “Felicitationum generis humani in eo consistere ut quousque licet et possit quae velit, et sciat quae è re sit velle, manifestum est. Quorum illud pene assecutum est, in hoc deficit nusquam minus potens quam in se ipsum. Constat enim potentiam ejus hac tempestate in immensum auctam esse . . . ; parentque omnia praeterquam homo homini.” For ‘possit’ Loemker has ‘the power.’

⁴⁷ A.6.1.459: “Iucundi scientia Medica est, Politica utilis, Ethica justi.”

⁴⁸ A.6.1.460: “Nam qui rem ex vero aestimant, intelligunt scientiam justi utilisque, id est publici privatique boni sibi invicem implicitas esse.” Loemker has “mutually tied up with each other.”

⁴⁹ A.6.1.460: “Ignoravimus ergo actenus, id est non hausimus, non bibimus veros aequi bonique fontes.”

what he now calls the “doctrine of right,” also as an a priori science based on definitions. However, his methodology is much more refined. The following passages bear citing in whole and commenting on point-by-point.

The doctrine of Right belongs to those sciences which depend on definitions and not on experience and on demonstrations of reason and not of sense; they are problems of [right], so to speak, and not of fact. For since Justice consists in a kind of congruity and proportionality, we can understand that something is just even if there is no one who practices [justice] or upon whom it is practiced. Just so the relation of numbers are true even if there were no one to count and nothing to be counted, and we can predict that a house will be beautiful, a machine efficient, or a republic happy, if it comes into being, even if it should never do so. (LL 133)⁵⁰

Leibniz’s aim is to establish the *a priori* foundations of the doctrine of right, i.e., the principles, methods, and definitions of its basic terms, in advance of fact, independently of existence. In this sense, “the doctrine of right” is a regulative science. Just as mathematical notions, such as congruity and proportionality, can be understood without reference to anything existing, so can definitions of *the just* and *justice*. Although he says that justice *consists* in congruity and proportionality, he does not go on here to define it in those terms. His purpose for making the analogy with mathematical notions is only to assert that just as the mathematical sciences depend on “eternal truths,” so does the science of right.⁵¹

We need not wonder, therefore, that the principles of these sciences possess eternal truth. For they are all *conditionalia*, conditional truths, and treat not of what does exist but of what follows if existence be assumed. They are not derived from sense but from a clear and distinct intuition Plato called an idea, and which, when expressed in words, is the same as a definition. (LL 133)⁵²

The idea that eternal truths are *conditionalia* means that they are the necessary conditions for derived truths, or are the standards by which existent truths are to be measured. For example, the true definition of *the just*, whatever it is, expresses an idea. When this is known, and insofar as the laws of a State conform to it, then its laws will always be just.

⁵⁰ A.6.1.460: “Doctrina Iuris ex earum numero est, quae non ab experimentis, sed definitionibus, nec à sensum, sed rationis demonstrationibus pendent, et sunt, ut sic dicam, juris non facti. Cum enim consistat Iustitia in congruitate ac proportionalitate quadam, potest intelligi justum aliquid esse, etsi nec sit qui iustitiam exerceat, nec in quem exerceatur, prorsus ut numerorum rationes verae sunt, etsi non sit nec qui numeret nec quod numeretur, et de domo, de machina, de Republica praedici potest, pulchram, efficacem, felicem fore, si futura sit, etsi nunquam futura sit.”

⁵¹ Leibniz makes a nearly identical argument some 30 years later in *Meditation on the Common Notion of Justice*, as we will see in Chapter Six.

⁵² A.6.1.460: “Qvare mirum non est harum scientiarum decreta aeternae veritatis esse, omnia enim conditionalia sunt, nec tradunt, quid existat, sed quid suppositam existentiam consequatur: Nec à sensu descendunt, sed clara distinctaque imaginatione, quam Plato Ideam vocabat, quaeque verbis expressa idem quod definitio est.” It should be noted that Leibniz’s usage of “imaginatione” here is rather strange, since for Plato, as well as Leibniz, something imagined is always partly sensible.

Leibniz also seems to think that these eternal truths or conditionalia are much like Platonic ideas. This should raise the question of how Leibniz supposes we are to know what the Platonic idea of justice is, or how we are to get a distinct intuition of it. Yet he never explicitly says that his definition of justice, when offered, is the Platonic idea of justice. Nor does he say that we have immediate knowledge of the true definition. At the same time, he wants to say that if we have a “clear and distinct idea” of something, then we have a true definition. But how do we get a clear and distinct idea, or what he calls here, an intuition? In the following passages, Leibniz indicates some methodological points for doing so. They mainly involve criteria for definition and truth, a method of demonstration, and an “epagogic” induction. First, Leibniz makes a sketchy reference to his (not fully developed at this point) criteria for definition and truth:⁵³

That which can be understood clearly, however, is not always true, though it is always possible; and it is also true, in addition, whenever the only question is that of possibility. But whenever there is a question of necessity, there is also one of possibility; for if we call something necessary we deny the possibility of its opposite. (LL 133)⁵⁴

The passage may be understood this way: To understand an idea or definition clearly (indeed, clearly *and* distinctly) one must know that it is *possible*. A possible definition is one that contains no contradiction among its notions. To determine this requires analysis of the definition—what Leibniz also calls a demonstration (see next paragraph). For example, the definition of *man* as ‘rational animal’ is a possible definition if and only if an analysis of the notions ‘rational’ and ‘animal,’ and any related notions, reveals that ‘rational’ and ‘animal’ are logically compatible. If they are, then the definition is possible. That is, the definition expresses a true idea. However, this does not show that the idea in question refers to an *existing* thing or state of affairs.⁵⁵ It just shows that the idea is clearly and distinctly understood. Furthermore, the above passage implies that definitions are *necessary truths*. This is because definitions are identity statements. That is, a definition posits an identity between the definiens and the definiendum (man = rational animal); and identity statements are necessary truths. What makes an identity a necessary truth is that, implied here by Leibniz, the denial of an identity statement entails a contradiction; and non-contradiction is the principle of necessary truths.⁵⁶ That is to say that the opposite of a contradiction is necessarily true. This explains why, as he says in the passage above, “if we call something necessary, we deny the possibility of its opposite.” To say, for example, that a man is not a rational animal is to say something impossible, since it is to say ‘man is and is not.’ Likewise, therefore, the definition of

⁵³ Leibniz’s more mature views on clear and distinct ideas, necessity, truth, and definition can be found in several papers throughout the 1670’s, as well as in his well-known *Meditationes de Cognitione, Veritate, et Ideis* (1684). I discuss these texts, along with Leibniz’s method of demonstration, in greater detail in Chapter Four.

⁵⁴ A.6.1.460: “Qvıcqvıd autem clarè intelligı potest, non verum qvıdem semper, possibile est tamen, imo et tunc verum est qvotıes de possibilitate sola qvaestio est. Qvotıes autem de necessitate qvaestio est, de possibilitate qvaestio est, nam sı qvıd necessarium dıctur, possibilitas opposıtı negatur.”

⁵⁵ It only shows you have a “real” as opposed to a “nominal” definition, as Leibniz says in *Meditationes de Cognitione, Veritate, et Ideis*.

⁵⁶ This claim is found in a letter to Conring (1678), which I will discuss in Chapter Four.

justice, whatever it may be, is a necessary truth. Now, as the passage also says, something may be clearly understood, but not true, yet possible. All that means is that insofar as a definition expresses a clear and distinct idea, the idea is possible. But whether it expresses anything true about the world is contingent upon how things are there. Thus, when the definition of justice is worked out, it will express the true idea of justice, its eternal idea, whether or not there is justice in the world. It will serve as the measure or *conditionalia* of justice.

Now, as the passage continues, this method of analyzing notions in order to derive clear and distinct ideas will be called *demonstration*.

[Whereby the necessary connections and consequences of things themselves are demonstrated] this way: by deduction from a clear and distinct intuition (that is, from a definition [...] expressed in words), through a continuous series of definitions implied by them; that is through a demonstration. (LL 133)⁵⁷

This requires sorting out, since, obviously we cannot begin the demonstration with the clear and distinct idea we are trying to discover. What he means is two-fold: (a) we can *demonstrate* that an idea is clear and distinct, by defining every notion it contains (e.g., ‘rational’, ‘animal’), and by defining the notions contained in these notions, and so on, until we arrive at basic, indefinable, primitive, notions. In its most rigorous and complete form, this is what a demonstration is: the clarification of an idea by means of definitional reduction to primitives.⁵⁸ Once we have done this, then the initial idea (or definition) can be said to be clear and distinct. Such a reduction appears to be his intention to carry out for the “investigation” below, for the terms right, just, and justice—although not nearly to completion. (b) Secondly, the objective of such a demonstration is also to reveal the necessary connections and consequences among ideas. This could mean, as he mentioned at the beginning of Draft 4, that the objective is to discover “the nature of things,” and consequently what “should be willed.” This appears to be his intention to show in the long demonstration he carries out in Drafts 4 and 5 (see section 5 of this chapter), which connects the ideas of right, justice, and love, to his broader metaphysics.

However, we still need *some* idea with which to *begin* the demonstration; and Leibniz does that by investigating definitions already in use, in this case, definitions involving the doctrine of right.

Therefore, since the doctrine of right is a science, and the basis of science is demonstration, and definition is the principle of demonstration, it follows that we must first of all investigate the definitions of the words *Right*, *just*, and *justice*, that is, the clear ideas by which we usually

⁵⁷ A.6.1.460-1: “Qvare necessariae rerum connexiones et consequentiae eo ipso demonstratae sunt, qvod ex clara distinctaque imaginatione, id est cum verbis exprimatur definitione, per continuatam definitionum sibi implicatarum seriem, id est demonstrationem, deducuntur.”

⁵⁸ Leibniz never really explains how we know we have arrived at an indefinable primitive notion, such that would give us completely “adequate” knowledge of the idea, as he says in *Meditationes de Cognitio, Veritas, et Ideis* (1684). Leibniz’s realism can be compared with Hobbes nominalism. The latter also thought that demonstrations must begin with clear and distinct definitions. However, this implied nothing more than a science of word usage. I discuss this more in Chapter Four.

[determine] the truth of propositions or the use of words in speech, even when we do not know we are doing so. (LL 133)⁵⁹

So, the doctrine of right, since it is an a priori science, must begin by investigating its “clear” ideas (which presumably are not yet distinct), in order to make them distinct. In effect, we start, as Aristotle would say, from what we already know. The method is described further.

The method of our investigation is to gather the more important and distinctive examples of the use of these terms and to set up some meaning consistent with these and other examples. For just as we construct a hypothesis by induction from observations, so we construct a definition by comparing propositions; in both cases we make a compendium of all other instances, as yet untried, out of the most important given cases. This method is necessary whenever it is not desirable to determine the use of terms arbitrarily for oneself. (LL 133)⁶⁰

The method Leibniz is describing here is likely what Aristotle called in the *Posterior Analytics*, “epagoge,” or *induction*.⁶¹ This is not, however, induction from empirical observations, but from propositions and definitions. As he employs it here, it means setting out a large number of typical or accepted definitions of the terms (right, just, and justice), rejecting those definitions that meet with some objection, and retaining those that do not. This, however, is not quite what happens; Leibniz’s investigation is much less rigorous than it is significant, not the least for his claim to have arrived at the “true and perfect definition of justice.”

Now let us turn to the investigation itself, beginning with the rather brief and compact paragraph on *right*. Two preliminary points must be made. First, Leibniz does not *explicitly* state the definitions of right and obligation that he had established in the *Nova Methodus* (right is a moral power; obligation a moral necessity). But to understand what Leibniz is doing in this paragraph, and indeed in the investigation in Draft 4 as a whole, it is crucial to keep these definitions in mind. Moreover, this will help to explain why the very last sentence of the entire Draft 4 simply ends, seemingly inexplicably, with “Right (*ius*) is the power (*potentia*) of doing what is just (*iustum*).”⁶² Second point: within this paragraph, Leibniz briefly opens a window onto the most pervasive themes of

⁵⁹ A.6.1.461: “Cum igitur doctrina juris scientia sit, et scientiae causa sit demonstratio, demonstrationis principium definitio, consequens est vocabulorum *Iuris, Iusti, Iustitiae*, definitiones, id est ideas quasdam claras, ad quas ipsi cum loquimur exigere propositionum, id est usus vocabulorum, veritatem etiam nescientes solemus, debere ante omnia investigari.”

⁶⁰ A.6.1.461: “Investigationis haec methodus est, ut insigniora et maximè dissita ex usa loquendi exempla conferentes, commiscamur aliquid quod et his et caeteris congruat. Quemadmodum enim inductione experientiorum struimus hypothesin, ita propositionum collatione definitionem utrobique ex potissimis praetentatis compendium facimus caeterorum intentatorum. Hâc methodo opus est quoties inconsultum est formare sibi pro arbitrio usum vocum.”

⁶¹ *Post. An* 1.18.81.a39-40; 81b5; *Post An* 2.19.100a5,6.

⁶² Two reasons why this *appears* inexplicable: one is that it comes after a long discussion of love and *justice*, not directly after the earlier investigation of *right*; secondly, by focusing on love and justice most commentators have neglected to recognize the significance of the earlier paragraph, and/or have completely neglected the *Nova Methodus*.

his entire practical philosophy, indeed, his whole metaphysics; namely, pleasure, happiness, and love. We will return to them in the investigation on justice, toward the end of the draft.

The paragraph on *right* begins with this sentence: “From the beginning, however, both our own good and that of others are involved in the question of right.”⁶³ That is, these goods are implied in the meaning of right. This proposition will then be clarified, so to speak, by showing that (1) Right involves one’s own good; (2) Right involves another’s good; (3) One’s own good is consistent with another’s good. As for (1), he claims that “everyone agrees on the necessity to protect oneself, and furthermore, that this is just.”⁶⁴ This is simply asserted as uncontroversial and no further argument is given. However, we can recall that *right* as a moral power includes the right to self-defense, which Leibniz had called in the *Nova Methodus* “*ius strictum*.” Therefore, right involves one’s own good. In addition, Leibniz has an explicit argument for right as a good for oneself, based on the notion of prudence. It begins with the “agreed” proposition that “no one is willing to separate justice (*iustitia*) from prudence (*prudentia*).” In other words, what needs to be shown is that justice (conceived as another’s good) is consistent with prudence (conceived as one’s own good). His argument seems to be this: (a) Justice is the virtue of restraining the affections “so that nothing obstructs the dictates of right reason” (*recta ratio*); and (b), the right reason for an action is the same (*idem*) as prudence.⁶⁵ These premises appear to stem from the generally accepted Aristotelian definition of justice.⁶⁶ Therefore (c) “justice without prudence is not possible.”⁶⁷ From this we may conclude that right involves one’s own good.

The argument for (2), that right involves the good of another, should be rather straightforward. That is, since, as we saw in §14a of the *Nova Methodus*, right includes the obligation not to harm another, and not to be harmed is a good for another, it follows that right involves another’s good. However, Leibniz does not take this route. Rather, he introduces an extremely important *motivational* principle. This arises due to his fundamental assumption about a fact of our nature; namely, that *no voluntary action can be taken, unless it involves awareness of one’s own good*.⁶⁸ Consequently, the problem is to show how it is possible, when we act for the good of another, that we are cognizant of our own good. His solution is highly significant, since it introduces for the first time in his writings on jurisprudence, and in one sentence, the themes that will become central to his practical philosophy.

⁶³ A.6.1.461: “Principio autem versatur in juris quaestione, quoddam et nostrum bonum et alienum.”

⁶⁴ A.6.1.461: “Nam quod nostrum attinet omnes uno ore confitentur, quae quis ex necessitate fecerit tuendae salutis suae causa, iuste fecisse videri.”

⁶⁵ A.6.1.461” “Iustitia sit omnium consensu virtus quaedam, virtus autem omnis ea affectuum frenatio, ut nihil obsistere rationis rectae imperiis possint, Ratio autem recta agendorum cum prudentia idem sit.”

⁶⁶ AE 1109a20; 1129b30. “[Justice] is complete [virtue] because he who possesses it can exercise his virtue not only in himself but towards his neighbor also.” It is not crucial here to work out Aristotle’s correct account of justice and virtue, nor the correct account of Leibniz’s understanding of Aristotle.

⁶⁷ A.6.1.461: “Consequens est, nec iustitiam sine prudentia esse posse.”

⁶⁸ This view is roughly expressed in the following passage, but it can be found in a number of texts and it is a view from which Leibniz never wavers. This “psychological egoism” does not mean, however, that he thinks that altruism or disinterested acts are impossible, as we will see. He does however think that *pure* altruism is impossible. A discussion of Leibniz’s contribution to the debate between egoism and altruism can be found in, Émilienne Naert (1959). Also see Brown (1995).

Prudence, furthermore, cannot be separated from one's own good, and any statement which contradicts this is empty and foreign to the actual practice of those who utter it, whatever they may say against it. There is no one who deliberately does anything except for [reason] of his own good, for we seek the good also of those whom we love for [reason] of the pleasure which [we gain] from their happiness. *To love is to find pleasure in the happiness of another.* We love God himself above all things because the pleasure which we experience in contemplating the most beautiful being of all is greater than any conceivable joy. (LL 134, my emphasis)⁶⁹

Leibniz does not say anything more about pleasure, happiness, and love, until he takes up the investigation of *justice* and *the just*, which we will come to below. But what we want to know at this point is how this passage indicates that acting for the good of another (another's pleasure or happiness) is a good for oneself, i.e., prudent. The answer is not: *in order to get pleasure for ourselves*, we love another—since that would be to act for the sake of *our* pleasure. The answer is, rather: *when* we love someone, we get pleasure from *their* happiness.⁷⁰ That is, when we increase another's pleasure, our own is increased. This means that, as a matter of our nature and as a fact of voluntary action, it is *possible* to act for the good of another, since doing so is a good for oneself. Therefore, *prudence is one's own good*, even when the act is done *for* another's good. Thus, to complete the clarification of the beginning assumption on *right*: Since prudence is one's own good, prudence is consistent with justice (another's good), and therefore with right. In other words: (1) Right involves one's own good; (2) Right involves another's good; (3) One's own good coincides with another's good. This argument is possible due to the descriptive principle that voluntary action requires an awareness of one's own good; such action has been shown to be possible by means of the descriptive principle that to love another is to increase another's pleasure, and thereby one's own. On the basis of that argument, Leibniz then derives the following two propositions: “no one can be obligated to do evil to himself,” and “no one can be obligated except for his own good.” That is, all obligation involves (at least) one's own good. These propositions also follow from the

⁶⁹ A.6.1.461: “Porro nec prudentia a bono proprio disjungi potest, et inania sunt et ab ipsa dicentium praxi aliena quaecunqve contra dicuntur. Nemo est qui quicquam consulto faciat nisi sui boni causa, nam et quos amamus eorum bonum quaerimus, delectationis nostrae causa, quam ex eorum felicitate capimus, amare enim est alterius felicitate delectari, DEUM ipsum amamus super omnia, quia voluptas est omni cogitabili voluptate major rei omnium pulcherrimae contemplatione frui.” For ‘causa’ Loemker has ‘for the sake of’ and I think that is misleading. It should also be noted that Brown completely excises the definition of love in this passage, and thus fails to acknowledge that Leibniz makes the psychological move in the paragraph on right, before he does so in the paragraphs on justice. It should be noted that this definition of love, one of his very earliest, if not the first, is modified only slightly in his latest texts to become, “to love is to find pleasure in the *perfection* of another. A short paper called “Felicity” (1694) contains these notable definitions: “Pleasure is a knowledge or feeling of perfection, not only in ourselves, but in others, for in this way some further perfection is aroused in us. To love is to find pleasure in the perfection of [others]” (Riley, p. 83). TI p. 579: “Plaisir est une connoissance ou sentiment de la perfection, non seulement en nous, mais aussi en autrui, car alors on excite encore quelque perfection en nous. . . . Aimer est trouver du plaisir dans la perfection d’autrui.”

⁷⁰ As we will see in the investigation of *justice*, Leibniz explains that what is sought in pleasure is not simply one's own good, but *a good in itself*. It should be born in mind that pleasure is not identical with happiness (or felicity) for Leibniz, as will be seen elsewhere, especially Chapter Five.

descriptive principle: “no one can be convinced of anything except for reasons of his own utility; it follows that every duty must be useful.”⁷¹ That is, these propositions fulfill the descriptive requirement that no voluntary action is possible unless it involves awareness of one’s own good.

These arguments, however, explain only the *psychological* requirement for performing an act for the good of another person. This explains how an obligation, that we formally have, is a possible action (i.e., that *ought* implies can). However, this psychological requirement should not obscure the fact that obligation itself has its formal, a priori, *prescriptive* ground in the definition of right. This has already been seen in the implications of the beginning propositions (1, 2, and 3). But this may also be seen in the implications of the two propositions that conclude this paragraph on Right:

We therefore derive two propositions from the common agreement of those who use these terms: first, that everything necessary is just and, second, that every duty (or injustice) is useful (or harmful). (LL 134)⁷²

Leibniz has in effect “clarified” what was implicit in the ordinary usage of the terms of right. To recall, the common assumption at the beginning was that *right involves both the good for oneself and another*. But it is important to see how these concluding propositions depend on an implicit and unstated (at least in this paragraph) definition; namely, the two-fold definition of right from the *Nova Methodus*: “*right* is a moral power; *obligation* a moral necessity.” This definition is implied (or assumed) in the concluding propositions in the following way: (1) “Everything necessary is just.” Why does he speak of *necessity* here? He does not mean *logical* necessity, as if to refer to the logical compatibility of notions; he means, rather, *moral* necessity. He means that we have, as a matter of the definition of right as a moral power, a moral necessity or obligation to the other. This has been well established in the *Nova Methodus* and is here presupposed. Furthermore, not harming another is of course *just*, since it is the precept of *ius strictum*. This proposition, i.e., (1), is understandable only on the basis of the a priori definition of right. (2) “Every duty is useful,” also stems from the definition of right. That we have duties to others is a logical consequence of the definition of right. We can understand ‘duty’ (*debitum*) here as largely synonymous with *obligatio*, since these terms are used interchangeably in this paragraph. Based on this, what *then* needs to be shown is that every duty to others is consistent with one’s own utility, so that duties are motivationally possible actions. This consistency is made possible by the descriptive principles of motivation. Since we derive pleasure from increasing the pleasure in another, every duty to others is useful to ourselves and motivationally possible to do.⁷³

⁷¹ A.6.1.461: “Ex his constat non posse quenquam in malum suum si rei summam in eas, obligari. Adde nec nisi in bonum suum obligari quenquam. Cum enim justitia sit quiddam quod homini prudenti persvaderi potest, nihil autem persvaderi possit, nisi petitis rationibus ab utilitate auditoris, necesse est omne debitum utile esse.”

⁷² A.6.1.461: “Habemus igitur propositiones duas: primo, omne necessarium justum est, secundo, omne debitum (injustum) utile (damnosum) est, ex communi consensu eorum qui vocabulis istis utuntur derivatas.”

⁷³ It may, however, seem odd to say that another’s pleasure is increased when I do not harm them. But if there are duties beyond the duty not to harm (and there are, e.g., the duty to help), they will be good for another; consequently good for us if we do them; consequently, motivationally possible for us to do.

Once again, as was to be shown, duty is not divorced from prudence; there is no dichotomy between own and other good. This has been shown out of the definition of right as moral power and obligation as moral necessity.⁷⁴

So it can be seen how Leibniz “clarifies” (if not makes distinct) the common assumption of right, by showing what it implies—the definition of right as moral power and obligation. This is a highly significant result, since the investigation into the “general agreement” about Right leads to the themes of pleasure, happiness, and love. But what is most significant is that these themes are brought in as the *explanatory* principles of motivation, but not as *grounding* principles of right. This should raise a serious question about interpretations of Leibniz’s practical philosophy that assume that natural right is *grounded in* these motivational principles. It must be understood, rather, that Leibniz introduces pleasure, happiness, and love, not as the grounds of right, but rather as explanations for *how it is possible to do what right requires*. That is, they are descriptive principles of motivation that explain how it is possible to act such that the prescriptive demands of right may be carried out. The subjective power of right entails permissions and obligations; but it is up to the metaphysics of pleasure, happiness, love (and eventually perfection) to figure out how the prescribed duties are to be fulfilled. I will come back to this point, since it arises within the investigation on *justice*.

After having established that *right* entails own and other good, Leibniz turns to *justice*: “It remains [for us] to see to what extent there is in justice a basis for considering the good of others.”⁷⁵ In other words, although it has been *assumed* above, it has not yet been *shown*, that the meaning of *justice* entails another’s good. This is what he now sets out to do. The following paragraphs, however, do not take up this problem in a direct manner, but rather pass through a number of points related to what is *unjust*, to what is *the just*, to *justice as a virtue*, to the nature of *love*, and then finally to the ultimate definition of justice, concluding Draft 4. I will follow this order and emphasize the most important points.⁷⁶

First, Leibniz considers a number of “generally agreed claims” in regard to what is *unjust*, calling them “causes of complaints” (*causa qverelarum*).⁷⁷ His argument is not especially consequential, but it serves to show that what is objectionable in unjust acts is not only the act itself, (i.e., its unjust effects) but the will and intention of the agent. First, he cites a number of cases in which “all would proclaim that an injury has been done.”

⁷⁴ This point seems to have been overlooked by previous commentators on this draft of the *Elementa* (Mulvaney, Schneiders, Busche, and Brown, for example), who pay more attention to the investigation of *iustum* and *iustitia*. They do not mention that right is part of the investigation, and furthermore, often do not sort out Leibniz’s distinctions among *ius*, *iustum*, and *iustitia*. Brown (1995) however recognizes that “implicitly at work in this argument, of course, is the principle that ‘ought’ implies ‘can.’” He also usefully remarks that “It is against this background [i.e., Grotian *appetitus societatis* and Hobbesian egoism] that we must understand the intrusion of a theory of motivation into Leibniz’s theory of obligation” (Brown 417). However, Brown shows that for Leibniz obligations are grounded in egoistic desire and prudence, consistent nevertheless, with altruism (Brown’s argument is compromised by silently excising Leibniz’s definition of love from the paragraph on *right*). But this obscures Leibniz’s argument. The theory of motivation Leibniz has inserted here is clearly a descriptive *supplement* to his already established definition of right. Right is not grounded in these prudential motives, but in the moral nature of rational substance.

⁷⁵ A.6.1.461: “Superest videamus, qvovsqve in justitia boni alieni ratio habeatur.”

⁷⁶ To understand what he is doing it is important to see how the argument develops.

⁷⁷ These *causa qverelarum* are different from the *raisons de se plaindre* he makes use of in the *Meditation* (1703).

Notable examples are: harming another without advantage for oneself; allowing someone to die if she could have been saved without harm to oneself; achieving one's ends through murder and torture; and demanding more compensation than another in a case of shared misfortune (LL 134). The paragraph concludes:

In all these cases men [accuse, not so much the deed, but the will]. Hence these propositions: First, it is unjust to will to harm another except [for the cause] of one's own good. Second, it is unjust to will the cause of another's destruction unnecessarily. Third, it is unjust to will harm to another for one's own gain. Fourth, it is unjust to be unwilling to bear a common injury. (LL 134)⁷⁸

These causes of complaint show that *the will* is considered more unjust than the acts or results themselves, so one must have a good will as well. But note that these concluding propositions are a bit awkward, unless we keep in mind the presuppositions of *right*. For example, in the first it sounds odd to suggest that I have the right to harm you, if it results in my own good, since that would permit way too much. What is meant is that it would be just to harm you, only if you have violated my right to freedom and faculty, otherwise unjust. That follows from right. In the second proposition, "unnecessarily" is unspecified. But it does not mean 'accidentally,' nor does it mean whatever anyone judges to be necessary. It means that one is permitted to will another's destruction, only under threat of one's own destruction.

What now follows is an extensive investigation into the term *just* (*justum*). We should keep in mind the objective of this investigation, as stated in its opening sentence: Since it is agreed in summary, therefore, that the just consists of having a reason for the good of one's self and of others, let us define this step by step" (LL 134).⁷⁹ This investigation best exemplifies the *epagogic* method of induction Leibniz has indicated above, along with a *reductio ad absurdum*. Leibniz considers approximately 20 possible definitions of *the just* and finds each one insufficient.⁸⁰ Among them is a notable digression on *justice*. It is not necessary to examine each of the definitions and reasons for rejection (for most of them Leibniz does not offer much explanation for his rejection); but it suffices to note some of the more important rejections, and to keep in mind that in one way or another, *they all fail to fulfill this condition, that the just be consistent with*

⁷⁸ A.6.1.462: "Horum omnium non factum tantum sed et voluntatem homines incusant. Hinc propositiones: primo, injustum est alteri nisi sui boni causa nocere velle; secundo, injustum est alteri exitii causam esse velle sine necessitate; tertio, injustum est alteri damnum velle lucro suo; quarto, injustum est commune damnum ferre nolle."

⁷⁹ A.6.1.462: "Cum ergo in summa constet justum et sui et alieni boni rationem habiturum, tentemus paulatim definire."

⁸⁰ Busche's article, (1991, p. 173) well-summarizes Leibniz's reasons: "Leibniz will die Unzulänglichkeit aller positiven Gerechtigkeitsdefinitionen nicht nur behaupten, sondern so weit wie möglich durch eine apagogische Beweisführung demonstrieren. Deshalb wird zunächst je eine Definition kurz referiert und dann durch ein zuwiderlaufendes Beispiel ad absurdum geführt. In der negativen Beweiskette lassen sich insgesamt dreiundzwanzig Definitionen unterscheiden, die entweder als zu eng oder als zu weit oder als zirkuläre petitiones principii oder bestenfalls als leere Tautologien erwiesen werden." Busche mistakenly refers to the 23 definitions as definitions of *justice*, when they are clearly definitions of *iustum*, with a few definitions of *iustitia* thrown in. However, in his 2003 translation of the *Elementa*, he refers to this section as "die unzulänglichkeit aller positiven Definitionen des Gerechten."

own and other good. The first definition considered is “whether perhaps the just is to be defined as willing what is harmful to no one? But then it will not be just to seek one’s own harm [so] that [another’s harm] may be avoided” (LL 134).⁸¹ Presumably, this means that one must be *willing* to undergo harm for another, in order for the sacrifice to be just. “Whether the just is what is not [damaging to the public]?” This is rejected, since, “then my [health] should be postponed by public misfortune” (LL 134).⁸² A proposition that comes close to being accepted runs, “the just is whatever [does not deserve prudent complaint]” (or, whatever does not deserve complaint by the prudent man). Leibniz holds this to contain a grain of truth; however, he makes an important qualification: “the injustice makes the [complaint]; the [complaint] does not make the injustice” (LL 135).⁸³ In other words, the definition is circular: the definition of justice itself (or perhaps the just) does not depend on the judgment of the prudent man; but rather, the prudent man must know what is just, and then determine himself to do it (notice that this is the *prudent* man, not the *vir bonus*, who comes later). On the same basis of circularity Leibniz rejects the following definitions of *the just*:

Whatever the prudent define as punishable; whatever can be defended in the Forum of the wise in general; whatever be agreeable to the Best Republic; whatever may please nature; whatever may please the wise and powerful, whatever may be useful to the stronger; likewise, that you without risk do what you require of the other, that you demand nothing [of the other] that you would not do yourself.⁸⁴

It is surprising that he rejects all of these, especially the last, since it expresses something close to the Golden Rule, a rule that Leibniz deeply depends on in the *Meditation* of 1703. The other definitions fail because they presuppose some criteria which would make one person’s good consistent with another’s. After all, that is the problem to be solved, and the last definition would seem to fulfill that requirement rather well. Perhaps strict reciprocity, which the Rule expresses, cannot really work: not everyone is qualified to run the ship of State. But then again, neither is the just what is agreeable to the wise in general. Perhaps the Rule is not specific enough. I think we can best suppose, however, that the Rule does not explain how one can be *motivated* to follow it, since having the right motive is the solution to the problem, as will be seen shortly. Leibniz also rejects the

⁸¹ A.6.1.462: “An forte justum definiendum est velle quod est nemini damnosum, sed ita justum non erit damnum suum quam alienum vitatum malle.”

⁸² A.6.1.462: “An justum est publice indemne, sed ita slaus mea damno publico postponenda.” However, as we saw in Draft 2 or 3, Leibniz argued that at least some rights could be violated, in case doing so avoided greater public misfortune.

⁸³ A.6.1.462: “An justum est, qvqvqv qverelam prudentis non meretur, ita sane, sed injustitia facit qverelam, non qverela injustitiam.” Loemkmer has “whatever does not deserve censure by a prudent man,” translating *qverela* as “censure,” whereas, just above he translated *causa qverelarum* as “causes of complaint.” But I think it is best to use “complaint” consistently. It does not mean simply complaining, nor disapproving, but carries a juridical connotation, meaning something like, ‘a just reason for an objection.’ Busche translates *qverela* as “Einspruch” and Sève translates it here as “critique” and elsewhere as “cause de querelle.”

⁸⁴ A.6.1.462: “Qvqvqvq defendi qveat in Comitiiis sapientium universi, qvqvqvq sit Optimae Reipublicae consentaneum, qvqvqvq placeat naturae, qvqvqvq placeat sapienti et potenti, qvqvqvq sit potentiori utile: item, ut tute facias, qvqvqv ab aliis postulas, ut nihil postules, qvqvqv non facturus esses.”

idea that the just is whatever is in accord with right reason (*recta ratio*), since then “every error, even if no harm results to the one who errs, would be a crime” (LL 135). In other words, this definition is too broad, simply because it would include non-intentional acts.

At this point Leibniz makes a digression, although an important one, in order to reject a definition of justice similar to the one he had first broached in *De Arte Combinatoria* and reaffirmed in Draft 3 (see above), that justice is a mean in affections. But this rejection has important implications for the definition of the just, as well. The definition in question here is: “Whether justice is the virtue preserving the mean between two affections of man toward man -- love and hate” (LL 134).⁸⁵ Leibniz attributes his initial acceptance of this view to his boyhood failure to understand rather that “all the other virtues governing our affections have themselves one governess—the justice of things” (LL 135).⁸⁶ In other words, the aim of the virtues generally is to govern the affections; but justice consists in a relation of things among persons (relations Aristotle called “commutative” and “distributive,” for example). Accordingly,

The whole basis of virtue is found in the fact that the affections can do nothing but obey and that there can thus be only one moral virtue, as it is called: to be the master of one’s own spirits and blood. (LL 135)⁸⁷

Virtue quite naturally is the disposition of mastery over one’s passions. However, this mastery must result in a mean or “just” distribution of things. So his meaning appears to be this: justice is a mean of affections, such that the agent’s actions result in a just proportion of things. In this sense, justice is the mean in things, not affections. This new position will remain unchanged.⁸⁸ But Leibniz goes on to explain specifically why justice cannot consist simply in a mean of affections. For one, as everyone would agree, it is *not* unjust to love another *too much*. It is “inept,” perhaps, but not unjust. Secondly, the affections of love and hate imply “helping” and “harming” another. But if *the just* is then defined as *the prudence in help and harm* (to which this view leads),⁸⁹ then the definition is inadequate. That is because it would entail that, when I do have the right to harm (i.e., hate) another, it would be unjust not to do so “most skillfully.”⁹⁰ Defining *justice* as a mean of affections between love and hate fails to determine both what counts as a moderate affection and what counts as moderate action.

The last consideration for *the just* is whether it can be defined in terms of punishment. In rather striking language, Leibniz says no, but his reasons lead to the heart

⁸⁵ A.6.1.462: “An justitia est virtus servans mediocritatem inter duos affectus hominis erga hominem, amorem et odium.”

⁸⁶ A.6.1.462: “Hac meditatione mirifice plaudebam ipse mihi puer, cum peripateticae scholae recens, concoquere non possem caeteras omnes virtutes affectuum, unam justitiam rerum moderatricem haberi.”

⁸⁷ A.6.1.462: “Sed haec blanda magis quam solida facile exui, cum apparuit totam virtutis rationem in eo consistere, ut affectus nihil possint, nisi obedire atque ita virtutem moralem, quam vocant, non nisi unam esse, esse ut sic dicam dominium spirituum et sanguinis sui . . .”

⁸⁸ It should be remarked however that Leibniz does not fully explain here what it is that the affections are supposed to obey, and by what means we are to master them. Part of his answer lies in love, as we will soon see; however, the other part lies in reason, that is, at least in the *Elementa*, in the “logic of right” (*juris modalia*) that is developed in Drafts 5 and 6.

⁸⁹ Also, recall that this definition was attempted in Draft 2.

⁹⁰ A.6.1.463: “Seqvetur enim ubi semel laedendi jus est injustum esse, qvi non quam artificiosissime laedat.”

of the matter. The main consideration is whether the just is what is contrary to conscience (*conscientia*). But this cannot be. If by ‘conscience’ is meant the painful memory of some deed we performed, then every harm we inflict on ourselves, intentional or not, will be unjust; so, this definition overspecifies. Or, perhaps by ‘conscience’ is meant certain innate notions (*notitiae innatae*) that God has implanted in us and designed so that sinners will always feel grief (*dolor*), even when external punishments are lacking. But consult this “oracle” if you will, you will find that this “internal torturer,” is nothing but the fear (*metum*) of punishment from an inescapable Judge.⁹¹ This shows that when the notion of “conscience” is properly analyzed, its true basis is the fear of God; therefore, “the just is whatever will be done with impunity.”⁹²

Leibniz’s reduction of conscience to the fear of God is quite striking. While he often appeals to divine retribution as the most complete and effective way to maintain the demands of right and virtue, he appears to reject it as an improper motive to be just. His reasons are made evident by the following. We first need to recall what the original question was, i.e., whether one’s own good is compatible with another’s good.

Where then do we stand after so many attempts? Whether justice is the habit of willing the good of another for the sake of our own. This is nearest to the truth, but a little distorted. There is in justice a certain respect for the good of others, and also for your own, but not in the sense that one is the end of the other. Otherwise it may follow [with right] to abandon some wretched person in his agony, though it [were] in our power to deliver him from it without very much difficulty, merely because we [were] sure that there will be no reward for helping him. Yet everybody abominates this as criminal, even those who find no reason for a future life; not to mention the sound sense of all good people which spurns so mercenary a reason for justice. And what shall we say of God; is it not unworthy to hold him an instrument to this? (LL 136)⁹³

If the motive to avoid punishment is not a just motive, then neither is reward. What is unworthy is to make God an instrument for providing the wrong kind of motives to be just, i.e., expecting reward and punishment. An act can be considered just *without* this expectation. As everyone recognizes, he says, leaving someone for dead when you could help them is abominable—even *without* consideration of future life. But what gives us the sense it is abominable? Leibniz alludes to “a certain respect” for another’s good, a certain respect that makes us refrain from using others as means to our own ends. This notion of

⁹¹ A.6.1.463: “Sed hoc oraculum consulant, qvi volent, qvi volent invenient, intestinum istum tortorem esse metum, metum, inquam, poenae a Iudice . . .”

⁹² A.6.1.464: “Iustum ergo erit cuius poena metuenda non est, qvam definiendi rationem jam tum facessere jussimus.”

⁹³ A.6.1.463-4: “Ubi consistemus ergo post tot jactationes, an Iustitia erit habitus volendi bonum alienum propter suum. Proximum hoc est veritati, sed parum detortae. Est in Iustitia respectus aliquis boni alieni, est et nostri, non is tamen ut alterum alteri finis sit, alias seqvetur jure miserum aliquem in exitio relinqui, unde eum pene nullo negotio eripere in nostra postestate est, sum certum est praemium auxilii abfore. Qvod tamen omnes etiam qvi nullam futurae vitae rationem habent ut sceleratum execrantur. Ut taceam respuere omnium bonorum sensum hanc mercenariam justitiae rationem, et qvid de DEO dicemus, qvem instrumenti loco habere nonne indignum est.”

“respect” for another’s good is quite interesting in itself; but I think it points to the idea that if an action is to be just, one must *at least be motivated* by the right sort of reason—and that reason cannot be to use others as means to our ends.

After having rejected all these definitions of *the just*, Leibniz does not offer a positive definition of it. Rather, he is led to consider the original problem in this new light. If it is unjust to act for the sake of reward, and to use another for one’s own ends, even when the act is good for another; and, if the descriptive principle still applies; namely, that we cannot act deliberately without our own good in view, then how is it possible to act justly at all? Leibniz recognizes the problem, and names the solution.

But how to reconcile these views to those given above, where we said that we do nothing deliberately except for our own good, since we now deny that we should seek the good of another for the sake of our own? They are to be reconciled, beyond doubt, by a certain principle which few have observed, but from which a great light can be thrown upon true Jurisprudence as well as upon Theology. [Without doubt these things depend on] the nature of love. (LL 136)⁹⁴

Leibniz sees that the two conditions he wants to maintain are incompatible:

(A) The means-end condition: an act is just, if and only if the good sought in the act is not done from the motive of gaining one’s own good. Leibniz does not offer reasons for this other than examples showing that everyone just would recognize that such acts done from the motive of one’s own gain are not just.

(B) The ego condition: a deliberate action is possible, if and only if one’s own good is in view. This is the descriptive motivational principle he has insisted on from the beginning.

The problem is, if A is true, then B says it is impossible to act at all. But if B is true, then it is impossible to act justly. Leibniz has in effect reduced the Carneadean problem to a much greater difficulty. Justice is not merely folly; it is impossible. But the solution is somehow to be found in the nature of love.

Leibniz’s argument for the nature of love, and how it solves this apparent paradox, is extremely important and rather complex. We already know something of the nature of love, as can be recalled from the investigation of the term *right*. But the following paragraphs provide much more detail. His argument appears to borrow much from Aristotle’s discussion of pleasure in *Nicomachean Ethics*.⁹⁵ It depends greatly on the idea that pleasure is a good in itself (meaning that pleasure is not sought for the sake

⁹⁴ A.6.1.464: “Sed quomodo haec superioribus conciliabuntur ubi diximus nihil fieri a nobis consulto nisi nostri causa, cum nunc negemus bonum alienum quaerendum esse propter nostrum. Conciliabitur, ne dubita, ratione quadam paucis observata, ex qua magna lux illucescere potest, verae tum Jurisprudentiae tum Theologiae. Nimirum pendet haec res ex natura amoris.”

⁹⁵ See Aristotle, AE Book 1.2; 1.8; 10.4. In addition, an adequate analysis of Leibniz’s position on love would have to involve its relation to pleasure, happiness, love, goodness, harmony and perfection—too much to go into here. But one might begin with selections from later works such as “De la Sagesse” (G 82) and *Nouveaux essais* p. 163. Also see Naert and Brown, cited above.

of any other good, even if pleasure is not the highest good).⁹⁶ Leibniz begins his argument with this important distinction:

There is a twofold reason for desiring the good of others; one is for our own good, the other *as if* for our own good. The former is calculating; the latter loving. (LL 136)⁹⁷

This notion that we can act *as if* for our own good is somewhat puzzling, since it seems simply to beg the question of how it is possible to do *that*.⁹⁸ But Leibniz illustrates the distinction this way: On one hand, the sort of affection (*affectus*) a master has for his servant is a calculating desire, since the affection is designed not to serve the servant's ends, but rather one's own. On the other hand, the sort of affection a friend has for another friend or loved one (*amici erga amatum*), is a loving desire, since it *does* seek the other's own ends. This shows that *the good*, whatever it is, sought in each case is *the same*. What is different is *the end*. That is, for the servant I do the good *for my* end. But for the friend, I do the good for *her* end. Once this has been determined, the question then becomes, what is *the good* such that it can be sought solely for its own sake and not as means? The answer is *pleasure*.

But, you ask, how is it possible that the good of others should be the same as our own and yet sought for its own sake? For otherwise, the good of others can be our own good only as means, not as an end. I reply on the contrary that [the good of others] is also an end, something sought for its own sake, when it is pleasant. For everything pleasant is sought for its own sake, and whatever is sought for its own sake is pleasant; all other things are sought for the pleasure they give or conserve or whose contrary they destroy. All people sense this, whatever they may say; or at least they act according to it, whatever they believe. (LL 136)⁹⁹

With this paragraph, Leibniz appears to have descended deeply into hedonism. The main claim is that pleasure is a good in itself, and that when we seek the pleasure of another, we are not seeking pleasure for our own sake, but are seeking a good in itself. First, how is it that pleasure is a good in itself? According to the hedonist, there are many goods, e.g., eating, exercise, and health. But these goods are not sought for their own sake. They are sought for the sake of the pleasure they give or the pain they remove (and the removal

⁹⁶ Note that if pleasure is a good in itself this does not imply that it is the *highest* good. Like Aristotle, Leibniz is not strictly speaking a hedonist.

⁹⁷ A.6.1.464: "Duplex est ratio bonum alienum cupiendi, altera propter nostrum, altera qvasi nostrum, illa aestimantis, haec amantis."

⁹⁸ For an interesting take on this *qvasi* act, see Zauderer (2006).

⁹⁹ A.6.1.464: "At, inqvies, qvomodo fieri potest ut bonum alienum sit idem cum nostro, et tamen propter se expetatur. Potest enim alias bonum alienum esse nostrum, sed ut medium non ut finis. Imo vero, inquam ego, etiam ut finis, etiam ut per se expetitur, quando jucundum est. Nam omne jucundum per se expetitur, et qvicqvid per se expetitur jucundum est, caetera propter jucundum, ut faciant, ut servant, ut contraria tollant. Hoc sentiunt omnes, qvicqvid dicant; aut faciunt saltem, qvicqvid sentiant." At this point Leibniz launches a digression (to which I will return) in which he attacks the Stoics and then waxes neoplatonic about pleasure having a multiplying effect, like a mirror; and since every mind is like a mirror, reflecting every other mind, pleasure multiplies to infinity, and "the gathered splendor constitutes glory."

of pain is itself a pleasure). But pleasure is not sought for any other sake. Therefore, pleasure is a good in itself.¹⁰⁰ Thus, Leibniz's argument depends on this descriptive principle: *everything is sought for the pleasure it gives*. Let us then call this "condition (C)," or "the pleasure condition," and add it to the set of conditions, A and B. So then, of the two cases, servant and friend, only in friendship is the good, i.e., the pleasure of another, sought for its own sake. In other words, when I seek the pleasure of my friend, it is not my pleasure I am seeking, but my friend's; thus, the pleasure is sought for its own sake.¹⁰¹

This however solves only part of the problem. It solves only the means-end condition, (A). An act is just, if and only if the good sought in the act is not done from the motive of gaining one's own good. This has been shown to be possible in the case of friendship or love. But now the ego condition (B), must be met, and this becomes tricky. Once again, the pleasure condition (C) is asserted, and then the solution.

In the consensus of mankind everything pleasant in itself is sought after in itself, and everything sought after in itself is pleasant. We can therefore readily understand how we can not only achieve the good of others without our own, but can even seek it in itself; namely, in so far as the good of others is pleasant to us. A true definition of love can be built from this. For we love him whose good is our delight. (LL 137)¹⁰²

Leibniz repeats the definition of love he first introduced in the investigation of *right*. Love is taking pleasure, or delight, in the good of another. When the good of others, which is a good in itself, i.e., pleasure, is pleasant *to us*, then we get pleasure from love. When we love we gain pleasure from the other's pleasure. Thus the ego condition is fulfilled, and the paradox appears to be resolved. We can act justly, and we have the required psychological motive to do so.

But this argument should appear rather unconvincing. We are now supposed to think that when we seek the pleasure of another we are seeking it only for its own sake. That is condition A. Yet, at the same time, we get pleasure from doing A; thus condition B is met. But if I get pleasure from A, then how can my act *truly* be said to be done for its own sake? It seems the skeptic may still suspect that we love for the sake of the pleasure we get from love.

I think Leibniz actually has a better explanation here, which is implied in his brief reference to Stoic *honestas*. Between the above two passages, Leibniz launches a brief but bitter attack on the Stoics, those "cloud-dwellers," and "enemies of reason," for

¹⁰⁰ It is important to note that Leibniz does not say that pleasure is the only good, or that it is the highest good. In Chapter Six we will see how Leibniz modifies and qualifies these hedonistic claims.

¹⁰¹ Perhaps this example helps to illustrate. Suppose that I urge my friend to become a juriconsult. Suppose I think that it is good to become a juriconsult. Perhaps my friend, or the world, will be better off with more juriconsults. But if this is not my friend's own end, then it is not an end sought for its own sake. True friendship is when the good sought is pleasure, but for the ends that are the other's own. This of course may be a problem, in case the other does not recognize that his own ends are *bad*.

¹⁰² A.6.1.464: "Consensu generis humani omne jucundum per se expetitur et quicquid per se expetitur est jucundum. Ergo facile intelligi potest, quomodo bonum alienum non nostrum tantum fieri possit, sed et per se expetatur, quoties scilicet jucundum est nobis, bene aliis esse. Unde exstruitur vera definitio amoris; Amamus enim eum, cui bene esse delectatio nostra est."

failing to recognize that pleasure is a good. This is evident in their failure to recognize that *honor is nothing but a pleasure of the mind*.¹⁰³ He claims that when you read Cicero carefully, you will see that when he decries pleasure in favor of honor, he is actually praising the pleasure that results from honor. Leibniz likely also has in mind, since he frequently insists on it, Cicero's dictum that honor is not divorced from utility.¹⁰⁴ This can be explained, since pleasure is the *accompaniment* of honor, not its end. Here is a way to understand this. Now, without digressing into an account of the Stoic conception of *honestas*, it may safely be said that for the Stoic honor (i.e., moral rectitude) is not to be sought for the sake of reputation. Rather, reputation *results* from doing the sorts of things that are honorable, *because they are honorable*. One *has* a good reputation, *because* one acts honorably; thus reputation accompanies honor. Analogously, pleasure accompanies certain actions, namely, honorable ones. What Leibniz intends to say then is that the *result* of an honorable act is a pleasure of the mind. Strictly speaking it is incorrect to say that pleasure itself is the good sought in performing honorable things. Rather, the end sought is to commit an honorable act. If pleasure itself were the end then it would be acceptable to perform wicked acts for the sake of the pleasure they bring.

In Leibniz's case at hand, the honorable act would be to act for another's good (condition A). The result of this act is pleasureable. Thus, strictly speaking, pleasure is the result, but not the end of the act. In other words, the end sought is not strictly pleasure (as Leibniz *seems* to say), but rather the end is the pleasure that results from an honorable act (what Leibniz *wants* to say).¹⁰⁵ So, then, we should revise Leibniz's definition of love accordingly: To love another *results* in pleasure from the pleasure of another.

Considered this way, all three of Leibniz's conditions can be met much more convincingly. (A) The means-end condition is met, since loving another results in the other's own ends—not ours. But the end sought is not pleasure per se, but rather pleasure is the *result* of loving acts. As such, loving acts can truly be considered good and just acts. (B) The ego condition is met, since when we do good acts (such as love another), our own pleasure is also the result—but *this pleasure is done for its own sake, even so it results in one's own pleasure as well*. This fulfils the requirement in A. Therefore, acts of

¹⁰³ A.6.1.464: "Interroga Stoicos illos, illos aereos, nubivolos, μετεωρολογουσ, voluptatis simulatos hostes, rationis veros, circumspice, rimare actus eorum, motusve, senties nec digitum ciere posse, qvin mendacium impingant inani suae philosophiae. Honestas ipsa nil nisi jucunditas animi est."

¹⁰⁴ Cicero, *De officiis*, Book 3 Chapter 2 par. 9: "numquam posset utilitas cum honestate pugnare."

¹⁰⁵ The matter can be looked at this way (and should be, because it concerns how Leibniz argues for the highest good, supreme virtue, in Chapter Six). As Aristotle argues in AE 10.4-5, pleasure "completes" an activity. Any activity whatsoever has some end in view (gathering food is for eating; eating is for health; health for living). Pleasure, however, is not an activity, but rather "completes" an activity, by making the activity more desirable, or better able to be performed (as one who gains pleasure in geometry is a better geometer than one who does not get pleasure from it). In this sense pleasure is a good in itself. There are however "good" and "bad" activities for Aristotle; thus good and bad pleasures. The one who takes pleasure in wickedness is even worse for taking pleasure in it. The same is for Leibniz (see *Theodicy*, "Concerning the Origin of Evil" sec 17: "Likewise I consider that wickedness is all the greater when its practice become a pleasure." One should also keep in mind that for Leibniz pleasure is "a feeling of perfection." Thus, pleasure is, in Aristotle's sense, the "completion" of an activity. But of course there are better pleasures; and *happiness* is defined as a *lasting* pleasure (NE 1.2.3.90). Therefore, wisdom and virtue, the most excellent sorts of activity are accompanied by happiness. That this is Leibniz's view is further indicated in this passage from 1678: "Nam et honesta sub jucundis continentur. Sunt enim quae augent perfectionem mentis" (A.6.4.2810). This is to say that since moral rectitude is a pleasure of the mind, pleasure increases the perfection of the mind.

love are both morally acceptable and physically possible. Thus (C) the pleasure conditions fulfill both, since it holds in both A and B. In sum, love makes it *possible* to act *justly*.

Leibniz then immediately turns to the question of *justice*. And now we can readily see how Leibniz's arguments solve the problem in those terms:

Since justice, therefore, demands that we seek the good of others in itself, and since to seek the good of others in itself is to love them, it follows that [the nature of justice is love]. (LL 137)¹⁰⁶

Leibniz has thus solved the Carneadean problem of justice. Justice is compatible with one's own and another's good, since both goods involve love. And since to love another provides the required motive, it is possible to *act* justly. As long as we modify the claim about pleasure, by saying that pleasure is the result or accompaniment of an action, then Leibniz's argument is fairly coherent.

1. Justice is the compatibility of one's own good with another's (problem to be solved).
2. Love is the per se good for oneself (pleasure).
3. Love is the per se good for another (pleasure).
4. No action can be taken except for the pleasure found in it.
5. Since acts of love result in mutual pleasure, acts of love are motivationally possible.
6. Since the compatibility of goods is possible only through love, therefore, the nature of justice is love.

This argument involving the definitions of pleasure and love refutes Carneades skepticism about justice. Since the nature of justice is love, and love means to find pleasure in the happiness of another, both self and other are accommodated in justice. In other words, there *is* justice (as everyone agrees) and it is not folly.

It is important to notice that the argument is made to fulfill the demand that is set out in the beginning, as if to say: 'intuitively, the condition that justice must fulfill is the compatibility of goods. Now let us find a way to fulfill the condition.' It is the *condition* of justice, defined as the compatibility between one's own good and another's that generates the solution, namely, the motive of love. Love is not, however, the condition to be fulfilled from the beginning. Rather, we are obligated to be just—and this is possible only through love. Additionally, if his arguments appear to make him a hedonist, that is because on a certain level he is. But we should not oversimplify the matter. Leibniz does not think that pleasure alone is sufficient for the highest goods (virtue and happiness).¹⁰⁷ Moreover, he recognizes that some pleasures are not good to have, such as when they can lead to harm, or in case we find pleasure in evil actions. Simply put Leibniz just thinks that pleasure solves the motivational problem. Pleasure is the good that we find in doing just acts, and love fulfills the condition, by being defined as seeking the pleasure of

¹⁰⁶ A.6.1.465: "Cum ergo bonum alienum justitia exigat per se expeti, cum per se expeti bonum alienum, sit alios amari, sequitur de natura justitiae esse amorem."

¹⁰⁷ I will discuss these "highest goods" in Chapter Six.

another.

Leibniz's "epagogic" induction is practically complete. After having investigated the terms *right*, *just*, and *justice* from many angles, he has "induced" that love is the nature of justice. He does not claim that love is the platonic idea of justice, nor explicitly that he has deduced the clear and distinct idea of justice. But he shows that the original intuition concerning justice is explained by love. This marks the permanent "induction," in another sense, of the theme of love into Leibniz's practical philosophy.

Now it remains to formally define *justice* as a consequence of the induction, as well as to draw conclusions about the other terms, *right* and *just*. The penultimate paragraph in Draft 4 says the following:

Justice will therefore be the habit of loving others (or seeking the good of others itself and of taking delight in the good of others), as long as this can be done prudently (or as long as this is not a cause of greater pain. (LL 137)¹⁰⁸

Notably, justice is now defined in terms very much like a virtue: the *habit* of loving others. This shows that justice not only corresponds with the performance of just acts, but performing them is to be the result of a mind inclined by the acquired disposition to perform them, by an internal disposition and intention. Also notable is that Leibniz qualifies the last remark on prudence by saying, "Yet it may not be pertinent to call in prudence here, for even one who believes, though foolishly, that the good of others is unrelated to his own pain is nonetheless obligated to them."¹⁰⁹ This seems to assert once again that prudence alone is not a sufficient determination of justice or obligation, and thus neither is one's own pleasure or pain. I might believe that it is prudent for me to avoid helping another out of a jam, but I may still have an obligation to do so, whether fulfilling it causes me pain or not. To make this work, however, Leibniz is committed to saying that I must find some pleasure in performing a task that is itself unpleasurable. This may seem paradoxical; yet he does in fact think that if one does not find pleasure in just acts, then one must be trained to find it.¹¹⁰

In the final paragraph Leibniz offers a summary of the conclusions to his whole investigation; but this will require some sorting out.

To reach a conclusion at last, the true and perfect definition of justice is therefore the habit of loving others, or of finding joy in the expectation of the good of others, whenever an occasion arises. It is *equitable* to love everyone else whenever an occasion arises. We are *obligated* (we ought) to do that which is equitable. It is *unjust* not to be delighted in the good of others [whenever an occasion arises to be just]. The just (the *permissible*) is whatever is not unjust. Therefore the just is not merely what is equitable—to delight in the good of others when the issue arises—but also

¹⁰⁸ A.6.1.465: "Iustitia ergo erit habitus amandi alios (seu per se expetendi bonum alienum, bono alieno delectandi) quousque per prudentiam fieri potest (seu quousque majoris doloris causa non est)."

¹⁰⁹ A.6.1.465: "Quoniam non sit e re prudentiam hic advocari, nam etiam qui stulte, tamen credit, bonum alienum versari, sine dolore suo, obligatus est tamen."

¹¹⁰ See Chapter Six.

what is not unjust—to do what you will when no issue is involved. *Right* is the power of doing what is just. (LL 137)¹¹¹

Let us take these propositions one by one. The definition of justice is repeated here, except that it contains not only the habit of *doing*, but of *expecting*. Perhaps this is because virtue consists partly in a state of readiness to perform just acts, rather than in a passive state. We can also assume that justice is the virtue of being just. However, *the just* has not been clearly defined in the investigation, except negatively. The epagogic induction rejected every proposed definition of the just, without clearly indicating any acceptable ones. So, how do we define it? There are several indications: First, here it appears to be synonymous with *the permissible*, although this is unhelpfully defined as whatever is not unjust. Yet this appears to refer to acts of choice that affect no one, such as, say, when I eat an apple that belongs to me. Secondly, it seems that the just can be defined positively after all, as *equity* or *the equitable (aeqvum)*. Leibniz had spent considerable effort in Draft 2 attempting to define the just in terms of an equitable proportion of good. As we have also seen, ‘equity’ names the second degree of natural right, whose precept is “give to each his due.” It is fair to say then that *the just* and *equity* are coextensive. Furthermore, *equitable* is defined in the above paragraph as “loving everyone whenever an occasion arises.” This certainly defines the just in a positive sense. In addition, this definition actually expands the scope of the just, to include not merely loving *one* other, but loving *every* other. So, then, it is just to love everyone. What remains undetermined here is this rather vague expression, “whenever an occasion arises.” This may refer to the occasions referred to above, such as when another needs help and we can provide it, or when we can provide the good for another at no loss to ourselves. I suggest that these occasions will be better specified by the arguments for the Golden Rule and the three degrees of natural right Leibniz develops later (see Chapter Six).

Another way to define the just is in terms of Condition A, the means-end condition. Leibniz rejects the idea that it is just to act from the motive of reward and punishment, since this may result in using another as a means to one’s own ends. Therefore, the opposite will be just—i.e., not to use others for one’s own ends. This may appear to be a negative rather than positive determination (it does not tell us what is permissible, but only what is impermissible). However, it could just as well be rendered positively as, “it is just to promote the ends of others for the other’s own sake.” And this is exactly what it means to love them. Thus I think we can conclude from this paragraph, and thus from the investigation of the terms, that *the just* means to love everyone, without harm to oneself.

The following proposition, however, is quite puzzling. In what sense are we *obligated*, or *indebted*, to do that which is equitable, i.e., to love everyone? In one sense, obligation itself, as we have seen from the *Nova Methodus*, stems from the moral power

¹¹¹ A.6.1.465: “Est ergo, ut concludamus tandem aliquando, vera perfecta qve *Iustitiae* definitio, habitus amandi alio, seu capiendi voluptatem ex opinione boni alieni qvoties qvaestio incidit. *Aeqvum* est amare alios omnes qvoties qvaestio incidit. *Obligati* sumus (debemus) ad id (id) qvod *aeqvum* est. *Injustum* est bono alieno non delectari qvoties qvaestio incidit. *Iustum (Licitum)* est, qvicqvod injustum non est. *Iustum* ergo est non tantum qvod *aeqvum* est, ut delectari bono alieno, cum qvaestio incidit, sed qvod non *injustum* est, uti facere quidvis, qvoties non incidit. *Ius* est potentia agendi qvod *justum* est. ”

of right. Since right is the moral power to do what is just, obligation follows as the moral necessity to do what is just. But the argument from love introduces a difficulty: If to love is just (equitable), and to love is to find pleasure in the good of another, then we are obligated to find pleasure in the good of another. In fact, love makes it motivationally possible to be just, so therefore we are obligated to love another. Yet consequently if we do not find pleasure in the good of another, then we cannot act justly; and arguably we ought to act justly, whether or not we find pleasure in it. In addition, it seems strange to make feelings obligations, since feelings are experiences we either have or do not, as the result of doing certain things and cannot be commanded. However, I think that Leibniz actually thinks that a feeling, namely, the pleasure in love, *can* be obligated in the following way: We are obligated (by right) to be equitable. To be equitable is to love everyone. In order to act equitably, we must find pleasure in it. Therefore, if we do not find pleasure in equity, then we are obligated to find pleasure in it. Feelings may not be commanded right away, but we can develop the habit of having the appropriate feeling in order to perform our obligations. That is, if we do not already possess the virtue or disposition to act justly, then we are obligated to acquire it. We are obligated because acting equitably is required by right. This is in fact why *justice* turns out to be the virtue of acting justly. This way of understanding the matter of obligation makes sense. Since *the just* means to love everyone, then *justice* means “the *habit* of loving everyone.” In fact, exactly this definition of justice introduces the following Drafts, 5 and 6, and generates a substantial demonstration, as we will soon see.

Finally, the last sentence of the paragraph and of Draft 4: “Right (*ius*) is the power (*potentia*) of doing what is just (*iustum*)”. This concluding sentence seems to come out of nowhere, unless we recall that the term *right* was investigated in the very first paragraph of the investigation. There we found the moral qualities implied: right is a moral power; obligation a moral necessity. Now we can fit this in with the rest of the investigation. Right is the power of loving everyone, of doing what is morally permissible, morally possible, what is just. And since right is a duplex quality, these are our obligations, as well.¹¹² This is significant because it means that the just is ultimately grounded in, or made possible by, subjective right, i.e., the moral qualities of a rational substance. It is also important to note that the moral qualities of right and obligation will be explicitly re-introduced in Drafts 5 and 6 as the moral qualities of the *vir bonus*, and used to develop an *a priori* normative “logic of right.”

There is however another level to keep in mind. The whole investigation began on this premise: “From the beginning, however, both our own good and that of others are involved in the question of right.” We saw that the definition of love was introduced there as the *descriptive* motive that makes it possible to carry out the *prescriptive* (normative) demands of right. At least, that is my argument, that Leibniz is working out the descriptive and prescriptive levels of right, and these levels must be understood to have separate grounds. It is apparent that the descriptive principles of pleasure and happiness are invoked largely as psychophysical motives, whose function is to make it possible to perform what subjective right normatively prescribes. Strictly speaking, if I am obligated to “love” someone, then it is only because right imposes this obligation. I am not obligated by the psychophysical motivation. However, the only way I can *fulfill* the

¹¹² Actually, this is misleading, since it appears to make all permissions obligatory; but all that is meant is that “everything morally necessary is permissible.” This will be clarified in section 4.

obligation is to be psychophysically motivated, i.e., by the motives of pleasure, love, and happiness. This dependence on prescriptive and descriptive principles will be shown further in the following section.

Before turning to the next section a few critical remarks are in order. Are Leibniz's arguments sufficient to show that the *nature* of justice is love, and that the "true and perfect" definition of justice is "the habit of loving everyone"? Several objections can be raised. One is that, according to his method, a clear and distinct idea "is not always true, although it is always possible." While we can grant that he has shown that the idea of justice as love is possible (nothing in the nature of love appears contradictory, and his arguments are plausible enough), this does not prove that the nature of justice is "really" love. At best, it shows that this definition is consistent with many other definitions. The standard nominalist objection to definitions is that ultimately they are arbitrary stipulations or starting points, but do not tell us anything about the true nature of things. Leibniz thinks he avoids arbitrariness by employing the epagogic method. But while we may agree that his definitions are plausible, well-argued, and not simply arbitrary, they can only tell us about the conventions of language use, or how to use words consistently. Or better, they tell us about what most reasonable people would agree on, or about how we ought to use these words, if we think sufficiently deeply about the matter. But he cannot legitimately claim to have deduced the true nature or essence of justice.

Second, after the full investigation, it is uncertain anymore what exactly is to be regarded as *a priori*. Recall the methodological constraints imposed from the very beginning of Draft 4: "The doctrine of Right belongs to those sciences which depend on definitions and not on experience and on demonstrations of reason and not of sense; they are problems of right, so to speak, and not of fact." Perhaps this is true, for certain definitions, such as right as a moral power. At least, that is a position I want to maintain. However, are we supposed to think that the introduction of pleasure, happiness, and love is the result of a strictly *a priori* investigation of terms? That the definition of love is reached purely through an analysis of terms? Of course, it may be said that on a deeper level everything is *a priori*, for Leibniz. Despite that, it should strike us that pleasure, love, and happiness are commonly thought to be psychophysical phenomena, observable "facts" of human nature and the world in which we live. In addition, experiential evidence is appealed to quite often, in claims such as "everyone agrees it is abominable," or "all people sense [that pleasure is sought], whatever they may say; or at least they act according to it, whatever they believe." Are we supposed to accept that these claims are drawn from an *a priori* investigation? Perhaps Leibniz means that by analyzing the terms of right, one will be required to resort to empirical features of us in order to explain how we can be motivated to perform the obligations determined by a priori investigation. In fact, I think this is the best way to think about the problem. At the same time, it becomes difficult to be sure which claims are supposed to be made from the *a priori* standpoint and which from the empirical—and which have moral priority. Some clarification on this difference and priority may be found in the next section. I will also return to this problem in chapters Four and Five.

The final objection is that although Leibniz performs a broad examination of many possible definitions and devises complex arguments to save the phenomena, the definition of justice in terms of love is at this point too vague. If he had applied the same

critical diligence to his definition of justice as he applied to his definitions of *the just*, he might have said the following: Suppose we want to know which acts count as loving acts. Should we determine this by the amount of pleasure gained? That would be rather unreliable and imprecise. Therefore, love cannot be a measure of the just. Or, what if another is displeased by my having fulfilled my obligation to save her life? Did I do something wrong? It would hardly seem so. However, there has been some explicit indication that pleasure and pain alone do not determine what the just is and what our duties are. Rather, the just is determined to be an equitable, reciprocal, proportion. So, this must be kept in mind. Another difficulty is that at some point the definitions of terms all seem to include each other. For example, the just is what is right, equitable, permissible, loving, obligatory—and not unjust. But what acts specifically count as such? Not using others as a means to one’s own ends certainly counts, as does helping others. But we are unsure, say, if it is permissible to lie to someone in order to prevent her from harming you. Perhaps in response Leibniz would say that all he intended at this point was to explain *how we could act justly at all*, on the supposition that justice must be compatible with own and other good. As far as that goes, we can follow. And perhaps these objections will be met by what follows, which appears motivated to clarify the logical relationships among terms such as *permissible* and *obligatory*, and to clarify the meaning of justice as universal love.

Section 4: The normative logic of right

Drafts 5 and 6 of the *Elementa* consist mostly of a demonstration of the definition “the good person is one who loves everyone.”¹¹³ But the first few pages of these drafts are very important and have received little attention. They contain a bare sketch of what has been called a “deontic logic,” or what Leibniz himself calls the “modes of right” (*juris modalia*).¹¹⁴ The difficulty is that he provides very little indication of their function and purpose. In what follows I attempt to reconstruct this sketch, by showing that the moral qualities of right and obligation (first introduced in the *Nova Methodus*) form an essential component of the definition of the good person. Here is my argument in outline: First we should note that the definition of the good man is ‘one who loves everyone’. What this definition means can be determined in two ways: (A) by an analysis of the *logic* of right (the logic of the moral qualities of right and obligation); (B) by an analysis of the *definitions of the terms* (i.e., a demonstration). In this section I am concerned only with (A).¹¹⁵ The logic of right has basically two components. (i) one which consists of the *modes* of right (i.e., the permitted, the forbidden, etc.), which have definite logical relationships with one another. The logic of these modes serves to show that actions designated as permitted can be logically inferred from actions designated as obligatory, as prohibited, and so forth. Thus, ‘loving everyone’ is understood to encompass a range of permissions and obligations. This logic is not designed to be a sort of decision procedure, but rather to clarify the *a priori* logical structure of the moral qualities of the

¹¹³ Or, ‘the good man.’ Technically, *vir bonus* translates as ‘good man,’ but I will use the non gender-specific term ‘good person.’

¹¹⁴ Several contemporary deontologists, e.g., von Wright, Kowlinowski and J-L Gardies (1974) and Bailhache (1991), all recognize Leibniz as the inventor of deontic logic.

¹¹⁵ The demonstration of terms will be examined in section 5 of this chapter.

good person. (ii) The second component of the logic of right consists of the logical structures *as a whole* in relation to the logical structure of “traditional” logic, i.e., the *alethic* logic of possibility and necessity. In other words, the normative logic of right operates analogously, but independently, of traditional logic. This means that the moral qualities themselves are the basis for a normative logic, that is, a logic for moral freedom and virtue.

In order to understand what Leibniz is doing, it is best to begin with some terminological clarifications, beginning with the “modes of right” (*juris modalia*). These modes are *permissible*, *forbidden*, *obligatory*, and *omissible*. They are typically used in a legal context to designate kinds of actions in relation to the law.¹¹⁶ Thus, it is lawfully permissible to do X, obligatory to do Y, and forbidden to do Z. Leibniz however uses these modes in relation to a *moral* law, or rather, in relation to the definition of a good person. Thus, for example, it is morally permissible to do X; morally obligatory to do Y, and so forth, since X and Y are what the good person would do (i.e., perform some act of rational love). In addition, the logical relations among these modes operate similarly but differently from the “traditional” logical (or alethic) modes.¹¹⁷ The alethic modes are called *possible*, *impossible*, *necessary*, *possible not*. These are the four types of alethic modal propositions of the Aristotelian square of opposition; but they are typically reduced to two types: necessary and possible (or contingent). The alethic mode categorizes propositions as either necessarily true or contingently true. For example, ‘A = A’ is necessarily true; while, ‘the jurisconsult is happy’ is contingently true. The logic of the modes of right and their relation to the alethic mode will be shown as we proceed. In sum, what Leibniz is doing here is taking juridical terminology, placing it under moral jurisdiction, so to speak, and giving it an a priori logic proper to norms of action, rather than things or states of affairs.

We can now turn to the passages that begin Draft 5.¹¹⁸ The first step is to see that Leibniz begins with a definition of justice in terms of virtue. “*Justice* is the habit of loving everyone.”¹¹⁹ This definition is noteworthy for several reasons. As we saw, the definition with which he had concluded his epagogic induction in Draft 4 was: “*Justice* is the habit of loving others.” Thus the definition beginning Draft 5 represents a dramatic broadening in scope: Justice is not merely the habit of loving some others, but all others. However, we also noted that Leibniz seemed to define *the just* as “loving everyone.” Therefore, since justice is the virtue of doing what is just, justice must be the habit of loving everyone. It is important to connect this definition with another found at the very beginning of Draft 6: “Justice is the habit (or constant disposition) of the good person;

¹¹⁶ Leibniz, who received his Doctorate in law at the age of 20 with his dissertation *De Casibus Perplexis in Jure* (1666), was certainly familiar with this terminology. Quite possibly, the mode of *obligation* was first recorded by Justinian (533 AD, *Institutiones*, Book 3 Tit. 13): “Obligation is a bond of law with which we are bound by a necessity of performing some act according to the laws of our state (*obligatio est iuris vinculum, quo necessitate adstringimur alicuius solvendae rei, secundum nostrae civitatis iura*).”

¹¹⁷ Logicians refer to the “traditional” or Aristotelian modes as “alethic,” or “ontic,” or simply “logical” modes. For consistency sake I will refer to the traditional modes only as ‘alethic.’ I will refer to Leibniz’s *juris modalia* as either ‘modes of right’ or ‘deontic modes’. The term ‘deontic’ seems to have been coined by G.H. von Wright (1951) or Ernst Mally (1926). See also von Wright (1971).

¹¹⁸ I have combined parts of Drafts 5 and 6 in a way that seems to me closest to Leibniz’s intentions and which presents the most orderly argument.

¹¹⁹ A.6.1.465: “*Iustitia* est habitus amandi omnes.”

constant, I say, not that it may not be changed, but that it may not be changed easily.”¹²⁰ A bit further down, ‘the good person’ is defined as ‘one who loves everyone.’ These definitions show, at least, that Leibniz conceives of justice as a habit or disposition, that is, as the virtue of loving universally. Thus, the good person is one who possesses the habit of universal love. This suggests that universal love is a duty. But how far is this duty supposed to extend? It is the purpose of what follows to try to determine the scope of obligation. It is also very important to note that an important change in the definition of the “objective sphere” of jurisprudence has taken place. Recall that in the *Nova Methodus* “the just” was defined as “public utility.” From now on however ‘the just’ and ‘justice’ will be defined in terms of love, where ‘love’ means not erotic love (although he still uses the term *amor*) but rather universal benevolence or *caritas*. In other words, where *the just* (or objective sphere of right) meant ‘public utility,’ it now means ‘loving everyone.’ Justice is then the virtue of loving everyone. This shift is also significant since it represents an important step toward Leibniz’s eventual definition of justice as ‘the charity of the wise,’ first broached in 1677.

Now that the just condition has been redefined as loving everyone, and justice has been defined as the virtue of loving everyone; and, the good person is one who loves everyone, the next step is to redefine the subjective counterpart to these objective conditions. That is, the *moral qualities* of the good person are now to be understood as the *virtues* of the good person. The moral qualities are introduced in the passage immediately following the above definitions.

<i>Right</i> is the power	(of the good person, for what Grotius called Moral Qualities,
<i>Obligation</i> the necessity	are nothing other than the qualities of the good person). ¹²¹

As we saw in the *Nova Methodus*, the moral qualities of right and obligation were qualities of a rational substance.¹²² We called these qualities the basis of “subjective right,” that is, the qualities of a person that enable him/her to act morally and justly. But now we can understand the moral qualities as virtues. That is, justice is the disposition or moral power (*potentia*) of a person to love everyone. It helps to note briefly that the phrase, ‘the good person’ (*vir bonus*) was commonly used by Cicero and others to signify a morally and intellectually distinguished person.¹²³ Leibniz himself however seems to have Aristotle’s *phronemos*, or “man of practical wisdom” in mind. This is affirmed in a passage a bit further down (in Draft 6), where Leibniz directly refers to Aristotle’s *Ethics*.

Wisely the Roman Jurisconsults, when the laws could not clearly determine the case, often depended on the judgment of the good person, in

¹²⁰ A.6.1.480: “IUSTITIA est habitus (seu status confirmatus) viri boni, confirmatus inquam, non ut mutari non possit, sed ut non facile possit.” Worth noting is the similarity of Leibniz’s second definition to Ulpian’s definition in the *Digest* 1.1.10: “Iustitia est constans et perpetua voluntas ius suum cuique tribuendi.”

¹²¹ A.6.1.465: “*Ius* est potentia: *Obligatio* necessitas: viri boni, quas Grotius vocat Qualitates Morales, nihil sunt aliud quam qualitates viri boni.”

¹²² See §14 and §15 of N.M.

