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I.

DR. MCGIFFERT ON APOSTOLIC CHRISTIANITY.*

WE confess to no little disappointment with this new book of Dr. McGiffert's. The author had previously given us an edition of the *Ecclesiastical History of Eusebius* for which we were justly grateful. The scholarship, acumen, and good sense displayed in that valuable work gave hope of a handling of the phenomena of the apostolic age which would mark a true advance in our knowledge. In his more recent *Inaugural Address* Prof. McGiffert showed that he had come under the influence of the newer Harnackian ideas to an extent which awakened some apprehensions. But we were certainly not prepared for so radical and revolutionary a production as this new volume of "The International Theological Library" proves to be. Dr. McGiffert says in his Preface that his aim throughout "has been positive, not negative, constructive, not destructive." We fully believe it; but his work is destructive all the same—destructive of most received notions on the subjects he is treating of—and his construction is of a sort which will cause many not over-conservative people to shake their heads. Had the work come from the study of one of the German theologians Dr. McGiffert loves so much to quote, there would have been little occasion to marvel at its contents. But the views it propounds are surprising as coming from a sober professor

* *A History of Christianity in the Apostolic Age*, by Arthur Cushman McGiffert, Ph.D., D.D., Washburn Professor of Church History in the Union Theological Seminary, New York. New York: Charles Scribner's Sons, 1897, \$2.50 net; Edinburgh: T. & T. Clark.

V.

JOHN OF BARNEVELDT, MARTYR OR TRAITOR.

FEW who watched over the cradle of the Dutch Republic were more prominent in their day and generation than John of Barneveldt, or rather, as he signed himself, Johann van Oldenbarneveldt. His stately figure towers over that of nearly all contemporary statesmen. With the wily, but vain and profligate, Henry IV of France, and the pompous hypocritical fop, James I—England's double-faced Janus—Barneveldt formed the tripod on which the political history and peace of Europe were balanced at the close of the sixteenth and at the beginning of the seventeenth century. And of the three, Barneveldt was the most intellectual and influential, the weakest yet the strongest. Surely Young has strangely missed the mark when, in estimating the power and intellectual range of the Dutch statesman, he underrates his political importance by saying: "In truth, the advocate has no place among the great statesmen of his age, with William the Silent, Burleigh or Sully. His was a less comprehensive and penetrating intellect."* Critical research will rather convince us that none of his contemporaries equaled Barneveldt in taking the place left vacant by the assassination of William I, and this position is supported by the almost unanimous testimony of historians, both Dutch and foreign. The best test of the comparative influence of Burleigh, Sully and Barneveldt is an appeal to the archives of Europe in the seventeenth century, which will show that, during the time of his active leadership Barneveldt's finger was ever on the pulse of Europe, that his touch was felt in every council chamber, and that the best proof of his paramount influence is found in his wide and masterly correspondence with all the leading men of his day. Even the tragedy of his fall has not dimmed his glory in this respect, and history will ever know him as the master of diplomacy of the Dutch Republic.

Born in 1547, at Amerspoort in the province of Utrecht, of noble lineage and aristocratic tastes, thoroughly educated, a man of commanding appearance, tall and stately, with an intellectual cast of countenance and an eye so full of fire and penetration that

* *History of the Netherlands*, p. 530.

men quailed before it till the very last; a man born to lead and fully conscious of his power and at the same time jealous of it as is the miser of his hoard; a man who always looked forward and never back, headlong in the pursuit of special aims and yet generally safe in his impetuosity; a man proud to a fault, too haughty to confess, much more to rectify mistakes; the political successor of William I in the management of the affairs of the Republic and the intellectual progenitor of a long line of Dutch statesmen, who impressed themselves on the political history of their day—such was Johann van Oldenbarneveldt. As a boy he drank in the spirit of liberty, that sacred inheritance of the people of the Lowlands; a spirit of liberty which was born from and fostered by imperial and royal grants and privileges, which were eagerly showered by princes, ever in need of men and means, upon the principalities and provinces and strong commercial cities, whose thrifty burghers were steadily growing in power and resources. As a man he volunteered to fight for those rights and privileges and the measure of liberty they insured, when the menacing hand of the spoiler was laid upon them. The name of Johann van Oldenbarneveldt was enrolled among the pioneers of freedom who in the apparent folly of their weakness braved the powers of Spain, the world-power of the day. As Advocate of the States of Holland, and as the leading spirit of the States General, these same rights and local and provincial franchises, together with their inviolable maintenance, were the ruling passion of his strong mind, the fundamental principle of his iron policy, long after the power which had established them was cast down and destroyed beyond the hope of reestablishment.

But the building survived the builder, and the subjects who had shaken off the yoke of the oppressor, now sovereign in themselves, occupied the place of the ancient sovereign, and thus a fictitious prop supported the historic superstructure of their franchises. Thus the merciless logic of events led the great Advocate—apparently but partly aware of the fact that changed conditions had effected a change of relation—to the great conflict of his old age, to disappointment, loss of power, imprisonment and a violent death. The “iron chancellor,” the mighty Atlas of the Dutch Republic, was finally crushed under the load which he vainly strove to sustain. “Thus the great statesman, who had lived and fought for the preponderance of Holland’s influence, fell a victim to the principle to which he had given his life.”* In the narrow limits in which he moved at home, he gradually came in inevitable conflict with the “Stadholder,” whose nondescript office

* *Historische Bladen*, 28.

formed the historical link between past sovereignty and present republicanism.

In Maurice of Nassau, Barneveldt met a spirit as haughty and opinionated and unbending and calculating as his own. The older man had helped the younger and could not but look upon him as a foster-child till the very end. As long as the two moved on parallel lines, each looking straight ahead, there was peace. But when these lines began to converge—when the two men, each a giant in his own way, began to be at cross-purposes, there must be war, for both were surrounded by eager partisans and they represented essentially distinct and different policies and principles of government. The coming event cast its shadows long before and the inevitable clash between the two was heralded by the memorable events of the year 1600, when Barneveldt actually compelled Maurice to undertake the hopeless task of the invasion of the Spanish Netherlands. In vain did the far-sighted soldier remonstrate against the Quixotic project; he was forced to obey against his better judgment, and it was only by the miraculous success of the battle of Nieuwpoort that Maurice and his small army were saved from total annihilation. But signal as was the victory, the conditions were lacking under which it might have led to permanent results, and the Dutch army was forced to retreat. From this day the breach between the Prince and the Advocate was perceptible to all; the former friends had become bitter antagonists. For years the semblance of friendship was maintained, whilst at heart they hated each other.

Then came the great truce of 1609—“*het twaalfjarig bestand*”—between Spain and the United Provinces; as eagerly advocated by Barneveldt as it was earnestly opposed by Maurice. The great soldier found his occupation gone at an age when the ruling passions of life are in their full maturity. All Europe had sent its most illustrious sons to his camp to study the chief science of the period under his personal supervision; for his skill, his strategy, his discipline and his phenomenal success had made him the acknowledged military genius of Europe. He was fondly dreaming of great battles and skillful sieges in the coming campaigns and of a final overwhelming victory; already he saw the hated colossus of Spain tremble and totter, ready to collapse at any time; his country's liberty and independence were to be permanently acquired, and his sainted father's boldest dreams were to be realized at the point of the sword. War was this man's passion and pastime. And one stroke of the pen undid it all, the unexpected happened and a truce for the period of twelve years was proclaimed. And what did it bring? An honorable peace? Alas, no; nothing

but a paralyzing cessation of hostilities. Not liberty, but a menace of final slavery; for Maurice foresaw that these years of inactivity would incapacitate the commercial Hollanders for the energetic resumption of the war. On the other side, Spain, fully recuperated by the years of peace, might at the close of the truce suddenly hurl her concentrated strength on the heroic but small northern provinces, to bear them down and to undo by one mighty effort what had been acquired by years of bloody toil. The prospect, viewed from the soldier's standpoint, was indeed extremely gloomy, and it is easy to see why Maurice, looking at the order of events from his own point of view, should reason as he did.

But Barneveldt, unlike his former protégé and friend, considered the situation as a civilian and diplomat. Better than any other man he knew what heroic efforts had been required to furnish the sinews of war for the tedious struggle; the Netherlands, wealthy as they were, were taxed beyond endurance, and as actual hostilities were waged further from home, the immediate plea of self-preservation was weakened; and ever louder and ever more threateningly rose the high-pitched voice of popular discontent with the staggering load which the people of the United Provinces were obliged to support. This discontent will readily explain itself when it is recalled that the United Netherlands had raised, during the prosecution of the war, fully as much money as had Spain with its Indies and Peruvian gold mines. Whilst Maurice looked at the enemy, the aged Advocate looked at the doubtful allies to the south and to the west, both of whom were busily intriguing with the common foe. And when the truce was finally concluded and the incessant battle-smoke of forty years rolled away, the old man sang a doxology, whilst the young man muttered a curse. Barneveldt's policy had triumphed, Maurice's policy was defeated, and his good sword was henceforth doomed to rust in its trusty scabbard. A year later and the strained relations between the two had become notorious, for Henry IV of France then knew "that there were jealousies between Barneveldt and Maurice;"* and slowly but surely the two men, each in his own sphere so indispensable to the union, drifted apart.

It is impossible, in the narrow limits of this sketch, even roughly to delineate the life of Barneveldt, his signal services to the State, his connection with the Arminian party, his struggle for the supremacy of the Province of Holland, whose seal-keeper he was, and over the other parts of the Union, his last activity, his final plans and their failure, his fall and death. These things are well known to every reader of Dutch history. What may be made of

* Aerssens to Barneveldt, May 9, 1610.

such a life is shown by the impassioned biography of the man from the hand of John Lothrop Motley, to whom Holland owes a debt of gratitude for his historical work and who loved its heroic history with a more than native fervor. Through Motley's pen Johann van Oldenbarneveldt stands before the Anglo-Saxon world as a martyr for a great principle, as the victim of the ambition and jealousy of Maurice of Nassau, as the bloody atonement for the Arminian heresy in the Church of the Netherlands.

But is this picture correct? Was the old Advocate a martyr or a traitor? Was his violent death a "judicial murder" or an equitable sentence? Whosoever is familiar with the Barneveldtian literature recognizes at once that Motley did not speak the final word, nay more, that he was not able to do so. His own friend and biographer, Dr. Holmes, felt the limitations of Motley's success as Barneveldt's advocate. Says he: "On a careful examination of the formidable volumes, it becomes obvious that Mr. Motley has presented a view of the events and the personages of the stormy epoch with which he is dealing, which leaves the battle-field yet to be fought over by those who come after him. The dispute is not and cannot be settled."* And it is at least remarkable that whilst the Dutch historians enthusiastically applauded the first of Motley's histories, they allowed this biography to pass by almost unnoticed. Why? Were they perhaps so steeped in bigotry and so ready to fight the battles of the seventeenth century over again, that sheer prejudice closed their lips or blinded their eyes to the merits of the work? Far from it! Generally speaking, they believed as Motley did; but the critics were conscious of a serious lack in this biography. Prof. van Oort passed a stricture of unfairness and lack of historical acumen on it; † as to the rest, "*onticuerē omnes, intēntique ora tenebant.*" The only voice directly raised against it said: "It has created, so it appears to me, in a people still worthy of its ancestors, a sentiment of surprise, of pain and of universal reprobation." ‡

But the blow had been struck, and Motley's version of the Arminian controversy was eagerly received and by foreign readers raised to the rank of a classic.

From that day on, France and England and America knew only *his* Maurice and *his* Barneveldt. Read the reviews of this biography in *The Athenæum*, January 31, 1874; in *The Edinburgh Review*, July, 1874; in *The Quarterly Review*, July, 1874; in *La Revue des deux Mondes*, August, 1874: and the reader will acknowledge that, if Motley's picture is not historically correct and reliable, incalculable and well-nigh irreparable harm has been done, because the

* *Memoir*, p. 200. † *Ned. Spectator*, p. 80. ‡ *Maurice et Barneveldt*, clxv.

éclat of the author has caused his work to be received and considered as final and classic. It is therefore a well-nigh hopeless task to give a version of the Arminian drama different from that presented by Motley; and yet it may be worth while to reweigh his judgment upon Maurice and his estimate of the trial and fate of Barneveldt in the balances of true history. It is the aim of these pages to make a modest attempt to do this.

This essay is, of course, tentative. It deals partly with materials and with a group of writers who could not have entered upon Motley's horizon, for the simple reason that they were not available when Motley wrote his *John of Barneveldt*. The author's only aim is to present a few considerations to the American reader, in obedience to the ancient maxim, *Audi et alteram partem*.

II.

Every lover and student of history knows how rare are works of which we may fairly predicate *objectivity*. The authors of these rare works have studiously trained themselves to keep "the personal equation" in abeyance; they place us before the narrated facts, but they do not allow us to view those facts through the medium of their own personal estimate. In reading such works one often hungers for a clear idea of the author's position, which, like an *ignis fatuus* always escapes and disappoints him. This is a wrong idea of objectivity. The question, indeed, seems pertinent whether absolute objectivity is desirable and attainable in the writing of history. If conceivable under any conditions, it can be predicated only of an eye-witness to certain facts. No sooner, however, are we in possession of his testimony than *two* factors enter into all subsequent consideration of the case, viz., the estimate of the fact and the estimate of the testimony. It is therefore the duty of the historian carefully to sift this testimony, to weigh its importance and reliability, to view it in its peculiar environment and to beware lest his own prejudice incline him to a wrong estimate of the matter under review. But impartiality does not exclude individuality; for all will agree that the historian can only describe what he sees and as he sees it from his own individual research into the facts and their testimony. He can never remain absolutely neutral, he must be fair; and this fairness constitutes the true and desirable quality of historic objectivity. We demand of the historian that he be an intelligent man, who has fully digested the facts before him and who is able to place us at his own point of vision; and his success as a historian will be commensurate with his ability to make us see men and events as he has studied and as he sees them. Wherever he

finds great principles at war, he must conscientiously study those principles and place himself and his readers on the one side or the other of the question.* “It is considered a radical evil for a historian to belong to a party. Nay rather, as I see it, it is an inevitable necessity. It may seem paradoxical, but it is nevertheless true, ‘Impartial only he can be who belongs to a party.’”† Leopold von Ranke is the exponent of such impartial partiality.

Motley, in reviewing the opening years of the seventeenth century of Dutch history, found himself in a veritable vortex of fierce theologico-political controversies, so bewildering in the swiftness of its gyrations that the mind of the student of the period must be hopelessly confused, unless he receives his cue from one party or the other. The author of *John of Barnevelt* claims to have refused to do so. “He has avoided, as much as possible, any dealings with the theological controversies so closely connected with the events which he attempts to describe. Those who look for a history of the Synod of Dordt will look in vain.”‡ He attempted, therefore, to separate the theological and the political controversies of the period. As well separate the head from the body, and hope to study either as a living organism. These two, the theology of the period and its political struggles, are wholly inseparable. Whoever would hope to understand the politics of the Dutch Republic in the period of the great truce, must work through and understand its ecclesiastical and theological controversy.

But Motley, who had decided to steer clear of the theological aspect of the struggle, was forced to obtain his information from some source. The archives did not contain all he needed; he sought for information on certain events on which the musty unprinted papers in the yellow stacks of correspondence had little to say. Every historian, whoever he may be, is unconsciously influenced by what he sees through the eyes of his informant, or by what he finds in the documents bearing on a given case. Unless he curbs his imagination he may find more than he really has found, when once a bias has been created. If this bias, as is generally the case, converges toward his own intellectual or religious bent, he may still dream of impartiality, but in reality he is fully committed to one side or the other of the question under review. This has been Motley’s fate. His previous work had continually brought him in contact with the personages and principles of which he was treating in his present essay. Before he had touched pen to paper in the final preparation of his manuscript,

* “Pour être impartial il faut appartenir à un parti.”

† *Nederlandsche Gedachten*, Pref., x.

‡ *John of Barnevelt*, Pref. x.

June 29, 1873,* he plainly declared what was the animus of the work when he wrote to Dr. Holmes: "I am afraid that I write history now rather from the bad habit of years and because one must have a file to gnaw at than from any hope of doing much good. *The desire to attempt the justification of the eminent and most painfully injured Barneveldt inspires me,*" etc.† This states the case very plainly. The chief materials for this justification were derived, as the footnotes and references of Motley's biography plainly show, from the Advocate's own ardent partisans, and *volens volens* the genial historian became a most violent partisan on the Arminian side, and a specious pleader for the aged Advocate of Holland.

The Arminian party is but little understood. As a factor in the history of the Netherlands it was decidedly theologico-political. When it was ruined as a party it quickly dwindled away into a theological tendency. Its true power, in the Netherlands at least, lasted as long as the two spheres of its activity were united; their severance issued in its complete ruin. In its essence it is allied to Humanism rather than to the Reformation. The shrines at which it worshiped were not those of the great Reformers, but rather those of the German and Italian Humanists, and above all those of Erasmus and Coornhert.‡ Both ecclesiastically and politically it stood for liberalism, anomalous as this may appear, especially in the latter sphere, with a view to the professed conservatism of the Advocate of Holland. Motley's great Dutch critic, Mr. Groen van Prinsterer, ascribes the peculiar coloring of *John of Barneveldt* to the evident affinity between the Arminian party and the personal religious views of the American historian. Says he: "Mr. Motley is a liberal and a rationalist. Hence, in attacking the principle of the Reformation, he is a passionate adversary of the Puritans and of Maurice and an ardent apologist for Barneveldt and the Arminians."§ Whether such affinity existed or not, one thing seems certain, that Motley was either unable or unwilling to give the Contra-Recomstrant party its due; so much, it appears, may safely be said of his attitude toward the opponents of Barneveldt. And it is in vain to say that a Dutchman and an ardent Calvinist like van Prinsterer could not give Motley his due, and that therefore the severe stricture quoted above is the effect of a warped and unreliable judgment. Germany bears the same testimony through one of its critics. It was strongly felt there that the Arminian

* *Correspondence*, ii, 370.

† *Correspondence*, ii, 332.

‡ *The Relation between Arminianism and Humanism*. Inaugural address by the author.

§ *Maurice et Barneveldt*, cci.

controversy went deeper than the doctrine of the Decrees, that it reached the very mysteries of salvation; and there also Motley's superficial estimate of the struggle was ascribed to his lack of deep religious feeling.* And even his best friends were not insensible to the powerful influence of Motley's avowed liberal views upon his estimate of this great controversy. Says Dr. Holmes: "With all Mr. Motley's efforts to be impartial, to which even his sternest critics bear witness, he could not help becoming a partisan of the cause which to him was that of religious liberty and progress as against the accepted formula of an old ecclesiastical organization."† Gomarus is to Motley a man "of the intensest bigotry of conviction."‡ The doctrine of predestination is thus caricatured: "Against the oligarchy of commercial and juridical corporations they stood there, the most terrible aristocracy of all, the aristocracy of God's elect, predestined from all time and to all eternity to take precedence of and look down upon their inferior and lost fellow-creatures."§ Extravagances like these have brought Motley severe criticisms, even from those who were his natural friends and sympathizers; and they not rarely betray a total absence of a calm judicial spirit. Roman Catholics even have shared in this view of the matter, and yet between Rome and Arminianism an *entente cordiale* existed, so far as this struggle was concerned. It is a Roman Catholic organ which, whilst applauding his version of the affairs of the "Twelve Years' Truce," thus characterizes the underlying principles of Motley's work: "Rationalistic Protestantism and political radicalism are the ground on which Motley's views developed. In a religious sense we consider ourselves justified in believing that his Protestantism is nothing but a vague Deism."||

These criticisms, coming from sources so varied and heterogeneous, plainly indicate that an evident bias in favor of Arminianism was created in Motley's mind by his own religious convictions. Thus his entire conception of the Arminian struggle of necessity became one-sided and illogical. One cannot fully grasp an event who does not fully appreciate and grasp its underlying principles. Motley often blindly follows in the track of his Arminian informants, as when he tells us that "the Church claimed infallibility and superiority over the civil power," a statement which is both

* "Die Mysteriën der Predestinationsdoctrin hätten das Volk nicht entflammt, aber die Mysteriën der Gottseligkeit, die eigentlich gemeint waren. Davon weiss Motley nichts. Darum ist sein Urtheil schief und ungerecht" (*Maurice et Barneveldt*, cci).

† *Memoir*, 193.

‡ *John of Barneveldt*, i. 41.

§ *John of Barneveldt*, i. 331.

|| *De Wachter* (an Ultramontane review), January 1, 1872.

symbolically and historically incorrect. The personal preoccupation which is so painfully evident occasionally even betrays the talented writer into irrelevant bitterness, as when he says "that the Holy Ghost was placed in direct and ostentatious opposition to my Lords, the States General." This whole delineation of the great controversy is tinged by a perceptible antagonism against the doctrinal position of those who opposed Arminianism, and an evident sympathy with those who upheld its tenets. In disposing of the great questions which dominated this matter, he remained therefore on or near the surface and never descended to the marrow of their deeper meaning.

"One must be soaked in these theological questions to be able to follow the thread in the Remonstrant and Contra-Remonstrant controversy."* And since Motley deliberately eschewed the theological aspect of the struggle, he handicapped himself in the effort properly to understand and describe it. Miss Ruth Putnam's recent statement concerning Motley's historic work in general, is specially applicable to the volumes under consideration. Says she: "It is possible that, if Mr. Motley had written in the end instead of the middle of the nineteenth century, he might have painted his characters in less heavy lines of black and white, as the aim of the modern historian is to find the man under the dust of the past, not to draw an heroic portrait."† The portrait of the Arminian controversy is indeed "painted in heavy lines of black and white."

