

Gerard Noodt's Standing in the Eighteenth-Century Dutch Debates on Religious Freedom

Gerard Noodt's address *De religione ab imperio iure gentium libera* was held in 1706, when the *conscience européenne*, as Paul Hazard phrased it, was well into its crisis. Consequently it has been suggested that it might be worthwhile to determine whether the address, praised as 'the first principled defence of toleration based on natural law', marked a turning point in the Dutch toleration debates.¹ The question, however, now seems unwarranted. It has become clear that if Noodt's address can be qualified as principled and even as radical, it was hardly unique: it had been preceded by texts that were in many respects more extreme.² This professorial oration by a noteworthy scholar of law – Gerard Noodt (1647-1725) was doubtless one of the outstanding students of Roman law in early-modern Europe – did not, then, represent a turning point. But it certainly can be seen as a hallmark in the history of ideas.

Surprisingly, the influence of Noodt's address in the eighteenth century has not been gauged. His contemporaries regarded Noodt's performance in Leiden as a memorable event, and throughout the eighteenth century writers hailed it as one of the major contributions to the debate on religious freedom and toleration. In 1734, for example, in an attempt to make the Dutch text of the address available to a broad public, it was reissued in a cheap octavo edition together with, among others, Dutch translations of John Locke's *Letter Concerning Toleration*, a commentary on the church Fathers by the law scholar Jean Barbeyrac, and a sermon by the Anglican divine Benjamin Hoadly.³ The publisher was Isaac Tirion, an Amsterdam Mennonite, who wrote a short preface to the book.

Noodt, says Tirion in his preface, was the first to broach the issue of religious freedom in an academy. In some countries it would not have been safe for a professor to criticize accepted customs. But, claims Tirion, in his address Noodt had not, in fact, criticized the High Authorities. He had simply defended their policies. He had merely demonstrated that the toleration they exercised was actually based on the law of nations, and he had emphasized that this practice was a prime duty of every civil, Christian government. Noodt had been permitted to speak freely about this, and the composure with which he made his point deserves much praise.

Tirion was surely right in stating that Noodt evinced courage in bringing these matters to the fore in public, in the midst of the Leiden academy. His account, however, poses a problem. If Noodt had simply been giving the actual policies of the Dutch civil authorities a theoretical finish, why reissue his text? In the

¹ W.W. Mijnhardt, 'De geschiedschrijving over de ideeëngeschiedenis van de 17^e en 18^e eeuwse republiek', in: *idem* ed., *Kantelend geschiedbeeld*, Utrecht, 1983, pp. 162-205.

² Cf. e.g. H.W. Blom, *Causality and Morality in Politics. The Rise of Naturalism in Dutch Seventeenth-Century Thought*, s.l., 1995.

³ *Verzameling van eenige verhandelingen over de verdraagzaamheid en vryheid van godsdienst* ('Collection of several tracts on toleration and freedom of worship'), Amsterdam, J. ter Beek and I. Tirion, 1734, with a preface by I. Tirion. See M. Ahsmann and R. Feenstra, *Bibliografie van hoogeraren in de rechten aan de Leidse universiteit tot 1811*, Amsterdam, Oxford, New York, 1984, nr. 457.

following I shall attempt to outline, and account for, the nature of the reception of Noodt's address on religious freedom in the eighteenth-century Netherlands.⁴ I shall generally argue that because Noodt failed to sufficiently clarify his own position and point out the implications of his argument, his text could be, and was, interpreted in very different ways. It could be seen to defend the status quo, but it could also be employed by subversive pamphleteers as an incisive critique of the Dutch *ancien régime*. First I shall briefly discuss the address itself, and then focus on one of Noodt's most important disciples, Jean Barbeyrac. Subsequently I shall try to determine Noodt's influence on four currents in Dutch intellectual life. These currents are respectively republican political thought, radical criticism, orthodox Calvinism, and the natural law school.

The Address

Gerard Noodt's address *De religione ab imperio iure gentium libera*, 'On religion as free from domination according to the law of nations', may have been inspired in part by his sympathy towards the Remonstrants. Indeed, as late as 1786 an Italian critic believed him to have belonged to the *factio Arminianorum*; and his biographer Van den Bergh suggests that after 1706 orthodox Leiden ministers took measures against Noodt himself by excluding him from the church council.⁵ Apparently the address was regarded as somewhat controversial; but it was not controversial enough to lead to serious repercussions.

In the later debates on religious freedom, three of the points made by Noodt were to be of particular relevance.⁶ First, Noodt argues that individuals are wholly free to ascertain their own religious beliefs. Man has been created with the natural inclination to obtain what he deems good and to avoid what he deems bad, to search after truth by the light of reason, to distinguish between the true and permanent on one hand, and the false and ephemeral on the other. Man, therefore, is possessed of a natural freedom to compare and choose, even in matters concerning religion.

Second, individuals possess freedom of association. Noodt elaborates on the freedom of the believer to join any church society and to leave it again if he wishes to do so. As long as he remains a member of such a society, a believer is not, of course, free to do as he likes; he must abide by the rules instituted by that society. But Noodt contends that a believer has no less the right to leave the persuasion of his choosing than he had the right to join it in the first place.

Third, religion is free from the influence of the civil authorities. Since nobody in the state of nature has the freedom to pronounce judgements on God and His

⁴ For a historiographical overview of recent Dutch scholarship on toleration, see my 'The Eighteenth-Century Dutch "Toleration" Debate. Some Considerations With Regard to Contemporary Approaches', in: *Dutch Crossing* 1 (1998) (forthcoming).

⁵ G.C.J.J. van den Bergh, *The Life and Work of Gerard Noodt (1647-1725). Dutch Legal Scholarship between Humanism and Enlightenment*, Oxford, 1988, pp. 225, 229-234, 238.

⁶ I have used G. Noodt, *Opera omnia, recognita, aucta, emendata, multis in locis, atque in duos tomos distributa. Accessit V.Cl. Joannis Barbeyracii historica vitae auctoris narratis*, Leiden, Th. Haak, 1760, I, pp. 518-526 ('De religione ab imperio iure gentium libera'). This is the text of the first edition, published in quarto: *Gerardi Noodt, jurisconsulti, dissertatio de religione ab imperio iure gentium libera, habita in Academia Lugduno-Batava a.d. VI. Id. Febr. A. MDCCVI. cum abiret magnifici rectoris munere*, Leiden, F. Haaring, MDCCVI.

worship, no prince can be accorded the right to judge in matters of religion. The awe inspired by civil power has not been created to prevent freedom, but to steer freedom so as to further the common good. The dominion of a prince should concern the welfare of the civil state only; all other matters, including religion, are beyond his jurisdiction.

Using arguments derived from natural law, Noodt thus observed that religious freedom required the fulfillment of at least three conditions: (1) individuals must be free to choose their own persuasion; (2) they may voluntarily join or leave a church society; and (3) the civil authorities should not interfere in religious affairs. None of these conditions was particularly novel. They resemble, for one, those of the *Letter Concerning Toleration*, John Locke's famous essay, which was published anonymously in 1689. It is probably safe to assume that Noodt had read the essay. Locke too defined the church as a voluntary society and restricted the influence of the state. The difference, of course, was Noodt's appeal to natural law. The contrast between Locke and Noodt is evident from the titles of their writings. Locke wrote a treatise on toleration; Noodt held an address on religious freedom. Locke was concerned with establishing an ordered Christian polity, the civil authorities of which were expected to interfere as little as possible in religious affairs. Noodt was concerned with providing arguments for individual religious freedom, and he looked upon this freedom, not as a matter of toleration, but as one of natural right.

We can understand the impact which Noodt's address must have had on the Leiden audience of 1706, and why he apparently was so nervous while delivering it that he inadvertently trespassed on the rules of elocution.⁷ In lively and concise Latin, which according to Jean Leclerc was reminiscent of both Seneca and Tacitus,⁸ Noodt argued that the authorities, in tolerating religions other than the official, Calvinist one, were not granting them a favour but giving them their rightful due. This was a firm statement, and over the years it would inspire many writers.

Nevertheless, Noodt's text raises more questions than it answers them. One of the most important questions concerns the precise nature of religious freedom, or, as Noodt puts it, of religion as free from domination. Is it the freedom to profess a particular form of worship with impunity? Does it include the freedom to associate in any form, at any time and on any condition? Can atheists, who have no use for religion, stake a claim to such freedom? If, however, all men and women are expected to make a positive religious choice, on what grounds are they supposed to do so? On the basis of a minimalist natural religion grounded in reason? Religious freedom should then be the property, not only of Jews and Muslims, but also of deists. Or should we restrict such considerations to a Christian society? Does the Bible, then, contain the grounds for making a proper choice? If so, are Roman Catholics to be tolerated? The large majority of Protestants would have claimed that the authority of the Catholics was not the Bible but the Pope. It may well be that Noodt, in delivering his address, had been thinking first and foremost of the

⁷ Van den Bergh, *The Life and Work of Gerard Noodt*, p. 232.

⁸ *Bibliothèque Choisie, pour servir de suite à la Bibliothèque Universelle. Par Jean le Clerc. Année MDCCVII*, Tome XI, Amsterdam, H. Schelte, MDCCVII, Article VII, ii, pp. 231-259 (an extensive summary of the 1706 Latin edition), p. 259.

