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Justice as Universal Charity: The Case of Leibniz

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I: Iustitia Caritas Sapientis

It is worthwhile to try to recover a tradition of thinking about justice which, since the eighteenth century, has largely disappeared from view: the tradition which defines justice as positive love and benevolence and “charity” and generosity, *not* as merely following authoritative sovereign law (as in Hobbes’ “legal positivism”)¹ or negatively “refraining from harm” (as in Roman law).

There is (or rather was) a tradition which one can roughly call “Christian-Platonic,” which is to be found in Augustine, Shakespeare, and Leibniz, which claims that justice should not content itself with mere law-observance (since law can be unjust) or with avoiding injury, and that love and charity as the first of the social virtues should be “ascended” to and embraced in a completely adequate theory of justice.

This Platonic-Christian tradition comes out in its first full form in Augustine’s *De Doctrina Christiana*, with its notion that the “just” man will feel ordered or measured love which is proportional to the moral perfection of fellow men.² Here St. Paul (I Corinthians xiii, “the greatest of these is charity”) supplies the element of love, and Plato supplies the geometrizing notions of order, measure, and proportion.³ The tradition carries on in Dante’s idea of “higher”

¹ See Thomas Hobbes, *Leviathan; or, The Matter, Forme and Power of a Commonwealth, Ecclesiasticall and Civill*, ed. Michael Oakeshott (Oxford: Basil Blackwell, 1946), ch. 13.

² Augustine, *De Doctrina Christiana*, I.27 (28a).

³ See especially Plato, *Philebus*, 66a–e.

Roman justice (“by love possessed”) in Canto VI of *Paradiso*.⁴ It continues in Portia’s great speech in *Merchant of Venice*, Act IV (“though [legal] justice be thy plea, consider this, that in the course of justice none of us should see salvation; we do therefore plead for mercy”), and in Isabella’s speeches in *Measure for Measure* privileging charity and mercy and generosity over sovereignty and the letter of the law;⁵ it culminates in Leibniz’s great effort, at the dawn of the Enlightenment, to say that justice rightly understood is *caritas sapientis seu benevolentia universalis* (“the charity/love of the wise, that is universal benevolence”).

Though this Platonic-Christian tradition was greatly weakened by Hume,⁶ Voltaire, and above all Kant—who invariably defined justice as “public *legal* justice” (“if public legal justice perishes it is no longer worthwhile for men to remain alive on this earth”)⁷—vestiges of the tradition are to be found in Wagner’s *libretti* (for example in Brünnhilde’s giving primacy to “higher” love at the expense of Fricka’s narrow legalism or Wotan’s sovereign caprice in *Die Walküre*),⁸ and still more in Freud’s demi-Platonic argument in *Civilization and Its Discontents* that we can and must “sublimate” our attachment to “genital eros” into benevolent love of civilization, even if we must thereby pay an almost intolerable psychological price.⁹

The importance of this tradition is evident. Justice has been understood as the first of the social virtues since Greek antiquity—seconded by Aquinas, who agreed with Aristotle that justice is “the morning and the evening star,”¹⁰ and in our time by John Rawls¹¹--and love

⁴ Dante, *Paradiso*, canto 6, lines 10–12.

⁵ *The Merchant of Venice*, ed. W. J. Craig (New York: Oxford University Press, 1931), 6.1.184–192; *Measure for Measure*, 2.2.108–114. References are to act, scene, and line.

⁶ See David Hume, *Treatise of Human Nature*, book 3, ch. 1, “Moral distinctions not derived from reason.” And yet Hume does say that if benevolence were universal—a psychological impossibility—mere legal justice would be superfluous.

⁷ Immanuel Kant, “Rechtslehre” in *Werke*, ed. Ernst Cassirer (Berlin: Bruno Cassirer, 1922), vol. 7, 135.

⁸ Richard Wagner, libretto for *Die Walküre*, act 2, scene 5 (“Todesverkündigung”) and act 3, scene 3.

⁹ Sigmund Freud, *Civilization and Its Discontents*, trans. James Strachey (London: Hogarth Press, 1961), 60–64.

¹⁰ Thomas Aquinas, *Summa Theologica* II-II, sec. 57 (“Justice”).

