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## JEAN BARBEYRAC, SUPEREROGATION, AND THE SEARCH FOR A SAFE RELIGION\*

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*Jean Barbeyrac was dismayed by the intrusion of theological controversy into the study of modern natural law theory. Yet the longest of the many annotations that he included in his own edition of Grotius was concerned with a theological matter. In this footnote, Barbeyrac attacked Grotius's understanding of Christian ethics as supererogatory; that is, as containing a distinction between the dictates of duty and the counsels of a higher holiness or perfection. The heart of his objection to this view was that it had pernicious psychological effects, that it fostered bigotry and immorality. He reiterated this psychological concern in his later work on the Christian Fathers. This objection to the real-world damages caused by the theory of supererogation was closely linked to his fear of skepticism and his quarrel with Bayle. Barbeyrac's rejection of supererogation also places him within an important strand of early modern thinking about the moral psychology of religion and about the ways in which religious belief could become an obstacle to moral behavior.*

From the first appearance of his famous French editions of Pufendorf's *De Jure Naturae et Gentium* (1706) and Grotius's *De Jure Belli ac Pacis* (1724), it was recognized that Jean Barbeyrac (1674–1744) was far more than a mere translator or conduit for the philosophy of the great natural law theorists.<sup>1</sup> The early Enlightenment republic of letters was no less interested in Barbeyrac's extensive

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<sup>1</sup> For example, in his *Principes du droit naturel* of 1747 Jean-Jacques Burlamaqui clearly thought of Barbeyrac's views as distinguishable from those of Grotius and Pufendorf; see e.g. Part I, chapter 10, section VI. Jean-Jacques Burlamaqui, *Principles of Natural and Political Law*, ed. PetterKorkman (Indianapolis, 2006), 106–7.

paratextual contributions than it was in the original works which he translated;<sup>2</sup> it saw Barbeyrac as a thinker in his own right and not simply as the mouthpiece of other and greater minds.

Recent scholars have followed the example of Barbeyrac's original readers in their sensitivity to the "distinctive core" of his natural jurisprudence.<sup>3</sup> They have brought to light Barbeyrac's attempt to articulate a firmer and more far-reaching theoretical basis for toleration than Pufendorf had offered,<sup>4</sup> as well as highlighted some of the many disagreements between the translator and his source material on points of politics and on the proper scope and foundation of natural law.<sup>5</sup>

Despite this large and insightful body of work on the distinctiveness and originality of Barbeyrac vis-à-vis Grotius (1583–1645) and Pufendorf (1632–94), in one important respect Barbeyrac's independence has been consistently underappreciated. While Barbeyrac's religious thought and in particular his dissatisfaction with Pufendorf's account of toleration has received some scrutiny, it has nevertheless been taken for granted that Barbeyrac's "liberal Protestantism" put him into close agreement with the "theological views" of Grotius.<sup>6</sup> This is not an unreasonable view. Grotius's religious writings were held in high regard in Barbeyrac's circles, and Barbeyrac was a close friend of Jean Le Clerc (1657–1736), the great promoter of Grotius as a religious thinker in the early

<sup>2</sup> Hochstrasser notes that Barbeyrac's "commentaries and notes," in this as in his other translations, "were often considered as valuable as the texts themselves" by contemporaries. See T. J. Hochstrasser, "The Claims of Conscience: Natural Law Theory, Obligation and Resistance in the Huguenot Diaspora," in J. C. Laursen, ed., *New Essays on the Political Thought of the Huguenots of the Refuge* (Leiden, 1995), 15–51, 39.

<sup>3</sup> Knud Haakonssen, "German Natural Law," in Mark Goldie and Robert Wokler, eds., *The Cambridge History of Eighteenth-Century Political Thought* (Cambridge, 2006), 251–90, 254.

<sup>4</sup> From Barbeyrac's perspective "there is a lot to emend, in Pufendorf's principles, before they can be turned into a coherent defence for toleration"; see Petter Korkman, "Barbeyrac and Natural Law" (PhD diss., Åbo akademi, 2001), 38. For an overview of Barbeyrac's theory of toleration, including his areas of agreement with and dissent from Pufendorf, see Fabrizio Lomonaco, *Tolleranza e libertà di coscienza: Filosofia, diritto e storia tra Leida e Napoli nel secolo XVIII* (Naples, 1999), esp. chap. 2.

<sup>5</sup> See e.g. Helena Rosenblatt, *Rousseau and Geneva* (Cambridge, 1997), chap. 3; Ian Hunter, "Conflicting Obligations: Pufendorf, Leibniz, and Barbeyrac on Civil Authority," *History of Political Thought*, 25/4 (2009), 670–99; T. J. Hochstrasser, "Conscience and Reason: The Natural Law Theory of Jean Barbeyrac," *Historical Journal*, 36/2 (1993), 289–308; T. J. Hochstrasser and Peter Schröder, "Introduction," in Hochstrasser and Schröder, eds., *Early Modern Natural Law Theories: Context and Strategies in the Early Enlightenment* (Dordrecht, 2003), ix–xvi, x; Richard Tuck, *The Rights of War and Peace* (Oxford, 1999), 181–2; David Saunders, "The Natural Jurisprudence of Jean Barbeyrac: Translation as an Art of Political Adjustment," *Eighteenth-Century Studies*, 36/4 (2003), 473–90.

<sup>6</sup> Korkman, "Barbeyrac and Natural Law," 12, 13.

eighteenth century.<sup>7</sup> Grotius was, to Barbeyrac's satisfaction, clear about his support for "wide limits of toleration";<sup>8</sup> he responded to *De Jure Belli's* discussion of this theme with a celebratory footnote declaring the victory of arguments for toleration over justifications of persecution.<sup>9</sup> Finally, on the autonomy of natural law from revelation Barbeyrac was in accord with the "great Man" who inaugurated modern moral science.<sup>10</sup>

However, this picture of religious agreement between Grotius and his editor is incomplete. For, though it has gone almost entirely unnoticed in the secondary

<sup>7</sup> Ibid., 16; J. J. V. M. De Vet, "Jean Leclerc, an Enlightened Propagandist of Grotius' *De Veritate Religionis Christianae*," *Nederlands Archief voor Kerkgeschiedenis*, 64/2 (1984), 160–95.

<sup>8</sup> Richard Tuck, "Grotius and Selden," in J. H. Burns and Mark Goldie, eds., *The Cambridge History of Political Thought, 1450–1700* (Cambridge, 1991), 518.

<sup>9</sup> Barbeyrac, *Le droit de la guerre et de la paix* (Leiden, 1759), II.xx.50, 1045 n. 1. This posthumous edition of Barbeyrac's translation has been employed throughout. The book, chapter, section, and note numbers correspond both to those in Barbeyrac's French text and (unless otherwise noted) to those in the 1738 English edition reproduced by Liberty Fund in *The Rights of War and Peace*, 3 vols., ed. Richard Tuck (Indianapolis, 2005). The English translations that I have used are from this 2005 edition, and the page numbers given in citations to the *Le droit de la guerre* refer to this edition. Similarly, citations from Grotius's Latin text of *De Jure Belli* will give the standard book, chapter, and section numbers, as well as the page number from Tuck's 2005 edition. To help distinguish between citations to Barbeyrac's notes and Grotius's main text, I will always use the French translation of the title to refer to the former and the original Latin title to refer to the latter. (I will apply the same system to distinguish the main text of Pufendorf's *De Jure Naturae et Gentium* from the notes that Barbeyrac wrote for his translation, *Le Droit de la nature et de gens.*) The 2005 reproduction does not contain the prefatory material that Barbeyrac included with his French translation; consequently, all citations marked "Préface du Traducteur," *Le droit de la guerre* (as below, at n. 12) are my own translations. Because there are no chapter or section divisions for this preface, citations of this portion of *Le droit de la guerre* will refer solely to the page number of the 1759 Leiden edition. The author apologizes for the complicated referencing system, which is something of an occupational hazard of Barbeyrac scholarship.

<sup>10</sup> Barbeyrac, *An Historical and Critical Account of the Science of Morality*, §xxix, 79; §xxxii, 84. This text appeared originally as the "Préface du Traducteur" to Barbeyrac's translation into French of Pufendorf's *De Jure Naturae et Gentium* (Amsterdam, 1706). For English translations of this work I have used the translation of George Carew, under the title *An Historical and Critical Account of the Science of Morality*, which was included in the Basil Kennett translation of Pufendorf's *Law of Nature and Nations* (London, 1729). The "Préface" to *Le droit de la nature* consists of thirty-three sections (the last of which is left out of Carew's edition). Citations of this text will refer to the section number, which is the same in both the French and English editions, and to the page number from the Carew edition. On Barbeyrac's view that reason was sufficient on its own, independent of Scripture, to ascertain moral verities, see e.g. Hochstrasser, "Conscience and Reason," 298.

literature,<sup>11</sup> of the thousands of annotations that Barbeyrac appended to his edition of *De Jure Belli*, the longest and most acrimonious attack on Grotius concerned a religious issue.

That Grotius should have devoted more space to a religious topic than to any other single issue in *De Jure Belli* is a truly remarkable fact for two reasons. First, in the preface to *Le droit de la guerre et de la paix*, Barbeyrac made clear his desire to keep theological discussion separate from the study of natural law. He objected to the theological preoccupations of previous commentators on Grotius,<sup>12</sup> and he judged that Grotius's success in setting morality on a "scientific" basis was due largely to the avoidance of "theological controversies."<sup>13</sup> Second, there was profound divergence between author and editor on several important political and natural-jurisprudential issues. Among other objections, Barbeyrac criticized Grotius for lacking a theory of moral obligation,<sup>14</sup> distinguishing between the law of nature proper and a fictitious law of nations based on the consent of all peoples, leaving insufficient space for resistance to tyranny, and interpreting the right of passage in a way that countenanced imperialism.<sup>15</sup> Yet none of these quarrels were responsible for the longest footnote of Barbeyrac's extensive commentary.

Instead, what elicited roughly three thousand impassioned words from the editor was a dispute about religion, namely whether or not supererogation was a doctrine of Christian theology. Why did the question of supererogation provoke this lengthiest and most critical of Barbeyrac's footnotes? How could it have generated such an extraordinary response?

While this essay is primarily intended as a contribution to the literature on Barbeyrac and the religious and political thought of the early Enlightenment, it is hoped that it will shed light as well on the study of supererogation. Since the publication of J. O. Urmson's essay "Saints and Heroes" over a half-century ago,

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<sup>11</sup> A rare exception to this neglect is a brief mention of the annotation by Thomas Mautner in a review of the Liberty Fund edition of *The Rights of War and Peace*; see Mautner, "War and Peace," *British Journal for the History of Philosophy*, 15/ 2 (2007), 365–81, 373.

