

## *Introduction*

MARTIN VAN GELDEREN

Gerard van Houckgeest's 1650 painting of the interior of the Nieuwe Kerk in Delft – which forms the cover of this volume – shows a family visiting the funeral monument of William the Silent, the work of the prominent architect and sculptor Hendrick de Keyser. The family focuses its attention on the statue of freedom at the heart of Houckgeest's painting. There she stands, prominently displaying her golden hat featuring the inscription *Aurea Libertas*. The painter has chosen to make the statue the centrepiece of his monument to the man who was one of the leaders of the Dutch Revolt until his assassination in Delft in 1584. Due to angle and perspective, the spectator only catches a glimpse of one of the other statues decorating the corners of the monument. On the right side we can just see justice holding her scales. Two other sculptures remain invisible, the virtue of fortitude and, most notably, the depiction of religion, fully hidden by the majestic central pillar of the painting.

Highlighting freedom as the principal civic value was controversial in 1650 – in Delft and elsewhere in Europe. Others would doubtless have chosen to focus on the statue of religion, who is reading the New Testament and holding a church in her left hand. Still others might have argued that 'freedom' and 'religion' go together, whilst in strong contrast others would have wanted to highlight the tension between religious and civil liberty.

The chapters in this volume focus on debates across Europe about religious freedom, constitutional liberties and the force fields between them. Many of these force fields were opened up by Martin Luther and the other founding fathers of Europe's Reformations. Publishing both the pamphlet *The Freedom of a Christian* and the *Treatise on Christian Liberty* in 1520, Luther asserted that the Christian was 'a perfectly free lord of all, subject to none' and then left the meaning of his assertion blissfully unclear (Luther 1520:

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49).<sup>1</sup> Luther's stand became more intransigent with his defiance of imperial authority at the 1521 Diet of Worms. He appealed to his conscience, affirming that 'I am bound by the Scriptures I have quoted and my conscience is captive to the word of God. I cannot and I will not retract anything since it is neither safe nor right to go against conscience.'<sup>2</sup> Whilst these words suggest a strong commitment to freedom of conscience, a few years later Luther completely dismissed the idea of the freedom of the will. When Erasmus raised the issue in his diatribe *On the Freedom of the Will*, Luther responded in 1525 with his treatise *The Bondage of the Will*, thundering that 'free choice is nothing'.

As a number of chapters in this volume argue, much of the ambiguity in Luther's position was due to the distinction between 'spiritual' and 'civil' freedom. In his reappraisal of Lutheran political thought in Chapter 1, Thomas Kaufmann argues that Luther's discussions of freedom should be viewed in the light of the strong apocalyptic dimensions of his theology. Being 'conservative' in politics, Luther and his followers found it hard to elucidate the implications of their emphasis on the spiritual freedom of Christian man for life in this world. The analysis in Chapter 3 of the Catholic debate on *libertas ecclesiae* in the aftermath of the Council of Trent shows that the tension between 'spiritual' and 'civil' notions of freedom was by no means confined to Protestantism. Focusing on the work of the Venetian writer Paolo Sarpi and the Jesuit theologians Francisco Suárez and Cardinal Bellarmine, Jaska Kainulainen elucidates how the defence of the church as free from temporal jurisdiction, and as having the right and duty to convert across the world, clashed with views of the church as a 'visible' institution within this world, part of public life in such diverse states as the kingdom of France and the Republic of Venice.

The role of the church as a public institution was also vital to the so called 'Arminian troubles' that brought the Dutch Republic, one of the emerging Protestant powers of the seventeenth century, to the brink of ruin. In Holland, as Chapter 2 argues, the debate on the position of the church in civil affairs was triggered by theological conflicts over the freedom of the will, the problem that had dominated the dispute between Luther and Erasmus and had been widely discussed in Jesuit circles as well, as Annabel

1. Martin Luther, *Tractatus de libertate christiana* (1520) in Martin Luther, *Werke*, Weimarer Ausgabe (Weimar and Graz, 1897/1966) vol. 1, 7, 49. (In further references WA.) In the same year Luther also published *The Freedom of a Christian*, which presented the arguments of the *Tractatus* in a more pointed and passionate way.

2. WA, vol. 1, 7, p. 838.

Brett shows in Volume II. Protestant and Catholic discussions were linked: Dutch Arminians and Calvinists frequently referred to the writings of Suárez and Molina, both principal participants in the Catholic debate.

In these discussions at least three separable notions of ‘freedom’ were of central importance. One was the idea that freedom involves autonomy and self-governance; a second was the opposition between freedom and servitude; and a third was the emphasis on freedom as a natural faculty of either human reason, will or action – or all of them together. When authors such as Hugo Grotius tried to bring these notions together and create consensus, even Jacobus Arminius, so often seen as a defender of free will and toleration, pointed out that any notion of human autonomy was hard to square with the recognition of divine omnipotence.

