

Distribution Agreement

In presenting this thesis as a partial fulfillment of the requirements for a degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis in whole or in part in all forms of media, now or hereafter now, including display on the World Wide Web. I understand that I may select some access restrictions as part of the online submission of this thesis. I retain all ownership rights to the copyright of the thesis. I also retain the right to use in future works (such as articles or books) all or part of this thesis.

Sung Hyun Park

April 10, 2017

The Concept of Justice and Natural Law in Leibniz and Pufendorf

by

Sung Hyun Park

Ursula Goldenbaum
Adviser

Emory University Department of Philosophy

Ursula Goldenbaum
Adviser

Nicholas Fotion
Committee Member

Stacey Bell-McQuaide
Committee Member

2017

The Concept of Justice and Natural Law in Leibniz and Pufendorf

By

Sung Hyun Park

Ursula Goldenbaum

Adviser

An abstract of
a thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Emory University Department of Philosophy

2017

Abstract

The Concept of Justice and Natural Law in Leibniz and Pufendorf

By Sung Hyun Park

This paper is about the concept of justice and natural law of Leibniz and Pufendorf. As famous moral philosophers during the 17th centuries in Europe, Leibniz and Pufendorf held very different ideas in their concepts of justice. Pufendorf argued that justice is a relative and conventional idea, which depends on the will of sovereigns. On the contrary, Leibniz believed that justice is an absolute and immutable concept, which is within God's intellect. It is very interesting to see how these two moral philosophers who had very similar upbringing, educational and cultural backgrounds differed in their ideas of justice. Both Pufendorf's and Leibniz's ideas of justice and natural law are closely related with their other parts of studies such as theology, metaphysics and epistemology. Therefore, this paper will discuss not only moral philosophy of Leibniz and Pufendorf but also their theology, metaphysics, epistemology and their arguments on free will of human beings as well.

The Concept of Justice and Natural Law in Leibniz and Pufendorf

By

Sung Hyun Park

Ursula Goldenbaum

Adviser

A thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Emory University Department of Philosophy

2017

Tables of Contents

Introduction.....	1
Chapter I: The Justice of Leibniz	5
Chapter II: The Natural Law of Pufendorf.....	19
Chapter III: The Justice and Free Will of Pufendorf.....	34
Chapter IV: Leibniz’s Criticism upon Pufendorf’s Justice and Free Will	49
Conclusion.....	65
Bibliography.....	69

Introduction

This honor thesis is a comparison of Leibniz's and Pufendorf's ideas of law and justice. The discussions about the origin of law and the idea of justice go back to ancient times. From ancient to present times, the idea of justice and law has been divided into two major positions. The first position is that justice is an absolute and immutable virtue which we can deduce from nature by the exercise of our reason, and the second position is that justice is a relative and conventional concept which is made by human beings. Leibniz and Pufendorf, two prominent moral philosophers of the 17th century, are representatives of these opposed positions in their time. Pufendorf believes that the law is conventional, which is made by the sovereign, and there is nobody above the sovereign who can make the civil law. Therefore, according to Pufendorf, justice depends on the civil law and thus the will of the sovereign. Leibniz agrees that civil law is made by the sovereign and there is no one above him in the state, but he argues that God is above him and the idea of justice is an absolute and objective idea within God's intellect. According to Leibniz, the idea of justice is independent from the civil law; the law can be wrong and unjust, but justice cannot be wrong. Therefore, the law should be as close to justice as possible. As we can see, these two moral philosophers – Pufendorf and Leibniz – very much differ in their ideas of law and justice.

In his letter, *Opinion on the Principles of Pufendorf*, Leibniz shows his strong criticism upon Pufendorf's moral philosophy in the latter's *De Officio Hominis et Civis*. He strongly disapproves Pufendorf's idea of justice and natural law, and observes the lack of sound principles and errors in logical deductions within Pufendorf's ideas. According to Leibniz, such significant errors in Pufendorf's ideas are those about the end, the object, and the efficient cause of natural law. As for the end of natural law, Pufendorf sees natural law as only effective upon our lives on earth, but not upon our posthumous life. Also, he confines the object of natural law to regulating of our external actions, while not affecting our inner

souls. In contrast, Leibniz argues that natural law is also effective upon our posthumous life and regulates both our external actions and internal souls. Moreover, Leibniz strongly argues against Pufendorf's idea that the efficient cause of all law including natural law belongs to the command of a superior; he worries that, according to Pufendorf's hypothesis, the standard of right and wrong would become arbitrary, depending on the whims of the supreme power. According to Leibniz, the concept of right and wrong, or justice, should be an immutable and eternal idea which is not affected by the will of a superior. Accordingly, throughout the letter, Leibniz shows his sharp criticism upon Pufendorf's moral philosophy.

Leibniz was well-known for his amicable attitude toward other philosophers. It is a rare case for Leibniz to bluntly criticize another philosopher, as he did in his *Opinion on the Principles of Pufendorf*. Some might argue that Leibniz chose to criticize Pufendorf because he was jealous of Pufendorf's fame and influence upon the study of jurisprudence. However, this cannot be true since Leibniz was also famous in Europe. I think that Leibniz chose to criticize Pufendorf openly because he hoped to give some sound warnings to the young student of law as he stated at the beginning of the letter. Leibniz was deeply worried about the malignant effects of Pufendorf's hypothesis of natural law. The limitation of natural law which confines it to only this life and external actions can make human beings irresponsible for their actions as their behaviors would not be judged according to their intentions nor in their posthumous life. Moreover, Pufendorf's hypothesis upon the efficient cause of all law including natural law would make the idea of justice arbitrarily depending upon the whims of a supreme power, either of a ruler or of God. In this idea that justice depends on the will of the ruler, the citizens cannot criticize the law made by the sovereign, however evil it might be. Therefore, Leibniz acted out of his conscience when openly criticizing Pufendorf in order to protect young students of natural law.

It is very interesting to see the differences in the ideas of these two moral

philosophers of the 17th century who had a very similar educational, cultural and religious background. Leibniz and Pufendorf were born and raised in Lutheran families in Saxony, Germany. Both of them studied at the University of Leipzig in Saxony although not at the same time. Both studied for a semester under Erhard Weigel, a precursor of the German Enlightenment, at the University of Jena (Vermeulen, *Before Boas* 100-101). Moreover, these two men were ardent Lutherans who “still regard as evident the fundamental dogmas of the traditional Christian doctrines” (Döring, *Leibniz’s Critique on Pufendorf* 250). But in spite of these many similarities in their upbringing, education and religion, their ideas of law and justice developed into very distinctive ways, leading eventually to Leibniz’s sharp criticism upon Pufendorf in his *Opinion of the Principles of Pufendorf*. This sharp difference in the ideas of these two moral philosophers who had such similar educational, cultural and religious backgrounds led me to investigate their different ideas of law and justice.

This honor thesis is about the comparison of Leibniz’s and Pufendorf’s idea of law and justice. In the first chapter, I will explain Leibniz’s idea of justice. Leibniz believes that justice is an immutable and eternal idea within God’s intellect, which human beings can deduce through the exercise of their reason. According to Leibniz, justice is the charity of the wise man – the love directed by wisdom. This idea of justice is continuous between this life and the afterlife as the souls of human beings are immortal to live in the perfect monarchy governed by a just God who never neglects ungiven rewards and punishments in this life. The second chapter is about Pufendorf’s idea of natural law. As Leibniz indicates in his *Opinion on the Principles of Pufendorf*, Pufendorf believes that natural law is limited as to be effective upon our lives on earth alone and to regulate only the external actions of human beings. This is mainly due, according to Pufendorf, to the limitation of human beings’ natural reason. With the exercise of their natural reason, human beings can only know natural and material objects in this world, and thus they cannot know God and souls which are not in the

material realm but in the spiritual realm. Therefore, according to Pufendorf, as natural law is solely derived from the exercise of natural reason, natural law should be limited to the circuit of this life, which indicates the discontinuity of natural law between this life and the afterlife.

The third chapter is about Pufendorf's idea of justice and free will. According to Pufendorf, justice within civil society is based on civil law which is prescribed by its ruler. Thus, justice is closely connected with the ruler's will. Therefore, the idea of free will is significant in Pufendorf's concept of justice. Pufendorf believes that when human beings act out of free will, it means that they act without any constraints and external influences. In Pufendorf's voluntarism, the will plays a more predominant role than understanding in human beings' actions. Moreover, according to Pufendorf, God also acts out of this voluntaristic free will and can intervene as he likes. There is no restraint in God's free will; he can do whatever he wants to do and whatever he is pleased to do. Whatever he acts becomes just and good. The last chapter is about Leibniz's criticism upon Pufendorf's idea of justice and free will. In contrast to Pufendorf's voluntarism, Leibniz argues that God's and human beings' free will are closely related to their understanding. Human beings never act arbitrarily without understanding, but rather, they always act according to what appears best to them in their understanding; as beings have clearer understanding, they become freer. Therefore, according to Leibniz's idea of free will, God who has perfect understanding is absolutely free although he never acts against his intellect and never wills what is not best. Accordingly, God always acts justly in accordance with what he knows to be just within his intellect. Moreover, in opposition to Pufendorf who believes that justice depends on civil law, Leibniz believes that justice is independent from the law. According to Leibniz, the law can be unjust but "right" can never be unjust. Therefore, the unjust law can be criticized from the point of view of justice and the law should be close to justice as much as possible. And this is the end of the overview of my honor thesis.

Chapter I: The Justice of Leibniz

In his *Opinion of the Principles of Pufendorf*, Leibniz criticizes the moral philosophy of Pufendorf; he disapproves Pufendorf's end, object and efficient cause of natural law. In contrast to Pufendorf, Leibniz believes that natural law is continuously valid in this life and the afterlife. Moreover, Leibniz argues that the efficient cause of justice is not rooted in the will of rulers, but rather within the divine intellect, which makes the concept of justice eternal and immutable. In this chapter, I will discuss Leibniz's concept of justice, which he defines as "the charity of wise men" (Leibniz, *Philosophical Papers* 421). Also, I will demonstrate how this moral philosophy is consistent with his metaphysics and theology.

1.1 Justice within God's Intellect

In contrast to Pufendorf who believes that justice is grounded in the will of sovereigns, Leibniz believes that the concept of justice is grounded within the divine intellect. In his *Meditation on the Common Concept of Justice*, he strongly disapproves voluntarism; he writes, "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... the former opinion has been followed by some philosophers...indeed it would destroy the justice of God" (Leibniz, *Political Writings* 45-46). According to Leibniz, justice is independent from the will and whims of God. He argues that God does not act arbitrarily, but rather, God himself works in accordance with the set of rules within his intellect. As Leibniz believes that God is the most rational being, it is blasphemous for Leibniz to consider God as an agent who acts arbitrarily without any sufficient reasons. In his *Freedom*, Leibniz writes, "So we can consider it as certain that God has made all things in the most perfect way, that he does nothing without a reason, and that nothing ever happens without its reason being understood by anyone who understands why the state of the world is as it is rather than

otherwise” (Leibniz, *Philosophical Papers* 265). Behind every decision of God, he has the best reason to choose it rather than other alternatives. God never acts without any reason or with insufficient reasons. Leibniz argues that there is always a sufficient reason behind every existence or every decision – the principle of a sufficient reason (Leibniz, *Philosophical Papers* 677). Therefore, as a most rational being, God has coherent reasons or a set of rules which he follows whenever he makes moral decisions – and this set of rules in moral decisions is justice. This universal justice which even God obeys is coherent and unchanging, and thus independent from the will of God himself. Therefore, according to Leibniz, the concept of justice originates from divine intellect.

Leibniz further argues that the concept of justice within God’s intellect is a necessary and eternal truth (Leibniz, *Political Writings* 84). Eternal truth in God’s intellect also includes logic, arithmetic, geometry, etc. According to Leibniz, the eternal truths exist because God understands them. Moreover, God understands them because he exists; thus, the eternal truth essentially arises due to God’s existence and to the very nature of his intellect (Leibniz, *Confessio Philosophi* 43). According to Leibniz, the eternal truths are very important to human beings as they can know God to the extent they know the eternal truths in God’s intellect; in his *Felicity*, Leibniz writes, “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 [in order to love God]” (Leibniz, *Political Writings* 84). In his statement above, Leibniz argues that human beings can know God only through his emanation – the marvels of reason and the marvels of nature. According to Leibniz, there are two kinds of knowledge – that of reason (the marvels of reason) and that of facts (the marvels of nature).

With these two kinds of knowledge, we can acknowledge the nature of God sufficiently. The marvels of nature are knowledge about the physical universe created by God, which we can acknowledge in perception and then apply reason to that perception (Leibniz, *Political Writings* 84). The examples of the marvels of nature are known through our study of the system of the universe, the structure of bodies of animals and the causes of rainbow, etc. By observing the physical universe created by God, we are awed by God's perfection revealed through his creatures around the universe, but these things being infinite we can never end the analysis of their concepts. This kind of truth is labeled the contingent truth by Leibniz. The marvels of reason are about the eternal and universal truth which we can discover in the science of reasoning (Leibniz, *Political Writings* 84). The examples of this eternal and universal truth are geometry, arithmetic, logic, and justice, as I previously mentioned. Through this kind of truths, i.e. by necessary truth, human beings can acknowledge the perfect intellect of the most rational Being. With these two marvels of reason and of nature, Leibniz argues that human beings are able to know God sufficiently. This Leibniz's argument is contrary to that of Pufendorf who believes that human beings cannot know God sufficiently; Pufendorf believes that we can know God only through divine revelation, which is the Holy Scripture. However, unlike Pufendorf, Leibniz believes that we can know God sufficiently through our reason.

Through the marvels of reason and of nature, human beings can know God sufficiently. According to Leibniz, God is the most perfect being who works in the most desirable way (Leibniz, *Philosophical Papers* 303). Also, God is omniscient and omnipotent (Leibniz, *Confessio Philosophi* 29). God had foreknowledge about every possible world, and after contemplating on each one, he chose the best world, which is the current universe. Leibniz also argues that God is the ultimate monarch of the spirits, i.e. of those individuals in the universe who can reason. In his *Discourse on Metaphysics*, Leibniz writes, "God is the

monarch of the most perfect Republic consisting of all spirits, and the happiness of this City of God is his principle design” (Leibniz, *Philosophical Papers* 326). In his *Monadology*, Leibniz well explains his metaphysics; how God is the only one necessary substance in the universe and how spirits, the souls of human beings, are the part of the universal monarchy governed by God.

