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**Too Subtle to Satisfy Many:  
Was Grotius's Teleology of Punishment Predestined to Fail?**

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*Abstract:*

Most readers believe Grotius failed to refute Socinus in *De satisfactione*. This paper argues that Grotius's failure was one of reception rather than argument. It is possible to read *De satisfactione* as Grotius adverted: a genuine (if subtle) concept of satisfaction, and a defence of the (small-c) catholic faith. Grotius does reject a necessitarian identical satisfaction, in which a repayment is equal to a debt, but like Aquinas, he embraces a teleological equivalent satisfaction, in which a punishment fits a crime. Yet Grotius's catholic theory was predestined not to persuade a wartime Continental audience whose centre had not held and which sought definitive distinctions from the Roman church. His attempt to forge a broad middle way would succeed only later in Britain.

*Keywords:*

Atonement theology, satisfaction, punishment, Thomas Aquinas, Britain, catholic, Hugo Grotius

Grotius's 1617 *De satisfactione Christi* is often considered a failure on several counts. Composed during the tumultuous 1610s, Grotius sought through it to placate his Counter-Remonstrant opponents. Yet Grotius would see little immediate relief of the political and physical danger that threatened him; indeed, that peril would only increase. The Counter-Remonstrant party would succeed in convening the Synod of Dort, and their political allies would greet its conclusion by imprisoning Grotius. Grotius also sought in *De satisfactione* to demonstrate his fidelity to catholic Christianity, and thus to save his reputation from Socinian taint. In this he was scarcely more successful. His Counter-Remonstrant opponents did not cease to charge him with Socinian sympathy; they only intensified their charges. Finally, Grotius surely must have hoped that his Atonement theory would gain currency in the Dutch church and beyond. Yet his theory won few adherents in Holland, and scarcely more throughout the Continent. Few apologists or preachers there today rehearse the Governmental theory in preparation to evangelize.

If Grotius's work was a failure in practical terms, perhaps it might be a philosophical success as an argument on its intrinsic merits. Yet here Grotius's (few) academic readers are scarcely more convinced. Jacqueline Lagrée sees Grotius as failing on account of a judicial methodology, one that ostensibly ignores the healing of the soul. As a result, his rigid conception of law and punishment merely looks backward to cancel out sin, rather than moving forward to promote virtue.<sup>1</sup> Edwin Rabbie, editor of the first English edition in a century, describes *De satisfactione* as 'brilliant' and worthy of admiration. Yet he then proceeds to presume his 'readers will agree with the present consensus of scholars that the work is a failure, because it does not prove what it purports to prove.' He lauds Grotius's ability to fail at such a high level – a backhanded compliment whose praise would perhaps resonate better if it did not seem the loudest offered in the mainstream literature.<sup>2</sup> Hans Blom acknowledges the centrality of the work to Grotius's oeuvre. However, in an agenda-setting argument, he deepens Rabbie's judgment by arguing that the work is not primarily a work of theology, but rather the foundation for a radical Enlightenment politics – a position that connotes Locke's Socinian heterodoxy. In his reading, Grotius severs the connection between offence and punishment, and fails to establish punishment by reference to the moral value of faithfulness, thus reducing the Atonement to inscrutable Divine mystery.<sup>3</sup>

This essay argues that while Grotius's work was a failure on the practical count, it was not actually a failure on its theoretical merits. Grotius's failure owes more to the circumstances of his time and to the subtleties of his argument than to the content of his theology. It is indeed possible to read *De satisfactione* precisely as Grotius adverted: a catholic defense of Christ's satisfaction for human sin.

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<sup>1</sup> Jacqueline Lagrée, 'Droit et théologie dans le *De Satisfactione Christi* de Hugo Grotius, in *Politique, Droit, et Théologie chez Bodin, Grotius et Hobbes*, ed. by Luc Foisneau (Paris: Kimé, 1997), pp. 208-12.

<sup>2</sup> Edwin Rabbie, 'Introduction', in Hugo Grotius, *Defensio Fidei Catholicae de Satisfactione Christi (The Satisfaction of Christ)*, ed. and intro. by Edwin Rabbie, trans. Hotze Mulder (Assen: Van Gorcum, 1990), p. 2. As he says, 'they will still admire the book: it takes a scholar of Grotius' stature to fail at such a high level.'

<sup>3</sup> Hans W. Blom, 'Grotius and Socinianism', in *Socinianism and Arminianism: Antitrinitarians, Calvinists, and cultural exchange in seventeenth-century Europe*, ed. by Jan Rohls and Martin Mulso (Leiden: Brill, 2005), pp. 122, 125-6.

What is meant by ‘catholic’? Early in *De satisfactione*, Grotius purports to advance those beliefs which, ‘as derived from sacred Scripture, the church of Christ has until now upheld with unshaken faith.’<sup>4</sup> He thus emphasizes as catholic both long usage within Christendom and Scriptural foundations. This understanding of catholicity reflects his approach in other works. For instance, in both *Meletius* and *De veritate*, he sets out to expound the long-used commonalities between ‘all Christian nations’ (Eastern, Roman, and Reformed), rather than adjudicating areas of divergence. He identifies as catholic those doctrines that all three branches can agree on, despite their bitter divisions on other matters.<sup>5</sup> Moreover, in *De imperio*, Grotius emphasizes early church foundations by praising the early church for its unity and harmony, achieved through a broad latitude on inessentials rather than through expanding the realm of orthodoxy on such indifferent matters.<sup>6</sup> Finally, throughout his corpus he lionizes the early catholic church as a period of great learning, and heavily cites harmonizers of faith and reason such as Lactantius, Ambrose, Augustine, and John Chrysostom. Following their example, he provides philosophical reasons in *De veritate* for the possibility of the Resurrection of Christ and of the body after death.<sup>7</sup>

To Grotius, the catholic doctrine of the Atonement is that of substitutionary atonement. This doctrine sees human sin as an obstacle to God’s favour. Such sin requires satisfaction through the shedding of blood, in order to make amends and to appease God’s wrath against sin. Christ’s passion and death is that satisfaction for sin: ‘the punishment of our crimes was exacted of him’.<sup>8</sup> In bearing this burden, Christ upholds the demonstration of divine justice. When God accepts this sacrifice, God becomes reconciled to humanity, liberating humanity from eternal death, and making salvation possible.<sup>9</sup> By this standard, both the satisfaction theory of Anselm-Aquinas and the penal substitution theory of Calvin are catholic, even though their details differ from each other (and from Grotius). What matters most is their conclusion, in which they agree, rather than their intermediate premises, over which they disagree. By contrast, the theory of Socinus is not catholic, because it rejects Christ’s passion and death as satisfactory.

Thus, despite the idiosyncracies of *De satisfactione*, its method and content both meet Grotius’ test of catholicity. Grotius may differ from other catholic theories by interpreting Scripture through a philosophical-juridical hermeneutic rather than a more theological approach. Nonetheless, this method is not antithetical to catholic Christianity, whose many branches throughout time have unwaveringly upheld a Gospel that begins by

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<sup>4</sup> Hugo Grotius, *Defensio Fidei Catholicae de Satisfactione Christi (The Satisfaction of Christ)*, ed. and intro. Edwin Rabbie, trans. Hotze Mulder (Assen: Van Gorcum, 1990), I.1, pp. 90-1.

<sup>5</sup> ‘So the difference of opinions that is amongst Christians, cannot hinder their agreement in the principal things, that is, those commands, by which we have now recommended the Christian religion: And the certainty of these appears from hence, that those who being highly enraged against one another, having sought for matter of disagreement, never ventured to go so far as to deny, that these were the precepts of Christ.’ Hugo Grotius, *The Truth of the Christian Religion*, ed. and intro. Maria Rosa Antognazza, trans. John LeClerc (Indianapolis, IN: Liberty Fund, 2012), II.17, p. 125.