Remonstrant minority in the Netherlands. But how far would he have been willing to go in conferring religious freedom on Socinians or anti-Trinitarians? Socinianism continued to be regarded as one of the principal threats to the Christian tradition until well into the eighteenth century. Had Noodt defended the freedom of Socinians to publicly vent their ideas, the repercussions following his address could have been a lot more serious than his mere exclusion from the Leiden church council.

Noodt, in other words, failed to make explicit the implications of his argument from natural law for the practical exigencies of a Christian commonwealth. As an academic he was not, of course, wholly free to discuss these implications, but we may well ask whether he would have wanted to do so. A large portion of his address is concerned with refuting the idea that it is legitimate to use force on an individual conscience.⁹ This approach seems to reveal Noodt's limited intentions. Perhaps we could draw a parallel with his other controversial address, on the rights of sovereign power and the *lex regia*, which he had held in 1699 and which according to Leclerc similarly pleaded a fundamental cause of humankind.¹⁰ In this earlier address Noodt, in opposing the absolutist tendencies of his age, had not been proposing radical reform, let alone revolution; he had (probably) been making a stand against the monarchical ambitions of the stadholder-king William III. During the last two or three decades of the seventeenth century there had been a rather severe clamp down on books and ideas in the Dutch Republic.¹¹ Conceivably, in 1706 Noodt may simply have wanted to influence views relating to freedom of religious expression within the political and religious establishment. However this may be, the ambiguities in his address on religious freedom would lead to very different interpretations of his text.¹²

⁹ Noodt discusses and refutes eleven objections against a complete liberty of conscience: (1) there is only one way to obtain salvation, and eternal salvation is of the utmost important; (2) the prince has conferred all authority in religious matters on an ecclesiastical body; (3) the glory of God is insulted by religious error; (4) error leads to pernicious behaviour; (5) force is used on individuals for their own good; (6) those who err are particularly obstinate; (7) we have the duty to defend and propagate the religion instituted by God; (8) since civil law forces people to live virtuously, it should also compel them to uphold religious truth; (9) religious order and unity are in the interest of the state; (10) religious diversity is a source of disorder; and (11) idolatry and superstition must be exterminated.

¹⁰ *Bibliothèque Choisie*, XI, p. 232: both addresses '(...) plaide la cause du genre humain, contre ceux qui voudroient par ignorance, ou par malice, établir par tout des maximes entierelement opposées aux droits inviolables de la Nature Humaine.'

¹¹ J. Israel, 'The Intellectual Debate about Toleration in the Dutch Republic', in: C. Berkvens-Stevelinck, J. Israel, G.H.M. Posthumus Meyjes, *The Emergence of Tolerance in the Dutch Republic*, Leiden etc., 1997, pp. 3-36.

¹² Most legal students of the first half of the eighteenth century would have been acquainted with the text. J.J. Vitriarius, who taught in Leiden between 1720 and 1745, referred to both of Noodt's addresses, as well as to Pufendorf, Huber, Van Bijkershoek and Barbeyrac's edition of Grotius. In the second half of the century, Meindert Tydeman (professor in Utrecht after 1766) referred to Pufendorf, Wolff, Hutcheson, Leibniz, Rousseau, and Montesquieu, but also to Locke and Noodt; likewise, F.W. Pestel (professor in Leiden after 1763) referred to most of these authors, including Noodt. It seems that Huber, Noodt and Van Bijkershoek were read throughout the eighteenth century. See C.J.H. Jansen, *Natuurrecht of Romeins recht. Een studie over leven en werk van F.A. van der Marck (1719-1800) in het licht van de opvattingen van zijn tijd*, Leiden, 1987, p. 87-89.

Jean Barbeyrac

Jean Barbeyrac (1674-1744), professor of law at Groningen university since 1717, was one of the leading Huguenot intellectuals of his time. His main contribution was in the field of natural law, particularly through his translations of Grotius and Pufendorf. His footnotes to these editions were extremely popular during much of the eighteenth century; it is through these notes, for example, that he disseminated Locke's ideas on the continent. A major writer on toleration, Barbeyrac had completed a French translation of Noodt's address by the end of 1706, when he was still working at the *Collège Français* in Berlin.¹³ It was published the following year as a 'Discours sur la liberté de conscience'.¹⁴

The change of title is striking. At first glance it would seem that according to Barbeyrac, Noodt's address had more to do with freedom of conscience than with the freedom of religion from political supremacy. To be sure, in his introduction Barbeyrac does observe that it is indisputable 'que le Souverain, de quelque titre superbe qu'il soit revêtu, n'a pas plus de Pouvoir que n'en demande le Bien Public; & qu'il faut laisser à chacun une pleine liberté de suivre la Religion qui lui paroît la meilleure.'¹⁵ But the 'pleine liberté' intended appears to be liberty of conscience – to be defended, if need be, by violent resistance¹⁶ – rather than full and public freedom of worship. A similar emphasis on liberty of conscience is evident in the English and German translations of Noodt's text, which were all to some extent based on Barbeyrac's edition and comments. The first English translation, *The Right of Liberty of Conscience* (1708) by John Savage (1673-1747), followed Barbeyrac's French version.¹⁷ The second, *Liberty of Conscience* by Aulay Macaulay (1758-1819), appeared much later in 1781, and was translated from the Latin, but included Barbeyrac's notes.¹⁸ In 1724 a German translation was published, *Rede von der Freyheit des Gewissens*, for which both the Latin as well

¹³ Cf. Ph. Meylan, *Jean Barbeyrac (1674-1744) et les débuts de l'enseignement du droit dans l'ancienne Académie de Lausanne. Contribution à l'histoire du droit naturel*, Lausanne, 1937, pp. 61-62.

¹⁴ I have consulted the first and second editions, as well as the 1731 edition mentioned in the following note. The first edition is *De pouvoir des souverains; et de la liberté de conscience. En deux discours, traduits du Latin de Mr. Noodt, professeur en droit dans l'université de Leide: par Jean Barbeyrac*, Amsterdam, Thomas Lombrail, MDCCVII. The second, revised and enlarged edition has the same title (Amsterdam, P. Humbert, MDCCXIV: 'Seconde édition, revuë, & augmentée de plusieurs notes'). The motto on the title page is taken from Tacitus' *Historiae*, L. I, C. I: 'Rarâ temporum felicitate, ubi sentire quæ velis, & quæ sentias dicere licet'. Both the second and the 1731 editions include the same 'Préface du traducteur' (pp. I-XX), signed Barbeyrac, Berlin, 20-12-1706. The French title of the address is 'Discours sur la liberté de conscience: Où l'on fait voir, que par le Droit de la Nature & des Gens, la RELIGION n'est point soumise à l'Autorité Humaine'. The 1731 edition (vol. I) is enlarged with notes by Barbeyrac; there are also some slight changes in the translation.

¹⁵ 'Préface du traducteur sur les deux discours de Mr. Noodt. Telle qu'elle étoit dans la première édition, de MDCCVII', in: J. Barbeyrac, *Recueil de discours sur diverses matieres importantes*, 2 vols., Amsterdam, P. Humbert, MDCCXXXI, I, p. 4.

¹⁶ See espec. T.J. Hochstrasser, 'The Claims of Conscience: Natural Law Theory, Obligation, and Resistance in the Huguenot Diaspora', in: J.C. Laursen ed., *New Essays on the Political Thought of the Huguenots of the Réfuge*, Leiden etc., 1995, pp. 15-51.

¹⁷ *The Power of the Sovereign, and the Right of Liberty of Conscience in Two Discourses*, London, Andrew Bell, 1708; Ahsmann-Feenstra, *Bibliografie*, nrs. 442.

¹⁸ *Two discourses; on Sovereign Power, and Liberty of Conscience*, London, C. Dilly, 1781. See Ahsmann-Feenstra, *Bibliografie*, nrs. 443.

as Barbeyrac's French version were used.¹⁹ This in turn appears to have been used in 1728 by a radical pietist, Johann Christian Seitz (no dates known), who published Noodt's address in a collection of tracts resembling the Tirion edition, and which also included a translation of Locke's *Letter Concerning Toleration*, as well as writings by Seitz himself and the pietist leader Ph.J. Spener (1635-1705).²⁰

In terms of the Dutch context, the change of title possibly reflects the limited concern evinced by Dutch authors for in-depth analyses of the human conscience and its relations to religious liberty.²¹ The Dutch may have had little interest in the topic because Article XIII of the Union of Utrecht (1579), which more or less functioned as the constitution of the Republic, seemed to them to adequately vouchsafe liberty of conscience. Indeed, in the Netherlands neither the most rigorous Calvinist divine nor the most authoritarian regent would not have found it wise to deny that a man was free to maintain whatever opinions his conscience enjoined him to uphold. Barbeyrac, then, could seem to be disputing above all the use of dragonnades by Louis XIV to suppress French Protestantism. In this interpretation, and with the new title, the general purport of Noodt's address would have appeared harmless enough to Dutch readers.

But perhaps we should not set too much store by a change of title. Barbeyrac, in any event, had a second and less obvious intention. In view of the fact that his scholarly life in Berlin had recently been made very uncomfortable by orthodox leaders of the French Reformed church,²² it seems that we should also interpret his translation of Noodt's address as a contribution to the defence of freedom of public expression. We may surmise that Barbeyrac made use of Noodt's address, not only to combat religious intolerance in France, but also to dispute the influence exercised on the civil authorities by both the Prussian and the Dutch clergy, in particular regarding the religious views of those pursuing a public career. This

¹⁹ *Rede von der Freyheit des Gewissens, wie selbige in dem Natur- und Völcker-Recht gegründet ist* (translator unknown), Frankfurt, Leipzig, s.n., 1724; Ahsmann-Feenstra, *Bibliografie*, nrs. 461.