In his *Monadology*, Leibniz argues that the universe is composed of monads; Leibniz says, “The monads are the true atoms of nature; in a word, they are the elements of things” (Leibniz, *Philosophical Papers* 643). Out of all simple substances, God is the only necessary one, and he is perfect with the clearest perception. All other simple substances are created by God, and all of them are somehow imperfect with limited perception. These created monads are distinguished among each other by the degree of their distinctness of perceptions (Leibniz, *Philosophical Papers* 649). Out of created monads, human beings have the clearest degree of perception and understanding. The monads of human beings are called rational souls or spirits; Leibniz refers especially to rational knowledge or necessary truth, which human beings are capable of understanding in contrast to animals: “But it is the knowledge of necessary and eternal truths which distinguishes us from simple animals and gives us reason and the sciences, lifting us to the knowledge of ourselves and of God. It is this within us which we call the rational soul or spirit” (Leibniz, *Philosophical Papers* 645). Out of all monads, only human beings (rational souls or spirits) can understand the knowledge of necessary and eternal truths within God’s intellect, albeit they understand eternal truths in limited degree due to their innate imperfection. The spirits, who are able to acknowledge eternal truths and the system of universe, are capable of entering into a kind of society governed by God (Leibniz, *Philosophical Papers* 651). In this most perfect state which is possible under the most perfect monarch, God acts as a lawgiver in everything; Leibniz says, “Finally, under this most perfect government there will be no good action without reward and

no evil action without punishment” (Leibniz, *Philosophical Papers* 652). In this perfect government, God distributes rewards for good deeds and punishments for evil deeds to human beings, according to what they have done.

From Leibniz’s argument on the concept of justice that justice is within divine intellect, we can infer that justice is eternal and boundless; it is everywhere and at all the time. According to Leibniz, justice is a part of eternal truth such as arithmetic, geometry, metaphysics, and logic, which human beings can acknowledge through the exercise of reason (Leibniz, *Political Writings* 84). As the word ‘eternal’ indicates, eternal truth is everlasting and immutable. In this concept of justice as eternal truth, we can argue that justice is still ‘just’ even if there were no one who practices it as the numbers are true even if there were no one who counts them. Also, because justice is a unique concept within the divine intellect, it should be valid both in this life and in the afterlife. The eternal truth including justice is necessary truth, which indicates that the opposite is impossible (Leibniz, *Philosophical Papers* 646). Therefore, justice, which is an eternal and necessary truth, is consistent and congruent in this life and afterlife. The concept of justice cannot change after the death of body of a human monad just as the relation of numbers that never changes even if nothing is there to be counted; the arithmetic of ‘two plus two equals four’ is the same in this life and the afterlife. Lastly, both God and human beings have the essentially same idea of justice – the difference is only of degree of knowing it. In his *Meditation of the Common Concept of Justice*, Leibniz writes, “I grant readily that there is a great difference between the way in which men are just and [the way] in which God is: but this difference is only one of degree” (Leibniz, *Political Writings* 48). God, who is a perfect being with the clearest perception, fully acts in accordance with justice. However, human beings, who are imperfect with limited perception, cannot act justly all the time; sometimes, they fail to act justly because they fail to know.

In contrast to Pufendorf who argues that the concept of justice should be limited to this life as human beings are ignorant of the posthumous life, Leibniz believes that the concept of justice in this life should be continuous with that in the posthumous life. As we can see in his *Discourse* as well as in his *Monadology*, monads are immortal; Leibniz says, “We need fear no dissolution in them, and there is no conceivable way in which a simple substance can be destroyed naturally” (Leibniz, *Philosophical Papers* 643). These monads of human beings, i.e. spirits or rational souls, just as other monads work harmoniously with their own bodies through pre-established harmony set by God (Leibniz, *Philosophical Papers* 649). But in contrast to other monads, spirits keep the memory or the identity (the knowledge of ‘I’) even after the separation from their own bodies (Leibniz, *Philosophical Papers* 326). According to Leibniz, this memory and knowledge of personal identity are the grounds for the punishment and the reward from God in the posthumous life: “For it is memory or the knowledge of this ‘I’ which makes it capable of punishment and reward” (Leibniz, *Philosophical Papers* 325). Through this memory and knowledge of ‘I’ within human beings’ souls (spirits), human beings are judged by God even after the death of their mortal bodies in accordance with unchanging and congruent justice within God’s intellect. To be sure, this is another way to say that what was wrong in this life will remain wrong after death, and vice versa, good deeds remain good independently if they got rewarded in this life. Also, nobody is a good person who acts according to law for other reasons than doing justice. Justice exists objectively, independently of anybody’s will.

1.2. Three Degrees of Justice

As we can see Leibniz believes that justice is the unique concept within God’s intellect, and thus it is coherent and valid in both this life and afterlife. From this unique concept of justice, Leibniz acknowledges three levels of natural law. Natural law indicates the

natural right of human beings given by God, which they can acknowledge through their reason. The first and lowest degree of natural law is strict right in commutative justice; the second and middle degree of natural law is equity in distributive justice; the third and highest degree of justice is piety in universal justice (Leibniz, *Philosophical Papers* 422). In his *Codex Juris Gentium Diplomaticus*, Leibniz describes the three degrees of natural law, writing, “Hence the three most general and commonly accepted precepts of right: to injure no one, to give to each his due, and to live honorably (or better, piously)” (Leibniz, *Philosophical Papers* 422). Moreover, all three degrees of natural law are connected with one another. According to Leibniz, the higher degree of natural law comprehends the lower degree of natural law; piety comprehends both equity and strict right; equity comprehends strict right. These three degrees of natural law are all connected to one another and govern the lives of human beings in this life and afterlife.

The first and lowest degree of natural law is strict right in commutative justice. In *Codex Juris Gentium Diplomaticus*, Leibniz writes, “The precept of *mere right* or *strict right* is that *no one is to be injured*, lest he be given ground for legal action if a member of the state, or the right of war if he is outside the state” (Leibniz, *Philosophical Papers* 422). This strict right is to avoid misery and to preserve peace among the members of the state. All human beings should exercise their fundamental inalienable rights to the extent that they do not hinder those of others. According to Leibniz, borrowed from Grotius, this strict right is a legal claim, including the negative duties, such as “do not steal” and “do not murder.” These principles of strict right have to be put in the system of private law in all detail, which governs relations among individuals. In the private law based on strict right, differences among human beings are not considered, i.e. they are considered as equals and their fundamental inalienable rights are treated equally. By ensuring that all of individuals should exercise fundamental inalienable rights as long as they do not hinder those of others, strict

right preserves peace within the state.

The second and higher degree of natural law is equity in distributive justice. In his *Codex Juris Gentium Diplomaticus*, Leibniz writes, “the higher *degree* I call *equity*, or, if you prefer, charity (that is, in the narrower sense). This I extend beyond the rigor of strict right, to include those obligations which give to those whom they affect no ground for action in compelling us to fulfill them, such as the obligation of gratitude and of almsgiving” (Leibniz, *Philosophical Papers* 422). This equity, the second degree of natural law, is to increase the happiness of individuals within the state. In this concept of justice, Leibniz argues that burdens should be shared among human beings. The rich individuals have a “moral duty” to share the burden of the poor and distribute some of their possessions to the poor. As a moral duty in the previous sentence indicates, human beings have a moral claim in equity, not a legal claim; the rich individuals cannot be forced to share their possession with others. Also, according to Leibniz, the principles of equity should be included in the public laws (or political laws) of the state which ensure the happiness of its subjects (Leibniz, *Philosophical Papers* 422). According to the principle of equity, the burden should be distributed to each person as much as they can bear; for example, when a dog brings damage to the house of a neighbor, the owner of dog should bear the responsibility as much as he or she can bear. Although equity goes beyond strict law, as a principle it should be included in every court case. Although it is impossible to legislate law for every single case, the major principle about how equity works should be formulated in public law as far as it can be done, that the judges shall weigh all different circumstances to reflect the justice of equity in their judgments.

The third and highest degree of natural law is piety – the universal justice. This highest degree of justice is different from the other two lower degrees of natural law; strict right and equity are to preserve peace and to magnify happiness of natural life (or this life),

whereas the highest degree of justice, piety, is valid during the entire life of human beings, both in this life and in the afterlife (Leibniz, *Philosophical Papers* 423). In order to establish universal justice, according to Leibniz, we have to assume the immortality of souls and the ruler of the universe, God; Leibniz says, “In order really to establish by a universal demonstration that everything honorable is beneficial and that everything base is harmful, we must assume the immortality of the soul and the ruler of the universe, God” (Leibniz, *Philosophical Papers* 423). From Leibniz’s metaphysics in his *Monadology*, we have already studied that our souls are immortal as monads, and our souls (i.e., spirits) live in the most perfect monarchy governed by the most perfect sovereign, God. In this best possible monarchy, our right deeds never pass without the rewards, neither do our sins without the punishments. According to Leibniz, to live piously, according to command of universal justice, is to live a life of imitating God, following the virtue and goodness of his mind. However, it is very difficult for ordinary human beings to live piously due to a bad education or habits (get used to following the pleasure of sense). However, by acknowledging the immortality of the soul and the existence of a perfect monarch (God), human beings are able to choose virtue and goodness of the mind over the pleasure of the senses. Moreover, according to Leibniz, to live piously is to live according to the pattern of Christ; Leibniz says, “It is in this sense that learned men have rightly set down, among things to be desired, that the law of nature and the law of nations should follow the teachings of Christianity, that is, the sublime matters, the divine things of the wise, after the pattern of Christ” (Leibniz, *Philosophical Papers* 423). In *Matthew* Chapter 22 of the New Testament, we can see that the pattern of Christ is summed up into ‘love’ – love toward God and love toward neighbors. Therefore, we can infer that the third and highest degree of natural law, universal justice in the universal commonwealth, is closely related to love.

1.3 Justice as the Charity of the Wise Man

According to Leibniz, justice is “the charity of the wise man” (Leibniz, *Philosophical Papers* 421), which indicates the habit of loving everyone according to wisdom. In this definition of justice, the notions of love, pleasure and wisdom are closely connected with one another, which I will demonstrate in detail. As I mentioned earlier, according to Leibniz, justice is a part of necessary and eternal truth within God’s intellect, to which both God and human beings behave accordingly. According to Leibniz, this eternal truth can be discovered by the minds of human beings through the science of reasoning. In his study of the doctrine of law, Leibniz uses demonstrative science in his inquiry of the definition of justice; In his *Elements of Natural Law*, he writes, “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...Therefore since the doctrine of Law 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*” (Leibniz, *Philosophical Papers* 133). In his study of the science of justice, Leibniz solely relies on demonstrative science, which is solely based on the exercise of reason.

In order to investigate the idea of justice through demonstrative science, Leibniz needs a starting point, a definition, to begin with. Like other early modern philosophers, Leibniz chooses the nature of individual human beings as his starting point – individual human beings’ striving for self-preservation; Leibniz writes, “For as concerns our own good, it is universally admitted that what one does out of the necessity of protecting his own security seems to be done justly” (Leibniz, *Philosophical Papers* 133). The action which is done for one’s security or self-preservation is considered to be done justly. This nature of individual human being’s striving for self-preservation is widely accepted by early modern moral philosophers as the beginning of moral philosophy. For example, Hobbes says, “A Law

of Nature (*Lex Naturalis*), is a Precept, or general 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, and to omit, that, by which thinketh it may be best preserved” (Hobbes 184). Like Hobbes, Leibniz begins with the nature of individual human beings for his study of justice.

As Leibniz begins with this “self-preservation,” he faces a conundrum, saying, “But how 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 others for the sake of our own?” (Leibniz, *Philosophical Papers* 136). If it is natural for human beings to work for their self-preservation, how can they then ever want to work for the sake of others? For Leibniz, however, “Justice is a social virtue, or a virtue which preserves society” (Leibniz, *Philosophical Papers* 428). If human beings behaved only for their individual utility, society would collapse as there would be constant fights among human beings who strive to maximize their utility regardless of other people’s interests and rights. But monads who are the parts of the most perfect state governed by God, i.e. human beings (spirits) should live harmoniously with one another. Therefore, in his concept of justice, Leibniz has to find a way to reconcile human beings’ innate striving for self-preservation with their willingness to work for the sake of others.

Leibniz finds the answer to this conundrum in the nature of love, saying, “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. The answer certainly depends upon the nature of love” (Leibniz, *Philosophical Papers* 136). In his statement above, Leibniz finds the answer to reconcile human beings’ striving for self-preservation with their willingness to work for the sake of others in the nature of love. By investigating the nature of human beings’ desire for their own utility, Leibniz acknowledges

the hidden nature of love, saying that “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” (Leibniz, *Philosophical Papers* 136). Desiring the good of others *as if* it were our own good indicates that we desire the good of others as an end, not as a means; thus, human beings seek the good of others for their own sake. From this, Leibniz concludes that human beings voluntarily seek the good of others because it brings them pleasure; Leibniz says, “for everything pleasant is sought for its own sake, and whatever is sought for its own sake is pleasant” (Leibniz, *Philosophical Papers* 136). We seek the good of others for its own sake because we can find pleasure in it. As Leibniz finds the connection between love and pleasure, he defines love as following, “to love or to cherish is to find pleasure in the happiness of others, or what amounts to the same thing, to accept the happiness of another as one’s own” (Leibniz, *Philosophical Papers* 421). For Leibniz, to love is to find pleasure from others’ happiness. In this love, human beings, who only work for their utility, can work for the sake of others because of the pleasure they obtain from enjoying the happiness of others. In this definition of love, Leibniz succeeds to reconcile men’s inclination for self-conservation and their willingness to work for the sake of others, without undermining either of them.

