Justice, Truth, and Legal Rationality: A Leibnizian Perspective on Modern Jurisprudence

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ABSTRACT: *This essay examines the relevance of Leibniz's philosophy of law for modern jurisprudence, emphasising his contributions to legal reasoning, justice, and truth. Leibniz's distinction between necessary and contingent truths, his theory of legal proof, and his multi-level approach to law—integrating strict law, equity, and morality—offer valuable insights into contemporary legal thought. His vision of a characteristic universalis, a logical system for structuring legal reasoning, anticipates modern formal methods in law. A comparison with Ronald Dworkin's legal philosophy highlights their shared commitment to objective legal principles and the integration of morality into law. While Leibniz employs formal logic and conceptual analysis, Dworkin's approach focuses on interpretive reasoning. By bridging these perspectives, this essay argues for synthesising analytical jurisprudence and natural law, demonstrating how Leibniz's ideas can help unify legal reasoning across different legal traditions and contribute to the pursuit of justice.*

Esai ini mengkaji relevansi filsafat hukum Leibniz bagi yurisprudensi modern, dengan menekankan kontribusinya terhadap penalaran hukum, keadilan, dan kebenaran. Perbedaan Leibniz antara kebenaran yang diperlukan dan yang tidak pasti, teorinya tentang pembuktian hukum, dan pendekatannya yang bertingkat terhadap hukum—mengintegrasikan hukum yang ketat, ekuitas, dan moralitas—memberikan wawasan berharga ke dalam pemikiran hukum kontemporer. Visinya tentang universalis yang khas, sistem logis untuk menyusun penalaran hukum, mengantisipasi metode formal modern dalam hukum. Perbandingan dengan filsafat hukum Ronald Dworkin menyoroti komitmen bersama mereka terhadap prinsip-prinsip hukum yang objektif dan integrasi moralitas ke dalam hukum. Sementara Leibniz menggunakan logika formal dan analisis konseptual, pendekatan Dworkin berfokus pada penalaran interpretatif. Dengan menjembatani perspektif ini, esai ini berargumen untuk mensintesiskan yurisprudensi analitis dan hukum alam, menunjukkan bagaimana ide-ide Leibniz dapat membantu menyatukan penalaran hukum lintas tradisi hukum yang berbeda dan berkontribusi pada pengejaran keadilan.

Keywords: *Leibniz's Legal Philosophy, Dworkin, Justice. Truth.*

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I. INTRODUCTION

Leibniz's philosophy of law remains largely unfamiliar to many legal scholars today, primarily because he never compiled a comprehensive work on the subject. Instead, his legal thought must be meticulously reconstructed from various published writings, numerous unpublished drafts, and fragmented texts written in Latin or occasionally in French. This paper highlights key aspects of his jurisprudence and its relevance to contemporary legal theory.

Among scholars of Leibniz, it is well established that justice and truth form central pillars of his philosophy. He strongly opposed Hobbes's scepticism, which viewed justice and truth as arbitrary constructs dependent on human will. In contrast to Hobbes's voluntarist and extreme nominalist stance, Leibniz advocated a strict rationalist approach, asserting that neither justice nor truth is subject to human will—or even the will of God (Armgardt, 2022b). He developed his legal theory on this foundation, though he never consolidated it into a single book or essay. As a young scholar, he drafted several writings under the title Elementa Juris Naturalis, but these do not constitute a definitive summary of his entire legal thought. Nevertheless, the core principles of his jurisprudence can be discerned from his published and unpublished works (Armgardt & Sartor, 2023).

Given the limited attention his philosophy of law has received, particularly within legal circles, this paper seeks to illuminate its significance and explore how Leibniz's insights can contribute to the ongoing development of modern legal theory.

II. METHOD

This study uses a literature study method or library research. This method involves collecting and analysing data from various written sources, such as books, scientific journals, reports, and other documents relevant to the topic discussed. In legal philosophy, this approach allows researchers to explore the thoughts of figures such as Gottfried Wilhelm Leibniz and Ronald Dworkin through their works and related literature. Literature studies allow for in-depth analysis of concepts such as the distinction between necessary and accidental truths, legal proof theories, and a multi-level approach to law that integrates strict law, equity, and morality. This approach provides valuable insights into contemporary legal thought.