²⁰ *Die Rechtmässigkeit, Nothwendigkeit und Nutzbarkeit der Toleranz und Gewissens-Freyheit, klärllich und kräftig aus unterschiedenen über diese Materie gefertigten Schrifften erwiesen, und zum gemeinen Besten auff's Neue zusammen gedruckt*, Hamburg, Leipzig, Jonas Korten, 1728; Ahsmann-Feenstra, *Bibliografie*, nrs. 462; H. Schultze, *Lessings Toleranzbegriff. Eine theologische Studie*, Göttingen, 1969, pp. 141-142, nr. 112. The *Allgemeine Deutsche Biographie*, XXX, pp. 662-663, characterizes Seitz as a 'mystisch-chiliasmischer Separatist' with Socinian leanings, who between 1712 and 1735 wrote a number of tracts on religious freedom in Latin and German. See also H.-J. Schrader, *Literaturproduktion und Büchermarkt des radikalen Pietismus. Johann Henrich Reitz' "Historie Der Wiedergeborenen" und ihr geschichtlicher Kontext*, Göttingen, 1989, pp. 296 and 507.

²¹ Compare this with the preoccupations of the Huguenot exiles; see espec. M. Turchetti, 'La liberté de conscience et l'autorité du magistrat au lendemain de la Révocation. Aperçus au débat touchant la théologie morale et la philosophie politique des Réformés: Pierre Bayle, Noël Aubert de Versé, Pierre Jurieu, Jacques Philipot et Elie Saurin', in: H.R. Guggisberg, F. Lestringant, J.-C. Margolin eds., *La liberté de conscience (XVI^e-XVII^e siècles)*, Genève, 1991, pp. 289-367. On Barbeyrac himself, see T.J. Hochstrasser, 'Conscience and Reason: The Natural Law Theory of Jean Barbeyrac', in: *Historical Journal* 36 (1993), pp. 289-308. My suggestion with respect to the limited role of conscience in Dutch thought will, of course, have to be tested by a more thorough determination of, among others, Barbeyrac's influence in the Netherlands.

²² S.C. Othmer, *Berlin und die Verbreitung des Naturrechts in Europa. Kultur- und sozialgeschichtliche Studien zu Jean Barbeyracs Pufendorf-Übersetzungen und eine Analyse seiner Leserschaft*, Berlin, 1970, pp. 68-81.

latter purpose is reflected in a long, anti-clerical footnote added by Barbeyrac²³ – who himself was, of course, hardly a paragon of Calvinist orthodoxy, as is evidenced by his general opposition to the Swiss *Formula Consensus* of 1675 and the obligation to subscribe to it.

Barbeyrac's twofold agenda – freedom of conscience and freedom from clerical influence – is reflected in the way he annotated Noodt's address. He added 77 footnotes to three of the five short ones provided by Noodt himself,²⁴ in consequence of which the French version of the address grew to more than a hundred pages in octavo.²⁵ The footnotes provide a wealth of references, which can be classified into three groups. There are references to classical sources, notably the Stoics Cicero and Seneca, and the Church Father Lactantius (who was known as the 'Christian Cicero').²⁶ The second group of references consists of sources probably used by Noodt, among others Hugo Grotius.²⁷ The third and most interesting group pertain to references to parallel arguments in contemporary writings. This group includes both Noodt²⁸ and Barbeyrac²⁹ themselves, as well as Gilbert Burnet,³⁰ Jean Leclerc³¹ and Samuel Pufendorf.³² There are references to the *Conversations sur diverses matieres de religion* (1687), a tract written by the French Socinian Charles le Cène (1647-1703), to which was appended a treatise on toleration by another Socinian, Johan Crellius (1590-1633).³³ The Remonstrant

²³ 'Discours sur la liberté de conscience', in: Barbeyrac, *Receuil de discours*, I, note on pp. 172-173: 'L'histoire est si pleine des erreurs & des vices des Ministres Publics de la Religion, & l'on a tant de fois montré combien cela même rend nécessaire des Doctrines & des Pratiques qu'ils veulent nous imposer; qu'il faut être bien simple, pour se laisser éblouir à leur autorité, & bien hardi pour la faire valoir comme un argument qui seul soit de quelque force. Il n'y a point ici de Religion, de Secte, de Parti, que puisse se vanter avec quelque apparence de raison de pouvoir être & d'avoir jamais été entièrement à l'abri des Décisions téméraires, des Cabales, de l'esprit d'interêt & de Domination, qui trouve un si beau prétexte dans une apparence de zèle ardent pour la gloire de DIEU. C'est là-dessus qu'on peut dire avec beaucoup de vérité: *Iliacos intra muros peccatur & extra.*'

²⁴ Of the five footnotes included by Noodt himself, Barbeyrac omitted two references to Livius and retained those regarding Ammianus Marcellinus and the Codex Theodosianus. The number of footnotes in Barbeyrac's 1731 edition amount to 80.

²⁵ 'Discours sur la liberté de conscience', in: Barbeyrac, *Receuil de discours*, I, pp. 119-231.

²⁶ *Ibidem*, notes on pp. 126, 127, 129, 132, 181, 189, 195 (Cicero and Seneca) and pp. 148, 185, 191, 192-194, 208 (Lactantius). Other classical authors include Symmachus (p. 131), Tacitus (pp. 132, 168, 212), Justinus (pp. 143, 190), Petronius (p. 188), apart from the references to Titus Livius (pp. 199, 200; the second one can also be found in Noodt).

²⁷ *Ibidem*, notes on pp. 142, 157, 205, 221; there are also references to the *Corpus Iuris Civilis* (pp. 151, 183, 216).

²⁸ *Ibidem*, notes on pp. 162-163, 217, 219 (*Julius Paulus sive de partus expositione et nece apud veteres*, 1700) and 209 (*De foenere et usuris*, 1698).

²⁹ *Ibidem*, notes on pp. 149, 161, 183, 195 (*Traité de la morale des Pères*, 1728).

³⁰ *Ibidem*, notes on pp. 134-135 (the preface by Gilbert Burnet to an edition of Lactantius' *De mortibus persecutorum*, 1686, discussed in the *Nouvelles de la République des Lettres* of 1687) and 212-213 (Burnet's *History of the Reformation of the Church of England*, 1679).

³¹ *Ibidem*, notes on pp. 150 and 201 (*Parrhasiana ou pensées diverses sur des matières de critique, d'histoire, de morale et de politique*, 1699).

³² *Ibidem*, notes on pp. 155 (*De habitu religionis Christianæ ad vitam civilem*, 1687) and 157, 163, 215 (*Le droit de la nature et des gens*, 1672; the latter reference is to Barbeyrac's own translation, first published in 1706).

³³ [Ch. le Cène], *Conversations sur diverses matieres de religion. Où l'on fait voir la Tolerance que les Chrétiens de differens sentimens doivent avoir les uns pour les autres, & où l'on explique ce que l'Ecriture Sainte nous dit des alliances de Dieu, de la justification, & de la certitude du salut. Avec*

Adriaan van Paets (1631-1686) is also referred to,³⁴ as well as Matthew Tindal (. 1653-1733).³⁵ The most interesting references, however, are to Pierre Bayle's *Commentaire Philosophique* and John Locke's *Letter Concerning Toleration*. Bayle's *Commentaire* is mentioned eleven times, including the famous chapters in which he argues that an erring conscience has precisely the same rights as an unerring one.³⁶ The eight references to Locke mainly concern the need for a strict separation between church and state.³⁷

un Traité de la liberté de conscience. Dedié au Roi de France & à son Conseil, Philadelphie, chez Timothée de S. Amour, MDCLXXXVII. The treatise on toleration, on pp. 220-287, is 'De la tolerance dans la religion, ou de la liberté de conscience. Au Roi de France & à son Conseil', by J. Crellius. The references to these writings in Barbeyrac's *Receuil de discours* are on pp. 186 (*Conversations*, pp. 74-77: on the 'opiniâtreté' of heretics), 201 (*Conversations*, pp. 252-259: Crellius on heresy as supposedly the cause of civil disorder), 219 (*Conversations*, pp. 89-92 and 264-270, on the applicability of Old Testament law).

³⁴ A. van Paets, *Epistola de nuperis Angliae motibus, in qua de diversum a publica religione circa divina sententium disseritur tolerantia* (a letter to Bayle, written in 1685 and printed by Bayle the following year); on Van Paets, see A. Rotondò, 'Europe et Pays-Bas (...). Dimensions et articulations d'un projet de recherches', in: *Nouvelles de la République des Lettres*, pp. 15-16 and 28. The reference to Van Paets in Barbeyrac's *Receuil de discours* is on pp. 186-187, and concerns 'opiniâtreté'.

³⁵ *Receuil de discours*, note on pp. 153-154, which refers to a discussion of Tindal's *The Rights of the Christian Church Asserted Against the Romish and All Other Priests, Who Claim an Independent Power Over It. With a Preface Concerning the Government of the Church of England, as by Law Established*, Part I, London, MDCCVI, in Leclerc's *Bibliothèque Choisie, pour servir de suite a la Bibliothèque Universelle*, Tome X, Amsterdam, Freres Wetstein, MDCCXX, Article VII, pp. 305-363. Barbeyrac refers to Leclerc's summary, where Tindal discusses the power that should be given to the 'Magistrat, en matieres de Religion' (p. 321).

