

G. W. Leibniz *Sämtliche Schriften und Briefe, Vierte Reihe, Politische Schriften, Band 5*, ed. Hartmut Rudolph et. al. (Berlin: Akademie Verlag, 2004).

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I

The latest volume of Leibniz' *Politische Schriften*, in the great Akademie-Ausgabe of the *Sämtliche Schriften und Briefe*, reveals (as ever) the astonishing range of Leibniz' political-moral-legal-religious-scientific-cultural concerns: if the first, largest and most important section of this new fifth volume deals with justice and law ("Rechtswesen"), that is only to be expected, since Leibniz' doctoral degree was in law and jurisprudence, and since he served as juriconsult and "intimate counsellor of justice" to an ever-expanding circle of European rulers: first the Elector of Mainz, then the house of Hannover (for four decades), then the King of Prussia in Berlin, the Emperor in Vienna, and Czar Peter the Great.¹ (Leibniz was the advocate not just of Europe but of "the commonwealth of the universe": so much is that true that when he treats the "ends" of various forms of knowledge in "De Fine Scientiarum" [in No. 70 of the present volume] he urges that theology is "a certain divine jurisprudence" which explains lawfully our "society with God" [*theologia est divina quaedam jurisprudentia, nostrae cum deo societatis jura explicans*]).² But *Politische Schriften* vol. 5 also treats "church policy" and charitable religious reconciliation—including a Latin memorial poem on the death of benevolently ecumenical Huguenot-turned-Catholic Pellisson ("*Clare Pelissoni, cui vitae gloria cultae*");³ the raising of Hannover to the status of an Electorate within the Holy Roman Empire; and the relations of the *Reich* with Europe, especially with the France of bellicose Louis XIV ("Mars Christianissimus"). Moreover vol. 5 takes up (what would now be called) "health policy," the improvement of the coinage, and numerous schemes for the rational re-ordering of the ducal libraries of Hannover and Wolfenbüttel, with emphasis on books in the so-called "higher-faculties" (theology, jurisprudence and medicine).⁴ And all of these apparently diverse, seemingly scattered matters are coherently linked by Leibniz' charitable concern for *le bien général du genre humain*: "Provided that something of importance is achieved, I am indifferent whether it is done in Germany or France, for I seek the good of man-

kind. I am neither a phil-Hellene nor a philo-Roman, but a philanthropos.”⁵ (Actually he was all three at once, as will soon be evident.)

Given Leibniz’ lifelong devotion to a *jurisprudence universelle* valid for God and man in a justifiable “best” possible world, and grounded in *caritas*, *benevolentia* and “philanthropy,” the Potsdam editors of *Politische Schriften* vol. 5 (under the able leadership of Hartmut Rudolph) have placed “Rechtswesen” at the very beginning of this book. And the crucial document of Leibnizian *jurisprudencia* in this new volume is clearly the great *Praefatio* to the *Codex Iuris Gentium* of 1693—Leibniz’ first published statement of his notion that justice is *caritas sapientis seu benevolentia universalis*, “the charity of the wise, that is, universal benevolence.”

(Not only does *Politische Schriften* vol. 5 contain the first critical edition of the *Praefatio* since Leibniz himself saw the *Urfassung* through the press in Spring 1693; it is the first re-printing of the full text since Dutens’ edition of the *Opera omnia* in 1768 [!]⁶—since Gerhardt and Klopp published only fragments in the 1870s. For the first time in over 200 years, then, the original published statement of Leibnizian *jurisprudencia universalis* is once again available—with all of the manuscript variants religiously preserved.)⁶

In the part of the *Codex*’ “*Praefatio*” which is crucial for practical philosophy, Leibniz urges that:

The notions of law and of justice, even after having been treated by so many illustrious authors, have not been made sufficiently clear. Right is kind of a moral possibility, 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 which regulates that affection which the Greeks call φιλανθρωπία [philanthropy], will be most conveniently 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 assertion which is attributed to Carneades [by Cicero], 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.

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 or, what is the same thing, converting the happiness 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 pleases us turns into our own happiness, since things which please us are desired for their own sake... Now from this source flows natural right [*ius naturae*] of which there are three degrees: strict right [*ius strictum*], 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)...⁷

In defining justice not through “modern” Bodinian-Hobbesian sovereign law, but through “higher” or “wise” love, Leibniz synthetically draws together Platonic “ascent” from overt sexuality to sublimated *philosophia*, to being “in love with the eternal” (*Phaedrus* and *Symposium*),⁸ Roman-law “ascent” from negative forbearance from harm (*neminem laedere*) to an “honorability” (*honeste vivere*) which includes *caritas* and *generositas*,⁹ Ciceronian “ascent” from unfriendly “self-interestedness” to *caritas naturalis* (“is there no natural charity between the good?”),¹⁰ Pauline-Johannine “ascent” from sinful self-preferment to love of God and one’s neighbor (“the greatest of these is charity”),¹¹ and Augustinian “ascent” from “concupiscent” lust to “ordered” or “measured” love (*De Doctrina Christiana* I, 27, xxviii).¹²

Within this Mediterranean ethical ensemble, Leibniz stresses now one intellectual ancestor, now another—depending on which of his moral-jurisprudential writings is at issue. In the *Méditation sur la notion commune de la justice* (1703), whose 300th anniversary we marked last year, the stress is on “Platonism”—and Leibniz therefore begins this work with the Platonic notion (*Euthyphro* 9e-10e) that the gods know and love (but neither cause nor change) the “eternal moral verities” of justice and goodness, and then goes on to say that Hobbesian legal-positivist justice is merely an Epicureanized recapitulation of Thrasymachus’ notorious view (*Republic* 338c) that justice is “the interest of the most powerful.”¹³ In the “*Praefatio*” to the *Codex Iuris Gentium*, by contrast, Plato becomes recessive, “there” but shadowed, and it is the Roman-jurisprudential genesis of *caritas sapientis seu benevolentia universalis* which is underscored: for in the *Praefatio* Leibniz stresses the Ciceronian argument [*De Re Publica* III, as reported by Lactantius] that Carneades was wrong to say that justice or concern for “the place of others” is “the highest folly” [*stultitiam*],¹⁴ and insists on the (basi-

cally Ciceronian) view that “we ought to believe that we are naturally incapable of doing things which are contrary to good morals” —a thought from *De Legibus* I, xviii which eventually made its way (via Papinian) into Justinian’s *Digest* XXVIII.¹⁵ And then, of course, Leibniz makes the “ascent” of Roman law from the negative (“harm no-one”) to the positive (“live honorably/piously/charitably”) exactly parallel to the Platonic/Ciceronian/Christian/Augustinian ascent from egoistic self-love to disinterested love of the felicity of others (which then “turns into” our own happiness).

