

## Article

# Divine Obligations as Theodicy in Leibniz's Jurisprudence and Metaphysical Theology

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**Abstract:** Leibniz's jurisprudence and theory of natural law, which began development as early as the 1660s, has implications for his mature theodicy. In this essay, it is shown that based on an analysis of a few key jurisprudential texts, the *Nova Methodus* (1666), the *Elementa Juris Naturalis* (1670–1671), and the *Codex Juris Gentium Diplomaticus* (1693), Leibniz developed the legal term 'obligatio' from Roman Law and the Spanish Jesuit traditions, but that his usage shifted at different stages of his life. Nevertheless, these views are compatible and provide a grounding for his philosophical optimism. It is further shown that Leibniz took the concept of *obligatio* to provide something like legal standing (*locus standi* or *klagebefugnis*) so that rational minds can undergo the theodicean project, that is, because God has obligations to substances, they can seek an explanation for their suffering from God. And because human reason is analogous to divine reason, according to Leibniz, God provides the explanation that the actual world is the best possible world. The goal, then, is to prove that we should take Leibniz's insights into jurisprudence more seriously, at least in part, because they help to explain his philosophical optimism.

**Keywords:** Leibniz; jurisprudence; God; obligation; moral necessity; theodicy



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## 1. Introduction<sup>1</sup>

Leibniz's theodicean project is oftentimes understood as a theological problem with a purely metaphysical solution. God permits suffering because this is the best of all possible worlds. Although God is not metaphysically necessitated to create the best world, it is morally necessary that he do so. After all, to do less than the best would be a moral failing for God, and since God's nature prohibits him from having any moral failings, it would be impossible for God to do less than the best. While there is nothing inaccurate in this basic story, it neglects an important sense in which Leibniz framed his metaphysical and theological explanation for God's justice in terms of his earliest insights into jurisprudence.

Leibniz's ethical, and especially his jurisprudential writings, have been given less attention by Anglo-American commentators, who have focused more on his insights into logic, metaphysics, epistemology, and philosophy of religion. Such neglect is a mistake given that Leibniz's philosophical views are not in isolated vacuums—insights in one area of thought influence others. As Patrick Riley correctly notes, “Leibniz is a supremely architectonic thinker who wants to relate everything to “first philosophy”, one cannot just cordon off his moral and political thought from his metaphysics and theology: that is precisely what he himself did not do” (Riley 1996, p. 5). Leibniz's mathematical insights into the differential calculus and the nature of infinity had implications for his metaphysical theory of freedom. And his metaphysical theory of freedom had implications for his theological views. One underrepresented connection drawn from commentators is Leibniz's link between jurisprudence and theology.

In some of his earliest writings, Leibniz closely associates jurisprudence and theology. In the *Nova Methodus*, for instance, he states that “what happens in jurisprudence equally happens in theology, because theology is a particular category of jurisprudence taken

universally...” (A VI 1, 294; NM 5, 34). Not only is theology a particular category of jurisprudence; later in the same text, he states that “the whole of theology *depends* for the greater part on jurisprudence” (A VI 1, 295; NM 5, 35).<sup>2</sup> The *Nova Methodus* was written when Leibniz was only 22 years old, and although some of Leibniz’s views became more nuanced over the course of his long career, he never made substantial revisions to this text. This is remarkable because it shows that the text embodies major views that are recognizably present for the entirety of his life. While his writings and references to jurisprudence become less pronounced later in his life, he never dismisses the close relationship between jurisprudence and theology.

It is easy to see why Leibniz was committed to such a close connection between jurisprudence and theology. He reasons that jurisprudence and theology are related to each other because both are sciences. And since all sciences help us to discern necessary truths by their *a priori* nature, that is they are discoverable by pure reason alone, and since jurisprudence is a science, it follows that the truths of jurisprudence are also discoverable *a priori*. Put differently, the *a priori* nature of jurisprudence allows us to have insights not just about human justice, but about God’s justice as well.

God’s justice is intelligible because of the uniformity of human and divine reason. Leibniz argues that the difference between human and divine reason can be attributed purely to the clarity of the perceptions that substances possess. He writes in the *Discourse on Metaphysics*, “It can even be said that every substance bears in some way the character of God’s infinite wisdom and omnipotence and imitates him as much as it is capable. For it expresses, however confusedly, everything that happens in the universe, whether past, present, or future—this has some resemblance to an infinite perception of knowledge” (A VI 4, 1542; AG 42). God has perfectly clear perceptions of the entire world, whereas other substances only perceive the world from their perspectives, and those perceptions are often “confused”. As a result, the difference between human and divine reason is one only of degree and not type. There are two important implications for natural law based on Leibniz’s insight here.