¹²³ According to Busche, (p. 473 fn 169).

the way that Aristotle in the Ethics left everything not comprehended in the rules to the judgment of the prudent.¹²⁴

So far, Leibniz’s thinking seems to be this: The moral qualities have become the virtues of the good person. Right is the power to judge and act as the good person would, and that is, to love everyone. Thus, fully understood, *right* is not only the power that entitles one to certain things, but the virtue of judging and acting well i.e., of loving everyone. Virtue does not consist in mere rule or law following, but in the capacity for judgment and action. Of course, virtue consists in the moderation of affections by means of reason; thus, there must be moderating reasons by which one may guide one’s judgment and moderate one’s affections. In fact, in view of what comes next, there is a *logic* by which the good person may structure her judgment.

In the third set of passages in Draft 5, the “modes of right” are compared with the alethic modes of possibility and necessity. The ostensible purpose of this comparison is to indicate that there is an analogy between the logic of right and alethic logic. To understand this analogy, it helps to recall the concluding paragraph of Draft 4, particularly some of the conclusions drawn from the epagogic induction.

It is equitable (*aeqvum*) to love everyone . . .
 We are obligated (*obligati, debemus*) to do that which is equitable. . . .
 The just (the permissible, *Licium*) is that which is not unjust. . . .
Right is the power (*potentia*) of doing what is just.

From these conclusions, Leibniz seems to have perceived that these “modes of right” (*aeqvum, obligatio, licium, potentia*) were already to be found in the moral qualities of the good person. On this basis he then perceived a logical relationship between these modes of right and their alethic counterparts, i.e., possibility and necessity. Leibniz displays this relationship in the following (graphically modified) diagram.¹²⁵

<i>Iustum, Licium</i>	est quicquid	possibile	est fieri a viro bono.
<i>Injustum, Illicitum</i>	est quicquid	impossibile	est fieri a viro bono.
<i>Aeqvum, Debitum</i>	est quicquid	necessarium	est fieri a viro bono.
<i>Indebitum, omissibile</i>	est quicquid	omissibile	est fieri a viro bono.

Essentially, Leibniz is attempting to work out a “logic of right” for the good person. The modes of right are on the left and the alethic modes (possible, impossible, necessary) are in the middle. However, it is important to note that the alethic modes do not have the same logic as the modes of right. That is, the terms ‘possibility’ and ‘necessity’ in the

¹²⁴ A.6.1.480 (Draft 6): “Sapienter IC^{ti} Romani Legibus indefinibilia remittunt toties ad Arbitrium boni Viri, quemadmodum Aristoteles in Ethicis omnia regulis non comprehendenda ad arbitrium prudentis, ὡς ἂν ὁ φρονιμὸς ὀρίσειε.” Busche (p. 480 fn. 211) provides a relevant reference to Aristotle AE.1107a1: “Virtue, then, is a state of character concerned with choice, lying in a mean, i.e., the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it.”

¹²⁵ A.6.1.465. I use the Latin for convenience. To translate the first line: “*The Just, permitted* is that which is possible for a good person to do.” The other varying terms are *unjust, impermitted; equitable, owed; not-owed, omissible*.

mode of right have different truth conditions than they do in the alethic mode. That is because the modes of right are relative to a deontic moral standard—not to a standard of truth in the alethic sense. We can understand this better by interpreting the above diagram in terms of *moral* possibility and necessity:

Just, permitted is what is morally possible for a good person to do.

Unjust, forbidden is what is morally impossible for a good person to do.

Equity, Owing (obligatory) is what is morally necessary for a good person to do.

Not-owing (non-obligatory, omissible) is morally indifferent for a good person to do.

Now it may be seen that the modes of right are defined in relation to what is morally possible and necessary, that is, in relation to the moral qualities of the good person. In the alethic mode, possibility means it is conceivable that I do X. But in the mode of right, possibility is conceivable only in relation to a moral standard. That is, it is logically conceivable to harm someone, but it is not morally conceivable (or morally permitted) to do so. Quite significant (see further down) is that the term *possibility* will replace the term *potentia* in this context. Leibniz has apparently decided that *Right* just means *possibility in a moral sense*. This meaning had perhaps already been implied from the beginning, since *obligation*, the counterpart to *potentia*, was a moral necessity. In other words, the moral qualities represent the moral possibility and necessity of the good person—i.e., the self-limiting freedom of a rational substance. The other terms (unjust and not-owing) can be logically inferred, respectively, from possibility and necessity (as the square of inference will show below). We can also see that *the just* falls under the category of the morally possible or permitted. Thus we can say that *Right* is the moral possibility of the agent to do what is just or morally permitted. Now, what Leibniz says next may be understood more clearly.

Therefore all Modal combinations, transpositions, and oppositions, which from Aristotle and others in Logic have demonstrated, can be not uselessly transferred to our modes of right.¹²⁶

Leibniz does not explain what he means by this. He does however provide a few clues. To say that the “modal” combinations may be “not uselessly transferred to our own” is not merely a clumsy expression, but an indication that the logic of the mode of right and the logic of the alethic mode are similar, but not identical. He is saying that the modes of possibility and necessity in Aristotelian logic (the alethic mode) are similar to possibility and necessity in the mode of right. For instance, we commonly say ‘it is necessary that $2 + 2 = 4$.’ However, this is not the same sort of necessity as when we say ‘it is necessary to be just.’ Alethically, while it is possible to be just, it is certainly possible not to be just. But it is not morally possible not to be just. So, then, what could be meant by moral necessity? In order to get a sense of this, it will help to note this diagram (also on the same page as the others) in which Leibniz adds *epistemic* modes to the alethic and

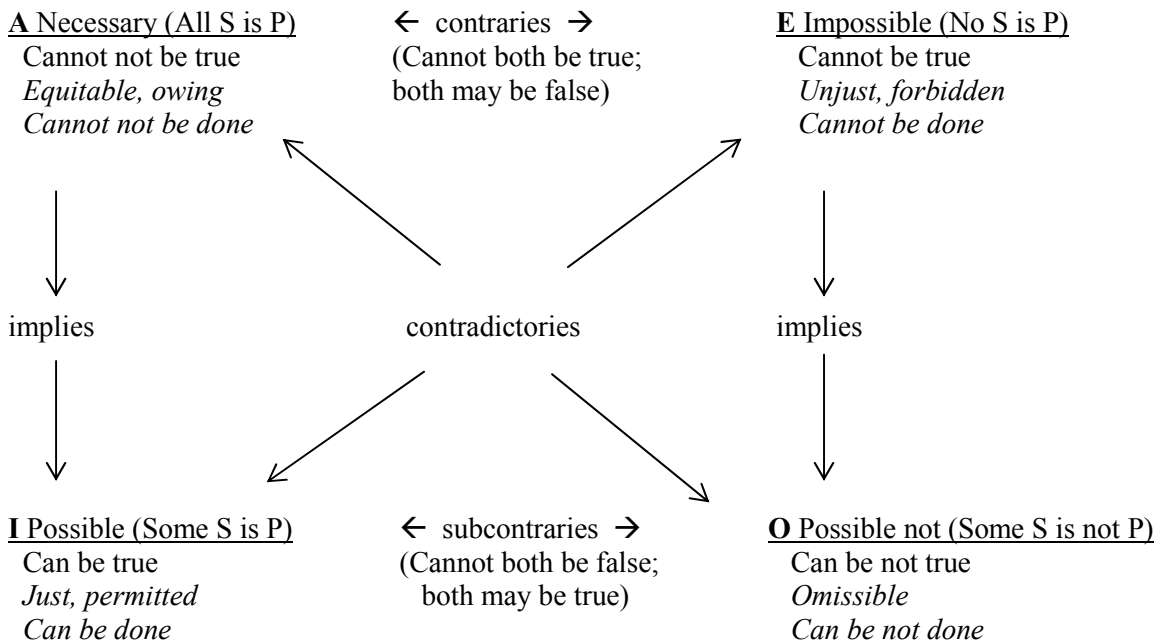
¹²⁶ A.6.1.466: “Omnes ergo Modalium complicationes et transpositiones et oppositiones ab Aristotele aliisque in logicis demonstratae ad haec nostra iuris modalia non inutiliter transferri possunt.”

deontic modes.¹²⁷

<u>Modal term</u>	<u>Alethic</u>	<u>Epistemic</u>	<u>Deontic (mode of right)</u>
<i>Possible</i>	is what can be true	can be clearly and distinctly understood	can be done.
<i>Impossible</i>	is what cannot be true	cannot be clearly and distinctly understood	cannot be done.
<i>Necessary</i>	is what cannot not be true	cannot not be clearly and distinctly understood	cannot not be done.
<i>Contingent</i>	is what can be not true	can be not clearly and distinctly understood	can be not done.

This shows how the different modal terms are to be interpreted. Each mode has different requirements and truth conditions relative to its kind (alethic, epistemic, or deontic). In the deontic mode “can” means “morally able,” or “morally speaking, X can be done,” etc. But these actions are not logically necessary truths in the alethic sense.

The logical relationships between the alethic and deontic modes can be more clearly compared in the following diagram of the Aristotelian square of opposition.¹²⁸ The diagram also efficiently summarizes all of the logical permutations through which Leibniz takes the definition of *vir bonus* in Draft 6.¹²⁹



The Aristotelian square of inference shows the relations of immediate inference among

¹²⁷ I have translated, arranged, and added headings to this diagram to make the relationships Leibniz displays easier to grasp. The Latin of the first line of the diagram would be: “*Possibile est quicquid (potest) fieri seu quod verum est (quodam) casu*” (A.6.1.466).

¹²⁸ The idea for this diagram came from Poser (1969). I have dropped the epistemic mode since it has no consequence here.

¹²⁹ It is not crucial to go into depth of detail on Aristotle’s analysis of the syllogism and the development of the square of opposition. However it is interesting to have some idea of where the notions of necessity and possibility came from in Aristotle. In the *Hermeneutics*, Aristotle analyzes the propositional types of the syllogism, and classifies them generally into two kinds, determinate and indeterminate. In other words, there are only two types of propositions, *necessary* and *contingent*, the former are those that cannot be false and the later those that can be false. Aristotle then derives the logical implications of these types, and these results have been organized into this square.

the four types of statements of the syllogism: **A**: Universal affirmative; **E**: Universal negative; **I**: Particular affirmative; **O**: Particular negative (shown within parentheses). Corresponding to these are the four alethic modal predicates (underlined): necessary, impossible, possible, possible not. The corresponding deontic modes are set in italics. Also important is that the modes can be classified more generally into two types: (A) necessary and (I) possible. The other two, (E) and (O), are immediately derived from (A) and (I). This classification into two basic types corresponds with Leibniz's division of the modes of right into *necessary* and *possible* (and corresponds with the moral qualities of obligation and possibility/permissibility. The other two modes, (E) forbidden and (O) omissible, are derivable from (A) and (I). In sum, all logical relations among the modes of right are inferable in the same way that the logical relations among alethic modes are inferable. To see this, consider (A) in the alethic mode. Let us say that $\Box p$ (i.e., p is necessary). From this we can infer that $\Diamond p$ (p is possible). But starting with $\Diamond p$ we cannot of course infer that $\Box p$. Also, starting from $\Box p$ we can infer that $\sim \Box p$ is false, since the contrary of a necessary proposition is false. The same logical relations hold for deontic operators. Consider (A) in the deontic mode. We then say that Op (it is obligatory that p). From this we can infer that Pp (p is permitted). But from Pp we cannot infer that Op . Similarly, starting from Op we can infer that $\sim Op$ is false, since the contrary of a necessary proposition is false, and so on.

However, the truth conditions of the deontic mode *as a whole* are essentially different from the truth conditions of the alethic mode. In the alethic mode, truth is a function of a relation between propositions and states of affairs. In the deontic mode, truth is a function of the relation between the deontic propositions and *normative* states of affairs i.e., states of affairs that ought (or ought not) obtain. This means that the deontic mode is "ontologically precarious."¹³⁰ The difference can be well-illustrated using logical operators. In the alethic mode, ' $\Box p \rightarrow p$ ' says that 'if p is necessary, then p is true.' However, if we were to treat deontic operators as alethic operators, we would get obviously false results. For example, ' $Op \rightarrow p$ ' would say that 'if p is obligatory, then p is true.' Not only does this not follow, but it is hard to make sense of. Certainly, it does not mean, for example, that if I am obligated to tell the truth, then I do tell the truth. Obligations can be forever demanded, but may never obtain. What the deontic proposition really expresses is, 'if p is obligatory (i.e., morally necessary) then p ought to be a state of affairs.' Deontic truth is determined by whether the action in the consequent fulfills the obligation specified by the antecedent. Whether p is obligatory depends on what makes p an obligation. Below, I will address the question of what makes p an obligation, for Leibniz.

We have seen what Leibniz means when he says that Aristotelian logic may be "not uselessly transferred" onto his *juris modalia*. The modes of right, derived from the moral qualities, have a distinctly normative logic. Yet one may be tempted to ask at this point, to what use may the good person put this logic? Is this nothing but an exercise in formalism? After the demonstration he carries out (in the next section), Leibniz shows how the definitions contained in "the good person" can be applied to the modes of right.

¹³⁰ Patrice Bailhache (1991) puts the matter nicely. "The fact that states of affairs are not deducible from obligations ($Op \rightarrow p$ is not a thesis...) expressess an essential property of the norm, which can be called its precariousness: that something is obligatory does not prove that it is realized. In fact, that a norm can be transgressed is one of its essential features" (p. 11).

Nevertheless, the application of the modes to specific actions remains unclear. Therefore, I have devised the following brief examples which I think accurately represent his intentions.

1. It is *just, permitted, morally possible*—that I pick an apple from a tree, provided this tree belongs to no one (i.e., without violating the same right of another person). This is permitted by *ius* (the moral quality or faculty enabling me to do preserve myself as far as is permitted). Since I can refrain from picking the apple as well, this right is a possible action. It is not morally, logically, nor physically necessary that I pick the apple. Moreover, another person does not have the moral possibility to take it from me (once I have acquired it under permissible conditions), although she may have the physical possibility of doing so.

2. It is *unjust, forbidden, morally impossible*—that I take an apple against the will of the one to which the apple belongs, though it is logically and physically possible that I do so.

3. It is *equitable, obligatory, morally necessary*—that I do what is equitable; that is, if I have apples to spare and others need them for their livelihood, or even enjoyment, then I am morally obligated to distribute them. To refuse another the means of livelihood when I can provide it without harm to myself constitutes a harm, and even worse, a harm from which I unnecessarily benefit. However, I am not logically or physically necessitated to provide for another.

4. It is *omissible*—that I do nothing with the apples, whether they are mine or not, and to allow others to take them as they want, as long as it is permitted, and as long as it is not obligatory. The omissible mode applies to actions having no moral consequence.

These and other relations can be read off the square of inference. But the relations can be reduced to two main classifications of action: morally possible (encompassing the just, the obligatory, and the omissible) and the morally impossible (the unjust, forbidden). This means that most actions fall under the modal category of *the possible*. As Busche points out, this means that for Leibniz obligation starts from the “primacy of the possible,” rather than from the forbidden (or prohibited). I think there is another way to put it, that obligation starts with the *freedom* of the subject. The moral quality of a person is, after all, the power, capability, and virtue to act in a manner consistent with the moral qualities of another. This implies that a person is capable of transgressing, or acting inconsistently with, the moral power of another. Thus we can speak of *moral* freedom, as consisting in the capacity to *limit* one’s freedom. Moral possibility implies obligation—that is, the self-limitation of one’s conduct. Thus, “the primacy of the possible,” morally speaking, must include a limitation on what is *logically* possible to do. To conclude from this so far: *Right* is the moral power of the good person. *Obligation* is the moral necessity of the good person. From these deontic terms one can derive all other relations of deontic possibility and necessity for the good person.

We must now ask the following: (1) If ‘if p is an obligation -> p is possible’ is true for Leibniz, what makes p an obligation? To answer this question, we must first understand that there is an important interrelationship between the modes of right and the alethic modes. This relationship involves the principle that “ought implies can,” whose symbolic expression is: $Op \rightarrow \Diamond p$. This says that if p is obligatory, then p is possible. In other words, *everything obligatory is possible for any rational person to do*. That is, you cannot be obligated to do something that is impossible for you to do. Leibniz

accommodates this principle in the following way. As the square of opposition shows, Op implies Pp. That is, ‘every obligation is permissible.’ The question is, then, whether permissible actions are *alethically possible* actions. As we have seen, a constraint Leibniz imposes on possible actions is that one must be psychophysically motivated to do them; that is, they must involve one’s own good. To show that this is possible, Leibniz claimed that (i) doing good for another is to love them; and (ii) love means to find pleasure in the good for another (happiness); (iii) Presumably, fulfilling an obligation is a good for another. (iv) therefore, since we find pleasure in doing good for others, love makes obligations to others possible actions for us. Thus, Leibniz can certainly accommodate the principle that “ought implies can.”

Now, what makes p an obligation? It appears at this point that we are obligated to love one another; but what makes this an obligation? This is of course a difficult question, especially for Leibniz, since the *ground* of obligation often seems to lie in the *motives* that compel performance. But again, to understand Leibniz correctly, ground and motive must be considered separately. To do this, let us consider several possible sources of obligation: It is commonly supposed that the natural law, in some sense, commands us to love one another. This command is revealed to us in Scripture and thus we are obligated by God’s command to love one another. We may even say that God’s authority and retributive power compel us to love one another. This is not, however, Leibniz’s argument, even so he indeed thinks that God provides strong *motives* to be just. Secondly, we may suppose that we are obligated to do the good, whatever that is, whether or not God says so. For example, as the Stoics say, the natural law (the *logos*) tells us what our duties are, and we should perform these duties because we must, or because natural rewards and punishments accord with them. But again, Leibniz does not make this argument. Closer to Leibniz’s position is this: According to our psychophysical constitution, our capacity for pleasure and pain, we ought to love one another because this will result in the greatest happiness of everyone. In this way duty is commensurate with one’s own happiness. This ground of obligation, however, may meet the objection that obligations must constrain the will apart from any consideration of one’s own utility. Without such a constraint, obligations amount to merely instructions or councils about how to attain happiness, but do not amount to a true obligation.¹³¹

Now, Leibniz does not entirely dismiss these kinds of grounds for obligation. However, they must be understood only as effective motives to compel performance of one’s duties. The motive of love is first of all the *right sort* of motive, since it does not involve using another as a means for one’s own ends. In addition, the pleasure we get from performing obligations makes the performance *psychophysically possible*, as we have seen. But these reasons do not provide the reason why we ought to love. The reason is given most fundamentally by the moral qualities of right and obligation. Obligation springs originally and conceptually from our capacity as a rational substance. The power we possess as rational agents gives us the obligation to do what is just or equitable. The motive of love is introduced as a means for fulfilling the requirements of right—not the other way around (i.e., that love is the obligation and the theory of right the means for fulfilling it). Love, that is, practical love, is the completion or perfection of what is implied in the definition of right and what follows from it. In addition, the *a priori*

¹³¹ This view may be found in Pufendorf and in Barbeyrac’s criticisms of Leibniz’s criticisms of Pufendorf. I will deal with these issues more extensively in Chapter Six.

structure of permissions and obligations is derived from right (or from the moral qualities), not from the feeling of love. Therefore, ultimately it is our capacity as moral agents, our *ius*, that makes p an obligation.

To be a moral agent means to have the capacity for freedom, i.e., the natural capacity to act justly or unjustly. This means having the self-limiting power to restrict one's natural freedom, which is to say to have obligations. What we have not seen enough of at this point are the specific limits and moderations of practical love. In Chapter Six however we will find criteria such as the Golden Rule and "the place of others." It will be shown that these criteria derive ultimately from the foundation of right, as well. In any case, having the virtue of following these rules makes one a more "self-ruling" moral agent—one that is free of external motives (reward, punishment, threats from a superior, caprices of passion, concern for reputation or personal gain)—all motives that Leibniz rejects as unjust. Possessing the virtue of love makes it possible to carry out one's obligations (e.g., not to harm others) from the right sort of motive. For these reasons I argue that for Leibniz right as a moral power, as subjective right, ultimately determines what makes p an obligation.

This idea of moral freedom, however, conflicts with Leibniz's formulations that may imply a sort of physical necessitation. This problem can be addressed in the passages following the *juris modalia*. As we know, the moral qualities are the moral properties of the *vir bonus*. As we saw, this means that they are the *virtues* of the good person, the habits and dispositions that allow her to act according to the just and moral order. But then, can the good person really *fail* to be good? And if she cannot, what sense is there in saying an act is morally possible or impossible for her? If she could not but do them, all of her acts would be necessitated in the strong sense, i.e., unable to do otherwise.¹³² In the following passage, Leibniz indicates this difficulty, in reference to the modes of right.

In these relations belong the wise judgment of the ancient jurisconsults, that we are unable to perform acts which harm our piety, reputation, self-respect, and which in general are contrary to good morals [or customs].¹³³

Leibniz is pointing out that there is a kind of "necessity" involved in right conduct, that the "good person" is "unable" to do what is bad. But what really is the sense of "unable"? Is it *physically* impossible for the good man to harm his piety, reputation, and so forth? Logically, or morally impossible? What would that mean? A possible explanation is offered as the passage continues, indicating that *potentia* is distinguished from other types of power.

The power (*potentia*) to kill an innocent is found in mere strength (*robusto*), not in those who are strong (*robusto*) and simultaneously good. For his hands are bound as through a higher power (*vi*). *He cannot*

¹³² I will discuss René Sève's point about this in the chapter conclusions.

¹³³ A.6.1.480: "Huc pertinet sapiens ICTi veteris sententia, qvae facta laedunt pietatem, existimationem, verecundiam nostram, et generaliter avae contra bonos mores sunt, ea nec facere nos posse credendum est." Busche (p. 480 fn. 212) notes that Leibniz is quoting nearly verbatim from the *Digest*, 28.7.15: "Nam quae facta laedunt pietatem existimationem verecundiam nostram et, ut generaliter dixerim, contra bonos mores fiunt, nec facere nos posse credendum est."

overcome the heart, as the Germans significantly say.¹³⁴

This is actually quite interesting. There are three terms which involve the concept of power in some way: *potentia*, *robustus*, and *vis*. Perhaps what is meant here is that *potentia* is the genus of two types of power: *robustus* or physical strength, and *vis*, which can be thought of as a mental or moral force. Clearly, *vis* is associated with the moral strength, or the strength of heart, not the fundamental physical strength. We can assume that any person, any rational substance, possesses the *potentia*, that is, the capability of acting from both his physical (*robust*) power and moral strength (*vis*). The *good* person however, possesses more *vis* than *robusto*; she is strong and simultaneously good. Her *vis* overpowers her physical power. Of course, we have no idea how this is supposed to work. And the difficulty remains; since the good person always acts from *vis*, then she can never fail to act morally good. Leibniz makes clear that failure to do so would be a moral contradiction; but it is not clear whether the good person is truly capable of failing.

Unjust is what is absurd and what implies a contradiction for a good person to do. What therefore Grotius called moral qualities, Right and Obligation, are so taken to be the attributes of a good person in respect of acting or suffering. *Quality* indeed means the attributes of a thing in respect to its activity and passivity.¹³⁵

But this is just to say that the moral qualities of the *vir bonus* enable her to do what is morally required. Presumably, the good person is moral because her moral strength (or moral quality) is more active than passive. It seems doubtful then that the good person can fail to act morally or justly.

Does this imply the sort of necessity that eliminates freedom? On the contrary, Leibniz intends it to imply just the opposite, since it implies the very possibility of moral freedom. For one, the moral *power*, or moral quality, is in a separate genus from the physical power; so presumably it is not subject to physical (or efficient) causation.¹³⁶ Secondly, and more importantly, it is a quality that, in Aristotelian terms of *energeia* and *dynamis*, is most active in the degree to which it is less passive. This implies that freedom is a function of the degree of moral power. The more morally capable one is (i.e., the more one is necessitated by moral considerations), the more morally active one is, i.e., free from passive and external determinations. Thirdly, the notion of “the good person” is not intended to capture the physical capability of a person, but rather is intended to present a *model* of moral possibility. That is, the good person is a normative, imitable model, representing what is morally required and possible. I will return to these points in the chapter conclusions.

Before going to the next section, let us briefly review this one. Leibniz has shown

¹³⁴ A. 6.1.480: “Potentia occidendi innocentum locum habet in robusto, non in robusto et simul bono, manibus ei velut superiore quadam vi ligatis. *Er kans nicht übers Herz bringen*, uti significanter Germani loqvuntur.”

¹³⁵ A.6.1.480-1: “Injustum est quod absurdum est, quod contradictionem implicat fieri à viro bono. Quod ergo Grotius Ius et Obligationem vocat qualitates morales, id sic capiendum, esse attributa viri boni in respectu ad agendum patiendumve. *Qualitas* enim est attributum in respectu ad agendum et patiendum.”

¹³⁶ Whether this view is metaphysically coherent is not a view I will argue, since that would take us too far afield.

that the moral qualities are the virtues of the good person. He has also derived an a priori normative logic from the moral qualities. This logic determines the logical connections among permissions and obligations. This suggests that virtue, justice, obligation and moral freedom are grounded in these moral qualities themselves. Thus Leibniz has established an a priori logic for the good person, derived from the moral qualities of right and obligation. This is however only one part of Leibniz's effort to clarify the notions of right, just, and justice. The other part is the demonstration of the proposition 'the good person loves everyone.'

Section 5: Demonstration of 'the good person is one who loves everyone.'

We may now turn to Leibniz's demonstration of the proposition that resulted from the epagogic induction. It may help to recall that the investigation began by examining the terms *right*, *just*, and *justice*. The result of this was that love was found to be the nature of justice, and thus the good (and just) person was defined as one who loves universally. It is this definition that must now be made clear and distinct through demonstration.

An important and pervasive feature of the *Elementa* is the "definition chain." As Leibniz had claimed earlier, if a definition is to be clear and distinct, it must be analyzed fully, that is, *demonstrated*. Following the modes of right in Draft 5, this requirement is carried out extensively. Through the course of it, Leibniz defines many terms that are connected with his broader metaphysical notions, such as happiness, harmony, and perfection—notions which have not been fully developed at this early stage in his career.

To recall the demonstrative method, a definition chain begins with a definition; then, each term of the *definiens* is defined, and the terms of any subsequent definitions are also defined, and so on, until all (or most) terms have been defined. Leibniz does not make clear how the chain should terminate. But he appears to think it sufficient to show that the definitions terminate in basic metaphysical assumptions. The most basic is *harmony*, which is defined as "unity compensated by identity." The definition demonstrated here is "the good person is one who loves everyone." The general result of the demonstration is that the good person is one who has the knowledge of and striving for the love (happiness and perfection) of everyone. In order to fulfill the requirements justly, this "love" must be consistent with the good person's own happiness. Thus the result conforms to the requirements of the just condition, that one's good be compatible with the good of all others. These requirements are those of right. But what Leibniz shows is that this requirement is made possible to perform by the principles of motive. To show as clearly as possible how Leibniz does this, I have combined Drafts 5 and 6 of the *Elementa* in a way that satisfies the most consistency, completeness, orderliness of presentation, and faithfulness of intention. I have also numbered each defined word so that one may see which definitions are included in others. I also provide some of Leibniz's comments on the definitions as well as my own reflections on what they mean.

The proposition to be demonstrated is: The good person is (1) one (2) who loves (3) everyone.¹³⁷ What must be defined then are each of these terms, 'person', 'love', and 'everyone.'

¹³⁷ A.6.1.481 "VIR BONUS (a) quisquis amat (b) omnes (c)." Leibniz places letters next to these key terms,

- (1). “A Person is one who (2) loves himself, that is, who is moved through (2.2) pleasure or pain.”¹³⁸

It can be recalled that in the *Nova Methodus* ‘person’ is defined as ‘rational substance.’ Here, ‘person’ is defined in terms of psychophysical movement. This reflects Leibniz’s unchanging claim that pleasure and pain are the ground of motivation.¹³⁹ He also distinguishes person from animal, saying that “animals have no more pleasure (*voluptas*) than a machine or mirror.” The implication is that pleasure and pain are relevant only to beings with consciousness.¹⁴⁰ We can also anticipate that while a person is one who loves himself, a *good* person is one who is moved by the pleasure and pain of another person. But more substantially a *Person* is defined as a being that has a (1.1) *will*, as one who is capable of thought, affection, desire, and pain.¹⁴¹

- (1.1) *Will* is the (1.1a) *endeavor* (or striving) of (1.1b) a *cognizing* being.¹⁴²
 (1.1a) *Endeavor* is the beginning of action.¹⁴³
 (1.1b) *Cognition* is an act in itself.¹⁴⁴

Leibniz’s remarks on this last definition can be paraphrased. Everything that affects itself has a kind of memory and likewise a perception of (2.2b) *harmony* or disharmony, that is, of (2.2) *pleasure and pain* (*voluptatis et doloris*). By comparing an old with a new feeling or sense, a conscious being has also an opinion; this gives rise to the anticipation of a future feeling, and at last to the feeling of striving, i.e., the will. Leibniz provides definitions of additional terms, such as *act*, *change*, *cause*, and *nature prius*, but these are not so important. This series of definitions terminates with a comment that sums up the difference between cognition and sense: “Through thinking we measure [or discern] essence, through feeling, we measure existence,” but action does not occur unless there is a prior passion.¹⁴⁵ Thus, the *will* is the conscious striving toward (2.2b) harmony. This just about terminates the definition of *person*, although additional details will arise.

(2.) “We love those whose (2.1) *felicity* (2.2) *delights* us.”¹⁴⁶ This is the definition of love Leibniz has offered twice already. On the face of it, it may appear to be a very inadequate way to think of love, especially in connection with justice. If another happens not to delight us, then we may not be inclined to love him or her. But Leibniz does not seem to mean mere delight, nor of course does he mean sexual love. He distinguishes

but not to any others. I use numbers and letters to mark all defined terms.

¹³⁸ A.6.1.466: “*Persona* est quisquis amat se seu quisquis voluptate vel dolore afficitur.”

¹³⁹ Indeed, in the *Nouveaux essais*, they are one part of what makes “*la morale*” a demonstrative science, as we will see in Chapter Five.

¹⁴⁰ This reflects Leibniz’s early Cartesian view that animals do not have sensations or souls, a position he later came to reject. It also reflects his yet to be developed doctrine of *petites perceptions*. But it is not necessary here to enter into Leibniz’s complex views on sensation, perception, and apperception.

¹⁴¹ A.6.1.482: *Persona* est cuius aliqua voluntas est. Seu cuius datur cogitatio, affectus, voluptas, dolor.

¹⁴² A.6.1.482: “*Voluntas* est conatus cogitantis.”

¹⁴³ A.6.483: “*Conatus* est initium actionis.”

¹⁴⁴ A.6.1.483: “*Cogitatio* est actio in seipsum.”

¹⁴⁵ A. 6.1.483: “*Cogitatione* essentiam, sensu existentiam metimur. Ita efficiens est tempore prius effecto, sed actio non est nisi natura prior passione.”

¹⁴⁶ A.6.1.466 and 482: “AMAMUS eum cuius felicitate delectamur.”

caritas, i.e., ‘brotherly love’, ‘love of neighbor’ or simply ‘benevolence,’ from sexual love (*venereus*), identifying the latter with a kind of consumption: “The desire for union is not love, to love what one would like to devour.¹⁴⁷ The appetite for *venereus* is akin to an appetite for food. As commonly said, we “love” a meal which delights our tastes; in the same manner we say that the wolf “loves” the lamb.¹⁴⁸ But this is not of course the relevant sort of love. Therefore “we distinguish sexual love (*venereus*) as a completely different kind from the true.”¹⁴⁹ Real love, or the relevant love, is then *caritas*, the term he will use from now on to refer to the sort of love that is the nature of justice, although he sometimes mixes it with pleasure and *amor*. In the following passage he speaks of three types of love, in a brief and unusual burst of eloquence, as if he has just made a great discovery.

Love of neighbor and Justice cannot be handled apart. Neither Moses nor Christ, neither the apostles nor the early Christians have honored another measure of Justice more than love. Nothing the Platonists, the mystical theologians, nothing that pious men of all nations and regions celebrate more, nothing they cry out and urge for more, than *Love*. Likewise I, after treating countless concepts of justice, have finally come to rest in this excellent discovery, both universal and reciprocal.¹⁵⁰

This passage reflects Leibniz’s syncretic proclivities, by connecting Judeo-Christian love, platonic love Epicurean pleasure—and everyone else—with his own epagogic discovery. By using *dilectione* along with *caritas*, it may appear that he equates pleasure with true love. However, it is very important to keep in mind that he always thinks of pleasure and delight as the *motus primum*, that is, the first movement or *conatus* (endeavor) within a substance, whose end is perfection.¹⁵¹ But perfection, moral perfection at least, is possible only when pleasure is regulated by wisdom and virtue. Wisdom includes both practical and theoretical knowledge. But these issues cannot be dealt with here. The present point is that much of the demonstrative character of justice can be found in the true nature of love: “From this definition [of love, i.e., taking delight in the felicity of others] can be demonstrated many splendid theorems of greatest importance in theology and morals” (A.6.1.482). Therefore, love is both the beginning and the end (*telos*) of moral activity, but it can be the end only when it is perfected by reason and wisdom.

(2.1) *Felicity* is the (2.1a) *optimal* (2.1b) *state* of a person.¹⁵² This corresponds with one of Leibniz’s basic metaphysical assumptions, that there is an infinite progression of goods. Thus the optimum condition consists not in *reaching* an optimal

¹⁴⁷ A.6.1.466 and 482: “Appetitus unionis non est amor. *Lieben das man vor liebe fressen möchte.*”

¹⁴⁸ Busche notes (fn 176 p. 475) that Leibniz is likely alluding to Plato’s discussion of love in *Phaedrus* (241 c-d) where the wolf is depicted as a glutton for appetite.

¹⁴⁹ A.6.1.466: “Amor ergo venerus toto genere differt à vero.”

¹⁵⁰ A.6.1.481: “Caritas et Iustitiae inseparabilis tractatio. Non Moses aliam, non Christus, non Apostoli, non veteres Christiani, Iustitiae regulam dedere, nisi in dilectione. Nihil Platonici, nihil Theologi Mystici, nihil omnium gentium partiumqve homines Pii celebrant magis, in clamant, urgent, qvam *Amorem*. Ego quoque post tentatas innumerabiles Iustitiae notiones in hac tandem conqvievi, hanc primam reperi, et universalem, et reciprocantem.”

¹⁵¹ This is made clear in a much later passage in the *Nouveaux essais* Ch. 21 §36.

¹⁵² A.6.1.466 and 483: “*Felicitas* est status personae optimus.”

state, but in being unimpeded from the progress of ever more goodness and happiness (A.6.1.483).¹⁵³ As a result, desire is a continual activity, a continual striving: “The cessation of desire, that is, a state in which one wishes nothing more, would not be felicity but rather torpor” (A.6.1.483). Furthermore, “indeed no one finds his good, without at the same time continuing to want; nor is there joy (*delectatio*) without harmony nor harmony without variety.” This can be explained in view of his much later *Nouveaux Essais*.¹⁵⁴ Locke takes desire to be a conscious state of “unease.” But Leibniz argues that a state of unease is compatible with a state of happiness, although at the unconscious level of “petite” perception. In fact, some amount of unease must accompany happiness, since without unease happiness would be a state of inactivity. Just as harmony consists in a unity of contrasts, so does happiness. Thus every perception is a perception of delight, since every perception is a perception of (2.2b) harmony (conversely, every perception of disharmony is displeasure). It should be emphasized that this is descriptive psychology, a description of the physical good, not a prescription for how we ought to act.

The following definitions introduce the notion of *the good*.

(2.1a) *Optimum* is the maximum (2.1ab) *good*.¹⁵⁵

(2.1ab) *The Good* is whatever will be (2.1ab.1) *desired* from (2.1ab.2) *knowing well*.¹⁵⁶

Not much is said about “the good” here other than that it is not merely agreeable or pleasant (*jucundum*), but is also the cause, condition, or auxiliary against an evil. Elsewhere, under the same term the apparent good is distinguished from the true good: “Towards the unknown, there is no longing; towards the rightly known, [there is] nothing censurable; all evil stems from error.”¹⁵⁷ This of course expresses the platonic conviction that if you know the good you will follow it, and that evil stems from ignorance. In the same way, if you know the essence of justice you will act accordingly.¹⁵⁸ “To know well” will be defined below. The following definitions follow from the definition of the good.

(2.1ab.1) *Desiring* is the (2.1ab.1a) *enjoyment* of the (1.1) *will*.¹⁵⁹

(2.1.ab.1a) *Enjoyment* is the (2.1.ab.1ab) *perception* of a present good.¹⁶⁰

(2.1.ab.1ab) *To perceive* or ‘to have decided’ is to (1.1b) *cognize* along with (1.1) *volition*; in other words, to perceive is to think practically.

Thinking is followed by (1.1) *will* or (1.1a) *endeavor*.¹⁶¹

¹⁵³ This idea can be found in various writings, notably *Nouveaux essais*, Chapter 21.

¹⁵⁴ Again, see Chapter 21.

¹⁵⁵ A.6.1.484: “*Optimum* est maximè bonum.”

¹⁵⁶ A.6.1.466: “*Bonum* est quicquid appetitur à pernoscente, qvale est non tantum jucundum, sed et jucundi causa, requisitum, auxilium; aut mali contra.”

¹⁵⁷ A.6.1.484: “Et hoc discrimen est boni veri et apparentis. Ignoti nulla cupido, recte cogniti nulla improbanda cupido; omnis malitia ab errore.”

¹⁵⁸ But Leibniz has not worked out a complete account of the good here—nor does he. For a thorough account of Leibniz’s conception of *the good* see Heinekamp (1969).

¹⁵⁹ A.6.1.484: “*Appetere* est frui velle.”

¹⁶⁰ A.6.1.484: “*Frui* est sentire bonum praesens.”

¹⁶¹ A.6.1.484: “*Sentire* seu statuere est cogitare cum voluntate, seu practice cogitare. Cum cogitationem sequitur voluntas seu conatus.”

Leibniz adds that this practical perception, which is followed by an act or endeavor, is to be distinguished from an act of imagination or fiction; for example, if I imagine myself in the middle of a fire, there is no endeavor to act; but this is of course otherwise if I am in a real fire. (2.1ab.2) “*To know well* means to be able to know the activity or passivity of things, taken in themselves or with other things.”¹⁶² With this definition, stemming from the definition of *the good*, Leibniz arrives at one main goal of this definition chain, which is to establish that “true practical knowledge” consists of the “in-most” (*intelligere*) workings of a thing: “Hence it follows that no one thoroughly knows a thing if he is not most wise or knows universally. For ‘to know well’ is called in Latin ‘to understand’ (*intelligere*) or ‘to pick out the in-most.’ But ‘understand’ is now carelessly applied to every kind of knowing.”¹⁶³ Leibniz also defines ‘to know’ as “truly to establish or perceive.”¹⁶⁴ In sum, the entire definition chain begins with love and leads to knowledge. The good man is one who knows how to love wisely, and to love wisely one must have thorough knowledge of the very constitution of substances—their power, lack of power (passion), and endeavor.

(2.1b) A *state* is an (2.1b.a) *aggregate* of (2.1b.b) *accidents*.¹⁶⁵ Accidents are constituents of a person, such that the definition of ‘felicity’ is ‘the optimal state of the aggregate of the accidents of a person.’ This definition appears to conflict with Leibniz’s later accounts of substance, in which a substance has no accidental properties. However, it is not vital to resolve this conflict at this point.

(2.2) *Delight* or PLEASURE is the (2.2a) *perception* (2.2b) of *harmony*.¹⁶⁶ This definition again indicates the connection between love (as suggested above) and motivation, as well as leads to the most fundamental principle of Leibniz’s metaphysics, i.e., *harmony*. It would take us too far afield to explain all that is involved in the concept of harmony. But harmony and goodness are ordered by degrees ranging from delight at the lowest level to beauty at the highest. The soul is first moved by delight or *iucundum* (the agreeable or pleasant) which is “the object of the perceiver’s [sensual] pleasure.” A higher level of perception (i.e., a more unified, encompassing perception) leads to *joy*, which is “a pleasure perceived only by the mind.” Higher yet is *Beauty*, which is “that harmony which is clearly and distinctly known, of a kind in which only the harmony of figures, numbers and movements is perceived.”¹⁶⁷ An example of the merely agreeable is the gustatory sense, which is not clearly and distinctly known to the mind. Sensual tastes are subordinate, since they are less clear. “Thus the Sweet is not beautiful.” But, “God, thought, and eloquent speech we call beautiful.” Nor is beauty to be mistaken for its popular meaning as “what is agreeable to look at” (A.6.1.484). This explains why Leibniz says so often, quoting Cicero, that utility and honor coincide. What is good for me is my delight, but more delightful is beauty, which is found in its highest degree in justice. In

¹⁶² A.6.1.484: “*Pernoscere* est nosse quid res agere aut pati possit scil. tum per se, tum aliis combinata.”

¹⁶³ A.6.1.484: “*Qvod* pernoscere, id latinus dicitur *intelligere* id est intima legere. Sed intelligendi vox nunc laxius sumitur pro omni notitia.”

¹⁶⁴ A.6.1.484: “*Nosse* est vere statuere vel sentire.”

¹⁶⁵ A.6.1.466: “*Status* est aggregatum accidentium.”

¹⁶⁶ A.6.1.484: “*Delectatio* seu VOLUPTAS est perceptio harmoniae.”

¹⁶⁷ A.6.1.484: “*Iucundum* est objectum percipientis voluptatem. *Gaudium* est voluptas sola mente percepta. *Pulchrum* est cuius harmonia clare distincteque intelligitur, qvalis sola est harmonia qvae in figuris numeris et motibus percipitur.”

the *Meditation* Leibniz says that the highest virtue is to gain pleasure from doing justice, and justice is the highest beauty.

(2.2a) *To perceive* is to sense a present thing.¹⁶⁸ This sentence ends Draft 6 of the *Elementa*, but this just means that the chain of definitions beginning with (2), love, felicity, the good, desire, perception, has come to an end. He defines the verb ‘to perceive’ here, although the term to be defined is a noun (*perceptio*). He says “from where ‘to enjoy’ is to perceive the good or to sense in the present.” But the meaning of ‘perception’ is very close to the meaning of harmony. In later texts, ‘perception’ is most commonly defined as “the expression of the many in the one.”

(2.2b) *Harmony* is diversity compensated by identity.¹⁶⁹ That is, harmony is the uniformity of different forms. The concept of harmony is the central metaphysical concept for Leibniz, the most characteristic feature of the universe, and the principle of the good (see Heinekamp 1969). Leibniz provides examples indicating that the unity and variety of things is the aesthetic criterion for the beauty of the organization of things. Variety is possible only in relation to similarity. This is shown in the contrasts and shadings of paintings, and in the dissonances of music. Unity is possible, only if it is contrasted by variety. Harmony also arouses our interest. Repetitious verse and immediately graspable propositions do not hold our interest; rather, we are excited by the unexpected. Our desires, pains, and rational feelings are affected. All of this harmony is supposed “to fend off the cavils of the atheists, by indicating the great natural order and intentional design, which naturally inspires admiration for this great governor” (A.6.1.484-5). Although Leibniz does not discuss perfection in the *Elementa*, metaphysically speaking, harmony is practically synonymous with perfection. Perfection is the richest compatibility of things, the highest degree of good compatible with the most variety—not a static quantity of good, but a perpetual increase. This terminates the definition chain beginning with *love*.

The remaining term to be defined is (3) *everyone*. Under the definition of *everyone* Leibniz follows up on many of the above definitions, since ‘everyone’ means ‘every person.’ He also conveys the universality of justice. For example, harmony makes sense only in relation to other persons. It would be “stupid” but not unjust, if only one person lived on the earth and destroyed everything. But if we set our sights on universal harmony, we may truly love.¹⁷⁰ What detract from harmony are self-love, ambition, greed, luxury, and prejudice. Without harmony and love we tend to live as isolated beings who care little to know anything of the “admirable structure and reason of this whole animated machine,” (i.e., the world) and think of it as made for oneself.” We “haphazardly consume its noblest members,” and “the beast of burden is our last consideration” (481). But love is a binding agent. “With love is the strongest impulse connected, to seek the good of the beloved.” That statement fairly summarizes the whole point of Leibniz’s effort in the *Elementa*, to bridge the gap between doing one’s own good and doing the good for another. The beloved, however, must also be *worthy* of love.¹⁷¹ This means there are degrees of love, and consequently, the need for proper

¹⁶⁸ A.6.1.485: “*Percipere* est sentire rem praesentem. Unde frui est bonum percipere seu praesens sentire; vide supra.”

¹⁶⁹ A.6.1.484: “*Harmonia* est diversitas identitate compensata.”

¹⁷⁰ A.6.1.481: “Omnes vero amaremus omnes, si modo intueremur, si oculos attolleremus ad harmoniam.”

¹⁷¹ A.6.1.481: “Est enim connexus amori summus conatus quaerendi bonum amati, cuius ergo bonum

judgment. Leibniz does not say so here, but his eventual definition of justice is implied. The good person loves all *wisely*, i.e., according to what is due to others, according to need and merit. This suggests the definition that Leibniz eventually comes to in 1677, ‘justice is charity of the wise.’

This completes Leibniz’s chain-demonstration of the proposition: *The good person is one who loves everyone*. It seems appropriate to conclude that the definition of justice worked out in the *Elementa* runs: *justice is the virtue of loving everyone according to their due*. While the demonstration touches on major portions of Leibniz’s metaphysics (pleasure, harmony, knowledge, perfection) a number of questions remain. As extensive as the demonstration is, it remains indefinite. It is not really possible to demonstrate a proposition by analyzing every concept contained in it. Many terms are left undefined or inadequately defined. For example, the notions included in the definition of harmony (i.e., diversity, compensation, identity) are not analyzed. Nor is it clear how a definition is supposed to terminate. At a later phase, Leibniz revises his demonstrative method, by distinguishing propositions that can be analyzed either *terminably* (i.e., into either identities or contradictions, i.e., necessary truths), or into contingent truths whose analysis does not terminate. But Leibniz’s demonstrative method is at this point incomplete.¹⁷²

Nevertheless, the demonstration provides some idea of the basic notions contained in the definition of ‘the good person.’ And, presumably, according to his demonstrative method, the definition does not contain any internal contradictions; it is therefore a possible definition. The outstanding feature is the psychology of pleasure and love, which shows once again that Leibniz depends on descriptive empirical principles to complete the a priori ground of right. We should also note that harmony is a central metaphysical feature of the universe that corresponds with the aims of subjective right, i.e., the harmonization of moral ends. This demonstration, however, does not provide a sufficiently determinate idea of which sorts of acts may be counted as loving (or benevolent) acts, which acts may best lead to happiness, and so forth. Nevertheless, this demonstration stands as Leibniz’s most thorough attempt to show that the science of right is a demonstrable science.

Immediately following the demonstration (the version in Draft 5), however, Leibniz appears to draw his own conclusions. In the following passage he redefines ‘jurisprudence’ as “the science of the just,” etc.

Jurisprudence is the science of the just, or the science of freedom and duties, or the science of right, in relation to some case or fact. A science I call practical, since all of its propositions can be demonstrated from the definition of a good person, and do not depend on induction and examples. . . . A science of *the just* I call what is possible for a good person, because what is possible for him not to do is the same as what is possible for him not to omit. A science of duties I call what for a good person is impossible and necessary, and what is impossible to omit, . . . everything else falling under the possible and contingent. It is sufficient to enumerate the necessary and impossible, even the impossible alone, since the remaining

qvaeri potest, is amari potest.”

¹⁷² I will examine his demonstrative method in Chapter Four.

will be tacitly understood. Because, by the nature of things everything falls under possible to do or to omit, until a reasonable suspicion of the opposite arises.¹⁷³

In sum, jurisprudence is a science, since it has been *demonstrated* out of the definition of ‘the good person.’ It is a science of right, since it has been demonstrated out of the deontic categories of right and obligation, which correspond to the modal categories of possibility and necessity. The passage seems to express Busche’s remark that for Leibniz natural right is based on “the primacy of the possible.” Jurisprudence is the science of the just, and the just is what is possible for a good person to do, and that is to love everyone. The most basic elements of the science are freedom and duty. Obligation is now called “the science of duties,” and we can clearly see that he conceives of ‘*potentia*’, as moral *possibility*, since he says explicitly that the science of the just is what is possible and impossible for a good person. Thus, once again the whole of the science of jurisprudence is founded on the moral qualities, now conceived of as freedom and duty.

That this science implies freedom can be seen in the definitions immediately following, where freedom and duty are moral powers in contrast to *natural* power:

Freedom is the moral power or answerability in a good person congruent with natural power. *Duty* is the reduction of the natural power to the moral power.¹⁷⁴

These definitions are, again, consistent with the logic of the modes of right. Freedom is a moral power, which includes the physical power of acting morally. Duty is the power of reducing or restraining one’s physical power.¹⁷⁵ Leibniz then reiterates the connection of the moral qualities with the modes of right:

Therefore freedom is the mode by which acts are denominated either possible or contingent (or just and indifferent) for a good person. Duty is

¹⁷³ A.6.1.467: “IURISPRUDENTIA est scientia iusti, seu scientia libertatis et officiorum, seu scientia juris, proposito aliquo casu seu facto. Scientiam voco, etsi practicam, quia ex sola definitione Viri boni omnes eius propositiones demonstrari possunt, neque ab inductione exemplisque pendent. . . . *Iusti* scientiam voco sue eius quod viro bono possibile est, quia eadem opera apparet et quicquid ei possibile non est facere, et quicquid ei possibile non est omittere. Scientiam officiorum voco, seu eius quod viro bono impossibile et necessarium, id est omissu impossibile est, . . . seu possible et contingencia habentur. Sufficit necessaria impossibiliaque, imo sufficit impossibilia enumerari, inde caetera tacendo intelligentur. Quia omnia per naturam rerum factu omissive possible habentur, donec contrarii suspicio cum ratione oboriatur.”

¹⁷⁴ A.6.1.467: “*Libertas* est potentiae moralis seu cadentis in virum bonum congruitas cum naturali. *Officium* est defectus potentiae moralis à naturali.”

¹⁷⁵ This passage may be usefully compared with conceptions of subjective right found in Selden and early Hobbes, in which right is defined as the freedom to do whatsoever one will and is capable, without limitation, or with limitation determined only by God’s will, or by the law of nature. As Richard Tuck writes (p. 120): “Hobbes was quite explicit in the *Elements* that the state of nature was the state of *total* freedom hypothesised by Selden and the others: ‘Every man by nature hath right to all things, that is to say, to do whatsoever he listeth to whom he listeth, to possess, use, and enjoy, all things he will and can. For seeing all things he willeth, must therefore be good unto him in his own judgement, because he willeth them and may tend to his preservation some time or other . . . it followeth that all things may rightly also be done by him’” (*Elements*, I.14.10). Tuck also shows however that Hobbes in *Leviathan* limited this freedom somewhat.

denominated either impossible or necessary (or unjust and owed).¹⁷⁶

Moral freedom corresponds with what is morally contingent or possible to do, while duty corresponds to the restrictions on freedom. These formulations correspond to the juridical modes as shown in the square of opposition, and once again emphasize that right and obligation (formulated here as freedom and duty) form the a priori basis of Leibniz's practical philosophy.

Following these remarks, Leibniz derives a long and complex list of "theoremata" and "corollaria" that derive from the demonstration.¹⁷⁷ These derivations are mainly a logical exercise intended to show how the concepts of necessity, possibility, and the definition of the good person are logically inferable and may be read off the square of opposition. I briefly mention some examples. The first set of theorems includes: "Nothing just is unjust, since nothing possible is impossible, that is, for a good person." And then, "Nothing omissible is owed" since nothing contingent is necessary, and so forth. "This is a species of Logic part simple, part modal, applied to Jurisprudence" (469). Recognizing that these theorems may be obvious, Leibniz nevertheless insists that all axioms can and must be demonstrated.¹⁷⁸ Seeing how the theorems are logically related is part of Leibniz's effort to make their demonstrability as transparent as possible. The second set of theorems, eight of them, show the logic of possibility in the mode of right.

Everything just is possible. Because, by definition 'just' is what is possible for a good person. Therefore, everything just is possible "for someone." Someone possible is simply: possible, since possible is what is posited in some case. Therefore, everything impossible is unjust, through contraposition of the first theorem.¹⁷⁹

A third set of theorems shows that Leibniz "conceives of natural law from the primacy of the possible or Permitted, rather than from the Forbidden."¹⁸⁰ An act is generally just rather than unjust. That is, an act will first be assumed to be just."¹⁸¹ And, "an action is more easily not owed than owed." Leibniz appears to be working toward a probability calculus based on the fact that according to classification, just acts are more likely to occur than unjust acts. That is because just acts include the *necessary*, the *possible*, and the *omissible*, while unjust acts include only the *impossible*. He offers a probability calculus based on the

¹⁷⁶ A.6.1.467: "Ergo libertas est modus à quo actus denominatur possibilis aut contingens viro bono, seu justus et indifferens. Officium, à quo denominatur impossibilis aut necessarius seu injustus debitusque."

¹⁷⁷ A.6.1.467: "Definitiones, quas quidem ipsa Juris definitio a nobis exegit, perpetua Analysis sequuntur Theoremata, seu Terminorum combinationes."

¹⁷⁸ This requirement is reasserted in the *Nouveaux Essais* (1.2) in response to Locke and in his criticism of Descartes' proof for God's existence.

¹⁷⁹ A.6.1.470: "Omne justum possibile est. Quia justum est possibile viro bono, per def. Ergo alicui. Alicui possibile est simpliciter: possibile, quia possibile est, quod aliquo casu posito est. Ergo, omne justum possibile est. Ergo quicquid est impossibile, id injustum est, conversione per contrapositionem theorematis praecedentis."

¹⁸⁰ Busche, fn. 184 p. 476. Busche claims this relates to St. Paul's thought in Romans 2 and 7 that through Christ we are released from the obsolete letter of the law, but given to the spirit of the law; that is, "true circumcision is of the heart" (2:29). But I see no reason to think that is what Leibniz is trying to show here.

¹⁸¹ A.6.1.471: "Actus facilius est justus quam injustus. Actus praesumitur justus."

probability of an action occurring times its “fruitfulness”: “If the probability of action A occurring is 5 and its fruitfulness is 4, then the product is 20. If the probability of action B is 6 and the fruitfulness 3, then the product is 18. Consequently, A will be preferred to B.” This however does not appear very useful, unless it is explained how “fruitfulness” is to be assigned a numerical value. Of interest is his definition of probability: “The probability of a thing not only requires that the thing exist, but also that it coexist with present circumstances. So the probabilities depend on all other probabilities” (A.6.1.472). This expresses Leibniz’s conviction that not everything that is possible exists, but that what exists must be *compossible*, that is, compatible with other existents.¹⁸²

A third set of theorems shows an explicit logical connection between justice as possibility and the actions of the *vir bonus*.

Everything just is a possible action for the good person. The good person means the same as one who loves all. ‘Possible’ is what in some case happens. Therefore ‘just’ and ‘an action by one who loves everyone,’ coincide. Acts of omission are included as actions.¹⁸³

Leibniz may want to show how the theorems are consistent with well-known biblical ideas: “for the just there is not any pre-given law; if only love is present, no crime can be committed.”¹⁸⁴ This is said, however, against “all exaltations of the wise Stoics.” Leibniz also claims that through love comes both penalty and satisfaction.¹⁸⁵

Finally, a long list of theorems is designed to show that the term ‘justice’ includes ‘the good person who loves all’ and includes all of the terms contained in that definition, such as pleasure, desire, felicity, and harmony. A few examples will suffice to show the intent.

What is done justly is done by the one who loves. . . .
 What is not done by the one who loves is done unjustly. . . .
 What is done justly is done on account of pleasure, desire (*voluptatem*). . . .
 What is justly done is done on account of harmony. . . .¹⁸⁶

These corollaries and substitutions follow from the definitions.

Corollaria:

1. Everything just is possible for those who love all.
2. What is impossible for those who love all is unjust.

¹⁸² This thought is similar to the compossibility calculus that Leibniz claims God employs to configure his choice of the best possible world, although Leibniz says nothing about this in these early texts.

¹⁸³ A.6.1.472: “Omne enim justum possibilis est actus viro bono. Vir bonus et qui amat omnes coincidunt. Possibile est quod aliquo casu est. Ergo justum et aliquis actus amantis omnes coincidunt. Actus voce etiam omissionem comprehendo.”

¹⁸⁴ A.6.1.473: “Hinc apparet, justo legem positam non esse; si sola caritas adsit, nullum scelus committi posse.” See 1 Tim 1 : 9.

¹⁸⁵ A.6.1.473: “Caritate simul et poenitentiam et satisfactionem contineri.” Busche says that in this way Leibniz revises the Lutheran notion of atonement as *sola fide*.

¹⁸⁶ A.6.1.473

- ...
1. Everything just is possible for one who loves.
 2. Everything impossible for one who loves is unjust.
 3. Everything impossible for the lover is omissible.
 4. Everything unjust is contingent for those who love.¹⁸⁷

The following phrases may be substituted for ‘love of all’: That is, “the one who loves all is one ...”

1. who is to enjoy (*delectatur*) the felicity of all.
 2. who perceives (*sentit*) the harmonious felicity of all.
 3. who in the felicity of all perceives identity weighed by difference.¹⁸⁸
- ...

The following substitutions also hold:

1. for felicity: ‘optimal state’
2. For state: ‘totality of accidents’
3. For totality: ‘multiplicity of all’¹⁸⁹

In sum, the good person enjoys the optimal states of the multiplicity of accidents of everyone. These theorems and corollaries show how all definitions involving the good person are logically compatible. Leibniz calculates that the sum total of propositions, corollaries and substitutions derivable from the definition of ‘the good man’ is 1,485,600, any of which may be expanded by further consideration. It is unclear why knowing this helps, since it suggests that the demonstrative analysis he has just carried out is vastly incomplete. Nevertheless, his purpose is expressed at the very end of Draft 5: “Since the good person loves everyone, necessarily conflicts of love will always arise, and to clarify the outcome is the purpose of this whole doctrine.”¹⁹⁰ In sum, the purpose is to show that all notions contained in the definition of ‘the good person’ are compatible with the logic of *ius*. According to Leibniz’s methodology, since all definitions contained within the definition of ‘the good person’ are compatible, then the definition is true.

Section 6: Concluding considerations

What then does Leibniz accomplish in the *Elementa*? Leibniz provides an elaborate, if incomplete, response to the initial problem of justice (that justice is folly, since it enjoins us to do another’s good at one’s own expense). In the most general sense, justice means the constant will to bring about the harmonious felicity of everyone; or, the constant will to make one’s own happiness consistent with everyone else’s. His conclusions also point toward his later definition of justice as ‘charity of the wise.’ According to definition, the good person must “know-well” (*pernoscere*) in order to

¹⁸⁷ A.6.1.477

¹⁸⁸ A.6.1.477

¹⁸⁹ A.6.1.477

¹⁹⁰ A.6.1.480: “Quia cum vir bonus amet omnes, innumerabiles semper concursus amorum oriri necesse est, quorum eventibus explicandis omnis haec doctrina impendenda est.”

perceive and direct the harmonious felicity of all. Leibniz does not indicate how this knowledge may be applied more specifically. Perhaps he thinks, like Aristotle, that no philosophic account of the application of this knowledge is possible, and so it is sufficient to leave the account to the *judgment* of the good person. The three degrees of right (*ius strictum*, equity, and piety) might have provided clearer criteria for judgment, but curiously Leibniz has not incorporated them explicitly into the definition of the good person. Nevertheless, Leibniz's intention to resolve the Carneadean problem and to clarify the terms of right has been quite diligently carried out.

We may now turn to René Sève, one of the few commentators to have paid close attention to Leibniz's notion of 'the good person.' His critical remarks provide a useful way of assessing the value of Leibniz's effort in the *Elementa*.¹⁹¹ Nevertheless, I think Sève's account of the grounds of obligation for Leibniz is not correct. First, Sève claims that Leibniz's attempt to define what is *obligatory* for the good man is circular.

Leibniz posits in effect that an action is permitted (or obligatory) if it is possible (or necessary) for the good man. Now (the good man) was defined by the fact of accomplishing always and only what is permitted or obligatory. [This amounts to] the inclusion of the *definiendum* in the *definiens*, since an action will be permitted (or obligatory) if it can be (or is) accomplished by the individual who accomplishes only permitted and obligatory actions (Sève 110).

According to Sève, Leibniz is saying that the good man does what is permitted and obligatory and what defines permitted and obligatory is what the good man does. But this is not correct; Leibniz has defined a permitted action as a just action, which is whatever is compatible with one's own good and another's. Also, the good person was defined at length as one who loves everyone, and that in turn is defined as one who promotes universal harmony. These two definitions do not result in a circular definition of what is permitted and obligatory. Interestingly, Sève appears to acknowledge this, although in a rather misleading way.

The sole response possible in our eyes consists in taking seriously the idea according to which the good man, or better, the charitable sage, furnishes the criteria of actions just or unjust. In effect we know that for Leibniz 'objectively good' is that which augments, or impedes the diminishment of, *the perfection of the universe* [my emphasis], and that the good man necessarily accomplishes these actions. These last can be then qualified as obligatory and permitted. This observation allows us to refute the circle just exposed. It appears then that the good man is not defined as in a legalistic perspective, by the submission to rules, but inversely the rules are defined in respect to him. In consequence, the inclusion of the *definiendum* (the permitted or obligatory) in the *definiens* (the good man) is eclipsed and the circle with it. This solution [however] does not eliminate all the difficulties, as we are going to see. (Sève 110)

Thus Sève manages to show how Leibniz avoids the circle that Sève constructed for him.

¹⁹¹ I have translated these passages from Sève's *Leibniz et l'École moderne du droit naturel*, 1989.

According to Sève, it turns out that we are obliged to increase the amount of perfection in the universe. However, this is not right. Leibniz has not yet formulated an explicit metaphysical thesis on perfection, nor does he say that we are obligated to increase the perfection of the universe. Leibniz does not think that we have the obligation not to harm others because harming others fails to increase the amount of perfection in the universe. Nor are we obligated to love others because not loving them fails to fulfill the condition of perfection. Rather, harming others is wrong due to the kinds of beings that we are—beings endowed with freedom, responsibility, with the capacity to inflict harm, to refrain from it, and to do good. That is, we have obligations because we have natural freedom. Since right gives us certain moral powers, it gives us certain obligations as well.

Sève makes another (possibly) misleading point in the above passage. He is correct to say that the good person is not defined “from a legalistic perspective,” as one who submits to rules, but rather the rules are defined “in respect of” the good person. But this should not be taken to mean that the good person determines what the moral rules are. Rather, the good person is defined by the good she determines her will to do, by the virtue she has to love everyone.

Sève however points out a problem that, as is well known, is endemic to Leibniz’s system, namely, the problem of determinism.

If the good man necessarily does the good, in virtue of his goodness, will it not be contradictory that he cannot do it? It serves nothing to remark that the action contrary to duty (for example to kill an innocent) could be accomplished if the will to accomplish it . . . is impossible for him. The same difficulty regards any “impeccable” (incapable of sin) being, and eminently of God: in what sense could he not create the best of possible worlds, if this production emanates from a supreme goodness which is included in his essence even to be the most perfect? Leibniz’s answer is that the cause of the act is in the will. Now if this latter is necessarily inclined to choose the good, this necessity belonging to the will or to character defines the liberty of the subject, and is thus far from removing [the necessity] (Sève 112).

Sève’s point is that the good man, whose will is always in accord with the good, would be physically necessitated to do the good, thus would not be free. From this we may conclude that without freedom the “good person” cannot be a true moral agent. However, Leibniz could respond, as he does later in *Theodicy*, that this necessity, which certainly applies to God, is a “happy necessity,” since it means that a perfect being will always act for the best reasons.¹⁹² But this happy necessity is just what freedom is, for Leibniz.¹⁹³ It is most free to act according to the best reasons. Such actions are free precisely because they are determined by the best reasons.

¹⁹² *Theodicy* § 191: “This so-called fatum, which binds [*oblige*] even the Divinity, is nothing but God’s own nature, his own understanding, which furishes the rules for his wisdom and his goodness; it is a happy necessity, without which he would be neither good nor wise.” I will discuss this point in more detail in Chapter Seven.

¹⁹³ Letter to Wedderkopf 1671: Summa enim libertas est ad optimum a recta ratione cogi, qui aliam libertatem desiderat stultus est (A.2.1.186).

However, it ought to be recognized that Sève offers an interesting and appropriate solution to the problem he has posed for Leibniz. If we must admit that an individual's actions are inevitable, he is still responsible for the good of his actions as *generic* possibilities.

One can be responsible for an action even if it is for him inevitable (*in concreto*), provided the act is avoidable in the abstract, in the sense that another person could not have done it. So, the act is to be possible for someone. In what concerns a just act, defined as being possible for the good man, we deduce what is possible for someone. This is simply *the possible*. In brief, from the capacity of the individual we have drawn the conclusion of a generic possibility. . . . For Leibniz an act is imputable (attributable) if it is not generically necessary, even if all acts are physically necessary individually. An act is therefore possible generically (*in abstracto*) if it is necessary individually for an individual and impossible for another. The obligatory act does not escape this schema. It is certainly necessary for the good man and impossible for the bad insofar as they are individuals, but for the one and the other it is only possible generically. (Sève 113-14)

In effect, Sève proposes that notion of the *good person* can be taken as a model or ideal of virtue. In this way, an act can be judged right or wrong according to whether it is a generic possibility, even if it were physically impossible for some individual. Murdering an innocent is impossible for the good person, but possible for the bad, for example. Leibniz certainly thinks of the good person as a model of virtue and this notion can be extended to God. I think, however, that Sève does not recognize that Leibniz maintains that individuals can actually change their character to conform to this ideal of virtue; thus, the moral act is possible for *her* as an individual *in concreto*. If she comprehends the generic possibility, she can develop the virtue for it. If she is inclined, habituated, or naturally disposed *not* to be good, she can train herself to act as the good person does. If this were not possible, developing a theory of virtue would be pointless. In addition, as Leibniz holds, no one can be obligated to do what is impossible for them. If “ought” does not imply “can,” then the bad person could not be obligated to be good. As Leibniz had said above, “justice is the habit (or constant disposition) of a good person; constant, I say, not that it may not be changed, but that it may not be changed easily.”¹⁹⁴ Habits *can* be changed; virtues can of course be developed, and in this possibility lays moral freedom.

To conclude this chapter let us again review what Leibniz has accomplished in the *Elementa*. Leibniz has sought to solve the problem of justice, which is, as Carneades put it, that justice either does not exist or it is folly, since it enjoins us to serve the good of another at one's own expense. In order to solve this problem Leibniz has in effect developed two sciences: a prescriptive science of right and a descriptive science of motives. The prescriptive science of right derives from the definitions of right, just, and justice. *Right* is the moral power of a person to do what is just. *The just* is the equitable distribution of the good. What is the good? It should be recalled that *the just* does not

¹⁹⁴ A.6.1.480: “IUSTITIA est habitus (seu status confirmatus) viri boni, confirmatus inquam, non ut mutari non possit, sed ut non facile possit.”

simply consist in an equitable quantity of *love*, but rather in an equitable distribution of *things*.¹⁹⁵ Therefore, the good is eudaimonian happiness, or whatever promotes human flourishing. *Justice* is the virtue of doing what is just; that is, it is the inner disposition to fulfill the requirements of equity. In this way, right, the moral power of a person is essentially the virtue of justice. Furthermore, the *modes of right* determine the a priori logical relations among permissible, forbidden, and obligatory actions. This part of the science of right establishes an a priori logic derived from the moral qualities.

The descriptive science of *motives*, on the other hand, is that part of practical philosophy concerned with love, pleasure, and happiness. This part is arguably not a part of the a priori investigation into the terms of right. According to this science, human action is possible *only* in view of the apparent good for oneself. This does not however preclude the possibility of acting for non-egoistic reasons. As Leibniz claims to have shown, it is possible to act in view of the good itself, when that good is love, or the pleasure that results from love. Thus, when we act from love we are able to act for our own good as well as for the good of another. Furthermore, when ‘love’ is defined more extensively, it does not mean simply to gain pleasure, but to gain felicity (i.e., eudaimonian happiness) in the harmonious felicity of everyone. In other words, to love means to seek the felicity of everyone compatible with one’s own felicity; or simply, love is universal harmony, universal benevolence. Once again, this psychophysical basis is appealed to as means of fulfilling the obligations given by our moral power, by our moral capability.

It is possible to conceive of these two sciences as integrated by the virtue of justice. Right, taken to its fullest expression, *qua justitia*, is the power of acting in accord with universal benevolence. Justice is the virtue of universal benevolence, i.e., the virtue of the good person. Thus we conclude the *Elementa* having shown that the conceptual ground of Leibniz’s practical philosophy is subjective right. On this basis is derived a prescriptive science of love and universal harmony. In the next chapter, as we turn to some texts from the middle period of Leibniz’s career, we will find him continuing to develop these two sciences. The three degrees of natural right will return, and the definition of justice will reach its final formulation as ‘the charity of the wise.’ The concept of *jus* will continue to play a grounding role.

¹⁹⁵ For example: “Aeqvum est quod in distributione bonorum inter personas rationi congruum est” (6.1.455). Love is the motivating principle for bringing about the just condition.

CHAPTER THREE: THE MIDDLE PERIOD: *IUS, CARITAS, AND THE CODIX JURIS GENTIUM DIPLOMATICI*

Chapter sections:

1. Introduction
2. Three letters: Hobbes, Arnauld, and Johann Friedrich
3. The late 1670's: Right, right reason, and justice as *caritas sapientis*:
4. The preface to the *Codex Juris Gentium Diplomaticus*
5. Conclusion

Section 1: Introduction

The main purpose of this chapter is to trace the development of Leibniz's thinking on right and justice during the period between the *Elementa Juris Naturalis* (1671) and the *Codex Juris Gentium Diplomatici* (1693).¹ This period is vitally important, since Leibniz introduces his "definitive" definition of justice as *caritas sapientis* (the charity of the wise). This definition is first mentioned in a letter in 1677, but makes its first published appearance in the 1693 *Codex*. However, between these periods, especially around 1678, in a number of unpublished papers Leibniz developed this definition along with his "science of right" terminology.² In this chapter, then, I basically argue that these papers are quite crucial for understanding the underpinnings of justice as *caritas sapientis* and thus for understanding his account in the *Codex*. The *Codex* is especially important since it is considered the main source of Leibniz's mature views on justice and thus it is an influential source for the interpretation of the foundations of his practical philosophy.

My argument in this chapter, however, is that the "science of right" is the foundation of justice as *caritas sapientis*. More specifically, justice as *caritas sapientis* is the fulfillment or completion of the *precepts* of right, which are the normative grounds for justice. This claim goes against the prevailing view on Leibniz's practical philosophy, which takes the normative grounds to be love, happiness, rational self-interest, perfection, or simply the definition of justice as *caritas sapientis*.³ But as the textual evidence will show, the prevailing view does not hold up. To be sure, love, happiness, and perfection are important components of Leibniz's practical philosophy; but I maintain that they are descriptive and motivational principles, rather than the normative grounds.

To make this case I present three sets of evidence. First, we will review two letters from the early 70's in which Leibniz express his "demonstrative" intentions and results

¹ In 1671 Leibniz had left Mainz and took up residence in Paris, where he became preoccupied largely with mathematics and physics, as is well documented (see Aiton 1985). By 1676 he took up residence in Hannover. But his preoccupations there do not explain why he wrote comparatively little on jurisprudence and natural law after 1671—although, as noted he periodically worked on revisions to the *Nova Methodus* up until 1700. Two important later works, *Meditation sur la notion commun de la justice* (1703) and *Monita quaedam: Pufendorfii Principia* (1706), will be discussed in Chapter Six.

² Many of these papers eventually appeared in the collections of Mollat, Grua, and Dutens, most of which have been re-edited in the Akademie edition (1999).

³ Namely Rutherford (1995), and for the most part Riley (1996), as will be shown. Also Brown (1995) makes justice depend on "the love of God." I argue against the prevailing view that the three degrees of right are fundamentally principles of motivation, beginning with the motive of self-interest. I also offer a textual explanation for why that view has prevailed. I also note some translation mistakes that I think have contributed to lack of understanding the proper role of the precepts of right.

regarding the science of right. Secondly, we will examine three of the unpublished papers that show how Leibniz was seeking a moderating principle for *caritas*. This moderation is sought in several ways, by means of the modes of right, but especially by means of “right reason.” The right reason for an action corresponds with “the conservation or perfection of society.” This notion of conservation or perfection is then fleshed out in terms of the three precepts of natural right, whose basis is the original definition of right as moral power and obligation. But the three degrees determine what perfection means. Therefore, since *caritas sapientis* is perfected by the precepts of right, the normative ground of *caritas* is subjective right. I then show that an influential version of the three precepts is actually ancillary (as principles of motivation) to their normative role. Thirdly, based on this understanding I turn to the preface of the *Codex* to show that the normative ground of justice as *caritas sapientis* lies in the precepts of right—not in love and happiness. Justice as *caritas sapientis* is the most complete fulfillment of our capacity as moral agents, whose capacity is defined by the self-limiting power of a rational being.

Section 2: Early letters: Hobbes, Arnauld, Johann Friedrich

To set the stage for the developments in the late 70’s, it helps to look briefly at two letters that appeared in the early 70’s. One point that is notably persistent in them is Leibniz’s claim to have “demonstrated” his findings by means of the reduction of complex notions to basic elements or definitions. For example, in this letter to Hobbes written in 1670, Leibniz boasts of his effort to demonstrate the entire corpus of Roman law.

When first setting out on the path of jurisprudence, therefore, I began four years ago to work out a plan for compiling in the fewest words possible the Elements [of right]⁴ contained in the Roman Corpus (in the manner of the old Perpetual Edict), so that one could, so to speak, finally demonstrate from them its universal laws. (LL 106)⁵

Although he mentions “elements of right,” he cannot be referring to the *Elementa Juris Naturalis*, since he did not begin working on that until the year this letter was written. He is likely referring to the earlier *Nova Methodus*, in which he claimed to have “demonstrated” the Roman Corpus by reducing it to definitions and precepts. As we saw, the basic definition was of *right* as moral power and necessity, and the precepts derived from it were *neminem laedere*, *suum cuique tribuere*, and *honeste vivere*. Also, “the just” was defined as public utility. The definition of *justice* was not yet developed, since it was defined in terms of the moral qualities of right and obligation (see §14 of the *Nova Methodus*). We also saw that Leibniz borrowed the *precepts* of right from the Roman *Digest* (Bk 1.1.10). Notably, as the unpublished papers from the late 70’s will show, Leibniz defines justice and right in terms again borrowed from the same section of the *Digest*. In any case we can see at this point that Leibniz intended early on to construct a

⁴ Loemker most often translates the genitive of *ius* as ‘law.’

⁵ G.7.572: “Igitur cum primum in jurisprudentia pedem posui, jam a quadriennio circiter consilia agitavi, qua ratione paucissimis verbis (ad modum veteris Edicti perpetui) Elementa juris ejus, quod Romano corpore continetur, condi possint, ex quibus deinde liceat leges ejus universas velut demonstrare.”

deductive system of natural right.

In a letter written to Arnauld in 1671, during the time he was finishing the *Elementa Juris Naturalis*, Leibniz again boasts of similar plans and results, as can be seen in this passage. It should be noted that this well-known English translation is misleading, since it makes the passage to be about (among other things) *justice*. In fact, Leibniz does not mention justice at all, but rather *right (jus)*.⁶

My mode of life has compelled me to try [to establish matters concerning morals and right and the foundations of equity]⁷ with somewhat more clarity and certainty than is usual. . . . I am planning to treat the Elements of natural [right]⁸ in a short book in which everything will be demonstrated from definitions alone. I define a good man or a just man as one who loves all men; love as pleasure derived from the happiness of others. . . and ‘sense’ as thought with will or with a conatus to act. . . From these I deduce all the theorems of [right]⁹ and equity. That is permitted which a good man can do; that is duty which a good man must do. Hence it is clear that the just man, the man who loves all, necessarily strives to please¹⁰ all, even when he cannot do so, much as a stone strives to fall even when it is suspended. I show that all obligation is fulfilled by the supreme conatus, that to love others and to love God, the seat of universal harmony, is the same; indeed that it is the same to love truly or to be wise; and to love God above all things; this is to love all or to be just. (LL 149-50)¹¹

While this passage accurately (in Latin) describes the results of the *Elementa*, a couple of points should be clarified. While, as he says here, the theorems of right and equity follow from the definition of the good man as one who loves everyone—it should not be thought that obligation itself is based on love. As his argument for love and pleasure actually

⁶ Similar mistakes occur, as we will see below, in the interpretation of the three degrees of right, which are most often taken to be three degrees of *justice*. But these mistakes contribute to missing the distinct meanings of ‘right’ and ‘justice.’