What shocking misuse did not the Remonstrant magistrates make of their power, whenever and wherever possible, to oppress the orthodox party; and how little attention is paid to this flagrant prostitution of authority by Motley. And yet the very term "*Doleerenden*" (churches under the cross)—revived in recent years by the followers of Dr. Abraham Kuyper of Amsterdam—was born from that bitter oppression and witnesses to its intensity.‡ Barneveldt and his followers always "*longed for quietude*," if one is to believe the official documents; they claimed to be strictly irenic in their aspirations. But to secure this "*quietude*" they had free recourse to violence. The pulpit was closed against faithful pastors. Gatherings of separatists were forbidden; the house or grange or castle where a conventicle was held was confiscated; people who attended the ministrations of separated ministers were harassed in every way, even to their being stripped of the right of citizenship, whereby they were robbed of the means of existence and their daily bread."§ This is a sombre

* *Geschiedenis des Ned. Volks*, 95.

† *William the Silent*, Pref., vii.

‡ *Geschiedenis van den Oud Ned. Staat*, 188.

§ Groen van Prinst., *Gesch. des Vad.*, i, 239, 243-247.

picture, but who will deny its historic truth? Even Prof. Siegenbeek, an ardent and consistent advocate of Barneveldt and his party, is forced to admit that, for the suppression of orthodox meetings, "measures were sometimes adopted which were scarcely in harmony with the tolerance which the States of Holland claimed to foster."* Whatever one may say of the Contra-Remonstrants, of the opposing faction it can truly be said that their liberalism was extremely illiberal. How, then, could Motley bring himself, with all these notorious facts before him, to call the Arminians "*the lovers of religious liberty.*"† But strange to say he also quotes Grotius as saying that "difference in public worship is in kingdoms pernicious, but in free commonwealths it is in the highest degree destructive."‡ Is not this a most astounding conception of religious liberty? Does it not prove that one may be liberal in his understanding of the truth, and still extremely narrow-minded in the application of his principles?

The personal bias of Motley causes him thus to characterize the Arminian movement; the same bias causes him to attack and to ridicule the Reformed doctrine of the Decrees at every opportunity, and to pass strictures on the Synod of Dordrecht which are wholly unwarranted by the facts in the case. His curt and unhistorical description of the treatment of the Arminians in that Synod,§ betrays him into a violation of his purpose not to meddle with the theological aspect of the controversy, and shows perhaps more clearly than anything else how little Mr. Motley understood the true point at issue. The charge is made that the Arminians had no representation in the Synod. How could they have any? It was no debating club, like former conferences held under the auspices of the States of Holland, simply convoked for disputation on the doctrinal points involved; it was a national Synod of churches which were bound by their symbols to certain doctrines which they considered vital and which had been long and bitterly attacked by the Remonstrant party.

The Arminians came before that Synod as *accused*; they were *on trial*, and were given ample opportunity for defense. Nor was their case disposed of in the hurried and summary way which one would infer from Motley's statement, "Short work was made of the Arminians." On the contrary, it occupied the attention of the Synod from November 13, 1618, till April 27, 1619, during one hundred and forty-three sessions. Then a deputation was sent to the States General at the Hague to inform them "that the judgment of the Synod concerning the five articles of the Remonstrants

* *Gesch. van den Oud Ned. Staat*, 191.

† ii, 252.

‡ i, 343.

§ *John of Barneveldt*, ii, 309.

was finally unanimously formed and had been signed by all."* That Synod did not make "short work" of anything.

In this connection Mr. Motley makes another grossly misleading statement, in regard to the Confession of Faith, when he says: "On the 30th April and the 1st May, the Netherland Confession and the Heidelberg Catechism were declared to be infallible. No change was to be possible in either formulary."† All this is mere romancing. The churches of the Netherlands never believed and probably never will believe in any infallible human production, however highly they may esteem it. God's holy Word has ever been to the Reformed Churches the only infallible guide of faith and conduct. It had been one of the very mandates of this Synod to investigate carefully whether the symbols of the Church were wholly conformable to the Scriptures. "That especially this was the will of their Highmightinesses, the States, that the Confession of Faith of the Reformed Dutch Churches, according to the custom of national Synods, be read and scrutinized in the presence of the foreign delegates. And that each member of the Synod, as well foreign as domestic, shall freely declare whether they have noticed anything in this Confession, concerning the doctrine and points thereof, which did not seem fully to accord with the truth of God's revealed Word, or with the Confessions of other Reformed Churches."‡

Ever since 1563 this had been the historic spirit of Dutch Calvinism: God's Word alone must be supreme and all human words must be wholly and forever subject to it. Without complete Scripturalness no Confession or creed could ever obtain any binding force.§ And on the 30th of April, 1619, the British theologians solemnly declared "that they had carefully examined the Dutch Confession and had found nothing therein regarding the doctrines of faith, which did not accord with God's Word, the objections of the Arminians to the contrary notwithstanding, which objections they affirmed they had examined with the same care, and that the latter were mostly such as might be advanced against all Confessions of the Reformed Churches."|| The doctrine of the Heidelberg Catechism was similarly examined and approved on the same grounds. A little closer scrutiny might therefore have saved Motley from these mistaken judgments.

He might have known, had he cared to investigate, that the

* *Acta Synodi*, 398.

‡ *Acta Synodi*, 398.

† *John of Barneveldt*, ii, 310.

§ "Cette assemblée n'admit de règle souveraine que la Parole de Dieu, ne redigea point une Confession nouvelle, mais declare celle des Eglises Reformées des Pays Bas conforme aux S. Ecritures" (*Maurice et Barneveldt*, 33).

|| *Acta Synodi*, 398 (6).

great struggle of Arminianism was really one of the final authority of the Holy Scriptures, and of the full harmony between the teaching of those Scriptures and the faith of the Dutch Reformed Church, as expressed in her symbols. As early as 1609, at the very beginning, therefore, of the great controversy, the Classis of Alkmaar had, by a special resolution, demanded of all her ministers a declaration, "in which they confessed that they considered the Confession of Faith and the Heidelberg Catechism to be conformable to the Holy Scriptures."* But the States of Holland, unwilling to allow the Church to be sovereign in her own sphere, had officially rejected this test and forbidden its application. It is a matter of interest, in this connection, to note the wording of the solemn oath under which each delegate to the Synod of Dordrecht was placed before he took his seat. It reads as follows: "I do promise before God, whom I believe and serve, in whose presence I stand and who searches the heart and reins, that in this entire Synodical action—whereby an investigation is to be instituted and judgment and decision are to be pronounced not only regarding the five articles (of the Remonstrants) and the difficulties occasioned thereby, but also in reference to other points of doctrine—I will neither consider nor use any human writings as a sure and unquestionable rule of faith, but only the Word of God. And I further promise that, in this entire matter, I will aim at nothing but the honor of God, the peace of the Churches, and especially the maintenance of pure doctrine. So help me, my Saviour Jesus Christ, whom I ardently beseech that He may always sustain me in this purpose, by the grace of His Spirit."† The study of documents like these might have materially modified Motley's judgments. It is evident that the members of this great ecclesiastical council were made to feel, by their oath, that they were no man's men, but simply and alone God's men, to whom alone they were to hold themselves responsible for their decisions.

Enough has been said of the religious aspect of the question, and it may be a matter of interest to scrutinize Motley's sources of information as indicated by his footnotes and references.

Among these sources one of the most curious and least reliable is the legendary *Mémoires de Louis Chevalier, Seigneur du Maurier* (Paris, 1688). If one will take the trouble to read in this quaint and rather rare old volume the chapter on Maurice of Orange, pp. 215-297, and compare therewith *John of Barnevelt*, i, 23-29, he will be convinced of two things. In the first place, of the hopeless unfitness of the little book to be elevated to the rank of a

* *Oud Ned. Staat*, 181.

† *Acta Synodi*, 91. *History of the Puritans*, Neal, i, 264.

source of reliable historic information: and, in the second place, of the unquestionable reliance which Motley has placed on these *Mémoires*, quoting them freely and borrowing from them picturesque bits of the romance in which they abound. And yet Du Maurier evinces a lack of information and an utter absence of critical acumen in sifting the true from the false and the probable from the improbable, which hopelessly unfit him for such serious consideration. Competent Dutch critics have relegated these *Mémoires* to the realm of the legendary, and yet Motley makes a liberal use of the information they afford, at times even going to the extent of a literal quotation, or rather translation, without indicating his indebtedness by reference or footnote.*

Especially reprehensible is Motley's acceptance of the story told by Du Maurier, of the meeting between Barneveldt and Madame de Coligny, Maurice's stepmother, in regard to the latter's ambitious designs on the sovereignty of the Netherlands. This story is told by the French author on the sole credit of a verbal statement made by his father, who at the time of the occurrence of the alleged episode was ambassador at the Hague. Dutch critics deliberately brand it as an *anecdote*.† Levassor, the French historian, would give some credence to the story if the father had written an account of it, but refuses to blacken the character of Maurice on a mere "say-so" of the son.‡ And yet, strange to say, Motley elevates this "anecdote" to the dignity of true history and concludes "that it has so great intrinsic probability, and is sustained as to its general bearings by so much of collateral circumstance, that I do not hesitate to accept it as substantially accurate."§ He comes back to this "anecdote" again and again and finds in it the foundation for the intense and malignant hatred which Maurice is said to have cherished toward the Advocate. "Maurice listened to her (his stepmother) coldly, gave little heed to the Advocate's logic, and hated him in his heart from that day forth."|| Motley might at least have considered the intrinsic improbability of the "anecdote," from the convincing fact that Maurice, when all the obstacles in the way of his ambition were removed and when the ripe fruit hung temptingly within his reach, never so much as lifted his hand to take the crown from which his enemies declared that only Barneveldt and the political factions of which he was the great leader kept him.

And there are numerous other instances in which it becomes

* *John of Barneveldt*, i, 28.

† *De historische anecdote, Lit. Fant en Krit.*, v, 16.

‡ *Histoire de Louis XIII*, ii, 497-505: "Mais ce n'est ici qu'un simple ouï-dire, que son fils nous rapporte."

§ *John of Barneveldt*, i, 29.

|| *John of Barneveldt*, i, 27.

clearly evident to the critical reader of *John of Barnevelt* that the use of unreliable sources of information or undue sympathy with the cause for which he pleaded (often perhaps unconsciously) has betrayed its talented author into wrong estimates of men and circumstances. Take, for instance, the numerical strength of Barneveltdt's following. Looking through the magnifying glass of partisan information, Motley is led to represent it as far beyond its actual greatness. This overestimation is a very common thing with political parties of all times and lands, and was a fault of the great leaders of the Arminian faction as well as of its historians, and has in later days called forth sharp criticisms from even its most ardent friends. Kemper, the historian, a most loyal friend of Barneveltdt, says: "The common-sense of Barneveltdt should have taught him the weakness of the Remonstrant party and the recklessness of defending that party, with armed force; but alas, headstrongness had blinded the graybeard of seventy years."*

To many readers of Motley's *John of Barnevelt*, the most dramatic as well as the finest part of the whole work must ever appear the account of the last hours of the great Advocate. Where did Motley get his information? There are two accounts of the portion of Barneveltdt's life that immediately preceded his execution. The first is by Walaeus, who, at the request of the States General, attended the Advocate in his extremity, and this account is used and followed by Baudartius, in his history. The second account is from the hand of Jan van Franken, Barneveltdt's body-servant, who is followed by the Arminian historian Wagenaar, and through him by Motley. Van Franken later disavowed the authenticity of this story, and Prof. W. Tydeman declares that it "is not reliable and should have been utterly rejected by careful and impartial historians."† And yet on this unreliable account Motley has built the dramatic story of Barneveltdt's last hours and death. There seems, therefore, something fundamentally wrong with the selection and study of the sources employed by Mr. Motley.

But what of the study of the musty original documents in the archives at the Hague? In his Introduction Motley says: "I have carefully studied nearly the whole of that correspondence, besides a mass of other papers. The labor is not light, for the handwriting of the Advocate is perhaps the worst that ever existed; and the papers, although kept in the admirable order which characterizes the archives of the Hague, have passed through many hands at former epochs, before reaching their

* *Staatk. Partyen in N. Nederland*, 136.

† *Baudartius*, xi, 52, 53; *Gesch. des Vad. Bild.*, viii, 289.

natural destination in the treasure-house of the nation." The task which Motley had undertaken was a herculean one, and Motley himself no doubt would not have us understand his introductory remarks in an absolutely literal sense. His own testimony proves that the subject of his last work had been suggested by the preparation for *The History of the United Netherlands from the Death of William the Silent to the Synod of Dort*. He crossed Barneveldt's track continually, and his correspondence afforded the greatest amount of information on the history of the period from 1584-1609. And such correspondence! Under date of March 4, 1859, Motley wrote from Rome to F. H. Underwood, that "he had found the immense and confused mass of Oldenbarnevelt's correspondence in the archives at the Hague. These letters are in such intolerable handwriting that no one ever attempted to read them. I could only read them imperfectly myself, and it would have taken me a very long time to have acquired the power to do so, but my copyist and reader there is the most patient and indefatigable person alive and he has quite mastered the handwriting and he writes me that they are a mine of historical wealth for me. I shall have complete copies before I get to that period,"* etc. In 1859 he worked, therefore, at this correspondence through a copyist, and twelve years later, July 13, 1871, he wrote to Lady Russell, of Barneveldt's handwriting, that it was "a system of hieroglyphics, such as he had not before encountered, and that, if they had cut off Barneveldt's head on account of his abominable handwriting, no creature could have murmured at the decree." He then confessed that "after much time and trouble he had enabled himself to decipher the most of them."†

Three years, therefore, before the book was issued, Motley still found large "lacunæ" in this vital correspondence. The next year found him at the Hague digging away in the musty archives in which, let it be said to his lasting honor, he toiled heroically. Before me, as I write, lies a *facsimile* of one of Barneveldt's letters, in that admirable collection of printed documents, *Gedenkstukken van Jan van Oldenbarneveldt en syn tyd*.‡ Motley is certainly right: "Such writing perhaps never existed." It is simply inconceivably wretched, cramped, straggling, unreadable.

And if only this were all! But infinitely more serious is the language in which these undecipherable hieroglyphics are written. If in French, we shall do tolerably well; but if in Dutch, the question is a very serious one. For it is not the present language of the Netherlands which is used in these documents, but

* *Memoir*, 90.† *Correspondence*, ii, 323.

‡ Vol. i.

an older type, so peculiar in many respects that even for native scholars it is not always easy to determine the exact sense of an involved sentence. Intricate, loaded with foreign terms, tautological, with interminable and hopelessly involved sentences which at times defy the translator—such was the official language of the period.

And in that language the bulk of Barneveldt's State-papers were written. Mr. L. van Deventer, a life-long student of the Dutch language and the author of the collection above referred to, found the task of deciphering these "hieroglyphics" so troublesome that he says in his Introduction to the work: "Fortune helped us to decipher the almost unreadable handwriting of Barneveldt."* But even he had to acknowledge that here and there "lacunæ" were left. This Introduction of van Deventer, read side by side with that of Mr. Motley, will strangely stir the objective reader; and either he will be forced (especially in the added light of the published *Correspondence* of Motley) to take the broad statements of the Introduction to *John of Barneveldt cum grano salis*, or, gauging the latter's formidable task by the admission of partial failure on the part of the talented Dutchman, he will be forced to do double honor to the gifted American.

And exactly here the main criticism of Dutch scholars against Motley's later work comes in. This charges precisely a lack of faithful study of the documents. So much depends on a *word*, on a *sentence*! A document dotted with undecipherable "lacunæ" is practically worthless and should be laid aside until it can be wholly read. And it was this, perhaps, at least in part, that caused van Deventer to say that the history of that period cannot as yet be written, for lack of documentary evidence. As a rule, Dutch students of history have looked with favor on Motley's work as "giving a new impetus" to the study of the early documents. But they do not by any means agree with his conclusions, and they not rarely criticise his methods. In Groen van Prinsterer's words one sees a mild sarcasm: "But how shall I depict my surprise on perceiving that this unknown and tireless co-laborer had really read, I say read and reread, our enormous quarto and folio volumes of Bor and van Meteren, besides a stock of other books, brochures, and even unprinted documents."† Prof. van Vloten, as quoted by van Prinsterer, is on the other hand rather blunt in his criticism. Says he: "The representations of Motley are generally antiquated. I

* Basken Huet also speaks of the "hieroglyphics of the Advocate" (*Lit. Fant. en Krit.*, 9).

† *Maurice et Barneveldt*, xxxv.

know that in his Introduction he boasts of what he detected at the Hague and elsewhere in the archives; but his book was written from printed records and was ready before he came there, and—unless he had been willing to recast it entirely—with the best will it was impossible to make radical changes or to engage in the necessary study therefor.” I must confess that this judgment of the learned Dutch critic seems to me harsh. The printed correspondence of Motley plainly shows that the study of the documents, especially bearing on the case in hand, was begun in 1859, and was continued till the publication of the life of Barneveldt. The only things which seem to give color to so cruel a criticism are the admitted fact that Motley studied these sources largely through a transcriber and translator, obtaining a comparative mastery of the originals only toward the last, and a few unhappy references, as for instance that concerning the indictment of Barneveldt. Moreover, the reader of the *Correspondence* for 1873 will observe that, in preparing his MS. for the printer, Motley worked under high pressure, and allowed himself too little time for comparative study and renewed critical scrutiny of the material previously gathered and arranged.

That there is, in any case, a certain lameness in Motley's handling of these ancient documents, seems to have been noticed by all the critics. Even Prof. Fruin, the father of the recent historical school of the Netherlands and an enthusiastic admirer of Motley's works, says that reading them has led him to a determined investigation of the sources used by the American historian, and that through this study he has “obtained a different idea of the facts, their origin and relation, than he had found in Motley's captivating description.” Speaking, therefore, from the deepest conviction, Groen van Prinsterer, in his keen criticism, *Maurice et Barneveldt*, has laid great stress on this fundamental fault in Motley's last work. The documents were not all at hand, and those that were at hand were not handled with sufficient discretion. Even Groen allows that Motley's previous works were incomparably superior, in this respect, and that their author had availed himself of all the new light which could be made to shine on his subject. But “this advantage was not equally enjoyed by Mr. Motley for the epoch of Barneveldt. The obscurities have not been equally inundated by the light of preparatory labors.”*

And this lack of thorough documentary study was accompanied, according to these same critics, by “a free course left to the imagination.” Groen calls this “without gainsaying a necessary gift of the historian, but at the same time incalculably dangerous

* *Maurice et Barneveldt*, xl.

under the dominion of an incontrollable passion."* Prof. Fruin heartily indorses this position and points to the danger of "romancing," to the picturing of what might have been and was not.† He therefore "would not dare to say that Mr. Motley has always guarded against the temptation." The strength of Motley's work is in a measure its weakness, and nowhere more so than in his *John of Barnevelt*. There is a freshness, a movement, a brilliancy about the book, which captivates and holds the reader till the very close. One rushes along in the reading in a mad desire to see the end of the tragedy. And all along he is deeply conscious that this "impartial" author is pleading the cause of his client with irresistible eloquence; that he is mercilessly antagonizing one party and zealously defending another; that he has fallen completely under the spell of the unique personality of Barneveldt. And here lies the chief danger to the cause of historical truth, in a work like this. The author evidently has deep convictions on his subject; he writes with a pen on fire, he draws one irresistibly along, he forces us to see as he sees, with a soul all aflame; and still his indignation is kept in hand; he is all aglow, but he represses his ardor, he makes us feel that he keeps within bounds by a mighty effort. But what of the true value to the cause of truth and of history of a book thus written—aye, and what of its danger—if it leaves the straight track of historical veracity? ‡

From what has been said it appears that Motley's conclusions should not be received as final and that a candid review of the character and fate of Barneveldt is not unnecessary. The last activities, the fall, the trial and death of the great Dutch statesman, I firmly believe, should be looked at from a different point of view than that at which Motley has placed his reader. A strong interrogation mark at least can be placed here and there, and the attention of those may be claimed who, through the reading of Motley's biography, have formed a decided opinion of the historic events surrounding the Synod of Dordt. Let every candid reader of this *Life of Barnevelt* compare it in all sobriety with the facts, as brought to light by Dutch historians; who, whatever they may think of the fate of Barneveldt, are able to be fair in their judg-

* *Maurice et Barnevelt*, xl.

† *Maurice et Barnevelt*, lii: "No vi-x fournissent abondamment les preuves que le travail recent de Mr. Motley est en sens contraire du progrès des études historiques dans notre pays." "Cette tragédie au point de vue historique est une contre-verité" (*Ibid.*, *Avant. Propos.*).

‡ Quellenforschung, kritischer Scharfblick, Phantasie, die das Vergangene in die Gegenwart zaubert, Farbenfrische und Farbenreichtum der Darstellung—das alles reicht nicht hin einen Gegenstand zu ergründen, richtig zu erfassen, wahr darzustellen, der seine innersten Lebenswurzeln in christlichen Thatsachen, christlichen Lehren, christlichen erfahrungen hat." (*Maurice et Barnevelt*, cci.)

ments, and some of whom, like Mr. van Deventer, still deem the attempt to write the history of the period of the "Twelve Years' Truce" inopportune, not to say impossible, on account of lack of necessary documents. And by the light of this comparison let him judge whether Motley has reached the ideal which was in his mind when he wrote concerning Maurice of Nassau, to Mr. Groen van Prinsterer, under date of September 1, 1857: "I am most desirous of doing full justice to so great a historical figure, but it is unnecessary for me to state that the first duty of every conscientious historian is to make the most impartial and unbiased statement of facts and to judge every personage and every scene of events, according to the code prescribed by justice and reason, which are unchanging and perpetual."* As early as 1857, therefore, Dutch historians had warned Motley against a tendency, which even then had attracted their attention.