<sup>6</sup> Hugo Grotius, *De Imperio Summarum Potestatum Circa Sacra (On the Power of Sovereigns Concerning Religious Affairs)*, critical edition with introduction, translation, and commentary by Harm-Jan Van Dam (Boston: Brill, 2001), V.9, pp. 268-75; VI.9, pp. 308-13; VIII.6, 380-83.

<sup>7</sup> *Christian Religion*, II.7, pp. 105-6; II.10, pp. 110-3.

<sup>8</sup> *De satisfactione*, I.59, pp. 128-31.

<sup>9</sup> See *De satisfactione*, I.2, pp. 90-1; I.39, pp. 114-5; I.59, pp. 128-31; VII.1, pp. 208-9.

asserting the harmony of faith and reason.<sup>10</sup> Likewise, while one must concede that Grotius's concept of satisfaction is not the Calvinist (and Kantian) deontological-juridical conception, in which Christ's death exactly pays the penalty, it is nonetheless a genuine teleological-political conception of satisfaction, in which Christ's death is the most fitting punishment for human redemption. Grotius's teleological hermeneutic of fittingness rather than necessity is no different than another of the standard catholic theories: that of Aquinas.

Yet if Grotius's work is a genuine theoretical defence of the catholic faith, its practical failure remains. Indeed, the grounds for its theoretical success may have helped to produce its practical failure. First, Grotius's attempt to persuade on a neutral philosophical basis, one available to Protestant, Roman Catholic, and perhaps even nonbeliever alike, was unlikely to sway any of these groups. Second, his belief in the potential efficacy of the Atonement for the entire church throughout time and space gave few rhetorical benefits to a small and distinct Dutch nation. Finally, his less-tangible language of prudence was unlikely to persuade a public seeking precise language of necessity for which to fight. The centre could not hold in the Netherlands (or on the Continent), as each side sought unambiguous and definitive distinctions from its adversaries in a time of war. For this reason, Grotius's attempt to forge a broad middle way was successful only in Britain. It was likely predestined to fail – as Grotius already seemed to know – in Continental Europe.

### ***1. De Satisfactione: The Quest for Satisfactory Punishment*<sup>11</sup>**

Grotius wrote *De satisfactione* during a decade personally productive but also politically portentous. The Calvinist-Arminian religio-political conflict was heating up, and Grotius did not shrink from the fray. By 1615, he faced regular charges of Socinianism from the Counter-Remonstrant party. But a study of *De satisfactione* does far more than to simply illustrate Grotius's historical situation. Indeed, if Grotius simply meant it as a speech-act to rehabilitate his reputation among Calvinists, he chose a rather curious approach: a detailed treatise, one referencing jurisprudence, citing pagan sources, and declining to engage with Anselm and Calvin. But this impractical approach permits Grotius to explore his philosophy of punishment, which reveals his surprising affinities with the catholic tradition that he professes.

Grotius begins his theory of the Atonement by reaffirming that Christ does not remove human sin, but indeed bears it. Sin brings a punishment (*poena*) that cannot be waived, although the weight of sin's burden can be transferred to Christ.<sup>12</sup> This punishment for human sin cannot be waived because God has created the universe according to this necessary and unchanging moral law. Thus far, these basic premises mark Grotius as defending the catholic understanding of substitutionary Atonement, but not yet as offering a distinct catholic theory.

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<sup>10</sup> John 1.1: 'In the beginning was *logos*, and *logos* was with God, and *logos* was God' (King James Version).

<sup>11</sup> See also Jeremy Geddert, *Hugo Grotius and the Modern Theology of Freedom: Transcending Natural Rights* (London: Routledge, 2017), pp. 174-82.

<sup>12</sup> *De satisfactione*, I.20-6, pp. 100-5.

Grotius's first distinct premise is this: the Atonement is not a matter of civil law, but a matter of criminal punishment. Humanity is not a defendant owing a liability to God the plaintiff. Rather, humanity stands convicted of a crime before God's moral-political government. Humanity has not taken something from God; rather, humanity has offended against God.<sup>13</sup> In other words, Grotius employs not the commercial language of a payment but the moral language of a crime.

Grotius's second distinct premise follows from the first: God does not hold a private relationship to the sinner, as that of an economic creditor, but a public relationship to all of humanity, as that of a governor.<sup>14</sup> Sin is not simply a matter of an individual having offended against God; rather, it is the matter of a human race having sinned against the entire moral-political order of which God is ruler.<sup>15</sup>

By framing the Atonement within a public criminal law paradigm rather than a private civil law one, Grotius imposes on the right-holder a duty. If the Atonement were a civil law matter of debt repayment, God the creditor would possess a right against the goods of the debtor, but no corresponding duty to claim them. Hence, God could simply release the debtor for any reason – or for no reason at all. (According to Grotius, this is Socinus's position.) By contrast, in a criminal law case, the right-holder is the governor. However, his right is only a right to pursue the pre-existing purposes of punishment. Grotius here identifies these purposes as 'the preservation of order and an example,'<sup>16</sup> and later expands clarifies them in *IBP* as correction, example, and satisfaction.<sup>17</sup>

For this reason, the governor's right is in fact a duty to the future of the society that he or she governs. When the wrongdoer commits a crime, he or she does not primarily offend against an individual, but against the entire commonwealth. The harm to the public realm explains why the state and not the immediate victim brings the charges.<sup>18</sup>

<sup>13</sup> *De satisfactione*, II.16, pp. 142-3.

<sup>14</sup> *De satisfactione*, II.1-5, pp. 132-5.

<sup>15</sup> In his fine article 'Grotius and Socinianism' Blom reads *De satisfactione* with sensitivity, notes its centrality to Grotius's jurisprudence, and traces its seeming discrepancies with *De Iure Praedae* and *De Iure Belli ac Pacis* [= *IBP*] (see pp. 135-7). One such apparent discrepancy is Grotius's insistence in *De satisfactione*, II.5, pp. 134-7 that punishment requires a superior authority, which he appears to jettison in the later *IBP*. In *IBP*, Grotius states that, prior to the institution of government, every individual not guilty of a crime has the natural right (i.e. moral authority) to punish those guilty of that crime, even if the punisher and punished share an equalitarian relationship rather than a superior-subordinate one. Thus, he seems to suggest the pre-existence of an informal human moral authority that must be satisfied through punishment. Only after those individuals consensually delegate their natural moral authority to the government does the government acquire exclusive punishing authority; only now does the state organize and codify the pre-existing human moral authority into a governing authority. Yet unlike human government, God's government does not come into being through consent; it is more akin to Grotius's parental authority. There is never a pre-existing condition prior to the institution of Divine government (much like a child never exists prior to the punishing authority of his father). This suggests that the natural human moral authority to punish prior to human government is only the right to uphold informal human moral authority; there can be no natural human punishing authority to satisfy the integrity of God's moral authority. For this reason, the insistence on punishment by a superior in *De satisfactione* need not be inconsistent with natural human punishing authority in *IBP*, because the former speaks of uncreated divine government and the latter of consensual human government.

<sup>16</sup> *De satisfactione*, II.16, pp. 142-3.

<sup>17</sup> Hugo Grotius, *The Rights of War and Peace*, ed. by Richard Tuck, from the Edition by Jean Barbeyrac [= *IBP*] (Indianapolis, IN: Liberty Fund, 2005), II.20.4.1, p. 956; II.20.5.1-3, pp. 959-61; II.20.6.1, p. 963. Grotius explicitly rejects as purposes not only revenge but also retribution.

<sup>18</sup> *De satisfactione*, II.6-2.8, pp. 136-9.

Hence, the governor must address the criminal affront to the dignity, integrity, and credibility of the political order that he or she is responsible to rebuild and protect going forward. The governor cannot simply waive the punishment. Should he or she fail to redress this affront to the dignity of the law, he or she will encourage other potential criminals to act likewise.

