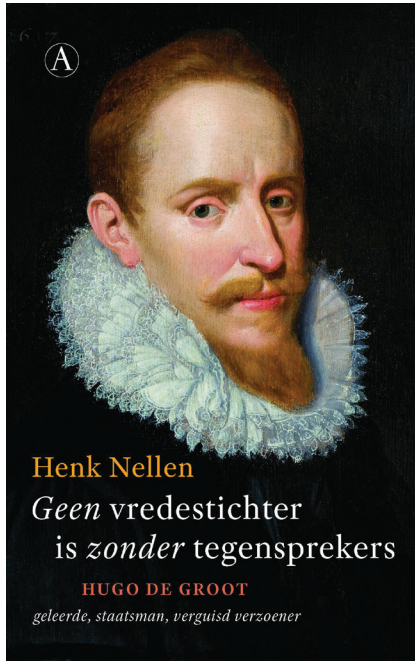


Review

Henk Nellen, *Geen vreedestichter is zonder tegensprekers. Hugo de Groot, geleerde, staatsman, verguisd verzoener*, Amsterdam, Athenaeum, 2021, 416 pp. ISBN 9789025310677.



Henk Nellen has spent nearly his entire working life studying Hugo Grotius (1583-1645), ‘founding father of international law’. For over two decades, Nellen served as an editor of the *Briefwisseling van Hugo de Groot* (1928-2001), the modern edition of Grotius’s correspondence, consisting of 7,500 letters in Latin, French, and Dutch. During that time, Nellen published countless journal articles and book chapters on Grotius, frequently discussing the interrelationship of early modern print and manuscript sources. Inevitably, he discovered a few more unknown treatises written by Grotius. Following the completion of the *Briefwisseling*, Nellen published a biography of Grotius in Dutch, which appeared in a splendid English translation in 2015.¹ In both cases, Nellen’s reconstructions of Grotius’s life and work are centred squarely on the *Briefwisseling*. His mastery of this material as well as many other primary sources is impressive indeed. It has allowed him to situate Grotius

in a European-wide web of scholars who worked together in ever-changing coalitions to address the burning issues of the day. Early modern scholars debated, concurred, and vehemently disagreed with each other in letters, manuscript treatises, and printed publications. Nellen convincingly shows that Grotius’s highest priority was to reduce religious division and strife among Christians, first in the Dutch Republic, then throughout Europe. Whether Grotius went about it in the best possible way is another question – one answered mostly in the negative by Nellen.

¹ Henk Nellen, *Hugo de Groot. Een leven in strijd om vrede, 1583-1645* (Amsterdam 2007); Henk Nellen, *Hugo Grotius. A Lifelong Struggle for Peace in Church and State, 1583-1645*, trans. J.C. Grayson (Leiden 2015).

There is little doubt that Grotius never sought to be a ‘founding father of international law’. Indeed, he only earned this sobriquet in the late nineteenth century, when the practitioners of modern international law found in him a patron saint. Unlike many Grotius experts in the twentieth-century Netherlands, Nellen does not look at his subject through rose-tinted glasses. His biographies of Grotius are deeply researched, adopt a balanced approach, and provide a much-needed breath of fresh air, certainly as compared to the cloying hagiographies produced in the past.

Should *Geen vredeestichter* be considered a boiled-down version of Nellen’s previous, eight-hundred-page biography of Grotius? It is certainly a lot shorter and thus easier to digest by its target audience: the general public in The Netherlands. It also contains a wealth of illustrations, mainly in black-and-white. However, it is no potboiler. Each of the nine chapters is carefully documented, with numerous endnotes referencing primary sources or the most up-to-date secondary literature. Nellen tells the story of Grotius’s life and work largely chronologically. Like the previous biography, *Geen vredeestichter* emphasises the latter half of Grotius’s life, which he spent in Paris. Yet it engages much more directly with Grotius’s political and administrative career, thus raising some uncomfortable questions.

While in his previous biography Nellen says little about Grotius’s active support for the Dutch East India Company (voc), he plays a different tune in *Geen vredeestichter*. This is not surprising, as the last fifteen years have seen a plethora of publications on Grotius’s justification of Western imperialism and colonialism. As Nellen notes, there is a direct connection with Grotius’s *Mare Liberum* (‘The Free Sea’, 1609) and his *De Jure Belli ac Pacis* (‘On the Law of War and Peace’, 1625), the two works most admired by international lawyers today. Grotius considered the voc’s monopoly contracts with indigenous rulers in the Spice Islands to be entirely legitimate. It was the flip side of his plea for freedom of trade and navigation. While you were free to sign a contract or not, you were bound by it once you did. If you failed to perform it, you became liable to punishment meted out by the voc in the form of a ‘just war’. Similarly, Grotius argued in *De Jure Belli ac Pacis* that the enslavement of human beings was a fact of life and in accordance with Roman and natural law. Though born free, human beings could alienate their freedom for a variety of reasons. For example, a victorious general was entitled to kill his enemies or, by enslaving them, to grant them life. Nellen claims that Grotius cannot be held responsible for the large-scale exploitation of slave labour in the early modern Americas, of which he knew little. Yet Nellen does acknowledge that European and American defenders of plantation slavery would cite *De Jure Belli ac Pacis* for centuries to come.

The bulk of *Geen vredeestichter* is concerned with Grotius’s unsuccessful attempts to foster religious peace and reconciliation in war-torn Europe. Nellen shows that the traumatic events of the Twelve Years’ Truce (1609–1621) shaped the jurist’s theory and practice. A heated dispute about predestination divided the Dutch Reformed Church. The result was a major political crisis, resolved by a coup d’état in August 1618 by Maurice of Nassau. It caused the downfall of Johan van Oldenbarnevelt, the Republic’s political leader, and the latter’s right-hand man, Grotius. At their instigation, the States of Holland had propagated toleration of Remonstrant opinions. Grotius had written tracts defending the States of Holland’s sovereign right (as he saw it) to wade into deep theological waters to maintain

public order. Erastianism remained the hallmark of his quest for religious peace and reconciliation in later years. As Nellen notes, Grotius had not exactly been an honest broker between the Remonstrant and Counter-Remonstrant camps in the Dutch Reformed Church. He became even more partisan after his escape from Loevestein Castle, publishing for example the *Verantwoordingh van de wettelijcke regeringh van Hollandt* ('Justification of the lawful government of Holland', 1622). Yet he was no longer a Remonstrant when he died in Rostock in August 1645. As Nellen shows, Grotius's ideal was the early Christian church, which allegedly tolerated divergent views on the nature of salvation and emphasised the need for Christians to lead a morally upstanding life. Grotius advocated a return to what he considered Christian unity in diversity, and was willing to even tolerate Socinians, a Polish sect that denied Christ's divinity.

The Swedish government was less than happy with Grotius's zeal for religious peace and reconciliation, which interfered with his duties as Swedish ambassador in Paris (1635-1645), an important and sensitive position in the context of the Thirty Years' War. For example, it made no sense for a representative of a Lutheran kingdom defending the Protestant cause in the Holy Roman Empire to confront and dismiss in *De Antichristo* (1640) such totemic Protestant truths as the pope in Rome being the Antichrist. As Nellen points out, the question should not be why the Swedish government decided to recall Grotius, but why it left him in post for so long. At the time of his death, the former ambassador was one of Europe's leading scholars, having published major works of theology, history, law, and neo-Latin literature, but also completely isolated because of his idiosyncratic religious position. It makes for an elegiac ending of an eventful, contrarian life, once again beautifully told by Nellen.

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