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Hugo Grotius: Rewriting the Narrative of the Fall

The authority of those books which men inspired by God, either writ or approved of, I often use.[1]

Ruling class lawyer, Renaissance man, intimate of the Dutch East India Company (VOC), prison escapee, exile from his Dutch homeland, Swedish ambassador, and articulate advocate of liberal theology (with its focus on free will of the individual), Hugo de Groot (Latinized as Grotius) was an early ideologue of the hard-headed capitalism of the Dutch commercial empire.[2] Above all, we are interested in the way Grotius inaugurates a tradition in which the biblical account of the Fall is reread and rewritten in order to justify

1. Hugo Grotius, *The Rights of War and Peace*, ed. Richard Tuck, trans. John Clarke, 3 vols. (Indianapolis: Liberty Fund, 2005 [1625]), I. Prol. 49.
2. For a comprehensive biography of Grotius, see Henk Nellen, *Hugo de Groot. Een leven in strijd om de vrede, 1583-1645* (Amsterdam: Balans, 2007).

the increasingly clear contours of capitalism. In the process of his revision, Grotius constructs an alternative myth, one that John Locke, Thomas Malthus, and Adam Smith in turn reshaped for largely the same reason. Why the Fall? Grotius, and those who came after him, believed the Fall held the key to understanding human nature. Since God had created human beings, it would be remiss not to consider the nature of those first creatures, Adam and (occasionally) Eve. For these reasons, human nature, the Fall, a new myth, and the newly emerging reality of capitalism are the four nodal points of our analysis. The following discussion begins with the questions of human nature and the Fall through the lens of Grotius's Arminian theology, a theology that would also influence the thought of Locke. In light of that theology, Grotius reads the Fall as less of a catastrophe. Through the work of the Holy Spirit (prevenient grace), human beings become free-willing agents able to choose between good and evil, even to accept or resist God's call of grace. This analysis leads to our main concern—Grotius's effort to construct an alternative myth that bounces off and reshapes the Fall narrative in order to provide an account of the origins of private property, law, commerce, the state, and those zones (such as the sea) that fall outside the claims of such property. From here, we deal with a couple of implications of this myth: an early articulation of the free individual with rights (plural) as private property; the contradictions inherent in the liberalism that Grotius sets under way, particularly in terms of the universal of exclusion whereby freedom for "all" restricts what counts as "all." We close by dealing with the question of class, for both the Arminian theology and the economic and ideological doctrines advocated by Grotius served the interests of the ruling class (of which he was a member in the United Provinces). Class will also emerge as a consistent feature of the economic thought we analyze in the

following chapters, since the thinkers examined speak on behalf of ruling class consciousness.

Before proceeding, let us comment regarding our focus on Grotius's economic thought. Though well known for reshaping the long and rich tradition of natural law, he also wrote on areas of politics, ethics, and theology. Indeed, Grotius wrote during a time when these subjects were seen as a larger whole rather than being divided into discrete disciplines. Consequently, an emphasis on economic theory requires a process of distillation, a careful sifting for clarity. As anyone who has distilled alcoholic spirits knows, such distillation is never complete, so from time to time we include items from Grotius's wider interests.

Softening the Fall

> The power of chusing moral good or evil, with which he is endued.[3]

We begin with the cluster of problems surrounding the Fall—when the first human beings disobeyed God and ate of the fruit of the tree of good and evil in the garden. Not only is the Fall central for the economic theorists we discuss later, but it also feeds into Grotius's myth of the emergence of private property and thereby the doctrine of the free seas. As a result, it gives rise to the free-willing individual who reveals the paradoxes of liberalism. These lines of thought emerge from theological, if not biblical, engagement. More precisely, Grotius arrives at an early form of the grand myth of capitalism as well as a statement concerning the private, free individual by means of theological argumentation.

In order to set the scene, we need to offer a brief exposition of the theological framework to which Grotius gave his assent and

3. Hugo Grotius, *The Truth of the Christian Religion*, trans. John Clarke (Indianapolis: Liberty Fund, 2012 [1627]), II.8.

without which his work cannot be understood.[4] The "Remonstrants" (or Arminians) followed the thought of Jacobus Arminius (Harmenzoon), who sought to oppose Calvin's doctrine of election and double predestination.[5] Arminius argued that through the Fall, human beings are depraved and corrupted. So also did Calvin, but now Arminius veers away from Calvin, specifically through his theory of *prevenient grace*—the groundwork of the Holy Spirit, which removes the guilt of the first sin. To be sure, Calvin sometimes equivocates, suggesting on the one hand that the Fall effaces our status as beings created in the image of God, thereby rendering us entirely depraved; on the other hand, he leaves open the possibility that the image of God is not entirely lost with the Fall. Here, Arminius saw a small crack, through which he was able to slip a new set of doctrines. His understanding of prevenient grace goes much further than Calvin's, for in removing the guilt of the sin of Adam and Eve, it makes a person capable of responding to the call of salvation. Even so, Arminius is careful to say that this capability is not inherent to human beings, but rather a gift of God's grace:

