

H

ugo

de Groot, a Passionate Thinker



Hugo de Groot at age 15. He is '*le miracle d'hollande*' and proudly shows the commemorative medal he received from the hands of the French King (engraving by J. de Gheyn II).

Hugo de Groot (1583-1645), better known as Grotius, is one of that select band of Dutchmen who can boast an enduring world-wide reputation. Internationally he will always be regarded as 'the father of international law', whatever footnotes modern scholarship may add to that description. It is a title his country has frequently made great play with in this century. And for the ordinary Dutchman too Grotius' name lives on, though in quite another context: his spectacular escape from Loevestein prison hidden in a bookcase, the brainwave of his stout-hearted wife Maria van Reigersberch. As so often happens, history's verdict on Grotius represents a narrowing and therefore a distortion of the reality. The man himself, while flattered, would be at least as much astonished at the esteem in which he is currently held. He himself expected to achieve lasting fame for his historical writings, and especially for his account of the Dutch Revolt. But many of his contemporaries, too, would be surprised at our judgement. His reputation in his own country was inseparably linked to the Remonstrant conflicts, while in England, for instance, until well into the last century he was known primarily as an advocate of the restoration of church unity, against the historical trend.

Grotius lived at a crucial time in history. His life parallels the intense social struggle that would bring together the fledgling European nations in the Treaty of Westphalia (1648) which, after a century of chaos, shaped the modern system of sovereign states. This struggle, which led to the St Bartholomew's Day Massacre in France, to the fall and execution of Grand Pensionary Oldenbarnevelt in Holland, and which finally embroiled Europe in the Thirty Years' War, also formed the background to Grotius' endeavours. For his life was defined by his deep social commitment. Single-minded zeal characterised his whole life – as his motto '*ruit hora*' ('time flies') bears witness. For this missionary spirit there was always so much to do, so much that still *had* to be finished. Restless activity is the hallmark of his life and, predictably, as his years increase so does his dissatisfaction and impatience with the tepid response which his mission encountered and the resistance his works provoked: impatience, in the end, with the very human shortcomings of his closest friends and family. He is weighed down by the

many practical problems – political, financial or organisational – which, intentionally or otherwise, impede the carrying out of his grandiose plans.

Ideals and principles

However learned Grotius may have been, however impressive his scholarly works, it would be wrong to regard him solely as a scholar. At each crossroads in his career the road to a quiet academic life and the snugness of a university was open to him. But he never chose that path, no matter how predictably difficult the alternative. His character can be seen particularly clearly in the one choice which in his day dominated the lives of man-in-the-street and intellectual alike: that of religion. In this respect Grotius shows himself the exact opposite of his fellow-humanist from the Southern Provinces, Justus Lipsius, who was – at least in public – extremely flexible: a Lutheran in Jena, a Roman Catholic in Leuven, a Calvinist in Leiden. After escaping from Loevestein Grotius spent almost 25 years in exile, mainly in France, waiting for the day he could return. But neither the pension granted him by Louis XIII nor the kindred spirits in Charenton could deflect him from *his* chosen way and convert him to Pope or Calvin. This adherence to his principles – often described as stubborn – barred him, and so also his wife and children, from a life more appropriate to his universally acknowledged, much sought-after and truly exceptional talents. The drama of Grotius' life was, therefore, the result of his own choice in following a self-imposed ideal. But the magnitude of this ideal is typical of the man: reunification of the churches, construction of a universal system of law, integration of the classical and Christian pillars of Western civilisation. Like many before and after him, Grotius had to learn a harsh lesson: social ideals tend not to be compatible with a peaceful family life.

The development of this ideal was by its nature a process of gradual awakening. It took shape, not surprisingly, in Loevestein. It represents



The spectacular escape from Loevestein prison hidden in a bookcase, as pictured in an 18th-century engraving.

