



## LIBERTY MATTERS

### PUFENDORF ON POWER AND LIBERTY

*Knud Haakonssen, of the Max Weber Center for Advanced Cultural & Social Studies, University of Erfurt, examines the political thought of the German protestant theorist of natural law, Samuel von Pufendorf (1632-1694). Pufendorf was much admired by John Locke, and made important contributions to natural law theory, especially the *The Law of Nature and Nations* (1672), German constitutional theory, and European history. In the immediate aftermath of the Thirty Years War (1618-48) Pufendorf appealed to educated Europeans using arguments derived from natural law and his study of history “to live sociably,” i.e. people had to be brought to see that this was the necessary requirement for their chance of leading whatever life they wished to pursue. Knud Haakonssen is joined in the discussion by Aaron Garrett from Boston University, Ian Hunter from the Institute for Advanced Studies in the Humanities at the University of Queensland, and Michael Zuckert from the University of Notre Dame.*

### BETWEEN GOD AND NATURE: PUFENDORF ON POWER AND LIBERTY

by Knud Haakonssen

Samuel Pufendorf's *De jure naturae et gentium libri octo* was published in 1672, and with numerous editions in at least nine languages it was soon established as one of the towering works of moral, political and legal thought for generations. One of the most important vehicles for this impact – but by no means the only one – was the French edition (1706) by the Huguenot refugee Jean Barbeyrac. Barbeyrac undertook not only a translation but added massive commentaries, in which the Reformed professor fought with the Lutheran juriconsult, under pretence of shaping a joint body of doctrine. Just as Pufendorf revised his text significantly for the second edition in 1684, so Barbeyrac made five revisions over one-third of a century, showing how the traditional humanist commentator genre was influenced by the literary politeness with which a new generation tried to carry its learning lightly.



*Jean Barbeyrac*

These French editions became the basis for several in other modern languages, where translations of Pufendorf's Latin text were accompanied by translations of Barbeyrac's French annotations. Among the most important was the English translation. *The Law of Nature and Nations* appeared in 1703 and reached its fifth and final edition in the 18th century by 1749; since the second edition (1710), each new English edition incorporated Barbeyrac's commentary as revised in the most recent French edition. The English translation was initially produced by latitudinarian clergymen, led by Basil Kennet, who were articulating a Whig and latitudinarian

theory of the Anglican church-state, but by mid-century the work was taken over by lawyers close to the Georgian establishment. In other words, within three quarters of a century the “same” text – Pufendorf’s – was used in the service of widely diverging – in some respects opposite – political and theological concerns. Using the “same” core letters, these men of letters cultivated quite different personae in order to fill their respective offices, ranging from Pufendorf as privy councillor and secretary to absolutist monarchs, via Barbeyrac as transnational defender of Reformed theological politics, to supporters of a Whig Anglican parliamentary church-state.

I am in the middle of my efforts to re-edit Basil Kennet’s labyrinthine English edition (the 1749 edition) – some 1.3 million words (that is more than three times *The Wealth of Nations*), but I take the invitation to write this debating piece as an opportunity to step back from the tens of thousands of textual details.<sup>[1]</sup> Forgetting for a few hours the Huguenot’s conspicuous consumption of literature ancient and modern and the Anglican clergyman’s efforts to turn Latin and French literary culture into Augustan English, I propose to deliberate briefly on the fundamentals of what Pufendorf himself thought was needed in his role as adviser at the highest levels of office in two prominent states, first Sweden under King Charles XI, and then afterwards the rival power of Brandenburg under the Great Elector Frederick Wilhelm. What *kind* of political theory is it that Pufendorf presents us with?

Pufendorf puts large question marks over two of the traditional foundations for political institutions and political practice, religion and nature. It is well known that he opens his treatise with a fiercely stated separation of natural law from confessional religion, and that he sees the church as -- in political terms -- a human association, which again leads him to develop a starkly erastian notion of the relationship between state and church. As for natural religion, he invokes it in the thinnest form that could serve as the lowest common denominator for human life in general without having any direct relevance specifically for political life as such. The duties to God were thus part of the individual’s personal development

(duty to him/herself) as a member of the common human society.

Pufendorf’s other starting point is a sharp distinction between the natural and the social world, the *entia physica* and the *entia moralia* respectively. The latter are all either directly or indirectly introduced into the world through acts of human will; they are, as he says, imposed upon the natural world. The natural, or physical, world is obviously not irrelevant to us in our formation of intentions and exertions of will. It is the case that we refer to nature in making our choices in life – the “natural goods” of food or the “natural evils” of climate or violent animals or other humans. But we do not *derive* our choices, our “moral goods” and “moral evils,” from nature. Pufendorf therefore sharply rejects what he took to be Thomas Hobbes’s attempt to derive natural rights and the legitimacy of authority from the characteristics of human nature. No doubt we will take our neighbor’s physical or psychological prowess into account when considering what moral status (entity) to ascribe to him or her, but it is our choice whether to see the other person as friend or foe. In other words, natural rights and natural equality are as much moral entities as rights and equality in positive law in that they are introduced into the world through intentional human activity. They are juridical fictions in natural law: irrespective of how naturally equal or unequal people are, we have to *regard* them as equal and we have to *ascribe* to them certain basic qualities, such as being a person (cf. Locke on “person” as a forensic term) different from animals and capable of choosing to be subject to the law of nature. And if that law is to function, we have to acknowledge that people can demand respect for these qualities as rights.



***Thomas Hobbes***

It seems very difficult to deny that Pufendorf does have these two negative starting points, the reduction of religion to a slim social but not specifically political role and the denial of the naturalism that he found in the work of his otherwise cognate spirit, Hobbes. (The latter point raises questions about the usual ascription of Stoic inclinations to Pufendorf, but I shall leave that alone here.) At the same time, there can be no doubt that Pufendorf was a serious religionist or that he had a good understanding of natural philosophy and natural history. On the former point there is plenty of evidence of his pietist outlook throughout his life, and it is indeed sensible to see his erastianism in equal measure as a means to protect his Lutheran church from political interference and as a means to keep politics clear of confessional strife. As for natural philosophy, Pufendorf had early become steeped in Cartesianism through his teacher Erhard Weigel, and his works give ample evidence of his familiarity with the natural history of humanity. In other words, religion and “science” (to use an anachronistic short-hand) were optional from the point of view of politics, and Pufendorf chose to adopt a different role than that of the religionist or the “scientist,” even though he was also those two things (one way or another). And he did so because he thought it false to pretend that the activity of the politician could be logically based upon the insight of either of the other two.

This raises all manner of interesting questions about the very nature of Pufendorf’s enterprise with natural law. Basically it seems to change the nature of his argument from what it nearly universally has been taken to be, namely, a comprehensive inference from an anthropology in the sense of a theory of human nature and its “natural” condition, a large-scale deduction conducted by the formal method that he had adopted already in his first work on the topic, the *Elementa jurisprudentiae universalis* (*Elements of Universal Jurisprudence*, 1660). But this cannot be right in view of his clear rejection of the naturalism indicated above. Instead I suggest that we have to see the formulation of definitions and axioms in that early work and the much-less formalistic presentation of ideas about humanity and its condition in the *Law of Nature and Nations* and its derivative, the *De officio hominis et civis* (*Duty of Man and Citizen*, 1673) as a completely different rhetorical strategy. I think that Pufendorf’s point is that of establishing a common world of ideas with the reader by appealing to shared experience. Here “shared” means shared through human history, which is the reason for Pufendorf’s extensive use of ancient and modern literature of, so to speak, all genres. And of course his natural law works were accompanied by major historical works from beginning to end of his career. Natural law and history were essentially intertwined for him.

Dominant in Pufendorf’s rendition of history is the emphasis on violence and the exercise of power, often in pursuit of religious causes. However, this is not a *theory* of history, as little as it is a *theory* of human nature. It is no theory at all but rather a rhetorical device to make the audience recognize themselves and their situation and thus make such recognition into the decisive factor in persuading them that only will-power, not religious or scientific truth, can ameliorate their condition. This was of course a message, or an appeal, that was particularly apposite in the conditions under which Pufendorf conceived and then wrote down his ideas, namely, in the immediate aftermath of the Thirty Years War and during the subsequent delicate balancing acts of the European powers. And it is important to realize that it was exactly an “appeal,” a particular intervention by a religiously



committed and “scientifically” educated person who decided to lay aside religion and “science” and adopt a different role, namely, that of a public rhetor using the language of natural law and the shared experience of common human history as his oratorical means.

The essence of Pufendorf’s appeal was the basic law of nature, namely, the injunction to live sociably; people had to be brought to see that this was the necessary requirement for their chance of leading whatever life they were after. It is often assumed that Pufendorf saw sociability as the foundation from which natural law derived, but I think this is an impossible way of reading him. It is precisely because people cannot be assumed to be sociable that the natural law’s injunction is necessary. If sociability were a natural feature of humanity, this would contradict Pufendorf’s starting point, that there are no moral values inherent in nature; it would, furthermore, deny his distinction between physical and moral entities. Sociability must itself be a moral entity, i.e., something imposed upon human nature, and that is the function of the law of nature. This is underscored by the fact that Pufendorf himself uses only the term *socialitas*, sociality, which is devoid of the connotation of “-ability”; we are enjoined by the law of nature to establish sociality, but of course this may require that we develop attitudes of sociability as well as other moral features.

On this reading of Pufendorf there is no “foundation” for natural law in the sense of premises from which it is derived. Rather it is a common understanding of the human condition that is induced through the rehearsal and analysis of common experience. Included in this analysis is the point that humanity both individually and collectively seems to consist of purposeful creatures and that people commonly see this purposefulness as evidence of a higher “purposer.” In other words, I see Pufendorf’s use of natural religion as part of his appeal to people’s common understanding of the world and hence as one of the means he employs to shape their willingness to see themselves as obliged to live by the law of sociality. This obligation can, of course, only assume concrete form through the ways in which people in their given

circumstances realize their sociality, centrally by means of political sovereignty.