The first implication is that because God’s justice is not outside the scope of human reason, we can discern, at least partly, why God would permit undeserved suffering. Contrary to the competing German political movement led by Samuel von Pufendorf in the 17th century, Leibniz holds that there is no gap between human and divine wisdom. God is not shrouded in mystery such that we cannot know his essence or will or desires. While it is true that we may not be able to understand God’s essence, will, or desires completely, Leibniz reasons that God’s wisdom is of the same kind as human wisdom, though God possesses wisdom to the greatest degree possible. Whereas some theists are reduced to a kind of fideism with respect to God’s permission of evil such that they cannot say anything about God’s actions or justice, Leibniz does not and cannot hold this position—it would be too antithetical to his central rationalist tendencies. Although we may not know every detail of God’s calculation to actualize this world from amongst an infinite plurality of alternatives, we know that God’s moral nature always compels him to do that which is best.

Because of his position on the limits of human reason, Leibniz has an answer to the fundamental question posed by instances of evil. Why would a perfectly good, powerful, and wise God permit undeserved suffering? Because it is for the best. Again, while we do not know exactly why it is the best, a calculation that would require infinite knowledge since it would require understanding the value of each world from amongst an infinite plurality of possible worlds, we know some things about God and the actual world. We know that happiness is one of the principal aims of God’s choice to create, and that if there were a better possible world, then God would have been morally necessitated to actualize that other possible world instead.

The second implication from Leibniz’s natural law theory is that because human and divine reason differ only in degree, and justice is based purely on reason and not through the will of God, we can (and should) model human justice on God’s justice. Moreover, and this is a central feature of the natural law tradition in which Leibniz is situated, nothing is

missing from a complete account of natural law to achieve the good. Having an exhaustive understanding of natural law is sufficient for both a just individual and a just state. In texts from the early 1670s through the 1690s, Leibniz explicitly associates human and divine justice with his characterization that “justice is the charity of the wise” (A IV 5, 61; L 421) such that the monarch (or some other sovereign entity) of the earthly kingdom should imitate, as much as possible, the monarch of the heavenly kingdom.

Leibniz’s jurisprudence and theory of natural law, which began development in the early 1660s, has implications for his mature theodicy. In Section 2, it is shown that based on an analysis of a few key jurisprudential texts, the *Nova Methodus* (1666), the *Elementa Juris Naturalis* (1670–1671), and the *Codex Juris Gentium Diplomaticus* (1693), Leibniz developed the legal term ‘*obligatio*’ from Roman Law and the Spanish Jesuit traditions but that his usage shifted at different stages of his life. Nevertheless, these views are compatible and provide a grounding for his philosophical optimism. Section 3 shows how Leibniz took the concept of *obligatio* to provide something like legal standing (*locus standi* or *klagebefugnis*), so that rational minds can undergo the theodicean project; that is, because God has obligations to substances, they can seek an explanation for their suffering from God. Additionally, because human reason is analogous to divine reason, according to Leibniz, God provides the explanation that the actual world is the best possible world. In summary, this paper will draw an explicit connection between Leibniz’s jurisprudence and theology by showing that the legal term *obligatio* provides a framework for theodicy to take place. More specifically, it is shown how Leibniz can deploy the three degrees of natural law to show why God owes an explanation for undeserved suffering, satisfying the central theodicean project. The paper also surveys the possible targets of God’s obligations, that is, whether God is only obligated to himself, to himself and actualized substances, or to the entire set of *possibilia*. The goal, then, is to prove that we should take Leibniz’s insights into jurisprudence more seriously, at least in part, because they help to explain his philosophical optimism.

## 2. *Obligatio* and Two Senses of ‘Moral Necessity’

Leibniz does not merely treat jurisprudence and theology as related notions at an abstract level. He follows others in the 17th century by applying a legal framework to metaphysical issues. Perhaps this is nowhere more apparent and important than in his understanding of *obligatio*, a term used heavily in his metaphysics but which originates in his writings on jurisprudence. In fact, the etymology of the word is even connected with law. As Chris Johns notes, “in Latin, the root of ‘*obligatio*’, *lig*, stems from *lex*” (Chris Johns 2014, p. 372).

Leibniz uses *obligatio* to refer to what persons must do as a result of their moral nature, that which they are morally necessitated to do. As such, it provides the motivation to drive a rational being to pursue their perceived goods. In this sense, the only difference between human and divine obligations is that God could not be mistaken about his perceived goods. Humans can fail to perceive the good correctly and thus misunderstand what they are obligated to do, but because God never fails to perceive the good correctly, God always perfectly understands his obligations. Every rational being is motivated to pursue the good, and God is always successful in this pursuit.

Leibniz was not alone in connecting the legal term *obligatio* to necessity, and he certainly was not the first in the 16th and 17th centuries to connect it to *moral* necessity. In the 17th century, ‘moral necessity’ was very often understood in terms of the legal use of *obligatio* (See Leibniz [1948] 1985a, pp. 222–26) and, according to Robert Adams, “expressed the strongest modality in deontic logic” (Adams 2005, p. 182). Alberto Artosi and Giovanni Sartor explain the force of this modality, writing “The obligatory (*debitum*) is what one is not permitted not to do . . . what is obligatory for *x* cannot fail to coexist with *x*’s goodness, or equivalently, it is necessarily entailed by *x*’s goodness” (Artosi and Sartor 2018, p. 657). Leibniz’s understanding of moral necessity was influenced by two primary sources: Roman law on the one hand, and moral necessitarianism on the other, many proponents of which

were Spanish Jesuits exemplified by thinkers such as Diego Ruiz de Montoya (1562–1632), Diego Granado (1571–1632), and Sebastian Izquierdo (1601–1681).

