GROTIUS AND THE SOCIO-ECONOMIC DEVELOPMENT OF THE UNITED PROVINCES AROUND 1600

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Wilt bestieren d'Overheyden
Heer der heeren, dat wij stil
Leven onder haer beleyden
Aan Goddelicke wil.
Keert van ons krijgh ende strijd,
Oproer sterft' en dieren tijd:
Wilt ook de verbroken deelen
Van de Christenheyd verheelen.*

The above quotation from one of Grotius' works gives us some idea of his political and moral views. If the above statement was part of his dream, it would also lead to a conflict which would ruin his career in Holland.

Huigh de Groot (Hugo Grotius in Latin) was born on Easter Day, April 10th, 1583. The young Huigh grew up in an aristocratic household. The Grotius family had a long tradition of public service in Delft. Several generations had served as burgomasters of the town. Hugo's father, Jan de Groot, was a gifted man, who had many of the best talents in the Republic as friends, such as the historian Justus Lipsius, the mathematician Simon Stevin, the Remonstrant theologian Johannes Uytenbogaert, the humanist and historian Janus Dousa, and the linguist Josephus Justus Scaliger. Not surprisingly, this circle quickly recognized the special talents of the young Huigh and nourished them. Jan de Groot had considerable influence on his son, and it has been suggested that some of Hugo's early works might have been partially written by his father.

At the young age of eleven, Grotius enrolled at the University of Leiden, where he was received not as a child prodigy but as an adult. The fact that Grotius' uncle was the Rector of the

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*Paraphrased in English: Please Lord, convince our governments that they should follow Thy will. Take away from us war and conflict, let rebellion die, and in time even the broken parts of Christianity will heal again.

university, as well as his social class, no doubt aided his entrance at that early age. Furthermore, such young students did not immediately follow the actual university curriculum, but took certain preliminary studies. At Leiden, Grotius studied Roman Law, the Classics, and Theology, fields of study which he thoroughly explored, aided by a formidable memory.

There has been considerable debate recently if Grotius was a child-genius or not. The argument seems to be primarily the result of differences in interpretation of social and intellectual conditions existing in the Netherlands at the end of the sixteenth century. If Grotius' childhood is compared to childhood development as it exists today, then one may be inclined to see his development as phenomenal; but if judged against the schooling of upper-class children at the time in Delft and Leiden, then, although Grotius was no doubt very intelligent, his upbringing becomes less unusual.

Dresden opposes the argument that Grotius did not break with tradition but instead followed in most of his writings well established fashions, and that therefore he cannot be considered a child prodigy. If the quality of being a genius, creative, or gifted, implies "divergent thinking", then Grotius' youthful works do not offer much to sustain the term "genius". But was it the tradition of the times to create new things? Are our observations culture-bound? Dresden argues eloquently that our contemporary psychological analyses do not fit 16th century culture patterns very well. He does feel that Grotius might have been an example of "arrested development" where, after a brilliant early development and career, the individual does not grow further and remains bound in the early stage of growth.

It was through the influence of Scaliger, and that of another of his father's friends, the "landsadvocaat" Oldenbarnevelt, that Grotius visited France in 1598 as part of a Dutch diplomatic mission to Henry IV. On May 5th of that year, he received his doctorate from the University of Orleans, which was more of an honorary title than anything else.

After his return, Grotius completed his publication of **Martianus Capella** (a kind of compendium of knowledge of the 5th century). He established himself as a lawyer and at the age of sixteen was sworn in at the "Hof van Holland" (The Court of the Province of Holland) and the "Hoge Raad" (the High Court). Status

honour, family traditions, and financial considerations made him select a political career over an academic one, although he might have been more suited for the latter. It turned out to be a tragic choice, but at the time it seemed an excellent decision, with prospects of a great career under the patronage of van Oldenbarnevelt.

Grotius began his government career toward the end of 1607. He became "advocaat-fiscaal" (Deputy Attorney General) at the Court of Holland, Zeeland, and West Friesland, an important function which strengthened his social position. The next year he married Marie van Reygersberch, the daughter of the burgomaster of Veere. She would be a very important influence in his life. In 1613 he was part of a diplomatic mission to Great Britain to discuss problems between Holland and England in the East Indies.

Perhaps it was the commission he received from van Oldenbarnevelt to write a history of the struggle against Spain that set him on the path of his important treatises on international law. Tacitus was Grotius' example, both in his honesty and his love for his own country. During this period of his life he also wrote the "Commentarius de iure praedae" on commission for the East India Company, to justify bounty taking. Only one chapter of this commentary, called "Mare liberum" was published, at first anonymously.