Leibniz’ view seems to have been that ancient-Mediterranean ethics (Platonic, Roman, Ciceronian, Christian, early-Augustinian) was so much of a piece in its shared devotion to “wise” *philia* and *caritas* that one could stress now *this*, now *that*, within that broad tradition, and by implication summon up (and resonate with) all of the “related” members of this coherent jurisprudential *corpus*. (But this is Leibniz’ universal method: when in the *Préface* to the *Nouveaux essais* he wants to defend the “innate ideas” of mathematics, geometry, logic, and ethics against the *tabula rasa* of Lockean empiricism, he shores up that defense by appealing to the collective rationalism of Plato, Euclid, the Stoics, and Scaliger;¹⁶ when in the *Théodicée* he wants to defend “eternal,” uncreated moral truth and “natural” justice against Epicurus, he appeals to the group authority of Plato, Aristotle, Cicero, Aquinas, Grotius, and even—however improbably—Calvin.)¹⁷ Leibniz always wants distinguished “ancestors”—and that is a mark of the *romanità* which so profoundly shaped his *jurisprudencia*.

II Leibniz on Cicero and Roman Law

It is not surprising that Leibniz should ground the “*Praefatio*” to the *Codex* squarely in Roman law: for that law, according to him, is nothing less than *la raison écrite*;¹⁸ and he therefore insists (only weeks before his death) that “after the writings of the geometers there is nothing one can compare, for force and solidity, to the writings of the Roman juriconsults...never has natural justice been so frequently interrogated, so faithfully understood, so punctually followed, as in the works of these great men.”¹⁹ (To hint that *justitia* as *la raison écrite* is semi-“geometrical” *matters* for Leibnizian “demonstration.”) Plato had famously said, “let no one ignorant of geometry enter here”; for Leibniz ignorance of Roman *jurisprudencia* would be nearly as bad.

Leibniz' letting his jurisprudential road lead to Rome in the *Praefatio*—his being more “philo-Roman” than “phil-Hellene,” for once—owes most to the legal-moral-political thought of Cicero: for in a string of works including *De Re Publica*, *De Legibus*, *De Officiis*, *De Finibus Bonorum et Malorum*, *De Amicitia*, and *De Natura Deorum*, Cicero shows himself the most “potentially Leibnizian” of the Roman jurists—“these great men” who rival “the geometers.” Indeed Leibniz' *Praefatio* to the *Codex*, is, *inter alia*, a kind of large-scale elaboration of Cicero's central jurisprudential claim in *De Officiis* I, vii: “Justice . . . is the crowning glory [*splendor maximus*] of the virtues and [is] the basis on which men are called ‘good men’.”²⁰

For the full *splendor maximus* of *justitia* to shine forth, for both Leibniz and Cicero, the centrality of *caritas* must be emphasized; and Cicero does just this in *De Finibus Bonorum et Malorum*, v, xxiii:

In the whole moral sphere of which we are speaking there is nothing more glorious nor of wider range than the solidarity of mankind, that species of alliance and partnership of interests and that actual affection [*caritas*] which exists between man and man, which, coming into existence immediately upon our birth, owing to the fact that children are loved by their parents and the family as a whole is bound together by the ties of marriage and parenthood, gradually spreads its influence beyond the home, first by blood relationships, then by connections through marriage, later by friendships, afterwards by the bonds of neighborhood, then to fellow-citizens and political allies and friends, and lastly by embracing the whole of the human race. This sentiment, assigning each his own and maintaining with generosity and equity that human solidarity and alliance of which I speak, is termed Justice; connected with it are dutiful affection, kindness, liberality, good-will, courtesy and the other graces of the same kind . . . For only a brave and a wise man can preserve Justice.²¹

To insist on the *caritas* and “good will” of “a wise man” in preserving justice for “the whole of the human race” is virtually Leibniz' *caritas sapientis seu benevolentia universalis* from the “*Praefatio*” to the *Codex*—seventeen centuries *avant la lettre*.

In a recently published manuscript from the Leibniz-Archiv in Hannover, now in *Politische Schriften* vol. 4, “De Bona Unitatis et Malis Schismatis”—whose very title deliberately echoes Cicero's *De Finibus Bonorum et Malorum*—the notion that the “precept” of social unity is *caritatis summum*, the “highest charity,”

is opposed to the social horrors which will come about in charity's absence: without *caritas* or the "perfection of the will" there will be "hatred and distrust," "internecine war," "infidelity succeeded by impiety," "libertinism," and "contempt for religion everywhere."²² The first horrors, at least, are like those stressed by Hobbes in *Leviathan* Chapter 13—the ones which make human life "solitary, poor, nasty, brutish, and short." (But they are roughly the same horrors described by Cicero in *De Natura Deorum*—if Epicurean denial of "providence" and of "natural charity" prevails.)²³ Characteristically, however, Leibniz in this 1691 manuscript opposes to these horrors not Hobbesian legality but "the highest charity": here too justice goes beyond harm-avoidance to arrive at love. And in the margin of "De Bono Unitatis" Leibniz appeals to the authority of Erasmus' *De Sarcienda Ecclesiae Concordia*—the late work in which the great Dutch humanist (who knew his Ciceronian texts) tried to overcome schismatic hatred through charity and accommodation.²⁴ (In an astonishing piece from c. 1692 on the "salvation" of wisely charitable, heaven-deserving, *just* pre-Christians—including Pythagoras, Socrates and Plato—Leibniz approvingly says that Erasmus "fought for" the "saving" of Cicero: no doubt because the great Roman had made *caritas* so ethically weighty [*De Salvatione Gentium, Politische Schriften* vol. 5, No. 48: "Erasmus praef[at]ione] in quaestiones Tusculanas pro salute Ciceronis pugnat".]) Leibniz of course knew that Erasmus had said (with respect to Cicero's *Tusculan Disputations*) that "Cicero never pleased me so much . . . as he does now, when I am grown old; not only for the divine felicity of his style but for the sanctity of his heart and morals: in short he inspired my soul and made me feel myself a better man." (This Erasmus wrote in 1535, while editing his edition of the *Tusculan Disputations*; he died in 1536.) What both Erasmus and Leibniz admired in the *Quaestiones Tusculanas* was Book IV, xxxiv, in which Cicero says that "we philosophers have come forward (and on the authority indeed of our Plato . . .) to attribute authority [*auctoritas*] to love. The Stoics actually both say that the wise will experience love, and define love itself as the endeavor to form a friendship inspired by the semblance of beauty." What Leibniz admired in Cicero, and cherished Erasmus for stressing, was precisely this notion of a Platonizing "wise love" which enjoys both Platonic and Roman-law *auctoritas*.