In the *Nova Methodus*, Leibniz offers a brief history of natural law as he understands it, referencing Plato, Aristotle, Epicurus, Cicero, Grotius, Pietro Sforza Pallavicino, Hobbes, Johann von Felden, and Robert Sharrok. While their natural law theories are very different from one another, Leibniz maintains, in the conciliatory manner that will drive his work until the very end of his life, that his contribution to the natural law tradition will be to “reconcile these opinions” (A VI 1, 343; NM 73, 168) once he has given his view. The central feature of Leibniz’s theory of justice, present even in this early work, is that there are three degrees of natural law—*jus strictum*, *aequitas*, and *pietas*—and that these degrees of justice are operable at both the human and divine level.

In the *Codex Juris*, Leibniz argues that his account of law mirrors Roman law. In developing his account of natural law from the Roman law tradition, Leibniz was well aware of Justinian’s account in 533 AD that “Obligation is a bond of law with which we are bound by a necessity of performing some act according to the laws of our state (*obligatio est iuris vinculum, quo necessitate adstringimur alicuius solvenda rei, secundum nostrae civitatis iura*)” (Justinian n.d.). Riley notes of Leibniz’s *Elements of Perpetual Justice* (1695), an important but neglected work, that Leibniz abandons his “characteristically moderate caution, the “eternal”, the “natural”, and the Roman are made equivalent (as “perfect laws”) and that jurisprudential Trinity then governs not just the “human forum” but “the perfect state” of the best *kosmos*: the principles of Justinian’s law code are placed on a level with eternity and nature . . . No longer are *neminem laedere*, *suum cuique tribuere*, and *honeste vivere* just historical residues of a concrete legal and jurisprudential system; they have become the principles of “natural” (indeed of “eternal”) justice” (Riley 1996, pp. 200–1). The first degree of natural law, *jus strictum* or ‘strict right’, imposes negative duties and commands us “to hurt no one”—*neminem laedere*. The second degree of natural law, *aequitas* or ‘equity’, commands us to pursue a higher degree of justice, commanding us to “give each his due”—*suum cuique tribuere*. And finally, *pietas* or ‘piety’ is the third highest degree of natural law and the closest we can get to God’s justice, commanding us simply to “live piously or honorably”—*honeste vivere*. (A VI 1, 343–45; NM 73–75, 168–172). Since Leibniz thinks reason and justice differ between God and humans only in degree, the degrees of natural law apply to both God and humans. This fact serves as the underpinning for the central claim of the paper, that Leibniz’s natural law theory helps to explain God’s permission of undeserved suffering. Put differently, Leibniz’s natural law theory explains both human and divine justice, and the explanation of divine justice is central to a successful theodicy.

In the *Nova Methodus*, Leibniz describes *obligatio* simply as moral necessity, and it is without a doubt one of the most central terms in the entire text. He writes, “Morality, that is, the justice or injustice of an act, derives however from the quality of the acting person in relation to the action springing from previous actions, which is described as moral quality. But just as the real quality is twofold in relation to action: the power of acting (*potential agendi*), and the necessity of acting (*necessitas agendi*); so also the moral power is called right (*jus*), the moral necessity is called obligation (*obligatio*)” (A VI 1, 301; NM 14, 50). Leibniz echoes this sentiment into the 1680s and 1690s. In a piece that estimated to be from 1680 (A VI 4, 2850–2871)<sup>3</sup>, Leibniz writes that “Obligation is a moral necessity imposed on one who wishes to deserve the moniker “good person” (A VI 4, 2850). In the *Codex Juris*, Leibniz again insists that “*Right* is a kind of moral power, and *obligation* is a moral necessity” (G III, 386; L 421).

While moral necessity was commonly used as a legal term equivalent to obligation, Leibniz’s use of it changed over the course of his career. In the early *Nova Methodus*, he argues that as the subject of supreme right, God does not have any obligations. He writes, “The subject of moral quality is person and thing. Person is rational substance, and is either a natural or civil person. Natural persons are God, angel, and man. *God is the subject of supreme right, without any obligation*” (A VI 1, 301; NM 15, 51).<sup>4</sup> The strangeness of thinking of God as having no obligations and complete freedom to do anything he wills



is clearest when Leibniz describes *pietas* in his early *Nova Methodus*, the third and highest principle of law, simply as “the will of the superior” (A VI 1, 344; NM 75, 171), and he references Thrasymachus positively as a historical source that defends the view that “the just is that which is useful for the more powerful” (A VI 1, 344; NM 75, 171). In this early jurisprudential text, the notion of right is reducible to power and coercion.