One might thus conclude that Grotius licenses punishment in order to uphold the community. Yet in doing so, he cannot help but also address the intention of the individual. Unlike debt repayment, which simply requires the debtor to return the goods, criminal punishment addresses the criminal's intention and seeks to change or at least deter his or her future objectives. As Grotius says, 'the cause of punishment is the wrongness of the act, not that anything is lacking to me' – or presumably that anything is lacking to the community. Hence, when criminal punishment addresses the community's sense of trust, law, and order, it promotes the moral faithfulness of the individual.<sup>19</sup> For this reason, the treason of the criminal cannot stand: God must testify to the goodness of his moral order. Satisfaction is necessary.<sup>20</sup>

Yet satisfaction for a crime differs from satisfaction of a debt. As Grotius states in *IBP*, satisfaction is not a matter of revenge or even of retribution. Rather, satisfaction seeks to prevent the victim from being disrespected and thus similarly maltreated in the future.<sup>21</sup> But in this case, the 'victim' to be satisfied is not an individual creditor, or even the immediate target of the crime. Rather, as he says in *De satisfactione*, 'the order of things and the public good function as creditor.'<sup>22</sup>

But how can one satisfy this communal 'creditor'? In debt repayment, the debtor satisfies the creditor by providing a remedy that is the exact inverse of the liability; in fact, it undoes the existing liability. But in criminal punishment, how can an exact punishment ever undo a crime? A crime is not a thing (such as a debt) that can be returned; it is an action that cannot be undone.<sup>23</sup> The closest analogue to undoing a crime would be the punishment of an eye for an eye and a tooth for a tooth. But this would (in the words of Gandhi) only leave the world blind and toothless. For this reason, punishment differs from debt repayment, in which 'the very nature of the thing determines the method and amount'; rather, punishment 'can only be determined by a free act of will.'<sup>24</sup>

Thus, crime (or sin) does not call for identical satisfaction (*solutio eiusdem*), such as the deontological equal and opposite transfer of an object (much less the equal and opposite commission of the crime). Rather, crime calls for equivalent satisfaction (*solutio tantidem*), which we might define as the teleological striving to publicly respect

<sup>19</sup> *De satisfactione*, II.10, pp. 138-41. For a counterpoint, see Blom, 'Grotius and Socinianism,' p. 139.

<sup>20</sup> *De satisfactione*, II.3-5, pp. 132-5; II.13, pp. 140-1; V.15, pp. 182-3. In this sense, Grotius is consistent from *De satisfactione* to *IBP*. For a counterpoint, see Christian Gellinek, *Hugo Grotius* (Boston: Twayne, 1983).

<sup>21</sup> *IBP* II.20.5.1, pp. 959-60; II.20.10.2-7, pp. 977-83.

<sup>22</sup> *De satisfactione*, II.19, pp.144-5.

<sup>23</sup> Indeed, Grotius's implicit recognition foreshadows elements of contemporary chaos theory, popularized in the example of a butterfly flapping its wings in Brazil and causing a tornado in Texas. The effect of something as small as a butterfly cannot be undone, but only countered.

<sup>24</sup> *De satisfactione*, II.11, pp. 140-1.

and honour the axiological purposes of human moral-political existence.<sup>25</sup> Criminal satisfaction is not a thing that can be measured with exact correspondence to the crime, but an action that carries forward indefinitely to meet the effects of the crime. Furthermore, the equivalent satisfaction of criminal punishment does not deal in objects, but rather with personal subjects who are never identical from one to another. This personal element renders equivalent satisfaction especially appropriate to the Christian for whom the fullest manifestation of truth is not a literal set of objective commands but the subjective person of Christ.<sup>26</sup> Christ does not issue a new set of commands; rather, he personally exemplifies the spirit of the law that underlies the old commands.

The third unique premise of Grotius's theory is this: God's specific ordinance stipulating death as the penalty for human sin is not an act of Creation. In other words, it is not like the aforementioned immutable natural law that sin *in general* must be punished. Rather, it is a positive ordinance of God as moral Governor of the universe. It is 'less properly natural', as it does not partake of necessity, but rather is 'appropriate' or 'fitting' (*convenientia*), as it has a 'harmony with nature'.<sup>27</sup> Such positive ordinances do not have an 'inflexible rectitude'; instead, a different punishment might be 'very fitting to the nature and order of things.'

However, God's positive law can only be altered (presumably to provide equivalent satisfaction) if there is a good cause to do so, and not for any 'unimportant reason'.<sup>28</sup> Fortunately, the maintenance of God's government permits – and actually calls for – such a dispensation. God's initial law commanding the death penalty for sin was surely the best way to deter sin. After all, the supreme penalty of death ought to function as the strongest possible disincentive toward sin. However, after Adam's sin, and the consequent sin of the rest of humanity, this high-stakes punishment paradoxically now functions as the very worst disincentive. If every person tainted by original sin now faces the gallows, why should anyone act virtuously or practice religion between now and that inevitable eternal death? There would be no relationship between any person's future acts (virtuous or vicious) and their happiness or suffering in the hereafter.<sup>29</sup> Of course, the person's virtuous acts and worship of God would still be intrinsically worthwhile. But as original sin indicates, intrinsic motives are not perfectly sufficient to motivate human action; if it were otherwise, Adam would not have sinned, and there would be no need for Atonement in the first place. Because humans are always at least somewhat motivated by extrinsic considerations of punishment, they would thus cease to act

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<sup>25</sup> *De satisfactione*, VI.16, pp. 196-7; VI.29, pp. 204-5; Edwards A. Park *et al*, eds., *Bibliotheca Sacra*, Vol. 23 (London: Trubner and Company, 1879), p. 645. See also Geddert, *Hugo Grotius*, pp. 126-8, 183-4.

<sup>26</sup> Indeed, in contrast to the Qur'an, much of Christian Scripture consists not of commandment but of history, narrative and parable.

<sup>27</sup> *De satisfactione*, III.6-3.12, pp. 152-7; See also *IBP*, Prol. 8, pp. 85-6; Hugo Grotius, letter to Willem de Groot, 18 May 1615, in Herbert F. Wright, *Some Less Known Works of Hugo Grotius* (Leiden: Brill, 1928), pp. 208-10, *BW* I.405 (pp. 389-391).

<sup>28</sup> *De satisfactione*, III.12, pp. 156-7. Grotius outlines other reasons to pardon (or not to pardon) in *IBP* (see II.20.4.1, p. 956; II.20.22.1, pp. 996-7; II.20.23-27, pp. 998-1002; II.20.36, pp. 1015-7). Indeed, as Grotius clarifies in *De satisfactione*, II.16, pp. 142-3, God's action in the Atonement is that of clemency (*indulgentia*), not liberality (*facilitate*): it apparently corresponds to Grotius's second category in *De Aequitate*, not his third.

<sup>29</sup> This argument appears to echo that of Diodotus in Thucydides' Mytilenean debate.



according to virtue and religion if ultimate punishment were guaranteed.<sup>30</sup> Hence, if God continued to enforce this strict initial law, he would fatally paralyze the workings of his own moral government – a result entirely opposite to the purposes of punishment. This ultimate punishment would (ironically) produce the same effect as would the complete release from punishment that violates God’s natural law as Creator.