<sup>12</sup> These commentators had, in Grotius's opinion, concentrated excessively on the sections of *De Jure Belli* that treated of Christianity, which were "the least important part of the work, and which could be separated from it, without losing anything essential." Barbeyrac, "Préface du Traducteur," *Le droit de la guerre*, xvi, xii.

<sup>13</sup> Barbeyrac, "Préface du Traducteur," *Le droit de la guerre*, iii.

<sup>14</sup> Pace Darwall, Barbeyrac was deeply dissatisfied with Grotius's understanding of moral obligation; indeed, he thought the concept, rightly understood, was missing from the Grotian but not from the Pufendorfian or Lockean moral theories. See Stephen Darwall, "Grotius at the Creation of Moral Modernity," *Archiv für Geschichte der Philosophie*, 94/3 (2012), 296–325.

<sup>15</sup> For the criticisms mentioned here see *Le droit de la guerre*, I.i.10, 151–3 n. 3; I.i.14, 163 n. 3; Liv.2, 338–9 n. 1; II.ii.17, 448 n. 1.

the issue of supererogation has been one of the most contested in anglophone moral philosophy.<sup>16</sup> Urmson's central claim—that the dominant moral theories are “inadequate to the facts of morality” because their division of types of action into obligatory, morally indifferent, and wrong leaves out “actions that are certainly of moral worth but that fall outside the notion of a duty and seem to go beyond it, actions worthy of being called saintly or heroic”<sup>17</sup>—has been criticized, defended, and amended from seemingly every possible angle in the succeeding years.<sup>18</sup> In tandem with this revival of attention to supererogation in moral-philosophy circles has been an interest in the theological origins of the dispute over the category of the supererogatory. Though this line of inquiry into supererogation has hitherto ignored it, Barbeyrac's dissent from Grotius on this issue is nonetheless an important episode for this history. Its importance lies in the fact that, as I will show in what follows, Barbeyrac's reasons for rejecting supererogation depart in several crucial respects from the conventional narrative that has developed to explain the decline of supererogation after the Reformation.

The following section analyzes Barbeyrac's annotation on supererogation and situates it in the context of *De Jure Belli* and Grotius's theological views more broadly. The next section examines Barbeyrac's continued exploration of the footnote's themes in his later work, the *Traité de la morale des Pères de l'Eglise*. The third section connects Barbeyrac's repudiation of supererogation to one of the most prominent and most discussed aspects of his thought: the rejection of skepticism. The essay concludes, in the fourth section, by locating Barbeyrac's anxieties about supererogation within a broader tradition of Enlightenment thinking about religious psychology. Barbeyrac's repudiation of supererogation was, I will show, not an isolated event; rather, it was motivated by a set of moral and psychological concerns that preoccupied him throughout his career.

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<sup>16</sup> J. O. Urmson, “Saints and Heroes,” in A. I. Meldon, ed., *Essays in Moral Philosophy* (Seattle, 1958), 198–216.

<sup>17</sup> *Ibid.*, 199, 205.

<sup>18</sup> Notable contributions to this debate include Joel Feinberg, “Supererogation and Rules,” *Ethics*, 71/4 (1961), 276–88; Christopher New, “Saints, Heroes, and Utilitarians,” *Philosophy*, 49/188 (1974), 179–89; Joseph Raz, “Permissions and Supererogation,” *American Philosophical Quarterly*, 12/2 (1975), 161–8; David Heyd, *Supererogation: Its Status in Ethical Theory* (Cambridge, 1982); Susan C. Hale, “Against Supererogation,” *American Philosophical Quarterly*, 28/4 (1991), 273–85; Gregory Mellema, *Beyond the Call of Duty: Supererogation, Obligation, and Offence* (Albany, NY, 1991); Andrew Flesher, *Heroes, Saints, and Ordinary Morality* (Washington, DC, 2003). This list is far from exhaustive.

BARBEYRAC'S CRITIQUE OF SUPEREROGATORY CHRISTIANITY  
IN *LE DROIT DE LA GUERRE ET DE LA PAIX*

Barbeyrac's dispute with Grotius over supererogation arose in chapter 2 of Book One of *De Jure Belli*, titled "Whether 'tis ever Lawful to make War." After elaborating the conditions under which war was legitimate, Grotius turned to the objection that, while some wars may be rationally defensible, they were nevertheless inconsistent with Christian doctrine. Grotius marshaled an array of counterarguments to this uncompromising Christian pacifism, one of which was that nonresistance, even from within the Christian perspective, was supererogatory. When "Christians of the primitive times" chose martyrdom over self-defense, they did so because they were aspiring after "the highest degree of Perfection."<sup>19</sup> In their "Ardor" they "took the divine Counsels for Precepts of an indispensable Obligation."<sup>20</sup> But they were not *obliged* to this conduct; instead, they chose to go above and beyond duty in order to attain "a more sublime Life."<sup>21</sup> Thus Christians were not bound to the example of their primitive forebears, nor to that of Christ himself, for while pacifism was "commendable, excellent, and highly pleasing to God," it was "not required of us by the Necessity of any Law."<sup>22</sup> Nonviolence was a Christian ideal rather than a Christian obligation; it was "good Counsel" rather than "absolute Precept."<sup>23</sup> It was the mark to be sought after by those capable of extraordinary holiness, not a demand on ordinary individuals.

Turning the other cheek was far from Christianity's sole supererogatory maxim. According to Grotius, supererogation was fundamental to Christian ethics, and it was an ancillary aim of *De Jure Belli* to delineate "what things in [Christianity] are rather recommended to us than commanded."<sup>24</sup> Among these other "recommendations" were the injunctions not to undertake lawsuits, not to swear oaths, to decline public office, to remain celibate, not to take a second marriage, and (most curiously of all) not to go to sea.<sup>25</sup> On the issue of marriage Christians were to take Paul at his word—"To the widows and the unmarried I say: It is good for them to stay unmarried, as I do. But if they cannot control themselves, they should marry" (1 Cor. 5:8–9)—and to apply the same logic to war and to other ethical questions. Christian morality was not bipartite in structure, not merely permitted versus forbidden. Instead it was tripartite, with categories of prohibition, permission, and perfection or holiness. The existence of the third

<sup>19</sup> Grotius, *De Jure Belli*, I.ii.9, 225.

<sup>20</sup> *Ibid.*, I.ii.9, 225.

<sup>21</sup> *Ibid.*, I.ii.9, 230.

<sup>22</sup> *Ibid.*, I.ii.9, 230.

<sup>23</sup> *Ibid.*, I.ii.9, 230.

<sup>24</sup> *Ibid.*, prolegomena 51, 126.

<sup>25</sup> *Ibid.*, I.ii.9, 225, 230.

category, Grotius was at pains to show, did not derogate from or delegitimize the second; the recognition of a further realm of righteousness did not make a simply right action any less right. One could therefore sue a debtor, wed a widow, or (most importantly for *De Jure Belli*) make war without compromising one's status as a Christian.

It was in response to this vision of the nature of Christian morality that Barbeyrac composed his lengthiest annotation, the nineteenth of Book One, chapter 2, section nine.<sup>26</sup> While this footnote is the only place in the scholarly apparatus of *Le droit* where Barbeyrac tackles the counsels/precepts distinction in depth, he refers to it in three other footnotes.<sup>27</sup> The editor clearly hoped that readers would leave *Le droit* feeling that supererogation had been “sufficiently refuted.”<sup>28</sup>

The first charge that Barbeyrac leveled was that the concept of supererogation was untenable. When scrutinized, the distinction between counsels and precepts would dissolve: “upon a careful Examination of the very Examples [used by Grotius] . . . it will appear that they turn on things, which either are neither good, nor evil in their own Nature, or are really obligatory in relation to certain Persons, and in certain Circumstances.”<sup>29</sup> Put into the terms used above, Barbeyrac suggests that a tripartite set of moral categories is indefensible.<sup>30</sup> He professes to find it baffling that there could be actions “always commendable, excellent, and in their own Nature agreeable to God: And on the other, left entirely to the Liberty of every Man.”<sup>31</sup> Barbeyrac insistently presses the question: if some sort of conduct has all of the moral properties just ascribed to it, how can we not

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<sup>26</sup> In the English text, the number of the footnote referenced is incorrect. In Barbeyrac's edition, the footnote on supererogation is the nineteenth of Book One, chapter 2, and therefore, when the footnote is alluded to elsewhere in Barbeyrac's commentary to *Le droit de la guerre*, the translator John Morrice retains references to note “nineteen.” However, Morrice botched the numbering of the notes in that chapter and so the footnote on supererogation wrongly appears as number eighteen. Consequently, the English edition accidentally refers readers to the tiny list of references about the fourth council of Carthage that immediately follows our footnote. I will refer to the footnote by the number in Barbeyrac's French edition—that is, as note nineteen—but bear in mind that it appears as note eighteen in Richard Tuck's Liberty Fund edition.

<sup>27</sup> Barbeyrac, *Le droit de la guerre*, prolegomena 51, 126 n. 1; II.xxvi.5, 1181 n. 3; III.iv.2, 1272 n. 2.

<sup>28</sup> Ibid., III.iv.2, 1272 n. 2.

<sup>29</sup> Ibid., I.ii.9, 226 n. 19.

<sup>30</sup> There is in a sense a third category for Barbeyrac, that of matters “entirely indifferent” (I.ii.9, 226 n. 19). But this is not, strictly speaking, a *moral* category, since it consists of precisely those issues that are without moral relevance.

<sup>31</sup> Ibid., I.ii.9, 226 n. 19.

be obliged to it? One aim of his footnote is to show that there is no answer to this question that is consistent with the principle of supererogation.

To prove this, Barbeyrac methodically investigates several cases of purportedly nonbinding “counsels.” The first case he takes up is marriage. He gives the following analysis of the subject:

if while he lives in Celibacy, he does not for that Reason become more useful to Society, and more capable of discharging his Duty, the Matter is then entirely indifferent. But if one has good Reason to believe he shall be able to employ his Time better, and do the Publick more Service in a single Life (which depends on the Condition and Circumstances of each Person, of which they must judge for themselves) he is then under an indispensable Obligation not to marry, supposing he believes himself entirely secure from Temptations of Impurity; or not to marry a second Time, especially when he may thus make a better Provision for his Family.<sup>32</sup>

Paul’s remarks on marriage and celibacy were not intended to establish a hierarchy of excellence within the realm of just deeds. Instead, Paul’s message was that, given the acute way in which the variety of traits and temperaments comes to bear on this issue—there are people well suited and ill suited to celibacy, and various degrees in between these extremes: a “Man may be good or bad in a married State; as he may likewise be in Celibacy”<sup>33</sup>—the general law to which God bound us of serving others to the best of our abilities can yield no universal rule. On a cursory view, Barbeyrac conceded, there appeared to be a recommendation of celibacy as a higher mode of life that was “left to every one’s Liberty” to accept or reject.<sup>34</sup> But he thought that this appearance was solely due to the issue’s being discussed at a level of generality unfit to determine the decision-making of an actual person; in truth there was for every individual a right answer about how to act, and acting in accord with this right answer was morally compulsory.