4. The desire to read Grotius as a nascent secular modernist thinker is understandable, but such a reading flies in the face of the overwhelmingly theological nature of his work. Knud Haakonssen, "Hugo Grotius and the History of Political Thought," *Political Theory* 23 (1985): 239–65. For useful studies that recognize the importance of theology for the nature of Grotius's thought, see A. H. Haentjes, *Hugo de Groot als godsdienstig denker* (Amsterdam: Ploegsma, 1946); Henk Nellen and Edwin Rabbie, eds., *Hugo Grotius, Theologian: Essays in Honour of G.H.M. Posthumus Meyjes* (Leiden: Brill, 1994). We should point out that describing Grotius's position as Socinian (denial of the trinity and original sin) is imprecise and accepts the general label of condemnation directed at Grotius by his opponents. Jan Paul Heering, "Hugo Grotius' *De Veritate Religionis Christianae*," in *Hugo Grotius, Theologian: Essays in Honour of G.H.M. Posthumus Meyjes*, eds. Henk Nellen and Edwin Rabbie, 41–52 (Leiden: Brill, 1994), 46–48; Fiammetta Palladini, "The Image of Christ in Grotius's *De Veritate Religionis Christianae*: Some Thoughts on Grotius's Socinianism," *Grotiana* 33 (2012): 58–69.
5. Arminius (b. 1560) was a minister in Amsterdam for some fifteen years before becoming professor of theology at the University of Leiden from 1603 until his death in 1609. The Remonstrant position is named after the "five articles of Remonstrance," a position statement published soon after Arminius's death by those who followed him. For a discussion of the Arminian controversy in the English religious landscape see Peter Harrison, *"Religion" and the Religions in the English Enlightenment* (Cambridge: Cambridge University Press, 1990), 23–28.

> Though we always and on all occasions make this grace to precede, to accompany and follow; and without which, we constantly assert, no good action whatever can be produced by man. Nay, we carry this principle so far as not to dare to attribute the power here described [free will] even to the nature of Adam himself, without the help of Divine Grace both infused and assisting.[6]

Yet, the implications are momentous, for prevenient grace opens up a wide arena for free will. That is, the Holy Spirit comprehensively covers all bases; its preparatory work affects all people and the entire person, the outcome being that everyone possesses free will, a power that God grants to human beings (thereby limiting God's own power).[7] It should not be difficult to see what this means for salvation. God's grace is no longer irresistible but resistible; human beings exercise their free will by either accepting grace or resisting it. A similar pattern of moving from the universal to the particular operates in Arminius's Christology. Although Christ dies for all in a potentially universal atonement for every human being, his atonement is effective only for those who accept the call of God to salvation. Even more, the exercise of free will means that one may at some time accept that call of grace and then at another reject it. The loss of one's faith removes him from the elect—salvation may well be lost.

We have traveled far from Calvin's doctrine of predestination according to which one is always numbered with either the elect or the damned. This should not come as a surprise, since Arminius set out to undermine precisely that doctrine: through prevenient grace and free will, human beings cooperate with God in the process of salvation. What happens to the central doctrine of election? It

6. Jacobus Arminius, *The Complete Works of James Arminius* (Grand Rapids: Baker Book House, 1986 [1853]), II: 19.
7. "The providence of God is subordinate to creation; and it is, therefore, necessary that it should not impinge against creation, which it would do, were it to inhibit or hinder the use of free will in man." Ibid., II: 460.

becomes conditional, dependent upon human response. Yet, Arminius gives election an intriguing twist. Although salvation involves the human response to God's election, God foreordained who would possess such faith. In other words, God knows beforehand who will believe, who will exercise free will and choose to accept God's election. As Arminius puts it: "the decree of God by which, of Himself, from eternity, He decreed to justify in Christ, believers, and to accept them unto eternal life, to the praise of His glorious grace."[8] This twist may seem to bring Arminius back to Calvin, for if God knows beforehand who will have faith, does that not really mean that God predestines who will be saved? Not quite, for God operates within the limits of foreknowledge: as omniscient, God may be able to peer ahead, as it were, and determine who is going to respond favorably; God may even limit election to those who will answer the call. But this is a far cry from predestining those who, before the creation of the world, are of the damned and of the saved.