Look at *John of Barnevelt* from whatever side you please and surely Motley has fallen short of his ideal of 1857. No period of Dutch history is so difficult to understand as that which he reviewed in this work; nowhere else should the imagination be so strictly curbed and the passions so strongly bridled; and Motley did neither. In his beautiful and dramatic story, which reads like a romance, the imagination has played a perceptible part and the author was *volens volens* swept along by a sympathy which broke through all restraints and got the better of "justice and reason." The "personages and scenes of events" in this period move in a hazy atmosphere. Clear discernment of their swiftly changing and intricate movements is well-nigh impossible.

Motley's decision to view the events of the period apart from its theology handicapped him from the start; his own sympathy created a bias which, once established, could not be broken; his sources were partisan, deficient, and in some instances unreliable; and thus his whole work was warped and lacked in discernment. And without such discernment, one may seem to see and to grasp the events in their interrelation, in their causes and results, and yet he cannot see or understand them, for he lacks the very key to the situation. Motley's *John of Barnevelt* is a wonderfully fascinating work; it reads like a romance; it is a beautiful story. But it is poor history.

III.

It will now be necessary to consider a few of the principles at stake in the controversy which led to Barneveltdt's death. And first and foremost among these stand the sovereign rights of the

* *Maurice et Barnevelt*, xl.

Church of Jesus Christ in spiritual matters. The Reformation in the Netherlands created the Republic; but not the Reformation in general, but that distinct type which is called Calvinism. The Calvinistic movement in the Netherlands had been preceded by two other less fertile reformatory waves. First of all came the "Sacramentists" or "Evangelicals," from 1518 to 1531. As the date shows, this movement struck the Lowlands within a year after the historic nailing of Luther's theses to the chapel-door at Wittenberg. But the combined and persistent efforts of Church and State succeeded in arresting this earliest movement of the Dutch Reformation. It was almost immediately followed by the Anabaptist movement, from 1531 to 1560, which, for a generation, struggled for existence. This had larger inherent strength; it was better organized; it promised more than its predecessor. In fact, nowhere else does the Anabaptist type of the Reformation present such purity, such depth of conviction, such strength of purpose, such hope of permanency as in the Netherlands. It lasted, as a nation-stirring movement, for three decades, and then gradually shrank to small sectarian proportions, under cruelly persistent external persecution and internal dissensions.

But the Reformation had come to the Lowlands to stay, and the Anabaptist movement was succeeded by that of Calvinism. The national character perfectly harmonized with this type; it immediately found the hearts of the people; it appealed to the Puritan cast of the Dutch mind. Calvinism opened a new epoch in the history of the Netherlands; it created a Church and a State. "As a nation Holland is a son and foster-child of the Reformation."* This is the unanimous testimony of all critical students of the history of the period. Says Mr. van Deventer: "The great events of the sixteenth century possessed not only a reformatory, but also a truly revolutionary tendency."† Almost from the beginning patriotism and the new religion became completely identified. In that wonderful historical document, the so-called *Apology* of William the Silent, it is said: "We would fain warn you that the state and condition of the country is such that, without the exercise of *the* (Reformed) religion, this country cannot exist three days. Even if it be true that, among those in the land who follow the Roman Catholic religion, there are many people of honor and lovers of the fatherland, who have honestly and honorably done their duty, we may yet rest assured that only among those who adhere to *the* religion not one shall be found who has any dealings with the enemy, but all of them are unanimously

* Dr. H. Bavinck, PRESBYTERIAN AND REFORMED REVIEW, January, 1894.

† *Gedenkstukken Van Oldenbarneveldt*, Introduction.

and entirely against him."* Busken Huet goes still further and describes the condition of the Netherlands at the beginning of the struggle as that of "a young State, which is really a Church, or whose origin is at least inseparably connected with the origin of a new Church. Its palladium is a divine revelation, contained in sacred books."† Let it never be forgotten that the Dutch Church was not created by the Dutch State, as was the case elsewhere, but that the Dutch State was created by the Dutch Church. The reformatory movement in the Netherlands was not so much a reformation as a *creation*, both in an ecclesiastical and political sense.

The history of the Dutch Church is so intricately interwoven with that of the State that separation of the two, or even a distinct and separate review of either by itself, is utterly out of the question.‡ Let it be repeated, therefore, that Motley in trying to separate the political and religious controversies in the Republic, as he claims to have done, in the Introduction to his biography of Barneveldt, has simply attempted the impossible. Busken Huet has truly said: "The history of the period looks like a Church history, and one cannot sketch a faithful picture of it if he deems the theological disputes and Synodical meetings beneath his attention." And again: "The historian may not forget even for a moment that this connecting thread exists; that the Hollanders of the seventeenth century were a nation of merchants, it is true, but also, not even the most liberal excepted, a nation of theologians."§ It is only fair to say, in passing, that the author of these words was one of the most advanced Dutch liberals, who had nothing but pity and disdain for the Calvinistic faith; he is, however, fair, and a writer of wonderful acumen and brilliant parts. In this coördination of Church and State, in this inseparable relation between the two, lies the solution of most, if not all, the secrets of the interesting history of the Netherlands. Till this very day its political history is largely an inevitable result of its creed-movements and ecclesiastical developments. "*Testa diu servabit odorem, quo semel est imbuta recens.*"

The original Dutch Church could never conceive of the possibility of being crushed under the heel of State oppression; the innermost fibre of its life being that of liberty. But the times

* *Apologie*, ed. 1581, 165, 166.

† *Het Land van Rembrandt*, 52,

‡ "L'Eglise Réformée avait donné naissance à la République" (*Maurice et Barneveldt*, 24).

§ *Het Land van Rembrandt*, ii (1), 46, 47.

|| "A vessel will long retain the odor wherewith it has been imbued when new." See Tom Moore's couplet.

slowly changed, and as the free States grew in strength they began to hanker after the power in spiritual matters, of which governments elsewhere were possessed; gradually and arrogantly the balance of power was shifted and the State began to assume the control of ecclesiastical affairs, and of that pernicious principle John of Barneveldt may justly be called the creator. The States in general, but especially the States of Holland, were by degrees brought to adopt the old motto, "*Cujus regio illius religio*"—the ruler of the land controls its faith. This is the very foundation-stone of State Churches and State interference in matters ecclesiastical. And this very State interference has been, till this day, the potent cause of all Dutch Church troubles, which are interwoven, like a scarlet thread, with the entire fabric of the national history. Without this interference the Arminian and all other doctrinal controversies would easily and speedily have adjusted themselves. Says Carleton, the British ambassador during this period: "Barneveldt's conscience should have told him that, if he had been nothing but an impartial judge, and if he had not made himself the patron of a party, these disputes would have perished in their birth, without troubling the peace of the State."* But strange to say, in the Netherlands the State has generally been on the anti-confessional or liberal side; originally, perhaps through a certain jealousy of the powers of the Church, with which, as we have seen, it stands historically so closely connected. And, therefore, there was a revolutionary tendency in most of the creed struggles, which have caused the "land between the dikes" to tremble to its very foundations.

And in this respect none of them quite equaled the Arminian controversy. The Remonstrant and Contra-Remonstrant official documents were of greater importance to the men of the early years of the seventeenth century than the text of a new Constitution would be to us. The latest news of an open debate between the two factions was deemed more stirring than the news of a revolution would be to-day; the answer to a pamphlet of Uitenbogaerd or the protest of a few preachers moved men's hearts more deeply than the news of a ministerial crisis affects us. In the simplest hut on the heath as well as within the stately baronial castle, in the dusty study of the scholar as well as on the busy exchange, in the store and the shop as well as on the street or in the fields, in the kitchen and in the nursery, in the army and in the navy, on water and on land—everywhere, absolutely everywhere, the noise of this great battle was heard.† The tribunal

* *Correspondence.*† *Geschiedenis des Ned. Volks*, x, 96.

resounded with it and vied with the pulpit in its efforts to set things straight. All felt that the future of the republic was involved. The simplest as well as the best-informed person believed that his eternal salvation depended on the attitude he assumed in this controversy.

Of such conditions, of a religious excitement so intense and universal, we, the easier-going children of the nineteenth century, can scarcely form a conception and to appreciate them fully is to us well-nigh impossible. Imagine a historian who, in describing the events of such a period, attempts to lay aside the consideration of the theological questions involved!

Now, what was Barneveldt's position in this controversy? Time and again, before his judges, when he was pressed for an answer on some theological point, he made the excuse of ignorance, saying that he was no theologian: and yet even the picture of Motley, who eschewed the theological aspect of the struggle, reveals a man who is a good deal of a theologian. Barneveldt is the living embodiment of the correctness of Busken Huet's statement: "The Hollanders of the seventeenth century were a race of theologians." No one can read his defensive discussion on the doctrine of predestination, mentioned in the *Verhooren* (the printed account of his examination before the delegated judges, as related by Prof. Siegenbeek),* or his final dispute on the same subject with the pastors who attended him in his last hours, as related by Walaeus and van Franken, without coming to the same conclusion. Siegenbeek correctly calls him "*de Godgeleerde advocaat*"—"the theological Advocate." But he was not a consistent theologian. On the great point at issue in the Arminian controversy, that of the divine decrees, he was evidently hopelessly confused: in one breath he expresses his disbelief in the doctrine of predestination and immediately proceeds to express his faith in the orthodox view of it; and no one would have been more surprised than himself had he been told that, on the great point on which the whole struggle was pivoted, he belonged to the Contra-Remonstrant party. And yet such was the case.† Another proof of his inconsistency lies in the fact that, whilst he and the party whose patron he was were endeavoring to throttle the confessional Reformed Church at home, and were opposing the orthodox party in every conceivable way, he wrote to King James, knowing full well how indispensable was the support and good will of England, "that the States General and especially the States of Holland

* *Verslag van de Verhooren*, 49-53.

† *Historische bladen*, 31; *Waarachtige Historie*, 4-1.

were resolved to maintain the genuine Reformed religion, and to oppose all novelties and impurities conflicting therewith."*

It is almost naïve that Motley should mention this, as a proof of Barneveldt's good faith. He deems it a *petitio principii* if one should aver that the Reformed religion *necessitated* opposition to Arminianism. An objective view of the matter will at once exhibit his mistake. The Dutch Reformed Church had a Confession of Faith. That Confession characterized and individualized her among other Reformed Churches; it was the badge of her personality. Arminianism departed from the doctrinal views expressed in that symbol. Besides this Confession the Church had adopted the Heidelberg Catechism, and was therefore possessed of a clearly defined symbolical life. And these *formulæ fidei* constituted the Reformed Church *quæ talis*, and "thus every man who taught in opposition to them taught in opposition to the Reformed Church."† We need not take position for or against Arminianism, as a theological departure, to admit the eogeneity of this reasoning. It is not a question of the correctness or incorrectness of the doctrinal views of the Remonstrant party; it is simply a question of their assumption of certain rights in the bosom of the old Dutch Reformed Church, whose symbols they violated. The Church was sovereign in her own sphere, and her just rights had ever been respected, till the Arminian controversy arose. But from the very beginning of that disturbance the attitude of the States of Holland had been defiantly antagonistic to the rights and prerogatives of the established Reformed Church. Their terrible arrogance may be judged from the fact that, under Barneveldt's guidance, they resolved to instruct the preachers as to the character and contents of their sermons. They were forbidden in any way to touch in their discourses on the doctrine of predestination, "inasmuch as the States considered the Arminian doctrine sufficient for salvation and fit for Christian edification."‡ Here was State interference with a vengeance. About this time Johannes Fortanus, a septuagenarian pastor at Arnhem, wrote a letter to his friend, Sibbrand Lubertus, professor at Franeker. It is dated January 4, 1613, and gives us a vivid idea of the changed attitude of the State to the Church. Says he: "For forty-four years I have labored in the ministry, thirty-five of which have been passed at Arnhem, in danger of life and possessions, the

* "Barneveldt, ne voulant admettre aucune exception à la suprématie de l'autorité temporelle, dirigea contre l'Eglise Réformée une double attaque. Contre son indépendance, en faisant intervenir l'autorité des magistrats. Contre ses croyances, en prêtant main forte aux hétérodoxes" (*Maurice et Barneveldt*, 25).

† *Geschiedenis des Vad. Bild.*, viii, 10.

‡ *Geschiedenis des Vad. Bild.*, viii, 22.

remainder in the Rhenish Palatinate, under the Elector Frederick III. But never has the Church of the faithful offered such an aspect as now. How then? The decision of the gravest questions of theology shall belong to the civil magistrates. We, who were before shepherds of the flock of the Lord Jesus Christ, shall henceforth be sheep under the power of the government.'

And these civil magistrates were far from capable judges in matters of faith. The increase of wealth had brought increased licentiousness, and the burgher-aristocracy, from which the magistrates were usually chosen, had not come as deeply under the influence of the new movement as had the great mass of the people. Many of them had lost the old faith which they had possessed, and had received nothing in its stead. Many of them belonged to the "Libertines," the liberal party, to be found wherever the Reformation asserted itself, a party which even deemed the question of Pope or Protestant an inferior consideration, was determined upon peace in the Church at all hazards, and hated priest and preacher alike. Barneveldt himself had chosen for his life-motto, "*To know nothing gives the surest faith*," and in his bitter attacks on the Church he usually styled her ministry "the priesthood."* With him the authority of "My Lords the States" was paramount. In his trial he said: "Dat hy die differenten op de leer, tusschen de Remonstranten en Contra-Remonstranten in questie, niet op het tiende deel sooveel behertigd heeft als 't stuck van de auctoriteit van myne Heeren de Staten, om kerkleyke wetten en ordonantien te maken."† He had not considered the doctrinal question involved one-tenth part as much as *the authority of the States to pass ecclesiastical laws and ordinances*. This was plainly spoken, and it gives us a clear idea of the *religious liberty* fostered by the Arminian States of Holland.

Whilst Oldenbarneveldt therefore continually inveighed against the old and dreaded hierarchy, the "States" under his guidance were steadfastly endeavoring to bring the Church within their domains under the galling yoke of a "kerkenorde"—an ecclesiastical Constitution of their own making—thus establishing a veritable Cæsaropapism in the Dutch Church. On the 18th of May, 1582, this matter had been first considered by the States of Holland, and, after years of persistent effort, a draft of such a Constitution, prepared by Barneveldt, was finally revised on the 23d day of March, 1591. But through the opposition of a few cities—Delft, Gouda, Rotterdam, Hoorn and Medemblik—it was laid on the

* The reader who knows Dutch is referred to the caustic criticism of this phase of the question by Busken Huet, *Land van Rembrandt*, ii (1), 70-72.

† *Verhooren*, 68.

table. Two factions opposed the enforcement of this "Constitution," the one political, the other ecclesiastical. The former deemed the powers of the civil authority too narrowly restricted, the latter too far extended.* The tabling of this projected law for the Church seems to have been a crushing blow to Barneveldt. He brooked no opposition: usually he had his own way with the States; this scheme was a pet scheme, on the conception and construction of which he had bestowed much thought and much valuable time; and now he saw it crushed between two opposing and, as he deemed, radically extreme parties. He took the failure of this measure so much to heart that he requested his dismissal from office and was only with difficulty persuaded to retain it.†

State supervision, or rather State control, was the advocate's *beau ideal* of the solution of the ecclesiastical question; and this, as we have seen, long before the rise of the Arminian controversy. Barneveldt was led into this position by the experience of former years. It became a fixed opinion in the days of the Earl of Leycester. Then already he had begun to "suppress the ecclesiastical democracy, which politically favored the plans of Leycester. Without any distinction, his opponents were cast down and his adherents upheld."‡ Barneveldt had an innate dread of the mass of the people, and sought to restrict their influence, to the full extent of his ability; the people were Churchmen, they loved the Church and its truth, they had great reverence for their pastors, who therefore wielded a tremendous power; and as a matter of course the burgher aristocracy, or rather the ruling class, saw the only salvation of their power in the restriction of the influence of the Church. It is therefore easy to understand how Barneveldt, by slow degrees, came to the position which he finally assumed. The tabling of his "Constitution" therefore could not terminate the struggle between the States and the Church; it continued with increasing bitterness.

Five years before this time the Church, willing to end the controversy, had proposed, through the Synod of Holland (1586), that a mixed commission, a *senatus ex ecclesiasticis et politicis*, be appointed for the supervision of the Church. But, as was expected, this proposition was doomed to utter failure. Each province was a law unto itself; all infringed on the sovereign rights of the Church. In Drenthe, for example, the entire supervision of the Church had been committed to one man, the Rev. Cornelius van der Hill, of the city of Groningen. Count Louis William of Nassau, the Stadholder of the northern provinces, had, in this

* *Gesch. van den Oud. Ned. Staat*, 184.

† *De Staatkundige Gesch. van Ned. tot 1830*, 118.

‡ *Historische bladen*, 12.

appointment, apparently followed the Lutheran idea of a "general superintendent." But to the Reformed Church, thoroughly democratic in its organization and believing in the absolute parity of its ministry, this idea was utterly repugnant. A tendency toward interference was thus established in every direction, which in Holland developed into the reckless measures adopted by the States against the Contra-Remonstrants. The very men who had shaken off the tyrant's yoke for the sake of liberty of conscience now applied violence to the Church, which had aroused the hearts of the people and upheld their courage in the hour of their extremity. Prof. Fruin, who certainly cannot be accused of bigotry, and who supports Barneveldt's party, says of the later resolutions of the States of Holland: "Such ordinances surely were more moderate than the bloody ordinances of the Inquisition, but they had the same tendency."

Barneveldt dreaded what he called "the rule of the priests," and saw in the sovereignty of the Church within her own sphere a sure prophecy of political ruin. Has history substantiated these fears? Did the triumph of the principle which Barneveldt so earnestly opposed ruin the prosperity of the Republic? Let history speak for herself. The policy and party of the Advocate collapsed, that of the Contra-Remonstrants rose triumphant, at least for a while. The Dutch Reformed Church asserted its rights, with the acquiescence of the government; and for the time being the defeat of the Arminian faction was so complete that Frederick Henry, the successor of Prince Maurice, himself a strong partisan on the Arminian side, dared not recall his friend and correspondent, Grotius, but was compelled to let him die in exile at Rostock, for fear of awakening popular antagonism. Now here is a riddle for historians to solve! The Cæsarism of Maurice of Nassau, so much dreaded by his political opponents, had proved a complete hallucination, and the revival of ecclesiasticism, which Barneveldt considered a national menace, proved a national inspiration. Whether the coincidence is accidental or not makes little difference; the fact remains that in this dreaded period of Dutch ecclesiasticism the Republic reached the highest pinnacle of its power and fame. "The most splendid period in Dutch history, after the Beggars times, coincided with the honeymoon of the theocracy. The rule of Frederick Henry, of John DeWitt, of William III, the age of the van Tromps and the DeRuyters, the age of the East India Company, the age of Nicholas Heinsius, of Vondel, of Rembrandt and Boerhave, was also the age in which the Heidelberg Catechism was brought to the lips of the Dutch people as from their mothers' breasts; whilst *The True Religion*

(*Ware Godsdiens*) of Grotius and *The Art of Living Well* (*Wellevenskunst*) of Coornhert, both in principle condemned at Dordt, were utterly rejected."* Here is the testimony of a modern Dutch rationalist, of one who has entirely broken with the theology of the Dordtrechtian period, and who considers it an empty chrysalis from which all life has fled; but on that very account it is all the more important.

For that sovereignty in her own sphere, which proved so little of a menace and so much of a benefit to the United Provinces, the Church clamored; and Barneveldt set his face like a flint against her just claims. The Arminian struggle was really one between the Calvinistic and Zwinglian principles. Calvinism coöperates with, but desires independence from the State; Zwinglianism makes the Church entirely dependent on the civil government.† Calvin held that ecclesiastical affairs, or rather spiritual matters, must be exclusively furthered by ecclesiastical persons; Zwingli wished the State to share this responsibility. It was therefore a war to the knife. Arminianism aimed at a complete ecclesiastical revolution; for the churches of the Netherlands were Calvinistic, both in doctrine and polity. Let us once more quote the sentiment of Grotius on the subject: "Difference in public worship is pernicious in kingdoms, but in commonwealths it is in the highest degree destructive." The United Provinces must have only *one* religion, *one* faith, *one* creed; and that *one* faith—not the one expressed in the symbols of the Church, but that other one, expressed in the articles of the Remonstrant party! If there is any logical connection between words and acts—this must have been the aim of the leaders of the Arminian faction.

And perhaps there is still another factor in the correct understanding of this controversy, viz., a reaction against the spirit of the ancient Catholicism. The centrifugal party in the politics of the Republic, having broken with the ancient Catholic Church, wished to apply their system to the new order of things. They would allow no national Synod and a Provincial Synod only under well-defined restrictions. The regents of cities and provinces were to have the final word in ecclesiastical affairs. The pastors, who were the natural leaders of the people, were to be called and deposed at the will of the magistrates; if deemed necessary, they were to be banished from the territory of city or province, in accordance with the right which the civic aristocracy had then already repeatedly assumed. Thus the pastors were to be shorn of all their powers and their influence was to be paralyzed.‡

* *Land van Rembrandt*, ii (1), 77.

† "Ypey en Dermout," *Gesch. der Herv. Kerk*, ii, 163.

‡ *Gesch. des Ned. Volks*, x, 77.

Barneveldt's tolerance was therefore a thing of appearances only. In reality he, no less than Grotius and the other Arminian leaders, demanded unity in religion, and this meant nothing less than the substitution of a new faith for the old symbolical faith of the Dutch Church.* The victory of the States of Holland in this controversy could therefore lead only to the suppression of Calvinism and to the open protection of Arminianism by the States.

But the religion of the entire commonwealth since 1583 was Reformed, in the confessional Calvinistic sense; the Arminians were therefore revolutionists by their own admission. The weak point in the policy of the Remonstrants was that, although they departed from the doctrines of the Reformed Church and tried to subvert them by openly attacking and denouncing them, whilst they remained in the bosom of a Church which held these doctrines, they still maintained that they had not departed from them. They desired to remain in the old communion, notwithstanding the opposition and righteous indignation of its loyal members and clergy; notwithstanding the fact that they were universally considered to have broken with the fundamental creed of the Church; and to maintain themselves in this untenable position they sought and gained the powerful support of the State.† This was a monumental folly.