⁷ Loemker has “to investigate moral problems and to establish the foundation of justice and equity.”

⁸ Loemker has ‘law.’

⁹ But here Loemker has “justice.”

¹⁰ It is not terribly important, but I am hesitant about the translation of *juvare* as ‘please,’ since it makes just as much sense to translate it as ‘help’ or ‘aid.’ This can be seen in a “definition chain” on justice as *caritas sapientis* that I present much further below.

¹¹ G.1.73-4: “Nam et rem moralem et juris atque aequi fundamenta paulo certius clariusque solito constituere conari, ipsum me vitae genus jussit. . . . Praeter haec, inquam, Elementa juris naturalis brevi libello complecti cogito, quibus omnia ex solis definitionibus demonstrantur. Virum bonum enim seu justum definio qui amat omnes; amorem voluptatem ex felicitate aliena. . . . sensum cogitationem cum voluntate seu conatu agendi; . . . Hinc omnia juris et aequi theoremata deduco. Licitum enim sit, quod viro bono possibile est. Debitum sit, quod viro bono necessarium est. Hinc apparet, justum, amantem omnes, tam necessario conari juvare omnes, etiam cum non potest, quam lapis descendere, etiam cum pendet. Ostendo, omnem obligationem summo conatu absolvi; idem esse amare omnes et amare Deum, sedem harmoniae universalis; imo idem esse vere amare, seu sapientem esse, et Deum super omnia amare, id est omnes amare, id est justum esse.” I have added the underlinings.

showed in the *Elementa*, love (or what he refers to here as the supreme *conatus*¹²) is the means for fulfilling the obligation as determined by the definition of right. Love is the fulfillment of right and obligation, since it provides the right kind of motive, i.e., that which enables one to act simultaneously for the good for oneself and for another. But love is not itself the ground of obligation.

Secondly, by mentioning love, the good person, and wisdom, the passage comes very close to defining justice as charity of the wise. Although justice is not mentioned in the passage, we can recall that Leibniz found love to be the nature of justice, and that the “good person” loves everyone in the most harmonious way, which means according to need and merit and without harming oneself.

However, it was not until five years later that Leibniz first expressed his definition of justice as charity of the wise.¹³ This occurred in a letter to one of his frequent correspondents, Herzog Johann Friedrich, in May of 1677. At the close of a series of brief remarks on a variety of topics, Leibniz writes, “I have discovered a secret inspiration. Demonstrations of natural jurisprudence out of this sole principle: justice is the charity of the wise.”¹⁴ He does not explain how he came up with this new definition, but we can assume that it was already implied in the *Elementa*. In a later series of papers Leibniz attempted to work out this definition. In order to see how *right* forms the conceptual basis for justice as charity of the wise, we will now examine several of these papers.

Section 3: The late 1670’s: Right, right reason, and justice as *caritas sapientis*

The first paper to consider is titled (by the Akademie) “*Modalia et Elementa Juris Naturalis*” (1678). Overall, it attempts to establish the means for a “rightly ordered” justice. Of course, if justice is a virtue, then it must be a moderating disposition. But the question is, what is the rule for this moderation? Since wisdom is not mentioned here, the moderation seems to come from the “*juris modalia*” that were first introduced in the *Elementa*.

Justice is rightly ordered charity, or virtue serving reason in the affections toward others endowed with reason. The good person is one who is endowed with justice. Every prudent person is a good person.

The owed	necessary
Not-owed (is what for the good man is)	contingent
Permitted	possibile
Forbidden	impossibile.

Thus all propositions of modal logic can here be transferred.¹⁵

¹² *Conatus* is a very important concept and needs to be investigated; but it can be recalled that the *Elementa* defined it as “the beginning of action” (“*Conatus est initium actionis*” A.6.483). At one point he had defined *justice* as the constant *conatus* for the common felicity while saving oneself (“*Iustitia est constans conatus ad felicitatem communem salva sua*” A.6.1.454).

¹³ As recorded by Grua, pp. 203 and 211 in *Jurisprudence Universelle et Théodicée selon Leibniz*.

¹⁴ A.1.2.23: “Habe das arcanum motus gefunden. Demonstrationes de jurisprudentia naturali ex hoc solo principio: quod iustitia sit caritas sapientis.”

¹⁵ A.6.4.2758: “*Iustitia* est charitas recte ordinata seu virtus servans rationem in affectu erga alios ratione praeditos. *Vir bonus* est qui *iustitia* praeditus est. Omnis prudens est vir bonus.

It appears that the “modes of right” are designed to set the logical limits upon prudence or rightly ordered love. Leibniz does not explain how this works, but from what we have seen, he likely means this: The statement “every prudent person is a good person” must not be taken to mean that every good person is one who is prudent in regard to himself, although that is true in part. As we saw, Leibniz rejects purely egoistic love as “calculating” love. Presumably, under terms of the modes of right, that sort of love would be morally “forbidden” or impossible. Rather, prudent love means extending beneficence as far as *possible* or permitted, which means without harming yourself. Prudent love would also fall under the mode of *contingent*, since it is up to the agent to decide how far to extend her beneficence. Prudent love cannot be determined from the outset by a certain rule, except by the limits of the forbidden and necessary. Necessary (or owed) love would be what is possible for one to do for someone without disadvantage to himself. To this extent, one is obligated to help another.

However, using the modes of right to determine rightly ordered love does not ultimately bear much fruit for Leibniz and he rarely comes back to it. The modes become either absorbed by other definitions, or the criteria become more precise, as we will see.¹⁶ Perhaps this is because the modes of right do not tell us what specifically the *object* of moderate love is. Of course, the object is the good of another, but this appears to be too general. Furthermore, the modes of right do not have the normative character of *precepts*; they are logical categories that define certain limits, but not in a clearly normative way, as do the three precepts of right. Perhaps also the *vir bonus*, so often associated with prudence, will eventually give way to the *sapientis*, i.e., the wise person. On this basis the developments occurring in the next paper can be explained.

This next paper is only four pages long (in the Akademie edition) but extremely important and influential.¹⁷ The title is “De Justitia et Jure” (On Justice and Right, 1678-9) which is the same title of Book 1, Title 1 of the *Digest* (533 AD). In fact, this piece reads at times like a commentary on this section of the *Digest*. It should also be recalled that the original three precepts of right come from this section of the *Digest*. What Leibniz does here is introduce a relatively infrequently used concept, “right reason,” as the moderating principle of *caritas*. As we will see, right reason is connected to right itself—“right is the dictate of right reason concerning what pertains to the perfection of human society.”¹⁸ The notion of “the perfection of society” is then fleshed out in terms of the three degrees of right. Thus, the moderating principles of love, e.g., right reason and perfection, are grounded in subjective right.

“On Justice and Right” begins with the new definition of justice, showing that justice

Debitum	necessarium
Indebitum (est, quod viro bono qua tali)	contingens
Licitum	possibile
Illicitum	impossibile

Hinc omnes propositiones Logicae circa Modales huc transferri possunt: ex. grat.”

¹⁶ In Chapter Six we will see he adopts different criteria, such as “causes of complaint” and the Golden Rule.

¹⁷ This piece has not previously been translated into English. Parts of it first appeared in Mollat and Grua, as will be explained.

¹⁸ A.6.4.2780: “Jus est dictamen rectae rationis circa ea quae pertinent ad perfectionem humanae societatis.”

is the virtue moderated by right reason.

Justice is the charity of the wise, or what is congruent with the judgment of the good and prudent person; or it is the virtue of the affection of one person toward another, that is, the benevolence as well as the aversion, moderated and directed by right reason.¹⁹

Justice is of course defined here as charity of the wise, and this charity is said to be congruent with the judgment of the good and prudent person; thus the notion of the “wise person” comes to absorb the earlier notions of the good and prudent person (*vir bonus* and *prudens*). But it is important to keep in mind that justice is always a virtue, as clearly indicated here. It is the virtue involving right relations with others (as Aristotle says), which for Leibniz means the virtue of charity or benevolence toward others. Most important is that justice is the virtue moderated by *right reason*. Now, Leibniz does not explain what he means by right reason, but the meaning is certainly close to Aristotle’s *orthos logos*.²⁰ The *Elementa* had offered some explanation of ‘right reason’ in very similar terms, where justice was defined as the virtue of moderating the affections, such that “nothing may be able to oppose the commands of right reason.” Furthermore, “the right reason for an action is the same as prudence,” as it is precisely for Aristotle.²¹ The purpose in the *Elementa* was to show that prudence (conceived as one’s own good) and justice are compatible.²² However, that formulation does not really tell us what right reason is other than prudence, and so we are going around in a circle.

To escape this circle it becomes clear in “On Justice and Right” that right reason means *whatever directs the conservation and perfection of society*. Furthermore, this points to the object of right itself. To see this we must follow the text step by step. Leibniz next defines the terms *justum* and *jus*, then borrows some additional notions from the *Digest*, and then shows that the three degrees correspond to right reason. To continue from where we left off:

¹⁹ A.6.4.2777: “Justitia est caritas sapientis, seu quae boni prudentisque viri arbitrio congruit; sive est virtus affectum hominis erga hominem, benevolentiam scilicet atque odium, moderans ac dirigens secundum rectam rationem.”

²⁰ Beeley (1997) claims that Leibniz’s conception of right reason underwent a change. Up to the early ‘70’s Leibniz had an Aristotelian subjective notion of right reason (*orthos logos*) related to prudence. (See Aristotle AE Bk 6, 13, 1144b22-7: “when they define virtue, after naming it the state of character and its objects add ‘that state which is in accordance with the right rule’; now the right rule is that which is in accordance with prudence (practical wisdom, phronesis). But Leibniz also identified right reason with a stoic, objective law likened to the “eternal truths” of mathematics, a view he adopted in later works, as we will see.

²¹ A.6.1.461: “Justitia sit omnium consensu virtus quaedam, virtus autem omnis ea affectuum frenatio, ut nihil obsistere rationis rectae imperiis possint, Ratio autem recta agendorum cum prudentia idem sit, consequens est, nec justitiam sine prudentia esse posse.” AE 1144b23: την κατά τον ορθον λογον; ορθος δ ο κατά την φρονησιν.

²² Leibniz also had rejected right reason as a definition of *the just*, since then the definition would wrongly include errors (non-intentional actions) as unjust. But this rejection showed only that right reason is too broad to define the just, and is rejected as part of his effort to show that the nature of *justice* is love. Therefore, this rejection should not count as a rejection of right reason itself. It is important to keep in mind a statement Leibniz made in a letter to Magnus Wedderkopf (1671), in a discussion on freedom and necessity: “For it is the highest freedom to be impelled to the best by a right reason” (LL 147 / A.2.1.186): “Quod Summa enim libertas est ad optimum a recta ratione cogi, qui aliam libertatem desiderat stultus est.”

The just—or *permitted, forbidden, owed, free*—is what for the good and prudent person is possible, impossible, necessary, contingent. Thus *right* is a moral power and *obligation* is a moral necessity.²³

Still using the familiar categories, subjective right appears to be the logical basis of the just, good, and prudent person. As in the *Nova Methodus*, what must now be indicated is the *object* of subjective right, i.e., the objective sphere of right. We need to know more specifically which actions may be done by the good and wise person. This begins to be indicated in the very next sentence—which indicates at least the sort of actions that are *not* to be done.

For those actions which harm our piety or respect and which are entirely against good morals, [the good person] can neither do nor believes it is possible to do.²⁴

We should also recall that this passage was introduced in the *Elementa* and it is taken directly from the *Digest*.²⁵ But in a way this is a curious statement, since *mores* in some contexts denotes “customs,” which, even though etymologically related, means something quite distinct from *morals*, if he indeed means the latter. At least, Leibniz is committed to maintaining the distinction between morals and *mores*. If right is going to be an a priori demonstrative science, if right is to be separate from fact, then right cannot be identified with the contingent customs of a people or society. In any case, provided he does not mean merely *customs*, the question still remains: *what is it* that harms piety, respect, and offends good morals? The answer, at this point, appears to come next and is again drawn from the *Digest*: *whatever is against the conservation of society*.

Now the designations of right have various senses, as can be seen in the penultimate and last sentences of “On Justice and Right.” [26] Sometimes, *right* is taken as the faculty, as we have defined it shortly before, sometimes as right reason itself, which is what directs and conserves human society.²⁷

These “designations of right” (to be explained in a moment) are *jus naturale, jus gentium* and *jus civile*. These are also discussed in the *Digest*’s version of “On Justice and Right”

²³ A.6.4.2778: “*Justum vel Licium, Illicitum, Debitum, Liberum* est, quod est viro bono et prudenti possibile, impossibile, necessarium, contingens. Hinc JUS est potestas moralis, OBLIGATIO necessitas moralis.” Notably *jus* is defined in terms of *potestas*, not *potentia*. Leibniz seems not always to distinguish these terms.

²⁴ A.6.4.2778: “Nam quae facta laedunt pietatem nostram aut verecundiam, et omnino quae contra bonos mores sunt, ea nec facere nos posse credendum est, l. 15. D. de conditionibus et demonstrationibus.” The passage Leibniz is referring to is actually found in Lib 28, Tit. 7, Section 15 of the *Digest*: “nam quae facta laedunt pietatem existimationem verecundiam nostram et, ut generaliter dixerim, contra bonos mores fiunt, nec facere nos posse credendum est.”

²⁵ See A.6.1.480

²⁶ He means the end of Title 1, not the end of Book 1.

²⁷ A.6.4.2778: “Juris tamen vocabulum varias habet acceptiones alias, vid. l. penult. et ult. D. de just[itia] et jur[e.] Interdum enim *jus* sumitur pro facultate, ut paulo ante definivimus, interdum pro ipsa recta ratione, quae societatem humanam dirigit et conservat.”

and they constitute the three spheres of right that together encompass the whole of human society. The notion of right as a *faculty* he also finds in the *Digest*, Book 1, Title 5, “On the Condition of Men.” This says that “Freedom is the natural faculty of him to do what he pleases to anyone, unless it is prohibited by force or right.”²⁸ He finds right as right reason itself in Grotius’ *Rights of War and Peace*, in a passage which is quite notable, since it says that right reason shows the moral necessity and deformity of an action.²⁹ These findings are quite significant: *right (jus)* is the faculty (*facultas*) of right reason (*recta ratione*), whose object is to direct and conserve human society. We recall from the *Nova Methodus* that right was the subjective capacity to do what is just, *the just*, which defined the objective sphere of right, was *public utility*. Here we have a parallel relationship put in somewhat different terms. Right is the faculty of right reason, whose object is the conservation of society. And therefore (to follow the logic from the beginning of “On Justice and Right”) subjective right is the foundation of justice as *caritas sapientis*.

This relationship between right and the conservation of society will intensify as we proceed. The faculty of right, as right reason, will be shown to govern the three *designations* of right mentioned above: natural right, the right of nations, and civil right.³⁰ Right in general governs each of these designations or spheres of right in different ways, as indicated in this passage, again closely paraphrasing the *Digest*:

The jurisconsults define *natural right* as what nature teaches to all animals . . . while indeed man acts from right reason what animals do from natural instinct. This pertains to the union of male and female, to education, to the strength of offspring and to the force of defense.³¹

It is important to bear in mind this notion of instinct, because it is discussed at length in the *Nouveaux essais*, as we will see.³² But this passage in the *Digest* was controversial, since there had to be a way to distinguish right as a natural power of animals from the right of humans as a moral power. In fact, Leibniz must insist on the difference between instinct and right reason, if the “science of right” is to remain an a priori demonstrative science, separating right from fact. So then right reason is the natural right of humans; it

²⁸ *Digesta* 1.5.4: “Libertas est naturalis facultas eius quod cuique facere libet, nisi si quid vi aut iure prohibetur.”

²⁹ GJ 1.1.10: “Ius naturale est dictatum rectae rationis indicans, actui alicui, ex ejus conuenientia aut disconuenientia cum ipsa natura rationali, inesse moralem turpitudinem aut necessitatem moralem ac consequenter ab auctore naturae Deo talem actum aut vetari aut praecipere.”

³⁰ A.6.4.2778: “Quo sensu (qui in hoc titulo praevalere videtur) jus est vel naturale, vel gentium vel civile.”

³¹ A.6.4.2778: “*Jus naturale* Jurisconsulti definiunt quod natura omnia animalia docuit, § 3. hic et in principiis Institutionum de Jure Naturali, Gentium et Civili, cum scilicet homines faciunt ex recta ratione, quod animalia ex instinctu naturae. Huc pertinet conjunctio maris et foeminae, educatio, proles vim vi repellere; quod postremum tamen l. 3. hic ad jus gentium referre videtur. Haec si negligant homines sunt bestiis deteriores.”

Digesta 1.1.1.3: “Ius naturale est, quod natura omnia animalia docuit: nam ius istud non humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est. Hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio: videmus etenim cetera quoque animalia, feras etiam istius iuris peritia censer.”

³² Note this quote from *Nouveaux Essais*, A.6.6.91: “C’est ainsi que nous sommes portés aux actes d’humanité, par instinct parce que cela nous plaist, et par raison parce que cela est juste.”

is the right *from which* humans act, even though some human acts such as procreation are similar to animal actions. But the right of humans can be *wholly* distinguished from the right of animals by the second division of this scheme, *jus gentium*.

The *Right of Nations* has to do with what right reason alone has been able to teach humans, so that piety for God, parents, and country is fostered; it has to do with contracts and civil society, and states that it is shameful for a man to lie in ambush for another.³³

The idea (as better expressed in the *Digest* itself) is that human right reason directs us in these specifically human concerns. But the right governing individual relations is not fundamentally different from the right governing peoples or nations.³⁴ The third division also comes in here as belonging to human right reason, and that is *jus civilis*.

Civil right is what is agreeable to society. This division of the jurisconsults is not taken from an intrinsic difference. Nothing indeed refers to whether humans may have something in common with beasts. . . . Therefore the most general division is between Natural right and Legitimate or Positive right, [the latter of which] do not prevail unless accepted.³⁵

That is, civil right is not intrinsically different from the right of nations, but both may be distinguished from natural right. Their ability to function depends on positive law or on acceptance among states, whereas natural law applies everywhere and in the same way. Thus Leibniz more generally distinguishes between two spheres of right: private right (*jus naturale*) and public right (*jus civile* and *jus gentium*).

Again, because *right is the dictate of right reason concerning that which pertains to the perfection of human society*, [my emphasis] and the most perfect human society is civil society, this right is called *public right*, which is directed to the perfection of the state itself; and outside the state has no place. The other right is called *private*, as indeed Ulpian defined it as *observing individual utility*; although in fact it may be conducted between two citizens; yet since every person is a reflection of the community, private right has its place.³⁶

³³ A.6.4.2778: “*Jus Gentium* est circa ea quae sola recta ratio homines docere potuit, ut Deum colere, pietas in parentes et patriam; contractus, et societates civiles, et quod hominem homini insidiari nefas.” *Digesta* 1.1.1.4: “*Jus gentium* est, quo gentes humanae utuntur. Quod a naturali recedere facile intellegere licet, quia illud omnibus animalibus, hoc solis hominibus inter se commune sit. . . . Veluti erga deum religio: ut parentibus et patriae pareamus: . . . consequens est hominem homini insidiari nefas esse.”

³⁴ More will be said about the *jus gentium* when we examine the *Codex Juris Gentium Diplomatici* in the last section of this chapter.

³⁵ A.6.4.2778: “*Jus civile* est quod civitati placuit. Haec Jurisconsultorum divisio non est sumta ab intrinsecis differentiis: nihil enim refert an homines aliquid cum bestiis commune habeant, et magna est inter ipsas bestias in hac re varietas. Summa ergo juris divisio est, quod aliud est Naturale, aliud Legitimum seu Positivum, quod non valeret, nisi esset receptum.”

³⁶ A.6.4.2780: “Porro quia jus est dictamen rectae rationis circa ea quae pertinent ad perfectionem humanae societatis, et humanae societatis perfectissima est civitas, hinc *jus publicum* dicitur, quod dirigitur ad perfectionem ipsius civitatis quatenus civitas est, ita ut extra civitatem non habeat locum, Reliquum

There is then a more general distinction, made in the *Digest* as well, between private right—which involves the basic right of individuals to form bonds, families, and other associations—and public right, which involves the administration of government and land for public use, and religious matters.³⁷ Yet both rights, to use a frequent Leibnizian image, are a kind of mirror or reflection of each other. The right that holds among individuals is a microcosm of civil right and the right of nations—although the latter two depend much more on sovereignty and positive law. Leibniz does not comment here on the potential conflict between public and private right, although in the *Codex* he does provide a brief example of how such a conflict is to be resolved, as we shall see.

But the most important and rather striking statement in that passage must not be missed: “*right is the dictate of right reason concerning that which pertains to the perfection of human society.*” It is perhaps the first time, and one of the few times, that Leibniz explicitly connects the notion of right with the notion of perfection. Thus this passage shows that the notion of right is the grounding principle of justice as *caritas sapientis* and for the principle of perfection. As we can see, “On Justice and Right” began with the definition of justice as charity of the wise, then showed that justice is a virtue moderated and directed by right reason. As it turns out, *right is the faculty of right reason*; therefore it governs every sphere of right: natural, national, and civil. In sum, right is the faculty of the perfection of the entire moral and legal sphere.

In view of what comes next it is tempting to understand the structure of “De Justitia et Jure” as closely parallel to the “science of jurisprudence” developed in the *Nova Methodus*.³⁸ As we saw, Leibniz had defined *right* as moral power and obligation as moral necessity. Here, the moral qualities are shown to be the ground of the perfection of society—that is, the moral principle by which the perfection of the whole of human society is to be carried out. Following these definitions are the precepts, just as in the *Nova Methodus*, as will be seen in a moment. So, the structure of his argument here parallels the structure of his demonstrative method: definitions of right are to be established and then precepts are to be derived from them. These precepts are basically the same as those from the *Nova Methodus*.

According to the above formulations, we can define an amplified sense of right as *the perfection of society according to right reason*. Therefore, the precepts to follow from this must be precepts of right reason. Included with these precepts are a number of other descriptive features related to *justice* that are important to note and to distinguish from the precepts themselves. This is because in most English translations the distinction between right and justice has been obscured, and thus the precepts are mistakenly understood as precepts of *justice*, rather than as precepts of *right*. But to understand their

privatum appellatur, quod scilicet ut Ulpianus definit hic *spectat ad singulorum utilitatem*, etsi enim inter duas civitates ageretur, tamen quia civitas quaelibet personae instar est, jus privatum locum habet.”

³⁷ *Digesta* 1.1.1.2: “Huius studii duae sunt positiones, publicum et privatum. Publicum ius est quod ad statum rei Romanae spectat, privatum quod ad singulorum utilitatem: sunt enim quaedam publice utilia, quaedam privatim. Publicum ius in sacris, in sacerdotibus, in magistratibus constitit. Privatum ius tripartitum est: collectum etenim est ex naturalibus praeceptis aut gentium aut civilibus.”

³⁸ We must assume here that *faculty* in this paper means something very similar to the *moral qualities*. This is justified, since Leibniz in the *Elementa* (p. 465) associates them with Grotius, who in *The Rights of War and Peace* says that “this moral Quality when perfect, is called by us a *Faculty*; when imperfect, an *Aptitude* (GR 138). Leibniz also calls ‘faculty’ the right to possession of things (A.6.1.302.§16).

normative character they must be understood as precepts of right.

There is another critical matter regarding the translation and interpretation of the precepts. It is not acknowledged in the commentary that this piece, “De Justitia et Jure,” offers *two distinct accounts* of the precepts. One follows the main body of the text, but the other had been written in the margins. I will present both versions and remark on the differences. I will also show that the marginal version has had much more influence (on Anglo-American commentary at least) than the other version. I will explain why I think this is a problem. Here now is the main body version of the precepts:

The three primary precepts of right: to live honorably, to harm no one, to give each his due. To live honorably is the precept of universal justice; it means to cultivate the whole of virtue, since it is in the interest of society. The second, to harm no one, is the precept of particular justice of exchange [i.e., commutative] so that geometrical equality is preserved, so that nobody has less than the other, nor more; for, men have to be considered as equal, if the goods that are in their power are to be preserved without any advantage (*prosopolepsei*). The third, to give each his due, is the precept of distributive justice, concerning the distribution of common property among individuals, where the consideration of the merits of each and public usefulness has its place.³⁹

With this paragraph, “De Justitia et Jure” ends; although, as mentioned there is a marginal version of the precepts, to which I will return. This account of the three degrees is quite similar to that of the *Nova Methodus*. One minor difference is that the order and naming of the degrees reflects that of the *Digest*.⁴⁰ This may also reflect the fact that “De Justitia et Jure,” began by defining justice as a virtue (the virtue of *caritas sapientis*); therefore, the precept that corresponds to this virtue—live honorably—is placed most prominently.

One point that must not be lost is that these are precepts of *right*, which means they are supposed to have a normative force that derives from right. They are not precepts of justice, since they are not themselves virtues; and so they do not derive from justice as *caritas sapientis*. They might also be called precepts of right reason. Nevertheless, Leibniz relates them, as he did in the *Nova Methodus*, to Aristotelian *kinds* of justice, namely: universal, commutative, and distributive. Aristotle does not actually talk about “universal justice,” but rather of justice as “the whole of virtue” or “complete virtue.”⁴¹ In

³⁹ A.6.4.2780: “Praecepta juris primaria tria: honeste vivere, neminem laedere, suum cuique tribuere. Honeste vivere est praeceptum justitiae universalis, id est omnem virtutem colere, quia interest societatis. Alterum, neminem laedere, est praeceptum justitiae particularis commutativae ut scilicet aequalitas Geometrica servetur, ne quis minus habeat quam ante, alter autem plus, homines enim aequales censendi sunt, cum de bonis quae in potestate habent agitur, sine ulla προσωποληψει. Tertium, suum cuique tribuere, est praeceptum justitiae distributivae, circa communia inter singulos distribuenda, ubi locum habet consideratio meritorum cuiusque et publica utilitas.”

⁴⁰ They are found under the same title, *De Justitia et Jure* 1.1.1.10: “Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere.”

⁴¹ AE Book V. 1129- 1130a. Aristotle speaks of the sort of justice that is directed to our neighbor, or, perhaps better put, of “unqualified virtue.” “This form of justice, then, is complete virtue, but not absolutely [that is, not in relation to conditions such as prosperity, which is an *absolute* good, but may not be good for a *particular* person] but in relation to our neighbor. And therefore justice is often thought to be the greatest

other words, justice contains all of the virtues; it is the virtue of relations with others, not merely a virtue that enables one to live well, such as the virtues of courage and temperance. In this sense, Leibniz calls the precept ‘live honorably’ universal justice. Right, in its most amplified sense is the moderation of the affections according to right reason. Right is the virtue of every person endowed with right reason. Right does not consist in the mere conformity with the rule of right reason (the perfection of society) but it must be a *standing disposition*, as Aristotle says about virtue.⁴² Or better: a virtue after all is an *excellent* disposition. In addition, for Leibniz the rules of virtue are not exclusive to certain individuals, particular states or peoples, but are universally valid rules of reason and universally accessible ways of being.

There are then two most general divisions among the three degrees: universal justice and particular justice (for both Leibniz and Aristotle). The other two precepts, ‘harm no one’ and ‘give each his due,’ fall under particular justice, which includes in Aristotelian terms *commutative* and *distributive* justice respectively.⁴³ Leibniz also follows Aristotle’s mathematical correlates to these two kinds: arithmetic *equality* and geometric *proportion*, respectively.⁴⁴ Accordingly, under the precept ‘harm no one,’ each person has the same right not to be harmed and the same obligation not to harm anyone, regardless of social or physical advantages. This is equality. Under *give to each his due*, equality becomes geometrical proportion, i.e., a kind of inequality, in which each person’s “due” is distributed according to need and merit. Merit is determined according to one’s contribution to public utility: whoever is most useful to all deserves the most benefit.⁴⁵ In addition, as Leibniz has suggested here the role of civil right is to establish and maintain laws that promote peaceful, harmonious society; the same role also applies to the relations among nation states.

Since the description of the three degrees is rather complicated, it is helpful to set them out in a diagram. This way we can see from where Leibniz is borrowing these notions and how they are distinct and prioritized.

of virtues . . . in justice is every virtue comprehended . . . and it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbor also; for many men can exercise virtue in their own affairs, but not in their relations to their neighbor. This is why the saying of Bias is thought to be true, that ‘rule will show the man’; for a ruler is necessarily in relation to other men and a member of a society. For this same reason justice, alone of the virtues, is thought to be ‘another’s good’, because it is related to our neighbor; for it does what is advantageous to another, either a ruler or a copartner. Now the worst man is he who exercises his wickedness both towards himself and towards his friends, and the best man is not he who exercises his virtue towards himself but he who exercises it towards another; for this is a difficult task. Justice in this sense, then, is not part of virtue but virtue entire. What the difference is between virtue and justice in this sense is plain from what we have said; they are the same but their essence is not the same; what, as a relation to one’s neighbor, is justice is, as a certain kind of state without qualification, virtue.”

⁴² AE 1144b26: “For it is not merely the state in accordance with the right rule (*orthos logos*), but the state that implies the presence of the right rule, that is virtue; and practical wisdom (*phronesis*) is a right rule about such matters.”

⁴³ See Busch’s diagrams which clearly show the relationships between Leibniz’s degrees of right and Aristotle’s divisions of justice (pp. lxxi-ii).

⁴⁴ Leibniz actually says “geometrical” equality, but this is a slip. The notions of equality and proportion are important to keep in mind for Chapter Six. Aristotle’s discussion of these kinds of justice can be found in AE Bk. V chap. 3-4. I also discussed these kinds of justice at length in Chapter One, since that is where Leibniz first introduced the three precepts of right and related them to Aristotle’s kinds of justice.

⁴⁵ More about this will be discussed below.

<u>Precepts of Right</u> (Leibniz, <i>Digest</i>)	<u>Kinds of Justice</u> (Aristotle., <i>Nic. Ethics</i>)	<u>Divisions of Right</u> (<i>Digest</i>)
1. Live honorably	1. Universal (all of virtue)	1. <i>Jus naturale?</i>
2. Harm no one	2. Particular commutative (arithmetic)	2. Private right (<i>jus naturale</i> ; private utility)
3. Give each his own	3. Particular distributive (geometric)	3. Public right (<i>jus gentium, jus civilis</i>)

The Roman *divisions* do not really have a category of ‘universal,’ but make only the general distinction between private right and public right, under which the three divisions fall. As far as I can tell, the *Digest* does not explicitly say that *jus naturale* corresponds with Aristotelian universal justice and virtue. However, it would make sense to put *jus natural* in the universal position, since the *Digest* does say that the *jus natural* is “what nature has given to all animals.”⁴⁶ Furthermore, it may be assumed that the *Digest* assigns universality to the precept *live honorably*, since that precept would seem to encompass the other two.

Thus, we can see how Leibniz has synthesized a variety of notions and traditions. More importantly, this shows more convincingly how the three precepts “derive” from the definition of right as the faculty of right reason. The object of right is the perfection of society. To carry this out, Leibniz recognizes that right as moral power and obligation cannot remain at the level of strict right or refraining from harm. Right in fact implies increasing levels of obligation and activity, levels ultimately encompassing the entire human sphere. At its very foundation, right is the moral power of a rational substance enabling it to carry out its own demands. In this sense right must be the foundation for justice as *caritas sapientis*. This definition of justice as the virtue or moderating love of the wise person is the most complete expression of what is implied in the concept of *ius*.⁴⁷

As mentioned, “De Justitia et Jure,” includes a second version of the three degrees that Leibniz had written in the margins.⁴⁸ Now, this version has an interesting editing and publishing history that has certainly influenced the interpretation of Leibniz’s practical philosophy, as I will discuss in detail, below. But for now let us see what it says. This marginal version is notably different; indeed, different from all other versions of the three degrees, since it is the only version that explicitly correlates *motives* to each degree. Essentially, Leibniz shows that the precepts are grounded in the motive of self-interest; further, the motives of pleasure and pain provide the incentive for benevolence at the second degree, and eventually divine reward and punishment provides the motive for virtue in the third degree (note that the order is slightly different). Since this version has been quite influential, even so it has not been translated into English previously, it bears translation here in its entirety.⁴⁹

⁴⁶ *Digesta* 1.1.1.3: “3. Ius naturale est, quod natura omnia animalia docuit: nam ius istud non humani generis proprium, sed omnium animalium.”

⁴⁷ If my interpretation is correct, then it opposes every interpretation of Leibniz’s practical philosophy.

⁴⁸ This is indicated *only* in the Akademie edition, which came out in 1999: “Diesen Absatz hat Leibniz durch Umrandung hervorgehoben.”

⁴⁹ We have however John Hostler’s *interpretation* of this passage, which has been quite influential, as I will show. The passage has also been translated into French by René Sève (1994).

There are three principles according to which we are moved to act justly. The first is private utility, so that indeed we may injure no one, so that we may not excite either those whom we have harmed, or others, to harm us; also that we help everyone, as far as is permitted, because the common good overflows to us in return. The *second* principle is the sense of humanity and honor. For, even where no danger is made for us, we are nevertheless struck by the other's evils, and delighted by the other's felicity, and we see that the merited rewards of virtue will follow. And in this affection of man toward man consists justice and the name of the good man. For he who operates out of the first source [or motive] will be called prudent or skillful, rather than good. As long as he has the hope to deceive, he will mix the sacred with the profane.⁵⁰ Thus, the [former] cultivates friendship only when others are useful; the [latter] cultivates honorable and true friendship. And when the true sense of humanity is placed in all men, thus arises the stimulus of conscience, so that assuredly the man who acts otherwise will not be satisfied with himself, and will feel within certain tearings and blows that form the natural punishment. The third principle is *religion*: for 'the many' the sense of humanity and the stimulus of conscience may be obscured, such that only private utility may prevail. This sense then is not sufficient to protect men from others who wish to act with impunity; consequently the highest perfection of natural right must be finally sought in the worship of God—the substance of highest intelligence and power, whom no one can neither deceive nor escape—who has made it so that the same things be useful and honorable, that no wrong goes unpunished, that no noble act is vain and without reward. For the wise, religion and honor or the virtue of love are the same thing. They indeed know that to live happily is to strive for perfection in all things; it is to follow nature as a guide; to know that the best disposition is toward the universe, and to be persuaded by the providence of the supreme author of things who governs everything for the best. For he who is animated thus, necessarily loves God above all other things. It is not possible for him not to be secure and happy, knowing everything good will happen for the lover of God, and that good men are in turn the friends of God. And so although they may not be moved by rewards and penalties, they yet may enjoy felicity as a necessary corollary to virtue; indeed since the virtue of the wise man produces the highest pleasure of the soul, it is itself its own reward. And if assuredly someone does not reach the true wisdom, for him religion adds something beyond the honored.”⁵¹

⁵⁰ The Akademie edition notes that this sentence is from Horace, *Epistolae*, 1.16.54.

⁵¹ A.6.4.2778-2780: “Tria autem sunt principia ex quibus ad juste agendum movemur, primum est utilitas propria, ut scilicet nemini noceamus, ne vel hunc cui nocuimus, vel alios vicissim in nos extimulemus; deinde ut omnes quoad licet juvemus, quia bonum commune vicissim in nos redundat, *alterum* est sensus humanitatis, atque honesti, nam etsi nullum nobis periculum creetur tangimur tamen alienis malis, et aliena felicitate delectamur, cum videmus virtutem praemia merita consequi: et in hoc affectu hominis erga hominem consistit justitia et nomen viri boni; nam qui ex primo capite operatur, prudens vel potius callidus magis quam bonus dicitur; *sit spes fallendi miscebit sacra profanis*. Itaque unus cum aliis hominibus utilem tantum amicitiam colet, alter honestam et veram. Cum vero omnibus hominibus insitus sit ille

This passage is quite important and revealing, if not simply the most eloquent from Leibniz that we have seen. For the first time, and for nearly the only time, Leibniz corresponds the three degrees of right to a chain of motives. The motivational structure begins with private utility or self-love and proceeds through increasing degrees of love, i.e., other-directed and finally to God-directed love. In fact, the only truly moral motive is other-directed love. It even appears that the sort of love that counts most is the love of virtue itself, which of course includes the love of God. On the other hand, the motivational structure also appears to be grounded in the principles of pleasure and pain. In this way we are first moved to avoid harm, then moved to do good for others so that they may do good for us (or so that we may enjoy the “overflow” of good); and finally we are moved by religious fear and hope. We are also rewarded by the pleasure of virtue itself, which is the highest pleasure.

However, Leibniz’s three degrees of motivation present a number of difficulties. What is curious about this gradation from private utility to honor is that much of it retains self-interested motives even at the highest level. Thus the account complicates his attempt to make love a non-selfish motive, and to make utility and honor compatible. It is also inconsistent with certain views that he had quite decidedly adopted in the *Elementa*. According to this scheme, refraining from harm is to be done for the sake of one’s own utility, for the sake of a motive which is merely “prudent or skillful” as Leibniz says. The sense of ‘prudence’ that must be meant here is egoistic prudence, but not Aristotle’s sense of right reason, as Leibniz usually means it. In addition, according to the *Elementa*, “everyone agrees” that it is necessary and just to act for the sake of one’s well-being. This is, moreover, a right in accordance with the science of right.⁵² Therefore, it seems inconsistent for Leibniz to consider that the precept against harm is grounded in a motive that is merely prudent, or which may result in mixing the sacred with the profane. The sense of the precept that I think Leibniz intends is that harm ought not to be done because it is simultaneously not in the interest of self and society. But this follows from the definition of right; the precept stems from our capacity as rational beings to do what is in the interest of both self and all others. It does not stem from the capacity to be moved by the fear of injury or rewarded by pleasure.

humanitatis sensus, hinc oritur conscientiae stimulus, ut scilicet homo qui secus agit, sibi ipsi non satisfaciat, sentiatque intus quosdam laniatus et ictus, quae poena est naturalis. Tertium principium est *religio*: nam cum in multis sensus humanitatis et conscientiae stimulus obtundatur, solaque propria utilitas obtineat, quae satis tutos homines ab hominibus praestare non potest, quoties impunitatis spes est; ideo summa denique juris naturalis perfectio petenda est a cultu Dei, substantiae summe intelligentis ac summe potentis, quam nemo nec fallere nec effugere potest. Quo fit ut idem sit utile et honestum, nullum peccatum impune, nulla praeclara actio inanis et praemii expers. Caeterum apud sapientes religio et honestas seu virtutis amor idem est, illi enim sciunt feliciter vivere, esse in omnibus contendere ad perfectionem, naturam ducem sequi, optime affectum esse erga universum, et persuasum esse de providentia summi rerum autoris omnia optime gubernantis, nam qui sic animatus est, eum super omnia Deum amare necesse est, idem non potest non esse securus et felix, scit enim omnia in bonum cedere Deum amanti, et viros bonos vicissim Dei amicos esse. Itaque licet non praemiis poenisque moveantur, felicitate tamen velut necessario virtutis corollario fruuntur, imo virtus sapientis cum summam animi voluptatem pariat, ipsa praemium sibi est. Si quis vero ad veram sapientiam non pervenit, apud eum religio aliquid honestati superaddit.”

⁵² A.6.1.461: “Nam quod nostrum attinet omnes uno ore confitentur, quae quis ex necessitate fecerit tuendae salutis suae causa, juste fecisse videri.”

Another difficulty is that the reasons given for the motive of love, which are supposed to be based on pure friendship, are also mixed with self-interest. On one hand, he provides an account of love quite similar to the one in the *Elementa*. To love another for the sake of our own gain is calculating, while to love another for the sake of the other is true love or friendship. We can suppose then that acting in accord with strict right need not be selfish or calculating (as he here implies it is), as long as it is done from the motive of “genuine” concern for another’s well-being. To act according to *calculating* motives would not be honorable or virtuous. If we act from the “sense of humanity,” we act from the right kind of motive. Such a motive elevates us to the second degree of right: give each his due.

On the other hand, this supposedly more genuinely loving *sense of humanity* is accompanied (if violated) by the stings of conscience that provide “the natural penalty.” But this appeal to conscience is inconsistent, for two reasons. One is that if conscience provides a natural penalty, then one would still be acting from the unacceptable motive of prudence and skill. That is, the reason I would act from the sense of humanity is to avoid the stings of conscience. But then this is no longer to act from a sense of humanity, but rather to avoid personal pain. Secondly, in the *Elementa* Leibniz had insisted, not only that the notion of *conscience* could be reduced to the fear of divine punishment, but that reward and punishment were not proper motives for just and virtuous actions. He even characterized such motives as mercenary. He claimed that one must be motivated by goodness itself, and then argued that this was possible in terms of non-mercenary love. Therefore it is hard to understand how the sense of humanity, as it is discussed here, is supposed to provide a properly moral motive.

What emerges here is actually a central problem for Leibniz. Leibniz is in fact operating with two sets of principles whose moral compatibility is in conflict: (1) principles of effective motives; and (2) principles of right actions. This becomes even more apparent in the third degree, *religion*, which corresponds with universal justice and the precept “live honorably.” On one hand the sense of religion provides effective motives to act honorably, namely, the felicity resulting from the love of God and the fear of his punishment. On the other hand, acting from a sense of religion may be insufficiently honorable and unnecessary for honor. The effective motive account is this: For most of us, due to self-interest, the sense of humanity is insufficient to motivate us to act humanely; we may also be wrongly motivated by the thought that we will not be punished for our actions if we are clever enough. The answer then is to seek “the highest perfection of natural right in the worship of God.” But what does this worship involve? In terms of an effective motive, it involves the recognition that God is inescapably powerful and will always dispense reward and punishment. However, this again appears inconsistent with a truly honorable motive, for reasons already given. Furthermore, the reason for acting from the sense of religion is not that it is morally superior to do so, but only because one may lack the ability to act according to the sense of humanity. But if it is sufficiently good to act from the sense of humanity, then all that the sense of religion adds is an effective motive to do what one *ought* to do without the motive.

This result is further brought out by the account of the “right principle.” On this view the degree of religion, or the worship of God, does not depend on reward and punishment after all. As Leibniz says, *the wise* trust that God will do the best; they know that God has made honor, virtue, happiness, and utility compatible. They are not “moved by rewards

and penalties” but rather are able “to enjoy felicity as a necessary corollary to virtue.” Thus the wise love God and act honorably toward others because they know that God has made virtue its own reward.

This, I think, is Leibniz’s most consistent position, if not his more frequent one. However, this position is not without problems. First, it makes the other motives morally superfluous. If virtue is its own reward, then the other motives ought to be either unnecessary for acting virtuously or insufficiently virtuous. The motives of punishment and reward only provide incentives for the insufficiently virtuous, but they are not the motives by which we ought to act. Leibniz implies that one ought to act with honor because it is right. One ought to have the virtue of justice because it is just. But his account of motives obscures this fact.

Secondly, it may be objected that the virtuous are still motivated by the pleasure and happiness they receive from being virtuous; thus, Leibniz cannot really avoid basing the three precepts on self-love and hedonist motives. There is actually a lot at stake in this objection. But whether it holds depends on the cogency of Leibniz’s argument for non-calculating (or disinterested) love. As we saw in the *Elementa*, to love is to find pleasure in the happiness of another. This sort of love is honorable, as long as it is done for another’s sake and not solely for one’s own. This argument may not be convincing. To make it work it must maintain that gaining pleasure is not the end of action, but virtue is, and pleasure accompanies this virtue. If we do not find pleasure in acts of virtue, this does not mean that we have acted wrongly; it means rather that we have not acquired the right disposition. The right disposition is to find pleasure in virtue, so that virtue may be done well.

It must also be asked, what, really is *honor*, for Leibniz? He does not analyze this concept, even so it is one of his most important. Elsewhere however he does offer at least one definition of it, one which interestingly resonates with his definition of right.

Truly indeed the honorable is that which we are. It is our mind (the mind indeed is what most chiefly perfects us). However, perfection of the mind is the power (*potentia*) of one in regard to the affects and motions of the body, which if we are able to restrain sufficiently, nothing may prohibit us from following reason, which means to cultivate virtue.⁵³

As rational substances (minds) we have the capacity or power to follow reason, to cultivate virtue. To be honorable is to act according to that virtue which restrains the passions and follows reason. This is very much a stoic formulation, but it resonates very well with the capacity we have (the moral power and obligation) to follow right reason. More specifically, to live honorably means not to use others for one’s own ends; it means to tell the truth, to keep promises, and to do good for others, as long as these acts are done for the sake of others. Indeed, the objective of honor is not only the perfection of oneself but the perfection of society. Respecting God is supposed to incite us to perform honorable acts, but it is not really necessary to love God in order to act honorably. What

⁵³ TI: “Vere enim *honestum* est quicquid nos, id est animum nostrum (animus enim potissimum est id quod sumus perficit. Perfectio autem animi est potentia eius in corporis affectus motusque, quos si satis compescere possimus, nihil est quod nos prohibeat rationem sequi id est virtutem colere” (p. 620). This passage is from a piece titled “De Jure et Justitia” dated 1677-78.

is necessary is to possess the virtue of honor.

Whether Leibniz's argument for disinterested love and honor is cogent is a matter that must be postponed until Chapter Six. For now we must determine the consequence of Leibniz's attribution of motives to the three degrees. What do we make of the fact that "De Justitia et Jure" ends with two different versions of the three degrees? Let us briefly consider the main differences. Keep in mind that the starting point was the claim that *right* is the faculty of right reason, whose object is the perfection of society. The first version of the three degrees fleshed this out by showing that the principle of right could govern several kinds of justice: commutative, distributive and universal. Thus we can think of the principle of right as the prescriptive ground for these kinds of justice, ultimately prescribing the moderation of justice as the love of the wise person. On the account of *motives*, despite its difficulties, we can also think of it as deriving from the principle of right, but as describing the sort of motives that are most effective for carrying out what is normatively required. Thus considered, the account of motives has a descriptive character, while the other account has a prescriptive character. But the account of motives has the same relationship to the principles of right, as did the motive of love in the *Elementa*—that is, as incentives to fulfill what is normatively prescribed by right.

This account of motives however is the account that prevails in interpretations of Leibniz's practical philosophy—interpretations that are based on no other account than on the marginal version of "De Justitia et Jure." In view of this, I would like to show how the prevailing account came about and what is additionally wrong with it. What follows is a bit of publishing history of "De Justitia et Jure" and then some brief examples of the commentary.

"De Justitia et Jure" had not been published as a whole until 1999 in the Akademie edition. Prior to that, only parts of it had been published, first by Dutens (1768).⁵⁴ This version did not include the marginal part. The marginal part, without the main body text, was then published in Mollat's *Rechtsphilosophisches aus Leibnizens Ungedruckten Schriften* (1885).⁵⁵ Grua then published Dutens' version in 1948.⁵⁶ This means that only quite recently (1999) had the text appeared with both versions of the three degrees along with the main body, and it means that the marginal version had been widely available for many years, apart from the context in which it was written.

In the meantime, John Hostler's *Leibniz's Moral Philosophy* (1971)—which has been quite influential upon Anglo-American commentators, being the only book in English written on the topic—featured a brief (nine page) chapter on Leibniz's "natural justice." Hostler's chapter is based almost entirely on the marginal piece from Mollat. He claims that Leibniz's "scheme of natural justice" consists of a "division of justice into three degrees." He then presents a diagram that shows how the three "grades of justice" begin with egoistic prudence and evolve toward active benevolence (H 56-60). While in the end Hostler's views are very perceptive, some of his specific views are not. His interpretation obscures the fact that these are degrees of *right*, not of justice. So, he does not see that the three degrees of right are grounded in the moral qualities. Furthermore, without the context (i.e., the whole of "De Justitia et Jure"), one would not know that another version

⁵⁴ Dutens, *Jurisprudentiam* III, under the title "Tit. I De Justitia et Jure."

⁵⁵ On p. 95, under the title "De Justitiae Principiis." Also in Mollat's 1893 edition, p. 88.

⁵⁶ *Texts Inédits* p. 614.

of the three degrees in the same text makes no reference to motives at all. Hostler's interpretation leads us to think that Leibniz's natural justice is based on self-love and psychophysical motives, rather than on the principles of right (*jus*). It encourages the view that divine punishment is the ground of obligation, and that subjective right is not an essential part of Leibniz's practical philosophy.

To see the influence of Hostler's interpretation, we can observe this key passage from Donald Rutherford's *Leibniz and the Rational Order of Nature* (1995). Rutherford cites Hostler, along with Riley, as main sources. According to Rutherford, the foundation of Leibniz's moral philosophy is charity of the wise, and the three degrees are supplementary to this foundation.

Whether we are speaking of the actions of God or the actions of human beings, the paradigm virtue is justice, understood as "charity of the wise. . . . While this conception of justice as "charity conforming to wisdom" serves as the foundation for Leibniz's moral philosophy, in his political writings he often offers a broader interpretation of justice based on the Roman tradition of natural law, or "natural right" (*jus naturae*). In this context he depicts justice as having three grades or degrees corresponding to the principles *neminem laedere, suum cuique tribuere, honeste vive*. The lowest grade of justice which Leibniz associates with the notion of "strict right" (*jus strictum*) does not involve the idea of charity of love. It requires merely that one forbear from harming others, since in this way one avoids giving others any claim (legal or otherwise) against one in return. The motive of this type of justice is thus purely prudential: One acts justly, in this minimal sense, so as to avoid harm to oneself. (Rutherford 55)

This view is clearly influenced by Hostler, since it depicts the precepts as precepts of justice and highlights the egoistic motives. Rutherford goes on to explain the other two degrees. Equity suggests charity, but in an imperfect sense, since it may still be motivated by prudence. In the third degree one is motivated by good will alone. It is therefore not possible to be truly just unless one entirely divests oneself of prudential motives. And that is the extent of what Rutherford has to say about natural right in Leibniz, before he goes on to talk about disinterested love and the happiness that results from virtue and the love of God. In sum, the three degrees are treated as degrees of justice that provide certain kinds of motives leading to disinterested love. This is, however, misleading, since justice *as a virtue* does not have three degrees, but has three types. Also, the three degrees are precepts of right and their function is to prescribe the obligation that love is to fulfill. They are not themselves the fulfillment of the scriptural command to love. They do not "lead" to disinterested love, but rather, disinterested love is required as a principle of motivation. Furthermore, the precepts are not found in some "political context," they are found at the very foundation of his practical philosophy.

Another commentator, Patrick Riley, more appropriately recognizes Leibniz's doctrine of natural right, and he frequently remarks on the relationship between the three degrees and charity of the wise.

Charity exactly proportioned to merit would produce the most perfect human justice; but Leibniz was aware that this was too much to be hoped for in practical life. He therefore attempted to fuse his definition of justice as charity of the wise with the three great principles of the Roman law: *neminem laedere, suum cuique tribuere, honeste vivere*. (Riley, *Political Writings*, introduction, p. 19)

Riley goes on to say that Leibniz converted the third precept to ‘charity’ and made the first “the lowest form of justice, something essential, but not adequate.” But Riley never explains how the precepts are supposed to “fuse” with justice as charity of the wise, and Leibniz himself does not say that they do. In another passage Riley says they “link up” with justice.⁵⁷ But these remarks are never explained, and they obscure the fact that these are degrees of *right*, not justice; and they are not simply borrowed from Roman law, but derive partly from Leibniz’s definition of right in the *Nova Methodus*. They are not derived from charity of the wise, but rather charity of the wise is derived from them.

It is perhaps more fruitful to set aside these commentaries and read a few more unpublished excerpts from the Akademie edition. These suggest that the notion of right has a certain priority over justice as charity of the wise. The first piece is called “De Justitia Et Novo Codice Legum Condendo” (1679-80) which is another one of Leibniz’s abandoned attempts to revise the entire corpus of right (*corpus juris reconcinatus*).⁵⁸ Most of it is concerned with details of legislation. But the opening paragraphs establish the theoretical grounds of right in relation to the developing definition of justice as charity of the wise. This piece is particularly important because nowhere else does Leibniz analyze the notions involving the second degree of right, whose precept is “give to each his due (or own).” Furthermore, it emphasizes that charity must be “ruled by knowledge” (*scientia*), and that knowledge or wisdom, is the science of happiness. At the same time, knowledge must also consist of the knowledge of the principles of right.

JUSTICE is the constant will to give each his own. OWN means that what belongs to each one *is fitting*. We say that what BELONGS to someone is THAT WHICH is in his POWER, or what in his judgment he can handle in all ways, or what cannot be taken away for any reason. FITTING however is in view of the optimum *in total*. IN TOTAL, without doubt means we observe the general good, or what amounts to the same, the divine will. Again, general benevolence is *Caritas* itself: but truly the zeal for charity must be ruled by knowledge, lest we err in the estimation of that which is optimum: since therefore, wisdom is the science of the optimum or felicity, we perhaps cannot better embrace the essence [*vim*] of JUSTICE than if we define it as the charity that resides in the wise.⁵⁹

⁵⁷ Page 183 in his *Leibniz’s Universal Jurisprudence*.

⁵⁸ This piece appears in the Akademie edition (pp. 2833-36); also in TI, and was translated by Sève (1994) pp. 213-220.

⁵⁹ A.6.4.2833: “JUSTITIA est constans voluntas *suum* cuique tribuendi. SUUM scilicet, id est quod penes unumquemque esse *convenit*. ESSE PENES ALIQUEM dicitur, QUOD IN ejus POTESTATE EST, sive id quod quis pro arbitrio tractare potest omnibus modis, qui non singulari ratione excipiuntur. CONVENIRE autem rebus illud videtur quod in *summa* optimum est. IN SUMMA, nimirum, id est si bonum generale, sive quod eodem redit, divinam voluntatem spectemus. Porro benevolentia generalis est ipsa Ca r i t a s :

It is interesting that Leibniz defines charity as the *qualis* of the wise, suggesting that charity is a moral quality of the wise. But the main point here is very similar to that of the *Nova Methodus*: what is truly one's own is one's body, and beyond that, possessions rightfully acquired. These are things over which individuals have a theoretically inviolable right. At the same time, individual possession is not without consideration for what is best overall. This is conveyed by the term *convenire*. As Heinekamp points out, *fittingness* is a concept central to Leibniz's notion of the good, as in what is "fitting" in the best possible world.⁶⁰ So, justice is the virtue of giving to each what is fitting in view of the whole. Of course, to determine what is fitting requires the judgment of the wise:

The JUST, moreover, or as we say, the good person, is one who is endowed with justice, and accomplishes justly that which can be approved by the judgment of the good and the wise person. And we call RIGHT the power which befalls the good man; for the things that are against good morals are for him believed unable to do. To this extent obligation is that which imposes on a good man a certain necessity. Now the science of these questions is called JURISPRUDENCE. And since *to know* means to be able to give reasons, consequently, those who make or interpret the Laws must know the true principles from which all of right is derived.⁶¹

Thus starting from "to each his own," the definition chain brings us back to the science of jurisprudence, which is the science of the true principles of right. Notice also how obligation follows from right: Since right is the power to do what is just, that means that the good and wise person "cannot do" that which is unjust.⁶² Thus this power itself imposes the "moral necessity," i.e., the obligation not to be unjust. Additionally, part of this power certainly includes the knowledge of what is just. Leibniz goes on to say that the immense multitude of laws must be reduced to a few words, so that the "memory will not be overcharged, that opinions will be certain, "and thus in the future right will be determined and certain."⁶³ This thought brings us back to the *Nova Methodus*, where it was the task of the jurisconsult to maintain "two viewpoints," the theoretical and the nomothetic. The theoretical consists of the science of right, and the nomothetic is oriented toward the construction of laws useful for the State.

zelus vero caritatis scientia regi debet, ne erremus in aestimatione ejus quod optimum est: quoniam ergo *Sapientia* est scientia optimi sive felicitatis; ideo non poterimus fortasse vim JUSTITIAE melius complecti, quam si definiamus esse caritatem qualis in sapiente est."

⁶⁰ Heinekamp (1969), p. 183. According to Rescher (2002) what is fitting is a formula (set of laws) that produces the most amount of good. Such is the formula for the best possible world.

⁶¹ A.6.4.2834-5: "*Justum* autem, sive *bonum Virum* dicemus qui justitia praeditus est, et juste fieri, quicquid boni sapientisque viri arbitrio probari potest. Et *JUS* appellamus potestatem quae in bonum virum cadit, nam quae contra bonos mores sunt ea nec facere nos posse credendum. Quemadmodum *obligatio* est quicquid bono viro necessitatem quandam imponit. Harum autem rerum scientia *JURISPRUDENTIA* appellatur. Et cum *scire* sit rationes reddere posse, consequens est illis qui Leges condunt, aut interpretantur vera principia noscenda esse, unde jus omne derivatur."

⁶² There is one caveat here: Leibniz calls right the *potestas*, not *potentia*. Thus we would have to be sure that Leibniz would understand the first, which has meant the power of coercion, to be interchangeable with *potentia*. A bit below Leibniz in fact resumes using *potentia* (see following).

⁶³ A.6.4.2834: "Itaque imposterum jus finitum certumque esto."

Another version of this paper has some interesting variations which further highlights the centrality of subjective right: it begins “*jurisprudence* or *right* about which we are concerned is the science of the good person.”⁶⁴ Right is then defined as “what we have to act or not to act, which is a certain power or moral liberty. Obligation is however a moral necessity, without doubt imposed on those who wish to retain the name of the good person.”⁶⁵ It is clear from this that to be a good person means to have the power or freedom to act rightly. Obligation is rooted in this power. That we have this power imposes on us the obligation to use it in accordance with universal benevolence—or common felicity.

Because however the good man is benevolent toward all, even better is to recognize the virtue of the perfection of the soul. Consequently, the highest rule of right is that *everything is directed to the greatest general good* or common felicity; this is to be understood in terms of three other general precepts.⁶⁶

So, then, the good person is one who possesses the right of directing her actions to the common felicity. This common felicity is then directed (and perfected) by the precepts of right. These determine the good that is to be done; they are not derived from a notion of the good. Notably, this definitional structure does not indicate any motives whatsoever. Nor are motives indicated in the brief account he goes on to give of the three degrees. As is usual, the first precept is associated with commutative justice or arithmetic equality, and distributive justice is described as equality among unequals, or geometrical proportion. In this way “the habits or reasons of persons among themselves may be equal to the condition of things which are divided among them.”⁶⁷ This statement essentially defines *equity* (which is the name of the precept for distributive justice) which consists of a consensus among rational agents regarding the distribution of goods. This idea is better conveyed in the *Codex*, as we will see. But what this brief definitional structure shows is that the concepts of right constitute the normative foundation for the common felicity.

The following two papers are quite notable since they suggest that *jus* is the starting point from which *caritas sapientis* is derived. But also quite interesting is how Leibniz distinguishes *jus* from *law*.

Right, with which we are concerned, is the science of the good and the equitable. For, the good man is one who loves everyone; however, when several interests are in conflict, the dispositions of a man toward man must be moderated by reason, and so must fall back to a certain measure of equality; thus we may place the true reward not in things but in persons.

⁶⁴ A.6.4.2850: “*Jurisprudentia*, sive *jus* in quo versamur est scientia viri boni.”

⁶⁵ A.6.4.2850: “Itaque *jus* quod habemus agendi vel non agendi, est potentia quaedam sive libertas moralis. *Obligatio* autem est moralis necessitas, illi nimirum imposita, qui viri boni nomen tueri velit.”

⁶⁶ A.6.4.2851-2: “Quoniam autem vir bonus est qui benevolus est erga omnes, eo tamen magis quo majorem in unoquoque virtutem id est animi perfectionem agnoscit, consequens est, Summam Juris Regulam esse, ut omnia dirigantur ad maximum bonum generale sive communem felicitatem; haec in tria alia generalia praecepta scinditur.”

⁶⁷ A.6.4.2852: “ut habitus sive ratio personarum inter se, sit aequalis habitudini rerum quae ipsi tribuuntur.”

And since charity is the habit of loving everyone, *justice* will be the charity of the wise; not that the good man is unable to do what the wise man is unable to do; but that he [the good man] acts from the prescription of the wise. For those who are not good it may be required to add force (*vis*), so that they may imitate the good. This prescription is called law.⁶⁸

Notable is that the passage begins with right as the science of the good and equitable, and *this* leads us to the virtue of justice. We are then led to *law*, which provides the prescriptive force or power for those who are insufficiently good—i.e., for those who are lacking in moral power. This expresses the Biblical notion (Tim. 1, 2:8), frequently expressed by Leibniz and others, that “the laws are not made for the just.” More significantly, it expresses Leibniz’s conviction that moral obligation does not ultimately depend on the force of law, the law of the superior, or fear of punishment.⁶⁹ It depends on the will to do the good and on the knowledge of the good. The rest of the passage then follows a familiar pattern: definitions of *vir bonus*, justice, wisdom, and then: “The highest rule of right, in which consists the use of the science of love, is to pursue the maximum general good.”⁷⁰ After this comes the usual outline of the three degrees. In sum this paper shows that all of the major components of Leibniz practical philosophy can be derived from right. This notion of imitation at the end is important, since eventually it will be seen that “supreme virtue” consists in the imitation of God’s goodness.

The final paper to review begins similarly to the one above.

Right with which we are concerned is the science of charity, and *justice* is the charity of the wise, or the virtue by which the affection of man toward men is moderated by reason. *Charity* is the habit of loving everyone; and the one who is thus disposed to charity is called the *good person*. Again *wisdom* is the science of felicity. Felicity is in him but so that we may live in the grace and love of God, whose power and perfection is the highest.⁷¹

It should be noted that felicity enters here, not so much as a motive for gaining the good,

⁶⁸ A.6.4.2857: “Jus in quo versamur est scientia boni et aequi. Nam vir bonus est qui amat omnes; sed cum saepe plurium utilitates inter se pugnent affectus hominis erga hominem ratione moderandus est, et ad cujusdam aequalitatis mensuram revocandus, ut vera non rebus tantum sed et personis pretia ponamus. Itaque cum caritas sit habitus amandi omnes, justitia erit caritas sapientis; non quod vir bonus esse nequeat, qui sapiens non est, sed quod aget ex praescripto sapientum, cui si vis addita sit cogendi etiam hos qui boni non sunt, ut bonos imitentur, hoc praescriptum lex dicetur.” This piece also appears in Grua, *Texts Inédits* 608-12.

⁶⁹ We will examine his arguments against Hobbes and Pufendorf in Chapter Six.

⁷⁰ A.6.4.2858: “Summa juris regula est, in cujus usu scientia caritatis consistit, *quaerendum esse bonum maximum generale*.” Some detailed indication of “the maximum general good” can be found in a piece called *De Summa Juris Regula (On the Highest Rule of Right, 1678)*. This piece details twelve “goods” ranging from necessity, which Leibniz defines as “that without which we are miserable, to being prudent, useful, devoted to virtue, possessing faculties in abundance, such that everyone has the knowledge, will, and power to accomplish the best things”(A.6.4.2844).

⁷¹ A.6.2863: “*Jus in quo versamur est scientia caritatis, et justitia caritas sapientis, sive virtus quae hominis affectum erga hominem ratione moderatur. Caritas autem est habitus amandi omnes, et qui ita affectus est vir bonus vocatur. Porro sapientia est scientia felicitatis. Felicitas autem in eo posita est, ut in Dei gratia atque amore vivamus, cujus potentia et perfectio summa est.*”

but rather as the perfection or completion of the good. I think it is important to understand felicity his way—not as the reward for being good but as the accompaniment that makes virtue its own reward. In any case, soon thereafter Leibniz once again recalls the original definition of right, in slightly modified form.

Right is the certain power or moral liberty we have to act or not to act; obligation a veritable necessity.⁷²

It should be noted that right is no longer defined explicitly as a *moral quality*, but is now frequently defined as moral liberty (and necessity). Right is thus increasingly characterized as the freedom we have to act according to virtue. After this, the passage continues in the familiar way:

The highest rule of right is to direct everything to the greatest general good, from whence is born the commonly celebrated three precepts of right, *live honorably, harm no one, give to each his due*. The first pertains to the *justice* which is called *universal*, since *the life of honor* is nothing other than universal Virtue, or the habit of the soul following reason, so that the affections are held firm. Indeed since the perfection of the soul consists in virtue, the more that virtue exerts its influence, the more one is able to be useful.⁷³

This passage makes no mention of motives for the three precepts. It conveys the idea, as did the definition of *honestas* offered earlier, that justice is a universal virtue because it is the habit of mind, according to reason, in restraint of the passions, to do what is useful for everyone. A second version of the passage characterizes the precept “live honorably” as the precept of right reason. The soul has the virtue to improve, over against the imbecility of our nature which inclines us to crookedness.⁷⁴ To live honorably means to orient the soul toward virtue.

Having reviewed these passages, it appears more convincing that Leibniz conceived of right as the prescriptive ground of justice as charity of the wise, and of his moral philosophy in general. This claim of course conflicts with the prevailing view that justice, love, happiness, and egoistic motivation form the prescriptive ground. But this view is maintained I think only by ignoring Leibniz’s actual formulations or by misunderstanding their significance. With this in mind, we may now turn to the preface to the *Codex Juris Gentium*. This preface, as brief as it is, is important to examine since it

⁷² A.6.4.2863: “*Jus* quod habemus agendi aut non agendi potentiam quandam sive libertatem moralem esse, *obligationem* vero necessitatem.”

⁷³ A.6.4.2864: “Summa juris regula est omnia *dirigere ad majus bonum generale*, unde tria illa nascuntur juris praecepta etiam vulgo celebrata, *honeste vivere*, *neminem laedere*, *suum cuique tribuere*. Primum pertinet ad *justitiam* ut loquuntur *universalem*, nam *vitae honestas* nihil aliud est quam *Virtus* in universum, seu habitus animi ad rationem sequendam affectusque continendos obfirmati. Cum enim perfectio animi consistat in virtute, et tanto quisque magis prodesse possit, quanto magis virtute pollet;”

⁷⁴ A.6.4.2863: “Est autem *honeste vivere*, animum virtute excolere, virtusque est habitus animi rectam rationem sequentis: quemadmodum enim in hac naturae nostrae imbecillitate ad prava inclinati sumus, affectibus mentem praeventibus qui falsorum bonorum specie sollicitantur.”

has also influenced the prevailing view. As Riley claims it is the first published account of Leibniz's definition of justice as charity of the wise and thus represents the introduction of his mature and definitive account of justice.⁷⁵ Like most commentators, Riley bestows a privileged position for justice as the charity of the wise. Let us now determine whether that privilege is warranted.

Section 4: Preface to the *Codex Juris Gentium Diplomaticus*

The *Codex Juris Gentium Diplomaticus* (*Diplomatic Code of the Right of Nations*, 1693) is, according to Riley, "a collection of medieval documents supporting the position of the Empire against the French" (RC 165). Leibniz edited this volume and wrote a preface for it which outlines, as he puts it, "the true sources of the right of nature and of nations."⁷⁶ For the most part, the preface is but a review of the sources already established in the *Nova Methodus*, in the *Elementa*, and in his papers of the late 70's. But the particular value of this preface is that it contains his mature definition of justice and shows how the theoretical grounds of right may be applied to international law. Here we can discern a quasi-demonstrative line of thought that begins with right, proceeds to *caritas sapientis*, and ends with the three precepts of right.

Leibniz begins by addressing some of the difficulties, both theoretical and practical, that result in perpetual conflict among states. For instance, treaties among nations are so often broken that the prevailing condition may be aptly described as Hobbesian—although Hobbes' theoretical grounds should be rejected.

From which the subtle author of the *Elementa de Cive* drew the conclusion that between different states and peoples there is a perpetual war; a conclusion, indeed, which is not altogether absurd, provided it refer not to a right to do harm, but to take proper precautions. Thus it is that peace with a powerful enemy can be nothing else than a breathing-space of two gladiators, and sometimes does not even have the character of a truce.⁷⁷

This expresses, among other things, Leibniz's understanding of and opposition to Hobbes. Leibniz basically thinks that Hobbes' theory of natural right amounts to nothing else than the right to take precautions against harm. But then this is a condition of perpetual war among nation states, since there is no sovereign to which they all may transfer their right of nature. Leibniz is not naive or overly optimistic about international relations, but he thinks that Hobbes' theoretical grounds are just not at all sound. On Hobbes' theory there is no sense of even talking about *treaties*, since they are merely breathing spaces between battles of will and power. Nor is it possible on this basis to establish the rights of the vanquished who are often abused and shamed under the imposition of unfair conditions. Interestingly, in view of this condition of perpetual war

⁷⁵ For example, see Riley's article in *Leibniz Review* (2006) p. 187 and 189, and his *Leibniz's Universal Jurisprudence* (1996) p. 3.

⁷⁶ A.4.6.50: "veri juris naturae gentiumque fontes."

⁷⁷ A.4.5.50-1: "Hinc *Elementorum de Cive* scriptor acutissimus iudicabat inter civitates diversas aut gentes, *perpetuum esse bellum*; non sane prorsus absurde; si modo ea doctrina non ad jus nocendi, sed ad prudentiam cavendi referatur. Ita fit, ut pax cum praevalido hoste, velut duorum gladiatorum respiratio sit, atque interdum ne quidem pro induciis valeat."

among states, Leibniz invokes the “fashionable joker,” i.e., the Dutch shopkeeper who placed a picture of a cemetery under the phrase “perpetual peace.”⁷⁸ To this also Leibniz adds this epitaph of Aitzema: “O passerby who seeks peace and liberty, you will find it either in this tomb, or nowhere.”⁷⁹ The threat of mutual destruction that follows from Hobbes premises is for Leibniz neither a true nor effective way to establish the right of nations.

Leibniz’s remarks in the preface have an interesting parallel with the opening remarks of the *Elementa*, which Leibniz had begun by citing the Carneadean skeptic who holds that “either there is no justice, or it is folly.” Leibniz then responded with his “demonstration” that there *is* justice and it is *not* folly. His demonstration consisted in making clear the terms *right*, *just*, *justice*, and by discovering that the nature of justice is love. In the *Codex*, his response to the Dutch shopkeeper, Aitzema, and Hobbes is quite similar. After stating that the use of his preface is to convey the relation between natural right and the right of nations, Leibniz lays down the definitions in familiar fashion.

The doctrine of [right],⁸⁰ taken from nature’s strict confines, presents an immense field for human study. But the notions of [right]⁸¹ and justice, even after having been treated by so many illustrious authors, have not been made sufficiently clear. *Right* is a kind of moral [power],⁸² and *obligation* a moral necessity. By *moral* I mean that which is equivalent to ‘natural’ for a good man: for as a Roman jurisconsult has well said, we ought to believe that we are incapable of doing things which are contrary to good morals. A good man is one who loves everybody, in so far as reason permits. Justice, then, which is the virtue [that] regulates the affection which the Greeks call φιλανθρωπια [philanthropy] will be most [fittingly]⁸³ defined, if I am not in error, as the charity of the wise man, that is, charity which follows the dictates of wisdom. So, that the assertion which is attributed to Carneades, that *justice is supreme folly*, because it commands us to consider the interests of others while we neglect our own, is born of ignorance of the definition of justice. (RC 170-1)⁸⁴

⁷⁸ A.4.5.51: “Itaque elegans nugator in Batavis cum more gentis signum pro domo suspendisset, *pacis perpetuae*, pulchro titulo figuram coemeterii subjecerat. Ibi scilicet mors quietem fecit.” Also interesting is that Kant refers to the same Dutch shopkeeper in *Zum Ewigen Frieden*, in which Article no. 1 is “No treaty of peace that tacitly reserves issues for a future war shall be held as valid.” (“Es soll kein Friedensschluß für einen solchen gelten, der mit dem geheimen Vorbehalt des Stoffs zu einem künftigen Kriege gemacht worden.”)

⁷⁹ “Qui pacem quaris libertatemque, viator aut nusquam aut isto sub tumulo invenies.”

⁸⁰ Riley has ‘law.’

⁸¹ Riley has ‘law.’

⁸² Riley has ‘possibility.’ This way the definition of right as a moral *potentia* is obscured. Schneewind in *The Invention of Autonomy* (p. 255) relies on Riley’s translation.

⁸³ Riley has ‘conveniently.’

⁸⁴ A.4.5.60-1: “Juris doctrina arctis a natura inclusa limitibus, humano ingenio in immensum diffusa est. Juris et Justitiae notiones, etiam post tot praeclaros scriptores, nescio an satis liquidae habeantur. Est autem jus quaedam potentia moralis, et obligatio necessitas moralis. Moralem autem intelligo, quae apud Virum bonum aequipollet naturali: nam ut praeclare Jurisconsultus Romanus ait, *quae* [. . .] *contra bonos mores* sunt, ea *nec facere nos posse credendum est*. Vir bonus autem est, qui amat omnes, quantum ratio permittit. Justitiam igitur, quae virtus est hujus affectus reatrix, quem φιλανθρωπια Graeci vocant, commodissime, ni fallor definiemus Caritatem sapientis, hoc est sequentem sapientiae dictata. Itaque quod Carneades dixisse

What must not be overlooked is that Leibniz has based this definition of justice on his doctrine of right. More important is not to miss the subtle distinction he makes between the doctrine of right taken from nature, and the *notions* of right. Taken from *empirical* nature, right has to do with instinct, which, the *Digest* said, is “what nature has taught to all animals.” He may also have in mind Grotian desire or disposition for society as part of this “immense field for human study.” But what have not been clarified “by so many illustrious authors” are the *a priori notions* of right, which are entirely distinct from instinct and dispositions. And so he begins with the same notions that have been at the foundation of his doctrine of right since the beginning: right and obligation, the two-fold quality that together make up the moral quality of a person; the definition of ‘moral’ as what is “natural” for the good person; and natural for the good person as defined first in terms of the *Digest* (28.7.15), and then in Leibniz’s own terms from the *Elementa* as “one who loves everyone.” And as we have repeatedly seen, love must be moderated by virtue, following right reason, and so forth. This chain of definitions shows that the virtue of the wise person is the fulfillment or completion of the doctrine of right.

Having clarified or “demonstrated” the notions of right, Leibniz continues by clarifying the notions of ‘charity.’ In this way we are led to the notions of happiness and delight. Now, the reason we are led to them is not because they are strictly speaking the ends that we ought to seek; but rather because they are essential to Leibniz’s account of “disinterested” love, and they are essential to his insistence, against Carneades, that justice does not entail the neglect of one’s own interest.

Charity is a universal benevolence, and benevolence the habit of loving or [esteeming].⁸⁵ [To love or to esteem then is to delight in the felicity of another];⁸⁶ or, what is the same thing, to convert the [felicity] of another into one’s own. With this is resolved a difficult question, of great moment in theology as well: in what way disinterested love is possible, independent of hope, of fear and of regard for any question of utility. In truth, the happiness of those whose happiness [delights] us turns into our own happiness, since things which [delight] us are desired for their own sake. (RC 170-1)⁸⁷

So then ‘charity’ means disinterested or non-mercenary love, and that means acting for the sake of another without expectation of reward or personal good, and without fear of punishment. Nevertheless, one’s own interest is gained. His argument for disinterested love is virtually the same as it is in the *Elementa*, and so it depends on pleasure and

fertur, justitiam esse summam [. . .] stultitiam, quia alienis utilitatibus consuli jubeat, neglectis propriis; ex ignorata ejus definitione natum est.”

⁸⁵ Riley has ‘of willing the good.’

⁸⁶ Riley has ‘Love then signifies rejoicing in the happiness of another.’