Arminius was, therefore, a true theological liberal before liberalism became fashionable. However, we would like to focus on the questions of evil and the Fall, for these lead us directly to Grotius. Arminius found Calvin's predestination unacceptable, for he saw it attributing evil to God. If God arbitrarily saves some and condemns others to hell, then God becomes a monster and a tyrant. Even more, if God predestines people before the Fall, they have no free will, and their evil acts can have only one source—God. For Arminius, and Grotius following him, the source of evil is instead free will. Concerning this matter, the Bible offers three possibilities. The first

8. Ibid., III: 311. Note also: "God decreed to save and damn certain particular persons. This decree has its foundation in the foreknowledge of God, by which he knew from all eternity those individuals who *would*, through his preventing [prevenient] grace, believe, and, through his subsequent grace *would* persevere by which foreknowledge, he likewise knew those who *would not believe and persevere*." Ibid., I: 248.

is an evil being who, in opposition to a God who is entirely good, is the source of evil. The New Testament references to the Evil One and Satan, which are then read back into the serpent of Genesis 3 or the "satan" (adversary) of Job (see also 1 Chron. 21:1 and Zech. 3:1-2), are the obvious biblical sources. The unresolved theological issue concerns the source of such a figure, a problem that led to the apocryphal myth of Satan as a fallen angel. The second option positions human free will as the source of evil. Free will in itself may be good, a gift from God to human beings so that they may worship him of their own volition rather than as automatons, but it leaves room for choosing the wrong course. Genesis 3 once again does service in this option as well, for the human beings are commanded not to eat of the fruit of the tree of good and evil, but they disobey. Yet, a problem emerges here, too, for God is the one responsible for the flawed crystal; he placed the tree in the garden. So a third possibility appears, namely, that God is responsible for both good and evil. Though this represents a strictly monotheistic position, many have found it objectionable on moral grounds. Nonetheless, the Bible is little concerned for that aristocratic discipline known as ethics,[9] presenting God as one who visits evil upon people. In many cases, one may argue that such evil is really punishment, but in other cases it is clearly not so. The story of Job comes to mind, as does Ezek. 20:25, in which God gives the people laws that are evil: "Moreover I gave them statutes that were not good and ordinances by which they could not live." This appears to be a reference to child sacrifice (mentioned in the following verse), which would thereby be a divine statute that led the people to disobey other laws forbidding such sacrifice.

Of these three options, Grotius (following Arminius) favors the second concerning free will, while expressing abhorrence at the

9. Roland Boer, *In the Vale of Tears: On Marxism and Theology V*, Historical Materialism Book Series (Leiden: Brill, 2014), 245–86.

possibility that God may be the source of evil. Yet, if God is the creator, how does one account for the presence of evil? Grotius answers that God is the author of "all such things as have a real existence,"[10] which may include accidents, loss, pain, and punishment.[11] Yet, evil itself does not have a real existence; it is a negative, an absence of good, or (as Grotius puts it) a "defect."[12] This means that an evil force or principle does not exist in and of itself. Why not? Because *being* is inherently good, an evil being is an oxymoron; in this way, Grotius counters the first position mentioned earlier, namely, that a being opposed to God is the source of evil. His argument is not new, and its weakness is easily discerned. By arguing that evil is merely a negative or a defect, Grotius severely hobbles himself when it comes to dealing with the presence of evil. For instance, the CEO responsible for serious environmental destruction, through pursuit of dangerous industrial activities, can hardly be said to be guilty of an action with no real existence. The dead fish, birds, and ailing human beings are rather tangible presence of such evil. Or take exploited workers, whose long hours and low pay enable the boss's profits: We would hazard a guess that they would probably object somewhat strenuously if we were to suggest that their onerous conditions are merely a negative, an absence rather than a lived and daily reality.

To counter such arguments—that the world is overcome with a virtual deluge of wickedness—Grotius is forced to make up ground: God provides ample warning, laws, threats, and promises, all of which are enforced with punishment or reward of the soul after death.[13] Further, he ensures that states and even empires persist in

10. Grotius, *The Truth of the Christian Religion*, 1.8.
11. See also Hugo Grotius, *Commentary on the Law of Prize and Booty*, ed. Martine Julia Van Ittersum, trans. John Clarke (Indianapolis: Liberty Fund, 2006 [1868]), 30–33.
12. Grotius, *The Truth of the Christian Religion*, 1.9.
13. Ibid., 1.19–25.