Of even greater interest to us, however, is Barneveldt's personal attitude to the sovereignty of the Church within her own sphere. Hear what he has to say in a solemn State manifesto: "My Lords the States General are the foster-fathers and natural protectors of the Church, to whom supreme authority in Church matters belongs."‡ In the first part of this sentence he occupies the confessional position of the Reformed Church, according to Art. xxxvi of the Confession; in the closing words he extends the confessional position to the scope of his own arrogant assumptions. In a Reformed Church the State *never* can have "supreme authority;" that belongs to Christ, her King, and to the Word of God. Barneveldt's whole attitude to ecclesiastical self-government is therefore explained in this one brief sentence. But even here he was not consistent. For when, toward the close of the struggle, these States General decided to convoke a national Synod, as Leycester had done in 1586, Barneveldt revolted, and now ascribed to the States of Holland supreme authority in ecclesiastical affairs. On what authority? On the strongest of all, viz., that of the thirteenth article of the "Union of Utrecht," the practical Constitution of the Republic. Barneveldt,

* *History of the Netherlands*, 532.

† *Gesch. des Ned. Volks*, x, 92.

‡ *John of Barneveldt*, i, 340.

the Remonstrant historians and Motley find in this article the Gibraltar of the position assumed by the States of Holland. Motley never tires of stating this point again and again. Let us quote the article : it reads as follows :

“Art. xiii U. U.—And as regards the point of religion, Holland and Zeeland may act as they please (draagen naar hunliedder goeddunken) and the other provinces of this Union may regulate themselves according to the contents of the ‘Religious Peace,’ of which the draft was made, at the advice of the States General, by the Archduke Matthias, governor and captain general of these lands, together with his council. Or they shall collectively or individually make such regulations in this matter, as they may deem conducive to the peace and prosperity of the provinces, cities and particular members thereof (the Union) and as they may find serviceable to the conservation of the well-being and rights of all individuals, both clerical and lay. And no province shall in this matter hinder or let the other, on condition, however, that each particular person shall remain free in his religion and that no one on account of his faith shall be apprehended or persecuted, according to the aforesaid ‘Pacification’ made at Ghent.”*

This looks like a very explicit statement, and yet the critical reader will find it, like all the rest of the articles, ambiguous in its wording. One thing, however, seems perfectly plain : that Holland and Zeeland were to be left free in the matter of religion. Thus it has been explained by the Arminians and by Motley.

But a moment’s consideration will convince us at once that this article does not give to these provinces *absolute power* in the matter of religion, but that it simply refers to their attitude to the Roman Catholic Church, and by no means to religion in general. That it had such a specific and not a general meaning is at once evident from the declaration, or rather amplification of the article, which was adopted a week later, February 1, 1579, and which reads as follows :

“Inasmuch as some seem to be troubled about Art. xiii of the ‘Union,’ which was ratified on the 23d of January, between the deputies of Gelre, Zutphen, Holland, Zeeland, Utrecht and the Ommelands (between the Eems and the Louwers), as if its meaning and intention had been to receive no one into this ‘Union’ but those who would tolerate the ‘*Religious Peace*’ (of which the draft was prepared, at the advice of the States General, by the Archduke of Austria, together with the Council of State), or at least those who would admit both religions, the Roman Catholic and the Reformed ; the aforesaid deputies, who were responsible for and concluded the above ‘Union,’ have *decided*, in order that they might remove all misunderstanding or suspicion, hereby to *declare* :

“That their meaning and intention has not been, nor yet is, to exclude from the aforesaid ‘Union’ any city or province which desires solely to maintain the Roman Catholic religion and where the number of adherents of the Reformed faith is not large enough to enjoy the exercise of said religion, according to the aforesaid ‘Religious Peace.’

“To the contrary they declare :

“That they are ready, notwithstanding this fact, to receive into this ‘Union’ all such cities and provinces, which desire exclusively to maintain the aforesaid

* It is almost impossible to translate the involved language of this article.

Roman Catholic religion, if *otherwise they will bind themselves to the other points and articles of the aforesaid 'Union,' and will behave themselves as good patriots.*

"For it is our idea that no province or city shall trouble another, on account of religion and this the better to maintain the peace and concord between the provinces and to remove and avoid the principal occasion of trouble and discord.

"Done at Utrecht the 1st of February, 1579."

This lengthy and verbose "amplification" of Article xiii forms one unbroken sentence in the original, and gives a fair idea of the language of the period. It is quoted to prove, from the very document of the original "Union," that the religious question, referred to in Article xiii, deals only with the ancient Catholic and the new Reformed faiths.

Only the most arbitrary explanation of the text could twist it so as to apply to a struggle between the adherents of the Reformed faith. And it is passing strange that a massive intellect like that of Barneveldt should have stooped to the subterfuge of basing his entire policy on what he must have known to be a wrong application of Article xiii. By the provisions of this article, Protestantism and Catholicism were to be tolerated side by side, except in the sea-provinces, where previous arrangements were in force. But this did not bring the two religions under the yoke of an arrogant State control; on the contrary, within their own well-defined spheres they were to be free, and exactly this liberty, guaranteed by Article xiii, it was which the Arminian party assailed. Article xiii gave power to Holland and Zeeland to maintain the Reformed religion above the Catholic, without interference by the other provinces, where the Catholics were still in the majority. But the conception of a contingency like that of the Arminian controversy could not have entered into the heads of the original signers of the "Union of Utrecht." The whole tenor of Article xiii was in favor of the Reformed religion.*

But suppose for a moment that the Arminian interpretation of this article could stand the test of criticism, even then the notorious fact remains that the States of Holland openly violated the provisions of this article by their determined persecution of the Contra Remonstrants. "The States of Holland who demanded toleration, who prescribed silence about the points disputed in the Arminian controversy, and who wished to retain in one Church men who were damning each other, violated, before the eyes of thousands, the liberty of conscience, for which the war with Spain was begun."† Incensed by unexpected opposition, Barneveldt pressed measure after measure, and did not recoil from any violence. Force of arms was to bring the unwilling to obedience to the

* *Maurice et Barneveldt*, 25; *Das Bundesrecht der Rep. der Ver. Nederl.*, 17.

† *Historische Bladen*, 26.

“toleration” demanded by the States. Article xiii guaranteed religious liberty to every citizen, and the Arminian party deliberately robbed the Reformed Church of her constitutional rights.*

Nor may we forget that the outlook was to the final victory of the Reformation in all the provinces. As early as 1575 it had been decided by the States that Prince William I was “to foster and maintain the exercise of the Reformed religion, causing that of the Romish religion to cease.”† Everything in the United Provinces was tending toward the quiet suppression of Roman Catholicism, even when the “Union” was established. When, therefore, in 1583, all the Provinces had accepted one religion, the Reformed, they “declared unanimously and without reserve that they would maintain the Reformed faith, without allowing any other religion to be publicly exercised in the United Netherlands.”‡ To be sure, both van Deventer and Pieter Paulus assail the historicity of this resolution, but the array of historians who accept it is formidable. The facts in the case seem to be as follows: In the meeting of April, 1583, at Utrecht, it was submitted to the Provinces “whether it was not advisable, since all the Provinces had accepted the Reformed religion, with common consent to change Article xiii of the ‘Union,’ so that they should be bound to maintain the Reformed religion, to abide therein, without making any changes except with common consent of all the allies, and to maintain each other therein with life and possessions, and to prevent that subsequently by change of religion any schism may be occasioned among the aforesaid Provinces, as members thereof.” Pieter Paulus, the most exhaustive commentator on the “Union of Utrecht,” tells us that Holland accepted the resolution, excepting the words “*without making any changes therein, except with the common consent of all the allies.*” For the rest they were willing “to maintain the Reformed religion and to hinder the public exercise of any other.”§ It appears from the records that Utrecht voted against the proposal, although Bor and Hooft state that the resolution carried.|| The States of Holland, however, approved of this resolution, as amended by them, on the 10th of June following, and thus solemnly bound themselves to

* “Die abschwächende Interpretation dieses Beschlusses durch Pieter Paulus (ii, 242) and Klint (iii, 217) scheint mir mit dem Wortlaut nicht in Einklang zu stehen” (*Das Bundesrecht*, 18).

† *Verklaring der Unie van Utrecht*, P. Paulus, ii, 231.

‡ *Gesch. des Vad.*, Bild. viii, 70, 212; Bor, xvii, 35; Hooft, xx, 872; Wagenaar, vii, 503.

§ *Verklaring van de Unie van Utrecht*, ii, 236.

|| Bor, xviii, 404; Hooft, xx, 872.

maintain the Reformed religion.* As a matter of course, not an unknown or indefinite type of Reformed doctrine, but that well-known type which was expressed in the Symbols of the Dutch Reformed Church.

That they were in accord with all the Provinces appears from an instruction for the "Council of State" (Raad van Staten), of which the third article directly refers to this matter; under which they are enjoined to watch against all changes and innovations "*of the Reformed evangelical religion, respectively adopted by the Provinces.*"† And in the minutes of the meeting of the States General, held at Dordrecht, November 21, 1583, we read: "As regards the third article, it is unanimously approved." The attitude of the States of Holland and of their leader, Barneveldt, toward the Arminian faction was therefore wholly inconsistent with their own past policy. The man who had fathered and fostered the change proposed in Article xiii in 1583 could be last of all expected to lead the opposition, in its attacks on the ancient faith of the Church. In 1579 great latitude had been allowed in the matter of religion to secure the coöperation of the Catholics of the south with the Protestants of the north. But when this hope vanished and the southern provinces sank back again under complete Spanish control, and when the reformatory process in the north was sufficiently advanced, a resolution like that of November 21, 1583, would seem a logical necessity. Practical uniformity of religion was a political maxim in those days, and the Dutch of the sixteenth century were after all but children of their time.

With a view to all these things, what remains of Motley's appeal to Article xiii, which he quotes again and again in justification of the course of Barneveldt? The Advocate would have established, had he been able, a *jus in sacra*, a Cæsaropapism, a political papism, utterly at variance with the liberty of the Church. This Church, as has been shown, was the very foundation of the Dutch State, with which she was inseparably united, in every portion of its organization, by common interests. But that Church was *free* and *sovereign* in her own sphere. In spiritual matters her only rule was the divine law, her only head was Christ, her only government was that of His Word and His Spirit.‡ The great principle at stake in the Arminian controversy was the maintenance or total loss of the specific rights of the Church. It is true that this same Church, in its celebrated Synod of Dordt, recognized the State and its commissioners. This was in full

* Ens., *Publ. Geschr. der Ned. Kerk.*, 110, quoting Trigland and *Kerkelyk Plakkaatboek*.

† *Ibid.*, 111.

‡ *Maurice et Barneveldt*, 25.

accord with her own Confession of Faith, Article xxxvi. But the Church never did and never could allow the State *to rule* her in spiritual matters. Her whole reliance in matters of faith was on God's Word, as is plainly shown by the oath of the members of the Synod of Dordt. By that word alone she felt her sovereign rights to be limited.

HOLLAND, MICH.

HENRY E. DOSKER.

THE PRESBYTERIAN AND REFORMED REVIEW

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I.

THE PLACE OF THE WESTMINSTER ASSEMBLY IN MODERN HISTORY.*

THE work done by the Westminster Assembly of Divines, in one aspect of it, is "the ablest and ripest product" of the Reformation of the sixteenth century. But, in another view, it is the starting point of that splendid religious and political development of the English-speaking peoples, which, on its religious side, is marked by the evangelical revival and the modern Christian propaganda at home and abroad; and, on its political side, is marked by the enfranchisement of the peoples of the United Kingdom, the building up of autonomous colonies within the British empire, and the planting of the continental republic of the United States. Of course, every work done by man, just because it has place in the organic historical movement, has roots in the past and bears fruit in the future. Of the most of these works, we are entitled to say that each of them is one of a vast number of equally important steps which men are always taking in the march of humanity to its predestined goal.

But we shall fall into a grave historical error if we assign to the finished work of the Westminster Assembly a function in the history of the English-speaking peoples of any other than the highest and most critical import. The waters of the great Lakes move continuously through the St. Lawrence basin to the Atlantic Ocean. At no point is the movement uninteresting or without

* An address delivered at the celebration, by Princeton Theological Seminary, of the two hundred and fiftieth anniversary of the adoption of the Westminster Standards.

IV.

JOHN OF BARNEVELDT, MARTYR OR TRAITOR.

IV.

AFTER what has been already said,* it might seem as if a separate consideration of the legality of the Dordrechtian Synod were superfluous. And yet so much has been written about this matter and so essential is its correct understanding to an intelligent appreciation of the history of the period, that it may be well worth our while to enter somewhat fully into the discussion of it.

At the beginning of the Arminian struggle there was one recognized, confessional, Reformed Church in all the United Provinces. If the endless resolutions of the States of Holland on the matter of religion meant anything, they aimed at unity of Church life, first, in their own territory, and, through the influence of their example, secondly, throughout the Union. But their methods of arriving at this consummation differed materially from those which the Church wished to employ. The latter wanted unity by united adherence to and enforcement of the symbols of the Church, and by the regular convocation of those meetings and assemblies for which the polity of the Reformed Churches throughout Christendom provided. The former aimed at a unity born from State regulations, State authority and State control; their unity was the Procrustean bed of irresponsible liberalism. No doubt they tried in every possible way to accommodate this pet idea to the principle of religious liberty, but history bears witness to the lamentable failure of their efforts. Their ideal was a Church with a brief and general Confession, sufficiently indefinite to be accepted by the most diverse types of Protestantism. Foremost in their thoughts was the political interest of external unity. That it was which Barneveldt tersely expressed by the phrase, "*the religion must be 'in republica.'*"

From all the efforts of the States two things appear: first, that they encouraged the idea of a national Church, and, secondly, that they were lax in their religious views and principles and had little regard for the accepted Standards of the Church.† The Church

* In THE PRESBYTERIAN AND REFORMED REVIEW for April last.

† *Gedenkstukken van Oldenb.*, i, Introduction, 29.

itself clamored for the opportunity to prove that she was national by the convocation of a national Synod; in this measure she saw the only and sovereign remedy for the evils which beset her. But here she met the stern opposition of the States, who autocratically placed the centre of the life of the Church in their *own* decrees, and not in the confessional core. This explains their bitter antagonism. To them a Synod representing the recognized Church of all the provinces and therefore national, a Synod not the creature of the State but truly representative in its character and therefore built up from within and exhibiting the life of a free Church in a free State, was an abomination. Barneveldt and Grotius opposed a *general* Synod, *because the provinces were not a nation*.

Critics of Barneveldt's statesmanship have found a strong proof of its deficiency in this assumption. Says one of them: "Barneveldt's doctrine that the United Provinces were not a nation, but only a body of sovereign States, shows his lack of comprehensive statesmanship."* However defensible this view may have been technically, we should never forget that a technical and a practical view of a matter are widely different things. This technicality brought Barneveldt to his death. Conditions in the Netherlands in the beginning of the seventeenth century very closely resembled those which obtained in the United States previous to the war of the rebellion. Substitute the ecclesiastical question for that of the abolition of slavery, and the resemblance becomes almost startling; the same centripetal and centrifugal forces were at work as among us, and the doctrine of absolute State-sovereignty was the war-cry throughout the entire Arminian controversy. The United Provinces were without question only loosely joined together; for the "Union of Utrecht" was rather a compact than a constitution and did not formally constitute the provinces a nation. And yet their continuous practice showed the sophistry of the reasoning of the States of Holland; for the daily history of the republic plainly indicated that they considered themselves a nation after all. As a nation they sent ambassadors to the courts of Christendom and even to "infidel" Constantinople and far-away India; and these national ambassadors were treated in the beginning of the seventeenth century on an equal footing with those of France and Spain and England and Austria, the world powers of the day, to the infinite jealousy and chagrin of smaller powers. These foreign courts never recognized the provinces singly, as individual States, but always and only as a union, a nation. Barneveldt would have been the first to strike a blow in behalf of their national honor had it been by ever so little invaded or

* *History of the Netherlands*, p. 532.

belittled. Abroad therefore they claimed national honors, but at home, strangely enough, they spurned those claims; beyond the boundary lines they were a unit, within them they were a mere aggregate of small sovereign powers, and hence the idea of a national Synod was decried as an impossibility and an infraction of the rights of "My Lords the States of Holland."

The whole struggle between the Church and the States reduces itself to the simple question, whether the Reformed Church in the Netherlands was to be *confessionally national* or *constitutionally provincial*; whether the spiritual affairs of that Church were to be regulated by free general Synods or by restricted and trammelled local or provincial Synods.* The hopeless confusion of the whole matter is evident from the fact that both Barneveldt and Grotius—who so bitterly opposed the convocation of a national Synod, as an unlawful expedient for the settlement of the Arminian troubles—were ready to consent to it, "if the provincial Synods could not settle the religious differences." In the first place this was a mere subterfuge, inasmuch as both these men were fully aware that all provincial attempts to bring the controversy to a happy issue had miserably failed; and in the second place this position was extremely illogical. Why last if not first? Once illegal, illegal forever. A true government is guided by principles, not by expedients. There again it is seen how inseparably the religious and political aspects of the struggle are interwoven. The troubles engendered by the Arminian controversy affected the Church alike in all the provinces, although as a matter of course the symptoms differed widely in degree of intensity. The Church, unified by her adopted creed, could not but choose, if she would be loyal to herself, to assume the same attitude toward Arminianism in all the provinces; and of this attitude expression could be given only by a national Synod.

There is still another matter which must not be overlooked in determining the question of the legality of the Synod of Dortt. If the face of the undeniable looseness of the provisions of the "Union of Utrecht" *precedent* of necessity had great determining force and was "the mother of right and law." In the year 1586, the States of Holland had allowed the Earl of Leicester to call a national Synod at the Hague, where the symbols of the Church were not only reapproved, but refusal to sign them was made punishable with deposition from office. "The ministers of the Word, as also the professors of theology (it is fitting for the other professors as well), shall sign the Confessions of Faith of the Dutch Churches; and those who shall refuse to do so shall be *de facto*

* *History of the Netherlands*, p. 532.

suspended from office by the consistory or the classis till such time as they shall have plainly declared themselves in regard to this matter. If, however, they obstinately continue to refuse, they shall be totally deposed from their ministry."* Strangely enough, the very next article makes it even obligatory on common school-teachers to sign the Confessions, or, in lieu thereof, the Catechism. Did the States of Holland impugn the authority of the Church to make such regulations? Not at all. In December of this same year they approved the work of the national Synod, with an apparently clear perception of the line of division between the ecclesiastical and political spheres. In their approval they stipulated that the Constitution adopted by the Synod should apply to Reformed citizens only, and that all ministers, elders and deacons were to remember that "*in all political matters*" they were subject to the civil authority.† What then was the foundation of the *legal* objection to a general Synod in 1618, when one had been allowed not only in 1586 at the Hague, but also at Dordrecht in 1578 and at Middelburg in 1581? The objections advanced by the States of Holland were evidently mere makeshifts.

As the Advocate grew older, he also grew more opinionated and headstrong. Between his estimate of the common people and that of Prince Maurice there was a radical difference; and those common people constituted the body of the Church and exerted a tremendous influence in her judicatories, from the highest to the lowest. Barneveldt considered the masses a mere rabble, nothing more. His life was spent among the ruling classes and had never known much contact with the people. "In all democratic influences he saw only a source of tumult and disorder." Maurice, on the contrary, not only aimed to give to the people their ecclesiastical rights, in the examination of the new ideas as well as the old, and that even through the supreme intervention of the State, but he insisted on an examination of those different views by the Church itself, which alone bore the responsibility of the settlement of such questions.‡ And just here emerges a radical difference between Motley's dramatic picture and the unvarnished historical facts. I have patiently read through the whole of the correspondence between Prince Maurice and his noble cousin, Count William Louis of Nassau, bearing on this subject. Those letters present us the picture of an over-careful man, long hesitating what to do, long doubting which course was the right and the wise and the just one; but always the picture of one who endeavors to be impartial

* Synod of the Hague, 1586, Art. 47.

† Resolution of the States of Holland, December, 1586 (*Kerkelyk Handboekje*, p. 203).