***Samuel von Pufendorf***

We may therefore see Pufendorf’s natural law, including its idea of moral entities, as itself a moral entity imposed upon the world. The self-referential character of the argument is in fact a fundamental feature of his argument, for, as is well known, it presents an image of the social world as a web of overlapping and entangled *officia* that constitute the lives of individuals. As we have indicated, in putting forward this idea, Pufendorf himself self-consciously adopted a role, or office, that was distinct from others that people had tended to adopt under the pretence that they were fundamental to every human activity. I take this argumentative strategy to show that about a line of argument such as Pufendorf’s it would be a category mistake to ask whether it has truth value – i.e., can be true or false – or whether it is in fact true. The relevant question here is whether it works according to its intention, whether it is an effective rhetorical intervention in the world by Pufendorf in his adopted office as natural lawyer in his time and place?

In the present essay I cannot try to answer this as an historical question about the course of the world in the late 17th and early 18th centuries or even as a question about Pufendorf’s biography. But it may be of interest to consider it as a hypothetical question: what would count as proper effects of Pufendorf’s argument? I shall focus on a few basic areas. By separating politics from religion and “science” his idea was – as indicated – to protect

both sides of the divide. On the one hand, he wanted to free politics from the pursuit of truth, whether religious or scientific (and, by implication, of any other sort). Of these, religious politics was obviously his main concern, but there are a host of arguments against other cases of moralizing politics in his work and that of his followers. Thus he has no time for natural-rights theories of the kind being developed within Calvinist natural-law culture, nor for the residual Aristotelianism that he saw in Grotius, and it is one of Barbeyrac's major concerns to neutralize these aspects of Pufendorf. On the other hand, the argument that religion and politics have to be treated as different spheres of life was an argument against political interference in religious life – the church – except in so far as this was unavoidable for the basic purpose of politics. That purpose was security at home and abroad. The point of Pufendorf's appeal to the common experience of humanity was to show that violence, broadly conceived, was the common hindrance to whatever goals people might have, thus appealing to an understanding that power sufficient for security was the rationale for political organization.

The legitimacy of political rule thus rests on the ability to provide security. However, that includes the power not to interfere in matters that are not essential for security, such as church or science or any other “private” pursuit, as we would say. In other words, essential for legitimacy is to have power sufficient to limit the exercise of power to the purely political. It is clear that in such a scheme of things it would be meaningless to look for limitations on government derived from moral ideas, such as basic rights. There is no room for any kind of institutionalized universal values. What is more, Pufendorf was deeply skeptical of political restraints such as the separation of powers if this meant division of sovereignty, a contradiction in terms as far as he was concerned. However, it is important to note, as Michael Seidler pointed out many years ago, that Pufendorf was entirely able to see virtues in the constitutional rearrangement in England in 1688-89.<sup>[2]</sup> One thing was the unity of sovereignty, another the most effective means of exercising such sovereignty, and the latter was for him an

historical question, dependent upon time and circumstance.

This historicity of political argument applies more generally. The strongly argued exclusion of universalist moral values, other than the necessity of peace, does not mean that politics in a Pufendorffian state would be devoid of moral and other value argument, but such argument must of necessity be historically contingent – mere prudence, as moralists of other stripes might say – and always defeasible by arguments from security. If that were not the case, then his argument would not have achieved its intended effect.

It may reasonably be asked whether I think the reading of Pufendorf sketched here is true? It is evidently – to put it mildly – not the only possible way of looking at the great man. And it is certainly the case that in his labyrinthine large treatise, not to speak of the ensuing polemical writings during the decades following the publication of the *De jure*, there is much material that can and does lead to disagreement. However, the basic points from which he starts, the exclusion of the search for religious and “scientific” truth from politics and the *choice* of politics as matters of convention to be pursued in an adopted rhetorical office intimately linked to its pursuit in political office – these basics make it very difficult to see alternative readings that are fundamentally different.

Those are the main reasons that for several years have lead me to entertain the general reading sketched here. But it is in the spirit of Pufendorf's self-referential historicizing of his argument to do likewise with one's interpretation of him. I am inclined to see the entertainment of ideas as the appropriate epistemic attitude in many, if not all, intellectual endeavours and certainly in scholarship. This was in fact an attitude developed by thinkers with a major debt to Pufendorf as a way of avoiding the Scylla and Charybdis that they found in the ancient philosophical sects; on the one hand the “dogmatic” schools (Platonism, Aristotelianism, Stoicism, etc.) with their doctrinal claims to truth, on the other the varieties of skepticism that would either suspend judgment or outright deny the very possibility of

knowledge. When you entertain an idea, you neither suspend nor deny judgment; on the contrary, you develop an idea as long as it seems worth entertaining – perhaps as long as it is entertaining. Yet you do not adopt the idea as the truth, for by merely entertaining it, you put some distance between yourself and the idea by making it a shared entertainment whose intellectual paternity ideally is immaterial.<sup>[3]</sup> This – in brief – was the kind of intellectual praxis that was known in Germany as eclecticism, and it is fruitful to see Pufendorf's philosophy as an important contribution to this intellectual culture and his natural law as the political exploitation of it.

### A note on literature

I have avoided burdening this discussion piece with the usual scholarly apparatus, but I am obviously not writing in a vacuum. I gratefully acknowledge and warmly recommend Ian Hunter's extensive work on early modern natural law with Pufendorf as the pivotal figure. See his fundamental, *Rival Enlightenments. Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge U.P. 2001), and a very rich crop of articles, chapters and editions, among which I refer just to a particularly useful synopsis, "The Law of Nature and Nations," in *The Routledge Companion to Eighteenth-Century Philosophy*, ed. Aaron Garrett (New York: Routledge, 2014), 559-92.

Any study of Pufendorf ought to begin with Michael Seidler's invaluable synthesis of the vast oeuvre: "Pufendorf's Moral and Political Philosophy", *The Stanford Encyclopedia of Philosophy* (Winter 2015 Edition), Edward N. Zalta (ed.), <<https://plato.stanford.edu/archives/win2015/entries/pufendorf-moral/>>. This article includes a comprehensive bibliography, including many of Seidler's own contributions, of which I can mention here: "'Monstrous' Pufendorf: Sovereignty and System in the *Dissertations*," in *Monarchism and Absolutism in Early Modern Europe*, ed. C. Cuttica and G. Burgess (London: Pickering & Chatto, 2012), 159–75; and "The Politics of Self-Preservation: Toleration and Identity in Pufendorf and Locke," in *Early Modern Natural Law Theories. Contexts*

*and Strategies in the Early Enlightenment*, ed. T. J. Hochstrasser and P. Schröder (Dordrecht: Kluwer, 2003), 227–55.

Also of great importance to me, T. J. Hochstrasser, *Natural Law Theories in the Early Enlightenment* (Cambridge: Cambridge UP, 2000). I have been much influenced by Fiammetta Palladini's "Pufendorf Disciple of Hobbes: The Nature of Man and the State of Nature: The Doctrine of *Socialitas*," *History of European Ideas* 34 (2008): 26–60; and "Pufendorf and Stoicism," *Grotiana* 22/23 (2002): 245–55.

Of interpretations directly at variance with mine I would like to highlight Kari Saastamoinen, "Pufendorf on Natural Equality, Human Dignity, and Self-Esteem," *Journal of the History of Ideas* 71 (2010): 39–62; and "Liberty and Natural Rights in Pufendorf's Natural Law Theory," in *Transformations in Medieval and Early-Modern Rights Discourse*, ed. V. Mäkinen and P. Korkman (Dordrecht: Springer, 2006): pp. 225–55.

On some points I am also at odds with my own *Natural Law and Moral Philosophy. From Grotius to the Scottish Enlightenment* (Cambridge, Cambridge UP, 2006), but not (yet) with my "Early-Modern Natural Law," in *Cambridge Companion to Natural Law Jurisprudence*, ed. George Duke and Robert P. George, Cambridge UP, 2017 (forthcoming).

### Endnotes

[1] The edition is of course destined for the Liberty Fund series *Natural Law and Enlightenment Classics*. The series already provides re-editions of all other works by Pufendorf translated into English, except for the following important addition: *Samuel Pufendorf's "On the Natural State of Men." The 1678 Latin Edition and English Translation*, ed. M. Seidler (Lewiston, ME: Mellen, 1990). The scholarly edition of Pufendorf's works and correspondence in their original languages is in progress: *Samuel Pufendorf, Gesammelte Werke*, ed. W. Schmidt-Biggemann (Berlin: Akademie Verlag, 1996 –).

[2] M. Seidler, "'Turkish Judgment' and the English Revolution: Pufendorf on the Right of Resistance," in *Samuel Pufendorf und die europäische Frühaufklärung. Werk*

und Einfluß eines deutschen Bürgers der Gelehrtenrepublik nach 300 Jahren (1694–1994), ed. F. Palladini and G. Hartung (Berlin: Akademie Verlag, 1996.), 83–104; and his “Qualification and Standing in Pufendorf’s Two English Revolutions,” in *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich*, ed. R. Friedeburg (Berlin: Duncker & Humblot, 2001), pp. 329–51.

[3.] This was an intellectual practice cultivated spectacularly by the Danish-Norwegian Ludvig Holberg, and I have developed the thought in the Introduction to *Ludvig Holberg (1684-1754): Learning and Literature in the Nordic Enlightenment*, ed. K. Haakonssen and S. Olden-Jørgensen (London, New York, 2017), 13-25.

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## RESPONSE TO HAAKONSSSEN

by Ian Hunter

Knud Haakonssen’s Pufendorf essay captures a great deal that was central to Pufendorf’s political thought and also much of what was novel about his way of approaching the testing political, juridical, and religious circumstances that confronted him. This applies in particular to Knud’s commentary on Pufendorf’s remarkable *entia moralia* doctrine through which the juriconsult and political adviser broke with so much preceding moral, political, and theological “naturalism.” Knud notes in particular Pufendorf’s rejection of Hobbes’s naturalistic derivation of sovereignty from a materialist anthropology. For this, Pufendorf substitutes the notion of man’s natural status (*status naturalis*) as a moral status or condition imposed on man by God. In this condition, “sociality” does not define man’s moral nature but is rather a status that he must impose on himself and from which the forms of civil government can be deduced.