Leibniz' insistence on a yawning chasm between charity and "Epicurean-Hobbesism" in this 1691 manuscript—written just as the *Codex* was starting to be composed—may have been prompted by his slightly earlier reading (Rome 1689) of Cudworth's *True Intellectual System of the Universe*. In his 1689 notes on the

Cambridge Platonist, Leibniz recalls Cicero's words in *De Natura Deorum* I, 43-44: "Is there no natural charity [*caritas naturalis*] between the good? ... Do you think that even human beneficence and benignity are solely due to human infirmity? ... For what can be better or more excellent than kindness and beneficence? Represent God as devoid of either [in the manner of Epicurus] and you make him devoid of all love, affection, or esteem for any other being, human or divine." Leibniz then laments that Hobbes derives rightfulness from God's irresistible power alone ("*jus Deo esse a sola potentia irresistibili*"), and complains that Descartes (in the *Reply to the Six Objections*) makes "good and evil, true and false, depend upon the arbitrary will of God."²⁵ Here the point is clear: even a "pagan" such as Cicero grasps universal jurisprudence (resting on *caritas naturalis* and beneficence) better than the trio of Hobbes, Descartes, and Epicurus. And Leibniz must also have cherished what Cicero goes on to say in the next lines of *De Natura Deorum*: "There is something attractive in the very sound of the word 'love' [*amor*], from which the term for friendship [*amicitia*] is derived. If we base our friendship on its profit to ourselves, and not on its advantage to those whom we love, it will not be friendship at all, but a mere bartering of selfish interests. That is our standard of value for meadows and fields and herds of cattle ... but charity [*caritas*] and friendship between men is disinterested; how much more so therefore is that of the gods, who, although in need of nothing, yet both love each other and care for the interests of men"²⁶ In this passage, Leibniz would say, Cicero is both Roman and "catholic," a kind of proto-Erasmus, if not of course Roman Catholic. (Later, in *Théodicée* sec. 169, Leibniz would praise *De Natura Deorum* for its detection of the "evasions" of Epicurus.²⁷ And is it merely accidental that the 1689 notes were drawn up in the very Rome that Cicero himself had tried to "save?")

For Leibniz in the *Théodicée*, as for Cicero before him, the worst of the Epicurean "evasions" was the evasion of "nature" in finding "natural" (non-conventional) justice: for Epicurus had insisted that there *is* no "natural justice," that justice is merely law and punishment artificially created (by agreement) out of *fear*.²⁸ (Cicero reports Carneades as saying the same thing, almost word-for-word, in *De Re Publica* III, xi: "Laws are imposed on us by fear of punishment, not by our sense of justice. Therefore there is no such thing as natural justice, from this it follows that neither are men just by nature.")²⁹ Most of *De Natura Deorum* is an assault on Epicurean-Carneadean, proto-Hobbesian jurisprudence, which had tried to overturn the Platonic argument (*Theaetetus* 172 b-c) that "in

matters of right and wrong” there is “something natural,” something more than arbitrary “public decision”;³⁰ the trinity of Plato/Cicero/Leibniz sets its tripartite face again against the “unholy” trinity of Thrasymachus/Epicurus/Carneades.

And that is why Leibniz was so struck by Cicero’s *De Legibus* I, xv, 42-43, in which Cicero insists that “justice does not exist at all, if it does not exist in nature, and if that form of it which is based on [Carneadean] utility can be overthrown by that very utility itself.” But then what is most “natural”? *Caritas naturalis*, which is (for Cicero) both a feeling and an imperative: “Our natural inclination to love our fellow-men ... is the foundation of justice.” (Otherwise one loses *caritas* for one’s *patria* as well as *pietas* and *liberalitas*.) And Cicero therefore concludes, in a Leibniz-anticipating way, that “all good men love fairness in itself and justice in itself, and it is unnatural for a good man to make such a mistake as to love what does not deserve love for itself alone.”³¹

That passage—which also made its way, slightly mathematized, into Augustine’s *De Doctrina Christiana* (“he lives in justice ... who has an ordinate love [and does not] love less or more that which should be loved equally”)³² — finds its final and fullest flowering in Leibniz’ *jurisprudencia universalis*, beginning with the *Praefatio* to the *Codex* of 1693 (even if Voltaire was soon to ambush Leibniz on his road to Rome).

III The *Codex* again

In the later parts of the *Praefatio* to the *Codex Iuris Gentium*, after having said in a now-familiar way that justice will be “most fittingly defined as the charity of the wise man [*caritas sapientis*],” that charity is “a universal benevolence or habit of loving or esteeming,” and that to love or esteem is “to take pleasure in the happiness of another,” Leibniz goes on (as has been seen) to link up *caritas* with the principles of Roman jurisprudence; *neminem laedere* (to injure no one), *suum cuique tribuere* (to render to each his due), *honeste vivere* (to live honorably). That is to say, he links up the Roman Catholic (St. John’s “a new commandment I give unto you”) with the Roman (the “old,” though not indeed Mosaicly old, law.) He fuses the received Ciceronian jurisprudence of Europe with the received religion of Europe, and that is ingenious—pre- and post-Constantinian Rome meet not on the Milvian Bridge but in Santa Sophia, since Justinian saved Roman law and built the last great Roman basilica.³³

In this synthetic vein Leibniz urges in the *Codex* that while *neminem laedere* or “strict right” (*ius strictum*) requires only negative “forbearance from harm or injury,” and “has its source in the need of keeping the peace,” by contrast charity (or “equity”) strives “after something more, to wit that while each does as much good as possible to others, each may increase his own happiness through that of others”—since our love or charity or benevolence finds its own pleasure in the felicity of others. And so, for Leibniz, *neminem laedere* or strict right merely “avoids misery”—Hobbes, in Leibniz’ view, never gets beyond this—but right in the higher sense (*ius superius*) “tends to happiness, but of such a kind as falls to our mortal lot.”³⁴

Here, however, “our mortal lot,” sheer mortality, is precisely the problem; for the notion that “we ought to subordinate life itself and whatever makes life desirable to the greater good of others,” so that “it behooves us to bear patiently the greatest pains for the sake of others,” is “beautifully inculcated by philosophers rather than thoroughly proved by them.” However “magnificently” Cicero may have declaimed “about the beauty of virtue, about the deformity of base things, about a conscience at peace with itself in the depth of a rejoicing soul,” the Ciceronian notion of the soul itself must give way to the fully Christian idea of the soul (as the subject of eternal reward and punishment) before wise charity and intelligent benevolence are assured: “in order that it may be concluded by a universal demonstration that everything honorable is beneficial [*omne honestum utile*] and that everything base is hurtful, we must assume the immortality of the soul and the ruler of the universe, God.”³⁵

And here too, as in the soon-to-come “monadology” of 1714, naturally immortal “substances” or rational monads become citizens of a benevolent divine monarchy:

Thus it is that we think of all men as living in the most perfect city [*civitas*], under a monarch who on account of his wisdom cannot be deceived, and on account of his power cannot be avoided—and a monarch who is also so lovable that it is happiness to serve such a master: Therefore he who spends his soul for him gains it, as Christ teaches [John 12:25]. By his power and providence it comes to pass that every right passes into fact [*omne ius in factum transeat*], that no one is injured except by himself, that nothing done rightly is without a reward and no sin without a punishment.... Thus nothing is disregarded in the Commonwealth of the universe.³⁶

