

**Pierre Bayle, *Political Writings* [from the *Historical and Critical Dictionary*], edited and translated by Sally Jenkinson. Cambridge and New York: Cambridge University Press, 2000. Pp. Lxiii, 367.**

and

***Natural Law Theories in the Early Enlightenment*, by T.J. Hochstrasser (Cambridge: Cambridge University Press, 2000). Pp. xiii, 246.**

**Reviewed by Patrick Riley, Harvard University**

---

1. Review of Pierre Bayle, *Political Writings*

Given Leibniz' admiration for Bayle's *Dictionnaire historique et critique* (1697), which he called "le plus beau des dictionnaires" in the *Nouveaux essais*, and given that Bayle's skeptical worries provided the occasion (if not the deepest inspiration) for the writing of the *Theodicée*, it is appropriate to consider in the *The Leibniz Review* the first English-language version of those articles from Bayle's *Dictionnaire* which are most important for political and moral philosophy. For it is a superb version, edited by the most knowledgeable Bayle-scholar in the Anglophone world; it will justly shape early-Enlightenment studies in coming decades.

If Bayle, in the second edition of the *Dictionnaire*, called Leibniz "l'un des plus grands esprits de l'Europe," Leibniz himself had flattering things to say about the *philosophe de Rotterdam*—praising his *Dictionary* as "one of the finest and most useful of enterprises: *opus Herculeum*," and urging that

I have not been able to keep myself from renewing the pleasure, which I had in earlier times, of reading with particular attention several articles from his excellent and rich Dictionary—among others those which concern philosophy, such as the articles on the Paulicians, Origen, Pereira, Rorarius, Spinoza, [and] Zeno. Never did an ancient Academician, without excepting Carneades, make the difficulties [of rationalist philosophy] more deeply felt.<sup>1</sup>

To be sure, that last sentence distances Plato-inheriting, Augustine-loving Leibniz from Bayle's demi-skeptical and quasi-Manichean doubts; and one cannot honestly say that Leibniz would have relished every detail of Bayle's political utterances, even if the two thinkers were (almost) as one in their acceptance of plural-

istic diversity and in their wisely charitable rejection of intolerance and religious persecution. But Leibniz made *caritas sapientis* itself the heart of his *jurisprudence universelle* (“justice is the charity of the wise, that is, universal benevolence”)<sup>2</sup>, and urged that people find their pleasure or felicity in the “perfections” of others,<sup>3</sup> while Bayle’s political psychology was too darkly Hobbesian for the Leibniz who could (and did) equate Hobbes with Thrasymachus in the *Méditation sur la notion commune de la justice*.<sup>4</sup> Bayle, after all, had claimed in his *Nouvelles de la république des lettres* (May 1685) that

...that which brought men to form societies was nothing else than fear. It is commonly imagined that there is a natural inclination for society in the soul of man, and that it is from this inclination, based on the friendship which men mutually bear one another, that commonwealths arise. But one must know the heart of man very little not to see that he loves independence above all things...from which it follows that he would never have entered into the obligation to do a thousand disagreeable things...if he had not foreseen that this was necessary in order to avoid a greater evil, namely the danger of being pillaged and murdered.<sup>5</sup>

Leibniz could certainly understand this “Hobbesian” viewpoint, saying in a letter to Kettwig (November 1695) that “I recognize that men are constrained by reciprocal fear and by necessity to found and constitute a guardian power for society, to preserve that society”—but he immediately adds that “the source of this [guardianship] is love sooner than fear [*sed praeter metum amor*].”<sup>6</sup> (The insistence on “guardianship” and on “love” is as pro-Platonic as it is anti-Hobbesian.) For Hobbes was “not aware” (Leibniz complains in the *Nouveaux essais*) that “the best men, free of all malice, would unite the better to attain their end, as birds flock together to travel in company.”<sup>7</sup> And the reason that Hobbes was not aware of this truth is clear: “His initial step was false, namely to seek the origins of justice in the fear of evil rather than in concern for the good, as if men had to be wicked in order to be just.”<sup>8</sup> Rejecting the Hobbesian notion that what we “know” of God is simply that part of Scripture which an authorized civil sovereign has *made* legally “canonical” (to obviate religious war), Leibniz insists that “by the existence of God is suspended every state of nature which is rough [*statum naturas rudis*] and bestial, of man left to himself, as well as the right of all against all; and the wise man can thus give free exercise to charity with safety, and bear witness to a good which is a refuge against evils.”<sup>9</sup>