‡ *Maurice et Barneveldt*, p. 62.

in the discharge of duty. Over against him, as sharply defined as the etching-needle of fact can sketch the picture, arises the form of the great Advocate, his bitter antagonist, in this entire controversy always and everywhere *the head of a faction.*

The men of the seventeenth century, who in the Arminian controversy clamored for a national Synod to settle the overwhelming troubles which beset them on every hand, were not rebels against legitimate State authority. Their very Confession of Faith (Art. xxxvi) forbade this. Trigland has truly said: "The right and duty of the civil power not only in political affairs, but also in the maintenance of public worship, is fully recognized in the thirty-sixth article of the Belgic Confession: but the Reformed deny that the government has power to command anything contrary to God's Word: or to prescribe rules as to how the Holy Scriptures shall be explained: or to cut off the pastors and ministers of the Church of Christ from the judgment of differences, in the matter of doctrine: or that in any established Church it has power to order anything, whilst the legal ecclesiastical tribunal is passed by."* And therefore the Church insisted on a general Synod, invoking the aid of the central power which had taken the place of the individual in whom all the provinces were formerly united: the very States General, who, according to Barneveldt's own words, were "*the foster-fathers and natural protectors of the Church.*" The States General evidently considered the convocation of a national Synod legal, for they convoked it. The States of Holland, under the leadership of Barneveldt, were of a different mind. From the very beginning the States General were consistent and the States of Holland inconsistent. Under date of December 19, 1618, the former said, in a memorial addressed to the French king: "We have always believed that thus the means were to be found of peace and unity, in the points which have occasioned the troubles existing in some churches of these provinces: and we consider the same (the Synod) the mildest, the oldest and the most legal way, in use from the very beginning of the Church, even in the days of the apostles." The latter showed their inconsistency by denying the legality of the Synod, and in the same breath approving it as a secondary means of settling the controversy. When finally, after endless hesitation and repeated postponement, the States General, on the 25th of June, 1618, convoked the national Synod for the 1st of November following, it provoked antagonism on the part of some of the members of the States of Holland. But the legality of the call was recognized by the fact that in Holland as well as in the other provinces a provincial Synod was

* Gr. van Prinst., *Gesch. van het Vaderland*, i, 227.

convoked, which was to appoint delegates to the coming national Synod at Dordtrecht.*

It was the Arminian faction, summoned before the Synod, which took the cue from their former "protectors and foster-fathers," and refused to acknowledge its legality and competency to judge the matter in controversy.† The whole course of the Remonstrant party was one of constant change of attitude and of juggling with fundamental principles. The real difference between the Calvinistic and the Arminian party was this, whether the Dutch confessional question was one *juris constituendi* or *juris constituti*, *i. e.*, whether the investigation of the disputed points was to start without a visible basis, or whether it must start from the accepted Confession. The latter was the position of the Church, and who will deny its justice? The unifying tie between all the churches in all the provinces was the common standard of faith, and their very oneness logically necessitated the convocation of all the assemblies, provided for in their "church order," for the settlement of questions which interested all alike. The Church did not exist by the grace of the "puissant Lords, the States of Holland," nor even by that of "their High-Mightinesses, My Lords the States General;" but by the grace of the Lord Jesus Christ. It was an organic whole, it had originated from a mighty spiritual movement and in turn had itself given birth to a free State; and it was the baldest arrogance on the part of that State to tyrannize over the Church which had sung its cradle songs. The sovereign rights of the Church of Christ in the Netherlands were assailed by inimical regents, in the great controversy; and in the national Synod of Dordtrecht, 1618-19, those rights triumphed for the nonce and asserted themselves, in perfect accord with the environment of the Church and its relation to the State, as defined in her own Standards. Had the relations between the Church and State, there recognized, become permanent; had the mutual regard for sovereign rights possessed by the Church as well as by the State, there displayed, replaced the recurring jealousy and encroachments of the latter; had the Synod of Dordtrecht, instead of standing as a lone sentinel, solitary and forsaken, been followed by a historic series of similar assemblies, as provided for by the Constitution of the Church—how different might have been the history of Dutch Calvinism!

Foreign critics have recognized the ability and integrity of this Synod. Richard Baxter said that "it did not have its equal since the days of the apostles."‡ Merle d' Aubigné has written of it:

* *Acta Synodi*, Introduction, 45.

† *Gesch. des Ned. Volks*, x, 154.

‡ Neal's *History of the Puritans*, i, 265.

“When was it that the Reformed Church of Holland was gloriously triumphant? When did she march at the head of all the Churches of Christendom? It is when it was given her, within the walls of Dordrecht, to bear the most magnificent testimony, which men were ever permitted to render, to the grace of Jesus Christ.”* And certainly if the righteousness of a cause is to be measured by its results, the Synod of Dordt can stand the test, appealing not only to the golden period in Dutch history which it ushered in, but also to its own inherent strength in the work it accomplished. To mention but a single item, the Dutch translation of the Bible is a shining testimony to the character and scholarship of the party which came into power with the Synod of Dordt. For eleven years, from 1626 to 1637, the work was in progress, and when the task was completed, it was so fairly accomplished that even the lynx-eyed criticism of Remonstrant scholarship had to acknowledge the absolute good faith of the translators. We read: “Not a single passage relating to free-will or conditional grace was translated differently from what was demanded by the original text.”† Even the Dutch language owes a great debt to this translation. More than all the labors of all contemporaneous writers combined, it wrought to displace the motley “*midden Nederlandsch*,” the language of the Netherlands in the late Middle Ages, and to establish the modern national tongue on a firm foundation. The effect of the Synod on arts and letters and science in the republic, in the immediately post-Dordrechtian period, also was very stimulating. None of the dire evils predicted by the leaders of the Arminian party befell the country, but the opposed and calumniated Synod ushered in the golden period of the political and ecclesiastical and intellectual history of the Netherlands. Based on the organic oneness of the Church in all the provinces, on its Constitution and on numerous precedents and on the lamentable divisions of the people, the outgrowth of the bitterest doctrinal controversy in all its history, no one, who is at all at home in the ecclesiastical annals of the Netherlands, doubts but the Synod of Dordrecht saved the Dutch Church from total destruction and the Dutch State from the cruel fate of a bloody internecine war.

V.

The interference of the States General and of Maurice of Nassau in the Arminian controversy, and the relation of both to the trial and execution of Barneveldt, have been hotly assailed by all the Arminian historians and Motley has but echoed their asser-

* *Maurice et Barneveldt*, 34.† *Land van Rembrandt*, i, 1.

tions. It is therefore a matter of importance to determine the justice or injustice of these assertions.

Let us repeat once more that "the Union of Utrecht" was but a loose tie between the United Provinces; a tie which hardly any one would dare to call a "Constitution." It bears the marks of feverish desire for united action, together with feverish dread of the loss of acquired privileges and sovereignty; and yet in Article xxiii it is declared to be the highest law in the land. The States General under it occupied a peculiar position, and it has puzzled some of the keenest Dutch constitutional lawyers to settle what this position precisely was. So much, however, is certain,—that they represented the highest power and authority in the United Provinces. Before Barneveldt became the champion of decentralization and provincialism he had clearly discerned the danger it presaged and had earnestly warned against it. In 1607, he had publicly declared, "If we do not institute a government, with proper authority to govern the land, we must perish; for no republic can exist without good order in the general government." Dr. Jorissen, his great admirer, correctly analyzes the situation when he tells us that "love of power" kept him from advocating what he knew to be indispensable. As it was, the States General, representing the power of the United Provinces, exercised the highest functions of government; though their authority was unquestionably limited by various restrictions. They were a national congress of provincial deputies and their decisions were final. In all common cases a majority of votes was decisive; but in matters of war or peace, of truce or taxation, of changes in the federal relations or the acceptance of new confederates, or of the formation and instruction of colleges of the Generality *unanimity* was required.* And yet even this limitation had its exceptions. As has been stated, matters of war or peace required a unanimous vote, but when unanimity was unattainable the States General, on several occasions, substituted the majority rule. Thus the final peace with Spain was concluded in 1648, and thus the war with Portugal was begun in 1657 and ended in 1661.

Between this powerful body and the States of Holland there had been incessant friction from the very beginning. The very fact that Barneveldt, the incarnation of the proud self-consciousness of the States of Holland, was at the same time the leader in the States General, virtually the premier of the United Provinces, rather fostered than diminished this friction. Possessed of all the secrets of both bodies and exceedingly jealous of power, the ambitious Advocate of Holland occupied the strongest and most formi-

* *Das Bundesrecht*, 26.

dable position in the republic. Thus the Province of Holland obtained a position of paramount influence. This was just: for Holland alone bore a share of the general burden equal to if not larger than those of all the other provinces combined. Holland possessed the brains, the ports, the finances, the control of trade, which alone made the war possible and victorious.* Who can wonder at its arrogance? As early as in 1584, on the occasion of the funeral of the assassinated Prince William I of Orange, this friction between the States General and Holland had threatened an open rupture. On that occasion the latter had demanded precedence over the former in the arrangement of the cortege, which was to follow the bier of "the father of his country." And only after considerable debate and wrangling, the proud States of Holland had finally acknowledged the States General as "*hoogste overheid in den lande*"—"the highest power in the land." This wrangle was renewed a century later, March 1, 1685, when, on a ceremonial occasion, the States General, by a special resolution, deliberately snubbed the ambitious States of Holland. Says Slingeland, in quoting the full text of the resolution: "Since this body represents the seven sovereign provinces, it has on that account always pretended to have, and has actually *had*, precedence over the States of each separate province, even in its own sovereign territory."†

No man had done more to create this power than John of Oldenbarneveldt himself. It was only in 1588, after the departure of the Earl of Leicester, that the Dutch republic was really born. From that time on the States were sovereign. Originally the executive power of the republic rested with the Council of State (*Raad van State*), but in 1593 the States General had become a permanent body, not meeting from time to time as occasion required as before, but remaining continuously in session. The Council of State had snubbed Barneveldt and in consequence had earned the ill-will of the Advocate, who did not rest till it was shorn of most of its powers, which were in the main transferred to the States General, which now exercised the executive functions of the government of the republic. Holland, and through it the Advocate, had the leading voice in this assembly. Barneveldt was indeed its "soul and head," and he could truly say of the States General: "I have made them great." *Pro forma* he posed as the servant of the body; in fact, he wielded over it a power

* "Holland als die reichste, mächtigste und am meisten zahlende Provinz, hatte vorwiegenden Einfluss. Meist wurde nach dem Gutachten und Rath seiner Deputirten entschieden" (*Das Bundesrecht*, 26).

† ii, 247.

well-nigh autocratic. After 1589 he became a permanent member of the States General, and since all the other members were continually changing, his influence became paramount. As has been said, the "Council of State" had incurred the ill-will of the Advocate, who in 1590 had been curtly denied admittance to its deliberations. This body, largely under English influences, was then antagonizing the anti-English policy of Barneveldt; hence the insult. But from that day its powers dwindled, until it became the ghost of its former self, whilst the States General were steadily growing in power.

Under Art. xxiii of the "Union," all the covenanting parties had "contracted to keep and to maintain and cause to be kept and to be maintained all the articles, without doing or causing to be done or allowing to be done anything against them, either directly or indirectly, in any way or manner." And by the same article they had agreed that, in case of violation, they were to be answerable before the civil tribunal, wherever it might be, "with renunciation of all privileges to the contrary." This seems to throw some light on the position of the States General in the Arminian controversy. They represented the undivided sovereignty of the United Provinces; they enjoyed sovereign honors and privileges; and yet they were not sovereign. Says Slingeland: "The assembly of their High-Mightinesses represents the States of the seven sovereign, though intimately united provinces; and as such it can claim not only all the honor which is due to a sovereign body, but it can also demand that foreign princes and their ambassadors shall address them and no one else about matters which appertain to the States of the Netherlands in general."* "To them was committed the highest supervision and control, in all the provinces, over matters of *union, religion* and *militia*, and they exercised the executive power, whether it be military or civil, as late as 1620."† The Union of Utrecht did not recognize the distinctions between the legislative, the executive and the judicial functions of government; all these merged in one.‡ It was the special prerogative of the States General to control the judicial consideration and issue of all crimes against the Generality, *i. e.*, against the interest of all the provinces alike. This point must not be overlooked. It is vital in the consideration of Barneveldt's

* *Staatkundige Geschriften*, ii, 247.

† Groen van Prinsterer, quoting Prof. Kluit, i, 196. "Jeder der Bundgenossen durfte und sollte alle Angelegenheiten, wovon nach seiner Meinung das Gedeihen oder der Verderb der Republik abhing, zu gemeinsamer Berathung in den General Staaten bringen" (*Das Bundesrecht*, 19).

‡ "Die General Staaten und der Staatsrath haben neben einander *legislative, executive* und *richterliche* Befugnisse ausgeübt" (*ibid.*, 38).

trial, and it comes attested by the most profound students of Dutch constitutional law.

That the States General considered the matter of religion as falling under their control is evident from the so-called *Groot Placaatboek*, where decree after decree is promulgated concerning religious affairs. As, for instance, No. xi, dated July 3, 1619, against Remonstrant Conventicles; No. xii, dated March 27, 1620, approving the proceedings of the Synod of Dordrecht; various ordinances against the Roman Catholics and their clergy, principally against the Jesuits, dated February 26, 1622, September 8, 1629, August 30, 1641, April 14, 1649, etc. The States General were entrusted with the final authority to maintain the Reformed religion, notwithstanding the contention of the Arminian writers that this authority exclusively belonged to the competency of the various provinces.* In the sixteenth and seventeenth centuries the matter of the people's religion was universally controlled by the government, and the little republic, whose name soon became proverbial for wealth and power and commerce and thrift, with all its vaunted religious liberty, was after all a child of its time. If a central government existed that power could not help getting mixed up in religious matters and, least of all, in a country like the Netherlands. The States General were "the foster-fathers of the Church."

After the abjuration of Philip II, Anjou, Orange and Leicester in turn had directed the affairs of the provinces, with the coöperative advice of the Council of State and the States General. Encompassed as they were by the enemy, the United Provinces needed a central government. The sovereignty must rest somewhere, and thus after the departure of the Earl of Leicester, when the States General assumed the functions of the executive, supreme authority naturally centred in them. But the Barneveldt faction claimed that the United Provinces were a confederacy like the Amphictyonic of Greece, united for external affairs, as enumerated in the instrument of confederation, and for the rest completely sovereign in their own spheres. A glance at the contents of the "Union of Utrecht" gives us a different impression. The Union party therefore contended that the Union was a far closer one, more than a mere confederacy. They claimed that under Art. i of the "Union," the provinces, sovereign as they might be within their own bounds, were still to be considered as "*one province*," having on that account a central government. The States of Holland, as a matter of course, rebelled against and chafed under the control of the States General, whom they considered only as "a body of

* *Algemeene Gesch. des Vad.*, x, 63.

deputies of the several provinces."* Originally the "Council of State" had been bound by oath to further the interests of the Union. Barneveldt, who by a train of inevitable circumstances became the prophet of decentralization, as we have seen, had succeeded in curtailing its powers and in largely transferring them to the States General. But in his final struggle against the latter he inaugurated a policy which in the end was destined to cause the collapse of the republic. Under his influence "it seemed as if the centrifugal force dominated entirely in the growing commonwealth." But here, as in matters of faith, the Advocate was not consistent.

It is said that Barneveldt died for the maintenance of the ancient privileges of his province; but it was a notorious fact that the entire government had gradually fallen into the hands of a few notable families, and that the popular element in the affairs of the State was more and more crowded to the wall. In a pamphlet printed in 1594—long, therefore, before the Arminian controversy—it was said of the regents, "that they oppressed the privileges and rights of the people," that "the States of Holland and Zeeland, who are the boasted defenders of Dutch liberty, of the privileges and rights of the people, daily show, both in public and private, that in all the cities where they are masters, they not only suppress the principal liberties and privileges, but that they *crush them*." Nothing is therefore more palpably false than the representation of Barneveldt as the great champion of popular rights, for, whilst with one hand he drove the wheel of *decentralization*, the other grasped the crank of *centralization*. The proud regents might well have said, what later on the vain and egotistic French king did say: "L'État c'est moi"—"I am the State." According to Prof. Fruin, Oldenbarneveldt expressed it thus, at his trial: "It is better to be under lords than under servants."† In this cynical expression, as in a brief compendium, his estimate of the people is compressed. With many of his contemporaries, he cherished a feeling of contempt for the people. To him they were "het graauw," "het gepeupel," "de domme menigte," "Jan Rap," etc., all idiomatic Dutch expressions which contain a low estimate of the value of the masses. The Advocate was, in fact, extremely aristocratic. "He placed the centralized, one-headed authority above that of the multitude."‡ This explains why he could be the great agitator in the movement by which William I was to be invested with sovereign rights; and as he himself

* *Algemeene Gesch. des Ned. Volks*, x, 62.

† "Het is beter verheerd dan verknecht te syn."

‡ *Verhooren*, 10; Van Deventer, *Introduction*.

admits had originally cherished the same hopes for Maurice. Whoever has any doubt about Barneveldt's opinion of the "people," should read the *Verhooren*. Himself practically the uncrowned king of the provinces, he detests as "a horrible idea" the popular voice as a factor in the affairs of the government. "Lords might always have some discretion, servants had none," he said.

How he had struggled against the idea, finally recognized by the States of Holland in March, 1587, that not the States, but those who elected the States, *i. e.*, the people, were the true sovereigns of the country! This, however, was simply the expression of an opinion, and was never seriously taken; the oligarchical ring continued to fill the regent-chairs as before, but it was nevertheless a recognition of the value of the masses in the government of the States. This idea of popular sovereignty America has inherited from the Swiss and Dutch republics. Here, then, was the bedrock on which the authority of the States General was built—they represented a sovereign people, and this idea of government was ever repugnant to the Advocate. Few statesmen equaled Barneveldt in profundity of views, in energy and tact, "but the defender of the aristocracy must never be transformed into a zealous patron of popular liberty."* The reign of the aristocracy in Holland began in 1588, when the sovereignty of the States of Holland was recognized, Leicester having been compelled to leave the country by the tact and audacity of Barneveldt. But really the republic represented the power of the third order of society, which arose from the wrecks of feudalism and had nowhere triumphed so completely as here. The Dutch republic was a citizens' State, founded by citizens, *i. e.*, by men who in the main had acquired prosperity and wealth, political influence and authority by their own exertions.† And in this burgher republic the States General represented the highest authority. William the Silent had said to the States General, in his famous *Apology*, as early as December 1580 (a year before the sovereignty of Spain was solemnly rejected): "We recognize you alone in all this world for our masters." Representing a sovereign people, they had control of affairs as "High-Mightinesses." Whether the "Union" said it in so many words or not, they represented the United Provinces and as such they were recognized by all foreign powers and had control of all national affairs.

Now two things are said to have followed from the fact that they were considered as "High-Mightinesses." In the first place, the right of sending ambassadors, and secondly, criminal jurisdiction. ‡

* *Maurice et Barneveldt*, 18.

† *Historische bladen*, 5.

‡ "Quod ad jus gentium et quod ad jus publicum."

By a slow evolutionary process in the politics of the period, a judicial as well as an executive power had begun to be exercised by the provincial States not only, but also by the States General, whenever a clash occurred between the provinces and the cities.* This fact should be remembered. The fundamental idea of the "Union of Utrecht" was expressly stated to be "to hinder that the powers, which adopted the same, should ever be separated, but should always remain united, *as if they were one country and one region, for which purpose a common government is instituted.*" If it be therefore proven that Barneveldt's aim was the disruption of the Union, or that he pursued a course which must inevitably have led to such disruption, whereby the Union, as a recognized political power, would be ruined, he was guilty of treasonable conduct and was amenable to the common government, instituted to guard against such dangers, *i. e.*, to the Generality or to their "High-Mightinesses," the States General.† Articles i and xxiii of the "Union of Utrecht" seem to me to have far greater weight than Article xiii in deciding the question whether the States General had the right to interfere in the Arminian embroglio, with all its consequences threatening the disruption of the Union.

As to the position and interference of Maurice in the Arminian controversy something needs to be said. Motley evidently never studied him as profoundly as he did his illustrious father, and consequently he does not fully understand him. This is said with the fullest appreciation of the great talents of the renowned historian, and it is worthy of note that the publication of the *Archives of the House of Orange* by Mr. Groen van Prinsterer was hurried along for the convenience of the author of *John of Barnevelt*. Prof. DaCosta expressed the judgment that the publication of the correspondence of Maurice had turned the balance toward Maurice, and these *Archives* materially affected the views of men like Fruin, Van Deventer, etc. But Motley, who wrote to their author that "the book had been on his desk all the time he was writing," was evidently utterly unaffected by its contents. If these letters of Maurice prove anything, they settle the point as to the *inordinate ambition* which he is said to have cherished. The Prince evidently rather lacked in this quality. He was not sufficiently ambitious. Yet Motley has deliberately etched a portrait of Maurice diametrically opposed to this historic one. He chose

* *Staatk. Gesch van Ned. tot 1830*, 117.

† "Les Etats Generaux, à moins de flécher le genou devant les envahissements de l'autorité provinciale, ne pouvoient demeurer tranquilles spectateurs du renversement de la religion, pour laquelle on avoit fait la guerre, et dont la ruine alloit entraîner celle de l'Etat" (*Barnevelt et Maurice*, 30).

to walk in the old beaten track of Arminian detraction, although the material was at hand which gave Maurice a "rehabilitation éclatante," and awakened in the hearts of his historical detractors a sincere desire to do him justice. And this explains why Motley, who had been idolized for his previous work in the Netherlands, should have earned from Dutch historians by his biography of Barneveldt the cutting criticism "of being out of touch with the progress of historical studies in the Netherlands." The portrait of Maurice presented in *John of Barneveldt* is "throughout historically unreliable and false." Motley publicly declares his great indebtedness to Prof. R. Fruin for his "lucid and learned exposition of the Netherland polity;"* but Fruin, in describing Maurice and Barneveldt, whose execution he deprecates, says of both: "I honor them equally."

By portraying Maurice as he did, Motley has done lasting injustice and infinite harm to one of the greatest princes of the house of Orange. But for the events of 1617-19 and for the bitter partisan judgments then engendered, Motley's picture of him would at once have been classified as a caricature rather than a portrait. Great vindictiveness is ascribed to Maurice, and the historic fact is that Maurice was "incapable of vindictive enmity." Even Grotius, one of the bitterest partisans of the day, tells us that "he never deemed that the Prince considered him an enemy."† The fundamental traits of Maurice's character were indeed radically different from Motley's description. His nature was Hamlet-like in its exceeding slowness of decision, as is also testified by Francis Vere, who fought by his side on the bloody field of Nieuwpoort, in 1600.‡ If ever Maurice cherished ambitions of royalty, as his enemies persistently aver, events later on proved that the effort to place the crown of the United Netherlands on his brow, when he could have had it for the asking, appeared too much for him. He was beyond comparison the best educated and most accomplished of all the members of his gifted family.§ His overtowering fame as a soldier has created the impression that he was but a rough trooper, a man of valiant deeds rather than of a refined intellect. And certainly the reader of *John of Barneveldt* will not be disabused of such an impression, or learn to know the Prince as he really was, a man of fine intellectual development. Not one of his illustrious race shed as much lustre upon Leyden's University, his beloved *alma mater*. A child of the Renais-

* *History of the United Netherlands*, ii, 18, 35.

