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Life and Work of Hugo Grotius and His Contribution to Modern International Law (1583-1645)

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*Hugo Grotius, a Dutch humanist and jurist, made a significant impression on seventeenth-century political thought and Enlightenment moral theories with his natural law philosophy.¹ He is widely acknowledged as the founding figure of modern international law due to his contributions to sovereignty, international trade rights, and just war principles, which continue to shape theories on the international legal system today.² Notably, his main work *De Jure Belli ac Pacis* (The Rights of War and Peace) is significant in this regard as well as *Mare Liberum*, a doctrine favouring freedom of the seas, which is seen as an antecedent, inspiration, and pillar of the contemporary law of the sea.^{3,4} Grotius drew significant influence from classical philosophy, particularly from prominent figures such as Aristotle and the Stoics, as well as from the humanist tradition of his time and late-*

¹ Jesse S Reeves, 'THE LIFE AND WORK OF HUGO GROTIUS' (1925) 19 Proceedings of the American Society of International Law at Its Annual Meeting 48–58 <<https://www.jstor.org/stable/25656685>> accessed 12 March 2024

² Pärtel Piirimäe, 'Men, Monsters and the History of Mankind in Vattel's Law of Nations' in Simone Zurbuchen (ed), *The Law of Nations and Natural Law 1625–1800* (Brill 2019) (<https://doi.org/10.1163/9789004384200_009> accessed 12 March 2024

³ Ignacio DE LA RASILLA, 'Looking Forward Through and Beyond the Western Classics of International Law' (2022) 13(1) Asian Journal of International Law 146–168 <<https://doi.org/10.1017/s2044251322000303>> accessed 12 March 2024

⁴ Pierre-marie Dupuy and Vincent Chetail, *The Roots of International Law / Les fondements du droit international* (Martinus Nijhoff 2013)

medieval Scholars.⁵ This drove Grotius to promote an ethnic vision that could bring together and reconcile the Christian Church based on civil religion and tolerance. During his day he was best known for his poetry and philosophy of religion but also his law and political work, however, he is remembered mostly for his impact on theories of social contract, natural rights, and laws of war.⁶

Keywords: *sovereignty, international trade, war principles, classical philosophy.*

INTRODUCTION

Hugo Grotius, whose Latinized name was Huig de Groot, was born in Delft in 1583, a commercial town, during that time Dutch Republic was in its second decade of war for independence from Hapsburg rule and already positioning itself as an overseas trading power.⁷ As a child, Hugo had many chances to develop his scholarly talents because he came from a family that influenced the city elite and connections with the newly established University of Leiden. His family introduced him to Greek and Latin from a young age exposed him to literature and raised him within the Reformed faith.⁸ His intellectual prowess was so remarkable that he began studying at Leiden University when he was eleven years old⁹. At the university, young de Groot became a favourite student of the renowned scholars of the time, discovering his talents in a wide range of subjects in the liberal arts and emerging sciences. His esteemed status as a talented young writer allowed him to avail numerous opportunities in the political sphere of that era¹⁰. His knowledge of humanities was greatly cherished, and this played a major role in his success. The most exceptional chance he encountered was while he was getting ready for life after completing his studies at the university¹¹.

⁵ Benjamin Straumann, *Roman Law in the State of Nature* (CUP 2015)

⁶ J.P. Heering, *Hugo Grotius as Apologist for the Christian Religion: A Study of His Work De veritate religionis christianae* (1640) (Brill 2004)

⁷ PG Stein, *The New Palgrave Dictionary of Economics* (Macmillan Publishers Ltd 2018) 5537–5538

⁸ Tobias Schaffner, 'The Eudaemonist Ethics of Hugo Grotius (1583–1645): Pre-Modern Moral Philosophy for the Twenty-First Century?' (2016) 7(3) *An International Journal of Legal and Political Thought* 478–522 <<https://doi.org/10.1080/20403313.2015.1085705>> accessed 12 March 2024

⁹ Sergy Dauchy et al., 'Legal Books in the Early Modern Western World' in Sergy Dauchy et al. (eds), *The Formation and Transmission of Western Legal Culture* (Springer, Cham 2016)

¹⁰ Antonius Gouvea, *Encyclopedia of Renaissance Philosophy* (Springer, Cham 2022)