When Bayle, then, speaks in his *Dictionary*-article on “King David” of “that fearfully confused state called nature, in which one recognizes only the law of the

strongest,” Leibniz’ Platonic-Augustinian rejection of Hobbes’ “Thrasymachean” equation of rightful dominion with “irresistible power” (*Leviathan* chapter 31) would separate him from Bayle. But, *en revanche*, Leibniz’ virtually proto-Kantian “religion within the limits of reason alone” (in the ecumenically rationalist Preliminary Dissertation of the *Theodiciée*) would tie him warmly to Bayle’s insistence (again in “David”) that

the deep respect that we have for this great king and prophet should not prevent us from condemning the flaws [e.g. the killings of Uriah and of Nabal] that are to be found in his life. Otherwise we should give cause to secular people to reproach us by saying that for an action to be just, it is enough for it to be performed by people whom we venerate. Nothing could be more damaging to Christian morals than that. It is important for the true religion that the lives of the orthodox are judged by general ideas of rectitude and order [Jenkinson trans., p. 42].

Even if Bayle and Leibniz did not share absolutely identical notions of *la droiture* and of *l’ordre* (though with respect to “order” they both owe something to Malebranche),<sup>10</sup> they argue equally for the primacy of timeless *lumière naturelle* — as against Bossuet’s fawning insistence in *Politics from Scripture* that “David was filled only with great things, with God and the public good,” so that “all the actions and all the words of David breathed forth something so great, and in consequence so royal, that one need only read his life and hear his speeches to have an idea of magnanimity.”<sup>11</sup> No more than Bayle did Leibniz favor a Bossuetian *politique tirée des propres paroles de Écriture sainte*, in which Louis XIV is the annointed “heir” of Saul, David and Solomon. For Leibniz, Louis XIV was not Rex but *Mars Christianissimus* (“I can approve of his conduct neither as a German nor as *citoyen de l’univers*”);<sup>12</sup> and the Bayle who had been chased out of France by Louis’ revocation of the Edict of Nantes would have joined Leibniz in finding grotesquely, horrifically funny Bossuet’s insistence that Huguenot-crushing Louis was “the new Constantine-Theodosius.”<sup>13</sup> (On this point, Bayle’s wonderfully effective *La France toute Catholique* should be consulted.)

If Leibniz would have approved of most of Bayle’s “David” (its “Hobbism” apart), he would also have cherished Bayle’s praise (in the article “Navarre”) of the charitable magnanimity of Marguerite de Valois, sister of François Premier, who did so much to protect Huguenots (and other religious “deviants”) from François’ ferocious anti-Protestant persecutions; he would have approved Bayle’s calling Michel de l’Hopital, Chancellor of France from 1560 to 1568, a “new Cicero” for his heroic but failed effort to avert the religious wars which led to the massacre

of St. Bartholomew's Day and finally to the assassination of Henri IV; he would have seconded, above all, Bayle's generously moderate treatment of Socinianism/unitarianism—agreeing with Bayle that while Socinianism was technically a heresy, nonetheless its insistence on God's *moral* attributes was not at all misplaced. In the *Dictionary*-article "Socinus," Bayle had insisted that God's "sovereign goodness" matters more than sovereignty *tout court*, that

if the notion of God's goodness is to be properly used, it must be accompanied by the notion of greatness. And what is it, I pray you, if it is not magnanimity, generosity, munificence, or the effusion of good? ... In the Scriptures there reigns, if I dare express myself so, a perpetual attempt to raise the goodness of God above his other attributes. Doing good work and showing mercy is, according to the Scriptures, the daily and preferred work of God [Jenkinson trans, p. 270].

To be sure, Bayle could not see how this divine *bonté* was reconcilable with evil (moral, physical and metaphysical) in the existing world; hence his flirtation with Manicheanism, which makes God good but impotent. He could not accept the Leibnizian view that God justly permits the admission of evil as the *conditio sine qua non* of the "best" possible world.<sup>14</sup> (Why Leibniz' *ens perfectissimum* would create a world which is, at best, "best", remains a grave problem in Leibnizian theodicy ["the justice of God"].) But Bayle and Leibniz clung, differently but equally, to that divine *bonté*—Bayle through demi-Pascalian fideism, Leibniz through Platonic-Augustinian rationalism. (This will be even clearer, in Leibniz' case, when the magisterial *Unvorgreifliches Bedencken* of 1698-1704 is finally fully published.)<sup>15</sup>