III. RESULT AND DISCUSSION

1. THE STRICT DISTINCTION BETWEEN POSITIVE LAWS AND NATURAL LAW

In his Méditations *sur la notion commune de la justice*, written in 1703, Leibniz emphasised the necessity of a clear distinction between natural law (droit) and positive laws (loi). He argued that natural law, by definition, cannot be unjust, as injustice can only arise within the realm of positive laws (Odok & Berebon, 2024). Unlike positive laws grounded in the legislator's will, natural law is independent of human and divine will. While natural law exists autonomously from any form of authority, positive laws derive their validity from the legislative and executive powers of the sovereign (Patrick,

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2023). According to Leibniz, the failure to distinguish between these two levels was a major source of confusion in the legal discourse of his time (Armgardt & Sartor, 2023). This strict separation remains highly relevant today. Even within democratic systems, the will of the majority cannot be equated with moral rightness, as democratic majorities are capable of endorsing unjust laws. Without acknowledging the existence of natural law—or at least recognising an inherent intuition of justice—there is no firm foundation for critiquing existing legal systems. Although identifying and articulating the principles of natural law presents challenges, this difficulty does not diminish its necessity. Consequently, the rigorous examination and clarification of our intuitive sense of justice remain crucial tasks within jurisprudence. For Leibniz, this was self-evident, and its significance has not diminished over time. The following discussion will explore approaches to addressing this challenge, drawing on Leibniz's legal philosophy while integrating insights from modern legal theory.

2. LEIBNIZ'S THREE-STAGE MODEL AS DEFEASIBLE REASONING

As Busche (Busche, 2020) has extensively analysed, Leibniz employed a three-stage model of legal reasoning. This hierarchical framework consists of strict law (*jus strictum*), equity (*aequitas*), and piety (*pietas*), with each successive level capable of refining or correcting the preceding one. From a contemporary perspective, this structure aligns with defeasible reasoning. Although Leibniz did not originate this model, he significantly advanced its theoretical development. Initially, he drew parallels between these three levels and the foundational principles of Roman law: Eminem leader, suum cuique tribuere, and honest vivere. In a further step, he associated them with Aristotle's classifications of justice: jus strictum corresponds to justitia commutativa, equity to justitia distributiva, and piety to justitia universalis (A IV 5, 61 f.). However, Leibniz's contributions extended well beyond these historical connections. Recent research has provided deeper insight into his refinement of these stages, which will now be examined about modern legal theory (Asuquo et al., 2022).

2.1 Jus Strictum and Legal Logic

At the level of jus strictum, Leibniz laid the foundation for an analytical approach to legal philosophy. He recognised that classical Roman jurists had applied Stoic propositional logic to legal reasoning, an idea he further developed in his theory of conditions. In his *Elementa Juris Naturalis*, he explored early concepts of deontic logic, made significant contributions to the study of legal presumptions, and advanced the development of conceptual logic. As a result, Leibniz is often regarded as a pioneer of modern legal logic and computational legal theory (Armgardt & Sartor, 2023).

Building on these foundations, the contemporary challenge lies in developing sophisticated logical models for legal norms, concepts, argumentation, and evidentiary analysis. Leibniz anticipated the expansion of logic into new domains, including modal logic, where his idea of possible worlds has had a profound influence. However, care must be taken in directly applying his thought to modern possible-world semantics

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(Armgardt, 2022a). Unlike Lewis, Leibniz did not assert the real existence of all possible worlds outside the mind of God, nor did he adopt Kripke's notion of transworld identity. Counterfactual reasoning plays a crucial role in legal analysis, particularly in causality, liability, and legal conditions. The development of counterfactual logics, which rely on a possible-worlds framework, is thus essential for jurisprudence. Leibniz's logical innovations remain relevant to recent advances in computational legal theory, including STIT-logic for analysing legal conditions and iterative counterfactual conditionals for causality. Additionally, Rahman's application of constructive type theory to Leibniz's theory of conditions represents an important step in this ongoing development (Asuquo et al., 2022).