³⁶ *Receuil de discours*, notes on pp. 120-121 (*Commentaire*, Préface, p. 363: on a passage in Dio Cassius, where Emperor Augustus is advised not to tolerate religious innovations), 148 (*Commentaire*, I, ii, pp. 371-372: constraint cannot induce religious faith), 153 (*Commentaire*, I, vi, pp. 384-385: the civil authorities may not enforce laws in matters concerning religion), 180 (*Commentaire*, I, v, p. 377 and II, v, p. 414: people change their religious views if they believe this to be necessary), 182 (*Commentaire*, II, x, pp. 436-440 and the *Suplement*, xiii, pp. 523-525: error is the result of human weakness), 182-183 (*Commentaire*, III, art. iii, iv, viii, xxx, pp. 448-464: comments on statements by Augustine), 186 (*Commentaire*, I, i, pp. 393-397: on the misuse of violence as a means to confront people with the truth), 198 (*Commentaire*, II, v, p. 412 and II, ix, pp. 431-432 and the *Suplement*, xxxi, pp. 559-560: the magistrate may implement laws against sects who pose a threat to the public order), 201 (*Commentaire*, Préface, p. 364 and II, vi, p. 416: innovations in religion do not necessarily pose a threat to the public order), 214 (*Commentaire*, II, viii-ix, pp. 422-433: an erring conscience has the same rights as an unerring one), 219 (*Commentaire*, II, iv, pp. 409-410: on the differences between Old Testament law and the Gospel). Barbeyrac refers to both the first (1686-1687) and the Rotterdam, 1713 edition of the *Commentaire*; I have consulted the *Commentaire philosophique sur ces paroles de Jesus-Christ, contrain-les d'entrer; où l'on prouve, par plusieurs raisons demonstratives, qu'il n'y a rien de plus abominables que de faire des conversions par la contrainte: et où l'on réfute tous les sophismes des conversateurs à contrainte, & l'Apologie que St. Augustin a faite des persécutions. Traduit de l'Anglois du Sieur Jean Fox de Bruggs par M.J.F.*, in: *Oeuvres diverses*, ed. E. Labrousse, Hildesheim, 1965 (facs. ed. of the *Oeuvres diverses*, La Haye, P. Husson et al, MDCCXXVII) II, pp. 355-560.

³⁷ The following references are to *Receuil de discours* and Locke's *Epistola de tolerantia. A Letter on Toleration*, R. Klibansky and J.W. Gough eds., Oxford, 1968. *Receuil*, pp. 146-147 (*Epistola*, p. 72, l. 12-26: on the right of every society to fix its own laws), 152-153 (*Epistola*, p. 66, l. 19-23; p. 90, l. 5-10; p. 121, l. 10-23: salvation is not a concern of the civil authorities), 170 (*Epistola*, p. 94, l. 2-21: the civil authorities cannot procure salvation for us), 171 (*Epistola*, p. 94, l. 22-28: the magistrate sometimes grants religious authority to the church), 175 (*Epistola*, p. 98-99, l. 21-30 and l. 1-11: a man will not be saved if he does not sincerely believe what he professes to believe), 198 (*Epistola*, p.

How influential was Barbeyrac's edition of Noodt's address? It would seem that the former's annotations enjoyed greater popularity abroad³⁸ than in the Netherlands. In this respect the choice of Barbeyrac's annotations for the Tirion edition of 1734 is revealing. Most of the references discussed above are dispensed with, including those regarding Bayle. Those concerning Locke are the main exception, probably because the *Letter Concerning Toleration* itself was included in the Tirion edition, so that the reader could read the full text at his or her discretion.³⁹ Of greater interest are the changes made to the few remaining notes taken from Barbeyrac's edition, since they clearly show the anti-clerical sentiments of the person who revised the translation. I have good reason to believe that this person was the Remonstrant minister Johannes Drieberge (1686-1746), after 1737 a colleague of Jean Leclerc at the Remonstrant seminary in Amsterdam.⁴⁰ I shall return to him below. The anticlerical tenor in the Tirion edition is evident from the use, in the selection of Barbeyrac's annotations, of phrases like 'the bloodthirsty morals' of ecclesiastics, and from arguments pointing towards the moderate administration of the Romans as opposed to that of Christian rulers.⁴¹ One of the notes added by the reviser himself is a firm rejection of the clergy's attempt to suppress dissent by invoking secular power – a clear allusion to the policies of the Calvinist church vis-à-vis the Remonstrants.⁴²

What do these changes to Noodt's text in the Tirion edition mean? They seem to imply that neither Noodt's address nor Barbeyrac's annotations were deemed unambiguous enough. The latter's claims with regard to the freedom of the religious conscience were all but accepted as a matter of course; what the Dutch 'dissenters' apparently needed now was a more comprehensive, more concerted or

142, l. 16-18: force may be used against those who commit unlawful activities under the guise of religion), and 204 and 215. Barbeyrac refers to both the Latin text and the French translation. The latter appeared as *Lettre sur la tolérance* in the *Oeuvres diverses de Monsieur Jean Locke*, Rotterdam, 1710; reprint Amsterdam, 1732. There are also references to *An Essay Concerning Human Understanding Essay*; cf. the note on p. 133, which refers to *Essay*, I, iii, § 6 (on the different notions concerning God).

³⁸ The German and English translations make use of Barbeyrac's annotations. I have not been able to verify the extent to which they do so, since none of these translations are extant in the Netherlands.

³⁹ See *De godsdienst vry van heerschappye, naar het regt der volkeren*, in: *Verzameling van eenige verhandelingen* (Tirion edition, 1734, pp. 1-60; the pagination in this collection is not continuous; Noodt's treatise is the second one, following on Locke), pp. 18, 30, 33, 44, 47, 52. Thus 6 out of 8 references to Locke in Barbeyrac's edition have been retained. The total number of notes in the Tirion edition of Noodt's address is 23, including three of Noodt's own footnotes and two added by the reviser himself.

⁴⁰ For evidence regarding Drieberge's probable authorship, see my *Mutua Christianorum Tolerantia. Irenicism and Toleration in the Netherlands: The Stinstra Affair 1740-1745 (Studi e testi per la storia della tolleranza in Europa nei secoli XVI-XVIII 2)*, Firenze, 1998, pp. 55-64. Additional evidence is provided by several changes in the footnotes. For example, Noodt had mentioned Anacharsis and Socrates in his text, and Barbeyrac had at this point referred the reader to Dion Cassius; in the Tirion edition, however, the reader is referred to H. Prideaux, *The Old and New Testament connected* (1716-1718), a book translated by Drieberge into Dutch in 1723.

⁴¹ Tirion edition, p. 13 (Barbeyrac's *Receuil de discours*, pp. 136-137: on the tolerant attitude of Gothic kings), p. 44 (*Receuil de discours*, pp. 198-199: on the policies of Tiberius). Barbeyrac's own anticlerical footnote (see above) is also retained.

⁴² Tirion edition, pp. 47-48. Another note added by the reviser concerns the Roman Catholic ('Papism' was invariably an oblique reference to Calvinist divines) treatment of heretics as less than human; see pp. 20-21.

more open defence of the freedom of public expression. The reviser of Barbeyrac's footnotes extended their limited anti-clerical tenor in order to directly undermine the moral legitimacy of the dominant position held by the Calvinist clergy. This attack on the public church as an established institution that safeguarded the continuation of government policy vis-à-vis the religious dissenters implied a demand for complete freedom of religious inquiry, expression and worship. Not surprisingly, when the Tirion edition was reissued in 1774, as an offshoot of the so-called 'Socratic War' which was waged in the years around 1770,⁴³ the editor, the Remonstrant Abraham Arent van der Meersch (1720-1792), not only added 73 of Barbeyrac's original notes, but also retained all of the anti-clerical emendations in the 1734 edition.⁴⁴

Thus the revisers of the first and second Tirion editions directly addressed the implications of religious freedom for the Christian commonwealth, an issue neither Noodt nor Barbeyrac – who as university professors were not expected to undermine the established order – had broached as explicitly as their subsequent readers would have wished.⁴⁵ Barbeyrac's own discussion of toleration in his famous *Traité de la morale des Pères des Église* is similarly ambivalent.⁴⁶ In spite

⁴³ The Socratic War was occasioned by J.F. Marmontel's *Bélisaire*; cf. E.G.E. van der Wall, 'De vaderlandse kerk en het vaderlandse verleden. De socratische oorlog over voorrechten en verdraagzaamheid', in: P.H.A.M. Abels *et al.*, *De kerk in de kop. Bouwstenen tot de kerkgeschiedenis van Noord-West Overijssel*, Delft, 1995, pp. 11-32.

⁴⁴ [A.A. van der Meersch], *De vryheid van godsdienst in de burgerlyke maatschappij betoogd en verdedigd, uit het regt der nature en der volken, en uit de nature van den Kristelyken godsdienst, door de zeer vermaarde mannen Locke, Noodt, Barbeyrac, Hoadly en Drieberge (...)*, Amsterdam, J. Dóll, 1774. All of Barbeyrac's references discussed above were included in this edition. Additions by Van der Meersch include references to the Dutch translation of Arthur Ashley Sykes, *The Innocency of Error, Asserted, and Vindicated* (1715) (pp. 265 and 266); Van der Meersch's own Dutch translation of William Warburton's *The Divine Legation of Moses (De goddelijke zending van Mozes, 5 vols., 1761-1771)* (p. 279); and the refutation of Justus Lipsius' *De una religione* by Dirk Volckertz Coornhert (p. 274).