The present Cambridge edition of Bayle's "political writings" from the *Dictionary*—which also includes the articles on Bodin, Machiavelli, Hobbes, Nicole, and Ovid, *inter alia*—is a splendid achievement: the faithful translations are idiomatic, flexible and graceful; the notes and critical apparatus are unobtrusive but exhaustive; the bibliography is extensive and up-to-date. Above all, Dr. Sally Jenkinson's compact but illuminating "Introduction" places Bayle's practical thought in exactly the right context—that of the Huguenot diaspora in Holland—and treats Bayle not just as a skeptical, free-thinking proto-Voltairean, but as the subtle, learned, passionate and compassionate *Aufklärer* which he really was. The generous final paragraph of her Introduction—which Leibniz himself might easily have embraced—insists that

Perhaps the *Dictionary* should be seen as a forum for a rising generation of dissenters ... to whom Bayle could give new heart by showing that 'good

## REVIEW OF POLITICAL WRITINGS & NATURAL LAW THEORIES

sense' had a way of prevailing. Many of the Dictionary's ideas—especially concerning liberty and pluralism—have never subsequently left the public agenda. In particular, Bayle teaches reformers of the future, Voltaire among them, that to silence any marginal voice along the road to innovation could well be an error as well as an injustice.

Dr. Jenkinson rightly dedicates her edition of Bayle “to the memory of Elisabeth Labrousse, 1914-2000” —the twentieth century's greatest Bayle-scholar, but also a fine Leibniz-student who gave the present reviewer invaluable aid in transcribing all-but-illegible Leibniz *Handschriften* thirty years ago. Dr. Jenkinson is the worthy heir of Mme. Labrousse (in herself *a république des lettres*), and we can now look forward to the large-scale monograph on Bayle's political and moral thought which she will soon bring into the light.

### *Notes to Review of Political Writings*

1. GP IV, 566-567.
2. *Codex iuris gentium*, Dutens IV, 3, 270 ff.
3. “La Félicité (inter alia), Gr. II, pp. 579 ff.
4. In *Political Writings*, ed. and trans. Patrick Riley (Cambridge: 1972, 1988), pp. 42 ff.
5. *N.R.L.*, May 1685, art. V, *Oeuvres diverses* (The Hague, 1737), Vol. Ia, p. 287 a-b. (Cited in E. Labrousse, *Pierre Bayle* (The Hague, 1964), Vol. II, p. 477.)
6. Gr. II, p. 653.
7. NE, p. 479.
8. Letter to Thomas Smith (1695), A I, 12, p. 259.
9. VE, p. 1385.
10. See Patrick Riley, “Malebranche's Moral Philosophy,” in *Cambridge Companion to Malebranche*, ed. S. Nadler (Cambridge: 2000), passim.
11. Bossuet, *Politics drawn from the Very Words of Holy Scripture*, ed. and trans. Patrick Riley (Cambridge: 1990, 1999), Book V, art. 4, pp. 163 165.
12. Letter to Mlle. De Scudery (1698), A I, 15, p. 232.
13. Bossuet, *Oraison funèbre de Michel Le Tellier* (1686), in J. Truchet, *Politique de Bossuet* (Paris, 1966), pp. 183-184.
14. T, “Preliminary Dissertation.”
15. Leibniz fullest effort to effect Lutheran-Calvinist *rapprochement* through Platonic “reason” and Pauline “charity”; fragments in Gr. I, pp. 428 ff.