All these works are closely related to Grotius' political career and are not strictly "academic" works, but rather treatises pleading the Dutch political and economic international position. Using events from antiquity and the arguments and forc derived from ancient authors, as was usual at the time, Grotius eloquently defends and glorifies the new Dutch republic. In all these works, Grotius placd himself squarely on the side of van Oldenbarnevelt and the States of the Province of Holland whose main spokesman he had become.

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Grotius grew up during one of the most turbulent times in Dutch history. In 1568, war had broken out between King Philip II of Spain and his rebellious colonies in the Netherlands. During this period, the European powers had begun to establish their transoceanic trade, their overseas possessions and their hegemony of world-wide trade. While the Spanish Kings used the

fortunes obtained from plunder and the silver mines of the Americas to wage expensive and futile wars in Europe, the Dutch used the war to privateer on Spanish trade. Cut off from the trade with Lisbon, the Dutch were forced to find their own way to the East Indies, and did so at the expense of the Spanish and of Spanish-controlled Portugal.

During the Eighty Years' War, Holland developed into a different country. Even the conflict between Holland and Spain was no longer the same by the end of the war. Whereas in the beginning it had been a religious one, by the end it had turned into one in which economic and commercial interests were far more important. A struggle for the freedom of religion had become one for freedom of trade. It certainly was not a war that only brought destruction and disaster. For the Netherlands, the Eighty Years' War had been a conflict that showed a profit at the end of every year. War stimulated trade and shipping, colonial expeditions, manufacturing, and the development of financial institutions. As a result of this rapid development of trade capitalism in Holland, the commercial importance of the Netherlands was far greater than its territorial size would indicate.

Dutch trade development was not accidental, of course. By the 16th century the Netherlands had already a long tradition of coastal and inland shipping, dating back to Viking times and perhaps earlier. Even before the conflict with Spain had begun, more than 50% of the ships passing through the Sont were of Dutch origin.

An important aspect of trade development was its shift from the Southern to the Northern Netherlands, and perhaps Amsterdam should, out of gratitude, have erected a statue of the Spanish general Parma who conquered Antwerp. The conflict also brought large numbers of highly skilled tradesmen, merchants, and other important immigrants to the cities of Holland.

Although Dutch colonial trade is often emphasized because of its heroic aspects, economically the European trade of staple products was more important. For example, for every British ship, ten Dutch ships sailed into British harbours at the time. It could even be argued that the Dutch war with Spain was at the same time a struggle with the ally Britain. That an actual conflict with Britain only broke out in 1652 is rather surprising.

A new type of merchant also began to appear, such as de Geer, who in his trade policies, commercial exploitation and control, stands closer to Wall Street than to the Fuggers of the late Medieval period.

The Eighty Years' War between Holland and Spain enabled the Dutch to develop such a shipping empire that the Dutch for the greater part of the seventeenth century completely dominated the European trade. As the newly developing trans-oceanic trade was too risky a venture for the single merchant, traders organized into so-called "Companies", of which the Dutch and the English East India Companies are the prime examples. This commercial empire building was a new form of imperialism which demanded new rules, protecting the various monopolies, as the aims of the new capitalist enterprises often went against the old existing political structures.

During the first decade of the 17th century the increasing war debt and the demand to safeguard the commercial gains made, strengthened the position of those who wanted peace. The merchants, especially those of Amsterdam, wanted the trade freed. In general, these people formed behind Johan van Oldenbarnevelt. On the opposite side stood those, centered around Prince Maurits, who wanted conquest of the Southern Netherlands and hoped to make a profit out of that.

As both the Dutch and the Spanish wanted peace but could not accept the others' terms, it was decided to have a pause in the war, the period called "Het Bestand" in Dutch. Once the great enemy Spain was thus temporarily removed from the stage, the Dutch could devote all their attentions to the internal tensions that had built up over the years and thus begins the conflict about "Gommer en Armyn".

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"Zet ze uit de Kerk", dus roept ge luid.
"zet liever gij Uw kerk wat uit!"
(de Genestet)

[Translation: Throw them out of the Church, you call out loudly. Why don't you expand your Church!]

Beside economic change, the Eighty Years' War brought considerable political, cultural, and social change to Holland. Dutch

society still incorporated some major institutions of the middle ages, but that typical segment of Dutch society, known as the "burgerij" (the burghers), began to grow into the dominant class.

For the general public in the Netherlands, and for many students of Dutch history as well, the Eighty Years' War against Spain has always been seen as the great struggle against oppression, symbolized by the slogan "luctor et emergo" (I struggle and succeed) from the Zealand coat of arms. Popular history has stayed with this ethos, but this period in Dutch history is even more important for the internal "revolution" that took place. For the Netherlands, this time in history is comparable to the Glorious Revolution of 1688 in England or the "Grande révolution" of 1789 in France. The Dutch have never given such a title to this period of great change.