¹¹ Martine J van Ittersum, 'The Working Methods of Hugo Grotius: Which Sources Did He Use and How Did He Use Them in His Early Writings on Natural Law Theory?' in Paul J. du Plessis and John W. Cairns (eds), *REASSESSING LEGAL HUMANISM AND ITS CLAIMS* (CUP 2016) 154–193

In 1598, an important figure in Dutch politics named Jan van Oldenbarnevelt invited Grotius to join his delegation to the French court. Even though their mission to gain military support from the king against Spain was unsuccessful, this opportunity allowed Grotius to become involved in high politics and gain recognition from the French court when Henry IV praised Grotius as ‘the miracle of Holland’.¹² Through his connections in France, Grotius was able to prolong his stay and receive a Doctor of Laws degree from the University of Orléans before returning to Holland the next year.¹³

EARLY LIFE AND CAREER

Grotius at The Hague: Balancing Law, Literature, and Scholarship: When Grotius started his career as a lawyer in The Hague, he used the opportunity to improve his speaking skills and also made time for his various academic interests. Some of his early writings were imitations of classical poetry and translations of important works on navigation and astronomy, which were particularly interesting to his friends involved in overseas trade. In 1601, he gained recognition as a poet with the publication of a tragedy called *Adamus Exul* (Adam in Exile), a work that would later inspire John Milton in his creation of *Paradise Lost*.¹⁴ Although Grotius valued these pursuits more than his everyday work as a lawyer, he always aimed to satisfy his patrons and clients. His most significant contributions to political thought emerged from his professional duties during this period.

Grotius’ Early Foray into International Law: Challenging the Seas’ Sovereignty: In 1604, Grotius became involved in a controversial issue regarding privateering in the Southeast Asian trade. The United Dutch East India Company was quickly gaining prominence in European overseas commerce, and Grotius, and his colleagues involved in the trade believed that the Company not only enriched the young republic but also weakened its adversaries by challenging Iberian dominance in the East Indian routes.¹⁵ However, the public and many allies

¹² John Baskett, ‘His majesty’s declaration of war against the king of Spain’ (Dutch Pamphlets Online 1739)

¹³ Tim McCormack, *Reflections on International Law: Studies in Honour of Lindy Melman* (Brill | Nijhoff, 2023)

¹⁴ Esther van Raamsdonk, ‘Creation in John Milton’s *Paradise Lost* (1667) and Joost van de Vondel’s *Adam in Ballingschap* (1664) [Adam in Exile]’ (2017) 51(2) *Milton Quarterly* 97–110 <<https://doi.org/10.1111/milt.12209>> accessed 12 March 2024

¹⁵ Peter Borschberg, ‘Hugo Grotius, East India Trade and the King of Johor’ (1999) 30(2) *Journal of Southeast Asian Studies* 225–248 <<https://doi.org/10.1017/s002246340001300x>> accessed 12 March 2024

were not supportive of acts of piracy committed by a private entity.¹⁶ When a friend with connections to the Company asked Grotius to write a brief justifying a recent and highly profitable seizure of Spanish cargo, Grotius not only defended the seizure passionately but also delved into the fundamental principles of law that connect people across nations and cultures. The manuscript, that resulted from Grotius, titled *De Indis* (On the Indies), was never fully published during his lifetime. It was finally released in 1868 as a *Commentary on the Laws of Prize and Booty*.¹⁷ This was Grotius' first comprehensive work on international affairs and was highly philosophical. In the manuscript, Grotius developed several arguments, such as the idea that there is a fundamental law of nature that balances self-preservation and social life.¹⁸ Grotius also argued that the authority to govern and punish comes from the rights of individuals that existed before the establishment of civil societies. Additionally, Grotius contended that claims of jurisdiction over the open seas are not valid. These ideas laid the foundation for his later works.¹⁹

Hugo Grotius: Pioneering the Principles of Free Navigation and International Law: The last of these arguments would appear in a printed anonymous pamphlet in 1609, called '*Mere Liberum*' (The Free Seas) which was derived from the text of *De Indis*.²⁰ This pamphlet further supported the desires of the Dutch political and commercial establishment who insisted on having the right to access overseas routes in their ongoing negotiations for a truce with the Spanish.²¹ The pamphlet argued that not only were the Spanish claims to a trading monopoly in Southeast Asia and other regions unsupported by facts, as they were either granted by the Papal authority or obtained through conquest, but it also claimed that there was no basis for any monopoly on access to the seas. The concept of private property is closely tied to the idea of unrestricted access to the seas. To own something privately, one must be able to possess it, separate it from the common resources, and fully utilize it. However, the sea cannot be possessed or exhausted by a