Barbeyrac used the same argument against the “recommendation” of “forbearing Law Suits, and chusing rather to lose one’s Property.”<sup>35</sup> Contra Grotius, the proper Christian perspective on this issue was not that it was permissible to defend one’s rights in court but holier or more sublime not to; it was that the “general maxim” that should guide our behavior in legal settings did not deliver one command valid for all people in all times and places.<sup>36</sup> Instead, the lesson of the Apostle on the subject of lawsuits was that “we are obliged to make some Abatement in our Right, whenever that can be done without great Prejudice

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<sup>32</sup> Ibid., I.ii.9, 226 n. 19.

<sup>33</sup> Ibid., I.ii.9, 226 n. 19.

<sup>34</sup> Ibid., I.ii.9, 229 n. 19.

<sup>35</sup> Ibid., I.ii.9, 226 n. 19.

<sup>36</sup> Ibid., I.ii.9, 226 n. 19.



to ourselves, or occasioning any other Inconvenience.”<sup>37</sup> Thus the true Christian moral was that we should “avoid [lawsuits] as much as possible” since they “bring commonly so many pernicious Sources of Hatred, Animosities, Divisions, Discontent, Perplexities, Expences, &c.”<sup>38</sup> As with the subject of marriage, “on a close Examination of the Matter” it turned out that there was “nothing in it relating to a *Counsel* properly so call’d.”<sup>39</sup> On the contrary, a little reflection revealed “a real Precept” regarding the use of “Moderation” when pursuing justice for oneself in order to prevent the “Unhappy Consequences” likely to follow.<sup>40</sup> When Paul encouraged the Corinthians to stay away from the courts without categorically denouncing recourse to them, he was not issuing a counsel of perfection, but applying a general principle in a manner responsive to exigencies on the ground: “in the Infancy of Christianity, when [it was especially important] to avoid giving an ill Opinion of that Religion, and its Votaries, it was highly improper for Christians to go to Law in the Courts of *Pagan* Judges.”<sup>41</sup> The design of Paul’s words on lawsuits was not to differentiate between acceptable and perfect attitudes towards suing in court, but to warn that, under the conditions faced by early Christians, the obligation to accept a small personal loss rather than inflict harms on the community effectively ruled out Christians’ use of the courts. As he had done in considering the “counsel” of poverty, Barbeyrac contended that upon application to the concrete circumstances facing real decision-makers the appearance of supererogation in the Pauline admonition against lawsuits would disappear and the individual Christian would be left to confront the dictates of duty.

Such was Barbeyrac’s first line of attack: that supererogation was conceptually untenable, that it sprang from a confusion of general maxims with the application of these maxims by particular people in particular circumstances. This was not the first occasion on which Barbeyrac had made use of this conceptual critique; it had appeared in the prefatory essay to his edition of Pufendorf’s *De Jure Nature et Gentium*, where he had brusquely dismissed the evangelical counsel of poverty or perfect charity:

Whereby ’tis plain, [Christian Father Gregory Nazianzen] supposes here a pretended Matter of Advice, to voluntarily renounce and abandon our Goods . . . whereby it is a real obligatory Command; but such as then, and then only takes place, when the retaining our Goods is incompatible with our duty; or becomes impracticable, without the Violation of some Precept of the Gospel.<sup>42</sup>

<sup>37</sup> Ibid., I.ii.9, 226 n. 19.

<sup>38</sup> Ibid., I.ii.9, 226 n. 19.

<sup>39</sup> Ibid., I.ii.9, 228 n. 19.

<sup>40</sup> Ibid., I.ii.9, 226 n. 19.

<sup>41</sup> Ibid., I.ii.9, 226 n. 19.

<sup>42</sup> Barbeyrac, *Science of Morality*, §ix, 22.

Almost two decades before his translation of Grotius, Barbeyrac was already convinced that supererogation was inconsistent with the truth that Christian duties could be fulfilled by different modes of action according to different circumstances. The “evangelical counsels” were more like what we have come to call “imperfect duties” than they were true instances of a transcendence of duty for the sake of a higher perfection.

As firmly as Barbeyrac articulated this objection, there is nevertheless a real puzzle about its appeal to him. The puzzle stems from the dissonance between his hostility to this aspect of Grotius’s thought and his acceptance of Grotian/Pufendorfian natural law as the correct, scientific outlook on moral issues. For both Grotius and Pufendorf had incorporated a completely secular notion of supererogation into their theory of natural law. They each had given persistent indications that the law of nature did not exhaust the content of the good life, that the best way of living went beyond the natural laws. Pufendorf had been entirely clear that what the laws of nature required could differ from the demands of “humanity,” “benevolence,” or “honor.” To illustrate this difference of levels, Pufendorf enlisted an anecdote from Cicero. A merchant went with a load of grain to Rhodes, which was experiencing a shortage, and was able to sell his grain at a high price by concealing the fact that a number of other ships bearing grain would soon arrive.<sup>43</sup> It was Pufendorf’s verdict that the merchant’s secretiveness did not violate the law of nature (he did not act unjustly), though “whether he acted against the Law of Courtesy and Good-nature, is another Question.”<sup>44</sup>

The arena in which Pufendorf was most insistent about distinguishing the category of natural law from other, higher rules of conduct was warfare. The so-called “laws of war” were not properly a subset of the obligatory laws of nature, but rather a set of conventions which a magistrate could ignore without sin. In war, while “it is lawful for me to make use of such Means as I think will best prevail,” nevertheless “the *Law of Humanity* would have Men consider, not only what an Enemy may suffer without Injury, but what it may be proper for a generous Conqueror to inflict.”<sup>45</sup> Pufendorf put the point particularly clearly in his first book, the *Elementorum iurisprudentiae universalis* (1660): those who

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<sup>43</sup> Samuel von Pufendorf, *De Jure Naturae et Gentium*, V.iii.4, 479. Citations of this text refer to the book, chapter, and section number. I have also included the page number of the English translation I have used, which is that of Basil Kennett, *The Law of Nature and Nations* (London, 1729).

<sup>44</sup> *Ibid.*, V.iii.4, 479–80. Interestingly, though Pufendorf invoked such a law and acknowledged its existence, he denied that in this case the “Law of Courtesy and Good-Nature” had been violated.

<sup>45</sup> *Ibid.*, VIII.vi.7, 838.

balk at using certain devious means to achieve their military objectives do so not from a persnickety adherence to legality but because they have “more elevated minds.”<sup>46</sup> Yet nowhere in his annotations did Barbeyrac seize his opportunity as editor to mount a countercharge to this way of thinking. Indeed, his notes to *Le droit de la nature et des gens* contained no hint that he believed there to be anything incoherent about delineating degrees of moral rectitude that exceeded the stipulations of natural law.

Grotius’s text is similarly replete with instances in which honor or benevolence makes claims on actors that extend beyond the natural law, especially in the third book, which addresses conduct in war.<sup>47</sup> The following is a characteristic statement of *De Jure Belli*’s stance on the differentiation of levels of morality:

the Rules of Charity reach farther than those of Right. He that abounds in Wealth is guilty of gross Inhumanity, if he strip his poor Debtor of all that ever he is worth, by the Rigour of the Law, to satisfy his own Debt . . . Yet such a hard hearted Creditor acts nothing against Right, properly so called.<sup>48</sup>

Neither this, nor other, similar remarks drew a word of dissent from Barbeyrac, even though the distinction described here between a just minimum and a behavior superior to it is logically the same as the religious distinction between counsel and precept for which he had so little patience. What is more, Grotius conceived of Christianity as *itself supererogatory* when compared with the law of nature. The essence of Christian morality is that it “command[s] us to do that which is naturally honest, tho’ not [naturally] obligatory”; “in that most holy Law [of the New Testament] a greater sanctity is enjoined us, than the meer Law of Nature in itself requires.”<sup>49</sup> As Grotius saw it, Christianity was, judged by the standard of natural law, supererogatory. Christian ethics went above and beyond natural morality. And yet Barbeyrac voiced no complaints with this picture.

The true target of the footnote attacking supererogation, then, was only supererogation of a narrowly delimited kind, namely intra-Christian supererogation. For Barbeyrac the view that there were various levels of moral claims on us, some higher or more demanding than others, was a perfectly comprehensible and acceptable part of natural jurisprudence. He only rejected

<sup>46</sup> Pufendorf, *Two Books of the Elements of Universal Jurisprudence*, trans. W. A. Oldfather, ed. Thomas Behme (Indianapolis, 2009), Book Two, observation IV, §35, 362. The whole of Book Two, observation IV of this work contains a particularly clear treatment of the theme of supererogatory behavior in the context of war: “there are very many things which the enemy can suffer without wrong, which, nevertheless, the humane victor avoids inflicting” (Ibid., Book Two, observation IV, §18, 344).

<sup>47</sup> See e.g. Grotius, *De Jure Belli*, III.xi.7, 1434–5; III.xviii.4, 1531.

<sup>48</sup> Ibid., III.xiii.4, 1478.

<sup>49</sup> Ibid., II.i.10, 407; prolegomena 51, 126.

the proposition that *inside Christianity*, so to speak, there was a set of non-obligatory but exceedingly excellent actions.

If in the end Barbeyrac himself did not assent to the footnote's suggestion that the principle of supererogation *tout court* was incoherent, then his case would seem to hinge on exegesis alone. He, of course, did believe that the New Testament, rightly interpreted, gave no ground for the inclusion of a supererogatory element in Christian ethics. But he could not deny that Paul "calls his Exhortations bare *Counsels*, or *Advice*," and he allowed that, even if incorrect, it was not unreasonable to have interpreted Paul as teaching the supererogatory nature of certain behaviors.<sup>50</sup> Yet a mere matter of exegetical controversy hardly seems worth such intense disputation with Grotius, especially given Barbeyrac's reluctance, discussed earlier, to let purely religious concerns impinge on the exposition of a rationally grounded, scientific moral system.<sup>51</sup> So, if there were no generalizable lessons about the structure of morality to take from this digression, if the quarrel wholly revolved on a point of Christian doctrine that did not jeopardize the heart of Grotius's natural law philosophy, why did Barbeyrac express his objection with such passion? What were the stakes?