(charity) has always been ranked highest among human feelings and emotions. The ingeniousness of the Christian-Platonic tradition is that it makes justice and love *both* “first”—by saying, with Augustine, that justice is “measured” or “ordered” love (proportional to moral perfection), or by saying, with Leibniz, that justice is “the charity of the wise, that is universal benevolence.” This tradition, largely eclipsed since the Enlightenment, is too important to let go: one can hope, indeed, that the intuitive moral attractiveness of the idea of “justice as love and benevolence” can receive a new lease of life through a sympathetic re-examination of a view which was powerful enough to prevail from Plato to Leibniz, and whose vestiges still glimmer in Wagner and Freud.

II: Ecumenism and Religious Re-unification

Leibniz’s central practical idea is that “universal” justice is a positive, other-aiding *caritas sapientis seu benevolentia universalis* (“the charity of the wise, that is, universal benevolence”).¹² This justice “contains” or encloses *all* of the moral virtues¹³, and relates to “the common good” *or* “the perfection of the universe” *or* “the glory of God.” These three distinct things are morally equivalent in the sense that in working with wise charity for the common good of humanity one is following the “presumptive will” of God as just monarch of the best of all possible worlds.¹⁴

Leibniz’s first published defense of justice as *caritas sapientis* appears in the *Codex Iuris Gentium* (1693):

¹¹ John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), 15–18.

¹² Gottfried Wilhelm Leibniz, *Codex Iuris Gentium*, “Praefatio,” 11–12, in *Politische Schriften* [*Sämtliche Schriften und Briefe*, Reihe IV], vol. 5, ed. Hartmut Rudolph, (Berlin: Akademie Verlag, 2004). English version in *Political Writings*, trans. Patrick Riley (Cambridge: Cambridge University Press, 1982), 171–72.

¹³ Leibniz, *Elementa iuris perpetui*, in *Scritti politici e di diritto naturale*, ed. Vittorio Mathieu (Turin: UTET, 1965), 192 ff.

¹⁴ *Ibid.*

A good man is one who loves everybody, so far as reason permits. Justice, then, which is the virtue which regulates that affection which the Greeks call philanthropy, will be most conveniently defined . . . as the charity of the wise man, that is, charity which follows the dictates of wisdom Charity is a universal benevolence, and benevolence the habit of loving or of willing the good. Love then signifies rejoicing in the happiness [or perfection] of another . . . the happiness of those whose happiness pleases us turns into our own happiness, since things which please us are desired for their own sake.¹⁵

And then slightly later, in *La véritable piété*—from 1710, the year of the *Théodicée*, “the justice of God”—Leibniz indicated what his view of justice entails:

[T]hose who . . . reduce justice to [legal] rigor, and who fail altogether to understand that one cannot be just without being benevolent . . . in a word, not only those who look for their profit, pleasure, and glory in the misery of others, but also those who are not at all anxious to procure the common good and to lift out of misery those who are in their care, and generally those who show themselves to be without enlightenment and without charity, boast in vain of piety which they do not know at all, whatever appearance they create.¹⁶

For Leibniz perhaps the highest or widest form of *caritas sapientis* or *benevolentia universalis* is to be found in religious reconciliation, unity, and concord within three ever-outward-expanding spheres or circles: (1) reconciliation of Protestants (“Lutherans” and “Calvinists”) in Germany,¹⁷ (2) reconciliation of Protestants and Roman Catholics in Europe,¹⁸ and (3) reconciliation of Christians with all other rational beings (for example the Chinese, as recommended in *Novissima Sinica* [1697]).¹⁹

In the period from May to December 1699, Leibniz was at work on the great irenical treatise called “Unvorgreifliches Bedencken” (“Unprejudiced Thoughts”) on Lutheran-Calvinist *rapprochement* which he had begun early in 1698 with his friend and colleague the Lutheran

¹⁵ Leibniz, *Codex Iuris Gentium*, 274–75 [*Political Writings*, 171].

¹⁶ Leibniz, “La véritable piété” in *Textes inédits*, ed. Gaston Grua (Paris: Presses Universitaires de France, 1948), vol. 2, 499ff.

¹⁷ See above all Paul Schrecker’s wonderful “Introduction” in *Leibniz: Lettres et fragments inédits*, ed. Paul Schrecker (Paris : F. Alcan, 1934), 34ff.

¹⁸ See especially the Leibniz-Bossuet correspondence in *Oeuvres*, ed. F. de Careil (Paris: Firmin Didot Frères, 1859–75), vol. II [available at <http://books.google.com/books?id=HIw9AAAAAYAAJ>].