⁴⁵ This is not to say, of course, that the intentions of Noodt and Barbeyrac were not more or less radical. The point is that as members of the establishment they had to operate carefully. Barbeyrac's use of Bayle perhaps exemplifies this. Rather than draw out the full implications of the *Commentaire philosophique* in his work, he incorporates Bayle's arguments into discourses in which atheists and Roman Catholics are excluded from toleration, and a publicly established church is accepted as necessary. The need to avoid suspicions of anti-clericalism and subversion in public statements, as well as the second-generation Huguenots' recognition of the political realities of their host countries, probably account largely for the 'truncation' of Bayle's arguments in the eighteenth century, and for the rejection of Bayle's scepticism. Contrast C. Berkvens-Stevelinck, 'La tolérance et l'héritage de P. Bayle en Hollande dans la première moitié du XVIII^e siècle', in: *Lias* 5 (1978), pp. 257-272 with J.C. Laursen, 'The Politics of a Publishing Event: the Marchand Milieu and *The Life and Spirit of Spinoza of 1719*', in: S. Berti, F. Charles-Daubert and R.H. Popkin eds., *Heterodoxy, Spinozism, and Free Thought in Early-Eighteenth-Century Europe. Studies on the Traité des Trois Imposteurs*, Dordrecht etc., 1996, pp. 273-296.

⁴⁶ *Traité de la morale des Peres de l'Église: Où en défendant un Article de la Preface sur PUFFENDORF, contre l'APOLOGIE DE LA MORALE DES PERES du P. CEILLIER, Religieux Bénédictin de la Congregation de St. Vanne & de St. Hydulphe, on fait diverses reflexions sur plusieurs matieres importantes. Par Jean Barbeyrac, professeur en droit à Groningue, & membre de la Societé Roiale des Sciences à Berlin*, Amsterdam, Pierre de Coup, MDCCXXVIII. Incidentally, in the *Traité* Noodt's address as such is not referred to. Barbeyrac refers several times, not to Noodt's address as such, but to his own annotations; see pp. 172-173 (§ XI), 192-193 (§ LI), 202 (§ LXIII). All these notes concern Barbeyrac's references to parallel arguments in Bayle, Le Cène, etc.

of, or rather as a result of this ambivalence (since like Noodt's address the *Traité* could be quoted with impunity), the *Traité*, in particular the twelfth chapter, was well-known among all parties in the Dutch toleration debates. In fact, the unintended effect of Barbeyrac's work on toleration was to definitively relegate his teacher Gerard Noodt to the reverential status of a godfather. Barbeyrac himself came to be seen as the chief interpreter of the argument from natural law originally put forward by Noodt.⁴⁷ In consequence, most writers would henceforth come to Noodt via Barbeyrac.⁴⁸

The Republicans

One group of writers who valued Gerard Noodt included those who elaborated on republican political theory, and sometimes discussed religious freedom in passing. One characteristic author in this tradition was Lieven de Beaufort (1675-1730), a leading magistrate from Zeeland, whose *Verhandeling van de vryheit in den burgerstaet* (*Treatise on Freedom in the Civil State*) was published posthumously in 1737. Like Noodt, De Beaufort criticized the princely absolutism of his age and defended republican theory with an appeal to the history of ancient Rome. Rejecting the powerful position traditionally occupied by the princes of Orange as stadholders over the various Dutch provinces, he vindicated his views on classical republicanism and discussed the threats to freedom posed by, among others, luxury and ambition.⁴⁹ Unfortunately, De Beaufort provides no references to other writings.

De Beaufort firmly believed that the Calvinist church was part and parcel of the Dutch constitution, and that greater freedom for the religious minorities was quite unnecessary. However, this is not to say that he, as a typical exponent of the regent aristocracy, would not have cared to appeal to Noodt's address on religious freedom. If he believed that the status quo had to be maintained, he was also an advocate of mild and moderate government. He would probably not have approved of high-handed clericalism and ostentatious ecclesiastical supremacy. Tirion had in mind this policy of moderation when he observed in 1734 that Gerard Noodt merely lent theoretical support to common government procedure. This was also the claim of the anonymous translator of the Dutch edition of Noodt's address on religious freedom, in an introduction prefixed to the Dutch octavo editions of

⁴⁷ For an example of Barbeyrac's indebtedness to Noodt, see S. Zurbuchen, *Naturrecht und natürliche Religion. Zur Geschichte des Toleranzproblems von Samuel Pufendorf bis Jean-Jacques Rousseau*, Würzburg, 1991, pp. 141-142. In his address Noodt limited the sovereign's exercise of power to matters of social well-being and argued that public morality could not be enforced; Barbeyrac used this distinction between law and morality to criticize and develop Pufendorf's natural law theory (note that other authors attribute Barbeyrac's use of this distinction to Christian Thomasius).

⁴⁸ Noodt hardly figures in encyclopedic dictionaries published between 1730 and 1750; see H. Bots and R. van der Schoor, 'La tolérance à travers les dictionnaires dans les décennies autour de 1700', in: *Emergence of Tolerance*, pp. 141-153, espec. 148. Unfortunately the authors do not make clear what Barbeyrac's status was.

⁴⁹ For a discussion, see W.R.E. Velema, 'God, de deugd en de oude constitutie. Politieke talen in de eerste helft van de achttiende eeuw', in: *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 102 (1987), pp. 476-497, espec. 478-485; and I.J.H. Worst, 'Staat, constitutie en politieke wil', in: *idem*, pp. 498-515, espec. 501-506

1706, 1707, 1716 and 1719 (and possibly 1732).⁵⁰ ‘Worthy countrymen’, this translator remarks, ‘You actually possess the Religious freedom which our praiseworthy Author has irrefutably shown to be the right of all Peoples,’ and which is maintained by those who now govern the Fatherland.⁵¹ Such statements were often obliquely anti-clerical,⁵² and this could be the reason why the translator did not divulge his name. On the other hand, it is telling that Noodt’s address was no longer published independently after about 1730. More radical texts were now of greater pertinence to the Dutch toleration debates.

Classical republicanism surfaced again in the so-called ‘Patriottentijd’ between 1780 and 1787, an eventful period in Dutch history. The democratic political ideas and activities of these years to some extent prefigured the French Revolution, and it seems only logical that Noodt’s address on the *lex regia* was translated into Dutch in 1784.⁵³ It was not, however, translated primarily for its contents. Since several leading academic jurists – probably scholars like A. Kluit (1735-1807), and perhaps also F.W. Pestel (1724-1805) – had recently been propounding conservative views, the Patriot writers needed a Dutch legal scholar who effectively demonstrated that the people’s sovereignty was an indefeasible natural right, and who could be quoted in support of radical democratic authors like Richard Price and Joseph Priestley. Who could fulfill this vacancy better than ‘the very famous Professor NOODT’?⁵⁴

⁵⁰ *De godsdienst vry van heerschappye naer het recht der Volkeren: beweert in een redenvoeringe van den zeer beroemden en hooggeleerden Heer, Gerard Noodt, rechtsgeleerde in de Academie te Leiden op den achtsten dagh van February 1706. Wanneer hy de waerdigheid van Rector Magnificus neder leide. Uit het Latyn in 't Nederduitsch gebragt door E.B.D.V. Den derden druk op nieuws overzien*, Amsterdam, Jacob ter Beek, 1719. This is a reissue of the third edition; earlier editions have exactly the same title (except that ‘Latyn’ is spelt as ‘Latijn’), with the additional comment that the translation in the second edition was reviewed by the writer himself. Cf. second edition: Leiden, F. Haaring, Amsterdam, A. van Damme, 1707; and third edition: Amsterdam, A. van Damme, 1716. See Ahsmann-Feenstra, *Bibliografie*, nrs. 453-456. The identity of ‘E.B.D.V.’ (= ‘Een Behoeder [Begunstiger, Beschermer] Der Vrijheid [Verdraagzaamheid]’ = ‘A Defender of Freedom [Toleration]’?) is unknown. Tirion mentions a fourth edition, apparently dating from about 1732; see his preface in the *Verzameling van eenige verhandelingen*, p. *3^v. His edition of Noodt’s address mentions it as being the fifth edition. I have not been able to trace this edition, which is not mentioned in Ahsmann-Feenstra, *Bibliografie*.

⁵¹ *Ibidem* (ed. 1719), p. +2^r: ‘De vryheit in 't stuk van Godsdienst, waer toe onze roemwaardigen Auteur zoo onwedersprekelijk aentoon alle Volken gerechtig te wezen, bezit gy daedelijk. (...) Eert de tegenwoordige Regeerders van het Vaderlant, die U in het bezit daer van noch dagelijks met zoo veel yver hanthaven: (...)’

⁵² For an example of a later republican regent who defended both authoritarian control of the church by the state and toleration for the dissenters, see [D. van Alphen], *Het recht der overheden omtrent kerkelyke bedieningen*, Leiden, Pieter van der Eyk, MDCCLVI. In vehemently anticlerical terms, Van Alphen puts forward a fully Erastian argument in favour of a public church, making allowances for freedom of conscience; for a defence of the latter he refers the reader to the ‘unsurpassed and immortally praiseworthy writings of the once so famous GERARD NOODT on the freedom of Worship from Domination’.

