

HUGO GROTIUS, MORAL SCEPTICISM AND THE USE OF ARGUMENTS *IN UTRAMQUE PARTEM*

HUGO GROTIUS, CÉTICISMO MORAL E O USO DE ARGUMENTOS *IN UTRAMQUE PARTEM*

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ABSTRACT – The use of equally compelling arguments both for and against the truth of a proposition were known in the Renaissance as arguments *in utramque partem*. Early modern sceptics used arguments *in utramque partem* in order to show that one cannot ground morality on safe grounds, for the arguments which are presented in favor of the idea of justice could be neutralized by equally compelling arguments against the idea of justice. In this paper, I argue that Hugo Grotius tried to refute this kind of moral scepticism in his main philosophical writings, *De jure bellic ac pacis* and *De jure praedae commentarius*. Against the sceptic, Grotius seeks to establish that the reasons which are consecutively presented for and against the idea of justice are not incompatible with each other.

KEYWORDS – Hugo Grotius. Moral. Scepticism. Justice.

RESUMO – O uso de argumentos igualmente convincentes tanto em prol quanto contra a veracidade de uma proposição era conhecido na Renascença como *in utramque partem*. Céticos do início da Modernidade utilizaram argumentos *in utramque partem* visando demonstrar que não se pode fundamentar a moralidade em um terreno sólido, já que os argumentos apresentados em favor da ideia de Justiça poderiam ser neutralizados por argumentos igualmente convincentes contra a ideia de Justiça. Nesse artigo, eu argumento que Hugo Grotius tentou refutar esse tipo de ceticismo moral em seus principais escritos filosóficos, *De jure bellic ac pacis* e *De jure praedae commentarius*. Contra os céticos, Grotius procura estabelecer que as razões apresentadas a favor e contra a ideia de Justiça não são incompatíveis entre si.

PALAVRAS-CHAVE – Hugo Grotius. Moral. Ceticismo. Justiça.

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I

There was in the Renaissance a rediscovery of Greek ancient sceptical writings. The texts by sceptics such as, for instance, Sextus Empiricus were initially examined as a further source of information on the culture of antiquity, but the sceptical arguments they contained gradually began to be discussed in practically every ambit of sixteenth and seventeenth century culture, such as theology, morality, epistemology, and metaphysics. It is no surprise, then, that in this context some pre-modern ideas relative to the legitimacy of political authority were also cast into doubt. Previously to the emergence of modern political thought, Thomas Aquinas, for instance, had assumed that every person has a 'natural inclination' (*inclinatio naturalis*) to live in society.¹ For this reason, he also assumed that legitimate political authority was expected to ensure that human being's natural inclinations would be furthered, and that deviations from natural inclinations would be either discouraged or punished. Aquinas' theory involved the theological assumption, contained in the New Testament, that God wanted individuals to love each other in the same way each person, considered individually, loves herself.² But in the face of modern scepticism, this assumption proved doubtful. Why, indeed, should one accept that one is naturally disposed to care about one's fellow-men as much as one cares about oneself, or that there is a divine commandment enjoining one to love other individuals? If neither natural law theory nor theology could provide compelling reasons for an individual to curb the pursuit of his or her own interest to the benefit of other individuals, then, at first glance, no reasonable justification could be offered for the legitimacy of political authority. For the standards for the moral assessment of political authority had been traditionally derived from received natural law ideas and theological assumptions.

On the other hand, at the same time traditional assumptions relative to the justification of political authority were being cast into doubt by means of sceptical arguments, sixteenth and seventeenth-century European culture witnessed remarkable achievements in the field of natural sciences. A distinguishing feature of modern scientific

¹ AQUINAS. *Summa Theologiae*, edited by Thomas Gilby (Cambridge University Press: 2006) vol. 28, I^a II^{ae}, Q. 94.

² Cf. Matthew (22: 37-40): 'Jesus said to him, *'Love the Lord your God with all your heart, with all your soul, and with all your mind.'* This is the first and greatest commandment. The second is like it: *'Love your neighbor as yourself.'* All the law and the prophets depend on these two commandments.' Cf. also John (13, 34): *'A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another.'*

methodology consisted in the attempt to employ mathematics in the investigation of natural phenomena.³ Since mathematical method had proved so successful in the investigation of natural phenomena, it seemed then quite reasonable for many modern thinkers to employ a mathematical method in other fields of investigation such as ethics, epistemology, or politics. Leading modern thinkers, such as, for instance, Grotius, Descartes, Hobbes, and Spinoza sought to advance their respective philosophical projects in consonance with a mathematical method of exposition. But it is important to notice that, for these authors, the application of a mathematical method was not conceived in terms of measurements and quantification, as it occurred in astronomy or physics. To employ a mathematical method meant, rather, to proceed as a mathematician would do, namely: not to take any propositions for certain unless they were as evident as a mathematical axiom; and to construct knowledge on the basis of these self-evident propositions. Grotius, for instance, affirms the following in the *De jure praedae*:

Just as mathematicians customarily prefix to any concrete demonstration a preliminary statement of certain broad axioms on which all persons are easily agreed, I order that there may be some fixed point from which to trace the proof of what follows, so shall we point out certain rules and laws of the most general nature, presenting them as preliminary assumptions which need to be recalled rather than learnt for the first time, with the purpose of laying a foundation upon which our other conclusions may safely rest.⁴

But what could be accepted as ‘self-evident’ in the context of a discussion on the moral foundations political authority? For the sceptic, it was by no means evident that he was endowed with a natural inclination towards the well-being of other individuals, nor that he was subjected to a natural or divine law which enjoined him to care for the interest of other individuals as much as he cared for his own interest. But could the sceptic reasonably doubt he had an

³ See e.g. RÖD, W. *Geometrischer Geist und Naturrecht: Methodengeschichtliche Untersuchungen zur Staatsphilosophie im 17. und 18. Jahrhundert* (Munich: Bayerische Akademie der Wissenschaft, 1970); BURTT, E. A. *The Metaphysical Foundations of Modern Physical Science: A Historical and Critical Essay* (London: Routledge & Kegan Paul, 1964).