In civil affairs the Arminians did indeed plead for toleration, but refrained from claiming freedom of public worship, even for themselves after they had been expelled from the Dutch Reformed Church and formed their own ‘brotherhood’. During the same period, some English nonconformists, as Polly Ha shows in Chapter 4, went so far as to claim ‘absolute independence’ for their congregations. Arguing against the idea of covenant theology, prominent amongst Puritans and Calvinists elsewhere in Europe, Henry Jacob was one of the first to apply the notion of freedom as self-governance to the level of the individual congregation. Chapter 5 takes us to the radicals in Central Europe, to Rakow in Poland, the capital of Socinianism. As Sarah Mortimer argues,<sup>3</sup> Socinians such as Martin Crell and Socinus himself defended a notion of the freedom of the will that would have horrified Arminius, as it did Europe’s mainstream Protestants and Catholics alike. Yet Socinus and Crell combined their radical understanding of human freedom with cautious views about the role of religion in civil affairs. While exalting human freedom to unrivalled heights, in the Socinian view living in peace and security made it worthwhile to relinquish our natural liberty. The chapter explores how, during the 1640s, Socinian ideas on freedom and civil affairs appealed to English royalists such as Dudley Digges, who used the argument that for the sake of civil order men could relinquish freedom and, in doing so, even their right of self-defence. The deployment of Socinian arguments also enabled Digges to uphold freedom of conscience against his fellow-royalist Thomas Hobbes.

As Eric Nelson sees it in Chapter 6, when it comes to the supremacy of the civil sovereign in religious affairs, Hobbes belongs to the group of what he

3. See also Mortimer 2010.

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calls ‘Hebraic Erastians’. Constructing a genealogy that starts with Grotius, includes John Selden as its seventeenth-century champion, encompasses Hobbes and Spinoza and culminates in the work of Moses Mendelssohn, Nelson presents a group of thinkers who appealed to what was often called ‘the Hebrew Republic’ of the Old Testament.<sup>4</sup> ‘Hebraic Erastianism’, Nelson maintains, was an important aspect of the Protestant encounter with rabbinic Judaism. Based on rabbinic scholarship, it presented the Old Testament model as combining the recognition of supremacy in all public affairs, including religious worship, as vital to civil peace with a minimalist view on church doctrine and full respect for freedom of conscience. Nelson underlines the importance of the link between Selden and Mendelssohn, not only because it directly connects the work of one of the seventeenth century’s greatest Hebraists with one of the leading thinkers of the Enlightenment, but also because it brings ‘Hebraic Erastianism’ so to speak ‘home’ to one of the central figures of Enlightened Judaism.

Hobbes, Pufendorf and Locke are central characters in the two final chapters of the first part of this volume. Hannah Dawson explores in Chapter 7 the role of ‘natural religion’ in the work of Pufendorf and his avid reader John Locke, both canonical figures in the history of natural law theory. As with the Arminians, Pufendorf’s and Locke’s engagement with natural religion at large, and with human freedom and reason in particular, is rich and ambiguous. Whilst standing firmly on the Arminian side of the debate about the freedom of the will, Locke and Pufendorf go further than Arminius in highlighting this form of freedom as the basis for moral responsibility and moral agency. If we are to be able to act morally, freedom of the will is held to be indispensable. Indeed, as Pufendorf puts it, the ‘human will’ is a ‘free cause’. Moreover, both philosophers see it as vital to recognise the linkage between thinking, willing and acting and thus between the freedom of the will and the operation of judgement. At this point the elevation of the freedom of the will meets pessimism about man’s capacity to use reason rightly to recognise the laws of nature – if only because both Pufendorf and Locke also see human beings as ‘puppets of their passions’.

Locke’s ambiguities are also central to Timothy Stanton’s return in Chapter 8 to freedom of conscience and his reappraisal of the importance of Hobbes and Locke in the controversy over the relationship between politics and religion. As exemplified in this chapter by the thought of the Anglican divine Robert Sanderson, the assessment of freedom of conscience and

4. See also Nelson 2010.

of ‘things indifferent’ are both vital to our understanding of this difficult relationship. As so many other Christians did, Sanderson found himself perplexed. If *adiaphora* were indeed wide ranging and were left to each human’s individual conscience, and therefore to the use of right reason, what should happen if the claims of conscience clashed with those of civil government and society? Whilst Hobbes’s solution was to give up the claims of individual conscience and accept the will of the civil sovereign as our own, Locke reinterpreted conscience principally as a means of judging actions. Whilst Hobbes pleaded for civil supremacy over religion, Locke’s thought culminated in the separation of the two spheres. In principle, Stanton argues, Locke’s solution may appeal more strongly, especially to modern liberals, but in practice the liberal view of religion comes much closer to Hobbes’s distinction between public worship and private belief.