⁸⁷ A.4.5.61: “*Caritas est benevolentia universalis, et benevolentia amandi sive diligendi habitus. Amare autem sive diligere est felicitate alterius delectari, vel quod eodem redit, felicitatem alienam asciscere in suam. Unde difficilis nodus solvitur, magni etiam in Theologia momenti, quomodo amor non mercenarius detur, qui sit a spe metuque et omni utilitatis respectu separatus: scilicet quorum felicitas delectat, eorum felicitas nostram ingreditur, nam quae delectant, per se expetuntur.*”

happiness. Fundamentally the argument depends on the premise that pleasure (or delight) is a self-sufficient good, i.e., that it is not sought for the sake of any other good.⁸⁸ But when we love another the other's happiness becomes our own. Thus one's own good is not neglected. Leibniz goes on to remark that contemplating a beautiful object, such as a painting, "is pleasant in itself." However, "when the beautiful thing is itself capable of happiness" i.e., a person, "then this affection passes over into pure love." Presumably this means that when we contemplate an object, only egoistic pleasure is possible. Thus we *use* objects for the pleasure they give us. But persons, who are capable of loving, are not to be used, but rather *enjoyed*, which means to love them for their sake. When mutual disinterested love occurs this may be called "pure love."⁸⁹ In any case, the argument for disinterested love is supposed to show that benevolence is the virtue of loving or esteeming another. Love fulfills the requirements of justice as defined, and happiness fulfills the requirement of disinterested love.

As the investigation of notions continues, the notion of happiness (or felicity) takes on greater importance. Leibniz asserts that since God is the most beautiful, praiseworthy, and happiest being, loving God has the greatest results.⁹⁰ The implication is that if we love God then everyone will be most happy. This brings Leibniz to define 'wisdom' somewhat differently than he did above.

But since wisdom ought to guide charity, it will be necessary to define it. I believe that we can best render the [notion] that men have of it, if we say that wisdom is nothing but the science of [felicity] itself. Thus once again we are brought back to the [notion of felicity], which this is not the place to explain.⁹¹

We have already seen, in the opening paragraph, that charity follows the dictates of wisdom. At that point the dictates of wisdom were those of right reason, and these were supposed to moderate the affection of love. So, what does it mean to moderate love? We can presume moderate love means disinterested love. But then since disinterested love involves happiness, it now appears that wisdom is the science of happiness.

Unfortunately Leibniz does not go on to explain here what he means by the science of happiness. But in order to follow the implications of his arguments for the "doctrine of right" and justice it is necessary to go outside of the *Codex* for a moment. A brief paper called "Felicity" (1694) contains some discussion of wisdom as the science of happiness." The first proposition is "Virtue is the habit of acting according to wisdom." The second is "wisdom is the science of felicity and must be studied above all other things." The piece continues in this definitional way, defining love, justice as charity of

⁸⁸ This need not imply that pleasure is the *only* or *highest* good. Leibniz is not a hedonist; he is an Aristotelian perfectionist.

⁸⁹ Leibniz's argument may be drawn in part from Augustine's discussion of ordinate love, enjoyment, and use in *De Doctrina Christiana* 1.27 and 1.4.

⁹⁰ A.4.5.61: "Superat autem divinus amor alios amores, quod Deus cum maximo successu amari potest, quando Deo simul et felicius nihil est, et nihil pulchrius felicitateque dignius intelligi potest."

⁹¹ A.4.5.61: "Quia autem sapientia caritatem dirigere debet, hujus quoque definitione opus erit. Arbitror autem notioni hominum optime satisfieri, si *sapienti* am nihil aliud esse dicamus, quam ipsam scientiam felicitatis. Ita rursus in *felicitatis* notionem revolvimur, quam explicare hujus loci non est."

the wise, and many other things besides.⁹² It concludes with the following:

Thus the sovereign wisdom has so well regulated all things that our duty must also be our happiness, that all virtue produces its own reward, and that all crime punishes itself, sooner or later.⁹³

This basically expresses Leibniz's continual attempt to make virtue and utility compatible. It might be objected that happiness has no place along with duty, since one's own happiness is not something that can be obligated; or, that happiness should in no way be involved in the motive to perform one's duties, since one can imagine duties so arduous that no amount of happiness or pleasure could accompany them, though we ought to perform them. Yet Leibniz is committed to the idea of harmony, and to the idea that God has made everything in the most perfect and wise way. Therefore, Leibniz is committed to saying that such duties are accompanied by happiness of some sort.

There is one other take on the science of happiness that is quite revealing. This is a brief "demonstration" that Leibniz sketched back in 1678. It is part of a collection of notes titled (by the Akademie) "Aphorisi de Felicitate, Sapientia, Caritate, Justitia." The demonstration is especially appropriate because it begins with the definition of justice and shows that happiness is connected to both charity and wisdom. Yet the chain terminates in an interesting way. Note that Leibniz labels the defined terms.

- a b
- Justice is the charity of the wise.
- c
- a Charity is universal benevolence.
- d
- c Benevolence is the habit of love.
- f e
- d To love someone is to be delighted in her felicity.
- e
- b Wisdom is the science of felicity.
- g
- e Felicity is a lasting joy.
- f
- g Joy is the state of pleasure, in which the sense of pleasure is greater than the sense of pain.
- h
- f Pleasure or delight is the sense of perfection; it is a certain sense of a thing that aids it or adds some power.
- h
- h Perfected is whose power (potentia) is increased or aided.⁹⁴

⁹² Grua, *Texts Inédits* p. 579 and Riley, *Leibniz Political Writings*, p. 83.

⁹³ TI 581: "Ainsi la souueraine sagesse a si bien réglé toutes choses que nostre devoir doit faire aussi nostre bonheur, que toute vertu produit sa recompense, et que tout crime se punit tost ou tard."

⁹⁴ A.6.4.2803: "Justitia est charitas sapientis. Charitas est benevolentia generalis. Benevolentia est habitus amoris. Amare aliquem est ejus felicitate delectari. Sapientia est scientia felicitatis. Felicitas est laetitia durabilis. Laetitia est status voluptatum, in quo sensus voluptatis tantus est, ut sensus doloris prae eo non sit notabilis. Voluptas seu Delectatio est sensus perfectionis, id est sensus cujusdam rei quae iuvat seu quae

This shows that the science of happiness leads to the basis of Leibniz's broader metaphysics, i.e., perfection. But the striking feature is the definition of perfection as an increase in *potentia*. What does this mean? Most likely it has to do with his doctrine of metaphysical force; but could there be some relation to moral power here? We can only speculate.⁹⁵

Now let us return to the *Codex*, picking up where we left off. After having set out the definitions, Leibniz introduces the three precepts of right, seemingly as consequences of the definitions.

Now from this source flows natural right, of which there are three degrees: strict right in commutative justice; equity (or, in the narrower sense of the term, charity) in distributive justice; and finally, piety (or probity) in universal justice: hence come the most general and commonly accepted principles of right—to injure no one, to give each his due, and to live honestly (or rather piously); as I once suggested, as a youth in my little book *De Methodo Juris*. (RC 172)⁹⁶

Leibniz is of course referring to the *Nova Methodus*, §§71-5, where he first introduced the three precepts. The question is, though, which “source” is he referring to, happiness, God, love, justice? The reference for “source” is actually ambiguous. The most proximate source is happiness, although he does not go on to explain happiness. The next source could be God, but that would not explain very much. Another possibility would be justice. Riley claims that the three precepts are “linked” to the charity of the wise, and that their function is to provide a scheme for the insufficiently virtuous: “charity exactly proportioned to merit would produce the most perfect human justice; but Leibniz was aware that this was too much to be hoped for in practical life. He therefore attempted to fuse his definitions of justice as charity of the wise with the three great principles of the Roman Law.”⁹⁷ Nicholas Rescher, citing Riley's translation of the *Codex*, also treats them similarly: “The root source of morals and politics is the disinterested love of others, based on recognition of their intrinsic merit. This, according to Leibniz, generates natural right in its three degrees” (Rescher, 1979, p. 137). However, Rescher's claim cannot be correct, since strict right does not depend on the recognition of another's intrinsic merit. In addition, we have already seen that Hostler and Rutherford treat the three degrees as a motivational scheme (H 56). What seems to be ignored here is that the *source* of the three

potentiam aliquam adjuvat. Perficitur cujus potentia augetur seu juvatur.”

⁹⁵ Interesting to note a paper found only in Mollat, “Initium institutionem juris perpetui,” (p. 7) where Leibniz sets out a similar definition chain. Beginning with the science of natural right, Leibniz is led down the definitional path through public felicity, individual felicity, lasting pleasure, and so on, to perfection. “Perfection is a great power in a small volume, or multitude in unity, or quantity of essence. This indeed in all respects returns to the intelligent.” (Perfectio est magna potentia in exiguo volumine seu multitudo in unitate sive essentialiae quantitas. Haec enim omnia eodem redeunt intelligenti.)

⁹⁶ A.4.5.61-62: “Ex hoc jam fonte fluit jus naturae, cujus tres sunt gradus: jus strictum in justitia commutativa; aequitas (vel angustiore vocis sensu caritas) in justitia distributiva denique pietas (vel probitas) in justitia universalis: unde neminem laedere, suum cuique tribuere, honeste (vel potius pie) vivere, totidem generalissima et pervulgata juris praecepta nascuntur; quemadmodum rem adolescens olim in libello de Methodo Juris adumbravi.”

⁹⁷ *Political Writings* p. 19). Riley repeats these assertions in his *Leibniz's Universal Jurisprudence* (1996) p. 183. and in Riley (2005).

degrees is to be found in the source of the whole argument of the *Codex*—in the definition of right. After all, this was the source in the *Nova Methodus*. But this source is repeatedly overlooked.

Let us pick up from where we left off and see what to make of the three degrees. The account of them in the *Codex* offers some useful details, although not without some complications, especially in the third degree.

The precept of mere or *strict right* is that *no one is to be injured*, [lest] that one be given a legal claim within the state, or outside the state a right of war. From this arises the justice which philosophers call *commutative*, and the right which Grotius calls *faculty*.⁹⁸ The higher degree I call *Equity* or, if you prefer, charity (that is, in the narrower sense), and this I extend beyond the rigor of strict right to [include] those obligations which give to those whom they affect no ground for [legal] action in compelling us to fulfill them, such as gratitude and alms-giving, to which, as Grotius says, we have a moral claim [*aptitudo*], not a legal claim [*facultas*].⁹⁹

In this account of the three precepts of right, Leibniz includes the Grotian categories of *faculty* and *aptitude*, marking also the distinction made by Pufendorf between perfect and imperfect rights. Thus the first degree has the faculty to authorize a legal claim, whereas the second degree has only a “moral aptitude.” This basically means that beneficence cannot be legislated, although it can be morally required. Leibniz does not explain here how something like alms-giving may be morally required, but we can recall some of his earlier definitions of the just and unjust: the just consists in a proportional distribution of good, the unjust in taking more than one needs for oneself, and so forth. While alms-giving, for example, cannot be made law, a sort of moral pressure may be applied when there is an imbalance. And while benevolence cannot be legislated, the state can do much to promote the common good; indeed, aside from providing security, establishing laws that promote the common good is its main function.

Somewhat unclear however is an implication in the first sentence. Does Leibniz mean that we should not harm another *so that* the other will not be able to make a legal claim (or the right of war) against us? It seems it could be taken that way. As we have already seen, several commentators do think that strict right involves a purely egoistic motive.¹⁰⁰ Leibniz himself has shown that fear of punishment is an effective motive. However, we should be careful not to confuse motive with ground. Strict right is distinguished from benevolence as the difference between faculty and aptitude, not as a difference in motives. We can expect that if egoistic motives were essential to the three degrees that they would be offered here. But the true ground of strict right lies in the kinds of beings that we are: beings endowed with the power and freedom to do and not to do that which

⁹⁸ Riley has “a legal claim.”

⁹⁹ A.4.5.62: “*Juris meri sive stricti praeceptum est, neminem laedendum esse, ne detur ei in civitate actio, extra civitatem jus belli. Hinc nascitur justitia, quam Philosophi vocant commutativam, et jus quod Grotius appellat facultatem. Superiorem gradum voco Aequitatem, vel si mavis caritatem (angustiore scilicet sensu) quam ultra rigorem juris meri, ad eas quoque obligationes porrigo, ex quibus actio iis, quorum interest non datur, qua nos cogant; veluti ad gratitudinem, ad Eleemosynam; ad quae Aptitudinem, non facultatem habere Grotio dicuntur.*”

¹⁰⁰ Hostler (p. 56), Rutherford (p. 55), and Brown (Cambridge Companion p. 421).

serves own and other good. Leibniz never says that right itself is grounded in self-interest.

As we move through the text, Leibniz marks the distinction between strict right and equity (or benevolence) in several useful ways.

And as [the principle] of the lowest degree of right is to harm no one, so [that of] the middle degree is to do good to everybody; but only so far as befits each one or as much as he deserves; for it is impossible to favor everyone. It is, then, here that distributive justice belongs, and the precept of [right]¹⁰¹ which commands us to give to each his due. (RC 172)¹⁰²

The second or middle degree commands what is most characteristic of the just condition: public utility, the common good, universal benevolence, that each has what is “fitting.” To be sure, strict right still holds, but it is insufficient to provide for the common good. On this level need and merit are considered, and it is the role of the state to manage, promote, and uphold just laws.

And it is here that the political laws of a state belong, which assure the happiness of its subjects and make it possible that those who had a merely moral claim acquire a legal claim; that is, that they become able to demand what it is equitable for others to perform. (RC 172)¹⁰³

These passages introduce a complication with which Leibniz is always dealing, namely the conflict between private right and the public good. The following nicely illustrates the problem and Leibniz’s answer to it. “In the lowest degree of right, one does not take account of differences among men, except those which arise from each particular case, and all men are considered equal” (RC 172).¹⁰⁴ It is only in the second degree that certain inequalities, i.e., considerations of need and merit are introduced. To illustrate this, Leibniz recounts a story from Xenophon, in which a boy steals his friend’s ill-fitting coat and gives him his own; this way, each boy actually gets a better fitting coat. The question is whether stealing should be allowed to provide what is more “fitting.” Leibniz claims that the correct judgment is not in favor of “whom the coat fit better, but only to whom it belonged, and that the other manner of judging might more properly be used only when he himself had coats to distribute” (RC 173).¹⁰⁵ That is, the strict right of possession takes priority to considerations of overall utility. However, what he says next makes this judgment uncertain: “Equity itself demands strict right, or the equality of men, in our

¹⁰¹ Riley has ‘law’.

¹⁰² A.4.5.62: “Et quemadmodum infimi gradus erat, neminem laedere, ita mediis est, cunctis prodesse; sed quantum cuique convenit aut quantum quisque meretur, quando omnibus aequae favere non licet. Itaque hujus loci est *distributiva* justitia, et praeceptum juris, quod *suum cuique tribui* jubet.”

¹⁰³ A.4.5.62: “Atque huc in Republica politicae leges referuntur, quae felicitatem subditorum procurant, efficiuntque passim, ut qui aptitudinem tantum habebant, acquirant facultatem, id est, ut petere possint, quod alios aequum est praestare.”

¹⁰⁴ A.4.5.62: “Et cum in gradu juris infimo non attenderentur discrimina hominum, nisi quae ex ipso negotio nascuntur, sed omnes homines censerentur aequales.”

¹⁰⁵ A.4.5.62: “Sed a rectore admonitus est, non quaeri hoc loco cui toga conveniret, sed cujus esset; usurum aliquando rectius hac judicandi forma, cum ipsemet togas distribuendas esset habiturus.”

dealings, except when an important consideration of a greater good makes us depart from it” (RC 173).¹⁰⁶ But what counts as an “important consideration? What is the greater good? Leibniz does not say.¹⁰⁷

We finally come to the third degree of right, piety, and here we encounter an increasingly familiar conflict. The issue basically comes down to this: why be honorable and virtuous? On one hand Leibniz offers theological reasons. Piety “perfects” the other two degrees by encouraging us to act as we should.¹⁰⁸ On the other hand, true virtue does not require such encouragement, but ought to be done for its own sake. This is indicated in the following passage, which explains that moral requirements may be met by the criteria already offered, in this life; but since we are insufficiently virtuous, we require otherworldly incentives.

The highest degree of right I have called probity, or rather piety. What I have said thus far can be interpreted as limited to the relations within mortal life. Simple or strict right is born of the principle of conservation of peace; equity or charity strives for something higher [namely] that while each benefits others as much as he can, he may increase his own happiness in that of the other. And, to say it in a word, strict right avoids misery, while the higher right tends toward happiness, but only such as is possible in this life. But that we ought to hold this life itself and everything that makes it desirable inferior to the great advantage of others, and that we should bear the greatest pains for the sake of those near us: all this is [merely] taught with noble words by philosophers, rather than proved by solid demonstration. (RC 173)¹⁰⁹

It is a “noble” idea, rather than demonstrably certain, that the advantage of others is greater than our own. The passage goes on to provide some idea of what honor is, and then points out that this good of the mind is often not powerful enough to move us to act honorably. It is effective only in those who are predisposed or trained in this virtue.

For the dignity and glory, and our mind’s sense of joy on account of virtue, to which they appeal under the name of honor are certainly goods of thought or of the mind and are, indeed, great ones, but not such as to prevail with all, nor to overcome all the bitterness of evils, since not all men are equally moved by the imagination; [especially those who have not

¹⁰⁶ A.4.5.62: “Nempe ipsa aequitas nobis in negotiis jus strictum, id est hominum aequalitatem, commendat, nisi cum gravis ratio boni majoris ab ea recedi jubet.”

¹⁰⁷ It should be noted that in the *Elementa* Leibniz set a limit on rights of possession, that is, in a state of national emergency rights of possession may be violated, if doing so has better results for everyone.

¹⁰⁸ From *Nova Methodus*: “Piety then is the third degree of natural law, and it gives to the others their perfection and execution” (A.6.1.344.§75).

¹⁰⁹ A 4.5.62-63: “Supremum Juris gradum probitatis vel potius Pietatis nomine appellavi. Nam hactenus dicta sic accipi possunt, ut intra mortalis vitae respectus coerceantur. Et jus quidem merum sive strictum nascitur ex principio servandae pacis; aequitas sive caritas ad majus aliquid contendit, ut dum quisque alteri prodest quantum potest, felicitatem suam augeat in aliena; et ut verbo dicam jus strictum miseriam vitat, jus superius ad felicitatem tendit, sed qualis in hanc mortalitatem cadit. Quod vero ipsam vitam, et quicquid hanc vitam expetendam facit, magno commodo alieno posthabere debeamus, ita ut maximos etiam dolores in aliorum gratiam perferre oporteat; magis pulchre praecipitur a Philosophis, quam solide demonstratur.”

been accustomed by liberal education, the habit of noble living, or the discipline of the life of a sect, the value of honor, or perceiving the goods of the mind]. (RC 173)¹¹⁰

As Leibniz frequently asserts (in the *Nouveaux Essais*, for example), the joy we experience in being virtuous fails to motivate many of us to act virtuously. This failure is due mainly to our various imperfections, which may include natural inabilities, such as weakness in imagination and reason, or in learned inabilities resulting from poor upbringing or bad experience, or in a failure to see that our own happiness coincides with the happiness of others. These insufficiencies must be overcome through the practice of virtue. Yet this is often too difficult. Thus, so that we may act rightly, we may be motivated by the knowledge that our benevolent efforts, if they bring us no happiness in this life, will be rewarded by God in the next life.

In order really to establish by a universal demonstration that everything honorable is useful and everything base is damned, one must assume the immortality of the soul, and God as ruler of the universe. In this way we can think of all men as living in the most perfect state, under a monarch who can neither be deceived in his wisdom nor eluded in his power; and who is also so worthy of love that it is happiness to serve such a master. [That, therefore, to which the soul is devoted, as Christ teaches, is gained]. (RC 173)¹¹¹

Notable here is the reference to a “universal demonstration.” Usually, Leibniz appeals to the “demonstrable” arguments for immortality and God’s existence. Here however he simply depends on the *assumptions* of immortality and God’s punishment and reward. Under these assumptions, sinners will be punished, justice will be meted out eventually, and our benevolent efforts will not be wasted. Leibniz intends to extend the idea of a civil republic to a kind of universal republic of souls, in which God is supreme and perfect judge. He writes, “The divine providence and power (*potentia*) cause all right to become fact and assures that no one is [harmed] except by himself, that no good action goes unrewarded, and no sin unpunished. . . . It is on this ground that justice is called universal, and includes all the other virtues (RC 173-4).¹¹² But what is meant by “this ground”? It is not God’s power that determines the meaning of right, but rather makes it a fact. Only on the assumption of divine justice may we think it worth our efforts to

¹¹⁰ A 4.5.63: “Nam decus et gloriam, et animi sui virtute gaudentis sensum, ad quae sub honestatis nomine provocant, cogitationis sive mentis bona esse constat, magna quidem, sed non omnibus, nec omni malorum acerbitati praevalitura, quando non omnes aequae imaginando afficiuntur; praesertim quos neque educatio liberalis, neque consuetudo vivendi ingenua vel vitae sectae disciplina ad honoris aestimationem, vel animi bona sentienda assuefecit.”

¹¹¹ A 4.5.63: “Ut vero universali demonstratione conficiatur, omne honestum esse utile, et omne turpe damnosum, assumenda est immortalitas animae, et rector universi DEUS. Ita fit ut omnes in Civitate perfectissima vivere intelligamur, sub Monarcha, qui nec ob sapientiam falli, nec ob potentiam vitari potest; idemque tam amabilis est, ut felicitas sit tali domino servire. Huic igitur qui animam impendit, Christo docente, eam lucratur.”

¹¹² A 4.5.63: “Hujus potentia providentiaque efficitur, ut omne jus in factum transeat, ut nemo laedatur, nisi a se ipso, ut nihil recte gestum sine praemio sit, nullum peccatum sine poena. . . . Ex hac consideratione fit, ut justitia universalis appelletur, et omnes alias virtutes comprehendat.”

sacrifice our own happiness for the sake of others. Only in this way can we be motivated to become as virtuous as we ought to be. In this way, honor is useful to others, as Cicero says, and our own good is not lost.

It might be objected however that if there are already criteria for honor, then all that divine guarantees offer are motives to do what is required. Thus it is superfluous to the meaning of honor to ground it on demonstrative proofs for the immortality of the soul and for God's existence. What appears to be more morally praiseworthy is to have the virtue of honor, without requiring these motives for it.

There is another aspect to piety in the *Codex* that is somewhat different, since it does not appeal to *motives* but rather to the grounds for certain *duties*, namely, the duty not to harm oneself or one's own property. These duties, since they do not directly concern others, cannot be prohibited by positive laws. However, they are "still prohibited by natural [right], that is, by the eternal laws of the divine monarchy, since we owe ourselves and every thing to God" (RC 174). As God's creations, we belong to God; thus our duty is to respect what is essentially his property. Leibniz also claims that duties to ourselves imply duties to the state: since the state has an interest in the common good; and since the common good depends on the individual good, we are obligated to the state not to inflict harm on ourselves. Yet Leibniz thinks this duty rests ultimately on universal (or divine) justice:

Now if it is of interest to the state, of how much more interest is it to the universe that no one use badly what is his? So it is from this that the highest precept [of right] receives its force, which commands us to live honorably (that is, piously). (RC 174)¹¹³

Leibniz could argue that since one would not want one's own property destroyed or abused, one is obliged not to abuse God's property and universal interest. I cannot treat my body and possessions in a way that God has not and would not. The moral force of this argument depends of course on the persuasiveness of the idea that God exists.

Leibniz's discussion of the three degrees ends at this point: "Thus I have treated the three precepts of [right] or the three degrees of justice, in the most fitting way, and have indicated the sources of natural [right]" (RC 174).¹¹⁴ The "sources," are subjective right (*jus* as a moral power) and the definition of justice as charity of the wise. He has essentially shown that justice is perfected by God's guarantee of eternal reward and punishment. While the precepts have been given a decidedly religious cast, they are not at all dependent on egoistic motives, as other commentators have claimed. The only motives they depend on are the assumptions of immortality and God's existence. But these are offered as incentives to act virtuously; they do not define virtue or honor. The virtue of honor is the highest moral power.

¹¹³ A 4.5.63: "Nam ut Reipublicae, ita multo magis Universi interest, ne quis re sua male utatur. Itaque hinc supremum illud juris praeceptum vim accepit, quod honeste (id est pie) vivere jubet."

¹¹⁴ A.4.5.63: "Ita tria juris praecepta, tresve justitiae gradus, commodissime explicasse nobis videmur, fontesque juris naturalis designavisse."

Section 5: Chapter conclusion

Thus what we have seen in this chapter are several ways in which Leibniz has grounded his practical philosophy in the meaning of right itself. From right as a moral power, we are led to the accounts of right reason, the perfect of society, the perfection of minds, and to justice as charity of the wise. This last definition, far from being the foundation of Leibniz's practical philosophy, is derived from subjective right: the capacity of a rational substance to act or to refrain from acting in accord with the good of others. The three precepts of right, as explained in the preface to the *Codex*, serve to extend the sort of moral power that is inherent to subjective right. Taken to its fullest extent, subjective right entails the virtue of universal benevolence.

We are now almost prepared for the next stage of development in Leibniz's practical philosophy. However, since the issues of demonstrative proofs and definitions have arisen and will again in the *Nouveaux essais*, the *Meditation*, and the *Monita* on Pufendorf, it is necessary to reexamine Leibniz's demonstrative method. That is the task of the following chapter.

CHAPTER FOUR: LEIBNIZ’S DEMONSTRATIVE METHOD

Chapter sections:

1. Introduction
2. The distinction between necessary and contingent truths
3. Demonstrative method in general, and examples
4. Definition defined
5. The case of the demonstrated moral conclusion
6. Did Leibniz demonstrate the proposition ‘justice is the charity of the wise’?
7. Conclusion

Section 1: Chapter introduction

“If we had it [a *characteristica universalis*], we should be able to reason in metaphysics and morals in much the same way as in geometry and analysis. . . . If controversies were to arise, there would be no more need of disputation between two philosophers than between two accountants. For it would suffice to take their pencils in their hands, to sit down to their slates, and to say to each other ... Let us calculate.” (1677)¹

“If anyone wants to write like a mathematician in metaphysics or moral philosophy there is nothing to prevent him from rigorously doing so. . . . but it is extremely seldom that anyone has succeeded. Yet I think that if anyone did go about it in the right way, he would have no reason to regret his labor. I have been tempted to try it myself” (NE 2.29.12). (1704)

Leibniz’s early hope that a universal characteristic would provide a moral calculus capable of settling moral controversies was no doubt overly ambitious and certainly never fulfilled. Equally ambitious and unfulfilled were his much later claims in the *Nouveaux Essais* that “la morale” is a demonstrable science. At the same time, we have seen his extensive attempts in the *Nova Methodus* and *Elementa* to establish a science of right based on demonstrated definitions. In this chapter I present a more precise account of Leibniz’s mature account of demonstration, including his conception of truth, necessity, definition, and several examples of demonstrations. This will enable us to evaluate his claims for the demonstrability of certain propositions. It also will enable us to evaluate the proofs for God and the immortality of the soul that, as Leibniz stated in the *Codex* (although as assumptions) would make honor coincident with one’s own utility.

An important indication of Leibniz’s demonstrative intentions can be found in a letter to Thomas Burnett (1706). Leibniz is referring to his agreement with Locke in the *Nouveaux Essais* that “la morale” is a demonstrative science.² He emphasizes here that moral knowledge must be grounded not merely in experience and sensual inclinations,

¹ B. Russell’s translation (pp. 169-70) of GP 7.21 and 7.200, Leibniz’s *Scientia Generalis Characteristica* (c. 1677-9). Russell thinks this prospect displays “a radical misconception . . . “based upon the belief in the analytic nature of necessary truths” (R 171).

² This claim is the subject of my Chapter Five.

but in truths of reason.

I have read Mademoiselle Trotter's book. In the dedication, she exhorts Mr. Locke to give some moral demonstrations. I believe that he would hardly have succeeded. The art of demonstration is not his doing. I maintain that we are often aware without reasoning of what is just and unjust, as we are aware without reason certain theorems of geometry; but it is always good to come to a demonstration. Justice and injustice do not depend solely on human nature, but on the nature of the intelligent substance in general, and Mademoiselle Trotter remarks quite rightly that it comes from the nature of God and is not at all arbitrary. The nature of God is always founded on reason.³

As we will see (in Chapter Five), Locke's assertion that "morality" (as he calls it) is a demonstrable science is largely based on empirical facts of our nature, namely, that we tend to pursue pleasure and avoid pain.⁴ Leibniz will agree with this, but only up to a point: since these are *empirical* facts of our nature they cannot give us necessary moral laws. While it is unclear what exactly Leibniz means by "the nature of intelligent substance in general" he likely means the rational nature of substance, which of course includes God's nature. "Human nature" likely refers to empirical human nature. Furthermore, since we may operate unawares according to the rational laws of the just and justice, it is best to attain certainty through demonstrations. While natural instincts provide some indication of moral laws, they are uncertain and insufficient for moral certainty and correctness. It remains to be shown whether moral laws are discoverable by means of demonstrations, or whether moral laws themselves can be demonstrated. To find out, we need to know more precisely what Leibniz means by demonstration. But we first need to know precisely what Leibniz means by necessary and contingent truth.

Section 2: The distinction between necessary and contingent truths

Leibniz's distinction between necessary and contingent truths is familiar and much discussed in the secondary literature. The distinction has varying uses, formulations, and problems. However, for my purposes, it will not be necessary to review all of these issues.⁵ My main purpose is to establish a working familiarity with important

³ Gerhard 3.307: "J'ay lû le livre de Mlle Trotter. Dans la dedicace elle exhorte M. Lock à donner des demonstrations de morale. Je crois qu'il auroit eu de la peine à y reussir. L'art de demonstrier n'estoit pas son fait. Je tiens que nous nous appercevons souvent sans raisonnement de ce qui est juste et injuste, comme nous nous appercevons sans raison de quelques theoremes de Geometrie; mais il est tousjours bon de venir à la demonstration. Justice et injustice ne dependent pas seulement de la nature humaine, mais de la nature de la substance intelligente en general, et Mlle Trotter remarque fort bien qu'elle vient de la nature de Dieu et n'est point arbitraire. La nature de Dieu est tousjours fondée en raison."

⁴ Locke had also claimed that moral propositions could be demonstrated, in a way; once the ideas involved were established one could determine the "agreement" among them. Yet this cannot result in any real certainty, since the ideas contain no "sensible marks" by which to fix them consistently (E.4.3.18). Locke's nominalism kept him from bothering much about demonstrations in morals.

⁵ To cite just one example, Russell characterizes Leibniz's distinction between necessary and contingent truths as a distinction between analytic and synthetic judgments, and then contends that the distinction fails, since the alleged incompatibility of a self-contradicting idea involves a synthetic judgment (Russell 20-21).

terms used frequently throughout this chapter and the next. It is important to understand the difference, since it involves the difference between *a priori* and *a posteriori* demonstrations.

The distinction between necessary and contingent truths stems from Leibniz's concept-containment theory of truth, which says, to paraphrase: a proposition is true when the concept of the predicate is contained in the concept of the subject.⁶ This "containment" can be shown in two essentially distinct ways: necessarily and contingently, i.e., by *terminal* and *interterminal analysis*. For necessary truths, this means that the analysis of the connection between the subject and the predicate *terminates* when the analysis results in an identical proposition. I will explain more what is meant by an identical proposition. But an identical proposition is said to be *true* because the contrary of an identical proposition is a *contradiction*—and non-contradiction is the grounding principle of necessary truths. In fact, it is important to point out here that Leibniz held that the principle of identity is just the affirmatively expressed form of the principle of contradiction.⁷ This can be seen in the following passage from the correspondence with Clarke (1715) which, in addition to stating what the principle of contradiction is, shows that it is the principle of *necessary* truths, distinguished from the principle of sufficient reason:

The great foundation of mathematics is the principle of contradiction, or identity, that is, that a proposition cannot be true and false at the same time; and that therefore A is A, and cannot be not A. This single principle is sufficient to demonstrate every part of arithmetic and geometry, that is, all mathematical principles. But in order to proceed from mathematics to natural philosophy, another principle is requisite, as I have observed in my *Theodicy*: I mean, the principle of sufficient reason, viz., that nothing happens without a reason why it should be so and not otherwise. (Alexander 2nd letter §.1 p. 15)⁸

But most of the controversy centers on whether Leibniz can maintain there are contingent truths at all, or whether all truths end up being necessary in some sense. See Rescher (2002) for a strong defense of the view that the distinction is valid based on the distinction between terminable and interminable analysis.

⁶ A good example of Leibniz's containment theory is commonly cited from his correspondence with Arnauld: "Enfin j'ay donné une raison decisive, qui à mon avis tient lieu de demonstration; c'est que tousjours, dans toute proposition affirmative, veritable, necessaire ou contingente, universelle ou singuliere, la notion du predicat est comprise en quelque façon dans celle du sujet, praedicatum inest subjecto; ou bien je ne sçay ce que c'est que la verité" (G.2.56).

⁷ See M. Wilson. *Leibniz's Doctrine of Necessary Truth* (copy not available).

⁸ G.7.355: "Le grand fondement des Mathematiques est le Principe de la Contradiction, ou de l'Identité, c'est à dire, qu'une Enontiation ne sauroit etre vraie et fausse en même temps, et qu'ainsi A est A, et ne sauroit etre non A. Et ce seul principe suffit pour demonstrier toute l'Arithmetique et toute la Geometrie, c'est à dire tous les Principes Mathematiques. Mais pour passer de la Mathematique à la Physique, il faut encor un autre Principe, comme j'ay remarqué dans my Theodicée, c'est le Principe du besoin d'une Raison suffisante: c'est que rien n'arrive, sans qu'il y ait une raison pourquoy cela soit ainsi plustost qu'autrement." Another formulation can be found in the *Nouveaux Essais*. "The principle of contradiction is: *a proposition is either true or false* (NE 361-2). From this Leibniz also derives the principle of the excluded middle: "This [principle] contains two assertions: first, that truth and falsity are incompatible in a single proposition, i.e. that a proposition cannot be both truth and false at once; and second, that the contradictories or negations of the true and the false are not compatible, i.e. that there is nothing intermediate between the true and the false, or better that *it cannot happen that a proposition is neither true*

The principles of contradiction and identity, as we will see, are also the foundation of demonstrations. But these principles are true because all contradictions are *impossible*. That is, there is no possible world in which a contradictory proposition is true.⁹ An identity (whose form ‘A = A’) is also said to be true since no further reason, other than non-contradiction, can be given for its truth.¹⁰ Therefore, a proposition is said to be necessarily true when an analysis of its terms terminates in an identical proposition or is shown to be not contradictory. This is also what it means to demonstrate a proposition in a mathematical or geometrical sense. Below, we will see an example of mathematical demonstration ($2 + 2 = 4$).

As just stated, the principles of *necessary* truths are contradiction and identity. But the principle of *contingent* truths is the principle of sufficient reason. Stated another way, propositions whose analysis of terms does not terminate but proceeds to *infinity* are called contingent truths. The containment of terms never results in an identity, and thus contingent propositions cannot be demonstrated in the strict sense of necessity. Epistemologically, this means that we finite knowers can never have absolute certainty of the reason for the connection between subject and predicate (or the containment of predicate in the subject); although, through experience we can be more certain. The connection is nonetheless metaphysically guaranteed, since it is known by God, who “grasps” the connection “in one intuition” (see quotations below). For example, the proposition, “Caesar crossed the Rubicon” is true if the concept ‘crossing the Rubicon’ is contained in the concept of ‘Caesar’. This proposition is *in fact* true, but it is not a necessary truth because its contrary ‘Caesar did not cross the Rubicon’ is not a logical contradiction. The latter proposition is therefore logically *possible*, i.e., logically contingent. A most important point, however, is that not only does God *see* the connection, but God *determines* the connection. That is, the *fact* of Caesar having crossed the Rubicon is a truth determined by God, who nevertheless, as Leibniz insists, freely chose this predicate to be included in the concept of Caesar.

These distinctions are of enormous consequence for Leibniz’s philosophy, especially for his argument for divine and human freedom, issues about which there is much debate.¹¹ But here we need be concerned only with clarifying the use he makes of

nor false” (NE 362).

⁹ To be precise, Leibniz nowhere talks of “possible worlds” in reference to necessary truths. He only says that necessary truths are those whose contraries are impossible. This implies that there is no possible world in which they are true—although Leibniz does not say this. Nor does Leibniz say ‘necessary truths are true in all possible worlds’ although this is true. Here is an example of what he does say, in Correspondence with Clarke, 5th letter sec. 10 p. 57: “Absolute and metaphysical necessity depend upon the other great principle of our reasonings, that of essences; that is, the principle of identity or contradiction: for, what is absolutely necessary, is the only possible way, and its contrary implies a contradiction.” See Margaret Wilson for the claim that Leibniz does not speak of possible worlds in reference to necessary truths.

¹⁰ This is to say that the principles of identity and contradiction are *indemonstrable*, as I will explain below.

¹¹ For example, it may be thought that the distinction between necessary and contingent truths does not really work, since supposedly contingent propositions, such as “Caesar crossed the Rubicon,” really turn out to be necessary. According to the “complete concept” of a subject, if a subject lacks any one of his or her predicates, then that subject would be a different subject altogether; thus all predicates are essential (i.e., necessary) to the concept of the subject. But there is debate about whether Leibniz must be committed to the “complete concept” theory, whether it really does commit him to spinizistic necessity. Another point of controversy involves the criterion for God’s choice of the best possible world and whether the criterion

these distinctions in demonstrations. To this end, we should note the following passage from, “*Specimen Inventorum de Admirandis Naturae Generalis Arcanis*” (c. 1698).

There is an essential distinction between necessary or eternal truths, and truths of fact or contingent truths; they differ from one another very much in the way that rational numbers and surds differ. For necessary truths can be reduced to identical truths, just as commensurable quantities can be reduced to a common measure; but in the case of contingent truths, as in the case of surds, the reduction proceeds to infinity and is never terminated. So the certitude and perfect reason of contingent truths is known only to God, who grasps the infinite with one intuition. (PM 75)¹²

What this passage shows is that the distinction between necessary and contingent truths depends on termination of analysis. The analysis of necessary truths terminates in an identity, while the analysis of contingent truths does not terminate. However, a couple of problems with this account should be noted. It seems difficult to understand how a proposition whose reduction is *never terminated* could be grasped *as a whole* by any knower, including God. Leibniz thinks we can understand this *by analogy* with mathematical surds, such as *pi*. The ratio of the circumference to the diameter is fixed by the size of the circle. So, while the ratio is determinable with certainty, the numerical expression of this ratio never terminates. Still, we must suppose that, if there is a sufficient reason for the contingent truth, the analysis must terminate somehow.¹³ Another problem is that the distinction appears to rest on degrees of knowledge; that is, necessary truths are those of which we can be certain, while contingent truths are those of

entails the necessitation of God’s “choice.” Supposedly, God chooses according to some criteria of compossibility; for example, the greatest variety of things compatible with the greatest order (*Monadology* sec. 58); or, according to the laws of minima and maxima (*De rerum originatione radicali* GP VII 303). However it is that God determines the choice, it is said to be the best choice within certain required parameters. It were possible that Caesar crossed the Rubicon; but God made this possibility an actuality by making it a fact in the existent world. But God’s decision is said to depend on reasons which *incline but do not necessitate* (*Theodicy*, in passim). That is, God’s decision is always determined by a reason, but not determined by logical necessity. It would be a moral imperfection to choose otherwise, but not a logical contradiction. Therefore, contingent truths depend on God’s *choice*, whereas necessary truths do not depend on God’s choice. According to Leibniz, God could have made the world otherwise—although commentators dispute whether Leibniz can consistently make this claim. However, a claim which is not disputed by commentators is that God could not have made necessary truths otherwise.

¹² G.7.309: “Essentiale est discrimen inter Veritates necessarias sive aeternas, et veritates facti sive contingentes, differuntque inter se propemodum ut numeri rationales et surdi. Nam veritates necessariae resolvi possunt in identicas, ut quantitates commensurabiles in communem mensuram, sed in veritatibus contingentibus, ut in numeris surdis, resolutio procedit in infinitum, nec unquam terminatur; itaque certitudo et perfecta ratio veritatum contingentium soli DEO nota est, qui infinitum uno intuitu complectitur.”

¹³ Leibniz also thinks that in this way he avoids both necessity and arbitrariness regarding God’s “decision” to create this world: for any contingent proposition there are reasons which incline God, in the way that a surd inclines to its resolution, without necessitating God to make a contingent proposition true. But neither is the reason arbitrary, since a reason can always be given for the decision. However, this argument by analogy with surds arguably does not prevent God’s choice from being logically necessitated. As Kenneth Seeskin claims, at some point a decision must be made; and deferring the reason endlessly would mean that the decision has no sufficient reason. Therefore, the “infinite analysis” argument for God’s freedom is faulty. See “Moral Necessity” in *Leibniz: Critical Assessments*.

which we cannot. But this *epistemological* distinction does not capture what is supposed to be a *logical* one. Despite these difficulties, the point relevant to our purposes is that Leibniz considered the *termination of analysis* to be the essential criterion for distinguishing necessary from contingent truths, and this has direct applicability to propositions used in demonstrations. This is well expressed in the following passage.

But in contingent truths, even though the predicate is in the subject, this can never be demonstrated, nor can a [contingent] proposition ever be reduced to an equality or to an identity, but the resolution proceeds to infinity, God alone seeing, not the end of the resolution, of course, which does not exist, but the connection of the terms or the containment of the predicate in the subject, since he sees whatever is in the series. (“On Freedom” (1689) AG 96)¹⁴

Just as above, a contingent proposition is one in which God “sees” all that *connects* the predicate to the subject, but this connection can never be strictly demonstrated since the connection is interminable. This means that contingent propositions cannot be strictly demonstrated. Only necessary connections can be strictly demonstrated, since their analysis terminates in identities. This requirement will become clearer in Section 3. It can be noted that this passage shows that Leibniz recognizes that an infinite analysis has *no end* to its resolution, although God sees the (whole?) series of connections. Perhaps this suffices to establish the sufficient reason; despite the fact that there is no end to the resolution, the sufficient reason is found in the unending series of connections, approaching infinity.

For reasons that will become clearer later, I want to emphasize the distinction between necessity and contingency in terms of the *modes* of necessity, possibility, and impossibility. This difference is brought out by the following passage:

An absolutely necessary proposition is one which can be resolved into identical propositions, or whose opposite implies a contradiction. . . . This type of necessity, therefore, I call metaphysical or geometrical. That which lacks necessity I call contingent, but that which implies a contradiction, or whose opposite is necessary, is called impossible. The rest are called possible. (PM 96-7)¹⁵

From this, we can distinguish necessary truths from contingent by mode: *Necessary* (metaphysical, geometrical) truths are those whose contraries are contradictions. Contradictions are *impossible*, that is, can never be true. But contingent truths are those whose denials are not contradictions, and so are *possible*, that is, are true in some world.

¹⁴ FC.182: “Sed in veritatibus contingentibus, etsi praedicatum insit subjecto, nunquam tamen de eo potest demonstrari, neque unquam ad aequationem seu identitatem revocari potest propositio, sed resolutio procedit in infinitum, Deo solo vidente non quidem finem resolutionis qui nullus est, sed tamen connexionem [terminorum] sic involutionem praedicati in subjecto, quia ipse videt quidquid seriei inest.”

¹⁵ From 1686, CO.17: “Absolute necessaria propositio est quae resolvi potest in identicas, seu cujus oppositum implicat contradictionem. . . . Hanc ergo Necessitatem appello Metaphysicam vel Geometricam. Quod tali necessitate caret, voco contingens, quod vero implicat contradictionem, seu cujus oppositum est necessarium, id impossibile appellatur. Caetera possibile dicuntur”

It is important to state the distinction between necessary and contingent truths in another way, namely, in terms of *truths of reason* and *truths of fact*.¹⁶ One reason it is important is that it establishes the difference between a priori and a posteriori demonstrations. A good explanation of this distinction can be found in the *Nouveaux essais*. The context is a discussion on intuitive knowledge. For Locke, intuitive knowledge is “when the mind perceives the agreement or disagreement of two ideas immediately by themselves, without the intervention of any other.” As examples Locke cites “white is not black”, “a circle is not a triangle”, and “three is one and two.” Such propositions require no further proof to be known with certainty (NE 361). Leibniz however shows that Locke’s explanation for intuitive knowledge is quite insufficient.

The primary truths which we know by ‘intuition’ are of two sorts, as are the derivative ones. They are either truths of reasons or truths of fact. Truths of reason are necessary, and those of fact are contingent. The primary truths of reason are the ones to which I give the general name ‘identities’, because they seem to repeat themselves without telling us anything. (NE 361)¹⁷

Leibniz then goes on to list examples of primary truths of reason: “What is, is”; “A rational animal is still an animal”; included are hypothetical truths: “If a regular four-sided figure is an equilateral rectangle, then this figure is a rectangle.” Also included are “negative identities” and “disparities.” An example of the former is “what is A cannot be non-A”; of the latter, “warmth is not the same thing as color,” and “man and animal are not the same, although every man is an animal.” He also shows that identities are useful for demonstrations. The crucial point for Leibniz is that for a proposition to be known to be a primary truth of reason, it must be *demonstrated*, i.e., reduced to an identity or shown to be possible (non-contradictory). Referring specifically to definitions Leibniz says, “in this fashion [through demonstration] all ‘adequate’ definitions contain primary truths of reason, and hence intuitive knowledge.”¹⁸ As for primary truths in general: “all the primary truths of reason are immediate with *the immediacy of ideas*” (NE 367).¹⁹ Thus for Leibniz the requirements for intuitive knowledge are much stricter than they are for Locke. The notions of ideas must be thoroughly analyzed in order to have intuitive knowledge of them.

The requirements for primary truths of fact are similar, but importantly different.

As for primary truths of fact, these are inner experiences which are immediate with the *immediacy of feeling*. This is where the first truth of the Cartesians and St. Augustine belongs: *I think, therefore, I am*. That is, *I am a thing which thinks*. (NE 367)²⁰

¹⁶ A well-known but brief statement of this can be found in *Monadology* §33.

¹⁷ A.6.6.361: “Les verités primitives qu’on sait par intuition sont de deux sorts come les derivitives. Elles sont du nombre des verités de raison, ou des verités de fait. Les verités de raison sont necessaires, et celles de fait sont contingentes. Les verités primitives de raison sont celles, que j’appelle d’un nom general identiques, parce qu’il semble qu’elles ne font que repeter la même chose sans nous rien apprendre.”

¹⁸ His criteria for ‘adequacy’ will be explained below.

¹⁹ A.6.6.367: “Toutes les verités primitives de raison sont immediates d’une immediation d’idées.”

²⁰ A.6.6.367: “Pour ce qui est des verités primitives de fait, ce sont les experiences immediates internes

The explanation for why these truths are not *necessary* truths is given somewhat later, in response to Locke's claim that real existence cannot provide us with any axioms:

One can always say that the proposition *I exist* is evident in the highest degree, [being a proposition that is not known to be proven by any other] - - indeed, that it is an immediate truth. . . . Still, there is some reason for your not including this proposition among the axioms: it is a proposition of fact, founded on immediate experience, and is not a necessary proposition whose necessity is seen in the immediate agreement of ideas. On the contrary, only God can see how these two terms, I and existence, are connected—that is, why I exist. (NE 411)²¹

This is why, then, that a demonstration beginning with *truths of fact* cannot be an a priori necessary demonstration. This is because actual existence is contingent, analysis of facts is interminable and their reason depends ultimately on God's choice. Only truths of reason can be demonstrated with a priori necessity, and they do not depend on God's choice. These two types of truth are *indemonstrable*, but in different ways. Primary truths of reason are indemonstrable, because they depend on the intuitive immediacy of an *identity*, while primary truths of fact are indemonstrable because they depend on the intuitive immediacy of *feeling*.²²

To summarize the above formulations, we can say that necessary and contingent propositions are distinguished by termination and possibility. Thus formally stated: a proposition is *necessarily* true, if and only if the analysis of its terms results in an identical proposition, that is, in a proposition whose contrary is *impossible*. A proposition is *contingently* true, if and only if the analysis of its terms does not result in an identical proposition, that is, a proposition whose contrary is *possible*. This may also be explained in terms of possible worlds: 'necessary' means there is no possible world in which propositions of the form 'A is not A' are true. Equally, 'A is A' is true in every possible world. 'Contingent' means there is some possible world in which a proposition of the form 'A is B' is true. For most purposes the distinction can be stated simply like this:

A truth is necessary if and only if its denial results in a contradiction.

A truth is contingent if and only if its denial does not result in a contradiction.

The main task for a demonstration, then, is to discover whether the terms of the proposition can be reduced to an identity or contradiction.

d'un immediation de sentiment. Et c'est icy où a lieu la premiere verité des Cartesiens ou de St. Augustin: *Je pens donc je suis*. C'est à dire, *je suis une chose qui pense*."

²¹ "On peut toujours dire que cette Proposition, J'existe, est de la dernière évidence, étant une proposition, qui ne sauroit être prouvée par aucune autre, ou bien une vérité immédiate. . . . Cependant vous pouvez exclure cette proposition du nombre des Axiomes avec quelque raison, car c'est une proposition de fait, fondée sur une expérience immédiate, et ce n'est pas une proposition nécessaire, dont on voye la nécessité dans la convenance immédiate des idées. Au contraire, il n'y a que Dieu qui voye, comment ces deux termes, Moi et l'existence, sont liez, c'est à dire pourquoi j'existe."

²² This last point will be especially important to keep in mind for next chapter's discussion on the demonstrability of moral principles.

Section 3. Demonstration in general

Keeping these formulations in mind, we can now consider more clearly Leibniz's general account of demonstration. A most clear and complete description of his demonstrative method is found in a letter to Conring (1678), where, in effect, Leibniz demonstrates the method of demonstration. This account is also consistent with the distinctions made above and defines key terms that will be used later.²³

Demonstration is reasoning by which some proposition is made certain. This is achieved whenever it is shown that the proposition necessarily follows from certain suppositions (which are themselves assumed to be certain). By *necessarily* I mean in such a way that its contrary implies a contradiction; this is the true and unique mark of impossibility. Just as necessity corresponds to impossibility, furthermore, so an [identical proposition] corresponds to a proposition that implies contradiction. For the primary impossibility in propositions is this: A is not A; just so the primary necessity in propositions is this: A is A. Hence only [identical propositions] are indemonstrable, but all axioms are demonstrable, even though they are mostly so clear and easy that they do not need demonstration; nevertheless, they are demonstrable in the sense that if their terms are understood (i.e., by substituting the definition for the term defined), it becomes clear [i.e., evident, intuitive] that they are necessary or that their contrary implies a contrary in terms. . . . But we know that identical propositions are necessary propositions without any understanding or analysis of their terms, for I know that A is A, whatever may be understood by A. All propositions, however, whose truth must be shown by further analyzing and understanding their terms are demonstrable by such [resolution of these terms], that is, by definitions. *So it is clear that demonstration is a chain of definitions* [my emphasis]. For in the demonstration of any proposition, nothing is used but definitions, axioms (with which I here include postulates), theorems which have been demonstrated previously, and *observations* [my emphasis]. Since the theorems again must themselves be demonstrated, and all axioms except the identical ones can also be demonstrable, it follows that *all truths can be resolved into definitions, identical propositions, and observations* – though purely intelligible truths do not need observations. After the analysis has been completed, it will become manifest that the chain of demonstration begins with identical propositions or observations and ends in a conclusion but that the beginning [principia] is connected with the conclusion through intervening definitions. In this sense I said that a demonstration is a chain of definitions (LL 187).²⁴

²³ My account of Leibniz's method of demonstration is also informed by some of the concerns raised by Couturat in *La logique de Leibniz*, pp.119-124; 184-190; 202; and "Notes."

²⁴ G.1.194: "Demonstratio est ratiocinatio qua propositio aliqua fit certa. Quod fit quoties ostenditur ex positis quibusdam (quae pro certis sumuntur) eam necessario sequi. Necessario inquam, id est ut

In sum, this says that a proposition is demonstrated when an analysis of its terms shows that the proposition is reducible to a definition, an identity, or an experiential (observation) statement. But some distinctions need to be made. First, only propositions whose reductions are *terminable* are demonstrations of a necessary truth. Second, identities (propositions of the form $A = A$) are *indemonstrable*, meaning that they are known to be true either by virtue of non-contradiction, or by intuitive certainty. Third, axioms and postulates are also identities, and although well-established, should be and can be demonstrated.²⁵ Fourth, a definition, once shown to be *possible*, is also a necessary truth, although it is not an identity in the same sense that propositions of the form ‘ $A = A$ ’ are identities. To show that a definition is possible, its terms must be analyzed down to primitive notions. However, Leibniz is often not clear on which notions are primitive. I will come back to these points about definitions in Section 4.

In any case, the main result is this: A proposition is demonstrated when, through a transitively-linked chain of identity statements, i.e., definitions, all of its terms are reduced to primitives, identities, or experiential (observational) statements. Now, in the account above it sounds as if a demonstration *begins* with an identity; but in practice this almost never happens. A demonstration begins with a proposition *not known* to be an identity, and then through a chain of substitutable definitions, either an express identity is discovered (e.g., ‘ $4 = 4$ ’), or a “basic” definition (which is a type of identity) is reached. This is what he means by resolving all truths into definitions and identical propositions. In other words, a proposition not immediately known to be an identity may be shown to be one by reducing its terms to an identity. When this is done, the proposition is shown to be an a priori necessary truth. As Leibniz says, however, a demonstration may also include “observations” or *experimata*. Observations are not necessary truths, but are contingent. Therefore, a demonstration that includes an observation is not an a priori demonstration, but is a posteriori.

What we are interested in knowing is how Leibniz applies his demonstrative method to make moral claims. Toward this end, I provide examples of demonstrations

contrarium implicet contradictionem, qui est verus atque unicus character impossibilitatis. Porro ut impossibili respondet necessarium, ita propositioni contradictionem implicanti respondet identica, nam ut primum impossibile in propositionibus est haec: A non est A , ita primum necessarium in propositionibus est haec: A est A . Unde solae identicae sunt indemonstrabiles, Axiomata autem omnia, quanquam plerumque ita clara ac facilia sint ut demonstratione non indigeant, sunt tamen demonstrabilia vel ideo quia demum terminis intellectis (id est substituendo definitionem in definiti locum) patet ea esse necessaria seu contrarium implicare in terminis. . . . Propositiones autem identicas necessarias esse constat, sine omni terminorum intellectu sive resolutione, nam scio A esse A , quicquid demum intelligatur per A . Omnes autem propositiones quarum veritatem ex terminorum demum resolutione et intellectu patere necesse est, demonstrabiles sunt per eorum resolutionem, id est per definitionem. Hinc patet, Demonstrationem esse catenam definitionum [my emphasis]. Nam in demonstratione alicujus propositionis non adhibentur nisi definitiones, axiomata (ad quae hoc loco postulata reduco), theoremata jam demonstrata et experimenta. Cumque theoremata rursus demonstrata esse debeant, et axiomata omnia exceptis identicis demonstrari etiam possint, patet denique omnes veritates resolvi in definitiones, propositiones identicas et experimenta (quanquam veritates pure intelligibiles experimentis non indigeant) et perfecta resolutione facta apparere, quod catena demonstrandi ab identicis propositionibus vel experimentis incipiat, in conclusionem desinat, definitionum autem interventu principia conclusioni connectantur, atque hoc sensu dixeram Demonstrationem esse catenam definitionum.” Note that ‘experimenta’ means empirical observations.

²⁵ Leibniz has in fact demonstrated some axioms, for example from Euclid’s *Elementa*, Book I, axiom 2: “if equals are added to equals, then the result is an equality” (A.6.4.507).

that Leibniz has used for various purposes, including to make moral claims. In general, Leibniz employs mainly two types of demonstration: a priori (depending on truths of reason) and a posteriori (depending on at least one truth of fact). All demonstrations consist of definitions and may include axioms. But only demonstrations of mathematical truths define every term (nearly) exhaustively, use axioms that are assumed entirely proven, and contain no observation premises. Other demonstrations depend on terms that are left undefined and may include an observation premise.

The first example of a demonstration comes from the *Nouveaux Essais*, a simple mathematical demonstration of the proposition that 2 and 2 equal 4 (A.6.6.413-14). The context for it is Locke's contention that the equation '2 + 2 = 4' is known without any proof; that is, it is a self-evident proposition. Leibniz objects that the equation is not an *immediate* truth; thus it is not self-evident. To show that it is an immediate truth, that is, one that can be reduced to identities, he demonstrates it like so:

Demonstrate that 2 and 2 equal 4.
 Definitions: (1) 'Two' is one and one.
 (2) 'Three' is two and one.
 (3) 'Four' is three and one.
 Axiom of substitution: If equals be substituted for equals, the equality remains.
 Demonstration: (a) 2 and 2 is 2 and {1 and 1} (by def. 1)
 (b) 2 and 1 and 1 is 3 and 1 (by def. 2)
 (c) 3 and 1 is 4 (by def. 3)
 Therefore (by the axiom):
 2 and 2 is 4 [Q.E.D.]

As can easily be seen, the demonstration consists of a transitive chain of definitions and identities: Schematically, $A = B$; $B = C$; $C = D$; therefore, $A = D$.²⁶ The demonstration begins with basic definitions (although 'one' and 'and' are not actually defined). It uses an axiom that is assumed to be an identity (although, he claims to have demonstrated the axiom elsewhere). Leibniz also mentions that another axiom is used implicitly: "whatever is the same is equal." This means that in each premise the quantity expressed by left side is equal to the quantity expressed by the right side. Furthermore, he does not say, but he must hold that each definition is an identity; and, since each premise derives from the definitions, each premise is an identity. Thus each proposition in the demonstration is an identity or is reducible to one. By their transitive connection and substitution, the proposition is a priori necessary.²⁷ It should also be noted that, in conformity with Leibniz's method, by the axiom of substitution '2 + 2 = 4' expresses an identical proposition: '4' may be substituted for '2 + 2', therefore, '4 = 4' obtains. This identity, finally, is an *indemonstrable* truth since for Leibniz an explicit identity is an immediate, indemonstrable, necessary truth. In view of Leibniz's criterion for necessary truths, it follows that '4 ≠ 4' is *impossible*, because it involves a contradiction; therefore '4 = 4' is a necessary truth, and therefore so is '2 + 2 = 4'. We now see exactly what Leibniz means when he says that a demonstration consists of a chain of definitions and identities,

²⁶ 'Equals' means 'the same quantity as'.

²⁷ Strictly speaking, as Catherine Wilson notes, Leibniz assumes, rather than proves, the axiom of transitivity (page currently unavailable).

showing that the proposition to be demonstrated is an identical proposition, the certainty of which requires no further demonstration—nor can one be given. The certainty does not rest on “self-evidence” as Locke claims, since the proposition depends on more-basic truths. This is a model of demonstration in the strictest sense. No other type of demonstration comes this close to following the strict requirements of demonstration, i.e., reducing all terms and propositions to identities.

The next two demonstrations are representative of a more frequent type of demonstration having to do with theological matters, one for God’s existence and the other for the immortality of the soul. The importance of these demonstrations, in addition to the method they illustrate, is that Leibniz often alludes to demonstrations for God and immortality as required to make moral doctrine truly demonstrable.²⁸ The first demonstration is from *Dissertatio de Arte Combinatoria* (1666).²⁹ While it is formally similar to his mathematical demonstrations, the meaning of the terms is assumed rather than analyzed. To illustrate its form, without regard for the content (at the moment), the demonstration may be schematized like so:

Proposition to be demonstrated: *God exists.*

Hypotheses: (Praecognita)

Definitions, 1, 2, 3.

Postulate, 4.

Axioms, 5, 6, 7, etc.

Observation, 9.

Proof: (by Ekthesis)

Propositions 1, 2, 3, etc., derived from the hypotheses.

Conclusion. Q.E.D.

For the demonstration to be strictly “geometrical,” the definitions themselves must be necessary truths. However, this is assumed rather than demonstrated. For example, Definition 1 says, “God is an incorporeal substance of infinite power,” and Definition 2 says, “I call substance whatever moves or is moved.”³⁰ These definitions are not here (nor anywhere else) shown to be necessary truths—indeed, this definition of ‘substance’ does not survive Leibniz’s own later formulation. But for the conclusion to be necessarily true (and Leibniz thinks it is) Leibniz must, according to his own requirements, show that these definitions are demonstrably certain (i.e., necessary).

The most important difference between this demonstration and the mathematical one is the admission here of an experiential or observational premise, number 9: “there is a moving body.”³¹ As we saw in his letter to Conring above, Leibniz says that a demonstration can include “experimata” or observations. However, we also saw that observations are truths of fact, dependent on the immediacy of feeling, and thus are not

²⁸ This claim was made for example in the *Codex*, A 4.5.63: “Ut vero universali demonstratione conficiatur, omne honestum esse utile, et omne turpe damnosum, assumenda est immortalitas animae, et rector universi DEUS.” It is also made in the *Nouveaux essais*, as we will see.

²⁹ “Demonstratio Existentiae Dei” (LL 73-4; GP 4.32-33).

³⁰ G.4.32: “1. Definitio 1: Deus est Substantia incorporea infinitae virtutis. 2. Def 2. Substantiam autem voco, quicquid movet aut movetur. 3. Def. 3. Virtus infinita est Potentia principalis movendi infinitum. Virtus enim idem est quod potentia principalis.”

³¹ G.4.32: “9. Observatio. Aliquod corpus movetur.”

necessary truths, but are contingent. Therefore, this demonstration cannot be a priori demonstrable.

One of Leibniz's typical proofs for the immortality of the soul can be found in *Confessio Naturae Contra Atheistas* (1669). The proof is called *Mentis humanae immortalitas continuo sorite demonstrata* (the immortality of the human mind demonstrated by a continuous sorites).³² The demonstration stems from Leibniz's criticism of the corpuscular philosophy, which holds that matter and motion can be "explained" in entirely mechanical terms. The demonstration also depends on the claim that thinking or perceiving is a non-material activity. It is not necessary to evaluate these claims. A shortened version of the argument is sufficient to show what is formally at stake in the demonstration.

To be demonstrated: The human mind is immortal.

1. The human mind is a being, one of whose actions is thinking.
2. Thinking is perceiving.
3. Perceiving does not involve parts.
4. Anything not involving parts does not involve motion.
5. Anything that does not involve motion is incorruptible (implied premise: corruption is the motion of parts).
6. Anything incorruptible is immortal.

Connecting the subject of the first premise to the predicate of the last premise we can conclude: 'The human mind is immortal.' Q.E.D.³³ While this argument is formally valid, several premises appear quite questionable, a number of terms are left undefined, and it is not certain that it does not depend on observations. Nevertheless, this is the sort of argument Leibniz has in mind when he says that a true demonstration of moral doctrine depends on proofs for God's existence and the immortality of the soul. Yet it does not seem to be an a priori proof.

The following is a good example of a demonstration in which moralistic terminology is used for political purposes. It depends on both definitions of terms and truths of fact. The demonstration is from *Specimen Demonstrationum Politicarum pro Rege Polonorum Eligendo* (1669).³⁴ While the whole demonstration is some 60 propositions long, Leibniz provides a brief summary for those who may be "abused by the length."

1. Everything disgraceful/ugly diminishes honor.
2. What diminishes honor diminishes belief in power/force.
3. Whatever diminishes belief in power makes offense/attack easier to occur.

³² A.6.1.492 and LL 113. A sorites is a form of argument in which the subject of the first premise is connected to the predicate of the conclusion by a chain of premises, each of which defines the predicates, until the conclusion is reached (the proposition to be demonstrated).

³³ As written: "Igiur MENS HUMANAS EST IMMORTALIS. Quod erat demonstrandum." A.6.1.493

³⁴ *A Model of Political Demonstration on Behalf of Electing the King of Poland*. This effort was written under the pseudonym "Georgious Ulicovius Lithuanus," at the request Leibniz's employer, Baron Boineburg. At the time of Polish succession, Boineburg wanted William-Phillipe Duke of Neuburg elected in order to consolidate a Polish alliance with Germany against the French and Russians. Boineburg enlisted Leibniz to present an argument for the Duke's election, but the Duke was not elected.

4. Whatever makes offense easier to occur, makes an offense thought to be less troublesome.
5. Whatever makes an offense less troublesome, makes offense more willing/likely to occur.
6. Whatever makes an offense more willing/likely to occur is dangerous.
7. Therefore everything disgraceful is dangerous.³⁵

Some factual propositions are then put forward: “The polish aristocracy is disgraceful”; therefore it is dangerous. (Prop XVII. Aristocratia Polonis periculosa est.) But the Duke of Neuburg would be good for the republic; therefore, vote for the Duke. This demonstration depends on definitions but mostly on whether the claims about the Polish aristocracy are true. So, it depends largely on contingent premises.

Section 4: Definition defined

Since definitions are fundamental to all of Leibniz’s demonstrations, we need to be clear on what definitions are and how they are analyzed.³⁶ The issues I will discuss here are Leibniz’s own definition of definition and his realism versus nominalism about definitions. It will be seen that although Leibniz has rigorous methods for analyzing definitions, he does not have a way of avoiding nominalist objections.

As Leibniz has said, demonstrations depend on identities and definitions. It should be pointed out that a definition is a kind of identity between the subject (*definiendum*) and the defining terms (*definiens*) although Leibniz does not say this explicitly. Leibniz follows a standard account of definition, with some modification. A definition consists of two terms, a genus and a species, which together name a property essential to a subject or “substantive,” as he calls it. But Leibniz says that the two sides of the definition are “coincident” or that they contain each other “reciprocally.” This containment occurs in the same way that ‘6’ and ‘2 x 3’ reciprocally contain each other.³⁷ Leibniz also departs a bit from the standard scholastic account of definition. On that account, the genus and species are related as whole to part, or, as universal to particular instance. For example, the definition of ‘man’ (subject) is *rational* (species) *animal* (genus). The species is said to be contained in the genus, as an individual is said to be subsumed under a universal category. Leibniz however prefers an intensional account, since it does not depend on the *existence* of individuals.³⁸ For example, although ‘animal’ encompasses a wider class of things than ‘rational’, the concept of ‘rational’ is “greater,” since “more” is required to bring about such a being.³⁹ With this understanding, Leibniz

³⁵ A.6.1.5: “1. Omne turpe honorem minuit. 2. Quod honorem minuit, opinionem potentiae minuit.

3. Quicquid opinionem potentiae minuit, facit laedi faciliorem haberi. 4. Quicquid facit laedi faciliorem haberi, facit laesionem minus molestam factu putari. 5. Quicquid facit laesionem minus molestam factu haberi, facit laesionem libentius fieri. 6. Quidquid facit laesionem lubentius fieri, id periculosum est. 7. Ergo omne turpe periculosum est.”

³⁶ In this section I am guided in part by Margaret D. Wilson’s *Leibniz’s Doctrine of Necessary Truth* (1990), in which she treats quite clearly the problems of definition, nominalism, and realism in Leibniz, Locke, Hobbes, and Descartes.

³⁷ A statement of this can be found in *Elementa Calculi* (1679) CO.54. §15.

³⁸ His account of this may be found in §§11 and 12 of *Elementa Calculi*.

³⁹ Leibniz actually uses the example of gold. CO.54: “Itaque dico aurum majus metallo, quia plura

defines definition in the following ways: “If we assume any simple term whatever equivalent to any composite one, or expressing the same thing, the simple term will be *defined*, the composite term will be the *definition*” (LL 245).⁴⁰ This shows that the subject term (*definiendum*) is identical, in a way, to the composite terms (*definiens*). The composite terms consist of a genus and a species term, and as a whole designate a species. Therefore, “a definition is a composite substantive term equivalent to a species” (LL 246).⁴¹ What is said here applies to substantives. However, there is no reason to think that the same intensional approach does not also apply to the definition of abstract terms.

The next point to consider is the ontological import of definitions. This involves Leibniz’s method for establishing “real” definitions as opposed to merely “nominal” ones. The following early passage from Leibniz’s *Preface to Nizolius* (1670) is probably Leibniz first expression of his opposition to Hobbes’ nominalism. He accuses Hobbes of being not merely a nominalist, but a “super-nominalist,” since for him truth is relative to the names humans attach to ideas.

For not content like the nominalists, to reduce universals to names, [Hobbes] says that the truth of things itself consists in names and what is more, that it depends on the human will, because truth allegedly depends on the definitions of terms, and definitions depend on the human will. This is the opinion of a man recognized as among the most profound of our century, and as I said, nothing can be more nominalistic than it. Yet it cannot stand. In arithmetic, and in other disciplines as well, truths remain the same even if notations are changed, and it does not matter whether a decimal or a duodecimal number system is used. (LL 128)⁴²

Leibniz apparently thinks that for Hobbes a mere change in *notation* entails a change in meaning. But Hobbes does not think something as silly as that.⁴³ Even so, Leibniz thinks that Hobbes’ nominalism results in an unstable and arbitrary conventionalism—wherein the meaning of ideas ultimately depends on the human will. Quite reasonably, he objects that if a name stands for an idea or set of ideas, and the set of ideas can be changed at will, then a definition could be arbitrarily stipulated to suit one’s purposes, or be left inadequately analyzed to confuse one’s understanding. To defeat the contingency of nominalism Leibniz proposes (1) a method of analysis and (2) a realist argument that

requiruntur ad notionem auri quam metalli, et majus opus est aurum producere quam metallum quaecunque.”

⁴⁰ G.7.225-6: “Si assumimus terminum aliquem simplicem velut composito alicui aequivalentem, seu eandem rem experimentem, terminus simplex erit *definitum*, terminus compositus erit *definitio*.”

⁴¹ G.227: “Definitio est terminus compositus substantivus speciei aequivalens.”

⁴² G.4.158: “Non contentus enim cum Nominalibus universalialia ad nomina reducere, ipsam rerum veritatem ait in nominibus consistere, ac, quod majus est, pendere ab arbitrio humano, quia veritas pendeat a definitionibus terminorum, definitiones autem terminorum ab arbitrio humano. Haec est sententia viri inter profundissimos seculi censendi, qua, ut dixi, nihil potest esse nominalius. Sed quae tamen stare non potest. Uti in Arithmetica, ita et in aliis disciplinis manent eadem veritates etsi notae mutantur, nec refert decadica an duodenaria progressio adhibeatur.”

⁴³ In *On Man* Hobbes says: “Speech or language is the connexion of names constituted by the will of men to stand for the series of conceptions of the things about which we think. Therefore, as a name is to an idea or conception of a thing, so is speech to the discourse of the mind” (37).

ideas are basically platonic entities residing in God's mind. As we saw in the *Elementa*, Leibniz claimed that definitions must be analyzed to show they are "possible." He also claimed that the definitions of right, law and justice, "are not derived from sense but from a clear and distinct intuition [*imaginatio*], which Plato called an idea, and which when expressed in words, is the same as a definition" (LL 133).⁴⁴ Leibniz will also maintain in the *Meditation* on justice that ideas are independent of human will (indeed, independent of God's will) and that "these are fundamental rules of reasoning and of discourse" (RM 48).⁴⁵ Let us now see how he supports these claims with more specific arguments.

Leibniz's realism about definition can be sharply contrasted to Hobbes' nominalism by comparing their respective demonstrative methods. As Couturat observes, Hobbes's method is similar but importantly different: For both, a demonstration consists of a chain of definitions; but for Hobbes, definitions are merely nominal and arbitrary, "entirely relative to the definitions of words, that is to say to our conventions of language" (C 188). For Leibniz, definitions must have *real possibility* (this will be explained). Another similarity is that although definitions are primitives for Leibniz and Hobbes, for Hobbes they are *conventional* primitives, and they are *not* to be demonstrated. Again, for Leibniz definitions must be shown to have real possibility, which is done through demonstration. Also, Hobbes does not explain the status of the principles of non-contradiction and identity. While Hobbes takes them to be the "first principles of all ratiocination," they are neither definitions nor conventions of reasoning.⁴⁶ However, for Leibniz they are first principles because they are indemonstrable truths. This means, most importantly, that Leibniz has a more thoroughly grounded method of demonstration than Hobbes. As Couturat explains, for Leibniz,

The definition expresses the *real* decomposition of the complex concept into simple concepts; consequently, the substitution of the definition with the defined operates, no longer in virtue of an arbitrary convention, but in virtue of a principle of identity; it is therefore this principle which constitutes the nerve of all demonstration, and which makes the truth of a proposition demonstrated.⁴⁷

In other words, a Leibnizian demonstration depends on the principle of identity (and, as Couturat adds, contradiction, since they are convertible principles for Leibniz, as we saw). The complex concepts of a definition are broken down into (substituted by) simple concepts, thus reducing the definition to a true identity. If the definition does not contain a contradiction or any incompatible ideas, then the idea it expresses has *real possibility*. In this sense the definition is said to be true, but not at all conventional.

⁴⁴ Note that "imaginatio" is inconsistent with Leibniz's insistence in various places that ideas are not images, since an image always involves something *sensible*. But ideas themselves, such as 'being,' and those mentioned in "On What is Independent of Sense and Matter," and especially those of 'justice,' have no sensible content.

⁴⁵ Mollat 45: "Ce sont là les règles fondamentales du raisonnement et du discours."

⁴⁶ See Wilson, p. 20.

⁴⁷ C 188: "La définition exprime la décomposition *réelle* du concept complexe en concepts simples; dès lors, la substitution de la définition au défini s'opère, non plus en vertu d'une convention arbitraire, mais en vertu du principe d'identité; c'est donc ce principe qui constitue le nerf de toute démonstration, et qui fait la vérité des propositions démontrées."

Another example of the difference is found in Leibniz's "Meditationes de Cognitione, Veritate, et Ideis" (1684).

And so we also have a distinction between *nominal definitions*, which contain only marks of a thing to be distinguished from other things, and *real definitions*, from which one establishes that a thing is possible. And with this we give our due to Hobbes, who claimed that truths are arbitrary, since they depend on nominal definitions, without considering the fact that the reality of a definition is not a matter of decision and that not just any notions can be joined to one another. Nominal definitions are insufficient for perfect knowledge except when one establishes in another way that the thing defined is possible. It is also obvious, at last, what *true* and *false* ideas are; namely, an idea is true when its notion is possible and false when it includes a contradiction. (AG 26)⁴⁸

When Leibniz speaks of "marks" he usually means some empirical characteristic of a thing. But the notion of 'possibility' is the true key to Leibniz's realism about definition. He goes on to say, "the possibility of a thing is known *a priori* when we resolve a notion into its requisites, that is, into other notions known to be possible, and we know that there is nothing incompatible among them" (AG 26).⁴⁹ By analyzing definitions, and by applying the principles of identity and non-contradiction, we can be certain that the definition contains no incompatible ideas. If it does not, then we say that the definition is *possible*. This way, Couturat says, Leibniz can, unlike Hobbes, maintain that "a real definition is not arbitrary like the simple imposition of a name, because it corresponds to a true "essence," to a possible "nature" which does not depend on our good pleasure" (C 190). Regarding *essence*, Leibniz says in the *Nouveaux Essais*, "Essence is fundamentally nothing but the possibility of the thing under consideration; something which is thought possible is expressed by a definition; but if this definition does not at the same time express this possibility then it is merely nominal" (NE 293).⁵⁰ In other words, nominal definitions are potentially confused and contradictory, whereas real definitions reveal the possibility of a thing. The *possibility* of a thing is determined when it is shown (i.e., when it is demonstrated) that there is no confusion or contradiction among its notions. Experience, however, reveals the thing's *actuality* (NE 294). Furthermore, Leibniz holds that "a thing has only one essence;" however, "this can be expressed by many definitions," just as a town can be represented by different drawings" (NE 294). Still, the

⁴⁸ A.6.4.589: "Atque ita habemus quoque discrimen inter *definitiones nominales*, quae notas tantum rei ab aliis discernendae continent, et *reales*, ex quibus constat rem esse possibilem, et hac ratione satisfacit Hobbio, qui veritates volebat esse arbitrarias, quia ex definitionibus nominalibus penderent, non considerans, realitatem definitionis in arbitrio non esse, nec quaslibet notiones inter se posse conjungi. Nec definitiones nominales sufficiunt ad perfectam scientiam, nisi quando aliunde constat rem definitam esse possibilem. Patet etiam, quae tandem sit *Idea vera*, quae *falsa*, vera scilicet cum notio est possibilis, falsa cum contradictionem involvit."

⁴⁹ A.6.4.589: "*Possibilitatem* autem rei vel a priori cognoscimus, vel a posteriori. Et quidem a priori, cum notionem resolvimus in sua requisita, seu in alias notiones cognitae possibilitatis, nihilque in illis incompatible esse scimus."

⁵⁰ A.6.6.293: "L'essence dans le fonds n'est autre chose que la possibilité de ce qu'on propose. Ce qu'on suppose possible est exprimé par la définition, mais cette définition n'est que nominale quand elle n'exprime point en même temps la possibilité."

definition must express essential features of the thing. The import of all this is that Leibniz claims to have a method for avoiding the kind of arbitrariness involved in nominalism. He thinks that a real definition expresses a real possibility, an unchanging essence, or as he often calls it, an “eternal truth.”