⁴ GROTIUS. *Commentary on the Law of Prize and Booty*, edited by Martine Julia van Ittersum (Indianapolis: Liberty Fund, 2006), ii, 17-18. This passage corresponds to Grotius, *De jure praedae commentarius*, edited by H. G. Hamaker (de Hague: Nijhoff, 1868), 7. Henceforth I will use the abbreviation DJPC for *De jure praedae commentarius*, and CLPB for the English translation *Commentary on the Law of Prize and Booty*.

inclination towards *his own* well-being; or that he cared for *his own interest*, even admitting that he did not have any concern for the interest of his fellow-men? This, apparently, could not be denied by the sceptic. Thus, the methodological strategy against the sceptic consisted in calling attention to a proposition which could be taken as immune to the sceptical onslaught, namely: that every individual (even the sceptic himself) has an intrinsic interest in the promotion of his own well-being. The thesis that individuals are essentially self-interested, and only occasionally inclined to meet the interest of other persons, should be taken, therefore, as a starting point – like an axiom in geometry – in the refutation of moral scepticism. Accordingly, an investigation into the question relative to the legitimacy of political authority should take as its starting point the self-interested character of human nature, for self-interestedness seemed to be the only feature of human nature the existence of which not even the sceptic could reasonably put into question. Even though Hobbes' *Leviathan* immediately comes to mind when we consider this self-centered approach to the question of political authority, I would like to examine in this article, not Hobbes', but Grotius' contribution to this debate.

II

Grotius' main works are *De jure praedae* and *De jure belli ac pacis*. The latter was published in 1625, while the former was only partially published during Grotius' lifetime, in 1609, as *Mare Liberum*. The remaining of the text was discovered in 1864 and published four years later under the title of *De jure praedae commentarius*.⁵ The previously published work, *Mare liberum*, constitutes the twelfth chapter of *De jure praedae*. Both in *De jure praedae* and in *De jure belli ac pacis* Grotius criticises the sceptical claim that justice, being but a human convention, could not be the object of a systematic philosophical investigation. Right at the outset of *De jure belli ac pacis*, Grotius affirms that his intention is to refute moral scepticism. He has specially in mind here the ancient sceptic Carneades who is reported

⁵ See H. G. Hamaker's *Praefatio* to Grotius, *DJPC*, v. See also TUCK, R. 'Grotius and Selden', in *The Cambridge History of Political Thought, 1450–1700*, edited by J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), 504; TUCK, R. *Philosophy and Government: 1572-1651* (Cambridge: Cambridge University Press, 1993) 170; TUCK, R. *The Rights of War and Peace: Political Thought and Political Order from Grotius to Kant* (Oxford: Oxford University Press, 1999) 81; TUCK, R. 'Introduction', in *Grotius: The Rights of War and Peace*, edited by R. Tuck (Indianapolis: Liberty Fund, 2005), v. 1, XVII.

to have argued, in two consecutive days before the Roman Senate in 155 b.C., both *for* and then *against* the idea of justice. Grotius affirms the following:

But since it would be vain Undertaking to treat of Right [*de jure*], if there is really no such a thing; it will be necessary, in order to show the Usefulness of our Work, and to establish it on solid Foundations, to confute here in a few Words so dangerous an Error. And that we may not engage with Multitude at once, let us assign them an Advocate. And who more proper for this Purpose than Carneades, who arrived to such a Degree of Perfection, (the utmost his Sect aimed at) [*quod Academiae suae summum erat*] that he could argue for or against Truth, with the same Force of Eloquence [*pro falso non minus quam pro vero vires eloquentiae posset intendere*]? This Man having undertaking to dispute against Justice [*justitiae*], that kind of it, specially, which is the Subject of this Treatise, found no Argument stronger than this. Laws [*jura*] (says he) were instituted by Men for the sake of the Interest [*utilitate*]; and hence it is that they are different, not only in different Countries, according to the Diversity of their Manners, but often in the same Country, according to the Times. As to that which is called NATURAL RIGHTS, it is a mere Chimera. Nature prompts all Men, and in general all Animals, to seek their own Advantage: So that either there is no Justice at all [*nullam esse justitiam*], or if there is any, it is extreme Folly, because it engages us to procure the Good of others, or our own Prejudice.⁶

The ability to argue both for and con the truth of a proposition, without necessarily committing oneself to either side, was seen in antiquity as a powerful rhetorical technique and, for this reason, it also constituted an important method in legal reasoning. Cicero refers to this method of argumentation as an ability *de omnibus rebus in contrarias partes disserendi* or, more frequently, as the art of arguing *in utramque partem*.⁷ Carneades' two successive discourses before the Roman Senate, one for and the other against justice constitute the

⁶ GROTIUS. *De iure belli ac pacis libri tres* (Leiden: E. J. Brill, 1939) *Prol.*, v, 7. This passage corresponds to Grotius, *The Rights of War and Peace*, edited by R. Tuck (Indianapolis: Liberty Fund, 2005) vol. 1, 79. Henceforth I will use the abbreviation *DJBP* for *De iure belli ac pacis*, and *RWP* for the English translation *The Rights of War and Peace*.

⁷ Textual evidence for Carneades' discourses on justice is provided by CICERO. *Rep.* iii. 5-7. Yet, part of Cicero's original text is lost. The missing passage, with the account of Carneades' discourses on justice, is sometimes supplied with an extract from Lactantius (*Divine institutes* 5.14.3-5). See also CICERO. *De oratore* 2, 155; CICERO. *Academica* 1, 137. For an historical account of Carneades' discourses before the Roman Senate, see WILKERSON, K. E. 'Carneades at Rome: A problem of sceptical rhetoric', *Philosophy and Rhetoric*, 21 (1988): 131-144.

best example of the employment of *in utramque partem* arguments in antiquity.⁸ This method of argumentation was revived during Renaissance, and it turned out to play an important role, not only in the context of legal training, but also in other fields of inquiry such as theology, politics, and epistemology.⁹ Arguments *in utramque partem* were also familiar to early modern advocates of scepticism such as Charron and Montaigne.¹⁰ It was, actually, those modern philosophers, who made ample use of ancient sceptical arguments against the tenability of the idea of justice, rather than the historical Carneades, that Grotius had in mind in the *Prolegomena* to *De jure belli*

⁸ See e.g. GOODRICH, P. 'Law', in *Encyclopedia of Rhetoric*, edited by T. Sloane (Oxford: Oxford University Press, 2001), 422-3; EISELE, R. 'Skeptizismus', in *Historisches Wörterbuch der Rhetorik*, edited by G. Ueding (Tübingen: Max Niemeyer, 2007), vol. 8, 932; NICKAU, K. 'Peripateticorum consuetudo, Zu Cic. *Tusc.* 2,9', in *Antik Rhetorik und ihre Rezeption*, edited by S. Döpp (Suttgart: Franz Steiner, 1998) 17 and 22; GRANATELLI, R. 'Lin utramque partem disserendi exercitatio nell'evoluzione del pensiero retorico e filosofico dell'antiquità', *Vichiana*, 1 (1990): 165-181; LEONARDT, J. *Ciceros Kritik der Philosophenschulen* (Munich: Beck, 1999) 14; REMER, G. 'Humanism, liberalism, and the sceptical case for religious tolerance', *Polity*, 25 (1992): 25.