As we can see, Leibniz defines love (or charity) as finding pleasure in others’ happiness. He then defines his idea of justice based on his definition of love. In his *Elements of Natural Law*, Leibniz says, “*Justice* will therefore be the habit of loving others (or of seeking the good of others in itself and of taking delight in the good of theirs), as long as this can be done prudently (or as long as this is not a cause of greater pain). For even the joy which we take in our own good must be curbed by prudence, lest it sometime becomes the cause of greater pain; how much more than the joy we take in that of others” (Leibniz, *Philosophical Papers* 137). Leibniz defines justice as the habit of loving others prudently. As

we can see, he strongly emphasizes the word “prudently.” Some of our behaviors and actions, which we think we do for the sake of others, may bring others greater pains against our original intentions. Leibniz acknowledges that unless our love toward others is done prudently we may cause more pains than happiness in the hearts of those whom we love. Therefore, he argues that our habits of loving others should be guided by the *science* of happiness, or wisdom, teaching us how we can contribute to greater happiness of others and thus of us: “But since wisdom should guide charity, we also need a definition of wisdom. I believe, however, that we will best satisfy the concept men have of it if we say that *wisdom* is nothing but the science of happiness itself” (Leibniz, *Philosophical Papers* 422). According to Leibniz, happiness is a state of permanent joy, and joy is a pleasure which the soul feels in itself, indicating that we feel happiness when we experience true and permanent pleasure (Leibniz, *Philosophical Papers* 425). Therefore, wisdom, the science of happiness, should direct human beings in their achieving permanent pleasure (or joy), and thus their love also should be guided by wisdom to bring true and permanent pleasure to those whom the love is directed. The greater the one whom we love feels true and permanent pleasure, the greater happiness they can experience, thus bringing more pleasure to us as well.

Therefore, it is crucial for human beings to help those whom they love to experience permanent pleasure. According to Leibniz, there are two kinds of pleasure – the pleasure of sense and the pleasure of the mind (Leibniz, *Political Writings* 83). Leibniz argues that the pleasure of the mind is a permanent one which can contribute to our happiness to the great extent; in his *On Wisdom*, Leibniz writes, “Now when the soul feels within itself a great harmony, order, freedom, power, or perfection, and hence feels pleasure in this, the result is joy, as these explanations show. Such joy is permanent and cannot deceive, nor can it cause a future happiness if it arises from knowledge and is accompanied by a light which kindles an inclination to the good in the will, that is virtue” (Leibniz, *Philosophical Papers* 426). The

pleasure of the mind which we can get through the illumination of our understanding is permanent to remain with the souls even after this life. The pleasure of sense is not necessarily bad, but it should be guided by the rules of reason. For example, from music, painting, and poetry, we can feel the orders and harmonies in which we can experience happiness. However, one should avoid the excessive indulgence in the pleasure of senses as it might bring more unhappiness to one's soul in the future; Leibniz says, "But when pleasure and joy are directed toward satisfying the senses rather than understanding, they can as easily lead us to unhappiness as to bliss, just as a food which tastes good can be unwholesome" (Leibniz, *Philosophical Papers* 426). Therefore, our charity (or love) should be conformed to wisdom, in which we help others to feel the pleasure of mind and to control their excessive desire for the pleasure of sense. From these definitions of love and wisdom, Leibniz defines justice as the charity of wise men. Justice is the love of wise men and love is to find pleasure from others' happiness; also, wisdom is the science of happiness.

Conclusion

As we can see, Leibniz's definition of justice is distinct from that of Pufendorf. Leibniz believes that justice is a unique concept within God's intellect. In this definition, justice is everlasting, immutable and continuous, both in this life and the afterlife. Moreover, through this definition, Leibniz successfully defends his position that God never acts arbitrarily but works in accordance with the universal justice within his intellect. As we can see, Leibniz's moral philosophy is consistent with his metaphysics and theology.

Chapter II: The Natural Law of Pufendorf

In this chapter, I will explain the natural law of Pufendorf. Pufendorf argues that the human race can acknowledge natural law by observing nature and the human condition. Moreover, he believes that natural law is based on two general inclinations of human beings – self-love and sociability which, according to Pufendorf, are enjoined by God. Before explaining the natural law of Pufendorf, however, I will introduce Pufendorf’s position about human beings’ capacity to know God as it is God who creates natural law. Unlike Leibniz who believes that human beings can know God sufficiently through the exercise of their reason, Pufendorf believes that human beings’ faculty of reason is too limited to know God sufficiently. According to Pufendorf, with the exercise of human beings’ reason, they only can acknowledge empirical knowledge by observing nature and the human condition; thus, it is impossible for them to acknowledge a spiritual substance such as God and souls. Therefore, Pufendorf argues, human beings must rely on the Holy Scripture to know God.

2.1. Limitation of Human Beings’ Faculty of Natural Reason

Contrary to Leibniz who believes that human beings can sufficiently know God, Pufendorf argues that human beings cannot sufficiently know God through the exercise of their reason. In his *On the Duty of Man and Citizen*, Pufendorf says, “In fact we are not to say that He [God] is distinctly and plainly comprehended or conceived by our imagination, or any other faculty of our soul, since whatever we are able to conceive distinctly and fully, is finite. Nor do we hold in mind a complete concept of God, because we call Him infinite, inasmuch as infinite does not properly denote anything in the thing itself, but powerlessness in our mind, just as if we should say that we do not understand the magnitude of His being” (Pufendorf, *On the Duty* 23). As Pufendorf indicates in his statement above, what human beings can conceive through their reason is too finite to sufficiently know God. From his *Commentatio*

super invenusto pullo, Pufendorf implies that God intends to create human beings with the intrinsic limitation of reason (Döring, *Leibniz's Critique on Pufendorf* 265); with the exercise of their reason, human beings are only able to acknowledge the natural things of this life, obtaining only empirical knowledge. Beyond the natural things of this life, human beings are not able to observe nor comprehend anything else. Therefore, human beings, with the exercise of their reason, cannot acknowledge God who is infinite and spiritual, and thus beyond natural explanations. As we cannot know God with sense perception as we can do to natural objects, we can never understand his perfection and his other necessary qualities through the exercise of our natural reason.

Pufendorf argues that although human beings cannot know God sufficiently, they can have some right views of God through the exercise of their natural reason. By observing nature and the human condition, human beings can acknowledge some general patterns which should be created by God and tell us about his will. In his *On the Duty of Man and Citizen*, Pufendorf writes, "Among the views which every man must hold of God, he should first of all be persuaded that He exists, that is, that there really is some highest and first Being, upon whom this universe depends" (Pufendorf, *On the Duty* 22). Pufendorf argues that the existence of God can be demonstrated through philosophy; God should exist as the first cause of other subordinate causes. The second possible view about God we can derive from the observation of nature is that God is the founder of this universe (Pufendorf, *On the Duty* 22). By observing the existence of this world and human beings, Pufendorf argues, there should be a God who creates all. All living beings in the universe are finite beings which cannot exist by themselves; therefore, their existence should be dependent on the only one necessity being, which is God. The third possible view about God, according to Pufendorf, is that God rules over the whole world (Pufendorf, *On the Duty* 23). Pufendorf argues that it is evident that God rules over the universe as we can acknowledge the wonderful and constant order in

nature which is established by God. By observing the constant order of nature which protects human beings, we can infer that God rules over the whole world and the human race, although not with certainty. The fourth possible view on God is that God has no quality associated with imperfection, and this is the last view about God we can know of, which Pufendorf mentions (Pufendorf, *On the Duty* 23). According to Pufendorf, it is possible for human beings to have these views about God based on their observation of nature. However, Pufendorf argues that even though human beings can have some views about God, it does not indicate that they know God sufficiently. All human beings can know by observing nature is that there is a natural world and there should be a first cause of this natural world, which is God. Other than the existence of God, God's perfection and his other necessary attributes are hidden from human being's reason. Therefore, Pufendorf argues that human beings need something more than their natural reason in order to know God sufficiently.

Pufendorf argues that human beings can sufficiently know God and divine mysteries only through divine revelation – the Holy Scripture. In his *On the Duty of Man and Citizen*, Pufendorf writes, “For human reason, if left to itself, does not know that the depravity which is seen in man's faculties and inclinations came through human sin, and deserves the anger of God and eternal destruction. Hence too the necessity of a Saviour is hidden from the reason, as also His service and merit, likewise the promises of God, given to the human race, and whatever else depends upon these, - the things through which alone eternal salvation is gained for men, as is known from the Scriptures” (Pufendorf, *On the Duty* 25). Through natural reason, human beings can acknowledge the existence of innate imperfection within human beings; by examining the history of human beings, they can witness countless innocent ones have died due to the selfish motives of other human beings in warfare and other crimes. According to Pufendorf, even though human beings can acknowledge their innate weakness and vulnerability by observing nature and the human condition, they fail to

acknowledge the ultimate source and origin of their depravity, which is the disobedience of the first man. They can know this origin of their depravity only through divine revelation – by reading the Holy Scripture; unless the Holy Scripture told us the tale of Adam and Eve in the Garden of Eden, we would not know that the root of our sinful nature originates from the disobedience of the first man. As human beings can know themselves through the Holy Scripture, they can also know God through it. According to Scripture, God is perfect (*Matthew 5:48*), immutable (*Malachi 3:6*), just (*Isaiah 30:18*), omnipotent (*Matthew 19:26*), omniscient (*Psalms 147:5*), etc. Without the divine revelation, human beings are ignorant of these God's essential and necessary attributes. Therefore, according to Pufendorf, human beings have to rely on the Holy Scripture in order to know God sufficiently.

Moreover, as human beings' faculty of reason is limited only to understand the circuit of this life (or natural life), human beings cannot even fathom posthumous lives. According to Pufendorf, human beings can know the posthumous life of human beings only through the Holy Scripture. In his *On the Duty of Man and Citizen*, Pufendorf writes, "For although the mind of man not only with a glowing desire leans, as it were, towards, immortality and vigorously shrinks from self-destruction, and hence among many of the Gentiles the persuasion has become inveterate that the soul remains after its separation from the body and that then it will go well with the good and ill with the bad; nevertheless a persuasion of this sort on such matters, in which the mind of man might plainly and firmly acquiesce, is drawn only from the word of God" (Pufendorf, *On the Duty* vii). Pufendorf asserts that numerous philosophers have attempted to demonstrate the immortality of soul, but their efforts are in vain as the argument of the existence of soul is beyond the scope of the faculty of our reason. The existence and immortality of soul is manifested to human beings only through the divine revelation of the Holy Scripture. Human beings only can acknowledge the posthumous live as they can learn the eternal salvation and damnation in the Holy Scripture written by the

inspiration of God.

2.2 Pufendorf's Idea of Natural Law

As we can see, both natural reason and divine revelation play significant roles in Pufendorf's view on how human beings can attain knowledge; through natural reason human beings can have empirical knowledge of nature and the human condition, and through divine revelation they can have knowledge about God and the immortality of souls. Moreover, according to Pufendorf, human beings can know their moral duties through both reason and the Holy Scripture. In his *On the Duty of Man and Citizen*, Pufendorf writes, "Therefore it is manifest that from three founts, so to speak, men derive the knowledge of their duty and what in this life they must do, as being morally good, and what not to do, as being morally bad: namely the light of reason, the civil laws and the particular revelation of the divine authority. From the first flow the commonest duties of man, especially those which make him sociable with other men; from the second, the duties of man in so far as he lives [as a] subject to a particular and definite State; from the third, the duties of a man who is a Christian" (Pufendorf, *On the Duty* v). According to Pufendorf, there are three sciences by which men come to know their duty. The first science of moral duty is about natural law which human beings can know through the exercise of their natural reason. Natural law is universal to all human beings and to all nations as human beings discover it through their common reason, which is given to everyone. The second science of moral duty is about civil law which is established by the law-giver of the state. As civil law is established by each state to maintain and protect the well-being of the state, it is different in each state. The third and last science of moral duty is moral theology which is given by God to human beings through divine revelation. This moral theology is passed down to human beings through the Holy Scripture to direct them to live as Christians. According to Pufendorf, these three sciences by which

human beings come to know their duty are not contradictory with each other, even though there are some differences among them (Pufendorf, *On the Duty* vi). As we can see, both divine revelation and natural reason play important roles for human beings to acknowledge their moral duties; they can know moral theology through divine revelation and know natural law through natural reason.

As natural law is derived from the natural reason of human beings, it is necessary to investigate their natural state in order to find the basis of science of natural law. According to Pufendorf, in natural state, all actions and behaviors of human beings are driven by two principles – self-love and sociability. Human beings can acknowledge these two principles empirically by observing nature and the human condition, without any supernatural support (Pufendorf, *The Political Writings* 83). In his *Elements of Universal Jurisprudence*, Pufendorf writes, “Man has in common with all animate things to whom an awareness of their own existence has been given that he loves himself to the highest degree, studies to preserve himself in every manner, and strives to acquire the things that seem good to himself and to repel those that seem evil. And indeed, this love of any person toward himself is commonly so great that any inclination toward any other man yields to it” (Pufendorf, *The Political Writings* 80). Thus Pufendorf agrees with modern philosophers like Hobbes about the striving for their own preservation just as does Leibniz. It is natural for human beings to love themselves to the highest degree as it is necessary for them to strive for self-preservation in a hostile environment. Human beings’ reason dictates them to accept what is good for their self-preservation and shun what is detrimental to their survival. Therefore, it is an innate inclination for human beings to love themselves more than any other man for the sake of their self-preservation. Besides this inclination of self-love, according to Pufendorf, another inclination of human beings can be found through the investigation of nature and the human condition; Pufendorf says, “But man would have been but little removed from beasts, and

would not lead a much more cultured and commodious life than they, if there were not also implanted in him by nature another inclination, so that he enjoyed living in the society of those similar to himself...He alone among living things has been given the ability to expound to others the perceptions of his mind by means of articulate sound, and there is no fitter instrument than this for contracting or preserving society.” (Pufendorf, *The Political Writings* 80). This other natural inclination of human beings is sociability. According to Pufendorf, it is most miserable for human beings to live by themselves solitarily. The human beings’ inclination toward sociability can be demonstrated through many observations. First of all, out of all living beings on earth, new born human beings require the most considerable amount of care and protection. Without the care of parents and other members of society, infant human beings could not survive in their hostile environment. Also, society is useful to human beings in many aspects; in a peaceful society, human beings can live without the worries about external warfare and internal strife. Pufendorf argues that we can observe these two inclinations of human beings – self-love and sociability – through the observation of nature and the human condition, and these two inclinations are the foundation of the study of natural law.