A second kind of naturalism rejected by Pufendorf was that of the natural-law tradition itself. In this tradition natural law was natural in two linked senses: in being grounded in norms or goods (such as sociability) embedded in man’s nature, and in being accessed via man’s natural reason as opposed to divine revelation.

Pufendorf departed from this viewpoint along two axes. First, he treated man’s natural condition (*status naturalis*) as something instituted by the divine will for unfathomable reasons. Second, he characterized this condition as that of a creature whose suspicious and fractious nature could not be governed by a reason whose fallen condition meant that it lacked both knowledge of divine norms and the power to steer the will. Placed in this condition by the divine will, humans had to derive norms of conduct without any access to the divine mind, hence through historical observation of what was needed for a fractious and needy creature to survive, which thus led, somewhat paradoxically, to a secular norm for natural law, Knud’s sociality.

“UNLIKE THE “RATIONAL AND SOCIABLE NATURE” POSITED BY SCHOLASTIC NATURAL LAW, PUFENDORF’S SOCIALITY WAS NOT AN ONTOLOGICAL NORM THAT CONNECTED HUMANS TO GOD.”

Unlike the “rational and sociable nature” posited by scholastic natural law, Pufendorf’s sociality was not an ontological norm that connected humans to God. Rather, it was a political norm for conduct in the civil life (*status civilis*) into which man entered to escape his natural condition, and where he instituted new moral entities or personae—such as those of sovereign and subject—as means for the governance of conduct. By divorcing natural from divine law, and by restricting the rules of sociality to the domain of civil life, Pufendorf articulated a profound pluralization and secularization of the political and juridical arena. Pufendorf viewed this arena as governed by rules of sociality invented by man himself, and structured by a plurality of moral offices or personae—sovereign and subject, husband and wife, debtor and creditor, priest and parishioner, and so on—that man had instituted in order to achieve sociality in civil life. As Knud points out, this meant that the norms of civil life were grounded neither in religious nor philosophical (“scientific”) truth, but only in the rules



that the civil sovereign enforced as laws for the restricted purpose of maintaining sociality, thereby leaving religion and philosophy (and family and economy) at liberty within their own spheres.

What was it, though, that permitted Pufendorf to undertake such a profound restructuring of the natural-law tradition and thence the architecture of civil government? I conjecture that the answer to this question lies in the specific character of the constitutional settlement through which the German Empire managed to contain and juridify religious conflict. In 1555 the Religious Peace of Augsburg ended the first wars of religion by establishing a constitution that recognized two imperial religions—Protestant and Catholic—thereby beginning the process that would separate the juridical and political arena from the domain of religious truth. Augsburg, however, established a biconfessional order only at the level of imperial public law, leaving the religiously divided states and estates free to pursue “confessionalization” within their own territories and jurisdictions, and resulting in the formation of an array of mutually hostile confessional states. In bringing the subsequent wave of religious wars to a conclusion in 1648, the Westphalian Treaty of Osnabrück modified the Augsburg settlement in two important ways: by recognizing three religions as public law bodies—Lutheranism, Calvinism, and Catholicism, and by requiring that these religions be legally recognized *within* the territories and jurisdictions of the imperial states and estates. Osnabrück thus issued in a double-sided religious constitution found nowhere else in Europe. On the one hand, it produced a relativistic and (in this limited sense) “secular” public-law framework that suspended all religious and metaphysical truth and was grounded only in a political compromise between two confessional blocs, the *Corpus Evangelicorum* and the *Corpus Catholicorum*. On the other hand, within this framework each of the religions was free to determine and teach its own confession as the absolute truth, within the limits imposed by constitutional pluralism.

In restricting natural-law norms to the sphere of civil sociality and separating them from the absolute truths of

religion and philosophy, Pufendorf may be regarded as providing a form of natural law capable of functioning as a political philosophy for the new double-sided religious constitution. In keeping with the post-Osnabrück constitutional order, however, Pufendorf’s natural law could not itself be grounded in a true philosophy, in the manner of Thomism, Spinozism, or Hobbesianism. Instead it took the form of an erudite humanist *copia*. This assembled a vast array of classical, Christian, and modern authorities designed to authorize Pufendorf’s account of man in his natural and civil conditions, thence the pluralist architecture of religious and civil governance. In both its pluralist content and its humanist method Pufendorf’s natural law thus marked a crucial departure from the forms of Catholic and Protestant natural law that had dominated German universities in the period of territorial confessionalization, between the 1550s and 1650s. This scholastic style of natural law—through which theologians accessed divine law which the prince was then supposed to enact as civil law—had been suited to the theocratically oriented Augsburg polities, but would not survive Osnabrück as a basis for public law, even if it continued as academic philosophy. In Knud’s subtle formulation, Pufendorf’s natural law may thus be understood as supplying the discursive machinery required for jurists, statesmen, and theologians to “entertain” a new pluralistic constitutional order.

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## PUFENDORF: SOME COMMENTS ON HIS INTENTIONS AND SIGNIFICANCE

by Michael P. Zuckert

Samuel Pufendorf is not a household name, and despite our best efforts, Knud Haakonssen and the rest of us contributors to this forum are unlikely to change that. Pufendorf’s major book, *Of the Law of Nature and Nations*, is so long and detailed that even his admirers call it ponderous and tedious. It will challenge the memory



capacity of even our most advanced e-readers and the patience of our most advanced human readers. We are not likely to see this or any Pufendorf book atop *the New York Times* bestseller list any time soon.

There are nonetheless many reasons why we, at least we scholars, might well be interested in the philosopher and thus in debt to Haakonssen, not only for his interesting contribution to this forum but also for his editorship of Liberty Fund's invaluable series of natural-law texts and perhaps most of all for undertaking a new edition of Pufendorf's huge masterwork. Kudos to Knud.



*Hugo Grotius*

Pufendorf, for those not immersed in 17th-century texts, was a German philosopher whose life spanned the second two-thirds of the 17th century, a truly great period in political philosophy, for it encompassed the working years of [Hugo Grotius](#), [Thomas Hobbes](#), [Baruch Spinoza](#), and [John Locke](#), to name a few of the century's luminaries. Pufendorf in his day was seen as comparable to these greats, before suffering a decline in reputation in the next century. One indication of the esteem in which he was held is Locke's recommendation of Pufendorf's *On the Law of Nature* as "[the best book of that kind](#)" in his *Thoughts concerning Reading and Study*.<sup>[4]</sup> This was not mere puffery by Locke, for readers knowledgeable in Pufendorf can find many tracks of the German thinker all through Locke's writings on politics and even in his *Essay concerning Human*

*Understanding*. (Compare Locke on [mixed modes](#) and Pufendorf on moral concepts as modes in Bk. I ch.1 of *On the Law of Nature*.)<sup>[5]</sup>

Setting Pufendorf in a larger context we can see his importance—then and even now—in the way he responded to the particular challenge of his century. Sometimes people speak of the Reformation Settlement, but it would be more accurate to call the 17th century the period of the Reformation unsettlement of Europe. To simplify a great deal, the dominant mode of thinking in Europe pre-Reformation was Christian Aristotelianism, a mixture in which Christianity was essentially Catholicism and Aristotle was the philosophic component of a more or less coherent synthesis. The traditional natural-law doctrine, as developed by [Thomas Aquinas](#) many years before, and adhered to in many variants up through the 17th century, was a leading instantiation of this Christian Aristotelianism. With the coming of the Reformation and, not long after, of the new natural philosophy/natural science, this synthesis shattered, as though the large atom of Christian Aristotelianism had been subjected to a particle beam of very high energy. What been a rather coherent body of thought broke into a bevy of successor doctrines, some bearing strong resemblance to the original synthesis (e.g., Francisco Suarez, Richard Hooker), others eschewing the philosophic dimension and building on the Christian elements (e.g., [Martin Luther](#), [Robert Filmer](#)), and yet others setting to one side all sectarian or even theistic concerns to construct secular political philosophies (e.g., Spinoza, Grotius, Hobbes).

The Reformation not only set off this sort of chain reaction in the intellectual world, but produced an even more violent upheaval in the political world. It was an era of religious war all over Europe, a situation feeding and fed by the intellectual fermentation just discussed. Not only did the wars pit Protestants against Catholics, but in some places Protestants of one sort against Protestants of another sort. The new philosophic currents were especially strong in those places, for it became crystal clear there that sectarian claims were not going to be capable of establishing political order. Given the failure of biblically or theologically based doctrines to bring

peace, a premium was put on doctrines that avoided so far as possible sectarian/biblical grounding. The result was the second flowering of natural-law philosophy—doctrines based on nature and accessible to reason and valid for all regardless of confessional commitment. Grotius was an especially good example: he developed a natural-law doctrine that he claimed would be true and valid even if there were no God. Few thinkers of the age would go so far, but there was a discernible effort to invoke a God not attached to the various competing and conflicting sects but rather a God known through natural theology.



*Aristotle*

Pufendorf finds his place within this last class of successor doctrines. That place is between or somehow in relation to two pioneers of the new natural-law doctrines, Grotius and Hobbes. Although they share more than a few things, Grotius and Hobbes stood as two fundamental alternatives within the rationalistic wing of successor doctrines. They shared an effort to develop a natural-law philosophy of a thoroughly non-Thomistic sort. Beyond that important similarity, they differed substantially. One way to understand the difference between them lies in their respective stances toward the philosophic half of the Christian Aristotelian synthesis. Grotius endorses and remains loyal to a very truncated but nonetheless real part of Aristotelianism; Hobbes identifies the Aristotelian philosophy as part of the “[kingdom of darkness](#)”.[6] That difference is reflected in turn in

several divergences in their political philosophies overall and in their natural-law doctrines in particular. The largest difference probably is the most trite but is nonetheless of great importance: Grotius maintains a version of the Aristotelian claim that “man is by nature a political animal.” For Grotius that claim persists in the modified form of “[man is the social animal](#)” or the “rationally sociable animal.” On the Aristotelian maxim Grotius accepts in modified form Hobbes comments: “this axiom, though very widely accepted, is nonetheless false; the error proceeds from a superficial view of human nature (*De Cive*, 1.2).