Grotius' conclusions after ten years of front-line engagement in the political and social hurly-burly. Holland was his teacher, but his conclusions related, rightly, to the European social system of which the Remonstrant riots were one consequence. The great ideas came, therefore, *after* the years of the 'Dutch miracle', *after* all its literary, scientific and (less durable) political triumphs. They came out of the years of exile and long-drawn-out social decline. But that internationalists, theologians or cultural sociologists still think it worth their while to study Grotius – that is the legacy of this much-maligned second part of his life, as rich in intellectual power as it was in conflict. Grotius' importance for his own time was determined by his writings. But it was his ideal that gave these writings their direction and, as an all-embracing concept, provided the key to their interpretation. This ideal is totally in line with his character; in the last instance, social commitment determined his work and his struggle. Let us now take a closer look at these two phases of his life, the 'Holland years' and those of exile in Europe.

The young Grotius quickly made a name for himself in Holland and in Europe. His father, Jan, was a colourful figure with wide-ranging mercantile interests; he was also well-versed in humanism, municipal secretary of Delft and a governor of the young Leiden University where his brother taught law. Easy enough, then, for him to introduce his son into this relatively closed circle. Leading figures such as Justus Lipsius and Simon Stevin were regular guests in his house. Even so, young Hugo's rapid advancement was due to specific qualities of his own: a powerful analytical faculty, a true legal mind and a notable talent for system and organisation. He had a near-photographic memory and an exceptional feeling for and skill in languages. Gifts which the States found very useful during this period of nation-building and in justifying its position in Europe.

The rise...

In 1594, at the age of eleven, Hugo enrolled at Leiden University. As a protégé of the great Justus Scaliger, star of the university, he rapidly developed into a leading philologist and man of letters, and went on to become the finest Latinist ever to come out of the Netherlands. At the end of 1599, by now also a qualified lawyer and with an (honorary) degree from the famous University of Orleans, the fruit of a brief sojourn in France attached to an embassy, Grotius was enrolled at the Court of Holland in The Hague. It was the start of a lifetime's practice of the law.

In The Hague his exceptional talent was quickly recognised. Grand Pensionary Oldenbarnevelt himself tested the promising youngster's abilities with historical assignments which led in 1610 to his famous *De Antiquitate*, an apologia for independence, and later to the *Annales & Historiae*, the majestic history of the Dutch Revolt which is among the purest and most intelligent imitations of Tacitan historiography the humanists ever produced. Highly rhetorical in tone, strongly moralising and tendentious, it is very far from complying with modern standards. Nevertheless, by the literary norms of his day it is an absolute masterpiece.

At the same time Grotius enjoyed competing with the Leiden coterie of Heinsius and Dousa in a multiplicity of Latin poetic genres: series of epigrams to accompany historical prints of Prince Maurice's campaigns, panegyrics on William of Orange or Maurice's and Stevin's mathematical in-