⁹ See SCHIFFMAN, Z. S. *On the Threshold of Modernity: Relativism in the French Renaissance* (Baltimore: Johns Hopkins University Press, 1991) 16: 'In elementary classes, they tested each other on grammatical points; in more advanced classes, they disputed in utramque partem. The teacher would customarily assign one group of students the task of defending a proposition and another group that of attacking it (...) Students thus became skilled in the presentation of knowledge; they learned to think and to speak in utramque partem.'; ALTMAN, J. *The Tudor Play of Mind: Rhetorical Inquiry and the Development of Elizabethan Drama* (Berkeley: University of California Press, 1978) 34: 'The habit of arguing in utramque partem permeated virtually all areas of intellectual life. Erasmus even extended it to Scriptural interpretation.' See also ARAUJO, M. de. *Scepticism, Freedom, and Autonomy: A Study of The Moral Foundations of Descartes' Theory of Knowledge* (New York/Berlin: De Gruyter, 2003) 41-44; KAHN, V. *Rhetoric, Prudence, and Skepticism in the Renaissance* (Ithaca: Cornell University Press, 1985) 20-22 and 67); MOSS, J.D. 'Rhetoric in Renaissance language and literature', in *Encyclopedia of Rhetoric*, edited by T. Sloane (Oxford: Oxford University Press, 2001) 686; SKINNER, Q. *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996) 27.

¹⁰ SCHIFFMAN, Z. S. *On the Threshold of Modernity: Relativism in the French Renaissance* (Baltimore: Johns Hopkins University Press, 1991) 54: '...Cicero denied that one could ever attain truth or certainty, thus limiting all knowledge to probability or verisimilitude revealed by discoursing in utramque partem. This Ciceronian attitude, eclipsed during the Middle Ages, was subsequently revived in the Renaissance. Yet Montaigne used discourse in utramque partem to demonstrate that one could not even establish verisimilitude in human affairs...' See also KAHN, V. *Rhetoric, Prudence, and Skepticism in the Renaissance* (Ithaca: Cornell University Press, 1985) 115: 'For while Montaigne borrows the in utramque partem method of arguing from Academic skeptic and the classical orator, he does not share their conviction that this form of argument will allow one to arrive at some approximation of the truth.'

ac pacis.¹¹ In this regard, it is also noteworthy that Johann Gronovius, an early editor and commentator of *De jure belli ac pacis*, explicitly refers to the ability of arguing *in utramque partem* in his commentary to the passage quoted above, where Grotius first refers to Academic scepticism.¹² Gronovius had the opportunity to meet Grotius personally about ten years after the publication of *De jure belli ac pacis* and to discuss its content with him.¹³ It is reasonable to assume, then, that Gronovius also comprehended Grotius' refutation of moral scepticism as an attempt to criticise the use of arguments *in utramque partem* in the context of moral and political discussions.

For the sceptic, there are reasons to suppose that laws and justice are but human conventions. Laws and justice, accordingly, would be the result of self-interest (*utilitate*); the so-called 'natural laws' on the other hand, would not really exist (*jus autem naturale esse nullum*). Yet, given the sceptic's assumption that we can always argue *in utramque partem*, there were equal reasons to suppose that justice and laws could be more than simple human conventions. As I intend to show, Grotius' refutation of scepticism does not consist in simply rejecting one of Carneades' discourses (the discourse against justice) in order to defend the other discourse (the one in favour of justice). Grotius' intention is, rather, to neutralise the bewildering effect the discourse *in utramque partem* had exerted since antiquity in the discussions about laws and justice. Grotius' objective, thus, consists in showing

¹¹ TUCK, R. 'Grotius, Carneades, and Hobbes', *Grotiana*, 4 (1983): 44: 'To attack Carneades in 1604 or 1625 was not of course simply to attack a long-dead classical philosopher. It was primarily to attack the modern sceptics whose appeal to contemporary intellectuals was profound – and with whom the youthful Grotius himself seems to have had some sympathy.' See also TUCK, R. 'The "modern" theory of natural law', in *The Languages of Political Theory in Early-Modern Europe*, edited Anthony Pagden (Cambridge: Cambridge University Press, 1987) 109; TUCK, R. 'Optics and sceptics: the philosophical foundations of Hobbes' political thought', in *Conscience and Casuistry in Early Modern Europe*, edited by Edmund Leites (Cambridge: Cambridge University Press, 2002) 239-41; SCHNEEWIND, J.B. *Moral Philosophy from Montaigne to Kant: An Anthology* (Cambridge: Cambridge University Press, 1990), vol. 1, 89; SCHNEEWIND, J.B. *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998) 70-1; BUCKLE, S. *Natural Law and the Theory of Property* (Oxford: Clarendon Press, 1991) 17-18; HARRISON, R. *Hobbes, Locke, and Confusion's Masterpiece: An Examination of Seventeenth-Century Political Philosophy* (Cambridge: Cambridge University Press, 2003) 40.

¹² GRONOVIVS, J. In: GROTIUS. *De iure belli ac pacis libri tres, Prolegomena*, v (Amsterdam: Janssonio-Waesbergiorum, 1689): 'Academia: Academicae sectae, quae ex instituto nihil definiebat, et assensum quidem sustinebat, de omnibus autem quaestionibus probabiliter in utramque partem disputabat.'

¹³ See GRONOVIVS, Johann Friedrich. In: *Allgemeine Deutsche Biographie* (Leipzig: Duncker & Humblot, 1879) vol. 9, 721.

that justice and laws on the one hand, and self-interest on the other, are not incompatible with each other.