In place of rational sociality Hobbes places his extraordinarily individualistic doctrine, to which both Grotius and Pufendorf object. Natural law is accordingly quite differently derived in the two thinkers. For Grotius human beings are by nature sociable beings and the natural law is what conduces to social life. As the law of human nature, it contains all the necessary marks of law, including especially obligatoriness. Compared to the understanding of natural law in the Thomistic tradition, this is a narrow view, limited as it is to society and its requirements. But compared to Hobbes it is very robust. Among other important implications of Grotius’s doctrine is the relation between right and law so far as these come to be distinguished in his theory. Law and therefore duty is the primary concept, and derivative from that is right (as the claim an individual may raise under law).

Hobbes’s theory works quite differently. Hobbes draws a much firmer distinction between law and right: “Right consisteth in the liberty to do, or to forbear; whereas Law, determineth and bindeth to one of them, so that Law and Right, differ as much as Obligation and Liberty; which in one and the same matter are inconsistent (*Leviathan*, [ch. 14 beginning](#)). According to Hobbes right is genuinely natural and exists in “[a state of mere nature](#)”; it serves as the basis from which laws, even the laws of nature, are derived. But contrary to Grotius, Hobbes describes the laws of nature as “[but conclusions, or theorems](#) concerning what conduceth to the conservation and defence of themselves,” i.e., conduces

to that to which, under the right of nature, human beings have a right. The laws of nature make men more sociable, but they are in the service of the individualistic “conservation and defence of themselves” (*Leviathan*, ch. 15 end). He has also said that these “[dictates of reason](#)” which he has called laws of nature are improperly so called. They are but “conclusions or theorems.” His point is that they are neither natural nor law. They are no more natural than, e.g., genetically modified food, which serves a human natural need but for all that is not thereby natural. The “theorems” are also not law, for they lack the quality both Hobbes and Grotius conceive as necessary to law—obligatoriness. “[Law, properly, is the word of him](#), that by right hath command over others,” *ibid.*).

Different as they are, Pufendorf admired the philosophies of both Grotius and Hobbes, and his own theory can best be understood as an attempt to reconcile, if not synthesize his two predecessors. Given the great variety of post-Reformation doctrines, this effort if successful would be of real significance in unifying the two threads of the new rationalist natural-law thinking. Pufendorf’s ambition was thus very great as a matter of philosophy—to reconcile the very social (or, as we might say, communitarian) Grotius with the very individualist (or we might say proto-liberal) Hobbes. It was also politically ambitious in that it sought a theoretical grounding for a peaceful resolution to the theo-politics of the age. In order to fulfill his agenda Pufendorf made many fine contributions to thinking clearly about politics and law, some of which I hope to discuss in future postings. He was driven to refine the conceptual foundations of philosophy of law by his perception of the shortcomings of both the theories he hoped to reconcile. Although he decreed Grotius “incomparable” and admitted to having “drawn much from that marvelous book, *De Jure Belli ac Pacis*, he also admitted to owing “no small debt to Thomas Hobbes,” of whom he said that his “basic conception ... although it savors somewhat of the profane, is nevertheless for the most part *extremely acute and sound*.” (Emphasis added.)

But he had issues with both. To pick out only one here: he found Hobbes’s retreat from genuine natural law to be problematic at the same time that he found Grotius’s effort to develop the natural law as genuine law to be unsuccessful in that it failed to establish the obligatoriness of his natural law. These failings, among others, led him to modify both theories even as he attempted to reconcile them. In trying to fill the gaps in a philosophically rigorous way he produced arguably the most successful of the new natural-law doctrines, one not only of great historical interest but one with a real claim to be taken seriously philosophically. But only “arguably the most successful,” for his task is more than daunting and there is by no means a consensus that he did or could succeed.

In my next post I hope to address Haakonssen’s statement on Pufendorf, but for now goodbye.

### Endnotes

[4.] John Locke, "Some Thoughts concerning Reading and Study for a Gentleman" in *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 2. <[/titles/762#Locke\\_0128-02\\_659](#)>.

[5.] John Locke, *Of Human Understanding*, Book III., Chap. IX. "Of the Imperfection of Words," in *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 2. <[/titles/762#lf0128-02\\_label\\_380](#)>.

[6.] Thomas Hobbes, *Leviathan Part IV*, in , *Hobbes’s Leviathan reprinted from the edition of 1651 with an Essay by the Late W.G. Pogson Smith* (Oxford: Clarendon Press, 1909) <[/titles/869](#)>. For details on Grotius see my *Natural Rights and the New Republicanism* (Princeton: Princeton University Press, 1998), 12,136,138,143,145,149. For Grotius and Aristotle see, *The Law of War and Peace*, Prolegomena, 29, [37](#), in Hugo Grotius, *The Rights of War and Peace*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 1. <[/titles/1425](#)>.



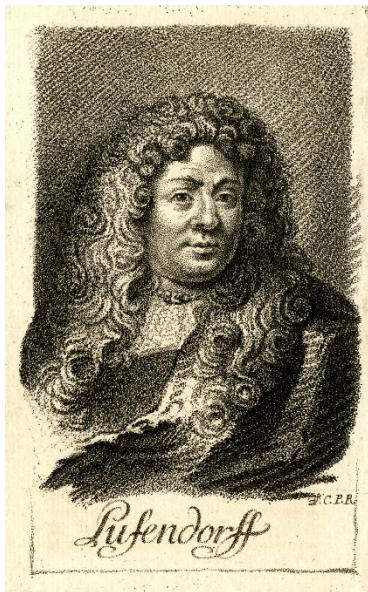
# THE SCIENCE OF HUMAN NATURE VERSUS THE SCIENCE OF MORALITY

by Aaron V. Garrett

Knud Haakonssen reads Pufendorf as a thoroughly historicist social thinker. Haakonssen offers this view in opposition to the ubiquitous interpretation of Pufendorf's *Of the Law of Nature and Nations* as offering:

a comprehensive inference from an anthropology in the sense of a theory of human nature and its "natural" condition, a large-scale deduction conducted by the formal method that he had adopted already in his first work on the topic.

Pufendorf's apparent commitment to a demonstrative science of human nature, and by extension of morality, is according to Haakonssen a rhetorical strategy to further "establishing a common world of ideas with the reader by appealing to shared experience." On this account Pufendorf is using his readers' stock of concepts to draw them into a compelling world view they are in some ways already committed to. This is opposed to offering demonstrative arguments.



*Samuel von Pufendorf*

Most of what I know about Pufendorf is due to Haakonssen and to Ian Hunter. So my disagreements are *sub specie* my debt. But I must confess I am more sanguine that Pufendorf's invocation of moral science is earnest, or at least more earnest than Haakonssen holds. Pufendorf himself wrote that "demonstrations therefore are here chiefly employ'd about Moral Qualities, so far as those Qualities appear for certain to agree to such Actions or Persons: When we enquire (for example) whether such an Action be just or unjust, whether such a Right, or such an Obligation, accrue to such a Person, consider'd in general, or as that personal capacity is common to others with him" (*De jure naturae et gentium libri* [DJNG] I.1.7). And many of Pufendorf's contemporaries and near contemporaries (at least nearer than us) took it seriously. I worry about a reading that goes against a wide swath of peers.

I think part of the problem is the failure to distinguish between the science of human nature and the demonstrative science of morality. In order to draw this distinction I will suggest that natural religion, natural sociability, and the natural/moral distinctions can be read differently. And I will suggest that Pufendorf's account is sufficiently well thought out and has sufficient similarities with his predecessors and successors that we ought to take it seriously on face value.

Haakonssen remarks that

It seems very difficult to deny that Pufendorf does have these two negative starting points, the reduction of religion to a slim social but not specifically political role and the denial of the naturalism that he found in the work of his otherwise cognate spirit, Hobbes.

Combined with Pufendorf's rejection of Hobbesian naturalism – i.e., "natural rights and the legitimacy of authority" that can be derived "from the characteristics of human nature" – Haakonssen argues that:

there is no "foundation" for natural law in the sense of premises from which it is derived. Rather it is a common understanding of the



human condition that is induced through the rehearsal and analysis of common experience.

Haakonssen is certainly correct that it was central for Pufendorf to untie religion and politics and to conceive of natural religion in a way that maintained the distinction. But its moral role was important. Pufendorf's natural religion was more contentful than Hobbes's and includes the recognition of divine governance and ordering (DJNG I.4.3). His natural religion seem closer to Grotius, who took natural religion as a necessary support to morality and social life (*De jure belli ac pacis* [DJBP] II.xx.45 §1). It seems Haakonssen wants to draw a line between, on the one side, science and natural religion as primarily rhetorical and, on the other side, history, social life, and morality. But Grotius's third precept "[that GOD takes Care of human Affairs](#), and judges them with the strictest Equity" (DJBP II.xx.45 §1)[\[7\]](#) – which is weakened but echoed in Pufendorf's precept about divine governance – point to the connection.