Since nothing is disregarded in this true cosmopolis, justice understood in this expansive sense “is called universal and comprehends all other virtues”—for “things which otherwise do not seem to concern anyone else, as for instance whether we abuse our own body or our own property, and which are beyond the range of human laws, are nonetheless forbidden by the law of nature [*ius naturale*], that is, by the eternal laws of the divine monarch.” For “as it is of importance to a commonwealth, so much more is it to the universe, that no one should make a bad use of that which is his own. (One must indeed “render to each his own,” *suum cuique tribuere*, but that is not the final consideration.) Thus, Leibniz goes on, “learned men” have been correct to say that “natural law and the law of nations [*ius naturae et gentium*]” should be “formulated in accordance with the doctrines of Christianity, that is, according to the teaching of Christ, τὰ ἀνώτερα, the sublime things, the divine things of the wise.” (In insisting on τὰ ἀνώτερα Leibniz is apparently thinking of St. James [2:8], and of the saint’s notion that love or charity is ἡ ἀνώθευ σοφία, “the royal law” inasmuch as it comes from the “law of the [divine] kingdom.” And Leibniz would have approved of James’ insistence that “faith that does nothing in practice” (by neglecting wise charity) is “thoroughly lifeless” [2;17].)³⁷

Having made justice ascend to heaven, Leibniz now brings it back to earth—or rather to the earth as he would have it. For he argues in the *Codex* that in addition to “the eternal rights of rational nature which flow from the divine source,” Christians are linked by the “common bond” of accepted Scripture, and even—at least before the Reformation, which he calls “the schism of the last century”—by a shared idea of “a certain general commonwealth of the Christian nations, the heads of which were in sacred things the Pope [*pontifex maximus*] and in temporal things the Emperor of the Romans, who also seems to retain as much of the law of the old Roman monarchy as was needed for the common good of Christendom.”³⁸ Here the Roman Catholic [*ius naturae*] descends to the (merely) Roman once again.

In this passage from the *Codex Iuris Gentium* there is a remarkable synthesis of pagan and Christian antiquity, of law and “a new law.” Everything “Roman” is preserved—down to calling the Pope by his most Roman title, that of Pontifex Maximus (a title borne by Augustus and his successors). Hobbes had called the Roman church the “ghost of the Roman Empire, sitting crowned upon the grave thereof”;³⁹ Leibniz converts that grim joke into something seriously *meant*. And, in advance, he heads off Voltaire’s witticism that the Holy Roman Empire is

“neither holy, nor Roman, nor an empire”: for Leibniz the “Roman” is indeed holy insofar as the highest principle of Roman *jurisprudencia*, namely, *honeste vivere*, becomes charity or piety; the moral-legal empire is still there even if *Imperium* has crumbled from Dante’s time forward. (For Leibniz the “grave” of Rome is occupied by a being that is dead only in the most trivial sense.)

For Dante (*De Monarchia*, Book II) what had “moralized” Rome—despite Augustine’s complaints about aggrandizing war and blood lust—was Christ’s willingness to be born under Roman jurisdiction;⁴⁰ that gave Roman law (which Dante probably studied at Bologna), Roman *jurisdictio*, a divine warrant and coloration. And that was Leibniz’ view as well: the supreme degree of Roman law, *honeste vivere*, is for him perfectly convertible (with Ciceronian and Pauline aid) into “live charitably.” “Justice is nothing else than the charity of the wise . . . Universal justice is stamped with the supreme precept: *honeste [hoc est probe, pie] vivere*.... One can oppose it to charity, [but] then it is only the *ius strictum* [the mere prevention of harm, *neminem laedere*].”⁴¹ Rome’s afterlife was a legal one, following political death; certainly that view was shared by Dante and Leibniz. For both of them it is the *auctoritas* of the law’s *jurisdictio*, not just sovereign *potestas*, that matters; Leibniz could agree with Canto VI of *Paradiso* that Justinian was “possessed by love” when he saved Roman law.⁴²

IV “Perfectionism”

What is still “incomplete,” or not yet fully *there*, in the ethics and jurisprudence of the 1693 *Codex*? In a word: “perfectionism,” with love/*caritas* now understood as a *sentiment de perfection*, a “feeling of perfection in others” (a concern for *la place d’autrui*). This perfectionism is partly present in Leibniz before 1693, to be sure—especially theologically, in the opening parts of the “*Discourse on Metaphysics*” (1686)⁴³—but it becomes overwhelmingly morally central just a little later: above all in the magnificent *La Félicité* (c.1694-98), and then still later in the *Théodicée*. It is certainly the case that Leibniz was a “perfectionist” in ethics and politics as well as in metaphysics and theology: he took over and refined the Anselmian argument that a perfect being exists necessarily (the “ontological proof”); he argued that that divine being creates the most nearly perfect (“best”) world that is possible; he urged that essences have a “claim” to exist (or “tend” to exist) in proportion to the degree of their perfection;⁴⁴ he said (especially after the mid-1690s) that love is a “feeling of perfection” in others, and that

charity should be regulated by wisdom (which shows how much each person deserves to be loved *because* of his perfection)—and this notion of wise charity or *caritas sapientis* then becomes Leibniz' definition of justice itself: *justitia est caritas sapientis seu benevolentia universalis* ("justice is the charity of the wise, that is universal benevolence"). Indeed for Leibniz the most general of all moral notions, "the good," is defined through perfection in his most important contribution to political philosophy, the "Meditation on the Common Notion of Justice": "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 order, contentment, joy, wisdom, goodness and virtue are good things essentially, and can never be evil." Moreover Leibnizian wisely charitable rulers should (in a looser sense) "perfect" the state and their subjects—by alleviating poverty and misery ("the mother of crimes"), by improving education through the founding of academies of arts and sciences, and by avoiding war.⁴⁵

Leibniz' moral and political perfectionism, then, flows from (or at least is congruent with) his metaphysical and theological perfectionism: there is no gap between the theoretical and the practical—whereas by contrast in Kant finite rational beings know "the moral law" as an "apodeictic certainty" (the "fact of reason") but will never attain scientific knowledge of God or of "things in themselves" (hence the primacy of "practical" over theoretical reason in Kant.) (It is not surprising, then, that Kant should urge in the *Tugendlehre* that we have a knowable duty to advance "our own perfection," even while he thought that the ontological argument deducing God's real existence from his "perfection" was indemonstrable and that the alleged tendency towards "perfection" of the cosmos remained inaccessible to finite beings.)⁴⁶

The point is that it is right to insist on Leibniz' "perfectionism" as something that links *every* facet of his thought: metaphysical, theological, moral, political, psychological. Leibniz at least aims at a harmonious unity in his own thinking, theoretical and practical, and sees it as an echo of the *harmonia rerum*. The proof that this view is right, indeed, can be found in Leibniz' own words, in the *Memoir for Enlightened Persons of Good Intention* from 1692 (which appeared in vol. 4 of the *Politische Schriften*): "I put forward the great principle of metaphysics as well as of morality, that the world is governed by the most perfect intelligence which is possible, which means that one must consider it as a universal monarchy"⁴⁷ There perfection both describes what is and prescribes what ought to be.

