

## Hugo Grotius and the Origins of the Enlightenment in the Netherlands

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Might the origins of the Enlightenment lie in the Netherlands instead of (or as well as) in England and France? During a discussion in our National Endowment for the Humanities seminar the week of July 16, 2007 on “The Dutch Republic and Great Britain in the Era of the Industrial Revolution,” Dr. Gerard Koot mentioned that possibility. John Locke, Thomas Paine, and David Hume along with Montesquieu, Voltaire, and Diderot do a great deal to explain the British and the French parts of the Enlightenment, but not the Netherlands’ experience, which could have had its origins in the Dutch “Golden Age.”

Professor Koot’s insightful comment prompted me to examine more closely the life of seventeenth century Dutch jurist Hugo Grotius, author of the famous *De Jure Belli ac Pacis*, which laid the foundation for international law based on natural law. To say that Grotius was a major genius would be an understatement. The facts of his life fail to capture his true genius. He received no effective “PR” because the nation-state idea, which could have advanced his status and given possibilities to his writings on international law, materialized only by the end of the eighteenth century—well after his death in 1645.

Professor Koot’s comment also led to my examination of several questions. First, what were the specific elements that constitute our understanding of Enlightenment ideas in general? Second, in what ways did Hugo Grotius’s life experiences overlap with those notions? Third, how do several of his major works contain Enlightenment thought elements?

The answer to these questions demonstrates that although neither Grotius nor any other single thinker *per se* could be said to have started the Enlightenment, Grotius helped to popularize a context for key Enlightenment ideas. These ideas include natural law and natural rights, internationalism, moderation, toleration, justice, and freedom. Yet,

when his thought is considered as a whole (based on *Mare Liberum* and *De Jure Belli ac Pacis*), Grotius was and was not a *philosophe*. This apparent contradiction will dissipate in this brief essay, which aims to show that Grotius had rudimentary Enlightenment ideas before the French and British Enlightenments.

The work of many thinkers led up to the Enlightenment. Frank Edward Manuel (in *The Age of Reason*, published by Cornell University Press in 1978) and Peter Gay (in the two-volume classic *The Enlightenment*, published by Knopf in 1969) pointed out the chronological and the thematic issues comprising the content of Enlightenment thought. The momentum for the Enlightenment began in the last decades of the seventeenth century under the influence of the new Newtonian system. Although Newton and Locke were not considered to be *philosophes*, they did set up a portion of the epistemology that led to the foundations of the Enlightenment. Natural law was embedded in the underpinnings of the Enlightenment. The natural law of the Romans (for Dr. Gay the thinkers of the eighteenth century were really echoing what many of the Romans and the Greeks, such as Cicero and Plato said) claimed that by the simple virtue of being human beings, we were entitled to fair treatment under law, to its protection of the self (life), and to an implied social justice and freedom.

Natural rights and the *tabula rasa* were both seen to be cornerstones of the Enlightenment's essence. In the formal vocabulary of the philosopher, as cited in an article by Mark Murphy of Georgetown University in the *Stanford Encyclopedia of Philosophy*:

To summarize: the paradigmatic natural law view holds that (1) the natural law is given by God; (2) it is naturally authoritative over all human beings; and (3) it is naturally knowable by all human beings. Further, it holds that (4) the good is prior to the right, that (5) right action is action that responds nondefectively to the good, that (6) there are a variety of ways in which action can be defective with respect to the good, and that (7) some of these ways can be captured and formulated as general rules.<sup>1</sup>

Soon after the dawning of the mechanistic world view as established by Descartes (*Discourse on the Method of Rightly Conducting the Reason, and Searching for Truth in the Sciences*, 1637), the natural law of the Romans rooted in God morphed into natural rights of the people rooted in reason and the deistic god and those laws of nature. Today:

instead of talking about natural rights, the term is now human rights: human rights are international norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels. They are addressed primarily to governments, requiring compliance and enforcement.<sup>2</sup>