According to Pufendorf, human beings can have these two opposing inclinations without confliotions as they voluntarily restrain their self-love for the sake of sociability. In his *Elements of Universal Jurisprudence*, Pufendorf writes, “But lest someone perhaps be moved by the reasonings of those who take it upon themselves to deny these things, which are so clear, it must be known that: (1) These two inclinations, by which man loves himself and seeks society, should according to nature’s intention be tempered in such a way that nothing is lost to the latter on the account of the former. That is, nature has commended the love of himself to men, yet in such a way that he does not on account of it wrongly do anything that conflicts with the inclination toward society, or that damages the very nature of

society” (Pufendorf, *The Political Writings* 81). Pufendorf argues that human beings, by observing the human condition, can be aware that God destines them to cultivate society with others, and thus shall temper their excessive care of themselves that would disturb society enjoined by God (Pufendorf, *The Political Writings* 83).

In contrast to Leibniz who spends considerable time to find a way to compromise human beings’ innate inclination of self-preservation and their willingness to work for the sake of others without accepting two opposed principles in human nature, Pufendorf easily solves the problem by introducing sociability as an independent second principle. It seems that Pufendorf takes human beings’ inclination for sociability for granted; he just believes that there is an inclination for sociability within human beings as he can observe the existence of society during human beings’ entire history. Even though he introduces sociability after observing human beings’ history, he not only fails to explain when human beings are social and when they are not social but also how exactly human beings can voluntarily abandon their self-love. In order to justify his position, Pufendorf introduces the notion of God, saying, “And besides, we have evidence that the social life has been enjoined upon men by God’s authority, in fact that in no other creature do we find the religious sentiment or fear of the Deity” (Pufendorf, *On the Duty* 20). Pufendorf argues that human beings need to restrain their self-love for the sake of sociability because God enjoined them to live socially with others. Besides introducing the notion of God who enjoins human beings to live sociably, Pufendorf fails to provide any sufficient reasonable argument to demonstrate the congruity of two contradictory principles – self-love and sociability – within human beings.

According to Pufendorf, natural law is the duty of human beings discovered by their reason, in which they are enjoined to be sociable with others. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Whence it follows that, in order to be safe, he must be sociable, that is, must be united with men like himself, and so conduct himself toward them that they

may have no good cause to injure him, but rather may be ready to maintain and promote his interests. The laws then of this sociability, or those which teach how a man should conduct himself, to become a good member of human society, are called natural laws” (Pufendorf, *On the Duty* 19). According to Pufendorf, in the natural state, human beings have a greater tendency to injure others than other living beings. It is because human being’s unsatisfying greed. Brutes stop hunting for other animals once their hunger is satisfied, but human beings eat food not only for their belly to be satisfied but also to be tickled. There are certain desires within human beings which are unknown to other animals – superfluities, avarice, the love of glory and eminence, envy, emulation, and rivalry of wits (Pufendorf, *On the Duty* 18). Because of these desires, human beings are more prone to injure others in order to satisfy them. However, in spite of these excessive desires, human beings desire to live harmoniously with others, because of their innate inclination of sociability given by God. This is why human beings need to know natural law. Following natural law, human beings restrain their excessive desire and live honorably and socially with others.

Moreover, according to Pufendorf, human beings can discover natural law through the exercise of their reason. Pufendorf argues that natural law is not innate in human beings, but it should be discovered by the exercise of reason; Pufendorf says, “The common saying that the law is known by nature, should not be understood, it seems, as though actual and distinct propositions concerning things to be done or to be avoided were inherent in men’s minds at the hour of their birth. But it means in part that the law can be investigated by the light of reason, in part that at least the common and important provisions of natural law are so plain and clear that they at once find assent, and grow up in our minds” (Pufendorf, *On the Duty* 20). Pufendorf compares the learning process of natural law to that of mother tongue. As human beings do not remember the time when they first pick up their mother language, neither do they remember the time when they first discover natural law. Also, as human

beings never forget their mother languages, natural law is never destroyed nor lost in their minds.

Moreover, Pufendorf argues that we need to presuppose the existence of God in order to assume the authority of natural law. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Again, although those precepts have manifest utility, still, if they are to have the force of law, it is necessary to presuppose that God exists, and by His providence rules all things; also that He has enjoined upon the human race that they observe those dictates of the reason, as laws promulgated by Himself by means of natural light” (Pufendorf, *On the Duty* 19). Pufendorf argues that God is the author of natural law. God wants human beings to live harmoniously and socially with one another, and thus give them natural law. He cares about the well-being of human beings and would like to distinguish human beings who are created after his image from other lawless animals. Without the presupposition of the existence of God, human beings would treat natural law like the prescriptions for the regiment of health, not as laws (Pufendorf, *On the Duty* 19); human beings would follow natural law not because it is an unconditional moral obligation, but because it is useful to them. Moreover, without the authority of natural law as given by God, even after human beings would observe natural law through their reason, they would be reluctant to follow it when they are imbued with their excessive desires for their self-love. Therefore, in order for human beings to obey natural law, they should presuppose that God, who is the ultimate monarch of the universe, promulgate natural law in order to make human beings live sociably.

2.3 Three Divisions of Natural Law

Pufendorf argues that there are three divisions of natural law according to the objects in regard to which they are to be practiced – a duty toward himself (or herself), a duty toward God and a duty toward others (Pufendorf, *On the Duty* 21). The first division of natural law is

the duty of a human being toward himself (or herself). The main precept of this duty is not to waste the gift from God. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Consequently he is bound so to order himself that he do not suffer the Creator’s gift to perish from neglect, and that he contribute his due share to human society” (Pufendorf, *On the Duty* 28). It is crucial for human beings to choose to cherish their gifts given by God. As they develop their natural talent, they not only benefit themselves but also increase the well-being of society where they belong. Pufendorf also emphasizes that human beings should regard that their own lives are the gifts from God (Pufendorf, *On the Duty* 29). Moreover, as they cherish their lives as the gifts from God, they should endeavor to strength and conserve their minds and bodies. Pufendorf urges human beings to care about their bodies as their bodies uphold their mind. Therefore, human beings should abstain themselves from excessive drinking, unnecessary labor and unwholesome food. Lastly, Pufendorf emphasizes right and proper self-defense as a member of society. It is permissible for human beings to defend themselves from the attack of others. However, self-defense should be tempered with restraint in order not to be excessive nor violent.

The second division of natural law is the duty toward others. The first precept of this division of natural law is commutative justice – not injuring others. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Among the absolute duties, i.e., of anybody to anybody, the first place belongs to this one: let no one injure another” (Pufendorf, *On the Duty* 37). Pufendorf argues that the social life could not exist without this precept. The main goal of commutative justice is to preserve and maintain peace. The boundary of this precept is wide, including not only lives, bodies and freedom of human beings, but also any possession and land of human beings. Pufendorf emphasizes the necessity of restitution in commutative justice. When someone injures others, he or she needs to provide restitution to the injured. Once received restitution, the injured is expected to grant pardon to the penitent. The second

precept of the duty toward others is distributive justice; Pufendorf says, “the same equality shows how a man should conduct himself, when he must assign their various rights to others, viz, that he must treat them equals, and not indulge the one as against the other, except on the merits of the case” (Pufendorf, *On the Duty* 43). In distributive justice, things common to all must be distributed to each his (or her) own as much as each shall please. This precept of distributive justice ensures the happiness of human beings. Exercising commutative and distributive justice, human beings can live peacefully and happily with one another, fulfilling the duty of sociability enjoined by God.

The third and last division of natural law is the duty toward God, which Pufendorf calls natural religion. The precepts of natural religion consist of both theoretical and practical propositions. In his *On the Duty of Man and Citizen*, Pufendorf writes, “The duty of man toward God, so far as it can be investigated by the natural reason, reduces itself to two heads: that we have right views of God, and secondly that we order our acts in conformity with His will. Hence natural religion consists of propositions both theoretical and practical” (Pufendorf, *On the Duty* 22). The theoretical proposition, the first precept of natural religion, is to have a right view of God. As I mentioned earlier in this chapter, even though human beings cannot sufficiently know about God with natural reason, they can have some views of God, by observing natural world; there is a natural world which cannot exist by itself, and thus there should be the first cause of this natural world, which is God. This view of God is a part of natural religion in which we can vaguely know about God. The second precept, a practical proposition, is to act in conformity with God’s will, which consists of both the internal and the external cult of God (Pufendorf, *On the Duty* 24). The internal cult of God is to honor God with all our hearts. It includes to accept him as a creator and to believe that our happiness depends on him. The external cult of God includes our outward actions such as prayers and speaking of God with reserve. As we can see, natural religion consists of two

precepts – to have a right view of God and to act in conformity with God’s will. However, Pufendorf argues that natural religion which we observe through the exercise of our reason is limited to the sphere of this life only (Pufendorf, *On the Duty* 25). The mystery of immortality of souls and posthumous life is hidden from our reason, and it only can be revealed through the Holy Scripture. The advantage of natural religion is to strengthen the bond of society; through natural religion, human beings acknowledge the existence of a Deity who enjoins us to live sociably with others, thus making human beings obey natural law.

2.4 The Limitation of Natural Law

So far, we have discussed the general concept of natural law. Even though Pufendorf argues that natural law is benefitting human beings as they can keep their sociability, he believes that natural law has some limitation as we derive it from our natural reason. In his *On the Duty and Citizen*, Pufendorf explains the limitation of natural law, comparing it to moral theology which is passed down to human beings through the Holy Scripture to teach them the duties as Christians. The first limitation of natural law is in its end; according to Pufendorf, the end of natural law is limited in the circuit of this life; Pufendorf says, “Furthermore, that is by far the most important distinction whereby the end and aim of the natural law is included only in the circuit of this life, and therefore it moulds man accordingly as he ought to lead this life in society with others” (Pufendorf, *On the Duty* vii). As I said earlier in this chapter, Pufendorf believes that human beings cannot know the immortality of souls and the posthumous life through their natural reason; through the exercise of natural reason, they are limited to know the circuit of this life. Therefore, as natural law is solely derived from the exercise of natural reason, natural law should be limited to the circuit of this life as well, which indicates that there is the discontinuity of natural law in this life and the afterlife. Unlike natural law, Pufendorf argues that there is the continuity in moral theology

between this life and the afterlife; Pufendorf says, “But moral theology moulds a man into a Christian, who should not only have the purpose of passing honorable through this life, but who especially hopes for the fruit of piety after this life and who on this account has his [policy] in heaven, while here he lives merely as a wayfarer or sojourner” (Pufendorf, *On the Duty* vii). Those who keep God’s word will not only be blessed in this life but also taste the eternal life. Those who keep the commandments of God with their sincere hearts will be called good Christians in this life on earth and in the posthumous life in the kingdom of heaven. Therefore, only moral theology is suitable to be adapted in this life and the afterlife.

The second limitation of natural law is in its object; natural law is only adapted to the external actions of human beings. In his *On the Duty of Man and Citizen*, Pufendorf writes, “From this also it follows that, because the human forum is busied with only the external actions of man, while to those which lie concealed within the breast and produce no effect or sign outside it does not penetrate and consequently is not disturbed about them, the natural law likewise is concerned to a great extent with the directing of the external actions of man” (Pufendorf, *On the Duty* vii). As human beings are unable to know the soul through the exercise of their reason, neither can they see through others’ heart. Pufendorf distinguishes human forum and divine forum. In human forum, human beings cannot look through others’ souls but only can know their external behaviors, to which natural law is applied. In divine forum, God can see through the soul of human beings and know their true motive for their actions, to which moral theology applies. For example, rich individuals can help the poor ones out of their selfish and evil motives such as fame; in human forum, human beings can never know the true motives of the rich men, but in divine forum, God looks through their hearts and dislikes their actions. As natural law is derived from human beings’ natural reason in which they only can judge others’ actions based on external behaviors not knowing their true motives inside their hearts, natural law is not to influence one’s soul, but it is to correct

one's external behaviors. Unlike natural law, according to Pufendorf, moral theology concerns both the external actions of body and the internal movements of soul (Pufendorf, *On the Duty* vii). What is important to God is the motive for their actions, not the actions themselves. The person whose motive is evil can behave well outwardly. Therefore, in moral theology, human beings should endeavor to purify their heart as well.

Conclusion

Pufendorf's study of natural law is consistent with his theology and epistemology just as Leibniz's metaphysics is in agreement with his theology and philosophy of law. However, for Pufendorf, there is no true coherence but a gap between natural law and moral theology. According to Pufendorf, human beings' natural reason is too finite to know God sufficiently. With the exercise of their reason, human beings can only acknowledge the external law of nature. It is impossible for human beings to know about God and soul sufficiently only through their reason. Therefore, natural law must be limited to the circuit of this life and to external actions. To know God and his divine justice, human beings must rely on the Holy Scripture which is written by the inspiration of God. The Holy Scripture not only reveals God, but also teaches us about divine justice (or moral theology), how we can live justly in this life and the afterlife.

Chapter III: The Justice and Free Will of Pufendorf

In this chapter, I will talk about Pufendorf's concept of justice and free will. According to Pufendorf, justice within civil society is based on civil law. Civil law is prescribed by the rulers whose authority of sovereign power originates from God to promote the welfare of human beings. Justice is thus closely connected with the ruler's will. Therefore, before I explain the concept of Pufendorf's justice in detail, I will first explain the voluntarism of Pufendorf's view as it is closely related with his concept of justice. According to this voluntarism, all human beings have free will given by God, and thus they can be held responsible for their actions because they know what they are supposed to do by the natural law as much as by God's command known by revelation. Therefore, human beings' actions can be punished or rewarded in accordance with civil law prescribed by their rulers.

3.1 Voluntarism within Free Will

Pufendorf argues that God gave human beings two endowments – understanding and will – in order to make them law-governed animals (Pufendorf, *The Political Writings* 112). These two endowments from God make human beings distinct from other animals. Unlike other brutes whose actions are solely driven by their physical necessities, human beings' actions are guided by their understanding and will. In *On the Duty of Man and Citizen*, Pufendorf writes, “By human action we understand not any motion proceeding from the faculties of man, but that motion only which proceeds from and is directed by those faculties which the Creator has given to mankind above the brutes, – I mean that which is undertaken with intellect lighting the way, and at the bidding of the will” (Pufendorf, *On the Duty* 3). As a Christian moral philosopher, Pufendorf distinguishes the human race that was created to bear the image of God, from other animals; human beings owe their supreme rank over other animals because of immortal souls endowed with understanding and the will (Pufendorf, *The*

Political Writings 137-138). With their understanding and will, human beings can behave more honorably and virtuously than other brutes, restraining their desires originating from their physical necessities and conforming their actions to law.