III

Before examining Grotius' refutation of scepticism, it is important to notice that Grotius was not the only major modern philosopher interested in criticising the use of *in utramque partem* arguments in the context of moral and political discussions. Quentin Skinner, for instance, points out that Hobbes was also interested, both in *De Cive* and in *Leviathan*, in overcoming the ongoing rhetorical disputes which would have precluded the progress of 'civil science'. These disputes were conducted, according to Skinner, in consonance with the classical model of *in utramque partem* arguments, inspired by Carneades' discourses for and against justice. On the other hand, Skinner denies that Hobbes' effort to criticise the use of *in utramque partem* method of argumentation had any significant connection with the attempt to refute scepticism in the moral and political debate. According to Skinner, Hobbes was concerned, rather, with the 'rhetorical culture of Renaissance humanism'.¹⁴ In a similar vein, Thomas Mautner acknowledges that Grotius criticises the use of *in utramque partem* method in the context of moral and political questions. On the other hand, Mautner denies, like Skinner, that this bears any relationship with the problem of scepticism.¹⁵ Mautner's thesis is that Grotius was not concerned with scepticism, but, rather, with *Realpolitik*, i.e. with 'realism' in international relations.¹⁶ Skinner and Mautner seek to dissociate the use of *in utramque partem* arguments from the problem of scepticism by alleging that there is no textual evidence, either in the works of Hobbes' or Grotius', which corroborate the thesis that the problem of scepticism was a relevant question for these philosophers.¹⁷ But is this a good argument?

¹⁴ SKINNER, Q. *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996) 299-300.

¹⁵ MAUTNER, T. 'Grotius and the skeptics', *Journal of the History of Ideas*, 66 (2005): 590: 'What made Carneades the natural choice was his renown as an orator, underscored by his success in arguing with great persuasive power in utramque partem. He was chosen because he was the one capable of making the best case for the opinion that Grotius wanted to refute.'

¹⁶ MAUTNER, T. 'Grotius and the skeptics', *Journal of the History of Ideas*, 66 (2005): 588 and 591.

¹⁷ This argument is also defended by ZAGORIN, P. 'Hobbes without Grotius', *History of Political Thought*, 21 (2000): 24; KORKMAN, P. 'Barbeyrac on scepticism and modernity', *Grotiana*, 20/21 (1999/2000): 83; TIERNEY, B. *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150-1625* (Atlanta: Scholar Press, 1997) 321; SHAVER, R. 'Grotius on scepticism and self-interest', *Archiv für Geschichte der Philosophie*, 78 (1996): 27-47.

Consider, for instance, Descartes. Right at the outset of the *Meditations*, in the *Dedicatory letter to the Sorbonne*, Descartes also criticises the method of argumentation *in utramque partem*. He opposes geometry to philosophy, and complains that, while in the former we can find exact demonstrations, in the latter ‘there is nothing about which it cannot be argued either way’ (‘... *nihil esse de quo non possit in utramque partem disputari...*’).¹⁸ Like Grotius and Hobbes, Descartes thought of mathematics as a kind of knowledge from which a reliable method of investigation could be derived. Accordingly, the mathematical method, rather than the *in utramque partem* method of argumentation, should be employed in the context of an investigation into the foundations of knowledge. The application of a mathematical method could be, then, turned against the sceptical doubts Descartes himself had raised in the *First Meditation*. The problem, however, is that Descartes does not make any overt reference to the problem of scepticism in the *Meditations*. If the argument offered by Skinner and Mautner were sound, we would also have to accept that, in spite of Descartes’ straight reference to the use of *in utramque partem* arguments in the *Meditations*, Descartes is not interested at all in the problem of scepticism. But in the replies to the *Meditations*, after having been criticised for advancing a sceptical position, Descartes makes a clear statement of his intention not to defend, but to refute the sceptic.¹⁹

As to the thesis that Grotius was interested in opposing realism in international relations, it can hardly be questioned. Grotius’ main works are amongst the most important contributions in the history of international law theories. And one of the reasons for the resurgence of philosophical interest in Grotius’ writings stems precisely from the attempt to advance an alternative to realism or *Realpolitik* in international relations.²⁰ But we should not conclude from Grotius’

¹⁸ DESCARTES. *Oeuvres de Descartes*, edited by C. Adam and P. Tannery (Paris: Vrin, 1996) vol. 7, 5. This passage corresponds to Descartes, *The Philosophical Writings of Descartes*, translated by J. Cottingham, R. Stoothoff, and D. Murdoch (Cambridge: Cambridge University Press, 1993), vol. 2, 5. Henceforth I will use the abbreviation AT for the French edition of Descartes’ works, and CSM for the English edition. A further reference to the use of *in utramque partem* arguments appears in the *Fourth Meditation*, AT, vol. 7, 57 (CSM, vol. 2, 40). For an examination of Descartes’ criticism of *in utramque partem* arguments, see ARAUJO, M. de. *Scepticism, Freedom, and Autonomy: A Study of The Moral Foundations of Descartes’ Theory of Knowledge* (New York/Berlin: De Gruyter, 2003) 40-72.

¹⁹ DESCARTES. AT, vol. 7, 548-549 (CSM, vol. 2, 374-5). See also AT, vol. 7, 476-477 (CSM, vol. 2, 321); AT, vol. 7, 130 (CSM, vol. 2, 94).

²⁰ See e.g. BULL, H. *Anarchical Society: A Study of Order in World Politics* (Columbia: Columbia University Press, 1977). Bull and other authors related to the so-called English School of international relations are sometimes referred to as “Neo-grotians”.

criticism of realism that Grotius was not interested at all in the problem of scepticism. For realism itself may be considered a form of scepticism relative to the existence of compelling moral principles in the ambit of international relations.²¹ Why, after all, should one state curb the pursuit of its own interest, so as to meet the interest of other states, if, as Carneades had put it, there were neither natural laws nor justice (*nullam esse justitiam*)? Grotius' alternative to realism in international relations, therefore, cannot be dissociated from his attempt to refute moral scepticism.

IV

In order to refute scepticism, Grotius seeks to conciliate two apparently conflicting theses. (1) The first thesis is that human beings are naturally self-interested; they pursue firstly the implementation of their own interest, and only secondarily do they also seek to meet the interest of other individuals. (2) The second thesis is that human beings have a natural propensity to live in society. Grotius commits himself to both theses in several passages from *De jure belli ac pacis* and from *De jure praedae*. But it is important to stress that Grotius is not interested in endorsing one thesis to the detriment of the other one. Martin Harvey, for instance, argues, too, that there is 'textual evidence' for both theses scattered in Grotius' works. But Harvey seems to assume that a correct interpretation of Grotius' argument would establish which thesis Grotius would have supported after all.²² Since Grotius is trying to refute the sceptical use of arguments *in utramque partem*, it is no wonder, then, that we find textual evidence for both the first and the second theses. But Grotius' point against the sceptic is that, despite appearance to the contrary, the two theses are

²¹ See e.g. FORDE, S. 'Classical realism', in *Traditions of International Ethics*, edited by Terry Nardin and David Mapel (Cambridge: Cambridge University Press, 1993) 62: 'Realism appears against this background as a skepticism concerning the relevance of moral categories to the relations among states.'; and *ibid.* 69: 'For Machiavelli, realism in the international arena is inseparable from moral skepticism that extends to the very foundations of political life.' See also WILKERSON, K. E. 'Carneades at Rome: A problem of sceptical rhetoric', *Philosophy and Rhetoric*, 21 (1988): 134: 'An account of Carneades' speeches must also consider his philosophical position. He was a serious sceptic. That is, he did not merely attack the dogmatists with sceptical arguments but developed a sceptical epistemology that was possibly also the basis for a moral theory (...) His arguments are directed in particular to questions of international justice.'