Despite these advances, much work remains. As Leibniz foresaw, existing logical systems are insufficient for capturing the complexities of law, and further refinement is necessary. He recognised that a purely conceptual derivation of law could not produce flawless legal solutions, as legal rules inherently function as presumptions open to refutation. In *De Legum* Interpretatione (A VI 4 C, 2791), he explicitly acknowledged the need to correct jus strictum through aequitas and pietas. In modern terms, his framework anticipates the role of defeasible reasoning in legal thought, effectively countering criticisms of rigid conceptual jurisprudence (Armgardt, 2023).

2.2 Correction of Jus Strictum by Equity

For Leibniz, any conclusion derived from jus strictum required validation through aequitas. If a decision aligned with equity, it was affirmed; otherwise, it had to be adjusted accordingly. He thus regarded equity as a form of meta-law—a perspective echoed in modern legal scholarship. Given Leibniz's opposition to Hobbesian voluntarism, defining equity posed a significant challenge. In the introduction to his Codex Juris Gentium Diplomaticus, he defined justice as "the charity of the wise" (justitia est caritas sapientis) (Armgardt & Sartor, 2023). He viewed charity as an integral component of equity (A IV 5, 61 f.), considering it the only structurally viable solution to the tension between egoism and altruism. Against Grotius and in agreement with Hobbes, Leibniz grounded his theory of motivation in the natural instinct of self-preservation (Busche, 2020). Given this foundation, the reconciliation of self-interest and altruism became his central problem, which he resolved through charity or love. He defined love as finding one's happiness in the happiness of others, as expressed in a letter to Claude Nicaise (19 August 1697):

> "[I]t is evident from the notion of love... how we seek at the same time our good for ourselves and the good of the beloved object for itself, when the good of this object is immediately, finally and in itself our end, our pleasure, and our good." (Vargas & Roinila, 2023)

Brown aptly describes this as "disinterested love" (Vargas & Roinila, 2023). Leibniz did not advocate a strict separation between law and morality. Instead, he viewed law as the enforceable aspect of morality. Opposing Locke, he argued for the existence of innate ideas, which he believed endowed legal intuitions with an inherent moral character.

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In the *Elementa Juris Naturalis*, Leibniz formulated a well-structured system of equity. Through the principles of *innoxia utilitas, cautio damni infecti*, and the hierarchical differentiation of necessity (necessitas), utility (utilitas), and superfluity (superfluitas), he established precise rules that lend themselves to formalisation (Armgardt, 2022b). This marked a major intellectual breakthrough, as substantive definitions of equity had been largely absent before his work. Leibniz's framework also provided a foundation for protecting vulnerable individuals. The extent to which moral and philosophical principles should influence legal systems remains a pressing question today. Notably, in the Elementa Juris Naturalis, he recognised the rights of the needy, granting them enforceable claims in emergencies, even if this resulted in the loss of advantages for others (Busche, 2020).

Balancing competing interests and integrating values into legal reasoning remain central concerns in contemporary legal logic. It is widely acknowledged that legislative rules can never be perfect. However, to prevent arbitrary decision-making, the correction of statutory law through structured formal methods is crucial. Recent research has begun developing new logical frameworks for addressing this issue (Armgardt & Sartor, 2023). The argument that higher-level legal reasoning is beyond the scope of logical formalisation is thus increasingly untenable. Leibniz's rationalist approach remains relevant even at this level, providing valuable insights into modern legal theory.

2.3 Piety—The Highest Level of Justice

Leibniz's concept of justice extends beyond charity to a higher level—pietas, or piety—establishing a legal relationship between humanity and God. In the final sections of Monadology (Senn, 2023), he describes this relationship as an objective reality independent of individual belief or disbelief. Natural law, he argues, is not merely an abstract ideal but an intrinsic part of the world's order, inscribed by God and self-executing (Odok & Berebon, 2024). While the consequences of evil may not always manifest immediately, they inevitably unfold in the afterlife.