The stakes were not properly philosophical or even theological, but psychological. What drives Barbeyrac's rejection is not that supererogation is bad moral philosophy or even bad theology. Christian supererogation is less a bad theory than it is a theory that is bad for the world. It must be defeated not because of defects in the argument, but rather because of the negative effects it has on the quality of our conduct. Thus the heart of Barbeyrac's objection and the impetus for composing the footnote are best revealed in its rousing conclusion:

Lastly, it is to be observed that the Distinction of *Counsels* and *Precepts*, is so far from having any Tendency toward making Men virtuous, that in certain Cases, it may divert them from the Practice of Virtue. As Men are fond of the Wonderful, and of every thing that flatters their Vanity; they are in great Danger of being dazzled with the pompous Ideas of an imaginary Perfection, which raises them above the common level; and, while in pursuit of such Chimeras, neglecting several Branches of their real Duty, the Practice of which their Passions sometimes render more difficult, than the Sacrifice they make by abstaining from Things permitted. It is even possible for Man, under Pretence of extraordinary Sanctity, to deceive himself grosly in regard to plain and common Duties, and imagine himself

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<sup>50</sup> Barbeyrac, *Le Droit de la guerre*, I.ii.9, 229 n. 19.

<sup>51</sup> Barbeyrac himself gives a telling admission that a purely exegetical or theological disagreement would not, by his lights, merit inclusion in the volume by opening the footnote with the remarkable pledge to avoid "entering into Theological Disputes," just before entering into precisely such disputes. *Ibid.*, I.ii.9, 225 n. 19.

excused the Practice of them, to make himself Amends for the Violence committed on his Inclinations; by this Abstinence from certain Things.<sup>52</sup>

Grotius's supererogatory understanding of Christianity was not just a piece of conceptual unclarity or inaccurate exegesis, but also, and far more distressingly, an invitation to immoral behavior. Given the penchant of human beings to rationalize their moral failings, to exalt themselves over others, to seek their private good at the expense of their duties, a religion that empowered some of its practitioners to declare themselves holy or perfect was a recipe for depravity. Religion, Barbeyrac thought, ought to provide direction about the requisites of a good life, rather than tempt believers with "pompous Ideas of an Imaginary Perfection" which will entice them to count their supererogatory accomplishments as justifications for neglecting the mandatory rules of morality. The theory of Christian supererogation, consequently, was blind to the self-deceiving, prideful human spirit.

Barbeyrac believed that the decadent and ambitious character of the Catholic clergy fully bore out his claims regarding the ethical deleteriousness of the religious doctrine of supererogation. "Experience shews the Truth of this Reflection in such as make Vows of Celibacy and Poverty."<sup>53</sup> Barbeyrac's hostility to Grotius's theological ethics derived less from any obvious logical or exegetical flaws besetting the theory than from (what he took to be) the irrefutable evidence that it was a cause of moral deterioration. The moral condition of the clergy of the church that had persecuted him and his Protestant family was, to Barbeyrac, confirmation enough of his bleak assessments of the theory's real-world effects.

As Barbeyrac would have been well aware, this critique struck at the very core of Grotius's conception of Christianity. The supererogatory character of Christian ethics was for Grotius a vital ingredient of Christian theology and apologetics. This came out most clearly of all in the second half of Barbeyrac's friend Le Clerc's favorite Grotian text, *De Veritate Religionis Christianae* (1627). There, Grotius had argued that Christianity was the best of all religions because it did not seek merely to regulate or constrain the depravities of the average, morally mediocre man. Instead, Christian ethics depicted an image of moral perfection which could not be exceeded.

This fact—that Christianity depicted an unsurpassable ethical ideal, that no superior alternative to the ethic of Christ existed—was of the highest importance for Grotius as an apologist of Christianity. Its centrality to his apologetics comes out clearly in his contrast between the Law of Moses and the message of the Gospels:

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<sup>52</sup> Ibid., I.ii.9, 229 n. 19.

<sup>53</sup> Ibid., I.ii.9, 229–30 n. 19.

Now, that the precepts of the law [of Moses] were not absolutely perfect, appears from hence; that some holy men in those times led a life more perfect than those precepts required. Moses, who allowed revenging an injury, partly by force and partly by demanding judgment; when himself was afflicted with the worst of his injuries, prayed for his enemies. Thus David was willing to have his rebellious son spared, and patiently bore the curses thrown upon him. Good men are nowhere found to have divorced their wives, though the law allowed him to do it. So that laws are only accommodated to the greater part of the people; and in that state it was reasonable some things should be overlooked, which were then to be reduced to a more perfect rule, when God, by a greater power of his spirit, was to gather himself a new people out of all nations.<sup>54</sup>

In an earlier, juvenile condition of the human race, God had deemed it fit to rule a particular nation through laws that fell short of the moral ideal, laws better suited to their immature condition. Consequently, the religion He provided this nation had resembled a system of manmade positive laws more than an epitome of moral perfection. The very fact that the conduct of the best Jewish men was more righteous than their laws demanded should have indicated to the Jewish people that these laws would not be God's final word, and that they ought to rally to a more ethically demanding creed if one were to be made known to them.

Christianity's unimpeachable ethical standard thus constituted one proof of its truth.<sup>55</sup> Judaism and Islam could not be the true religion because, among other reasons, their ethics were less perfect, less sublime than the New Testament's. The field of ethics was characterized by a division of labor: from the religious standpoint, the task was to illustrate a humanly unattainable holiness and sublimity; from the natural-jurisprudential standpoint, the task was to lay out those rules which men and states could not violate without sinking into injustice and unsociability. Integral to the evaluation of the truth-claims of different religions, Grotius believed, was a comparison of their moral dimensions, with the religion of greatest purity and perfection to be preferred over those that were sullied by "childish rudiments" or "things indifferent in themselves."<sup>56</sup> This exercise in comparative moral theory, Grotius hoped, would make evident the superiority of the revelation of Jesus Christ. But precisely *because* the Gospel

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<sup>54</sup> Grotius, *De Veritate Religionis Christianae*, V.vi, 186. Citations of this text refer to the book and section number, as well as the page number from the English translation which I have used: *The Truth of the Christian Religion*, translated by John Clarke (London, 1829) from Le Clerc's edition of *De Veritate*.

<sup>55</sup> Other proofs included its promise of otherworldly salvation and its miraculous propagation. For a breakdown of the argumentative elements of *De veritate* see Jan Paul Heering, "Hugo Grotius's *De Veritate Religionis Christianae*," in Henk J. M. Nellen and Edwin Rabbie, eds., *Hugo Grotius Theologian: Essays in Honour of G. H. M. Posthumus Meyjes* (Leiden, 1994), 47–8.

<sup>56</sup> Grotius, *De veritate*, VI.viii, 239, 238.

directed us to an “extraordinary Perfection,” Christian maxims that went beyond the rationally determined laws of nature could only constitute “Advice” rather than “express Command[s],” for it would be perverse for the Divinity to oblige us to an ideal which only his Son could incarnate, and which was beyond our frail powers ever to reach.<sup>57</sup> The fact that Christian ethics held up an uncompromised ideal was a crucial sign of Christianity’s truth, but as a result of this idealism a supererogatory aspect was indispensable to Christianity’s moral system. Since the sole conceivable point of religious ethics was to proclaim perfection, and perfection could not justly be required of us, the morality of a true religion had of necessity to be supererogatory.

Grotian theology bound Christianity’s truth and its supererogatory ethics together inextricably. For Grotius it was not even the case that Christianity was true *and* it so happened that its ethics were supererogatory;<sup>58</sup> rather, the latter fact was a proof of the former. The effect of Barbeyrac’s long footnote, while perhaps appearing to dispute only a narrow point of theological ethics, was in fact to dismiss Grotius’s entire religious sensibility as profoundly misguided.

#### THE CONTINUATION OF BARBEYRAC’S CRITIQUE: THE *TRAITÉ*

In this footnote to *De Jure Belli* Barbeyrac emphasized that his criticism was directed not at Grotius alone, but at an entire tradition of Christian thought. The goal of the annotation was to show “how little Grounds there are for what has been formerly and still is said in many places” concerning the distinction between counsels and precepts, a distinction that had persisted since “Ecclesiastical Antiquity.”<sup>59</sup> For Grotius, who had hoped to regenerate Christianity through a rediscovery of the values and practices of the primitive church,<sup>60</sup> this lineage had been strong evidence in favor of the supererogatory view. For Barbeyrac, on the other hand, the ancient pedigree of the distinction between counsels and precepts was simply further evidence of patristic ignorance and barbarism. Four years after his translation of Grotius, Barbeyrac published the *Traité de la morale des Pères de l’Église* (1728).<sup>61</sup> The *Treatise*, which would earn its author a great deal of notoriety, consists largely of polemical summaries of patristic texts, of a catalogue of the

<sup>57</sup> Grotius, *De Jure Belli* I.iii.3, 247.

<sup>58</sup> Though we might say that this is the stance adopted in chapter 43 of *Leviathan*.

<sup>59</sup> Barbeyrac, *Droit de la guerre*, I.ii.9, 225, 228 n. 19.

<sup>60</sup> G. H. M. Posthumus Meyjes, “Hugo Grotius as an irenicist,” in *The World of Hugo Grotius* (Amsterdam and Maarssen, 1984), 48.

