

SWISS ANTICLERICALISM IN THE UNITED PROVINCES.

JEAN BARBEYRAC'S *ORATIO DE MAGISTRATU, FORTE PECCANTE, E PULPITIS SACRIS NON TRADUCENDO* (1721)

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1. INTRODUCTION

'How many people in this country would at that time have dared to complete a rectorship with an *Oratio de magistratu, forte peccante, e pulpitis sacris non traducendo*?' Christiaan Sepp, one of the most erudite church historians to put a Dutch pen to paper, posed this rhetorical question in 1865.¹ His explanation for the impunity with which Barbeyrac made his audacious choice of topic was simply the Swiss jurist's international fame. The latter had occupied the law chair at Groningen for scarcely four years when he held his address in 1721, but in Sepp's assessment his renown as the French translator and commentator of Grotius and Pufendorf was such that he could easily afford to rub up the Dutch clergy the wrong way. Sepp may have been quite correct. A provincial academic outpost like Groningen was not going to sacrifice a luminary like Barbeyrac to the wrath of theologians.²

¹ CHRISTIAAN SEPP, *Johannes Stinstra en zijn tijd. Eene bijdrage tot de geschiedenis der kerk en school in de achttiende eeuw*, 2 vols., Amsterdam, J.C. Sepp & Zoon, 1865-1866, I, p. 81.

² On Barbeyrac in general, see PHILIPPE 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, F. Rouge, [1937]; 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, Walter de Gruyter & Co., 1970; SIMONE ZURBUCHEN, *Naturrecht und natürliche Religion. Zur Geschichte des Toleranzproblems von Samuel Pufendorf bis Jean-Jacques Rousseau*, Würzburg, Königshausen & Neumann, 1991, espec. chapter 6; T.J. HOCHSTRASSER, *The Claims of Conscience: Natural Law Theory, Obligation, and Resistance in the Huguenot Dias-*

Sepp, who himself stemmed from a (Mennonite) family of religious dissenters, praised the address for its emphasis on freedom of conscience and toleration, and the author for his libertarian ideas and diplomatic skills. The recent attention paid by Antonio Rotondò to Barbeyrac's impact on the francophone toleration debate, and to his role in the *Bibliothèque Raisonnée*, seems a good reason to take another look at an author who in the eighteenth century was generally regarded as having contributed significantly to the intellectual debate on toleration.³ *De magistratu* has been discussed before, but only briefly, as in Fabrizio Lomonaco's recent fine study of Barbeyrac's thought on religious freedom in relation to that of the Dutch law scholar Gerard Noodt (1647-1725).⁴ Yet in its own day, Barbeyrac's address reached a larger audience than most other academic orations held in the Netherlands. It appeared independently in Latin (1721),⁵ Dutch (1722, 1724),⁶ and German (1722).⁷ An

pora, in JOHN CHRISTIAN LAURSEN ed., *New Essays on the Political Thought of the Huguenots of the Réfuge*, Leiden etc., Brill, 1995, pp. 15-51; JORIS VAN EIJNATTEN, *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, Olschki, 1998; JORIS VAN EIJNATTEN, *Gerard Noodt's Standing in the Eighteenth-Century Dutch Debate on Religious Freedom*, «Nederlands Archief voor Kerkgeschiedenis» 79/1 (1999), pp. 74-98.

³ ANTONIO ROTONDÒ, *Stampa periodica olandese e opinione pubblica europea nel settecento. La "Bibliothèque Raisonnée" (1728-1753)*, «Rivista Storica Italiana», CX, 1998, pp. 166-221.

⁴ FABRIZIO LOMONACO, *Tolleranza e libertà di coscienza. Filosofia, diritto e storia tra Leida e Napoli nel secolo XVIII*, Naples, Liguori Editore, 1999, pp. 114-115.

⁵ *Joannis Barbeyracii jurisconsulti, & publici privatique juris antecessoris, Oratio de magistratu, forte peccante, e pulpitis sacris non traducendo (...)*, Amsterdam, Petrus de Coup, 1721. I have used this Latin edition; henceforth: *De magistratu*.

⁶ *Joannes Barbeyrac's (...) Redenvoering, dat men den magistraet, ingeval hy eenigen mislagh begaet, van den predikstoel niet magh doorstryken (...)* Uit het Latyn vertaelt, Rotterdam, Joannes Hofhout, MDCCXXII; *Joannes Barbeyrac's (...) Redenvoering (...)*, 's Hertogenbosch, [s.n.], 1724; Reinier Arrenberg, *Naamregister van de bekendste en meest in gebruik zynde Nederduitsche boeken*, Rotterdam, Gerard Abraham Arrenberg, 1788, p. 37, mentions a *Redevoering over het doorstryken van den magistraet op den predikstoel*, Rotterdam, H. Maronier, s.a. Apparently these were all rogue translations. The translator of the Rotterdam, 1722 edition was Jan Suderman; see MEYLAN, *Jean Barbeyrac*, p. 132, note 1.

edition with supplementary footnotes was reissued in conjunction with other writings in Latin,⁸ French,⁹ and Dutch.¹⁰ Somewhat surprisingly, the text does not seem to have appeared in an English version, in spite of the fact that English republicans knew and valued Barbeyrac's work. Instead of *De magistratu*, the English freethinker Thomas Gordon († 1750) in 1722 translated part of Barbeyrac's preface to Pufendorf's *Droit de la nature & des gens*, under the ominous title, *The spirit of the ecclesiasticks of all sects and ages*.¹¹

In the following, I shall first provide an outline of Barbeyrac's address. What was the thrust of his argument? Next, I shall take a closer look at his footnotes. Which sources did Barbeyrac use? Finally, I shall attempt to put the text in its historical context, with particular reference to the toleration debate in the eighteenth-century Netherlands.

⁷ *Johannis Barbeiraci (...) Rede, daß man die Obrigkeit, ob sie sich gleich etwan versehen möchte, keines weges auf denen Cantzeln herdurch ziehen solle, aus dem Lateinischen (...) ins Teutsche übersetzt*, s.l., s.n., 1722. MEYLAN, *Jean Barbeyrac*, p. 132, note 1, mentions two other editions: Erfurt, 1723 and Tübingen, 1724.

⁸ SAMUEL PUFENDORF, *Le droit de la nature & des gens ou système general des principes les plus importants de la morale, de la jurisprudence, & de la politique (...) traduit du Latin par Jean Barbeyrac*, Leiden, J. Wetstein, 1759, Tome second, pp. 38-52: 'Oratio de magistratu (...) Editio secunda, emendatio, & in notis auctior.' Included in editions of Pufendorf's *Droit de la nature* since 1735.

⁹ JEAN BARBEYRAC, *Recueil de discours sur diverses matieres importantes*, 2 vols., Amsterdam, Pierre Humbert, MDCCXXXI, chap. V, pp. 235-298: 'Discours sur la question, s'il est permis d'échaffauder en Chaire le Magistrat, qui a commis quelque faute?'

¹⁰ JEAN BARBEYRAC, *Verzaameling van reedenvoeringen, waar in veele zaaken het natuurlyk recht en zedekunde betreffende, grondig verklaard en aangedrongen worden (...) Nu voor de eerstemaal met kennis en toestemming van den aucteur in 't Nederduitsch vertaald en uitgegeven*, Leeuwarden, Willem Coulon, 1744, pp. 136-182: 'Reedenvoering over de vraag, of 't geoorloofd is den magistraat, die eenigen misslag begaan heeft, van den predikstoel door te stryken?'

¹¹ *The Spirit of the Ecclesiasticks of all Sects and Ages, as to the Doctrines of Morality, and more Particularly the Spirit of the Ancient Fathers of the Church, Examined*, London, J. Peele, 1722; with a preface by Thomas Gordon. See J.A.I. Champion, *The Pillars of Priestcraft Shaken. The Church of England and its Enemies, 1660-1730*, Cambridge etc., Cambridge University Press, 1992, pp. 218-219.

2. THE ADDRESS: REPROVING ERRANT MAGISTRATES

The Latin text of 1721 is divided into 23 paragraphs; the enlarged French text contains 25 paragraphs.¹² This section provides a summary of the address, following the paragraphing of the original Latin version of 1721.