Hence, God must determine a punishment that best balances the mathematical extremes of absolute punishment and absolute mercy. (Grotius’s only element of deontological necessity is that God must act with teleological prudence: when one says that ‘God must do this’, what is properly meant is that ‘it is proper for God to do this’.)<sup>31</sup> How can God find a golden mean that best shows displeasure with sin and yet provides hope of salvation? He does so by prudently ordaining Christ’s substitutionary Atonement, which accomplishes both. On the one hand, when the sinless Christ suffers and dies, he shows to humanity the infinite seriousness of sin: ‘Man sees the price that matches his sins.’<sup>32</sup> (Indeed, Christ’s equivalent satisfaction is no lesser a punishment than human damnation would be: while the punishment of one man for many may appear quantitatively lesser, the punishment of the Son of God for man is in fact qualitatively far greater. What is relaxed is not the punishment, but the strictness of the law.<sup>33</sup>) On the other hand, Christ’s substitutionary punishment makes salvation possible for those who accept it.<sup>34</sup> Hence, God the governor attains the most prudent possible extrinsic balance of fear of punishment and hope of gain. In Grotius’s view, Socinus’ nonsubstitutionary theory does not do so.

What is more, God the Son’s loving sacrifice also inspires in humanity the best possible intrinsic motives for virtue. Indeed, through Christ, God’s forgiveness now becomes an active virtue. God must do more than simply passively not collect on his debt, as in the Socinian conception; God the Son actively deigns to become human, to suffer and to die. This active example of divine virtue then inspires active human virtues. By adding such intrinsic motives, God also prudently attains the best possible maximization of extrinsic and intrinsic motives: the fear of God and the love of God.<sup>35</sup>

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<sup>30</sup> ‘If eternal death were to fall upon all, religion would totally have perished through despair of happiness.’ *De satisfactione*, V.4, pp. 176-7.

<sup>31</sup> *De satisfactione*, II.17, pp. 142-3.

<sup>32</sup> Hugo Grotius, *Meletius*, ed. and trans. by Guillaume H. M. Posthumus Meyjes (New York: Brill, 1988), § 47, p. 117.

<sup>33</sup> This echoes Grotius’s statements in *IBP* II.20.28, pp. 1002-3 and II.20.32, pp. 1010-2 that a governor may punish according to desert, which may call for a more severe punishment than that set out in the positive law. Here the strictness of the law is also relaxed, as the punishment does not strictly follow the law, but this does not mean that the punishment is thereby lighter.

<sup>34</sup> *De satisfactione*, V.12, pp. 180-1. One might point out that *De satisfactione* is premised on the impossibility of full pardon without satisfaction (as Socinus advocates), while *IBP* and *De Aequitate* seem to differ by taking seriously the idea of pardon. Yet perhaps even this apparent fundamental divergence is not so wide. *De Satisfactione* argues that God cannot simply pardon without satisfaction. Yet in rejecting the ‘exact correspondence’ theory it does imply that at least some of the exact punishments will be pardoned. Likewise, *IBP* and *De Aequitate* argue the human governor might pardon some criminals from punishment – but not *all* criminals. When the respective governments of God and man view sin and crime as a whole, sin and crime *in general* must be punished, but not all *specific* sins and crimes must be punished with the specific punishment that they call for. This enables vicarious punishment, which Grotius defends and identifies in both the theological and human realms.

<sup>35</sup> In *De satisfactione*, IV.21, pp. 170-3, Grotius then further emphasizes the point and widens his audience with an example from antiquity. The ancient Greek lawgiver Zaleucus had mandated a strict law that

Hence, when God provides the best extrinsic and intrinsic motives for future virtue, God the governor does not aim to undo sin (or crime), but rather to redeem it.<sup>36</sup> He aims to inspire future virtue in humanity. Thus, even Divine punishment must look forward rather than backward.<sup>37</sup> One might, of course, pause here to ask how Grotius can justify hell. Unlike purgatory, hell is a place of permanent punishment that looks backward and thus can never produce virtue and its rewards. If all punishment is forward-looking, would this not compel Grotius to a proto-Unitarian universal salvation? On the contrary, Grotius avoids this conclusion by outlining in *IBP* one judicious exception to forward-looking punishment. This exception is God's final judgment at the end of time. At the end of time, it becomes unintelligible to look ahead to a temporal future. Here and only here can God punish retributively according to pure desert, rather than punishing to promote community integrity and consequent individual faithfulness. (Indeed, one might say that any mathematically retributive punishment already exists outside of time, because its deontological dictates are grounded in eternal and person-independent natural law rather than in the positive law or prudence that deals with individuals.<sup>38</sup>) But although this 'end-of-time' punishment now looks backward rather than forward and has no reference to the future of the community, it need not be inscrutable, because it now (finally) follows the necessitarian 'exact correspondence' theory.<sup>39</sup> In any case, those who fail to profess faith in Christ's Atonement will fail to benefit in the future from his satisfaction and example, and at the last judgment must therefore be treated according to their inherent sinful desert. Grotius need not reference this 'end-of-time' exception in *De satisfactione*, because he is dealing there with the Atonement of the believing church rather than the final judgment of the unbelieving.

## 2. Aquinas and the catholic Grotius

Many observers understand Grotius to discard catholicity when he departs from the 'exact correspondence' theory. For instance, Nellen argues that 'like Socinus, [Grotius] could not regard satisfaction as payment in full; but this was the very point on which he had set out to refute the heretic.'<sup>40</sup> And yet not all catholic Atonement theories – those defending the satisfaction of Christ – employ necessitarian language. In fact, the opposite is true. In particular, Grotius's theory displays surprising commonalities with the most widely-held of the catholic theories both then and now: the "satisfaction" theory.

The satisfaction theory originates in Anselm of Canterbury. According to Anselm, divine justice demands that humanity render perpetual honour to God. When humanity

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adultery be punished with the loss of both eyes. When his own son was caught in adultery and brought to be blinded, Zaleucus plucked out his son's first eye, then plucked out one of his own. Thus 'he conceded to the law the due measure of punishment, while with an admirable tempering of equity he divided himself between the merciful father and the just lawgiver.' What Zaleucus did for the finite crime of one, Christ did for the infinite sin of all – or at least all who believe in his substitutionary Atonement.

<sup>36</sup> One might point out that in *IBP* II.20.7.2-3, pp. 963-5, Grotius permits capital punishment. Yet even here, he seems to justify it according to forward-looking purposes. See Geddert, *Hugo Grotius*, p. 124.

<sup>37</sup> For a counterpoint, see Henk Nellen, *Hugo Grotius: A Lifelong Struggle for Peace in Church and State, 1583-1645* (Leiden: Brill, 2014), pp. 237-8.

<sup>38</sup> *IBP* II.20.4.2, p. 958.

<sup>39</sup> See Blom, 'Grotius and Socinianism,' pp. 130, 136.

<sup>40</sup> Nellen, *Hugo Grotius*, p. 237.

sins, humanity fails to do so, and by missing this payment (so to speak), incurs a debt of honour. What is more, these sinful demerits of honour-payment are taken from an infinite God, meaning that the debt is infinite. Humanity cannot repay it, and thus stands consigned to a hellish debtor's prison.

Aquinas then further develops the satisfaction theory. Together with Anselm, he argues that Christ – unlike sinful humanity – offers perpetual honour to God. Fortunately, Christ also does more than this, by voluntarily submitting to passion and death. In doing so, Aquinas argues that Christ gives to God more honour ‘than what was required to compensate for the offense of the human race’, and thus earns infinite merits.<sup>41</sup> Christ then renounces his own claim on these merits, and God subsequently applies this heavenly treasury to the church. Those who receive the sacraments of the church reap this reward, in which Christ's infinite surplus of merits is applied against their infinite debt.