¹⁶ Jelena Bäumlér et al., *European Yearbook of International Economic Law 2022* (Springer 2023)

¹⁷ Jeppe von Platz, 'BSOLUTE FREEDOM OF CONTRACT: GROTIAN LESSONS FOR LIBERTARIANS' (2013) 25(1) *Critical Review* 107-119 <<https://doi.org/10.1080/08913811.2013.823766>> accessed 12 March 2024

¹⁸ Fruin, *Unpublished work of Hugo Grotius / First ed. of Grotius' De jure belli ac pacis / Liste bibliogr.* (Brill 1925)

¹⁹ Mark Somos, 'Open and Closed Seas: The Grotius-Selden Dialogue at the Heart of Liberal Imperialism' in Edward Cavanagh (ed), *Empire and Legal Thought* (Brill 2020) 322-361

²⁰ Mr Graham Darby, *The Origins and Development of the Dutch Revolt* (1st edn, Routledge 2001)

²¹ Eric Wilson, 'Introduction on Heterogeneity and the Origin(s) of *De Indis* of Hugo Grotius' in Eric Wilson (ed), *Savage Republic: De Indis of Hugo Grotius, Republicanism and Dutch Hegemony within the Early Modern World-System (c. 1600-1619)* (Brill 2008)

few individuals, as it is too vast and abundant. Therefore, no one can claim exclusive ownership of the sea, and it remains accessible to everyone. This issue was highly significant in European relations during a time of intense rivalry between emerging overseas empires and Grotius' work played a crucial role in shaping the ensuing debate on this matter. During the early years of his legal career, he wrote several manuscripts on international relations that played a significant role in his later work on the subject, even though most of them were not published. One of these manuscripts was the *Parellelon Rerumpublicarum*, which he wrote between 1601 and 1602. It delved into the concept of 'good faith' in dealing with other nations by drawing flattering comparisons between the customs of the Greek, Roman, and Dutch people.²² Another manuscript, known as the *Commentary on Eleven Theses* and written around 1602-08, helped Grotius develop his understanding of a state's ruling power, or sovereignty, and its relationship to the principles of just war.²³

Grotius: The Scholar-Statesman's Rise and Literary Endeavours: After proving his skills to those in power, Grotius' reputation continued to grow. In 1607 Prince Maurits of Orange who held positions, in the United Provinces appointed Grotius to serve as attorney general for the provinces of Holland, Zeeland, and West Friesland. It was during this time that he got engaged to Maria van Reigersberch, a woman from a respected family, in Zeeland. Maria's support and courage were vital in Grotius's life as the couple encountered obstacles in their life together.²⁴ They tied the knot in 1608, and soon after, Maria gave birth to their first child among their seven children. Grotius shifted his career from law to serving the public, and he started publishing various written works. In 1608, he published his second well-known tragedy, *The Passion of Christ*, followed by the anonymous *Mare Liberum* in 1609. In 1610, he published a political history of the old Dutch Republic titled *De Antiquitate Reipublicae Batavae*.²⁵ This historical account became important in supporting the argument that Holland had maintained its republican form of government despite the claims of the Hapsburgs. The governing States of

²² Stephen C. Neff, 'On good faith between enemies' in Stephen C. Neff (ed), *Hugo Grotius on the Law of War and Peace* (CUP 2012) 418-428

²³ Stephen C. Neff, 'On just causes for war waged by those who are under the rule of another' in Stephen C. Neff (ed), *Hugo Grotius on the Law of War and Peace* (CUP 2012) 319-322

²⁴ W.S.M. Knight, *Hugo Grotius: His Family and Ancestry* (1920) 6 *Transactions of the Grotius Society* 1-24

²⁵ 'I. De Antiquitate Reipublicae Batavae caput I.' (1984) 5(1) *Grotiana* 122-135

