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Grotius, Hugo



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Synonyms

[Hugo de Groot](#)

Related Topics

Natural law; Samuel von Pufendorf

Introduction

A preeminent early modern humanist, Hugo Grotius (1583–1645) managed to combine a high-profile international career in politics with acclaimed scholarly achievements across numerous fields – including in ethics, law, theology, history, and philology. Today, Grotius is best known for his contributions to international law and the ethics of war.

Grotius's Works and Significance

A leading statesman in the newly independent Dutch Republic, Grotius was imprisoned for

treason when his Arminian faction lost out to the Calvinists in 1618. After a spectacular prison-break, he spent the remainder of his life in Paris working as a top-diplomat for the French and Swedish crown (Nellen 2014).

Grotius's first contribution to international law is his juvenile *Mare liberum* (1609) – the ninth chapter of an otherwise unpublished treatise on the law of prize and booty. In that text, he pleaded for the freedom of trade and navigation on behalf of his employer, the imperialist Dutch East India Company. Philosophically more interesting is *De jure belli ac pacis* (1625). That hugely influential work outlines four distinct sets of norms governing the permissible use of armed force: justice, natural morality, divine positive law, and international customary law (Olsthoorn 2018). These norms were differentiated by means of a realist meta-ethics: some actions are intrinsically illicit or obligatory, others made so by human or divine command. Grotius's meta-ethical novelties, including a naturalistic conception of moral obligation, were generally dismissed by his successors in the Protestant natural law tradition. His concomitant conceptual innovations, by contrast, found considerable uptake with them, especially the distinction between “perfect” and “imperfect” rights. It was mainly through Grotius, moreover, that ideas of Spanish scholastic moral theologians filtered through into Protestant natural law ethics; he cited them partly for strategic reasons.

A trained jurist, Grotius was also important for incorporating into ethical theory Roman private law concepts and classifications, as reinterpreted in his influential textbook *Introduction to the Jurisprudence of Holland* (1631). Private law concepts figured prominently in his nominally anti-Socinian *De satisfactione Christi* (1617), which dealt with divine punishment, atonement, and debt. His just war theory drew liberally on ideas inspired by Roman law. Particularly noteworthy is his expansionary conception of property, as including both rights against persons and rights in things (including in one's life and liberty). A major aim of *De jure belli ac pacis* was to outline just causes for defensive, restorative, and punitive war in the absence of political jurisdiction. Whatever warrants individual judicial action within a state, Grotius contended, constitutes a just cause for war beyond it. The sole ground for judicial action is a violation of property rights (widely understood). Individuals can thus be permitted to engage in defensive and offensive warfare without prior political authorization. The Dutch humanist was thus partly responsible for the increasing salience of individual rights in modern moral philosophy.

A versatile thinker, Grotius wrote on many other subjects besides international law and ethics. Indeed, his life-time project, pursued in part through diplomacy, hubristically aimed to reunify the Christian church. His theological interventions, based on extensive studies of early church history and unconventional scriptural exegeses, aspired to find doctrinal compromise,

acceptable to Roman Catholics and Protestants of all denominations alike. Unsurprisingly, his interventions primarily produced fiery accusations of Papism and Socinianism. Grotius's most important theological works are *De satisfactione*, *De veritate religionis Christianae* (1627), and his multivolume annotations on the old and new testament. Also significant is his defense of state supremacy over religious and ecclesiastical affairs along Erastian lines in *De imperio summarum potestatum* (1647). His most sophisticated discussion of the nature of sovereignty and the limits of civil obedience is not found in that text, however, but in *De jure belli ac pacis*. Modern readers have not always appreciated the originality of Grotius's thought, perhaps misled by his exasperating humanist tendency to show off his erudition through copious citation of all and sundry.

Cross-References

- ▶ [Natural Law](#)
- ▶ [Pufendorf, Samuel Von](#)

References

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- Olsthoorn J (2018) Grotius and the early modern tradition. In: May L (ed) Cambridge handbook of the just war. Cambridge University Press, Cambridge, pp 33–56