order to keep such acts from spreading too far. Even more, the knowledge of God's laws is not completely extinguished, especially with the Fall. Here, his consistent effort to reshape natural law emerges, for once these laws are given by God, they are known in and of themselves[14]—so much so that they apply "though we should even grant, what without the greatest wickedness cannot be granted, that there is no God, or that he takes no care of human affairs."[15]

The best argument Grotius can muster is that the free individual is the cause of evil, the one who through the exercise of that free will may choose to do evil. While free will is in itself good, no less than an attribute of God bequeathed to human beings, the exercise of that free will may result in moral evil: "Liberty of acting is not in itself evil, but may be the cause of something that is evil."[16] Hardly an original position, at least in our day and age, for it is standard fare among theological liberals. In Grotius's time, it was still a fresh argument, following in some way in Erasmus's footsteps rather than those of Arminius. That is, it was consistent with Erasmus's objections to Luther's argument that human beings have no free will,[17] except that now Grotius shapes it in response to the sharper articulations of Reformed theologians.[18]

14. Grotius distinguishes between the specific law for ancient Israel, given to Moses, and the universal law first given at creation, then to Noah, and finally through Jesus Christ. The latter can be known in and of itself. Christoph A. Stumpf, *The Grotian Theology of International Law: Hugo Grotius and the Moral Foundations of International Relations* (Berlin: Walter de Gruyter, 2006), 71–100; Matthijs de Blois, "Blessed [Are] the Peacemakers . . . Grotius on the Just War and Christian Pacifism," *Grotiana* 32 (2011): 20–39, 23–24.
15. Grotius, *The Rights of War and Peace*, I. Prol. 11. Note also: "The Law of Nature is so unalterable, that God himself cannot change it." Ibid., I.1.10. It is on the basis of these statements that efforts have been mounted to argue that Grotius is really a secular thinker. Haakonssen, "Hugo Grotius and the History of Political Thought."
16. Grotius, *The Truth of the Christian Religion*, 1.8.
17. Martin Luther and Desiderius Erasmus, *Luther and Erasmus: On the Bondage of the Will and On the Freedom of the Will*, eds. E. G. Rupp and P. S. Watson, vol. 17, Library of Christian Classics (London: SCM, 1969).
18. Despite occasional disagreements, especially on the matter of war and pacifism, Grotius was close to Erasmus in many aspects of his thought. Johannes Trapman, "Grotius and Erasmus," in

Retelling the Myth

> But men did not long continue in this pure and innocent state of life, but applied themselves to various Arts, whereof the symbol was *the tree of knowledge of good and evil,* that is, of the knowledge of things which one may use either well or ill.[19]

This engagement with the Fall gives rise to three repercussions of an economic nature. Obviously, it leads to Grotius's argument for the free-acting agent, whether an individual or a private company, which may act on its own volition to foster good and punish evil. It also brings us to the paradox of liberalism (as the ideological complement of capitalism), not least because Grotius is an early ideologue of a core liberal idea—the free-willing individual. Before we deal with those matters, we would like to explore another, less expected, implication of this effort to reshape the doctrine of the Fall: Grotius's retelling of that narrative in terms of the emergence of private property. The significance of this retelling lies in its engagement with the biblical text in terms of the theological theme of the "fortuitous Fall" and by means of a significant displacement that assists this reading.[20] Such an interpretation reads the sin of Adam and Eve as a happy event, for it enabled salvation to take place. In Grotius's hands, the fortuity is even more immediate because the outcome of the Fall is desirable

Hugo Grotius, Theologian: Essays in Honour of G.H.M. Posthumus Meyjes, eds. Henk Nellen and Edwin Rabbie (Leiden: Brill, 1994), 77–98; Blois, "Blessed [Are] the Peacemakers . . . Grotius on the Just War and Christian Pacifism," 28–31.

19. Grotius, *The Rights of War and Peace*, II.2.2.
20. For a welcome emphasis on the deeply biblical nature of Grotius thought, see Blois, "Blessed [Are] the Peacemakers . . . Grotius on the Just War and Christian Pacifism." Unfortunately, Schermaier's otherwise detailed study misses this biblical engagement, preferring to follow Grotius's lead and finding the sources of his ideas in Greek, Roman, and medieval Scholastic thought. Martin J. Schermaier, "*Res Communes Omnium*: The History of an Idea from Greek Philosophy to Grotian Jurisprudence," *Grotiana* 30 (2009): 20–48. A comparable avoidance of the struggle with the biblical text in developing his thought concerning private property appears in Stumpf, *The Grotian Theology of International Law: Hugo Grotius and the Moral Foundations of International Relations*, 169–76; Stephen Buckle, *Natural Law and the Theory of Property: Grotius to Hume* (Oxford: Clarendon, 1991).