It was a strange Revolution. One in which the dominant classes wanted escape from control by Spain, away from centralization and back to the old privileges given to the towns and regions long before. But at the same time modernization was needed, which demanded centralization. The resulting form of government was a loosely knit structure of seven regions, with authority spread over many levels of government, but nevertheless with some form of centralized control. The regional governments represented in turn the various cities. Thus Amsterdam would send its spokesmen to the States of Holland, while that body would send its representatives to the States General in the Hague. The men in the councils of the few "big" cities held the real power, and those from Amsterdam were the most powerful. Particularism remained very important, with Holland competing with Zealand, Amsterdam with Rotterdam or Middelburgh. A sense of nationalism did not exist, but a feeling of "patria", fed by common social, linguistic, and specially economic interets began to emerge, particularly in the western part of the Republic. The Dutch Republic was thus ruled by an oligarchy of important city burghers and merchants, and as long as business was good, they could maintain themselves in power.

During Grotius' lifetime, these burghers changed from simple merchants or even tradesmen to aristocratic men, who did not hesitate to present themselves internationally as landed gentry. They were united in a family compact, owned mansions along the canals of Amsterdam and other cities, plus estates along the many small rivers of Holland; the most beautiful along the river

Vecht. They had always been full of their own importance, and when, for instance, the English Queen Henrietta Maria visited the Dutch political leaders, she complained that they "stared at her from under the brims of their Dutch beavers and flung out of the room without bowing or speaking to her". In half a century they had become a successful elite, which would defend its privileges against anybody.

Whatever consultation had existed with the petty bourgeoisie at the beginning of the Revolt against Spain, it had disappeared silently and unnoted by the end of it, while the old nobility had been absorbed into the burgher class, at least in the West. In the eastern provinces, the nobility continued to have many extraordinary feudal privileges, which even surprised a "westerner" such as Grotius.

Grotius was by birth, education, and position, very much a member of the elite and naturally found himself involved in the political and religious conflicts as a close associate of van Oldebarnevelt. Although it seems from the literature of the time that these conflicts were primarily religious, between "Remonstranten" and "Contra-Remonstranten", the problems were rooted in political and economic difficulties as well. The conflict was between "rekkelijken" (lit.: those who are willing to stretch) and "preciesen", and centered around the questions of the role of the State, the role of the Church in government, and religious creed (in this case the two forms of Calvinism mentioned above).

The church ideal of the "regenten" was not the theocratic Church of Calvin, but rather a church that was, if perhaps not an instrument of State, then at least a willing follower of State policies. However, the important burghers wanted to be free from Church interference, while the Church wanted to be free from State interference.

Most of the "regenten" believed that the State was above the Church. They certainly hadn't broken with the Roman hierarchy to be subjected to other Church dominance. But the **dominees** certainly hadn't broken with the Roman Church to be subjected to the State. The leaders of the Revolt against Spain had included people of several religious backgrounds, not just the Calvinists. The policies of the Calvinist **dominees** were also directed against this non-Calvinist ruling class and they did not hesitate to use their churches, and their vox populi, to preach against this

ruling aristocracy. Whether the **dominees** really represented the "people" or formed a "party" is a moot question.

Outside of this religious/political conflict stood the real humanists and libertarians, who hoped for a universal Church or who began to believe that scientific reasoning might offer better solutions to human problems.

The common people possibly saw in the Church a defence against the aristocratic commercial class which, compromising in questions of faith but tight-fisted in money matters, did not hesitate to exploit them. However, the Church should not be seen as a people's party, far from it. The ministers could be just as aristocratic in their attitudes as their commercial rivals, while sometimes the mob would turn against aristocratic merchants (as in Amsterdam) even if they were devout Calvinists.

The conflict was between the "regenten" from Holland (and the power of the Province of Holland in the Union) on the one hand, and the old nobility, the army, the Calvinist ministers, and the small craftsmen on the other, in an often confusing pattern of alliances. It was not a struggle between "democracy" and "aristocracy", but rather a conflict between two major factions in the Republic, neither of the two having a clear majority.

The situation worsened when in 1617 the States of Holland under the leadership of van Oldenbarnevelt accepted the "Scherpe Resolutie" which stated that Holland would not give permission for a national church Synod. Furthermore, all army personnel paid by Holland should only obey those who paid their salaries and should help in all conflicts and riots, regardless of other orders -- which was a direct attack upon Prince Maurits, the commander of the general army of the whole Republic. Also, cities would be allowed to have their own militias, which was unlawful because these soldiers would no longer be under control of the "Generaliteit", the general command of the Republican Army under Maurits.

Thus an inter-Church conflict had escalated into one between Church and State and then finally into a "constitutional crisis". The major question now was: which is sovereign, the States-General or the Provincial States' governments? The States-General took strong counter measures and ordered Maurits to restore law and order.