<sup>61</sup> For an overview of the arguments of the *Traité* and a description of the context in which it appeared see Joris van Eijnatten, “The Church Fathers Assessed: Nature, Bible, and Morality in Jean Barbeyrac,” *De Achttiende Eeuw*, 35/1 (2003), 15–25. Gibbon drew from the *Traité* as one of his sources on the conduct and teaching of the Fathers, referring to

laughably puritanical prohibitions and weak lines of reasoning which Barbeyrac believed to fill these books,<sup>62</sup> and of a series of ad hominem attacks. But of the more substantive topics on which Barbeyrac dwells, one that features prominently is precisely that issue with which the nineteenth footnote of *Le droit de la guerre* had been occupied: the Fathers' theory of "supererogatory perfection, founded on the so-called *Evangelical Counsels*."<sup>63</sup> Barbeyrac was explicit that his handling of this subject was continuous with his earlier arguments: in the first of the three discussions of this theme in the *Traité*, he condemned his antagonist, the French monk Rémy Ceillier, for upholding a position the "whole foundation" of which he had already "overthrown" in his commentary "on the excellent Work *Le Droit de la Guerre & de la Paix*."<sup>64</sup>

The concern with supererogation was more complex in the *Traité* than in the footnote, since the former sought not only to discredit the theology of supererogation itself, but also to show that the endorsement of this theology was exemplary of the low moral-intellectual state, the "unenlightened zeal," of the Fathers: "The distinction . . . between the *Counsels*, and the *Evangelical Precepts*, is one of the things that best reveals, how the Fathers of the Church were bad Critics and bad Interpreters of Scripture."<sup>65</sup> The *Traité* gave extended attention to each of the biblical *loci classici* for Christian supererogation:<sup>66</sup> Christ's injunction in Matthew 19:16–24 to the rich man to give all his possessions to the poor, and Paul's comments on celibacy and marriage at 1 Corinthians 7:25–8.<sup>67</sup> Yet despite the extra focus on these specific verses and on the patristic personalities, the *Traité's* assault proceeded broadly along the path that the footnote had laid out. Consistent with his reasoning four years earlier, Barbeyrac's exegesis of the aforementioned verses centered on the claim that they were meant as directives applicable in certain conditions, and that they therefore amounted to precepts

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it in several footnotes and praising it as "very judicious." Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, vol. 1, ed. David Womersley (London: Penguin, 1994), chap. 15, n. 87. However, as Pocock has pointed out, Gibbon's attack on the morality of the fathers did not follow Barbeyrac's closely. See J. G. A. Pocock, *Barbarism and Religion*, vol. 5, *Religion: The First Triumph* (Cambridge: 2010), esp. 270–71.

<sup>62</sup> Interestingly, among these obviously indefensible positions Barbeyrac lists the argument that marriage is only for procreation: *Traité de la morale des pères* (Amsterdam, 1728), V.xviii, 50. Citations of this text refer to the chapter and section numbers. All translations from the *Traité* are my own.

<sup>63</sup> Barbeyrac, *Traité*, V.xxxiii, 57.

<sup>64</sup> *Ibid.*, VIII.x, 110.

<sup>65</sup> *Ibid.*, XII.lxx, 206; VIII.x, 110.

<sup>66</sup> David Heyd, *Supererogation: Its Status in Ethical Theory* (Cambridge, 1982), 17.

<sup>67</sup> Barbeyrac, *Traité* XII.lxv–lxix, 202–5; VIII.xii–xxviii, 110–8.



for “those who were in the same circumstances.”<sup>68</sup> And in the *Traité* Barbeyrac stuck to the thought that when all the aspects of a given situation had been fully comprehended, there would be one course of action that best accorded with God’s will and that our duty would be to follow that course. If we suppressed the inclination to treat matters like marriage, warfare, public office, charitable giving, etc. in overly general terms and instead descend to particulars, a right answer would emerge for each of us, and this answer would “no longer be the object of a Counsel, but a Precept.”<sup>69</sup> All things considered, there was either indifference amongst the options available or a “particular Precept” that one was duty-bound to follow.<sup>70</sup> There was no additional category of the better-than-acceptable or the sublime.

But while the *Traité* hewed closely to the footnote’s precedent, it did go beyond it on one front: it described at greater length and with greater precision the kind of bad conduct to which Barbeyrac believed the doctrine of supererogation had proven tragically conducive. The great anxiety behind the rebuttal in *Le droit de la guerre* was, as we have seen, the dangerous power of “pompous Ideas of an imaginary Perfection” to excuse or rationalize immoral behavior in other areas of one’s life. But the footnote had remained vague about the sort of horrors we were to expect from those whom the doctrine of supererogation had liberated from ordinary moral constraints. The *Traité*, however, minced no words on this subject. As might have been expected from an author whose memoir begins with his flight from France in the aftermath of the revocation of the Edict of Nantes,<sup>71</sup> the ultimate, fearful results of supererogatory theology, Barbeyrac now declared, were persecution and priestcraft.

Take, for instance, Barbeyrac’s analysis of the mischief caused by interpreting chastity as an “evangelical counsel.” The “custom of embracing Celibacy, as a state of particular sanctity” proved that the Fathers had “abandoned the simplicity of the Gospel morality, for the sake of running after chimeras, & chimeras subject to some very unpleasant inconveniences,” namely “disorders and crimes.”<sup>72</sup> Of all the theoretical mistakes which had besmirched Christianity, the opinion that priestly celibacy was an achievement of special holiness, rather than simply a *duty* that applied to their profession but not to others, was one of those that had done the most real-world damage.

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<sup>68</sup> Ibid., VIII.xi, 110.

<sup>69</sup> Ibid., VIII.xxiii, 115.

<sup>70</sup> Ibid., XII.lxvii, 204.

<sup>71</sup> Barbeyrac, “Memoir sur la Vie, & les Ecrits de Mr. Jean de Barbeyrac, écrit par lui même,” in Barbeyrac, *Ecrits de droit et de morale*, ed. Simone Goyard-Fabre (Paris, 1996), 77–92.

<sup>72</sup> Barbeyrac, *Traité*, VIII.xxv, 116.

Barbeyrac exhaustively detailed the harms for which the Catholic teaching of supererogatory priestly celibacy was responsible. “Priests and Monks,” flattering themselves on their “profession of Continence,” neglected the “Virtues whose practice is necessary for all Christians,” and treated the extra measure of sanctity derived from their chastity as an excuse to indulge in “a pious laziness.”<sup>73</sup> This extra measure of sanctity and holiness which clerics attributed to themselves based on their practice of what Hume would call the “monkish virtues”<sup>74</sup> turned the clerical mind into a breeding ground for “Hatreds, Cabals, Divisions” and “many temptations.”<sup>75</sup> Just as in his commentary in *Le droit de la guerre* the viciousness to which the doctrine of supererogation gave license was derived from the vain man’s desire to exempt himself from normal moral constraints, so in the *Traité* Barbeyrac argued that the chief defect of the theory of supererogation was the potent aliment it afforded to the passions of pride and power-hunger: “What a hold over everything else does not Pride have, in the heart of people who flatter themselves with an extraordinary Perfection, by which they believe themselves elevated high above the common run of Christians?”<sup>76</sup> Priestly meddling in politics, which reached its heights in the Pope’s audacious claims to “depose Crowned Heads & absolve subjects of the oath of fidelity,” was fomented by an “Ambition” which the distinction between counsel and precept only served to aggravate.<sup>77</sup> Barbeyrac did not stop there:

The spirit of domination over consciences, this furious zeal which has given birth to the Tribunals of the Inquisition, & which would produce them everywhere, if it could; where is it found, if not among those Priests and Recluses, who have renounced Marriage?<sup>78</sup>

Thus a direct line could be drawn from the dogma of supererogation to the worst forms of “both Spiritual and Temporal Domination.”<sup>79</sup> Religious intolerance, the foremost evil of modern European politics, was intimately linked, through such institutions of the Catholic priesthood as celibacy, to the erroneous theology of the ancient Fathers.

Barbeyrac’s account of the harm produced by misinterpretation of Paul’s words on marriage can be usefully contrasted with another famous assessment of the harmful impact of Catholic clerical celibacy: that of Hobbes (1588–1679)

<sup>73</sup> Ibid., VIII.xxix, 118.

<sup>74</sup> David Hume, *An Enquiry Concerning the Principles of Morals*, ed. J. B. Schneewind (Indianapolis, 1983), 73.

<sup>75</sup> Barbeyrac, *Traité*, VIII.xxix, 118.

<sup>76</sup> Ibid., VIII.xxix, 118–19.

<sup>77</sup> Ibid., VIII.xxix, 119.

<sup>78</sup> Ibid., VIII.xxix, 119.

<sup>79</sup> Ibid., VIII.xxix, 119.

in chapter 47 of *Leviathan* (1651). For Hobbes the trouble with celibacy was that it put monarchs in a catch-22 vis-à-vis the papacy:

the Deniall of Marriage to Priests, serveth to assure this Power of the Pope over Kings. For if a King be a Priest, he cannot Marry, and transmit his Kingdome to his Posterity; If he be not a Priest then the Pope pretendeth this Authority Ecclesiastical over him, and over his people.<sup>80</sup>

In Barbeyrac's eyes, however, the issue of whether priestly celibacy was, as Hobbes had thought, a policy intentionally crafted to enhance the Church's position against secular powers was beside the point. Speculation about the interested origins of this particular doctrine were insignificant when compared to the larger lessons that men would respond to a religious "pretext" to assert their special sanctity by giving free rein to their worst desires,<sup>81</sup> and that Christian supererogation offered a pretext of this sort in a particularly acute and damaging way.<sup>82</sup>

In comparison to this incitement of pride and unleashing of persecutory instincts, the archetypal practical problem with which Reformers like Luther had most closely associated supererogation, the sale of indulgences, looked mild.<sup>83</sup> Barbeyrac did acknowledge the acquisition of "immense riches" by "illegitimate ways" as an evil that had attended supererogation, and he seems to have believed that this evil was explicable in the same psychological terms.<sup>84</sup> But the corruption of indulgences was far from the most terrible consequence of the tradition of supererogatory theological ethics. Barbeyrac was convinced that this tradition had contributed to the generation of the greatest social-political disasters of the past two centuries.

Indeed, the moral-psychological foundation of Barbeyrac's apprehensions about Christian supererogation complicates, and sits at some distance from, the conventional narrative regarding the history of supererogation. According to this narrative, supererogation fared much better as a moral and religious concept before the Reformation than after. For Catholic thinkers such as Thomas Aquinas, the distinction between God's "counsels" (paradigmatically, the traditional religious vows of poverty, chastity, and obedience) and his "precepts or commands" was central to Christian ethics. The latter were obligatory on all

<sup>80</sup> Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, 1991), chap. XLVII, 477.

<sup>81</sup> Barbeyrac, *Traité*, VIII.xxix, 118.

<sup>82</sup> Officially Barbeyrac ascribed the origin of the belief that chastity was an "evangelical counsel" not to sinister interest but to lack of enlightenment. In consequence he was, unlike Hobbes, willing to allow that "these false ideas" had been "pardonable at their commencement," though they were not any longer. *Ibid.*, VIII.xxix, 118.

<sup>83</sup> Heyd, *Supererogation*, 20–21.

<sup>84</sup> Barbeyrac, *Traité*, VIII.xxix, 118.