²² HARVEY, M. 'Grotius and Hobbes', *British Journal for the History of Philosophy*, 14 (2006): 32: 'What of Grotius: does he remain wedded to Aristotle or does he pave the way for Hobbes? Textual evidence points in both directions but the latter reading would ultimately seem to prove persuasive.'

compatible with each other. The first thesis is clearly stated, for instance, in the following passage from *De jure praedae*:

THEISIS 1 (about self-interestedness in human nature)

Therefore, since God fashioned creation and willed its existence, every individual part thereof has received from Him certain natural properties whereby that existence may be preserved and each part may be guided for its own good, in conformity, one might say, with the fundamental law inherent in its origin. From this fact the old poets and philosophers have rightly deduced that love, whose primary force and action are directed to self-interest, is the first principle of the whole natural order. Consequently, Horace should not be censured for saying, in imitation of the Academics, that expedience might perhaps be called the mother of justice and equity. For all things in nature, as Cicero repeatedly insists, are tenderly regardful of self, and seek their own happiness and security.²³

The second thesis, which apparently contradicts the first one, is stated, for instance, in the following passages from *De jure belli ac pacis*:

THEISIS 2 (about human natural sociability)

Now amongst the Things peculiar to Man, is his Desire of Society [*appetitus societatis*], that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding...²⁴
[...]

This Sociability, which we have now described in general, or this Care of maintaining Society [*societatis custodia*] in a Manner conformable to the Light of human Understanding, is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another's, and the Restitution of what we have of another's, or of the Profit we have made by it, the Obligation of fulfilling Promises, the Reparation of a Damage done through our own Default, and the Merit of Punishment among Men.²⁵

²³ GROTIUS. *CLPB*, 21 (*DJPC*, ii, 9). The Latin text reads: 'Cum igitur res conditas Deus esse fecerit et esse voluerit, proprietates quasdam naturales singulis indidit, quibus ipsum illud esse conservaretur modo ordinatae cum his qui sui sunt generis.'
lege, duceretur. Unde principium totius naturalis ordinis recte poetae et philosophi veteres amorem statuerunt, cujus prima vis primaque actio reciproca est in se ipsum. Qua ratione culpandum non est quod secutus Academicos Horatius utilitatem justitiae et aequi prope matrem dixit. Omnis enim natura, ut plurimum locis Cicero inculcat, diligens est sui seque salvam ac beatam vult...'

²⁴ GROTIUS. *RWP*, 79 (*DJBP*, 7). The Latin text reads: 'Inter haec autem quae homini sunt propria, est appetitus societatis, id est communitatis, non qualiscunque, sed tranquillae et pro sui intellectus appellatione ordinatae cum his qui sui sunt generis.'

²⁵ GROTIUS. *RWP*, 85-6 (*DJBP*, 9). The Latin text reads: 'Haec vero quam rudi modo iam expressimus societatis custodia humano intellectui conveniens, fons est eius iuris, quod proprie tali nomine appellatur: quo pertinent alieni abstinentia, et si quid alieni habemus aut lucri inde fecerimus restitutio, promissorum implendorum obligatio, damni culpa dati reparatio, et poenae inter homines meritum.' See also GROTIUS. *CLPB*, 26 (*DJPC*, 12).

If thesis 1 is true, then it follows that there is no 'natural justice', for thesis 1 says that human beings are naturally moved by self-interest, and not towards the well-being of other individuals. The truth of thesis 1, therefore, entails that the so-called demands of justice cannot be grounded in any alleged 'natural inclination' individuals would have to aim at the well-being of other individuals irrespective of considerations about the furtherance of their own interest. The first implication to be derived from thesis 1, therefore, is that justice is not a natural state of affairs. Justice, as Montaigne puts the matter, is a matter of human convention.²⁶ Grotius seems not to oppose this first implication.²⁷ He opposes, rather, a second implication that might be derived from thesis 1, namely: that it would be irrational (*stultitiam*) to abide by human conventions establishing what counts as just or unjust. The second implication is presented in the form of a dilemma, formulated at the end of the passage quoted above, where Grotius refers to Carneades' discourses: '*...either there is no Justice at all, or if there is any, it is extreme Folly [stultitiam], because it engages us to procure the Good of others, to our own Prejudice.*'²⁸ Some other major modern philosophers also called attention to this apparent conflict between the demands of justice, understood as a simple human convention, and the pursuit of self-interest. In an early text on natural law, Leibniz, for instance, argues that the endorsement of principles of justice without concern for the fulfilment of self-interest would be irrational (*stultitiam*): '*Ego suppono cum Carneade (et Hobbius consentit) Iustitiam sine utilitate propria (sive praesente sive futura) summam esse stultitiam...*'²⁹ Thus, in order to refute modern moral scepticism, Grotius has to show that the second implication does not obtain, i.e. he must show that the demands of justice do not conflict with the implementation of one's own interest. Grotius commits himself, then, to thesis 2: human beings are also moved by a 'desire of society'. But is this step coherent? Does not the truth of thesis 2 entail that thesis 1 is false? Grotius' strategy to dispel the apparent conflict

²⁶ MONTAIGNE. *Les Essais* (Paris: Le Livre de Poche, 1965), vol. 2, 23: '*Les lois de la conscience que nous dison naitre de nature, naissant de la coutume.*'

²⁷ Cf. TUCK, R. 'Grotius, Carneades, and Hobbes', *Grotiana*, 4 (1983): 52: '*The crucial move which Grotius made was to accept at this point the force of the sceptical argument, and to concede that indeed the only universal human trait, and therefore the only one which God could legitimately be thought of as instilling in all men, was self-interest.*'. Cf. also TUCK, R. 'The 'modern' theory of natural law', in *The Languages of Political Theory in Early-Modern Europe*, edited Anthony Pagden (Cambridge: Cambridge University Press, 1987) 115.