Grotius followed this with a strong assertion of the importance of moral science, which I believe is also in the background in Pufendorf's discussion:

[The third is, that we carefully distinguish between general Principles](#), such as this, That we ought to live honestly, that is, according to right Reason, as also some that come very near to them, and are so manifest, that they can admit of no Doubt; as for Instance, that We ought not to take that which belongs to another: And between the Inferences drawn from them, of which some are obvious enough, as, that Admitting Matrimony, Adultery ought not to be allowed of.... It is here almost as it is in Mathematicks, where some Things are first Notions, or next to first Notions; some are Demonstrations, which are immediately both understood and assented to, some again are true, but not evident to all. [DJBP II.xx.43 §1][\[8\]](#)

Like Haakonssen's Pufendorf, Grotius used rhetorical strategies throughout *De jure belli ac pacis* to draw his readers in. But that did not imply that he rejected the demonstrative science of morality even if his texts did not

always recognizably incarnate it. It was rather an earnestly held and influential philosophical ideal which sat uncomfortably with numerous others. I would suggest that it is not clear that Pufendorf's position is dissimilar, although devoid of Grotius's Aristotelianism and naturalism.

This combination of minimal but robust natural religion and moral demonstration can be found even even as far afield as in Francis Hutcheson's *Inquiry on Beauty*.[\[9\]](#) In a discussion of the beauty of theorems, Hutcheson criticizes Pufendorf for the rigidity and awkwardness of his moral demonstrations:

[How aukardly is Puffendorf forc'd to deduce the several Dutys of Men to God](#), themselves, and their Neighbours, from his single fundamental Principle of Sociableness to the whole Race of Mankind? (*Inquiry on Beauty* III.5)[\[10\]](#)

Hutcheson goes on to argue for a Newtonian method, which he held to be more appropriate to a demonstration of right. This is telling because it suggests that despite their many differences, Hutcheson and Pufendorf shared a commitment to some aspects of a demonstrative account of morality (as well as to natural religion). This suggests to me that even if Pufendorf did not often use moral demonstration explicitly, and even if he adopted a minimal natural religion, he was still committed to the importance and power of both in understanding and justifying morality. A similar and similarly uneasy rapprochement between these commitments can be seen in John Locke.



**Francis Hutcheson**

Haakonssen thinks that this reading is “impossible” due to a problem with the distinction between natural properties and imposed moral qualities that comes to a head in sociability:

[P]recisely because people cannot be assumed to be sociable ... the natural law’s injunction is necessary. If sociability were a natural feature of humanity, this would contradict Pufendorf’s starting point, that there are no moral values inherent in nature; it would, furthermore, deny his distinction between physical and moral entities. Sociability must itself be a moral entity, i.e., something imposed upon human nature, and that is the function of the law of nature.

This is a profound point. I agree that Pufendorf is not committed to a questionable moral naturalism and that there is a divide between natural properties and moral properties. A science of human nature may be relevant to the science of morality, but it is distinct insofar as Haakonssen correctly points out the object of the latter is not natural but imposed. But that doesn’t rule out the seriousness of a demonstrative science of morality.

My suggestion is that most moral modes should be viewed as organizing natural substances in a new way, and it is this governed organization that makes the mode non-natural: for example the way in which sociability is organized, structured, and sanctioned by a superior and imposed on us natural substances. This involves human nature, even depends on it for motivation and ends, but what is morally obliging is distinct from imposed obligations.<sup>[11]</sup> As Pufendorf noted, “But that it should be able to discover any Morality in Human Actions, without reflecting on some Law, is equally impossible as that a Man born Blind should make a Judgment on the distinction of Colours” (DJNG I.2.6). But the converse holds as well: one needs abilities such as sight to distinguish colors. The imposition organizes natural drives and desires in a new manner that renders them obliging. One can empirically access this order through history and society: the ways in which we value and carve the world into offices reflects this organization. A science of human nature may be relevant to understanding the

elements (although not that and how they are organized to be obliging). Moral science clarifies these imposed organizations and shows them to be hierarchically, rationally organized, and natural religion provides a further anchor for this moral governance.

Pufendorf’s combination of moral science and divine voluntarism had long-standing antecedents, not the least of which Scotism, which continued to be enormously influential and mixed with Cartesianism in the 17th century. Scotists also held that a universal or common nature – the general stuff of a moral science – has “extramental existence only in the particular things in which it exists,” which fit well with Pufendorf’s empirical commitments.<sup>[12]</sup> That even Hutcheson shared some of the view<sup>[13]</sup> shows how powerful confused and confusing commitments and ideals can be even for philosophers as insightful as Grotius, Pufendorf, Locke, Hutcheson, and even Kant. That there was precious little moral demonstration can be taken to show the power of the ideal even when it was difficult or impossible to carry out.<sup>[14]</sup> Perhaps philosophers’ conflicting commitments and confusions are as much what makes for a tradition as the ideas that appear profound and exciting to us.

### Endnotes

<sup>[7.]</sup> Hugo Grotius, *The Rights of War and Peace, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac* (Indianapolis: Liberty Fund, 2005). Vol. 2. <[/titles/1947#Grotius\\_0138.02\\_867](#)>.

<sup>[8.]</sup> Hugo Grotius, *The Rights of War and Peace*, vol. 2, <[/titles/1947#Grotius\\_0138.02\\_857](#)>.

<sup>[9.]</sup> I write “even” because Hutcheson seems to consciously argue for the opposite of Pufendorf on most issues.

<sup>[10.]</sup> Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue in Two Treatises*, ed. Wolfgang Leidhold (Indianapolis: Liberty Fund, 2004). <[/titles/2462#Hutcheson\\_1458\\_159](#)>.

<sup>[11.]</sup> Thanks to Johan Olsthoorn for help with this point.

<sup>[12.]</sup> Thomas Williams, “John Duns Scotus,” *Stanford Encyclopedia of Philosophy* [Spring 2016 Edition], ed.

Edward N. Zalta online:  
 <<https://plato.stanford.edu/archives/spr2016/entries/duns-scotus/>>.

[13.] Hutcheson held that Pufendorf's mistake was in not recognizing a second sort of natural obligation above and beyond interest.

[14.] There is obviously much more to say about this, and the relation between moral science, obligation, and motivation.

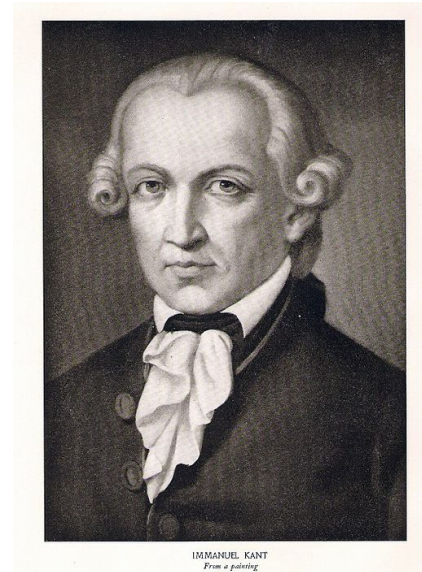
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## REJOINDER TO MY COMMENTATORS

by Knud Haakonssen

It is a pleasure to thank the three colleagues for their contributions, supplementing and criticizing my opening essay. Thanks to David Hart's format for these exchanges, I now have a moral entity that hovers uneasily between a perfect right and an imperfect duty to first reply. I'll think of it as a privilege.

Michael Zuckert is undoubtedly right that Pufendorf's *Law of Nature and Nations* is unlikely to top any bestseller lists, though judging by the demand for the Pufendorf titles already available in the Liberty Fund series, the major work may yet surprise us. It is in any case encouraging that Immanuel Kant found it necessary to condemn Pufendorf's natural law one and a quarter century after the latter published it: it can't be all bad.



*Immanuel Kant*

As Ian Hunter stresses, Pufendorf's work was very much an intervention in a particular political situation, which Ian helpfully outlines. And Pufendorf's intentions with his work as a political statement are amply documented by his correspondence and by the extensive controversies in which he engaged to defend and elaborate it during the quarter of a century that was left him. In other words, it was a practical moral-political argument and, as such, a "moral entity" by its own criteria: it was launched into the world through an act of will – Pufendorf's – and it was meant to supervene (as he occasionally called such events) upon sundry natural entities. Most important of these were the passions – broadly conceived – of rulers and ruled in the civil societies that he addressed. So obviously the facts about human nature – natural entities – are relevant to his moral argument, as I pointed out. So far Aaron Garrett and I agree.

What we seem to disagree about is the sense in which natural facts are relevant to Pufendorf's argument. It seems to me axiomatic, as it were, in Pufendorf's scheme of things that all moral (including political) features of human life depend upon the activity of the will and that the will is free in a Cartesian sense. Consequently, with the launching of his mega moral entity, the *Law of Nature and Nations*, Pufendorf must have expected to influence his readers and listeners in some other way than that of causation: he wanted to give them a wide spectrum of

reasons to draw on in the formation of their respective wills, but he does not suggest that this could be a matter of deduction. This applies equally to all areas of purported knowledge of facts – physical, mental, social, historical, religious, etc. – they cannot “found” morality.

This applies certainly to any “science of human nature.” Aaron is right to draw a distinction between such a science and a science of morality, but when it is applied to Pufendorf without some explanation of the concept of science, it becomes an Enlightenment retrodiction. Although Pufendorf was familiar with what we call the emerging modern sciences, especially in Descartes, the concept of science that dominated in his exposition was the neo-Aristotelian-Euclidean concept of “science” as a formal system of logically related concepts that he had learned from his teacher, Erhard Weigel. This is what lies behind the passage quoted by Aaron, which in fact gives evidence of the exact opposite of what he suggests:

Demonstrations therefore are here chiefly employ’d about Moral Qualities, so far as those Qualities appear for certain to agree to such Actions or Persons: When we enquire (for example) whether such an Action be just or unjust, whether such a Right, or such an Obligation, accrue to such a Person, consider’d in general, or as that personal capacity is common to others with him. [*Law of Nature and Nations* Book I, chap. 2, sect. 8 – not chap. 1, sect. 7, by the way.]