<<https://doi.org/10.1163/187607584x00077>> accessed 12 March 2024

Holland assigned Grotius the task of writing a detailed history of the conflict with Spain, which he completed in 1612. However, due to a fragile truce, the States decided not to publicize the work, and it remained unpublished until Grotius's sons released it after his death in 1657, titled *Annales et Historiae de Rebus Belgicus*.²⁶ Grotius was presented with a chance for a higher political position in 1612 when the town council of Rotterdam offered him the role of Mayor. This title not only granted him a seat in the States of Holland but also allowed him to work more closely with his mentor, Oldenbarnevelt, as well as important figures in both provincial and national politics.²⁷

Grotius' Advocacy for Religious Autonomy and Peace Amidst Doctrinal Turmoil: Grotius' time in office was marked by a political controversy that began with the ideas of Jacob Arminius, a theology professor at the University of Leiden, who presented a doctrine that challenged the existing Calvinist beliefs about predestination.²⁸ The Calvinist church officials strongly opposed this view, even after Arminius died in 1609. The conflict escalated and turned into a dispute between the church establishment and the civil authorities over who had the authority to decide on doctrinal matters. Grotius, like many in the government of Holland, sympathized with the Arminian view but prioritized maintaining peace above all else.²⁹ During this period, Grotius was working on a manuscript that argued all faiths share a common set of core doctrines, which could promote tolerance towards theological disagreements. This aligns with Grotius' preferred political stance, and although he never published the *Meletius* manuscript, he wrote several works on the state's role in managing religious conflicts. The pamphlet called '*Ordinum Hollandiae et Westfrisiae pietas*' was written in 1613 and defended the governments of Holland and West Friesland for allowing Arminians to preach their dissenting views.³⁰ Grotius, the author, had designed this policy, but it failed to ease tensions and instead heightened the conflict

²⁶ Jan Waszink, 'New documents on the prohibition of Grotius' *Annales et Historiae* by the Roman Index' 24–25(1) *Grotia* 77–137 <<https://doi.org/10.1163/18760759-90000006>> accessed 12 March 2024

²⁷ John R.D. Celcock, 'Does the Mayor Have to Listen When the Principal Calls Him to the Office? Young Mayors in America' in John R.D. Celcock (ed), *The Next Generation: Young Elected Officials and Their Impact on American Politics* (Bloomsbury Academic 2011)

²⁸ J. V. Fesko, 'Jacob Arminius' in J.V. Fesko (ed), *The Covenant of Works: The Origins, Development, and Reception of the Doctrine Get access Arrow* (Oxford Academic 2020)

²⁹ Erik De Bom et al., *Early Modern Sovereignties Theory and Practice of a Burgeoning Concept in the Netherlands* (vol 47, Brill 2020)

³⁰ Edwin Rabbie, 'Appendix XII Decretum illustrium acpotentum Ordinum Hollandiae et Westfrisiae pro pace ecclesiarum' in Edwin Rabbie (ed), *Hugo Grotius, Ordinum Hollandiae ac Westfrisiae pietas (1613)* (Brill 1995) 629-630

between civil and religious authorities. Grotius was convinced that the regulation of religion was the responsibility of civil authorities, so he decided to justify his beliefs in a longer treatise called '*De Imperio Summarum Potestatum circa Sacra*'.³¹ In this treatise, Grotius argued that there should only be one final authority within a state to decide how religion should be practiced preventing conflicts of rights. He believed that this authority should fall under civil power because it is responsible for maintaining peace and shaping responsible citizens.³² Grotius also advised civil magistrates to limit their judgments to the fundamental doctrines outlined in his previous work, *Meletius*. During the years 1614-1617 as the political conflict continued to intensify Grotius dedicated himself to refining the manuscript of *De Imperio*.³³ However, it was never released for publication.³⁴ Throughout this period his inclination, with Arminian theology grew stronger. In 1617 Grotius decided to address accusations of heresy by publishing a theological work titled *Defensio Fidei Catholicae de Satisfactione Christi adversus Faustum Socinum*.^{35&36}

SURROUNDED BY CONTROVERSIES

The Political Strife and Imprisonment of Grotius: A Clash of Ideals and Power: As the controversy around Grotius intensified, it started to dominate national politics. The majority of orthodox Calvinists, supported by Prince Maurits, demanded a national synod to resolve the issue.³⁷ This created a stalemate between Maurits, who held national power and commanded the armed forces, and Oldenbarnevelt, the influential leader in the state assembly. Oldenbarnevelt, along with Holland's elite, including Grotius, opposed the synod and preferred