²⁸ GROTIUS. *RWP*, 79 (*DJBP*, 7). The Latin text reads: '*proinde aut nullam esse iustitiam; aut si sit aliqua, summam esse stultitiam, quoniam sibi noceat alienis commodis consulens.*'

²⁹ LEIBNIZ. *Frühe Schriften zum Naturrecht*, edited by H. Zimmerman and H. Busche (Hamburg: Felix Meiner, 2003) 328.

between thesis 1 and thesis 2 becomes clearer once we have understood which arguments he offers for both theses.

Grotius' argument for thesis 1, relative to the self-interested aspect of human nature, involves the assumption that God created human beings, and that God wants them to preserve their own existence. The pursuit of self-interest is natural to the extent that it stems from God's will. And because God's will has for human beings the force of law, two 'natural laws' (*leges juris naturalis*) may be established.³⁰ The 'first law' (*lex I*) is the following: *'It shall be permissible to defend one's own life and to shun that which threatens to prove injurious'* The second law (*lex II*) affirms: *'It shall be permissible to acquire for oneself, and to retain, those things which are useful for life.'*³¹ Grotius argues, then, that even the sceptics (the *Academici*) would accept the validity of the first and second laws of nature.³² For the first and second laws aim solely at the furtherance 'of one's own good' (*de bono suo*), irrespective of what happens to other individuals.³³

But now a problem arises: how would human interaction look like if every human being were constantly intent on doing, without any further restrictions, what the first and second laws of nature determine? Human interaction would be characterised by conflict rather than by harmony. In order to comply with the first law of nature, so as to ensure that my life is not ever endangered by other individuals, I could adopt, for example, the pre-emptive strategy of always threatening other individuals before being threatened by them in the first instance. In like manner, in order to act in accordance with the second law of nature I could take from other individuals, and retain for myself, whatever I judged to be useful for my own life. The problem, however, is that the unrestrained compliance with the first and second laws of nature would unavoidably lead to conflict and, possibly, to human destruction, rather than to human preservation. Thus, even though the first and second laws of nature command individuals to act upon God's will (to promote one's own preservation), these laws alone are not sufficient to guarantee the fulfilment of God's will. For this reason, Grotius assumes that self-interestedness cannot be the only

³⁰ Cf. GROTIUS. *CLPB*, 19 (*DJPC*, 7-8) where Grotius formulates the first 'rule' from which he derives the first law of nature: 'What God has shown to be His Will, that is law. The Latin text runs: *'Quod Deus se velle significaverit, id est jus.'*

³¹ GROTIUS. *CLPB*, 23 (*DJPC*, 10). The Latin text reads: *'Ex hac igitur conjugatione emergunt leges juris naturalis duae. Prior: Vitam tueri et declinare nocitura liceat. Altera: Adjungere sibi quae ad vivendum sunt utilia eaque retinere liceat.'*

³² GROTIUS. *CLPB*, 23 (*DJPC*, 11).

³³ GROTIUS. *CLPB*, 27 (*DJPC*, 13). Cf. ARAUJO, M. de. 'Hugo Grotius, contractualism, and the concept of private property: an institutionalist interpretation', *History of Philosophy Quarterly*, 26 (2009): 354-356.

distinguishing feature of human nature. Since God wants human beings to preserve their own lives, there must be two further laws of nature which restrict compliance with the first and second laws of nature. The third and fourth laws of nature, relate, differently from the first and second laws of nature, to the well-being 'of other individuals' (*de bono alieno*). The third law of nature affirms the following: '*Let no one inflict injury upon his fellow.*' The fourth law of nature affirms: '*Let no one seize possession of that which has been taken into possession of another.*'³⁴ While the validity of the first and second laws of nature allows us to formulate thesis 1, the validity of the third and fourth laws of nature allows us to formulate thesis 2. But, for Grotius, they are both true.

In order to elucidate how the first and the second laws of nature, on the one hand, relate to the third and fourth laws of nature, on the other hand, Grotius points out that human beings are moved by two basic kinds of love: love for oneself and love for others.³⁵ The capacity of love for oneself is presupposed by the thesis 1, while the capacity of love for others is presupposed by thesis 2. Because human beings are moved by love for others, they are also able to live a peaceful life, as though it resulted from a kind of assent to a 'permanent covenant' (*aeterno foedere*) among themselves.³⁶ However, it is important to notice now that Grotius accepts thesis 2 with an important qualification. Friendliness towards other individuals differs from the disposition to promote one's own interest in that the former involves the use of reason. While love for oneself is a kind of 'desire' (*cupidinis*), love for others is a kind of 'friendliness' (*amicitiae*).³⁷ It is mutual friendliness, indeed, which

³⁴ GROTIUS. CLPB, 27 (DJPC, 13-14). The Latin text reads: '*Ex regula igitur prima et secunda leges duae procedunt de bono alieno, quae prioribus de bono suo respondent, easque justo limite circumscribunt. Una: Ne quis alterum laedat; Altera: Ne quis occupet alteri occupata.*'

³⁵ GROTIUS. CLPB, 24 (DJPC, 11): '*Love, then, is twofold: love for oneself and love for others. In the former aspect it is known as "desire"; in the latter, as friendliness.*' The Latin text reads: '*Duplex itaque est amor, sui et alterius, quorum ille cupidinis, hic amicitiae dicitur.*'

³⁶ GROTIUS. CLPB, 24 (DJPC, 11): '*But God judged that there would be insufficient provision for the preservation of His work, if He commended to each individual's care only the safety of that particular individual, without also willing that one created being should have regard for the welfare of his fellow beings, in such a way that all might be linked in mutual harmony as if by an everlasting covenant.*' The Latin text reads: '*At vero non satis conservationi operum suorum provisum Deus credit, si suam duntaxat incolumitatem cuique commendaret, nisi et rem alteram alterius commodis vellet consulere, ut cuncta inter se velut aeterno foedere consentirent.*'