This practical perfectionism emerges most plainly in Leibniz' *Observationes de Principio Iuris* from 1700, in which the claim that "God is the supremely perfect Being, and the supremely perfect distributor of goods," glides into the moral-political assertion that "the intrinsic perfection or badness of acts, rather than the will of God, is the cause of justice," and that "the basis on which a certain action is by its nature better than another comes simply from the fact that a certain other action is by its nature worse, such that it destroys perfection, or produces imperfection."⁴⁸

Leibniz' most fully-worked-out version of love/*caritas* as a *sentiment de perfection* (leading finally to justice) is to be found in the terse and compact but remarkable *La Félicité*, which was (apparently) written within a few years of the "Praefatio" to *Codex Iuris Gentium*. (The piece exists in two versions, which Gaston Grua has called "A" and "B"; it is "A" which matters more, and which will be treated here.)

1. Virtue is the habit of acting according to wisdom. It is necessary that practice accompany knowledge.
2. Wisdom is the science of felicity, [and] is what must be studied above all other things.
3. Felicity is a lasting state of pleasure . . .
4. Pleasure is a knowledge or feeling of perfection, not only in ourselves, but also in others, for in this way some further perfection is aroused in us.
5. To love is to find pleasure in the perfection of another.
6. Justice is charity or a habit of loving conformed to wisdom. Thus when one is inclined to justice, one tries to procure good for everybody, so far as one can, reasonably, but in proportion to the needs and merits of each . . .⁴⁹

Leibniz then relates this psychology of "pleasure through perfection" to "reason(s)" and to the Platonizing "eternal truths" of mathematics and ethics on which he always insisted:

7. Knowledge is of two kinds, that of facts and that of reasons. That of facts is perception, that of reasons is intelligence.
8. Knowledge of reasons perfects us because it teaches us universal and eternal truths, which are manifested in the perfect Being. But knowledge of facts is like that of the streets of a town, which serves us while we stay there, after which we don't wish to burden our memory any longer.
9. One need not shun at all pleasures which are born of intelligence or of reasons, as one penetrates the reason of perfections, that is to say as one sees

them flow from their source, which is the absolutely perfect Being.⁵⁰

Leibniz next passes on more fully to theology, and to the Anselmian notion of a “necessary” *ens perfectissimum* (whose essence entails existence):

10. The perfect Being is called God. He is the ultimate reason of things, and the cause of causes. Being the sovereign wisdom and the sovereign power, he has always chosen the best and acts always in an orderly way.

11. One is happy when he loves God, and God, who has done everything perfectly, cannot fail to arrange everything thus, to elevate created beings to the perfection of which they are capable through union with him, which can subsist only through the spirit.

12. But one cannot love God without knowing his perfections, or his beauty. And since we can know him only in his emanations, these are two means of seeing his beauty, namely in the knowledge of eternal truths (which explain [their own] reasons in themselves), and in the knowledge of the Harmony of the Universe (in applying reasons to facts). That is to say, one must know the marvels of reason and the marvels of nature.

13. The marvels of reason and of eternal truths which our mind discovers in itself [are essential] in the sciences of reasoning about numbers, about figures, about good and evil, about justice and injustice.⁵¹

By this point in *La Félicité*, “perfectionism” has linked everything conceivable in human experience: epistemology, metaphysics, psychology, ethics, jurisprudence, theology, cosmology. (This brief but brilliant essay concentrates more in three pages than any comparable Leibnizian writing.) And Leibniz ends *La Félicité* with an eloquent return from theology and cosmology to justice as fraternal charity, echoing St John (but also Cicero):

14. One must hold as certain that the more a mind desires to know order, reason, the beauty of things which God has produced and the more he is moved to imitate this order in the things which God has left to his direction, the happier he will be.

15. It is most true, as a result, that one cannot know God without loving one’s brother, that one cannot have wisdom without having charity (which is the real touchstone of virtue), and that one even advances in one’s own good in working for that of others; for it is an eternal law of reason and of the harmony of things that the works of each [person] will follow it. Thus the sovereign wisdom has so well regulated all things that our duty must also be

happiness, that all virtue produces its [own] reward, and that all crime punishes itself, sooner or later.⁵²

Why does *La Félicité* matter so much? Because *the* Leibnizian question is, “Why is there something rather than nothing?,”⁵³ and the Leibnizian answer is that the *ens perfectissimum* exists *ex necessitatis*; eternal truth is “imbedded” [*inditis*] in his mind; he “translates” a portion of essence into existence—the “compossible” portion, yielding the “best” world out of “moral necessity”;⁵⁴ and then love is a “feeling of perfection”: whether love of God, or of the best of his creatures (in proportion to the *degree* of their perfection). In short, *La Félicité* links everything in the Leibnizian system.

When Leibniz summarized the “Praefatio” to the *Codex* for Electress Sophie of Hannover in 1697, at about the time of *La Félicité*, he folded his new (or newly-dominant) “perfectionism” into his familiar definition of justice.

Leibniz, indeed, summarizes his argument that justice is perfection-respecting *caritas sapientis*, in a string of definitions in a letter to Electress Sophie—a letter which also reveals his worries about Fénelon’s notion that “disinterested” love is a self-annihilating *nirvana* in which one must *sortir de soi* and even *se hair*:

Justice is charity conformed to wisdom.

Wisdom is the science of felicity.

Charity is a universal benevolence.

Benevolence is a habit of loving.

To love is to find pleasure in the good, perfection, the happiness of another. And by this definition one can resolve . . . a great difficulty which is important even in theology—how it is possible that there be a nonmercenary love, detached from hope and fear, and from all concern for our own interest.

It is that the felicity, or the perfection of another, in giving us pleasure, enters immediately into our own felicity.

For all that pleases is desired for itself, and not through interest.

It is a good in itself, and not a useful good.