³¹ Harm-Jan van Dam, 'X. The Genesis of Grotius' "*De Imperio Summarum Potestatum circa Sacra*" and the manuscripts' (1995) 81(1) *Zeitschrift Der Savigny-Stiftung Für Rechtsgeschichte: Kanonistische Abteilung* 279–317 <<https://doi.org/10.7767/zrgka.1995.81.1.279>> accessed 13 March 2024

³² Harm-Jan van Dam, *Hugo Grotius, De imperio summarum potestatum circa sacra* (vol 2, Brill 2001)

³³ Edwin Rabbie, 'Some Remarks concerning the Textual History of Hugo Grotius' *De Satisfactione*' (1986) 7(1) *Grotiana* 99–111 <<https://doi.org/10.1163/187607586x00075>> accessed 13 March 2024

³⁴ Mónica García-Salmones Rovira, 'The Impasse of Human Rights: a Note on Human Rights, Natural Rights and Continuities in International Law' (2019) 21(4) *Journal of the History of International Law / Revue D'histoire Du Droit International* 518–562 <<https://doi.org/10.1163/15718050-12340120>> accessed 13 March 2024

³⁵ Peter Haggemacher, *Grotius et la doctrine de la guerre juste* (Graduate Institute Publications 2014)

³⁶ John C. Godbey, 'Defensio fidei catholicae de satisfactione Christi adversus Faustum Socinum Senensem' (1995) 16–17(1) *Grotiana* 123–124 <<https://doi.org/10.1163/016738312x13397477909749>> accessed 13 March 2024

³⁷ Nicholas Tyacke, 'The British delegation to the Synod of Dort' in Nicholas Tyacke (ed), *Anti-Calvinists: The Rise of English Arminianism c.1590-1640* (OUP 1990)

to handle the dispute at the provincial level. This policy led to a decision to allow local militias to put down the riots that erupted in 1617. Maurits denounced the act as a violation of his military authority and used the opportunity to gain an advantage over his political opponents. After a long campaign to remove the Arminian supporters from power, Maurits ordered the arrest of Oldenbarnevelt and his key allies in August 1618. Grotius, along with his mentor, was imprisoned and prepared for trial. The famous Synod of Dort was planned to take place.³⁸

Despite being furious about the military takeover of Holland's governing institutions, Grotius calmly pleaded with Maurits and the national States-General, but his efforts were in vain. The trials began the next year and Grotius watched as his mentor was found guilty of treason and sentenced to death. On May 18, 1619, Grotius received his sentence his property was confiscated, and he was sentenced to life imprisonment.

From Loevestein's Cell to Parisian Liberty: Grotius' Journey of Mind and Escape: Although Grotius was determined to clear his name and remove the shame of the charges from himself and his family, he found himself imprisoned in Loevestein castle at the age of thirty-six. However, he took comfort in the fact that his family could stay with him and that his wife, Maria, would bring him books and papers during her visits. Despite his confinement, Grotius managed to use his time productively. He revived several unfinished projects in Loevestein, including a comprehensive treatise on the common elements found in all religions, in which he argued that the doctrines of Christianity could be recognized as the most logical and elevated expression of the shared faith through reason.³⁹ Originally written in Dutch, this work later became the renowned *'De Veritate Religionis Christianae'*⁴⁰ (The Truth of the Christian Religion). Additionally,

³⁸ Jay T. Collier, 'Dilemmas at the Synod of Dort: The Conciliatory British Delegation' in Jay T. Collier (ed), *Debating Perseverance: The Augustinian Heritage in Post-Reformation England* (OUP 2018)

³⁹ Martine J. van Ittersum, 'The Working Methods of Hugo Grotius: Which Sources Did He Use and How Did He Use Them in His Early Writings on Natural Law Theory?', *Reassessing Legal Humanism and Its Claims* (OUP 2015) 154-193

⁴⁰ J.P. Heering, 'Hugo Grotius as Apologist for the Christian Religion: A Study of His Work *De veritate religionis christianae* (1640)' in Robert Bast (ed), *Studies in the History of Christian Traditions* (Brill 2004)

Grotius, known for his contributions to law and legal history, conceived the idea of writing a rigorous guidebook on the jurisprudence of Holland in the Dutch language.⁴¹