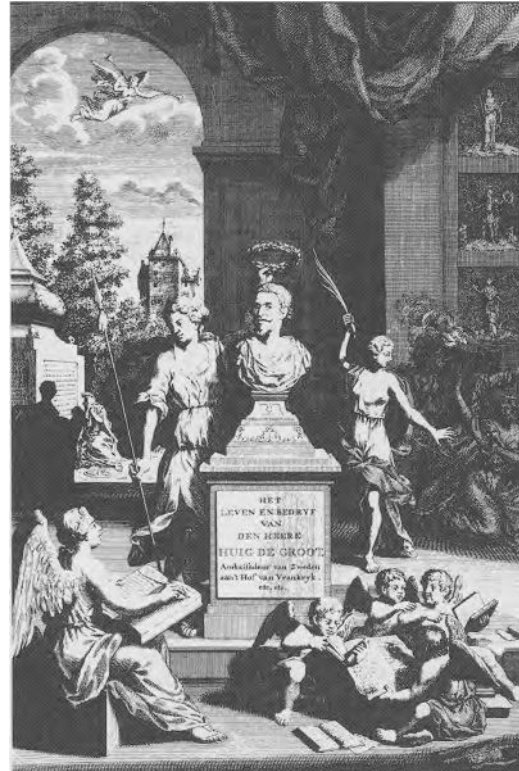
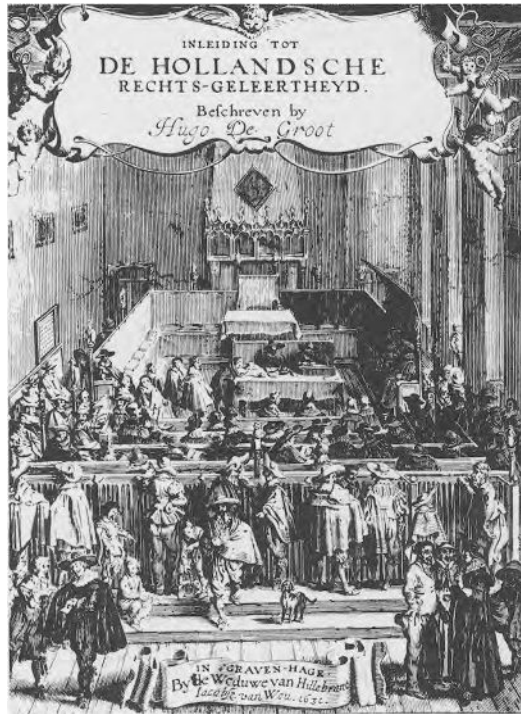
vestigations and lengthy epithalamia for his friends. The high point of these is *Adamus Exul*, a biblical drama on the Fall of Man in the style of Seneca; full of elements from natural philosophy, it was a model for Milton's *Paradise Lost*. It was no coincidence that in 1603 the Dutch embassy attending the coronation of James I presented the King with a long (and politically loaded) Latin poem composed by Grotius celebrating England and its prince.

But more serious matters soon claimed attention. In 1602 a dispute about the legality of the seizure of a Spanish *caraque* in the Straits of Malacca brought the young lawyer a flattering commission from the Dutch East India Company. The treatise he produced, *De jure praedae*, marks the beginning of a long Dutch tradition of concern for the right of seizure. At first the treatise remained confidential, but in 1609 a revised version of one chapter was published in the context of the negotiations leading to the Twelve Years' Truce. This was the famous *Mare liberum* contested by so many English writers, notably Selden in his 1635 *Mare clausum*. Even today, the problem has lost none of its relevance.

Meanwhile, stormier times were approaching. As a trusted colleague of Oldenbarnevelt, Grotius – now 25 years old, a judge-advocate (1607) and a married man (1608) – would feel their full force. Soon after the Truce came into effect it became apparent – as the Spaniards had anticipated, as Grotius himself had warned Oldenbarnevelt – that the unity of the Provinces was precarious. It would not take much to ignite the smouldering embers of dissension. A disagreement between Leiden professors on the doctrine of predestination – for centuries a contested point in theology – exacerbated by an ill-judged policy for appointing professors on the part of university governors, inflamed social tensions within the rather heterogeneous religious community in Holland. Concern for public order compelled the authorities to intervene. But The Hague's call for toleration foundered on the stubbornness of the preachers – known as Arminians and Gomarists after their leaders, Moderates and Strict Orthodox in dogma. Demands for a synod became ever louder. However, the numerical balance meant that the outcome of such a council was pre-determined. Besides the Catholics – a not insignificant faction – it would force yet another sizeable portion of the population into opposition: thus threatening, in Oldenbarnevelt's view at least, the cohesiveness of the Union.