According to Pufendorf, the first human beings' endowment from God is understanding – in which we can perceive objects accurately and make a judgment based on our perceptions (Pufendorf, *The Political Writings* 137-138). Pufendorf argues that there are two faculties within human beings' understanding. In his *Elements of Universal Jurisprudence*, Pufendorf says, "There are in man two faculties of the understanding as it were, which he exerts in the case of voluntary actions, namely the *representative* and the *judicative*" (Pufendorf, *The Political Writings* 74). The first faculty of understanding, according to Pufendorf, is the representative. In the representative faculty of understanding, human beings can perceive objects accurately like the reflective image on mirrors; Pufendorf says, "One is that through which an object is presented to the will as in a mirror, and which simply shows what is appropriate or inappropriate, good or bad, about it" (Pufendorf, *The Political Writings* 109). Pufendorf argues the representative faculty of understanding is called natural, in opposition to free. The representative faculty of understanding is not under man's control. Human beings cannot manipulate their understanding to apprehend objects otherwise than as their images perceived through their minds. As this representative faculty of understanding is given to all human beings, what they perceive is common to every human being; human beings can clearly apprehend the good and bad features of objects through the representative faculty of understanding. For example, human beings never fail to apprehend that stealing and lying is morally bad behaviors.

The second faculty of human beings' understanding, according to Pufendorf, is the judicative. In his *Elements of Universal Jurisprudence*, Pufendorf says, "Through the judicative faculty, the understanding discerns and dictates what is to be done, as well as when

and how, and deliberates about the means which are most accommodated to the end. This faculty is otherwise called practical reason and practical judgment (for it is not our business now to inquire what force of understanding there is in the bare contemplation of things)” (Pufendorf, *The Political Writings* 75). In the judicative faculty of understanding, human beings can compare and weigh the good and bad features of objects that they have already apprehended through the representative faculty of their understanding. Moreover, through the judicative faculty of understanding, human beings’ judgment in choosing the option out of other alternatives will be most suitable to their ends. In order to accomplish their aims and ends, human beings sometimes could choose morally bad options instead of other morally good alternatives due to their natural inclination. Because they have free will, however, and know through their representative faculty of understanding what they are supposed to choose as good, human beings are fully responsible for their actions as they are conscious of the nature of their actions when they make a choice to accomplish their goals based on judgement of their judicative faculty. For example, human beings can choose an option which might infringe the right of others if that option is more expedient to achieve their goals, while forfeiting less expedient alternatives which do not bring any harms to others. But they would be capable of knowing that they thereby violate the laws and thus justice.

According to Pufendorf, every mature human being has sufficient understanding – both of the representative and the judicative faculties. In his *On the Duty of Man and Citizen*, Pufendorf writes, “With regard then to the faculty of comprehending and judging things – intellect it is called – we must hold it absolutely certain that any man of mature age and sound mind has enough of natural light to be able, with training and due reflection, to comprehend properly at least those general precepts and principles which make for an honorable and a peaceful life in this world; also to appreciate the fact that they are in conformity with human nature” (Pufendorf, *On the Duty* 3). Pufendorf claims that every human being can have

sufficient understanding. The human race can perceive correctly the image of objects upon their minds and make an appropriate judgment upon it. Therefore, there is no excuse for human beings to attribute their sin to their error or ignorance. As God instills into every human beings' soul the endowment of understanding, all human beings have abilities to apprehend objects correctly and to weigh the good and bad features of objects in order to make a judgment. If human beings act out of error and ignorance, it is the fault of human beings who neglect to develop their understanding given by God sufficiently.

The second human beings' endowment from God to make them law-governed animals is their will. According to Pufendorf, human beings' will has two faculties. In his *On the Law of Nature and of Nations*, Pufendorf writes, "Now, there are two faculties, as it were, through which the will is conceived to exert itself concerning human actions: Through one of them it is understood to act *spontaneously*, through the other *freely*" (Pufendorf, *The Political Writings* 112). The first faculty of the will, according to Pufendorf, is spontaneity. Pufendorf argues that the spontaneity of will indicates that human beings act out of their internal principle within themselves; he says, "Since man was to be formed by the Creator as an animal to be governed through laws, he had to have a will as the internal directress of his actions, so that when objects were placed before and known by him he would move himself toward them from an intrinsic principle, without any physical necessity, and could select what seemed most suited for himself" (Pufendorf, *The Political Writings* 77). According to Pufendorf, the ultimate source of their will is human beings themselves. Human beings can act out of their internal principles in spite of any external influences and physical necessities. For example, even though parents are about to starve to death, they can give up their portion of food and feed their children instead. Parents' love toward their children overcomes their physical necessities such as hunger and cold. Moreover, through the spontaneous faculty of human beings' will, human beings can choose what attracts them most, regardless of any

external influences. This is why human beings can make a decision which he regards most beneficial to him in spite of the pressures of others. Therefore, even though external influences and physical necessities sometimes affect human beings' will, the ultimate source of will is within human beings themselves.

According to Pufendorf, the second faculty of will is freedom (or acting freely). In his *Elements of Universal Jurisprudence*, Pufendorf writes, "Freedom is a faculty of the will that can, when all the requisites for acting are given, select one or more of a number of proposed objectives and reject the rest, or when one objective is proposed, can either accept or not accept it, and do it or not do it" (Pufendorf, *The Political Writings* 78). Pufendorf argues that human beings' will itself is indifferent to objectives; the will itself is not restricted to any certain or fixed rules (Pufendorf, *The Political Writings* 113). In this faculty of will, human beings can act whatever they would like to behave without any restraints. The actions of choice and refusal are not necessitated by anything, but rather human beings select the one which is most suitable to their goals or desires. Therefore, in this freedom or free will, human beings literally act freely.

As we can see, Pufendorf claims that God instills into human beings' souls two endowments – understanding and will. Not only do these two endowments differentiate human beings from other brutes, making them law-governed animals, but also understanding and will make human beings responsible for their own actions. In his *On the Duty of Man and Citizen*, Pufendorf writes, "But human actions proceeding from and guided by intellect and will possess this particular attribute, that they can be imputed to a man, that is, that the man can rightly be regarded as their author, and held to the rendering of an account of them, and that the consequences which flow from them fall back upon himself" (Pufendorf, *On the Duty* 8). Human beings are responsible for their actions as they "will" the actions while knowing the nature of their actions. Through their understanding, human beings not only apprehend

the nature of objects but also compare and weigh them in order to judge which is most suitable to their goals. Through their will, human beings can choose the option which they regard to be most expedient to achieve their ends without external influences and physical necessities. As we can see, because human beings (out of their understanding and will) are the sole and ultimate decision maker of their choice, they should be held responsible for their actions. Therefore, when human beings choose something immoral, they should be punished.

Moreover, based on his arguments upon human beings' understanding and will, Pufendorf argues that human beings' intentional actions are voluntary. In his *Elements of Universal Jurisprudence*, Pufendorf writes, "We call voluntary those actions placed in the power of man which so depend on the will as on a free cause that they would not occur without its determination by acts elicited by a previous cognition of the understanding; and indeed, inasmuch as they are regarded not according to their natural aspect but as occurring by a decision of the will" (Pufendorf, *The Political Writings* 33). According to Pufendorf, voluntary actions involve two core components – one material, and the other formal. The material component of voluntary actions is that actions should involve physical motion and physical power (Pufendorf, *The Political Writings* 117). According to Pufendorf, human beings' actions should be physically executed; when human beings just imagine their actions in their heads, these are not yet voluntary actions. In order to be counted as voluntary actions, human beings should act physically what they have imagined in their heads. The second component of voluntary actions, according to Pufendorf, is the formal aspect. The formal aspect of voluntary actions indicates that the voluntary actions should be determined by a free and self-determining cause (Pufendorf, *The Political Writings* 116). In other words, the performance of actions should depend upon the will of rational beings. Furthermore, in this formal aspect, as actions originate from the will and rational choice of the agent, the effects of these actions are imputed to agents of the actions. Therefore, according to Pufendorf, the

physical actions of human beings are voluntary when they proceed from their will and are guided by it.

According to Pufendorf, this concept of free will, as belonging to human beings' action, is shaped according to God's free will that determines his intentional action. In his *On the Law of Nature and of Nations*, Pufendorf writes,

“Once these things have been established it appears that anyone surveying the entire universe will find many things with no freedom at all, such as all those without soul and sensation. Others enjoy freedom, but in different degrees. Freedom that is in every way complete and knows no impediment or defect belongs to the Good and Great God alone; it is considered one of the noblest attributes of His most perfect essence and, being connected with His omnipotence, cannot be circumscribed. Hence the reason that God does not do some things, or not all things always, is not because His freedom is deficient but because it so pleases Him.... His purported inability to do certain things comes not from any external impediment, be it natural or moral, but from His own good pleasure which we mortals conceive to be adjusted to His greatness and excellence. This is the sense in which the common saying “God is a law unto Himself” must be interpreted...” (Pufendorf, *The Political* 137).

Because God is the most perfect and most powerful being, he enjoys the biggest freedom out of all beings. His freedom is not restrained by anything. God acts in a certain way because it pleases him. God does not act in accordance with certain and fixed norms, but rather he surpasses any inflexible rules; his own actions become good and just as they are done by him. It is blasphemous to say that his actions are circumscribed by certain rules, which seem to oppress his omnipotence. It is this voluntarism of Pufendorf's conception of God, which Leibniz strongly disapproves of as he regards such voluntarism within God as arbitrariness in God's actions and his justice.

As Pufendorf indicates in his voluntarism, human beings act out of their understanding and will, and thus the effects of their actions can be imputed to them. If human beings can clearly know through their understanding that the effects of their actions should be imputed to them, why do they ever choose an evil option out of other good alternatives? As a Christian moral philosopher, Pufendorf believes that such depravity of human beings originates from the original sin of Adam and Eve at the Garden of Eden. In his *On the Duty of*

Man and Citizen, Pufendorf writes, “Hence it is also patent that man now necessarily confides in the teachings of natural law, accordingly as his nature has been corrupted and consequently as he is an animal bubbling over with many wicked desires. For although no one is so stupid as not to perceive in himself affections that are inordinate and tending out of the beaten path, yet, if the divine literature [i.e. Holy Scriptures] did not light the way, no one could now be certain that that rebellion of the affections arose through the fault of the first man.” (Pufendorf, *On the Duty* viii). According to Pufendorf, human beings can acknowledge their innate depravity through natural reason by observing nature and the human condition, but the cause of their inherent depravity is hidden from their reason. It is through divine revelation alone that human beings can know that the cause of their innate depravity originates from the disobedience of the first man. After the fall of Adam and Eve, human beings begin to have common proclivity to the bad and proneness to the forbidden (Pufendorf, *On the Duty* 6, 14). However, in spite of innate depravity of human beings, they are still capable of controlling their minds through the right exercise of their understanding; Pufendorf says, “It also makes a great difference whether there is a calm tranquility of mind, or whether it is stirred by certain special emotions, which they call passions. With regard to these this must be our opinion: however violent they may be, still by due use of reason a man can be superior to them and check their attack, at least before the ultimate act” (Pufendorf, *On the Duty* 7). It is possible, though, that passions can influence the understanding of human beings, obscuring their faculty of judgment (Pufendorf, *The Political Writings* 115). However, human beings’ understanding is superior to their passions, and thus they are able to overcome the attack of passions, making right and moral decisions. Therefore, in spite of innate depravity of human beings, they can make morally good judgments and decisions through the right exercise of their understanding and their will given by God.

3.2 Natural and Civil State

It is because of their innate depravity, according to Pufendorf, that human beings could not live without a civil state to suppress evil actions among each other. Due to their depravity from the original sin, their understanding of what the natural law asks for and what is right to do is corrupted; their understanding is obscured by passion and desire. Therefore, a civil state should formulate civil law to reflect natural law in order to help those whose understanding is obscured by excessive passion to observe natural law through civil law. Moreover, civil law can help citizens to easily recognize natural law which might be too abstract for them to obey. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Also, if there is any obscurity in the natural law, it belongs to the civil law to explain it. And by this explanation the citizens are bound to follow in practice, in spite of the fact that their own private opinion may perhaps take a different direction” (Pufendorf, *On the Duty* 126). Although human beings can acknowledge the natural law through the observation of nature and the human condition, it sometimes seems too abstract for them to be practiced. Through civil law, however, sovereign rulers can not only clarify the natural law but also codify it in civil law. In this clarified and codified natural law as it appears in civil law, citizens can much more easily obey natural law, and thus can easily oppress their evil actions against each other. Therefore, civil state and civil law play significant roles to make citizens oppress their evil actions against each other within the state.

Thus human beings decided to found a civil state in order to protect themselves from the evil actions of others. According to Pufendorf, in the natural state, there is neither a ruler nor a subordinate, and everyone does everything out of his or her own pleasure to seek one’s interests in all things (Pufendorf, *On the Duty* 103). Human beings begin to establish the first adventitious state through family in order to fulfill their desire for sociability. Family is the nursery of the human race as human beings in their early developmental stage are the most

vulnerable creatures out of all animals; the infants need great care from their parents. Pufendorf argues that in this first adventitious state, human beings' desire for sociability can be sufficiently fulfilled (Pufendorf, *On the Duty* 103). The second adventitious state of human beings is civil society. The patriarchs, the heads of families, decided to establish civil societies, not because of their desires for sociability, but because of their self-interest. As I stated before, human beings' desire for sociability is sufficiently satisfied in their family.

In civil society, however, human beings need to give up some of their natural right they enjoyed in the state of nature to be accepted as the members of civil society. The patriarchs of families decided to abandon their natural liberty and to establish civil society in order to protect themselves from the evil threats of other human beings (Pufendorf, *On the Duty* 104). From the previous chapter, we know that Pufendorf believes human beings are driven by two principles – self-preservation and sociability. These two principles should work harmoniously with each other, but because of their inherent depravity, human beings are sometimes overly seeking self-preservation, thereby violating the principle of sociability. An excessive desire for self-preservation makes human beings injure others. Therefore, in order to protect their families from the imminent and potential threats of others, the patriarchs decided to establish civil societies, voluntarily sacrificing some of their natural right. In civil societies, human beings are protected from mutual injuries by the price of restraining their natural liberty.