With this result we are led to see that a definition is the linguistic expression of an essence. But Leibniz’s realism about definition goes much further. When we seek the ground of essence, we are led to the ultimate “source” of essences, eternal truths, and ideas, i.e., the mind of God. This account may be found in the *Nouveaux Essais*, where Locke’s spokesman denies that eternal truths have any sort of extra-mental (i.e., platonic) reality: “general certain propositions” or “aeternae veritates” are not “imprinted in our minds from any patterns that are anywhere out of the mind.” He argues that “being once made about abstract ideas, so as to be true, they will . . . always be true” and will always be thought true, so long as we apply our mind to these ideas” (E 4.11.14). Like Hobbes, Locke will not admit of any extra-mental or extra-conventional ideas.

Leibniz responds by explaining that eternal truths are fundamentally “hypothetical” or are *conditionalia*:⁵¹ “As for ‘eternal truths’, it must be understood that fundamentally they are all conditional; they say, in effect: given [such a thing is assumed to exist, some other thing exists” (NE 446).⁵² His reason for saying this, as he explains, goes back to a Scholastic problem called *de constantia subjecti*. The problem is to explain how hypothetical propositions can be true, without supposing the subject to have actual existence. For example, we want to make true statements about triangles (such as “if a figure has three sides, then its angles are equal to two right angles.” But for this statement to be true there need not be any triangles. So, for a hypothetical proposition to be true, it is argued, the actual existence of the triangle must be assumed: *If* a three-sided figure exists, then its angles are equal to two right angles. In other words, the subject need not be supposed to exist to say that it necessarily has certain properties. Therefore, the hypothetical proposition is an eternal truth, on the supposition that the subject exists.⁵³ In Leibniz’s words, “its truth is a merely conditional one which says that if the subject ever does exist it will be found to be thus and so” (NE 447).⁵⁴

So far, Leibniz has not really said anything that Locke could not agree with. However, this is not the complete explanation, Leibniz says, since “there is still a reality that does not mislead.” This seems to imply that hypothetical objects have some kind of reality. And so, as he explains, whether or not the thing exists, the reality is in the ideas themselves and in their connection. But for there to be a reality and connection at all, there must be a supreme mind.

⁵¹ It can be recalled that in the *Elementa* Leibniz said that eternal truths are *conditionalia*. “We need not wonder, therefore, that the principles of these sciences [i.e., mathematics, and the science of right] possess eternal truth. For they are all *conditionalia*, conditional truths, and treat not of what does exist but of what follows if existence be assumed. They are not derived from sense but from a clear and distinct intuition Plato called an idea, and which, when expressed in words, is the same as a definition” (LL 133).

⁵² A.6.6.446: “Pour ce qui est des verités éternelles, il faut observer, que dans le fonds elles sont toutes conditionnelles et disent en effect: telle chose posée, telle autre chose est.”

⁵³ For categorical propositions, the existence of the subject is explicitly assumed (e.g., ‘a triangle is a three-sided figure). This means that all categorical propositions are implicitly hypothetical (NE 447).

⁵⁴ A.6.6.447: “C’est que la verité n’est que conditionnelle, et dit, qu’en cas que le sujet existe jamais, on le trouvera tel.”

It will be further asked what the ground is for this connection [between the subject and predicate], since there is a reality in it which does not mislead. The reply is that it is grounded in the linking together of ideas. In response to this it will be asked where these ideas would be if there were no mind, and what would then become of the real foundation of this certainty of eternal truths. This question brings us at last to the ultimate foundation of truth, namely to that Supreme and Universal Mind who cannot fail to exist and whose understanding is indeed the domain of eternal truths. St. Augustine knew this and expressed it pretty forcefully. (NE 447)⁵⁵

This, I believe, is Leibniz's most complete response to the nominalism of Hobbes and Locke. Leibniz essentially advocates a Christian-Platonic realism about truth and ideas. God's mind is the region in which all ideas "exist," and where all possibilities reside "in advance" of fact.

And lest you should think that it is unnecessary to have recourse to this Mind, it should be [considered] that these necessary truths contain the determining reason and regulating principle of existent things—the laws of the universe, in short. (NE 447)⁵⁶

Necessary truths, eternal truths, and real definitions are then the *conditionalia* for all existing things. But there is another reason why these conditionalia depend on a supreme mind. They are the a priori sources of our own knowledge.

Therefore since these necessary truths are prior to the existence of contingent beings, they must be grounded in the existence of a necessary substance. That is where I find the pattern for the ideas and truths which are engraved in our soul. They are engraved there not in the form of propositions, but rather as sources which, by being employed in particular circumstances, will give rise to actual assertions. (NE 447)⁵⁷

This is Leibniz's response to Locke's claim above that "there are no extra-mental ideas serving as patterns for our own." It also reflects Leibniz's doctrine of innate ideas. The eternal, necessary truths residing in God's mind are present in our minds as implicit

⁵⁵ A.6.6.447: "Mais on demandera encore en quoi est fondée cette connexion; puisqu'il y a de la réalité là dedans qui ne trompe pas. La Reponse sera qu'elle est [fondée] dans la liaison des idées. Mais on demandera en repliquant, où seroient ces idées, si aucun esprit n'existoit, et que deviendroit alors le fondement reel de cette certitude des veritez eternelles. Cela nous mene enfin au dernier fondement des veritez, savoir à cet Esprit Supreme et Universel qui ne peut manquer d'exister, dont l'Entendement, à dire vrai, est la Region des veritez eternelles, comme St. Augustin l'a reconnu, et l'exprime d'une maniere assez vive." Leibniz refers the reader to Augustine's discussion of eternal truths in *De Libero Arbitrio* (2.12).

⁵⁶ A.6.6.447: "Et afin qu'on ne pense pas, qu'il n'est point necessaire d'y recourir, il faut considerer, que ces veritez necessaires contiennent la raison determinante et le principe regulatif des existences mêmes, et en un mot les loix de l'Univers."

⁵⁷ A.6.6.447: "Ainsi ces veritez necessaires, estant anterieures aux Existences des Estres contingens, il faut bien qu'elles soyent fondées dans l'existence d'une substance necessaire. C'est là où je trouve l'original des idées et des veritez qui sont gravées dans nos ames, non pas en forme de propositions, mais comme des sources dont l'application et les occasions feront naistre des enonciations actuelles."

sources of knowledge. Through experience they are made explicit, and indeed make experience possible.⁵⁸ Presumably, if we reflect adequately, namely, through demonstration, we can gain clear and distinct knowledge of these eternal truths.

These claims are important to keep in mind in relation to Leibniz's arguments in the *Meditation on the Common Concept of Justice*. As we will see, Leibniz claims that God's mind is the domain of eternal truths, the domain of formal objects of definitions, i.e., essences, and that justice has such an essence. If the real definition of justice is to be distinguished from merely nominal, contingent, changeable definitions, and is to be distinguished from truths of fact, then it must be an eternal truth. In this sense the "concept of justice" is common to both God and humans. It must also be so grounded, if the true idea of justice is to be known to our mind.

With this in mind, it helps to see one more passage in which Leibniz attempts to refute the nominalist, here in response to Locke's claim that "truths will be either mental or nominal, according to the kind of sign." Leibniz writes:

It would be better to assign truth to the relationships amongst the objects of the ideas, by virtue of which one idea is or is not included within another. That does not depend on languages, and is something we have in common with God and the angels. And when God displays a truth to us, we come to possess the truth which is in his understanding, for although his ideas are infinitely more perfect and extensive than ours they still have the same relationships that ours do. So it is to these relationships that truth should be assigned; and we can distinguish *truths*, which are independent of our good pleasure, from expressions, which we invent as we see fit. (NE 397)⁵⁹

It is the relationship among *ideas* that ultimately matters, not the relations of inadequately analyzed words. While God's idea of, say, justice, is more perfect and extensive than ours, it remains true that our idea of justice is consistent with it, and consistent with the ideas to which it relates. Leibniz is also speaking of the difference between the real definition of an idea and a nominal expression of it. But he maintains that we do not have the real definition unless we have analyzed it as far as possible. This is how we can know the real definitions of things that reside in God's mind, and thus avoid the nominalist mistake.

It must be said, however, that a significant problem with this dependence on definitions remains. On one hand, if the concept to be defined has clearly identifiable properties, such as a triangle, it is hard to imagine that its definition could be refuted or considered merely conventional. But for an abstract idea such as *justice*, it is hard to see how a conventional definition can really be avoided. Such ideas can be shown to be

⁵⁸ I discuss innate ideas in more detail in Chapter Five.

⁵⁹ A.6.6.397: "Il vaut donc mieux placer les verités dans le rapport entre les objets des idées, qui fait que l'une est comprise ou non comprise dans l'autre. Cela ne depend point des langues, et nous est commun avec Dieu et les Anges. Et lors que Dieu nous manifeste une verité nous acquerons celle qui est dans son entendement, car quoique il y ait une difference infinie entre ses idées et les nostres, quant à la perfection et à l'entendue, il est tousjours vray qu'on convient dans le même rapport. C'est donc dans ce rapport qu'on doit placer la verité, et nous pouvons distinguer entre les verités qui sont independantes de notre bon plaisir, et entre les expressions, que nous inventons comme bon nous semble."

possible; but this does not show that they are real in a platonic sense. Nor is there reason to suppose that the idea requires a supreme Mind for it to exist or to be thought. Thus Leibniz offers no real argument against the nominalist claim that definitions are ultimately arbitrary.⁶⁰

At the same time, Leibniz retains two methodological recourses against nominalist conventionalism. First, although it is unavoidable that definitions must be presupposed, the principles of non-contradiction and identity provide the methodological certainty that the definitions in question are internally consistent and compatible with other definitions. That is, if definitions depend on a “linking of ideas,” it can be shown that there is no incompatibility among them. This is essentially Couturat’s point, as shown above. Second, as we saw in the *Elementa* Leibniz employs a method explicitly for avoiding arbitrariness in definition. Recognizing the potential arbitrariness, he proposes the *epagogic induction*, in which one comes to a definition by examining and comparing many possible definitions. To recall:

The method of our investigation is to gather the more important and distinctive examples of the use of these terms and to set up some meaning consistent with these and other examples. For just as we construct a hypothesis by induction from observations, so we construct a definition by comparing propositions. . . . This method is necessary whenever it is not desirable to determine the use of terms arbitrarily for oneself. (LL 133)

Of course, the methods of contradiction and demonstration still apply; but arbitrariness of definition can be avoided by analyzing the content of numerous examples. Still, this method does not allow one to claim that the resulting definition is the real definition of something. It only means that there are not likely to be objections to defining a concept in a certain way.

In view of Leibniz’s account of definition, we can now evaluate his demonstration in the *Elementa* of the definition of “the good person.” The good person was defined as “one who loves everyone.” This definition was demonstrated by substituting each term of the definiens (‘person’, ‘loves’, and ‘everyone’) with a definition, and then substituting each term of those definitions—until the definitions stopped. While there did not seem to be any incompatibility among or within these definitions, Leibniz did not make clear whether they were compatible with other definitions. More importantly, Leibniz does not make clear which definitions he takes to be truly primitive. Nor is it clear which definitions are experiential or a priori. To take two, for example: “*To perceive* is to sense a present thing” and “*Harmony* is diversity compensated by identity.” Is the first definition experiential while the second purely a priori? Does ‘thing’ need to be defined? Can ‘harmony’ be defined some other way, say, as a pleasing combination of elements? There does not appear to be any clear logical criterion for deciding these questions.

Section 5: The case of the demonstrated moral conclusion

In the *Nouveaux Essais* Leibniz says that his modified version of the so-called

⁶⁰ This is Margart Wilson’s criticism.

ontological proof results in a “demonstrated moral conclusion” (NE 438).⁶¹ It is important for two reasons to take a closer look at this claim. One is that it provides more insight into what Leibniz means by a possible definition. Secondly, the “demonstrated moral conclusion” is that since God’s existence has been proven, we ought to follow God. Leibniz claims that this proof has “presumptive validity” as well as mathematical certainty. We ought to know in what sense it is a *moral* conclusion.

Leibniz’s criticism of Descartes’ ontological proof is well-known.⁶² Descartes’ “proof” is incomplete because it does not show that the idea of God is *possible*. This by itself is an important point related to demonstrations: a demonstration consists of a chain of definitions; but every definition must be *possible*, which means that they cannot imply either a logical contradiction or a physical impossibility. It is not always obvious that a definition is contradictory or impossible. A term such as “the fastest motion,” is not obviously contradictory, but actually is. The term “perpetual mechanical motion” may not be logically impossible, but it is physically impossible. Therefore, definitions must be analyzed to make sure they contain no impossibilities.

As for the ontological proof itself, Leibniz claims that the Scholastics, including Aquinas, have taken it (in its Anselmian form) to be a priori, but a “paralogism” (A.6.6.437). Leibniz thought that the proof could be made perfectly valid, but *only* if the *idea* of God were shown to be possible, i.e., non-contradictory. The following passage from the *Nouveaux Essais* explains Leibniz’s position fairly clearly.

[The argument] is not [a paralogism], but it is an incomplete demonstration which assumes something which should also be proved in order to render the argument mathematically evident. The point is that it is tacitly assumed that this idea of a wholly great or wholly perfect being is possible and does not imply a contradiction. Even that remark enables us to prove something, namely that *If God is possible, he exists*—a privilege which only the Divinity possesses. We are entitled to assume the possibility of any being, and above all of God, until someone proves the contrary; and so *the forgoing metaphysical argument does yield a demonstrated moral conclusion* [my emphasis], namely that in the present state of our knowledge we ought to judge that God exists and to act accordingly. But it is desirable that able people should fill the demonstration out, so as to achieve strict mathematical evidence, and I have said something elsewhere which I believe may contribute to that end. (NE 437-8)⁶³

⁶¹ Leibniz refers to Descartes’ proof as “la démonstration cartésienne de l’existence de Dieu,” which was “empruntée d’Anselme,” or generally as “les démonstrations des Cartésiens tirées de l’idée de Dieu” (A.6.6.437).

⁶² Leibniz had first published his criticism in “Meditationes de Cognitione, Veritate, et Ideis,” *Acta Eruditorum* (1684), and then in *Mémoires de Trévoux* (1701), discussed below.

⁶³ A.6.6.437-8: “Ce n’est pas un paralogisme, mais c’est une démonstration imparfaite qui suppose quelque chose qu’il falloit encore prouver pour le rendre d’une evidence Mathematique. C’est qu’on suppose tacitement que cette idée de l’Etre tout grand, ou tout parfait, et possible, et n’implique point de contradiction. Et c’est déjà quelque chose que par cette remarque on prouve, que supposé que Dieu soit possible, il existe, ce qui est le privilege de la seule Divinité. On à droit de présumer la possibilité de tout Etre, et sur tout celle de Dieu jusqu’ à ce que quelqu’un prouve le contraire. De sorte que cet argument

Leibniz's argument is this: To make the ontological argument valid, the *idea* of God must be shown to be possible. This may be shown in two ways: (1) If there is no proof that the idea of God is *impossible*, then we may assume that the idea of God is possible. And if the idea of God is possible, then the rest of the ontological argument holds, and the proof is valid. Then the "demonstrated moral conclusion" is drawn that we ought to judge that God exists and act accordingly. (2) It can be proven *mathematically* that the idea of God is possible, and therefore that the ontological proof is valid. Presumably this would also allow us to draw the moral conclusion that we ought to follow God.

As for (1), Leibniz does not tell us whether there are any proofs for the impossibility of the idea of God. He does however indicate that this premise has a certain *presumptive validity*: "for every being should be considered possible until its impossibility is proven."⁶⁴ This claim may seem weak. But we are not talking about just any being, but about a necessary and perfect being. And since there are no proofs for the impossibility of the necessary being, we may assume that the idea of God (as a necessary being) is possible. This argument, then, claims *only* that we are warranted in making the assumption that the idea of God is possible. Therefore, the rest of the ontological argument holds, and God exists. Now, does this result in a demonstrated moral conclusion? That is to say that from God's existence alone does it follow that we ought to obey God? Either Leibniz thinks it is a logical consequence of the proof, or he just thinks it is best to do so. It is not however a logical consequence of God's existence that we ought to follow or obey God.

Leibniz also says that (2) the ontological proof can be completed "mathematically." Basically this means that the "assumption" that the idea of God is possible can be made demonstrably certain. He claims to have done this in the following way: In his letter to the editor of the *Journal de Trévoux* (1701), Leibniz claims that the argument for a most perfect being and a necessary being are essentially the same.⁶⁵ In other words, both arguments show that it cannot be assumed that the idea of God is impossible, since 'the idea of God is impossible' leads to the conclusion that nothing exists.⁶⁶ But it is clear that *something exists*. And if something exists then it is false that nothing exists; therefore the necessary being is possible—and the rest of the ontological proof follows. In other words, if the necessary being is impossible, then all beings which depend on the necessary being are also impossible—but, something exists, so, the necessary being is possible. In this way, then, the ontological proof is mathematically certain and complete, no longer relying on "presumptive validity."

It should be noted, however, that with this new premise, "something exists," the proof depends on an *observation* or existence claim, and Leibniz has said that existence

metaphysique donne déjà une conclusion morale demonstrative, qui porte, que suivant l'état present de nos connoissances il faut juger que Dieu existe, et agir conformement à cela. Mais il seroit pourtant à souhaiter, que des habiles gens achevassent la demonstration dans la rigueur d'une evidence Mathematique, et je croy d'avoir dit quelque chose ailleurs, qui y pourra servir."

⁶⁴ G.4.405: "Cependant on peut dire que cette demonstration ne laisse pas d'être considerable, et pour ainsi dire presomptive: car tout estre doit estre tenu possible jusqu'à ce qu'on prouve son impossibilité."

⁶⁵ "Extrait d'une lettre de M. de Leibniz sur ce qu'il y a dans les Mémoires de Trévoux" (GP 4.405-6).

⁶⁶ For this claim Leibniz offers the following argument: "Car si l'Estre de soy est impossible, tous les estres par autruy le sont aussi, puisqu'ils ne sont enfin que par l'Estre de soy: ainsi rien ne sauroit exister" (G.4.406).

claims are contingent. But a valid a priori demonstrative proof cannot rely on any contingent premises, e.g., on any empirical matters of fact. Thus Leibniz's version of the ontological proof is not *a priori*. He may still want to say that "something exists" is a primary and indemonstrable truth, since, as he has said about the *cogito*, it proves that something exists, namely 'I', even so that I exists contingently. Thus, even so "something exists" is indemonstrable in the weaker sense, Leibniz may want to give it presumptive validity. That is, given the state of our knowledge (something exists!), it is reasonable to assume that God exists. But as it stands, technically speaking Leibniz's proof is not *a priori* demonstrable.⁶⁷

There is one more related issue that I will mention only briefly. Leibniz also holds that probability has been a neglected part of moral philosophy and reasoning. He alludes to this in several places in the *Nouveaux Essais*, but most notably in the chapter called "Of the degrees of our knowledge." Here Leibniz mentions that demonstrations in metaphysics and morals (*la Morale*) are actually more difficult than in mathematics, because only in mathematics can experience vouch for each step of reasoning (NE 371). But for metaphysics and morals there might yet be another method of sound reasoning.

Perhaps opinion, based on likelihood, also deserves the name of knowledge; otherwise nearly all historical knowledge will collapse, and a good deal more. But without arguing about names, I maintain that *the study of the degrees of probability* would be very valuable and is still lacking, and that this is a serious shortcoming in our treatises on logic. For when one cannot absolutely settle a question one could still establish the degree of likelihood on the evidence, and so one can judge rationally which side is the most plausible. . . . Moralists who are lax about this have gone wrong largely because they have had an inadequate and over-narrow

⁶⁷ The issue could be pursued further, since Leibniz has what appears to be an *a priori* alternative to this observation premise. In a paper titled *Quod Ens Perfectissimum existit* (1676 G.7.261-2), he claims that God's possibility lies in being the subject of all perfections, i.e., all compatible possibilities. The argument runs, roughly. (1) A perfection is absolutely simple, positive, and without limit. (However, the meaning of 'without limit' cannot be 'infinite' or 'endless' but rather must be 'maximum,' i.e., a maximum totality of all possible degrees. Otherwise, the perfections would not be absolute. I thank Professor Baum for pointing this out.) (2) Anything that is such is compatible with anything else that is such (having no limitations or negations, all perfections are compatible). (3) Therefore, it is possible that all perfections co-exist in the same subject (and this subject is God). He explains the proof this way: Premise (2), 'all perfections are compatible', would be false if 'perfections A and B are incompatible' were proven to be necessary. For this premise to be necessary, it must be either proved or known through itself (*per se notae*). Proving it would require that either or both A and B be analyzed. But by hypothesis, perfections are unanalysable (absolutely simple), so the proposition cannot be proven. Nor is the premise known to be necessary through itself. Therefore, the premise is not necessarily true. Therefore, since it is not necessary that A and B are incompatible, it is possible that A and B are compatible. Therefore, "there is or can be understood to be the subject of all perfections." However, it should be pointed out that the move from the possibility of compatibility to the possibility of a *subject* of all compatibilities is not warranted. For one, while all perfections may be compatible, nothing in the premises gives us a *subject* of all perfections, nor that this subject is God. But Leibniz depends on the ontological proof. Since the idea of God is possible, then, since existence is a perfection, God exists: "From which it is obvious that he also exists, since existence is included in the number of perfections." He then says he showed this proof to "Mr. Spinoza" who agreed it was valid. (For this analysis I depend on George McDonald Ross' unpublished translation of Leibniz's Latin.)

notion of probability, which they have confused with Aristotle's *endoxon* or acceptability. (NE 372)⁶⁸

Leibniz adds that arguments from probability are drawn from the nature of things, not from acceptability. Just as stronger evidence in scientific experiments improves the likelihood that the conclusions are true, the weight of reasons can provide the probability, or presumptive validity, that our moral judgments are correct. "I suspect that establishment of an *art of estimating likelihoods* would be more useful than a good portion of our demonstrative sciences, and I have more than once contemplated it" (NE 373). Presumably, the same holds for moral questions. This is an interesting and undeveloped aspect of Leibniz's moral thinking, but we will not pursue it here.

Section 6: Did Leibniz demonstrate the proposition 'justice is the charity of the wise'?

We have seen how Leibniz thought that a definition could not be a real definition unless it was shown to be possible. This essentially means showing that the definition contains no internal inconsistency. To do this requires that the terms of a proposition be analyzed through a continuous substitution of definitions, i.e., a definition chain. The terms of definition A are defined by B; B is defined by C; C is defined by D, and so forth. The longest and possibly the most exhaustive of definition chains begins with the definition of the *vir bonus*, as we have seen.

While this method is rigorous, the main drawback is that we are uncertain when a primitive concept is reached. And there is no indication of what the primitive concepts are. Nevertheless, this method can certainly bring to light the content of definitions, reveal their internal consistency (or inconsistency) and expose the other concepts related to it. It is appropriate then to examine the definition chain that begins with the definition of justice as charity of the wise. As we saw, this definition is widely recognized as Leibniz's mature and complete definition of justice; although, it has not been shown whether it conforms to Leibniz's demonstrative method. Does the definition contain real possibility? Internal inconsistency? Primitive concepts? Is it an *a priori* definition? The following is Leibniz's own German version of the Latin version we saw in Chapter Three (from 1678-9):

Gerechtigkeit ist eine *brüderliche liebe* der *Weisheit* gemäs.
Brüderliche liebe ist eine *guthwilligkeit* gegen jedermann.
Guthwilligkeit ist eine *liebenseigung*.
Lieben ist eine *lust* in eines andern *glückseligkeit* suchen.
Weißheit ist die wißenschafft der *glückseligkeit*.

⁶⁸ A.6.6.372: "L'opinion fondée dans le vraisemblable, merit peut être aussi le nom de conoissance; autrement presque toute la conoissance historique et beaucoup d'autres tomberont. Mais sans disputer des noms; je tiens que la recherche des degrés de probabilité, seroit très importante, et nous manque encor, et c'est un grand défaut de nos Logiques. Car lorsqu'on ne peut point decider absolument la question; on pourroit tousjours determiner le degré de vraisemblance *ex datis*, et par consequent on peut juger raisonnablement quel parti est le plus apparent. . . . Le défaut des Moralistes relachés sur cet article, a été en bonne parte, d'avoir eu une notion trop limitée et trop insuffisante du probable, qu'ils ont confondu avec l'Endoxe, ou opinable d'Aristote."

Glückseligkeit ist eine beständige *freude*.
Freude ist wen das gemüth mit einigen *lustgedancken* eingenommen.
Lust, *Wollust* ist eine empfindung einiger *Vollkommenheit*.
Vollkommenheit ist ein hoher grad des wesens oder der Krafft. (A.6.4.2806)⁶⁹

As can be seen, each of the italicized terms has been defined up until the last proposition. The first thing to notice is that this definition chain does not conform to the general form of a demonstration, since it does not begin with a proposition to be demonstrated, nor does it show what the result is. What this appears to be is a definition chain designed to clarify the content of the definition of justice. In fact, Leibniz titled this piece “Erklärung einiger Worte.” This and definition chains like it serve only to elaborate and clarify terms, but do not constitute a complete demonstration.

What then does the clarification, or this definition chain, reveal? It does not show that the definition of justice is reducible to a formal identity, nor to a contradiction. Furthermore, if the chain were treated transitively, then *Justice* would be defined as *a higher degree of being or power (potentia)*. But this cannot be right, certainly not without explaining what “power” means in this context. It would be extremely interesting to investigate the possible connection between ‘potentia’ here and Leibniz’s definition of right as *potentia moralis*.⁷⁰ But Leibniz does not make this connection for us.

Furthermore, ‘perfection’ does not mean simply an increase in power, but also involves a certain increase of reality and goodness. Thus, to understand this “demonstration” properly, one would have to bring in Leibniz’s account of metaphysical perfection. But to say that justice is an increase in reality and goodness does not tell us anything informative, without further definitions. This definition chain appears designed to unpack some of the conceptual content of *caritas sapientis*; but if the intention was to analyze exhaustively ‘justice is the charity of the wise’, this has not been done. In short, very little of Leibniz’s requirements are met that would enable us to say that ‘justice is the charity of the wise’ is a demonstrated truth, and it is clear that it depends on many more concepts.

Section 7: Chapter conclusion

This chapter has focused on Leibniz’s method of demonstration. The result is somewhat destructive, since it shows that Leibniz fails to provide a demonstration that satisfies his own criteria. Nevertheless, there are important positive results. We have a much clearer picture of what Leibniz means by demonstrations and what they require—we especially have a much clearer idea of the role of definitions and of their status as

⁶⁹ English translation: “Justice is charity of the wise. Charity is benevolence toward everyone. Benevolence is an inclination to love. Love is the desire to seek another’s happiness. Wisdom is the science of happiness. Happiness is a lasting joy. Joy is for whom the mind takes some pleasure. Desire, lust is a feeling of perfection. Perfection is a higher degree of being or power.” Leibniz’s Latin version A.6.4.2803: “Justitia est charitas sapientis. Charitas est benevolentia generalis. Benevolentia est habitus amoris. Amare aliquem est ejus felicitate delectari. Sapientia est scientia felicitatis. Felicitas est laetitia durabilis. Laetitia est status voluptatum, in quo sensus voluptatis tantus est, ut sensus doloris prae eo non sit notabilis. Voluptas seu Delectatio est sensus perfectionis, id est sensus cujusdam rei quae juvat seu quae potentiam aliquam adjuvat. Perficitur cujus potentia augetur seu juvatur.”

⁷⁰ Leibniz’s doctrines of power and force in *Specimen Dynamicum* and other related texts must be analyzed.

quasi-platonic essences (residing in the mind of God). Thus, in the next chapter, we can effectively evaluate Leibniz's claims in the *Nouveaux Essais* for moral doctrine as a demonstrative science.

CHAPTER FIVE: MORAL DOCTRINE AS A DEMONSTRATIVE SCIENCE IN THE *NOUVEAUX ESSAIS*

Chapter sections:

1. Introduction
2. Locke on innate speculative and practical principles
3. Leibniz on innate practical principles
4. Moral doctrine, pure reason, and the science of right.
5. Integration of principles in virtue
6. Chapter conclusion

“I warmly applaud what you have just said, sir, about morality as a demonstrative science” (NE 89).¹

“This is how we are led to act humanely; by instinct because it pleases us, and by reason because it is [just]” (NE 91).²

“As for morality: one part of it is wholly grounded in reasons, but there is another part which rests on experiences and has to do with [people’s] temperaments” (NE 352).³

Section 1: Introduction to chapter

Leibniz’s engagement with Locke on innate practical principles in the *Nouveaux Essais* (1704) provides fruitful insight into the foundations of Leibniz’s practical philosophy. We will find that the foundation can be divided into two kinds of principle: (1) principles that are sources of activity or *motivation*, such as the principle of pleasure and pain and other instincts; (2) principles that are sources of *justification* for an action, such as those having to do with right, justice, and “pure reason.” This division corresponds with Leibniz’s frequently made distinction between truths of fact and truths of reason. Making this distinction enables us to clarify Leibniz’s claim that moral doctrine (*la Morale*) is a demonstrative science. The result will be, or so I argue, that the principles of instinct are *descriptive* principles of human behavior, as well as initial indicators of what is morally prescribed. While we can make sense of Leibniz’s claim of demonstrability in respect to them, these principles are not strictly demonstrable. On the other hand, what is morally prescribed is determined by the theoretically demonstrable principles of reason. Yet it remains difficult to determine *what* principle of reason serves as a moral prescription. However, Leibniz does offer, or so I suggest, the best possibility for a grounding of moral doctrine in the science of right. In sum, by investigating these

¹ A.6.6.89: “Et j’applaudis extrêmement à ce que vous venés de dire, Monsieur, de la morale, comme d’une science demonstrative.”

² NE says ‘right,’ not *just*. A.6.6.91: “C’est ainsi que nous sommes portés aux actes d’humanité, par instinct parce que cela nous plaist, et par raison parce que cela est juste.”

³ A.6.6.352: “Pour ce qui est de [la] morale, une partie en est toute fondée en raisons, mais il y a une autre qui depend des experiences, et se rapporte aux temperaments.”

arguments on innateness, we discover the two main divisions of Leibniz's practical philosophy and place them in proper relation to each other. I also suggest a way for Leibniz to combine principles of sense and reason in an account of virtue. To understand these positions, it is best to understand them as responses to Locke; therefore, we will begin with a brief exposition of Locke's rejection of innate practical principles in his *Essay Concerning Human Understanding*.

Section 2: Locke on innate speculative and practical principles

Locke's *Essay* begins with a host of arguments against both innate speculative principles and innate practical principles. I focus *mostly* on his arguments against innate *practical* principles, but a few points on innate speculative principles should be mentioned. Locke primarily understands an innate speculative principle to be something like the mathematician's *koinai ennoiai*, or "characters stamped on the mind of man; which the soul receives in its very first being, and brings into the world with it" (E 1.1.1).⁴ These characters are assumed to form propositions, specifically, indemonstrable "principles of demonstration" such as the principles of identity and contradiction.⁵ Locke does not deny the truth of these speculative principles, but claims their universality (both their validity and their being universally assented to as true) derives from their *self-evidence*, not from their innateness.⁶ Locke also asserts that any knowledge said to depend necessarily on speculative principles can be attained by the exercise of our "natural faculties"; and that natural faculties do not require innate propositions, ideas, or characters, any more than the eye requires ideas of color in order to see (E 1.1.1). The point is that just as we do not require ideas of colors in order to see, neither do we require innate ideas in order to recognize that the principle of identity is true.

Locke rejects innate speculative principles also on the ground that most of us have no *conscious* knowledge (conscious awareness) of them. If they were innate, then we would expect them to be among the first items of explicit, conscious, knowledge. But since they are not known initially, they must be learned, and thus are not innate—indeed; they are learned by abstraction through experience.⁷ But Locke's most frequent objection, one which Leibniz will just as often deny, is this: it is "hardly intelligible" to suppose that innate principles are imprinted on the mind, without the mind or soul *consciously perceiving* them. That is, there are no unlearned propositions. "No proposition can be said to be in the mind which it never yet knew, which it was never yet conscious of" (E 1.1.5).

⁴ I cite Locke directly from his English text, rather than translate Leibniz's (or Coste's) French version of Locke back into English. Discrepancies will be noted.

⁵ Respectively, "[W]hatsoever is, is," and "it is impossible for the same thing to be and not to be" (E 1.1.4).

⁶ Locke distinguishes among three kinds of knowledge: intuitive or self-evident knowledge, demonstrative knowledge, and sensitive knowledge. Self-evidence replaces the role of innate knowledge, for Locke. (See *Essay* Book 4 Chapter 1 and Woolhouse (1994). Locke commentators (e.g., Fraser) often remark that Locke does not sufficiently explain how such self-evident speculative principles are grasped by the mind, nor how the mind's "operations" said to grasp them are able to perceive their self-evidence. Also see John Harris (1977).

⁷ Locke provides some explanation of how this abstraction works: "The senses at first let in particular ideas, and furnish the yet empty cabinet, and the mind by degrees growing familiar with some of them, they are lodged in the memory, and names got to them. Afterwards, the mind proceeding further abstracts them, and by degrees learns the use of general names" (E 1.1.15).

Now we can turn to Locke's argument on innate *practical* principles. His argument can be summarized as follows: If there are such principles, then the following conditions necessarily obtain:

- (1) Innate practical principles hold true for everyone, even if not universally practiced.
- (2) They are universally *assented to* (agreed upon as valid).
- (3) They must be, or must have been, *consciously known* to the agent.
- (4) They effectively *regulate*, motivate, or guide our actions.

Locke argues, however, that conditions (2), (3), and (4) do not obtain, and so he concludes that innate principles do not exist. Both Leibniz and Locke agree on (1), since they agree that practical principles are valid for everyone. They also agree that innate principles are demonstrable, although for Locke this *proves* they are not innate, while for Leibniz this simply means they are not immediately known, but can be discovered. They also agree on *one* sense of 'innate principle,' that is, as a sensual, motivating *instinct*, although we must be careful to distinguish different senses of 'instinct,' as we will see. Leibniz does not, of course, accept Locke's conclusion that innate principles do not exist. He argues that innate principles, including practical ones, exist, that they do effectively motivate our actions (if not always), but need not be consciously known nor assented to.

Now let us examine the details of Locke's arguments against innate practical principles, beginning with his understanding of what innate practical principles is supposed to be. They are not exactly the mathematicians' common notions, but rather "those common notions written on our minds by the finger of God" (E 1.2.16). Quite likely, Locke is obliquely referring to, and thus criticizing, St. Paul's often-cited dictum: "They [the gentiles] show the demands of the law are written in their hearts."⁸ However, Locke claims that the case for the innateness of such principles, characters, or notions is much weaker than it is for speculative principles. To begin with, practical principles lack self-evidence, since they require "reasoning and discourse, and some exercise of the mind, to discover the certainty of their truth" (E 1.2.1). In other words, if becoming aware of their truth requires a demonstration, they cannot be innate.

I will return to the issue of demonstration, but first we must distinguish between two senses of 'principle' which Locke (and Leibniz) often employ here. A demonstrative principle is *one* sense in which Locke understands "principle," that is, as a self-evident proposition suitable for demonstrations. The second sense of 'principle' is as a source of action, i.e., as the motivating force within a thing—in this case either an instinct or a conscious thought that moves one to act. It is important to bear in mind both of these senses in what follows.

Locke argues that if there were innate practical principles, they would (1) be consciously recognized and assented to; and (2) they would effectively motivate or regulate our actions. But neither case holds. As for (1), innate principles should be immediately known and recognized, but yet, "the ignorance wherein many men are of [moral principles], and the slowness of assent wherewith others receive them, are

⁸ Romans 2:15. As Jerome Schneewind claims, "Every theorist of natural law from Aquinas onward had cited this passage as an authoritative warrant for the claim that there is a moral law discoverable by reason. But Locke seemed to be dismissing St. Paul" (SL 201).

manifest proofs that they are not innate” (E 1.2.1). Furthermore, even if they are recognized by some, they are not recognized or practiced universally. If we just “look past the smoke of our own chimneys,” we will find no “practical truth that is universally received” (E 1.2.2). For example, while everyone may believe that the proposition “justice is the keeping of contracts” is true, certain groups or societies may apply it only among themselves, but not to outsiders. Thus, the proposition in fact turns out to be a principle of *convenience*, not a universally recognized truth (E 1.2.2).⁹ Locke also claims that the great variety of *justifications* for moral truths shows that practical principles cannot be innate. For example, again, that “great and undeniable rule of morality”, “that men should keep their compacts,” is not innate, since it may be justified by widely different moral theories: Christian, Hobbist, or ancient virtue ethics (E 1.2.5).¹⁰ The implication of these arguments is that if a proposition is not immediately recognized, or is not applied universally, or if it has a variety of justifications, then it must have been learned; and therefore, it cannot be innate.¹¹

As for (2), that innate principles should effectively motivate our actions, Locke argues that they do not. For example, it is often said that *moral conscience* is our innate capacity to bring to mind moral commands that motivate us to act rightly. However, moral conscience appears to be sorely lacking in view of all the sackings, robberies, murders and rapes, committed without remorse or pity, but which appear to be rather “the sport of men set at liberty from punishment and censure” (E 1.2.8-9).¹²

Locke makes another, similar, objection, but adds a point that reveals both the foundations of his moral theory and the difficulty with demonstrating moral principles. He says that if any moral rule is innate, it is this: “parents, preserve and cherish your children.”

When, therefore, you say that this is an innate rule, what do you mean? Either that it is an innate principle which upon all occasions excites and directs the actions of all men; or else, that it is a truth which all men have imprinted on their minds, and which therefore they know and assent to. (E 1.2.12)

Again, Locke claims that the above rule is neither universally assented to nor does it effectively motivate ones actions. Among the evidence he cites for this claim is that “the Greeks and Romans exposed, without pity or remorse, their innocent infants” (E 1.2.12). Yet Locke also points out a *formal* reason why this principle cannot be assented to: moral principles are typically not propositions, but are commands, and since commands are neither true nor false, they cannot be assented to (or denied).¹³ Now, we may try to turn the above command into a truth-functional proposition, such as, “it is the duty of parents to preserve their children,” but this will not do, says Locke, since now this proposition

⁹ Leibniz responds to this claim, as we will see in the following section.

¹⁰ In section 5, I will return to Locke’s criticism of virtue ethics and Leibniz’s response.

¹¹ As Leibniz will point out, none of these reasons imply that a proposition is not innate.

¹² Locke also argues that we cannot legitimately assume that moral conscience is innate: more likely is that conscience derives from what we have learned as children, and having forgotten what we learned, we suppose it innate.

¹³ This is a key point, since, at least, Leibniz does not appear to recognize this, e.g., he treats ‘harm no one’ indifferently as a command or as a proposition. I will come back to this.

would entail much greater difficulty:

What duty is, cannot be understood without a law; nor a law be known or supposed without a lawmaker, or without reward and punishment; so that it is impossible that this, or any other, practical principle should be innate, i.e., be imprinted on the mind as a duty, without supposing the ideas of God, of law, of obligation, of punishment, of a life after this, innate. (E 1.2.12)

Locke's argument here is two-fold: (1a) For an innate practical principle to be assented to, it must be a proposition; (1b) Assent to *this* proposition would require assent to many other propositions and ideas which are also very far from being innate. (2) The ground of obligation is divine command, supported by divine sanction. Terms such as 'duty' are understandable only under the supposition that a supreme lawgiver establishes and enforces the moral law. This reflects Locke's well-known voluntarism, according to which moral principles are not ultimately determined by the demands of reason, but by the command and will of God.¹⁴ Locke's whole argument here, then, suggests that moral principles are ultimately not to be assented to, but rather are to be *obeyed*.¹⁵ But then, God's commands are not innate to us, any more so than the *idea* of God is innate; and Locke denies that the idea of God is innate, since it may be attained by reflecting on the works of creation (E 1.3.9). Nor are any other ideas, such as *self*, *being*, and *immortality* innate. Therefore, moral principles are not innate, and their true grounding principle is God's command.

Despite all of his rejections of innate of ideas and practical principles, and aside from the voluntarist grounds, Locke nevertheless thinks that there are universal moral truths and, moreover, that they are "capable of demonstration" (E 1.2.1). In several places throughout the *Essay* Locke emphasizes the demonstrability of practical principles, but most strikingly in Book Four.

The idea of a supreme Being, infinite in power, goodness, and wisdom, whose workmanship we are, and on whom we depend; and the idea of ourselves, as understanding, rational creatures, being such as are clear in us, would, I suppose, if duly considered and pursued, afford such foundation of our duty and rules of action as might place *morality* amongst the *sciences capable of demonstration*: wherein I doubt not but from self-evident propositions, by necessary consequences, as incontestible as those

¹⁴ Locke's voluntarism, is better expressed in this quote: "But yet I think 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; which can only be the will and law of a God, who sees men in the dark, has in his hand rewards and punishments, and power enough to call to account the proudest offender" (E 1.2.6). Of course, God is also reasonable, but his will and enforcement are the grounds of morality. For a detailed analysis of Locke's voluntarism, see Jerome Schneewind, *The Invention of Autonomy*, and his article in *The Cambridge Companion to Locke*. According to Schneewind, "Locke makes it clear that he does not view God as a tyrant" (SA 154). However, as Schneewind points out, citing Thomas Burnet, if morality depends on a law governed by God's sanction, which it does for Locke, then it is not possible for God to have moral attributes (SL 206). This would appear to be a serious problem for Locke.

¹⁵ Thus, the demonstrability of moral principles is ultimately beside the point for Locke.

in mathematics, the measures of right and wrong might be made out, to anyone that will apply himself with the same indifferency and attention to the one as he does to the other of these sciences. (E 4.3.18)

Locke thinks that moral truths may be demonstrated in only two ways: either by beginning with self-evident propositions (propositions consisting of self-evident ideas), or by reducing propositions to self-evident ideas.¹⁶ Locke goes on to say that, “we have an intuitive knowledge of our existence, and a demonstrative knowledge of God” and only a sensitive knowledge of everything else (E.4.3.21). He does not go on to provide a demonstration of God’s existence, nor to show how knowledge of God or of oneself makes morality demonstrable. He does however provide two morally related propositions that he says are as demonstrably certain as any in mathematics.

Where there is no property there is no justice,’ is a proposition as certain as any demonstration in Euclid. For the idea of property being a right to anything, and the idea to which the name ‘injustice’ is given being the invasion or violation of that right, it is evident that these ideas, being thus established, and the names annexed to them, I can as certainly know this proposition to be true, as that a triangle has three angles equal to two right ones. Again: ‘No government allows absolute liberty.’ The idea of government being the establishment of society upon certain rules or laws which require conformity to them; and the idea of absolute liberty being for any one to do whatever he pleases; I am as capable of being certain of the truth of this proposition as of any in the mathematics. (E.4.3.18)

Both propositions fulfill the “analytic” criterion he laid out earlier: a self-evident proposition is one that “carries its own light and evidence” so that “he that understands the terms assents to [the principle] for its own sake . . .” (E 1.2.4). Applied to the first proposition, this means that the idea of *property* analytically, necessarily, contains the ideas of *right* and *justice*; thus, without property there is no justice. Applied to the second proposition, the idea of ‘government,’ necessarily contains ‘restriction of freedom,’ an idea which logically excludes absolute freedom. Thus, deduced from self-evident ideas, each proposition is demonstrably certain. They are as certain as the properties of a triangle deduced from the self-evident idea of a triangle. It should be noted however that Locke takes these ideas to be self-evident; once they are taken to be self-evident, the deduction is certain. However, as we will see Leibniz argues that Locke’s idea of property is mistaken and his idea of government is derivative. For Leibniz both ideas depend on the meaning of *right*.

At the same time, Locke then claims that such propositions and moral ideas similar to them are not really demonstrably certain, mainly for two reasons: (1) we have no “sensible marks” for them and thus cannot be sure the ideas remain the same from person to person; (2) “moral ideas are commonly more complex” than mathematical and geometrical ideas, so again their signification is uncertain, making it difficult to maintain consistency through a chain of reasoning, and difficult to maintain consistency with other

¹⁶ It is interesting to note in comparison with Leibniz that for Locke “the science of morality” begins with *self-evident* propositions; whereas for Leibniz “the science of right” begins with *real definitions*.

ideas (E.4.3.18). In other words, the ideas contained in the definition of ‘triangle’, such as ‘side’ and ‘angle,’ are self-evident, since they contain sensible marks; but since the ideas of property, right, and justice do not, they cannot be truly self-evident.

Returning to the chapter on innate practical principles, the so-called Golden Rule¹⁷ appears to be another good candidate, not only for demonstration but for innateness. Locke however shows why it fails. This rule, he notes, “that most unshaken rule of morality and foundation of all social virtue, ‘that one should do as he would be done unto,’” is not self-evident, since it requires explanation and convincing (E 1.2.4). We should note that Locke has changed the *form* of the Rule from that of a *command* (do unto others . . .) to that of a *proposition* capable of truth or falsity (one *should* do unto others . . .). Locke then observes that one cannot grasp the truth of the rule simply by knowing the meaning of the terms; one can still ask “why” it is true and require a demonstration. But if a demonstration is required, then the rule “depends on some other antecedent to [it], and from which [it] must be *deduced*” (E 1.2.4). Thus, the Golden Rule is not self-evident, and, *a fortiori*, not innate. Locke does not say whether the Golden Rule *has* a self-evident antecedent, but given his views, he likely thinks the truth of the rule must rest on the self-evident idea of God, whose command makes the rule a duty.¹⁸

In light of all of Locke’s objections to innate practical principles and their demonstrability, it may seem surprising that he does admit a sense in which morality is innate and universal. However, the universality does not depend on propositions, but on natural, non-propositional inclinations or instincts:

Nature, I confess, has put into man a desire of happiness and an aversion to misery; these indeed are innate practical principles which (as practical principles ought) do continue constantly to operate and influence all our actions without ceasing; these may be observed in all persons and all ages, steady and universal; but these are *inclinations of the appetite* to good, not impressions of truth on the understanding. (E 1.2.3)

This passage reveals more clearly what Locke understands by “innate practical principle,” a natural, sensual inclination or appetite for the good. It is an innate universal principle that constantly influences all our actions. But it is nothing like what is typically supposed about innate principles, namely, that they are characters or propositions impressed on the understanding, consciously known to us.

I deny not that there are natural tendencies imprinted on the minds of men; and that from the very first instances of sense and perception, there are some things that are grateful and others unwelcome to them; some things that they incline to and others that they fly; but this makes nothing for innate characters on the mind, which are to be the principles of knowledge

¹⁷ I use the term “Golden Rule” for convenience. Neither Locke nor Leibniz use this term, and it did not come into general usage until sometime in the 18th century. Note also that Locke refers only to the positive version of the rule.

¹⁸ Locke never attempts to demonstrate a moral rule or proposition. While pointing out that demonstrations are difficult, he more often refers to the Gospels for all we need to know. See Fraser’s footnote 2 to E 2.1.1. Also see the articles by Schneewind, Wolterstorff, and Woolhouse in *The Cambridge Companion to Locke*.

regulating our practice. (E 1.2.3)

In sum, in only one sense is there an innate practical principle, for Locke, i.e., a *natural inclination to pursue pleasure and avoid pain*. As he says in a later chapter, “things then are good or evil, only in reference to pleasure or pain. That we call good, which is apt to cause or increase pleasure, or diminish pain in us. . . we name that evil which is apt to produce or increase pain” (E.2.20.2). As we will see, Leibniz agrees with Locke that we are motivated by pleasure and pain and that these are innate principles. However, he will also claim that this principle is not sufficient for morally correct action. Thus, there are principles of reason that, when not obscured by custom, passions, and habits, not only move us to act, but move us to act rightly.

Section 3: Leibniz on innate practical principles

One interesting feature of Leibniz’s engagement with Locke over innate principles is that from the beginning Leibniz takes his most fundamental metaphysical assumption out of play.

I believe indeed that all thoughts and actions of our soul come from its own depths and could not be given to it by the senses [as you are going to see in the following]. But in the meantime I shall set aside the inquiry into that, and shall conform to accepted ways of speaking, since they are indeed sound and justifiable, and the outer senses can be said to be, in a certain sense, partial causes of our thoughts. (NE 1.1.1.74)¹⁹

In strict metaphysical rigor, for Leibniz, all determinations of a substance are intrinsic to that substance. Thus, there would be no point in distinguishing innate ideas from acquired ones, since whatever a substance will know or experience is already contained within the substance. All acquired knowledge is thus considered clear and distinct knowledge of what was formerly confused and obscure. Nevertheless, Leibniz maintains it makes sense to speak on the empiricist level about knowledge acquired from experience and the senses. In this way, he can say that while we may not be consciously aware of innate speculative principles, such as the principles of identity and contradiction, we can nevertheless come to recognize them through experience, reflection, and demonstration. Leibniz can also distinguish truths of fact drawn from sense experience from truths of reason derived only from the innate understanding.

But it seems that the author’s [Locke’s] zeal, highly praiseworthy as it is, has carried him too far in another direction. In my opinion he has not adequately distinguished the origin of necessary truths, whose source is in the understanding, from that of truths of fact, which are drawn from sense

¹⁹ A.6.6.74: “Je crois meme que toutes les pensées et actions de notre ame viennent de son propre fonds, sans lui pouvoir être données par les sens, comme vous allées voir dans la suite. Mais à present je metrai cette recherche à part, et m’accommodant aux expressions receuës, puis qu’en effet elles sont bonnes et soutenables, et qu’on peut dire dans un certain sens, que les sense externes sont causes en partie de nos pensées.”

experience and even from confused perceptions within us. So you see, sir, that I do not accept what you lay down as a fact, namely that we can acquire all our knowledge without the need of innate impressions. (NE 1.1.1.75)²⁰

This way of beginning should be familiar to us by now. As in the *Nova Methodus* and *Elementa*, Leibniz begins with the distinction between two kinds of truth—a priori, necessary truths of reason, and a posteriori, contingent truths of fact.

However, a distinguishing feature of the *Nouveaux Essais* is its arguments for the innateness of practical principles. Particularly unusual is the claim, not that there are innate practical truths of reason (even though there *are*), but rather that there are innate practical truths of *fact*. As we will see Leibniz agrees with Locke, to a point, that the principles of pleasure and pain are innate, practical, and demonstrable moral principles. In fact, Leibniz will argue that there many such practical *sensual instincts*. At the same time, while instincts provide us with indications of moral rightness, they do not ultimately provide sufficient grounds for moral justification and certainty. Instincts are largely descriptive principles of motivation, not normative justifications. The moral justification for an action is determined in several ways: by the “assumptions” of the existence of God and immortality; by the “command of reason” stemming from the natural law of the Gospel; by a rule like the Golden Rule, or by what he calls later *the fundamental maxims of pure reason*. We will examine each of these determinations and the sense in which knowledge of them is said to be innate.

Leibniz’s arguments for innate *speculative* principles are important and in many ways parallel to his arguments on innate *practical* principles. However, it is sufficient for our purposes to focus only on the latter. To begin the chapter on innate practical principles, Locke is taken to claim that although moral doctrine (*la Morale*) is a demonstrative science, it has no innate principles. Indeed, it will be difficult if not impossible to find a moral rule capable of universal assent—and certainly not as capable of assent as are speculative principles, such as the “maxim” of identity. For Leibniz, however, the lack of universal assent does not disprove the universal *validity* of a principle, nor whether it is innate. But he responds to Locke here by claiming that in respect of self-evidence (i.e., *indemonstrability*) practical principles are just as self-evident as speculative practical principles. The former, however, are self-evident by *experience*, not by reason.

It is absolutely impossible that there should be truths of reason which are as evident as identities or immediate truths. [And] although it is correct to say that morality has indemonstrable principles, of which one of the first and most practical is that we should pursue joy and avoid sorrow, it must be added that that is not a truth which is known solely from reason, since it is based on inner experience – on confused knowledge; for one only

²⁰ A.6.6.75: “Mais il semble que l’auteur a été porté trop loin d’un autre côté par son zèle fort louable d’ailleurs. Il n’a pas assez distingué à mon avis l’origine des vérités nécessaires, dont la source est dans l’entendement, d’avec celle des vérités de fait, qu’on tire des expériences des sens, et même des perceptions confuses qui sont en nous. Vous voyés donc, Monseieur, que je n’accorde pas ce que vous mettés en fait, que nous pouvons acquerir toutes nos connoissances sans avoir besoin d’impressions innées.”

senses what joy and sorrow are. (NE 1.2.1.88)²¹

Leibniz is actually comparing two kinds of what he calls *indemonstrable* or *immediate* truths. An indemonstrable truth is one that requires no proof because it is immediately known.²² Of truths of reason, only identities are immediately knowable and indemonstrable. However, the practical principle ‘one must pursue joy and avoid sorrow’ is also an indemonstrable immediate truth.²³ It is known, however, by inner experience or sense, or by what he calls elsewhere, “the immediacy of feeling” (see section 4). So, while it is known immediately and indemonstrably, as an object of inner sense experience it is known *confusedly*.²⁴ This seems to mean, as he goes on to say, that it is known by an *instinct*.

The maxim I have just advanced [pursue joy and avoid sorrow] seems to be of a different nature; it is not known by reason but by an *instinct*, so to speak. It is an innate principle, but it does not share in the natural light since it is not known in a luminous way. Given this principle, though, one can derive scientific conclusions from it, and I warmly applaud what you have just said, sir, about morality as a demonstrative science. (NE 1.2.1.89)²⁵

This is an extremely important and condensed passage. Here the principle of joy and sorrow is called a “maxim” and an innate principle. This maxim is known by an instinct; but what does this mean? Since joy and sorrow are feelings, then it seems we know the principle by feeling. But to gain clarification on *instinct* we must cite his definition of it from a later chapter:

It seems to me that everyone understands ‘instinct’ to be an inclination which an animal has—with no conception of the reason for it—toward

²¹ A.6.6.88: “Il est absolument impossible qu’il y ait des verités de raison aussi évidentes que les identiques ou immédiates. Et quoiqu’on puisse dire véritablement que la morale a des principes indémonstrables et qu’un des premiers et des plus pratiques est, qu’il faut suivre la joye et éviter la tristesse, il faut ajouter que ce n’est pas une vérité, qui soit connue purement de raison, puisqu’elle est fondée sur l’expérience interne, ou sur des connoissances confuses, car on ne sent pas ce que c’est que la joye et la tristesse.” The editors translate ‘on ne sent pas’ as ‘one only senses’. As they note, “taking ‘on ne sent pas’ to be a slip. In drafting the passage, Leibniz first wrote ‘on ne sait pas assez.’” Also, after “identiques” Leibniz had written, “sous les quel’es je comprends le principe de contradiction.”

²² This was discussed in my Chapter Four. By ‘indemonstrable’ Leibniz also means ‘intuitively certain,’ or ‘self-evident.’ However, unlike Locke and Descartes who include many truths as self-evident and intuitively certain, Leibniz includes *only* the principles of identity and contradiction, and the proposition ‘I exist’. The latter is immediate, indemonstrable, but *contingent*, since the connection between ‘I’ and ‘exist’ is a truth of fact.

²³ In section 4 I will discuss the form of this principle, whether it is a command or a proposition, and in what sense it is indemonstrable or demonstrable.

²⁴ For Leibniz a *clear* cognition, such an immediate cognition of sense, can be both distinct *and* confused. See “Meditations on Knowledge Truth, and Ideas” G.4.422.

²⁵ A.6.6.89: “La maxime que je viens d’alléguer, paroist d’une autre nature; elle n’est pas connue par la raison, mais pour ainsi dire par un instinct. C’est un principe inné, mais il ne fait point partie de la lumière naturelle, car on ne le connoit point d’une manière lumineuse. Cependant ce principe posé, on en peut tirer des conséquences scientifiques, et j’applaudis extrêmement à ce que vous venés de dire, Monsieur, de la morale comme d’une science démonstrative.”

which something is suitable to it. And even men ought to pay more attention to these instincts: they occur in humans as well, though our artificial way of life has almost wiped out most of them. . . . And although we do not understand the causes of these inclinations or endeavours as well as might be wished, still we have a notion of them which is sufficient for intelligible discourse about them. (NE 3.11.8.351)²⁶

An instinct is defined as an *inclination* or *endeavor* for something suitable to an animal or person. Leibniz will use these terms often. We can also further understand what is *indemonstrable* about the principle of joy and sorrow. Instincts are primitive features of us. We have them, we are born with them, and in this sense instincts are innate. They incline us to things for no discernible reason other than their own power. Of course, we can certainly conceive that we are drawn to things for the pleasure they give and we are repelled by other things for the pain they give; but we do not need an explanation in order to be drawn or repelled. Perhaps Leibniz also means that we have no conception, certainly no complete conception, of the causal processes involved that draw and repel us. In any case, instincts are simply natural innate sensual inclinations, and they are *clear* to us in the immediacy of experience.

We should also clarify in what sense joy and sorrow are *principles*. Leibniz is implying that they are *moral* principles. But in what sense are they moral? There are several possibilities: (1) they are descriptive principles of motivation. They describe the kinds of things we tend to be drawn to and repelled from. (2) They are prescriptive principles of moral justification. They determine the sorts of actions that we ought to perform. As we will see, Leibniz maintains that (1) is true rather than (2). But there is a third possibility that best describes his position: (3) joy and sorrow are initial indications of the normative good and provide primary motives for following and apprehending the normative good. But they are not sufficient for knowing or fulfilling the normative good. Let us see how this works out. In any case, *the principle* is not known by the light of reason (i.e., in a “luminous way”) but by an instinct that we sense. And from this principle, he says, “scientific conclusions” may be drawn. This implies that on the basis of the principle of joy and sorrow moral doctrine is a demonstrative science.

We must now ask in what sense is the principle of pleasure and pain (joy and sorrow) *demonstrable*? I will deal with this issue in detail in section 4. But here a few points should be mentioned. First, what *type* of demonstration would result? As we saw in my Chapter Four, demonstrations may involve truths of reason or truths of fact. Since the principle in question here is not known by reason, but rather by “inner experience,” and since it is after all a *feeling*, this implies that it is a truth of fact, and not a truth of reason. Therefore, the demonstration would not be a demonstration of a necessary truth, but rather of a contingent truth. Secondly, what is to be demonstrated? That we *do* follow the principle? That we *should* follow it? That from it one can derive additional moral rules and truths? The answer *seems* to be suggested by a brief remark that immediately

²⁶ A.6.6.351: “Il semble que tout le monde entend par l’instinct, une inclination d’un animal à ce qui lui est convenable, sans qu’il en conçoive pour cela la raison. Et les hommes mêmes devroient moins négliger ces instincts, qui se decouvrent encour en eux, quoique leur maniere de vivre artificielle les ait presque effacés dans la plupart. . . . Et quoiqu’on n’ait point l’intelligence de la cause de ces inclinations, ou tendances qui seroit à souhaiter; on en a pourtant une notion suffisante, pour en discourir intelligiblement.”

follows where we left off on page 89 just above: “So we observe that [the principle] teaches truths so evident that robbers, pirates, and bandits are compelled to observe [the truths] among themselves” (NE 1.2.1.89).²⁷ This implies that from the principle of joy and sorrow one can derive powerful and evident moral truths. However, if this is Leibniz’s idea of how a demonstrable moral science is to be carried out, it would fail immediately, since what is suggested here could easily be understood this way: The maxim *pursue joy and avoid sorrow* is so obviously true that even immoral persons will deduce that they may use it to serve their own advantage at the expense of everyone else. And, if they refrain from harming each other and avoid getting harmed by others, they can achieve their immoral aims quite suitably to themselves.

So far, the discussion of practical instincts and sensations has raised a lot of questions but has not provided many clear or satisfying answers. We have established with certainty only that is a *fact* that we have sensations of pleasure and pain and these have *something* to do with morals. However, the dialogue now turns to a discussion of practical principles based on *reason* and which involve rules of *justice*. Part of the reason for this turn is the direction of Locke’s own line of argument. Locke is shown to say that thieves do in fact follow certain “rules” and “maxims” of justice; but this does not prove that they are following innate principles. It shows only that they maintain “rules of convenience” among themselves in order to “preserve their confederacy.” Leibniz’s response is brief, but highly significant:

Very good; if you were speaking generally of all mankind, you could not improve on that. This is how these laws are engraved in the soul, to know the consequences of our preservation and of our true goods]. (NE 1.2.2.89)²⁸

Basically, Leibniz is saying that Locke’s point shows only one thing: that these maxims (or laws) of justice are not to be restricted to a sub-community of strictly self-interested agents, but rather are to be the laws of a *universal* community. This view is generally characteristic of Leibniz’s definitions of *the just*, which, as we have seen, has been defined in terms of public utility, or the common good, or the conservation and perfection of society. More appropriately, this view stems from his earlier definitions of *justice* and *convenience*. For Leibniz the term ‘convenience,’ which Locke uses here, is not to be passed over; it refers specifically to the universal *fittingness* of justice, that is, to the fittingness between what is *one’s own* and what is *everyone’s own*.²⁹ These rules and maxims are indicate to us that the requirements of survival and our true good never exclude another’s good and we must endeavor as possible to promote everyone’s good. Leibniz may also have in mind the “universal justice” or *virtue* that is characteristic of the third degree of right—although, in this immediate context he does not speak of justice as

²⁷ A.6.6.89: “Aussi voyons nous qu’elle enseigne des verités si evidentes, que les larrons, les priates et les bandits sont forcés de les observer entre eux.”

²⁸ A.6.6.89: “Fort bien, on ne sauroit rien dire de mieux à l’égard de tous les hommes en general. Et c’est ainsi que ces loix sont gravées dans l’ame, savoir comme des consequences de nostre conservation et de nos vrais biens.”

²⁹ As cited in my Chapter Four, from “De Justitia Et Novo Codice Legum Condendo” (1679-80): “JUSTITIA est constans voluntas *suum* cuique tribuendi. SUUM scilicet, id est quod penes unumquemque esse *convenit*. . . . CONVENIRE autem rebus illud videtur quod in *summa* optimum est” (A.6.4.2833).

a virtue. But the central idea expressed here is the universal *validity* of the maxims of justice. The fact that not everyone follows them says nothing against their universal, normative, validity, nor their innateness. While the maxims have been “engraved in the soul,” the fact that not everyone follows them simply means that the knowledge and power of the maxims have been obscured by some other factor, as he will explain later.

What these maxims (or ‘laws,’ or ‘truths,’ as he interchangeably refers to them) of justice specifically *are*, Leibniz does not say here. However, as the passage immediately following the above shows, although less than clearly, they are not derived from sensual instincts, nor are they known by instinct, but by *reason*.

Are we supposed to be maintaining that truths are in the understanding independently of one another, as the Praetor’s edicts used to be on his notice-board or *album*? I set aside for now the instinct which leads one human being to love another; I will speak of it shortly, but for the moment I wish to confine myself to truths in so far as they are known through *reason*. (NE 1.2.2.89)³⁰

Especially important is that these rules are *not identical with instincts*. He explicitly “sets aside” the instinct for love here and does not say that the maxims are known by an instinct or sensation of pleasure or pain. At the same time, truths of whatever sort are interrelated. Instincts as well as maxims of justice are all in some way related to each other in the understanding. Quite likely, Leibniz is alluding to his doctrine of *expression*, according to which all truths, including those of reason and instinct, “express” each other to some degree or another. Truths are not known independently of each other, and only a mind with innate capacities can make the connections. But the answer to how these truths are known *through reason* is given a quite definitive answer here. The very next point Leibniz considers is the *demonstrability* of these rules of justice. And here we return to familiar ground.

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, and that those [rules of justice] to which the instinct of humanity does not impel us are engraved in the soul only as other derivative truths are. However, those for whom justice is founded only on the necessities of this life and on their own need for justice—rather than 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. ‘If there is a hope of escaping detection, they will contaminate the sacred with the profane.’ (NE 89-90)³¹

³⁰ A.6.6.89: “Est ce qu’on s’imagine que nous voulons que les verités soient dans l’entendement, comme independantes les unes des autres, et comme les edits du pretueur estoient dans son affice ou album? Je mets à part icy l’instinct qui porte l’homme à aimer l’homme, dont je parleray tantost, car maintenant je ne veux parler que des verités en tant qu’elles se connoissent par la *raison*.”

³¹ A.6.6.89-90: “Je reconnois aussi que certaines regles de la justice ne sauroient estre démontrées dans toutes leur étendue et perfection qu’en supposant l’existence de Dieu et l’immortalité de l’ame, et celles où l’instinct de l’humanité ne nous pousse point ne sont gravée dans l’ame que comme d’autres verités derivatives. Cependant ceux qui ne fondent la justice que sur les necessités de cette vie et sur le besoin

As Leibniz has argued similarly in the past, the rules of justice are demonstrable “in their full extent and perfection” *only* under these assumptions.³² A number of things have been said to follow from these assumptions (or, from the *proofs*, as he has also claimed): If God exists and the soul is immortal, then we can be sure that just actions will eventually be rewarded with happiness and unjust actions will eventually be punished. Under these assumptions we can live under a perfectly benevolent monarch whom we would be pleased to serve. We even ought to find pleasure in serving God, rather than in serving ourselves. Only the pleasure we find in serving God can bring us to preserve a truly universal moral community, rather than a community of thieves. In sum, to answer the question of how the maxims of justice may be known through reason, the answer is this: through demonstration. To know them through demonstration means to assume God and immortality, and to draw conclusions that follow from these assumptions. Presumably, these conclusions would be the maxims of justice themselves, such as “act honorably.” Thus in this way we establish at least one sense of the claim that “moral doctrine is a demonstrative science.” The demonstrative ground of moral doctrine lies not in the maxims of justice themselves, but rather in the *assumptions* of God and immortality.

Arguably, however, there are deep difficulties with establishing moral doctrine on these grounds. For one thing, this demonstration does not explain what a just action is. As Leibniz has made clear in the *Elementa* and elsewhere, the *punishability* of an act does not by itself determine the justice or injustice of an act; and Leibniz never diverges from this view. God of course *would always* punish an unjust act, but the ground of an unjust act lies in the *definition* of ‘just’ (or in the definition of ‘right’) and in the rules of justice themselves. Secondly, Leibniz “demonstrates” here only this: there are *strong incentives* or *motives* for acting justly, namely, reward and punishment. Without the motivating assumptions of God and immortality, a community, indeed a world, *would* resemble a community of self-interested and unruly thieves. Although the rules of justice are “engraved in the soul,” either as primitive rules or as derived rules, they are not *effective* unless we assume God and immortality. Leibniz uses here the same passage from Horace that he used in 1678, when first ascribing *motives* to the three degrees of right.³³ The passage suggests that as long as one can escape divine detection, one will do what is honorable only out of self-interest. In the end, we ought to seek our pleasure in God, because the greatest pleasure can be found in God, and in the eternal justice God will provide. This pleasure, joy, or happiness makes us follow the rules of justice more effectively and honorably. Therefore, “moral doctrine as a demonstrative science,” at least at this point, is based fundamentally on *motivating principles*. But again, these

qu’ils en ont, plustost que sur le plaisir qu’ils y devoient 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. *Sit spes fallendi miscebunt sacra profanis.*” (Fn: Horace *Epîtres*, I, XVI, v.54.)

³² As we saw in the *Codex Juris Gentium*: “Ut vero universali demonstratione conficiatur, omne honestum esse utile, et omne turpe damnosum, assumenda est immortalitas animae, et rector universi DEUS. Ita fit ut omnes in Civitate perfectissima vivere intelligamur, sub Monarcha, qui nec ob sapientiam falli, nec ob potentiam vitari potest; idemque tam amabilis est, ut felicitas sit tali domino” (A.4.5.63). It is also interesting to consider this notion of *assumption* in relation to Kant’s discussion in the *Critique of Practical Reason* of God and immortality as theoretical “postulates,” but not demonstrable (part 1, book 2, chapter 2, title 4).

³³ See my Chapter Three on “De Justitia et Jure.”

motivating principles do not tell us what justice is, nor do they provide the normative justifications and criteria for justice itself.³⁴ Normative justification depends, as we have seen, on the definitions of right, just, and justice. Third, the strength and universality of Leibniz's demonstration depends on whether one *accepts* the assumptions of God and immortality. Yet it is not difficult to reject these assumptions, and many do. Therefore, it would appear risky to rely on them, and more reasonable to seek assumptions based on reason that are actually more apt to be universal. Furthermore, if these assumptions were rejected, would the maxims of justice suddenly lose their truth? Would we indeed become a community of thieves, so to speak? Leibniz says yes, and this is a position he will maintain. But they would not lose their meaning and content, and this is a position Leibniz will also maintain. Thus, if the assumptions were rejected the maxims of justice would lose only some powerful motivations.

So far Leibniz has offered at least two ways to establish moral doctrine as a demonstrative science: (1) by means of principles of feeling or instinct, such as the principles of pleasure and pain; (2) by means of reason, such as by deduction from the assumptions of God and immortality. We may assume Leibniz has in mind that the maxims, rules, and definitions related to justice itself are also demonstrable, although he has not explained how. We also must be careful about making the distinctions too strict. As we saw, for example, even the demonstration based on theological assumptions involves *finding pleasure* in serving God. We will continue to work out these issues as we proceed.

At this point the dialogue with Locke begins to wade through a lengthy and complex discussion of a variety of instincts, inclinations, passions, precepts, laws, and practical and speculative truths. To sort out these matters, the dialogue must be broken down into several arguments. The overall result of these arguments will be a clearer indication of how principles of instinct and reason are distinct, related, and in what sense they are considered demonstrable. The first argument deals with the relationship between pleasure and higher-level happiness, a relationship in which "reason" plays a role. As we saw in section 2, Locke admits only one innate practical principle, that is, the desire of happiness and aversion to misery; or, as he also puts it, "inclinations of the appetite to good" (E 1.2.3). He does not admit, however, that this principle involves any innate *proposition*. Leibniz now seizes on Locke's first admission, but makes an important modification.

I am delighted, sir, to find that you do after all acknowledge innate truths, as I will shortly maintain. This principle agrees well enough with the one which I have just pointed out, which leads us to pursue joy and avoid sorrow. For happiness is nothing but lasting joy. However, what we incline to is not strictly speaking happiness, but rather joy, i.e. something in the present; it is reason which leads us to the future and to what lasts. (NE 1.2.3.90)³⁵

³⁴ I think that Leibniz's argument here does not represent his considered position on the highest good, which is virtue (or so I argue in Chapter Six), and virtue can be executed perfectly well—not without great difficulty, but—without expectation of reward, happiness, or fear of punishment.

³⁵ A.6.6.90: "Je suis ravi, Monsieur, de vous voir reconnoître en effect des Verités innées, comme je diray tantost. Ce principe convient assés avec celuy que je viens de marquer, qui nous porte à suivre la joye et à

It is not quite clear what he means by the principle he has “just pointed out” that *leads* us to pursue joy and avoid sorrow. He means either that that principle *itself* leads us to pursue pleasure and avoid pain, or he is referring to the “engraved” rules of justice that are “necessary for our survival and true welfare.” But what matters most here is the distinction between *joy* and *happiness*. The immediate and apparent good (what gives us joy) must be distinguished from the lasting and rational good (what gives us happiness). The feeling of joy inclines us to pursue objects of joy, while reason inclines us to pursue objects of happiness. This distinction is further clarified and corroborated in a later Chapter,³⁶ where Leibniz speaks of “appetitions” as the first movements of the soul toward joy.

These ‘appetitions’, whether small or large, are what the Scholastics call *motus primo primi*, and they are truly the first steps that nature makes us take; not so much towards happiness as towards joy, since in them one looks only to the present; but experience and reason teach us to govern and moderate them so that they can lead us to happiness. . . . By rushing straight at a present pleasure we sometimes fall into the abyss of misery. (NE 2.21.36.189)³⁷

Since these appetitions, or inclinations for joy, can lead us to misery, we require reason and experience to lead us to “rational joys and enlightened pleasures” (NE 2.21.36.190). Quite likely Leibniz is simply referring to *eudaimonian* happiness, the sort of happiness that results from the agent’s possession of moderate dispositions. That is, we can use reason to direct the initial motive for joy into the disposition for rational action and long-term happiness. On this basis we can better understand the passage that immediately follows the one on page 90 quoted above.

Now an inclination which is expressed by the understanding becomes a precept or practical truth – there being nothing in the soul which is not expressed in the understanding, although not always in distinct actual thinking, as I have sufficiently shown. (NE 1.2.3.90)³⁸

This is another passage reflecting Leibniz’s doctrine of expression—that whatever is expressed in the soul (whether it is a rule of reason or a feeling) has some correlate in the

éviter la tristesse. Car la félicité n’est autre chose qu’une joie durable. Cependant notre penchant va non pas à la félicité proprement, mais à la joie, c’est à dire au présent; c’est la raison qui porte à l’avenir et à la durée.”

³⁶ Book 2, Chapter 21 of NE, “On Power and Freedom.”

³⁷ A.6.6.189: “Ces appetitions, petites ou grandes, sont ce qui s’appelle dans les écoles *motus primo primi* et ce sont véritablement les premiers pas que la nature nous fait faire, non pas tant vers le bonheur que vers la joie, car on n’y regarde que le présent: mais l’expérience et la raison apprennent à régler ces appetitions et à les modérer pour qu’elles puissent conduire au bonheur. . . . allant droit vers le présent plaisir nous tombons quelques fois dans le précipice de la misère.”

³⁸ A.6.6.90: “Or le penchant exprimé par l’entendement passe en précepte, ou vérité de pratique: et si le penchant est inné, la vérité l’est aussi, n’y ayant rien dans l’âme qui ne soit exprimé dans l’entendement mais non pas toujours par une considération actuelle distincte, comme j’ay assez fait voir.”

understanding, however confused. We need not enter into the particulars of his doctrine of expression here. What Leibniz intends to suggest is that an inclination for pleasure or joy may eventually be expressed as a practical precept. And while this precept may not be *distinctly* known by the understanding, it can certainly become distinctly known. That is, when we sufficiently reflect on the inclination of joy, by sorting out its content, causes, and objective (initially, one's own good, but when well-considered, the general good), it becomes a practical precept—say, perhaps, *do good to everyone*. Furthermore, in this way moral knowledge can be considered innate, insofar as the practical precept expresses an innate instinct for joy. Leibniz's formulations here also suggest how moral doctrine may be demonstrable. If the instinct for joy logically implies a practical precept, such as *do good to everyone*, then the ground of the precept (which is the instinct) has been demonstrated. Once again we have an indication that the science of morals is demonstrable on the principle of pleasure and pain.

Leibniz then turns to a brief argument in support of speculative principles. Just as we employ practical instincts in moral action, we employ theoretical “instincts” in scientific and logical thinking.

Nor do instincts always pertain to practice; some of them contain theoretical truths – the internal principles of the sciences and of reasoning are like that when we employ them through a natural instinct without knowing the reasons for them. You cannot avoid acknowledging some innate principle, in this sense, even if you wanted to deny that derivative truths are innate. (NE 1.2.3.90)³⁹

Leibniz is referring to *speculative* principles such as the principles of identity and contradiction. These principles are instincts, in the sense that they are unconsciously utilized in thinking.⁴⁰ As Leibniz also puts it, “everyone makes use of the rules of inference through a *natural logic*, without being aware of them” (NE 1.2.3.91).⁴¹ And since we unknowingly employ speculative or theoretical principles in everyday logical inferences, we must be employing *innate* principles. Therefore, since we unconsciously employ practical principles in actions and speculative principles in thinking, both types of principle are innate.⁴² But Leibniz's main intent for this argument is simply to show that

³⁹ A.6.6.90: “Les instincts aussi ne sont pas tousjours de pratique: il y en a qui contiennent des verités de theorie, et tels sont les principes internes des sciences et du raisonnement lors que sans en connoistre la raison, nous les employons par un instinct naturel. Et dans ce sense vous ne pouvés pas vous dispenser de reconnoistre des principes innés: quand même vous voudriés nier que les verités derivatives sont innées.”

⁴⁰ Or, as Nicholas Jolley (1984) argues, speculative principles may be operating either *implicitly* or *dispositionally* in our reasoning. According to Jolley, Leibniz appears to have two theories of innateness, in regard to speculative principles. One based on *implicit* knowledge, the other based on *dispositional* tendency. Implicit knowledge is employed in our thought of particulars—as when the concept of identity is implied in the judgment, ‘the black cat is the same color as the black dog. Dispositional tendency occurs when we supply the missing premise of an enthymeme or recognize the logical consistency of an argument. As for moral principles, not only are they sensual instincts, but they are both implicit and dispositional in our moral thinking.