³⁷ GROTIUS. CLPB, 24 (DJPC, 11): '*... this manifestation of love [sc. friendship] burns most brightly in man, as in one who is particularly endowed not only with the affections shared in common with other creatures but also with the sovereign attribute of reason.*' The Latin text reads: '*... in homine vero luculentissima, ut cui praeter communes cum caeteris affectiones peculiariter concessa sit ratio illa imperatrix.*'

enables individuals to live peacefully in society. But friendliness itself may be considered a natural human feature only to the extent that reason is the 'supreme attribute' of human beings. In our relationship with other individuals we are not simply moved by a natural desire to act friendly. We also *understand* that other individuals will not treat us friendly unless we are also friendly to them. We understand, moreover, that to react with friendliness to a threatening party may be self-damaging, and this runs counter to the first law of nature. In *De jure praedae*, Grotius calls attention to two passages from Seneca in order to elucidate this point. The first passage affirms simply what is already contained in thesis 2: '*... we are born for a life of fellowship. Society, too, can be kept safe from harm only by love and watchful care for its component parts [sc. the individuals].*'³⁸ He adds, then, a further passage from Seneca: '*Security must be obtained by offering security in exchange*' (*Securitas securitate mutua paciscenda est*).³⁹ The occurrence of the verb *pacisco* in the original text is significant, for it is the word from which the noun 'pact' stems. The basic idea here is that one's interest in obtaining security for oneself cannot be fulfilled unless one is also willing to offer security in return, as if mutual violence among self-interested individuals were forbidden for the sake of a pact. Such a pact can be actually made: self-interested individuals can establish a political community in the context of which a human convention restricting the unconstrained maximization of one's own interest would acquire the status of positive law. Grotius agrees with the sceptic that, in this context, justice would be only a human convention. It would be valid only for the citizens of this political community. But, on the other hand, against the sceptic, Grotius also argues that this does not mean that there cannot be restrictions to the fulfilment of self-interest beyond the borders of a specific political community. Grotius' point against the sceptic is that the interest in one's own security is such a basic feature of human nature, and the perception that one cannot obtain security for oneself unless one offers security in return is so widespread, that we can consider ourselves, as it were, 'co-nationals' or 'kindred' (*cognatio*) of a single 'world-state' (*mundi civitas*).⁴⁰ Accordingly, there is a kind of

³⁸ GROTIUS. *CLPB*, 26-27 (*DJPC*, 13). The quotation at issue is from Seneca, *On Anger*, ii. xxxi. 7-8. The Latin text reads: '*...quia ad coetum geniti sumus. Salva autem esse societas, nisi amore et custodia partium non potest.*'

³⁹ GROTIUS. *CLPB*, 27 (*DJPC*, 13). The quotation at issue is from Seneca, *De Clementia*, i. xix. 5.

⁴⁰ GROTIUS. *CLPB*, 27 (*DJPC*, 13). Grotius affirms after the quotation from Seneca: '*Herein lies that brotherhood of man, that world state, commended to us so frequently and so enthusiastically by the ancient philosophers and particularly by the Stoics...*' The Latin text reads: '*Haec est illa hominum inter se cognatio, illa mundi civitas, quam tot tantisque praeconiis veteres philosophi nobis commandant, praesertim Stoici...*'

justice which holds across the borders of different political communities. Grotius calls this kind of justice the 'law of nations' (*jus gentium*). He concludes, then, that there must be a middle term between the sheer unrestrained pursuit of self-interest and the diversity of constraints which can be imposed on human being on the grounds of human conventions. As he puts it in the in *Jure praedae*:

The foregoing observations show how erroneously the Academics – those masters of ignorance – have argued in refutation of justice, that the kind derived from nature looks solely to personal advantage, while civil justice is based not upon nature but merely upon opinion [*opinionem*]; for they have overlooked that intermediate aspect of justice [*mediam justitiam*] which is characteristic of humankind [*humano generi*].⁴¹

'Middle justice' is called 'middle' because it is neither a simple convention (*opinione*) nor the expression of sheer personal interest (*utilitatem*). It is more than a simple convention because its validity is not circumscribed to the bounds of a specific political community. It concerns, rather, the whole humankind (*humano generi*). Yet, it is grounded in nature to the extent that any individual is expected to assent to norms which limit the unconstrained maximization of his or her own interest in order to meet the interest of other individuals. In the *De jure belli ac pacis* Grotius returns to this point and criticises Carneades for having failed to recognise the existence of the 'law of nations' (*jus gentium*), i.e. a kind of norm which is neither 'civil law' (*jus civile*) nor 'natural law' (*jus naturale*).⁴²

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As we can see, Grotius accepts thesis 2 because human dispositions such as 'desire of society' (*appetitus societatis*), 'care of society' (*societatis custodia*), 'love for others' (*amor alterius*), or 'friendliness' (*amicitiae*)

⁴¹ GROTIUS. *CLPB*, 27 (*DJPC*, 13). The Latin text reads: 'Unde apparet quam non recte magistri ignorantiae Academici contra justitiam disputaverint, eam quae natura est ad utilitatem duntaxat suam ducere, civilem vero non ex natura esse, sed ex opinione. Hanc enim mediam justitiam, quae humano generi propria est, omittebant.'

⁴² GROTIUS. *RWP*, 94 (*DJBP*, 12-13). Even though Grotius explicitly affirms, in *De jure bellic ac pacis*, that *jus gentium* is not a kind of natural law, in *De jure praedae* he seems willing to admit that *jus gentium* is part of the natural law. Cf. GROTIUS. *CLPB*, 25 (*DJPC*, 12): 'Many persons, indeed, have chosen to call that very accord [*sc. the mutual accord of nations*] the secondary law of nature, or primary law of nations.' The Latin text reads: 'Placuit autem plerisque hunc ipsum consensum [*sc. consensus gentium*] *jus naturae secundarium, seu jus gentium primum appellare.*'

prevent individuals to pursue the maximization of their own interests without restrictions. The absence of restrictions in the pursuit of self-interest would be, indeed, deleterious the very implementation of self interest. For this reason, Grotius' acceptance of thesis 2, as many authors have already pointed out, cannot be taken as an endorsement of the traditional Aristotelian and Thomist idea according to which human beings would be 'political animal.'⁴³ The acceptance of this thesis in antiquity and in middle age entailed that individuals should accept the constraints of their political community lest they should be acting against their own nature. The political authority, then, was considered legitimate in so far as it enjoined individuals to live a life which was considered to be in accordance with human nature. As Benjamin Constant later remarked, one's being free, in the context of antiquity, meant to be entitled to participate in the decisions of one's own political community. But one's being free was compatible with the assumption that the community itself was entitled to curtail to a great extent one's 'individual freedom' in such matters as, for instance, the choice for a spouse, or the adoption of a specific religious creed.⁴⁴ Actually, the very idea of 'individual freedom' did not exist in the context of pre-modern political thought. This idea emerged gradually, among other reasons, out of the widespread acceptance of the sceptical claim that we cannot establish by rational means a particular conception of the good life as being the *only* conception which is suitable for a human being. Thus, given the impossibility to demonstrate which life is, after all, the *best* kind

⁴³ TUCK, R. 'Grotius, Carneades, and Hobbes', *Grotiana*, 4 (1983): 53: 'It is important also to stress that according to Grotius this natural sense of society with all other men does not entail any obligation to help them, or to foster the kind of moral life which Aristotle envisaged for his ζῶον πολιτικόν'; HAakonssen, K. 'Hugo Grotius and the history of political thought', *Political Theory*, 13 (1985): 249: 'Already Aristotle had sought the foundation of law in people's social character. But in Aristotle it is a politically organized society that our nature prescribes for us, whereas in Grotius it is mere human sociability that is prescribed, with the question of the organization of the ensuing society being a further one.' See also TUCK, R. 'Grotius and Selden', in *The Cambridge History of Political Thought, 1450-1700*, edited by J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991) 507; SCHNEEWIND, J. B. *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998) 71-72; GOUGH, J. W. *The Social Contract: A Critical Study of its Development* (Oxford: At the Clarendon Press, 1967) 80-1; SCHNEIDERS, W. *Naturrecht und Liebesethik: zur Geschichte der praktischen Philosophie im Hinblick auf Christian Thomasius* (New York: Olms, 1971) 70-2.