To sum up the general elements that constitute our understanding of Enlightenment thought, one considers several of these to be central. First, that laws of nature existed that could be discovered and explained by means of reason and the scientific method of Francis Bacon and Isaac Newton. Second, that one should use a system of observation of nature, the universe and society to make hypotheses that could be tested based on the data collected from those observations. Third, the truth would be discovered in the various categories of knowledge. Fourth, knowledge was power. Fifth, history was didactic. Sixth, internationalism was essential given the core notion of humanism—that man is the measure of all things. As Frank Manuel adds:

One way of examining the Enlightenment is to think of it as a resumption of the Renaissance, jumping over the world of the Reformation and Counter-Reformation with its rather dark and pessimistic picture of human frailty. Instead of the belief that by nature man was evil, Voltaire and Rousseau, Hume, Morelly, and Helvetius all held the conviction that man was by nature good, or at least neutral. If he was naturally good then the good in him should be allowed to express itself; if he was neutral then he could easily be persuaded to the good by education. There was no innate viciousness to overcome. The Renaissance idea of the free play of spirit was reasserted.<sup>3</sup>

Therefore, by collecting data and scholarship on societal problems, thinkers could actually help to solve those problems and thereby lead to improved institutions (whether political, social, economic, or religious). Although there were different ends for each thinker in many cases (representative government for Locke and Paine, healthy skepticism for Hume and Descartes, separation of powers in the government for Montesquieu and Voltaire, and muckraking by nearly all of the *philosophes*), in general these thinkers believed that a better society would result with this idea of progress based on reason used in conjunction with the scientific method and applied to specific social,

political, and economic problems. Frank Manuel notes that “first among the immediate programs for action suggested by the *philosophes* was religious reform. The practices of existing church establishments were attacked as both unnatural and wicked, unnatural because they taught false doctrine and propagated a belief in the innate sinfulness of man, wicked because they bred cruelty and perpetuated superstition. For enlightened men natural religion was the only true religion, and that meant a religion virtually without theological dogmas or ecclesiastical establishments. Tolerance and a benign morality universally applicable were considered a part of natural religion.”<sup>4</sup> When the *philosophes* came to examine the prevailing teachings of the church in the light of their newly acquired scientific values, few doctrines could pass muster.”<sup>5</sup> Additionally, “When the political systems were analyzed by the *philosophes*, Frank Manuel notes that they “generally shrank from attacking the fundamental principles of the dynastic state, they turned their critical faculties upon some aspects of its administration... The right of equality before the law, for nobles and commoners alike, lay at the heart of the agitation for political reform.”<sup>6</sup> And finally, the program of action for the thinkers of the eighteenth century was an end to censorship. Frank Manuel states: “A cornerstone of the philosophic program was a demand for open expression of ideas without risk of prosecution. It was an article of faith with them that the dissemination of truths through books and newspapers would ultimately bring about the triumph of reason.”<sup>7</sup>

Turning to Grotius, how do the stages of his life (formative and married) relate to his intellectual development and to the general themes of the Enlightenment? Some important facts stand out about his formative years and others about his life as a married man and statesman-scholar. First, his education as a classical scholar made him a master of Greco-Roman History, Literature and Latin. Therefore, Grotius exhibits Peter Gay’s idea that the thinkers in the Enlightenment were ancients living as moderns. They had an essentially humanist outlook with the revival of interest in classics and classical learning. In addition, a glance at the Grotius’s primary source bibliography from the Peace Palace Library in Den Haag, the Netherlands shows not only his mastery of Latin but also that he was a very prolific writer. For Grotius knowledge was power (as it was for Diderot as the editor of *The Encyclopedia*).

Grotius’s own education was remarkable for its breadth and training. His actual schooling started in the last two decades of the sixteenth century in the heart of the

Renaissance and Reformation eras of history. (The following biography is summarized from multiple sources).<sup>8</sup> Prior to his teenage years, he wrote poems in Dutch as well as in Latin, and he became a student at the University of Leiden. There he specialized in the study of classics under Joseph Justus Scaliger.<sup>9</sup> As a young teenager, Hugo Grotius was part of a diplomatic mission of Oldenbarnevelt to King Henry IV of France.