It is thus that the contemplation of beautiful things is agreeable in itself, and that a painting by Raphael moves him who looks at it with enlightened eyes, though he derives no profit from it.⁵⁵

And in this same letter to Sophie Leibniz praises, as the main modern work which gives sufficient practical weight to charity, the *Güldenens Tugendbuch* of the German Jesuit father Friedrich Spee (1591-1635)—a book now known be-

cause Leibniz not only praised it but partly translated it, interpolating his own small reservations and emendations between the lines. “From my youth I had formed these ideas” about justice as wise charity, Leibniz says. “A great prince who was at the same time a great prelate”—Elector Johann Philipp von Schönborn of Mainz, Leibniz’ first employer—“recommended to me the German book of Father Spee on the three Christian virtues.” The preface to that book, Leibniz goes on to say, “contains a fine dialogue, in which the difference between disinterested love and love based on hope is developed in a way which is intelligible as it is profound.” The key page of Leibniz’ translation of Spee, with his own alterations in parentheses (set off by crosses), was apparently included with his 1697 letter to Sophie:

...In virtue of the love or the delectation of God we have a true benevolence for him, and we wish him (+ so to speak +) all good by a sincere inclination of our heart. . . . We do with all our heart all that we can do for the love of him, and everything we believe is conformed to his will (John 14). That is why we do gladly what he has commended, and we avoid with care what he has forbidden, in order that nothing happen that can displease him (+ to speak humanly +). . . . We want by the power of benevolence to be able to give ourselves to him entirely and perfectly. . . (+ and to be attached to him morally, as everything is already attached to him and physically submitted +). . .⁵⁶

That final Leibnizian parenthetical emendation (immediately after the key word “perfectly”) is wholly characteristic: it is not enough to be “physically submitted” to God—for that, Hobbesian “irresistible” divine power would be sufficient and efficient; men must be attached to God “morally,” as the perfectly just monarch of the City of God. And a moral attachment must rest on the charity which Spee had commended. (Leibniz was also struck by the fact that Spee’s *caritas* had led the government of Mainz to abolish witchcraft trials; there charity had become public policy.)⁵⁷

(In the *Relatio* or “review” of the *Codex Iuris Gentium* [now also in *Politische Schriften* vol. 5] which Leibniz wrote for the Leipzig *Acta Eruditorum* in summer 1693—he was the reviewer of his own book (!)—Leibniz praises the Elector of Mainz as *immortalis famae principi*:⁵⁸ no doubt because Johann Philipp had revered Father Spee, and Spee had loved *caritas*.)

And then, finally, Leibniz’ “perfectionism” leads him to a famous summary of his mature thought in the *Préface* to the *Théodicée*:

Love is that mental state which makes us take pleasure in the perfections of the object of our love, and there is nothing more perfect than God, nor any greater delight than in him. To love him it suffices to contemplate his perfections, a thing easy indeed, because we find the ideas of these within ourselves. The perfections of God are those of our souls, but he possesses them in boundless measure; he is an Ocean, whereof to us only drops have been granted; there is in us some power, some knowledge, some goodness, but in God they are all in their entirety. Order, proportions, harmony delight us; painting and music are samples of these: God is all order; he always keeps truth of proportions, he makes universal harmony; all beauty is an effusion of his rays.

It follows manifestly that true piety and even true felicity consist in the love of God, but a love so enlightened that its fervor is attended by insight. This kind of love begets that pleasure in good actions which gives relief to virtue, and, relating all to God as to the centre, transports the human to the divine.⁵⁹

If one wants an underpinning for a *jurisprudence* which is truly *universelle*, this kind of “perfectionism” is (so to speak) perfect.

V Leibniz, Shakespeare, Kant, and *Caritas*

In the Anglophone world the idea of “justice” as *caritas sapientis* and *benevolentia universalis* is little-known within a jurisprudence dominated by the formidable “legal positivism” of Hobbes or Bentham or Austin—though Adam Smith, in the *Theory of Moral Sentiments* (1776), showed remarkable sympathy for a “Greek” view of “higher” justice as doing positive good (not merely refraining from injury).⁶⁰ In the English-speaking world it is not a philosopher but Shakespeare who shores up the “Christian-Platonist,” “Ciceronian-Augustinian” tradition of justice as ascent to “higher” love—most famously in *The Merchant of Venice*, in which, one notices the Leibniz-like subordination of mere law to love and mercy in Portia’s celebrated speech in Act IV (“the quality of mercy is not strained. . . though [legal] justice be thy plea, consider this, that in the course of justice none of us should see salvation”): and Shylock is finally destroyed by his own legalism (fleshed out by the uncharitable hatreds of some merely nominal Christians who offer nothing but “a halter, *gratis*”—that last word an ironic transmogrification of “grace.”⁶¹ And then Shakespeare rejoins the Gospel according to St. John (“a new

law I give unto you”) when, in *Love’s Labour’s Lost*, he makes Berowne end his great speech on love (IV, iii, 364-365) with the insistence that

. . . charity itself fulfills the law;
And who can sever love from charity?⁶²

And roughly the same kind of moral-jurisprudential view is evident in Isabella’s wonderful speeches to the unangelic Lord Angelo in *Measure for Measure*, in which harsh sovereignty and letter-of-the-law legalism are subordinated, Leibniz-like, to charity, mercy, generosity, and forgiveness:

Well believe this,
No ceremony that to great ones ’longs,
Not the king’s crown, nor the deputed sword,
The marshal’s truncheon, nor the judge’s robe,
Become them with one half so good a grace,
As mercy does. . . .
O, but man, proud man!
Drest in a little brief of authority;
Most ignorant of what he’s most assur’d,
His glassy essence, —like an angry ape,
Plays such fantastic tricks before high heaven,
As make the angels weep. . .⁶³

To be sure, “higher” justice as proto-Leibnizian *caritas* and *benevolentia* is not always triumphant in Shakespeare: in *King Lear*, above all, true *caritas* is incarnate in Cordelia (who, Christ-like, is “about her father’s business”)—as against the professed but false love of Goneril and Regan (“how sharper than a serpent’s tooth”); but Cordelian just love is unjustly annihilated by the loveless legal manipulations of Edmund the Bastard, whose “goddess” is “nature,” (not “grace”), and who has Cordelia judicially murdered—thereby killing Lear himself.⁶⁴ (“Charity incarnate, judicially murdered”—that would have reminded Leibniz of the “parallel” case of Christ and Pontius Pilate, as we learn in the *Preface to Novissima Sinica* [soon to appear in *Politische Schriften* Vol. 6]).⁶⁵ And in *Macbeth*, the murderous protagonist “justifies” (or rather rationalizes) his slaying of King Duncan, and then of the innocent sleeping guards, by saying that:

The expedition of my violent love
Outran the pauser, reason.⁶⁶

Neither love nor reason gives any pause in the Scottish play, and self-loving violence uncharitably destroys everything.

Above all, however, Leibniz would have been deeply interested by Shakespeare's *Timon of Athens*, in which a supposedly charitable protagonist ("why have you that charitable title [of friends] did you not chiefly belong to my heart?") is really trying to buy Ciceronian *amicitia* with extravagant gifts and jewels, but who lurches into hateful misanthropy when his false friends turn against him. Leibniz knew only Lucian's version of "Timon of Athens," and discussed it in *Théodicée* secs. 219-220 ("people of a malicious disposition . . . become somewhat misanthropic through misfortunes [and] find wickedness everywhere").⁶⁷ But he would have said the same things about Shakespeare's version (closely modeled on Lucian anyhow—and on Plutarch), and would have been very struck by Act IV, in which Timon says, "I am misanthropos, and hate mankind." ("Misanthropos" has in fact become his actual *name*.)