His mandatory resignation from the magistrate's office (i.e. the rectorship), begins Barbeyrac, is a good opportunity to explain that the respect due to this office, which derives its power from the sovereign authority of the commonwealth, should not suffer from those who would use religiosity as a mantle to perpetrate malicious acts. It is always advantageous to civil society when certain pretences used to mislead the common people are publicly criticized. Hence the question posed in this address, whether it is just or lawful to denounce the magistracy from the pulpit if they have committed an error (§ 1). Two issues are at stake. 'In eo totius rei cardo vertitur, an Oratores Sacri, quocumque nomine insigniantur, cives sint; & an Magistratui legitime constituto, quamdiu talis est, reverentia, nullo facto aut dicto violanda, debeatur' (§ 2).

Barbeyrac first points out that the clergy, like other citizens, owe respect to the magistracy. 'Let every soul be subject unto the higher powers' (Rom. 12:1), said Paul – even if he be an apostle, evangelist, or prophet, added John Chrysostom (who otherwise was much in favour of fostering ecclesiastical power). Clerics call themselves the successors of the apostles, while in fact they have no special gifts of grace and are called to their office by mere men. 'The servant is not greater than his lord,' according to John 15:20. What right then does the clergy have to withdraw themselves from civil power, or arrogate to themselves their own jurisdiction? They are the servants of the Lord of heaven, who has clearly stated: 'My kingdom is not of this world' (John 18:36). The apostles took Christ's injunctions to heart and called themselves the servants of those to whom

¹² § 1 and § 17 in the Latin and Dutch texts are the same respectively as §§ 1-2 and §§ 18-19 in the French text. In the following, biblical quotations have been taken from the Authorized King James Version.

they brought the gospel. They taught the elders to ‘feed the flock of God, taking the oversight thereof, not by constraint, but willingly’ (1 Pet. 5:2-3). Nor did the early Christians ever insist on restricting the rights of the magistracy. On the contrary, they sometimes wished to extend the magistracy’s right *circa sacra* more than would have been just. The popes themselves dared not detach themselves from the sovereign powers on earth than until much later, and in the meantime described themselves as servants of the Lord’s servants. Even Robert Bellarmine admitted as much (§ 3).

Nevertheless, those who call themselves the followers of Christ and the apostles depart from the commandments of their divine tutors, illegally establishing a jurisdiction within a jurisdiction. In an orderly commonwealth, however, all clerics are to be regarded as citizens and therefore owe obedience and respect to the lawful magistracy, no less than does the common man (§ 4). If even the slightest encroachment were to be made on the duty to obey the magistracy, if any citizen at all, regardless his rank or station, were to be allowed to disparage or publicly criticize the magistracy, this would surely detract from the magistracy’s honour. Ultimately, the magistracy would be despised, and so would the laws and the government in general. Licence to disparage the magistracy will therefore lead to chaos and rebellion (§ 5).

God himself has attached great importance to the fact that the priests respect the dignity and good name of the public powers. He shows this through his tacit will, by which he approves of everything that helps preserve the order of civil society. He also made an express commandment during his own direct reign over the Hebrew theocracy: ‘Thou shalt not revile the gods, nor curse the ruler of thy people’ (Ex. 22:28). According to the Hebrew manner of speaking, the term ‘gods’ refers to the sovereign, and not to the false gods, as Josephus claimed. The commandment applied to all citizens, who were expressly forbidden to insult any prince or magistrate. Peter and Paul, who both command us to obey all civil magistrates, the bad ones included, interpreted the commandment to this effect.

Likewise, Jude speaks of the godless people who ‘despise dominion, and speak evil of dignities’ (Jude v 8). These passages show that Moses’ law has not been abrogated by the New Testament, but is based on the immutable rules of public universal law and therefore still applicable today to all people who do not hold public office (§ 6). The obligation to obey this commandment also follows clearly from the nature of civil society itself. Human affairs are such that virtuous people will not always govern the commonwealth. Often the less worthy and sometimes even the unworthy have precedence over the worthy, as experience teaches us. Then again, God himself did not choose people who were wholly free from imperfections – one need merely think of Saul or David. Each citizen who tacitly or publicly promises obedience and respect to the authorities does not do so with respect to a perfect and sinless government, but to a government carried by imperfect people. In other words, the duty of submission and honour is not so much due to the people as to the office with which those people have been invested by the authority of the sovereign (§ 7).

The respect due to the magistracy is, therefore, merely of an external nature, and need not be heartfelt. Anyone is permitted to judge even the most powerful magistrates and princes as long as he keeps his opinions to himself (§ 8). Ministers do not possess special privileges in this respect. On the contrary, it is above all the clergy who should be forbidden to trespass against the commandment. For the greater the chance that the commandment is disobeyed, the greater the care that should be taken to uphold it. It is a fact that the common people enjoy hearing the High Powers and the magistrates being castigated, and that they are easily brought to the point of rebellion when men in government are criticized under the mantle of piety. ‘God is not the author of confusion, but of peace,’ says the gospel (1 Cor. 14:33). Are we then to believe that he has appointed as his preachers a band of rebellious demagogues who pester the magistracy? The bible calls magistrates ‘ordained of God’ (Rom. 13:1). Are we to suppose that the servants of the gospel

are the equals of magistrates? Diotrephes may believe this, but I certainly do not, says Barbeyrac, referring to 3 John v 9 (§ 9).

However, let us examine the arguments of those who assert that the clergy should be permitted to criticize the magistracy. Citing certain scriptural texts (such as 2 Tim. 4:2, ‘reprove, rebuke, exhort with all longsuffering and doctrine’), they claim that it is an obligation of the preacher to convince and reprimand sinners without exception. Naturally a minister of the gospel cannot be forbidden to do what every Christian is allowed and even enjoined to do. One need think only of Gal. 6:1, ‘if a man be overtaken in a fault, ye which are spiritual, restore such an one in the spirit of meekness’. But although Christians are called upon to ‘exhort one another daily’ (Heb. 3:13), they are not supposed to do this in all places, at all times, or in all situations. For example, a master must not be reprovved in the presence of his pupils. Similarly, the sovereigns or the lower magistrates who govern in their name cannot be rebuked in the presence of the common people. Both Grotius and Paul (1 Tim. 5:1, ‘Rebuke not an elder, but intreat him as a father’) make this clear. The decorum with regard to person, place and time, taken into consideration when reprimanding people who do not hold office, applies also with respect to people who *do* hold it (§ 10).

When the Hebrew prophets criticized their rulers, they did so with prophetic dignity, or by divine order. When Nathan rebuked the adulterous David, he did not do so in public, and used a parable to make the king see his own sin. It is even more compelling that preachers of the gospel, who are neither prophets nor the sons of prophets, act with prudence and modesty (§ 11). It cannot be denied that some preachers have rebuked their magistrates, regardless of whether they were heathen or Christian. Maris, the bishop of Chalcedon, publicly criticized Julian in the pagan temple when the emperor performed the rites. This only gave rise to angry retaliations against the Christian sect. Moreover, if a minister wishes to rebuke a magistrate, he must be certain that the magistrate in question has indeed erred. How often has inappropriate zeal, or mere rumour, misled ministers? Ministers should be careful not to judge rashly. For as long as a

lawful judge has not examined the issue, a minister rashly arrogates to himself the verdict by condemning someone who has not been heard. This is why some jurists rightly say that someone who has been accused unjustly should be allowed to file an injury suit against the accuser. In addition, what is the necessity of berating from the pulpit a person who has already been shamed by public opinion? A minister should only do so with the utmost reticence and after all other avenues have been attempted; he should also take great care not to pleasure his own ego (§ 12).

The dangers attendant on criticizing the magistracy from the pulpit become apparent when the contents of such sermons are examined. Frequently ministers criticize the mistakes which in their view magistrates make in the administration of the commonwealth; or they take sides when the state is divided, out of rashness or rebelliousness. However, it is insupportable that ministers of the gospel discuss issues beyond their competence. They give their views on issues of war and peace, they question whether spoils of war have been rightfully obtained, they ask whether tributes are claimed fairly, they discuss matters concerning punishment and clemency, and so on. They speak their mind on such topics in the presence of the common people who came to church to hear the Word of God, not a political speech. If it does not behove a minister of Christ to pronounce judgment in a civil lawsuit (see Luke 12:13-14), whence then comes the right to concern himself with the public law of the land? History shows how much harm is caused when the clergy are allowed to impetuously vent their opinions (§ 13).