† "Nunquam existimare potui a principe ipsum haberi inimici loco."

‡ "Le comte est de nature tardif à répondre, quoique seur."

§ *Land van Rembrandt*, ii (a), 216.

sance, he read in the field Latin authors on military affairs. As a boy of nine years his skill in mathematics was already so pronounced that his teachers pronounced him a "divinum ingenium."* And those men knew genius when they met it, and were not afraid to call a dunce by his right name, be he high or low born. A true grandson of the war-like Maurice of Saxony, whose unfortunate daughter had been his mother, he was at the same time one of the few truly talented princes of his day. From his noble father he inherited an acute and comprehensive mind, his wonderful military genius from his maternal grandfather, his slow and deliberate decision from the German Nassau stock, his egotism and especially his "inordinate affections" from his mother, the miserable Princess Anna of Saxony, and perhaps still further back from his maternal great-grandfather, Philip of Hesse, whose weakness in this respect is a matter of history. Here Maurice, alas, was no exception among the princes of his time, nor among those of his illustrious house. The charge of questionable morals can also be made against his successor and brother, Frederick Henry, whom Busken Huet calls a "doordraaier," a "rake," while another witness tells us that "both Frederick Henry and Maurice loved women so well that they dreaded to bind themselves for life to a single one."† Maurice, however, was hindered by his fundamental weakness, "irresolution," and finally by death, from doing what his brother eventually did. The latter married Amelia von Solms and became a staid householder.

Motley was untrue to his own fair name as a historian when he left the straight path of history to enter the labyrinth of traditions and unreliable myths. He uses matter, the authenticity of which he himself denies or at least doubts.‡ The writer of history is no gossip-monger, but should deal only with well-attested facts. And yet, strange to say, Motley builds the most serious and life-determining conclusions on no better foundation than unsupported or poorly supported anecdotes.§ Chief of these, as has been said, is the story of the conversation between the Advocate and Louise de Coligny, widow of the great William and Maurice's stepmother, regarding the latter's accession to the throne of the Netherlands. By the part which he played in that intrigue, Barneveldt is said to have incurred the undying hatred of the Prince. Motley surely laid himself open to serious and well-

* *Land van Rembrandt*, ii (a), 216.

† Veegens, *De Oranjezaal*, 212.

‡ *John of Barnevelt*, i, 27; ii, 52, 388.

§ By comparing the *Memoires* of du Maurier quoted above and *John of Barnevelt*, the reader will see at a glance what use Motley has made of this volume. Compare *Memoires*, 183-189, 244; *John of Barnevelt*, i, 27, 28.

merited criticism by his use of this poorly supported anecdote as historic fact. Nor does he merely pay it passing attention, but he makes a great deal of it and builds on it the most far-reaching conclusions.*

But let us pass on to the consideration of the question of Maurice's interference in the Arminian controversy and of his relation to Barneveldt's fate, in 1619. As to the first point, "the Stadholder, as Captain General of the Union, was subject to the States General and was bound, by his oath, to defend the general foundation of the Union against all provincial assumptions."† If, therefore, the definition of the powers and authority of the States General as given above, is correct, the interference of Maurice, as their executive officer, follows as a matter of course.‡ And by thus taking the part of the central government, Maurice simply protected the people against unbridled pretensions, and obeyed his oath and maintained the ancient maxims and the fundamental laws of the State.§ But, moreover, he sustained a relation to the individual provinces, by virtue of which he was obliged to interfere. In the Province of Holland his duties, as indicated by the oath of office, were as follows: (a) The maintenance of the Reformed religion; (b) the maintenance of justice; (c) the change of magistrates, *ordinarily* according to civic privileges, and *extraordinarily*, in pressing cases, even before the expiration of the terms of office: and besides all this he had the patronage of certain official positions and the power of pardon.|| As to the point of religion, there seems to be no doubt but that his oath constrained him to maintain the Reformed religion, *i. e.*, that type of Protestantism which the Dutch Reformation symbolically represented. Kemper, who is a strong friend of Barneveldt, says that "the Advocate was intolerant toward the Seceders, and that he acted wrongly from a constitutional point of view, since the Stadholder was *obliged by his oath to maintain the Reformed religion.*"¶ The author of the *Algemeene Geschiedenis des Ned. Volks* tells us the same thing, only he adds to the duties of the Stadholdership that of excluding the Romish and other religions.** Slingeland tells us that "in his political quality, the Stadholder or Governor of Holland was obliged, by his instruction, to maintain the government, rights,

* i, 45, 326.

† *Gesch. des Vad.*, Groen van Prinst., i, 200.

‡ "Le maintien du Culte Reformé étoit une des principales obligations, imposées par son serment" (*Maurice et Barneveldt*, 30).

§ *Ibid.*, 56.

|| *Gesch. des Vad.*, Groen van Prinst., i, 201.

¶ *Staatk. Partijen in N. Ned.*, 136.

** x, 64. *Holl. Staatsregeling*, Kluit, iii, 151.

privileges and the general well-being of the land, as also the use of the true Christian religion, and to defend the same against all violence, disorder, division, detriment and harm.’* By interfering in the religious struggle, therefore, Maurice certainly did not, according to these competent witnesses, transgress the powers inherent in his office.

And, again, let it be said, there are abundant sources, accessible to all, to prove that Maurice of Nassau did not interfere from political motives, from bigotry or from ambitious designs. Two things compelled him to interfere—the overbearing arrogance of the opposition and the persistent urging of his illustrious cousin, Count William Louis of Nassau.† As an indication of the solicitous and pressing nature of this counsel, let two examples be cited. The first is from a letter written by the Count under date of January 17, 1617 :

“Your Excellency will not be surprised if I awaken his just solicitude, by referring to those dangerous disputes concerning religion. Certainly the present proceedings are strange and seem contrary to all the maxims of the State. They are at least in such direct opposition to the ancient and firm foundations of our country, that one must be completely blind, who does not see that the oppression of the Reformed religion, for which, with a singular blessing, we have waged war during forty years, must lead to the loss of the liberty of the country. A matter in which your Excellency and his house are vitally interested. I therefore ardently pray the Lord that He may give you courage and prudence to acquit yourself of your high functions, in the sight of God and of the fatherland. And to do it in such a manner that the religion and the fatherland shall be preserved, or that in so doing your Excellency shall at least have a peaceful heart and an untroubled conscience.”‡

But Maurice, as was his habit, was slow to act in such a matter. The letters from the North follow each other in quick succession, both in Dutch and in French. At the close of the year Maurice had executed that far-reaching stroke by which he had quietly increased the garrison of Brielle and made it impossible for the States of Holland to occupy this strong strategic position. As his letter to William Louis, dated October 2, 1617, proves, this movement was made *with* and not *against* the consent of the magistrates of the city. Shortly after, the Count writes to Maurice as follows, under date of December 26, 1617 :

“I cannot see but that you have acted very wisely and your Excellency will have to consider whether you can fully trust the companies garrisoned there ; for a great deal depends on this city as a frontier town. I cannot understand otherwise but that this practice of levying *waardgelders* must tend to confusion and to the

* Dr. Fruin, quoted in *Maurice et Barneveldt*, cix.

† *Ibid.*

‡ “C'est pourquoi je prie ardemment que Dieu vous donne du courage et de la prudence, pour vous acquitter envers Dieu et la patrie de vos hautes fonctions, en telle sorte que la religion et la patrie soient conservées, ou que du moins V. Exc. en avait le coeur en repos et la conscience nette.”

enervation of this State and may God grant that it be not expressly practiced and proposed by the *leaders* to that very end. Hence this movement should be hindered and prevented by all possible means, while it is yet time and whilst the thing is still in its incipency. In this matter nothing can be laid to the charge of your Excellency, should you, *with the majority vote of my Lords the States General and the Council of State, and further, with the loyal cities of Holland, comply with your official duties to secure the State and to save the country from utter ruin, whilst it is yet time and practicable. I think that one should speak plainly and roundly to maintain that these things are out of order and against the State, or at least that they give great offense and cause of suspicion to that effect.*"

A month later Maurice had shaken off his habitual inertia and was aroused to action. The letters of Count William Louis had certainly greatly stimulated him. It was the 14th of January, 1617. The battle had waxed hot and portentous clouds were gathering on the horizon. The virtual banishment of the adherents of the Reformed doctrine from the Hague had aroused the Prince's displeasure. Up to this time the Advocate had exerted a steady pressure on Maurice to induce him to show his hand, with the full assurance that the Prince would take the side of the Arminian regents.* Suddenly, like a thunderbolt from a clear sky, came the news that the exiled Reformed party was allowed to meet for worship at the house of the secretary of Maurice. Measure, if you can, the keen disappointment of Barneveldt! He had been practically the guardian of the Prince, he had seen the wonderful development of his powers and he had looked at the youth with undisguised approval. The years had slipped by and the youth had become a man and the Advocate was all unaware of it. Suddenly he found that the leading-strings were broken, that the quiet and deliberate stadholder had developed into a formidable and active antagonist. It confused all his plans, it upset all his calculations. Where firm ground was but yesterday, to-day a fathomless abyss yawned at his feet. Such was the condition of affairs when the States of Holland, on that memorable 14th day of January, 1617, met in solemn conclave and asked Maurice of Nassau for his advice. He arose and called for the registers of 1586, in which his oath of office was recorded. He caused this oath to be read in full and then remarked that the States, as well as himself, had sworn to protect the Reformed religion, the first cause of the war, "*till the last drop of blood.*" "That religion," he said, "I will maintain as long as I live."

He himself evidently considered his interference in the religious troubles perfectly legitimate, and that such was the fact no one can doubt who reads the oath of office which he swore both as Captain General of the Union and as stadholder of the Province of Holland. But Motley and the Arminian historians have severely

* *Maurice et Barneveldt*, 32.

blamed the Prince for his summary interference in the government of many cities, by changing the magistrates; and also for the dismissal of the "Waardgelders," the hired soldiery of the cities, a body of troops which was entirely under the control of the Arminian faction, or rather of those cities which represented it, and which was under oath of obedience to its "betaalheeren," its paymasters, and to no one besides. In regard to the first point, viz., Maurice's interference in the government of disaffected cities, two things are to be said. The specific privileges of his office authorized the interference and he did so at the command of the States General. The government in these Dutch cities was quasi-representative and democratic. The magistrates were supposed to represent the burghers of the city. But it is a notorious fact that seats in the council-rooms were obtained and held by corrupt practices. Carleton, the British ambassador, a declared opponent of the Advocate, but a man with a very clear discernment of cause and effect in his political surroundings, had written to his royal master at London, long before the Arminian controversy became a national issue: "Barneveldt has for a long time been busily engaged in increasing his authority, by introducing these novel opinions, through the creation of magistrates who favor him in all the cities, and through the exclusion of the others; which I believe to be his principal aim."* It is evident that such a policy must, at some time or another, suffer a countercheck. The city was as free and independent in its own sphere as was the province; and only extraordinary circumstances could warrant interference by the Stadholder in its municipal affairs. But who will doubt that such "extraordinary circumstances" presented themselves in the "Waardgelder policy," the inevitable result of which, if not thwarted in time, must have been a clash of authority, armed resistance and civil war, with all its horrors.

And yet, critical as were the conditions prevailing in 1617-18, Maurice did not act in this matter on his own authority. Here again he needed an outside spur to overcome his native inertia. Two strong witnesses are at hand to prove that Maurice's interference in the government of the cities was not a spontaneous act. They are the lawyer, Simon van Leeuwen, in his unprinted "Bedenkingen over de Stadhouderyke macht, omtrent de verkiezing van Magistraten, in de Steden van Holland, 1676;" and Wagenaar in his history.† The latter's testimony is all the more important, since he is a strong partisan of the Advocate. Both deny that Maurice interfered "on his own authority," and in the case of the city of Amsterdam Wagenaar definitely says that

* *Letters of Carleton*, i, 196.

† A. Kluit, *Ned. Staatsreg.*, iii, 157.

“ by a special authorization the magistrates were changed by Prince Maurice.” And this evidence is substantiated by a remarkable and well-known document. It is the official answer of the States General to the missive of I de Bumery du Maurier, the French minister, who interfered on behalf of his government, in the case of Barneveldt. The document is dated December 19, 1618, the day after the reception of the French communication, and in it the States General use the following language : “ And it is not without great and ripe consideration that we have proceeded to change a few magistrates in some cities. And this necessary remedy has been applied lightly and with great prudence, without any violence or bloodshed. . . . We have only made the necessary change in the case of a few persons, but without touching either the laws or privileges or policy of the cities. We have aimed at nothing but the suppression of the great partiality, which had crept in, by the schemes of the aforesaid rebellious people.”* The States General therefore recognized the danger of disruption which threatened the Union and in fidelity to their oath they took preventive measures for the preservation of the Union. Moreover, let it not be forgotten that the accusation of unlawful interference in the government of the cities recoils on the heads of the Arminian leaders. Maurice had at least a warrant for such interference in his oath of office and in the resolution of the States General. But how could Barneveldt excuse his own repeated interference and his willful deposition of magistrates to further his own partisan interests, a charge made against him by even his strongest friends? †

In conclusion let it be remembered that the aged advocate was not arrested by order of Prince Maurice, but by that of the States General themselves, as has been amply proven. ‡ Barneveldt, Grotius, Hoogerbeets and Ledemberg were all placed under arrest by a secret resolution of the States General. As a reason for this resolution they themselves state “ that by the change of government, made by our order at Utrecht, several things are brought to light, of which there had been great suspicion before, by which not only Utrecht, but also several other cities, would have been bathed in blood.” §

Little need be said about the refusal of Maurice to save the life of the Advocate, by exercising the right of pardon, which was inherent in his office. The brief and cold statement of the fact of his execution, in the letter to Count Louis William, is characteristic

* *Waerachtighe Historie*, 347.

† *De Staatk. partijen in N. Ned.*, 133.

‡ *Gesch. der Ned. Staatsregeling*, iii, 490-499.

§ *Gesch. des Vad.*, Groen van Prinst., i, 248.

of the man. The harsh judgments passed upon Maurice by the Arminian historians, on account of his neglect to exercise his highest prerogative, have been reëchoed by foreign historians almost without exception. Van Kampen and Von Raumer and Kurtz and Bancroft and Macaulay and others, all follow in the beaten path. Some of the later Dutch historians do the same; others have reviewed their position, since, by the labors of Kluit and Bilderdyk, DaCosta and Van Lennep, Groen van Prinsterer and Fruin and Blok and others of recent date, the horizon of judgment has been cleared and broadened. If we knew all the particulars of the trial and of what transpired at the investigation; if we knew exactly what secrets were brought to light by that investigation; if we knew a thousand things, which we would like to know, but never shall know, we might be able to judge Maurice's conduct on this occasion with some degree of assurance. As it is, we can only at best guess at the reason why the Prince allowed the sentence of death to be executed upon a man whose services to the State were monumental. In fairness let us remember that the flames of party spirit flared high; that great provocation was given by the Arminian leaders; that the events occurred in the seventeenth century, at a time when life was held cheap everywhere: that the stadholder's power of pardon was by no means absolute; that the Prince, as we have seen, was characteristically slow of action; that there was a deep-rooted sentiment among the judges "that the fatherland needed an example;" and, above all, that Maurice would have done his utmost to obtain the Advocate's pardon, had the latter only "wished to be pardoned," or "had he only spoken of pardon."* Let us pass no strictures; but, inevitable as it seemed to be, let us heartily deplore the fact that justice could only be satisfied by the death of one of the republic's greatest citizens, be his offense whatever it was.

VI.

The estimates of the character of Johan van Oldenbarneveldt differ considerably. Without exception, friends and opponents agree with the words of the States of Holland, adopted immediately after his execution, that he was "*a man of great industry, business tact, memory and discretion, yea singular in all things.*" This admiration of his various talents has caused him to live on in history, especially in Dutch history, as one of its illustrious names. But when it comes to an estimate of his personal charac-

* "As Walaëus was about to leave the apartment, the Prince called him back. 'Did he say anything of a pardon?' he asked with some eagerness. 'My Lord,' answered the clergyman, 'I cannot with truth say that I understood him to make any allusion to it.'"—*John of Barneveldt*, ii, 367.

ter, the paths of the critics widely diverge. Motley admires him and yet describes him as "arrogant, overbearing, self-concentrated, irascible, courageous, austere, contemptuous."* Groen van Prinsterer, who knows him as only a painstaking and severely critical student of history (especially the history of his own country) could know him, recognizes his "knowledge, experience, keen-mindedness and tact," but calls him "the victim of love of power and obstinacy."† Bilderdyk,‡ "the irascible," had a dreadful opinion of him, and knows him "as a bad character," and sees "this plainly revealed in everything after the death of William." He accused him of the boldest egotism, of greed and despotism and what not. Prof. Fruin says of him: "Cool-headed and strict, he was a man ever conscious of himself and his own strength; he was proud above his lineage and station in life; despotic and headstrong, and yet tactful in leading meetings, whose servant he was: but his sense of self-esteem was easily touched. . . . A man who considered the safety of the country inseparable from the interests of his party and from his own power. . . . A man whom one is compelled to admire and honor, but who is not easily loved."§ Mr. J. de Bosch Kemper, professor of Law and Political Jurisprudence at Amsterdam, a thorough partisan of the Remonstrant faction, describes him as "distant and proud in bearing," and tells us that "not only by his nepotism, but also by his continuous deposition of regents who did not follow his views, he had made many enemies."¶ Nay, in another work he even impugns Barneveldt's veracity.■ Dr. Jorissen calls the Advocate "the republic's statesman of genius,"** and almost in the same breath, "a despotic and headstrong ruler."†† It has therefore been correctly observed that, as we collect the different testimonies regarding this remarkable life, we may, at our pleasure, compose a magnificent eulogy or a violent philippic. Friends and foes alike, however, ascribe two traits of character to the brilliant statesman—love of power and love of money, or despotism and greed. And

* *John of Barneveldt*, ii, 109.

† *Gesch. des Vad.*, i, 175.

‡ Whatever may be said of Bilderdyk (and a great deal has been said about him), he must be considered the pioneer of the newer Dutch historians. Van Prinsterer says of him: "Il y eut, pour l'étude de notre histoire, un choc violent, une espèce de tremblement de terre du monde moral." It was he who wrought "un remaniement complet de nos Annales par sa violente attaque." It was he who shocked the science of history into new life; for through him "la science longtemps stationnaire, parce qu'on croyoit avoir atteint les limites de la vérité, reprit sa marche par l'impulsion du doute."—*Maurice et Barneveldt*, lxxx.

§ *Tien jaren uit den 80 jarigen oorlog*, 69.

¶ *De Staatk. Partijen in N. Nederland*, 133.

■ *De Staatk. Gesch. van Nederland tot 1830*, 107.

** *Historische bladen*, 20.

†† *Ibid.*, 31.

yet no one can read the story of his life and of its eminent services to the State, which he had helped to create, without lamenting the course of events which led to the bloody drama of May 13, 1619.

As regards his death, it is only comparatively recently that impartial and objective investigations have been made concerning the guilt or innocence of the accused and the justice or injustice of the sentence. Motley's biography gave impulse to these researches, if it did not originate them. The royal archivarius at the Hague, Mr. L. Ph. C. van den Bergh, made such an attempt in 1876, shortly after the original documents in the case were found. His brochure is entitled *Het process van Oldenbarneveldt, getoetst aan de Wet*. Every student of Barneveldt's life, or of the history of the period, should read this candid and impartial statement. Of late years rich sources of information have been opened up by the zealous study and publication of documents of the greatest importance, which for centuries had been hidden in the national or in private archives. It was generally supposed and even publicly charged that all the documents referring to this State trial had been purposely destroyed. Fortunately this was not the case, as later events have proved; but the charge, so long unrefuted, had seriously biased the judgment of the case. Besides the text of the *Verhooren*, found in 1834, there were no other sources of information, regarding the proceedings of the trial, than what was told by Grotius, writer of the *Waerachtige Historie of Oldenbarneveldt*, and the accounts of Brandt, and of other contemporaneous writers of greater or less importance. Almost without exception, all information comes to us "from the condemned and their friends."* Then came the poetic genius of Vondel, one of the greatest of all Dutch poets, and enveloped the life and death of Barneveldt in a "*legende napoleoniennne*," from whose subtle influence even we, after the lapse of centuries, can scarcely emancipate ourselves. Thus the facts in the case grew ever harder to get at, and no one can wonder at Motley's attitude, who has even a remote appreciation of the difficulties in the way of an approximately correct understanding of the trial and fate of the great Advocate. Busken Huet candidly admits this legendary character of the history of the period, whilst he expresses a private opinion that Barneveldt was killed "because he was but a half-believer in the doctrines of Calvinism." He tells us that the Advocate maintained his party in force by despotism and questionable tactics; that the Arminian party had violated the judicial power and that the "Waardgelder" or "Sharp" resolution, of August

* *Verhooren van Huig de Groot*, vii.

‡. 1617, was of a gravely dangerous character. Says he: "Oldenbarneveldt and Grotius actually intended to arm one-half of their fellow-citizens against the other half; and at the head of this other half stood the States General and the legal military commander. If their plans had succeeded and if among their hired soldiery there had been an enterprising *condottiere*, a civil war would have ensued."*

But the silence of the opposing party had slowly given assurance to the partial or garbled accounts of the trial and guilt of Barneveldt, which, as we have seen, had almost entirely originated from Arminian sources. What Motley—who naturally enough followed in the only available track—did for English readers, had already been done for the French by Grotius. After his romantic escape from the fortress of Loevenstein, on March 22, 1621, in a box destined for books, he lived largely at Paris. And one needs but cursorily to glance at the recital of these events by Mons. Le Clerck, in his *Histoire des Provinces Unies* (1728), to taste the spirit of Grotius on almost every page. The aggressiveness of the Arminian historians and chroniclers have from the very start grooved out a channel for the current of public opinion, which is well-nigh fatal to later and more impartial work on the subject.