The later publication of *'Inleidinge to the Hollandsche Rechts-geleerdheid'* in 1631 gave Grotius' book a similar status in Dutch law as Blackstone's *Commentaries* in the English system. Grotius believed he could provide a systematic understanding of international relations, just like how Blackstone organized legal concepts, principles, and precedents. While confined in his cell, he worked on *'De Jure Belli ac Pacis'*, a comprehensive treatise on war and peace.⁴² However, Grotius was not only focused on his writing but also on escaping his imprisonment at Loevestein. He was aware of the support he had from the court of Louis XIII in France and hoped to reestablish himself in Paris. Maria and their young maid-servant, Elsje van Houwening, devised a plan for their escape. On the 22nd of March, 1621 Maria made arrangements, for a chest filled with books to be transported to the nearby town of Gorcum. Afterward, she helped her husband squeeze into the cramped chest and witnessed Elsje accompanying the guards who unknowingly handed their prisoner over to Grotius's acquaintances. A month later, Grotius found himself in Paris, separated from his loved ones. Finally, he could enjoy his freedom.

Grotius' Magnum Opus: Crafting the Laws of War and Peace: During his period of exile, Grotius devoted his time to writing and publishing several of his famous works. With the support of Louis XIII and the happy reunion, with his family, he diligently focused on manuscripts that he believed would contribute to restoring his influence. A significant publication from this period was the *Apologeticus*, which was published in 1622. This work directly addressed his actions as a public servant in Holland and provided a comprehensive defence of his conduct. Despite his impassioned pleas for loyalty and the efforts made by his friends, the States-General rejected his arguments and authorized a reward for his capture.⁴³

⁴¹ GRAHAM HOLLAND and IAN HOLLAND, 'Difficult Decisions About Ordinary Things: Being Ecologically Responsible About Timber Framing' (1995) 2(3) Australasian Journal of Environmental Management 157-172 <<https://doi.org/10.1080/14486563.1995.10648326>> accessed 13 March 2024

⁴² Felix Waldmann, 'Giambattista Vico, Eugene of Savoy and Hugo Grotius's De jure belli ac pacis, 1719' (2021) 84(1) Journal of the Warburg and Courtauld Institutes 243-284 <<https://doi.org/10.1086/jwci84010243>> accessed 13 March 2024

⁴³ Peter Pavel Remec, *The Position of the Individual in International Law according to Grotius and Vattel* (Springer Science+Business Media Dordrecht 1960)

He then shifted his focus to his scholarly projects initiated in Loevestein.⁴⁴ The extensive treatise on the universal law of nature and nations, consisting of three substantial books, originated from his contemplations on the subject that began twenty years earlier⁴⁵. The first book of the treatise provided a comprehensive account of natural justice, which was central to his earlier arguments about the trade in Southeast Asia and established a broad framework for assessing 'controversies of any kind, regardless of their nature'. These controversies could be among politically independent entities, private parties, or opposing factions within a state. The second book, which was quite long, laid the foundation for understanding one's personal rights, property rights, and sovereignty.⁴⁶ These were topics that the Grotius had already discussed in his previous works, '*Mare Liberum*' and his unpublished commentaries. In this book, he also examined in detail how these rights could be gained, transferred, lost, and protected through the use of war.

In the third book, Grotius goes on to draw a strong line between traditional customs of warfare and the ethical duties of a more compassionate mind.⁴⁷ The book examines the responsibilities that should be borne by all parties during the war concerning those affected or injured and how important it is to act in good faith when seeking peace. Many of the arguments in Grotius' work were based on his experiences as a lawyer and government official. However, in the introduction to the book, he claims that he takes a more objective and abstract viewpoint, similar to that of a mathematician, and does not focus on specific events or controversies of his time.⁴⁸ When the first edition of his book, *De Jure Belli ac Pacis*, was published in 1625, numerous conflicts were happening that could be analysed using his ideas on war and peace.⁴⁹ These conflicts included

⁴⁴ 'An Unbuilt Temple in Honour of Hugo Grotius at Loevestein' (1998) 19(1) *Grotiana* 76–81 <<https://doi.org/10.1163/187607598x00036>> accessed 13 March 2024