The Anselm-Aquinas view appears to be a rather mathematical approach: the merits earned by Christ are applied exactly to the demerits of each person who joins the church. By comparison, Grotius appears a deviation from a catholic view that (to this point) deals in the necessity of mathematics rather than the free will of prudential judgment. Yet Aquinas then introduces an element of that very judgment into what might otherwise appear a necessitarian ‘exact correspondence’ theory. He argues that the passion and death of Christ was not, in fact, the only way to atone for sin. The Atonement was ‘both *good* and *befitting* the Divine dignity.’ The terms ‘good’ and ‘befitting’ connote not a paradigm of deontological necessity but of teleology. Aquinas continues, ‘other possible means were not lacking on God's part’. Aquinas even suggests in a Eucharistic hymn (*Adoro te devote*) that one drop of blood from the infinitely perfect Christ would have sufficed to atone for human sin. Nonetheless, if Aquinas does not believe that Christ's death was the *only* way to save humanity, he does believe that Christ's passion and death was the best or most fitting way to save humanity – and to maintain the ‘divine dignity’ so central to Grotius's aptly-named ‘governmental’ theory.<sup>42</sup> In this way, Aquinas chooses virtually the same reasoning as Grotius would later employ.

Throughout his work, Aquinas repeats this language of fit (*conveniens*),<sup>43</sup> and then echoes this distinction between the minimum necessary punishment and the best possible one. In particular, he maps this distinction onto his treatments of necessity and of satisfaction. In regard to necessity, he does so by considering the question of whether it was necessary for Christ to become Incarnate in the flesh. To answer, he first states that the term ‘necessary’ can mean two things. First, a thing is necessary when ‘the end cannot be without it’: food is necessary for human survival. Second, a thing is necessary when ‘the end is attained better and more conveniently’: a horse is necessary for a journey.<sup>44</sup> Only the latter type of necessity applies to the Incarnation. The Incarnation was not the only way to restore human nature, but it was the best way to do so. It best strengthened human faith, hope, and charity; it gave a dignity to embodied humanity; and

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<sup>41</sup> St. Thomas Aquinas, *Summa Theologiae* [= *ST*] III, 2nd edn, trans. Fathers of the English Dominican Province (London: Burns Oates and Washbourne, 1920), Qu. 48.2; 48.4.

<sup>42</sup> Aquinas, *ST* III, 46.2.

<sup>43</sup> Aquinas, *ST* III, 1, 50.1.

<sup>44</sup> Aquinas, *ST* III, 1.2.

it showed the Resurrection power of overcoming death.<sup>45</sup> It is odd that Aquinas should even use the term ‘necessity’ to refer to this category. Instead of classifying these two categories as species of the genus ‘necessity’, he might more easily have distinguished two genera: ‘necessity’ and ‘fit’. Perhaps he does so in order to show the necessity that the agent (in this case, God) prudently determine the best fit, much like Grotius would argue.

Aquinas also uses this distinction between the minimum necessary punishment and the best possible one to explore Christ’s satisfaction in the Atonement. Here he argues that only the perfect Christ could offer satisfaction for human sin against God. Yet ‘God was not bound to satisfy’.<sup>46</sup> God’s divine economy did not demand Christ’s death as a matter of strict necessity; he could have simply consigned all of humanity to eternal perdition. But Christ’s death allowed the possibility of eternal felicity, which – while not necessary – is surely the most fitting outcome.

One might attempt to argue that Aquinas’s non-necessitarian approach paves the way for Socinus. After all, if one avers that Christ’s death is not the exact correspondence to human sin, then one could say that Christ’s death was not *strictly* necessary. But for Aquinas, Christ’s death is yet required by the standards of teleology – a point on which Grotius would later agree. It is only when one takes a non-necessitarian approach, and then excises its teleology, that one prepares the way to eliminate satisfaction.<sup>47</sup>

### ***3. Grotius’s Predestined Practical Failure in Counter-Remonstrant Holland***

Grotius’s defence of Christian orthodoxy did not persuade his intellectual or popular Counter-Remonstrant adversaries. Holland may have commissioned the young Grotius as its official historiographer, but this honour had clearly purchased for Grotius only fleeting political and cultural capital. Grotius shortly found himself on trial, facing execution. He would be officially unwelcome in his home country for the remainder of his life.

This rejection of Grotius should not be surprising; it was almost foreordained. Grotius was writing in a country that had only in 1581 declared itself a republic and had only in the Twelve Years’ Truce of 1609 won *de facto* independence from its Catholic Spanish masters. Its sovereign independence would not be assured until the 1648 Peace of Münster. A country with unrecognized rule (and thus unrecognized freedom of Protestant practice) was surely in little mood to embrace a position of equivalent satisfaction borrowed from Aquinas, whose spirit had permeated the Counter-Reformational Council of Trent. On the contrary, a defense of identical satisfaction would promote both a catholic position and a stronger distinctiveness from the Roman church, thus further asserting a pious yet distinct Dutch identity. It is not entirely surprising that the Synod of Dort was soon followed by renewed hostilities with Spain in Bohemia, which helped to precipitate the Thirty Years’ War.

In this context, the various principles of Counter-Remonstrant Calvinism were almost predestined to defeat their Remonstrant Grotian adversaries in a war of words. The first unpopular Grotian principle was the embrace of the natural virtue of prudence, one he shared with Aquinas. Grotius did agree with the Counter-Remonstrants in rejecting – or

<sup>45</sup> Aquinas, *ST III*, 46.3, 50.1.

<sup>46</sup> Aquinas, *ST III*, 1.2.

<sup>47</sup> For a counter-point, see Nellen, *Hugo Grotius*, p. 237.

at least rejecting as essential – many Thomistic theological developments, such as the treasury of merits or venial and mortal sins. But in *De satisfactione*, he embraced the Aristotelian virtue of prudence so central to Aquinas’s political thought. Where Aquinas had implied this natural virtue in his concept of equivalent satisfaction, Grotius made it explicit. By employing pagan philosophy and natural virtues to supplement his Scriptural exegesis, he sought a ground of reason procedurally acceptable and neutral to all, even to unbelievers.

Yet this embrace of Aristotle would not endear Grotius to his Remonstrant audience. Aristotle’s thought had earned deep criticism from Calvin, as well as many an antagonistic polemic during the development of Reformed orthodoxy.<sup>48</sup> The very concept of a natural virtue attainable by natural human effort would be off-putting to Grotius’s audience. But Grotius would further portray God’s prudence as co-equal with his love. This would do even less to commend his argument to an audience for whom ‘there was no easy alliance between philosophy and theology’.<sup>49</sup> Even Gale, the major Reformed figure most friendly to philosophy, and one whose method Grotius in some ways followed in *De veritate*, argued that ends of philosophy were inadmissible.<sup>50</sup>

It is true that the Dutch Republic saw a revival of scholasticism during the development of Reformed orthodoxy, beginning around the turn of the seventeenth century. Yet this revival refers more to the institutionalization and professionalization of Reformed doctrine than to any attempt to reconcile the content of pagan philosophy with Christianity. As Muller notes, ‘the term “scholasticism,” when applied to these efforts indicates primarily, therefore, a method and not a particular content’.<sup>51</sup> While its chief thinkers embraced the methods and logic of scholasticism (and their Aristotelian inspiration), they did not embrace Aristotle’s metaphysics or ethics, which were thought to be fatally flawed. Hence, Grotius’s frequent citation of pagan philosophy would not be seen favourably as evidence for the universality of proto-Christian themes. Rather, it would be taken as evidence of a prideful belief in philosophy. What is more, such a position could be seen to criticize events such as the iconoclastic 1566 Beeldenstorm that had helped to galvanize the Dutch revolt, and thus by extension impugn the founding sentiments of the republic.

Second, the Counter-Remonstrant doctrine of limited atonement was perhaps also predestined to outdo in popularity Grotius’s concept of unlimited atonement in *De satisfactione*. Grotius sees Christ as bearing punishment on behalf of human sin in general, not simply the sin of those individuals elected by God. This means that all can potentially attain salvation, if they will only profess faith in Christ and be baptized into the church. Once again, Grotius may take issue with the specific Roman doctrines of penance, purgatory, indulgence, and merits, but he implicitly endorses its idea of potential salvation for the entire church. This could be seen to legitimize the claimed

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<sup>48</sup> R. A. Muller, *Post-Reformation Reformed Dogmatics: The Rise And Development Of Reformed Orthodoxy, ca. 1520 to ca. 1725*, Vol. 1: Prolegomena To Theology, 2nd edn (Grand Rapids, MI: Baker Academic, 2003), pp. 364-5.