Christians and required for salvation, while the former were freely chosen or rejected and were necessary only for those who aspired after “perfection.” The supererogatory character of Catholic teaching was tied to the medieval Church’s most notorious practice, the sale of indulgences. This institution was justified on the ground that the saints, via their uncompelled fulfillment of the “counsels,” accrued an excess of “merit” which was the possession of the Church and which the Church distributed to purchasers of indulgences. Thus the sale of indulgences was in effect a transfer of the supererogatory perfection or holiness of the saints to ordinary men and women in order to reduce the penalty that the latter would have to pay for their venial sins. Reformers, disgusted with the corruption of the system of indulgences and determined for more general theological reasons to eliminate the possibility that human beings were capable of works that transcended their duty to God, left no room for supererogation in Protestant ethics. Ever since, an anti-supererogationist outlook has characterized the mainstream of both religious and secular ethical reflection in the West.<sup>85</sup>

The dispute we have been examining differs from this account on a number of points. It takes place not between Catholics and Protestants, but between two Protestants, and “enlightened” Protestants at that; the attack on indulgences does not feature significantly; and the principal antagonists are now thought of less as religious thinkers than as political theorists. Most significantly, the center of gravity of Barbeyrac’s attack on supererogation was neither biblical/exegetical nor even properly theological, but rather empirical or psychological.<sup>86</sup> Barbeyrac’s reasons for seeking to strip Christianity of its supererogatory character are ones that we have largely forgotten about today.

While historically the defense of supererogation was associated with Catholicism and its rejection with Protestantism,<sup>87</sup> it is important to note that Barbeyrac did not present the target of his criticisms solely as Rome. Instead, Barbeyrac saw the question of supererogation as part of a larger set of debates

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<sup>85</sup> The account offered here draws heavily on Heyd, *Supererogation*, chap. 1; Mellema, *Beyond the Call of Duty*, chap. 3. There has been some challenge to the vision of the Reformation as strongly anti-supererogationist; see David Little, “The Law of Supererogation,” in Edmund Santurri and William Werpehowski, eds., *The Love Commandments: Essays in Christian Ethics and Moral Philosophy* (Washington, DC, 1992): 157–81, 160–62.

<sup>86</sup> Though Claire Brown makes no mention of Barbeyrac or Grotius, she does list as one of her five Protestant objections to supererogation the thought that the doctrine “fosters immorality.” See Claire Brown, “Supererogation for a Virtue Ethicist” (PhD diss., University of Notre Dame, 2011), 13. The only sources for this view that she cites are Calvin and Melancthon.

<sup>87</sup> Albert C. Knudson, *The Principles of Christian Ethics* (New York, 1943), 185–6.

about the proper moral shape of Protestant theology.<sup>88</sup> Though Grotius had been accused of Catholic leanings, and had in fact been less hostile to Roman Catholicism than his fellow Protestants had been,<sup>89</sup> Barbeyrac never insinuates that Grotius's great error in Christian ethics was due to any crypto-Catholicism—nor would it have made sense for him to do so, for in his mind the Reformation, while an improvement, had failed to do away with many of the worst elements of Christian doctrine and practice.<sup>90</sup> No mention of Catholicism occurs in the footnote; instead the only pro-supererogation figure it names apart from Grotius is Henry Hammond (1605–60), a famous Anglican divine.<sup>91</sup> Despite being a Huguenot, Barbeyrac never felt it necessary to pretend that Catholics had a monopoly on religious wrongdoing.<sup>92</sup> Consistent with this evenhandedness, in his attack on supererogation Barbeyrac seems genuinely to have striven to elucidate a universal theoretical-psychological observation—that the interaction between a supererogatory ethics and the prideful human psyche would lead to immorality and disorder. Rather than merely seeking to score points against the church that had persecuted him, Barbeyrac was attempting to derive a principle of human nature from observation and experience in a manner that Enlightenment giants such as Locke, Hume, or Smith could have appreciated.

As Barbeyrac knew well, he was not the only Protestant to object to Hammond's affirmation of the Church Fathers' vision of a "heroical or high" excellence existing "above the command" and outside "any particular command of God's

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<sup>88</sup> In recent years both Fiammetta Palladini and Pott have produced studies of Barbeyrac's thought and its context which highlight disputes about the character of Protestant moral teaching and its relation to the natural law discourses of the time. See Fiammetta Palladini, *Die Berliner Hugenotten und der Fall Barbeyrac: Orthodoxe und "Sozinianer" im Refuge (1685–1720)* (Leiden, 2011); and Sandra Pott, *Reformierte Morallehren und deutsche Literatur von Jean Barbeyrac bis Christoph Martin Wieland* (Tübingen, 2002). Palladini's book provides a particularly detailed account of the theological debates in which Barbeyrac was involved.

<sup>89</sup> Tuck, "Grotius and Selden," 521; Posthumus Meyjes, "Grotius as an Irenicist," 57–62.

<sup>90</sup> Barbeyrac, *Science of Morality*, §xi, 35.

<sup>91</sup> Hammond's fame would persist long after his death thanks to his introduction to *The Whole Duty of Man* (1658), the devotional guidebook to which countless British children, including the young David Hume, would be subjected; see James Boswell, *The Journals of James Boswell, 1762–1795*, ed. John Wain (London, 1992), 247.

<sup>92</sup> One of Barbeyrac's principal targets was "the orthodox and authoritarian element in Protestant thought." Korkman, "Barbeyrac and Natural Law," 20. Barbeyrac suffered from religious intolerance at the hands not only of Catholics, but of Protestants as well; see e.g. J. G. A. Pocock, *Barbarism and Religion*, vol. 1, *The Enlightenments of Edward Gibbon* (Cambridge: 2010), 69.

in the law.”<sup>93</sup> Barbeyrac’s friend Le Clerc had already opposed Hammond on this point in a document typical of the era: an edition of the New Testament from the Vulgate, with Hammond’s notes and paraphrase translated into Latin by Le Clerc, and accompanied by Le Clerc’s own exegesis and animadversions on Hammond’s interpretations.<sup>94</sup> Hammond’s endorsement of supererogation involved none of the sophisticated arguments from comparative theological ethics which Grotius had employed; nor, of course, did it imply any apology for the corruptions of Catholic priestcraft. It was founded, much more simply, on what he took to be unmistakable scriptural evidence (which he found in the Old as well as the New Testament) for a separation between those acts commanded “distinctly under precept” and higher acts “freely” chosen by the individual.<sup>95</sup> Hammond was especially impressed by the distinction which Paul drew between his preaching, a task which God had “committed to him,” and his decision to forgo payment for this preaching even though the apostles were permitted to “receive hire” for their labors.<sup>96</sup> When “Cephas and other Apostles” took money for their preaching, they behaved in a “lawful” manner and did not “sin[] thereby,” and the uprightness of their earning a wage for their ministerial work was not in the least compromised by Paul’s special magnanimity in abstaining from financial reward.<sup>97</sup> What Cephas did in receiving remuneration was right, and what Paul did in rejecting remuneration was better than right. Paul’s explanation of the moral significance of his carrying on his ministry without charge was to Hammond striking proof that Christianity consisted of a tripartite morality of the sinful, the lawful, and the morally extraordinary.

Given that Barbeyrac makes frequent mention of Le Clerc’s work throughout his corpus, it is not surprising that he should have referred the reader to Le Clerc’s response to Hammond’s line of thought on this issue. Yet while there were notable commonalities between Barbeyrac’s qualms about Christian supererogation and

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<sup>93</sup> Hammond, *A Paraphrase and Annotations upon all the Books of the New Testament: Briefly explaining the difficult places thereof* (London, 1653), 694–5. His remarks on this subject occur in his commentaries to 1 Corinthians 9:17 and Colossians 2:23.

<sup>94</sup> *Novum testamentum domini nostri Jesu Christi, ex versione vulgate; cum paraphrasi & adnotationibus Henrici Hammondii; ex Anglica lingua in Latinam transtulit, suisque animadversionibus illustravit, castigavit, auxit Johannes Clericus*. It first appeared in 1698. I have used the edition from 1700 published in Amsterdam. Le Clerc’s discussions of supererogation occur at 103 and 252–3 in this edition. The English translations I have used for this text are from *A supplement to Dr. Hammond’s paraphrase and annotations on the New Testament . . . by Monsieur Le Clerc; to which is prefix’d a letter from the author to a friend in England, occasion’d by this translation* (London, 1699).

<sup>95</sup> Hammond, *A Paraphrase and Annotations*, 570.

<sup>96</sup> *Ibid.*, 694.

<sup>97</sup> *Ibid.*, 695, 694.

those voiced by Le Clerc, Le Clerc's resistance to Christian supererogation was in fact weaker than Barbeyrac's. Unlike Barbeyrac, Le Clerc did not categorically denounce the doctrine of Christian supererogation. On the contrary, he explicitly assented to Hammond's basic theological position, admitting that "some such works of Supererogation may really be done."<sup>98</sup> Le Clerc limited himself to advising caution from clergymen in handling this theme; he observed that "those whose business is to persuade men to Piety" had no reason to make the doctrine a subject of their preaching, for "those who are fit to be exhorted" to pursue such loftier degrees of holiness "are not only few in number, but do not need Exhortations to them."<sup>99</sup> He preferred that teachers of Christianity impress their listeners with the importance of fulfilling "necessary and commanded Duty," which men were only too prone to regard as "mean and trivial," rather than filling their heads with distracting thoughts of "some higher degree of Piety."<sup>100</sup> As Barbeyrac would later do, Le Clerc berated "Monasteries" for housing "a great deal of Pride, Hatred of their Neighbour, Impatience of Injuries, and the like Vices," but he seems to have stopped just short of Barbeyrac's further, stronger charge that the distinction of counsels from precepts was a certain recipe for fostering and increasing these pernicious attitudes.<sup>101</sup> In short, Le Clerc glimpsed the psychological problems posed by the doctrine of Christian supererogation, but he did not estimate their danger quite as highly as Barbeyrac would come to do, nor did he take Barbeyrac's further step of ridding Protestantism of supererogation altogether on account of the damage that the doctrine could cause.

## SUPEREROGATION AND SKEPTICISM

The psychological repercussions of supererogation as a doctrine of religious ethics were a matter of deep and far-reaching concern for Barbeyrac. But this was not the only theoretical blunder whose practical consequences he feared. A better-known cause of trepidation to Barbeyrac was skepticism, especially as it appeared in the work of his fellow Huguenot refugee Pierre Bayle.<sup>102</sup> The overcoming of skepticism, it has been persuasively argued, was the "driving force behind the work

<sup>98</sup> Le Clerc, *A supplement to Dr. Hammond's paraphrase and annotations*, 327.

<sup>99</sup> *Ibid.*, 472.

<sup>100</sup> *Ibid.*, 471.

<sup>101</sup> *Ibid.*, 471.