Leibniz is sympathetic to the view he attributes to Thrasymachus and Hobbes even in the mid-1670s, and it is because of this approval that he defines obligation as “a necessity in acting which a fear of punishment imposes” (A VI 4, 2152; A VI 4, 2751). Since there is nothing that has power to coerce or punish God, it would follow that he is without obligation. Rateau explains this point nicely, writing (before later rightfully rejecting this characterization of Leibniz) that “God is above the law. He gives it, but he does not receive it. He is the source of obligation but is not himself obliged to anything or anyone” (Rateau 2019, p. 24). In other words, Leibniz’s early support of Hobbes’s position led him in some early texts to hold that since God is a “superior by nature” (A VI 1, 344; NM 75, 171), he has no obligations, that is, he is not morally necessitated to even do that which is good, much less to only do that which is best.

Leibniz’s position presents a serious problem both in terms of the consistency of his own writings and because of the implications for his optimism. On the one hand, in Leibniz’s early jurisprudential writings, he argues that as the subject of supreme right, God has no obligations at all—God is not morally necessitated to do anything. But in his more mature writings, both in the more public writings like the *Theodicy* and the private correspondences, Leibniz often argues that God *does* have obligations. That God is morally necessitated to actualize the best of all possible worlds is one of his primary strategies for responding to the necessitarianism of Spinoza, where the actual world is the only possible world.<sup>5</sup>

Quite explicitly then, Leibniz’s view in the early *Nova Methodus* that God has no obligations and that God is not morally necessitated rests on a position that he rejects in his more mature writings. In later texts, he holds that God has obligations and is morally necessitated to do that which is best. This shift is due to a difference in the way that Leibniz understands justice. In the early texts, justice rests on God’s will, and in later texts, justice rests on God’s intellect. This change allows Leibniz to find the source of divine freedom in later texts in God’s rational capacity to be inclined to the good without being metaphysically necessitated to it, which is the central claim of the moral necessitarians.

While it was perhaps strange to think of God as having no obligations, it may also appear odd to think of God as having any obligations since, as Artosi and Sartor note, obligations entail restrictions on freedom. We might find it odd that Leibniz would identify obligation *as* moral necessity and insist that the early view was correct—God has no obligations. We might insist that God is not obligated to do anything: God can do whatever he wants; God is permitted to do anything. However, in his mature writings, Leibniz understands that this view is “ridiculous” (PW 47), partly because it deprives him of the moral necessity strategy for responding to Spinoza.

So, either God does not have obligations as his early texts suggest, rendering God completely free to do anything he wills, or God has obligations as his later texts suggest, rendering God bound to that which is morally necessary. To resolve the tensions in the text regarding whether God has obligations, Michael Murray has argued that Leibniz uses moral necessity differently from the jurisprudential texts to the more metaphysically rich texts late in his life (Murray 1996, pp. 47–48). Murray writes, “In his earlier writings, Leibniz uses the phrase “moral necessity” in strictly deontic contexts. . . . But after 1700, Leibniz clearly begins to deploy the phrase in action theoretic contexts” (Murray 2004, pp. 1–2) The deontic sense indicates what a moral agent is obligated to do. The action theoretic sense, by contrast, is used to indicate that the will must choose whatever the intellect judges to be best.

While it is true that Adams notes that the Spanish Jesuit philosophical theology that drew on moral necessity “provided precedents for some aspects of his (Leibniz’s)

thought, including his “optimism” (Adams 2005, p. 182), neither Murray nor Adams connect Leibniz’s jurisprudential writings to theodicy. While Murray is correct that Leibniz employed two senses of moral necessity, these senses are compatible, operating at different explanatory levels, and can provide a more robust theodicy grounded in Leibniz’s insights in jurisprudence. Adams explains the difference in these senses of moral necessity, writing “In this richer sense (the action theoretic sense), to say that a decision is morally necessary is not merely to say that it *ought* to be made, it is to say something by way of explaining how and why it is made” (Adams 2005, p. 182).

By the time that he wrote the *Discourse on Metaphysics*, Leibniz’s sympathy with Hobbes had diminished, especially as it relates to the nature of justice. He writes, “in saying that things are not good by virtue of any rule of goodness but solely by virtue of the will of God, it seems to me that we unknowingly destroy all of God’s love and all his glory. For why praise him for what he has done if he would be equally praiseworthy in doing the exact contrary? Where will his justice and wisdom reside if there remains only a certain despotic power, if will holds the place of reason, and if, according to the definition of tyrants, justice consists in whatever pleases the most powerful?” (A VI 4, 1532–1533; AG 36). Leibniz’s position about justice has shifted from being dependent on the will to being dependent on the intellect. Leibniz’s mature position, following Hugo Grotius, and against philosophers like Hobbes and Pufendorf, is that God’s justice is not only discoverable by reason, but is itself mandated by reason and not by God’s will.

