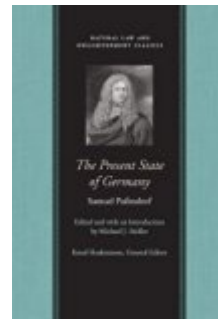


**Samuel Pufendorf.** *The Present State of Germany*. Edited and introduced by Michael J. Seidler. Translated by Edmund Bohun (1696). Natural Law and Enlightenment Classics. Indianapolis: Liberty Fund, Incorporated, 2007. xxxvi + 273 pp. \$14.50, paper, ISBN 978-0-86597-493-7.



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**Published on** H-German (November, 2009)

**Commissioned by** Susan R. Boettcher

Samuel Pufendorf has been enjoying something of a minor renaissance among historians of political thought and scholars of moral philosophy since Richard Tuck's 1979 study of natural rights theories. Certainly, Knud Haakonssen, general editor of the Natural Law and Enlightenment Classics series, and the publishing house Liberty Fund, like Berlin's Akademie Verlag and Cambridge University Press before it, all think that such a renaissance is worth fostering. From each of these sources scholars and students can draw upon new critical editions, new translations, and reprints of older translations of Pufendorf's once highly influential works on natural law and political philosophy. All of this material will likely contribute to ever greater recognition, especially in the English-speaking world, where such awareness was long wanting, of the force and breadth of Pufendorf's thought. Certainly, such reconsideration can prove fruitful, as the most recent decade of Pufendorf scholarship, conducted with particular verve, has shown.[1] And in Michael Seidler, a scholar with experience translating and introduc-

ing Pufendorf's thought to an English-speaking audience, one certainly has an experienced and able guide. Since this is far from a new text and hardly the place for a renewed evaluation of Pufendorf's ideas, this review will instead focus on this new edition itself.

*The Veronese Severinus de Monzambano's book on the state of the German Empire, to his brother Laelio, lord of Trezolano*, under which title *The Present State of Germany* was originally published in The Hague (despite the "Geneva" imprint) in 1667, ignited a minor furor in Germany. While the fiction of the supposed author was immediately evident, it took some months before all fingers pointed at the professor of natural and international law in Heidelberg. Before writing this text, Pufendorf had earned some reputation for his *Fundamentals of Universal Jurisprudence* (1660), a text with which he attracted the attention and favor of the Palatine elector, who subsequently invited the young scholar to his university in Heidelberg. But ahead lay Pufendorf's far wider European renown as a theorist of natural

law who sought to free it from the traditional Aristotelian scholarship and confessional theology. Likewise still in the future lay Pufendorf's further career in Lund and then at the courts in Stockholm and Berlin, as court historiographer and privy councilor. However, by 1667, Pufendorf's embrace of the polemical nature of intellectual exchange of the Republic of Letters was clear. Still, prudence advised a cautious approach with regard to the *Monzambano*, as it soon came to be called. Consequently, Pufendorf saw to it that publication of the tract took place abroad under false authorship. Despite this modest effort at anonymity, Pufendorf's involvement in the project remained a poorly kept secret and was all but explicitly admitted when Pufendorf responded to criticisms of the *Monzambano* in a publication under his own name the following year. (For the rest of his life, Pufendorf publicly denied authorship even while admitting it openly in correspondence with friends and publishers ahead of the second edition he himself revised extensively).

What made the *Monzambano* so controversial? On the one hand, it made incisive criticisms of the dysfunctional constitutional arrangements of the Holy Roman Empire, which resulted in its being demoted to the plaything of its more powerful neighbors. On the other hand, Pufendorf was exceedingly liberal with his criticism of traditional approaches to scholarship on imperial law and on sovereignty, a criticism from which precious few contemporaries were spared. Pufendorf was equally immoderate in his critique of the Roman Catholic Church and the House of Habsburg. Pufendorf's refusal to acknowledge authorship publicly was thus indeed prudent. Yet, despite the immediate value of the text for its salacity, it proved influential for the debate it engendered on the nature of sovereignty; on the value of empirical, eclectic, historical study in the curriculum of the Faculty of Law; and on the nature of the empire. Moreover, the text's historical survey of the empire, *ab initio*, was also appreciated by a less

academically focused public. This final quality likely appealed most to Edmund Bohun, an English public figure and publisher of minor status, when he translated Pufendorf's text into English, first anonymously in 1690 and openly in 1696, for a London public curious about the crown's continental allies in the wars against France.