Jan van Ravesteyn (about 1572–1657), ‘Hugo Grotius’, 1599. © Collection Frits Lugt, Institut Néerlandais Paris (175).

On May 5, 1598, he received his doctorate in civil law from the University of Orleans. Martine Julia van Ittersum believes that Grotius bought his degree, which was something that fine gentlemen often did and that was not considered wrong.<sup>10</sup> He practiced law at Den Haag from about ages 16-24. Although Grotius clearly had the benefit of having a head start in life (for a time his father served as Mayor of Delft and as an official at the University of Leiden, (and, as Richard Tuck has established in *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*) some of his relatives worked for the Dutch East India company or the VOC). Young Grotius made his own way with his pen.

Phase two of his life commenced in 1608 with his marriage into a wealthy family from Zeeland. He wed Maria van Reigersberch, who would outlive him by eight years. They had three sons and a daughter who survived to adult life but four children who did not. Maria was a published author in her own right and would even enter prison with Grotius when that unfortunate point in their lives arrived. Subsequently, Grotius was

Attorney General at the Court of Holland and at the High Court. Later (1613) he was Town Pensionary of Rotterdam. He would at times attend the States of Holland. The position of Town Pensionary was very similar to that of being a governor of a state in the current U.S. political system.



Portret van Maria van Reigersberg op 50-jarige leeftijd, door J. Houbraken, onderschrift van A. v. Cattenburgh (1640).



Portrait of Grotius at age 25. Michiel Jansz van Mierevelt, 1608

Grotius was the aide and advisor to the Dutch statesman Oldenbarnevelt and was eventually caught in the middle of the Oldenbarnevelt's dispute with Prince Maurice and the anti-Remonstrants. In his arguments on domestic issues, Grotius was at his best when dealing with the idea of religious toleration. Jonathan Israel notes that at the heart of his "Christian republican ideology was his harnessing humanist scholarship to a campaign to convince the public that the States of Holland, and public Church, as upheld by the States, adhered fully to Christian truth while, simultaneously, rejecting precisian intolerance, maintaining a broad, but also legitimate, toleration of disparate doctrines among its preachers."<sup>11</sup> On August 29, 1618, he was arrested with Oldenbarnevelt and sentenced to life in prison; all of his property was confiscated. While in the prison at the

Castle Loevestein, he wrote articles and books.



<http://www.castles.nl/loev/loev.html>

On March 22, 1621, he escaped from the fortress by being smuggled out in a book box similar to the one in the following picture.

<http://rijksmuseum.nl/collectie/zoeken/asset.jsp?id=NG-KOG-1208&lang=en> (escape box)



He settled in Paris the next month; his wife joined him in October. Two years later an aristocrat let Grotius and his family live at his country house near Region Picardie. Louis XIII paid him a small pension, and Grotius began writing *De Jure Belli ac Pacis* in the summer of 1623. It was published in Paris in 1625. Grotius had laid the foundations of international law.

Grotius's motives for writing *De Jure* were practical as well as theoretical. Richard Tuck notes that “we must not read *De Iure Belli ac Pacis* as the work of a hostile and bitter exile; rather, it was in part a contribution to rehabilitating himself with the Dutch Government. The opposition to Oldenbarnevelt had also been the party which most supported the continuation of war with Spain, particularly over the Indies; Grotius had always tried to distance himself from Oldenbarnevelt's peace policy, and *De Iure Belli ac Pacis* reminded his audience that he was still an enthusiast for war around the globe. He was indeed a most improbable figure to be the tutelary deity of the Peace Palace at The Hague.”<sup>12</sup>

In October 1631 he returned to Holland, but Frederick Henry would not grant him a pardon, so he left again for France in April 1632, serving as the Ambassador of Sweden to Paris. By all accounts he was a poor ambassador. The Queen of Sweden dismissed him in 1645. He died in that year in Germany as the result of exhaustion suffered during a shipwreck near Danzig. He was 62 years of age. Subsequently, his body was returned to Delft and buried in the New Church. There, a monument was erected. The irony of the location is striking because it is also the burial place of William the Silent, whose dynasty exiled him.