Pufendorf is here not talking about the *human being* with a certain nature, in Latin *homo*. He is talking about *persons*, in Latin *personae* (“... *circa qualitates morales hactenus, ut eas actionibus & personis certo competere ...*”), and as I mentioned in my first contribution, personhood is itself a moral feature or “role” adopted by all of us in in one way or another. The point of Pufendorf’s argument in the said place is that we can have demonstrative certainty about the relations between many such moral entities – as he says, “whether such a Right, or such an Obligation, accrue to such a Person, *consider’d in general*.” We would call this conceptual analysis of what, say, “sovereignty,” “property,” “spouse,” “guardian,” and

similar *personae* mean. But that is precisely *not* about human nature; it is about what natural humans have to lay upon themselves – by their own will or that of others – in order to become sovereigns, owners, etc. In other words, we can have a formal science of morality in this sense; this is what he meant by science properly speaking.

Such a science was largely what he had attempted in his earliest work on natural law, the *Elements of Universal Jurisprudence* (1660),<sup>[15]</sup> and he retained much of this in the later major work. But evidently he had come to the conclusion that knowledge of the conceptual coherences between the elements of social and civic life was far from sufficient to influence the will of people to adhere to the basic law of nature. And so in the *Law of Nature and Nations* we get this wide panoply of considerations that also Ian stresses. These considerations certainly include facts from human anthropology, and of course Aaron is quite right to stress the importance of this. But I am not going to buy the idea that such facts from the natural history of humanity are “obliging” in the formation of morality. That word is far too suggestive of a determining influence. Also here Aaron’s own choice of passage serves well to make my critical point, but I have to quote a little more than he does:

Nor will it be to the Purpose for any one to object, That since Men are endu’d with Reason, which is wanting in Beasts, therefore there must be a natural Difference between human and brutal Actions. For, if we consider Reason, as uninform’d with the Knowledge and Sense of Law, or of some moral Rule, it might, perhaps, even in this Condition, furnish Man with the Faculty of acting more expeditiously and more accurately than Beasts, and might assist the natural Powers by an additional Shrewdness or Subtilty. But that it should be able to discover any Morality in human Actions, without reflecting on some Law, is equally impossible, as that a Man born blind should make a Judgement on the Distinction of Colours. [*Law of Nature and Nations* I.2.6]



In other words, the point is that only acceptance of some “moral rule,” ultimately the law of nature, gives humanity any moral orientation, other than that we are morally as clueless as animals. So the only “obliging” that plays a role is that we are indeed humans, not animals, i.e., have a rational capacity and a free will, but *what* we are going to make of ourselves (and, not least, each other) is, to put it mildly, underdetermined by that human nature of ours. So while I am happy, of course, to accept Aaron’s point that the moral features (entities) of humanity are methods of social organization (“most moral modes should be viewed as organizing natural substances”), Pufendorf’s point is that no particular form of organization is fore-ordained (“obliged”) by either nature or history and that all the attempts to show otherwise have proven divisive, often disastrously so.

This applies also to what Pufendorf has to say about natural religion. Aaron is quite right that Pufendorf’s idea of the natural religion required for civic peace is not without content, though in his context it was surely very limited indeed, as I suggested. But whether broad or narrow, the remarkable thing about this natural religion is that it is part of people’s duty to themselves to accept its simple truths. That is to say, acceptance of the propositions of natural religion is one of the factors in your basic duty to form yourself into a person under natural law. Or to put it bluntly, such religion is mandated by the natural law about living sociably. It is not the case that the law of nature is somehow derived from natural religion; natural religion is a feature of what natural law requires. This relatively subsidiary role of natural religion as part of our duty to develop ourselves as moral persons was underlined by the fact that Pufendorf only was obliged to devote a separate chapter to the topic when he abbreviated the large treatise into his textbook, *The Whole Duty of Man* (1673).<sup>[16]</sup>

Aaron suspects that I want “to draw a line between, on the one side, science and natural religion as primarily rhetorical and, on the other side, history, social life, and morality.” No, I don’t, Aaron. Obviously Pufendorf’s use of historical and literary example, social fact, conventional morality, legal cases, and much else is as

“rhetorical” as anything. It was all part and parcel of his multipronged attempt at persuasion in the absence of foundations or proofs. The whole argument is, I think, self-consciously historicizing in the use of all materials. One might ask, could he stick to his guns in different contexts? Did he? And – most dangerously – for the interpreter: Did it matter to him?

Enough for today. I look forward to more.

### Endnotes

<sup>[15.]</sup> Samuel von Pufendorf, *Two Books of the Elements of Universal Jurisprudence*, translated by William Abbott Oldfather, 1931. Revised by Thomas Behme. Edited and with an Introduction by Thomas Behme (Indianapolis: Liberty Fund, 2009). <[/titles/2220](#)>.

<sup>[16.]</sup> Samuel von Pufendorf, *The Whole Duty of Man According to the Law of Nature*, trans. Andrew Tooke, ed. Ian Hunter and David Saunders, with Two Discourses and a Commentary by Jean Barbeyrac, trans. David Saunders (Indianapolis: Liberty Fund, 2003). <[/titles/888](#)>.

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## PUFENDORF’S PHILOSOPHY

by Ian Hunter

One of the difficult and interesting things to understand about Pufendorf’s work is the sense in which it can be understood as philosophy and the sense in which Pufendorf may be regarded as a philosopher. That this was an unsettled question at the time is adverted to in Knud’s reference to eclecticism, which was a cultural-political movement dedicated to resetting the parameters of philosophy and reconfiguring the philosophical personage. As Horst Dreitzel showed, eclecticism’s cultural-political battle with Aristotelian and Platonic styles of scholasticism involved imposing new limits on human reasoning—for example, by invoking the lapsarian loss of man’s capacity to share in divine conceptualization and willing—with a view to restricting philosophy to reasoning based on empirical-historical knowledge.<sup>[17]</sup>



*Plato*

In treating man's "natural status" or condition—that of a creature whose weakness necessitated sociality for survival but whose vicious passions and flighty mind stood in the way—as something "imposed" (rather than intelligized) by God, Pufendorf introduced two momentous changes into the architecture of natural-law thought. First, this meant that man could have no insight into the reason that God had imposed this status or condition, hence no insight into the objective or "ontological" goodness of sociality. Second, it meant that although men could presume that the activity of imposing norms to achieve sociality accorded with God's will—since this activity was dictated by the natural condition that God had imposed—they could not presume that these norms expressed the content of divine will; for in his damaged lapsarian condition man had no insight into this will beyond the presumption that God intended his creature to survive and that human reason could impose norms to this end. God had imposed a natural condition on man in which he had to invent his own norms of conduct on the flat plains of history in the absence of all transcendental insight.

One of the limitations that Pufendorf imposed on philosophy was thus his rejection of the idea that through reflection on his own "rational and sociable nature" man could obtain insight into divine, transcendental, or ontological norms that might then be imposed in the civil or historical realm. The norm of sociality that man could derive from reflection on his natural condition reached

no higher or deeper than that condition itself. The notion that God would not will the destruction of his own creature—hence that sociality and natural law should be treated as willed by God—pertained only to human psychology. It did not constitute a bridge between human and divine nature across which human reason or philosophy could import transcendent, objective, or scientific grounds for the imposed norms of sociality. I would thus also question Aaron Garrett's reading: that Pufendorf's imposed norms and personae supervene on a human nature in which "what is morally obliging is distinct from imposed obligations," thereby constituting the object of a science of human nature and the basis of a moral science. My understanding is that Pufendorf construes the natural condition as one in which man can learn that he should cultivate sociality. This is not because man has moral-philosophical insight into a nature that *is* morally obliging, but because he has historical insight into the prospect that sociality should be *made* morally obliging through the imposition of civil *officia* to ensure man's survival.

A further limitation that Pufendorf imposed on philosophy pertains to a certain compartmentalization of the objects of intellectual inquiry and the personae of intellectual inquirers. Each in its own way, Hobbesian naturalism, Spinozist monism, and Christian Aristotelianism all assumed the possibility of an omniscient philosophical viewpoint, reaching outwards from a core metaphysics and encompassing such diverse domains as natural philosophy, political philosophy, law, theology, and ethics. In these cases human nature, or rational being, constituted the hub for all departments of existence and kinds of person. And this made it possible to think of philosophy—whether as natural theology, metaphysics, or the science of man—as providing a panoptical viewpoint from which such departments could be brought under the normative purview of the philosopher. In declaring that man's natural condition did not constitute a nature capable of opening the entirety of human existence to philosophical reflection—that it was rather a condition from which man could learn a norm of sociality that pertained to his political existence alone—Pufendorf deliberately

excluded confessional religion, salvational theology, natural philosophy, natural theology, and “secular” metaphysics from the discipline of natural law. Given this labor of intellectual disarticulation, I would be skeptical of Michael Zuckert’s view of Pufendorf as attempting to achieve an all-embracing philosophical synthesis by reconciling Grotius and Hobbes, although it will be interesting to see what Michael has in mind here.

As Knud points out, Pufendorf’s separation of natural law from science and religion would allow politics and law to be pursued independently of natural philosophy and theology. I suggested that this strategy was suited to a constitutional order in which a relativistic “secular” legal system provided a framework for a plurality of absolutely true confessional religions. At the same time, this meant that Pufendorf’s construction of natural law was in radical and open conflict with all of those constructions that treated human nature as the hub of a human totality and as the bridge to a transcendent rationality from which norms could be derived that applied to all areas of life, including politics and law. This is why Pufendorf was at daggers drawn with the natural theologians of the Christian natural-law tradition—Alberti, Zentgrav, Veltheim, and Strimesius—as we learn from Thomas Ahnert’s book on Pufendorf’s follower, Christian Thomasius.<sup>[18]</sup> But this is also what makes Pufendorf so difficult to understand from a modern philosophical standpoint. For, in various ways, post-Kantian philosophy continues to treat human nature, or rational being, as the locus from which all departments of existence are opened to the reflection and norms of an omniscient philosophical mind, which is quite inimical to the Pufendorf’s construction of natural law as a form of political philosophy.