In civil society, the natural liberty of human beings is restrained by civil law which circumscribes the actions of human beings. The civil law is prescribed by the sovereign ruler of civil society for the sake of the welfare of the people. In his *On the Duty of Man and Citizen*, Pufendorf writes, “The general law of rulers is this: the welfare of the people is the supreme law. For authority was conferred upon them, with the intention that the end for which states have been established, should thereby be insured” (Pufendorf, *On the Duty* 121).

As different human beings constitute civil society, their wills and interests are not always consistent; if all citizens act in accordance with their own desires without fixed norm, there will be a great confusion in civil society. Therefore, in order to preserve peace and tranquility within civil society, there should be a fixed norm in which citizens restrain their own desires for the sake of the welfare of the society as a whole. In this fixed norm, or civil law prescribed by sovereign rulers, each member is protected from the evil threats of others as those who break the law for the sake of their benefits are punished accordingly. Moreover, in a society guaranteeing this fixed norm, citizens can develop commerce and business as the civil laws protect their properties as well as their lives. Therefore, civil law promotes the welfare of the members of civil society by rewarding those who keep the law and punishing those who break the law.

3.3 The Civil Law as the Will of the Sovereign

In spite of the fear of punishment, Pufendorf argues, human beings should not comply with civil law only out of the mere dread of punishment (Pufendorf, *On the Duty* 126); rather, they also should obey it out of reverence and veneration. The creator of civil law is the ruler of the civil state who takes power after the agreement of the founders of the civil state. But besides this justification of the sovereign's power, Pufendorf argues, that the authority of the sovereign ruler essentially originates from God. In his *On the Law of Nature and of Nations*, Pufendorf writes, "It is beyond doubt, at any rate, that after humankind had multiplied, sound reason was sufficiently insistent that its honor, peace, and safety could not be maintained without the establishment of states, which cannot be understood without supreme sovereignty. And this is the reason that states and supreme sovereignty are thought to come from God as author of the natural law. For not only are those things from God which He has established directly without the intervention of any human deed, but those also which

sound reason has led men to undertake, in accordance with temporal and spatial conditions, in order to fulfill the obligation enjoined on them by God” (Pufendorf, *The Political Writings* 218). In this statement, Pufendorf argues that God indirectly enjoins human beings to establish civil society. As human race multiplied and became barbarous, the natural law was no longer accepted by all human beings. As God wants human beings to live virtuously and peacefully with one another, observing the natural law, he enjoined the human race to establish a civil society. Moreover, human beings can acknowledge the divine authorization upon the sovereignty of civil rulers through divine revelation as well (Pufendorf, *The Political Writings* 218). Finally, it can be seen in analogy: just as God is the sole ruler of the heavenly realm, the sovereign ruler of civil society is the legitimate ruler of the earthly realm, whose authority is from God. Therefore, human beings should comply with civil law not only out of the fear of punishment but also out of reverence and veneration for the sovereign and thereby for God.

As God sanctions the authority of sovereign rulers in order to preserve natural law and the welfare of human beings, Pufendorf argues, justice in civil society should be based on what sovereign authorities prescribe as civil law. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Also, actions in agreement with law are called good, if not in harmony therewith, bad. But for an action to be good, it must in every way agree with the law; to be bad, it is enough that it be defective at a single point” (Pufendorf, *On the Duty* 15). According to Pufendorf, human beings’ voluntary actions are good as long as it is undertaken in accordance with what law prescribes, whereas they are evil insofar as it is undertaken against what law prescribes (Pufendorf, *The Political Writings* 66). In this understanding, justice is agreement with civil law as given by the sovereign. Therefore, justice within society depends on the will of the sovereign rulers who prescribe civil law for the sake of the welfare of their citizens. The will of the ruler is thus the only source for civil law to become law in the civil

state although it is assumed that civil law is in agreement with natural law as it is recommended by God. Notwithstanding, this voluntaristic position does not provide a barrier against a ruler who ignores God's command, if the Ruler does not comply with natural law given by God.

Moreover, Pufendorf argues that because the justice of civil society originates from sovereign rulers and because civil law prescribed by them is for the sake of welfare of their subordinates, citizens should tolerate some misdeeds of their rulers. In his *On the Law of Nature and of Nations*, Pufendorf writes, "Accordingly, the lighter injuries of princes are to be condoned for the sake of the noble function they serve and the other benefits they provide, and indeed, for the sake of our citizens and the entire commonwealth" (Pufendorf, *The Political Writings* 237). But he goes even further. According to Pufendorf, human history proves that the overthrow of even worst princes brought great convulsion to the commonwealth of civil society. Countless innocent citizens had been slaughtered during the overthrow of sovereign rulers. Because the overthrow of the rulers brings more damages to the commonwealth of civil society than it does for benefits, citizens should condone small injuries caused by their rulers. Furthermore, Pufendorf argues that if one citizen is innocently accused by his or her sovereign ruler, this citizen ought to die rather than kill – for the sake of the commonwealth of civil society where he belongs (Pufendorf, *The Political Writings* 238). Thus in this life, the will of the ruler is the ultimate measure for justice, a position that is strongly rejected by Leibniz.

3.4 Civil Law and Punishment

Furthermore, punishment, as it is explicitly joined to civil law, makes it more easy for human beings to comply with civil law which is, ideally, imbued with the spirit of natural law. Even though human beings could observe the utility of natural law, they are very often

not willing to obey it due to their innate depravity and would rather prefer their own interests to obedience to natural law. But natural law can obtain the force of civil law through punishment. For example, the strict right in relations to others not to injure others – recommended already by natural law – would not be obeyed by human beings if the violator of this natural law could go unpunished. However, when this strict right is codified in civil law, joined by punishment, human beings will readily comply with it out of the fear of punishment. Therefore, civil law reinforces natural law to be practical and enforceable to human beings.

Pufendorf emphasizes the role of punishment in civil law as the advantage above natural law. In his *On the Duty of Man and Citizen*, Pufendorf writes, “Every perfect law has two parts: one defining what is to be done, or not done; the other indicating what punishment is in store for him who neglects what is enjoined and does what is forbidden. For an account of the depravity of human nature, prone as it is to the forbidden, it is superfluous to say ‘Do this!’ if there is no punishment in store for the non-doer” (Pufendorf, *On the Duty* 14). According to Pufendorf, because of the inherent depravity within human beings’ souls, it is very hard for human beings to always voluntarily obey civil law. He argues that neither the fear of Divinity nor the sting of conscience (conscience is “the judgment of the understanding concerning morally necessary actions, insofar as it is imbued with a knowledge of the laws” – Pufendorf, *The Political Writings* 76) are enough for human beings to willingly follow civil law and to give up their own desires if required. Pufendorf asserts that only a few human beings would be capable of readily obeying civil law without the presence of punishment (Pufendorf, *On the Duty* 104). Therefore, in order to make the citizens comply with civil law prescribed by their ruler, the fear of punishment has to join the civil law necessarily; Pufendorf says, “But there is need of the fear of punishment, and of the power to enforce it. And the punishment, if it is to suffice for our purpose, must be so regulated that violation of

the law is manifestly a greater hardship than the observance; and thus that the severity of the penalty outweighs the pleasure or profit received, or hoped for, from the injury. For, of two evils, men can only choose the less” (Pufendorf, *On the Duty* 110). As Pufendorf indicates, the expectation of severe punishment suppresses citizens’ proneness to violate civil law for their benefits. With the representative and judicative faculties of their understanding, they can apprehend and weigh both, sweet fruits and severe punishment, of their evil actions. Therefore, the severity of punishment should outweigh pleasure from the disobedience of civil law. In this fair and severe punishment, citizens will obey civil law, promoting the welfare of civil society as a whole.

Conclusion

As we can see, Pufendorf believes that the justice of the state depends on civil law, or the will of the sovereign. According to Pufendorf, civil society is enjoined by God in order to maintain the welfare of human beings. God gives rulers on earth power and authority to govern their subordinates. This Pufendorf’s idea reflects traditional Christian dualism; as God governs the kingdom of Heaven, the rulers of the states govern the kingdom of earth. As God is a supreme law-giver in Heaven and the universe of human beings’ posthumous lives, the rulers of the states are also supreme law-givers in their states. In this dualistic idea, the justice of the state solely depends on the will of the rulers who are enjoined by God to preserve the welfare of human beings through civil law. Therefore, in this Pufendorf’s idea of justice, the citizens of states cannot question nor criticize civil law and the rulers.

Chapter IV: Leibniz's Criticism upon Pufendorf's Justice and Free Will

In this chapter, I will talk about Leibniz's criticism on Pufendorf's idea of free will and justice. Pufendorf argues that justice within civil society depends on civil law enacted by the rulers, of which Leibniz strongly disapproves. Leibniz argues that if justice depended on the civil law and will of rulers, we could never criticize unjust and bad civil law. According to Leibniz, justice is not an arbitrary concept which depends on the will of rulers, but rather it is certain and determined, and originates from God's intellect. Through this non-arbitrary and determined concept of justice, we can know whether civil law is just or unjust, and we can change it if necessary. Before I explain Leibniz's criticism upon Pufendorf's concept of justice fully, however, I will introduce Leibniz's concept of free will and his criticism upon Pufendorf's voluntaristic position as Leibniz's concept of justice is closely related with his idea of free will.

4.1 Leibniz on Free Will

Leibniz strongly disapproves Pufendorf's voluntaristic position. As I stated in the previous chapter, Pufendorf believes that human beings can do whatever they want to do out of their free will without any sufficient reasons to act, a position which Leibniz strongly criticizes; In his *On Free Choice*, Leibniz writes, "*Hence, there is no freedom of indifference, as it is called in the schools*. For the freedom to will, which several claim and which they say consists in indifference, so that one can suspend action and will without any reason that moves us to it, is something that is not only impossible – for every created being has some cause – but furthermore useless and would even be harmful. So we would have no reason to thank nature for giving us such an irrational faculty" (Leibniz, *Confessio Philosophi* 137). According to Leibniz, human beings do not act randomly nor arbitrarily. Rather, they will to act what they expect to experience as pleasing (Leibniz, *Confessio Philosophi* 67). In other

words, human beings act in accordance with what they judge to be good. They shun what is harmful to them as much as possible and embrace what is beneficial to them as much as they can. Leibniz argues that no sane human being will to act without any sufficient reasons to act (Leibniz, *Confessio Philosophi* 69). As human beings always act in accordance with their understanding to judge what is good and bad, they never act voluntarily nor arbitrarily as Pufendorf argues. Therefore, according to Leibniz, Pufendorf's voluntarism is a misleading theory to explain the free will of human beings.

In opposition to Pufendorf, Leibniz believes that understanding plays a significant role in human beings' free will. In his *On Free Choice*, Leibniz writes, "Thus I conclude that true freedom consists in the power we have to reason with due consideration on matters and to act in accordance with what we have judged best. *And insofar as we use reason with respect to those matters that are not beyond our power, to that extent we have free choice*" (Leibniz, *Confessio Philosophi* 139). According to Leibniz, human beings act in agreement with what appears best to them; they act freely if what appears best to them is truly the best and they know it from their understanding (Leibniz, *Confessio Philosophi* 115). In other words, their free will becomes infringed and limited when they are forced to take the suboptimal alternative rather than what they judge best; it can happen either because of unwelcoming external circumstances or because of coercion by other human beings. As human beings will to act what they judge best out of all other alternatives after contemplating all options in their understanding, Leibniz argues that human beings' free will comes from the use of reason, or understanding (Leibniz, *Confessio Philosophi* 73).

Leibniz argues that as human beings' understanding plays a predominant role in their free will, the clearer and purer understanding they have, the freer they become. In his *On Free Choice*, Leibniz writes, "*The more knowledge a man has, the more he is free*, for error and constraint are equally contrary to freedom of action, on the basis of suppositions noted

above” (Leibniz, *Confessio Philosophi* 135). As I said earlier, Leibniz believes that human beings choose to will to act what appears good to them. However, human beings cannot always be able to ascertain the best option out of other alternatives due to their limited understanding. Because of human beings’ innate imperfection, which Leibniz calls “an original imperfection in the creature” (Leibniz, *Theodicy* 135), human beings’ faculty of perceiving and understanding is finite. In their imperfect perception and understanding, human beings cannot always know accurately which option is best for them. Therefore, Human beings choose what “appears” best to them, sometimes accidentally choosing suboptimal options because of their finite faculty of understanding. Moreover, according to Leibniz, some human beings will to commit sins due to their misunderstanding, which is why Leibniz argues that sins essentially arise from error (Leibniz, *Theodicy* 73). Therefore, human beings can avoid errors by obtaining purer understanding. As they can have purer understanding, they can more accurately see through the objects and more correctly judge circumstances around them, and thus they are able to make the better choice. Therefore, human beings can be freer as their understanding gets purer.

Leibniz argues that both individual human beings and God will to act in accordance with their own understanding. In his *The Confession of a Philosopher*, Leibniz writes, “Certainly the freedom of God is the highest kind, even though he cannot err in selecting the best, and that of the blessed angels was augmented, when they were no longer able to fall. Therefore, freedom comes from the use of reason, and insofar as reason is pure or, on the other hand, infected, we proceed correctly on the royal road of duties, or we stagger through a wasteland” (Leibniz, *Confessio Philosophi* 73). According to Leibniz, God is the only necessary and perfect being in this universe, and he is omnipotent and omniscient. With his perfect understanding and omniscience, God has always chosen the best from the infinite number of all the possibles. Leibniz believes that the current universe is the best of all

possible worlds (Leibniz, *Theodicy* 228). Whatever God has allowed to happen in this world has sufficient and necessary reasons behind it. As God wills to act in accordance with perfect understanding, he always acts in the best way, which means that he is absolutely free.