<sup>49</sup> Muller, *Reformed Dogmatics*, p. 387.

<sup>50</sup> Muller, *Reformed Dogmatics*, pp. 392-4.

<sup>51</sup> Muller, *Reformed Dogmatics*, pp. 35, 361. See also William J. van Asselt, ‘Scholasticism Revisited: Methodological Reflections on the Study of Seventeenth-century Reformed Thought,’ in *Seeing Things Their Way: Intellectual History and the Return of Religion*, ed. by Alister Chapman *et al* (Notre Dame, IN: University of Notre Dame Press, 2009), 156-9.

faith of Roman Catholic masses across Europe, a position unlikely to appeal to Grotius's Counter-Remonstrant opponents. To them, the Atonement could not be available to all, even in a purely theoretical sense; it demands that some people – even perhaps *most* people – must be punished.<sup>52</sup> An Atonement theology promising salvation only to a few implicitly reinforced the political spirit of a small republic. By contrast, Grotius's approach (on its face) seemed to give comfort to Roman Christendom, and thus to Spanish legitimacy in the low countries.

Finally, Calvin's use of commercial Atonement language was likely to outdo Grotius's political language of equivalent satisfaction. Calvin speaks of a Christ who 'paid our ransom' and who 'purchased...grace for us', and thus satisfied 'by that price the justice of God.'<sup>53</sup> Such formulations may not demand identical satisfaction, but they certainly seem to imply it. What is more, virtually all Reformed orthodox would later avoid categorizing the discipline of theology as *prudentia*, as the Remonstrants had asserted. This rejection further de-emphasized the idea of (Aristotelian) prudence even as an appropriate method of theology, let alone as central to its content.<sup>54</sup> By contrast, Grotius speaks of an equivalence ascertained through prudence. In doing so, he emphasizes a concept that is not simple and intuitive, but difficult to define and thus generally less persuasive to the casual reader. The natural mass desire for clarity over subtlety was undoubtedly exacerbated in Grotius's time and place by the wars roiling the Continent. When basic survival is threatened, whether physical, psychological or theological, few have the inclination to take up positions that naturally form a poor battle cry. The necessitarian idea that Christ paid one's exact debt or took on one's exact punishment surely feels far more immediately satisfying than the subtlety of a position in which Christ suffers as the best (rather than the *only*) substitute, or one in which he suffers for the less tangible sins of 'humanity in general'. Such subtlety is not conducive to a wide reception in a time of conflict.

#### ***4. Grotius's Successful Reception in Britain***

Yet there is one country that avoided these infertile conditions for the Grotian seed: Britain. Only here did the Governmental theory take root. Grotius's connections across the Channel were widespread. His visit in 1613 was crucial in helping to establish Arminianism in Britain. During that sojourn he had contact with Lancelot Andrews and John Overall, not to mention King James I himself. Undeterred by their deaths shortly after his own exile, Grotius set about cultivating new English connections: Archbishop Laud and the Wren brothers. Grotius's love of Britain was never fully reciprocated, as few (other than Laud in 1640) would take risks to help a needy Grotius.<sup>55</sup> But Britain

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<sup>52</sup> Luther once remarked that 'scarcely one human being in a thousand is a true Christian'. Martin Luther, 'On Secular Authority: How Far Does the Obedience Owed to It Extend?', in *Luther and Calvin on Secular Authority*, ed. by Harro Höpfl (Cambridge: Cambridge University Press, 2008), p. 10.

<sup>53</sup> Calvin, *Institutes*, II.17.3-5.

<sup>54</sup> Muller, *Reformed Dogmatics*, 325-47. Muller identifies Keckermann as a notable exception, but one who "does not reflect the eventual Reformed Orthodox consensus."

<sup>55</sup> Hugh Trevor-Roper, *From Counter-Reformation to Glorious Revolution* (Chicago: University of Chicago Press, 1994), pp. 52-72; James Deotis Roberts, Sr., *From Puritanism to Platonism* (The Hague: Martinus Nijhoff, 1968), p. 34.

nonetheless gave Grotius's Atonement theology a fair hearing. And if Grotius's ideas did not blossom there into a mighty oak, they did at least produce several brilliant flowers.

It is true, of course, that *De satisfactione* lacked – in Britain as elsewhere – the reach of other Atonement theories, such as those of Anselm-Aquinas or Calvin. Its direct lineage was limited by its modest three translations in English. Yet even these three English editions exceeded the combined total in other languages. Moreover, Latin editions of *De satisfactione* had already appeared in Britain by 1636, predating all other Latin editions outside Holland by a century. England also produced the majority of foreign translations of *De veritate* and the *Annotationes*.<sup>56</sup>

Likewise, one must concede the paucity of literature on the subsequent history of Atonement theology, especially concerning its popular reception.<sup>57</sup> Yet it is possible to establish a lineage in Britain through three well-studied and influential English theologians who adopted Grotius's theory in part or in full.<sup>58</sup> Tracing this theological lineage does not simply establish a continuity of Grotian tradition and reception, but also shows a connection between the Grotian Atonement and the British 'middle way' approach, as each of the three figures rejected a strict and ossified concept of tradition yet affirmed and preached a Christianity that Grotius would deem 'catholic'. This historiography also shows a consistent misperception of such nuanced thinkers among their contemporary audiences, but unlike on the Continent, not one fatal to their continued reception.

### *Richard Baxter*

One of the first prominent English theologians to espouse a form of the governmental theory was the seventeenth-century preacher, hymnist, and theologian Richard Baxter (1615-91). Baxter was a Puritan in regard to ecclesiology (if not theology), yet he persistently sought a peaceful middle way, while declaring himself (like Grotius) a catholic Christian. He helped to popularize the saying of Grotius's correspondent de Dominis, 'in fundamentals unity, in non-fundamentals liberty, in all things charity.'<sup>59</sup> Baxter found no joy in the approaching 1642 Civil War, and blamed its cause on Parliament no less than the monarchy. He did ultimately join the Parliamentary army, but for an unusual reason: namely, to redirect (from within) its radical republican aims toward constitutional monarchy. Unsurprisingly, he earned enemies on both sides, and he ultimately found himself (like Grotius) behind bars. Yet his influence continued for centuries in Britain, as his devotional work was popular for generations, and Max Weber cited him extensively to illustrate the Protestant Ethic.

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<sup>56</sup> J. Ter Meulen, and P. J. J. Diermanse, *Bibliographie des écrits imprimés de H. Grotius* (The Hague, 1950), pp. 24-5.

<sup>57</sup> W. Andrew Tooley, 'Reinventing Redemption: The Methodist Doctrine of Atonement in Britain and America in the Long Nineteenth Century,' Ph.D Dissertation, University of Stirling, 2013, pp. 24-5.

<sup>58</sup> Indeed, Grotius's overall lineage in Britain exceeds this theological lineage; his theological lineage excludes his many followers in the Great Tew Circle, who self-consciously borrowed from Grotius a great deal other than his Atonement theology.

<sup>59</sup> John R. W. Stott, *Christ the Controversialist* (Downers Grove, IL: InterVarsity Press, 1970), p. 44.

