

Notice of G.W. Leibniz, *Sämtliche Schriften und Briefe, Reihe IV (Politische Schriften)*, Band 5, Akademie Verlag, Berlin, forthcoming February 2004.

Patrick Riley, Harvard University

In a few months' time the Potsdam branch of the Berlin-Brandenburg Akademie der Wissenschaften will bring out the latest volume of Leibniz's *Political Writings* (1692-1694), under the able editorship of Hartmut Rudolph. For Leibniz's moral-political-juridical philosophy, the most important single item in A IV, 5 will be (incomparably) the "Praefatio" to the *Codex Iuris Gentium*—the work in which Leibniz first published his celebrated notion that justice is "the charity of the wise" (*caritas sapientis*) or "universal benevolence" (*benevolentia universalis*), not just Hobbesian sovereign-ordained law backed by fear of sanctions. In the crucial paragraph of the *Codex*, Leibniz insists that:

a good man is one who loves everybody, so far as reason permits. Justice, then, which is the virtue which regulates that affection which the Greeks call philanthropy, will be most conveniently defined...as the charity of the wise man, that is, charity which follows the dictates of wisdom.... Charity is a universal benevolence, and benevolence the habit of loving or of willing the good. Love then signifies rejoicing in the happiness of another...the happiness of those whose happiness pleases us turns into our own happiness, since things which please us are desired for their own sakes.

The new A IV, 5 will offer the most reliable version of the *Codex*' "Praefatio" since this work was published in Hannover in the spring of 1693—together with all the variants from the original manuscript, preserved in the Leibniz-Archiv of the Niedersächsische Landesbibliothek. For students of Leibniz's *jurisprudentia universalis*, this new edition of the *Codex* will be invaluable.

But of almost equal interest will be the first re-publication (since August 1693) of the "review" (*Relatio*) of the *Codex* which Leibniz sent to the *Acta Eruditorum*, Leipzig, at the request of Otto Mencke. (Leibniz wrote the review of his own book [!], even though the *Relatio* was unsigned.)

Rudolph has placed this *Relatio* immediately after the "Praefatio" to the *Codex Iuris Gentium* itself, for two excellent reasons:

(1) On the second page of the *Relatio*, Leibniz immediately follows his usual definition of justice as *caritas sapientis* and *benevolentia universalis* with the three gradations of Roman law (*neminem laedere, suum cuique tribuere, honeste vivere*) in a way which fuses "wise charity" and Roman law much more clearly

than in the *Codex* itself. In the published “Praefatio,” Leibniz’s definition of justice as *caritas sapientis sue benevolentia universalis* is followed by a half-page paragraph on the nature of disinterested love (in theology and even in aesthetics), and then Roman law finally arrives, 20 or 30 lines later; in the published version it is not so clear that the gradations of Roman law are a kind of *deduction* from *justitia caritas sapientis*—that if one wants to ascend positively to justice as love and benevolence (in which *honestas* = *pietas*), one must first negatively “refrain from harm.” In the *Relatio*, however, the definition of justice is immediately followed by Roman-law “gradations”; one loses the general reflections on “disinterested love” (even love of Raphael’s paintings) of the published “Praefatio,” but one sees much more clearly Leibniz’s point (in his commentary on Jean Domat) that Roman law is simply *la raison écrite*. (For Leibniz reason, not just revelation, “gives” *justitia caritas sapientis*; the same reason is “*écrite*” in the form of Roman law. Things equal to the same thing are equal to each other, ergo...)

But (2): near the bottom of p. 3 of the *Relatio*, Leibniz mentions by name the Elector of Mainz; and from other writings (e.g. Leibniz’s 1697 letter to Sophie of Hannover) we know that Leibniz cherished the Elector above all for revealing the works of Friedrich Spee, S.J., to him. But Spee in turn (for Leibniz) was the modern writer who best revealed the centrality of *caritas* as the first of the Christian virtues; it is thus crucially important that Leibniz mentions the Elector (and by implication Spee) in discussing a work (the *Codex*) which will make *caritas* not just the first virtue but the essence of justice (when regulated by *sapientia*). In the published, definitive version of the “Praefatio” there is no mention of the Elector of Mainz (and hence of Spee); only the *Relatio* brings out these important elements.

Since August 1693, very few Leibniz-scholars will have seen this *Relatio*—which is nonetheless a crucial writing, given Leibniz’s insistence on the centrality of Roman law and jurisprudence in understanding *justice* (“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 justice 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]).

Thanks to Rudolph and his Potsdam colleagues, all these things will soon be clearer than they have been since the appearance of the *Codex* and the *Relatio* in 1693.

(address on p. 76)