<http://www.nieuwekerk-delft.nl/eng/kerkgebouw/index.html> (burial place)



Hugo Grotius - Portrait by [Michiel Jansz van Mierevelt](#), 1631

As far as whether his overall philosophy was in line with the main tenets of the Enlightenment, a summary of those notions found in *Mare Liberum* and in *De Jure Belli ac Pacis* is in order. The obvious first question in this line of inquiry should be this: what is the origin of political authority for Grotius? According to Iain Hampsher-Monk, the

answer can be found in Book I, Chapter III, section viii, 2, *De Juri Belli ac Pacis* (1625); it is the “concept of subjective right” that is “quite independent of moral or juristic side-constraints.”<sup>13</sup>

Hampsher-Monk then cites Grotius: “‘A people can select the form of government which it wishes; and the extent of its legal right in the matter is not to be measured by the superior excellence of this or that form of government, in regard to which men hold different views, but by its free choice.’ In addition, Grotius insisted, to the scandal of his contemporaries, that his principle could be sustained on purely secular grounds.” As Iain Hampsher-Monkgoe goes on to explain, “His theory would obtain, he wrote, ‘even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to Him.’”<sup>14</sup>

From this passage, it is clear that Grotius is a harbinger of the *philosophes*’ secularism and even of a limited notion of Locke’s popular sovereignty. Indeed, David Armitage<sup>15</sup> pointed out that Locke had two of Grotius’s books in his library—*De mari libero* and *De Jure*. Other key Enlightenment ideas emerge with the further summary and analysis of *De Jure Belli ac Pacis*.

Starting with the most famous piece, *De Jure*, Cornelius Murphy<sup>16</sup> noted that Grotius “constructed a general theory of law that he hoped would bring order out of chaos of international conflict.”<sup>17</sup> For Grotius the key was the middle course, moderation, very much what the ancients wanted and what most of the *philosophes* wanted; this fact supports my argument that Grotius had Enlightenment ideas before the British and French Enlightenments. “Grotius distinguished righteous from unrighteous wars and imposed limits upon the violence of belligerents,”<sup>18</sup> unlike Erasmus and the Christian conscience pacifists or those at the other extreme—“those who maintained that all wars commenced by sovereigns will were lawful and that the practices of warfare were not subject to moral restraint.”<sup>19</sup>

Grotius argued convincingly:

Natural right is the dictate of right reason, shewing the moral turpitude, or moral necessity (By moral necessity is meant nothing more than that the Laws of Nature must always bind us) of any act from its agreement or disagreement with a rational nature, and consequently that such an act is either forbidden or commanded by God.... The actions, upon which such a dictate is given, are either binding or unlawful in themselves, and therefore necessarily understood to be commanded or forbidden by God. This mark

distinguishes natural right, not only from human law, but from the law, which God himself has been pleased to reveal, called, by some, the voluntary divine right, which does not command or forbid things in themselves either binding or unlawful, but makes them unlawful by its prohibition, and binding by its command. But, to understand natural right, we must observe that some things are said to belong to that right, not properly, but, as the schoolmen say, by way of accommodation. These are not repugnant to natural right, as we have already observed that those things are called just, in which there is no injustice. Some times also, by a wrong use of the word, those things which reason shews to be proper, or better than things of an opposite kind, although not binding, are said to belong to natural right.

We must further remark, that natural right relates not only to those things that exist independent of the human will, but to many things, which necessarily follow the exercise of that will. Thus property, as now in use, was at first a creature of the human will. But, after it was established, one man was prohibited by the law of nature from seizing the property of another against his will.