⁵³ See for the seventeenth-century context of this address F. Lomonaco, *Lex regia. Diritto, filologia e fides storica nella cultura politico-filosofia dell’Olanda di fine seicento*, Napoli, Guida, 1990.

⁵⁴ *Redevoering over het regt der opperste magt, door Gerard Noodt, in leeven, hoogleeraar in de regten, aan 's lands universiteit te Leiden. Naar het Latyn en Fransch gevolgd*, Amsterdam, Joh. Weppelmann, MDCCLXXXIV. In his preface the translator notes that he used the Latin text as well as the ‘excellent’ French translation of Barbeyrac. The translator partly retained Barbeyrac’s annotations and added some of his own (some of which refer to Barbeyrac’s edition of Pufendorf). The address on

The Dutch republican tradition of tolerationist thought had been inaugurated by Hugo Grotius and was later sustained by Pieter de la Court, Baruch Spinoza and Gerard Noodt himself.⁵⁵ Yet eighteenth-century writers within this republican tradition evinced surprisingly little interest in Noodt's address on religious freedom.⁵⁶ This may be due to the fact that their interest tended to be a strictly political one; but it also illustrates Noodt's chiefly symbolic function in the eighteenth century. Above all, his text was simply inadequate because it failed to spell out the precise implications of the claim to religious freedom, and, more importantly, to combine it with a comprehensive and realistic defence of intellectual liberty. Not Noodt (or Barbeyrac), but the radicals who will be discussed in the next section were the ones to first accomplish this transition from toleration to free thought.⁵⁷ Noodt's distinguished name was used to evoke a sense of scholarly authority, or the impression of intellectual continuity, but little use seems to have been made of the actual contents of his addresses.

The classical political tradition was, of course, only one of various kinds of republicanism in the Netherlands. Writers who defended the central position of the stadholderate also adduced republican arguments, and they, too, made use of Gerard Noodt. But again, the writers belonging to this Orangist tradition made use of Noodt's address on sovereignty and not his oration on religious freedom, and they referred to the former primarily in order to dispute the clearly so erroneous interpretations of new-fangled democrats. Moreover, Noodt was only cited as one authority among many. In 1757 Elie Luzac (1721-1796), for example, an Orangist writer and publisher well-versed in natural law,⁵⁸ was ridiculed in a poem by the *Staatsgezinde* historian Jan Wagenaar for the pretentious display of his knowledge of legal scholars, including Grotius, Pufendorf, Heineccius, Noodt, Coccejus and Barbeyrac.⁵⁹ Kluit, another well-known Orangist of the time, refuted the preface to the 1784 translation of the address on the *lex regia* by arguing that the views

political power was also reissued in *Les droits de Dieu, de la nature et des gens, tirés d'un livre de M. Abbadie intitulé Défense de la nation Britannique ou réponse à l'avis aux réfugiés. On y a ajouté un discours de M. Noodt sur les droits des souverains*, Amsterdam, MDCCCLXXV. In the 'Avertissement de l'éditeur' Noodt is mentioned as a 'célèbre jurisconsulte' who need not be introduced (p. *4v); pp. 171-276 contains Barbeyrac's French translation of the address. See Ahsmann-Feenstra, *Bibliografie*, nr. 441. On Priestley in the Netherlands, see P. van Gestel, "'De Verbasteringen van het Christendom". Joseph Priestley (1733-1804) en de Nederlandse Verlichting', in: *De Achttiende Eeuw*, 30 (1998), pp. 3-30.

⁵⁵ See J.I. Israel, 'Toleration in Seventeenth-Century Dutch and English Thought', in: S. Groenveld and M. Wintle eds., *The Exchange of Ideas. Religion, Scholarship and Art in Anglo-Dutch Relations in the Seventeenth Century*, Zutphen, 1994, pp. 13-30.

⁵⁶ Thus Noodt does not figure in the index of a recent monograph on late eighteenth-century classical republicanism in the Netherlands. See S.R.E. Klein, *Patriots Republikanisme. Politieke cultuur in Nederland (1766-1787)*, Amsterdam, 1995.

⁵⁷ Cf. the similar development from Barbeyrac to Richard Price outlined in P. Miller, *Defining the Common Good. Empire, Religion and Philosophy in Eighteenth-Century Britain*, Cambridge, 1994, pp. 266-348; also J. Gascoigne, 'Anglican Latitudinarianism, Rational Dissent and Political Radicalism in the Late Eighteenth Century', in: K. Haakonssen ed., *Enlightenment and Religion. Rational Dissent in Eighteenth-Century Britain*, Cambridge, 1996, pp. 219-240.

⁵⁸ W.R.E. Velema, *Enlightenment and Conservatism in the Dutch Republic. The Political Thought of Elie Luzac (1721-1796)*, Assen, Maastricht, 1993.

⁵⁹ See P. Geyl, 'De Witten-oorlog, een pennestrijd in 1757', in: *idem, Pennestrijd over staat en historie*, Groningen, 1971, p. 227.

expressed by Grotius, Pufendorf, Barbeyrac, H. and S. Coccejus, Noodt and Huber differed from those put forward by Locke, Hutcheson, Price, Priestley, Montesquieu, Rousseau and Raynal. Noodt (argued Kluit), in spite of the rhetorical flourishes to which he was prone and which easily gave rise to misunderstandings, had not believed that popular sovereignty superceded the established constitution, except under very exceptional circumstances; and he had also believed popular sovereignty to have been conferred on the prince by means of a contract. Kluit accused the translator of Noodt's address of a most biased interpretation.⁶⁰

Radical Dissent

In 1740 Johannes Stinstra, a Dutch Mennonite from a small Frisian town called Harlingen, contributed substantially to a so-called *Deductie*, an extended argumentation in favour of religious freedom which was appended to a request submitted to the Frisian States. The request was a plea for exemption from subscription to a number of Trinitarian articles. Although the *Deductie* was immediately attacked by orthodox Calvinists and Mennonites, the controversy was soon eclipsed by another. Stinstra himself became a Socinian suspect. In a number of sermons, published in 1741, in which he again made a stand for religious freedom, he seemed to his clerical opponents to have denied the Trinity. Stinstra was duly indicted by the Calvinist clergy and after a vehement debate the States of Friesland suspended him in his capacity of Mennonite minister until he had exonerated himself from all accusations. Stinstra, however, continued to refuse to subscribe to any article of faith.

The so-called 'Stinstra affair'⁶¹ is interesting, not only because it demonstrates Gerard Noodt's status as the godfather of the Dutch toleration debate, but also because it illustrates the inadequacy of the natural law argument without a concomitant discussion of its practical implications for an existing Christian commonwealth. As I observed above, Noodt's address could easily be interpreted as merely a defence of freedom of conscience, and this, in fact, seems to have been the more common reading of the text.⁶² The *Deductie* of 1740 opens with the natural law argument. Every person, it is claimed, has the duty and the right to inquire into the will of God according to his own reasonable understanding and judgement, and to make his own choices. Consequently, nobody should be subject to the directions of others or forced to undergo examination; the use of constraint

⁶⁰ See also A. Kluit, *De souvereiniteit der Staten van Holland verdedigd tegen de hedendaagsche leer der volksregering, zoo als dezelve onder anderen wordt voorgedragen in een geschrift, getiteld: Grondwettige herstelling van Nederlands staatswezen, zoo voor het algemeen bontgenootschap, als voor het bestuur van elke bijzondere provincie*, 2e vermeerderde druk, Leiden, Luzac and Van Damme, MDCCCLXXXVIII, pp. 82-86. Similarly, Luzac in his *Hollands rijkdom, behelzende den oorsprong van den koophandel (...)*, Leiden, Luzac en Van Damme, 1782, III, quotes Noodt's *De iure summi imperii et lege regia* (1699) several times in a discussion of the 'Nature of Dutch civil freedom' (pp. 197-325). Noodt's address on religious freedom is not quoted at all.

⁶¹ For an extensive discussion of the affair, as well as the full text of the *Deductie* and an English translation, see my *Mutua Christianorum Tolerantia*.

⁶² E.g. a mid-century spectator, *De Nederlandsche Spectator*, Leiden, Pieter van der Eyk, 1749, I, nr. 17, p. 129, on the need to tolerate Jews on the basis of the 'natural freedom of conscience' defended by Locke, Barbeyrac and Noodt (in that order).

is unreasonable and contrary to the law of nature. All this, observes the writer of the *Deductie*, has been argued at length by scholars of fame, especially by Gerard Noodt and Jean Barbeyrac.

If we look at the *Deductie* as a whole, however, it becomes clear that the argument from natural law is only one among several, and that it is not the most important one. The *Deductie* discusses arguments in favour of religious freedom derived from, among others, divine revelation, the Union of Utrecht, the Reformation, the laws and edicts of the Republic as well as the Province of Friesland, and even economic theory. The most important contention in the *Deductie* is not that human beings have the natural right to make their own choices, but that Christians are free to inquire into the character of the doctrines and morals of the New Testament.