This understanding affirms the existence and authority of natural law, distinguishing it from the contingent and often fallible realm of positive law. Natural law is not just an aspirational standard but a binding reality. Positive laws, by contrast, are human constructs and, as such, may be unjust (Sovacool et al., 2017). When positive laws align with natural law, they acquire legitimacy; otherwise, they remain legal fictions. If we reject the eschatological dimension of justice, we risk reducing it to an empty illusion, as Kelsen did. Leibniz, however, firmly rejected this scepticism. As a practising jurist, he was acutely aware that justice is not always served in an individual's lifetime. Yet, this does not negate its reality.

To deny justice's ultimate fulfilment is to render it a hollow concept. Just as truth must be defended as something real and enforceable, so must justice.

2.4 Inalienable Rights and the Practical Implications of Leibniz's Model

Leibniz's three-stage model of justice has profound implications for human rights, particularly regarding the question of slavery. In 1703, he delivered a lecture on justice to George August, Elector of Hanover (later King George II of England). Though never

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published, this lecture, Méditations sur la notion commune de la justice, systematically applies his model to demonstrate that slavery is unjust (Samuel, 2015).

Leibniz's argument proceeds as follows: even if slavery were permissible under jus strictum (a point he leaves open), aequitas would impose strict moral obligations on the master, requiring him to ensure the well-being of the enslaved person. However, pietas ultimately nullify the institution altogether. From a divine perspective, the rational soul inherently belongs to the individual, as God grants it. Because human beings are naturally and inalienably free, neither the soul nor the body can be treated as property. This reasoning directly undermines the legitimacy of slavery (M. M. Okon & Noah, 2023).

Ernst Cassirer was among the first to recognise Leibniz's contribution to developing inalienable human rights (M. Okon & Noah, 2023). While slavery has since been abolished, Leibniz's insights remain relevant. Modern forms of exploitation, which create conditions akin to slavery, persist. Here, pietas provide a framework for ethical and legal critique, guiding efforts to eliminate such injustices.

Slavery is a key example of how legal disruptions occur at the level of jus strictum. Legislators and legal traditions may create institutions that, though legally valid, remain morally indefensible. Such laws must be corrected through aequitas and ultimately invalidated by pietas. This demonstrates that Leibniz's concerns extended beyond ideal legal systems to real-world legal reforms. Another significant application of Leibniz's model is the right to resist state authority. Unlike Hobbes, who denied any right of resistance, Leibniz argued that resistance is justified in exceptional cases. Specifically, he held that resistance becomes a moral necessity when a government deliberately seeks to destroy the community's welfare (Armgardt, 2022b). This principle follows from aequitas, which corrects the rigid dictates of jus strictum.

2.5 Protecting Individual Freedom and Responsibility

At the heart of Leibniz's legal philosophy is the belief that every individual possesses immeasurable value, a principle rooted in the idea that human beings are created in God's image. Julia Borcherding's forthcoming dissertation explores the profound influence of this doctrine on Leibniz's theory of justice. In contrast to Spinoza's deterministic worldview, Leibniz's Monadology captures each individual's uniqueness, freedom, and intrinsic worth. Every monad, particularly rational monads, represents the entire world from its own unique perspective—indeed, it constitutes the world internally through perception. Because of this, each individual is irreplaceable (M. Okon & Noah, 2023). Consequently, any legal or political system disregards the individual is fundamentally flawed.

Leibniz invokes the principle of charity as a universal moral commitment to prevent the legal order from dissolving into self-interest and factionalism. This ensures that justice is not reduced to competing claims but fosters genuine harmony. For Leibniz, true harmony is unity in diversity—a balance that alone produces a just and ordered society. Although today's world falls far short of this ideal, the same was true in Leibniz's time.

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His philosophy remains vital, offering essential insights for contemporary law, justice, and human rights debates.

2.6 Piety—The Highest Level of Justice

Leibniz's concept of justice extends beyond the principle of charity to a higher level—pietas—where he introduces the legal relationship between humanity and God. After the Monadology, he emphasises that this relationship exists independently of personal belief or unbelief. In this view, natural law is not merely an abstract ideal but a self-executing reality inscribed by God within the world's order. Although the consequences of wrongdoing may not always manifest immediately, they inevitably unfold in the afterlife.

