In this pioneering and ambitious study T. J. Hochstrasser analyses and explains the development of natural law theories in Germany between Grotius and Kant. Particular attention is paid to Samuel Pufendorf and his followers, who incorporated many of the key theoretical insights of Thomas Hobbes into German political theory, and evolved a natural law theory based on human sociability and a self-sufficient concept of human reason. In so doing, they fostered a new methodology in German philosophy, eclecticism, which remained a major creative force in intellectual life down to the emergence of Kantian idealism. This intellectual tradition is recovered through a detailed analysis of the so-called 'histories of morality', which assessed contemporary innovations in ethics and political philosophy by describing the progress of the discipline since ancient times, and thus constitute the first serious histories of political thought. Equal consideration is also given to rationalist attempts by Leibniz and Wolff to defend traditional scholastic natural law against Hobbes and the followers of Pufendorf, and thus the work offers a detailed account of the range and importance of natural law theories within Germany in the era of enlightened absolutism, up to and including the onset of the Kantian revolution in moral philosophy.

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NATURAL LAW THEORIES IN THE EARLY ENLIGHTENMENT

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For my parents and in memory
of my grandparents

The thing that hath been tomorrow is that which shall be yesterday. Our stories of today need not have taken place in the present. This one began more than three hundred years ago. So did many other stories. Every story set in Germany goes back that far.

Günther Grass, *The Meeting at Telgte* (1979)

Cat and Mouse and Other Writings, ed. A. Leslie Willson, trans. R. Manheim, The German Library, vol. 93 (New York, 1994), p. 114

Contents

Preface

This book began as an account of the genre of 'histories of morality', written in French and German in the early Enlightenment, as prototypical histories of political thought. I have hoped to show how what began as a genre of radical rewriting of conventional understandings of the history of ethics and politics at the end of the seventeenth century succeeded in establishing itself as a new orthodoxy. In other words, on one level, this is a case study of the use of intellectual history to furnish arguments of legitimation and self-defence for groups of political thinkers partially or fully excluded from participation in their contemporary orthodox, established structures of both high politics and official higher education. From this standpoint the largest issues under consideration here concern the function of history within the discourse of natural law (taking the arguments of Leo Strauss in a different direction) and the use of history writing as a literary, academic and polemical device within the 'republic of letters'. Thereby I hope to suggest a more plausible relationship between the early Enlightenment and alleged processes of 'secularisation' than is sometimes depicted.

As the research and writing of this project has developed over a number of years, it has become clear that the role of the histories was more complex than this, and also deeply implicated in the shaping of the key conceptual redefinitions of voluntarist (Pufendorf and Thomasius) and rationalist (Leibniz and Wolff) natural law theories. Thus alongside the first historiographical narrative I have attempted to tell a second one, organised around the concept of eclecticism, in which the full impact of a fresh historical awareness of the history of philosophy is revealed within the doctrinal development of German natural law theories. This decision to focus on a more detailed account of the reasons for the bifurcation of the voluntarist and rationalist traditions has led me necessarily to lengthen the chronological coverage of the volume to include Kant and his early followers. But also, and in some

ways to my regret, I have been compelled to focus more single-mindedly on the German context and narrative, and to omit detailed consideration of the French-language 'histories of morality' and theoretical writings associated with them produced by Huguenot writers of the Refuge. While such a comparative, not to say cosmopolitan, perspective would have been beneficial, it is outweighed finally by the radical differences between the theological and political settings of the French and German contributors, which also underscore the character of their substantive contributions.

I hope therefore to develop in a separate study an account of the distinctive contribution of the Huguenot diaspora to the development of natural law theories that prioritised rights of conscience. In particular, Bayle, Barbeyrac, Burlamaqui and their associates produced both highly imaginative readings of Grotius, Pufendorf and Malebranche, together with a distinctive adaptation of natural law theories to explain and legitimate their own particular providence after the repeal of the Edict of Nantes. In ways that remain to be fully delineated, their interpretations of the history of philosophy and contemporary European history fused and entangled creatively with natural law theories to help to shape both the mature French Enlightenment and the official channels of legal and higher education in France.

In a work that has involved the study of texts in English, Latin, German and French it is right that I should make my policy on translations clear from the outset. All translations are my own unless otherwise specified. Where I have used an existing translation I have tried to adopt a version as near to the period of the original as possible, unless a more modern translation is clearly to be preferred on grounds of accuracy. In preparing and fine-tuning my own translations I owe much to the linguistic expertise of both Hugo Tucker and, particularly, Ingrid De Smet, who guided me in teasing coherence and convincing style out of some peculiarly rebarbative and euphuistic Baroque Latin.

It remains to thank the many people who have generously assisted me with their advice, learning and friendship in the long course of this book's composition. Richard Tuck's work first inspired me to attempt research in this field, and he has played an important part throughout both as supervisor of my doctoral thesis and as a continuing source of stimulus and suggestions thereafter. Quentin Skinner has also been greatly supportive and reassuring at critical moments. Knud Haakonssen gave me very helpful advice on issues both large and small, and I have benefited substantially from the detailed comments of Patrick

Riley, István Hont and John Robertson, the last two as examiners of my doctoral thesis. For Cambridge University Press, Richard Fisher has been a remarkably patient, efficient and always sympathetic editor. I am also glad to able to acknowledge the sharp-eyed vigilance of Hilary Scannell as copy editor. I have been very fortunate to work in a series of most rewarding research environments, and for this privilege I thank the Master and Fellows of both Corpus Christi College and Downing College, Cambridge, the British Academy (for the award of a post-doctoral fellowship), and the electors to the Carlyle Research Fellowship, which I held at Keble College, Oxford. At the London School of Economics I must also record a debt to two contrasting but equally searching scrutineers: Mia Rodríguez-Salgado, who subjected the work to robust, but constructively helpful appraisal, and Janet Coleman, who has done the same less explicitly within the framework of the seminar on the history of political thought that we jointly convene at the Institute of Historical Research. Among researchers of my own generation, I am especially grateful to Jon Parkin, Peter Schröder and Thomas Ahnert for criticism and camaraderie in equal measure. While it is not possible to record all the various friends and colleagues who have assisted me towards sharper analysis or better understanding of particular issues, sometimes perhaps without realising it, they would certainly have to include the following: Derek Beales, Lucas van Beeck, John Dunn, Charles Harpum, Ian Harris, John Hatcher, Ian Hunter, Chris Laursen, David Laven, Cadoc Leighton, Michael Lobban, Peter Mathias, Paul Millett, Harry Mount, Catherine Moutell, David Parrott, Athene Reiss, Ritchie Robertson, Larry Siedentop, Jonathan Steinberg, Matthew Strickland and Simone Zurbuchen. For the omissions, inaccuracies and infelicities that may remain I am fully responsible. My greatest debts are recorded in the dedication.