Leibniz also argues that as the current universe is the best of all possible ones, individual human beings have to be satisfied with the present universe and their present situations. In his *The Confession of a Philosopher*, Leibniz writes, “Hence, it is characteristic of one who loves God to be satisfied with the past and to strive to make the future the best possible. Only one who is disposed in this way has attained the peace of mind that rigorous philosophers urge, and that resignation of all matters in God that the mystical theologians urge... Thus, whoever hates nature, the present state of things, the world, hates God. Whoever wants things to be otherwise prefers a different God. *Whoever dies malcontent dies a hater of God*” (Leibniz, *Confessio Philosophi* 91). Leibniz urges individual human beings to do two things – being content with the present situation while striving to make the best possible choice in the future. Because God does not make any errors and mistakes in his decision, this present universe is the best of all possible ones; he has only permitted what is most beneficial and best to the universe. Whoever grumbles against the present situation and wishes to live in a different world other than the present one is the one who not only doubts the omnipotence and omniscience of God but also mistrusts the goodness of God. Leibniz argues that the one, who does not know God and thus mistrusts him, nonetheless hates him (Leibniz, *Confessio Philosophi* 91). Therefore, according to Leibniz, individual human beings need to acknowledge that the present world is the best possible one created by the perfect God, and thus to be content with their present situation.

Besides being content with the present situation, Leibniz argues that those who love God must strive to make the future the best possible. According to Leibniz, out of all created beings, human beings have the clearest faculty of perception in which they can know God

(Leibniz, *Philosophical Papers* 645). Moreover, God gives individual human beings the faculty of understanding to examine good and bad choices and to act in accordance with their judgment (Leibniz, *Confessio Philosophi* 137). Therefore, whoever fails to cultivate understanding appropriately and thus makes mistakes in one's decision out of free will is the one who not only wastes the precious endowment from God but also chooses to live like brutes. Therefore, it is crucial for individual human beings to refine their faculty of understanding as much as possible, and thus to make the future the best possible as much as they can. In order to make the future the best possible with their free will directed by understanding, Leibniz gives individual human beings some advices. First of all, Leibniz urges human beings to keep their understanding away from the excessive influences of passions. Unless individual human beings' understanding is obscured by passions, it is impossible for them to err in thinking and to commit mistakes (Leibniz, *Confessio Philosophi* 73). Furthermore, Leibniz encourages human beings to block the influence of prejudices and inveterate customs engraved on their minds due to prejudices that both can make them act before having sufficiently reasoned (Leibniz, *Confessio Philosophi* 139). Therefore, individual human beings need to set themselves free from passions, prejudices and inveterate customs in order to make the future the best possible through their free will directed by understanding.

Moreover, Leibniz argues that as understanding strongly influences individual human beings' free will, it would be ideal if the sovereignty of the civil state belongs to the wisest person in the state. In his *Letter to Landgraf Ernst of Hesse-Rheinfels*, Leibniz writes, "It is to be hoped that the most powerful be always the most wise, or that the most wise be the most powerful" (Leibniz, *Political Writings* 186). Leibniz argues that if several men found themselves in a single ship on the open sea, the head of the ship, or the pilot, should belong to the wisest, or who is most expert at seafaring (Leibniz, *Political Writings* 192). If the

sovereignty of states belongs to the one whose understanding is obscured by passion, the state could possibly undergo great perils such as unjust warfare against other nations and the death of innocent citizens. Therefore, according to Leibniz, the end of state should be to make a hero of eminent wisdom the king if it is about monarchy, and to give the government to the wisest and the most experienced men if it is about aristocracy (Leibniz, *Political Writings* 193). Also, rulers must always strive to cultivate higher understanding in order to make the best decision out of all alternatives to protect the welfare of the states.

4.2 Leibniz's Justification of Punishment

According to Leibniz, when individual human beings commit sins out of their free will, God punishes them accordingly because he is absolutely just. However, God does not punish them merely out of anger nor because he is offended, but rather he punishes them for the sake of harmony in the universe. According to Leibniz, the existence of sin and punishment is for the sake of harmony. In his *Letter to Magnus Wedderkopf*, Leibniz writes, "Sins are evil, not absolutely, not with respect to the world as a whole, not with respect to God – otherwise he would not permit them – but with respect to the sinner. God hates sins, not in the sense that he cannot bear the sight of them, as we cannot bear the sight of what we detest – otherwise he would eliminate them – but because he punishes them. Taken together with punishment or atonement, sins are good, i.e., harmonious. For there is no harmony except as a result of contraries" (Leibniz, *Confessio Philosophi* 5). With his omniscience, God foreknew that individual human beings would misuse their free will, but he permitted it as his general plan required this (Leibniz, *Theodicy* 290). According to Leibniz, the existence of sins is not due to divine will but rather belongs to the divine understanding (Leibniz, *Confessio Philosophi* 41). Leibniz believes that the ideas of all possible things are within God's intellect. These ideas are the essence and the logical structure of this world, which are

not contradictory to each other. The ideas of right (or just) and wrong (or unjust) are also within God's intellect. Likewise, the idea of sins is within God's intellect. God neither wills in favor of the sin's existence nor wills against it, but rather the sin exists because God exists and understands it (Leibniz, *Confessio Philosophi* 63). God permits the sin in this universe for the sake of harmony. As we can know the brightness of light only in contrast with darkness, human beings can acknowledge the supreme justice and goodness of God by comparing it with the vileness of the sin within human beings. Moreover, Leibniz believes that when the sin is taken together with the punishment or atonement, it can contribute to increase harmony in the universe. Justice of this universe can be accomplished when rewards and punishments are distributed to individual human beings in accordance with their previous acts. The sin by itself as a part of the universe is dissonance. However, when it conjoins with punishment and other parts of the universe, it can generate harmonious totality of things in the universe. Moreover, as I stated earlier, this current universe is the best of all possibles created by an omnipotent and omniscient God. God permitted sin in this universe because he knew the universe with sins and punishments is better than the universe without them since it has a greater variety in unity.

As the harmony of the universe is not realized by the sin in itself but achieved when the sin is punished, Leibniz argues that all sins are punished accordingly in the end. In his *Codex Juris Gentium Diplomaticus*, Leibniz writes, "His power and providence bring it to pass that every right passes over into fact, that no one is injured except by himself, and that no right deed is without its reward, no sin without its punishment" (Leibniz, *Philosophical Papers* 423). According to Leibniz, every sin is punished and every good deed is rewarded; sins and good deeds that are not punished and rewarded in this life will be punished and rewarded in the afterlife. This is possible as the concept of justice is continuous in this life and the afterlife – the justice of piety, which I explained in the first chapter about Leibniz's

justice. Piety is the highest degree of justice which includes all other virtues. Moreover, this universal justice, piety, presupposes the immortality of human beings' souls (or spirits) who live in the perfect monarchy governed by God. As justice is continuous in this life and the afterlife, what is not punished in this life will be punished in the afterlife. Therefore, in the concept of Leibniz's justice, no right deed is without its reward and no sin is without its punishment.

In the perfect monarchy governed by God, all sins must be punished for the sake of harmony of the universe. According to Leibniz, there are three measures (or purposes) within punishment in the perfect monarchy governed by God: deterrence, amendment and the balance of the universe. In his *Theodicy*, Leibniz writes, "Then, in the fourth place, since experience proves that the fear of chastisements and the hope of rewards serves to make men abstain from evil and strive to do good, one would have good reason to avail oneself of such, even though men were acting under necessity, whatever the necessity might be" (Leibniz, *Theodicy* 160). In this statement, Leibniz talks about the role of deterrence in punishment. The fear of chastisement can prevent individual human beings from committing sins and crimes. However, in order for the role of deterrence to be effective, the fear of chastisement should outweigh benefits from transgressions. The second measure of punishment is amendment; Leibniz says, "To make men better, God does all that is due, and even all that can be done on his side without detriment to what is due. The most usual aim of punishment is amendment; but it is not the sole aim, nor that which God always intends." (Leibniz, *Theodicy* 200). According to Leibniz, through punishment, human beings have opportunities to become better citizens in the state where they live in this life as well as in the perfect monarchy governed by God in the afterlife. During the time of punishments, transgressors can reflect on their previous behaviors and can resolve not to make same mistakes again. Moreover, punishments can provide individual human beings a time to fix their temperaments

if they are inclined to commit sins, which they would not voluntarily do so without punishment.

The third and last measure of punishment is the balance of the universe. In his *Theodicy*, Leibniz writes, “There is, however, a kind of justice and a certain sort of rewards and of punishments which appear not so applicable to those who should act by an absolute necessity, supposing such necessity existed. It is that kind of justice which has for its goal neither improvement nor example, nor even redress of the evil. This justice has its foundation only in the fitness of things, which demands a certain satisfaction for the expiation of an evil action. The justice has its foundation only in the fitness of things, which properly speaking is avenging justice” (Leibniz, *Theodicy* 161). This measure of punishment also matters for the interest of the victims of crimes and sins. According to Leibniz, the damage and loss of the victims should be balanced by satisfaction out of punishment upon the culprit. Moreover, the punishment upon the sinners gives satisfaction not only to the injured but also to the wise as it contributes to the harmony of the universe (Leibniz, *Theodicy* 161). As the wise gets content with a beautiful piece of music and a good piece of architecture, the cultivated minds of the wise is satisfied when justice is realized through the punishment upon sinners. It is because of this balance of the universe that sinners should be punished even if the punishments do not avail to correct them. Through the punishment upon the sinners, it not only gives satisfaction to the injured and the wise, but also it enlarges harmony within the universe.

However, even though every sin is punished in this or the afterlife in the end, human beings’ souls are never eternally damned unless they will to commit sins eternally. In his *The Confession of a Philosopher*, Leibniz writes, “I understand this in the following way. Just as whatever is moved never stays in place but nevertheless always tends toward a place, in the same way they are never damned in such fashion that they could not stop being worthy of

damnation if they willed it, i.e., they are always damning themselves anew” (Leibniz, *Confessio Philosophi* 83). Leibniz argues that the souls of human beings never stay in the same place, but it either goes higher (toward perfection) or goes lower (toward imperfection or away from perfection). According to Leibniz, pleasure is nothing but a feeling of growing in perfection; if human beings become more perfect, they experience pleasure (Leibniz, *Political Writings* 83). Those who are blessed continue to increase perfection within themselves and thus augment pleasure out of it, while those who are damnable continue to lessen perfection within themselves and thus augment sadness out of it (Leibniz, *Confessio Philosophi* 85). As the souls of human beings are immortal, they become neither damned absolutely nor blessed absolutely. Even after the death of their bodies, the souls of human beings never stay in the same place; they go either toward perfection or away from perfection. Therefore, the posthumous souls who are worthy of damnation have always opportunities to go toward higher perfection (feeling pleasure out of it), and thus become less damnable and more blessed, if they will to do so. In Leibniz’s concepts of justice and metaphysics, there is no place like Heaven and Hell where the souls of human beings are absolutely damned or absolutely rewarded. After the death of human beings, the souls either increase in perfection (become more blessed and feel pleasure) or decrease in perfection (become more damnable and feel sadness).

As individual human beings do not become damnable unless they have chosen to do so, they are responsible for their state of being damnable. In his *The Confession of a Philosopher*, Leibniz writes, “However, a man, sinning mortally, knows that what he does is contrary to the general good, as far as he is able to judge, and that what he does *cannot be reconciled with the general good except through his own punishment*. Since he hates his own punishment and yet wills the action, it follows that he hates the general good, i.e. the governance of the world, and so he sins mortally” (Leibniz, *Confessio Philosophi* 65).

According to Leibniz, although God is the ground of sins, the ultimate moral cause belongs to individual human beings (Leibniz, *Confessio Philosophi* 41). As God gives human beings both the will and understanding, individual human beings not only are capable to act out of their free will, but also have the ability to know what the law is and what the consequences are of violating it. However, although they know the moral standard and the law, these individual human beings choose to act against them in order to achieve what appears best to them. Therefore, according to Leibniz, sinners, or lawbreakers, are responsible for their transgressions as they choose to act against the general good and the law while they are conscious of them. This is another point of Leibniz's justification of punishment; the violation of law is the sufficient reason for punishment as transgressors break the law while they are conscious of the existence of the law and following punishments (Leibniz, *Theodicy* 289).

As human beings will to commit crimes and sins while they know of the existence of the law and its punishment, the sovereign rulers of the state play significant roles to help their citizens to repress their desires to commit sins through strong civil law and severe punishment. In his *Portrait of the Prince*, Leibniz writes, "Thus princes must be above their subjects by their virtue, and by their natural qualities, as they are above them by the authority which the laws give them to reign according to natural law and civil law" (Leibniz, *Political Writings* 85). According to Leibniz, rulers have the authority over their subjects through civil law. The rulers have a duty to preserve the welfare of their states by maintaining the order within the states through strong civil law. Unlike punishments in the posthumous life which is invisible to the eyes of human beings, punishments inflicted on the transgressor of civil law is manifestly visible to them. Through civil law, the rulers can not only maintain the welfare of the states but also keep their subjects from committing sins through the fear of punishments. In human beings' free will, their actions are always directed by their understanding. If

individual human beings can anticipate through their understanding that the sufferings of punishment from the state outweigh the benefits from their sinful actions, they would not will to sin. Therefore, as the rulers play important roles to prevent their subjects from willing to commit sins, they are supposed to ensure civil law not to be arbitrary and to be aligned with justice.

4.3 Right Cannot Be Unjust

Even though rulers can help their citizens not to commit sins through civil law, unfortunately, civil law is not always congruous with justice. In his *Portrait of the Prince*, Leibniz writes, “It may happen, however, that though nature wishes that those to whom she has given many great qualities and who have the most virtue always rule over others, the laws of many states ordain, on the contrary, that children be the heirs of the goods and of the power of their fathers, because, as a result of the prudence of legislators and of human weakness, the civil law is often contrary to natural law” (Leibniz, *Political Writings* 85). But even if the princes of states are the wisest individuals in their states, they are always vulnerable to make mistakes as they are not perfect like God. As their faculty of understanding is finite, what they judge to be best to the states is sometimes not beneficial to the states at all; thus, they can make some mistakes in legislating civil laws as well. Moreover, even though it is ideal that the individual with the highest understanding be the ruler of the state, it is not always the case; sometimes, the one whose understanding is obscured by passions and desires takes over sovereignty of the state. This ruler can will to declare unjust warfare out of his or her passions and selfish ambitions without just and sufficient reason to do so. Therefore, because civil law is not always congruous with justice and natural law, it is dangerous to assume that justice depends on civil law or on the will of rulers as Pufendorf argues.