Now the Law of Nature is so unalterable, that it cannot be changed even by God himself. For although the power of God is infinite, yet there are some things, to which it does not extend. Because the things so expressed would have no true meaning, but imply a contradiction....Yet it sometimes happens that, in those cases, which are decided by the law of nature, the undiscerning are imposed upon by an appearance of change. Whereas in reality there is no change in the unalterable law of nature, but only in the things appointed by it, and which are liable to variation....Thus if God should command the life, or property of any one to be taken away, the act would not authorize murder or robbery, words which always include a crime. But that cannot be murder or robbery, which is done by the express command of Him, who is the sovereign Lord of our lives and of all things. There are also some things allowed by the law of nature, not absolutely, but according to a certain state of affairs. Thus, by the law of nature, before property was introduced, every one had a right to the use of whatever he found unoccupied; and, before laws were enacted, to avenge his personal injuries by force.<sup>20</sup>

From this excerpt, Cornelius Murphy finds three essential elements including *jus naturale* or “the common dictates of conscience” then *jus voluntarium* or the “various forms of volitional law” which supplemented *jus naturale*, and last and most important says Murphy, “*jus gentium*. The product of human need and will, it manifested a sense of right and justice common to all nations and embodied principles that were independent of state boundaries.

Grotius adjusted the meaning of *jus gentium* from what the Romans had understood (according to Murphy): “it only comprised the regulative institutions prevailing between states...But there were higher duties, the volitional divine law...Grotius denied the absolute right of rulers to engage in war. Right reason prohibits all use of force that takes away what rightly belongs to others. Yet recourse to arms might be legitimate; wars could be begun for just cause. The redress of wrongs was a principle of natural law.”<sup>21</sup> States Grotius in Chapter I, book IV of *De Jure*, “From the law of nature then which may also be called the law of nations, it is evident that all kinds of war are not to be condemned.”<sup>22</sup>

States usually lack a common sovereign. Notes Murphy: “each must protect what it conscientiously believes to be its natural rights even to the extent of inflicting punishment upon a wrongdoer. If undertaken by lawful authority and for proper reasons, warfare constitutes an enforcement of law and right. And it has a specific purpose. If conducted according to moral precepts, it will lead to peace as its ultimate goal.”<sup>23</sup>

I will be fighting a just war if I am protecting life and property, suggests Grotius, but he did not consider preemptive war a just war. In Book II, Chapter V of *De Jure*, Grotius states:

Now if any one intends no immediate violence, but is found to have formed a conspiracy to destroy me....I have no right to kill him. For my knowledge of the danger may prevent it. Or even if it were evident that I could not avoid the danger without killing him, this would not establish my right to do so. For there is every presumption that my knowing it will lead me to apply for the legal remedies of prevention.<sup>24</sup>

In Book II, Chapter XVI, Grotius switched from the previous private war argument to that of public war but makes the same conclusion: “Though the suspicion of hostile intentions, on the part of another power, may not justify the commencement of actual war, yet it calls for measures of armed prevention, and will authorize indirect hostility.” Further, “if the cause of war is unjust, all acts arising from it are immoral, even...if hostilities are commenced in a lawful way.”<sup>25</sup>

In concluding his analysis of Grotius’s work, Murphy sums up Grotius’s contribution to his day and ours: “Grotius showed that the totality of international relations could be systematically subject to law. He recognized the separateness and independence of states and appealed to a superstructure of legal and moral principles that should hold sway over the will of all mankind.”<sup>26</sup>

What of Grotius's earlier work on *The Free Seas (Mare Liberum)*? In his introduction to that book as its editor, David Armitage makes the following points about the book's content. First, the VOC or the Dutch East Indies Company commissioned the twenty-one-year old Grotius to write about its seizing of the cargo from a Portuguese ship in the Straits of Singapore in February 1603 and to establish that the VOC was correct in doing so. Armitage notes: "When its contents were sold in Amsterdam, they grossed more than three million guilders, a sum equivalent to just less than the annual revenue of the English government at the time and more than double the capital of the English East India Company."<sup>27</sup>

Second, since the Dutch had broken away from Spain in 1581, Grotius's work had global rather than local significance: the Dutch had penetrated the commercial network of Southeast Asia. "The book was taken by the English and the Scots as an assault on their fishing rights in the North Sea and by the Spanish as an attack on the foundations of their overseas empire," states Armitage. He continues, "It had implications no less for coastal waters than it did for the high seas, for the West Indies as much as for the East Indies, and for intra-European disputes as well as for relations between the European powers and extra-European peoples."<sup>28</sup>