Suppose, however, that magistrates should appear to misuse civil power specifically in respect of religious matters. Should the clergy not admonish them in this case? On the contrary, in matters concerning church-state relations the clergy must be especially careful to watch their step, for here, too, they often let their zeal get the better of them. Everyone knows how in the past the overseers of the church have drawn lawsuits – even civil ones – into their own ecclesiastical courts under the mantle of religion. Thus, after having poisoned Christendom with gross

errors and superstitions for their own advantage, degenerate Christians refused to let the magistracy tolerate others in civil society. Even now the Inquisition still flourishes in major states, to still the hunger for gold of those who would impose capital punishments on so-called heretics (§ 14). The histories of the church are full of quarrels related to ecclesiastical dominion, and to obscure doctrines supported by the subtleties and fantasies of pagan philosophers. At the same time, all parties tried to obtain the favour of cruel emperors to oppress their opponents. Professing to protect religion, the clergy often not only appropriated the magistracy's *ius circa sacra*, but also the magistracy's right in civil matters. Ambrose refused to hand over public church buildings and even incited the populace to rebel, despite the friendly requests of Valentinian the Younger, who had designed them to be used by errant people, and had every right to do so (§ 15). Now that a large part of Christianity has shaken off the yoke of ecclesiastical tyranny, it is to be hoped that the Protestant clergy do not make the same mistakes. This is not to say that the clerical predilection for making trouble has not disappeared. Clergymen are subject to the same passions as other human beings, and what is the cause of the unhappy and lamentable discord among Protestants, but a harsh, domineering, proud and obstinate character and the ill-advised zeal of some misguided people attached to doctrinal points of little relevance? Even in very recent history, examples can be found of schismatics who influenced civil disputes to further their own interests. Henry Sacheverell is a case in point.¹³ Such political sermonizers will be found everywhere unless the liberty they take in accusing and condemning even magistrates and sovereigns is not curbed (§ 16).

To justify their claims, the clergy twist scriptural passages concerning the office of public ministers. For example, they claim to be 'shepherds' invested with the power to guide their 'flocks', including the Christian government. They claim to

¹³ The reference is to the High Church Anglican who was impeached by the Whigs on account of his fanatic preaching, resulting in Tory control of the government in 1710.

have been given 'the keys of the kingdom of heaven' (Matth. 16:19), and to be 'rulers' (1 Tim. 5:17) in the Christian church, to whom everyone must submit, regardless his rank. But this is clearly against the real sense of the bible. To be sure, clergymen are shepherds; but they are shepherds of men, not unreasonable creatures. The Lord has forbidden clergymen to rule, since it is their office to guide. And just as magistrates retain their quality when they become members of the church, so too a man remains a citizen when he is appointed as a shepherd. The 'keys of the kingdom of heaven' in Matth. 16:19 concern Peter, who was the first to preach the gospel to both heathens and Jews, and thus opened the door to the Messiah's Kingdom. Hence, the passage simply refers to the preaching of the gospel in the name of Christ. The 'rulers' in 1 Tim. 5:17 should be taken in the sense of 'pastors' who show the way opened by Christ. When Christians are required to 'submit' themselves to ecclesiastical overseers (1 Cor. 16:16), this means that they are supposed to listen to chastisements. It does not imply any separate jurisdiction or power. By not referring to pastors as 'priests', our Lord and the apostles took care to prevent the clergy from finding any excuse to arrogate power to themselves (§ 17).

This is not to say that the ecclesiastical office is not to be given all due respect, for order must be maintained in both church and society. However, this respect must always be the result of the express permission of the members of a particular church, or of the will and pleasure of the sovereign civil government. Magistrates, on the other hand, cannot relinquish the authority of public chastisement to people who are their subjects. If a prince should have been so weak as to give the so-called priests the authority to rebuke him in public, other princes are not beholden to undergo similar reprimands by the clergy (§ 18). To which end would princes and magistrates be chastised anyway? If private reproaches do not help, is it likely that public ones will? It is more probable that the ruler's spirit will be hardened. Chrysostom sharply criticized the emperor Arcadius and his wife Eudoxia, and the result was rebellion (§ 19). In conclusion, a sermonizer has no right at all to publicly

chastise the sovereign or the magistracy. Only on divine command or by inspiration is it permissible to criticize a king, as is shown by the example of David, who justified the godless Simei after the latter had slandered him, saying: 'so let him curse, because the Lord hath said unto him, Curse David' (2 Sam. 16:10) (§ 20). A minister fulfils his duty perfectly well when he reprimands magistrates in private, and when he is quite certain that they deserve it (§ 21). It would be better if preachers spoke with greater propriety about the duties of the magistracy, because the art of government is perfectly in concord with the scriptures. This is also the best way to instil virtue into both citizens and magistrates, and it is the only way for the clergy to obtain authority – an authority that is greater than that of any civil power because it is exercised over people of good will (§ 22). I will now put down my office, concludes Barbeyrac, and hand it over to my colleague (§ 23).

Barbeyrac's arguments, then, amount to the following:

1. Ministers have the same obligations as other citizens.
2. If citizens were permitted to publicly criticize the magistracy, chaos and rebellion would ultimately be the result.
3. God has expressly commanded priests to obey the magistracy.
4. The duty of submission is due to the office with which a man has been invested, not to the man himself.
5. Public criticism by the clergy is particularly dangerous, because the clergy's influence on the people is large.
6. All Christians should exhort one another, but not in all places, at all times, or in all situations.
7. Public criticism of the magistracy cannot be justified with an appeal to the Hebrew prophets, and it is, moreover, counter-productive and unjust.
8. The clergy have no right to concern themselves with the administration of the land.
9. The clergy have an inveterate tendency to establish their own independent jurisdiction, which is illegal.
10. To substantiate their claim to authority, the clergy twist scriptural passages.

11. Clerical authority derives from the goodwill of church members or the government, and is therefore not comparable to the authority of the magistracy.

3. THE SOURCES: FROM SOCRATES TO BAYLE

In contrast to most published orations held at Dutch academies, Barbeyrac was conspicuously lavish with footnotes. His address contains no less than 36. By comparison, Noodt appended only 5 notes to his address on religious liberty, which in Dutch academic tradition was much more conventional; two notes referred to Livy, two to Ammianus Marcellinus, and one to the Codex Theodosianus. Barbeyrac, by contrast, filled his pages with extensive footnotes that referred to a great variety of authors ranging from Aristotle and Socrates (Scholasticus) to Bayle and Jean Le Clerc. Citations from the bible were much more common, especially in theological addresses. Even then, Barbeyrac's emphasis on the New Testament (only 3 out of 48 citations refer the reader to the Old Testament) distinguishes him from his Calvinist colleagues at the theological faculties.

Barbeyrac's footnotes – and the many examples he provides in his texts – betray a definite interest in early Christianity, above all the history of the later fourth and early fifth centuries. He drew many unfavourable instances of clerical self-interest from the church histories of Socrates (c. 380-c. 450), Sozomen (c. 400-c. 450) and Theodoret (c. 393-c. 458/466). Barbeyrac naturally mentions Ambrose, who did most to develop the idea that the church may admonish Christian rulers. Ambrose even denied Theodosius access to the church because the emperor had massacred the Thessalonians who, of all things, had stoned to death several magistrates.¹⁴ Barbeyrac knew how to find his way among overweening Church Fathers, including Maris, the bishop of Chalcedon who publicly criticized Julian the Apos-tate; Athanasius, who called the emperor Constans crueller than any despot; and Lucifer Calaritanus, who similarly berated

¹⁴ *De magistratu*, note 18.

Constans.¹⁵ Or take Chrysostom, who, as we saw, had the gall to sharply criticize the emperor Arcadius and his wife Eudoxia. The only result he achieved was a twofold exile and a schism in the church for more than 25 years.¹⁶ Gregory the Great is the only ecclesiastic mentioned by Barbeyrac who does not belong to this period. A powerful bishop, Gregory refused to acknowledge a law promulgated by Maurice concerning the admission of veterans to monasteries, and made such a fuss about it that the emperor ultimately had to redraft the law.¹⁷

Another source used by Barbeyrac is Pierre Bayle. The latter's *Dictionnaire* is replete with all kinds of misbehaviour, and it will not have been difficult to find apposite clerical vices. Bayle provided information on, for instance, Abdas, a Persian bishop during the reign of Theodosius II, who 'fut cause, par son Zèle inconsidéré, d'une très horrible Persécution, qui s'éleva contre les Chrétiens.'¹⁸ The Roman Catholic theologian Jacques le Bossu 'fut un des plus emportez Prédicateurs de la Ligue,' preaching seditious sermons against Henry III and Henry IV; and the Jesuit Jean Guignard was no better.¹⁹ And what to think of Girolamo Savonarola? Through his example, lectured Bayle, we should know that to be concerned with political matters 'est toujours blamable dans les personnes qui se sont consacrées au Ministère de la Parole de Dieu; mais on doit principalement les condamner lors qu'elles se mêlent du Gouvernement dans un Etat qui est divisé en Factions.'²⁰ Barbeyrac knew Bayle's work thoroughly, of course. He mentions another instance of Ambrose's misbehaviour as a cleric, this time regarding his refusal to hand over public church buildings despite the friendly requests of Valentinian II, who had designed them

¹⁵ *De magistratu*, note 12.