... and fall of a gifted lawyer

Grotius, since 1613 Pensionary of Rotterdam, shared this concern. Moreover, his sympathies were with the weaker party, the moderate Arminians. For both reasons, it seems, he decided to involve himself in the dispute. In various writings he cited arguments from dogma and church history to draw attention to the doctrinal latitude which the faithful had always been permitted in this matter. In addition, he emphatically stressed the absolute authority of the government in religious disputes. This was pouring oil on the flames, the second point particularly. The quarrel divided families, sects and administrators alike. To maintain order Oldenbarnevelt resorted to the weapons of the local militia. Given the complex structure of the Union, this raised the issue of the position of the Union army which was under Prince Maurice's command. Provocations by both sides played on the latent ten-



sions between Oldenbarnevelt and Maurice on points of internal and foreign policy. In August 1618 Maurice settled the dispute by military intervention. Oldenbarnevelt died on the scaffold; Grotius, his intended successor, was sentenced to life imprisonment and ended up in the state prison of Loevestein, the Alcatraz of Holland.

Much has been said about Grotius' behaviour during his harsh interrogation, possibly involving physical threats, in the Gevangenpoort in The Hague. He is said to have talked freely, deserting Oldenbarnevelt and claiming that he had acted on 'orders from above'. There is certainly some truth in this. By his own account totally unfitted for a military career, and nauseated by the torture sessions he attended in his capacity as judge-advocate, Grotius could not endure physical violence. With his sense of justice severely shaken, and intentionally misinformed, he seems to have panicked, briefly at least, at the threat of it. And this has told heavily against our *Prinzipienreiter*. The situation is the same as with his writings. Here too we find a tragic irony. By nature mild and peace-loving in true Erasmian style, the course of his life was determined by two works whose tenor runs counter to the many others: the acerbic *Ordinum Pietas* of 1613 and, above all, his *Apologeticus* or *Verantwoordinghe*, the stubborn, rigidly legalistic justification of his policy published soon after his escape from Loevestein. The content of the former tract, advocating the primacy of the States over the Synod in matters of church policy, undoubtedly reflects his honest conviction, but its peremptory tone was a political miscalculation. Here a misplaced confidence in support from James I, with whom he had had long discussions on

Frontispiece of Hugo de Groot's textbook on Dutch law, written at Loevestein and published in 1631. The picture shows a trial in the Binnenhof 'Rolzaal' in The Hague.

Frontispiece of Brandt / Cattenburgh, *History of the Life of Mr Huig de Groot* (*Historie van het Leven des Heeren Huig de Groot*, 1732).



Hugo de Groot at age 48, painted by M.J. Mierevelt in 1631, when De Groot briefly returned to Holland.

church policy when he was in England as an envoy dealing with fishing matters, led him to overplay his hand. In the second case the explanation lies less in the injury to his sense of justice, more in wounded pride. Personal pride was not infrequently at the root of Grotius' problems. His contemporaries saw this trait as incompatible with his exalted ideals for humanity – and it made him vulnerable.

The great works But – and this too is typical of his strong character – it is precisely in Loevestein that Grotius rediscovers himself, his energy and passion. These two years of imprisonment are a watershed in his life, a period of deep reflection. Emotionally, too, he blocks the road back. Everything he writes: religious poetry and prayers in the vernacular, Bible paraphrases for his children, most notably the *Proof of the True Religion* (*Bewijs van de ware godsdienst*), everything – in presentation, content, even the choice of language – shows the shift from a public audience to the personal atmosphere and intimacy of the family. Of greater long-term significance, though, is that from

now on man, and so humanity itself, are central to Grotius' thinking. This is his guideline for the imposing works that follow. Partly led by the ancient Stoic idea of 'oikeiosis' (the brotherhood of man), in his *De jure belli ac pacis* (1625) he addresses mankind as his target group, cutting straight through the domains of public and private law, regardless of conflicting legal cultures or religious barriers. His majestic *De veritate religionis christianae* (1627), an apologia for Christianity grounded in solid biblical study and in which he brings together all his theological, historical and literary-philological skills, is a parallel testimony. This was the work with which his contemporaries associated his name, and the one most often reprinted. In England it was reissued, in Latin or English, every third year until 1820.

