What is modern philosophy, and how did it come about? One today quite influential reply to this question is that modern philosophical inquiry, whether in epistemology or in ethics, started when the resources of ancient Greek scepticism were unleashed on the vulnerable metaphysics of medieval and scholastic philosophy. The revival of ancient scepticism in the renaissance transformed philosophy dramatically creating new sets of questions and making old answers obsolete. This understanding of modernity has lately become influential also as an account of the modernity of modern natural law theory. Thus it is argued that the modern natural law tradition differs from the medieval and scholastic ones in that it arises from a confrontation with the radical ethical relativism of renaissance sceptics like Michel de Montaigne and Pierre Charron. What constitutes the modernity of Grotius and of modern natural law, then, is the effort to defend claims about universal norms in the face of these modern Sextuses. The Grotians themselves, it has also been claimed, explicitly confirm this view in their writings on the history of ethics. This is especially clear, the most vigorous defenders of this interpretation insist, in the writings of the French translator of Pufendorf’s and Grotius’s main natural law treatises, Jean Barbeyrac (1674-1744). My main ambition in this article is to express and to defend my disagreement with this interpretation. On the one hand, the idea that scepticism is constitutive for modern natural law theory thought while absent in medieval accounts is not without internal problems. On the other hand, the application of this model in a reading of Barbeyrac’s history of morality is also far from unproblematic. A closer reading of Barbeyrac’s history of morality, I claim, reveals quite a different story about Grotius’s place and role in the history of ethics.

1 I am grateful to Kari Saastamoinen for his comments on earlier versions of this article. I am also very much indebted to the editors of Grotiana, especially to professors Hans Blom and Leonard Besselink, for their kind and helpful comments.
The view that modern natural law theorists are distinguished from non-modern (ancient and medieval) ones by their concern with, and their efforts to overcome, ancient scepticism and relativism, has been defended with particular vigour by Richard Tuck, but it also informs other influential scholarship. Tuck has defended this view in many of his books and articles, but his most forceful statement is in his article ‘The “modern” theory of natural law’, on which I will focus here.

In the prolegomena of *De jure belli*, Grotius explicitly takes up the problem of scepticism. He makes Carneades the spokesman for scepticism, and quotes a passage where Carneades claims that justice is folly. In that passage, Carneades claims that prudential wisdom sometimes conflicts with the demands of justice, and that a person must therefore choose to be either wicked (unjust) or foolish (unwise). From this, Carneades concludes that justice either does not exist — apparently because the principle obeyed by people in general and by the wise in particular is always that of private advantage — or that, if it exists, it is ‘the greatest folly’, because it injures itself ‘by promoting the interests of others’. In his prolegomena, Grotius...


3 Tuck points out (in his *Philosophy and government*, p xiv) that a similar point had been made earlier by Anna Maria Battista, *Alle origini del pensiero politico libertino: Montaigne e Charron*, Milano: Guiffré 1966.