¹⁶ *De magistratu*, note 36.

¹⁷ *De magistratu*, § 15.

¹⁸ *Dictionnaire historique et critique, par Mr. Pierre Bayle (...) troisième édition, revue, corrigée, et augmentée par l'auteur*, Rotterdam, Michel Bohm, MDCCXX, I, p. 10; *De magistratu*, note 23.

¹⁹ BAYLE, *Dictionnaire historique et critique*, I, p. 616 and IV, p. 3046; *De magistratu*, note 14.

²⁰ BAYLE, *Dictionnaire historique et critique*, IV, p. 3062; *De magistratu*, note 14.

to be used by others. In the footnote Barbeyrac refers to another footnote in his French translation of Grotius' *De iure belli ac pacis* (1625), and this footnote in turn largely consists of a quotation from Bayle's *Critique générale de l'histoire du calvinisme de Mr. Maimbourg* (1682).²¹

Predictably, Grotius figures prominently in Barbeyrac's address. Indeed, with seven citations in all, *De imperio summarum potestatum circa sacra* (1647) is the most frequently quoted study. Grotius even has the honour of being cited directly in the text. 'Many have noted,' says Grotius, 'that those who hold precedence in the church should not be reproved in the presence of the crowd, and this agrees with the usage of the early church.'²² Barbeyrac also refers to Grotius for his exegesis of Matthew 16:19, concerning the keys of the Kingdom of Heaven.²³ Also prominent among the law scholars mentioned by Barbeyrac is Justus Henning Boehmer (1674-1749), the German law professor at Halle. Boehmer showed that bishops began to use the term 'priests' to denote members of a particular estate only in the third century.²⁴ There are further references to political theorists and jurists like Henning Arnisaeus (1575-

²¹ *De magistratu*, § 15 and note 23; HUGO GROTIUS, *Le droit de la guerre, et de la paix (...)* Nouvelle traduction, par Jean Barbeyrac, I, Amsterdam, Pierre de Coup, MDCCXXIV, pp. 178-179, note.

²² *De magistratu*, § 12. HUGO GROTIUS, *De imperio summarum potestatum circa sacra (...)*, Amsterdam, Johannes N. ten Hoorn, MDCLXXVII, IX, § 19, p. 151: 'Adde, quod & Ecclesiae praelatos non esse corripiendos coram multitudine a multis annotatum est; & moris veteris Ecclesiae congruit.'

²³ *De magistratu*, note 28; GROTIUS, *De imperio*, IX, § 6, p. 137.

²⁴ Barbeyrac quotes from BÖHMER, *Ius ecclesiasticum protestantium*, 5 vols., Halle, Orphanotropheus, 1714-1738; *De magistratu*, note 32.

1636),²⁵ Samuel von Cocceji (1679-1755),²⁶ Samuel Pufendorf (1632-1694), and Christian Thomasius (1655-1728).²⁷

Then there are the citations from a broad Christian tradition concerning toleration. For instance, to refute the notion of a separate ecclesiastical jurisdiction, Barbeyrac quotes from the first edition of Thomas Erastus' famous book on excommunication – although he initially does so via John Selden's *De synedris*.²⁸ Like Arnisaeus, Marco Antonio de Dominis is quoted several times to contradict Robert Bellarmine, whom Barbeyrac apparently regards as the representative *par excellence* of the Roman Church. De Dominis is also cited in connection with the Church Fathers, such as St. Bernard of Clairvaux, who wrote to a bishop: 'Omnis anima (...) potestatibus sublimioribus subdita sit. Si omnis, & vestra. Quis vos excipit ab universitate? Si quis tentat excipere, conatur decipere.'²⁹ The Huguenot David Blondel (1590-1655), an erudite professor at the Amsterdam Atheneum, confirmed the claim that the early Christians had never restricted the authority of the magistracy.³⁰ Another

²⁵ HENNING ARNISAEUS, *De subjectione et exemptione clericorum. Item de potestate temporali Pontificis in principes (...)*, Strasbourg, Georg A. Dolhopff, MDCLXXIII. On Arnisaeus' condemnation of clerical 'hierarchy' and independence, see HORST DREITZEL, *Protestantischer Aristotelismus und absoluter Staat. Die "Politica" des Henning Arnisaeus (ca. 1575-1636)*, Wiesbaden, Franz Steiner Verlag, 1970, pp. 364-392.

²⁶ SAMUEL COCCEJUS, *Ius controversum civile. Ubi illustriores juris controversiae breviter et succincte deciduntur*, 2 vols., Frankfurt, 1713-1718.

²⁷ CHRISTIAN THOMASIUS, *De territoriali potestate circa sacra in communi (...)*, Halle, 1693.

²⁸ *De magistratu*, note 30; THOMAS ERASTUS, *Explicatio gravissimae quaestionis utrum excommunicatio (...)*, Pesclavii, Baocius Sultaceter [= London, J. Wolfe], MDLXXXIX; JOHN SELDEN, *De synedris & praefecturis juridicis veterum Ebraeorum libri tres*, Amsterdam, Johannes van Someren, Hendrik & Theodorus Boom, 1679, p. 237. Selden was well-known as a jurist with Erastian sympathies. Note also that Barbeyrac translated John Tillotson's sermons into French; for Tillotson's Erastian leanings, see JOHN MARSHALL, *The Ecclesiology of the Latitude-men 1660-1689: Stillingfleet, Tillotson and 'Hobbism'*, «Journal of Ecclesiastical History», 36, 1985, pp. 407-427.

²⁹ MARCO ANTONIO DE DOMINIS, *De republica ecclesiastica libri X*, Heidelberg, Jean la Cellotti, MDCXVIII, lib. VI, cap. VI, § xi (p. 41b); *De magistratu*, note 1.

³⁰ DAVID BLONDEL, *De formulae Regnante Christo in veterum monumentis usu*, Amsterdam, Johannes Blaeu, 1646; *De magistratu*, note 3.

French Protestant, Jean Daillé (1594-1670), is appealed to for a proper interpretation of Matth. 16.³¹ Gerard Brandt's *History of the Reformation* is used for references to an episode in Dutch history often put to good use by anticlerical authors. When the States-General, in the midst of the Dutch Revolt, in 1586 appointed Robert Dudley, Earl of Leicester, as governor-general over the provinces, the earl immediately tried to dominate the land, ingratiating himself with the Calvinist clergy by giving them favours. The meddling clergy subsequently requested Elisabeth I to accept sovereignty over the Netherlands. Leicester even attempted to invade Holland in 1587, but did not succeed.³²

Still another group of writers consists of those francophone contemporaries of Barbeyrac who were involved in the public debate on persecution and heresy. The debate focused, among others, on Calvin and Beza, who in eighteenth-century discourse on toleration generally functioned as the archetypes of orthodox intolerance. Their views on heresy were notorious. Beza actually wrote a book on the capital punishment of heretics, Barbeyrac informs his readers.³³ Yet, even in that less civilized period, writers who were more moderate had already shown that the magistracy has no right to kill heretics. Calvin ought to have followed these authors, instead of writing his own book on the topic and eventually having Servet executed. One such author was Sebastian Castellio, whose *De haereticis, an sint persequendi* (1554), written under the pseudonym of Martinus Bellius, Calvin must have read before he published his

³¹ JEAN DAILLÉ, *De sacramentali sive avricvlari Latinorum confessione disputatione*, Geneva, Johann Anton & Samuel de Tournes, 1661; *De magistratu*, note 29. Also cited is LOUIS CAPPEL, *Commentarii et notae criticae in Vetus Testamentum*, Amsterdam, P. & J. Blaeu etc., 1689.

³² Barbeyrac refers to the English translation of GERARD BRANDT, *Historie der Reformatie: The history of the Reformation and other ecclesiastical transactions in and about the Low Countries*, 1720-1723, translated by John Chamberlain; *De magistratu*, note 26.