Before he crawls into his self-built tomb to die, Timon prays that:

Lust and liberty
Creep in the minds and marrows of our youth;
That 'gainst the stream of virtue they may strive,
And drown themselves in riot! Itches, blains,
Sow all the Athenian bosoms; and their crop
Be general leprosy! Breath infect breath;
That their society, as their friendship, may
Be merely poison! . . .
Timon will to the woods; where he shall find
The unkindest beast more kinder than mankind.
The gods confound (hear me, ye good gods all,
The Athenians both within and out that wall!
And grant, as Timon grows, his hate may grow
To the whole race of mankind, high and low!
Amen.⁶⁸

In Shakespeare's play (as in Lucian's and Plutarch's earlier versions), Leibniz would say, *caritas* and *amicitia* are destroyed, and *malevolentia universalis* is triumphant. *Timon of Athens* is Leibnizian "wise charity" inverted, the worst of all possible moral worlds.

While Timonian "misanthropy" was alien to Leibniz the *philanthropos*—the *Codex* always reveals his faith in, and hope for, *caritas* and *benevolentia*—nonetheless Leibniz the practiced diplomat and statesman knew that the highest ideals are not always lived up to. And so even in the *Praefatio* he sadly grants that

all too many “princes” are neither charitable nor wise: “in their palaces they play cards, and in the state with treaties.” History, indeed, Leibniz laments, “would lose some of its beauty if one always knew the true causes of events.”⁶⁹ And even though the highest political ideal, “eternal peace,” should come about through *caritas* and *benevolentia*, one cannot help being reminded “of a device in a cemetery, with the words: *Pax perpetua*; for the dead do not fight any longer, but the living are of another humor.”⁷⁰ Leibniz then recalls the sign of a Dutch innkeeper, decorated with the slogan “eternal peace” and with a picture of a graveyard:

O passerby who seeks peace and liberty,
You will find it either in this tomb, or nowhere.⁷¹

Kant, of course, while writing *Zum Ewigen Frieden* in 1795, recalled (and borrowed) this Leibnizian gallows humor; but Kant had (in a sense) better grounds for hope than Leibniz—since Kant thought that even an “intelligent devil” might choose eternal peace out of enlightened self-love (if “good will” failed to be efficacious). *Caritas*, for Kant, is only a “pathological” feeling; but he thought that even a “diabolical” being might elect peace (so as not to be *zerstört*).⁷² Leibniz and Kant are the two greatest philosophers of the German *Aufklärung*, and both hope for “good will”—but Leibniz *needs* it more than Kant; Leibniz could never have fallen back on “devils,” however “intelligent,” because a “devil” is *malevolentia* incarnate—in the manner of Shakespeare’s Edmund the Bastard, or still more of Iago in *Othello* (“divinity of hell”). And *malevolentia universalis* is the turning upside-down and destruction of all that Leibniz cherished.

VI

Now that *Politische Schriften* vol. 5 is triumphantly achieved by Hartmut Rudolph and the Potsdam branch of the Berlin-Brandenburg Academy, one can begin to look forward to vol. 6, which will contain (at least) two Leibnizian masterpieces: *Novissima Sinica* (1697) and “Unvorgreiffliches Bedencken” (1698).⁷³ There is even room to hope that *La Félicité*—so important for the relation between “justice” and “perfection”—will be included in IV, 6. In the meantime one can only be grateful for these splendid “political” volumes, which carry on the work of the very Berlin Academy of Sciences which Leibniz himself founded in 1700—an Academy which (even now) is charitably living up to Leibniz’ own phil-Hellenic, philo-Roman, philanthropic ideals.

REVIEW OF LEIBNIZ: POLITISCHE SCHRIFTEN, IV, 5

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Notes

- ¹ Fontenelle, “Éloge de Leibniz,” in *Pensées de Leibniz* (Paris 1803), vol. I, pp. 1-74.
- ² Leibniz, *Sämtliche Schriften und Briefe*, Vierte Reihe (*Politische Schriften*), Band 5 (1692-94), ed. Hartmut Rudolph et. al. (Berlin: Akademie Verlag, 2004), No. 70, p. 551. (Hereafter “*Politische Schriften* vol. 5”). The Potsdam collaborators on IV, 5 include Friedrich Biederbeck, Rosemarie Caspar, Rüdiger Otto, Sabine Sellschopp, and Stephan Waldhoff.
- ³ *Ibid.*, p. 632.
- ⁴ *Ibid.*, pp. 550 ff. (For Leibniz, “moral theology” is “divine jurisprudence.”).
- ⁵ Letter to des Billettes. L (2nd ed.), p. 775.
- ⁶ See Rudolph’s helpful “Einleitung” to the *Praefatio* in *Politische Schriften* vol. 5 op. cit., pp. 46-48.
- ⁷ *Politische Schriften* vol. 5, op. cit. pp. 57-59. (English translation in *Leibniz: Political Writings*, ed. Patrick Riley (Cambridge 1972, 1988), pp. 170-172.
- ⁸ Plato, *Phaedrus 254b-256b; Symposium* 204 a ff. Cf. Freud’s essay on Leonardo da Vinci in *Works*, “Standard Edition,” ed. J. Strachey (London 1974), vol XI, p. 74, in which Leonardo is said to have Platonizingly “converted his passion” into chaste love for “the realm of thought.”
- ⁹ On this point see Leibniz’ *De Tribus Juris Praeceptis Sive Gradibus*, in *Grua* II, pp. 606-612.
- ¹⁰ Cicero, *De Natura Deorum*, trans. H. Rackham (Cambridge, Mass. 1912), Book I, xlv, p. 117 (translation corrected to stress *caritas naturalis*).
- ¹¹ St. Paul, I *Corinthians* xiii.
- ¹² St. Augustine, *De Doctrina Christiana*, trans. R. Meagher (New York, 1982), I, 27, xxviii.
- ¹³ See the author’s essay on the *Méditation* in *The Leibniz Review*, vol. 13, December 2003, pp. 67-82.
- ¹⁴ Cicero, *De Re Publica*, trans. C. W. Keyes (Cambridge Mass., 1928), Book III, pp. 201 ff. (a now-lost passage cited by Lactantius in the *Divine Institutes*).

Leibniz' argument that justice is *caritas sapientis* and that Carneades was wrong to equate justice and "the highest folly [*stultitiam*]" was in place by 1678/9, in a series of papers called (collectively) *Aphorismi de felicitate, sapientia, caritate, justitia* (A VI, 4, teil "C," pp. 2792 ff.).