⁴¹ A.6.6.91: “Tout le monde employe les regles des consequences par une Logique naturelle sans s'en appercevoir.”

⁴² This is, in effect, Leibniz's whole argument for innateness. However, the argument is hardly conclusive. At least as regarding practical instincts, it is rather uncontroversial that we have an instinct to pursue

just because a principle is not known distinctly in conscious awareness does not mean that it cannot play an effective role in action and thought.⁴³

As we increasingly find, Leibniz's positions most often depend on the quite distinct principles of pleasure and reason. It is fitting then that at this point in the dialogue Leibniz specifically distinguishes between pleasure and the just. This distinction also involves a very important but brief discussion of the so-called Golden Rule. For the first time in the *Nouveaux Essais*, we are shown a specific moral rule that is not based on either the principles of pleasure and pain or on theological assumptions. As this section of the dialogue begins Locke is shown to reject yet again innate practical principles, based on this argument: If a moral rule needs a proof, then it is not innate. But even that rule which is "the foundation of all social virtue" needs a proof. Therefore, etc. The rule is this: do to others only what you would like others to do to you.⁴⁴ Leibniz has two responses to Locke's argument. The first clarifies how innate truths may be known, i.e., by illumination and by instinct; the second offers an important clarification of the Golden Rule. Both responses elucidate a point about what is *just*. We will take each response in order.

But there are two ways of discovering innate truths within us: by illumination and by instinct. Those [innate truths] to which I have just referred are demonstrated through our ideas, and that is what the natural light is. But there are [conclusions] of the natural light, and these are principles in relation to instinct. This is how we are led to act humanely: by instinct because it pleases us, and by reason because it is just.^[45] Thus there are in us instinctive truths which are innate principles that we sense and that we approve, even when we have no proof of them – though we get one when we explain the instinct in question. (NE 1.2.4.91)⁴⁶

pleasure and avoid pain. However, as Locke points out, this is not what is usually meant by an innate practical principle. On whether we have innate characters or propositions, whether practical or speculative, Leibniz does not show that they *could not have been learned*. But he must, if his argument is to be cogent. In one passage he says, "a derivative truth will be innate if we can derive it from our mind" (NE 1.2.4.91). But this proves too much, since then virtually any truth could be said to be innate in this sense. For the knowledge to be innate, it would have to be shown that it could have been derived *only* from the mind, without having been learned. However, in brief, Leibniz makes a stronger case for innateness in the "Letter to Sophie Charlotte: On What is Independent of Sense and Matter" (1702). He argues that certain ideas, such as 'I', 'being', 'substance', and even ideas from logic and *ethics*, are purely intellectual, could have come only from the mind and not from the senses. That is, "there is nothing in the understanding that did not come from the senses, except the understanding itself, or that which understands" (AG 188/G.6.502). Virtually the same passage may be found in the *Nouveaux Essais* at p. 111. Yet Leibniz does not in these contexts cite a specific ethical idea, let alone explain what he means by "ethics."

⁴³ These implications are in fact quite dramatic, when one considers Leibniz's doctrine of *petites perceptions*. This doctrine shows in a variety of ways how action, thought, and deliberation depend *essentially* on the presence of infinite degrees of perception. But this is a topic that should be discussed under moral psychology and will not be discussed here.

⁴⁴ This is my English translation of Coste's French version of Lock: *on ne doit faire aux autres que ce qu'on voudroit qu'ils nous fissent*. Lock himself says: 'that one should do as he would be done unto.' The rules are virtually the same, the positive version of the Rule.

⁴⁵ RB translation has 'right.'

⁴⁶ A.6.6.91: "Mais il y a des verités, que nous trouvons en nous de deux façons, par lumiere et par instinct. Celles que je viens de marquer, se demonstrent par nos idées, ce qui fait la lumiere naturelle. Mais il y a des

The passage is potentially confusing, but it can be best understood this way: There are basically two kinds of innate truths and two ways to know them. The most general kind is *instinctive truths*. This category includes speculative principles and practical principles. These principles are known by illumination or by instinct. Speculative principles are known by illumination. This means to use the “light of reason” to analyze an idea or demonstrate a proposition. Practical principles are known by instinct, or more specifically, as he has said, by the instinct of sense or feeling (p. 89). However, the interesting point here is that practical principles are known by both instinct and illumination. Thus we know, by pleasure and by reason, how to “act humanely.” To know by pleasure presumably means this: When we act humanely, that is, for the good of another, we experience a feeling of pleasure. This of course indicates that the act is good for us, and then we are further inclined to perform such acts. But we can also discover *by reason* or by proof that the act itself is humane. That is, reason can explain what it means to act justly. It can tell us what our duties are, and so forth. Reason can also explain that the instinct to act justly is a just instinct. But when we are lacking in knowledge by illumination of what is just, the instinct of pleasure inclines us in the just direction. Thus by instinct and illumination we may know what is morally required, i.e., what is just. As we will soon see, there is more to say in this context about how to determine by reason ‘what is just’.

The division Leibniz makes between types of innate truth, illumination and instinct, is also expressed further down.

Every feeling is the perception of a truth, and that natural feeling [*le sentiment naturel*] is the perception of an innate truth, though very often a confused one, as are the experiences of the outer senses. Thus *innate truths* can be distinguished from the *natural light* (which contains only what is distinctly knowable) as a genus should be distinguished from its species, since innate truths comprise instincts as well as the natural light. (NE 1.2.9.94)⁴⁷

In other words, there are two species of truth under the genus *innate truth*: (1) truths which are known confusedly, e.g., “the natural feeling”⁴⁸ and (2) truths which may be known distinctly, i.e., known by the natural light of reason. The natural feeling is “confused,” in the sense that while we have conscious awareness of the feeling, we do

conclusions de la *lumiere naturelle*, qui sont des principes par rapport à l’instinct. C’est ainsi que nous sommes portés aux actes d’humanité, par instinct parce que cela nous plaist, et par raison parce que cela est juste. Il y a donc en nous des verités d’instinct qui sont des principes innés, qu’on sent et qu’on approuve, quand même on n’en a point la preuve, qu’on obtient pourtant lors qu’on rend raison de cet instinct.”

⁴⁷ A.6.6.94: “Tout sentiment est la perception d’une verité, et que le sentiment naturel l’est d’une verité innée, mais bien souvent confuse, comme sont les experiences des sens externes: ainsi on peut distinguer les verités innées d’avec la lumiere naturelle (qui ne contient que de distinctement connoissables) comme le genre doit estre distingué de son espece, puisque les verités innées comprennent tant les instincts que las lumiere naturelle.”

⁴⁸ By ‘natural feeling’ (*le sentiment naturel*) Leibniz is referring to a group of instincts mentioned prior to this passage (which I will discuss below) i.e., a “sense of justice”, a “feeling for humanity,” “a general social instinct” or “philanthropy.”

not have *distinct* knowledge of its content and causes.⁴⁹ It is important to bear in mind that a feeling of any sort is a primitive element of experience. But the natural light of reason, also innate, is said to contain “only what is distinctly knowable.” Thus by the natural light we may recognize the primitive truths of *reason*.

The above passages show that we may know innate principles by both illumination and instinct. While Leibniz’s arguments do not really show why the truths mentioned are innate, they do reveal how we may know something about *just actions* and how we are motivated to perform them. Now, Leibniz responds directly to Locke’s comments on the Golden Rule. Here we find an important criterion for judging what is just.

As regards the rule to the effect that we should do to others only what we are willing that they do to us, it requires not only proof but also elucidation. We would wish for [too much⁵⁰] if we had our own way; so do we also owe to others [too much]? I will be told that the rule applies only to a just will. But then the rule, far from serving as a [measure, will have need of one. The true meaning of the rule is that the place of others is the true point of view for judging more equitably, when one is called upon to do so]. (NE.1.2.4.91-2)⁵¹

Note that we are dealing with the positive version of the Rule. Leibniz agrees with Locke that the Rule requires proof. He also says it requires clarification. The main reason for this is that the Rule does not provide the correct means for judging what is just. It asks one to judge from an egoist perspective, and this leads to incoherence. This can be explained as follows: The rule as it stands would permit everyone to wish for “too much” (*trop*) for themselves. Leibniz does not explain what wanting too much means. But it must mean, not simply wanting more than is good for you, but rather wanting what does not belong to you, wanting more than you deserve, or wanting what may result in harm to another.⁵² So, then, if one could wish for goods for oneself that would cause harm to others, then others could justifiably do the same. In other words, if the rule permits

⁴⁹ I am following Leibniz’s criteria for clear, confused, and distinct knowledge as he describes it in “Meditations on Knowledge, Truth, and Ideas” (1684): “Clear knowledge is either confused or distinct. It is confused when I cannot enumerate one by one marks [nota] sufficient for differentiating a thing from others, even though the thing does indeed have such marks and requisites into which its notion can be resolved. And so we recognize colors, smells, tastes, and other particular objects of the senses clearly enough, and we distinguish them from one another, but only through the simple testimony of the senses, not by way of explicit marks. . . . This is so even though it is certain that the notions of these qualities are composite and can be resolved because, of course, they do have causes” (AG 24).

⁵⁰ The translators say “more than our share.” But that raises a different question that Leibniz does not really answer here.

⁵¹ A.6.6.91-2: “Quant à la regle, qui porte, qu’on ne doit faire aux autres, que ce qu’on voudroit qu’ils nous fissent[,] elle a besoin non seulement de preuve, mais encore de declaration. On voudroit trop, si on estoit le maistre, est ce donc qu’on doit trop aussi aux autres? On me dira, que cela ne s’entend que d’une volonté juste. Mais ainsi cette regle bien loin de suffire à servir de mesure, en auroit besoin. Le veritable sens de la regle est, que la place d’autrui est le vray point de veue pour juger plus equitablement lorsqu’on s’y met.” For the last line the translators have, “the right way to judge more fairly is to adopt the point of view of other people.” But this obscures the fact that Leibniz is specifically alluding to his notion of ‘the place of others’ that he develops in several places and which I will discuss further below.

⁵² Perhaps Leibniz does not mean this, but I see no other way to understand it. And it is after all, consistent with his definition of right and its precepts.

everyone to judge according to egoistic desires, then everyone could be harmed. But any rule that justifies mutual harm is certainly inadequate. Therefore, the rule needs some other standard. Now, suppose it is thought that the matter is to be settled by a “just will.” That is, since the rule depends on what one wills, then one’s will must be determined by *what is just*. Therefore Leibniz suggests that the rule needs a standard or measure for a just will.

The measure Leibniz proposes, “the place of others” is quite interesting, although it is only mentioned here.⁵³ It is used as the measure of a just will and thus for the Golden Rule. This means that the proper *perspective* from which to determine the just or equitable is the third person perspective, rather than the first.⁵⁴ The third person perspective avoids the problem with the first person perspective, by forcing one to consider what all others would not want done to them. One can well imagine that others do not want to be harmed, and therefore one cannot equitably want “too much” of the good for oneself. Furthermore, one can well imagine that others want the good done *for* them, and so if it is possible to promote another’s good without doing harm to oneself, then we would find promoting another’s good equitable as well. Thus, the second person perspective shows how to judge more “equitably” and thus provides the true measure of a just will. This is the standard or measure that Leibniz thinks must be applied to the Golden Rule.

As interesting and effective as this “place of others” seems to be, Leibniz himself noted that it had some limitations. In a paper called “La place d’autrui” (undated), he discusses some of the fine points of this rule. He points out that one must not think that the perspective of others is necessary for judging what is just, since we can still discern that the other wills unjustly.

One can still distinguish the will that one would have, being in the place of the other, which can be unjust, as for instance not wanting to pay, from the judgment that one would then make, that one is always obliged to avow that one must pay. The will is an inferior mark of judgment, but the one and the other is not a certain mark of the truth, and serves only to arrest us, to excite our attention, and to aid us in the knowledge of the consequences and extent of the evils that this could give rise to in others.⁵⁵

Despite what oneself or another would *want*, one could still judge that one ought to pay one’s debts. Thus one or another’s desires are insufficient to judge what is the just. In addition, we may be mistaken about the justness of another’s will. At the same time, however, when we take up the perspective of others and recognize the consequences of

⁵³ He uses it in several places, most notably in the *Mediation on the Common Notion of Justice*, as we will see, and he discusses it in more detail in an undated piece called “La place d’autrui,” found in Grua, pp. 699-702.

⁵⁴ This observation is made by Emily Grosholz (1993).

⁵⁵ Grua 701: “On peut encore distinguer la volonté qu’on auroit étant à la place de l’autre, qui peut estre injuste, comme de ne vouloir point payer, et le jugement qu’on feroit alors, car on sera tousjours obligé d’avouer qu’on doit payer. La volonté est une marque inférieure du jugement, mais l’un et l’autre n’est pas une marque certaine de la vérité, et ne sert qu’à nous arrester, à exciter nostre attention, et à nous aider dans la connoissance des consequences et de la grandeur des maux que cela pourra faire naistre dans autrui.” Note: Riley does not translate the last sentence.

actions and the goodness or evil they imply, then we are more capable of judging in a truly equitable manner.

This implies that what is just is not to be determined on the basis of what anyone *wants* or *wills*, but rather by an independently discernible standard of the just. That is because desires are difficult to control and measure. Although he does not point this out, Leibniz could in fact quite readily supply a standard for the Golden Rule based on the definition of right and its derivations. To want “too much” means to fail to limit one’s power over others, to take what is not “one’s own,” and to neglect or fail to promote the good of others. All of these things are implied in the definitions of right. If the place of others and the Golden depend on a just will, then there is no will more just than one that is based on the definitions of right. Leibniz does not avail himself of these positions in the *Nouveaux Essais*. But in Chapter Six we will encounter a different version of the Golden Rule, one which corresponds closely to the precepts of right.

It should be noted that Leibniz has so far indicated at least two ways in which reason, more than instinct, provides certainty about moral doctrine. For one, reason leads us from joy to rational happiness; secondly, reason provides clarification, not only of the inclinations of instinct, but of the rules related to justice, such as the Golden Rule. We will see more of this kind of clarification, and mixture, in what follows. In fact, the main result of the following passages is to show that the main function of the instincts is to motivate us to do what is normatively required by “the natural law” (*la loi naturelle*). It will be important to distinguish two sources of natural law, Biblical and Roman, as we will see.⁵⁶

At this point in the dialogue, Locke is shown to cite numerous examples of moral irregularities, which collectively are supposed to show that moral relativism reigns supreme. People lack remorse for their misdeeds (which proves that innate conscience is ineffective); various nations practice exposure of their children, or geld them for fattening and eating, maintain young concubines for this purpose, and then eat the mothers when they are too old to breed; and in Egypt, a man is considered holy if he refrains from sleeping with women and boys, but sleeps rather with asses and mules. Leibniz responds by pointing out that there are many factors that obscure “the natural law,” but this counts nothing against its universality and innateness. His first move is to focus on what can be determined by reason.

Setting instincts aside, like the one which makes us pursue joy and flee sorrow, moral knowledge [science] is innate in just the same way as arithmetic is, for it too depends upon demonstrations provided by the inner light. (NE 1.2.9.92)⁵⁷

Here again Leibniz sets sense instincts aside and speaks of “moral science” as comparable with arithmetic. Moral science and arithmetic are both innate because

⁵⁶ Note: the English translation uses ‘natural law’ to translate both of what Leibniz distinguishes. When referring to the natural law of the Gospels, Leibniz uses the term “*la loi naturelle*”; whereas, when referring to the Roman law of the *Digest* or *Institutes*, he uses “*le droit naturel*.”

⁵⁷ A.6.6.92: “La science Morale (oultre les instincts comme celuy qui fait suivre la joye et fuir la tristesse) n’est pas autrement innée que l’Arithmetique. Car elle depend aussi des demonstrations que la lumiere interne fournit.”

they depend on demonstrations provided by reason. In the case of arithmetic, we know what this means: demonstrations are performed by means of a priori reasoning, using basic definitions to reduce propositions to logical primitives, e.g., identity and contradiction.⁵⁸ But how is the same procedure to be applied to morals? Leibniz does not say exactly; perhaps it involves reduction to some moral primitive. But the answer seems to be found as the passage continues. Leibniz claims that “what reason commands” or at least the *source* of what reason commands, may be found in natural law. The passage also suggests that sense instincts cannot be entirely left aside, since they indicate what “reason commands.”

Since demonstrations do not spring into view straight away, it is no great wonder if men are not always aware straight away of everything they have within them, and are not very quick to read the characters of the natural law, which, according to St Paul, God has engraved in their minds. However, since morality is more important than arithmetic, God has given to man instincts which lead, straight away and without reasoning, to part of what reason commands. Similarly, we walk in conformity with the laws of mechanics without thinking about them. (NE 1.2.9.92)⁵⁹

Let us try to trace and fill in the argument. Leibniz is suggesting that moral science depends on some command of reason, and this can be known (demonstrably) by reason. The command he appears to have in mind is related to the natural law of the New Testament, most likely *Romans 2:14-15*.⁶⁰ It should be noted that these verses in *Romans* do not state any specific command. However, it is reasonable to assume that the command is the double commandment of love: “love God with all your heart, and love one another as yourself.”⁶¹ Whatever the command is, Leibniz claims it is the engraved, innate “source” of moral truth. It is reasonable to understand how this innate law works by comparing it to the “sources of necessary truths,” described on p. 447 of the *Nouveaux*

⁵⁸ As we saw in Chapter Four.

⁵⁹ A.6.6.92: “Et comme les demonstrations ne sautent pas d’abord aux yeux, ce n’est pas grande merveille, si les hommes ne s’aperçoit pas toujours et d’abord de tout ce qu’ils possèdent en eux, et ne lesent pas assés promptement les caracteres de la loi naturelle, que Dieu selon S. Paul a gravé dans leur esprits. Cependent comme la Morale est plus importante que l’Arithmetique, Dieu a donné à l’homme des instincts qui portent d’abord et sans raisonnement à quelque chose de ce que las raison ordonne. C’est comme nous marchons suivant les loix de la mecaniquesans penser à ces loix.”

⁶⁰ These of course are the verses cited by many in the natural law tradition as the source of natural law. “For when the Gentiles who do not have the law by nature observe the prescriptions of the law, they are a law for themselves even though they do not have the law. They show that the demands of the law are written in their hearts, while their conscience also bears witness and their conflicting thoughts accuse or even defend them” (*Romans 2:14-15, New American Bible*). Vulgate: “*cum enim gentes quae legem non habent naturaliter quae legis sunt faciunt eiusmodi legem non habentes ipsi sibi sunt lex qui ostendunt opus legis scriptum in cordibus suis testimonium reddente illis conscientia ipsorum et inter se invicem cogitationum accusantium aut etiam defendentium.*”

⁶¹ Mark 12: 29-30: “You shall love the lord your god with all your heart, and with all your soul, and with all your mind, and with all your strength. The second is, you shall love your neighbor as yourself. There is no other commandment greater than these.” Vulgate: “*Et diliges Dominum Deum tuum ex toto corde tuo et ex tota anima tua et ex tota mente tua et ex tota virtute tua hoc est primum mandatum. Secundum autem simile illi diliges proximum tuum tamquam te ipsum maius horum aliud mandatum non est.*”

Essais. These sources, as he says there, “give rise to actual assertions.”⁶² So, the natural law can be thought of as the source of knowledge of what reason commands. It is characteristic of Leibniz that he conceives of what are actually commands of God as commands of reason. Indeed, a passage expressing that relationship will be discussed in section 4.

Now, this does not constitute a demonstration of what reason commands. But Leibniz appears to be suggesting that it might. He is also suggesting, or rather he has said, that demonstrations do not immediately spring into view. That is why we are given instincts that incline us to “part of what reason commands.” The point is that these engraved characters of the natural law *would* direct our behavior, just as the laws of logic *would* direct our thinking, if these laws were not obscured by other factors. The sense instincts (about which he has more to say) are not identical with the natural law, but serve as inclinations for it. However, as shown next, these instincts may *also* be obscured by other factors.

But these instincts do not irresistibly impel us to act: our passions lead us to resist them, our prejudices obscure them, and contrary customs distort them. Usually, though, we accede to these instincts of conscience, and even follow them whenever stronger feelings do not overcome them. The largest and soundest part of the human race bears witness to them. (NE 1.2.9.92-3)⁶³

The sort of moral psychology he describes here is dealt with in great detail elsewhere in the *Nouveaux Essais*.⁶⁴ But for our purposes it is sufficient to note that both the natural law and the instincts that serve it may be obscured by various factors. Somewhat confusing is that he refers to some instincts as “instincts of conscience,” by which must be meant an instinct for the commands of conscience.

At this point Leibniz characterizes the instincts more specifically, and in so doing responds directly to Locke’s examples of moral relativism. He first speaks of a “natural feeling” (*le naturel*), which is also identified with a “sense of justice” found in humankind generally, but even among the brutal “American savages.” Despite their brutality and cruelty, they have a “good sense of what justice is on other occasions.”⁶⁵ And although we can *acquire* a sense of justice through custom and tradition, we must

⁶² Recall the passage cited in Chapter Four: “Therefore since these necessary truths are prior to the existence of contingent beings, they must be grounded in the existence of a necessary substance. That is where I find the pattern for the ideas and truths which are engraved in our soul. They are engraved there not in the form of propositions, but rather as sources which, by being employed in particular circumstances, will give rise to actual assertions” (NE 447).

⁶³ A.6.6.92-3: “Mais ces instincts ne portent pas à l’action d’une manière invincible; on y résiste par des passions, on les obscurcit par des préjugés et on les altere par des coutumes contraires. Cependant on convient le plus souvent de ces instincts de la conscience et on les suit même quand de plus grandes impressions ne les surmontent. La plus grande et la plus saine partie du genre humain leur rend témoignage.”

⁶⁴ Most notably Book 2 Chapters 20 and 21.

⁶⁵ Leibniz also speaks of the moral superiority of the savages: “Even with regard to the soul, their practical morality can be said to be in some respects better than ours, because they have neither greed for the accumulation of goods nor ambition to dominate. And one might even add that intercourse with Christians has made them worse in many respects. . . . A wicked European is more wicked than a savage—he is punctilious in his evil” (NE 99).

have been brought to the sense of justice by “natural feeling.”

Although there may be no wicked custom which is not permitted somewhere and in some circumstances, nonetheless most of them are condemned most of the time and by the great majority of mankind. This did not come about for no reason; and since it has not come about through unaided reasoning it must in part be related to natural instincts. Custom, tradition and discipline play their part, but natural feeling is what causes custom to veer mainly in the right direction as regards our duties. Again it is *natural* feeling that has brought about the *tradition* that there is a God. Nature instills in man and even in most of the animals an affection and gentleness towards the member of their own species. (NE 1.2.9.93)⁶⁶

Despite the fact that there are wicked customs, there is *le naturel*, which comprises a natural sense of justice and an affection and gentleness toward others. Acquired customs give us this sense as well; but since these could not have been acquired by reason alone, there must be natural instincts. So, the explanation for moral relativism is that the truly moral instincts common to all humans have become obscured by contrary customs, passions, and so forth.

The instinct of natural feeling is then immediately identified with the instincts described in the Roman *Digest*. These appear in the same chapter from which Leibniz borrows his precepts of right (Book 1, Chapter 1, “De Justitia et Jure”). However, he cites nothing of the definitions and precepts of right. He cites only the passages that mention natural sensual *instincts*, and one sentence in particular that draws a moral conclusion from an instinct. Citing a Roman jurist: “Since nature has established kinship among all mankind, it is [a shame] for one man to entrap another.”⁶⁷ He then calls this kinship a “general social instinct, which can be called ‘philanthropy.’” There are particular instincts (and other inclinations) such as “the affection between male and female,” and the love parents have for their offspring. Now, these latter two instincts are not restricted to humans, but make up “that natural right, or rather that image of right, which the Roman jurists say that nature has taught to the animals” (NE 1.2.9.93).⁶⁸ However,

⁶⁶ A.6.6.93: “Auoyqu’il n’y ait point de mauvaise pratique peut estre, qui ne soit autorisée quelque part et en quelques rencontres, il y en a peu pourtant, qui ne soyent condamnées le plus souvent et par la plus grande partie des hommes. Ce qui n’est point arrivé sans raison, et n’étant pas arrivé par le seul raisonnement doit être rapporté en partie aux instincts naturels: la coutume, la tradition, la discipline s’en sont mêlées, mais le naturel est cause que la coutume s’est tournée plus généralement du bon côté sur ces devoirs. C’est comme le naturel est encor cause que la tradition de l’existence de Dieu est venue. Or la nature donne à l’homme et même à la plu part des animaux de l’affection et de la douceur pour ceux de leur espece.”

⁶⁷ Actually Florintine, *Digesta* 1.1.1.4: “Ut vim atque iniuriam propulsemus: nam iure hoc evenit, ut quod quisque ob tutelam corporis sui fecerit, iure fecisse existimetur, et cum inter nos cognationem quandam natura constituit, consequens est hominem homini insidiari nefas esse.”

⁶⁸ A.6.6.93: “. . . qui font ce droit naturel ou cette image de droit plustost, que selon les juriconsultes Romains la nature a enseigné aux animaux.” He is referring to *Digest*, I.1.3: “Ius naturale est, quod natura omnia animalia docuit: nam ius istud non humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est. Hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio: videmus etenim cetera quoque animalia, feras etiam istius iuris peritia censerit.”

Leibniz cites a number of instincts specific to humans.

But in man in particular there is a certain concern for dignity and [fittingness] which induces us to conceal things which degrade us, to value modesty, to loathe incest, to bury corpses, and not to eat men at all or beasts while they are alive. It also leads us to look after our reputations, even beyond the point where this serves our needs and our life; to be subject to remorse and to feel those . . . tortures and agonies [spoken of by Plato in *Gorgias* 524e], in addition to the fear, which also comes naturally enough, of a hereafter and a supreme power. (NE 1.2.9.93-4)⁶⁹

For the sake of convenience we can refer to all instincts, inclinations, and affections as *any non-rational motivating factor*; that is, factors that influence our thinking and behavior without our conscious direction. It should also be remarked that it is unclear why some, or any, of these factors should be supposed to be instincts, rather than conditions of experience, culture, and history. Nor should they be considered universally agreeable, since they are not universally practiced.

Perhaps Leibniz is attempting to convince Locke of this: there are a number of non-conscious motivating factors that influence moral deliberation and action. While we may not be consciously aware of such principles or maxims, they effectively motivate our actions nonetheless. And if he can convince Locke of this, he may also convince him that something like *innate* practical principles exist, and moreover that innate *speculative* principles exist as well. For Leibniz, the general purpose of proving innateness is to refute Locke's "dangerous" tendency to characterize the mind as nothing more than "thinking matter" and thus not immortal.⁷⁰

Generally speaking, for Leibniz, instincts are fundamentally *good*—we tend toward justice, love, peace, and society. Leibniz recognizes contrary tendencies in us, but he insists that they are acquired, not innate. He also wants to show that the *apparent* differences in moral principles among different communities can be explained as the result of variations in cultural conditioning and emotional temperament—but not, as Locke would say, due to the lack of innate principles. Most significant however is the following point regarding the role of non-rational motivating factors, in relation to moral certainty.

These natural impressions, of whatever sort they may be, are

⁶⁹ A.6.6.93-4: "Mais dans l'homme particulièrement il se trouve un certain soin de la dignité et de la convenance, qui porte à cacher les choses, qui nous rabbaissent, à menager la pudeur, à avoir de la repugnance pour des incestes, à ensevelir les cadavres, à ne point manger des hommes du tout ny des bêtes vivantes. On est porté encor à avoir soin de sa reputation, même au dela du besoin et de la vie; à estre sujet à des remors de la conscience et à sentir . . . ces tortures et ces gnes dont parle Tacit après Platon; outre la crainte d'un avenir et d'une puissance supreme qui vient encor assez naturellement."

⁷⁰ As Nicholas Jolley (1984) claims, Leibniz's main purpose for writing the *Nouveaux Essais*, was to rescue from Locke the immateriality of the soul. As Leibniz wrote to Jaquelot in 1704, in reference to his purpose for writing the *Nouveaux Essais*, "Je m'attache sur tout à vindiquer l'immaterialité de l'ame." Since Locke's denial of innate ideas and that the soul always thinks "destroys the premises of the argument for the immaterial nature of the soul, Leibniz needed a way to undermine this pernicious doctrine" (Jolley 229).

fundamentally no more than aides to reason and indications of nature's plan. Custom, education, tradition, reason contribute a great deal, but still human nature plays its part; though without reason these aids would not suffice to make [moral doctrine] completely certain. (NE 1.2.9.94)⁷¹

The key point is that no non-rational motivating factor is sufficient for attaining certainty about moral doctrine; only reason can provide that. His claim, therefore, is that it should not be surprising that people often do not follow what reason commands, or that they do follow it without knowing it, since both the awareness and motivational power can be obscured by other factors. In the end, moral certainty depends on reason.

What can we conclude at this point regarding the natural law commanded by reason and the natural law consisting of instinct? And what implications are there for moral doctrine as a demonstrable science? It appears that the natural law of the Gospel (the double command of love) forms the foundation of moral doctrine. However, Leibniz himself does not explicitly say this. Therefore, we must conclude that we do not have demonstrative knowledge of the foundation of moral doctrine. On the other hand, we have come across quite a variety of non-conscious motivating factors, of the kind associated with the natural law of the *Digest*. These can perhaps be best described as a general social instinct. The role of these instincts is to serve as aids to indicate "part of what reason commands." In addition, we have seen that passions, prejudices and "contrary customs" can distort naturally good instincts. Locke is much more critical of instincts, if what is meant by instinct is 'a general appetite or inclination for the good': "Principles of actions indeed there are lodged in men's appetites; but these are so far from being innate moral principles, that if they were left to their full swing they would carry men to the overturning of all morality" (E 1.2.13). Leibniz just seems more confident that instincts for the most part lead us in the right direction; nevertheless, they are ultimately not reliable moral principles. For these reasons the instincts can only provide partial assurance that our actions will conform to the commands of reason, and they do not tell us sufficiently what reason commands. Therefore, instincts cannot be the justificatory foundation of moral doctrine. In neither case, either through commands of reason or instinctual impulses, does Leibniz provide any certainty about moral doctrine.

We can summarize the issues we have encountered so far by taking a look at one more passage from the chapter on innate practical principles. Locke is shown to claim that "the law of love and care for children was violated by the ancients when they permitted exposing them" (NE 1.2.12). Therefore, they must not have had such a law of love. Leibniz replies,

Granting this violation, all that follows is that we have not always correctly read the characters which, though nature has engraved them in our soul, are sometimes veiled by our licentiousness. In any case, to have a compelling view of the necessity of one's duties one would have to grasp a demonstration of it, which seldom happens. If geometry conflicted with

⁷¹ A.6.6.94: "Mais dans le fonds ces impressions naturelles quelles qu'elles puissent estre, ne sont que des aides à raison et des indices du conseil de la nature. La coustume, l'éducation, la tradition, la raison y contribuent beaucoup, mais sans la raison ces aides ne suffiroient pas pour donner une certitude entiere à la morale."

our passions and our present concerns as much as [moral doctrine] does, we would dispute it and transgress it almost as much. (NE 1.2.12.95)⁷²

Leibniz does not think that the lack of universal use, effectiveness, or agreement on moral principles is any proof that they are not innate nor universally valid. Interestingly, he says that nature, not God, as engraved the characters. Likely he is alluding to the natural law of the Gospel; and whatever it prescribes, it is likely similar to the universal love that is characteristic of the virtue of justice. Yet we are not given a demonstration of this.

Section 4: Moral doctrine, pure reason, and the science of right

At the beginning of the chapter on innate practical principles, Leibniz agrees with Locke that moral doctrine is a demonstrable science. What was not established in the dialogue was any sense of method. However, at the end of the chapter on innate practical principles, Leibniz provides some methodological pointers about demonstration in general.

We agree about this; for, far from approving acceptance of doubtful principles, I want to see an attempt to demonstrate even Euclid's axioms, as some of the ancients tried to do. If it be asked how one can know and investigate innate principles, I reply in conformity with what I have said above: apart from the instincts the reason for which is unknown, we must try to reduce them to first principles (i.e. to identical or immediate axioms) by means of definitions, which are nothing but a distinct setting out of ideas. (NE 1.2.24-7)⁷³

Leibniz's requirements for demonstration are so strict that he even requires, and carries out elsewhere, demonstrations of Euclid's axioms. Some of this "distinct setting out of ideas" we have seen in his analysis of definitions of right, just, and justice. Along these lines there are several additional positions to examine in the *Nouveaux Essais*. These positions do not involve any sensual instincts, but rely solely on the analysis of ideas, and suggest ways that moral doctrine might still be considered demonstrative. Although no demonstrations are carried out, these ideas show that some principle of right, jurisprudence, or even "pure reason" lies at the foundation of morals. Once again we begin with Locke.

⁷² NE 1.2.12: "Cette violation supposée, il s'ensuit seulement qu'on n'a pas bien lû ces caracteres de la nature gravés dans nos ames, mais quelques fois assez enveloppés par nos desordres. Outre que pour voir la necessité des devoirs d'une maniere invincible, il en faut envisager la demonstration, ce qui n'est pas fort ordinaire. Si la Geometrie s'opposoit autant à nos passions et à nos interests présens que la morale, nous ne la contesterions et ne la violerions gueres moins..."

⁷³ NE 1.2.24-7: "Nous sommes d'accord sur ce point, car bien loin que j'approuve qu'on se fasse des principes douteux, je voudrois moi qu'on cherchât jusqu'à la démonstration des Axiomes d'Euclide . . . Et lors qu'on demande le moyen de connoitre et d'examiner les principes innés, je réponds, suivant ce que j'ay dit ci dessus, qu'excepté les instincts dont la raison est inconnue, il faut tâcher de les reduire aux premiers principes, c'est à dire, aux Axiomes identiques ou immediats par le moyen des definitions, qui ne sont autre chose qu'une exposition distincte des idées."

Moral good and evil, then, is only the conformity or disagreement of our voluntary actions to some law, whereby good or evil is drawn on us, from the will and power of the lawmaker; which good and evil, pleasure or pain, attending our observance or breach of the law by the decree of the law-maker, is that we call reward and punishment (E 2.28.5).

This passage expresses a hedonistic account of the grounds of human motivation and voluntaristic grounds for moral doctrine. For Locke, moral doctrine consists of a relation between a law established by a lawmaker and the reward or punishment (pleasure or pain) that is the result of obeying or disobeying the law. In response, Leibniz writes:

I for one would prefer to measure moral worth and virtue by the unchanging rule of Reason which God has undertaken to uphold. We can then be certain that through his instrumentality every moral good becomes a natural good, or as the ancient authors used to put it, whatever is good is useful. But to express our author's notion of it, we would have to say that moral good or evil is an instituted good or evil—something imposed on us, which he who has the reins of power in his hand tries through rewards and punishments to make us seek or avoid. It is a curious circumstance that whatever is instituted by God's general commands also conforms to nature, i.e., to reason. (NE 2.28.5.250)⁷⁴

Leibniz rejects Locke's voluntarism and hedonism and expresses his repeated Ciceronian conviction that honor and utility are coincident. For Leibniz, the moral law issues not from the lawmaker, or from God, but from the reason that God upholds. Leibniz does not say what the "unchanging rule of reason" is. However, he may be alluding to the Golden Rule, which in the *Mediation* (1703) he calls the "rule of reason." We have seen how he dealt with the Golden Rule here, but as I suggested, in the *Meditation* Leibniz takes it further and shows that it corresponds with the precepts of right. He also offers a strong criticism of voluntarism in that text, as we will see. But here it is significant that he does not argue for the assumptions of God and immortality, but rather for the unchanging rule of reason that makes goodness and utility coincident. For Leibniz, God is the rational agent par excellence. The moral doctrine that God establishes is not simply God's rule but a rule valid for all rational agents.

The following discussion involves an analysis of two moral propositions that Locke had proposed as possibly demonstrative. The first is, "where there is no property there is no injustice," is a proposition as certain as any demonstration in Euclid; because property being a right to a certain thing and injustice is the violation of a right" (NE 4.3.18). Leibniz responds in a way that is understandable, I think, only in relation to his early theory of subjective right.

⁷⁴ A.6.6.250: "J'aimerois mieux, pour moy, prendre pour la mesure du bien moral et de la vertu, la regle invariable de la Raison que Dieu s'est chargé de maintenir. Aussi peut on estre assuré que par son moyen tout bien moral devient physique, ou comme parloient les anciens, tout honneste est utile. Au lieu que pour exprimer la Notion de l'auteur il faudroit dire que le Bien ou le Mal moral est un bien ou un mal d'imposition ou institutif, que celuy qui a le pouvoir en main tache de faire suivre ou eviter par les peines ou recompenses. Le bon est, que ce qui est de l'institution generale de Dieu, est conforme à la nature ou à la raison."

The ordinary use of the word ‘property’ is slightly different from that, for it is taken to mean a person’s *exclusive* right to a thing. So even if there were no [individual] property, e.g. because everything was held in common, there could nevertheless be injustice. Also, in your definition of ‘property’ you mistake ‘things’ to include actions as well; for otherwise, even if there were no [right concerning] things it would still be unjust to prevent men from acting as they need to. But that explanation makes it impossible that there should be no ‘property.’ (NE 4.3.18.384)⁷⁵

Essentially, Leibniz claims that Locke has not only misunderstood the meaning of property, but also the meaning of *right*. For Leibniz, right is a moral power, which includes the power of self-preservation without violating another’s right to the same. This right, as we saw in the *Nova Methodus*, is what makes the acquisition of property just. So, there is injustice without property; and since right precedes property, justice is always possible. Locke depends on the “facts” of property to determine whether justice can exist. But for Leibniz right and obligation determine what the facts ought to be. This once again shows that for Leibniz practical philosophy depends not on the relation between lawmaker and sanction, but on subjective right.

The other proposition that Locke claimed to be demonstrable was, “No government allows absolute liberty.”⁷⁶ Since the ideas of ‘government’ and ‘absolute liberty’ are incompatible, we can determine with demonstrative certainty that this proposition is true. It is simply analytic. Leibniz agrees, but says only that the proposition “belongs to the corollaries.” This means that it depends on a more fundamental definition or axiom. But what does this mean? I think we can assume that the proposition is a corollary to the definition of subjective right. The definition of right authorizes governmental sanction as a means of restricting individual liberty. So, similar to the case on property, on Leibniz’s account of right it is impossible that government should grant absolute liberty. The impossibility depends on the (supposed a priori) definition of *right*, not on the definition of *government*. Leibniz does not pursue the point, but again his intention seems clear enough: demonstrations in the moral and political spheres depend not on the relation between lawmaker and sanction, or pleasure and pain, but on the relation between definition and law. It is the a priori definition of right that legitimizes government and its sanctioning powers.

The remaining discussion deals with maxims and reveals no less than what Leibniz claims is a “fundamental maxim” that is drawn from “right itself” and is based on “pure reason.” This discussion takes place near the end of the *Nouveaux Essais* (Book 4 Chapter 7, “Of Maxims or Axioms). It is important to understand what Leibniz means by ‘maxim’, since he uses the term frequently and in different ways. Normally, a maxim is a precept or command. That is, the form of a maxim is an imperative. It can be recalled that

⁷⁵ NE 4.3.18.384: “On se sert du mot de propriété un peu autrement pour l’ordinaire, car on entend un droit de l’un sur la chose, avec l’exclusion du droit d’un autre. Ainsi s’il n’y avoit point de propriété, comme si tout étoit commun, il pourroit y avoir de l’injustice neantmoins. Il faut aussi que dans la definition de la propriété, par *chose* vous entendies encore action; car autrement, quand il n’y auroit point de droit sur les choses, ce seroit tousjours une injustice d’empêcher les hommes d’agir où ils en ont besoin. Mais suivant cette explication il est impossible qu’il n’y ait point de propriété.”

⁷⁶ Immediately following the above example, E 4.3.18.

he referred to the principle of pleasure and pain as a maxim: “pursue pleasure and avoid pain” (NE 89). Arguably, however, this is not really a maxim, because the principle does not command us; rather, it either describes what we tend to do, or at best it makes a recommendation. Leibniz also uses ‘maxim’ to refer to statements in the form of propositions (or axioms). For example, in this chapter on maxims, the Pythagorean Theorem is called a maxim: “the square on the hypotenuse is equal to the squares on the two sides of the right angle” (NE 4.7.19.425). Yet this is not a command, nor is it a recommendation. It is simply a necessarily true proposition. In any case, Leibniz does not seem concerned with these distinctions, and he does after all offer the following very important maxim in the proper form of a maxim. Recalling his attempt to “demonstrate” the Roman corpus by reducing its laws to a few basic principles, Leibniz mentions a maxim from the *Digest*.

But lest you should think, sir, that maxims are serviceable only within the confines of the mathematical sciences, you will find them just as useful in jurisprudence. One of the chief ways of making jurisprudence more manageable, and of surveying its vast ocean ... is by tracing a large number of particular decisions back to more general principles; for instance, it will be found that many laws in the *Digest*, many actions or defenses, and even actions which are called *factum*, depend upon the maxim *ne quis alterius damno fiat locupletior*^[77], that is, that no one should be enriched as a result of harm which befalls another. Though that ought to be expressed a little more precisely. (NE 4.7.19.425)⁷⁸

This maxim recalls the first two definitions of *the just* in the *Elementa*: “*The just* is my advantage not connected with the disadvantage of another.” And then the logically inverse: “*Unjust* is my advantage connected with the disadvantage of another.”⁷⁹ But Leibniz goes on to explain that this maxim is a *rule*, and there are two types of rules: (1) aphorisms, which are “based not on the a priori use of reason, but rather on induction and observation. They are rules which able people have framed after a review of established law.” (2) And then this type of rule:

But there are *fundamental maxims* which constitute [right]⁸⁰ itself; they make up the actions defenses, replications, etc. which, when they are taught by pure reason and do not come from the arbitrary power of the

⁷⁷ *Digesta* 50.17.206: “Iure naturae aequum est neminem cum alterius detrimento et iniuria fieri locupletiozem.”

⁷⁸ A.6.6.425: “Mais afin que vous ne pensiez pas, Monsieur, que le bon usage de ces Maximes est resserré dans les bornes des seules sciences Mathematiques; vous trouverez qu’il n’est pas moindre dans la Jurisprudence, et un des principaux moyens de la rendre plus facile, et d’en envisager le vaste Ocean . . . c’est de reduire quantité de decisions particuliers à des principes plus generaux, par exemple on trouvera que quantité de loix des *Digestes*, d’actions ou d’exceptions, de celles qu’on appelle *in factum*[,] dependent de cette maxime, *ne quis alterius damno fiat locupletior*; qu’il ne faut pas que l’un profite du dommage, qui en arriveroit à l’autre. Ce qu’il faudroit pourtant exprimer un peu plus precisement.”

⁷⁹ A.6.1.433: “*Justum est lucrum meum cum non lucro alieno*” and “*Inustum est lucrum meum cum damno alieno*.”

⁸⁰ Translators have ‘the very law’.

state, constitute [natural right],⁸¹ and the rule I have just mentioned, forbidding profit from harm, is of this kind. (NE 4.7.19.425)⁸²

This claim is highly significant, especially in the context of the *Nouveaux Essais*. This rule or maxim *no one should profit from the harm of another* is a fundamental maxim “taught by pure reason.” Nowhere else in this text does Leibniz offer a *specific* example of a principle having the nature of a command of reason, let alone pure reason. This principle is not an instinct, a feeling of pleasure or pain, not the command of positive law, nor a command of God.⁸³ Nor is it a recommendation for happiness. It is, rather, a command of pure reason explicitly drawn from the a priori *science of right*. This point is reinforced by a passage appearing a bit further down in the same section, which speaks of jurisprudence as entirely grounded in reasons.

The point is that jurisprudence, when dealing with matters which are not explicitly treated by laws or customs, is entirely grounded in reasons; for [one can always derive it, from either the law or from natural right, and with a defect in the Law, by means of reason⁸⁴]. (NE.4.7.19.427)

Although Leibniz does not show how the above mentioned maxim is demonstrable, it nevertheless seems correct to conclude that if moral doctrine is to be a truly demonstrable science—that is, an *a priori* science—then it must be grounded in the science of right. It is not difficult to see that “no one should profit from another’s disadvantage” is consistent with equity, as well as moral necessity. The science of right tells us that we may not inflict harm on another, but also that we are obligated to promote another’s good. Not only must we not *profit* from another’s disadvantage, but we must rectify it, as long as doing so does not bring harm to oneself. The precepts ‘harm no one’ and ‘give each his due’ may be applied here as well. When the law is mistaken, one can always appeal to the a priori science of right.

Section 5: Integration of principles in virtue

What is certain is that certain knowledge of one’s moral duties requires a demonstration. This consists in a distinct “setting out of ideas.” We have seen that this setting out of ideas leads to the science of right. At the same time, due to the influence of passions and other non-conscious motivating factors, demonstrative knowledge is often

⁸¹ Translators have ‘the natural law’.

⁸² A.6.6.425: “Mais il y a des Maximes fondamentales qui constituent le droit même, et forment les Actions, Exceptions, Replications etc. qui lorsqu’elles sont enseignées par la pure raison et ne viennent pas du pouvoir arbitraire de l’Etat, constituent le droit naturel, et telle est la règle dont je viens de parler, qui défend le profit dommageable.”

⁸³ Although, it allows us to understand what Leibniz means where he says above, in response to Locke’s voluntarism, “whatever is instituted by God’s general commands also conforms to nature, i.e., to reason” (NE 250).

⁸⁴ A.6.6.427: “C’est que la Jurisprudence est toute fondée en raisons à l’égard de ce qui n’est pas expressement marqué par les loix ou par les coutumes. Car on le peut toujours tirer ou de la loi ou du droit naturel, au défaut de la Loi, par le moyen de la raison.” My emendation.

insufficient to motivate us to do our duty. The best we can say for demonstration, then, is that it has the function of providing a more “distinct” moral knowledge than the “confused” inclinations of instinct.

In this section I want show how Leibniz could have integrated two principles of sense and reason in an account of virtue. We have seen Leibniz argue that sense instincts have a certain moral content. That is, they are *indicators* of what reason commands. For example, the social instinct or the instinct to love another points us in a general moral direction, and reason tells us we ought to do this as well. At the same time, a sense instinct can be unreliable, if it leads us, for example, straight to a present joy and away from lasting happiness. Leibniz has indicated that reason is required to regulate our instincts and passions. But he has also suggested that moral action often depends the aid of instinct.

First, I want to suggest that in some fundamental ways Leibniz’s convictions about the aim and content of morality are not *so* different from Kant’s, as expressed in this passage from the *Metaphysics of Morals*:

For since the sensible inclinations of human beings tempt them to ends (the matter of choice) that can be contrary to duty, lawgiving reason can in turn check their influence only by a moral end set up against the ends of inclination, an end that must therefore be given *a priori*, independently of inclinations. (*Metaphysics of Morals* 146)⁸⁵

For Kant, since inclinations tend to oppose what duty tells us is right, they can be opposed only by a moral end given *prior* to all inclinations, and this moral end is the moral law itself. Although Leibniz did not argue for a moral law in Kant’s sense, his arguments do tend toward the position that there is a moral end independent of inclinations of instinct and sense. In addition, the grounding principles of morals, the criteria for right, just, and justice, have the nature of pure reason. Furthermore, these principles must regulate our inclinations, passions, and instincts. It should of course be recognized that unlike Kant, Leibniz does not insist on such a strict separation between sense and reason. In fact, on some level Leibniz cannot separate them entirely, since the possibility of moral action depends on an initial sensual motive in the agent.⁸⁶ For Leibniz, the ends of moral action need not be given strictly independently of sense instincts, since the latter provide *some* indication of what our moral ends are. Instincts direct us first to the good when reason often does not or cannot. But they do not tell us what our moral ends are.

We now need to understand more closely how Leibniz configures the relationship between principles of sense and reason. First, it is important to see that Leibniz

⁸⁵ *Metaphysik der Sitten*: 254/380-381: “Denn da die sinnlichen Neigungen zu Zwecken (also der Materie der Willkür) verleiten, die der Pflicht zuwider sein können, so kann die gesetzgebende Vernunft ihrem Einfluß nicht anders wehren als wiederum durch einen entgegengesetzten moralischen Zweck, der also von der Neigung unabhängig a priori gegeben sein muß.”

⁸⁶ On the other hand, it is not so easy for Kant to maintain the separation. Kant has considerable difficulty explaining how the moral law can be an incentive to act against sensual inclinations, without this incentive also being a sensual inclination. Is moral feeling a purely rational respect for the moral law? If so, how does it oppose the senses? Or is moral feeling a “pleasure of the mind,” as Leibniz and the Stoics would say about honor?

recognizes how the senses can obscure our reason (although we have seen some of this already); second is to see how rational principles require something of sense to be effective; and third how the development of the virtues, that is, dispositions according to reason, resolve the problems found in the first and second points. As a result, it appears that virtue is a fundamental moral end. Consider this passage, one that we have not seen from the chapter on innate practical principles:

Innate ideas and truths could not be effaced, but they are obscured in all men (in their present state) by their inclination towards the needs of their bodies and often still more by supervening bad habits. These writings in inner light would sparkle continuously in the understanding, and would give warmth to the will, if the confused perceptions of the senses did not monopolize our attention. Holy Scripture speaks of this conflict no less than does philosophy, ancient and modern. (NE 1.2.20)⁸⁷

This is really nothing extraordinary, but a rather traditional view; it highlights the fact that our reason can be obscured by bodily senses. There is actually a complex moral psychology suggested here, but we must leave that aside.

The second point is that reasons, as derived from the understanding, are themselves weak motivators. But this is not simply because the senses obscure them, but rather because reasons require something sensible in order to be perceived at all. This view is in part a consequence of Leibniz's general metaphysics of substance, as expressed in this passage on innate *speculative* principles:

For it is an admirable arrangement on the part of nature that we cannot have abstract thoughts which have no need of something sensible, even if it be merely symbols such as the shapes of letters . . . If sensible traces were not required, the pre-established harmony between body and soul . . . would not obtain. (NE 1.1.5)⁸⁸

Leibniz insists that *abstract* thoughts cannot exist without something sensible to express them. Abstract thoughts are simply general terms, or propositions having no clear sense content, such as "right is a moral power." That even abstract thoughts require sense content is a common Medieval/Aquinian view that Leibniz frequently expresses and never really questions. It can be found, for instance, in this "Response to the Reflections of Bayle": "The more abstract thoughts have need of some imagination."⁸⁹

⁸⁷ NE 1.2.20: "Les idées et vérités innées ne sauroient être effacées, mais elles sont obscures dans tous les hommes (comme ils sont presentement) par leur penchant vers les besoins du corps, et souvent encore plus par les mauvaises coutumes survenuës. Ces caracteres de lumiere interne seroient toujours éclatans dans l'entendement, et donneroient de la chaleur dans la volonté, si les perceptions confuses des sens ne s'emparoiënt de nôtre attention. C'est le combat dont la Sainte Ecriture ne parle pas moins que la Philosophie ancienne et moderne."

⁸⁸ NE 1.1.5: "Car c'est par une admirable Oeconomie de la nature, que nous ne saurions avoir des pensées abstraites, qui n'ayent point besoin de quelque chose de sensible, quand ce ne seroit que des caracteres tels que sont les figures des lettres . . . Et si les traces sensibles n'étoient point requises, l'harmonie preetablie entre l'ame et le corps . . . n'auroit point de lieu."

⁸⁹ GP IV 563: "Les plus abstraites pensées ont besoin de quelque imagination."

Leibniz also says that what is true for speculative principles is also true for *practical* principles: “As I have already pointed out; the finest moral precepts and the best prudential rules in the world have weight only in a soul which is as sensitive to them as to what opposes them” (NE 2.21.35). This means, as he explains, that when we prefer something less good than what the intellect tells us is a higher-degree good, it is because the ideas in the intellect lacks sufficient sensitivity to be noticed and effective. Thus, to insure that we follow the *truly* good requires that we to train ourselves to maintain images pertaining to the good.⁹⁰ And this begins to get us to the third point. Since both abstract thought and practical principles require imagination, and imagination is a function of our sensibility, then the intelligible truths of morality require “fleshing out,” so to speak. That is to say, practical principles must become sensitized by being practiced.

Despite the obscuring effect of sensual inclinations and the motivational weakness of rational principles, Leibniz does not tell us to eliminate inclinations and passions, but rather to make intelligible ideas *more sensual* and thus to make them the principles of action. In response to Locke, who had concluded that innate principles do not exist because we continually act against what we know to be right, Leibniz replies that we tend to turn our thoughts aside from the good because “the future and reasoning seldom strike as forcefully as do the present and the senses” (NE 1.2.11). This implies that certain acquired inclinations may be misguided, but also implies that the motives of reason are too weak to overcome those inclinations. Thus, for a practical principle to be an effective motive, it must have sensual content. Conversely, the more distinctly a sensation is perceived in the mind, the more effectively the mind can sort out its particular causes, effects, and meaning. And this brings us to the third point, to see how Leibniz thought that virtues could be developed to incorporate the principles of instinct and reason.

As we have seen, Leibniz indicates that both instinct and reason are insufficient moral motives. But an important element of his practical philosophy is the role he assigns to *virtue* as a remedy for these insufficiencies. One example is especially relevant, since it occurs during the discussion of innate practical principles. Locke criticizes the idea of *virtue*, since ultimately it can tell us nothing definitive or useful. He argues that if innate principles exist, then we should be able to produce a catalog of them. Such a catalog, Locke notes, had been attempted by Lord Herbert, who includes *Virtutem cum pietate conjunctam optimam esse rationem cultus divini* among his list of innate principles (E 1.2.15).⁹¹ Locke then argues that the meaning of ‘virtue’ is ambiguous between (a) what some community considers praiseworthy, and (b) an action conformable to God’s will. If ‘virtue’ means (a), then virtue will be so variable that it cannot be said to be innate, and if (b), virtue will “amount to no more than that God is pleased with the doing of what he commands”; and while this may be true, it does not tell us “*what it is* that God doth command” (E 1.2.18). Therefore, Herbert’s principle of virtue is useless. Leibniz responds, characteristically, by asserting that while the word ‘virtue’ may be relative in its application, its general notion is universally agreed upon. He points out that the Aristotelian definition of virtue is “a general disposition to moderate the passions by means of reason, or more simply still a disposition to act in accordance with reason” (NE 1.2.19). Under this definition, virtue does not form part of the meaning of a moral

⁹⁰ Leibniz speaks of these things in Book 2, Chapter 21, “On Power and Freedom.”

⁹¹ “Virtue joined with piety is the best worship” (NE 1.2.15). Perhaps more accurate would be: “Virtue joined with piety is the best account of worship of the divine.”

proposition; rather, possessing a virtue means possessing a disposition that effectively moves one to act rightly.⁹² Since the disposition is determined by reason, it is motivated by reason.⁹³ In case one naturally lacks moral dispositions, one can develop them as *second* natures. As for (b), Leibniz agrees that the right disposition conforms to God's will. But rather than saying it is merely conformable to God's will, he says it "cannot fail to be *pleasing* to him who is the supreme and ultimate reason of all things" (NE 1.1.18). This statement indicates three important positions we persistently find in Leibniz: For one, his intellectualism, the view that God's commands stem not merely from his will, but that God's will conforms to eternal truths of reason; secondly, reason is coincident with instinctual incentives, such as pleasure; and third, the incentive of pleasure is just that incentive which moves us to act in accord with reason. In this way, as he often claims, there is no "divorce" between the moral good and one's own utility.

Arguably, Locke is correct that virtues themselves do not tell us what God commands. However, Leibniz has indicated in a number of ways that God's commands are in conformity with the principles of right and virtue. But the main point is, it becomes increasingly clear that Leibniz is constantly pressing for a rule of reason to regulate various instincts, passions, and inclinations. It also becomes more clear that for Leibniz the end of moral action consists—not simply in the attainment of lasting, pleasurable states of mind, but in the development of virtuous dispositions, and therefore, in the perfection of the will. I will come back to this point in Chapter Six.

Section 6: Chapter conclusion

To conclude this chapter, let us review the main results of Leibniz's arguments on innate practical principles. Leibniz holds that there are innate practical principles, as both sensual instincts and propositions grasped by understanding or reason. We know sense instincts by inner experience and feeling, and reason guides us in their moderation. But demonstration is required in order for us to be certain about moral truths. The instincts he cites include pleasure and pain, an inclination for happiness, a social instinct, and the love for humanity. Regarding principles of reason, Leibniz considers several possibly demonstrable principles (or principles on which a demonstration can be based): the assumptions of immortality and God's existence; the Golden Rule; the natural law of the Gospel; and also the fundamental maxims constituting the science of right or jurisprudence. However, while we can see how these principles are thought to be demonstrable, or how they provide the basis for a demonstrative science of morals, none of them is demonstrated. However, the principles of jurisprudence (or the science of right) do seem to provide the clearest indication of a truly demonstrative science of morals. And then finally, since the principles of both reason and feeling are each insufficient motives for moral rightness, Leibniz suggests that they may form the basis of virtue.

⁹² As we can see, Leibniz's definition of virtue has not changed at all since his earliest formulations.

⁹³ This point is actually quite fundamental to Leibniz: if your disposition (or inclination) is determined by reasons, and especially, by a priori reasons, then you have acted in the *most determined* way, although not in a logically *necessary* way. By employing the reason you make a free act. By *always* doing so you are *most* free. I will come back to this point in the final chapter.

In the next chapter, Leibniz will once again take up the question of the criteria for *justice*. This time, we can evaluate his most mature views. We will return to the definition of justice as charity of the wise, as well as to the Golden Rule, to voluntarism, to mathematical notions, to eternal truths of reason, to the three precepts of right, to pleasure, happiness, virtue, and perfection—and determine whether and in what sense a coherent theory of justice depends on the science of right.

CHAPTER SIX: MONITA AND MEDITATION: CAUSES AND NOTIONS IN THE SCIENCE OF RIGHT

Chapter sections:

1. Introduction
2. The science of right in *Monita quaedam ad Puffendorfi Principia*
3. The science of right in *Méditation sur la notion commune de la justice*
4. Features of Leibniz's Golden Rule
5. Two degrees of right: equality and equity
6. The third degree of right: piety and the spiritual disposition
7. Chapter conclusion: Truth, definition, obligation

Section 1: Introduction

“We may say that there are charitable men who are not just, which happens when the charity is somewhat irregular, but we cannot infer from this that there are just men who are not charitable; for charity and the rule of reason are included at the same time in justice” (Letter to Queen Sophie Charlotte, “On What is Independent of Sense and Matter,” 1702).¹

The above quotation expresses the basic idea behind this chapter: to understand the definition of justice as charity of the wise, one must understand that charity and the rule of reason are identical. But we must also understand that charity and the rule of reason derive from the science of natural right.

We now come to a pair of late texts, the *Méditation sur la notion commune de la justice* (1702-03), and *Monita quaedam ad Samuelis Puffendorfi Principia* (1706). While much shorter than the *Nova Methodus* and *Elementa*, they are of major importance to Leibniz's fully developed theory of justice. They are also important to his science of right as a whole. In the *Méditation*, I will examine Leibniz's argument for a “common notion” or “formal reason” of justice. I show that the common notions are *equality* and *equity*, and that they form the core meaning of the two precepts of right, which are also called “strict justice” and “charity.” I also show that Leibniz's unique version of the Golden Rule, or what he calls “the rule of reason,” expresses the two precepts, as well. Thus, this version of the Golden Rule is the “formal reason” for determining just and unjust actions. Leibniz does not make this point explicit in his argument. But once it is made explicit, we may then understand Leibniz's ultimate definition of justice as *charity of the wise*.

Since the arguments in the *Méditation* are motivated by Leibniz's criticisms of voluntarism, it is important to examine Leibniz's criticisms of Pufendorf's voluntarism in the *Monita*. According to Leibniz, Pufendorf's account of obligation, indeed, the whole of his jurisprudence, is grounded in “the command of a superior.” He argues that this account is incoherent, and goes on to claim that obligation is grounded in the “efficient causes of natural right,” which are “the nature of things” and “the precepts of right

¹ AG 189 / G.6.503: “On peut dire qu'il y a des charitables qui ne sont point justes, ce qui arrive quand la charité n'est pas assez réglée; mais on n'en peut point inférer qu'il y a des justes qui ne sont point charitables; car dans la justice est comprise en même temps la charité et la règle de la raison.”

reason.” These have their source, Leibniz claims, in the divine ideas of right found in God’s understanding. But they are ideas, not commands. The object of natural right, for Leibniz is the capacity of moral agent to act “spontaneously” from the “respect” for the rules of natural right. This is fundamentally a virtue theory suggesting something of moral autonomy that has been implied in Leibniz’s science of right all along—that is, that moral power and moral necessity are grounded in the qualities of a rational substance.

In view of both sets of arguments in the *Meditation* and *Monita*, we can finally assess the third precept of right—*honeste vivere*, the virtue of piety. Justice is after all a *virtue*, not merely a set of precepts and criteria. At this level, all of the arguments pertaining to the motives and ideas of right and justice must be placed in their proper relation. Is the highest good pleasure, happiness, love, or virtue? Does the prospect of divine retribution provide the proper motive to be virtuous, or is it inconsistent with virtue? In sum, is the honorable compatible with what is useful to oneself? As is often the case in Leibniz, seemingly conflicting ideas tend to find a way to become compatible. In sum, we will see that the most basic notions of the science of right lead to the highest good—the moral perfection of rational substances.

Section 2: The Science of Right in *Monita quaedam ad Puffendorfi Principia*

To better understand Leibniz’s arguments in the *Meditation*, especially his anti-voluntarist arguments, it is best to begin with the “science of right” (*scientia juris naturae*)² in the *Monita*. This paper consists of Leibniz’s criticism of Pufendorf’s *De Officio Hominis et Civis* (1673), and he quotes that text verbatim.³ In outline, Leibniz claims that Pufendorf fails to correctly identify (1) the end (*finis*) of natural right; (2) the object (*objectum*) of natural right; and (3) the efficient cause (*causa efficiens*) of natural right. The details are these: As for (1), Pufendorf limits the *end* of natural right to this life alone. His reason is that since we cannot rely on demonstrations for God’s existence and the immortality of the soul, natural right (or natural law) must be worked out within its own sphere.⁴ Leibniz counters that, for one, demonstrations of this sort do have at least a “great weight,” and so they provide both the hope for a better life and the fear of punishment, in this life and beyond. To limit natural law to this life alone “cuts off the better part of the science natural right,” leaving it valid “even for atheists” (RP 67).⁵ Thus, without consideration of the after life, self-sacrifice for another’s good would be foolish. Again to quote Horace, “as long as there is hope of deceit, one will mix the sacred with the profane. But no one will escape the divine vengeance” (RP 67).⁶ Interestingly, Leibniz qualifies this stance by noting that “unless one is born or educated to find an intense pleasure in virtue, and pain in vice” nothing will dissuade one from

² Or, the science of the right of nature.

³ *De Officio Hominis et Civis juxta Legem Naturalem libri duo* (1673). Leibniz remarks, “nothing keeps this little book from containing many good things, and from serving usefully as a compendium of natural law for those who are satisfied with a superficial smattering (as are the majority of readers) without looking for sound learning”(RP 65). ‘RP’ refers to Riley’s translations in *Leibniz’s Political Writings*.

⁴ Pufendorf claims to derive natural right solely from the principle of *sociality*. Arguably, however, to be *obliged* to follow this principle requires the command of God.

⁵ As we will see, however, Leibniz does in fact agree with Grotius that if God did not exist then a natural obligation would still apply.

⁶ This view is somewhat at odds with his criticism of Pufendorf’s voluntarism, as we will see.

committing crimes with impunity. Ultimately, he does not think that God's retribution is a suitable motive for justice. This brings us to the *object* of natural right, since it concerns internal virtue.

As for (2), Pufendorf restricts the *object* of natural right to external actions while excluding internal virtue. For Pufendorf, the problem of internal motives (or an impure heart) must be left to moral theology.⁷ The source of virtue is revelation, and the teacher of virtue is the theologian, not the philosopher or natural lawyer. The latter are concerned only with the "propriety" of an action. But Leibniz objects that this, too, cuts off the best part of natural law, since "a soul which is internally corrupt and outwardly innocent is not very safe and not very probable" and since virtue is best taught by the pagan philosophers and poets. It was the Platonists, Stoics, and poets who taught us that "the gods must be imitated" (*Deos esse imitandos*) so that we may offer them "well-ordered right (*jus*) and law of the soul, and of the sacred recesses of the mind, and a pure heart of noble honor" (RP 69).⁸ The notion of imitation of God is very important, as we will see regarding the third precept (piety). And it is the pagan philosophers who teach "what can be learned by reason and intelligence."

Aristotelian philosophy bases all of the virtues splendidly on universal justice; and we owe it not only to ourselves, but also to society, above all to that in which we find ourselves with God, by the natural law written in our hearts, that we have a soul imbued with [true] thoughts, and a *will which tends constantly toward the just* [my emphasis]. Nor is it clear what place oaths (whose efficacy the author thinks to be very great) can have in natural [right], if [it] does not concern itself with what is internal. Therefore he who has control of the education or instruction of others is obligated, by natural [right], to form minds with eminent [promptings], and to take care that the practice of virtue, almost like a second nature, guides the will toward the [honorable⁹]. This is the most trustworthy method of education because, according to Aristotle's fine saying, customs are stronger than laws. And while it is possible that someone, by hope or by fear, will repress wicked thoughts, so that they do no harm . . . nonetheless he will never succeed in making them useful. Therefore whoever is not well-intentioned will often sin by omission of the duty. (RP 69)¹⁰

⁷ Since Pufendorf sought to separate religion from natural right, the latter needs to concern only external actions, while religion concerns internal motives. However, as Pufendorf says in his introduction to *On the Duty of Man and Citizen*: "moral theology does most effectively encourage a good quality of civil life since the actual Christian virtues, too, do as much as anything to dispose men's minds to sociality" (9).

⁸ Persius, *Satirae* II, 73: "Compositum jus fasque animi, sanctosque recessus, mentis, et incoctum generoso pectus honesto." Footnote provided by Riley.

⁹ Riley has 'good'.

¹⁰ D 4.278: "Praelare enim Aristotelica philosophia ad justitiam universalem omnes refert virtutes, debemusque non nobis tantum, sed & societati, eique maxime, quam cum Deo naturali lege cordibus inscripta colimus, ut animum habeamus veris imbutum sententiis, voluntatemque ad recta constanter tendentem. Neque adparet, quis fit in jure naturae locus jurijurando (cujus tamen auctor ipse vim in eo magnam esse fatetur) si internorum ibi cura nulla est. Itaque qui educationis aut institutionis aliorum regendae potestatem habet, jure naturae obligabitur ad mentes etiam praeclaris monitis informandas, curandumque, ut virtutis adsuetudine tanquam altera natura voluntates ad honesta serantur. Ea tutissima

“Universal justice” refers, not only to that which applies everywhere,¹¹ but to justice as encompassing the whole of virtue.¹² This virtue is also consistent with the divine natural law, which, as we saw, is likely the double commandment of love. This virtue is the “constant will” (to borrow from the Roman definition of justice) to do what is just. To acquire this virtue requires knowledge and practice, and those who have the virtue are obliged to teach it. To do effectively what is honorable, one must have the inner disposition for honor. Otherwise, one’s actions are accidentally good. In a way, Leibniz’s position is somewhat surprising, since on one hand, regarding the *end* of natural right, he insists that it include natural theology, while regarding the *object* of natural right, he has little use for moral theology. But he thinks that Pufendorf’s premises are inadequate because they exclude the philosophic teachings of virtue.

Furthermore, these matters ought to be handled within the science of right itself, since it naturally handles the internal sources of action:

But since no one can deny that right and obligation, sins in relation to God, and right actions are also naturally constituted in the interior; where, I ask, shall these certainly natural sources of right and justice be handled, unless in the science of natural right?¹³

Two points are quite significant here. Leibniz thinks that Pufendorf does not recognize that natural right is a subjective attribute of rational minds. Although, Leibniz does not speak directly of right and obligation as the moral qualities of a person acting, he nevertheless still thinks in terms of subjective right. The role of the moral qualities as the sources of moral action has largely been supplanted by *virtue*. Secondly, as the following passage makes clearer, moral theology is informed by the science of right; indeed, both moral theology and the science of right form one body of knowledge, namely, universal jurisprudence.

praecipendi ratio est, nam ut pulchre monitum Aristoteli, plus possunt mores quàm leges. Et quanquam fieri possit, ut aliquis spe metuque pravas cogitationes comprimat, ne noceant . . . tamen non efficiet, ut profint. Itaque qui non rectè animatus erit, saepe peccabit faltem officii omissione.” The English translations are again from Riley (RP = Riley Pufendorf) although I have emended some passages, some by direction of Professor Baum.

¹¹ Aristotle, *Rhetoric* 1373b2: “Particular law (*nomos idion*) is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law (*koinon*) is the law of nature (*physis*). For there really is, as every one to some extent divines, a natural justice (*dikaion*) and injustice that is binding on all men, even those who have no association or convent with each other. It is this that Sophocles’ Antigone clearly means when she says that the burial of Polyneices was a just act in spite of the prohibition: she means that it was just by nature (*physis*).”

¹² AE Book V. 1129b30: “In justice is every virtue (*arete*) comprehended. And it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbor also.”

¹³ D 278: “Sed quum in internis quoque jus & obligationem, peccataque in Deum, & rectas actiones natura constitui, nemo negare possit; ubi quaeso tractabuntur haec naturalis utique juris justitiaeque capita; nisi in scientia juris naturalis?” Note that Riley’s translation obscures Leibniz’s enormously important allusion to the moral qualities of right and obligation: “But since nobody can deny that law, duty, sin in relation to God, and good actions are also naturally located in the interior, where—I ask them—shall we consider these topics, which certainly pertain to law and to natural justice, if not in the science of natural law?” (RM 69).

In the science of [right], rather, it is best to derive human justice, as from a spring, from the divine, to make it complete. Surely the [notion] of the just, no less than that of the true and the good, relates to God, and above all to God, who is the measure of all things. And the rules which are common certainly enter into the science, and ought to be considered in universal jurisprudence, whose precepts natural theology will use as well (RP 69).¹⁴

This passage reflects three important and long-standing claims of Leibniz: (a) his view in the *Nova Methodus* that “natural theology is a species of jurisprudence, universally taken.” That is, jurisprudence is the science of the rule of a universal monarch, i.e., God.¹⁵ (b) Natural theology and natural right share the “common notions” that he speaks of in the *Meditation*, as we will see below. (c) In the above two passages, Leibniz speaks of the sources (*capita*) of natural right and the spring (*fonte*) of divine justice. These are two essential principles.¹⁶ Natural right is the source of the precepts of right, while divine justice is synonymous with the charity of the wise. This way Leibniz’s ultimate definition of justice as charity of the wise can be considered the complete definition of natural right. The *object* of natural right is, in short, the virtue of justice.

(3) Having outlined the end and object of natural right, Leibniz at last deals with the *efficient cause* of natural right and brings to bear his most provocative and influential criticism of Pufendorf’s voluntarism.¹⁷ It may seem unusual to speak of an efficient cause of natural right, but this refers to the cause of the sense of obligation in the mind of a person. Now, Pufendorf does not speak of *efficient* causes in relation to obligation.¹⁸ He does however discuss various causes of human actions, e.g., as arising from inclinations and from the will. For Pufendorf the question is, how does an obligation constrain the will to act according to a law (*lex*)? His answer is, *by the command of a superior*. But Leibniz finds Pufendorf’s account incoherent.

To begin with Leibniz criticizes Pufendorf for having mistakenly grounded the efficient cause of natural right in the decree of a superior, rather than where they ought to be grounded—in the divine understanding.

It now remains to treat the efficient cause of natural right, which our author does not correctly establish. He, indeed, does not find it in the

¹⁴ D 278: “Quin potius in scientia juris a divina justitia, tanquam fonte, humanam, ut plena fit, derivari convenit. Notio certe justi non minus, quam veri ac boni etiam ad Deum pertinet, immo ad Deum magis, tanquam mensuram ceterorum, communesque regulae utique in scientiam cadunt, & in jurisprudentia universali tradi debent, cujus praeceptis etiam theologia naturalis utetur.

¹⁵ A.6.1.294.§5 “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 Republica aut potius regno DEI super homines;”

¹⁶ In a paper of 1678 (A.6.4.2809) Leibniz outlines the following: “Juris Naturalis Principia et Derivata. Principia Fons et Capita. Fons: Caritas Sapientis. Capita, jus strictum, aequitas, probitas, quae continentur praeceptis: neminem laedere, suum cuique tribuere, honeste vivere.” He then does the derivation of Caritas Sapientis, beginning with “Sapientia est Scientia felicitatis . . . Laetitia . . . Voluptas . . .” etc.

¹⁷ See Schneewind (1996) and Hochstrasser (2000 p. 79).

¹⁸ Pufendorf’s discussion of obligation is found in Book 1 Chapter 2 of *De Officio Homini et Civis juxta Legem Naturalem libri duo*, the chapter that Leibniz comments on, as seen below.

nature of things and in the precepts of right reason conforming to [them], which emanate from the divine understanding, but (what will be seen as strange and liable to contradiction) in the decree of a superior. (RP 70)¹⁹

Leibniz does not say exactly what the “precepts of right reason” are; but we can well identify them as the precepts of natural right he has so often employed, as he does in the *Meditation*, as we will see. But the key point here is his claim that the efficient cause of natural right is the divine understanding, in which is found the natures of things themselves (e.g., the nature of good actions). Thus, the decrees God wills are informed by his understanding, as the decrees of any superior must be. Now, Pufendorf certainly thinks that God’s decrees are always just. However, Leibniz goes on to show that Pufendorf’s account of natural law (*leges naturae*) actually depends on a superior’s power to impose an obligation, but does not depend on the superior having “just causes” for his power. Citing Pufendorf’s *De Officio Homini et Civis*, Leibniz observes:

Indeed, Book I, Chapter 1, § 1 defines ‘duty’ as “the action of a man duly fitting to the prescript of the laws on the ground of an obligation.” And then Chapter 2 § 2, defines ‘law’ as a decree by which the superior obliges the subject to conform his actions to that prescript. (RP 70, with some emendation)²⁰

In other words, a superior determines the law and thereby imposes duties by means of obligations. Obligations are then imposed by the superior’s threat of punishment. Leibniz’s objections are numerous and significant:

If we admit this then no one will do his duty spontaneously; also, there will be no duty when there is no superior to compel observance; nor will there be any duties for those who do not have a superior. And since, according to the author, duty and acts prescribed by justice coincide (because his whole natural jurisprudence is contained in the doctrine of duty), it follows that all [right or law] is prescribed by a superior.²¹

Thus, for Pufendorf, the whole of natural law reduces to the decree of a “superior.” We will soon see how a superior is supposed to be determined. First, this claim about “spontaneity” must be emphasized. In an earlier passage Pufendorf himself says that “spontaneity” must be attributed to the will, if we are to say that a person acts voluntarily,

¹⁹ D 4.279: “Nunc superest de caussa efficiente juris naturae non bene auctore constituta dicam. Hanc enim ille non in rerum naturae, rectaeque secundum hanc rationis praeceptis, a divina mente emanantibus, sed (quod mirum & contradictioni obnoxium videbitur) in superioris decreto quaerit.”

²⁰ D 4.279: “Nempe lib. I cap. I. § 1 officium definitur ‘actio hominis, pro ratione obligationis ad praescriptum legum rite attemperata.’ Et mox cap. 2. § 2 Lex definitur decretum, quo superior sibi subjectum obligat, ut ad istius praescriptum actiones suas componat.” Leibniz is quoting Pufendorf exactly. I checked a 1769 edition of *De Officio*, although obviously Leibniz must be quoting the 1673 edition.