³³ THEODORUS BEZA, *De haereticis a civili magistratu puniendis libellus, adversus Martini Bellii farraginem, et novorum academicorum sectam*, [Geneva], Robertus Stephanus, 1554; the book was written against Castellio.

own *Defensio orthodoxae fidei* in 1554.³⁴ At this point Barbeyrac also refers to Michel de la Roche († 1742), one of the less well-known Huguenots who had left France following the revocation of the Edict of Nantes. In the early 1710s, La Roche had defended Servet extensively in his *Memoirs of Literature*, making use of official records kept at the Genevan city archives and not previously used.³⁵ Barbeyrac also mentions La Roche in connection with Benjamin Hoadly (1676-1761), an English latitudinarian bishop with a substantial fan club among francophone journalists and dissenting divines in the Netherlands.³⁶ For the sake of completeness, or impartiality, or perhaps not to give unnecessary offence, Barbeyrac also refers the reader to La Roche's sharp critic, the orthodox Huguenot Armand de La Chapelle (1676-1730).³⁷ In 1719 La Roche, with whose views Barbeyrac must have sympathized most, had been deprived of his editorship of the *Bibliothèque Angloise* as a result of pressure from orthodox quarters, and been replaced by La Chapelle.³⁸ The greatest journalist of them all, Jean Le Clerc, is not lacking, of course. Barbeyrac made use of Le Clerc's résumés and reviews of writings by Jean Aymon and Matthew Tindal. The latter's *The rights of the Christian Church asserted*

³⁴ JEAN CALVIN, *Defensio orthodoxae fidei de sacra Trinitate, contra prodigiosos errores Michaelis Seruiti Hispani: vbi ostenditur haereticos iure Gladii coercentes esse, & nominatim de homine hoc tam impio iuste & merito sumptu*, Geneva, Robertus Stephanus, 1554; *De magistratu*, note 22.

³⁵ MARGARET D. THOMAS, *Michel de la Roche: A Huguenot critic of Calvin*, In *Studies on Voltaire and the eighteenth century*, Oxford, 1985, pp. 97-195; *De magistratu*, note 22.

³⁶ On Hoadly in the Netherlands, see VAN EIJNATTEN, *Mutua Christianorum Tolerantia*, pp. 51-80. *Bibliothèque angloise, ou histoire littéraire de la Grande Bretagne, par M.D.L.R.*, Amsterdam, David Paul Marret, MDCCXVII, Tome II-i, pp. 76-198: 'Article VII. Histoire de Michel Servet, par l'auteur de cette Bibliothèque Angloise'; Barbeyrac also quotes from La Roche's *Memoires Littéraires de la Grande Bretagne*; *De magistratu*, notes 29, 31. He refers to John Hales (1584-1656), who was well-known among francophone journalists; Pierre Desmaizeaux (1673-1745) wrote his biography.

³⁷ *De magistratu*, note 27. *Bibliothèque angloise (...) par A.B.D.M.T.*, MDCCXX, Tome VII-i, pp. 35-88, a review of BENJAMIN HOADLY, *An Answer to the Reverend Doctor Hare's Sermon, intituled, Church-Authority vindicated*, London, 1720.

³⁸ SCHILLINGS, *Tolerantiedebat*, pp. 16-18.

(1706) was invoked by Barbeyrac to show that the early Christians believed that there could not be ‘two Independent Powers in the same Society’.³⁹

Tindal’s attack on the independent power of the clergy was at the heart of Barbeyrac’s address. However, the most important source of *De magistratu* in this respect was a treatise by the Dutch Aristotelian Martin Schoock (1614-1669). Schoock was a former pupil of Gisbert Voet, the leading theologian at the university of Utrecht in the seventeenth century, a scholastic with puritan leanings who was also an earnest advocate of ecclesiastical independence. Schoock had previously collaborated with Voet in the struggle against Descartes, until he fell out with his mentor after a quarrel over the authorship of an abusive anti-Cartesian tract. Schoock was then professor of logic and physics at Groningen, a prolific writer who discussed topics ranging from philosophy and maritime law to floods and tulips.⁴⁰ When Voet and his followers used the pulpit to criticize the canons of Utrecht for appropriating the proceeds of (former) ecclesiastical property, Schoock joined the ensuing fray with his *De bonis vulgo ecclesiasticis dictis* (1651).⁴¹ Barbeyrac quotes no less than six times from the fourth and final section of the book, ‘De officio ministrorum ecclesiae erga magistratum.’ Via Schoock he refers to anecdotes concerning clerical officiousness provided by Melanchton and De Thou, and to the case of Johannes Ligarius (1529-1596), a Lutheran preacher who had agitated so openly against the Dutch magistracy from his pulpit

³⁹ [MATTHEW TINDAL], *The rights of the Christian Church asserted, against the Romish, and all other priests who claim an independent power over it (...) The third edition corrected*, London, s.n., 1707, p. 181; *De magistratu*, note 7.

⁴⁰ FERDINAND SASSEN, *Geschiedenis van de wijsbegeerte in Nederland tot het einde der negentiende eeuw*, Amsterdam/Brussel, Elsevier, MCMLIX, pp. 133-134; C. LOUISE THUISSEN-SCHOUTE, *Nederlands cartesianisme*, Utrecht, HES Uitgevers B.V., 1989 (first edition 1954), pp. 476-485.

⁴¹ MARTINUS SCHOOCK, *Liber de bonis vulgo ecclesiasticis dictis: item de canonicis: atque speciatim de canonicis Ultrajectinis; horumque occasione, de officio ministrorum ecclesiae erga magistratum*, Groningen, Johann Nicolai, MDCLI. Barbeyrac also makes use of SCHOOCK, *De seditionibus, seu discordiis domesticis libri tres*, Groningen, Bronchorst, 1664.

that he had to be banned.⁴² ‘Hoc certum,’ Schoock said to Barbeyrac’s satisfaction, ‘nunquam pro suggestu posse examinari Magistratus decreta, quin periculum imminet a seditione.’⁴³

In the later Latin, French and Dutch editions sixteen additional footnotes were appended and many of the existing ones expanded. Cicero and Seneca, Livy, Velleius Paterculus and Quintus Curtius are some classical newcomers in these enlarged versions, while Montaigne is a modern addendum. Patristic indiscretions (‘chacun doit honorer les *Prêtres* plus que les Princes & les Rois’) are cited via Johann Albrecht Bengel’s 1725 edition of Chrysostom’s *De sacerdotio*.⁴⁴ Grotius appears somewhat more frequently, and Barbeyrac was now able to refer to his own *Traité sur la morale des Pères* (1728) in several footnotes. He also found a supporter in Johann Joachim Schöpfer (1661-1719), professor of law at Rostock, who had contended in a disputation *De usu et abusu elenchi ecclesiasticis, eiusque praemiis et poenis* (1699) that the clergy were not to rail against the magistracy for having permitted comedy, music, and dance.⁴⁵

4. THE CONTEXT: ANTICLERICALISM IN THE UNITED PROVINCES

It would not have been too difficult to find a Dutch clergyman who transgressed all the rules of politico-religious etiquette laid down in *De magistratu*. Not that all Calvinist clergymen would have considered it wise to criticize the magistracy from the pulpit. On the contrary, most Dutch Reformed ministers were probably intent on keeping the peace between a church which, despite the ‘theocratic’ aspirations and theories of some, was in most respects subservient to a state that in most respects reigned supreme. Thus, even the author of an extremely popular orthodox commentary on the Heidelberg Catechism (one of the

⁴² SCHOOCK, *Liber de bonis*, resp. pp. 651-656 (cap. VIII) and 713-718 (cap. XIX); *De magistratu*, notes 15, 17.

⁴³ SCHOOCK, *Liber de bonis*, p. 673.

⁴⁴ BARBEYRAC, *Receuil de discours*, II, p. 241, note.

⁴⁵ BARBEYRAC, *Receuil de discours*, II, p. 274, note.

officially recognized Calvinist confessions) called upon the clergy to exercise the utmost restraint. To be sure, in the chapter on the *ius circa sacra* this clerical author enjoined ministers to criticize and even discipline magistrates if necessary, in order to bring them to conversion. But, added this particular divine, ministers had to do so with all due discretion and modesty. The faults of magistrates were never to be discussed openly before the people (Ex. 22:28, a text also referred to by Barbeyrac). Nor were matters of state to be considered in public. Moreover, the comparison with the biblical prophets of Israel did not obtain, for they, unlike the ministers of today, had been sent on special missions.⁴⁶ For this and many other orthodox writers, prudence was the key to maintaining healthy church-state relations. Another divine made essentially the same point in 1743, in a sermon on Matth. 10:16 ('be ye therefore wise [*voorzichtig*, or prudent] as serpents, and harmless [*oprecht*, or sincere] as doves'), which explicitly discussed clerical prudence and sincerity.⁴⁷ Preachers, advised this minister, should neither flatter nor slander the magistracy. Their sins must be contested with prudence, so that their majesty is not offended and the populace not incited to rebellion; for to embitter magistrates by castigating them is counter-productive. In short, public persons of state, upon whom the welfare of land and church depends, must not be criticized in public.