¹⁹ Leibniz, *Writings on China*, trans. Daniel J. Cook and Henry Rosemont, Jr. (Chicago: Open Court, 1994), 45ff. See also my essay, “Leibniz’ Political and Moral Philosophy in the *Novissima Sinica*,” in *Das Neueste über China: G.W. Leibnizens Novissima Sinica von 1697* [*Studia Leibnitiana Supplementa*, vol. 33], ed. Hans Poser and Wenchao Li (Stuttgart: F. Steiner, 2000), 239–57.

Abbot of Loccum, Gerhard Wolter Molanus²⁰. While collaborating on the “Unprejudiced Thoughts,” Leibniz and Molanus exchanged a number of important letters; and a crowning glory of their correspondence is Leibniz’s remarkable letter of October 1699 urging that *hyper-Calvinist* notions of groundless, extra-reasonable “election” and “salvation” (regardless or merit and desert) can degenerate unto unjust, uncharitable “tyranny.”²¹

To conciliate the Evangelical and the Reformed churches (Leibniz refused to use the names “Lutheran” and “Calvinist,” which he considered too personal and partisan, and too inimical to charitable transcending of “schism”²²), it would be sufficient to find minimal acceptable common ground between those churches.²³ Leibniz, however, pursues not the prudent minimum but the radical maximum in the “Unprejudiced Thoughts”. He bases his argument not on a narrow common ground acceptable only to (closely related) Protestant sects, but on the notion of that which is necessarily, universally true and/or right for all rational beings in the universe. And that is why he closely paraphrases Plato’s dialogue *Euthyphro* (without naming it) in the key paragraph of the “Unprejudiced Thoughts”, for the point of the *Euthyphro* is that even the gods themselves see and know and chastely love the “eternal verities” (mathematical and moral) which are valid for all “minds” in the cosmos, and thus don’t cause or make eternal truth by decree or a so-called “absolute” will.²⁴

This Platonizing moral universalism, which Leibniz was to turn against both radical Cartesian voluntarism and Calvinist “absolute decrees” (as will be seen shortly), was the basis of

²⁰ On this point see the invaluable remarks of Schrecker in *Leibniz: Lettres et fragments inédits*, 47ff.

²¹ Leibniz, Letter to Molanus (October 1699), in *Allgemeiner, politischer und historischer Briefwechsel* [Sämtliche Schriften und Briefe, Reihe I], vol. 17, ed. Nora Gädeke (Berlin: Akademie Verlag, 2001), 428ff.

²² *Leibniz: Lettres et fragments inédits*, 96; see also *Allgemeiner, politischer und historischer Briefwechsel*, vol. 17, 610.

²³ See Leibniz, *Allgemeiner, politischer und historischer Briefwechsel*, vol. 14, ed. Gerda Utermöhlen (Berlin: Akademie Verlag, 1993), 690–91.

²⁴ Plato, *Euthyphro* 9e–10e.

his *jurisprudence universelle* of “wise charity” and “universal benevolence”, which urges that “the whole of practical theology is indeed nothing other than a species of the highest jurisprudence, that is the right of God [*de jure Dei*]”. While each earthly *respublica* “has its own jurisprudence, so to speak,” these individual justice-systems are subordinate to “the jurisprudence of the greatest city of all minds under the monarchy of God,” which is the “*optima Respublica*.”²⁵ And in a letter to the Florentine scholar Antonio Magliabechi from June 1698, Leibniz makes it clear that this universal justice in the “best commonwealth” has everything to do with “the nature of true love” or finding one’s own pleasure “in the felicity of others”. Universal *caritas* requires the wise love of God and of one’s neighbor.²⁶

It is not surprising that a professional law-expert with a doctorate in jurisprudence should view practical theology as a “species” of “the highest jurisprudence,” and that the same legal expert should write a theodicy [*theos-dike*, “the justice of God”], saying “it is the cause of God I plead.”²⁷ Indeed, Leibniz the “universal” juriconsult finds objectionable in a Calvinist “absolute” God the same things that a practicing lawyer would condemn in a court of law: “the damnation of an innocent, the taking back of divine promises, and the like, which would not be an *actus conformis justitiae*”—for it would be incongruent with “the goodness and the wisdom of God.”²⁸

One doesn’t really “need” Platonism simply to bridge the differences between Calvinists and Lutherans. Leibniz uses Platonism, which goes well beyond his immediate, limited irenical needs, precisely because of his “global Platonism” (as René Sève has aptly called it).²⁹ It is

²⁵ See Leibniz, *Allgemeiner, politischer und historischer Briefwechsel*, vol. 15, ed. Wolfgang Bungies (Berlin: Akademie Verlag, 1998), 137.

²⁶ *Ibid.*, 645.