Third, in a brilliant argument in which he leaves out the fact of the actual seizure of cargo, Grotius notes that "Every nation is free to travel to every other nation, and to trade with it. ... By the Law of Nations trade is free to all persons whatsoever... Following these principles a good judge would award to the Dutch the freedom of trade, and would forbid the Portuguese and others from using force to hinder that freedom, and would order the payment of just damages. But when a judgment which would be rendered in a court cannot be obtained, it should with justice be demanded in a war. Augustine acknowledges this when he says: 'The injustice of an adversary brings a just war.'"<sup>29</sup> Adam Smith's argument for free trade in the middle of the Enlightenment is essentially given by Grotius 172 years earlier.

An enumeration of the specific elements of Grotius's thought mentioned at the beginning of the essay as Enlightenment ideas is in order. Hugo Grotius was ahead of his time and some of his ideas proved to be foundational for the Enlightenment. He was a *proto-philosophe* for several reasons. First, as to his agreement with the notion that laws of nature exist and can be discovered and explained by means of reason and the scientific

method, he is and he isn't in agreement. Obviously, laws of nature exist for Grotius and are frequently mentioned in works referred to in this essay. He uses reason to support natural law but he argues using examples from the ancients for proof instead of the scientific method. So it is the lack of scientific underpinning to Grotius's thought that differentiates him from the *philosophes*. Montesquieu evoked Newtonian science with the idea of balance of power, and so did Voltaire with his implied balance concept in his *Letters on the English*.

Second, as a discoverer of "truth" in his specialty, the law, Grotius was the founder of International Law. The 1625 edition of *De Jure*, according to Richard Tuck:

was far more dismissive of the role of God in natural law than the subsequent editions: in 1625 God (in some ways) played merely the same role that he was to play in Hobbes's work, that of the maker of a universe which included creatures endowed with the appropriate natural 'principles' or feelings. In 1631 his status as *law-giver*, whose laws were apparent to his subjects *as* his laws was stressed for the first time, setting in train a long-standing puzzle for the interpretation of Grotius's ideas.<sup>30</sup>

Tuck believes that this inconsistency can be explained by the "campaign to make Grotius's views appear more acceptable to the Aristotelian, Calvinist culture of his opponents within the United Provinces."<sup>31</sup> Grotius wanted to return home to Holland for good and he used his pen to try to accomplish that.

Third, as to Grotius replicating the Enlightenment idea that knowledge is power, the evidence overwhelmingly supports his endorsement of that notion. He lived 62 years and he wrote or edited about as many books. No single *philosophe's* writings approached that output.

Fourth, history was didactic for Grotius, and the greatest wisdom was found in the ancients. Among the myriad of examples found in Grotius's masterpiece, *The Rights of War and Peace*, one from Grotius discussion of contracts will suffice. In Book II, Chapter XII, on contracts, Grotius states: "It was not in every kind of equality that the Roman law established this rule, passing over slight occasions, in order to discourage frequent and frivolous litigation. It only interposed its judicial authority in weighty matters. Laws indeed, as Cicero has said, have power to compel, or restrain men, whereas philosophers can only appeal to their reason or understanding."<sup>32</sup> Clearly, Grotius used Cicero's wisdom as an ancient expert whose insights were as relevant in

Grotius's day as in the times of the Caesars. The customary definition of the Renaissance as the revival of interest in classical antiquity fits Grotius almost perfectly.

