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Book Review: Gottfried Wilhelm Leibniz, The New Method of Learning and Teaching Jurisprudence: According to the Principles of the Didactic Art Premised in the General Part and in the Light of Experience

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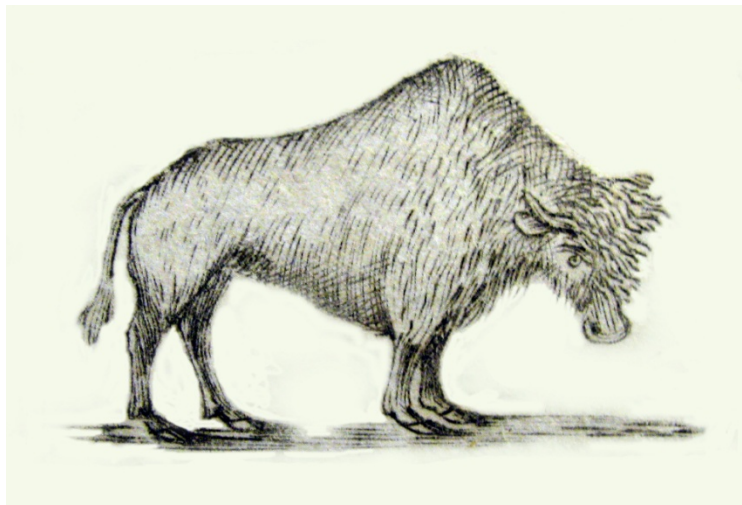


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Leibniz, Gottfried Wilhelm. *The New Method of Learning and Teaching Jurisprudence: According to the Principles of the Didactic Art Premised in the General Part and in the Light of Experience. The First Complete English Translation of the 1667 Frankfurt Edition with Notes by Carmelo Massimo de Iulii.* Clark, NJ: Talbot Publishing, 2017. lxxxvii, 218p. Hardbound. ISBN: 978-1-61619-5472. \$85.00.

Once, when I was stuck somewhere with time to kill and a Bible, I opened the Good Book at random to the Book of Leviticus, which instructed me regarding the conditions under which I could kill or enslave a vanquished foe, take the women of vanquished tribes as multiple wives, and so on. Reading Leviticus was a somewhat interesting but mostly difficult, disorienting archaeological experience, revealing a time and mindset so far removed from my own that I had trouble appreciating the very different priorities and preoccupations of a remote and ancient people. Leviticus did not speak to me very well across the gulf of time.

Somewhat to my surprise, I had a similar experience while reading Leibniz's *New Method of Learning and Teaching Jurisprudence*. I suspect most other modern readers would, too.

This in itself may be a useful historical lesson. Humans too often assume that all roads and pathways of history basically, and properly, lead to wherever we are today, and that our present priorities and preoccupations are appropriate, inevitable, and presumably were shared by our predecessors.

So it is perhaps illuminating to be reminded that Gottfried Wilhelm Leibniz (1646-1716)—legendary genius and polymath of early modern Central Europe, philosopher and co-discoverer of calculus (independently of his contemporary, Isaac Newton)—actually inhabited an intellectual universe that in many ways shared relatively little with our own regarding social, political, intellectual, and even legal assumptions and priorities. Rather like 19th century Victorians, described as backing into the future—moving forward reluctantly while looking backward and longing for the past—Leibniz and his mid-Enlightenment contemporaries seem relatively uninterested in most of what concerns us today, or in moving in that direction, and more inclined to revere, even seek to recreate, the ancient Classical past—notably imperial Rome, not democratic Athens—as well as the medieval Holy Roman Empire.

So, for instance, Leibniz matter-of-factly accepts slavery and that slaves are “not to be considered as a person, but as a thing” (p. 52); because slavery existed throughout the Biblical and Classical

worlds, the devout Leibniz likely accepted it as natural, inevitable, and the will of God (rather like antebellum slaveowners in the American South). Similarly quaint to modern readers is a statement that because criminal sentencing first requires a confession, criminals found guilty of course must be compelled to confess through torture as necessary (p. 66). Leibniz also accepts, and seemingly reveres, the rigid aristocratic and Church hierarchy of his day—including in his fawning Dedication to a potential aristocratic patron he sought to impress (pp. lxxix-lxxxii). More of the book is devoted to theology and canon law than to law as we think of it today (and the remainder concerns Roman law), a reminder that to scholars of the day, these all remained closely intertwined, while the separation of church and state was still a relatively new-fangled (and possibly heretical) idea. Leibniz's participation in a continent-wide scholarly community speaking and writing in Latin hearkens back to the medieval era at a time when modern nation-states were still only taking shape.

Part I of the treatise briefly reviews 1660s-vintage general educational theory, including the inculcation of memory and habit by repetition, mnemonics, and such. Here as elsewhere, Leibniz seeks to analyze matters down to their elements and basic definitions, like his contemporaries Hobbes and Locke. The 21-year-old Leibniz, however, adds no particularly striking or novel insights, so the commentary is mostly of antiquarian interest today.

Part II turns to jurisprudence. Extensive sections of Leibniz's treatise effectively constitute a lengthy annotated bibliography (e.g., pp. 66-115), including Leibniz's opinions on a great many earlier or contemporary scholars and who among them got things right or wrong regarding particular aspects of Church doctrine, canon law, or similar issues of concern to early modern European scholars that may be of interest to intellectual, legal, or Church historians or theologians seeking to carefully reconstruct the mentalité of those times and associated doctrinal debates (and comments on figures of note, from Aristotle and Cicero to Hobbes and Grotius, can be found using a thorough name index). Non-specialists likely will find such commentary extremely dry and arcane.

So much space in a slender volume is devoted to bibliography that fuller comments on particular topics of interest, such as the Catholic-Protestant schism, natural law, logic, grammar, and hermeneutics, tend to be brief and sparsely interspersed. Unlike most present legal scholars, Leibniz saw legal history as fundamental to legal education, but only ecclesiastical history and pre- and post-Justinian Roman history really mattered. Overall, Leibniz shows a quasi-religious, proto-positivist faith in the fundamental truth and

order of Law, but also complains how humans have messed it up through the years. Noting cluttering of the Law with extraneous interpretive glosses over centuries, Leibniz briefly proposes a system of brush-cutting and bibliographic reorganization to distill the true, useful essence of the law in a more compact form, including a quasi-mathematical or symbolic logic system of categorizing cases and arguments (p. 175). Such ideas are little developed, however. Contrary to what readers might hope from the title, Leibniz's treatise provides little usable insight for re-envisioning legal education in the present, and only a somewhat disorderly mixed bag of tips for preparing legal scholars of the 1600s buried among all the bibliographic annotations.

To say that Leibniz's 1667 treatise speaks relatively little to present-day concerns is emphatically not to denigrate editor and translator Carmelo Massimo de Iuliis's impressive scholarly and linguistic feat of working with countless resources in at least six different languages (German, French, Italian, Latin, Greek, and English) to produce the first complete English translation of the work, which should be valuable for Anglophone scholars of Leibniz and his times. The lengthy and thoroughly researched editor's introduction also likely helps the non-specialist reader understand the work's significance better than the work does itself.

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