Grotius and the 'Grotian heritage' in international law and international relations; the quatercentenary and its aftermath (circa 1980-1990)

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1. Introduction; scope and purpose of this essay

In accordance with the general plan of the eleventh issue of *Grotiana* (New Series) this essay is intended to render an account of the present state of 'Grotian' studies with regard to those of Grotius' intellectual achievements which, according to modern notions about the divisions of science, belong to the disciplines of Public International Law and of International Relations. I will here try to offer the reader a survey as well as point to current developments in research.

To prevent a misunderstanding at the outset, I am not aiming here at providing a catalogue. That is to be found in the consolidated bibliography which constitutes the major part of this issue. What is offered here is rather a critical examination of 'Grotian studies' in the past decennium, with attention divided as I deemed fit, some publications being briefly mentioned or even being passed over, others being discussed at some length. A host of scholars has been spurred on by the 1983 celebration of the quatercentenary of Grotius' birth to deal with various aspects of his works. In the face of the overwhelming number of highly diverse publications a summing-up is called for to point out the central themes of research. In other words: the reader will find here also some reflections on the relation between the various branches of the so-called 'Grotian' studies. Indeed, when discussing Grotius as a theorist of international relations or as one of the founding fathers of international law one simply cannot ignore his roles as a politician, a theologian and an author on Dutch civil and constitutional law. The restriction to the disciplines mentioned in the heading of this essay will in consequence not have to be respected too scrupulously if I wish to do justice to the subject.

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1 It is perhaps useful to point out that the board of editors of *Grotiana* (New Series) as a general rule adopts the principle that there is no 'collective responsibility' for the content of articles published in *Grotiana*, even if written by one of the editors. Responsibility for the opinions expressed in this essay rests solely with the author.
Yet, with all deference to Grotius’ multiple accomplishments it is not an exaggeration to state that his name would not have been known beyond a restricted circle of specialists, legal historians, theologians and historians of neo-Latin literature, had it not been for his reputation as a classic author, perhaps even the one classic author, standing at the origin of Public International Law. The striking fact in the appreciation of Grotius at least since the middle of the nineteenth century is that he has become to the public at large first and foremost an ‘authority’ on international relations and in public international law. His other pursuits are in general taken into consideration as having a bearing upon what is considered his main achievement. Time and again, Grotius the theologian or Grotius the diplomatist is introduced in order to expatiate upon Grotius the author of Mare Liberum and De jure Belli ac Pacis. This poses a major problem in research. Are we to adopt this perspective and should we consequently subordinate for instance the evaluation of Grotius’ theological and historical works\(^2\) to the study of his position as an international lawyer and political theorist? I for one am of the opinion that we should do so and that this is indeed justified by Grotius’ career. As I read his intellectual pursuits it was the preoccupation with Dutch politics, of a necessity including a concern with the international position of the Dutch Republic, that led him inter alia to his theological studies\(^3\). Obviously, a caveat is here called for. I propose not to

\(^2\) It is hard not to observe a marked distinction between Grotius the expounder of Roman and Dutch private law and Grotius the internationalist. Even though there are some obvious bridges between the ‘Introduction to Dutch Jurisprudence’ and De jure Belli ac Pacis (see, below section III of this essay) a separate treatment of Grotius as a civilist imposes itself. Cf., R. Feenstra’s article in this issue.

\(^3\) To illustrate this let me refer to a significant omission in the otherwise highly informative introduction by E. Rabbie to De satisfactione. See, H. Grotius, Defensio Fidei Catholicae de satisfactione Christi adversus Faustum Socinum Senensem (Assen, 1990; ed. by E. Rabbie with an English translation by H. Mulder, Royal Netherlands Academy of Sciences Hugo Grotius Opera Theologica vol. 1). Rabbie, expatiating on the purpose of the book states (op.cit., p. 18)... ‘that those authorities who, following Gerard Brandt, consider De Satisfactione to be aimed at showing that the Arminians were no supporters of Socinianism, are right. (but) ... an important aspect, viz. Grotius’ attempt to ‘rehabilitate’ himself after Ordinum Pietas, tends to be overlooked.’

Rabbie in my opinion overlooks that in both these ‘theological’ works Grotius was very much more than just an amateur theologian connected with the Remonstrant faction within the Dutch Reformed Church. First and foremost the pensionary of Rotterdam was the semi-official spokesman of the increasingly shaky majority in the States of Holland. That was one of the major reasons for the wrath of the Contra-Rmonstrants against this ‘gloriosus iuvenis’ (op.cit., p. 50, Festus Hommius to Lubbertus). That as far as public relations are concerned De Satisfactione did not make any impression was due in part to an error of timing, but betrays also an error of political judgement, demonstrating that Grotius was out of touch with the politico/theological climate of opinion in the Republic itself as well as in Protestant Europe.