

GROTIUS ON NATURAL LAW AND SUPEREROGATION

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THE AUTHOR:

Johan is currently employed by the Research Foundation (FWO)-Flanders as a postdoctoral research fellow (2015-18). Prior to that, he was a fellow in political theory at LSE, Department of Government (2014-15). He completed his PhD in philosophy at KU Leuven in 2014, with a thesis on Hobbes's theory of justice (*summa cum laude*). Johan also holds degrees in history (BA, MA), philosophy (BA, MA), and political science (BA) from Leiden University and has been a visiting student/researcher at the Universities of Yale, Oxford, Boston, Berkeley, Paris-1-Sorbonne/Panthéon, British Columbia, and London (Queen Mary and KCL).

Johan's research interests in and approach to the history of moral and political thought reflect his interdisciplinary background. Much of his work focuses on changing conceptions of justice, rights, and property in the early modern period. Johan's postdoctoral research project explores seventeenth-century ideas of distributive justice, from Francisco Suárez to G.W. Leibniz. Today's paper is one of several pieces of his that attempt to make sense of Hugo Grotius's philosophy.

Johan has published articles in *History of Political Thought*, *British Journal for the History of Philosophy*, and *European Journal of Political Theory*, among other venues. He has recently been writing a series of commissioned book chapters, including chapters on Grotius for the *Cambridge Handbook of the Just War*, and on Grotius and Pufendorf for the *Cambridge Companion to Natural Law Ethics*; thus painfully delaying completion of his prospective monograph on Hobbes. Together with Robin Douglass (KCL), he is co-editing the *Cambridge Critical Guide to Hobbes's On the Citizen*. Johan is a founding member of the *European Hobbes Society*.

THE PAPER:

This article provides a new interpretation of Grotius's conception of natural law. I argue that all extant interpretations misconstrue, in varying ways, the content of Grotius's law of nature and its relation to justice and individual rights. The proposed reading is the first to take seriously an innovative feature of Grotius's moral philosophy: his theory of supererogation. I argue that two individually necessary and jointly sufficient conditions determine whether an action falls under natural law: 1) the action must have intrinsic moral value or disvalue; 2) its performance or non-performance must be naturally obligatory (i.e. without human or divine command). Acting in accordance with virtues other than justice is intrinsically morally good but not usually morally required. However, circumstances may fall out such that otherwise supererogatory actions cannot be omitted without committing a moral wrong; natural law is then rendering their performance mandatory. Commentators have failed to grasp the extent of Grotius's law of nature in part because they have overlooked his theory of supererogation.

KEY WORDS: Grotius; Suárez; natural law; individual rights; justice; charity; supererogation