<sup>102</sup> Robert Shaver, "Grotius on Scepticism and Self-Interest," *Archiv für Geschichte der Philosophie*, 78/1 (1996), 27–47; Jonathan Israel, "Enlightenment! Which Enlightenment?," *Journal of the History of Ideas*, 67/3 (2006), 523–45; Hochstrasser, "Conscience and Reason," 295. For Barbeyrac's sharply adversarial relationship with Bayle see James Moore, "Natural Law and the Pyrrhonian Controversy," in Peter Jones, ed., *Philosophy and Science in the Scottish Enlightenment* (Edinburgh, 1988), 20–38.

of Jean Barbeyrac.”<sup>103</sup> In this section I will demonstrate the strong resemblance underlying both Barbeyrac’s famous diagnosis of the dangers of skepticism and his concern about the harm which the Christian theory of supererogation had abetted. These two at first glance quite different sets of anxieties were intimately connected in Barbeyrac’s mind.

Barbeyrac was intrigued, as Hume would be later, by occasions in which theories led to unanticipated or even counterproductive outcomes in practice. He believed the doctrine of innate ideas to have been such a case. However appropriate as an antidote to the progress of atheism the postulation of an innate knowledge of the existence and attributes of the deity might seem to be, in fact innatism worked to the opposite effect. As Barbeyrac wrote in his prefatory essay to *Le droit de la nature* on the history of the moral sciences,

the Clergy themselves give great Advantage to the Atheist; when, not satisfy’d with those incontestable Proofs, we have of the great Truths of Religion and Morality; they chiefly maintain and urge, through an imprudent Zeal, certain reasons for Proofs; which are really none, or at least very doubtful ones; and then cry out, that all’s lost, if these are not allow’d of as well as the former. For after all, I would fain know how Dr. Sherlock . . . will be ever able to prove to an Atheist, that notwithstanding the manifest Ignorance in which whole nations have been and still are, of some fundamental Duties of the Law of Nature; and the odness and prodigious diversity of Opinions, which have at all times been in the world on the Subject of Morality and Religion; that, notwithstanding all this, I say, every particular Person has *innate Ideas* of the Deity, and of Virtue?<sup>104</sup>

The innatist epistemology, by the very strength of its claims, had recoiled against the pious intentions of its authors. It followed from this assessment that Locke, the most celebrated critic of innatism and an object of profound admiration on Barbeyrac’s part, had truly served religion well by vanquishing innate ideas.<sup>105</sup> Barbeyrac and Locke agreed, broadly speaking, with the innatists’ desire to buttress the epistemic foundations of Christianity. But they saw innatist metaphysics as an unsound means to a theistic end, for the “cause of atheism”

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<sup>103</sup> See e.g. Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge, 1996), 25; Richard Tuck, “The ‘Modern’ Theory of Natural Law,” in Anthony Pagden, ed., *The Languages of Political Theory in Early-Modern Europe* (Cambridge, 1991), 99–122. For a dissenting interpretation of Barbeyrac that minimizes the importance of his hostility to skepticism see Petter Korkman, “Barbeyrac on Scepticism and on Grotian Modernity,” *Grotiana*, 20/1 (1999), 77–105.

<sup>104</sup> Barbeyrac, *Science of Morality*, §iv, 11–12.

<sup>105</sup> For Locke’s influence on Barbeyrac, see Hochstrasser, “Conscience and Reason”; Richard Popkin and Mark Goldie, “Scepticism, Priestcraft, and Toleration,” in Goldie and Wokler, *The Cambridge History of Eighteenth-Century Political Thought*, 79–109, 93. For Barbeyrac’s correspondence with Locke see Anne Goldgar, *Impolite Learning: Conduct and Community in the Republic of Letters, 1680–1750* (New Haven, 1995), 161–3.



was in fact strengthened by the philosophy that appeared *prima facie* to make the fewest concessions to it.<sup>106</sup>

Later in his history of morality Barbeyrac unearthed another example of the practical counterproductivity of theoretical overreach, observing with regard to the Stoics that “rigid and over-strain’d Maxims are not at all proper to inspire true Notions of Virtue.”<sup>107</sup> The famed rigidity of Stoic morals was, ironically, a hindrance to moral conduct. “[S]o far is the demanding more of Men than their just Duties, from being the proper Method to induce ’em to a due Performance thereof; that Experience plainly shews us, that to require too much, is the ready Way to obtain nothing at all.”<sup>108</sup> Unlike other Protestant writers,<sup>109</sup> Barbeyrac did not believe that he had abandoned supererogation in favor of imposing a harsh, rigoristic morality. To do so would have been to counteract the moral gains made by dispelling the temptations and rationalizations of which supererogation was so fertile.

While not exactly of the “overreaching” vintage, Barbeyrac identified a means–end mismatch in Baylean skepticism similar to that which he had identified in the cases of innatism and stoicism. Despite their differences, the two Huguenots considered toleration the political issue of highest order. Bayle set himself to dismantle the cause of religious intolerance with as much ardor as any thinker of his time; Barbeyrac judged the central modern political principle to be that “all Persecution, or Vexation whatever, whether great or small; direct or indirect; on account of religion, is in truth no better than downright tyranny.”<sup>110</sup> And yet it was in part because of their shared commitment on this point that their disagreements in ethics and epistemology seemed so pressing to Barbeyrac. The skeptical argumentation by which Bayle supported toleration was, Barbeyrac thought, worse than no support of toleration at all, for skeptical reasoning ultimately undermined the natural rights which provided the philosophical basis for toleration.<sup>111</sup> In Baylean skepticism Barbeyrac perceived a fatal misalignment of means and ends. The practical intention behind a theoretical argument and the conclusion derived from it—pro-theism, pro-toleration in these cases—were undercut by the structure of the argument itself.

<sup>106</sup> Barbeyrac, *Science of Morality*, §iv, 11.

<sup>107</sup> *Ibid.*, §xxvii, 74.

<sup>108</sup> *Ibid.*, §xxvii, 74.

<sup>109</sup> Knudson, *Principles of Christian Ethics*, 186.

<sup>110</sup> Barbeyrac, *Science of Morality*, §xi, 35. Bayle’s central text on toleration is the *Commentaire philosophique sur ces paroles de Jésus-Christ: “Contrains-les d’entrer”* (A *Philosophical Commentary on These Words of the Gospel, Luke 14.23, “Compel Them to Come In, That My House May Be Full”*).

<sup>111</sup> James Moore has made this point very insightfully. See Moore, “Natural Law and the Pyrrhonian Controversy,” 23.

To Barbeyrac, Grotius's supererogatory version of Christianity exemplified this phenomenon of mismatch most flagrantly. Once again, Barbeyrac agreed with the goal. A common thread of Grotius's massive theological *oeuvre*—from the *Meletius* (of which Barbeyrac could not have known) to his burst of religious writing late in life—was the desire to improve the moral fiber of the Christian community, to create a more ethically minded body of believers. Grotian Christianity endeavored to displace dogmatic disputation with a focus on upright conduct.<sup>112</sup> Barbeyrac lauded this shift of emphasis “towards ethics rather than dogmatics,”<sup>113</sup> and there is no doubt that he ranked Grotius as a seeker after a more enlightened Christianity.

Yet, as with Bayle and the idealists who opposed Locke, the theoretical instrument selected to bring about this purpose was singularly ill-suited to its task. The distinction between obligatory duties and “sublime” recommendations allowed Grotius to portray Christianity as a religion of unsurpassable moral clarity while preserving it from exceeding the ethical capacities of the average person. As a result, the moral system of Christianity could help each believer to achieve the highest level of moral living of which he was capable. But though this might appear an elegant argument, it proved to backfire upon contact with the imperfect psychological makeup of real people. This was the heart of Barbeyrac's disagreement with Grotius on this point. Theories were not appropriately judged on paper. They had to be brought to the bar of “Experience.” Once there, they would often prove poor means to their authors' ends.

The means–ends mismatch was, then, one affinity that Barbeyrac identified between skepticism and religious supererogation. But there was another. In a footnote to his edition of Pufendorf's *De Jure Naturae et Gentium*, Barbeyrac decried Baylean skepticism as an easy route traveled by the intellectually lazy:

But whatever that famous Philosopher says, who according to his Custom, pretends to gather from thence some Arguments for Sceptism, yet if he would seriously examine true Politicks, he would find that most of its Principles and Maxims have a Certainty in them, which comes very near a Demonstration, and as to those things which look like Problems, their Obscurity proceeds rather from the Difficulty of Application, Ignorance of Some Circumstances, or Want of Attention, than any absolute Impossibility to establish a Rule of Certainty concerning them.<sup>114</sup>

The appeal of skepticism rested on its fixation on a merely superficial diversity, on its failure to penetrate to underlying principles. This accusation, as shown

<sup>112</sup> See Grotius, *Meletius*, ed. G. H. M. Posthumus Meyjes (Leiden: Brill, 1988), e.g. 103–5; Heering, “Grotius' *De Veritate Religionis Christianae*,” 52.

<sup>113</sup> Korkman, “Barbeyrac and Natural Law,” 14.

<sup>114</sup> Barbeyrac, *Le droit de la nature*, l.ii.4, 16 n. 3.

above, would find an echo in the footnote to *Le droit de la guerre*, where Barbeyrac would describe Grotian supererogation in similar terms as a too easy contentment with a surmountable vagueness, as a discreditable refusal to undertake a “close examination of the Matter.”<sup>115</sup> The mistakes behind the two theories were parallel. Just as Grotius was wrong to conclude from the fact that both celibacy and marriage, or both defensive war and nonviolence, could on different occasions meet with God’s approval that such questions ought to be conceived supererogatorily, so Bayle was wrong to presume from the diversity in political arrangements and in politicians’ behavior that there were no universal principles of government or morality.<sup>116</sup> The conduct of human affairs may look like an irreconcilable chaos, but there is really “no more than a seeming Conflict between certain Duties, of which some for the time being are to take place of others; so that what, out of such Circumstances, would have been an indispensable Act of Virtue, does then become unlawful, or at least indifferent.”<sup>117</sup> Grotius resolved the diversity of behaviors of which the Gospel seemed to approve by proclaiming that several courses of action were Christianly acceptable and that some simply had the additional property of sublimity or holiness; Bayle’s response to the diversity he found across various nations and governments was to proclaim everything a matter of indifference.