Baxter wrote that he had ‘learnt more from Grotius than from almost any writer that I ever read’, and his Atonement theory reflects this patrimony.<sup>60</sup> Baxter defines satisfaction not in terms of an ‘exact correspondence’ theory, but rather as broadly attaining the ends of the law. Hence, Christ’s death demonstrates justice, and preserves the authority of the Divine lawgiver.<sup>61</sup> In fact, Baxter implies that only if we see God as a governor can we render the Kingdom of God fully intelligible.<sup>62</sup> Baxter did later respectfully break with Grotius over Grotius’s quest to reunite Christendom through Rome (after years of failed efforts through Canterbury).<sup>63</sup> Yet Grotius’s hoped-for global Christian unity was ironically only an extension of the English unity for which Baxter himself had toiled and suffered; Baxter seems to have opposed the plan out of an only-slightly-incomplete Grotian spirit.<sup>64</sup>

### *John Wesley*

Perhaps the most famous Grotian sympathizer was the eighteenth-century preacher, writer, and church leader John Wesley (1703-91). Wesley was an itinerant preacher and leader of the Great Awakening, although he temporarily split with his co-leader George Whitefield over the latter’s belief in predestination. Like the Puritan Baxter, Wesley was uncomfortable with the strictures of Anglican ecclesiology. Yet also like Baxter, Wesley sought an inclusive theological middle way that would unite rather than divide. He eventually reconciled with Whitefield, and preached a sermon at Whitefield’s funeral in which he used (and may have coined) the phrase ‘agree to disagree’.<sup>65</sup> What is more, with his brother Charles he consistently rejected pressure from his followers to leave the Anglican communion, and likewise urged his English followers to remain.

Although Wesley’s Atonement theology is difficult to pin down conclusively, at minimum he sees Christ not simply as atoning God’s wrath but also his justice. What is more, Wesley explicitly states that Christ, in dying, does not suffer the exact punishment due to every sinner. These two ideas are clearly Grotian, so it is not surprising that Wesley went out of his way to recommend Grotius to others.<sup>66</sup> Indeed, even when Wesley hesitates to mandate one specific theory to the exclusion of others, he reflects Grotius’s refusal to directly criticize Aquinas or Calvin.

Wesley was also highly active in prison reform. British criminal law and practice eventually came to bear marks of his Grotian influence. British law reflected God’s

<sup>60</sup> Geoffrey F. Nuttall, ‘Richard Baxter and the Grotian Religion’, in *Reform and Reformation: England and the Continent, c. 1500 – c. 1750*, ed. by Derek Baker (Oxford: Oxford University Press, 1979), p. 245.

<sup>61</sup> Richard Baxter, *Universal Redemption of Mankind by the Lord Jesus Christ* (London: Salisbury, 1694), pp. 378-90.

<sup>62</sup> Brandon James Crawford, *Jonathan Edwards on the Atonement* (Eugene, OR: Wipf and Stock, 2017), pp. 63-5.

<sup>63</sup> Richard Baxter, *The Grotian Religion Discovered* (London: Thomas Brewster and John Starkey, 1658), pp. 2-3.

<sup>64</sup> See Bishop Bramhall’s observation in Marco Barducci, *Hugo Grotius and the Century of Revolution, 1613-1718: Transnational Reception in English Political Thought* (Oxford: Oxford University Press, 2017), p. 82.

<sup>65</sup> John Wesley, ‘On the Death of the Rev. Mr. George Whitefield’, ed. by Scott Denfeld, Wesley Center for Applied Theology, <<http://wesley.nnu.edu/john-wesley/the-sermons-of-john-wesley-1872-edition/sermon-53-on-the-death-of-the-rev-mr-george-whitefield/>>

<sup>66</sup> Tooley, ‘Reinventing Redemption’, pp. 17, 28, 44.



positive command of damnation: the law was often severe, mandating capital punishment for many crimes. Yet British judges echoed God's penal relaxation, or what Grotius calls 'indulgence' or 'moderation'.<sup>67</sup> They often applied this law with mercy, offering to convicted criminals the alternative of exile to the colonies. Furthermore, they often punished less serious crimes not with hard physical treatment but by employing the stocks. In doing so, they relaxed the pain of physical punishment, but increased the public disapprobation of crime – thus testifying to the dignity of the law.<sup>68</sup>

Wesley's religious descendants in America further carried the torch for the Governmental theory, through the intermediary of the New Divinity School of Jonathan Edwards, Jr. Adherents of this school sought a middle way between the Penal Substitution theory of Westminster Confession Old Calvinists, and the Moral Influence theory of proto-Unitarian Liberals. Moreover, much like Grotius, they were attacked by both sides for doing so.<sup>69</sup> This New Divinity school was a natural fit for Wesleyan Methodists in the nineteenth century. Beginning in the 1830s, they often promulgated the Governmental theory in their periodicals and propounded it from their pulpits. By the 1860s, they had extended the idea of God's moral government beyond the Atonement, to the entirety of God's work throughout the universe. Unsurprisingly, this approach has a continued lineage today among 'mediating Methodists', who seek to balance God's jurisprudence and love, and who embrace Divine mystery over detailed dogma.<sup>70</sup>

### *P. T. Forsyth*

The Grotian legacy was carried into twentieth-century Britain by P. T. Forsyth (1848-1921). Forsyth was described in 1925 by J. K. Mozley as England's most powerful dogmatic theologian, even though Forsyth preferred aphorism and critiqued over-systematization in theology. Emil Brunner publicly praised Forsyth as the greatest of British theologians (while adopting his Grotian approach to the Atonement). Karl Barth spoke warmly of Forsyth, and transmitted these implicit Grotian themes to his own wide audience.<sup>71</sup>

In the *Justification of God*, Forsyth questions Anselm's legal-judicial model and instead sees the Atonement as redressing 'the whole moral fabric and movement of the universe.' What calls for redress is not God's stock of honour, but the rightness of things.<sup>72</sup> He also places teleology above 'exact correspondence' necessity: as one reader notes, 'what fell on [Christ] was not the equivalent punishment of sin but its due

<sup>67</sup> *De satisfactione*, III.1-7, pp. 150-3; III.12, pp. 156-7; VI.13, pp. 194-5. See also *IBP* II.20.24-27, pp. 997-1002. Grotius frequently refers to indulgence or moderation as a softening of the punishment, although it may also describe a substitute punishment (such as that of the infinite Christ) that is certainly not softer. Grotius describes God's action in the Atonement as indulgence rather than acceptance not because it is not a softening, but because it is the act of a governor rather than a private creditor.

<sup>68</sup> Tooley, 'Reinventing Redemption', pp. 31-2.

<sup>69</sup> William Breitenbach, 'The consistent Calvinism of the New Divinity Movement', *The William and Mary Quarterly*, Vol. 41, No. 2 (Apr., 1984), p. 241.

<sup>70</sup> Tooley, 'Reinventing Redemption', pp. 41-4, 166-7, 170, 173, 241.

<sup>71</sup> Noel Due, 'The Holiness of God in P. T. Forsyth's Theology of Atonement', Honours Thesis, Flinders University, (Blackwood, AU: New Creation Publications, 1986), p. 4; John Stott, *The Cross of Christ* (Downers Grove: IL: InterVarsity Press, 1986), pp. 117-23.

<sup>72</sup> P. T. Forsyth, *The Justification of God: Lectures for War-Time on a Christian Theodicy* (Eugene, OR: Wipf and Stock, 1999), pp. 173, 191-2.

condemnation.<sup>73</sup> Yet nor did Forsyth insist that that one type of metaphor could fully capture the Atonement.<sup>74</sup> Forsyth also echoed Grotius by critiquing of the Council of Chalcedon without adhering to the position it outlawed. Instead, like Grotius he protested its process of defining a narrow doctrine, one which produced a schism in the church (and one that Patriarch Meletius, honoured by Grotius, later sought to heal).

Forsyth's Grotian affinity resulted in a Grotian-style reception. Forsyth was critiqued by conservative Protestants for embracing historical-critical scholarship and rejecting propositional orthodoxy, and by liberals for his emphasis on sin, judgment, and a personal encounter with the Revealer. One might say that he alienated both sides by employing the methods of liberalism for the objectives of catholic Christianity, much as Jeremy Thomas describes Grotius as having been 'orthodox for all the wrong reasons'.<sup>75</sup> Furthermore, much like Grotius, Forsyth was charged with being difficult to read, in his case because of an aphoristic style born of his suspicion with systematic theology.<sup>76</sup> Yet his dissemination through theological giants like Barth and Brunner has ensured the continuation of his Grotian legacy.