Robert Sleigh has argued that Leibniz needed the shift in meaning because the deontic sense of moral necessity would not fit his usage in some passages like the following from the ‘Causa Dei’, the Latin summary of the *Theodicy*. “Freedom excludes metaphysical necessity, the opposite of which is impossible, i.e., what implies a contradiction. However, it does not exclude moral necessity, the opposite of which is the unfitting” (G VI, 441; *Causa Dei*, 21). Commenting on this passage, Sleigh writes, “The notion of moral necessity employed here is purely deontic, equivalent to moral obligation. But Leibniz did use a notion of moral necessity in a quite different sense to explain actions, including choices. And, in fact, I think Leibniz really needed such a notion in the passage just quoted; what he wrote there just does not make much sense except by trading in the deontic notion employed for something else” (Sleigh 2009, p. 269). Sleigh further points to passages from the *Theodicy* where Leibniz seems to use the action theoretic sense of moral necessity. For example, he points to #282, where Leibniz writes “it is necessary that the blessed should not sin, that the devils and the damned should sin, and that God should choose the best” (G VI, 284; H 302).

In the *Meditation on the Common Concept of Justice* from 1702, we can even more explicitly see that Leibniz’s position with respect to obligation and moral necessity has changed. While Thrasyarchus and Hobbes make another appearance in the text, Leibniz is here overtly critical of their view. Leibniz writes that if Thrasyarchus is right, then “there would never be a sentence of a sovereign court, nor of a supreme judge, which would be unjust, nor would an evil but powerful man ever be blameworthy. And what is more, the same action could be just or unjust, depending on the judges who decide, which is ridiculous” (PW 47). Leibniz immediately continues that Hobbes “wished to uphold almost the same thing as Thrasyarchus: for he wants God to have the right to do everything, because he is all-powerful. This is a failure to distinguish between right and fact” (PW 47). With the dismissal of Hobbes’s position that justice is dependent on power, Leibniz has the framework in place to provide a robust theodicy grounded in the rational contemplation of divine justice.

### 3. Legal Standing and Theodicy

*Right* and *obligation* are moral qualities that provide the capacity to do what is just. As Johns explains, “*right* denotes the power to do what is just (or permitted) while *obligation* denotes the power of performing what is owed (or necessary)” (Christopher Johns 2013, p. 9). The correlative notions of *right* and *obligation* have modal implications. As Johns notes, “Right is a possibility and obligation is a moral necessity, i.e., a restriction on that

power” (Christopher Johns 2013, p. 126). So, Leibniz’s mature view is that contrary to what may be our (and his early) intuition that God has no obligations and is completely free to do anything, God’s actions are limited to only that which is just, which his infinite wisdom discerns.

Importantly, ‘right’ and ‘obligation’ are not just related notions—they have force on each other. As Leibniz states, “the causes of right in one person are a kind of loss of right in another and it concerns the process of acquiring an obligation. Conversely, the ways of losing an obligation are causes of recovering a right, and can be defined as liberation”. (A VI 6, 305–306; NM 20, 57). In the *Elementa Juris Naturalis* from 1671, Leibniz takes *right* and *obligation* to be the moral qualities of the *vir bonus* (the good person), and because of the close relationship between human and divine justice, the *vir bonus* refers to humans or God (A VI 1, 301; NM 14–15, 50–52). Johns takes the language of rights and obligations and applies them only to rational humans (Christopher Johns 2023). He writes that “right and obligation then are the moral qualities of rational substances, that is, of every human being”. But this is too narrow. As Leibniz’s account of moral necessity clearly shows, rights and obligations apply to every rational *being*. And since God is the supremely rational being, even God is constrained by a “blessed” moral necessity, which compels him to do only that which is just; to put the point more succinctly, even God has obligations.

Grua notes that Leibniz did not begin to express that God’s actions were morally necessary until the last ten years of his life. Given that God’s actions are morally necessary, there are obligations too. These references to the moral necessity of God’s actions are numerous. For instance, in a letter to Pierre Coste in 1707, Leibniz writes that “just as God is always infallibly led to the best, even though he is not led to it necessarily (other than by a moral necessity), we are always infallibly, but not necessarily led to what strikes us the most; since the contrary does not imply any contradiction, it was neither necessary nor essential that God created, nor that he created this world in particular, even though his wisdom and goodness led him to it” (G III, 402; AG 195). In his correspondence with Samuel Clarke, Leibniz objects to the conflation of these distinct kinds of necessity, writing “But to say that God can only choose what is best, and to infer from thence that what he does not choose is impossible, this, I say, is confounding of terms; ‘tis blending power and will, metaphysical necessity and moral necessity, essences and existences” (G III, 390; L 697). And of course, Leibniz utilizes moral necessity abundantly in the *Theodicy* in his explanations for divine freedom. For example, he writes, “The permission of evils comes from a kind of moral necessity: God is constrained to this by his wisdom and his goodness . . .” (G VI, 182; H 204).