Thus, natural law is not just a moral aspiration but an active force. Unlike positive laws, which may be unjust and thus remain mere fictions, natural law possesses true validity. When positive laws align with natural law, they derive their legitimacy from it. Rejecting this perspective would mean reducing justice to a mere illusion, as Hans Kelsen did. Leibniz, however, saw with great clarity that justice must be grounded in reality. As an experienced jurist, he recognised that not all wrongdoing is punished within a person's lifetime—a truth that remains unchanged. Denying the eschatological dimension of justice would render it a hollow fiction devoid of real significance. Like truth, justice must be defended as something that genuinely exists and holds authority.

3. THE PRACTICAL CONSEQUENCES: INALIENABLE RIGHTS OF THE INDIVIDUAL

In 1703, Leibniz delivered a lecture on justice to George Augustus, Elector of Hanover (later King of England). Though unpublished, his Méditations demonstrate how his three-tiered model of justice—jus strictum, aequitas, and pietas—leads to the rejection of slavery. Leibniz acknowledges that slavery might be permissible under jus strictum (strict law), though he leaves this question open. However, equity (aequitas) imposes significant restrictions, requiring the master to ensure the happiness of the enslaved person. At the highest level, pietas render slavery impermissible, as it violates the divine right of the rational soul, which is naturally and inalienably free. Because the body belongs to the soul, it, too, is inalienable. Cassirer was among the first to recognise Leibniz's role in the historical development of inalienable human rights (Patrick, 2023). Through Pietas, Leibniz provides a philosophical foundation for universal human rights, positioning them against slavery (Senn, 2023). While slavery has since been abolished, modern forms of coercion and exploitation persist. Here, too, pietas serve as a guiding principle. The example of slavery illustrates how legal institutions, while formally recognised under positive law, may be unjust and require correction through higher principles. Leibniz was not merely theorising about an ideal legal order; he sought to influence real-world legislation.

A similar interplay between jus strictum and aequitas appears in Leibniz’s stance on the right to resist oppressive governments. Unlike Hobbes, Leibniz defends the right of resistance in exceptional cases, deriving it from aequitas as a corrective to strict law. He

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argues that resistance is justified when a government deliberately seeks to destroy the well-being of its people (Armgardt, 2022a).

3.1 The Protection of Individual Freedom and Responsibility

Leibniz's concept of justice is rooted in the belief that divine creation assigns immeasurable value to each individual. This idea originates from Genesis 1:26, which states that humanity is created in God's image (imago Dei). Julia Borcherding's forthcoming dissertation will explore how this doctrine influenced Leibniz's legal philosophy.

Unlike Spinoza's deterministic view, Leibniz's Monadology emphasises individual freedom and uniqueness (Doubt, 1998). Each monad—particularly rational—perceives and constructs reality from its own perspective, making every person irreplaceable. Legal and political theories that disregard the individual are thus unacceptable.

The principle of charity, which binds all people, ensures that the legal order does not fragment into competing self-interests, leading to its destruction. According to Leibniz, true harmony is unity in diversity. While the world is far from achieving such harmony—just as it was in Leibniz's time—this only reinforces the continued relevance of his philosophy (Asuquo et al., 2022).

3.2 Truth, Evidence, and Probability

From a logical standpoint, Leibniz championed a conceptual containment theory of truth. However, as a legal theorist, he was more concerned with practical issues such as proof, the burden of evidence, and presumptions. His contributions to an analytical theory of legal evidence remain highly relevant (Dascal & Wróblewski, 1991).

Leibniz recognised the need for a logic of probability to minimise errors in uncertain situations. Although he never completed this project, his insights on presumptions and conjectures are valuable. De Legum's interpretation explains that in doubtful cases, one should assume the most probable outcome—i.e., what requires fewer assumptions (A VI 4 C, 2789–90; (Armgardt, 2022b). Leibniz distinguished between conjectures, which require proof of positive facts, and presumptions, which are accepted unless contradicted by negative evidence (impediment) (Armgardt, 2022b). His work foreshadows modern legal theories of evidence, including Bayesian probability.