Unlike the natural law argument, this plea for freedom of biblical inquiry directly took issue with the problem of the Christian commonwealth and its limits. The Christian commonwealth, states the *Deductie*, is a Protestant commonwealth, and to be Protestant means to accept the Scriptures as the only rule of faith and doctrine, and reject all subscription to the rules or sentiments of fallible people. Moreover, the *Deductie* claims that religious freedom is the liberty to express any belief whatsoever, as long as it is phrased in biblical language. This argument for freedom of inquiry was far more radical than Noodt's defence of religious freedom in terms of natural law. The *Deductie* not only implied that the orthodox Calvinist establishment blatantly trespassed on the right to free inquiry, but it also made clear that Socinians and anti-Trinitarians too possessed this right. The *Deductie* was, consequently, a very radical text.

It is revealing that it was this Protestant right to freedom of inquiry, and not the natural right to decide freely on religious truth, that was immediately pounced upon by the Calvinist clergy. And it is telling that Stinstra himself, in the sermons on religious freedom for which he was prosecuted, made no use at all of Noodt's address. Stinstra was representative of a radical group of Dutch dissenters who were strongly influenced by English anti-Trinitarians, and who disputed both the Christian orthodoxy of, and Calvinist domination within, the Dutch Republic.⁶³ This group, who included Johannes Drieberge, revered Gerard Noodt, and they found it helpful to use his name in order to legitimize their critique and disguise their radicalism;⁶⁴ but in the final analysis they could not put his argument from natural law to good use, simply because it generalized too much.

⁶³ This group differs from the one discussed in M.C. Jacob, *The Radical Enlightenment. Pantheists, Freemasons and Republicans*, London etc., 1981; Jacob's radical Enlightenment was negligible in terms of Dutch eighteenth-century history.

⁶⁴ Cf. Drieberge, *Vervolg van aenmerkingen, waer in het antwoord des heren Joan vanden Honert T.H. zoon, bedienaer des H. Evangeliums te Haerlem, op de voorgaende aenmerkingen word overwogen*, Rotterdam, Hendrik vanden Aak, 1727, p. 423. Drieberge refers to Noodt's address, ostensibly to defend freedom of conscience; but in fact he is disputing the requirement, enforced by the magistrate, to subscribe to Christian orthodoxy by signing (Trinitarian) articles. The radical circle to which Drieberge and Stinstra belonged also published a famous defence on behalf of religious freedom by the Lutheran lawyer Herman Noordkerk, who was supposed to have quoted Noodt (on the violent deaths frequently met by persecutors themselves), but who apparently made more use of Drieberge's *Vervolg van aenmerkingen*; see *Pleitreden voor Deurhofs Job, saakelyk dus uytgesproken, in het replicq door den heer advocaat Hermanus Noordkerk (...) op Dingsdag 14 Mey 1743*, s.l., s.n., s.a. [1746?], p. 33-36.

There is, however, an exception to this merely symbolic use of Noodt's reputation. Throughout the eighteenth century, Noodt's revered name was mentioned as an authority with regard to one important argument in favour of religious freedom. One suspects that Noodt's name was mentioned mainly because the argument had implications for theology. Is it legitimate to apply to modern times the theocratical laws and institutions of the Old Testament, in particular the view that idolatry is a capital offence?⁶⁵ One of the participants in the Stinstra affair repudiated the prerogative of civil authorities to use violence in order to institute and maintain the true religion by answering this question in the negative. The civil government of the ancient Israelites, he observed, was the only one ever to have been appointed immediately by God. Consequently, the Hebrew laws and regulations cannot be applied to the gentile nations, 'as the famous Professor NOODT demonstrated long ago.'⁶⁶ Leclerc and Barbeyrac had also paid close attention to this particular passage.⁶⁷

The Clergy

The orthodox Calvinist establishment too had little use for the argument from natural law, and for obvious reasons: the orthodox were not generally in favour of according natural reason a status comparable to revelation. Above all the clergy recognized that, given its ambiguities, Noodt's address need not be regarded as a radical text. Most leading theologians of the 1730s and 1740s would not have believed that such an eminent legal scholar holding a chair in a public institution would even have contemplated saying anything untoward. They were disposed to venerate him as a paragon of Dutch erudition who had simply provided yet another argument in favour of freedom of conscience. If the Leiden theologians who had listened to Noodt's address were disturbed by his observations on freedom, this did not prevent the next generation of orthodox divines from warmly supporting the tenor of his message.

Thus Reformed orthodoxy, too, tried to make good use of Noodt's reputation. The first divine to do this was Johannes van den Honert, a leading theologian of Leiden university, known in his own time as the 'Pope of Holland'. Though one of the principal opponents of Johannes Stinstra, Van den Honert was not necessarily averse to ideas on toleration. Not surprisingly, Stinstra found this hard to believe, and challenged the Leiden professor to prove that his ideas did not contradict those of Noodt, Barbeyrac, Locke and Hoadly. Van den Honert took up the gauntlet and in 1745 he addressed the Leiden congregation – in the same *aula* of the university where once Gerard Noodt had stood. This address, *De mutua Christianorum*

⁶⁵ The argument was not new; see e.g. H. Grotius, *De iure belli ac pacis*, I, i, §§ 16-17.

⁶⁶ [Anon.], *Brief raakende zekere thans zweevende geschillen in Vriesland*, Leiden, J. van der Kluis, 1742, p. 22.

⁶⁷ For Leclerc, see *Bibliothèque Choisie*, XI, pp. 253-254; Leclerc added a critical comment to Noodt's text, noting that the ancient Israelites only regarded the renunciation of the biblical God by a Jew as a capital offence, and that their laws concerning idolatry could not be applied to contemporary heretics because the latter did not deny the biblical God. It would seem that he derived these comments from Locke, *Epistola*, pp. 116-121. See also Van der Marck, *Lectio Academicarum tomus secundus*, pp. 138-140 (for the full title see below).

tolerantia,⁶⁸ was soon translated into Dutch, to which were added copious annotations intended to demonstrate that Van den Honert's views were, in fact, corroborated by those of Locke, Noodt and Barbeyrac.

The orthodox reception of Noodt instigated by Van den Honert usually passed over the natural law argument in silence. Instead, the Reformed clergy concentrated on the freedom to associate and dissociate. This particular liberty, they generally said, had been defended by outstanding scholars, including Gerard Noodt, that 'bright light' of Leiden university.⁶⁹ Incidentally, in explicitly recognizing the right to dissociation, these theologians departed from orthodox tradition. Like Stinstra, they wanted to directly address the problem of the Christian commonwealth. But in contrast to the *Deductie* they said that the nature of Christian freedom is not defined by the right to free inquiry. Religious freedom, the clergy claimed, is defined by the right to choose, and subscribe to, that particular confession of faith with which one's conscience agrees best.

In this way (a part of) the orthodox Calvinist clergy⁷⁰ acknowledged a societal, rather than natural, right to religious freedom. This, they asserted, was the real purport of Noodt's address and Barbeyrac's writings. All those religious societies who could demonstrate their allegiance to the Dutch *ancien régime* had the right to put forward and disseminate their own particular views. Individuals should be permitted to join or, alternatively, to leave a religious society. These societies included the Lutherans, the Remonstrants and the Mennonites. But how does such a religious society express allegiance to the Christian commonwealth? First and foremost, the orthodox implied, such a society should affirm fundamental doctrines, including, above all, the Trinity – hence Van den Honert felt no

⁶⁸ *Oratio de mutua Christianorum tolerantia, habita, a.d. VIII. Februarii An. MDCCXLV. cum magistratu academio abiret*, Leiden, S. Luchtmans, 1745. For the full Latin text of his address, see Appendix II in my *Mutua Christianorum Tolerantia*.

⁶⁹ J. van den Honert, 'Academische redenvoering over de onderlinge verdraagsaamheid der christenen', in: *idem, Derde versameling van heilige mengelstoffen, behelsende eenige kerkelike en akademische verhandelingen en redenvoeringen, by verscheide gelegenheden en omstandigheden, opgesteld en uytgesproken*, Leiden, S. Luchtmans, 1747, pp. 301-386, i.c. pp. 330, n. (p) and 358, n. (l).

⁷⁰ Most orthodox theologians of social and academic standing seem to have followed Van den Honert; see e.g. J. van den Berg, 'Tussen ideaal en realiteit. De Engelse jurist Goodricke in discussie met de Nederlandse theologen Bonnet en Van der Kemp over de grenzen van de kerk en de binding aan de belijdenis', in: *Gereformeerd Theologisch Tijdschrift*, 81, 1981, pp. 217-250; and my *God, Nederland en Oranje. Dutch Calvinism and the Search for the Social Centre*, Kampen, 1993, Chapter 3. For a rare explicit rejection of Noodt, see C. van Velzen, *Twee landtdags-predikatien, gedaan voor hun edelmogenden de Heeren Staten van Stadt en Lande*, Groningen, wed. J. van Velzen, 1740, p. 41, with a reference to the address of 'a certain great Law Scholar' who had been so bold as to argue in favour of the liberty of public worship. Also of interest, since it evidences the fact that some of the orthodox were aware of radical interpretations of Noodt's address, is a review of Van der Meersch's reissue of the 1734 Tirion edition. See *Nederlandsche bibliotheek, waar in beoordeelingen en berigten van verscheidene boeken en kleindere geschriften*, Rotterdam, Amsterdam, M. de Bruyn, 1774, vol. II-i, pp. 142-156 and 207-225, espec. pp. 211-214. The (orthodox) reviewer praises the address of the 'most famous' Noodt, but expresses his disagreement with the unreasonable contention, apparently defended by Noodt, that even idolaters (i.e. Socinians, who adore a human Christ) should be tolerated. Interestingly, the reviewer uses a quotation from Barbeyrac's annotations to Noodt in order to make his point that the authorities should use all 'equitable and appropriate means' to foster faith and virtue, and hence combat idolatry; this reviewer clearly understood Noodt better than he did Barbeyrac (cf. note 47 above).

compunction in persecuting Stinstra, and instead counted orthodox Mennonites among his friends. The orthodox appeal to Gerard Noodt again characterizes his reception in the Netherlands. His fame was so great and his stature so large that each party was eager to appropriate for its own cause his address on religious freedom, even if this meant a selective reading of his text.