Fifth, as to Grotius's endorsement of internationalism, one finds him in agreement with the *philosophes* here as the founder of International Law, and as a practicing humanist who wrote in the Dutch Renaissance and Reformation. There is a tension here. In his earlier writings, such as *Mare Liberum*, he supported free trade as a natural right and intentionally supported Dutch imperial colonialism. Richard Tuck writes, "The Dutch thus seemed to be violating some of the most fundamental principles of international relations. Grotius's commitment to defend them accordingly forced him to a fundamental revision of those principles, and in the process (it is I think, no exaggeration to say) he fundamentally revised Western political thought itself."<sup>33</sup> Tuck notes that Grotius's argument was "identical to the one used later by Locke"<sup>34</sup> in that Grotius had claimed "that an individual in nature (that is, before transferring any rights to a civil society) was morally identical to a state, and that there were no powers possessed by a state which an individual could not possess in nature. The kind of state he had in mind, moreover, was one which was sovereign in a strong sense."<sup>35</sup> Tuck continues and points out that Grotius believed "that any *respublica* was formed by the voluntary union of individuals to make a civil society; but he also seems to have believed that any society with a suitable set of representative institutions would count as a *respublica*. It was upon this basis that he defended...the Dutch revolt against the King of Spain, arguing that the States of Holland represented the people of Holland and that the magistrate (the king) was always under their authority."

Therefore, well before Grotius's imprisonment in the 1618 episode that cost Oldenbarnevelt his life, Grotius believed that the countries "were sovereign states, as they had always been, since each continued to possess its own States. The Union was an alliance in which no participating country had shared any part of its sovereignty." Tuck believes that this was "the kind of sovereign *respublica*, then which Grotius had in mind when he argued that the natural individual was, morally speaking, like a miniature sovereign state, to which the vocabulary of liberty and sovereignty could be applied," and furthermore, the "relationship between men in a civil society was broadly like the relationship of the sovereign republics of the United Provinces in their Union: guarded co-operation, with a great deal held back by the parties and with a great deal requiring

unanimity.”<sup>36</sup> Grotius’s logic was clearly leading to the defense of the VOC’s aggressive acquisition of property at sea—“to show that private trading companies were as entitled to make war as were the traditional sovereigns of Europe” owing to his belief “that there is no significant moral difference between individuals and states, and that both may use violence in the same way and for the same ends.”<sup>37</sup> Tuck finds that Grotius’s use of the “laws of inoffensiveness and abstinence, together with this obligation to punish, thus gave in general an extremely minimal picture of the natural moral life,”<sup>38</sup> and “that this was of course precisely Rousseau’s account of the natural life of man.”<sup>39</sup> The *philosophes*, generally, were against such exploitation. In the *Rights of War and Peace*, Grotius does not diminish his free seas, free trade natural right ideas. Rules, however, govern nations as well as citizens in those nations. In the domestic political sphere, Grotius would agree with Montesquieu that liberty is doing all that the law allows.

Finally, Grotius is most in agreement with the Enlightenment thinkers’ ideas of religious toleration. He was not, however, a deist, but a liberal Calvinist.

Grotius was a man of reason before the age of reason and the Enlightenment. He provided the context for later British and French *philosophes*. As Grotius remarked, “A man cannot govern a nation if he cannot govern a city; he cannot govern a city if he cannot govern a family; he cannot govern a family unless he can govern himself; and he cannot govern himself unless his passions are subject to reason.”<sup>40</sup>

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<sup>1</sup> <http://plato.stanford.edu/entries/natural-law-ethics/>

<sup>2</sup> See James Nickel at <http://plato.stanford.edu/entries/rights-human/>

<sup>3</sup> Frank E. Manuel, editor, *The Enlightenment* (Englewood Cliffs, New Jersey, 1965), p.5

<sup>4</sup> *Ibid.*, p.9

<sup>5</sup> *Ibid.*, p.10

<sup>6</sup> *Ibid.*, p.11.

<sup>7</sup> *Ibid.*, p. 12

<sup>8</sup> <http://www.ru.nl/ahc/vg/html/vg000152.htm>,

[http://en.wikipedia.org/wiki/Hugo\\_Grotius](http://en.wikipedia.org/wiki/Hugo_Grotius), [http://www.bookrags.com/Hugo\\_Grotius](http://www.bookrags.com/Hugo_Grotius),

<http://oregonstate.edu/instruct/phl302/philosophers/grotius.html>,

<http://www.nndb.com/people/685/000096397/> ,

[http://oll.libertyfund.org/index.php?option=com\\_content&task=view&id=664&Itemid=290](http://oll.libertyfund.org/index.php?option=com_content&task=view&id=664&Itemid=290) (David J. Hill) <http://www.yorku.ca/maas/grotius.htm>;