Additionally, Leibniz differentiated between necessary truths, which can be proven in finite steps, and contingent truths, which require infinite analysis (Armgardt & Sartor, 2023). Because law deals primarily with contingent truths, presumptions and conjectures are crucial in legal reasoning.

4. INTEGRATING ANALYTIC JURISPRUDENCE AND NATURAL LAW

Leibniz developed rigorous theoretical frameworks for both the evolution of law and the challenge of fact-finding. His insights remain a valuable resource for contemporary jurisprudence. Contrary to the assumption that analytic jurisprudence and natural law are incompatible, Leibniz saw logical analysis as a tool for deepening our understanding of natural law. He criticised Pufendorf for compiling an incoherent collection of legal

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principles rather than a systematic theory (Armgardt, 2023). Leibniz aimed for an axiomatic foundation of natural law, though instead of axioms, he used definitions and theorems, such as the 160 definitions in De Conditionibus (A VI 1, 102–110). His ambitious plan for a characteristic universalis—a universal logical language—was integral to his vision of legal certainty (Armgardt, 2023).

Although Leibniz's methodological tools were limited, his contributions to conceptual logic remain significant (Armgardt, 2023). With modern advances in logic, his vision for an analytical science of natural law appears more achievable than in his time. Importantly, Leibniz recognised the limitations of rigid legal formalism. His multi-level model (jus strictum, aequitas, pietas) suggests an awareness of the need for flexible legal reasoning. The idea that legal rules should be defeasible and subject to correction remains strikingly modern (Armgardt, 2023).

4.1 Leibniz and Dworkin

Leibniz's philosophy of law bears striking similarities to that of Ronald Dworkin. Both rejected legal positivism and upheld the objective reality of moral values. Like Leibniz, Dworkin argued that law is not separate from morality but a branch of it (Doubt, 1998). Despite this alignment, their justifications differ. For Leibniz, natural law belongs to the realm of necessary truths rooted in God's mind. Dworkin, however, held that law is independent of divine will and existence (Doubt, 1998). Leibniz and Dworkin also believed that legal decisions always have a uniquely correct answer (Doubt, 1998). Leibniz's doctoral thesis on perplexing legal cases supports this view.

While their approaches differ—Dworkin rejecting conceptual jurisprudence while Leibniz sought a rigorous definitional framework—both sought to integrate moral philosophy into law. Leibniz's calculus of equity, which categorises levels of need, strongly resembles Dworkin's calculus of concern (Armgardt, 2022a). Ultimately, their work points toward a unified legal rationality bridging common law and civil law traditions. Leibniz's methodology remains a valuable tool in this endeavour.

IV. CONCLUSION

Dworkin connects his theory of interpretation to an objective truth that emerges only through responsible and rigorous debate, following the framework of his two-stage theory. He views objective truth as a historical process—our interpretations build upon those of our predecessors, perpetuating an ongoing discourse. For Dworkin, truth is not merely descriptive but must be cultivated through intellectual and emotional engagement. It is not confined to cognitive reasoning alone but encompasses intellect and feeling—what he describes as a unity of heart and mind.

Rather than relying on intuition, Dworkin emphasises convictions that must be articulated sincerely and with argumentative precision, always considering the inherent dignity of each individual. In his view, moral judgments can only be justified or refuted by other moral judgments, and these must be compelling in their reasoning. He refers to such deeply held convictions as principles, which guide our understanding of how we should live and shape our collective existence. According to Dworkin, A culture of

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reasoning requires thoughtful engagement—a reasonable person must advocate with intellect and empathy. This culture acknowledges others' experiences as a starting point for discourse but does not substitute them for objective moral reasoning.

While individuals bear reflexive responsibility for their actions, they must first be allowed to exercise this responsibility. Therefore, the state is obligated to create conditions that enable personal accountability. Only under such circumstances can a just social order be established that ensures equal and non-discriminatory treatment, fostering genuine and honest discourse.

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