As a number of chapters point out, throughout early modern Europe the assessment of the relation between politics and religion, between church and civil government, was strongly related to diverging preferences about the constitutional arrangement of civil affairs. In the second part of this volume, the debates about constitutional liberties and the freedom of the polity as a collective entity take centre stage. At this point the volume connects with at least two strands in the existing historiography. One concerns European traditions of republicanism.<sup>5</sup> Here, as Serena Ferente argues in Chapter 9, the place to start is Italy in the eleventh century. The Italian love of liberty develops partly in response to the ideal of *libertas ecclesiae* and, in the fourteenth century, in opposition to imperial ambitions. Thus freedom as self-government becomes of central importance to the Italian cities and their jurists, scholars and politicians. Moreover, perhaps especially in Florence, liberty becomes related to debates about how to deal with the ambitions of different political and social groups. In Chapter 10 Peter Stacey reads Machiavelli along these lines, arguing that freedom refers not only to non-domination, and hence to the *vivere libero*, but also to the body politic that handles the various social and political humours, desires and ambitions in its midst. Hence freedom is both a political and a social ideal – an ideal that John McCormick has recently characterised as ‘Machiavellian democracy’.<sup>6</sup>

In Chapter 11 Lovro Kunčević opens up a new perspective on the history of European republicanism with his chapter on Ragusa (modern Dubrovnik). At a meeting point of Catholicism, Orthodoxy and Islam, Ragusa managed

5. See, amongst others, Pocock 1975; Skinner 1978; Viroli 1992; Hankins 2000a; Van Gelderen and Skinner 2002; Nelson 2004.

6. McCormick 2011.

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to remain an independent aristocratic republic for almost five centuries. He elucidates the dilemmas of a community striving to be free while sandwiched between Venice and the Ottoman Empire, to which it had been paying tribute since the mid fifteenth century. Equally complex is the legacy of battling for freedom in Poland-Lithuania. In Chapter 12 Tomasz Gromelski presents the riches of the Polish-Lithuanian debates on freedom, a complex web in which liberty was translated into an array of liberties – from privileges to freedom of religion and freedom of speech. As Gromelski shows, these debates were often connected with discussions elsewhere in Europe, and owed much to the reverence for Greek and Roman antiquity. In Chapter 15 Márton Zászkaliczky makes the case for interpreting Hungary as another vital hub for European controversies about freedom and its connections with the privileges of the nobility, the liberty of the country and finally the freedom of the nation.

Chapters 12 and 15 both stand firmly in the second tradition of scholarship that informs this volume, the tradition centred on discussions about privileges and parliaments, princes and popular revolts, and what Helmut Koenigsberger (quoting Fortescue) described as ‘Dominium Regale or Dominium Politicum et Regale’.<sup>7</sup> In terms of constitutional complexities Poland-Lithuania and Hungary rivalled those of the Holy Roman Empire. There is a rich German historiography, exploring the roles of various institutions from the imperial court to the free imperial cities, reading the vast array of immunities, franchises and privileges as *Herrschaftsverträge* and debating whether Germany was a ‘monstrosity’, as Pufendorf called it, that stood in the way of modernisation and was thus connected with the later catastrophes of German history.<sup>8</sup> In Chapter 14 Daniel Lee builds on this scholarship, asking why and to what extent the revival of Roman Law was seen in German lands as incompatible with liberty.

Another strand of scholarship looks at the federal dimensions of German constitutional and political life. In Chapter 13 Thomas Maissen compares the constitutional complexities of Germany’s two federal neighbours, the Dutch Republic and the Swiss Confederation.<sup>9</sup> Taking us into the worlds of Baruch Spinoza and Johan Caspar Escher, this chapter explores the interplay and friction between notions of freedom as non-domination and of liberties as grants to act and rule freely. Debating freedom in these federal republics was,

7. Koenigsberger 1986 and 2001.

8. For recent literature see amongst others Wilson 2006 and Schmidt, Van Gelderen and Snigula 2006.

9. For comparisons see also the contributions to Holenstein, Maissen and Prak 2008.

Cambridge University Press

978-1-107-03306-1 - Freedom and the Construction of Europe: Volume I: Religious and Constitutional Liberties

Edited by Quentin Skinner and Martin Van Gelderen

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as Maissen shows, intimately connected with the rise of the Reformation and its proliferation in different confessions, brotherhoods and sects.

In the final chapter John Coffey takes us back to the Calvinist debate on civil liberty and liberty of conscience which lies at the heart of this volume. Coffey highlights how and why questions about the legitimacy of resistance lay at the heart of these tensions – in the case of Geneva, the French Wars of Religion, the Dutch Revolt, the Thirty Years War and the revolutions in the British Isles. As all the chapters in this volume agree, in struggling to make religion and politics somehow live together, and to create civil peace on a continent of proliferating religious denominations, early modern Europeans used freedom to argue against servitude, in favour of self-government, against tyranny, in favour of toleration, for and against predestination and for or against civil supremacy in church affairs. In all these debates the meaning of freedom was continually contested. For us the legacy is as rich and complicated as the historical debates themselves. As in 1650, there are many good reasons to go to Delft and ponder ‘golden freedom’ in the face of Hendrick de Keyser’s sculpture.

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## Part I

# Religious freedom and civil liberty

Cambridge University Press

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