

ARISTOTELIAN PROTESTANTISM
IN
LEGAL PHILOSOPHY
RETHINKING PAUL SCHOLTEN
FOR
THE 21ST CENTURY

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Aristotelian Protestantism in Legal Philosophy Rethinking Paul Scholten for the 21st Century

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Aristotelian Protestantism in Legal Philosophy, Rethinking Paul Scholten for the 21st Century

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This book results from the Digital Paul Scholten Project (DPSP), a digitization, translation, and publication project around the work of the Dutch philosopher of law Paul Scholten (1885 – 1946).

Scholten's publications were mainly in Dutch, and some in French and Indonesian. DPSP first-time translated Scholten's main text into English as the *General Method of Private Law* and has introduced it into international discourse during three English language symposia.

The website paulscholten.eu is a platform for publication and debate. DPSP will continue to translate works of Scholten and organize international symposia on his legal philosophy.

DPSP Special Issues Number 1 contains the *General Method of Private Law*, an introductory article about its contribution to legal philosophy, a biographical sketch and a selection of the publications of the first three Symposia.



Aristotelian Protestantism in Legal Philosophy Rethinking Paul Scholten for the 21st Century

This book contains the first-time English translation of the main work of Paul Scholten, the General Method of Private Law. The introductory article analyzes Scholten's view in contrast with a particular combination of Comte's centralizing optimization program and Neo-Kantian Idealism, which is still dominant in political philosophy. Comte's sociology and Scholten's Jurisprudentialism are not presented here in the well-known opposition of *Sein* and *Sollen*, but by showing how their different views on scientific method are grounded in opposite views on the philosophical, political and ethical meaning of human action. Neo-Kantianism adheres to Comte's view, while Scholten adheres to the Aristotelian view, as it had developed in Christianity and had provided the protestant foundation of the Dutch Republic in the seventeenth century. Comte attacks Aristotelian Protestantism, which he characterizes as the metaphysical stage of the Western development of state: negative, protestant, constitutional and juridical.

Scholten's views oppose the inherent trend towards centralization in Comte's program to cover all aspects of optimization for the best of all, ever better. That branch of political philosophy not only has shaky foundations in scientific method but also has reached its boundaries of operational applicability.

Scholten's views oppose the emphasis in Comte's program on a unified general will and stress the need for accepting the existence of deeply conflicting philosophies of life in society. This has consequences for the organization of democracy regarding independence of specialized agencies, the role of civil society and the voting system. It not just holds for the state level but also for Unions and supranational organizations. The legal system plays a key role in this development.

Scholten's views and activities have had great posthumous impact for the reconstruction of society and politics in the first years after World War II. They contributed to the collaboration between the different denominations in the Protestant church, opened up the social-democratic party to different denominations and helped develop the cooperation of different Christian parties, leaving the cleavages of the prewar political specter behind.

Authors and open reviewers who have contributed to the DPSP project, have a broad international background, apart from the Netherlands: Finland, Germany, Austria, France, Italy, United Kingdom, Brazil, United States and Indonesia. Indonesia plays a substantial role in the book, as Scholten played a main role in setting up the legal education system in what was then the Netherlands Indies.