2. Review of *Natural Law Theories in the Early Enlightenment*

## I

“There are fundamental maxims constituting the law itself,” Leibniz writes in the *Nouveaux essais* IV, vii, 19, “which, when they are taught by pure reason, and do not arise from the arbitrary power of the state, constitute natural law.” That privileging of “pure reason” over “the arbitrary power of the state”—that privileging of Plato over Hobbes—leads to what Leibniz calls *iurisprudentia universalis* or *jurisprudence universelle*. And the central idea of Leibniz’ “universal jurisprudence,” which aims to find quasi-geometrical eternal moral verities equally valid for all rational beings, human or divine, is that natural justice is “the charity of the wise” (*caritas sapientis*)—that it is not mere conformity to sovereign-ordained “positive” law (in the manner of Hobbes’ *De Cive* and *Leviathan*), nor mere negative refraining from harm (at the cost of positive benevolence). The equal stress on “charity” and on “wisdom” suggests that Leibnizian natural law is a kind of fusing of Platonism—in which the wise know the eternal truths such as “absolute” goodness (*Phaedo* 75d), which the gods themselves also know and love (*Euthyphro* 9e-10e), and therefore deserve in natural justice to rule (*Republic* 443d-e)—and of Pauline Christianity, whose key moral idea is that charity or love is the first of the virtues (“though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass or a tinkling cymbal”). There is, historically, nothing remarkable in trying to fuse Platonism and Christianity: for Augustine’s early *De Doctrina Christiana* I, 27, with its notion that justice is “ordered” or “measured” love, is just such a fusion. But Leibniz, the last of the great Christian Platonists—who also tried to fuse “wise charity” with the highest degree of Roman law, *honeste vivere* (to live honorably)—left the world just as Hume, Rousseau and Kant were about to transform and “secularize” it definitively. It is not surprising, then, that in his greatest writing on “natural” justice, the *Méditation sur la notion commune de la justice* (c. 1703), Leibniz should begin with a verbatim paraphrase of Plato’s *Euthyphro*—in which the gods themselves do not make or change eternal moral verities, but eternally love them *because* they are true—and then equate the legal-positivist Hobbes with the Thrasymachus who insists (in *Republic* book I) that justice is merely the interest of the most powerful.

Leibniz’ most bold and striking equation of “natural law” with Christian-Platonic “wise charity” is to be found in his remarkable *Elementa Iuris Perpetui*

*REVIEW OF POLITICAL WRITINGS & NATURAL LAW THEORIES*

(1695), which begins by insisting that natural justice is not simply the “first” of the virtues, *à la* Aristotle or Aquinas, but that such justice “contains” all of the moral virtues, and that it relates to “the public good” or “the perfection of the universe” or “the glory of God”—where these three distinct things are morally equivalent in Leibniz’ usual sense (the sense that in working with wise charity for the common good of humanity one is following the “presumptive will” of God as just monarch of the best of all possible worlds).

But the really bold and striking thing in this 1695 writing is that Leibniz goes on to say that “the precepts of the eternal law, which are called ‘natural,’ are nothing other than the laws of the perfect state ... The principles in question are three: *neminem laedere, suum cuique tribuere, pie vivere*. The first [to injure no one] is the precept of peace, the second [to render each his due] is that of commodious living, the third [to live piously or charitably] is that of salvation.” In this remarkable paragraph, the “eternal,” the “natural,” and the Roman are made equivalent (as “perfect laws”), and that jurisprudential Trinity then governs not just the “human forum” but the perfect state of the best *kosmos*—at least once one transforms *honeste vivere* into *pie vivere*. No longer are Roman legal maxims just historical residues of a concrete legal and jurisprudential system; they have become the principles of “natural” (indeed of “eternal”) justice. But this is not surprising in Leibniz, who could rank himself among those for whom “the Roman laws are not considered as laws, but simply as written reason [*la raison écrite*].” And when Leibniz goes on to say, slightly later, that since “the love of God” or of the *summum bonum* “prevails over every other desire,” the “supreme and most perfect criterion of natural justice consists in this third precept of true piety,” and that “human society itself must be ordered in such a way that it conforms as much as possible to the divine” (to that “universal society which can be called the City of God”), he has finally equated the eternal, the “natural,” the Roman, “written reason,” and the divine. And since universal justice is *caritas sapientis*, he has equated the eternal, the natural, the Roman, the reasonable, the divine, and the charitable. (Even for so very synthetic a mind as Leibniz’, this is an amazing synthesis!)

If in the Preface to the *Theodicy* one had learned that the duty of wise charity is given by “supreme reason” (as Christ himself saw), in the *Elementa Iuris Perpetui* charity is the heart of living piously, and that pious living is a “sublimated” form of Roman-law *honeste vivere*. In the end, then, Leibniz the “natural lawyer” wants to say something like this: “Roman” justice = Christian *caritas sapientis* = reason = nature = eternity = divinity. For “after the writings of the geometers there is nothing that one can compare, for force and solidity, to the writings of the Roman

jurisconsults ... never has natural law been so frequently interrogated, so faithfully understood, so punctually followed, as in the works of these great men” (to Kestner, 1716, Dutens IV, 3, 267).