⁴⁴ CONSTANT, B. 'The liberty of the ancients compared to that of the moderns', in *Benjamin Constant: Political Writings*, edited by B. Fontana (Cambridge: Cambridge University Press, 1988) 310-311, first published in 1816. See also MACPHERSON, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1964) 263-278.

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of life for a human being to live, any conception of the good life could be considered acceptable, as long as it is pursued *voluntarily*, i.e. in accordance with one's own will. Grotius granted the sceptic that individuals may diverge as to the things they will, and that this divergence cannot be settled by simply pointing out that what one actually wills is not in accordance with human being's 'natural inclination.' Yet, that every human being is endowed with the faculty of willing was a thesis that, for Grotius, the sceptic would have to accept. The existence of one's own 'will' seemed, then, to be the only thing which remained unquestionable, even when the existence of such things as 'natural inclinations', 'divine commandments', or 'laws of conscience' were put into doubt.

For this reason, the political community should not be ruled by any kind of normative instance other than the individuals' own will. By the same token, any political community should be entitled to determine by itself the 'form of government' (*gubernationis formam*) under which it prefers to live, as long this form of government resulted 'from the will' (*ex voluntate*) of its members, and not from the will of some foreign power. As Grotius affirms in *De jure belli ac pacis*:

But as there are several Ways of Living [*vivendi genera*], some better than others, and every one may chuse [*cuique liberum est*] which he pleases of all those Sorts; so a People may chuse what Form of Government [*gubernationis formam*] they please: Neither is the Right which the Sovereign has over his Subjects to be measured by the Extent of this or that Form, of which divers Men have divers Opinions [*qua de re diversa diversorum sunt iudicia*], but by the Extent of the Will of those who conferred it upon him [*ex voluntate*].⁴⁵

An individual is free to the extent that he can choose a conception of the good life for himself or a form of government along with other individuals with whom he can form a political community. Nevertheless, Grotius admits that the sceptic could carry on doubting the existence of a particular conception of the good life, or a specific form of government, which every person supposedly should endorse as the only ones suitable for human beings. In *De jure praedae*, Grotius calls 'natural liberty' (*naturalis libertas*) this individual claim for the pursuit of one's own

⁴⁵ GROTIUS. *RWP*, 262, (*DJBP*, 102). The Latin text reads: 'Sicut autem multa sunt vivendi genera, alterum altero praestantius, et cuique liberum est ex tot generibus id eligere quod ipsi placet; ita et populus eligere potest qualem vult gubernationis formam: neque ex praestantia huius aut illius formae, qua de re diversa diversorum sunt iudicia, sed ex voluntate ius metiendum est.'

interest.⁴⁶ In so far as Grotius acknowledges that the individual's will is the only authoritative instance one can appeal to in the attempt to establish one's conception of the good life, or one's project for a form of government, he shares with the sceptic a fundamental claim, namely: that there are so many different opinions (*judicia*) in this regard, that we cannot expect to settle once and for all these questions by simply pointing out a particular conception of the good life, or a particular form of government, regardless of individual preferences. In this regard, Grotius' answer to the sceptic may sound rather disappointing, for he seems to stand on the sceptical side of the dispute. Like Descartes, Grotius sought to refute the sceptic by starting from sceptical premises. But, just as Descartes was occasionally charged of not having been able to refute the sceptical claims he himself evoked in the *First Meditation*, Grotius was later sometimes criticised for being a moral sceptic, rather than an opponent of scepticism.⁴⁷ This criticism results, in fact, from the realization that Grotius tried to reduce morality to a sort of minimal content so as to provide a conceptual framework for political stability and peace in an age characterized by great political religious conflicts.⁴⁸

⁴⁶ GROTIUS. *CLPB*, 33-34 (*DJPC*, 18): 'For god created man *αυτεξούσιον*, "free and sui iuris", so that the actions of each individual and the use of his possessions were made subject not to one another's will but to his own. Moreover, this view is sanctioned by the common consent of all nations. For what is the well-known concept, 'natural liberty', other than the power of the individual to act in accordance with his own will? And liberty in regard to actions is equivalent to ownership in regard to property. Hence the saying: every man is the governor and arbiter of affairs relative to his own property.' The Latin text reads: 'Fecit enim Deus hominem *αυτεξούσιον*, liberum sui que juris, ita ut actiones uniuscuiusque et rerum suarum usus ipsius, non alieno arbitrio subjacerent, idemque gentium omnium consensu approbatur. Quid enim est aliud naturalis illa libertas, quam id quod cuique libitum est faciendi facultas? Et quod Libertas in actionibus idem est Dominium in rebus.' Cf. TUCK, R. 'Introduction', in *Grotius: The Rights of War and Peace*, edited by R. Tuck (Indianapolis: Liberty Fund, 2005), vol. 1, xviii; TUCK, R. *The Rights of War and Peace: Political Thought and Political Order from Grotius to Kant* (Oxford: Oxford University Press, 1999) 84; WESTERMAN, P. *The Disintegration of Natural Law Theory: Aquinas to Finnis*, (Leiden: Brill, 1998) 135-137 and 168.

⁴⁷ TUCK, R. *The Rights of War and Peace: Political Thought and Political Order from Grotius to Kant* (Oxford: Oxford University Press, 1999) 102, where Tuck argues that that '... it became to a degree a commonplace in late seventeenth-century Germany that Grotius had failed to refute Carneades because his own basic idea was the same, and that there was at bottom little to choose between Grotius and Hobbes.'

⁴⁸ I am grateful to Peter Stemmer at the University of Konstanz for comments on an earlier draft of this paper, and to Humboldt Foundation and CNPq for the financial support for this research.

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