To each of these theories Barbeyrac gave essentially the same rejoinder—that what appeared to be equivalence or indeterminacy when surveying the generality of instances would disappear when each instance was concretely investigated. Principles of duty would, Barbeyrac assured his readers, be seen to be operative upon closer scrutiny. That one man could choose celibacy, another marry, and yet neither sin did not mean that the whole issue was merely supererogatory, for

if one has good Reason to believe he shall be able to employ his Time better, and do the Publick more Service in a single Life (which depends on the Condition and Circumstances of each Person, of which they must judge for themselves) he is then under an indispensable Obligation not to marry . . .

and vice versa.<sup>118</sup> Likewise, though one nation punished a certain crime severely and another made no law against it, this variation was consistent with the flexibility that the natural law granted to sovereigns of drawing up civil laws in

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<sup>115</sup> Barbeyrac, *Le droit de la guerre*, I.ii.9, 228 n. 19.

<sup>116</sup> For the purposes of this essay, I am bracketing the question whether Barbeyrac’s view of Bayle as the arch-skeptic was correct. This view, while the dominant one, has been frequently challenged, most notably by Elisabeth Labrousse.

<sup>117</sup> Barbeyrac, *Science of Morality*, §iii, 7.

<sup>118</sup> Barbeyrac, *Le Droit de la guerre*, I.ii.9, 226 n. 19.

the manner that best secures the general good,<sup>119</sup> and accords with the principles of natural jurisprudence that underlie all legitimate states—principles which are certain and discoverable if only we are willing to push past the surface diversity. Indeed it was precisely the job of the scientist of morality not to be stymied by the multiform appearance of the world, but to reveal to readers how one could live as a man and a citizen according to a moral order imposed by God and rooted “in the very nature of things.”<sup>120</sup>

The lack of intellectual rigor that lay behind the espousal of skeptical and supererogatory systems corresponded to the more frightening lack of moral rigor produced by their adoption. Barbeyrac took social order to depend on individuals’ exact appraisal of their moral duties. He thought it obvious that Bayle’s pyrrhonism was in conflict with this requirement. Less evidently, but no less powerfully, did the Grotian picture of Christian ethics seem to him to erode this essential foundation for society. Grotian Christianity dangerously inflated a believer’s sense of righteousness, served as a “pretense” for arrogating to oneself special rights, and thereby encouraged neglect of basic moral obligations. Indeed, since the reach of Christian supererogation had been greater than that of skepticism—it had infected “the Ecclesiastical History of every century”<sup>121</sup>—the damages that it had inflicted on Europe exceeded the ravages of skepticism. Paradoxically, or at least unexpectedly, Barbeyrac’s antagonism toward the notorious Bayle implied the need for equal wariness toward one of the mainstream ethical stances in the Christian tradition.

## BARBEYRAC AND THE SEARCH FOR A SAFE RELIGION

Exaggerated as Barbeyrac’s alarm at Christian supererogation may sound to readers today, it belonged to a genre of analysis of the way in which religion could act as a stumbling block to moral behavior that found prominent adherents in the seventeenth and eighteenth centuries. We might call this the *compensations* theory of the moral dangers of religion.

The early modern and Enlightenment periods are famous for tracing the most troubling features of religion—bigotry, violence, hypocrisy, superstition—to ignorance and priestcraft. Consequently, the progress of science and philosophy and schemes for undercutting the power of the clergy (by separating Church and state, for instance) loomed large in the minds of philosophers. But there was

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<sup>119</sup> See e.g. Barbeyrac, “Discours sur la permission des loix,” in Barbeyrac, *Écrits de droit et de morale*, 142–3.

<sup>120</sup> Barbeyrac, “Jugement d’un anonyme sur l’original de cet abrégé. Avec des réflexions du traducteur,” in Barbeyrac, *Écrits de droit et de morale*, 215. My translation.

<sup>121</sup> Barbeyrac, *Traité*, VIII.xxv, 116.

another cause frequently assigned for the ethical and social turmoil to which religion contributed. Grotius expressed it in an unpublished manuscript:

Wondering what could be the source of this evil [Europe's religious violence], [Meletius, an ancient Father of the Church] said, "It seems to me that the principal cause is that the dogmas are declared to be the most essential part of the religion, whereas the ethical precepts are disregarded. Now this is altogether wrong, for dogmas generally subserve precepts and lead up to them." Indeed Seneca was right when he said "everybody prefers discussing to living." And since ethical precepts are mostly plainer and less complicated, it stands to reason that most people readily agree on precepts. We therefore choose rather to think piety has to do with dogmas, for over dogmas we fight with others, while the battle over ethical rules takes place in ourselves . . . Because he is inclined to discharge his obligations as little as possible man has turned religion into a matter of controversy, and transferred to life what had been a matter for discussion in the schools.<sup>122</sup>

The deep source of sectarian conflict, according to Grotius, is that human beings want to *feel* moral without having to *be* moral. The latter is a hard task. Far easier is it to quibble about doctrine than to live well. Hence lashing out wrathfully against those who disagree with us about, say, the nature of the Trinity gives us the feeling that we are doing God's will without the trouble of rectifying our personal conduct or taming our belligerent passions and desires. In short, emphasis on the speculative component of religion minimizes the importance of the believer's true ethical standing and offsets his ethical shortcomings. It provides all the satisfactions of moral self-esteem without having to earn it the hard way. Barbeyrac himself enlisted this theory of the relative ease of theological disputation vis-à-vis personal probity to explain the addiction of (both Protestant and Catholic) clergy to theological disputation; a "flaming Zeal for speculative Doctrines, which cost 'em not much Pains to acquire," justifies in their eyes their neglect of true "Ministerial Functions."<sup>123</sup> Barbeyrac's hero, Locke, gave voice to a different but closely related thought, namely that unsociable, immoral creeds and practices are ways of shirking the mental labor of *learning* what morality requires. "The measures of right and wrong" could, like the truths of geometry, be arrived at demonstratively.<sup>124</sup> But this meant that moral science, like geometry, was an effortful undertaking. Far smoother was the path of "enthusiasm," the attraction of which was partly that it excused lazy minds from the onerous duty of discovering rational moral precepts: it was "much easier" to give in to "whatever groundless opinion comes to settle itself strongly" and to deem any "strong

<sup>122</sup> Grotius, *Meletius*, 132–3.

<sup>123</sup> Barbeyrac, *Science of Morality*, §xi, 36.

<sup>124</sup> John Locke, *An Essay Concerning Human Understanding*, ed. Roger Woolhouse (New York, 1997), 487.

inclination” a “call or direction from heaven” than to strain to regulate one’s actions solely by sound principles.<sup>125</sup>

It was not only disputes over abstruse points of doctrine that could play this harmful compensatory role. Ritualistic understandings of religion were equally pernicious: “we must not fail to mention that widely prevalent error that the happiness of another life can be achieved by the sole performance of rites, the most effective way to ruin good morals.”<sup>126</sup> On this view, any attribution of a positive function to rites will inevitably lead one to weigh them in the balance against the much more exacting “duties of love.”<sup>127</sup> Given the way humans are wired, religious attention to dogmatics or ritual is tantamount to a direct temptation to wrongdoing.

Pufendorf likewise numbered it among the “duties to oneself” that one avoid falling into that “most pernicious . . . Conceit, which makes God to allow a Market of Sins, so as to let them be bought off with Money or other Presents, or perhaps with some vain Ceremonies and set Forms of Speech.”<sup>128</sup> What was so appealing about this conceit was that it promised to secure divine approbation “without Amendment of Life.”<sup>129</sup> If one could not manage to be a good person, to fulfill the requirements of sociability, one could make up for this failure via the diverse exculpatory institutions of the Church. In sending such messages, religions courted social and ethical disaster.

The concern with the negative moral effects of the religious–psychological phenomenon of compensation received its archetypal articulation in Kant’s *Religion within the Boundaries of Mere Reason* (1793). Among other issues addressed in the four essays that comprise the volume, Kant tackled the question of why religion had come uncoupled from morality, why it so often worked against rather than reinforced ethical conduct. His answer was, in short, that human beings were only too happy to see religion as a refuge from the unyielding dictates of the moral law. They seized on the formalities, rites, and dogmas of “statutory faiths” (that is, incompletely rationalized religions) in order to avoid the hard task of living up to the severity of the moral law:

Since we are making a God for ourselves, we create him in the way we believe that we can most easily win him over to our advantage, and ourselves be dispensed from the arduous and uninterrupted effort of affecting the innermost part of our moral disposition. The principle that the human being usually coins for his behavior is that in everything we do

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<sup>125</sup> Locke, *Essay*, 616.

<sup>126</sup> Grotius, *Meletius*, 125.

<sup>127</sup> *Ibid.*, 126.

<sup>128</sup> Pufendorf, *De Jure Naturae*, II.iv.4, 162.

<sup>129</sup> *Ibid.*, II.iv.4, 162.

solely for the sake of pleasing God . . . we demonstrate our willingness to serve him as his obedient and, because obedient, well-pleasing subjects . . . <sup>130</sup>

*Religion within the Boundaries* broached the theme of the dangerous appeal of such “counterfeit service of God” at several points.<sup>131</sup> For Kant, it was not sufficient to usher in an age of enlightenment that science dispel men’s terror of natural causes and thereby render them less prone to superstition, or that priests be prevented from manipulating their parishioners or encroaching on secular authority. Religion had also to cease offering human beings, pathologically beset and thus radically evil human beings,<sup>132</sup> assistance in their perpetual flight from the demands of the moral law. Religion must no longer provide a currency by which wrongdoers can pay off their offenses against morality. By granting self-deceiving human beings the psychological cover they needed to ignore the requirements of morality, the religions of the world had acted at cross-purposes to the needs of morality.

Barbeyrac homed in on the Christian doctrine of supererogation as one of the worst forms in which religion’s tendency to injure the moral caliber of its believers had manifested itself. The theory of supererogation built the psychological problem of compensations directly into a theological system; it elevated into a tenet of Christianity the human propensity to shirk one’s duties while at the same time aggrandizing oneself, and it had proven irreconcilable with the cultivation of a “simple Christianity” that would reinforce rather than distract from the moral truths systematized by the great natural law theorists.<sup>133</sup> Though from Barbeyrac’s point of view Grotius had been right in noting that religion had all too often fostered the worst human passions rather than provided strength for the fulfilment of moral duties, Grotius had not seen that his own supererogatory understanding of Christianity aggravated rather than mitigated these deleterious consequences. Therefore it was an urgent task for those who, like Barbeyrac, sought a more peaceful and morally enlightened future that Christianity be stripped of its supererogatory elements. Urgent enough even to warrant a very long annotation to an already very long book.

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<sup>130</sup> Kant, *Religion*, 6:169.

<sup>131</sup> *Ibid.*, e.g. 6:120, 6:167.

<sup>132</sup> *Ibid.*, 6:37.

<sup>133</sup> See Pott, *Reformierte Morallehren*, chap. 2, on Barbeyrac’s vision of “einfaches Christentum.”