II

Though Leibniz was a natural lawyer of astonishing synthetic powers, pulling together Platonic “eternity,” Pauline-Johannine charity (“a new law”), Roman jurisprudence, and trenchant anti-Hobbism, one cannot exactly say that his achievement has been widely recognized in the Anglophone world; indeed the standard, classic work on natural law (d’Entrèves’ fine book from 1951), devotes only two lines to the great Hannoverian. Thus the arrival of T.J. Hochstrasser’s *Natural Law in the Early Enlightenment*, with its splendid chapter on “Leibniz and Pufendorf,” is especially to be welcomed—not least as a heartening sign that Leibniz’ practical philosophy is slowly coming to be viewed as canonical even in the Anglophone world. (For this we owe a great debt to Jerome Schneewind and to Knud Haakonssen, as Hochstrasser generously acknowledges.)

To be sure, Hochstrasser’s fine book is “about” Leibniz mainly as a Christian-Platonic foil to the “voluntarism” of Descartes, Hobbes, Pufendorf, and Christian Thomasius; as Hochstrasser himself says,

This study broadly aims to investigate the influence exercised by the theories of natural law developed by Grotius, Hobbes and Pufendorf on the early stages of the Enlightenment in Germany...

It was the achievement above all of Samuel Pufendorf (1632-94) and of his most distinguished follower, Christian Thomasius (1655-1728), to have evolved a tortuous path ... towards what they believed was a true science of natural law, that used Stoic ethics to reconcile the voluntarism of Hobbes with a diminished but nevertheless real role for divine positive law. This self-evaluation, recorded and recovered for us in the contemporaneous ‘histories of morality,’ was challenged at every point not only by clerical opponents but more importantly by the neo-scholastic political theories of Leibniz and Wolff. To recover these debates ... is to come close to a sense of the key issues in the early German Enlightenment.

Given Hochstrasser’s substantial sympathy for Pufendorf and Thomasius, it is a sign of singular open-mindedness that he is not put off by Leibniz’ unkind characterization of Pufendorf as “not much of a lawyer and even less of a philosopher”; indeed Hochstrasser offers an eminently fair treatment of Leibniz’ 1706 *Opinion on the Principles of Pufendorf*, with its insistence “neither the norm of conduct



itself, nor the essence of the just, depends on God's free decision [as urged by Hobbes and Pufendorf], but rather on eternal truths, objects of the divine intellect"—so that, quasi-Platonically, "justice follows certain rules 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."

Hochstrasser, however, not only devotes many excellent pages to the Leibniz-Pufendorf contestation; he also gives a fine account of the Leibnizian *iurisprudentia universalis* in sections 83-86 of the *Monadology*, and (more generally) is very adept in drawing out the moral-political-jurisprudential implications of Leibniz' theory of "rational substances" in the *Monadology* and in the 1695 "New System." (And then later, in a first-class chapter on Christian Wolff, he shows exactly how Wolff simplifies Leibniz' theory of "substance" to work out a moral theory of self-perfection in which Leibnizian subtleties and hesitations are flatteningly ironed out.)

But Hochstrasser doesn't confine himself to great figures, such as Leibniz, or to merely substantial ones, such as Pufendorf and Wolff; he also shows exactly what kind of opposition to Leibniz' version of "natural law" came from little-remembered figures such as Buddeus—who wrote a once-well-known anti-*Theodicy* which strove to convict Leibniz of "Spinozistic" determinism, and who tried to undermine Wolff's academic career by accusing him of Leibnizianism. Hochstrasser's portrait of natural-law controversy in Enlightenment Germany is thus remarkably complete, and finally carries us down to the rationalist anti-voluntarism of Kant in the *First Critique*, and even to Hegel's history of moral philosophy in "Natural Law" and in the *Phenomenology of Spirit*.

Hochstrasser's range, then, is extraordinary, and our indebtedness to him is large indeed. For Leibniz-scholars, that indebtedness will mainly take the form of gratitude for the subtle thoroughness of Hochstrasser's illuminating account of Leibniz' Christian-Platonic version of "natural law"—as the post-Cartesian antidote to the voluntarist notion that a real Creator must create even moral truth itself. *Natural Law in the Early Enlightenment* is a gift to all students of Leibniz, and a timely and welcome one.

Patrick Riley

Oakeshott Professor of Political and Moral Philosophy (Wisconsin)

c/o Department of Government

Harvard University

Cambridge, Massachusetts 02138