Of course, this did not mean that ministers never criticized the magistracy publicly, and that Barbeyrac's address was superfluous. But were there any misbehaving clergymen in Barbeyrac's immediate vicinity in 1721? Between 1712 and 1717 the theological chairs at the Groningen academy had been vacant. Two theology professors were appointed in 1717, the year

⁴⁶ JOHANNES D'OUTREIN, *Het gouden kleinoot van de leere der waarheid die naar de godsaligheid is; vervat in den Heidelbergschen Catechismus. Nader uitgebreidt, opgeheldert en betoogt*, Amsterdam, N. Byl, 1770 (ninth impression; first edition 1719), pp. 598-600.

⁴⁷ JOHANNES RATELBAND, *De voorsigtige oprechtheit, den leeraer des nieuwen testaments nootzakelyk, aengeprezen; uit Mattheus X: vs. b16*, Amsterdam, B. van Gerrevink, J. Ratelband, 1744; cf. especially p. 44 for his views on the magistrate.

of Barbeyrac's arrival.⁴⁸ One was Antonius Driessen (1683-1748), who began his academic career auspiciously with an address *De philadelphia* (1717).⁴⁹ Driessen, however, soon turned out to be the most polemical divine ever to set foot in Groningen. He was an indefatigable custodian of Reformed orthodoxy, who sought to preserve the truth both in the church and without. Nevertheless, he does not seem to have said or done anything that reflected negatively on the Groningen magistracy, at least not during his first years at the academy. The other divine appointed in 1717 was Otho Verbrugge (1670-1745), an unexceptional lecturer who devoted his career almost wholly to educating his students in oriental languages. The Dutch Reformed preachers within the town of Groningen itself similarly seem to have been a rather unremarkable group.⁵⁰ None of them is known to have caused any trouble with the local magistracy. This does not hold, however, for the Walloon (French Reformed) ministers at Groningen. It seems that they were involved in a conflict with the Groningen authorities regarding baptismal ceremonies, and it is possible that some ecclesiastics vented criticism and provoked Barbeyrac's address.⁵¹

De magistratu was not, however, the first product of Barbeyrac's anticlerical frame of mind. An earlier rectorial address

⁴⁸ J.B.F. HEERSPINK, *De godgeleerdheid en hare beoefenaars aan de hoogeschool te Groningen, gedurende het 250jarig bestaan der Akademie*, Groningen, P. van Zweeden, 1864, pp. 81-93.

⁴⁹ SEPP, *Stinstra*, I, pp. 85-89; *Biographisch Woordenboek van Protestantsche Godgeleerden in Nederland*, 6 vols., J.P. de Bie and J. Loosjes eds., 1919-1949, II, pp. 597-614.

⁵⁰ The preachers who worked at Groningen between 1717 and 1721 were Hitzerus Themmen (1688-1720); Petrus Mees (1688-1717); Albertus Alberthoma (1693-1720); Lambertus Bieruma (1695-1734); Johannes Stegnerus (1703-1720); Albertus Muntinghe (1712-1741); Sicco Abbringh (1712-1724); Leonardus Blom (1716-1721); Meinardus Cock (1717-1742); Themmo Themmen (1720-1759); Johannes Hofstede (1720-1736); Wilhelmus Velingius (1721-1725); and Robertus Alberthoma (1721-1769). See FRED A. VAN LIEBURG, *Repertorium van Nederlandse hervormde predikanten tot 1816. Deel 2: gemeenten*, Dordrecht, [s.n.], 1996.

⁵¹ Meylan, *Jean Barbeyrac*, pp. 131-132; apparently there were some who wanted to have the Walloon synod denounce the address.

held at Lausanne in 1714, *Discours sur l'utilité des lettres et des sciences*, contained a definitely anticlerical passage that prefigured his later address.⁵² Barbeyrac pointed out that many clerics have misused their authority by conferring on themselves all kinds of names of honour and special rights. They have forgotten that ministers of the gospel are really mere 'servants' (as in 2 Cor. 4:5), and call themselves 'Ambassadors of Heaven' instead.⁵³ Barbeyrac's experiences with the consequences of the revocation of the Edict of Nantes, and later with the orthodox supporters of the *Formula Consensus* (the orthodox formularies of concord to which Swiss clergymen and academics were required to subscribe) presumably fuelled his anticlerical views, and ultimately led to *De magistratu*. In his choice of subject matter for *De magistratu*, Barbeyrac may also have been inspired by Gerard Noodt's *De religione ab imperio iure gentium libera* (1706), of which he had a very high opinion, and which he must have found worthy of emulation. It was good republican custom to delimit the extent of clerical authority and, in this sense, Barbeyrac was continuing an important Dutch tradition.⁵⁴

In spite of the call for pastoral prudence by the Calvinist clergy, complaints concerning overbearing clericalism surfaced regularly in the eighteenth-century Netherlands. The clergy, said a critical poet in 1739, should not concern itself with matters of state, and he duly referred to *De magistratu* in his annotations.⁵⁵ The poet himself claimed to have studied law under

⁵² J. BARBEYRAC, *Discours sur l'utilité des lettres et des sciences, par rapport au bien de l'état*, Geneva, Fabri & Barrillot, 1714; another edition appeared in Amsterdam, 1715. Cf. MEYLAN, *Jean Barbeyrac*, pp. 96-99.

⁵³ I have used the Dutch translation: J. BARBEYRAC, 'Reedenvoering over de nuttigheit der weetenschappen en geleerdheit, ten opzicht van 't welzyn van een staat', in: *Verzaameling van reedenvoeringen*, pp. 1-44, at 36-38.

⁵⁴ Cf. HEINZ SCHILLING, *Afkeer van domineesheerschappij: Ein neuzeitlicher Typus des Antiklerikalismus*, in P.A. DYKEMA and HEIKO A. OBERMAN ed., *Anticlericalism in Late Medieval and Early Modern Europe*, Leiden enz, Brill, 1993, pp. 655-668.

⁵⁵ [ANON.], *Voorbereiding tot den waaren godsdienst, vry van gewetensdwang. Met bewyzen, en aanmerkingen, zoo de zaaken zelfs, als de zuiverheid der Nederduitsche taale, betreffende*, Leiden, Pieter van der Eyk, MDCCXXXIX, pp. 77-78.

Gerard Noodt, and indeed, one would expect jurists in particular to value Barbeyrac's address. Most eighteenth-century law students probably knew the address through one or more of the various versions – Latin, French, or Dutch – in which it was available. A typical figure who could be expected to, and did, value Barbeyrac's address was Jacob Karsseboom (1733-1786). This law student stemmed from a leading family of Amsterdam magistrates and had himself been destined to exercise civil authority as a republican oligarch. In fact, he had been made secretary of the town council when he was twelve years old, although his father took care of his duties until he came of age in 1751.⁵⁶ In 1756 Karsseboom obtained his doctorate with a *Dissertatio juridico-politica inauguralis de jure summi imperantis circa sacra*.⁵⁷ In this neat academic outline of an issue that had been debated upon time and again by theologian upon theologian and jurist upon jurist,⁵⁸ Karsseboom first discussed the

⁵⁶ Jacob was a magistrate at Dordrecht before moving on to Rotterdam; see JOHAN E. ELIAS, *De vroedschap te Amsterdam 1578-1795*, II, Haarlem, MDCCCV, pp. 699-700.

⁵⁷ JACOB KARSEBOOM, *Dissertatio juridico-politica inauguralis de jure summi imperantis circa sacra* (...), Leiden, S. & J. Luchtman, 1756. The reason for Karsseboom's choice of topic may have been a contemporary conflict between the magistrate and the Reformed clergy on the limits of patronage, the main issue being the right of the magistrate to select or appoint candidates for the ministry. Karsseboom (p. 19, note) refers to an anonymous essay in a moral weekly, *De Nederlandsche Spectator*, Leiden, Pieter van der Eyk, MDCCXLIX-MDCCLX, VII (1755), no. 117, pp. 115-130 ('Brief van Dikaiophilus over het recht der overheden on het aanstellen van predikanten'). This essay, written by Daniel van Alphen, (1713-1797), lord of Achttienhoven and Den Bosch, himself a magistrate at Leiden, entailed a fierce anticlerical defence of the magistrate's exclusive right to choose and appoint ministers. Van Alphen later reworked his essay into a book, published anonymously as *Het recht der overheden omtrent kerkelyke bedieningen*, Leiden, Pieter van der Eyk, MDCCLVI; in this book he in turn referred to Karsseboom (e.g. pp. 38-40).