²¹ D 4.279: “Quae si admittimus, nemo sponte officium faciet; immo nullum erit officium, ubi nullus est superior, qui necessitatem imponat; neque erunt officia in eos, qui superiorem non habent. Et quum auctori officium & actus a justitia praescriptus aequale pateant, quia tota ejus jurisprudentia naturalis in officii doctrina continetur; consequens erit, omne jus a superiore decerni.”

i.e., that she is the author of her action, rather than another person who put a compulsion on her.²² An act is spontaneous when it springs from one's own will. Similarly for Leibniz, spontaneity is a necessary condition of free will.²³ We can set aside for the moment whatever difficulties that these formulations may present. The point to take is that according to Leibniz Pufendorf's account of obligation entails that one acts from external compulsion rather than internal spontaneity. Thus, one does not do one's duty voluntarily. We will again encounter this notion of spontaneity, below. Secondly, and more devastatingly, on Pufendorf's account if there is no superior to compel compliance with the law, then there is no obligation; therefore no justice. But this surely cannot be right, Leibniz holds, because justice (or rightness) must precede the imposition of a law. Thus Pufendorf's entire jurisprudence rests on a fundamental mistake because it reduces to the imposition of a power whose justification is unexplainable.

To see what is wrong with Pufendorf's view requires a closer look at Leibniz's understanding and criticism of it. While Pufendorf claims that obligation derives from the decree of a superior, he *also* claims that the superior must have *just causes* for the obligation. Leibniz argues that these two claims entail a vicious circle:

Nor do I see how the author, acute as he is, could easily be absolved of the contradiction into which he falls, when he [derives all obligations of right from the decree] of a superior . . . while afterwards in Book 1, Chapter 2, § 5, he states that to constitute a superior requires, not only that [superiors] possess the force of coercion, but also that they have a just cause to claim their power over me. Consequently, the justice of the cause is antecedent to this same superior, contrary to what had been asserted. Indeed, if a source of right requires a superior, and inversely, [if just causes of right] are necessary to constitute a superior, a circle is created than which none was ever more manifest. From what indeed will [just causes] be established, if no superior exists, from whom, supposedly, the right may emanate? (RP 73-4, some emendation)²⁴

²² *De Officio* Lib. 1 cap. 1, § 10: "Quemadmodum autem hoc maxime nomine homo actionum suarum auctor habetur, quia isse voluntario eas suscipit, ita circa voluntatem id cum primis observandum, ejus spontaneitatem utique asserendam esse, saltem circa illas actiones, de quibus ab homine in foro humano ratio solet exigi. Ubi autem homini nihil plane spontaneitatis relinquitur, ibi non ipse homo, sed qui eidem necessitatem adfert, auctor habebitur actionis, ad quam homo invitus membra viresque suas accommodat."

²³ Spontaneity is one of the three necessary conditions. The others are contingency (absence of logical contradiction) and intelligence. Spontaneity requires contingency and the absence of external constraint. G.7.109: "La Liberté est une spontanéité jointe à l'intelligence." See also Theodicy §310: "Aristotle has defined [spontaneity] well, saying that 'spontaneum est, cujus principium est in agente.' . . . There also we have a mastery, individual and even perceptible, over our actions and our wills, resulting from a combination of spontaneity and intelligence."

²⁴ D 4.281: "Nec video, quomodo actor, quamvis actus, a contradictione facile excusari possit, quum omnem juris obligationem a superioris decreto derivat, . . . & tamen mox lib. I. c.2. § 5. ad superiorem constituendum requiri ait, non tantum, ut vires cogendi habeat, sed etiam ut justas habeat causas vindicandi sibi in me potestatem. Ergo justitia causae ipso superiore anterior est, contra quam adseverabatur. Nempe si ad juris originem opus est superiore, & rursus ad superiorem constituendum causis opus est jure subnixis; circulus orientur, quo nullus umquam manifestior fuit. Unde enim constabit, justas esse causas, si nullus adhuc superior exstat? a quo (scilicet) jus proficisci potest."

The circle seems to be that on Pufendorf's account a source of right (or just causes) cannot be established. That is because just causes cannot become obligations without a superior possessing the force of coercion to impose them. However, in order to be justified in imposing the force, the superior must already have just causes. If force is absent, then just causes have no effect. And if just causes are absent, then an arbitrary obligation may be imposed. In sum, Pufendorf's own premises provide no means of establishing a *just* obligation, and therefore, the source of right comes down to the decree of one possessing the power to impose his will.

To better understand Pufendorf's difficulty we need to distinguish (a) the just causes for the imposition of a duty, from (b) the *motives* which effectively compel one to obey the just causes. Pufendorf thinks that an obligation can be established only if a motive, namely, the threat of force, is present to compel observance. Without the threat of force, just causes are merely suggestions, not properly obligations. Leibniz however thinks that obligations are established by just causes alone, and that just causes *ought* to be sufficient to compel compliance, without the imposition of threats.

Leibniz's criticism is illustrated somewhat differently and more accurately by his direct quotation and comment on the passage in Pufendorf in question. Rather than quoting Leibniz quoting Pufendorf, I provide this reconstruction of Pufendorf's argument:²⁵

An obligation (*obligatio*) is "introduced in the mind" by a superior. A superior is one who (1) holds the strength (*vis*) to inflict some evil (*malum*) on the recalcitrant; and (2) holds just causes (*justae causae*) that inspire respect (*reverentia*) apart from the fear (*metus*) of the evil.

If there is no threat of force, then the subordinate can disregard the order with impunity. Therefore, the threat of force must be present in order to introduce an obligation into the mind of a subordinate.²⁶

Pufendorf holds that establishing an obligation is a matter of producing a feeling or sense in the mind that *the will* may not rightly deviate from the law.²⁷ That sense is provided by the threat of some evil upon the violation, and the superior provides that threat. Notably, Pufendorf *seems* to hold that there is a motive of *respect* for the just cause, separate from the motive of fear of the superior. However, he has no real place for just causes because an obligation just depends on the superior's capacity to create a sense of fear or wrongness in the mind. Again, an obligation (or a law) is not properly an obligation unless it is imposed by a superior.²⁸ But for Leibniz the just causes alone ought to be

²⁵ That is, in Book 1, Chapter 2, § 5. Leibniz quotes almost the whole section word for word. For this reconstruction I rely in part on Silverthorne's English translation of the 1673 edition (*Samuel Pufendorf: On the Duty of Man and Citizen*) p. 28.

²⁶ Leibniz includes Pufendorf's reasons by which a superior may "rightly" claim another's obedience: by having conferred benefits on the subordinate; by being in a position to take better care of the subordinate; by making a claim over the subordinate; and by the subordinate having "voluntarily" submitted to the superior's direction.

²⁷ See section §4 in Pufendorf, which is just prior to the section Leibniz is quoting.

²⁸ In a passage from Book 1, Ch. 3. sec. 10, Pufendorf says in reference to the precepts of natural law: "though these precepts have a clear utility, they get the force of law only upon the presuppositions that God

sufficient to establish the obligation, that is, to introduce the sense of obligation into the mind. That they often do not obligate is simply because we have not developed the virtue for it. Leibniz asks, why do not reasons (just causes) restrain by themselves? Pufendorf places us in a dilemma: “either reasons obligate prior to force” (and he cannot explain how this is possible, because he depends on force) “or they do not obligate any longer when force [ceases]” (in which case just causes are of no use) (RP 75).²⁹ If Pufendorf really does think that just causes alone restrain the will, then it is superfluous to add threats. But “force and fear add nothing,” Leibniz says, “except themselves,” i.e., the fear of punishment.

To be fair, we have seen from his criticism of Pufendorf on the *end* of natural right, that Leibniz himself thinks that force and fear *do* add something useful, namely, additional inspiration for the insufficiently virtuous. And he certainly does think that a superior is “proper to law in the narrow sense,” that is, for positive law (RP 75). However, at this point he maintains that force and fear cannot be the primary determinants or sources of right, law and obligation. That is because (as he will explain in the *Meditation*, as well) right and justice cannot be determined by arbitrary power, will, force, and fear. They must be determined independently of these, and the way to do that is to ground them in the truths of reason found in the divine understanding, rather than the divine will—as we will see.

Leibniz goes on to identify Pufendorf’s view with Hobbes’ “paradoxical” view that since the state of nature contains no superiors, there is no “binding justice whatsoever” (RP 70). And Leibniz is “astonished” that anyone could hold such a view, since it entails that a tyrant commits no injustice by despoiling, tormenting, and killing his subjects under torture.³⁰ Leibniz notes that some will seek a way out of this paradox by holding that God, the superior of superiors, infallibly just and good, makes everyone a subordinate; thus, God ultimately establishes natural right and obligation. But this appeal to God does not solve the paradox, he says, because God is not needed to establish at least certain obligations.

It is without a doubt most true that God is by nature superior to all; all the same the doctrine itself, [that right is born from the decree of the superior], is not freed of scandal and errors, however one [excuses] it. Indeed, not to mention that which Grotius [has well observed], namely that there would be a natural obligation [even if it were granted]—which is impossible—that God does not exist, or if the divine existence is [disregarded for the present]; since [concern] for one’s own preservation and well-being certainly [requires much from men in respect of others], as even Hobbes [observes] in part: and this obligatory tie [societies of robbers] confirm by their example, who, while they are enemies of others, [maintain certain duties among themselves]. (RP 71)³¹

exists and rules all things by His providence . . . for otherwise though they might be observed for their utility, like the prescriptions doctors give to regulate health, they would not be laws. Laws necessarily imply a superior, and such a superior actually has governance of another” (p. 36).

²⁹ D 282: “Alterutrum ergo dicendum est, vel rationes ante vim obligare, vel nec obligare vi cessante.”

³⁰ Or “who makes war on others without cause” as we have seen in our own day.

³¹ D 4.279-80: “Atque hoc quidem de Deo natura omnium superiore verissimum est; sed tamen ipsa perse doctrina offensione atque errore non caret, quae habet, jus decreto superioris nasci, utcunque excuses. Nam

Leibniz has already revealed the “scandal” of voluntarism. Yet he invites his own scandal by invoking Grotius’ notorious claim that even if God did not exist, a “natural obligation” would still apply.³² His point is that without God, there are still duties that follow from the natural right of self-preservation and well-being. Now, while these rights appear to impose only a *prudential* obligation (and arguably, an obligation to serve one’s own self-interest is no real obligation), this is not the whole of Leibniz’s view.³³ As he says in the next sentence, “although, as I have observed, a natural law based on this source alone would be very imperfect” (RP 71).³⁴ This refers to his earlier statement, where he criticized Pufendorf for limiting the end of natural right to this life alone, thus making it valid for atheists. In view of this comment, then, Leibniz must temper his criticism of Pufendorf, since he believes that the fear of divine punishment is a powerful obligator, especially in the long term. This also means that Leibniz cannot wholly subscribe to Grotius’ notorious claim.³⁵ Yet a better explanation for Leibniz’s comment can be found elsewhere. As we have seen, the rules of natural right cannot be made exclusive to individual communities, such as a society of robbers, but must be valid for a universal community, at all times.³⁶

Despite these concessions, Leibniz makes a striking counterpoint that gets to the heart of his own grounds of natural right: God is just, *most* just, precisely because he has no superior.

To pass over all this, one must pay attention to this fact: that God is praised because he is just. There must be, then, a certain justice—or rather a supreme justice—in God, even though no one is superior to him, and he, by the spontaneity of his excellent nature, accomplishes all things well, such that no one can reasonably complain of him. (RP 71)³⁷

ut taceam, quod *Grotius* bene notavit, fore aliquam naturalem obligationem, etsi daretur, quod dari non potest, Deum nullum esse, aut licet divina existentia seponatur tantisper; quoniam certè multa ab hominibus erga alios exigit propriae conservationis commoditatisque cura; quae *Hobbius* etiam pro parte annotavit; & hoc obligationis vinculum latronum societates exemplo suo confirmant, dum aliis hostes, inter se quaedam officia colere coguntur.”

³² Grotius, *De Jure Belli ac Pacis*, prolegomena, sec. 11.

³³ For Grotius the natural law tells us how to manage the conflict between our natural sociability and our own benefit (paraphrasing Schneewind, IA p. 73) but this is not equivalent to saying that the natural law directs us simply to self-preservation, as it is for Hobbes—nor is it for Leibniz.

³⁴ D 4.280: “quamquam, ut jam notavi, imperfectum fit valde jus naturae, quod ex hoc solo fluat.”

³⁵ Leibniz’s agreement with Grotius on this point must be considerably qualified. In *Theodicy* (sec. 183-4), quoting and paraphrasing Bayle, Leibniz endorses the view of Aquinas and Grotius that we are “justified in saying that if there were no God we should nevertheless be obliged to conform to the natural law.” Yet, he continues, “one must not say, with some Scotists, that the eternal verities would exist even though there were no understanding, not even that of God. For it is, in my judgment, the divine understanding which gives reality to the eternal verities, albeit God’s will have no part therein. All reality must be founded on something existent. It is true that an atheist may be a geometrician: but if there were no God, geometry would have no object. And without God, not only would there be nothing existent, but there would be nothing possible.”

³⁶ See *Nouveaux Essais* p.89, quoted in Chapter Five, sec. 3.

³⁷ D 4.280: “haec, inquam, ut taceam, sciendum est, Deum ipsum laudari, quod justus est, adeoque esse quandam, immo potius esse summam ipsius Dei justitiam; etsi superiore careat, & sponte naturae excellentis omnia bene agat, ut nemo de eo cum ratione queri possit.”

This notion of “complaint” will be put to important use in the *Meditation* as a criterion for just actions, as we will see. But at this point it is important to note again this notion of *spontaneity*: God acts justly from the spontaneity of his excellent nature, from his own nature, not from the compulsion of a superior. To act spontaneously does not mean to act freely, in the sense of being undetermined by reasons or causes, but rather to be determined by the right reasons, as they originate in one’s own nature. This leads again to the idea that the efficient cause of obligation is the divine understanding. God acts spontaneously in conformity with the eternal truths found within his understanding. What these truths are *like* is explained as the above passage continues:

Neither the norm of conduct itself, nor the essence of the just, depends on his free decision, but rather on eternal truths, objects of the divine intellect, which [are constituted], so to speak, by the essence of divinity itself; and it is right that our author is reproached by theologians when he maintains the contrary; because, I believe, he had not seen the wicked consequences which arise from it. Justice, indeed, would not be an essential attribute of God, if he himself established [right] and justice by his free will. And, indeed, justice follows certain [laws] of equality and of proportion [which are] no less founded in the immutable nature of things, and in the divine ideas, than are the principles of arithmetic and of geometry. So that no one will maintain that justice and goodness originate in the divine will, without at the same time maintaining that truth originates in it as well. (RP 71)³⁸

This passage largely constitutes Leibniz’s definitive answer to Pufendorf: the efficient cause of natural right is the ideas of right in the divine mind. He does not say what the norm of conduct is, nor what these ideas are specifically (and it is difficult to know what the “the immutable nature of things” means).³⁹ However, we do know that the mathematical notions of “equality” and “proportion” are essential to his theory of right, as I will show. These notions correspond to the first and second degrees of right, and to the negative and positive versions of the Golden Rule. The most we can conclude at this point is that the efficient cause or causes of obligation are the ideas of right, which are found in God’s understanding, in the “region of ideas.” Also, as the last sentence of the

³⁸ D 4.280: “Neque ipsa norma actionum aut natura justii, a libero ejus decreto, sed ab aeternis veritatibus divino intellectui objectis pendent; quae ipsa, ut sic dicam, divina essentia constituuntur; meritoque a theologis auctor reprehensus est, quando contrarium defendit; credo, quod pravas consequentias non perspexisset. Neque enim justitia essentialis Dei attributum erit, si ipse jus & justitiam arbitrio suo condidit. Et vero justitia servat quasdam aequalitatis proportionalitatisque leges, non minus in natura rerum immutabili divinisque fundatas ideis, quam sunt principia arithmeticae & geometriae. Neque adeo justitiam aut bonitatem quisquam divini arbitrii esse defendet, nisi qui & veritatem.” Thanks to Professor Baum for correcting Riley’s translation, especially where Riley had “. . . objects of the divine intellect, which constitute, so to speak, the essence of divinity itself.”

³⁹ This phrase, “the immutable nature of things,” is frequent in Leibniz; but frankly I can make little sense of it. For Leibniz, all natures are immutable, human nature, animal nature, unicorn nature, etc. If the nature of something is changed, then it is no longer that thing. What he seems to be referring to are immutable objects and notions, such as mathematical objects. And he wants to say that justice has an immutable meaning, one that does not change through circumstance or time.

above passage indicates, these ideas, these truths, determine the will, and thus constitute the superiority of God.

Leibniz's criticisms of Pufendorf are of considerable consequence for a general theory of obligation, or for what Leibniz calls "moral necessity." If establishing an obligation depends on the superior's threat of force (*vis*), then the moral agent acts neither "spontaneously" (that is, from his or her own will), nor from the "respect" for just causes. For Leibniz an obligation is established by just causes alone, that is, by the precepts of right reason. When we apprehend them correctly, through the light of reason, the will follows. Implied here is that only on this basis can one act *spontaneously* (non-coercively) out of *respect* for just causes. This is the sense in which the efficient cause of natural right is *the nature of things* and the *precepts of right reason* which "emanate from the divine understanding."⁴⁰ We follow the precepts in the degree to which we clearly understand them, recognize their justness, have respect for them as just causes, and, against other influences, both internal and external, are able to make them the efficient causes of our own actions. In sum, this means to possess the virtue of justice, and constitutes the self-limiting power of the moral agent. I will return to this point at the end of this chapter.

Near the end of the *Monita*, Leibniz summarizes his three points this way: "The *end* of natural right is the good of those who observe it; its *object*, all that which concerns others and is in our power; finally, its *efficient cause* in us is the light of eternal reason, kindled in our minds by the divinity" (RP 75).⁴¹ With this summary of the *Monita* in mind, we can now turn to the *Meditation*, which begins with a fierce attack on voluntarism.

Section 3: The Science of Right in *Méditation sur la Notion Commune de la Justice*

Leibniz begins the *Meditation* with a passage recalling Plato's *Euthyphro*, a dialogue which centers, quite appropriately for Leibniz, on the question of piety or holiness (*hosian*).⁴² The *Euthyphro* has been very influential on the voluntarist debate. Socrates at one point poses the hard question: "is that which is holy loved by the gods because it is holy, or is it holy because it is loved by the gods?" (PF 35).⁴³ Socrates affirms the former proposition by arguing that if holiness depends on what the gods happen to love, then contradictory notions of holiness may arise. Therefore, the essence (*eidos*) of the holy must exist independently of its being loved by the gods. Leibniz's argument against voluntarism is placed in very similar terms and comes to essentially the same conclusion; but he poses the question in terms of the good and the just, and whether God's will determines these meanings, or whether God wills the good and the just, whose meanings are ideal and are not determined by God's will.

⁴⁰ D 4.279, as cited above.

⁴¹ D 4.282: "Et ut dicta paucis recolligamus, in universum dicendum est: finem juris naturalis esse bonum servantium;

objectum, quidquid aliorum interest, & in nostra est potestate; causam denique efficientem in nobis esse rationis aeternae lumen divinitus in mentibus accensum."

⁴² Patrick Riley remarks, "Leibniz's essay might with equal justice be called, "Meditation on the Common Notion(s) of Platonism" (Riley, 2003, p. 69).

⁴³ *Euthyphro* 10: "ἀρα το ὁσιον, οτι ὁσιον εστιν, φιλειται υπο των θεων, η οτι φιλειται, ὁσιον εστιν;"

It is agreed that whatever God wills is good and just. But there remains the question whether it is good and just because God wills it or whether God wills it because it is good and just; in other words, whether justice and goodness are arbitrary or whether they belong to the necessary and eternal truths about the nature of things, as do numbers and proportions (RM 45).⁴⁴

Leibniz's answer is that the meanings of the good and the just are as unchangeable as the truths of mathematics. They are not determined by God's will, but are *found* in God's understanding, along with all real definitions, eternal truths, and the precepts of natural right. His argument against the voluntarist amounts to a kind of *reductio ad absurdum*, but he also advances positive claims for the meaning and criteria of right, just, obligation, and justice, as we shall see.⁴⁵

First we need to know more specifically what Leibniz takes the voluntarist thesis to be. We already have some idea from his criticism of Pufendorf, but his main target in the *Meditation* seems to be Hobbes. For Leibniz, voluntarism generally holds that the meanings of *right*, *just*, and *justice*, are determined by the will or command of a superior power (i.e., a lawgiver or God) by means of sanctions; or, that their meanings are contingent upon the conventions of language; or, that justice serves the interests of the powerful. Leibniz objects to these claims because they get our ideas about language, God, and even logic wrong—not to mention justice. In sum, voluntarism permits arbitrary, inconsistent, inadequate, certainly false, and even dangerous ideas about justice.

Let us consider these objections more specifically. He holds that if the meaning of justice is determined by God's will, command, or power, but not by his reason, then nothing less than the foundations of religion and morality are destroyed. As he says, quoting Juvenal, "*Stat pro ratione voluntas*, my will takes the place of reason, is properly the motto of the tyrant" (RM 46). This "would not sufficiently distinguish God from the devil," and it would allow God, if he so willed, to "justly" condemn the innocent (RM 46). Thus the voluntarist is essentially *impious*, since he implies that God is to be feared, rather than revered and loved for his justice.⁴⁶ Voluntarism also leads to contradictory applications of justice in the human sphere: If, as according to Thrasymachus, the just is

⁴⁴ M 41: "On a convient que tout ce que Dieu veut, est bon et juste. Mais on demande, s'il est bon et juste, parce que Dieu le veut, ou si Dieu le veut, parce qu'il est bon et juste, c'est-à-dire, si la justice ou la bonté est arbitraire ou si elle consiste dans les vérités nécessaires et éternelles de la nature des choses, comme les nombres et les proportions."

RM = "Riley Meditation" and refers to Riley's translations in *Leibniz's Political Writings*.

⁴⁵ In *Theodicy* (sec. 182) Leibniz indicates several sources for his anti-voluntarist view, including the *Euthyphro*. Bayle and Calvin agree with him that the rules of justice and goodness are "anterior to the decrees of God." He then dismisses Pufendorf as being virtually confused on the matter, since he opposes the absolute decree but then "approves what is worse in the opinions of the champions of this decree." He continues: "Aristotle was very orthodox on this matter of justice, and the Schoolmen followed him: they distinguish, just as Cicero and the Jurists do, between perpetual right, which is binding on all and everywhere, and positive right, which is only for certain times and certain peoples. I once read with enjoyment the *Euthyphro* of Plato, who makes Socrates uphold the truth on that point, and M. Bayle has called attention to the same passage." On Aristotle's notion of "perpetual" or universal justice, see *Rhetoric* 1373b2, as cited above.

⁴⁶ The voluntarist may want to counter that God's will is not arbitrary since it is always *good*. However, for Leibniz that would simply beg the question as to what 'the good' means and how it is determined.

“what is agreeable or pleasant to the most powerful,” then no judgment of a court or supreme judge could be unjust, or “the same action could be [both] just and unjust” (RM 47).⁴⁷

Indeed, Leibniz identifies Hobbes with Thrasymachus, accusing the former of having failed to make a crucial distinction:

A celebrated English philosopher named Hobbes, who is noted for his paradoxes, has wished to uphold almost the same thing as Thrasymachus: for he wants God to have the right to do everything, because he is all powerful [⁴⁸]. This is a failure to distinguish between right and fact. For what one can do is one thing, what one should do, another. (RM 47)⁴⁹

For Hobbes (as stated in *De Cive* XV, 5), God’s right to punish derives from his irresistible power. But for Leibniz this confusion of right and power entails a confusion of right and fact. Not only does this make God out to be a tyrant, but it means that the sovereign religion becomes State religion, thus “no real religion.” Furthermore, if the powerful may do with impunity what pleases them, then “treason, assassinations, poisonings, torture of the innocent, all will be just, if they succeed” (RM 47).⁵⁰ This sort of voluntarism also contradicts our accepted ways of using language, since it allows one to “change the nature of the terms and to speak a language different from other men” (RM 47). This is another criticism of Hobbes’ nominalism. As Leibniz has maintained since the *Nova Methodus*, the meanings of right and justice are determined by *real* definitions or platonic essences. An act is just by virtue of the kind of act it is, relative to the idea of the just. Furthermore, “an unpunished action can nevertheless be unjust; that is, it may deserve to be punished; such that it is only a question of knowing why it deserves it, without raising the question whether the pain will actually follow or not, or whether some judge will impose it” (RM 47). To put the matter in his subjective rights

⁴⁷ M 42-43: “Platon dans ses dialogues introduit et réfute un certain Thrasymaque qui voulant expliquer ce que c’est que la justice, donne une définition qui autoriserait fort le parti que nous combattons, si elle était recevable. Car just, dit-il, est ce qui convient ou plaît au plus puissant. Si cela était, jamais sentence d’une cour souveraine ou du dernier juge ne serait injuste, jamais méchant homme, mais puissant ne serait blâmable. Et, qui plus est, une même action pourrait être just et unjust, selon au’elle trouverait des juges, ce qui est ridicule.” Riley provides reference to Plato, *Republic* I, 338c.

⁴⁸ Mollat provides the reference to *De Cive* XV, 5. It is not clear whether this is Leibniz’s own reference. The passage in Hobbes’ English translation of *De Cive* (*Philosophical Rudiments of Government and Society*) reads, “God in his natural kindom hath a right to rule, and to punish those who break his laws, from his sole irresistble power” (292). Hobbes goes on in that section to say that God cannot therefore be said to unjustly punish someone who has not sinned, and that God’s right of punishment does not come from men’s sins but from God’s power. Although Hobbes also steadfastly maintains that God rules by “right reason” (sec. 8, p. 295), Hobbes must explain how that claim is consistent with God’s right to punish according to his power.

⁴⁹ M 43: “Un philosophe anglais célèbre, nommé Hobbes, qui s’est signalé par ses paradoxes, a voulu soutenir presque la même chose que Thrasymaque. Car il veut que Dieu est en droit de tout faire, parce qu’il est tout puissant. C’est ne pas distinguer le droit et le fait. Car autre chose est ce qui se peut, autre chose ce qui se doit.”

⁵⁰ M 43-44: “Comme de que juste est ce qui plaît au plus puissant, n’est autre chose que de dire qu’il n’y a point de justice certaine et déterminée et qui défende de faire ce qu’on veut faire et peut faire impunément, quelque méchant qu’il soit. Ainsi trahisons, assassins, empoisonnements, supplices de innocents, tous sera juste, s’il réussit.”

terminology, Leibniz holds that natural right and justice cannot be based on what is purely *possible* to do, but must be based on what is right and morally necessary to do. Therefore (to answer the *Euthyphro* problem) “goodness and justice have their grounds independent of will and of force” (RM 46).⁵¹

In the *Monita* we got a fairly clear idea of the source of these grounds, independent of will and force; namely, the ideas of right in the divine understanding. In the *Meditation*, Leibniz solves the problem of voluntarism in a similar way, by developing several distinct notions of right and justice. He begins by calling for a “formal reason” (*raison formelle*) of justice. This formal reason cannot be power, since, in addition to the reasons so far given, “if power were the formal reason of justice, all powerful persons would be just, each in proportion to his power; which is contrary to experience” (RM 48). What is needed is a *formal reason* or *common notion* of justice that is universally valid for God and humans alike.

It is thus a question of finding this formal reason, that is to say, the *why* of this attribute, or this [notion] which should teach us what justice is, and what men mean in calling an action just or unjust. And this formal reason must be common to God and to man; otherwise one would be wrong in wanting to attribute, without equivocation, the same attribute to both: these are fundamental rules of reasoning and of discourse. (RM 48)⁵²

Part of Leibniz’s motivation in this passage is to refute certain “dogmas” which deny the universality of the concept of justice.⁵³ This formal reason will make the use of power legitimate and the application of justice consistent. Thus, we must distinguish between the “necessary and eternal truths which must be the same everywhere” from “that which is contingent, changeable or arbitrary” (RM 49). To do this, Leibniz devotes perhaps an inordinate amount of space (including graphics) to show how mathematical patterns, no matter how complex, remain consistent, certain, and universally agreeable; and, no one thinks that these patterns hold for God but not for humans (or vice versa). Thus:

The same is true of justice. If it is a fixed term which has some determined meaning; if, in a word, it is not a simple sound, without sense, like *blitiri*; this term, or this word, justice, will have some definition or some intelligible notion: and from every definition one can draw certain consequences, by using the incontestable rules of logic; and this is precisely what one does in building the necessary and demonstrative sciences which depend not at all on facts, but solely on reason, such as

⁵¹ M 42: “... la bonté et la justice ont leurs raisons indépendantes de la volonté et de la force.” In section 4, we will return to Leibniz’s criticism of Hobbes in relation to the first degree of right (*jus strictum*).

⁵² M 45: “Il s’agit donc de trouver cette raison formelle, c’est-à-dire le pourquoi de cet attribut, ou cette notion qui nous doit apprendre en quoi consiste la justice et ce que les hommes entendent, en appelant une action juste et injuste. Et il faut que cette raison formelle soit commune à Dieu et à l’homme. Autrement on aurait tort de vouloir attribuer sans équivoque le même attribut à l’un et à l’autre. Ce sont là les reegles fondamentales du raisonnement et du discours.”

⁵³ In the *Theodicy* (sec. 173-177) Leibniz argues against the dogmas that “(1) the nature of justice is arbitrary, (2) that it is fixed, but it is not certain God will observe it, (3) that the justice we know is not the justice he observes.” But these are refuted if justice has a “common notion.”

logic, metaphysics, arithmetic, geometry, the science of motion, and the science of right as well; which are not at all founded on experiences and facts, and serve rather to give reasons for facts and to control them in advance; which would [also] happen with respect to right, if there were no law in the world.

The error of those who have made justice dependent on power comes in part from confounding right and law. Right cannot be unjust, it is a contradiction; but law can be. For it is power which gives and maintains law; and if this power lacks wisdom or good will, it can give and maintain quite evil laws. . . . It is a question, then, of determining the formal reason of justice and the measure by which we should measure actions to know whether they are just or not. (R 49-50)⁵⁴

The main points here are strikingly similar to those in the *Elementa*, namely, that the meanings of *right*, *just* and *justice* and are fixed by their a priori definitions, not by arbitrary, nominal definitions; that from a priori definitions one can demonstrably construct “a science of right,” independent of existence, fact, and here, power; that the definition of right is the a priori ground of civil law; that power maintains civil laws but does not determine them. Power, in order not to be used arbitrarily, must be restricted by wisdom and goodness, but more specifically, it must be restricted by the “formal reason” of justice, which provides the true measure of just and unjust actions.

At this point we expect Leibniz to tell us *exactly* what this often-mentioned formal reason (definition, common notion) of justice is. In the passage which immediately follows the above, Leibniz *appears* to offer something specific.

After what has been said one can already foresee what this [formal reason] will be. Justice is nothing else than that which conforms to wisdom and goodness joined together: the end of goodness is the greatest good, but to recognize it wisdom is needed, which is nothing else than knowledge of the good. Goodness is simply the inclination to do good to everyone, and to [prevent] evil, at least when it is not necessary for a greater good or to [prevent] a greater evil. Thus wisdom is in the understanding and goodness in the will. And justice, as a consequence, is in both. Power is a

⁵⁴ M 47-48: “Il en est de même de la justice. Si c’est un terme fixe qui a quelque signification déterminée, en un mot, si ce n’est pas un simple son, vide de sens, comme blitiri, ce terme ou ce mot justice aura quelque définition ou notion intelligible. Et de toute définition on peut tirer des conséquences certaines, en employant les règles incontestables de la logique. Et c’est justement ce qu’on fait, en fabriquant les sciences nécessaires et démonstratives qui ne dépendent point des faits, mais uniquement de la raison, comme sont la logique, la métaphysique, l’arithmétique, la géométrie, la science des mouvements et aussi la science de droit, qui ne sont point fondées sur les expériences et faits et servent plutôt à rendre raison des faits et à les réguler par avance, ce qui aurait lieu à l’égard du droit, quand il n’y aurait point de loi au monde.

La faute de ceux qui ont fait dépendre la justice de la puissance, vient en partie de ce qu’ils ont confondu le droit et la loi. Le droit ne saurait être injuste, c’est une contradiction, mais la loi le peut être. Car c’est la puissance qui donne et maintient la loi. Et si cette puissance manque de sagesse ou de bonne volonté, elle peut donner et maintenir de fort méchantes lois. . . . Il s’agit donc de déterminer enfin la raison formelle de la justice et cette mesure par laquelle nous devons mesurer les actions pour savoir, si elles sont justes ou non.”

different matter, but if it [occurs] it makes right become fact, and makes what ought to be also really exist, in so far as the nature of things permits. And this is what God does in the world. (RM 50)⁵⁵

It is of course hard to say what is “formal” about this. The passage rather vaguely states that the formal reason of justice is wisdom and goodness. In other words, justice consists in the *knowledge* of the greatest good and the *inclination* of will to follow it. But nothing of an explicitly formal or mathematical nature is expressed here. The passage does however indicate some useful clues about something formal and definitive. We can know that the *understanding* is the principle of wisdom, while the *will* is the principle of the *inclination* to do the good. Presumably, having knowledge of the good is not sufficient for having the will to bring it about. The will requires wisdom, but the understanding requires the inclination of the will to carry out what wisdom prescribes. God’s power consists in the capacity of both the understanding and will to produce goodness; that is, power consists in making justice a reality. At this very point Leibniz offers an additional clue that must be observed regarding goodness: “One may ask what the true good is. I answer that it is nothing else than that which serves in the perfection of intelligent substances” (RM 50).⁵⁶ Thus it appears that *perfection* means having the knowledge of the good *and* the will to do it, which is to say having the virtue of doing it. The true good is the perfection of the moral agent. I will come back to this point at the end of section 6, on piety.

What these clues eventually lead to is Leibniz’s definition of justice as “the charity of the wise.” However, we cannot fully understand that definition until the “formal reason” of justice is discovered. So far it seems that, just as in Plato’s *Euthyphro*, the argument moves in a circle. From the initial attempt to show that the good and the just have their reasons “independent of will and force,” we have been led to the formal reason of justice, only to discover that this involves goodness and wisdom. But what, really, is goodness and wisdom? Since Leibniz does not tell us here, we must either give up the argument or start again.

In what is apparently Part Two of the *Méditation*,⁵⁷ as if to start again, Leibniz reasserts the need for a common notion of justice. In a series of four steps, or what he calls “causes of complaint,” he shows that justice in its most complete sense is charity of the wise. In the course of this he derives a unique version of the Golden Rule, which generally expresses the causes of complaint. But it must be understood that these ideas develop out of the basic notions of natural right. Notice that the passage opening Part

⁵⁵ M 48: “On a pu déjà la prévoir par tout ce que nous venons de dire. Justice n’est autre chose que ce qui est conforme à sagesse et bonté jointes ensemble. Le but de la bonté est le plus grand bien. Mais pour le reconnaître, il faut de la sagesse qui n’est autre chose que la connaissance du bien, comme la bonté n’est autre chose que l’inclination à faire du bien à tous et à empêcher le mal, à moins qu’il ne soit nécessaire pour un plus grand bien ou pour empêcher un plus grand mal. Ainsi la sagesse est dans l’entendement et la bonté dans la volonté, et la justice par conséquent est dans l’un et l’autre. La puissance est autre chose. Mais, si elle survient, elle fait que le droit devient fait et que ce qui doit être, existe aussi réellement, autant que la nature des choses le permet. Et c’est ce que Dieu fait dans le monde.”

⁵⁶ M 48: “On demandera ce que c’est que le vrai bien? Je réponds que ce n’est autre chose que ce qui sert à la perfection des substances intelligents.”

⁵⁷ Patrick Riley has argued that it is likely, but not conclusive, that the two parts of the *Méditation* comprise “complementary halves of a unitary Platonizing work” (2003, p. 69).

Two begins with reference to “questions of right.”

Most of the questions of right, but particularly of that of sovereigns and of peoples, are confused, because [not everyone] agrees on a common notion of justice, with the result that [not everyone] understands the same things by the same name, and this is the cause of endless dispute. Everyone will agree, perhaps, to this nominal definition, that justice is a constant will to act in such a way that no one have a reason to complain of us.^[58] But this does not suffice unless one gives the means of determining these reasons. (RM 53)⁵⁹

These “reasons for complaint,” in fact, are nearly identical to the graduated “proportions of good” he had set out all the way back in Draft 2 of the *Elementa*.⁶⁰ To determine these reasons, Leibniz provides several scenarios designed to move us gradually, in four steps, from this *nominal* definition of justice to something like a *real* definition—i.e., charity of the wise. This move also involves the first two Roman precepts: beginning with strict right (*harm no one*), which requires only *refraining* from an action, we move to charity or equity (*give each his due*), which requires actively *promoting* another’s good. Moreover, as Leibniz holds, everyone will recognize these “causes of complaint” as valid justifications for action. In this way we are also led to the Golden Rule and to justice defined as charity of the wise. Let us now turn to this four-step continuum from strict right to charity.⁶¹

Strict right, as we know, does not prescribe anything beyond the prohibition against harm, at least explicitly. However, to get beyond this prohibition and to reach the positive good, we must first understand the cause of complaint involved in harm, and it is very simple. If we harm another, she will hate us; and we would recognize her hate as justified, since we would hate another for hurting us. Thus, the first cause of complaint: *to harm another*; and so we must refrain from harm. But to get to the second step, we must consider the cause of complaint from harming another *indirectly*, that is, by refusing to *help* another. Suppose that you refuse to help someone in need, and you could do so without incurring harm to yourself. Would you not be hated for that as well? You may try to refuse to help others on the grounds that you are content without their help; and you may remain content as long as others do not harm you. But Leibniz says this will not work. To conceive of matters rightly, one cannot depend on what one wants (or does not want), but on what one can rationally imagine. So, you could imagine that *if* you were in

⁵⁸ Note that this definition stems in part from the very first sentence of Justinian’s *Institutes*; but the notion of “complaint” is Leibniz’s own. *Institutionum* Lib 1, Tit 1: “Iustitia est constans et perpetua voluntas ius suum cuique tribuens.”

⁵⁹ M 53: “La plupart des questions du droit, mais surtout de celui des souverains et des peuples sont embarrassées, parce qu’on ne convient pas d’une notion commune de la justice, ce qui fait qu’on n’entend pas la même chose sous le même nom, et c’est le moyen de disputer sans fin. On conviendra peut-être partout de cette définition nominale que la justice est une volonté constant de faire, en sorte que personne n’ait raison de se plaindre de nous. Mais cela ne suffit pas, si l’on ne donne le moyen de déterminer ces raisons.”

⁶⁰ A.6.1.433.

⁶¹ An interesting article by Andreas Blank (2004) shows that Leibniz employs “sorites” arguments to make the move from strict right to equity (charity). Emily Grosholz (1993) argues that Leibniz is relying on his metaphysical principle of the continuum.

need of help, and another who easily could help you refused to do so, you would judge that he is “a bad man and even an enemy” (RM 54). This tells us that, “one will grant that it is necessary to prevent an evil to others, if one can do so commodiously.”⁶² Thus, the second cause of complaint: *to refuse to prevent an evil to another*.

Now for the third step, for what still needs to be shown is that, “justice orders us to do positive good for others,” not merely to prevent evils (RM 55).⁶³ To bring us to this level Leibniz for the first time in the *Meditation* invokes the Golden Rule. “And I return again to the proof, that is to say to the rule, *quod tibi non vis fieri*.”⁶⁴ Note that this is the negative version of the rule. To illustrate how it works we are again offered a scenario.

But I wish again to propose an intermediate case. A great good is coming to you; an impediment appears; I can remove that impediment without pain: would you not believe yourself to have a right to ask it of me, and to remind me that I would ask it of you, if I were in a similar position? (RM 55)⁶⁵

This scenario shows that it is objectionable to indirectly prevent the good for another. If I were to refuse to remove an impediment to your good (in other words, if I were to allow a good to escape you) you would rightly complain. And everyone would recognize the justness of this complaint, because everyone would recognize that one’s own reasoning could be reciprocally applied—as the Golden Rule makes clear. Thus the third cause of complaint: *to refuse to remove an impediment to a positive good for another*.

From here it is a small step to the fourth and final cause of complaint: “If you grant me this point how will you refuse the only remaining request, that is, to secure a great good for me, when you can do it without inconveniencing yourself in any way?” (55). That is, if I am committed to right action in the third step, i.e., not to prevent a good from coming to you, then to be consistent I must be committed to actively secure a good for you—if doing so does no harm to me. Failing to actively secure a positive good for another is much like failing to remove an impediment to her good. In either case, you could have done the good for another, but refused; the result is either a harm or lack of good for another. Thus the fourth cause of complaint: *to refuse to promote another’s good*. And now it is clear that these “causes of complaint” imply the obligation not only to refrain from harm, but to do the positive good.

This gradation makes it clear that the same reasons for complaint subsist always; whether one does evil or refuses to do good is a matter of degree, but that does not change the species and the nature of the thing. (RM 55)⁶⁶

⁶² M 55: “On m’accordera donc qu’il faut empêcher le mal d’autrui, si l’on le peut commodément.”

⁶³ It should be clear that ‘positive good’ is meant to distinguish from *negative* good. Not being harmed is a negative good. Receiving a freely given gift, for example, is a positive good.

⁶⁴ M 55: “Et je reviens encore à l’épreuve, c’est-à-dire à la règle: Quod tibi non vis fieri (what you would not have done to you).” Although he says, “I return again,” this is his first mention of the rule.

⁶⁵ M 56: “Mais je veux encore proposer le cas un peu mitoyen. Un grand bien va vous arriver. Il vient un empêchement, je puis lever cet empêchement sans peine. Ne croiriez-vous pas être en droit de me le demander et de me faire souvenir que je le demanderais à vous, si j’étais en pareil cas?”

⁶⁶ M 57: “Cette gradation fait voir que les mêmes raisons de plainte subsiste toujours. Soit qu’on fasse mal ou qu’on refuse le bien, il y a du plus et du moins, mais cela ne change point l’espèce et la nature de la

To put it another way: “I complain; you would complain in the same situation; thus I complain with justice” (RM 55). Let us review the four causes of complaint:

- (1) to harm another
- (2) to refuse to prevent an evil to another
- (3) to refuse to remove an impediment to a positive good for another
- (4) to refuse to promote another’s good

These causes of complaint show, by gradual logical increments, not so much that we would not *want* X in a certain situation, but that our reasons for wanting X hold up (or do not hold up) to rational evaluation. This way we understand that refusing to promote another’s good is a kind of harm to them. Thus the same reasons of complaint persist in the move from strict right to charity, from the first precept of right to the second.

Beyond having established the causes of complaint, much more is implied in these passages. What is meant by the *species*, *nature*, and *thing* in the above passage? It seems plausible to understand *the thing* as the good for oneself and another—which is to say *justice*. We are after all trying to establish “the means for determining the reasons” for the nominal definition of justice, i.e., “a constant will to act in such a way that no one have a reason to complain of us.” The reasons for complaint are actually the means for determining what counts as a just action. One is then supposed to have the virtue (the constant will) to perform just actions. Furthermore, we can understand that “the nature of the thing,” justice, is *reciprocal reasons*. In other words, justice means (at least) the “constant will” to grant to others the same reasons for action that you would have others grant to you in the same situation. Thus the Golden Rule, in its *positive* formulation, is also implied here. It is furthermore apparent that the *species* of the thing, justice, are *equality* and *equity*. As we have seen, these terms are associated with the first two degrees of right, respectively strict right and distributive justice. It is furthermore tempting to identify equality and equity as the “common notions” that Leibniz has been alluding to in the *Meditation*. These implications are brought out by the following passage, where, in addition, the Golden Rule in its positive form reflects the logic of complaint.

And it is the principle of equity, or, what is the same thing, of the equality or of the same reason which holds that one grant [to others] whatever one would wish in a similar case, without pretending to be privileged against reason, or [without] being able to allege one’s will as a reason. (RM 56)⁶⁷

There are a number of worthy points here. This passage could very well be taken to mean that the voluntarist’s *stat pro ratione voluntas* is to be replaced by *stat pro voluntate ratio*, which is the “principle of equity” or the Golden Rule. We will come back to this rule; but first let us focus on the features and meanings of the terms ‘equity’ and

chose.”

⁶⁷ M 57: “Et c’est le principe de l’équité ou qui est la même chose, de l’égalité ou de la même raison qui veut qu’on accorde ce qu’on voudrait en pareil cas, sans prétendre d’être privilégié contre la raison ou de pouvoir alléguer sa volonté pour raison.” Riley’s translation slightly emended.

‘equality,’ considered as “common notions.” It should above all be noticed that they express wholly intelligible ideas, indeed mathematical and geometrical ideas that are fundamental to demonstrative reasoning. For instance, the meaning of ‘equality’ is virtually interchangeable with ‘identity.’ The axiom of identity, a thing is identical to itself, $A = A$, is a necessary, indemonstrable truth, for Leibniz. Also, ‘equality’ is essential to the five “common notions” (*koinai ennoiai*) or axioms of Euclid’s *Elements*, which are used for adding and subtracting magnitudes of the same kind, i.e., magnitudes of lines with magnitudes of lines, planes with planes, and so forth.⁶⁸ While an equation involves an identity of magnitudes, as in ‘ $2 + 2 = 4$ ’, we can relate this identity to justice. Justice involves an identity, sameness, or reciprocity of reasons, since the reasons for complaint are the reasons by which agents justify their actions. A just relation holds among persons if each grants to the other the same reasons for performing the action. I think it is quite appropriate to conclude from this, although Leibniz has not stated it explicitly, that one of the common notions of justice is *equality*.

As for *equity*, this is closely related to equality, but involves an additional logical, as well as ethical, step. As we have seen several times (and from the beginning of Leibniz’s career) the first degree (*jus strictum*) is characterized by commutative-arithmetic equality, in which each person regardless of social distinction or merit possesses the right of self-preservation, acquisition of property, and so forth. But ‘equity’ is a *kind* of equality, namely, geometrical *proportion*. And this has always been associated with *distributive justice* (giving each his due). Giving each his due means to be charitable in a way proportionate to the needs, merits, and distinctions of each person. Thus, we can say that *equity* is another of the common notions of justice.⁶⁹

In a passage immediately following the above we find these elements coming together: equality and equity, the first two degrees of right, and a unique version of the Golden Rule, one which combines the negative and positive forms that have just been employed. Furthermore, once again the notion of “the place of others” is employed.

Perhaps one can say, then, that not to do evil to others, *neminem laedere*, is the precept of right which is called *ius strictum*, but that equity demands that one do good as well, when it is fitting, and it is in this that consists the precept which orders that we accord to each his due: *suum cuique tribuere*. But this fitness, or what is due, is determined by the rule of equity or

⁶⁸ *Elements*, Bk 1: “1. Things which equal the same thing also equal one another. 2. If equals are added to equals, then the wholes are equal.” Interestingly, in accord with his insistence in the *Nouveaux Essais* that even axioms be demonstrated, Leibniz demonstrates Euclid’s 2nd axiom at A 6.4.507.

⁶⁹ See also Book V of the *Nicomachean Ethics* (1132a30) where Aristotle defines justice in terms of mathematical equality and geometric proportion: “The equal is intermediate between the greater and the lesser line according to arithmetical proportion. It is for this reason also that it is called just (*diakon*), because it is a division into two equal parts (*dika*), just as if one were to call it (*dikaion*); and the judge (*dikastes*) is one who bisects (*dikastes*).” In an effort to show that justice is a kind of arithmetical mean, Aristotle goes on to describe justice as relation of exchange among persons: The just therefore, involves at least four terms; for the persons for whom it is in fact just are two, and the things in which it is manifested, the objects distributed, are two. And the same equality will exist between the person and between the things concerned” (AE 1131a18-21); . . . “This, then is what the just is—the proportional; the unjust is what violates the proportion. Hence one term becomes too great, the other too small, as indeed happens in practice; for the man who acts unjustly has too much, and the man who is unjustly treated has too little, of what is good” (AE 1131b18).

equality: *quod tibi non vis fieri, aut quod tibi vis fieri, neque aliis facito aut negato.*⁷⁰ This is the rule of reason and our Master. Put yourself in the place of [others], and you will be in the true point of view for judging what is just or not. (RM 56, slight emendation)⁷¹

Here we find that the “common notions” of equality and equity are implied in the first two precepts of right, strict right and distributive justice. Furthermore, we find a unique version of the Golden Rule, which we should take a moment to look at more closely. This version can be more clearly understood in this equivalent form:

- (1) What you do not will to have done to you, do not do to others.
- (2) What you will to have done to you, do not deny to others.

These are, respectively, the negative and positive versions of the rule (although not exactly):⁷² (1) Do not do to others (*harm no one*); and (2) *do* to others (*give to each his due*). Understood this way, the Rule expresses both the equality of strict right and the equity or charity of distributive justice. In other words, it prescribes that we perform both the negative and positive good—as shown by the causes of complaint. But a further criterion is employed, the notion of “the place of others,” so that the “rule of reason” may be used “more equitably.” As he had said in the *Nouveaux essais* (although only in reference to a positive form of the Rule) the proper perspective from which to judge the justness of an action is the place of others.⁷³ Indeed, from the place of *all* others, as will be discussed in the following section. Finally, since this rule is “the rule of reason and of our Master,” the rational criterion for just actions is found to be consistent with the natural law based on Scripture. This Rule resolves the difficulty, expressed at the beginning of Part II, beginning with “questions of right,” of establishing a notion of justice “common to both God and humans.”

I conclude, then, that this version of the Golden Rule is the best expression of the “formal reason” of justice that Leibniz had alluded to but did not explain in Part I of the *Meditation*. A formal reason of justice is required to avoid the sort of arbitrary judgments and results that (he believes) are endemic to voluntarism. Arbitrariness of judgment can be avoided, then, when we measure our reasons for action against *the reciprocity of reasons*, the Golden Rule. We can also say at this point that the “nominal” definition he offered at the beginning of Part II is virtually complete: “justice is a constant will to act in

⁷⁰ “What you do not wish to have done to you, or what you do wish to have done to you, do not do to others, or do not deny to others.”

⁷¹ M 57: “On pourra donc peut- être dire que ne faire point de mal à autrui, neminem laedere, est le précepte du droit qui s’appelle jus strictum, mais que l’équité demande qu’on fasse aussi du bien, lorsque cela convient, et que c’est en cela que consiste le précepte qui ordonne d’accorder à chacun ce qui lui appartient, suum cuique tribuere. Mais cette convenance ou ce qui appartient, se connaît par la règle de l’équité ou de l’égalité: quod tibi non vis fieri, aut quod tibi vis fieri, neque aliis facito aut negato. C’est la règle de la raison et de notre Seigneur. Mettez-vous à place d’autrui, et vous serez dans le vrai point de vue pour juger ce qui est juste or non.”

⁷² In the following section I will discuss these details.

⁷³ He says that the Golden Rule must be “elucidated,” since, “one will say that the rule applies only to a just will. But then the rule, far from serving as a measure, will have need of one. The true meaning of the rule is that the place of others is the true point of view for judging more equitably, when one is called upon to do so” (NE 1.2.4.92).

such a way that no one has a reason to complain of us.” In other words, justice is the constant will to conform one’s reasons for acting according to reasons that everyone would give as justifying reasons. What was required of the nominal definition was the “means of determining these reasons.” This is accomplished by the causes of complaint, which are more generally expressed by the Golden Rule and the “place of others.” The problems of voluntarist power, contingency, and arbitrariness are avoided, then, when our reasons for acting conform to this “rule of reason,” this formal reason of justice.

There is however a final and crucial step in this quasi-demonstration, in making the nominal definition truly complete. After having developed this “rule of reason,” Leibniz can now offer his definitive definition of justice. This is possible, since certain implications still need to be brought to light. For instance, while we now possess clear criteria for judging just actions, we still require the knowledge of what is good, the skill to judge correctly in given situations, and the will to perform these acts constantly. Furthermore, the causes of complaint indicate that we are obliged to do good for another, *only* insofar as we do not harm ourselves. Therefore, we must have the *wisdom* to judge how far our obligation to be charitable may be rightly extended. This is nothing other than to say that *justice* means to possess the virtue of practical wisdom:

From which it is evident that, since it is impossible to act so that the whole world is content, one must try to content people as much as possible, and thus that whatever is just, conforms to the charity of the wise. (RM 57)⁷⁴

One might well ask, who *would* try to act so that the whole world is content? But the point is, once duties of beneficence have been established it is difficult to know how far they may extend. Thus *wisdom* is required, and so justice, a virtue, is the charity of the wise person. This is, of course, Leibniz’s ultimate and most general definition of justice. However, it remains to define *wisdom*. As he goes on to say, “wisdom, which is the knowledge of our own good, brings us to justice, that is to a reasonable advancement of the good of others” (RM 57).⁷⁵ As always, Leibniz requires that justice makes the good for oneself compatible with the good of others. Another definition is offered, in reference to his *Codex Iuris Gentium*:

Justice is nothing else than the charity of the wise, that is to say goodness toward others which is conformed to wisdom. And wisdom, in my sense, is nothing else than the science of felicity. (RM 54)⁷⁶

It is fair to say that the science of right, with which the *Meditation* began, reaches its full implication in the science of felicity. Justice consists in having the wisdom to recognize the requirements of charity and happiness, as well as the constant will to carry them out. This virtue is best exemplified in the wise person. In relation to the science of right as a

⁷⁴ M 58: “D’où il est évident que, lorsqu’il n’est point possible de faire que tout le monde soit content, on doit tâcher de contenter les gens le plus qu’il est possible, et qu’ainsi ce qui est juste, est conforme à la charité du sage.”

⁷⁵ M 58-9: “La sagesse qui est la connaissance de notre propre bien, nous porte à la justice, c’est-à-dire à un avancement raisonnable du bien d’autrui.”

⁷⁶ M 54: “La justice n’est autre chose que la charité du sage, c’est-à-dire une bonté pour les autres qui soit conforme à la sagesse. Et la sagesse dans mon sens n’est autre chose que la science de la félicité.”

whole, the *vir bonus* of the *Elementa* has become the *sapientis* of the *Meditation*. The good person whose possession of the moral qualities enabled her to “love everyone,” has come to possess the virtue enabling her to love everyone wisely. Although wisdom means “the science of felicity,” it also means the knowledge and will to act according to the rules of equality and equity.

Section 4: Features of Leibniz’s Golden Rule

Since Leibniz offers a rather unique version of the Golden Rule, and since he offers some clarifying remarks on his use of it, a closer look is warranted. Here is the rule once more:

What you do not wish to have done to you, or what you do wish to have done to you, do not do to others, or do not deny to others.⁷⁷

This version of the rule appears to be historically unique. It is found only here in the *Meditation*. It is not in the Bible, in Roman law, or anywhere else. Both Mollat and Riley refer this rule in Leibniz’s text to Matt. 7:12 and Luke 6:31. But those verses express only the *positive* form of the Rule.⁷⁸ As some commentators have noted, Leibniz’s version expresses both the negative and positive forms.⁷⁹ However, the positive form that it expresses is slightly different from the usual positive forms. It does not say ‘what you want done to yourself *do* to others, but rather, ‘what you want done to yourself do not *deny* to others.’ This formulation actually has a distinct logical advantage: you cannot *do* to others what you want done to yourself; you may only *not deny* them what you allow yourself. In this way, others have the right to refuse the sorts of things you wish for yourself, if they so wish.⁸⁰

We might however be wary of using anything like the Golden Rule as a criterion for just actions, since there have long been valid and strong criticisms of it. Kant’s criticisms in the *Grundlegung*, of the *negative* version, are particularly noteworthy, in part because Leibniz seems to have anticipated them somewhat. Kant writes:

Let it not be thought that the banal *quod tibi non vis fieri*, etc., could here serve as a guide or principle, for it is only derived from the principle [the moral law] and is restricted by various limitations. It cannot be a universal law, because it contains the ground neither of duties to one’s self nor of the duties of [beneficence] to others (for many a man would gladly consent that others should not benefit him, provided only that he might be

⁷⁷ M 57: “*quod tibi non vis fieri, aut quod tibi vis fieri, neque aliis facito aut negato.*”

⁷⁸ From the *Vulgate*: “*quaecumque vultis ut faciant vobis homines et vos facite eis*,” (do to others whatever you would have them do to you). The first part of Leibniz’s rule expresses the negative version, which does not appear in the NT but in OT (Tobit 4:16) and in the *Regula Benedicti* and *Regula Magistri*.

⁷⁹ See Brown, 1995, pp. 436-7.

⁸⁰ For example, under the traditional positive form of the rule a masochist could say, absurdly, ‘I want to be harmed, so, I should harm others.’ However, under Leibniz’s version the masochist cannot say this. He could only say, “I want to be harmed, therefore, I cannot *deny* to another the same desire to be harmed.” That means the masochist can harm another only if another consents. So, the masochist cannot use his desire to justify his treatment of others.

excused from showing benevolence to them). Nor does it contain the ground of obligatory duties to another, for the criminal would argue on this ground against the judge who sentences him. And so on. (Foundation 48)⁸¹

Again, this criticism refers only to the negative version. But Kant claims that the rule is insufficient to be the ground of duties to self and beneficence; therefore it is not suited to be a universal rule. Yet Leibniz was concerned about very similar problems with the rule. His first remark about it is, “some objections have been made against this great rule, but they come from the fact that it is not applied universally.”⁸² To understand what he means, let us take note of Kant’s specific objections. According to Kant, the rule cannot ground duties of beneficence because it permits one to say, ‘since I do not want others to benefit me, I am not obliged to benefit them.’ However, the positive half of Leibniz’s rule does not permit this. If you want a certain good, then you cannot rationally deny it to another who wants it. Furthermore, as the causes of complaint show, even if you refuse to help others, you could imagine that they would complain, and you would recognize the justness of their complaint. One is obliged to benefit others, as long as doing so brings no harm to oneself, even if one does not want benefits for oneself. So, the rule does not neglect duties of beneficence. Also, the point of view is essential, as the rule of “the place of others” shows. The scope of application of the rule is not limited to *one’s own* desires, or to some others’ desires, but to *all rational beings*. So, the rule must be applied universally, and can be.

Kant also objects that the negative version of the Rule would permit a criminal to beg a judge for a pardon on the grounds that, if the judge were in the same circumstances, he too would want a pardon, and therefore, by the Rule, the pardon would have to be granted. Therefore the rule is flawed. However, Leibniz claims that the criminal’s appeal would be a mistaken application of the scope of the rule. By putting yourself in the place of *all* rational others, you would see that it is in the interest of the common good that criminals be punished (RM 56; Mollat 58). Furthermore, the rule applies not simply to the *desires* of everyone, but to the *just* desires of everyone. If one’s desires cause harm to others, then one has no right to that desire. This implies, although Leibniz does not say it, that the criminal must recognize that the rule is binding upon his own desires, that his own desires must be just. As for duties to oneself, it is not clear that Leibniz has a good answer to this, although he does have an argument for them in regard to the first degree of right, as we shall see in the following section. We will also encounter additional employments of Leibniz’s Golden Rule in both degrees.

⁸¹ *Grundlegung* 56: “Man denke ja nicht, daß hier das triviale: *quod tibi non vis fieri* etc. zur Richtschnur oder Prinzip dienen können. Denn es ist, obzwar mit verschiedenen Einschränkungen, nur aus jenem abgeleitet; es kann kein allgemeines Gesetz sein, den es enthält nicht den Grund der Pflichten gegen sich selbst, nicht der Liebespflichten gegen andere (denn mancher würde es gerne eingehen, daß andere ihm nicht wohlthun sollen, wenn er es nur überhoben sein dürfte, ihnen Wohlthat zu erzeugen), endlich nicht der schuldigen Pflichten gegen einander; denn der Verbrecher würde aus diesem Grunde gegen seine strafenden Richter argumentieren, u.s.w.”

⁸² M 58: “On a fait quelques objections contre cette grande rEgle, mais elles viennent de ce qu’on ne l’applique point partout.”

Section 5: Two degrees of right: equality and equity

We have already seen how two of the three precepts of right correspond to the notions of equality and equity and to the Golden Rule. In the following are additional aspects of the two degrees, as presented in the *Meditation*, that better illustrate their meaning and function. The third degree, which is quite complex, will be dealt with in section 6.

By now we are familiar with the first degree of right called “strict right,” whose precept is *neminem laedere* (harm no one). This is said to be a *negative* right, since it commands one only to *refrain* from harming another. As we saw in the *Nova Methodus*, harm may be defined as anything that threatens self-preservation, including physical harm to the body and the violation of one’s justly acquired property. Violation of this right gives one the “right to war” against another. All of this still applies in the *Meditation*. We have also seen Leibniz’s criticism of Hobbes in that earlier text, and he does not refrain from criticism in the *Meditation*, especially since he associates Hobbes with voluntarism. The main objection Leibniz has is that Hobbes has no strict right outside of the state; worse than that, there is no strict right *within* the state, either. Yet Hobbes himself must recognize, as Leibniz does, that strict right can never be given up. To grasp his criticism it is best to see how Leibniz understands Hobbes’ basic premises:

Hobbes seems to conceive that men were something like beasts at first; that little by little they became more tractable, that so far as they were free, they were in a state of war of all against all and that there was thus no *ius strictum*, each having a *ius in omnia* and being able to seize without injustice the possessions of his neighbor, as he judged appropriate; because there was then no security or judge at all, and everyone had a right to forestall those from whom one had everything to fear. But as this state of rude nature was a state of misery, men agreed upon the means to obtain their security, by transferring their right of judging to the person of the state, represented by a single man or by some assembly. (RM 61)⁸³

We know that Leibniz does not subscribe to the view that humans are natural enemies; he agrees more with Grotius that we are naturally social, and so he does not think that the state of nature is as beast-like and dangerous as Hobbes does. However, the real problem is this: For Hobbes, *jus naturale* has no *jus strictum*, but only *jus in omni*. As a result, practical necessity forces everyone to transfer this latter right to the state. However, the problem remains, since there is no *jus strictum* against the sovereign power either, and the state of insecurity persists. This criticism seems to beg the question as to what *would* preserve strict right for Leibniz, if it were not for another power, and he does not address

⁸³ M 65: “Hobbes semble concevoit que les hommes approchaient un peu des bêtes au commencement, que peu-à-peu ils sont devenus plus traitables, mais que, tant qu’ils étaient libres, ils étaient dans un état de guerre de tous contre tous et qu’ainsi il n’y avait point de jus strictum alors, chacun ayant jus in omnia et pouvant se saisir sans injustice de la possession de son voisin, selon qu’il jugeait à propos, parce qu’alors il n’y avait point de sûreté ni de juge et qu’on avait droit de prévenir ceux dont on avait lieu de tout craindre. Mais comme cet état de la nature rude était un état de misère, les hommes convinrent des moyens de procurer leur sûreté, en transférant leur droit de juger sur la personne de l’état, représentée par un seul ou par quelque assemblée.”

this. In any case, the real problem is not so much that the Hobbesian sovereign cannot ultimately make us secure, but that Hobbes does not even accept his own premises. That is because, Leibniz claims, Hobbes recognizes that after the formation of the state the citizen has not lost *the right* to judge what is best for him, and that everyone “must restrain themselves according to the judgment of the state.” Furthermore,

These same citizens, not having lost their judgment either, cannot allow [on some occasion] their security to be endangered, when some of them are mistreated, such that, at bottom, whatever Hobbes says, each has retained his right and his liberty regardless of the transfer made to the state, which will be limited and provisional, that is, it will last as long as we believe that our security lasts. (RM 61)⁸⁴

In effect, Hobbes himself must suppose that a *jus strictum* applies independently of the conditions of the state. This is to say that each citizen retains her self-limiting freedom and it can never be transferred or completely given up. Nor does the *right* of strict right dissolve in case the state fails to provide security. One does not leave one’s practical reason, one’s “right reason,” at the door before entering the civil state. For Leibniz the right cannot be given up because it stems from right, from the moral quality inherent persons. The State is only the *means* of securing and promoting one’s moral power and authorizes it (see *Nova Methodus* § 16). Hobbes manages only to provide “plausible” reasons why anyone *would* give up one’s right to everything: since the state of nature is unmanageable, we wish to avoid the worse consequences (RM 61). Leibniz grants that security is difficult to maintain without the state, but this difficulty is a contingent fact about people’s inclinations, competing wills, and scarce resources. Therefore, on a fundamental basis, the right to self-preservation is not and cannot be given up. For Leibniz, *jus naturale* already contains the self-limiting right and obligation.

A similar criticism is applied to Filmer, the author of *Patriarcha*, and with whom Locke’s political thought was engaged. While Filmer recognizes a certain right prior to the formation of the state—albeit on grounds different from Hobbes—he fails to recognize a limitation on this right. On one hand, Leibniz agrees with Filmer that the right of possession can be attained through just acquisition and labor: If one has produced or improved upon some material good, one “cannot ordinarily be deprived of it without injustice” (RM 61-2). On the other hand, Filmer’s theory of right can lead to abuses, since the divine right of kings, the paternal right of parents over their children, and the rights of masters over slaves are not sufficiently constrained to preserve the natural rights of all beings. Leibniz however asserts that these rights must be limited by certain metaphysical facts:

It will always be true that another stronger right is opposed to the abuse of [these rights]. This is the right of rational souls which are naturally and inalienably free. It is the right of God, who is the sovereign master of

⁸⁴ M 66: “Ces mêmes citoyens, n’ayant point perdu leur jugement, non plus pourront trouver en quelque rencontre que leur sûreté est aussi en danger, lorsqu’on maltraite plusieurs d’entre eux, de sorte que dans le fonds, quoiqu’en dise M. Hobbes, chacun a retenu son droit et sa liberté nonobstant le transport fait sur l’état qui sera limité et provisionnel, c’est-à-dire, il aura lieu tant que nous croyons que notre sûreté subsiste.”

bodies and of souls, and under whom masters are the fellow-citizens of their slaves, since the latter have the right of citizenship in the kingdom of God as well as their masters. One can say, then, that the body of a man belongs to his soul, and cannot be taken away from him while he is living. (RM 62)⁸⁵

In other words, two main conditions preserve the right not to be harmed. One is a natural feature of us, our rational nature, by which we are free. This is, in effect, the condition of natural right in the subjective sense—rights are subjective attributes of us, not because we have unrestricted freedom, but because we are rational creatures capable of moral deliberation, action, and limitation. For this reason, one's soul is the sole master of one's body. The rights named above, then, cannot permit another master, and so forbid physical abuse. Secondly, Leibniz asserts a religious source for the obligation, seemingly a "creationist" source. Since God created us, he has a right to everyone as his possession. Therefore, in relation to God, all persons (slaves and masters) are equally subject to the same creator, and thus all have the same right not to be harmed. This also reflects Leibniz's frequently expressed conviction that all rational souls are citizens in a republic of which God is the supreme monarch.⁸⁶ But Leibniz's intention is not to depict God as the supreme voluntarist, but rather to assert that despite the apparent and contingent inequalities among humans, there is one quality in respect of which everyone is equal and which no one can justly violate—our internal freedom. This (God-given) moral freedom gives each individual the right to one's body.

The passage above (on M 62) suggests that the prohibition against abuse is also governed by a "stronger right." This refers, actually, to a higher degree of right, as the following passage makes clear.

But if I were to grant, contrary to the nature of things, that an enslaved man is the property of another man, the right of the master, however strict, would be limited by equity, which [means] that man [have] care for another man in the way that he would want others to care for him in a similar case, and by charity, which ordains that one should work for the happiness of others. And these obligations are perfected by piety, that is, by what one owes to God. (RM 63)⁸⁷

⁸⁵ M 68: "Il sera toujours vrai qu'un autre droit plus fort s'oppose à l'abus de ce droit. C'est le droit des âmes raisonnables qui sont naturellement et inaliénablement libres, c'est le droit de Dieu qui est le souverain maître des corps et des âmes et sous qui les maîtres sont les concitoyens de leurs esclaves, puisque ceux-ci ont dans le royaume de Dieu le droit de bourgeoisie aussi bien qu'eux. On peut donc dire que la propriété du corps d'un homme est à son âme et ne lui saurait être ôtée, tant qu'il est en vie." Leibniz may be following Ulpian here: "So far as the Civil Law is concerned, slaves are not considered persons, but this is not the case according to natural law, because natural law regards all men as equal" ("On Sabinus", Book XLIII: 32).

⁸⁶ E.g., *Discourse on Metaphysics* sec. 36 and *Monadology* sec. 85.

⁸⁷ M 68: "Mais quand j'accorderais contre la nature des choses qu'un homme esclave est une propriété d'un autre homme, le droit du maître, quelque'il pourrait être à la rigueur, sera limité par l'équité qui veut que l'homme ait soin d'un autre homme, tel qu'il voudrait qu'on eût de lui en pareil cas, et par la charité qui ordonne qu'on travaille au bonheur d'autrui. Et ces obligations sont perfectionnées par la piété, c'est-à-dire, par ce qu'on doit à Dieu."

This means that the slave should be free. Leibniz is actually quite opposed to slavery, unlike many of his contemporaries. But his immediate point is that even where slavery is practiced, a higher degree of right prescribes care and well-being of slaves. That is, the second degree of right (conforming to the Golden Rule) prescribes the care of all rational beings. Notably, the third degree of right, *piety*, enters here as the “perfection” of these rights, since consideration of one’s duties to God provides incentives to act charitably toward all of God’s creatures. Leibniz is not clear here on “what one owes to God,” but this has to do with piety, which we will examine in section 6.

We now turn to the *second* degree of right, which is the precept of distributive justice, “give to each his due.” As we have seen, this right goes beyond strict right, beyond arithmetical equality, to the level of charity, geometrical proportion, or equity. But a central aspect of the second degree is *merit*, which is a *kind* of equality, that is, an *inequality* that serves the common good. Accordingly, the material goods of society may be distributed, not only relative to a person’s need, but to a person’s contribution to the common good:

Distributive justice demands inequality among men, that in a society one must divide gains in proportion to that which each has contributed, and that one must pay attention to merit and to lack of merit. (RM 56)⁸⁸

Leibniz argues that allowing for particular inequalities has greater public utility; and further, as long as these inequalities are *agreed* upon, then the inequality is just. Rational persons will agree to this inequality, since they recognize that it preserves not only their own interests, but also the best interest of society as a whole, even if certain individuals, including themselves, may not benefit. To explain this, the notion of “point of view” is again employed.

Put yourself in the place of [everyone], and suppose that they are well-informed and enlightened; you will gather this conclusion from their votes, that they judge it fitting to their own interest, that distinctions be made between one another. For example, if profits were not divided proportionally in a commercial society, people would either not enter it at all or they would leave it quite soon, which is contrary to the interest of the whole society. (RM 56)⁸⁹

Thus through imagining ourselves as others, we can imagine that others would want to be distinguished for their deeds and would recognize that a distribution of profits in proportion to merit promotes the society’s best interest.⁹⁰ If one’s efforts are not

⁸⁸ M 58: “La justice distributive demande une inégalité entre les hommes, que dans une société on doit partager le gain à proportion de ce que chacun a conféré, et qu’on doit avoir égard au mérite et au démérite.”

⁸⁹ M 58: “Mettez-vous à la place de tous et supposez qu’ils soient bien informés et bien éclairés. Vous recueillirez de leurs suffrages cette conclusion qu’ils jugent convenable à leur propre intérêt qu’on distingue les uns des autres. Par exemple, si dans une société de commerce le gain n’ était point partagé à proportion, l’on n’y entrerait point ou l’on en sortirait bientôt, ce qui est contre l’intérêt de toute la société.”

⁹⁰ In this regard Leibniz’s formulation of distributive justice may be compared to Rawls’ notion of justice as fairness: “The intuitive idea of justice as fairness is to think of the first principles of justice as themselves

rewarded, then few will make them. So, while distributions of wealth are conditioned by merit and advantage, the conditions themselves are subject to agreement.⁹¹

A final remark on distributive justice pertains to whether strict right may be violated for the sake of the general utility. Leibniz says it may not be, precisely for the sake of the general utility. For example, he says it is not permitted to deprive the rich in order to give to the poor; nor is it permitted to take a coat that belongs to one person in order to give it to another who better fits it. Right of possession takes precedence over distributive justice, since, if one cannot be secure in one's rights, then "the disorder which would be born of it would cause more general evil and inconvenience" (RM 64). This seems to be a fairly consistent position for Leibniz, although he also grants exceptions in extreme cases. In any case, we may now bring Leibniz's account of the first two degrees to a close, having set out the basic "common notions" involved in the idea of justice, namely, equality and equity. What remains to be explained is the *virtue* of justice, which falls under the third degree of right—piety.

Section 6: The third degree of right: Piety and the spiritual disposition

The third degree, *honeste vivere*, or *live honorably, piously*, is the most complex of the degrees of right, since it appears to involve motives whose moral aims are mutually inconsistent: the motives of hope and fear versus the aims of true piety; the motives of pleasure and happiness, versus the motive of doing justice for its own sake. For the most part, though, his arguments attempt to synthesize several of his long-standing positions under the principle of perfection, specifically, moral perfection or virtue. The highest good is the "spiritual disposition," which is to have the virtue of justice for its own sake. God is the most virtuous being, since he acts out of his own moral-rational nature. Our duty then is to imitate this model of virtue. The third degree of right, then, piety, will be rightly understood as the agent's possession of the virtue resembling God's. To make this case we will examine passages relating to piety in both the *Monita* and the *Meditation*, since piety involves both the "efficient cause" of natural right as well as the "spiritual disposition." Finally, we will reassess the implications of these points in relation to the theme of right as a self-limiting moral power. It becomes clear that moral perfection has

the object of an original agreement in a suitably defined initial situation" (Rawls 684). "They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements" (Rawls 672). "All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage" (678). Notably, Rawls states that Leibniz's theory of justice is based on the idea that the distribution of goods is relative only to the moral worth of individuals, so that the morally good deserve more than the morally bad (he gets this from a remark in "The Ultimate Origin of Things"); but 'justice as fairness' has no place for that, since justice requires the "legitimate expectation" that distribution will proceed by publicly recognized rules, not some impossibly vague criteria for moral worth (p. 273). But arguably this characterization is much too simple to be accurate.

⁹¹ Such a meritocracy, however, remains open to the criticism that those who merit may leave a legacy of advantage over those who do not, and those with natural disadvantages will be left to suffer; the advantaged may then more easily gain political power and design laws for themselves to retain their advantages—thus, gross inequalities may eventually result from a system that professes fairness for all, as often happens. Perhaps Leibniz would say that such a system is justified, as long as it also provides mechanisms for redistribution in case of ever-worsening conditions.

its efficient cause in the divine ideas and in the moral capacity of the subject.

To set the term *piety* in place, let us begin with his statement from the *Meditation* on piety as the third precept of right, in relation to the first and second precepts of right.

One can also say that as soon as [justice] is founded on God or on the imitation of God, it becomes universal justice, and contains all the virtues. . . . And universal justice is stamped with the supreme precept: *honeste (hoc est probe, pie) vivere*,⁹² just as *suum cuique tribuere* was in conformity to particular justice . . . and as *neminem laedere* stood for commutative justice. (RM 60).⁹³

Here we see again how the three precepts of right (no harm, charity, and piety) relate to three Aristotelian kinds of justice, respectively: commutative, distributive, and universal. Regarding universal justice, for Aristotle this means the whole of virtue;⁹⁴ while for Leibniz it means that, but also the justice of God, whose justice we are to imitate.

But to understand what piety and imitation mean for Leibniz we must turn to his remarks on “true piety” in the *Monita*. These are made in the context of his criticism of Pufendorf on the efficient cause of natural right. In this context we recall Leibniz having established that the efficient cause originates in “the precepts of right reason, emanating from the divine understanding,” (RP 70); and that the “norm of conduct” depends on “eternal truths, objects of the divine intellect,” and that “justice follows certain laws of equality and proportion” (RP 71). For these reasons, “no one will maintain that justice and goodness originate in the divine will, without at the same time maintaining that truth originates in it as well” (RP 71).⁹⁵ These are crucial points, because they establish foremost that God, “on account of his justice, accomplishes all things in a way which satisfies every wise person, and, the most wise one, himself.”⁹⁶ Thus, as the passage below shows, “true piety” consists in the recognition that God is to be loved for his goodness rather than feared for his power. Therefore, the proper motive for justice is a “right propensity of the soul” in imitation of God.

This has also not a little relevance for true piety: it is not enough, indeed, that we be subject to God just as we would obey a tyrant; nor must he be only feared because of his greatness, but also loved because of his goodness: which right reason teaches, no less than the Scriptures. To this lead the best principles of universal jurisprudence, which collaborate also with sound theology and [incite] true virtue. Thus he who acts well, not

⁹² “Live honorably, that is, properly, piously.”