On July 31, Grotius got into a serious conflit with Prince Maurits in Utrecht and on August 29th, he and van Oldebarnevelt were arrested, together with Hoogerbeets and Ledenberg. This was not surprising. Grotius was completely identified with the political activities of van Oldenbarnevelt and he had strongly advocated the sovereignty of the Provincial Estates and their jurisdiction in the area of religion, including the right to curtail unrest as a result of religious agitation.

The court proceedings that followed were held in secret (Prince Maurits and his supporters claimed that treason and state secrets were involved). The judges were selected illegally and Grotius was tried before an ad hoc Court rather than before the Court of the Province of Holland, which more than likely, as he would have been among his peers, would have found him innocent. On May 12th, 1619, van Oldenbarnevelt was beheaded, while Grotius and Hoogerbeets received life sentences and lost all their property.

Grotius was imprisoned in the fortress Loevestein. There he wrote a religious text, similar to Bunyan's **Pilgrim's Progress,** which became very popular, as well as a work about old Dutch law, completely written from memory. Grotius' escape from Loevestein, in a chest supposed to contain books, has been popularized in Dutch history, and unfortunately the escape story seems to be more important to the average Dutchman than the books Grotius wrote. The interest in his works is minimal, except to the specialists.

The escape, and all the publicity that went with it, made compromise and a pardon for Grotius impossible and precluded a relatively quick return into the mainstream of Dutch society. Grotius went to France, this time as a refugee. But Richelieu turned against Grotius when he refused to serve France against Holland. The resulting problems were not only financial but also spiritual, because nobody wanted his services.

Grotius hoped that his mother country would recall him and waited fruitlessly in France for ten years. Here he wrote his **De Jure Belli Ac Pacis.** In 1630 the City of Delft returned his real estate holdings, and in 1631 Grotius thought that it would be possible to establish himself in Holland again. But instead of returning quietly, he made his arrival well known and got himself involved in disputes which angered his old enemies, and in 1632

he had to leave again. Two years later he did what he had refused to do before. As if he had been guilty, he asked the States General of the Republic if he could return. He got no answer.

After that he went to Sweden, became a Swedish citizen and in 1635 became Swedish ambassador to Paris. After ten year he was recalled and did not receive another diplomatic posting. Historians have argued differently about his role as ambassador. Mentioned are the difficulties he experienced. Some have argued that Grotius wasn't very suited for the position, but he stayed on in Paris longer than many another ambassador.

The political situation in Western Europe at the time was rather confusing. Sweden and France were involved in a complicated and uneasy alliance, and King Gustav Adolf of Sweden and Cardinal Richelieu of France did not trust each other. Grotius had the unenviable position of being too often the messenger of unwelcome tidings.

On his way to visit his wife, who was in Spa with a sick child, he died on August 28th, 1645 in the town of Rostock. His body was brought back to Delft, but the design of a large tomb by Rombout Verhulst had to be cancelled because of opposition. The Nieuwe Kerk contains a simple monument erected only in 1781 at the expense of his descendants.

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For his contemporaries, Grotius was much more than just a clever jurist and politician; he was a moralist, an advocate of religious idealism based on the past. But the mercantile environment of Holland was more interested in practical application. Nor did his ideas of the unification of mankind, religious and otherwise, fit in well with the sectarian conflicts that existed in the Dutch Republic at the time. He was admired for his great talents as a jurist, but also hated by many for his moral and religious views.

As said earlier, Grotius' works are not very well known in Holland, and perhaps that is not so surprising. His works on law are very scientific, while his religious works, which were important for his contemporaries, are of little interest today except to the academic specialist. Thus Grotius has remained important

primarily for his judicial works, and specially his works on the laws of the sea and cooperation between nations.

His **De Jure belli ac pacis** is admired, and it is understandable that at the time it was an important work that went through many translations. The same goes for his **De iure praedae,** which includes the often cited **Mare liberum.** The various speakers at this conference will deal in detail with their contents.

Let me conclude by saying that the distance between ideologies and reality has always been great. Politicians, now as then, supported in general, as Richelieu did, the concept of the "right of the strongest", and had little use for Grotius' idea that no attack should be made strictly arbitrarily or for a nation's own profit. The young Dutch Republic had found some use for Grotius as an apologist, counsellor, and peace-apostle for its capitalist trade policies, but Grotius was essentially an "outsider". His banishment from the Netherlands only exemplified this.

For the merchants of the young Republic, philosophical ideas were of little importance; they advocated free trade and economic freedom, except of course when those "principles" went against the monopolistic policies of such enterprises as the East or West India Companies. The following two centuries would see a constant struggle between the opposing viewpoints of real free trade and those of the monopolistic companies and the mercantilistic policies of such countries as England and France.

The other issue in the Republic in which Grotius got so unfortunately involved, centralization versus decentralization, continued to plague Holland and would not be settled until after 1815 with the establishment of the Kingdom of the Netherlands.

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