But there is more. Newly-discovered continents, new needs had called into being a new, applied scholarship and, as in theology, given rise to divided opinions. Grotius, the lifelong friend of Simon Stevin, was not averse to the new 'mathematical' thinking; but he feared, and history would prove him right, for the fate of the broad interdisciplinary humanist approach. In his view it was this and only this, with its combination of moral, legal and literary values, that could provide the basis for political and religious peace. In his *Dicta Poetarum* (1623) and *Excerpta Tragicorum* (1626) he collected and translated the golden maxims of Greek philosophers and men of letters for the sake of their moral implications, as the basis of Western common law. We find them quoted (*ad nauseam* of modern commentators) in the ever-growing body of footnotes to *De jure belli*. Thus Greek dramatists, Roman stoics and Church Fathers provide the building-blocks for such crucial concepts – in Grotius' view – as tolerance, irenism, human rights and humanitarian rules of war. He recognises in the early Church the basis for religious unity in substance and toleration *in particularibus* – the common creed for all Christians.

Meanwhile, the course of his own life was in sharp contrast to these ideals. He was welcomed in Paris as a representative of the francophile policy of Oldenbarnevelt, and Catholic and Calvinist competed for his name and favour. But Grotius, unshakeable in his religious convictions, in career terms too kept his eyes fixed on his own country. When Maurice died in 1625 and Frederick Henry – friend of his youth, inclined to peace and free of the 'hereditary burden' of the troubles – restored many exiles to favour, Grotius' hopes were raised. But his exceptional prominence, his uncompromising attitude and his *Verantwoordinghe* meant that he was still hated as much as he was feared.

In 1631, disillusioned after ten years of hopes and fears, and by now totally disregarded in France, he took the plunge. For the sake of his family and parents, and encouraged by the vain hopes of friends such as the eminent writers Vondel, Vossius and Hooft, he returned to Holland. Being neither very tactful nor very conciliatory in his conduct, the following year he had to flee again. But two embittered years, mostly in Hamburg, were forgotten in an instant when in 1634 Chancellor Oxenstierna offered him the post of Swedish Ambassador in Paris. In a splendid Latin drama on Joseph in Egypt he expressed his satisfaction at this foreign rehabilitation from vilification in his own country. But this was just the time when the Swedish

A legislator of mankind

star, after a brief glory, was fading in Europe and Richelieu was taking a different tone with his Lutheran ally. Grotius had little room to manoeuvre, his stubborn integrity and principled approach were no help to him in Paris, while his position was constantly being undermined from his own country.

For other reasons too the last years of his life were not happy. As in the earlier decade Grotius was never at ease in Paris, despite the scholarly circle around the Dupuys. A move to England, which was discussed quite early on, might well have averted disaster. But now bureaucratic frustrations, money worries, problems about the children's education and endless bitter polemics about his unionist views gradually led to an estrangement even from his loyal but battle-weary wife Maria. Passed over for the peace negotiations in Westphalia, early in 1645 Grotius submitted his resignation in Stockholm. There has been much conjecture as to the destination of his return journey; in the event he got no further than Rostock, where his ship was wrecked and he himself died from the consequences a few days later. Grotius' body lies in Delft beside that of William the Silent, whose deeds and tomb he had once hymned. During his lifetime Hugo de Groot never settled accounts with his country; nor, in the 350 years since his death, has his country settled accounts with him. The tolerance of the land of preachers can be selective. No proper biography of him exists in Dutch; the last complete translation of *The Law of War and Peace* dates from 1705.

But this sketch must not end on such a low note. Grotius' social convictions were forged in the furnace of the Dutch Revolt, his profound mental powers hardened in the fervour of Leiden humanism. His experiences with the experiment of a daring and complex form of government and the first deeply divisive crisis in Holland's establishment gave this exceptionally gifted man the opportunity to develop into the 'New Justinian' that his time called for, the 'legislator of mankind' as he is known to this day. To many he is a visionary thinker, in politics as well as in religion, to others a utopian; his learning never disputed, his passionate conviction invariably.

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Translated by Tanis Guest.

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