⁹³ M 64: “On peut dire qu’aussitôt qu’elle est fondée sur Dieu ou sur l’imitation de Dieu, elle devient justice universelle et contient toutes les vertus. . . . Et la justice universelle est marquée par le précepte suprême “honeste, h.e. probe, pie vivere,” comme “suum cuique tribuere” était conforme à la justice particulière . . . et comme “neminem laedere” était pour la justice commutative . . .”

⁹⁴ Recall AE Book V. 1129b30: “In justice is every virtue comprehended. And it is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is complete because he who possesses it can exercise his virtue not only in himself but towards his neighbor also.”

⁹⁵ Recall that these quotations have been cited in section 2 above.

⁹⁶ D 4.280: “Sed ob justitiam ita agit, ut omni satisfaciat sapienti, &, quod summum est, sibi.”

out of hope or fear, but by a [right propensity⁹⁷] of his soul, is so far from not behaving justly that, on the contrary, he acts more justly than all others, imitating in a certain way, as a man, divine justice. (RP 72)⁹⁸

This view also answers the Euthyphro problem in the *Meditation*: Just as God sees the good and loves it by its good nature, we love God by virtue of his good nature. We see that God's justice stems from his understanding or reason, and so we love him on that account—not on account of his capacity for rewarding and punishing us. True piety, then, consists in the love for God that stems from recognizing that God's goodness is rational, that is, rational by nature. But human nature has of course something of God's reason and moral power—and the ability to imitate it; and the more we imitate God, the more rightly we act.

It should also be understood that Leibniz is emphasizing the role of God's *will*. God has not only a rational nature, but the will to do what is just. Now, in actuality Leibniz does not maintain a strict separation between God's understanding and God's will. Rather, God's understanding provides a kind of inclination for God to do the good. When God sees the good, he not only recognizes it, but he is *inclined* to make it a reality. Since God is perfect his inclination is *always* in accord with his reason. In this way God acts *spontaneously*, completely determined by his own nature.⁹⁹ But we who are not perfect may be inclined in any number of ways (e.g., by weakness of will, passions, bad customs, the command of a superior, or lack of knowledge of the good). But those who possess “true piety” will do their best to imitate God's perfection, by setting their inclinations in accord with the principles of morals, the precepts of right reason. Leibniz here provides an account of moral perfection which dispenses with the motives of fear and punishment, provides rational grounds for actions, and urges the regulation of the will by means of the development of virtue following these rational grounds.

However, Leibniz is of course well-known for his accounts of pleasure and happiness, and he does not leave them out here. Therefore, we must consider whether it is pleasure, rather than “respect for right and equity,” that provides the reason, that is, the reason that *obligates* us, to act with justice. We must also consider that, although several times he has rejected hope and fear as proper motives of obligation, they still play an important role.

Whoever, indeed, does good out of love for God or neighbor, takes pleasure precisely in the action itself (such being the nature of love) and does not need any other incitement, or the command of a superior; To such

⁹⁷ Riley has simply ‘inclination.’

⁹⁸ D 4.280: “Atque hoc etiam non parum ad praxin verae pietatis facit: neque enim sufficit, ita nos Deo submissos esse, uti etiam tyranno obediremus; nec tantum timendus est ille ob magnitudinem, sed etiam amandus ob bonitatem; quae non magis a scriptura sacra, quam a recta ratione praecipuntur. Atque huc ducunt meliora universalis jurisprudentiae principia, quae etiam cum sana theologia conspirant, & ad veram virtutem excitant. Tantumque abest, ut, qui non spe aut metu a superiore, sed propensione animi recte agit, juste non agat, ut ipse potissimum juste agat, quadam divinae justitiae humana imitatione.”

⁹⁹ This may of course raise the objection that God is necessitated, but not free, to act according to his nature. This is of course a contentious and well-trodden objection that I cannot take up at the point. Suffice it to say that Leibniz would say that God is free because completely determined by moral reason. I will explain this further in Chapter Seven.

a degree is it repugnant to reason to say that only the law or constraint make a man just; although it must be conceded that those who have not reached this point of *spiritual perfection* [my emphasis] are only susceptible of obligation by hope or fear; and that the prospect of divine vengeance, which one cannot escape even by death, can better than anything else make apparent to them the [full necessity to respect right and equity]. (RP 72-3)¹⁰⁰

The key to this passage is that the truly right thing to do, that is, the honorable thing, and the end of spiritual perfection, is to value, or *respect*, right and justice itself. But what provides the motive, or let us say, “the necessity” for this end? Let us begin with pleasure. Leibniz says that when we love for the sake of God or neighbor we take pleasure in the action itself. This recalls his account of the nature and definition of love in the *Elementa*. Love was defined there as “taking pleasure in the happiness of another.” *Pleasure* is a good in itself, which means it is a good done for its own sake. Therefore, to love another is to act in regard for the pleasure of another, not our own—even so we gain pleasure in loving another. This view is the basis for his account of “disinterested love,” which he maintains solves the Carneadean problem of justice. According to his psychology, we can never act from completely disinterested motives. But then acts of love are not entirely self-interested, on this account of pleasure. Therefore, the nature of justice is love, since it involves the good of oneself and another.¹⁰¹

However, if this account appears to commit Leibniz to fundamentally hedonistic motives for justice, we must recall his later, modified definition of love, namely, “finding pleasure in the *perfection* of another” (RF 83).¹⁰² This definition leads to his metaphysics of perfection, according to which *goodness* and *happiness* correspond to degrees of reality. Furthermore, we must keep in mind his definition of pleasure, in the *Meditation*, as “a feeling [*sentiment*] of perfection” (RM 57). Along these lines we must consider pleasure to be simply the first indication or stimulus of perfection, which spurs us on to greater perfections. But since pleasure can lead either to harm or to good, true perfection requires that pleasure be regulated by reason. This regulation is virtue, which in God is perfect and in whom is called “complete” or “universal virtue.” When we imitate God we gain this “spiritual perfection.” Understood this way, it would be quite misleading to say that pleasure, especially private pleasure, is what provides the “necessity” to “respect right and equity.” Rather, to love another means to moderate pleasure by right reasons, that is, *by means of* right and equity. Therefore, right and equity establish our obligations, while pleasure, and more properly love, enable us to fulfill them. That is the point of the passage, to show that the love of God and neighbor is identical with right and equity.

¹⁰⁰ D 4.280: “Nam qui amore Dei aut proximi benefacit, in ipso recte facto invenit voluptatem, (ea enim amoris natura est) neque alio stimulo indiget, aut jussu superioris opus habet: ac de tali dictum est, legum justo positam non esse. Usque adeo abhorret a ratione, solam legem aut coactionem justum facere: tametsi fatendum fit, eos, quorum animus eo perfectionis non devenit, non nisi spe metuque obligari; & in divinae maxime vindictae expectatione, quam nec morte effugere detur, necessitatem plenam & in omnes valituram servandi juris & aequi posse inveniri.” Riley has “the absolute necessity to respect law and justice.”

¹⁰¹ Leibniz went on to develop this thesis at length in response to the debate with Fenelon on disinterested love. This topic cannot be gone into at this point. See Naert (1959), Riley (1972, 1996), Brown (1995).

¹⁰² From a brief paper called “Felicity” cited in Chapter Two.

Neither does “the necessity” lie in the command of a superior, as Pufendorf holds, nor in the hope of reward or fear of punishment (which are largely extensions of the principle of pleasure and pain). The necessity lies in the divine ideas, in the “rule of reason,” which, as we now know, is the equivalent expression of love. Yet hope and fear are not entirely rejected, since they provide the “full necessity” for the insufficiently virtuous. As the criticisms of Pufendorf and Hobbes have shown, when we are motivated by the fear of a superior we are not motivated *spontaneously*, out of respect for right and equity. However, those persons who possess the spiritual perfection, or this “right propensity of the soul” to respect right and equity do not need such motives. Their virtue is its own motivation, its own reward.

As we saw in section 3, since God has no superior, God can have no obligation in Pufendorf’s sense; therefore, no reason for his justice. Leibniz solves this by maintaining that God acts from the “spontaneity” of his just nature, i.e., from the ideas of right in his understanding. Turning back to the *Meditation* we get a similar argument, but one in which it appears that God acts for his own good pleasure. It runs as follows: Imagine a being who has nothing to fear from us, an immortal, invulnerable, divine being. Would we not say that this being, this god, is yet obligated to do us good? But what then could be the principle of this being’s action? We cannot assume that God is motivated in Hobbesian fashion, that is, by right reason, to seek peace on cause of fear from perpetual war, since naturally, “we could not make war with him” (RM 57). More strikingly, God would not be bound by “that equity, or that equality, which obtains among men and which makes them envisage the common end of the human condition, to do to others what we would have them do unto us” (RM 57).¹⁰³ That is, God has no equal with whom to engage in reciprocal relations, according to the Golden Rule. Thus the question arises, “what then, is the principle of his justice, and what will be its rule?”

One cannot envisage in God any other motive than that of perfection, or, if you like, of his pleasure; supposing (according to my definition) that pleasure is nothing but the feeling of perfection, he has nothing to consider outside of himself; on the contrary everything depends on him. But his goodness would not be supreme, if he did not aim at the good and perfection so far as is possible. (RM 57)¹⁰⁴

It is tempting to take this to mean that since God does not have anyone to answer to, he acts justly for the sake of his own pleasure. However, as Leibniz indicates, pleasure is the feeling of perfection, and God’s reason perfects his pleasure, making God not only the most just being but also the happiest. Therefore a being that is all powerful and accountable to no one can still be expected (that is, obligated by reason) to act according to the highest justice. The highest pleasure is coincident with this justice. But correctly understood, God acts from the principle of his goodness, on rational grounds. There is no

¹⁰³ M 60: “ce ne sera point cette equité ou cette égalité qui a lieu entre les hommes et qui les fait envisager le sort commun de la condition humaine, pour faire aux autres ce qu’ils voudraient qu’on leur fit.”

¹⁰⁴ M 60: “On ne peut envisager en Dieu d’autre motif que celui de la perfection ou, si vous voulez, de son plaisir. Supposé selon ma définition que le plaisir n’est autre chose que le sentiment de la perfection, il n’a rien à attendre de dehors, au contraire, tout dépend de lui. Mais son bonheur ne serait point suprême, s’il ne se portait au bien et à la perfection, autant qu’il est possible.”

external principle that compels God to act; God acts from the spontaneity of his own nature. In this sense God is entirely spontaneous, or better, entirely autonomous.

Leibniz then goes on to say that the motive of moral perfection must be sought for its own sake, not for reward or fear; otherwise it is merely “political.”

But what will one say, if I show that this same motive [of perfection] has a place in truly virtuous and generous men, whose supreme function is to imitate divinity, in so far as human nature is capable of it? The earlier reasons of fear and of hope can bring men to be just in public, and when their interest demands it. They will even obligate them to exercise themselves from childhood to practice the rule of justice, in order to acquire the habit of doing so, for fear of betraying themselves too easily, and of thereby harming themselves along with others. However, this will be merely political at bottom, if there is no other motive. (RM 57-8)¹⁰⁵

Thus the idea of the imitation of God is again brought in. Some persons may develop the habit of justice, *for the cause* of prudential or political reasons. But in order to be truly virtuous, we must seek virtue for the cause of overall perfection and goodness. As it happens, virtue coincides with pleasure, although pleasure is not the aim of justice. The key to this coincidence is that one must develop a *propensity* or *inclination* for the *pleasure* of justice.

But he whose justice is proof against such a temptation [to commit a crime without getting caught], cannot have another motive than that of his [propensity¹⁰⁶], acquired by birth or by exercise and regulated by reason, which makes him find so much pleasure in the exercise of justice and so much ugliness in unjust actions, that other pleasures and displeasures are obliged to give way. (RM 58)¹⁰⁷

The goal of virtue is not to bring about pleasure itself, but rather to find pleasure in performing just acts. Thus, having understood how pleasure is coincident with perfection, we are led to understand that moral perfection consists in a sort of “spiritual disposition,” or interior harmony. This perfection is, in fact, the greatest good, even if it were confined to this life alone. Following immediately from the above passage:

¹⁰⁵ M 60: “Mais que dira-t-on, si je fais voir que ce même motif a lieu dans les hommes véritablement vertueux et généreux dont le suprême degré est d’imiter la divinité, autant que la nature humaine en est capable? Les raisons précédentes de la crainte et de l’espérance peuvent porter les hommes à être justes en public et, quand il le faut, pour leur intérêt. Elles les obligeront même de s’exercer dès l’enfance à pratiquer les règles de la justice, afin d’en acquérir l’habitude, de peur de se trahir trop facilement et de se nuire par là auprès des autres. Cependent ce ne sera qu’une politique dans le fonds, s’il n’y a point d’autre motif.”

¹⁰⁶ Riley has ‘inclination.’

¹⁰⁷ M 60: “Mais celui dont la justice est à l’épreuve d’une telle tentation, ne peut avoir de motif que celui de son penchant, acquis par la naissance ou par l’exercice et réglé par la raison, qui lui fait trouver tant de plaisir dans l’exercice de la justice et tant de laideur dans les actions injustes que les autres plaisirs ou déplaisirs sont obligés de céder.” Also interesting to note Leibniz’s “Judgment of the Works of the Earl of Shaftsbury” (1712): “I find it well said, on p. 98, that true virtue must be disinterested, that is to say, as I interpret it, that one must come to find pleasure in the exercise of virtue, and disgust in the exercise of vice, and that this should be the aim of education” (RS 196).

One can say that this serenity of spirit, which would find the greatest pleasure in virtue and the greatest evil in vice, that is, in the perfection or imperfection of the will, would be the greatest good of which man is capable here below, *even if he had nothing to expect beyond this life* [my emphasis]; for what can one prefer to this interior harmony, to this continual pleasure of the purest and greatest things, of which one is always the master, and which one could not abandon? But it must also be admitted that it is difficult to arrive at this spiritual disposition, that the number of those who have attained it is small, and that the majority of men are insensible to this motive, great and beautiful as it is. (RM 58)¹⁰⁸

This spiritual disposition is the virtue of finding the greatest pleasure in justice itself. This does not mean that the goodness of justice consists in its pleasurable consequences. That would be to mistake the *result* for the *end* which we ought to pursue. Pleasure is the result of acting justly, and it is an end in itself (having no further end, it is an end in itself). But it is not *the* end for which we are to act. As Aristotle says, pleasure supervenes on acts well done, but it is not the aim of action.¹⁰⁹ Furthermore, with this spiritual disposition, one is truly the *master* of one's dispositions. Justice implies a certain autonomy with respect to one's ability to rule oneself according to right reason, just as God rules herself. In the end, by attaining this spiritual disposition, we attain the coincidence of our own good and the good of all others.

This knowledge should make us envisage God as the sovereign monarch of the universe whose government is the most perfect State that one can conceive, where nothing is neglected, where every hair on our head is counted, where all right becomes fact, either by itself or in something equivalent, such that justice is something which coincides with the good pleasure of God, and that a divorce between the [honorable] and the useful does not arise. (RM 58-9)¹¹⁰

It is a happy coincidence, or, metaphysically speaking, it is due to “the harmony of things” that the right thing to do brings us the greatest pleasure. Thus Leibniz returns

¹⁰⁸ M 61: “On peut dire que cette sérénité d’esprit qui trouverait le plus grand plaisir dans la vertu et le plus grand mal dans le vice, c’est-à-dire dans la perfection ou imperfection de la volonté, serait le plus grand bien dont l’homme est capable ici-bas, quand même il n’y aurait rien à attendre au delà de cette vie. Car que peut-on préférer à cette harmonie intérieure, à ce plaisir continuel des plus purs et des plus grands dont on est toujours le maître et dont on ne se saurait laisser? Mais il faut avouer aussi qu’il est difficile de parvenir à cette disposition d’esprit, que le nombre de ceux qui l’ont acquise, est petit et que la plupart des hommes sont insensibles à ce motif tout grand et tout beau qu’il est.”

¹⁰⁹ AE 1174b32.

¹¹⁰ M 61-2: “Cette connaissance nous doit faire envisager Dieu come le souverain monarque de l’univers dont le gouvernement soit le plus parfait état, qu’on puisse concevoir, où rien n’est négligé, où tous les cheveux de notre tête sont comptés, où tout droit devient fait soit par soi-même soit par quelque chose d’équivalent, de sorte que la justice est quelque chose de coïncident avec le bon plaisir de Dieu et que jamais il ne peut arriver un divorce entre l’honnête et l’utile.” Notably, in his response to Leibniz’s criticism of Pufendorf in *On the Principles of Pufendorf*, Barbeyrac criticized Leibniz for failing to distinguish between the honest and the useful.

again at last to the Ciceronian formulation that the useful for oneself is coincident with the honorable, where “honorable” means to act in a way most useful to everyone.

We may then return to the passage with which this section began, which expressed the full precept of piety, the third precept of right, as universal justice, universal virtue: “One can also say that as soon as [justice] is founded on God or on the imitation of God, it becomes universal justice, and contains all the virtues. . . . And universal justice is stamped with the supreme precept: *honeste (hoc est probe, pie) vivere* (RM 60).¹¹¹ After all this it is fitting to turn to an earlier passage in the *Meditation*, one which conveys the “true good” in a way that may now be better understood.

But since justice tends to the good, and [since] wisdom and goodness, which together form justice, relate to the good, one may ask what the true good is. I answer that it is nothing else than that which serves in the perfection of intelligent substances: from which it is clear that contentment, joy, wisdom, goodness and virtue are good things essentially and can never be evil; that power is naturally a good, that is to say in itself, because, everything being equal, it is better to have it than not to have it: but it does not become a certain good until it is joined with wisdom and goodness. (RM 50)¹¹²

The true good is “that which serves in the perfection of intelligent substances.” This perfection includes pleasure, happiness, and power. But these qualities, or the sum total of their effects, are not truly good unless they are regulated by the rule of reason and by the precepts of right. As Leibniz says in reference to the formal reason of justice: “Power is a different matter, but if it is used it makes right become fact, and makes what ought to be also really exist, in so far as the nature of things permits. And this is what God does in the world” (RM 50). In other words, although God is not obligated to any superior, he is obligated by his own moral and rational nature. By virtue of our own moral and rational nature, our own moral power, we are also obligated to this moral perfection.

Thus the whole story of Leibniz’s science of right culminates in “the perfection of intelligent substances,” in this “spiritual disposition.” The highest good as an end is not to attain the greatest happiness, but rather to attain moral perfection.¹¹³ This culmination is

¹¹¹ M 64: “On peut dire qu’aussitôt qu’elle est fondée sur Dieu ou sur l’imitation de Dieu, elle devient justice universelle et contient toutes les vertus. . . . Et la justice universelle est marquée par le précepte suprême “*honeste, h.e. probe, pie vivere. . .*”

¹¹² M 48: “Mais, puisque la justice tend au bien et que la sagesse et la bonté qui forment la justice ensemble, se rapportent au bien, on demandera ce que c’est que le vrai bien? Je réponds que ce n’est autre chose que ce qui sert à la perfection des substances intelligentes, d’où il est manifeste que l’ordre, le contentement, la joie, la sagesse, la bonté, la vertu sont des biens essentiellement et ne sauraient jamais être mauvais, que la puissance est un bien naturellement, c’est-à-dire de soi, parce que, le reste étant égal, il faut mieux l’avoir que de ne la point avoir. Mais elle ne devient un bien assuré que lorsqu’elle est jointe avec la sagesse et avec la bonté.”

¹¹³ *Theodicy* §119). “The felicity of all rational creatures is one of the aims [God] has in view; but it is not his whole aim, nor even his final aim. Therefore it happens that the unhappiness of some of these creatures may come about by concomitance, and as a result of other greater goods . . . God will produce as much reason and knowledge in the universe as his plan can admit. God gives reason to the human race . . . But even though it should prove that reason did more harm than good to men . . . it might still be the case that it was more in accordance with the perfection of the universe to give reason to men, notwithstanding all the

found to be implicit in right as a moral power and obligation the moral necessity of a rational substance. From this starting point are derived the means for achieving moral perfection: the precepts of right, the Golden Rule, the place of others, and justice as charity of the wise. The arguments in the *Meditation* for the formal reason of justice (the Golden Rule) and the arguments in the *Monita* for the efficient cause of natural right (precepts of right reason), have shown that the science of right forms the basis of the end of Leibniz's practical philosophy, the perfection of the will.

Section 7: Chapter conclusion: Truth, definition, obligation

In conclusion, it may be said that the *Monita* and *Meditation* deal centrally with the issue of *power*, and what sort of power may correctly be called a *moral* power. In the *Monita*, this moral power derives in part from the “efficient causes” of right and obligation, namely, the ideas and precepts of right in God's understanding. The other part of this moral power consists in the virtue, in the internal power of the agent to act according to these ideas and precepts, according to this just order. To act “spontaneously” is to act from the respect for the rules of justice itself. Similarly, in the *Meditation* we found that the “formal reason” of justice is the Golden Rule, and that this rule is virtually identical with the double-commandment of love. We might say that justice is the virtue of acting according to both formal and informal reason. Thus, in these late texts, Leibniz has worked out the full implications of right as a moral power. As we can recall from the *Nova Methodus*, right (moral power) and obligation (moral necessity) are the moral qualities of a rational substance. They denote the properties of us that enable us to be moral agents. By virtue of this freedom and power, we have obligations. The source of obligation is thus internal, not external, as it is for the voluntarist.

We have also seen that many of Leibniz's arguments are based on definitions. An extremely important endeavor for Leibniz has always been to base science—whether it be the science of right, jurisprudence, morals, or happiness—on true definitions. Indeed, a science just is a set of demonstrative truths. True definitions tell us what the real *ideas* of things are, as they exist in God's mind (as far as we can understand them). In light of this endeavor, a few remarks on the definitions established in the *Monita* and *Meditation* are in order. As we have learned from his method: if one can show that a definition has real possibility, that is, that it contains no contradiction among its concepts, *and* if one can show that other definitions (e.g., the voluntarist's) do not contain real possibility, then one can correctly say that one has a true definition. Accordingly, there is a sense in which, whether intended or not, Leibniz has applied this method fairly strictly in the *Monita* and *Meditation*. His derivation of justice as charity of the wise begins with the *nominal* definition of justice as “the constant will to act in such a way that no one have a reason to complain of us.” After establishing the means for determining these reasons (essentially the Golden Rule, which is itself clarified by “the place of others”), we arrive at justice as charity of the wise, having found no contradiction among these definitions. At the same time, we were shown that the voluntarist's means for determining right and justice are inherently contradictory and therefore must be rejected. This method parallels somewhat the *epagogic* method of the *Elementa*, in which “true” definitions (i.e. *the just*

evil consequences which it might have with reference to them. Consequently, the final will or the decree of God, resulting from all the considerations he can have, would be to give it to them.”

as equity; *justice* as love) were derived by means of rejecting every insufficient definition. If ultimately we must remain unsure whether these definitions represent the ideas of justice in God's mind or in Plato's heaven, or whether they have any extra-mental reality at all, Leibniz at least provides solid grounds for these ideas as coherent ideas of justice.

This result should lead us once again to ask, how does a true definition, a true idea or rule of reason, *obligate* us to follow it? That is, what makes it *morally necessary* that we do not harm another? What binds us to act according to the rules of wise charity? For Pufendorf and Hobbes, the answer is clear: while reason can inform us regarding the requirements of sociality and social peace, we are *obligated* by the externally imposed fear of punishment, or by the fear of death and the desire to preserve ourselves.¹¹⁴ For his part, Leibniz indeed argues that these external reasons function as effective motives for compliance with the natural law. But these are ultimately not the proper reasons to be obligated, nor are they the proper sources of obligation. In one way or another, Leibniz has rejected all of the usual grounds and motives of obligation: pleasure, hope, fear, conscience, and instinct—none of these provides the right kind of motive, nor can they tell us with certainty and completeness what our obligations are.

For Leibniz, obligation has two important sources, as it has had from the beginning. One is the just order. This consists of the true ideas and definitions of right just and justice. The just order gives us the criteria for judging whether an act is just or not. The formal reason of justice the Golden Rule is one such criterion. But the second and most important component is our very capability, our own self-limiting power and freedom to be moral agents. Pleasure, love, and happiness may motivate us—but ultimately these motives must be moderated by our own virtue. Thus if we want to be the moral beings that we are *capable* of being, we are obligated to motivate ourselves according to the principles of reason and virtue, which is just to say according to our moral qualities. As Leibniz had written in 1680:

Therefore right is what we have to act or not to act, a certain power or moral liberty. Obligation moreover is a moral necessity, without doubt imposed on those who wish to uphold the name of the good person.¹¹⁵

The source of obligation lies in the very fact of our moral freedom. That we are endowed with the moral power to act justly imposes the necessity to act justly. This imposition cannot be imposed externally, but must be imposed from the inside, from the fact of our freedom and rationality. Yet obligation is also rooted in the very meaning of just actions, of just causes, of just conditions. Leibniz thought, as did Plato, Augustine, and others, that to *know* the truth is to be moved to *follow* it. Quoting Cicero, Leibniz in the *Meditation* says that to see justice is to be “inflamed” by its beauty and the desire to pursue it (RM 59). Notoriously, of course, we more often fail to pursue it --“inflamed,” rather, by the contrary desire for our own good at another's expense. But such desire is a mistake. Moral failure is due either to a lack of knowledge of the just, or to a lack of virtue to employ the knowledge. It is due to a more powerful inclination, an imperfection

¹¹⁴ To speak precisely about this, a fuller account of Pufendorf and Hobbes is obviously required.

¹¹⁵ A.6.4.2850: “Itaque *jus* quod habemus agendi vel non agendi, est potentia quaedam sive libertas moralis. *Obligatio* autem est moralis necessitas, illi nimirum imposita, qui viri boni nomen tueri velit.”

in the will, i.e., a dominant passion or habit. Given this possibility of moral failure, reason alone cannot compel us, but only guide us. To be just, one must develop the habit of conforming one's will to the true propositions of right, which is to say, one must develop the virtue of justice. We are obliged, then, not only by the true meanings of the just, but by our moral-rational nature, by the very capacity we have for justice.

Leibniz has maintained, since his initial formulation of the science of right, the idea that the moral qualities with which we are endowed enable us to be moral beings, i.e., to harmonize our ends with the ends of all other moral beings. This capacity has always implied that to be a moral agent entails self-limitation or self-mastery of the soul. This self-limitation, I suggest, may also be called *autonomy*. A certain, qualified, notion of autonomy, often cited by the modern natural lawyers, can be found in Romans 2: 15, which says that when we act *by nature* according to the law, we are "a law unto ourselves." This is, however, not a fully developed notion of autonomy, since it is tied to instinctual motives.¹¹⁶ Leibniz's science of right, however, leads us to a *second* nature, that is, to virtue, bringing us close to a fully developed notion of autonomy or self-rule. According to this, to be determined by one's own capacity for limiting one's natural power, is just what it means to be a law unto oneself. In essence, this capacity is the capacity for a free will. A free will for Leibniz is not something that we have from the beginning. As self-rule, freedom is a function of the degree to which one *determines* oneself by moral principles. As we have seen, we are most free when we are most determined by right reasons.¹¹⁷

In the final chapter we will see more clearly how freedom and determination are related in Leibniz's account of metaphysical and moral necessity. For two questions may arise in light of our conclusions: Is there any sense in which God is obligated, and if so, can we make sense of this being's so-called freedom? These questions will be addressed in the final chapter.

¹¹⁶ The concept of autonomy can be taken in a number of ways. For an excellent account of historical notions of autonomy and their development, see Schneewind (1998).

¹¹⁷ Letter to Wedderkopf (1671): "Quod nihil detrahit libertati. Summa enim libertas est ad optimum a recta ratione cogi, qui aliam libertatem desiderat stultus est" (A.2.1.186).

CHAPTER SEVEN: NECESSITY, OBLIGATION, AND FREEDOM

Chapter sections:

1. Pre-Leibnizian moral necessity
2. Early formulations
3. Late formulations in the correspondence with Clarke
4. Late formulations in *Theodicy*.

Section 1: Pre-Leibnizian moral necessity

“One must always distinguish metaphysical necessity from moral necessity.”¹

One of Leibniz’s most well-known claims is that metaphysical necessity (which he also calls logical, geometrical, and absolute necessity) must be distinguished from moral necessity. This distinction is made in his later works, especially *Theodicy* and the correspondence with Clarke. The purpose for the distinction is to solve a dilemma involving God’s freedom: either God’s will is necessitated to create the best possible world, or it isn’t. If it is, then God is not free; if it is not, then the world is created arbitrarily (without sufficient reason). But Leibniz thinks he has solved the problem by properly distinguishing these types of necessity. Bayle, for example, is confused on the matter, because he does not recognize this distinction:

It is confusing what is necessary by moral necessity, that is, according to the principles of Wisdom and Goodness, with what is so by metaphysical and brute necessity, which occurs when the contrary implies contradiction. (§ 174, p. 236)²

In other words, Bayle confuses what may or may not be done according to moral principles with what cannot occur otherwise according to logical principles. The former, supposedly, are possible to follow (or not) for beings possessing wisdom and goodness; whereas the latter hold true without the effort of intelligence or agency. His main motivation for the distinction is well-known, i.e., to prevent his system from collapsing into the “blind necessity” of “Spinozism.” But the motivation may also be to prevent morality from succumbing to the blind tyranny of voluntarism. By a moral necessity, God creates the best possible world according to reasons which *incline* but do not absolutely *necessitate* God to create. Thus God’s decision is free but not arbitrary. God is “optimific,” since he freely chooses to create the best possible world according to sufficient reasons, indeed, the best sufficient reasons.

It should not be surprising, however, that Bayle is confused about this distinction. Generations of commentators on Leibniz remain unsure whether Leibniz himself is clear

¹ *Theodicy* (1702) §310.

² G.6.218: “C’est confondre ce qui est nécessaire par une nécessité morale, c’est à dire par le principe de la Sagesse et de la Bonté, avec ce qui l’est par une nécessité métaphysique et brute, qui a lieu lorsque le contraire implique contradiction.”

about it, or whether it is a valid distinction to make.³ For it seems that God has no choice but to obey the principles of wisdom and goodness; and if so, there is no sense in talking about God's freedom as distinct from logical necessity, because God cannot do otherwise in either case. The only thing that is clear about Leibniz's distinction is that Leibniz sought to maintain it.

My purpose in this chapter is not to determine whether Leibniz's distinction is valid or whether it solves the dilemma involving God's freedom. An overabundance of work has already been done on this topic. Rather, I wish to determine the relationship between his early and late uses of the term 'moral necessity.' This relationship is rarely discussed among commentators, and when it is, the early usage is dismissed as irrelevant to the later, consigned to the specific context of his early writings on jurisprudence.⁴ Yet as I have shown throughout this dissertation, it is a mistake to cut off these writings, especially the earliest ones, from the rest of his practical philosophy, let alone from his metaphysics in general. My general purpose in this chapter, then, is to show why this relationship must be taken seriously.

As we saw in *Nova Methodus* (1667), Leibniz originally defines moral necessity as *obligation*, as one of the moral qualities: "thus, moral power is called *Right*, and moral necessity is called *Obligation*."⁵ In the *Elementa Juris Naturalis* (1671) right and obligation become the moral qualities of the *vir bonus* (the good person).⁶ The good person is then defined as "one who loves everyone." The question is whether there is any relevant conceptual similarity or relation between the early and late employments of 'moral necessity.' In what follows I will show that from early to late 'moral necessity' refers to the *obligation* a rational agent has to perform the moral good. This obligation has its source in the agent's very essence, that is, in its moral qualities of right (*jus*) and obligation. Furthermore, we can understand that part of what constitutes the agent's *jus* is its wisdom and goodness. Furthermore, understanding this relationship between early and late uses of moral necessity makes Leibniz's argument for God's freedom more clear: Freedom consists in being morally necessitated, i.e., necessitated by one's own rational-moral essence. We thus understand that *human* freedom consists in determining ourselves by the virtue we have in part, but which we are capable of acquiring. Moral necessity will be understood to be derived from *potential moralis*, as are the metaphysical requirements of the best possible world.

These are bold claims. To understand what is at stake in them I begin with some recent commentary. In his article, "Pre-Leibnizian Moral Necessity," (2004) Michael J. Murray claims that the early (1667) and late (1702) uses of "moral necessity" are conceptually distinct. He claims that the early texts employ moral necessity in "strictly deontic contexts" (such as those I have just cited above); and so these specifically "ethical" or "deontic" uses are conceptually distinct from the "action-theoretic" uses in *Theodicy* and after:

³ The reader may consult any number of books and articles on this topic, especially R.M. Adams (1994).

⁴ A perfect example of this view may be found in R.M. Adams, "Moral Necessity" (2005). Another example will be discussed, below. In his *Leibniz, zur Einführung* (2005, p. 186), Hans Poser calls this type of necessity "ethical necessity" (*ethische Notwendigkeit*) to be distinguished from the moral necessity used in the context of divine freedom.

⁵ A.6.1.301.§14: "ita potentia moralis dicitur *Jus*, necessitas moralis dicitur *Obligatio*."

⁶ A.6.1.465: "*Ius* est potentia: *Obligatio* necessitas: viri boni, quas Grotius vocat Qualitates Morales, nihil sunt aliud quam qualitates viri boni."

Thus in the *Theodicy* Leibniz uses moral necessity to describe the sense in which the will is bound to choose that course of action which the practical intellect judges here and now to be best. . . . It is this second sense that Leibniz utilizes when he is trying to show how an agent inevitably chooses the perceived best while still retaining robust freedom (Murray 2).

I do not see, however, why Murray should think that the “ethical” and “deontic” usage in the jurisprudential writings is distinct from the “action-theoretic” usage in *Theodicy*, since in both contexts the quality of action is necessarily value-laden. It is true that the emphasis in the latter context is on retaining God’s freedom in relation to necessity; but both contexts indicate that God is in some sense “bound” to a course of action that is best. Even this much should indicate that moral necessity in this later sense is virtually identical to the early sense, in which the *vir bonus* is bound (obligated) to love everyone. As we have seen, moral necessity is nothing other than the *moral quality* of a rational being, a quality that makes it bound to choose to do what is just and thus most perfectly good.

I will return to these points. The object of Murray’s article, however, is not Leibniz’s texts, but rather the development of the concept of moral necessity *before* Leibniz’s time. To make a long and very interesting story short, the concept developed out of St. Thomas Aquinas’ attempt to explain how *free will* is possible. That is, based on certain presuppositions (e.g., that nothing is self-moving; and that an *act* of the will involves a reduction of *potency* to *act*), how can the will be free in the relevantly moral sense? Aquinas’ eventual solution was to say that there had to be an *external* principle involved, and that was God. But this solution was not satisfying to those who wanted an account of the will’s *autonomy*, and so two Spanish Jesuits, Montoya and Granado (c. 1629) worked out a doctrine called “moral necessity.” Basically, this doctrine held that although the choice of the will was *inevitably* the last deliberation of the will, *theoretically* the choice could have been rescinded at any time, even so it is not. The last deliberation of the will is the result of two *conatuses* (or endeavors) for the two transcendentals: the Good and the True. Thus the will is inclined to the Good, and the intellect is inclined to the True, but these transcendentals only *incline* the will without *necessitating* it.⁷ And thus we have the basis for Leibniz’s frequent saying that the reasons for God’s choice of the best possible world *incline* God, without *logically necessitating* the choice.⁸ Inclination without necessitation resolves the dilemma between freedom of indifference and absolute necessitation. By virtue of moral necessity, there is always a sufficient reason for God’s choice, a reason that *could* have been rescinded, even though it is not.

⁷ Since each thing has a certain amount of good in it and each proposition has a certain amount of truth in it, we are drawn to things in proportion to their goodness and truth. “Thus when the will is in the presence of absolute goodness, that is, God, it is necessary that it love such goodness” (Murray 11). And when the intellect is in the presence of first principles, it grasps them immediately. Of course, we often do not judge correctly, first, since we do not have perfect knowledge, and second, since the will may be thwarted by other inclinations.

⁸ See *Theodicy* §43.

Section 2: Early formulations

To properly understand the relationship between early and late uses of ‘moral necessity,’ we must first review Leibniz’s earliest formulations of it. We have just above recalled the relevant passages in *Nova Methodus* and *Elementa*, where right and obligation are the moral qualities of the good person (*vir bonus*). These passages represent the “deontic” context to which Murray refers. However, Murray seems not to have taken into account that the moral qualities of right and obligation correspond quite precisely with the notions of *freedom* and *necessity*. Right is a moral *power*, which in the *Elementa* becomes moral *possibility*. Moral possibility means the freedom to act within moral constraints. Thus right is a moral power because it analytically entails duties (or obligations). This is well-expressed in the following passage.

Freedom is the moral power or answerability in a good person congruent with natural power. *Duty* is the reduction of the natural power to the moral power.⁹

Therefore, the moral qualities of right and obligation quite readily transfer to the idea of freedom, and furthermore, the idea of freedom contains the “answerability” of a good person, that is, the moral capacity of a person to restrict her natural power. Such restriction is called duty, obligation, and moral necessity. Freedom is also connected with the concepts of *contingency* and *necessity*, and *duty* is connected with *necessity*.

Therefore freedom is the mode by which acts are denominated either possible or contingent (or just and indifferent) for a good person. Duty is denominated either impossible or necessary (or unjust and owed).¹⁰

This necessity is nothing other than moral necessity. These formulations are indeed connected with *jurisprudence*, or the science of right, as the following concluding passage to the *Elementa* will show. But this does not mean that they are to be understood *only within that context* (as both Murray and Adams claim). Jurisprudence, or the science of right, is absolutely fundamental, since it is the science that defines the sorts of actions that are morally possible and morally impossible, that is, that are morally necessary.

Jurisprudence is the science of the just, or the science of freedom and duties, or the science of right, in relation to some case or fact. A science I call practical, since all of its propositions can be demonstrated from the definition of a good person, and do not depend on induction and examples. And yet [the propositions] may be confirmed by the harmony of various laws, by the written and unwritten consensus of the prudent, as well as eminently enlightened by the popular voice of the public, and before men

⁹ A.6.1.467: “*Libertas* est potentiae moralis seu cadentis in virum bonum congruitas cum naturali. *Officium* est defectus potentiae moralis à naturali.”

¹⁰ A.6.1.467: “Ergo *libertas* est modus à quo actus denominatur possibilis aut contingens viro bono, seu justus et indifferens. *Officium*, à quo denominatur impossibilis aut necessarius seu injustus debitusque.”

incapable of demonstrations. A science of *the just* I call what is possible for a good person, because what is possible for him not to do is the same as what is possible for him not to omit. A science of duties I call what for a good person is impossible and necessary, and what is impossible to omit . . . everything else falling under the possible and contingent.¹¹

We must keep in mind that jurisprudence has to do not merely with cases and facts of *law*, with matters of the court, but is to be understood *in its universal sense*, as the science of *right*, of which theology is a species.¹² The science of right determines what is morally permitted, lawfully permitted, as well as what is theologically demanded. It is indeed the science of moral necessity.

We should also recall that his *deontic* logic in the *Elementa*, that is, his derivation of the juridical modes out of the moral qualities, could be reduced essentially to the two juridical modes of *possibility* and *necessity*. As we saw, these modes have their analogous correlate to the *alethic* modes of possibility and necessity.

I call the science of the just whatever is possible for a good man . . . and whatever is not possible for him to omit. I call the knowledge of duties, whatever for a good man is impossible and necessary.¹³

In other words, the juridical modes of possibility and necessity, which denote the deontic modes of moral possibility and necessity, have a logic separable from but related to the logic of metaphysical necessity (i.e., alethic necessity, the necessity of logical contradiction).¹⁴ What is impossible here for the good man does not mean impossible in the sense that a logical contradiction is impossible. Impossible in the deontic-juridical sense means to commit a moral contradiction or moral absurdity.

Unjust is what is absurd and what implies a contradiction for a good person to do. What therefore Grotius called moral qualities, Right and Obligation, are so taken to be the attributes of a good person in respect of acting or suffering. Quality indeed means the attributes of a thing in

¹¹ A.6.1.467: “IURISPRUDENTIA est scientia justī, seu scientia libertatis et officiorum, seu scientia juris, proposito aliquo casu seu facto. Scientiam voco, etsi practicam, quia ex sola definitione Viri boni omnes eius propositiones demonstrari possunt, neque ab inductione exemplisque pendent. Etsi harmonia variarum legum, consensuque prudentum scripto non scriptoque, ac populorum voce publica egregie illustrentur, et apud homines demonstrationum incapaces etiam confirmentur. *Iusti* scientiam voco sue eius quod viro bono possibile est, quia eadem opera apparet et quicquid ei possibile non est facere, et quicquid ei possibile non est ommittere. Scientiam officiorum voco, seu eius quod viro bono impossibile et necessarium, id est omissu impossibile est . . . seu possibilis et contingens habentur.”

¹² A.6.1.294.§5 “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 Republica aut potius regno DEI super homines;”

¹³ A.6.1.467: “Iusti scientiam voco seu eius quod viro bono possibile est . . . et quicquid ei possibile non est ommittere. Scientiam officiorum voco, seu eius quod viro bono impossibile et necessarium.”

¹⁴ See Chapter Two, section 4.

respect to its activity and passivity.¹⁵

There is of course no *logical* contradiction in being unjust. But for the good person to act counter to her moral quality is a kind of moral contradiction. It helps to note that this passage also points, although quite inadequately, to the Aristotelian account of change, and the relationship of change to moral quality. *Potentia* (or *dynamis*) is, roughly speaking, the movement of a thing (substance) from potency to act. Thus *potentia* refers to the possibility of change in a thing (substance).¹⁶ The possibility of change is proportionate to a thing's passivity, i.e., to its resistance to change. Therefore, the moral quality of a rational substance is the quality by virtue of which moral action is possible. A moral-rational being does not undergo change merely by virtue of its natural power, but by virtue of its moral power.

The power (*potentia*) to kill an innocent is found in mere strength (*robusto*), not in those who are strong (*robusto*) and simultaneously good. For his hands are bound as through a higher power (*vi*). *He cannot overcome the heart*, as the Germans significantly say.¹⁷

Although it is always logically possible that the virtuous will harm the innocent, they never do.

So far, these formulations seem fairly consonant with the pre-Leibnizian formulations on moral necessity, but they also resonate well with the later formulations, as we will increasingly see. As we saw in Chapter Two, Leibniz has some difficulty explaining how the good person can truly be said to act freely, if she is physically necessitated to act morally. As the above passage suggests, the good person is incapable of performing evil acts, by virtue of her moral power. The answer to this difficulty is that a substance undergoes a change *freely* or *spontaneously* as long as it does so from its internal power. In other words, a substance *can and must develop* its internal power, and this is what virtue is: the moderation of the passive power of the soul by means of active reason. Therefore, if a being is truly going to be free, or free in the most possible way, then it must develop its internal virtue. This is the main reason why Leibniz in his criticisms of Pufendorf said that the *object* of natural right is internal virtue.

¹⁵ A.6.1.480-1: "Injustum est quod absurdum est, quod contradictionem implicat fieri à viro bono. Quod ergo Grotius Ius et Obligationem vocat qualitates morales, id sic capiendum, esse attributa viri boni in respectu ad agendum patiendumve. *Qualitas* enim est attributum in respectu ad agendum et patiendum."

¹⁶ In relation to this it is important to note the opening paragraph from "On Freedom" in the *Nouveaux essais*. "If 'power' corresponds to the Latin *potentia*, it is contrasted with 'act,' and the transition from power to act is 'change.' That is what Aristotle means by the word 'movement,' when he says that movement is the act – or perhaps the actualization—of that which has the power to be [Leibniz's note: Aristotle, *Physique*, III, I, 201a10] Power in general, then, can be described as the possibility of change. But since change, or the actualization of that possibility, is action in one subject and passion in another, there will be two powers, one active and one passive. The active power can be called 'faculty,' and perhaps the passive one might be called 'capacity' or 'receptivity.' It is true that active power is sometimes understood in a fuller sense, in which it comprises not just a mere faculty but also an endeavor. And that is how I take it in my theorizing about dynamics" (NE 2.21.169).

¹⁷ A. 6.1.480: "Potentia occidendi innocentem locum habet in robusto, non in robusto et simul bono, manibus ei velut superiore quadam vi ligatis. *Er kans nicht übers Herz bringen*, uti significanter Germani loqvuntur."

Furthermore, we must not forget that the object or end of virtue is not only one's own freedom, but the freedom and felicity of all moral-rational beings. In the earliest texts, right is the moral power to do what is just, and what is just is *public utility*. At this point in the late seventies, Leibniz has come to take right to be the *virtue* of the *perfection of the soul*, and the moral end of this virtue is the *common felicity*. It is in fact the good person's virtue that enables her to direct herself toward this end.

Because however the good person is benevolent toward all, even better is to recognize the virtue of the perfection of the soul. Consequently, the highest rule of right is that *everything is directed to the greatest general good* or common felicity; this is to be understood in terms of three other general precepts.¹⁸

One's *own* perfection is required to bring about the *common* felicity. This passage also conveys the idea that the three precepts of right constitute the rule-structure for this felicity, and therefore that the common felicity itself has its very principle in right itself, as the following passage more clearly shows:

The highest rule of right is to direct everything to the greatest general good, from whence is born the commonly celebrated three precepts of right, *live honorably, harm no one, give to each his due*. The first pertains to the *justice* which is called *universal*, since *the life of honor* is nothing other than universal Virtue, or the habit of the soul following reason, so that the affections are held firm. Indeed since the perfection of the soul consists in virtue, the more that virtue exerts its influence, the more one is able to be useful.¹⁹

Thus we can see that right (*jus*) and obligation, as conceived from the beginning as moral qualities, have a continuous grounding relationship to the requirements of universal justice and happiness. We can naturally expect, therefore, that these formulations have a claim of some kind on God's actions and must be incorporated into Leibniz's account of "the best possible world." Before we see this in the late texts, let me foreshadow this point with a passage from the middle period, 1680.

Therefore, right is what we have to act or not to act, which is a certain power or moral liberty. Obligation is however a moral necessity, without doubt imposed on those who wish to uphold the name of the good

¹⁸ A.6.4.2851-2: "Quoniam autem vir bonus est qui benevolus est erga omnes, eo tamen magis quo majorem in unoquoque virtutem id est animi perfectionem agnoscit, consequens est, Summam Juris Regulam esse, ut omnia dirigantur ad maximum bonum generale sive communem felicitatem; haec in tria alia generalia praecepta scinditur."

¹⁹ A.6.4.2864: "Summa juris regula est omnia *dirigere ad majus bonum generale*, unde tria illa nascuntur juris praecepta etiam vulgo celebrata, *honeste vivere*, *neminem laedere*, *suum cuique tribuere*. Primum pertinet ad *justitiam* ut loquuntur *universalem*, nam *vitae honestas* nihil aliud est quam *Virtus* in universum, seu habitus animi ad rationem sequendam affectusque continendos obfirmati. Cum enim perfectio animi consistat in virtute, et tanto quisque magis prodesse possit, quanto magis virtute pollet;"

person.²⁰

Thus if God is going to uphold the name of the good person, then a certain moral necessity is indeed imposed on God.

Section 3: Late formulations in the correspondence with Clarke

It would be chronologically appropriate to turn to Leibniz's use of "moral necessity" in the "action-theoretic" context (as Murray puts it) of *Theodicy*. However, to get a much clearer idea of the distinction between moral and metaphysical necessity that Leibniz makes there, it is best to leap ahead to Leibniz's correspondence with Clarke (1716). The following passage, in which Leibniz attributes to Clarke the same confusion he attributed to Bayle, is especially succinct and illustrative.²¹

He [Clarke] seems to play with equivocal terms. There are necessities, which ought to be admitted. For we must distinguish between an absolute and an hypothetical necessity. We must also distinguish between a necessity, which takes place because the opposite implies a contradiction; (which necessity is called logical, metaphysical, or mathematical;) and a necessity which is moral, whereby, a wise being chooses the best, and every mind follows the strongest inclination. (5th letter, §4 p. 56)²²

It may appear as if Leibniz distinguishes as many as seven kinds of necessity here; however, there are basically only two types anywhere: *absolute* and *hypothetical*, under which are several species. Under absolute necessity falls logical, metaphysical, and mathematical necessity. This necessity refers to propositions whose truth value depends solely on the principles of non-contradiction and identity. Propositions the denial of which results in a contradiction are necessarily true. Necessary truths are either explicit identities or are reducible to them. Propositions the denial of which does not entail a contradiction are contingent or *hypothetically* necessary propositions. A *true* hypothetical proposition expresses actual existence, while one that fails to express actual existence is false. Actual existence depends on God, who "decides" to make what is hypothetical a reality. Thus, a truth is morally necessary (hypothetically necessary) just in case God has decided to make it a reality. God's decision is said to be based on the criterion of perfection.²³ It is also important to note that the end of this passage offers a general explanation for action and moral failure. A mind, any mind, (and correspondingly any body) *always* follows the strongest inclination. That is, it follows whatever it has

²⁰ A.6.4.2850: "Itaque *jus* quod habemus agendi vel non agendi, est potentia quaedam sive libertas moralis. *Obligatio* autem est moralis necessitas, illi nimirum imposita, qui viri boni nomen tueri velit."

²¹ I use the H.G. Alexander translation.

²² G.7.389: "Il semble aussi, qu'on se joue d'équivoques. Il y a des nécessités, qu'il faut admettre. Car il faut distinguer entre une nécessité absolue et une nécessité hypothétique. Il faut distinguer aussi entre une nécessité qui a lieu, parce que l'opposé implique contradiction, et laquelle est appelée logique, métaphysique ou mathématique; et entre une nécessité qui est morale, qui fait que le sage choisit le meilleur, et que tout esprit suit l'inclination la plus grande."

²³ See Rescher (2002) for a very thorough and interesting account of this criterion.

perceived to be the good.²⁴ However, not every mind possesses inclinations stemming from principles of wisdom and goodness. Therefore, while the wisest mind always chooses the best and does it, lesser minds do not always, or even frequently. However, as Leibniz will later explain, the mind that determines itself by wisdom is most free.

Leibniz's motivation for speaking of *hypothetical* necessity in this context, as in others, is to show that the theologically required doctrines of God's freedom, foreknowledge, and pre-ordination do not interfere with human freedom.²⁵ However, this is by no means the only relevant point to take from this distinction. What we are after is God's moral criterion for creation, and to understand this we must turn for a moment to some other late texts. First, note that creatures, or rational substances, are bare possibilities in God's mind, having free natures that God chooses to actualize, should the actualization of such creatures result in the creation of the best possible world. Possible creatures cannot compel themselves into existence; *although* they do have a certain *striving* (*exigo*) for existence. Leibniz makes this quite interesting point in his well-known *De Rerum Originatione Radicali* (1697):

We must first acknowledge that since something rather than nothing exists, there is a certain urge for existence or (so to speak) a straining toward existence in possible things or in possibility or essence itself; in a word, essence in and of itself strives for existence. Furthermore, it follows from this that all possibles, that is, everything that expresses essence or possible reality, strive with *equal right* [my emphasis] for existence in proportion to the amount of essence or reality or the degree of perfection they contain, for perfection is nothing by the amount of essence. (AG 150)²⁶

Certain complexities we must set aside, such as the correlations among essence, compossibility, and existence. What is important is the idea that all possible beings strive with *equal right* (*pari jure*) for existence—although not quite equally. This notion of *pari jure* may provide some indication of the inherent moral quality of rational substances. All rational substances have a certain amount moral power, by virtue of being rational substances. But each strives for existence in *proportion* to its moral goodness, that is, in proportion to its contribution to the overall good (common felicity), in proportion to its contribution to the best possible world. But only God has the power to bring possible substances into existence. Indeed, God is morally necessitated to do so. To understand

²⁴ This was Leibniz's "psychophysical" requirement we first encountered in the *Elementa*.

²⁵ G.7.389: "La nécessité Hypothetique est celle, que la supposition ou hypothese de la prevision et preordination de Dieu impose aux futurs contingens." . . . G.7.390: "Mais ny cette prescience ny cette preordination . . . deroger par là à la liberté de ces creatures: ce simple decret du choix, ne changeant point, mais actualisant seulement leur natures libres qu'il y voyoit dans ses idées."

²⁶ G.7.303: "Primum agnoscere debemus eo ipso, quod aliquid potius existit quam nihil, aliquam in rebus possibilibus seu in ipsa possibilitate vel essentia esse exigentiam existentiae, vel (ut sic dicam) praetensionem ad existendum et, ut verbo complectar, essentiam per se tendere ad existentiam. Unde porro sequitur, omnia possible, seu essentiam vel realitatem possibilem exprimentia, pari jure ad *essentiam tendere pro quantitate essentiae seu realitatis, vel pro gradu perfectionis quem involvunt; est enim perfectio nihil aliud quam essentiae quantitas." *The editors of the English edition (AG) note that *essentiam* is likely a mistake and should read *existentiam*.

this more fully we may peak ahead at a related passage from *Theodicy*:

It is true that all this struggle [among the possibles] can only be ideal, that is to say, it can only be a conflict of reasons in the most perfect understanding, which cannot fail to act in the most perfect way, and consequently choose the best. Yet God is bound by a moral necessity, to make things in such a manner that there can be nothing better: otherwise not only would others have cause to criticize what he makes, but, more than that, he should not himself be satisfied with his work. (§201 p. 243)²⁷

This idea of “striving possibles” is well known and really quite interesting, and I think it describes very well the sort of effort that virtue requires in order to stake one’s claim on existence. But the main point here is that if God were to fail to bring about the best possible world, it would not be a logical failure on God’s part, but a moral failure. It would imply a lack of goodness and power in God, and thus a moral necessity is imposed on God to create the best possible world. It is a moreover an obligation that any rational person would recognize.

To return to the Clarke correspondence, Leibniz insists however that this moral necessity in God does not “derogate” from God’s freedom, but on the contrary, *constitutes* it. This is an extremely important point.

As for moral necessity, this also does not derogate from liberty. For when a wise being, and especially God, who has supreme wisdom, chooses what is best, he is not the less free upon that account: on the contrary, it is the most perfect liberty, not to be hindered from acting in the best manner. And when any other chooses according to the most apparent and the most strongly good, he imitates therein the liberty of a truly wise being, in proportion to his disposition. Without this, the choice would be blind chance. But good, either true or apparent; in a word, the motive, inclines without necessitating; that is without imposing an absolute necessity. For when God (for instance) chooses the best; what he does not choose, and is inferior to perfection, is nevertheless possible. [...] For what is necessary, is so by its essence, since the opposite implies a contradiction; but a contingent which exists, owes its existence to the principle of what is best, which is a sufficient reason for the existence of things (AL p. 56-7. §§ 7, 8 & 9).²⁸

²⁷ G.6.236: “Il est vray que tout ce combat ne peut être qu’ideal, c’est à dire il ne peut Etre qu’un conflit de raisons dans l’entendement le plus parfait, qui ne peut manquer d’agir de la maniere la plus parfaite, et par consequent de choisir le mieux. Cependant Dieu est obligé par une necessité morale, à faire les choses en sorte qu’il ne se puisse rien de mieux: autrement non seulement d’autres auroient sujet de critiquer ce qu’il fait, mais qui plus est, il ne seroit pas content luy même de son ouvrage, il s’en reprocheroit l’imperfection.”

²⁸ G.7.390: “Et quant à la Necessité morale, elle ne deroge point non plus à la liberté. Car lorsque le sage, et sur tout Dieu (le sage souverain) choisit le meilleur, il n’en est pas moins libre; au contraire, c’est la plus parfaite liberté, de n’estre point empeché d’agi le mieux. Et lors qu’un autre choisit selon le bien le plus apparent, et le plus inclinant, itl imite en cela la liberté du sage à proportion de sa disposition; et sans cela, le choix seroit un hasard aveugle. Mais le bien, tant vray qu’apparent, en un mot le motif, incline sans necessiter, c’est à dire, sans imposer une necessité absolue. Car lorsque Dieu (par exemple) choisir le meilleur, ce qu’il ne choisit point, et qui est inferieur en perfection, ne laisse pas d’être possible. [. . .] Car

Several points are notable here: First, moral necessity essentially means the necessity that follows from intelligence or wisdom. The perfectly wise being cannot not fail to choose the best, because to do anything less would contradict wisdom, *and* because there is *no reason* for the wisest being to do that. God's sufficient reason for things is determined by God's wisdom. However, the impossibility of failing does not entail that God is *absolutely* necessitated to choose the best. That is because the lesser good remains possible *in itself*, that is, as a logical possibility. Divine freedom thus greatly depends on this point, which, arguably, may appear sophistic. If God cannot do otherwise than X, though Y were possible in itself, then God is quite simply necessitated to do X, whether Y is possible or not. Nevertheless it remains true that due to the nature of logic, alternatives remain possible *in themselves*. And due to the nature of ideas, alternatives are not actualizeable *through* themselves. The bottom line, according to Leibniz, is that existence is possible only through God's power of bringing possibility into actuality (making *right* into *fact*, as he says in the *Meditation*). Thus for God not to choose the best possible world (or not to create a world at all) would be a moral absurdity, possible in-itself. Clearly, if God were to create a lesser world, God could not uphold the name of the *vir bonus*—or the *phronemon*, i.e., the person of practical wisdom.

Secondly, and again, God's freedom, indeed his *autonomy*, consists in this very wisdom. Lacking intelligence, God would not be self-determining, but would be determined by other factors. This follows from Leibniz's view that one of the necessary conditions for voluntary action is intelligence, and thus beings with the most intelligence are the most free, because most self-determining.²⁹ This self-determination of God is what Leibniz calls in *Theodicy* a "happy necessity," as we will see. Due to God's intelligence, it is a happy necessity that God never fails to choose the best. We can also understand God's actions in relation to the scholastic transcendentals: The Good and the True incline God to choose the best, but do not necessitate God, since alternatives remain possible "in-themselves," even so God does not actualize them.

Third, notice that creaturely freedom is established on essentially the same principles. Very important in the passage above is the idea of the imitation of God. Finite beings do not possess perfect wisdom and goodness; but once we understand what these consist in, we are then *obliged* to develop the disposition for them. As he says, we choose the good *in proportion to our disposition*. God's disposition, if one can speak of such, is perfect such that God cannot fail to choose the good. But of course human disposition is quite imperfect, and its perfection is proportionate to the virtue we have developed to follow the Good and the True. Understood this way, it is appropriate to conceive of *dispositions of virtue* as comprising our moral quality. We are morally good in proportion to the strength of our moral virtue. That is, our virtue just is our *potentia moralis*. The good person (*vir bonus*) whose moral power always overcomes her natural power, cannot but do the good.³⁰ That we imitate God "in proportion to our disposition" does not mean that we will unavoidably and without effort imitate God. Rather, through effort we may

ce qui est nécessaire, l'est par son essence, puisque l'opposé implique contradiction; mais le contingent qui existe, doit son existence au principe du meilleur, raison suffisante des choses."

²⁹ The other two necessary conditions for freedom are *spontaneity* (that a substance act from its own depths, so to speak) and *contingency*. See *Theodicy* §301. Also see Murray (2005) "Spontaneity and Freedom."

³⁰ We may also recall Sève's idea that one's actions can be judged in relation to the theoretical *vir bonus*. Good actions, as well as bad, are generic possibilities. The *vir bonus* performs only good actions, and so is judged good in relation to the generic possibility of performing bad actions.

develop the disposition, and eventually the “spiritual disposition” of acting justly for the sake of justice. The highest good is to attain this perfection of the will.

Section 4: Late formulations in *Theodicy*.

At this point, Leibniz’s position on moral necessity can be summarized thusly: Moral necessity is that necessity of disposition by which intelligent creatures are inclined to perform the moral good. The moral good, ultimately, is to perfect one’s will for the common felicity. We may now turn to some passages in *Theodicy* to see explicitly, and again, that moral necessity implies God’s *obligation* to perform the moral good. Moreover, this obligation is rooted in God’s own essence, just as the obligations of the *vir bonus* are rooted in her moral power. Let us begin, then, with a passage addressing the relationship between *right* and *power*. Recalling his criticisms of Pufendorf, Leibniz criticizes certain “supralapsarians” for attributing to God an arbitrary and despotic power (*pouvoir*), by conceding that God has an “unrestricted right” (*droit sans bornes*) in respect to his creatures. Thus according to these theologians, “God cannot sin whatever he may do, because he is subject to no law (*loi*).” Leibniz’ responds:

Apparently, under the term ‘right,’ they have understood, *anupeythunian*, a state wherein one is responsible to no one for what one does. But they will not have denied that God owes to himself what goodness and justice demand of him. (§178, p. 238, some emendation)³¹

For the supralapsarians, God is responsible to no one because he has ‘right’ over everything. For them, ‘right’ means *pouvoir tout court*.³² However, as always for Leibniz, the term ‘right’ implies responsibility and self-limitation. This consists in being responsible to goodness, wisdom, reason, in a word, to justice. And since these qualities are part of God’s essence, God is bound by what his own essence demands of him.³³ Thus we can find considerable continuity here with the account in the *Nova Methodus*; namely, that right and obligation are analytically entailed such that *moral* power includes self-limiting constraints on action, i.e., obligations.

That this self-limitation explicitly implies obligation will be shown in a moment. First, it is important to note a passage showing that something of this self-limitation consists in God’s *cognition* of the ideas of justice found in his mind.

It is scarcely more contrary to reason and piety to say that God acts without cognition, than to maintain that he has cognition which does not

³¹ G.6.221: “Et apparemment sous le nom de droit ils ont entendu, ανυπευθυνιαν, un état où l’on n’est responsable à personne de ce qu’on fait. Mais ils n’auront pas nié que Dieu se doit à soy même ce que la bonté et la justice luy demandent.”

³² See also “On the Principles of Pufendorf” where Leibniz attributes to Pufendorf and Descartes the view that since God is “unaccountable,” God could condemn the innocent. Leibniz maintains on the contrary that “because of his justice, God accomplishes all things in a way which satisfies every wise person, and above all himself (sed ob justitiam ita agit, ut amni satisfaciatur sapienti, & quod summum est, sibi)” (RP 72 / D.4.280).

³³ It might be more appropriate not to speak of the demands on *him*, as if the demands were distinct from God. Rather, God *just is* these demands.

find the eternal rules of goodness and of justice among its objects, or again to say that he has a will that has no regard for these rules. (§177, p. 238, some emendation)³⁴

Again, God cannot act arbitrarily (without reason) while retaining the name of the *vir bonus* or *sapientis*. It is constitutive of God's goodness to "find" the rules of goodness and justice in his essence and to follow them. God recognizes these rules (equality, equity, proportion, reciprocity) as the rules by which justice is founded, maintained, and upon which the best possible world is created. Absent this cognition, the rules of justice would still be valid, even if no world were to exist. However, according to Leibniz these rules themselves have no existence if there is no divine mind to preserve them.³⁵ It may be thought that God is himself necessarily compelled by these rules. In a way, this is true. However, Leibniz's answer to this is that it is a "happy" necessity (i.e., a moral necessity) that God is *obligated* by his essence.

And moral necessity contains an obligation imposed by reason which is always followed by its effect in the wise. This kind of necessity is happy and desirable, when one is prompted by good reasons to act as one does; but necessity blind and absolute would subvert piety and morality." (*Theodicy*, Reflections on Hobbes, §3, p. 395)³⁶

Leibniz is most concerned to preserve the piety that God's intelligence and intention participate in the creation of the best possible world. Without cognition this cannot be a moral world. Moral necessity is "happy" because it is the kind of necessity that stems from the principles of wisdom and goodness. If this concedes to a type of determinism that robs God of any "true choice," such as the ability to do otherwise, Leibniz is not really concerned. For him, determination by right reason is just what it means to be free. "It is only a moral necessity; and it is always a happy necessity to be bound (*obligé*) to act in accordance with the rules of perfect wisdom" (§344, p. 332). What matters is that wisdom is the distinguishing feature of minds that gives the *will* a power separate from the necessity of things.

But necessity of this kind [i.e., moral], which does not destroy the possibility of the contrary, has the name by analogy only: it becomes effective not through the mere essence of things, but through that which is outside them and above them, that is, through the will of God. This necessity is called moral, because *for the wise what is necessary and what is owing (dû) are equivalent things* [my emphasis]; and when it is always followed by its effect, as it indeed is in the perfectly wise, that is, in God,

³⁴ G.6.220: Il n'est guere plus contraire à la raison et à la pieté, de dire que Dieu agit sans connoissance, que de vouloir qu'il ait une connoissance qui ne trouve point les regles eternelles de la bonté et de la justice parmy ces objets: ou enfin qu'il ait une volonté qui n'ait point d'egard à ces regles."

³⁵ See *Theodicy* §184: "For it is, in my judgment, the divine understanding which gives reality to the eternal verities, albeit God's will have no part therein."

³⁶ G.6.390: "La necessité morale porte une obligation de raison, qui a tousjours son effect dans le sage. Cette espece de necessité est heureuse et souhaitable, lorsqu'on est porté par de bonnes raisons à agir comme l'on fait; mais la necessité aveugle et absolue renverseroit la pieté et la morale."

one can say that it is a happy necessity. The more nearly creatures approach this, the closer do they come to perfect felicity. (*Theodicy*, Summary of the Controversy, p. 387)³⁷

All things have their essence, but it belongs only to God's essence to have the highest wisdom and goodness. So God's will is not subject to the necessity of things because his wisdom permits him to find the good in the highest compossibility of things. In other words, the cognition (or consciousness) of value lifts God "above" the necessity of events. Only with this moral consciousness can the will be said to be both free and obligated. While moral necessity may be said to *derive* from wisdom, it is equally true that wisdom just means the recognition of moral value and the ability to act on it. This is the *phronemon*, the person of practical wisdom in its highest degree. But creatures may approach this freedom through the perfection of their own will.

In conclusion, I do not find much basis for a clear distinction between early and late uses of moral necessity. As Murray had put it, the ethical or deontic uses in the early jurisprudential writings have little to do with these "action theoretic" uses in *Theodicy*. To be sure, the later texts make use of moral necessity against what Leibniz held to be pernicious theological doctrines. Yet in both contexts moral necessity refers to the necessity by which a rational being determines its will according to moral principles—a necessity that must be upheld if one is to uphold the name of the *vir bonus*. This determination is nothing other than the moral quality of a rational substance. The idea that both God and humans are bound by their moral quality, and that this quality constitutes the being's *autonomy* is well-expressed in this passage by Hostler:

Yet how are the principles of justice necessary, and why is God bound to obey them? The answer to this comes from the very definition of a 'good man.' This implies that the precepts will be binding upon any being capable of love and wisdom; that is, upon any 'person' defined by Leibniz as a being that can possess moral qualities through its having both reason and will. Since God obviously possesses both attributes, he is the author of justice by his very essence, not by his will—in other words, the divine nature itself makes God subject to the moral law." (75)

The principles of justice, love and wisdom, are necessary by their very nature. Beings possessing rational capacities will be bound to recognize them and to determine themselves by them. Since God is fully determined by his moral-rational nature, he is completely autonomous. In the end, as in the beginning, it may assuredly be said that right is the moral power of a rational substance. For human persons, this means possessing a sufficient amount of moral recognition and self-mastery to do what is just. Virtue makes the good for oneself compatible with the good of all moral-rational beings.

³⁷ G.6.386: "Mais cette maniere de necessité, qui ne detruit point la possibilité du contraire, n'a ce nom que par analogie; elle devient effective, non pas par la seule essence des choses, mais par ce qui est hors d'elle, et au dessus d'elles, savoir par la volonté de Dieu. Cette necessité est appelée moral, parce que chez le sage, necessaire et dû sont des choses equivalentes; et quand elle a tousjours son effect, comme elle l'a veritablement dans le sage parfait, c'est à dire en Dieu, on peut dire que c'est une necessité heureuse. Plus les creatures en approchent, plus elles approchent de la felicité parfaite."

Accordingly, the perfection of the will leads to the perfection of society. In this way we may understand that the metaphysical requirement for the best possible world has its foundation in the moral nature of rational substances, and has its theoretical foundation in the science of right.

Section 5: Dissertation summary of conclusions

I conclude this dissertation with a brief chapter-by-chapter summary of its main claims and findings. Beginning with Leibniz's *Nova Methodus Discendae Docendaeque Jurisprudentiae* (1667), I focused on the definitions of right and obligation. Right (*ius*) is the moral power (*potentia moralis*) of a rational substance, and obligation (*obligatio*) is its moral necessity. Right and obligation thus denote the deontic "moral qualities" that enable a rational substance to act justly and to demand justice from others. A just act is that which promotes public utility. From this definition, Leibniz derives many others, most importantly, the three precepts or degrees of right (*juris gradus*). These are *harm no one*, *give to each his due*, and *live honorably*. These precepts, actually borrowed from the Roman *Digest*, and said to be the logical consequence of the definitions of right and obligation. I further showed that the objective requirements of the just (public utility) are also derived from this foundation of right. I should emphasize that the foundational importance of these definitions and their connection to the three precepts of right has not been analyzed *at all* in existing commentary on Leibniz. As I have argued, without understanding this foundation, Leibniz's practical philosophy cannot properly be understood. This foundation must not be understood as deriving from the motives of love (either egoistic or non-egoistic), pleasure, happiness, or perfection. The foundation of right is deontically prior to these motives, and it provides the conceptual basis for the notions of freedom and necessity that pervade Leibniz's moral *and* metaphysical thought.

In Chapter Two, the detailed and extensive examination of the *Elementa Juris Naturalis* (1669-71) led to two important developments for Leibniz: the introduction of the notion of practical love into his theory of right, and his invention of a deontic or "juridical" mode of logic. My most important claim is that Leibniz introduces the notion of love as a *descriptive* motivational principle, so that the prescriptive (normative) demands of right may be fulfilled. The cause of this introduction is Leibniz's attempt to defeat the skeptical claim that justice either does not exist or it is folly, since it either enjoins us to do another's good (which no one *would* do) and to do it at one's own expense (which is foolish). Two points are most important to be clear on: (1) Leibniz's argument for the nature of justice as love, and the nature of love as pleasure,³⁸ seems to land him squarely upon hedonistic foundations. However, I argue that if pleasure is understood as fulfilling a psychophysical requirement for action, and that pleasure is the *result* but not the *end* of acts of justice, then the foundation, the *a priori* foundation is built squarely upon right. (2) The investigation of the terms *right*, *just*, and *justice* should lead us to pay careful attention to the distinct meaning and role of each of these terms in Leibniz, a point often missed by commentaries and translators: *right* (*ius*) is the moral power to do what is just; *the just* (*iustum*) is defined as an "equitable" relation between own and other good; and *justice* (*iustitia*) is the *virtue* of loving everyone justly. Leibniz believes that he arrives at these true definitions solidly by means of his epagogic

³⁸ Recall his definition of love: "To love is to find pleasure in the pleasure of another."

induction. Leibniz then derives a deontic logic (*juris modalia*) from the moral qualities. This logical succeeds in showing how the logical relations hold among the terms of right, i.e., among morally permissible and impermissible actions. This deontic logic is also shown to be similar but distinct from alethic logic. Deontic logic is applicable to actions *alethically* possible to do, but *morally* impossible to do. On this basis Leibniz then provides a lengthy “demonstration” of the concepts and definitions involved in the definition of the good person (*vir bonus*), who is defined as “one who loves everyone.” In sum, Leibniz shows how universal benevolence (love) fulfills the normative demands of right, and logically follows from them.

In Chapter 3, I examined several of Leibniz’s unpublished papers from the mid 1670’s and his published preface to the *Codex Iuris Gentium* (1693). The main result is a reversal of the priority of grounding principles. Leibniz’s new definition of justice as “charity of the wise” is not the grounding definition of Leibniz’s practical philosophy; rather, it depends on the notions already established and developed by his science of right. In the earlier texts *right* and *obligation* comprised the “moral quality” of the good person. Here they have simply become the virtues of the wise person. Furthermore, through a close examination of a text unpublished in English, I show that Leibniz did not intend the three degrees of right to serve as motivational principles of perfection, as most commentators have thought. Rather, the three precepts are the normative prescriptions for justice as charity of the wise, which derives from them. Thus, Leibniz’s science of right is the foundation for his final definition of justice as charity of the wise.

Chapter 4 is devoted to Leibniz’s method of demonstration, focusing on a standard account of his doctrines of definition, truth, necessity, and contingency. The aim here was to have a mature account of demonstration, in order to evaluate both his early demonstrative methods and his later claims in the *Nouveaux essais* for the demonstrative science of morals. A demonstration consists of a transitive link of definitions, the purpose of which is to clarify the conceptual content of our working notions, and to reveal any incompatibility in them. Leibniz can be confirmed as a “realist” about definition, in opposition to Hobbes’ nominalism. However, I conclude that while Leibniz cannot ultimately defeat nominalist objections, his criteria for establishing definitions are quite rigorous, even if he does not often apply the criteria. Regarding demonstrations, Leibniz provides a transparent account of his method, and he has basically two types: one that is supposed to depend on a priori “reasons,” and another that may involve “facts.” I also examined two of his demonstrated “proofs” for God and for the immortality of the soul. These proofs, Leibniz claims, should be sufficient to show that utility and honor coincide, since what you do for another at your own expense will be rewarded in the afterlife. These proofs however can hardly remain convincing.

Chapter 5 took up Leibniz’s claim in the *Nouveaux Essais* (1704) that moral philosophy (*la Morale*) is a demonstrative science. This claim is shown to depend on two distinct kinds of demonstration: one for truths of fact, and the other for truths of reason. On these demonstrative grounds Leibniz argues, against Locke, that moral philosophy depends on innate practical principles, but of two types: (1) instinctual principles, such as the principle of pleasure and pain; (2) rational principles, stemming in part from principles of natural right, from the natural law of the Gospels, and from his developing criteria for the Golden Rule. It may then be shown that (1) and (2) can be integrated into

an account of virtue. This shows, once again, that the descriptive principles Leibniz insists on ultimately depend on the normative prescriptions of right and reason.

Chapter 6 examined two shorter late works, the *Méditation sur la notion commune de la justice* (1703) and *Monita quaedam ad Principia Pufendorfii* (1706). Drawing from both texts I show that the “science of right” depends on the divine ideas and precepts of right, namely, equality, proportion, and the “rule of reason,” i.e., Leibniz’s unique version of the Golden Rule. In addition, I show that the logical properties of the Rule (equality and equity) conform to the first two precepts of right. Thus I claim that the Rule is the “formal reason” of justice Leibniz seeks in the *Méditation*. On this basis I claim that Leibniz’s ultimate definition of justice as “charity of the wise” is grounded in his science of right. Also on this basis Leibniz substantially attacks the voluntarism of Hobbes and Pufendorf. Since their accounts of obligation and justice are grounded in the will and power of a superior coercive force, justice is rendered arbitrary and incoherent. For Leibniz, natural, legislative, and divine power must be regulated by a moral power, a power expressing love and reason, and whose theoretical foundation lies in the a priori science of right.

However, Leibniz’s infusion of pleasure into his account of the virtue of justice threatens to undermine this purely rational foundation. Yet when pleasure is properly understood in Stoic terms as the *result* of virtue, but not as the *end* of virtue, then we understand that the virtue of justice is the highest good. Leibniz’s practical philosophy can be characterized as a perfectionist virtue ethics built upon deontic notions of right and obligation. For Leibniz this makes *utilitas* consistent with *honestas*. The source of right is and must be internal virtue following right reason, rather than external compulsions.

Chapter 7 concludes the dissertation by comparing Leibniz’s notions of “moral necessity” in the early *Nova Methodus* with the “moral necessity” as developed in late texts such as *Theodicy*. One commentator in particular argues that the early and late notions are distinct. However, I argue that they are not, since they both refer to the *obligation* that a rational being has to perform the moral good. I also suggest that moral necessity, as the self-limitation of a rational being, holds implications for the doctrine of freedom that Leibniz develops in *Theodicy*. The degree to which a person determines herself according to moral principles is the degree to which she exercises free will.

It might be thought that the distinction between metaphysical and moral necessity is a consequence of Leibniz’s propositional logic. That is, the distinction is required in order to account for the sufficient reason of truths. Necessary propositions are true by virtue of the principles of identity and non-contradiction; but these principles do not apply to contingent truths, so they need a sufficient reason. God is then brought in as the cause that makes contingent propositions true. However, there is another way to look at this. Rather than conceiving of the matter as a difficulty within logic, it should be clear that the difficulty is a matter of the proper grounds of morals. Leibniz’s practical philosophy does not derive from the requirements of logic, but rather the logic derives from the requirement that this world be a world of moral value. This requirement is met when *necessity* is conceived as the necessary correlate to *potentia moralis*.

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