### Endnotes

<sup>[17.]</sup> Horst Dreitzel, “Zur Entwicklung Und Eigenart Der ‘Eklektischen Philosophie,’” *Zeitschrift für Historische Forschung* 18 (1991), 281-343.

<sup>[18.]</sup> Thomas Ahnert, *Religion and the Origins of the German Enlightenment: Faith and the Reform of Learning in the Thought of Christian Thomasius* (Rochester: University of Rochester Press, 2006).

## MISGIVINGS

by Michael P. Zuckert

In my initial statement in this forum on Pufendorf I said very little in direct response to Knud Haakonssen’s lead essay. Nonetheless, without my being explicit, it probably was evident to him and could have been to any reader slightly familiar with Pufendorf that I have serious misgivings about Knud’s interpretation of the German philosopher. He admits—perhaps “parades” is the better term—that he is reading Pufendorf quite differently than is or was commonly done. Indeed, he goes so far as to say that the usual way of understanding Pufendorf as a thinker who “saw sociability as the foundation from which natural law is derived” is “an impossible way of reading him.” As a tentative and crude opening statement, let me say that I am inclined to read him in this “impossible way.”

“HE ADMITS—PERHAPS “PARADES” IS THE BETTER TERM—THAT HE IS READING PUFENDORF QUITE DIFFERENTLY THAN IS OR WAS COMMONLY DONE.”

Knud reads him instead in a very updated way—a Pufendorf for the 21st century. Knud’s reading is on the postmodern side. Pufendorf, according to Knud, is a nonfoundationalist: “there is no ‘foundation’ for natural law.” Knud’s Pufendorf, as Aaron Garrett rightly points out, is a “thoroughly historicist social thinker.” He is “thoroughly historicist” in that, according to Knud, “there is no room for any kind of institutionalized universal values” of the sort the law of nature usually is thought to lay out and which Pufendorf himself appeals to: “I have posited the sociality of man as the *foundation of universal natural law*” (emphasis added).<sup>[19]</sup> All “moral and other value argument in Pufendorf,” says Knud, is “of necessity ... historically contingent, mere prudence,” again usually thought to be quite different from natural law with its grounding in

nature and its obligatory character. Reading Pufendorf in this postmodern way leads Knud to assert that “it would be a category mistake to ask whether it [Pufendorf’s theory] has truth value—i.e., whether it can be true or false—or whether it is in fact true. The relevant question [rather] is ... whether it is an effective rhetorical intervention in the world by Pufendorf.” Knud’s Pufendorf seems a sort of blend of Richard Rorty and the Cambridge school. It is Rortean in its emphasis on nonfoundationalism and rhetorical “description” or “redescription,” and it is Cambridge-like in its emphasis on historical contingency. What is radical in this interpretation is the imputation to Pufendorf of this way of understanding himself.

Or does it impute this to Pufendorf? On rereading the end of Knud’s statement I am led to wonder about how Knud understands the status of his own interpretation, and at the same time I am led to have misgivings about voicing my misgivings about Knud’s reconstruction of Pufendorf’s position. My misgivings stem from Knud’s ironizing application to himself of a postmodern perspective. “It may reasonably be asked,” he asks, “whether I think the reading of Pufendorf sketched here is true?” He admits that “to put it mildly [it is] not the only possible way of looking at the great man.” Do these other possible ways include the more traditional way that he had declared earlier to be “an impossible way”? He does not say. He does concede that there is so much stuff in Pufendorf’s massive tome that disagreement about its meaning has been common. He does not claim his to be a true construal of the great man’s thinking, but rather to be an “entertainment of ideas,” which is the appropriate intellectual stance, he believes, “as long as it seems worth entertaining—perhaps as long as it is entertaining.” In doing so, “you do not adopt the idea as true” or, I gather, put it forward as true. Given this understanding of intellectual engagement, it seems downright ham-handed to express misgivings about his construct as a true construal of Pufendorf’s thought. It would seem as out of place as a “pistol shot at the opera,” to paraphrase Stendhal. At the end of the day I am uncertain and I think Knud is rather uncertain also about what he has accomplished or even what he attempting to accomplish

in putting his reading of Pufendorf forward. Is it a “category mistake” to ask of Knud’s interpretation, as he says it is to ask of Pufendorf’s theory, whether it is true?

### Endnotes

[19.] See, . *De Jure*, Preface to First Edition, 97, in *The Political Writings of Samuel Pufendorf*, ed. by Craig Carr.

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## ECLECTIC PUFENDORF

by Aaron V. Garrett

Thanks to Knud for such an engaging and engaged response. I will try to get clear on where Knud (and Ian) and I disagree.

For Pufendorf the strife of civil life can be controlled and minimized by recognizing the distinctness of *personae*. My duties as sovereign are distinct from my duties as parent, and to confuse the two is to make a destructive mistake that can threaten civil peace and civil life. This distinction can be seen in Locke’s criticisms of Filmer’s conflation of the two. Both Ian and Knud suggest, very elegantly, that it is a mistake to view Pufendorf as a philosopher or his solution to this problem as philosophical.

As I suggested in my comment, I don’t think Pufendorf is consistently one thing or another; he is an eclectic. So one disagreement concerns how coherent past intellectuals are. Knud and Ian seem to think Pufendorf is consistent. I tend to think not, not just of Pufendorf but of most every intellectual. We are all eclectic whether we like it or not, even if we are not *eclectics*. As Ian has masterfully shown in *Rival Enlightenments*, the contexts and occasional needs of Pufendorf’s theory determined the content and to retrodict (to use Knud’s locution) it as a philosophical treatise is wishful thinking. But note I never said anything about making Pufendorf wholly a philosopher. I suggested -- in Pufendorf’s terms -- that he seriously takes on the role of demonstrative moral philosopher -- as one ought with any role -- and that this role may not cohere with the others. The claim that it is solely intended as rhetorical persuasion seems to me too



unified, and far too philosophical in that unifying sense by making Pufendorf an anti-philosopher.

The options are not either Plato or a non-philosopher. Unlike Plato, for Pufendorf to know the good is not to do the good. But this does not rule out knowing what our moral obligations are and knowing that we ought to act on them. Nor does it rule out in principle a commitment to their demonstrability, even if, as I suggested, in practice it goes nowhere. As I have also suggested there is evidence that others whom Pufendorf clearly engages with and who were as varied in their civic interests -- I gave a quote from Grotius -- held a demonstrative moral picture. And for Grotius natural religion and the basic principles of natural law are in principle demonstrative. This is why it puzzles me that Knud suggests that the ascription of "science" is an Enlightenment interdiction. I mean science as *scientia*, a term used by Scotus as well.



**Sir Francis Bacon**

There were *empiric* models for *scientia*, Bacon of course and Grotius, in addition to Weigel. Furthermore as Knud has argued elsewhere the border between empiricist and rationalist is our making -- on the ground in the 17th century everything was far more mixed. So my claim is not that an Enlightenment science of man can be found in Pufendorf.<sup>[20]</sup> My claim is that the common Grotian invocation of *scientia* in tandem with natural religion can be, and that at least a rather influential chunk of the interpretive tradition finds it there as well. Knud and Ian

seem to have a much more unified and higher bar idea of what a moral science is than I do. I view it as a general and not-always-acted-upon commitment to the idea that we can have certain knowledge of some moral laws, precepts rules, etc. from which we can demonstrate others.

Ian has very clearly stated the centrality of epistemic limits to Pufendorf's approach, and why it is so important. Peace, civic toleration, and the independence and noninterference of roles all depend on it. There is an important sense in which Lockean epistemic line drawing around the many types of knowledge is a descendant of Pufendorf as much as it is of Descartes, Hobbes, and Bacon. But just as none of this conflicts with our knowledge of a minimal but important content of natural religion -- for Locke as well -- so too I claim it doesn't interfere with knowledge of duties of self and duties to God. These and fundamental natural laws are, I argue, the minimal core of the moral science. None of this conflicts with the idea that this is limited.

The disagreement then is how this connects with the knowledge of others. It seems to me that the basic laws of nature are also knowledge of this sort. What the role of these is and how they connect to history might be disputed. I certainly agree that in Pufendorf's practice they fade into the background of actual history and social practice. But I disagree on their role.

To illustrate I will end this comment with an analogy. I view one difference between Hobbes and Pufendorf in terms of a cathedral. For Hobbes the worshippers are aware of the apex -- the sovereign -- and it keeps them in check. For Pufendorf the larger structure is similar but the space chopped into countless rooms -- offices -- distinct from one another. The content of the rooms, and the layout, have arisen historically. One moves from room to room, and this keeps them distinct and out of conflict. But that doesn't mean that there aren't support beams that are knowable and that all will collapse if the are not respected.<sup>[21]</sup>

## Endnotes

[20.] That said, I'm not sure what the Enlightenment science of man is. I am fully persuaded by James Schmidt's arguments that talking about Enlightenment as a substantive is itself an interdiction.

[21.] Locke's response is to ask whether we might have a continual and basic role in how the rooms are arranged!

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## NO MISGIVINGS AT ALL

by Knud Haakonssen

As a dyed-in-the-wool, rather old-fashioned empiric, not least in matters of scholarship, I am quite titillated by all the fancy labels Michael Zuckert has found it necessary to apply to me. And all because he wants to see some connection between my interpretation of Pufendorf and my attempt at the end of my essay to adopt a certain humility and distance to my own craft. To begin with the latter, it seems to be a simple matter of honesty, especially in a discussion forum such as our present one, to signal one's awareness of the sheer complexity of the work we are discussing and to invite criticism by showing a relaxed attitude to one's own propositions. This has nothing to do with anti-foundationalism, and I am as puzzled as amused that Michael finds it useful to invoke these bogeymen of yesteryear's cultural studies. A few textual facts would be more welcome, and my opening suggestion of an "impossible" way of reading Pufendorf's idea of sociality was of course meant as an encouragement – a challenge, if you like – for us to search the text.