Strongly opposing that view, Leibniz argues that justice does not depend on arbitrary will of superiors, not even on God's will but rather on God's divine intellect. In his *Reflexions on the work that Mr. Hobbes published in English on 'freedom, necessity and chance,'* Leibniz writes,

“It is therefore the doctrine either of blind power or of arbitrary power, which destroys piety: for the one destroys the intelligent principle or the providence of God, the other attributes to him actions which are appropriate to the evil principle. Justice in God, says Mr. Hobbes (p.161), is nothing but the power he has, which he exercises in distributing blessings and afflictions. This definition surprises me: it is not the power to distribute them, but the will to distribute them reasonably, that is, goodness guided by wisdom, which makes the justice of God. But, says he, justice is not in God as in a man, who is only just through the observance of laws made by his superior. Mr. Hobbes is mistaken also in that, as well as Herr Pufendorf, who followed him. Justice does not depend upon arbitrary laws of superiors, but on the eternal rules of wisdom and of goodness, in men as well as in God” (Leibniz, *Theodicy* 403)

Leibniz strongly criticizes both Hobbes and Pufendorf who argue that justice depends on the civil law of sovereign rulers of the state. As I stated in the first chapter, Leibniz believes that justice is within God's divine intellect. This Leibniz's argument that justice comes from God's divine intellect is closely connected with his argument on free will. In contrast to Pufendorf's voluntarism, Leibniz believes that God always acts in accordance with his understanding; behind every of his action, God has reason to do so. God acts in a just way because he believes it is just; it is not good and just because God wills it, but God wills it because it is good and just. Therefore, according to Leibniz, as justice of human beings and God are essentially the same but differ in degree (Leibniz, *Political Writings* 48), justice which governs human beings does not depend on arbitrary civil law, but it depends on God's intellect, which is certain and determined.

Leibniz strongly disapproves Pufendorf's arguments upon voluntarism and concept of justice because he believes that Pufendorf's ideas are dangerous to the states and individual human beings. In Pufendorf's voluntarism and concept of justice, no criticism is allowed on any civil law given by rulers. In his *The Common Concept of Justice*, Leibniz writes, “Similarly, to say that ‘just’ is whatever pleases the most powerful is nothing else than

saying that there is no certain and determined justice which keeps one from doing whatever he wants to do and can do with impunity, however evil it may be” (Leibniz, *Political Writings* 47). In Pufendorf’s idea of justice, citizens are not able to criticize their rulers even if the rulers enact civil law to arbitrarily despoil, torture and kill the innocent. Because justice depends on the civil law of rulers, the citizens cannot complain about it, however evil it may be. In contrast to Pufendorf’s idea of justice, Leibniz’s concept of justice allows criticism on civil law when it goes astray from determined justice; Leibniz says, “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” (Leibniz, *Political Writings* 50). According to Leibniz, civil law can be evil when rulers apply their power to enact civil law without just reason. Therefore when civil law is not aligned with justice and thus increases the misery of some subjects of the state, it is necessary to change them to make it congruous with justice, and thus increase the happiness of the subjects of states (Leibniz, *Confessio Philosophi* 87).

4.4 The Right of Resistance

Even though Leibniz argues that civil law can be criticized when it goes astray from justice, he does not openly approve rebellion against established power. In his *Letters to Landgraf Ernst of Hesse-Rheinfels*, Leibniz writes, “As for the question, whether subjects can resist the sovereign power and in what cases, I am strongly of the opinion of Grotius, and I believe that as a rule resistance is forbidden to them. For ordinarily the evil of rebellion is greater than that which one claims to remedy...I also remain in agreement with Grotius, that one can resist a tyrant in some circumstances, when he is a monster who seems to have vowed public ruin” (Leibniz, *Political Writings* 187). Leibniz argues that the citizens have to tolerate sufferings under bad rulers as much as possible because rebellion is more dangerous

and devastating than bad governments. Rebellion often times gets too violent, causing many deaths of innocent ones without bringing any benefit to citizens. However, Leibniz condones rebellion against established rulers when it is manifested that rulers are determined to destroy the welfare of states; nonetheless, rebellion should be acted with moderation and judiciousness (Leibniz, *Political Writings* 185). Even though he condones rebellion in extreme cases, Leibniz still argues that citizens should not rebel against rulers without extreme necessity and strong conviction that they can establish better states; Leibniz says, “But when a [certain] order has been established, one should not overturn it without extreme necessity and without being sure of succeeding in it *pro salute publica*, in a way which does not cause worse evil (Leibniz, *Political Writings* 192). In addition, Leibniz showed his compassion to peasants who lived in very poor and horrible conditions. Leibniz argues that these peasants could justify their rebellion if it could be granted that it would be a successful one and if it were guaranteed that something better would come out of their rebellion (Leibniz, *Elementa Juris Naturalis* N. 123, 456). However, as they are so uneducated, they would not get anything better out of their rebellion. Therefore, it is better for them to tolerate their horrible living condition than to rebel and put themselves into much bigger confusion and sufferings.

Conclusion

As we can see, Leibniz strongly opposes Pufendorf’s idea of free will, justice and some respects of punishment. All of Leibniz’s argument is based on his idea of perfection and harmony of the universe. Individual souls are striving for perfection, and God allows them to act out of free will in order to make them contribute to perfection and harmony within the universe. God permits sins in this world because it contributes to the totality of harmonious

things in the universe. God punishes sinners not out of anger nor because he is offended but in order to maintain justice and harmony in the universe. As we can see, Leibniz idea of free will, punishment and justice are all related to his idea of perfection and harmony within the universe.

Conclusion

As we can see, these two moral philosophers of the 17th century – Leibniz and Pufendorf – hold opposite positions about justice and natural law although we can also recognize many similarities in their ideas. The 17th century is the important transient period of history of philosophy, succeeding the Renaissance philosophy era and preceding the Age of Enlightenment; in this era, both Christian dogmatism and rationalism were prevalent. These two moral philosophers of the 17th century chose an empirical versus a rationalistic approach within their shared field of the study of philosophy of morals and law. Also, while they both believed in the fundamental dogmas of traditional Christian doctrine as Lutherans, they developed different interpretations of it as a result of their concepts of God and God's will, and their views about the relation of reason and revelation.

They both accept Christian mysteries such as the Trinity and the Eucharist in Lutheran interpretation, and they believe that human beings cannot understand the mysteries through the exercise of their reason alone but have to rely on the divine revelation to know them. In moral philosophy, they believe that natural law is given by God to human beings, and that human beings can acknowledge it through the exercise of their reason. Moreover, as early enlightenment philosophers, they both take human beings' striving for self-preservation as their starting point to their study of moral and legal philosophy, and try to compromise it with individuals' willing to live with others (or being social), albeit in very different ways. Finally, in the concept of civil law and punishment, both Leibniz and Pufendorf agree that punishment is an essential part of civil law; punishment works as a deterrent, in which human beings who are reluctant to keep the law will at least reluctantly obey it out of the fear of punishment.

Besides these similarities though, there are some strong differences between the ideas of Leibniz and Pufendorf as we could see throughout this paper. The discrepancy in their

ideas mainly originates from their different approaches in their studies – a rationalistic approach and an empirical approach. Leibniz is a rationalist who believes that we can attain knowledge by exercising reason, whereas Pufendorf is an empiricist who believes that we can attain knowledge through the observation of nature and the human condition. These different philosophical approaches make them have different views on our capacity to know God. Leibniz believes that we can know God sufficiently through the exercise of our reason by understanding the marvels of reason (the idea of justice, logic, mathematics, etc.) and the marvels of nature (the system of the universe, the structures of bodies, etc.). In contrast to Leibniz, Pufendorf believes that human reason is too finite to know God sufficiently who is beyond natural explanation. This difference of Leibniz's and Pufendorf's ideas is mainly due to their views on the limits and objects of reason; Pufendorf believes that our reason only avails to know natural things that can be observed, whereas Leibniz believes that our reason can know things beyond the natural world. These different views on human beings' faculty of understanding profoundly affects their ways of compromising human beings' innate inclination for self-preservation and their willing to help others.

After observing the existence of society throughout the human history, Pufendorf introduces the concept of sociability as a second innate inclination of human beings. He takes human beings' inclination for sociability for granted by arguing that this principle is enjoined to human beings by God, just as the first principle is – the striving to persevere. In this Pufendorf's argument, there is no rational explanation about how these two contradictory principles can work together. He just observes human beings' selfishness on the one hand and the existence of society on the other, and introduces these conflicting principles as two principles of human beings in their natural state. Unlike Pufendorf, Leibniz, as a rationalist, endeavors to rationally justify how the human beings who each strive to persevere can nonetheless help others, without an innate principle of sociability. Leibniz finds a solution in

love; love is to feel pleasure out of the happiness of others. In Leibniz's definition, love is rewarding to the lover; human beings love others because of their own pleasure in them, which is consistent with the human beings' inclination for self-preservation. Leibniz can avoid arbitrarily introducing an innate principle of sociability by rationally deducing human beings' motivation to help other people.

As we can see Leibniz and Pufendorf have both similarities and differences in their ideas. Leibniz wants to establish a system by which justice is established objectively, independent of the circumstances and of any positive law. The concept of justice can be known by human reason and positive law should be made such that it approaches justice as much as possible under any given circumstances. Justice is the love of the wise. In contrast, Pufendorf bases the concept of justice to the will of the supreme power in any given state leaving it to the unknown will of God to punish rulers he judges as unjust in the afterlife, unknown to us too. Justice is what is action in agreement with civil law while all bad intentions and all bad actions of rulers are up to the afterlife and God's judgment. In short, Leibniz believes that justice is an absolute and immutable virtue, which is independent from civil law; the law can be wrong and unjust, but justice cannot be wrong. Therefore, the law should be as close to justice as possible. In contrast, Pufendorf believes that justice is a relative and conventional concept which is made by human beings; justice depends on civil law and the will of the sovereign.

These two opposite ideas of justice as they are represented by Leibniz and Pufendorf, are still influential and discussed in our present time. The notable example is Nuremberg Trials, where political and military leaders of Nazi Germany were persecuted for their war crimes during World War II. After the Nazi Party legally and rightfully seized the power through democratic election, the Nazi promulgated various sets of the law which were used to justify their horrendous war crimes. In the trials, some of defendants argued that they could

not recognize the verdict of guilty since they had just followed the martial law given by the lawmaker of their state and the orders of their superiors during the war. The same line of argument was taken by Adolf Eichmann when put on trial in Israel. The cases of these trials might be too extreme to appropriately apply the different ideas of justice held by Leibniz and of Pufendorf although Pufendorf's ideas clearly allow for such a strategy of defense. Still in our present time, we are surrounded by many moral and social issues where these two opposed ideas about justice conflict with each other, and these issues substantially influence our daily lives. Therefore, I personally think, it is worthwhile to study these two opposite positions of Leibniz and Pufendorf before investigating various social and moral issues in our time.

Bibliography

- "Adolf Eichmann's Final Plea." *Remember.org*, 30 April. 1997,
<http://remember.org/eichmann/ownwords>. Accessed 20 Mar. 2017
- Döring, Detlef. "Leibniz's critique of Pufendorf: A dispute in the eve of the Enlightenment." *The Practice of Reason*, edited by Marcelo Dascal, John Benjamins Publishing Company: Amsterdam, 2009, pp. 245-272.
- Goldenbaum, Ursula. "It's Love! Leibniz' Concepts of Love and Justice as Results of His Struggle With Hobbes' Naturalism." *The Philosophy of the Young Leibniz (= Studia Leibnitiana, Sonderheft)*, edited by Mark Kulstad and Mogens Laerke, Stuttgart: Steiner, 2008, 249-266.
- Hobbes, Thomas. *Leviathan The Matter, Forme & Power of a Common-Wealth Ecclesiastical and Civil*. The Floating Press: Auckland, 2009.
- Leibniz, Gottfried Wilhelm. "Elementa Juris Naturalis" in *Gottfried Wilhelm Leibniz, Sämtliche Schriften und Briefe*. Reicht: Darmstadt, 1930.
- Leibniz, Gottfried Wilhelm. *Political Writings*. 2nd ed. Translated by Patrick Riley, Cambridge University Press: Cambridge, 1988.
- Leibniz, Gottfried Wilhelm. *Philosophical Papers and Letters*. 2nd ed. Translated by Leroy E. Loemker, Kluwer Academic Publishers: Dordrecht, 1989.
- Leibniz, Gottfried Wilhelm. *Confessio Philosophi Papers Concerning the Problem of Evil, 1671-1678*. 1st ed. Translated by Robert C. Sleigh Jr., Yale University Press: New Haven, 2006.
- Leibniz, Gottfried Wilhelm. *Theodicy: Essay on the Goodness of God, the Freedom of Man and the Origin of Evil*. 1st ed. Translated by E.M. Huggard, Coismo, Inc: New York, 2009.
- Look, C. Brandon. *Gottfried Wilhelm Leibniz*. Stanford University, 24 Jul. 2013,

<https://plato.stanford.edu/entries/leibniz/>. Accessed 17 Mar. 2017.

Pufendorf, Samuel von. *On the Duty of Man and Citizen*. 2nd ed. Translated by Frank Gardner Moore, Oceana Publications: New York, 1964.

Pufendorf, Samuel von. *The Political Writings of Samuel Pufendorf*. 1st ed. Translated by Michael J. Seidler, Oxford University Press: New York, 1994.

Pufendorf, Samuel von. "Commentatio Super Invenusto Pullo." *Gesammelte Werke*, edited by Wilhelm Schmidt-Biggemann, Akademie Verlag: Berlin, 1995, vol. 5.

Seidler, Michael. *Pufendorf's Moral and Political Philosophy*. Stanford University, 3 Nov. 2015, <https://plato.stanford.edu/entries/pufendorf-moral/>. Accessed 17 Mar. 2017.

Vermeulen, Han F.. *Before Boas*. University of Nebraska Press: Lincoln, 2015.

Youpa, Andrew. *Leibniz's Ethics*. Stanford University, 31 Oct. 2016,

<https://plato.stanford.edu/entries/leibniz-ethics/>. Accessed 10 Feb. 2017.