But to whom does God have obligations? What obligations does God have? And on what grounds is it fair to say that an obligation is owed? While Leibniz is less clear about the answers to these important questions, we can lay out the logical space for answers to these questions, and tentatively suggest some possible answers based on Leibniz’s other metaphysical and theological commitments.

First, to whom does God have obligations? We might intuitively think that God only has obligations to substances in the actual world. Mere *possibilia* do not rise to the level of actual existence to be aggrieved parties. And since merely possible substances do not suffer actual harm, it would seem that God does not have obligations to them, and consequently, they do not have a right to a theodicy. Judas has a fair claim against God for his suffering as an actualized substance, but the counterpart of Judas, Judas\*—who does not betray Christ because he is a merely possible, unactualized substance—does not have a claim because Judas\* does not actually experience any harm. Using this model, God would have obligations to a set of substances after they have been actualized and no obligations to the merely possible substances which have not been actualized. But God would not have obligations to those substances before the actualization occurs. After all, if God has obligations to a certain set of creatures (presumably the set of finite substances which constitute the actual world) before actualization, then it would follow that he must create that set of substances because he owes them something. And that position is tantamount

to saying that the possible world containing those particular substances is metaphysically necessary, the necessitarian position he took pains to avoid.

On the other hand, Leibniz could insist that despite the intuition that God only has obligations to actualized substances, he could hold that God's obligations apply to all possible substances, both actualized and unactualized. Not only would this position avoid the threat of necessitarianism from before, but it may also be in line with our intuitions about rights and obligations more generally. Leibnizian metaphysics aside, we often think that we have moral obligations to things that are not actual and are merely possible. For instance, it might be reasonable to think that we should protect the Earth from events like climate catastrophe for future possible generations that do not exist. Or we might think that if we were to discover some new animal in the deepest part of the ocean or on another planet, that we might have obligations to them. Or we might think that if an Artificial Intelligence became fully conscious and sentient, then it may have some moral rights. In other words, it is perfectly reasonable to think we have obligations to possible entities.<sup>6</sup>

Supposing that God has obligations to both actualized and unactualized possibles, what might those obligations be? Johns suggests that a right is "essentially a human capacity or power" (Chris Johns 2014, p. 373) and emphasizes that for Leibniz, "right is the power to move one's body and is thus Freedom. It is at first the right of self-preservation, which gives rise to *material rights* necessary for that preservation . . ." (Chris Johns 2014, p. 373). With the right of self-preservation in place, Johns thinks that we can explain the associated obligations that result from these rights. He writes "We may now determine the truth-maker of an obligation, for Leibniz. Simply put, it is the right of freedom of every rational substance to preserve itself. Based on that right I have an obligation to respect that right in all others, as all others have the obligation to respect that right in me" (Chris Johns 2014, p. 373). Notice that Johns shifts from discussing rights as "essentially a human capacity" to rights and, consequently, obligations, as appealing to "every rational substance", which would presumably include God as well. If so, then these rights are those which, when violated, would provide the proper standing to seek a theodicy. And yet, if theodicy is concerned, then the rights would need to be more all-encompassing than just the material right to self-preservation. After all, someone might seek an explanation for the suffering of another whose rights have been violated, the very thing that happens to Job initially (and the rest of us as well, for that matter).

The different uses of moral necessity that Leibniz develops over the course of his jurisprudential writings have an impact on his theodicean project not in the explanation for God's permission of suffering, but because we have proper standing to both demand and expect an understanding of God's justice. In law, 'standing' is what allows one to bring a case before a judge once an injury has occurred. The goal of bringing forth a case is to receive redress for the injury. In the case with God, there is a straightforward way in which Leibniz seemed to think of the judicial metaphor. Since God is the ultimate judge, we can bring claims of injury, like cases of intense, undeserved suffering, to God asking for redress. And while God may not offer redress by removing the suffering, Leibniz reasons that it is fair to expect an account of *why* God permits the suffering.

It is precisely because rights impose obligations that we can have a theodicy in the first place. Johns explains this last point nicely, writing, "obligations are correlated with right, meaning that the moral power of a rational substance entails both what is owed to another and what another may demand of us" (Christopher Johns 2013, p. 22). We have proper standing to ask for an explanation for God's permission of suffering because we have a right to the explanation. And we have a right to the explanation because God is obligated to create. Or put differently, we have a right to the explanation because God is morally necessitated to create. Since natural law for Leibniz operates at both the human and divine level, we can use the language of the degrees of natural law to put the matter slightly differently. The suffering experienced by substances is a violation of the first degree of natural law. An explanation for that suffering is owed precisely because it is due, satisfying



the second degree of natural law, and the explanation is given by a benevolent God in the form of theodicy, satisfying the third degree of natural law.