### *Grotius and the English Way*

If this brief survey has shown that England was the country best disposed toward Grotius's theology of punishment, it helps to vindicate recent speculation over Grotius's particular Christian allegiance. Thomas argues that Grotius 'probably found the Anglican Church...the most attractive'.<sup>77</sup> Certainly Grotius's position on church and state fits the Church of England; Grotius expected James I to welcome his Erastian view. Hugh Trevor-Roper more confidently asserts that Grotius was '*in foro interno* [an] Anglican to the end'. He points out that Grotius praised the Anglican liturgy, saying 'it has always been held by all learned men to be the best.' He also mentions that Grotius advised his wife and children to communicate in the Anglican church in Paris, and would have joined them himself if not limited by his ambassadorship of Lutheran Sweden.<sup>78</sup>

There are several good reasons why Grotius's emphasis on the peaceful, nondogmatic middle way drew him to the Anglican Way – and why his theological legacy should have found a welcome home there. The English Reformation differed from that of the Continent, as it was not initially prompted by doctrinal disputes over justification (and thus satisfaction). Rather, it was motivated more by non-doctrinal issues such as abuse of indulgences, Roman oversight, and the Latin mass. For this reason, it sought not to define a narrow doctrine but to accommodate all who professed a broadly catholic Christianity – from moderate Calvinists to high church Laudians. This spirit of Grotian catholicity befits its emphasis that truth is discerned in practice more than theory. For

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<sup>73</sup> Samuel J. Mikolaski, 'The nature and place of human response to the work of Christ in the objective theories of the atonement advanced in recent British theology by R.W. Dale, James Denney, and P.T. Forsyth', D. Phil Thesis, University of Oxford, 1958, pp. 78-84.

<sup>74</sup> Jason Goroncy, *Hallowed Be Thy Name: The Sanctification of All in the Soteriology of P. T. Forsyth* (London: Bloomsbury, 2013), pp. 104-5.

<sup>75</sup> Jeremy Thomas, 'The Intertwining of Law and Theology in the Writings of Grotius', *Journal of the History of International Law* 1 (1999), 61-100, (pp. 77-8).

<sup>76</sup> Due, 'The Holiness of God,' pp. 13-7, 97; Mikolaski, 'The nature and place,' p. 84.

<sup>77</sup> Thomas, 'The Intertwining of Law and Theology,' p. 80.

<sup>78</sup> Trevor-Roper, *From Counter-Reformation*, p. 78.

example, the greatest Anglican conflicts have typically not involved doctrine but practice, especially the Prayer Book: a liturgy that contains little explicit theology but much that is implicit.

The Anglican ‘middle way’, with its emphasis on *praxis*, in turn reflects the broader political culture and history of Britain. One English distinctive is the usage of common law rather than Roman civil law. This approach prioritizes situational discernment over universal principles. Correspondingly, England’s principle of Parliamentary Supremacy and its absence of judicial review leads its government to ‘muddle through’ conflicts rather than resolving them in black-and-white judicial rulings. As a result, the English constitution – like the English garden – develops slowly over time, unlike the planned French constitution (and garden). Likewise, Brits have traditionally fought for the ‘rights of Englishmen’ that are won over time (as in Edmund Burke) rather than universal rights that descend from on high (as in Thomas Paine). This concept of rights further buttresses the ‘slow but sure’ English approach to change, obviating the need for the many revolutions of its Gallic neighbor; Britain’s revolution was Glorious (because peaceful). Unsurprisingly, Brits tend to have a more positive attitude toward their government and the dignified functions of the monarchy that serve even today as Grotian ‘Protector of the Faith’.<sup>79</sup> For these reasons, we should not be surprised to find theological descendants of Grotius in Britain.

### ***Conclusion: De Satisfactione – Only Satisfying to Grotius’s Posthumous Audience***

Grotius’s Atonement theory failed to persuade at least three audiences. First, it failed to persuade his contemporary Counter-Remonstrant adversaries; they viewed it as window-dressing for Popery or heresy. Second, his theory has failed to win over scholars today; they often see it as a bridge to Socinus. Nor, finally, did the Governmental theory convict pastors or parishioners in Holland, let alone wider Continental Europe; congregations there have largely chosen from the stark binary of Anselm-Aquinas or Calvin.

Yet the theory’s cool reception need not disprove its catholic purport or its defense of substitutionary Atonement. Indeed, its use of methods that can potentially appeal to all who consider themselves catholic may have been its very undoing. First, its lack of clear opposition to Roman doctrine may have rendered it less appealing to the Dutch audience of the 1610s, offering less implicit support to a nascent Dutch republic independent of Spain. Second, its implicit Thomistic concept of equivalent rather than identical satisfaction has led many scholars to overemphasize its affinity with Socinus. Finally, its foundation on a nuanced jurisprudence rather than on clear theology or principles of *sola scriptura* likely rendered it unappealing to congregants in Continental pews. In short, Grotius’s Governmental theory may have been catholic, but it was likely too subtle to satisfy many. Because he declined to use necessitarian language that clearly refuted the Roman adversary, his theory may have been ill-suited to a time of war, and thus almost predestined to perdition. Its posthumous salvation came from England, the one country largely spared from religious and political strife – although at the time of Grotius’s death even Britain would not have looked hopeful. If Grotius truly ended his life with words

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<sup>79</sup> See, for instance, Walter Bagehot, *The English Constitution* (Oxford: Oxford University Press, 2001) – itself a cultural rather than legal analysis.

about having attempted many things and having accomplished few of them, he could have been forgiven for the sentiment.

The argument and reception of *De satisfactione* seems a microcosm of Grotius's tireless (and generally fruitless) lifelong quest for peace. In his Atonement theology, Grotius sought a basis agreeable to all parties, without necessarily forcing either side to repudiate their own. Yet despite reaching out to both sides on a neutral ground, he found himself distrusted by both; the more he defended himself from 'Socinianism' or 'Popery' (and the more he declined their enticing offers), the more he became accused of both.<sup>80</sup> While he sought a peaceful middle way, his opponents found it easier to divide and conquer. His rivals' strategy was well-suited to a public that sought tangible, intuitive doctrines; indeed, their emphasis on the language of necessity rather than prudence is often a winner even today.<sup>81</sup> Few audiences embrace Grotius's emphasis on diversity in inessentials, or his belief in the inability of words to fully convey the mystery of Christ – a man Divine but never fully defined. Yet perhaps Grotius employs such nuance not to disingenuously enable heterodoxy but rather to prevent catholic Christianity from becoming ossified into brittle propositional dogma. Much like Christ's death permits a prudent alteration of God's original (positive) command, Grotius's emphasis on practice over doctrine points toward a transcendent and personal God who acts – in the words of *De satisfactione* – 'not according to the law, yet not against it; but rather, above the law, and instead of it.'<sup>82</sup> Only in a more pacific context, one more amenable to careful and subtle philosophical inquiry, could this delicate and long-germinating Atonement theory begin to flower.

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<sup>80</sup> Trevor-Roper, *From Counter-Reformation*, pp. 58, 71, 78.

<sup>81</sup> Ironically, Grotius believes in a strict natural law accessible to all, which may help to account for his liberal-democratic convictions. See Jeremy Geddert, 'Hugo Grotius' Modern Civil Religion: Source of Europe's Stoic Liberalism?', in *Classical Rationalism and the Politics of Europe*, ed. by Ann Ward (Newcastle: Cambridge Scholars Publishing, 2018).

<sup>82</sup> *De satisfactione*, V.12, pp. 180-1; See also *Meletius*, § 50, p. 119.