<http://www.dundee.ac.uk/history/research/MartinevanIttersumMareliberum2.pdf>

[http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html)

<sup>9</sup> [http://en.wikipedia.org/wiki/Joseph\\_Scaliger](http://en.wikipedia.org/wiki/Joseph_Scaliger)

<sup>10</sup> See her working paper at

<http://www.dundee.ac.uk/history/research/MartinevanIttersumMareliberum2.pdf>

<sup>11</sup> Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (New York, 1998), p. 440

<sup>12</sup> Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order From Grotius to Kant* (Oxford, 2001), p. 95

<sup>13</sup> See Hampsher-Monk, *The History of Modern Political Thought* (Oxford, 1992), p. 104

<sup>14</sup> Hampsher-Monk used the F. W. Kelsey translation (Indianapolis, 1925)

<sup>15</sup> [http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html) the Free Sea, David Armitage commentary) pointed out by Armitage: “John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p. 289. Locke possessed Grotius, “*De mari libero*,” in his copy of the 1680 Hague edition of *De Jure Belli ac Pacis*: John Harrison and Peter Laslett, *The Library of John Locke* (Oxford: Oxford University Press, 1965), item 1331.

<sup>16</sup> The summary is based on an article from JSTOR in *The American Journal of International Law*, volume 76, pp 480-483 by Cornelius F. Murphy, “The Grotian Vision of World Order” pp. 477-498 for entire article) and for *Mare Librum* (David Armitage of Harvard University at [http://oll.libertyfund.org/index.php?option=com\\_content&task=view&id=732&Itemid=290](http://oll.libertyfund.org/index.php?option=com_content&task=view&id=732&Itemid=290))

<sup>17</sup> Cornelius Murphy, *The Grotian Vision of World Order* p. 480

<sup>18</sup> *Ibid.*, p. 480

<sup>19</sup> *Ibid.*

<sup>20</sup> In Book I, Chapter I, Part X in the *The Rights of War and Peace* (using the Cosimo Classics version published in 2007, pp 21-23) by Hugo Grotius

<sup>21</sup> *Ibid.*

<sup>22</sup> Hugo Grotius, *The Rights of War and Peace* (Cosimo Classics, 2007). p. 36

<sup>23</sup> Cornelius Murphy, “The Grotian Vision of World” Order, p. 481

<sup>24</sup> Hugo Grotius, *The Rights of War and Peace* (Cosimo Classics) p. 78

<sup>25</sup> Cornelius Murphy, “The Grotian Vision of World Order” p. 481

<sup>26</sup> Cornelius Murphy, “The Grotian Vision of World Order” p. 481

<sup>27</sup> Introduction of the Liberty Fund online publication of *Mare Liberum* found at ([http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=859&chapter=66149&layout=html))

<sup>28</sup> *ibid.*

<sup>29</sup> Cited on pages 150-156 of our Xerox for this seminar from *The Freedom of the Seas, or The Right which belongs to the Dutch to Take Part in the East India Trade*, trans. Ralph Van Deman Magoffin, ed. James Brown Scott (New York: Oxford University

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Press, 1916), pp. 7-10, 61-64, 72-76. Reprinted by permission of Carnegie Endowment for International Peace.

<sup>30</sup> Richard Tuck, p. 101

<sup>31</sup> *Ibid.*, p. 99

<sup>32</sup> In the Cosimo Classics edition (p. 149)

<sup>33</sup> Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*, p.81

<sup>34</sup> *Ibid.*, p.82

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, p. 83

<sup>37</sup> *Ibid.*, p. 84.

<sup>38</sup> *Ibid.*, p. 85.

<sup>39</sup> *Ibid.*, pp. 86-87

<sup>40</sup> Found at [www.giga\\_use.com/quotes/authors/hugo\\_grotius\\_a001.htm](http://www.giga_use.com/quotes/authors/hugo_grotius_a001.htm)

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