For a point of comparison, contrast Leibniz's attitude about having a right to an understanding of evil with God's response to Job when he complains about the suffering he has endured, stating "Even today is my complaint bitter: my stroke is heavier than my groaning. Oh that I knew where I might find him! that I might come even to his seat! I would order my cause before him, and fill my mouth with arguments. I would know the words which he would answer me, and understand what he would say unto me" (Job 23: 2–5). God later responds "Who is this that obscures my plans without knowledge?" . . . Will the one who contends with the Almighty correct him? Let him who accuses God answer him!" (Job 38–40: 2). God then goes on to ignore Job's cry for explanation. God does not provide an explanation for Job's suffering because Job does not have proper standing to request the explanation in the first place. Without the proper standing before a judge, claims of injury are dismissed outright without any decision made on the substance of the complaint—a dismissal made explicit in the story of Job.

It still might be wondered, though, in what sense a theodicy is possible, even with the language of obligations and rights in place. A theodicy is only needed in cases of *undeserved* suffering, for presumably, if all suffering is deserved, then the explanation for why God permits it is straightforward—God is a just being who punishes the wicked. Cases of undeserved suffering are those which are particularly problematic. We might say that an individual is owed a theodicy because a right has been violated—either a material right, as Johns suggests, or something broader which has been suggested here.

But we might also think of rights more holistically. We might insist that it is not the case that God is violating any *individual* right at all; rather, God is prioritizing the value of the world over the value of the individual. This is not to say that God does not care about the individual (one cannot help but be reminded of the passage from the Book of Matthew, "Are not two sparrows sold for a penny? Yet not one of them will fall to the ground outside your Father's care. And even the very hairs of your head are all numbered. So do not be afraid; you are worth more than many sparrows" (Matthew 10: 29–31)) but rather that God's concern is to actualize the most good possible. Job's suffering is undeserved not because of anything he has done or because of a right which God has violated. Job's suffering is undeserved because, in choosing to actualize the best possible world, God has considered Job's suffering as part of the broader value of the world and privileged the latter over the former. And it is for this reason that Job is owed an explanation for God's permission of his suffering.

Rendered this way, we have a thoroughgoing Leibnizian solution to the problem of evil and a different interpretation of Job, drawing on Leibniz's insights into the natural law tradition. On this reading, God is not rejecting Job's request for an explanation of suffering—the explanation simply cannot be given to Job because of his limited understanding. The better question that Job should have asked was not why God permits his suffering, but why God is prioritizing the world over an individual, or why God must prioritize certain values at all. As an omnipotent being, why cannot God actualize the best world where none suffer? At this point, Leibniz can draw on the standard explanations for suffering as a response to Job, namely that the "best" world does not mean the world with the least suffering but is instead the one that is most harmonious, balancing the simplicity of laws with the richness and abundance of creatures.

It may appear from Job's perspective that his punishment is undeserved, but from the perspective of God, Job's punishment is only undeserved in the sense that Job is one of among an infinite number of other variables that God must weigh in choosing which world is best. In choosing which world to actualize, God is not concerned about Job as an individual at all but is instead concerned with the value of the world as a whole. Of course, Leibniz's theodicy may not sound very therapeutic; after all, it is not very sympathetic to say to someone suffering immeasurable harm that God has broader concerns.<sup>7</sup> Nevertheless, God permits the suffering of Job as a consequence of fulfilling a duty brought on by his

own benevolent internal nature. So, on this reading, Leibniz's position is not that there is a right which is violated by God, but instead that God's nature compels him to actualize a certain set of substances, some of which are going to suffer.

One might think that while Leibniz's jurisprudential writings certainly inform the metaphysical and religious framework, it would be a mistake to hold that we have a claim *against* God. To carry the judicial metaphor forward, God may indeed be the judge who hears our pleas of injustice, but he is not the defendant. Aggrieved parties only have claims against those who harm them, and strictly speaking, God is not harming any substance—God is permitting harm. As Johns explains, "Obligation . . . is that power one possesses to *limit* one's freedom in regard to the freedom of all other rational beings. In other words, because of our right to self-preservation, each of us has an obligation or 'moral necessity' not to harm another person. Moreover, each of us has a rightful (*moral*) claim against those who harm us—giving rise to the right of *legal* coercion under a social compact" (Chris Johns 2014, p. 373). Each of us has a rightful claim against those who harm us, and since God is not harming us, there is no just complaint. Put simply, we may have legal standing before God the judge, but not God the defendant. Rateau explains this point differently, arguing that while God does not have obligations *to humans*, he nevertheless has obligations to himself. He writes, "To indict God and put him on 'trial' before the tribunal of reason is possible. Whence the possibility, and indeed the necessity—in order to respond to objections based on the existence of evil—of a Theodicy. To be sure God is subordinate to no one and owes nothing to human beings. However, 'he cannot fail to satisfy himself'; he is obliged 'to justify himself to himself as a wise sovereign. What he owes to wisdom (or owes to himself) is nothing other than what he owes to every spirit who consults reason'" (Rateau 2019, p. 10).