The Natural Law School

At the turn of the seventeenth century, Dutch law scholars, including Gerard Noodt, had had no difficulty in combining the study of Roman law with arguments derived from natural law. Noodt, indeed, had propagated this in his inaugural lecture at Franeker in 1679. In the course of the early eighteenth century natural law was established as part of the curriculum of Dutch universities. Apparently this applied exclusively to law students. In 1742 one author strongly recommended that future theologians, too, should obtain a proper schooling in natural law, so as to cure them from their scholastic subtleties.⁷¹

Dutch theologians launched the first large-scale attack on natural law theory in 1746. The most interesting polemic, however, was initiated some twenty-five years later by Frederik Adolf van der Marck (1719-1800), professor of constitutional and natural law in Groningen.⁷² Van der Marck is mainly known in Dutch legal history for having disputed the predominance of Roman law in favour of native law. In this sense he was hardly a disciple of Gerard Noodt. In fact, he scorned the manner in which the older scholars of Roman law had made use of Stoic philosophy in order to ground their theories of natural law, and he himself much preferred the rationalist metaphysics of Christian Wolff (1679-1754). It is this latter preference, and the manner in which he advertised it, that got him into trouble. In 1772 Van der Marck was accused by the Reformed clergy of teaching various heresies; after an official procedure he was dismissed from the university. Historians have sometimes expressed their surprise at the vehemence of the attack on Van der Marck. For had he not simply reiterated views put forward long before by Gerard Noodt?⁷³

To make this comparison is, however, to miss the point. Where Noodt had been careful, non-committal, or simply conservative, Van der Marck was evidently guilty of two transgressions. First, he intruded into the domain of theology by elaborating on natural religion, thus unobtrusively dispensing with the orthodox Christian doctrine of grace. Second, he undermined the divinely ordained status of the Reformed church by demoting it to a society as any other. In consequence, his writings were quite logically interpreted as an attack on both the integrity of the public church and its position as a basic constituent of the Dutch *ancien régime*.

⁷¹ [Anon], *Tweede brief raakende zekere thans zweevende geschillen in Vriesland*, Leiden, J. van der Kluis, 1742, p. 11.

⁷² J. Lindeboom, *Frederik Adolf van der Marck. Een achttiende-eeuwsch leeraar van het natuurrecht*, 's-Gravenhage, 1947, pp. 21-22; H.W. Blom, "'Zet de ramen open!' De natuurrechtsleer van Van der marck (1719-1800)", in: H.A. Krop *et al*, *Zeer kundige professoren. Beoefening van de filosofie in Groningen van 1614 tot 1996*, Hilversum, 1997.

⁷³ E.g. H. Bots, 'Tolerantie of gecultiveerde tweedracht. Het beeld van de Nederlandse tolerantie bij buitenlanders in de zeventiende en achttiende eeuw', in: *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 107 (1992), pp. 657-669, 665.

Van der Marck, in other words, had finally made clear which implications the natural law argument had for the Christian commonwealth. In this sense he can be regarded as having completed Noodt's work. Indeed, he appreciated the address on religious freedom, but it must be noted that his main authority and guide was Barbeyrac rather than Noodt.⁷⁴ One of his pupils, the Patriot G.J.G. Bacot, who was exiled from the Netherlands in 1787 on account of his revolutionary activities, commented with evident anger on the misrepresentations to which Noodt's address in his view had been subjected during the eighteenth century, and decried the self-indulgence and complacency of those who misused it in order to advertise the ill-deserved Dutch reputation for tolerance. He welcomed Van der Marck's candour, and placed him on a par with Noodt and Barbeyrac.⁷⁵ Bacot's ideas illustrate the radicalization of the argument for intellectual freedom in terms of natural law during the later eighteenth century.

Not all eighteenth-century students of natural law were as outspoken or impulsive as Van der Marck, and not all were in his precarious position. It is certain that one of Van der Marck's correspondents, Elie Luzac, would have subscribed to Noodt's address on religious freedom. Luzac greatly admired Noodt, and published his *Opera omnia* in 1760. Yet on the one occasion that Luzac defended spiritual freedom in print, in an anonymous *Essai sur la liberté de produire ses sentimens* (1749) in which he justified his own decision to publish J.O. de la Mettrie's *l'Homme machine* (1747), it was not Noodt but Barbeyrac whom he presented as an authority.⁷⁶ This example once again illustrates Noodt's role in the eighteenth-century debate on freedom. Pleading for freedom of expression rather than freedom of religious belief, and doing so in strongly anti-clerical terms, Luzac was making far more radical claims than Noodt. It is only logical that Luzac should have made more use of Barbeyrac. In the international correspondence networks of eighteenth-century erudites – among whom the

⁷⁴ Cf. Lindeboom, *Van der Marck*, p. 186. Van der Marck does, of course, make the occasional obligatory reference to Noodt, e.g. in his *Lectionum Academicarum tomus secundus, quo praecipua juris ecclesiastici protestantium universalis capita pertractantur* Groningae, H. Spandaw, 1772, Lectio III, 'De Jure libertatis Religionis, unicuique adversus quemvis competente', p. 68: 'Nunc autem concludo hanc amplissimam dicendi materiam cum Cl. *Gerardi Noodtii*, Jcti Summi, verbis gravitate plenis, quae in praeclara Dissertatione *de Religione ab imperio Jure Gentium libera*, ut in caussa Religionis decet, cordatius scripsit: *Ita sit una salutis via: (...) cum interim, ut salvus sim, magis mea, quam alterius intersit?*' (the quotation is from Noodt, 'De religione ab imperio jure gentium libera', in: *Opera omnia*, I, p. 522).

⁷⁵ *Het vrije en algemeene in de inrichting van recht Christelijke kerk-maatschappijen; of het onverbindende van alle kerkelijke geloofsregels; en het onwettige van alle burgerlijke vervolging, verdrukking, of bevoorrechtting, alleen wegens gevoelens van godsdienst (...)*, Duinkerken, Schelle en Comp., 1791, 'Inleidend vertoog', pp. xxix, x (note).

⁷⁶ [E. Luzac], *Essai sur la liberté de produire ses sentimens, au pays libre, pour le bien public*, s.l., s.n., 1749 ('Avec privilege de tous les véritables philosophes'). On the reverse of the title page is a passage taken from Barbeyrac's preface to his translation of Pufendorf's *Le droit de la nature et des gens* (1706): 'Il faut avouer que ce ne sont pas tant préjugés de l'Esprit, que les illusions du Coeur, & la tyrannie établie dans le monde au Sujet des Sentimens, qui forment des grands obstacles à l'étude serieuse de la morale, & à une connoissance exacte de nos devoirs.' Barbeyrac is also referred to on pp. 13, 100 and 115.

Huguenots were particularly prominent – Barbeyrac was known as a man who favoured radical views.⁷⁷ Luzac too would have known this.

Conclusion

To many eighteenth-century academics, pamphleteers and clergymen, both the radicals and the orthodox, the progressive and the conservative, Gerard Noodt's address represented a milestone in a long debate on toleration. It was, however, Noodt's status as an academic of renown, rather than the contents of his Leiden address, that was valued and used in the eighteenth-century debate on religious freedom. By 1734 Noodt had already become a figurehead, a symbol, a prime example of spiritual courage and intellectual integrity, rather than a mere partisan in the fight for religious freedom.⁷⁸ Noodt was eclipsed by his pupil Jean Barbeyrac, who succeeded better in coming to grips with the realities of the Christian commonwealth. Moreover, it had become apparent by mid-century that neither Noodt nor Barbeyrac had adequately broached the issue of religious liberty. This became especially clear when the orthodox party, too, began to appeal to Noodt's address and Barbeyrac's interpretation. What was needed now was a more comprehensive defence of religious freedom as a form of intellectual liberty. Radicals such as Johannes Stinstra and Johannes Drieberge first brought this defence to the fore, and they were followed later in the century by 'dissenters' within and without the public Reformed Church. But whatever their differences, all parties from all sides of the intellectual and spiritual spectrum continued to appeal to the 'bright light' of Leiden university. Gerard Noodt's legacy appealed to almost everyone, but the appeal of his address attests more to his standing as a man of learning and moderation than to the aptness of his arguments to the eighteenth-century Dutch toleration debates.

⁷⁷ I.e. 'radical' in the sense in which I have used the term. Cf. also A. Rotondó, *Europe et Pays-Bas. Évolution, réélaboration et diffusion de la tolérance aux XVII^e et XVIII^e siècles. Lignes d'un programme de recherches*, Firenze, 1992, pp. 56-57 and 86.

⁷⁸ Noodt's position in eighteenth-century Dutch thought is comparable to that of his contemporary, the physicist and mathematician Bernard Nieuwentijt (1654-1718); see R. Vermij, *Secularisering en natuurwetenschap in de zeventiende en achttiende eeuw: Bernard Nieuwentijt*, Amsterdam, Atlanta (GA), 1991.