⁵⁸ Cf. FRIEDRICH FRIES, *Die Lehre vom Staat bei den protestantischen Gottesgelehrten Deutschlands und der Niederlande in der zweiten Hälfte des 17. Jahrhunderts*, Berlin, Emil Ebering, 1912; J.TH. DE VISSER, *Kerk en staat*, 3 vols., Leiden, A.W. Sijthoff's Uitgeversmaatschappij, [1926], vol. II; D. NOBBS, *Theocracy and Toleration. A Study of the Disputes in Dutch Calvinism from 1600-1650*, Cambridge, Cambridge University Press, 1938; ENNO CONRING, *Kirche und Staat nach der Lehre der niederländischen Calvinisten in der ersten Hälfte des 17. Jahrhunderts*, s.l., Neukircher Verlag, 1965; GERHARD GÜLDNER, *Das Toleranz-Problem*

nature of political authority, drawing, as eighteenth-century Dutch law students were wont to do, on law scholars like Grotius, Pufendorf, Barbeyrac, Otto, and Titius. In the second chapter, he explained that the civil authorities have no power over the *cultus divinus internus*. They are obliged, however, to prevent the open defence of atheism or atheistic doctrines, and to expel such notions from the public mind through conviction (emphatically not through force), by having the clergy teach the true religion.⁵⁹ The magistracy has the right to privilege the religion considered most useful to the commonwealth. The third chapter discusses the magistracy's power over the external cult. Mainly following Pufendorf (whose writings were standard literature at the time), Karsseboom argued, among others, that the civil authorities have to ensure that the public religion is taught adequately (which also means that they may silence theologians given to squabbling). And, adds Karsseboom, the magistracy also has the right to punish and dismiss ministers who teach and act contrary to the Word of God and the interests of the commonwealth; among possible contraventions he includes the public scolding of magistrates from the pulpit. At this point Karsseboom naturally mentions Barbeyrac's address (the Latin text in the French edition of Pufendorf), as well as a rescript issued by the States of Holland and Westvriesland, dated 5 December 1665.⁶⁰

The reference to a century-old rescript was as characteristic as the citation of an eminent law scholar. The Dutch magistracy was usually intent on keeping the Calvinist church at bay, to ensure that the clergy's influence remained within strict limits. On the other hand, there is no evidence that Karsseboom har-

in den Niederlanden im Ausgang des 16. Jahrhunderts, Lübeck, Hamburg, Matthesen Verlag, 1968.

⁵⁹ Not surprisingly, in this chapter (pp. 15-16, note) Karsseboom quotes NOODT (*De religione*), JOAN VAN DEN HONERT (the 'elegantissima oratio' *De mutua Christianorum tolerantia*; Van den Honert held close relations with the ruling families in the Republic), and the CHEVALIER DE BEAUMONT, *l'Accord parfait de la nature et de la raison, de la révélation et de la politique. Par un gentil-homme de Normandie*, 2 vols., Göttingen etc., 1755.

⁶⁰ KARSSEBOOM, *De jure summi imperantis circa sacra*, p. 40, note.

boured any grudge against the clergy as such; one of his nieces later married a Reformed minister.⁶¹ He does at one point mention the ‘egregius, sed rarus libellus’, replete with republican anticlericalism, written by Eric Walten (1663-1697),⁶² a seventeenth-century pamphleteer who died in prison while awaiting trial.⁶³ However, as a magistrate-to-be, the young Karsseboom would have been quite happy to maintain good relations with the clergy, since such relations oiled the machinery of government and put him in position to develop and extend his clientele within the church. Then again, career-magistrates such as he did not necessarily adhere to strict Calvinism, and certainly did not tolerate clerical criticism. A church was required to teach and discipline the people, and the Dutch church happened to be a Calvinistic one; thus in the Netherlands a Calvinist clergy was expected to perform the pastoral tasks all clergies were obliged to perform, without causing any trouble to the rulers of the land. Dutch anticlericalism was, then, rather ambivalent – but as the wide appeal of Barbeyrac’s address itself makes clear, in this respect the Dutch were perfectly in tune with most other Protestant nations.

Another example of the way Barbeyrac’s address functioned as an icon of anticlericalism is a book in learned Latin that included two treatises on ecclesiastical discipline, one by a theologian, the other by a jurist.⁶⁴ The theologian’s treatise was concerned with ecclesiastical discipline in the apostolic church. He was in favour of independent church government, but believed that the civil authorities had to keep a close watch over

⁶¹ M. VAN RHIJN, *Ds. J.L. Verster en zijn vrienden (1745-1814)*, «Nederlands Archief voor Kerkgeschiedenis», 30, 1938, pp. 125-166, at 149.

⁶² KARSSEBOOM, *De jure summi imperantis circa sacra*, p. 24, note; ERIC WAL- TEN, *Onwederlegglyk bewys van het regt, de magt, en pligt der overheden in kerkelyke saken*, ’s Gravenhage, Meindert Uitwerf, 1689.

⁶³ WIEP VAN BUNGE, *Eric Walten (1663-1697): An early Enlightenment radical in the Dutch Republic*, in W. VAN BUNGE AND W. KLEVER eds., *Disguised and overt Spinozism around 1700*, Leiden etc., 1996, pp. 41-54.

⁶⁴ *Theologi ac jurisconsulti, virorum in Belgio clarissimorum, de disciplina eccle- siastica, recentes commentationes; accedit J.H. Maestraei V.D.M., pro systemate suo disciplinae Euangelicae al Ill. Jctum J.H. Boehmerum responsio*, Trajectum ad Rhenum, J. van Schoonhoven & Cie, 1774.

the church to prevent excesses. An orthodox reviewer, who was impressed by the quality of the reasoning but highly critical of the contents, recognized the treatise as an almost literal transcription of the lecture notes on the history of the early church by the theologian Herman Venema (1697-1787).⁶⁵ The latter was a professor at Franeker university, where the theological faculty had a reputation for religious lenience.⁶⁶ The other tract was by an unknown jurist. This writer used Barbeyrac's *De magistratu* as a motto for his argument. He contended that the early Christian church had had no church government at all, that ecclesiastical authority now relates only to the outward or visible church, and that no fixed mode of church organization exists, since its aim is only the outward well-being of the church. Church government, moreover, is wholly subservient to the secular government.⁶⁷ Besides these two treatises, the book also included an orthodox account⁶⁸ by Johann Heinrich Meister (or Le Maitre, 1700-1781), the Swiss Reformed court preacher to the count of Schaumburg-Lippe at Bückeberg. Le Maistre responded to Boehmer, who had contended that church government as such was based on divine right, but that all the particular rules and regulations were exclusively a matter of man-made ecclesiastical law. Le Maitre disputed Boehmer's claims, and at the same time tried to exonerate himself from the accusation of introducing the hated spiritual hierarchy.

Jurists were not the only ones to invoke the authoritative spirit of Barbeyrac. Yet another critical assessment of pulpit politics appeared in 1747, when French armies threatened to

⁶⁵ *Nederlandsche Bibliotheek (...)*, Amsterdam, Martinus de Bruijn, vol. 1776-i, pp. 125-139; cf. also *Vaderlandsche Letter-Oefeningen (...)*, Amsterdam, A. van der Kroe and Yntema & Tieboel, vol. 1775-i, pp. 63-68.

⁶⁶ On Venema's role during the Stinstra affair, see VAN EIJNATTEN, *Mutua Christianorum Tolerantia*, pp. 84-86. Interestingly, in a letter sent to a colleague at Franeker, Barbeyrac specifically requested his correspondent to give his regards to Venema; see MS University of Leiden, sig. BPL 336 (J. Barbeyrac to P. Wesseling, October 1733).

⁶⁷ The author referred to Vitrina, Thomas Burnet, Thomasius, Pufendorf, and Grotius.