A different way of framing the objection that God is not a defendant can be found in his mature writings. For example, in his *Primary Truths*, Leibniz writes "Properly speaking, he did not decide that Peter sin or that Judas be damned, but only that Peter who would sin with certainty, though not with necessity, but freely, and Judas who would suffer damnation would attain existence rather than other possible things; that is, he decreed that the possible notion become actual. And, although the future salvation of Peter is also contained in his eternal possible notion, it is, however not without the concurrence of grace, for in the same perfect notion of that possible Peter, even the aid of divine grace to be given him is found, under the notion of possibility" (A VI 4, 1646; AG 32). God does not directly bring about Judas's existence and then punish him for actions that he must certainly do; rather, God judges the total value of the entire world, compares it to every other possible world, and then brings that set of compossible substances into existence. Because God does not harm Judas (or any other aggrieved party), but only permits the harm as a result of actualizing a set of substances in a world, they lack the proper standing to make a moral or legal claim against God.

While reasonable, this objection misunderstands how injuries are understood in law and who can bring claims for those injuries. Claims can be made against those who injure aggrieved parties even if they have a reasonable expectation that harm will come from permitting an action. For instance, there could be a claim made against me if I left my 4-year-old, Jonah, unattended and some harm was to befall him. And if I can be held responsible without infallible knowledge of what danger Jonah may encounter, then certainly God, with infallible knowledge of everything, past, present, and future, could be held responsible for the harm endured by created beings, especially when the harm is intense and undeserved. God is still culpable, to some extent, for permitting evil, and it is this culpability which gives a ground to seek an explanation from God for why such permission was granted.

#### 4. Conclusions

Leibniz thinks that God's benevolent nature morally necessitates him to create the best possible world. God is obligated to actualize a collection of creatures not because he owes those creatures a debt, but because God must act in a particular way, the best

way—a characteristic that the mature Leibniz takes to be, contra Hobbes, praiseworthy. And we can seek an explanation for the suffering in the world because God is just, that is, God is the most perfect monarch. An unjust God would deny that there is an explanation for suffering. While Leibniz's theodicy can be made without using a legal framework of rights and obligations, the explanation becomes far more nuanced, and arguably better, by incorporating the jurisprudential language.

One might object that the reason that Leibniz's moral and legal philosophy has been heavily neglected by Anglo-American commentators is because it is either irrelevant or superfluous to his metaphysical explanation for God's permission of evil, or that we should not take seriously what Leibniz said when he was so young. To object on these grounds would be a mistake, though. Although Leibniz's attitude toward Hobbes changed from the early jurisprudential texts, he maintained that a theory of obligation was critical to a successful theodicy. Leibniz's earliest insights into jurisprudence inform the way that he thought about moral necessity in his mature writings, especially in the last ten years of his life. And they provide a more robust account of Leibniz's optimism.

It has been shown, then, that while Leibniz employs jurisprudential language in both his early and mature writings, his use of *obligatio* shifts. In his early writings, Leibniz's sympathy with Hobbes led him to hold that God had no obligations, that is, he was not morally necessitated to do anything. But as this sympathy to Hobbes waned, Leibniz was able to hold that God has obligations, and moral necessity provides a framework within which to argue against Spinoza's necessitarianism. While Leibniz's use of moral necessity shifted in 1702, it has been argued that the deontic and the action theoretic senses of the term are compatible and can be used to support Leibniz's philosophical optimism.

Through the use of reason, a faculty of the same type as God's that we can approximate to a much lesser degree, we can understand that God's permission of suffering was borne out of concern for actualizing the best possible world, that is, the world richest in phenomena and simplest in laws. Without the legal standing to demand an explanation for suffering, we could wonder whether there will be rewards for the praiseworthy and punishments for the blameworthy, but we would have to stop at mere curiosity.<sup>8</sup>

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## Notes

- <sup>1</sup> Leibniz's primary texts will be cited with the following abbreviations: (Leibniz [1875] 1890, 1923, 1969, [1948] 1985a, 1985b, 1988, 1989, 2017).
- <sup>2</sup> My emphasis.
- <sup>3</sup> See (Leibniz forthcoming).
- <sup>4</sup> My emphasis.
- <sup>5</sup> Adams has persuasively argued that the doctrine of moral necessity serves as the underpinning for the two ways that Leibniz preserves metaphysically contingent truths in his mature writings, namely, that some things are possible in themselves, and that the actual world is contingently the best. See (Adams 1994, 2005).
- <sup>6</sup> It might be objected here that these examples are not analogous to purely possible substances because in these examples, the obligations would only arise when the entities in question come into existence. But this is no different than saying that if the purely possible substances were actualized, then God would have obligations to them.
- <sup>7</sup> This criticism has been lodged at Leibniz by multiple commentators. See Lodge (2020) and Horn (2018). Of course, as Strickland reminded me, Leibniz reiterates time and again to Sophie and Sophie Charlotte that his theodicy can bring contentment.
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