Let me mention a few basics that Pufendorf lays down early in his main work and which anyone reading him has to deal with, somehow. The references are to the book, chapter and section of *The Law of Nature and Nations*, since these are the same in the Latin original and the English translations. Let us begin with the beginning, the unborn child:

Since then the very being a Man is a *State* obliging to certain Duties, and giving a

Title to certain Rights, it cannot be out of the Way to consider the precise Point of Time at which particular Persons may be said to enter on such a *State*: And this we conceive ought to be fix'd on the very first Moment when any one may be truly call'd a Man, though he as yet want those Perfections which will follow his Nature [22] in a longer Course: That is, whensoever he begins to enjoy Life and Sense, though his Mother hath not yet delivered him into the World. Now because the *Obligations* cannot be fulfilled by him, without he understand his own Nature [23] and the Ways of working, they for that Reason do not actually exert their Force, 'till he is able to square his Actions by some Rule, and to distinguish them by their proper Differences. But the *Rights*, on the contrary, date their Validity from the very Beginning of our Being, in as much as they engage other Persons, already arrived at the full Use of Reason, to such and such Performances towards us, and may turn to our Benefit, even whilst we are incapable of apprehending the Favour. Hence, it being a general Right and Privilege of all Men not to be hurt by others, if the Body of a *Fetus* in the Womb should suffer any unlawful Violence, the Injury is not only done to the Parents, but to the Child; who, we suppose, may in his own Name demand Justice on that score, when he is grown up to a Knowledge of the Action. But before the imperfect Materials have acquired an human *Form* in the Womb, if any one should dissipate or destroy them, he cannot properly be termed injurious with regard to that senseless Mass; though he hath indeed broken the Law of Nature, by intercepting a Member of human Society, and hath done an Injury to the Commonwealth [lit. "human society"], and to the Parents, by depriving them of their promis'd Citizen and Off-spring. (I.1.7).

“THIS HAS NOTHING TO DO WITH  
ANTI-FOUNDATIONALISM...”

The very condition of being a human (*homo*) is a moral status imposed upon the natural individual by God, but what this means, the content of it, is entirely a matter of action by other people and, eventually, of the individual in question.<sup>[24]</sup> However, the only way in which this can be the case is through obeying the law of nature; the recognition of rights and duties is a matter of applying the law. It would therefore be rather awkward if that law presupposed the quality of being human, let alone being a *sociable* human. In fact, Pufendorf is very explicit about this on various occasions, such as his harsh criticism of Grotius for suggesting (as the German thinker saw it) that actions can be good or bad inherently and therefore independent of divine will in the form of natural law, something that would imply a common morality between God and humanity, which was everything that Pufendorf wanted to avoid (as also Ian stresses):

Thus ... he [Grotius] alledges for a Proof of the Independency of some of Nature's Laws, the *necessary* Agreement and Disagreement of Things to rational and social Nature. But Man obtain'd a social Nature from the good Pleasure of God Almighty, not from immutable Necessity; and consequently the Morality of Actions, agreeable or disagreeable to him, as a social Creature, must be deriv'd from the same Original and Spring; and must be attributed to Man, not by an absolute, but by an hypothetical Necessity; or upon Supposal of that Condition which God was pleas'd freely to bestow on Mankind, above the Privileges of the inferior Creation. (I.2.6).<sup>[25]</sup>

The ascription of rights to the unborn is just one of a myriad of examples of how Pufendorf sees humanity as giving content to the sociality prescribed by God.

But I am nearly forgetting that Michael does include at least one textual fact in his parade of names, namely, the excellent quotation from the Preface to the second edition of *The Law of Nature and Nations*: “I have posited

the sociality of man as the *foundation of universal natural law...*” The italics are Michael’s enrichment of the text, and they are indeed telling, though what they tell only becomes clear if we continue the quotation for another couple of lines: “...because I could discover no other principle which all men could at the recommendation of their mortal condition itself be brought to admit, whatever conviction they ultimately had about the divine.”<sup>[26]</sup> Pufendorf’s point is an epistemic and rhetorical one, not an ontological one; the necessity for sociality is the insight that humanity in general must come to when they recognize their basic mortal condition. And it is Pufendorf’s extensive appeal to this “recommendation” that makes *socialitas* into the “foundation of universal natural law.” This is the argumentative stance I referred to in my opening essay when I suggested that Pufendorf does not provide a foundation in the sense of an inference from things such as natural sociability; he tries to influence people’s motivation, their will, through the appeal to common experiences (of many sorts). The natural goods and ills of mortal life do not *imply* a social life, but they may certainly motivate it. The post-postmodern cartoons of nonfoundationalism are not particularly helpful for an understanding of this way of thinking, nor did I suggest it. We may see this from a different perspective.

In my first essay I suggested briefly at the end that Pufendorf practiced a form of eclecticism, a point developed with clarity by Ian and interestingly picked up by Aaron. In Pufendorf’s case this meant, among other things, combining materials of widely different nature, as also stressed by Ian. Not only did Pufendorf write in different genres in different works, but he combined moral philosophy, legal theory, legal history, political history, anthropology (to use an anachronistic term), textual criticism, etc. In moral philosophy, he retained elements of the deductive formalistic approach of his early work, as I pointed out. I have no doubt that Pufendorf thought that he was right – telling the truth, Michael – in each of these various endeavours. But it seems somewhat fantastical to think of this construction as a *theory* about which one could say that it is true or false. It was in this spirit that I called it a rhetorical intervention

in a particular political situation (a situation delineated by Ian here and explained at length elsewhere),<sup>[27]</sup> but of course good rhetoric includes good arguments – empirical, logical, theoretical, historical, aesthetic, moral.

As a further development of Ian’s discussion of the complexity of seeing Pufendorf in the role of philosopher, it may be useful here to remind ourselves that the idea of systematic coherence as the hallmark of a philosophical theory (“real philosophy”) was probably only developed more than a generation after Pufendorf’s time. As Leo Catana has argued, it was only with the great historian of philosophy Jacob Brucker (1697-1770) and his generation that this idea emerged as the (to us perhaps paradoxical) consequence of eclecticism: to be a true eclectic came to mean being a systematic eclectic.<sup>[28]</sup> That was not the kind of theorist that Pufendorf had any idea of being, and for that reason the question of consistency does not arise for his overall intellectual enterprise. That, however, does not mean a free-for-all in the interpretation of his works. Commentators, such as us, have the task of weighing what is more and what is less central in an intellectual complex such as Pufendorf’s, and my opening suggestion was that the common way in which natural sociability has been invoked as the foundation for natural law is impossible.<sup>[29]</sup> On this it would seem that Aaron and I agree.

Also on another point we may be closer than originally appeared – thanks to Aaron’s modulation of the idea of a “science of human nature” that he first introduced. I think I may be excused for having understood Aaron to use the phrase in the sense it had in the Enlightenment,<sup>[30]</sup> since that is the way in which it has commonly been used in these discussions, and since he did not suggest anything else. At any rate, with his very helpful clarification of the conceptual plurality of “science,” it becomes uncontroversial between us to reject this anachronistic idea of a science of human nature as relevant to Pufendorf. However, Aaron’s pluralization of science also disposes of his own criticism of Ian and me for seeming

to have a much more unified and higher bar ...  
of what a moral science is than I [Aaron] do. I

view it as a general and not-always-acted-upon commitment to the idea that we can have certain knowledge of some moral laws, precepts rules, etc. from which we can demonstrate others.

But the “bar” that I (and I believe Ian) referred to was the one laid down and applied by Pufendorf himself in his first work and announced but only very selectively adhered to in his main work and hardly anywhere else. That there were looser concepts of *scientia* in the general meaning of organized knowledge goes without saying, though I am glad that Aaron did say it. But in order for that to be interesting, i.e., have explanatory value, it would have to be articulated with sufficient clarity and specificity to avoid the looming argumentative circle: that Pufendorf’s practice is what defines the idea of *scientia* that he practices. One might begin to approach the problem by setting out the differences between the above-mentioned slightly later concept of “system” and the variety of 17th-century notions of *scientia* that Aaron lists.

Finally, to end where we began: Michael’s misgivings. I think the interpretation sketched in the opening essay and further explained in the subsequent comments is worth *entertaining* because there is a heap of textual and contextual evidence to support it and give it meaning. I recommend it. However, I have my own treasure trove of difficulties; they may be dwindling, but enough remain to keep my mind open – and that without misgivings. I recommend that too.

### Endnotes

<sup>[22.]</sup> In Pufendorf’s Latin text there is no mention of human nature in this place, only of the time it takes to develop.

<sup>[23.]</sup> The original says only “requires understanding,” nothing about “own Nature.”

<sup>[24.]</sup> The point was nicely picked up by Laurence Sterne, with due acknowledgement: “[the] homunculus ... has all the claims and rights of humanity, which Tully, Puffendorf, or the best ethic writers allow to arise out of that state and relation,” *Tristram Shandy*, book I, ch. 2.



[25.] As Ian suggested, there is good reason to be skeptical of Michael's view of Pufendorf as a synthesis of Grotius and Hobbes.

[26.] *The Political Writings of Samuel Pufendorf*, ed. Craig Carr, trans. Michael Seidler (Oxford and New York: Oxford University Press, 1994).

[27.] See first of all his *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2001).

[28.] Leo Catana, *The Historiographical Concept "System of Philosophy": Its Origin, Nature, Influence and Legitimacy* (Leiden, Boston: Brill, 2008). The main work on eclecticism is Michael Albrecht, *Eklektik. Eine Begriffsgeschichte mit Hinweisen auf die Philosophie- und Wissenschaftsgeschichte* (Stuttgart-Bad Cannstatt: frommann-holzboog, 1994), but see also Martin Mulrow, *Enlightenment Underground: Radical Germany 1680-1720* (Charlottesville, VA: University of Virginia Press, 2015), ch. 8.

[29.] A matter on which I speak with the experience of having tried it and failed.

[30.] And also I have learned to use this as nothing more than a period concept.

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