²⁷ Leibniz, *Theodicy*, trans. E. M. Huggard (La Salle, Ill.: Open Court, 1985), 62.

²⁸ Leibniz, “Unvorgreifliches Bedencken,” in *Textes inédits*, vol. 1, 432–34.

²⁹ Leibniz, *Le droit de la raison*, ed. René Sève (Paris: J. Vrin, 1994), 18n1.

revealing, indeed, that Leibniz should fall back on Plato's *Euthyphro* when something more modest, less radical, would be sufficient. The theological fine-points of the "Unprejudiced Thoughts" are of greater interest to the history of theology than to the history of philosophy, but it is philosophically interesting that Leibniz should use Platonic rationalism to draw together two modern, north-European Christian sects. Tertullian had famously asked, "if we have Jerusalem, what need have we of Athens?"³⁰ Leibniz uses "Athens" to bridge quarreling sides of a divided "Jerusalem." He enlists Plato to mediate between Luther and Calvin—not surprisingly, given his view that "the doctrine of Plato concerning metaphysics and morality is holy and just . . . and everything he says about truth and the eternal ideas is truly admirable."³¹

In the history of philosophy the idea that the concept of justice, as an "eternal verity," is not a mere adjunct of power, that it is an idea whose necessary truth is at least analogous to the truths of mathematics and logic, is commonly associated with Plato. Now while it is not true that Leibniz was a Platonist in any doctrinaire sense—his clinging to Pauline "charity" and to Augustinian "good will" (*bona voluntas*) would have made that difficult—nonetheless he did agree with Plato on many points of fundamental importance. "I have always been quite content, since my youth," he wrote to Remand in 1715, "with the moral philosophy of Plato, and even in a way with his metaphysics; for those two sciences accompany each other, like mathematics and physics."³²

The Platonic work which Leibniz admired most—at least for use in moral and political philosophy and in theology—was clearly the *Euthyphro*, which he paraphrased again, almost literally in his most important work on justice, the "Meditation on the Common Notion of

³⁰ Tertullian, *De praescriptiones hereticorum*, ch. 7.

³¹ Leibniz, Letter to Huet (1679), in *God. Guil. Leinitii . . . Opera Omnia*, ed. Louis Dutens (Geneva: de Tournes, 1768), vol. 5, 458 ff.

³² Leibniz, Letter to Remand (February 11, 1715), in *Die Philosophischen Schriften von G. W. Leibniz*, ed. C. I. Gerhardt (Berlin: Weidmann, 1875–90), vol. 3, 637.

Justice.” In the *Euthyphro*, which deals with the question whether “the rules of goodness and of justice are anterior to the decrees of God” (in Leibniz’s words), Plato “makes Socrates uphold the truth on that point.”³³ And that truth is, as Ernst Cassirer puts it, that the good and the just are “not the product but the objective aim and the motive of his will.”³⁴

The opening lines of Leibniz’s “Meditation” on justice merely convert Platonic dialogue into straightforward prose:

It is agreed that whatever God wills is good and just. But there remains the question whether it is good and just because God wills it or whether God wills it because it is good and just: in other words, whether justice and goodness are arbitrary, or whether they belong to the necessary and eternal truths about the nature of things, as do numbers and proportions.³⁵

Leibniz then goes on, in the “Meditation,” to equate Hobbes with the Thrasymachus (*Republic* I, 338c) who had viewed justice not as geometrically “eternal,” but as the product of the will of the powerful.

Leibniz’s devotion to the doctrine of Plato’s *Euthyphro* is also clear in the slightly earlier “Unvorgreifliches Bedencken”, a work he wrote partly to counter the extreme Calvinist view that God creates everything *ex nihilo* through his “fullness of power” and creative “will” alone. One must consider, Leibniz now says, “whether the will of God really makes right, and whether something is good and right simply because God wills it, or whether God wills it because it is good and right in itself.” The radical voluntarist view of justice as a divine “product” Leibniz ascribes to a number of now-obscure Calvinist theologians, but also to those “strange Cartesians” who teach that that two times two makes four and three times three makes nine, for no other reason than that God wills it.³⁶

³³ *Theodicy*, 182, 240–41.

³⁴ Ernst Cassirer, *Leibniz’ System in Seinen Wissenschaftlichen Grundlagen* (Marburg: N. G. Elwert, 1902), 428–98.

³⁵ Leibniz, “Meditation on the Common Notion of Justice,” in *Political Writings*, 45.