⁴⁵ T. J. Hochstrasser and P. Schröder, *Early Modern Natural Law Theories Context and Strategies in the Early Enlightenment* (Springer Dordrecht 2003)

⁴⁶ Duncan Kelly, *The Propriety of Liberty Persons, Passions, and Judgement in Modern Political Thought* (Princeton University Press 2011)

⁴⁷ *Ibid*

⁴⁸ Olimpia Niglio and Eric Yong Joong Lee, *Transcultural Diplomacy and International Law in Heritage Conservation* (Springer Nature 2021)

⁴⁹ Ingrid Kost, 'Bibliography' (2013) 34(1) *Grotiana* 163–171 <<https://doi.org/10.1163/18760759-03400006>> accessed 13 March 2024

overseas conquests and disputes, as well as the ongoing religious conflicts in Europe, which eventually led to the devastating Thirty Years War.

Grotius' Exile and Service: From Dutch Scholar to Swedish Diplomat: While in France, Grotius continued to write and meet with scholars. In 1627, he released a Latin version of his book, *The Truth of Christian Religion*, which became extremely popular and was translated into many languages.⁵⁰ Even though he could not rely on his pension from King Louis, Grotius turned down tempting offers to work as a diplomat for other countries. Instead, he focused on repairing his reputation in the Netherlands. When Prince Maurits passed away, Grotius returned to Holland in 1631 with the hope of gaining the favour of the new Prince of Orange, Frederick Henry. However, he was issued an arrest warrant by the States-General, which forced him to flee to Hamburg for safety.⁵¹ Grotius and his wife spent more than two years in the city without many promising prospects. In 1635, he focused on writing his third major tragedy called *Sophompaneas* (Joseph). During this time, his work on the laws of war presented him with an opportunity. In 1634, he received a request to meet with the Swedish High Chancellor, Oxenstierna, who informed him that the late King Gustavus Adolphus had admired his work on *De Jure Belli* and expressed a desire to have Grotius serve Sweden. Sweden, a powerful nation and a supporter of the Protestant cause in the ongoing war in Europe, asked Grotius to provide advice to the young queen and serve as her ambassador to France, a key power. However, to take the position, Grotius had to give up his Dutch citizenship and pledge his loyalty to Sweden. Despite his enduring desire to return home, he accepted the offer and the de Groot family relocated to Paris once again.⁵²

How Grotius Tried to Reconcile France and Protestantism: Grotius serving as an ambassador faced the task of negotiating with the French to gain their support, for the alliance. This task was not easy due to the balancing act the crown led by Cardinal Richelieu had to perform between

⁵⁰ David Hartley, 'Of the Truth of the Christian Religion' in David Hartley (ed), *Observations on Man His Frame, his Duty, and his Expectations* (vol 2, CUP 2014)

⁵¹ Nadine Akkerman, *The Correspondence of Elizabeth Stuart, Queen of Bohemia* (vol 2, OUP 2011) 1632–1642

⁵² Jan Bloemendal, 'Hugo Grotius (1583-1645): Jurist, Philologist, and Theologian. a Christian Humanist, His Works, and His Correspondence' (1995) 82(3) *Nederlands Archief Voor Kerkgeschiedenis / Dutch Review of Church History* 342–349 <<https://doi.org/10.1163/187124095x00148>> accessed 13 March 2024

opposing Hapsburg power and upholding Catholicism.⁵³ As France became more involved, in the conflict a significant part of Grotius's duties revolved around contributing to the war effort.⁵⁴ However, amidst these responsibilities Grotius also dedicated his endeavours during the 1630s and 40s to pursue a longstanding objective, fostering peace and reconciliation within the Christian community. In 1638, he initiated the creation of a scriptural commentary to refute Protestant claims about the Pope being the Antichrist.⁵⁵ During that same year, he covertly released an anonymous treatise through an Amsterdam press, advocating for the participation of common people in the administration of the Eucharist. Subsequently, he published two comprehensive sets of annotations, one on the New Testament and the other on the Old Testament, stressing the ethical significance of the scriptures rather than dwelling on divisive theological issues.

Expanding on the concept of shared fundamental doctrines explored in his previous writings, he openly advocated for a unified faith in a printed appeal titled *Via ad Pacem Ecclesiasticam* (The Way to Church Peace) in Paris in 1642⁵⁷. Grotius had optimistic expectations for his vision during that time, but he was disappointed when his arguments were overshadowed by the same ongoing sectarian hostility.