The partiality of these accounts vitiates their historic value and originates, in the main, from anti-stadholder proclivities among their authors.† The danger of this one-sidedness has been pointed out again and again by later historians, and the fact itself has necessitated a fuller and more critical investigation of the sources on which the older accounts rested, and thus great progress has been made in obtaining a truer and clearer knowledge of the history of the period.‡ Meanwhile every article in every encyclopædia in the English tongue, as far as I have had access to them, seems to repeat the Arminian account of Barneveldt's trial and death, the later ones without exception following Motley. It will therefore be necessary to take up somewhat in detail the various gravamina, which Motley has advanced against the trial and execution of the great Advocate. Several points claim our consideration, such as the secrecy of the proceedings, the long imprisonment, the rights of the prisoner under the privilege *de non evocando*, the tribunal, the indictment, Oldenbarneveldt's guilt, sentence and execution.

* *Land van Rembrandt*, ii, 60-62.

† *Maurice et Barneveldt*, lxxi.

‡ Incontestablement dans le dernier part de siècle nous avons fait de progrès, quant à la maniere de considérer les temps passés. La preuve en est que, sans crainte d'être contredit par ceux, dont l'opinion a du poids, je pries affirmer que l'Histoire de notre Patrie a été longtemps exposée avec injustice et passion, de part et d'autre il est vrai, mais surtout d'après les opinions et les intérêts du parti anti-Stadhondérien."—*Maurice et Barneveldt*, lxxi.

Let us consider these points in their order.

SECTION 1. *The Secrecy of the Proceedings.*—The trial of Barneveldt was a State trial, and was kept profoundly secret. Motley considers this silence a sign of cowardice, and would assure us that but for this silence the Advocate would have been acquitted by popular acclaim. Says he: "It was well for the judges that they had bound themselves, at the outset, by an oath never to make known what passed in the courtroom, but to bury all the proceedings in profound secrecy forever."* The indirect impression conveyed by these words is this—that in the oath of secrecy the judges found a rather uncommon remedy to protect themselves from public ill-will and possible vengeance.

The entire passage indicates how little Motley understood the popular mood toward the Arminians and their chief political leader. Whatever Barneveldt may have been to his "masters," the States of Holland, the wildest stretch of imagination cannot convert him into a popular idol. Whoever finds fault with this oath of secrecy, forgets that such a course, at that time, for "reasons of State," was often, if not generally, pursued, in specially important cases. Motley himself relates a striking example. Francis Raveillac, who on that fatal day, May 14, 1610, as he stood on the wheel of the royal carriage, drove a knife through the heart of his sovereign, Henry IV, was tried secretly. Not a syllable of the proceedings was revealed. Why? For "reasons of State." It was surmised, and later on it was proved, that his trial revealed the secrets of an extended conspiracy, which it was wise to keep from the public knowledge. Motley says of this trial: "The documents connected with the process were carefully suppressed."† But they were not destroyed, for they are to this day in the archives of France, and are available to the student of the history of the period. And yet Barneveldt's judges and the States General are blamed for keeping the documents connected with this trial secret. Was not the Advocate's trial, too, a State trial? No one could guess what the process against him and the Utrecht leaders might reveal. Hence the oath of secrecy and the suppression of the documents. But they were no more destroyed than the French papers, and are open to the world to-day. In his criticism indeed Motley simply follows the beaten track of the information nearest at hand. As late as 1849, Prof. Siegenbeck presented this argument of secrecy, as a complete condemnation of the fairness of Barneveldt's judges. "It seems," he says, "that the judges, largely selected from his declared enemies, dreaded the judgment of their acts by posterity, and that therefore

* *John of Barnevelt*, ii, 316.

† *John of Barnevelt*, i, 226.

they took care that the documents belonging to this trial were as much as possible destroyed, or at least were not deposited in one of the proper archives of similar papers, established by the tribunal of Holland or of the Supreme Council."* But even Prof. Siegenbeck had evidently taken his information at second hand, for it was exactly in those archives that they were found in June, 1864. Much has been lost, to be sure, which might have illumined dark points in the trial, but the official documents were found and are open to-day to the world's inspection. The secrecy was therefore not dishonorable.

But the secrecy is capable of still further explanation. It was the general habit of all Dutch assemblies, from the States General down to the commonest town meeting. I may go further still, and say that the principle of secrecy is even laid down, or at least presupposed, in their fundamental law, the "Union of Utrecht." It is there expressly provided that at the call of those who are to be appointed for such a purpose, the allies are to convene in the city of Utrecht, to deliberate on the matters expressed in the call, "*unless they must be kept secret.*"† This habitual secrecy cast a glamour of importance over the deliberations of the various assemblies, it magnified them in the popular eye, and formed part of a system of defense against the enemy. Says Prof. Fruin: "Our State history still wears the veil which the regents of the republic were in the habit of throwing over all their counsels. When Van Meteren, in 1599, had published his history, he was called to account by the States General, and was asked: 'Who had subministered to him what had passed in their meeting?' In this mysterious way the States were forever watching against the publication of what had transpired."‡ In view of all this one ceases to wonder at or to criticise the secrecy of Barneveldt's trial. Both the importance of the case and the national habit demanded it.

But moreover, as has been indicated, there were special reasons of State which called for secrecy. The republic was in a critical condition when this trial occurred. France had been studiously allying herself with Spain, nay, even Protestant England was held in painful and distracting inactivity by the dazzling project of a Spanish royal alliance. The Catholic powers of Europe had already struck the tocsin of that bloody thirty-years' war which was to revolutionize the aspect of continental affairs. The natural protectors and allies of the United Provinces, upon whom they had relied in their desperate war of liberty, were failing them.

* *Verlag van de Verhooren van J. v. O.*, i. † *Union of Utrecht*, Art. xix (a).

‡ *Tien jaren uit den 80 jarigen oorlog.*, 70.

Popular rumor criminally connected Barneveldt and his party with the enemy; shameless lampoons and hateful caricatures and numberless incendiary tracts kept the factional spirit at white heat; a bitter controversy raged and divided the citizens of the republic into two bitterly hostile camps. Does any one still wonder that these judges, standing before their awe-inspiring task, swore an oath of secrecy? The need of the hour, the danger of the republic, their own solemn choice and the highest good of all that were interested in the decision—all these things sealed the lips of the judges; they honorably kept their secret, and who will blame them for it?

SECTION 2. *The Long Imprisonment.*—Says Motley in his biography: "Nearly seven months he had sat, with no charges brought against him. This was in itself a gross violation of the laws of the land, for according to all the ancient charters of Holland it was provided that accusation should follow within six weeks of arrest, or that the prisoner should go free."* As the footnote shows, this information has been derived from Grotius. But there is an apparent misunderstanding here. A careful perusal of the *Waerachtige Historie*, to which Motley refers, fails to justify the reference. In all the petitions and reclamations sent to the States General by, or at least in the name of, the wife and children of the accused, no reference is made to "all the ancient charters of Holland" and their provisions in case of arrest. And, as a matter of course, had such an argument existed, it would have been pressed to the utmost in these legal documents, which from first to last bear the imprint of great ability and of perfect familiarity with the laws and history of Holland.

It is true, as early as 1346 the Empress Margaretha, wife of Louis of Bavaria, had promulgated a privilege, which contained the quoted provision; † but it was Rombout Hoogerbeets and not Grotius who tried to use it as an argument against their long previous incarceration. The criminal code, under which the trial was held, contains the following provision: "Criminal processes shall be furthered and decided as soon as possible and in weightier and lengthier proceedings inside of the two years, limited by the written statute." ‡ It is true eight months of close imprisonment was a long time, and sympathy is readily aroused for an old man, robbed of the comforts of a splendid home and incarcerated in a sparingly furnished, barely comfortable suite of rooms—but the case *was* a grave one! Whatever we may think about it, however we may characterize and stigmatize the trial and death of

* *John of Barneveldt*, ii, 313. † *Het. proces van Old. aan de wet getoetst*, 25.

‡ *Ibid.*, *Criminal Ordinances*, Art. 81.

Barneveldt—(and how easily we are betrayed into an anachronism!)—the great mass of the Dutch people of that time looked upon the situation as exceedingly critical and expected much, for better or for worse, from this State trial. It certainly belonged to the “weightier and lengthier proceedings” referred to in the statute.

The arrest took place on the 29th of August, and the preliminary committee of Judges—Van Swieten, Muys Van Holly, Paauw, Bruyninck, Duyck, Sylla and Leeuwen—was appointed on November 9, 1618. The preliminary hearing began a week later, on November 15. On the 31st of January, 1619, the delegated judges were appointed, and the formal trial began on the 11th of March, 1619. From the 29th of August, 1618, the date of arrest, till the 13th of May, 1619, the date of execution, little more than eight months had elapsed. Certainly, a remarkably swift process of justice, where so large an amount of material had to be disposed of. And even we, the fleet-footed children of the nineteenth century, have not yet succeeded in “rushing” criminal trials, and God forbid that ever we should! Whatever, therefore, may be said against the issue of Barneveldt’s trial, it will be readily admitted that its duration, and consequently that of the previous imprisonment of the accused, cannot be a just cause of complaint.

SECTION 3. *The rights of Barneveldt under the privilege “de non evocando.”*—What was this privilege “de non evocando?” As the name indicates, it was a guarantee to every citizen of his right to be judged by his peers; to be judged by his own people, in his own province, in his own city. The privilege pointed back to the old dark days of feudalism, with their wild excesses and lax administration of justice. One of the greatest privileges which the rising burgher class of the growing cities had forcibly exacted from their masters, was the estoppel of the often arbitrary course of justice. They felt safest among their own kinsmen and fellow-citizens and thus the privilege “de non evocando” had been created. Says Motley: “The precious right ‘de non evocando’ had ever been dear to all the provinces, cities and inhabitants of the Netherlands. It was the most vital privilege in their possession, as well in civil as criminal, in secular as in ecclesiastical affairs.”

He does not overstate the case; others also have called it a “precious privilege.” But the only question which concerns us, is whether it covers Barneveldt’s case. This is a serious question and its answer must be far-reaching. In judging of the case of the Advocate it is necessary to keep in mind the general principle of this privilege, which concerned the place where the delict was committed, and hence the right of interference. The offense com-

mitted by the Advocate affected at least three and possibly four provinces—Holland, Utrecht, Gelderland, and perhaps Zeeland. The matter thus became a complicated affair, and the question of jurisdiction a knotty one. Moreover, there is no rule without exception; and the Advocate himself had clearly proven that, in his judgment at least, there were cases in which this “*jus de non evocando*” could not shield the offender from the hand of a higher power. It was in the case of the notoriously libelous pamphlet of the Amsterdam notary Dankaerts, written against the Advocate himself.* Nor was this opinion the result of a momentary and violent passion, but rather of a deliberate and deep-seated conviction. For before his judges the aged statesman himself rehearsed the incident, when he said: “And undeniably having discovered one of the principal authors of the libels published against him, from whom the entire matter could have been known, had the truth been properly investigated, *he had seen the same hindered by the regents of one city.*”† Three things are evident from these words of Barneveldt: (1) That he considered it possible that an offense might be committed against a higher power (for in himself he conceived the States to be injured), of such a nature that the privilege “*de non evocando*” should not shield the offender. (2) That the offended power might claim the adjudication of such cases. (3) That such a proceeding would not be a violation of the civic rights of the offender, if his natural protectors relinquished their rights.

But these three points exactly cover the Advocate's own case. On the 15th of September, 1618, the States of Holland had resolved, by a majority vote, in precisely the same way in which all the notorious resolutions of Barneveldt (the *Sharp resolution* included) had been passed, *to relegate the matter of the prisoners to the States General and the Prince.*‡ And this seemed but just, since the offense was committed, not against his own province or its citizens, but against the Generality of the provinces and to the detriment of the Union. At least so it was considered at that time by the parties in power, and who will deny the justice of their claims from their point of view? A judge does not usually look at a case through the eyes of the accused at the bar. Moreover, Barneveldt was not only Advocate of Holland, but he was *de facto* minister of foreign affairs of the republic. It is true that till now the official records have been searched in vain for an official mandate of the States General, by virtue of which the Advocate assumed the position of *premier* of the United Nether-

* *Gesch. des Vaderlands*, Bild. viii, 41.

† *Verhooren*.

‡ *Gesch. van den Oud. Ned. Staat*, 204.

lands: but it is self-evident that without such mandate, either written or verbal, he could not have occupied the position which he did occupy in the republic. Mr. Van den Bergh deems it probable that "this simply rested on an old custom, because Holland was the mightiest province and, with Zeeland, had first attained freedom; and also because the pensionary of that province was located in the place where all the high colleges of the State were established."* But Barneveldt admits in the *Verhooren* that he had acted *by order* of the States General and of Holland. He conceived himself therefore not only an officer of the States of Holland, but also an office-bearer of the general government, or at least to be under its orders.

The historical facts bear out this supposition. Bor declares "that all the business of the country is done by Barneveldt's advice and direction."† Winwood wrote in 1609: "Oldenbarneveldt is ill; in the meantime the States assemble not and all business, how urgent soever, stands at a stay."‡ As early as 1589 the English ambassador tells the States that "Barneveldt governs everything, that no one dare contradict, hardly to advise him."§ Whence all this power and by what authority? Possibly by that of the States of Holland? But they had only their share of authority in the States General, and the other provinces were exceedingly jealous of their just rights. It is evident that the power wielded by the Advocate was a *delegated* power, that it belonged to the States General and devolved upon Barneveldt as their legal representative. "To him the great of the earth and even princes came when anything was wanted from the States; to him, the servant of a 'merchant-government,' King Henry IV writes personal letters; all the ambassadors to the republic are duly instructed as to the value of obtaining his good-will."|| These powers, this authority, was not inherent in his office as Advocate of Holland, but in that other office, sometimes styled "Advokaat van den lande"—"advocate of the land." And that office he filled, whether the resolution, by virtue of which he held it in the States General, be ever found or not.

And this contention is conclusively proven by his own admission that he had acted by their order. Pieter Paulus, in his *Verklaring der Unie van Utrecht*, argues correctly that those who are under oath and in the service of the Generality, owe an account of their conduct and acts to the States General, who commissioned them. By entering into the service and oath of the Generality, they

* *Voordeeling van O. aan de wet getoetst*, 13.

† *Bor, Ned. Hist.*, iii, 453.

‡ *Winwood Papers*, iii. 62.

§ *Tien jaren*, Fruin, 71.

|| *Tien jaren*, 71.

may be considered silently to have submitted themselves to the judicature of the States General and to have abandoned the privilege "de non evocando," in so far namely and no further as those acts are related to their office or immediately owe their origin to it.* But did not Barneveldt maintain before his judges that "what he had done was done in the service of the States General and of Holland?" Again let us remember that in his hand lay all the threads of the intricate diplomatic policy of the republic. He met and received ministers: he corresponded with foreign powers and replied to embassies; he fathered the conception of the triple alliance between France and England and the United Provinces; he planned the defense of Europe against the bigoted aggressiveness of the house of Habsburg; he headed the most vital embassies of the republic to England and France and was their chief spokesman. Unless the Province of Holland were identical with the republic, he had no authority for all these things in his provincial office. If there lay no delegated general authority behind it all, the activity of the great Advocate presents a spectacle of bold-faced usurpation of power, of which history can show no parallel. He could only do these things as representing the combined authority of all the provinces, and therefore his position in the States General was a national one, even if we should be forced to admit that the United Provinces were not yet a nation. But there was between the provinces a "vinculum jurispublicæ," not only a "vinculum juris gentium;" "een staatsrechterlyk niet slechts een volksrechterlyk verband;" a national and constitutional and not only a tribal relation. And by virtue of this connection between the provinces, the States General were *High-Mightinesses* and had a judicial capacity.† This was inherent in the very fact of their existence. And a later and perhaps more reliable authority imparts the same information, when he says of the judicial prerogatives of the States General that they may (a) "take cognizance of delicts, against the Generality, by officials of individual provinces, and (b) also of delicts committed by officials, in the service of the Generality, in relation to their office."‡

At the time of the trial the legality of this act of the States General was not questioned except by the prisoners and their friends. The States of Holland, of whom serious insistence on their rights might have been expected, if those rights had been infringed, acquiesced in the matter. It is therefore not quite clear where Motley obtained the authority to say, "that the general government of the confederacy had no power to deal with an indi-

* iii, 61.

† Bild., *Gesch. des Vad.*, viii, 54.‡ *Schets van den regeeringsvorm*, etc., 133.

vidual.”* As an office-bearer Barneveldt was responsible to the power which gave him office, *i. e.*, to the States General. His position in the Union was a central one; his offense, if an offense at all, was committed against the Union and could therefore be only judged by the Generality; his own province would be incompetent to judge him. But moreover the States of Holland, or their majority, were guilty with him. If Barneveldt had committed an offense, so had they; if he had opposed the Synod and had insisted on the right of the cities to hire their own municipal soldiery (“*Waardgelders*”), so had they. Thus the accused would have been his own judge, which is a moral impossibility.†

Very instructive in this connection is the attitude of Barneveldt toward the claim of Buis, his predecessor, who also sought refuge in the principle “*de non evocando*.” The poor fellow was thrown into prison, languished there for six months, and was finally released by the sheriff of Utrecht. Buis was in a precarious situation. He was born in the Province of Utrecht, but lived in Leyden and was an office-bearer under the States of Holland; but he also represented Utrecht as Councillor of State. Barneveldt had argued, in this case of Buis, “that the Council of State were his competent judges and that the privilege ‘*de non evocando*’ did not cover his case.” His apologist, the anonymous “*Christianus Batavus*,”‡ has strained very hard to justify this position of the Advocate. But there is a strange similarity in the two situations, which is not so easily explained away. Barneveldt also was born in Utrecht; he too served a non-provincial body, *viz.*, the States General; he too was living in a province different from that in which he was born. It would seem, therefore, as if Barneveldt, in justifying the course of justice in the case of Buis, also justified the action of the States General in his own case. The very words of “*Christianus Batavus*” may be applied to Barneveldt’s position, which was extremely hazardous, from whatever point of view we consider it. Says he: “Buis must be placed before a judge from whom, in those confused times, an unbiased and just sentence might be expected.”§ This judge, in the case of Buis, Barneveldt conceived to be the “Council of State.” But was not the same true of his own trial? We can easily see that no judge in 1619 could be a blank on the questions involved; but with all

* *John of Barneveldt*, ii, 315.

† “*La province ne pouvoit être juge et partie*” (*Maurice et Barneveldt*, 38).

‡ The author of the work, *Oldenbarneveldt’s eer verdedigd*, is said to have been the celebrated lawyer, H. Calkoen; his opponent, “the Church Advocate,” Prof. Hofstede, of Rotterdam.

§ *Oldenbarneveldt’s eer verdedigd*, 110.

the facts in the case before us, it seems plain to us that the *delegated judges*, who tried the Advocate by order of the States General, were undoubtedly the fairest and most impartial bench before which the case could be tried, in those strained times, in which a sharp line of demarkation ran between the two implacably hostile factions.* Neither Utrecht, where he was born, nor Holland, which he served, could have been impartial as judges; as little before the forced change of magistrates by Prince Maurice and the dismissal of the "Waardgelders," as thereafter.

The keen eye of Oldenbarneveldt had seen the storm as it rose on the horizon. He knew a final conflict to be inevitable, but he leaned on the strong arm of the proud province, whose Advocate he had been these many years, and under whose special "sauve garde" he had placed himself. But in casting the horoscope of the future of his policy he had made one fatal mistake. The contingency of a bold *coup d'état*, such as Maurice devised to crush the threatened civil war, of radically and forcibly changing the government of city and province alike, had not entered into his calculations. And thus he found the staff, on which he sought to lean, in the hour of his peril a broken reed that pierced his hand. "It will not do," Prof. Kluit has well observed, "to confound the epochs and to attempt to justify Barneveldt by the maxims which did not definitely prevail till after the death of the young Prince William II and under the administration of John de Witt. And this anachronism has continually misled historians and also Motley. In Barneveldt's epoch the resolution had not yet been passed, under which at a subsequent period Holland reserved to herself all rights of judicature, even of offenses committed against and in the service of the States General." Barneveldt's crime was one against the common-weal and to that common-weal, as represented by the States General, he was amenable. From whatever point of view, therefore, we consider the matter, it seems as if the privilege "de non evocando" could not shield him from what he mostly dreaded, a trial by other judges than his own provincial States.

HOLLAND, MICH.

HENRY E. DOSKER.

* "La plupart étoient des hommes d'un caractère irréprochable et d'un mérite incontesté" (*Maurice et Barneveldt*, 39).

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I.

DR. ABRAHAM KUYPER.*

I.

IT goes without saying that the following pages do not contain everything that might well be said about Dr. Kuyper. What

* [We depart from our ordinary custom of publishing only fresh articles written expressly for the REVIEW, in order to give our readers a translation of this, no doubt somewhat inadequate, account of Dr. Kuyper's life up to 1888 by Jhr. Mr. Witsius H. de Savornin Lohman. In Dutch it forms one of the issues of a series of booklets published by H. D. Tjeenk Willink at Haarlem, under the editorship of Dr. E. D. Pijzel, and designed to describe the *Mannen van Beteekenis in Onze Dagen*; and it appeared as long ago as 1889. This early date, of course, detracts seriously from the completeness of the sketch: for so far from Dr. Kuyper having been idle during the last decade, this is precisely the period of his greatest activity and of his greatest achievements in Church and State—including his breach with the State Church and his successful leading of a large body of "Doleerenden" (as his followers were suggestively called) out of its bondage and finally into union with the "Christian Reformed Churches," so forming the strong existing body of free churches known as the "Gereformeerde Kerken." Mr. Witsius Lohman has, however, given a fair account of Dr. Kuyper's teachings during the earlier years of his public activity, and the facts that the stress of the sketch is laid rather on Dr. Kuyper's political program than on his theological work and that it is written distinctly for a Dutch audience, we are persuaded, constitute an apparent rather than real drawback to its usefulness. For Dr. Kuyper is about to make himself known to the American public in his work as a theologian—not only in the course of "Stone Lectures" on *Calvinism* which he will deliver before the Theological Seminary at Princeton this autumn, but in the translation of a portion of his *Encyclopædia of Sacred Theology* just now appearing from the press of Charles Scribner's Sons: and there may be some danger that we should not realize that he has long been as significant a figure in the political life of present-day Holland as in its theological thought. This essay may be taken, therefore, as supplying in some sort a preliminary preparation for the knowledge of the man which we shall derive from his

III.