Bohun's 1696 translation serves as the basis of Michael Seidler's and the Liberty Fund's edition of *The Present State of Germany*. While Akademie Verlag and Cambridge University Press offer either critical editions or newly commissioned translations, respectively, both qualities that may endear them more to scholars than this edition, Liberty Fund has opted for a perhaps more democratic approach, one that might appeal to budget-conscious students and the instructors who assign books to them. The publishing house has decided to resuscitate seventeenth- and early-eighteenth-century English translations of Pufendorf's works, with editorial intervention when warranted (see below). In addition to Bohun's 1696 text, Seidler has also translated the important preface to the first edition--its first English translation--and provided a new translation of the shorter preface to the second edition, both of which demonstrate Seidler's clean and precise skills as translator.

An entire array of early modern translations of Pufendorf's volumes in English--from his *De officio hominis et civis* (1673; translated 1682), a standard work for generations of European university students, to his massive *De jure naturae et gentium* (1672), which Thomas Locke deemed "the best book of that kind"--are scheduled for republication by Liberty Fund.[2] As a consequence, Liberty Fund can offer its volumes not only at economical prices, but also in full-text versions, online, and free of charge. Certainly, one could imagine little more that a publisher could do to foster wider familiarity with its authors. And in doing this, Liberty Fund is performing a valuable service.

At the same time, the use of a late-seventeenth-century, sometimes problematic, and often tendentious translation poses not insignificant drawbacks. First, as Seidler ably documents and addresses throughout, Bohun's translation is riddled with glaring misrepresentations of Pufendorf's Latin. For instance, Bohun offers "and others think, that a number of *German* People, or some parts of them, united in this name, and out of a vain affectation of Liberty, took up the name of FRANKS: for in the German Tongue FRANK signifies free" (p. 30). In Horst Denzer's edition of the 1667 Latin text, we read: "alii autem, plures Germaniae populos aut coalitam ex illis multitudinem eo sibi nomine sumto eximium libertatis studium ostentasse. Nam Francus Teutonica lingua liberum hominem notat." [3] As Seidler helpfully notes, Bohun's misrepresentation of "vain affectation of Liberty" for "eximium libertatis studium" is a symptom of his own political predilections. However, the reader of this volume must first work through these idiosyncrasies and the rather complex apparatus devised to render editorial clarifications and alternative translations. Compounding the complexity, Seidler has included here the often considerable revisions undertaken by Pufendorf in his *editio posthuma*—published in 1706 by Gundling. The result is a jumble of various sets of brackets and two genres of footnotes, an approach that can often leave the reader laboring to keep track of the conventions devised by editor and/or publisher. The decision of the publisher to rely upon a tendentious seventeenth-century translation and the laudable effort of the editor to level any inconsistencies while simultaneously mapping Pufendorf's own shifts between his 1667 original edition and the 1706 *editio posthuma* result in several layers of text though which any student using the text will necessarily first have to labor.

This volume also comes with a brief introduction to Pufendorf's career, to the historical context of the work and reactions to it, and to Bohun's translation. The introduction closes with a

page-long gesture at the work's significance. Each of these is indeed helpful, though I would have liked them to have been more extensive, especially the discussion of the work's significance for contemporaries and for political thought generally, so that students could be introduced to Pufendorf's relevance more immediately. The volume closes with a helpful and circumspect bibliography on literature on Pufendorf and his *Momzambano*.

To be sure, Seidler has done an admirable job of ensuring that Pufendorf's text is faithfully rendered, even if this rendering often only occurs in the footnote, after the student has first absorbed Bohun's interpretation. Scholars will likely continue to seek out critical editions of the Latin original—Akademie Verlag has not yet advertised a critical edition of *De statu imperii Germanici* (1667) but it seems safe to presume its inclusion in the not-yet-finished series. But at least the text can finally be disseminated to green graduate students not yet equipped with the necessary language skills to grapple with Pufendorf's Latin original.

#### Notes

[1]. See, for instance, Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2001); and Peter Schröder, "The Constitution of the Holy Roman Empire after 1648: Samuel Pufendorf's Assessment in his *Momzambano*," *Historical Journal* 42 (1999): 961-83.

[2]. An overview of the volumes scheduled for publication be found here: <http://www.libertyfund.org/naturallaw.asp>.

[3]. Samuel Pufendorf, *Die Verfassung des deutschen Reiches* [a bilingual, Latin-German edition], ed. and tr. Horst Denzer (Frankfurt & Leipzig: Insel Verlag, 1994), 26.

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**Citation:** Sean F. Dunwoody. Review of Pufendorf, Samuel. *The Present State of Germany*. H-German, H-Net Reviews. November, 2009.

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