¹⁵ *Politische Schriften* vol. 5 op. cit., p. 58 n.

¹⁶ Leibniz, "Preface" to the *Nouveaux essais*, in *Monadology*, ed. R. Latta (Oxford 1898), pp. 360-363.

¹⁷ *T*, sec. 167.

¹⁸ Leibniz, notes on Jean Domat's *Les Loix Civiles dans leur ordre naturel*, in Grua, vol. 2, pp. 647 ff.

¹⁹ Leibniz, to Kestner (July 1716), in Dutens, *Leibnitii ... Opera Omnia* (Geneva 1768), vol. 3, p.267.

²⁰ Cicero, *De Officiis*, trans. W. Miller (Cambridge, Mass. 1975), I, vii, p. 21.

²¹ Cicero, *De Finibus Bonorum et Malorum*, trans. H. Rackham (Cambridge, Mass., 1914), Book V, xxiii, pp. 467-469.

²² Leibniz, *Politische Schriften*, vol. 4, ed. H. Rudolph (A IV, 4), (Berlin 2001), pp. 544-547.

²³ Cicero, *De Natura Deorum*, Book I xlv, pp 117-119.

²⁴ Erasmus, *De Sarcienda Ecclesiae Concordia*, (Rotterdam 1528), *Passim*. (Erasmus had edited a fine edition of Cicero's *Tusculan Disputations*.)

²⁵ Leibniz, "Notes on Cudworth" (and on Cicero, Hobbes and Descartes), in Grua, I, pp. 327-328.

²⁶ Cicero, *De Natura Deorum*, op. cit., Book I, pp. 115-121.

²⁷ *T*, sec. 167.

²⁸ Epicurus, "Principal Doctrines" (38-42), in E. Barker (ed.), *Alexander to Constantine* (Oxford 1954), pp. 242-243.

²⁹ Cicero, *De Re Publica*, op. cit., III, xi, p. 199 (Carneades' words are placed in the mouth of Laelius.)

³⁰ Plato, *Theaetetus* 172 b-c, in *Collected Dialogues*, ed. E. Hamilton (Princeton 1960).

³¹ Cicero, *De Legibus*, trans. C. W. Keyes (Cambridge, Mass., 1928) Book I, xv, 42-43, pp. 344-345.

³² Augustine, *De Doctrina Christiana*, op. cit.

³³ Cf. E. Barker, *The Legacy of Rome* (London 1923), the chapter on Roman law.

³⁴ *Politische Schriften* vol. 5, (*Praefatio*), op. cit., p. 60.

³⁵ *Ibid.*, p. 60-61

- ³⁶ Ibid.
- ³⁷ Ibid. pp. 61-62.
- ³⁸ Ibid.
- ³⁹ Hobbes, *Leviathan*, ed. M. Oakeshott (Oxford 1946), ch. 42, p. 534.
- ⁴⁰ Dante, *De Monarchia* (c. 1312), Lib. II.
- ⁴¹ “*Politische Schriften* vol. 5” (Praefatio), op. cit., pp. 60-62.
- ⁴² Dante, *The Divine Comedy*, ed. J. D. Sinclair (New York 1939) *Paradiso*, Canto VI, 10-12: “Cesare fui e son Giustiniano, che, per voler del primo amor ch’ I sento, d’entro le leggi trassi il troppo e’l vano.”
- ⁴³ Now in A VI, 4, Band “B”.
- ⁴⁴ *Monadology*, ed. Latta, op. cit., pp. 244 ff.
- ⁴⁵ Leibniz, *Méditation sur la notion commune de la justice*, in *Rechtsphilosophisches aus Leibnizens Ungedruckten Schriften*, ed. G. Mollat (Leipzig 1885), pp. 40 ff.
- ⁴⁶ Kant, *Tugendlehre (Metaphysik der Sitten II)*, in *Practical Philosophy*, ed. M. Gregor (Cambridge 1996), pp. 517-519.
- ⁴⁷ Leibniz, “*Memoir*,” in *Politische Schriften* vol. 4, op. cit., p. 614. (English in Riley, op. cit. p. 105.)
- ⁴⁸ Leibniz, *Observationes de Principio Juris* (1700), in Dutens, *Leibnitii ... Opera Omnia*, op. cit., IV, iii, pp 270-275.
- ⁴⁹ Leibniz, “*La Félicité*,” in Grua, II, p. 579.
- ⁵⁰ Ibid., p. 580.
- ⁵¹ Ibid.
- ⁵² Ibid., p. 581.
- ⁵³ Leibniz, “Principles of Nature and Grace” (1714), prop. 7, in *Monadology*, ed. R. Latta, op. cit., p. 415.
- ⁵⁴ Leibniz, *Théodicée*, “Preliminary Dissertation.”
- ⁵⁵ Leibniz, to Sophie (1697), A I 14; pp. 56 ff. For Fénelon’s notion of “pure love” as “hating oneself,” see Patrick Riley, “Introduction to Fénelon’s *Telemachus* (Cambridge, 1994), pp. xiv ff.
- ⁵⁶ Ibid. (A I 14).
- ⁵⁷ Guhrauer, *Leibniz: Eine Biographie* (Breslau 1842), vol. I, pp 27-30.
- ⁵⁸ *Politische Schriften* vol. 5, op. cit. p. 80.
- ⁵⁹ Leibniz, *T, Préface*.
- ⁶⁰ Adam Smith, *Theory of Moral Sentiments* ed. D. Raphael (Glasgow 1989), pp. 340 ff.

- ⁶¹ Shakespeare, *The Merchant of Venice*, Act IV, sc. i.
- ⁶² Shakespeare, *Love's Labour's Lost*, Act IV, sc. iii 364-365.
- ⁶³ Shakespeare, *Measure for Measure*, Act II, sc. ii.
- ⁶⁴ Shakespeare, *King Lear* Acts II-V.
- ⁶⁵ Leibniz, *Novissima Sinica* (1697), "Preface," forthcoming in *Politische Schriften* vol. 6 (A IV 6) (Berlin 2006).
- ⁶⁶ Shakespeare, *Macbeth*, Act II.
- ⁶⁷ Leibniz, *T*, secs. 219-220.
- ⁶⁸ Shakespeare, *Timon of Athens*, Act IV, sc. i.
- ⁶⁹ Leibniz, *Politische Schriften* vol. 5, op. cit., p. 49.
- ⁷⁰ *Ibid*, pp. 49-50.
- ⁷¹ *Ibid*.
- ⁷² Kant, *Toward Eternal Peace*, in *Practical Philosophy*, ed. Gregor, op. cit., pp. 317 ff.
- ⁷³ The "Unvorgreifliches Bedencken"—"disinterested thoughts" on religious reconciliation—were described by Paul Schrecker as a "*vrai trésor*" of philosophy and theology (*Leibniz: Lettres et fragments inédits* (Paris 1934), pp. 30 ff.