END OF GROTIUS ERA

After turning sixty Grotius felt a sense of relief when he was called back, to the Swedish court in 1645. The Queen proposed that his family move to Sweden and he decided to apply for a passport so that he could be reunited with Maria and explore possibilities in another place.⁵⁸ In

⁵³ Anthony Carty, 'Cardinal Richelieu between Vattel and Machiavelli' in Anthony Carty and Janne Nijman (eds), *Morality and Responsibility of Rulers: European and Chinese Origins of a Rule of Law as Justice for World Order* (Oxford Academic 2018) 149-166

⁵⁴ Erik Thomson, 'France's Grotian moment? Hugo Grotius and Cardinal Richelieu's commercial statecraft' (2007) 21(4) *French History* 377-394 <<https://doi.org/10.1093/fh/crm053>> accessed 13 March 2024

⁵⁵ Theodor Meron, 'Common Rights of Mankind in Gentili, Grotius and Suárez' in Emily McGill (ed), *Grotius and Law* (1st edn, Routledge 2014)

⁵⁶ Jan De Bruijn et al., 'Grotius' Views on Antichrist and Apocalyptic Thought in England' in Johannes van den Berg (ed), *Religious Currents and Cross-Currents: Essays on Early Modern Protestantism and the Protestant Enlightenment* (vol 95, Brill 1999)

⁵⁷ Rens Steenhard, 'Grotius Collection Online: Printed Works' (*Peace Palace Library*, 04 May 2020) <<https://doi.org/10.1163/9789004359710-hgco-grc-001>> accessed 13 March 2024

⁵⁸ Martin Wight, *Grotius and Law* (1st edn, Routledge 2014)

August 1645, he embarked on a journey, during which a powerful storm caused damage, to the ship and resulted in it being washed ashore on the German coast.⁵⁹ This experience had an impact, on his health and physical appearance. With assistance from servants, he finally reached the town of Rostock, where he secured lodging at a hospice. Regrettably, his condition worsened. He passed away on August 28th, 1645. Arrangements were made to transport his body to Delft, his place of birth. He was posthumously honored by being buried in the Nieuwe Kerk alongside distinguished figures of the republic. Maria resettled to Holland, and their sons took up the task of preparing updated editions and previously unpublished manuscripts from Grotius' writings for publication.⁶⁰ Many philosophers who followed Grotius were influenced by his work *De Jure Belli ac Pacis* as they adopted its principles of natural jurisprudence as a basis for the modern science of law and ethics. Grotius' book was very beneficial to those studying international law, including Pufendorf, Barbeyrac, Thomasius, and Vattel. In turn, it informed new ideas on natural rights and the social contract in the political debates between Hobbes, Locke, Jefferson, and Madison in Anglo-American society⁶¹.

For example, during the period of the Scottish Enlightenment critics such as Carmichael, Hutcheson, Hume, and Smith had to read this moral theory. However, in the 19th century, European thought began to be dominated by positivism and idealism hence Grotius's relevance waned in moral and political theory. Nonetheless in the context of emerging conceptions of international legal order, his work resurfaced towards the end of this century too.⁶² As such one can say that Grotius's work is best known today among scholars of international relations and law alone though there has been an upsurge of new works on his contributions to political thought, ethics, and philosophy of religion especially in the past few decades.⁶³

⁵⁹ Steenhard (n 57)

⁶⁰ Fruin, *Unpublished work of Hugo Grotius / First ed. of Grotius' De jure belli ac pacis / Liste bibliogr.* (Brill 1925)

⁶¹ G.A. Van Der Wal and B.P. Vermeulen, 'Grotius, Aquinas and Hobbes Grotian natural law between lex aeterna and natural rights' (1995) 16–17(1) *Grotiana* 55–83 <<https://doi.org/10.1163/016738312x13397477909587>> accessed 12 March 2024

⁶² Stephen Darwall, 'Grotius' in Stephen Darwall (ed), *Modern Moral Philosophy* (CUP 2023) 15–38

⁶³ Steven Forde, 'Hugo Grotius on Ethics and War' (1998) 92(3) *American Political Science Review* 639–648 <<https://doi.org/10.2307/2585486>> accessed 12 March 2024