⁶⁸ Previously published as *Vindiciae disciplinae ecclesiasticae systematis Christocratici nomine a J.H. Boehmero impugnate*, Amsterdam, 1737.

invade the Republic and orthodox clergymen used their pulpits to call for a strengthening of the position of the Stadtholder – the traditional opponent of republican magistrates. The Collegiant Jan Wagenaar (1709-1773) discussed the issue in a periodical called *The Patriot*.⁶⁹ His advice was similar to Barbeyrac's, although the latter was not mentioned: be prudent and wise, and refrain from chastising magistrates publicly, even if they are frenchified to the point of treason and have neglected to build up an arms supply. Another dissenter, the Lutheran minister Kornelis Westerbaen (1690-1774), wrote an enormously popular poem called *Bridle for Pulpit Zealotry*, dedicated to all peaceful preachers and obedient citizens.⁷⁰ He, too, did not refer to Barbeyrac, although his message was essentially the same and he must certainly have read *De magistratu*. Westerbaen condemned both the 'Papist' pursuit of an independent ecclesiastical jurisdiction and the 'enthusiastic' attempt to incite the populace to rebellion. Prophets, apostles, laymen and ministers, all are subject to the magistracy, and none has the right to found a separate state within the state. If the magistracy is to be rebuked, he must be rebuked in secret, as did Nathan and Samuel.⁷¹

Thus, *De magistratu* surfaced time and again in anticlerical contexts. One of the most interesting moral weeklies published in the Netherlands, *The Clergy's Moralists* (1750-1752), was

⁶⁹ [JAN WAGENAAR], *De Patriot, of politieke bedenkingen, over den staat der Vereenigde Nederlanden in 't jaar MDCCXLVII*, Amsterdam, Isaak Tirion, MDCCXLVIII, pp. 41-48 (essay V): 'Against accusing the Magistrate from the Pulpit on account of faults in the government of the State'. See also LEO H.M. WESSELS, *Bron, waarheid en de verandering der tijden. Jan Wagenaar (1709-1773), een historiografische studie*, Den Haag, s.a. [1997], pp. 304-305.

⁷⁰ [KORNELIS WESTERBAEN], *Teugel voor den yver des predikstoels; opgedraagen aan alle rechtschaape leeraars, vreedzaame verkondigers van het Euangeli, en gehoorzaame burgers aan de hooge overheid. Vierde druk*, Amsterdam, Cornelis van Tongerlo, [1748].

⁷¹ Westerbaen was duly answered by an anonymous pamphleteer who contended that the people were merely called upon to thank God for the restoration of the stadholder in the face of a foreign threat; see *Den teugelaar beteugelt of openhartige bedenkinge op het zoo genaamde teugel-gedigt voor den yver des predikstoels*, Utrecht, Nicolaas van Vucht, 1747.

wholly devoted to criticizing the clergy. Its author was a Lutheran divine at Leeuwarden called Philippus Ludovicus Stadius Muller (1725-1776), who soon got into trouble with his consistory and ultimately ended his career as a professor of natural philosophy at Erlangen in Germany. The fifth instalment of *The Clergy's Moralists* was called 'On punishing and criticizing particulars from the pulpit.'⁷² The essay included a discussion between a certain 'Politicus' and a minister. 'Politicus' had just read *De magistratu* with great approval. The minister disagreed with the address, of course, among others because he regarded Barbeyrac, significantly, as 'a great friend of the Lords' (i.e. the magistracy).⁷³ 'Politicus' represents the point of view of the author of *The Clergy's Moralists*, and argues that magistrates must sometimes be disciplined, but never in public. If they should perforce be criticized publicly, this should happen indirectly and covertly, so that only the persons in question will be aware of what is going on. The same instalment concluded with a reader's letter which wholly concurred with the views of 'Politicus'. The writer observed that the harmony, peace and quiet of the citizens depended on respect for the dignity of the magistracy. During his conflict with his own consistory, Stadius Muller, incidentally, depended wholly on the authority of the magistracy to maintain his position in the church. As a preacher who advocated theological renewal, he had a following especially among the well to do and maintained good contacts with the magistracy.⁷⁴ Such persons could be expected to adhere to Barbeyrac's rather elitist anticlericalism.

⁷² *De zeedemeester der kerkelyken, onderzoekende, op een vryen trant, waarom, onder een zoo groot aantal van leeraaren in de Nederlandsche kerke, hedendaagsch zoo weinig de waare godsdienstigheid bloeiende bevonden, veel min eene algemeene kerke vreed bevorderd wordt*, Amsterdam, A. van der Kroe, MDCCLXVI (second impression), nr. 5, pp. 17-24: 'Over het bestraffen en doorstryken van byzonderheden op den predikstoel'.

⁷³ An accurate observation: see Meylan, *Jean Barbeyrac*, p. 131.

⁷⁴ W.J. Kooiman, 'Philippus Ludovicus Stadius Muller', in: *Earebondel ta de tachtichste jierdei fan Dr. G.A. Wumkes*, Bolsward, Fa. J.A. Osinga, 1950, pp. 74-130.

Later in the century, the magisterial elitism in anticlerical republican discourse was assimilated by a much broader range of writers. Anyone who now wanted to move in polite society was bound to subscribe to the code of clerical conduct outlined by Barbeyrac. The preacher who was too moderate in his views to expect preferment, and who never spoke in public about the government of his country, had become a paragon of good manners.⁷⁵ Even unquestionably orthodox Calvinists cited *De magistratu*. Gerard Kuypers (1722-1798), for example, was a professor of theology at the Groningen Academy since 1765. He entertained rather progressive political views but was quite conservative in his religious leanings. In 1783, during the so-called 'Patriot period' (a period of democratic movement between 1780 and 1787), he held a noteworthy sermon in which he recommended obedience to the will of God as a means of attaining economic prosperity. Addressing the Groningen magistracy, he began with a pointed reference to Barbeyrac's *De magistratu*. Kuypers announced that he would sermonize neither as a flatterer, nor as a slanderer, 'complying as always with the argument of the great Barbeyrac in his *orat[io] de Magistratu publice non traducendo*.'⁷⁶ To be sure, this orthodox cleric probably owed his appointment as theology professor to his marriage into a ruling family; his wife was related to two of the governors (i.e. magistrates) of the university. Above all, however, Kuypers tried to mediate between the various political factions and currents in the Republic of the 1780s, and distanced himself from his radical democratic colleagues who saw nothing wrong in proclaiming their political views from the pulpit. By reminding them of Barbeyrac's address, he attempted to defuse the political enthusiasm of his revolutionary compatriots while subscribing to the conventions of polite, 'Enlight-

⁷⁵ Cf. ELISABETH BEKKER AND AGATHA DEKEN, *Historie van Mejuffrouw Sara Burgerhart*, Den Haag, 1980 (facs. ed. by P.J. Buijnsters; first published in 1782), Letter 134.

⁷⁶ GERARD KUYPERS, *Neerlands licht uit duisternis. In eene redenvoering over 2 Samuel XXII.29*, Groningen, J. Bolt, 1783, 'Voorbericht'.

ened' discourse, which had absorbed the traditional anticlericalism of the older republicans.

5. CONCLUSION

Barbeyrac's address on the impropriety and illegitimacy of reproving the magistracy from the pulpit was an expression of a long-lived Protestant anticlerical tradition, which surfaced in almost every country where an orthodox clergy supervised a 'dominant' church. The contents of such texts were essentially the same: Schoock and Bayle in the Republic, Thomasius in Prussia, Tindal and De la Roche in England, and Barbeyrac in Lausanne and Groningen, all basically argued that the clergy should not be permitted to establish a jurisdiction separate from that of the state, and that they should act and behave as all other subjects of the commonwealth were expected to act and behave. In more extreme instances of anticlerical discourse, the clerical estate was deprived of its theological and juridical privileges, and the clergy reduced to merely a species of civil servant, with the emphatic duty to obey the government. Such anticlerical texts opposed ecclesiastical 'hierarchies', as they were usually called, regardless of whether the church organisation in question was episcopal or presbyterian or anything in between. Autonomous sources of spiritual authority, these authors believed, were bound to influence government policy unfavourably, in the sense that they would lead to restrictions regarding the extent of civil toleration. Philosophers, law scholars and religious dissenters were the main proponents of this anticlerical tradition. In this sense, Barbeyrac's address was not new. Many of his arguments, examples and anecdotes were derived, in fact, from writers like Grotius and Schoock. What does make his address remarkable is the fact that, like Noodt, he made his point in the public arena of the academy. As Sepp pointed out, his reputation as a scholar enabled him to do so with impunity, although Sepp might have added that being 'a great friend of the Lords' must also have been helpful. In any case, the Dutch (and not only they) were happy enough with the result. It was

not without good reason that Barbeyrac's *De magistratu* remained part and parcel of the Dutch toleration debate until the end of the eighteenth century.