³⁶ Leibniz, “Unvorgreifliches Bedencken.” Leibniz later deleted “*absonderlich Cartesianer*” from his manuscript.

But such a radically voluntarist position, for Leibniz, is as calamitous morally and theologically as it is mathematically: for on such a view “the *aeternae veritates* would have no certainty in themselves, and even the *bonitas et justitia dei* would be only extrinsic denominations, and in fact would be groundless, if their truth derived from God’s will alone.” Those who say, Leibniz adds, that “God wills the evil of punishment without regard to the evil of sin,” that he wills to “eternally damn” men even before “any of their sins come into play,” forget that such a view “in no way abides with God’s justice, goodness, and charity.”³⁷ (The last clause is a conscious re-working of I Corinthians 13, “Now abideth faith, hope, charity, these three;” Leibniz replaces “faith” and “hope” with two additional *moral* virtues.)

Leibniz’s insistence on God’s justice, goodness and charity as an antidote to “absolutism” and “tyranny” is brought out in a crucial paragraph of the “Unprejudiced Thoughts” in which Leibniz urges that:

the divine attributes must necessarily be compatible, or as it is explained by our theologians, harmoniously united [*harmonica*]. God, though he is not only charitable [*barmherzig*] but charity itself, can nonetheless undertake no exercise of it which goes against his justice—and also no exercise of his justice through which his charity would be left behind.³⁸

Any exercise of divine omnipotence [*Allmacht*], Leibniz goes on to say, must be limited by God’s “goodness” and “wisdom”—leading finally to “justice” [*Gerechtigkeit*]. This same *Gerechtigkeit* is insisted on by Leibniz, over and over, in his long and important letter to Molanus of July 18, 1698—especially in the paragraph in which Leibniz treats Christ as “a just judge” for charitably saving “the woman taken in adultery” (John VIII, 15) from the legal penalty of death by stoning, for benevolently saying, “Go, and sin no more.”³⁹

³⁷ Ibid.

³⁸ Ibid.

³⁹ Leibniz, Letter to Molanus (July 18, 1698), in *Allgemeiner, politischer und historischer Briefwechsel*, vol. 15, ed. Wolfgang Bungies (Berlin: Akademie Verlag, 1998), 702–03.

Leibniz argues in the *Unvorgreiffliches Bedencken* that “the eternal truths of goodness and justice, or ratio and proportion,” as well as all other “necessary truths,” have “their ground in the eternal being of God himself: not, however, in his free decree.” (“Now consist justice, goodness, beauty, no less than mathematical things, in equality and proportion, and are therefore no less *aeternae et necessariae veritatis*.”)⁴⁰ He adds that “true justice, as it is grasped by all understanding and honor-loving people, consists not in impunity, but means a universal goodwill, in which wisdom is included.”⁴¹ And finally he plays the “ontological proof” trump card: if all truths were divinely caused *ex nihilo*, then the truth about the necessary existence of God himself (as revealed by St. Anselm) would be “a product of the free will of God, which is absurd in the highest degree [*absurdissimum*].”⁴²

Leibniz did not write in vain when he insisted that the just person will be “wisely loving” and universally benevolent: in that he eloquently re-stated a tradition founded by Plato, Cicero, St. John, the young Augustine, and Dante and agreed with what is best in his Christian-Platonist contemporaries Pascal, Malebranche, and Fénelon. But he also looked forward: “[I]n the world of justice and love . . . [l]et us never subordinate to a duty which is abstruse, remote and uncertain, an explicit and immediate duty to deal justly and to love mercy.” That is Marcel Proust, writing in 1900 in a language at once neo-Leibnizian and proto-Freudian.⁴³ The continuity between Plato and Proust, in making *caritas* and *philia* “wise” through *sentiments de perfection* and affection, places Leibniz on an infinitely graded continuum, which stretches spatially from Athens to Rome to Hannover to Proust’s Paris and to Freud’s Vienna, and

⁴⁰ Leibniz, “Unvorgreiffliches Bedencken.”

⁴¹ Ibid. Given Leibniz’s standard moral equivalences, we can infer *allgemeine Gutwilligkeit* = *benevolentia universalis* = *caritas sapientis* = justice in this passage.

⁴² Ibid.

⁴³ Marcel Proust, “Patriotism and the Christian Spirit,” in *Marcel Proust on Art and Literature, 1896-1919*, trans. Sylvia Townsend Warner (New York: Carroll & Graf, 1997), 293.

temporally from the death of Socrates to the end-of-life triumph of Freud over cruelty and *malevolentia*.