JOHN OF BARNEVELDT, MARTYR OR TRAITOR.

VI (*Continued*).*

SECTION 4. *The Tribunal*.—Mr. Motley has an exceedingly low opinion of the judicial commission which was charged with the trial of Barneveldt and his friends. He attacks its judicial character, when he tells us that “it was a packed tribunal.”† And more than that, he seriously questions its competency to try the case. Says he: “Several were personal enemies of Barneveldt, many were totally ignorant of law, some of them knew not a word of any language but their mother tongue, although much of the law which they were to administer was written in Latin. It was the attempt of a multitude of pygmies to overthrow and bind a giant.”‡ Not all foreign historians have regarded the tribunal in the same dark light. Elsewhere we read: “Among them were nobles, pensionaries, burgomasters, bailiffs and other dignitaries and most of them were members of the States General.”§ It should not be forgotten, in judging the competency of these judges, that they were not to determine the meaning of the law, but they were to review certain overt acts and to determine their meaning. Motley’s sweeping arraignment of the commission would certainly nullify our entire jury system, under which the gravest matters are entrusted to men whose signal intelligence commonly appears a minor consideration.

Let us begin by questioning Motley’s right to declare the tribunal a *packed one*. If this statement stands, the entire trial was a farce, a wanton travesty on justice, nothing more. In that case it mattered little whether Barneveldt was guilty or innocent; his condemnation and execution were criminal in the highest degree, and the qualification of this trial as a “judicial murder” is perfectly in accordance with the facts in the case. It must be admitted from the start that till this day many men, and among them illustrious students of the history of the Netherlands, have cherished the same harsh opinion of the judicial proceedings

* From this REVIEW for July last, pp. 438-471.

† ii, 315.

‡ ii, 315, 316.

§ Young, *History of the Netherlands*, 520.

against the great Advocate. Here then it behooves us to move with the utmost deliberation and to test the harsh strictures of the Arminian historians, and of those whose judgment they have influenced, by a strict inquiry into the character, the composition and the aims of this commission.

Let us begin by remembering that, in the nature of the case, the impeachment of a high official in any government proceeds in every instance from a party or faction politically opposed to such an official. That in itself, however, does not indicate that the tribunal which is to try such a case is "packed." In a "packed tribunal" justice must always miscarry, inasmuch as the judges, or their majority, stand pledged, before their appointment, to the condemnation or acquittal of the accused; or to put it still more plainly, the bench is created for the express purpose of destroying or saving the person on trial. The simple question therefore is this, whether Barneveldt's judges were such a tribunal? It is true that Barneveldt and the other prisoners, as also the Arminian party in general, remonstrated against the tribunal. But the fact remains that the aged Advocate, known for his iron determination and headstrong tenacity of purpose, treated this tribunal as if constituted of legal judges, and only at the beginning of the trial openly questioned their right to try his case. By recognizing the tribunal, he at least indirectly acknowledged its legality. And no one who has studied the Advocate's character, will doubt that neither threat of torture nor fear of death itself would have wrung a word from his lips, had he been assured of the illegality of the tribunal. Moreover, Prof. Kluit has proven in detail that the legality of the tribunal was not called in question at the time of its appointment. No dissent was shown on the part of the States, nor of the "Grand Council," commonly so jealous of their prerogatives.* It is manifestly unfair to minimize this fact and its importance, by saying that all these bodies were thoroughly renovated and subdued by the *coup d'état* of Maurice of Nassau. For it is a patent fact that the new members of the States of Holland were as jealous of their provincial rights and privileges as ever their predecessors could have been. They loved those rights and privileges, with an enthusiasm that was inborn and inbred in them. It had become a solemn second nature with every Dutchman of the period, and they were great sticklers for points. And it is notorious that in the exercise of their inherent judicial rights, the States General have in similar cases always followed a similar course.

To disprove the statement of Motley that "the general government had no power to deal with an individual," let me cite a few

* *Hollandsche Staatsregeling*, 141.

examples. They dealt with individuals, in 1597, when Sypenstein and Harinkman, the one a citizen of Holland, the other of Zeeland, were "executed with the sword at The Hague, for treasonable conduct in endeavoring to place the city and island of Tholen in the hands of the enemy." All the fine-spun reasoning of "Christianus Batavus" cannot undo the fact that the States General thus constituted themselves judges in the case of individual citizens of different provinces, and that not even Barneveldt himself deemed the privilege *de non evocando* to be thereby infringed.* The same holds good of the execution at The Hague of the priest Michael Renichon, for an attempt on the life of Prince Maurice. Again, in 1608, Bastian Cornelisse was, on their sentence, publicly scourged at The Hague, and then banished from the territory of the Union, for certain slanderous reports against Barneveldt, as if he leaned toward Roman Catholicism.† And after Barneveldt's execution this prerogative was repeatedly exercised by the States General. Through a specially appointed judiciary commission they tried Mom and Botbergen in 1621, for a treasonable attempt to hand over Tiel to the enemy (albeit under protest of Gelderland), and had them beheaded at The Hague, April 17, 1621. Again in 1626, and in 1635, and in 1636, when they courtmartialled a few cowardly captains of the navy; and in 1637, when they tried deputies of the admiralty on the charge of having transferred vessels to the enemy. Aitsema multiplies these examples.‡ And even as late as January, 1798, after the *coup d'état* of the French Revolution, members of the National Assembly were, by a special resolution, referred for trial to a Board of delegated judges.§ It may therefore be assumed that Groen van Prinsterer is correct when, in justification of the right of the States General to pursue this course in the trial of the Advocate, he says: "They had a sovereign supervision, especially in matters of religion and militia, for the maintenance of the Union; without prejudice to the legal powers of the provinces, in what was of a merely provincial character. 'At that time there was no question as to the legality of their acts.' Barneveldt himself had frequently, when it suited his aims, recognized the authority of the Union."|| This point at least may be considered as established—that the States General could and did take cognizance of offenses committed by individuals.

It may be a matter of interest to view somewhat more closely the attitude which the States of Holland assumed in this whole

* *Oldenbarneveldts eer verdedigd*, 125-142. Cf. *Waerachtige historie*, 374.

† *Ibid.*, 165.

‡ *Gesch. des Vad.*, Bild. viii, 283.

‡ ii, 486.

|| *Gesch. van het. Vad.*, i, 249.

matter. The Advocate leaned on the "sauve-guarde," extended to him by the States of Holland. But here he evinced less penetration than might have been expected from him, for these States, like all elective bodies, were continually liable to a change of complexion. Exactly what Barneveldt did not foresee happened. The enforced changes in the government of many cities changed the party lines in the States of Holland, and the minority became a majority. Naturally these new members did not consider themselves bound by the promises of their predecessors. And yet, true to their instincts and traditions, they had the same exaggerated notions of "States-rights," and they were as proud and as jealous of their provincial privileges, as their predecessors had been. There was therefore some hesitancy about recognizing the rights and authority of the States General in this matter. But "when it was reported that this matter concerned the other provinces as well as Holland, and when they were therefore advised to leave the decision in this case to the States General, most of the cities inclined thereto," say their minutes. Thus the jurisdiction of the case was not violently wrenched away from the States of Holland, but they freely ceded it on this occasion to the general government.

Considerable influence was brought to bear on the provincial body, by relatives and friends of the accused and imprisoned men, especially of Barneveldt and Grotius, to induce them to oppose the interference of the States General. Nevertheless, the States of Holland, on the 31st of January, 1619, appointed twelve judges, one-half of the entire number, who with the others were to try the case of the accused. Nor was this resolution taken without due deliberation. On the 29th of August, 1618, the States of Holland were in session when the Knight of Matanasse entered and brought the news of the arrest of Barneveldt and the others. The States—at this time yet unchanged, the identical body which had promised "sauve-guarde" to the Advocate—did nothing. The States at once saw that it was one thing to promise a "sauve-guarde," and something else to maintain it. Everything suffered shipwreck on the declaration of some of the deputies "that they had received no orders from their principals to do or to undertake anything against the resolution of 'my lords the States General.'" A recess for one month was then taken, in order that the deputies might ask for pertinent instructions from the cities they represented.* Some cities, especially where there was a strong Barneveldtian government, remonstrated; but the States of Holland never took any further action in reference to

* *Minutes, States of Holland, August 29, 1618. Wacachtige historie, 287.*

the "sauve-garde," because of the radical change in their membership before they reassembled. A week before final action was taken the States decided to allow things to take their course.* The final resolution is too remarkable not to be copied in toto. It reads as follows: "Jan. 30, 1619. Inasmuch as My Lords the States General have first taken in hand the case of the prisoners, and by examination and in other ways have made such progress in the matter that it has become impossible to deny to them its consideration and joint adjudication, together with the deputies of this province, therefore resolved, that the Generality be allowed to proceed to appoint delegates; upon this condition, however, that the highness, liberty and rights of the land of Holland be maintained."† A careful reading of this resolution shows us how proudly these States back out of the peculiar situation which confronts them, and how tenacious, even after their reconstruction, is their grip on "the highness, liberty and rights of the land of Holland."

Motley was therefore slightly in error when he said that the States of Holland "protested on the same day against the arrest."‡ They did nothing of the kind; they talked a great deal and gave the matter a thorough ventilation, and then they deliberately went home to see their town Boards about it. The vaunted promise of "sauve-garde" had proved a veritable air-castle, a bauble, a mere nothing. The aged Advocate was forsaken by his own province, whose States, at the time of his arrest, were yet unchanged, and in full possession of all their powers.

Nor is it difficult to grasp the situation. The States General had complete control of the whole affair. Barneveldt was imprisoned, Maurice was on the ground and had his troops ready at hand. By enforcing their demand for the person of the prisoner, the States would have precipitated a brief and fruitless struggle, which must have ended in the total humiliation of the proudest province of the Union. It became apparent at once that Barneveldt had been the animating soul of this body, and that without his guiding hand the ship lost its bearings in the first violent squall which struck it. Had the Advocate been less autocratic and less jealous of his power, he might have trained others to stand firmly for his principles should he himself drop by the wayside. As it was, no one was capable of leadership when the principal leaders were removed.

The States of Holland expressed their satisfaction with the arrangements made by the States General, on condition that *one-*

* *Minutes, States of Holland, January 23, 1619.*

† *Hollandsche Staatsregeling tot 1795*, iii, 138.

‡ *John of Barn.*, ii, 251.

half of the judges appointed should belong to the province of Holland. "Neither by them nor by the judiciary of Holland, at that time, was the legality of the tribunal questioned."* Let it be once more said, it was, as a matter of course, an utter impossibility to find judges whose minds were blank in the matter of the principles involved in the struggle, but it is both unfair and unhistorical to charge these men with having precondemned Barneveldt, or, in other words, with judicially murdering him. History fortunately has preserved some record of at least some of these men, and thus it is possible to form an estimate of the correctness or incorrectness of Motley's strictures on the tribunal. Listen once more to him: "It was a packed tribunal. Several of the commissioners, like Paauw and Muis, for example, were personal enemies of Barneveldt. Many of them were totally ignorant of law. Some of them knew not a word of any language but their mother tongue, although much of the law, which they were to administer, was written in Latin. Before such a court the foremost citizen of the Netherlands, the first living statesman of Europe, was brought day by day, during a period of nearly three months."† Could Motley's severe judgment stand the test of fair criticism, both the tribunal and its findings would stand branded as a travesty on justice. But a glance at his source of information is reassuring. It is simply a condensation of the lengthy argument, against the tribunal, from the hand of Grotius.‡ Surely it were worse than folly to accept as a final and as a wholly trustworthy authority the judgment of the accused and condemned, as to the character and fairness of the bench which tried him! Had the verdict of these twenty-four judges been different, the Arminian historians would have lauded them to the sky.

It will repay us to scrutinize the list somewhat more closely. We frankly admit that a few of them were not friendly to Barneveldt. But no living man, possessed of any intelligence, within the boundaries of the Union, in 1618 and 1619, could be expected to be absolutely neutral, as regarded the religious question. Barneveldt and his friends must of necessity be judged by men who for years past had been involved one way or another in the great controversy. Nuyens, a Roman Catholic historian, who condemns the action against Barneveldt, and whose bitter tone in the pages covering this drama is utterly at variance with his general objectivity and fairness, only claims that "there were at least two personal enemies of Barneveldt among the judges;" and, as if to offset this statement, tells us in another place that "among the judges there

* *Gesch. van het Vaderland*, Gr. v. Prinsterer, i, 249.

† *John of Barneveldt*, ii, 315.

‡ *Verantwoording*, 155.

were several who desired to spare the life of Oldenbarneveldt."* Suppose, however, there had been half a dozen enemies, would that explain the unanimity of the final vote and the acquiescence in the sentence of death of such men as Junius and Van der Sande? Who, then, were these men, whose names are simply quoted by Motley in a footnote,† without further qualifications, and what was their station in life? Their antecedents and position ought materially to assist us in answering the question of their competency to try Barneveldt's case. If the reader has the courage and patience, let him carefully examine the following list :

(1) *Hendrik van Essen*, councilor of the principality of Gelre and of the Dukedom of Zutphen; (2) *Nicholas De Vooght*, burgomaster of Arnhem and member of the States General; (3) *Nicholas Cromhout*, first presiding counsel of the court of Holland, Zeeland and West Frisia; (4) *Adriaan Junius*, (5) *Pieter Gouwenburgh van Beloys*, and (6) *Hendrick Rosa*, all three councilors of the above court; (7) *Adriaan van Sweten*, lord of Sweten and burgh-grave of Rhineland; (8) *Hugo Muys van Holly*, schout (chief of police) of Dordrecht, balyew and dike-grave of the land of Stryen; (9) *Arent Meinertsen*, burgomaster of Haarlem; (10) *Gerhart Breukelszoon van Zanthen*, and (11) *Jacob van Broekhoven*, licentiate of law—both of them were councilors of Holland and West Frisia; (12) *Reinier Paauw*, burgomaster of Amsterdam; (13) *Pieter Jans Schagen*, councilor of the city of Alkmaar; (14) *Aelbrecht Bruminck*, secretary of Eukhuizen; (15) *Adriaan van Mandemaker*, knight, present on behalf of the Prince of Orange, first noble of Zeeland, and belonging to the provincial bench; (16) *Jacob Schotten*, burgomaster of Middelburgh and member of the States General; (17) *Adriaan Ploos*, licentiate of both laws, councilor ordinary of the States of Utrecht, member of the States General; (18) *Anselm Salmius*, licentiate of both laws and pensionary of Utrecht; (19) *John van der Sande*, doctor of laws, councilor ordinary of the court of Friesland; (20) *Rinck Aisma*, burgomaster of Leeuwarden and member of the States General; (21) *Volcken Sloot van Vollenho*, member of the States General; (22) *Johan van Hemert*, burgomaster of Deventer; (23) *Gooszen Schaffer*, councilor of the city of Groningen and member of the States General; (24) *Schuto Gockinga*, councilor and syndic of the Ommelands and member of the States General.

Were these men the ignoramuses Motley would have us believe them to be? All the chief cities of the Union are here represented by officials of high standing. Of the twenty-four, fourteen were councilors at law, one of these a professor and doctor of

* *Gesch. des Ned. Volks*, x, 152-156. † *John of Barnevelt*, ii, 314.

both laws. Three of them were licentiates of law. Six were members of the States General. Four were burgomasters of principal cities. Two were "balyews," familiar with processes of law. One was the secretary of a city of importance. All of them were men of a high and respectable social position. All of them were perfectly familiar with public affairs and with the great principles at stake. The simple reading of the list of names forbids us to conceive of the tribunal as a set of irresponsible puppets, moved by an unseen hand, unfriendly to the accused and slavishly bent on doing the bidding of the great power behind the bench. They were men of character and honor. Mr. Van den Bergh, the archivarius at The Hague, has put all friends of the truth under obligation by his painstaking scrutiny of the personnel of this tribunal.* Among the twelve judges furnished by Holland were the four oldest and presiding councilors, who, without exception, were put on the bench against their own desire. *Kromhout* alleged "that he had been too familiar with the Advocate, and that he had stood as godfather for the children of Grotius and Hoogerbeets." *Gouwenburgh* pled "that he was distantly related to one of the prisoners." *Junius*, as the opposition itself has to admit, was forced by the threat of suspension from office by the States of Holland to accept his commission as member of the tribunal. *Duyck* "pled with great insistence that he might be excused."† And he was one of the last to hold out against the sentence of death. Does this look like packing a jury? Why this hesitancy on the part of these four able and professional judges? Did they hesitate to accept the tremendous responsibility thrust upon them by their own States, because they deemed the court of delegated judges illegal? Not a word of it is mentioned. They dreaded rather their own bias in favor of the accused, since they had been too closely related to them. What then did the court of Holland resolve—how did it dispose of their pleas for excuse? Thus: "The court judged that these reasons were insufficient to permit the appointees to withdraw from the case, in the service of the country;" so the minutes of the day tell us. Not a word of the illegality of the tribunal is mentioned in that historical record of the proceedings of this court, either at this time or on the occasion of Barneveldt's execution. And theirs was the special task to see to it that the judicial rights and interests of the States of Holland were not invaded. In lamenting the fate of the Advocate, on the day of his execution, they say: "A man of great industry, business, memory and direction, yea, singu-

* *Het proces van Old.*, etc., 18-24.

† *Minutes, States of Holland, November 14, 1618.*

lar in all things. He that standeth, let him beware lest he fall. Amen." Of the other eight judges appointed by Holland we read in the minutes of January 13, 1619: "And although all of the aforesaid delegates, with many reasons, sought to excuse themselves from this service, the States persisted therein, and they were requested, each and all of them, aye, and admonished, according to their oath, to accept of this duty." The States knew their own rights, and these men were deeply conscious of the dreadful responsibility which they assumed in accepting a place on the bench in the most important State trial in all the history of the Netherlands.

Of the twelve Holland judges it is known that three, before the trial, had directly or indirectly antagonized Barneveldt. This fact was also known by the wife and children of Barneveldt and long before the trial began they sent in a written complaint to the States of Holland, in which they preferred charges of judicial incompetency against Francois Aersens, Hugo Muis van Holly and Reinier Paauw of Amsterdam, on account of personal antagonism against the accused. The prisoner himself had also complained that some of the judges were incompetent to try the case, "because they were partial and his enemies." As was proper, the States at once took the matter into consideration, the accused appointees, who were present, were requested to leave the assembly hall, and after due deliberation the States unanimously resolved (January 20, 1619) that the request was presented from wrong motives and that it seriously wronged the gentlemen who were accused. The oath was a sacred thing then, and especially sacred in that God-fearing country; the States were men and men of honor, and they felt assured that enough of the old spirit of integrity remained in the breasts of true Dutchmen to forget self and to pass an objective and righteous verdict. They deeply felt the implied insult in this direct or indirect accusation of "packing" the tribunal. And yet they were fair. Francois Aersens had been an open antagonist of Barneveldt; between the two lay a bitter mystery, bitter misunderstanding and bitter wrong.* And yet the States would not bind even him, trusting in his manhood and his knightly word of honor, and left the matter in his case to his own decision. He decided, wisely, as we think, to step aside and another took his place on the bench. The other two, notwithstanding their excuses, were urgently requested by the States to continue in this office, the States promising them "defense against all calumny, injustice or injury, which they might suffer in consequence of their commission."†

* See below.

† *Wacachtige Historie*, 390.

But suppose for an instant that Barneveldt's wish had been complied with, that the entire tribunal had been dissolved, that he had been judged by his own States, that the States General had appeared before the court as accuser: do not the above narrated incidents assure us that the result would have probably remained unchanged? If his own States could not be trusted to give him fair judges, would they have constituted a fair court? The States of Holland weighed the charges against the men they had appointed, and, except in the one case mentioned, they found them wanting, and they refused to release the appointees from their oath, because they believed in their integrity.

Of the twelve judges appointed by the other States, some were known to have been strong "States rights" men. Of three it was claimed that they had antagonized the policy of Barneveldt. The rest were neutral. Among them were men like Dr. van der Sande, of national and European fame. Only the bitterest partisanship could distort these twenty-four judges into a "packed tribunal."*

But in estimating the harsh judgment of Motley we should never overlook the fact that he relied on the only available sources; that the accounts of the trial at hand were largely written from the Arminian standpoint; that for some reason he paid but little attention to the more recent literature of the subject, up to his date; and that thus he was led, as a matter of course, to the position he occupies. Mr. Van den Bergh has well said: "I will assume that some of these judges were actuated by party spirit, but that all, or at least the great majority of them, condemned the Advocate against better knowledge has not been proven by the other party and is, I dare say, incredible."† Almost literally the same words had been spoken nearly a century before by the "Church Advocate."‡ Said he: "That twenty-four men, who held the foremost and most honorable positions in the Republic . . . should have allowed themselves to be hired, or what really is the same, to be *suborned* to kill an innocent gray-beard, against better light and knowledge, appears to me, in a free commonwealth, almost impossible and utterly inconsistent with the character of our nation." Prof. Hosstede here touched the very heart of the matter. Such things might be conceivable in France or in Italy or in Spain, in this period; but these men, who carried in their breasts the supersensitive Puritan conscience and the consciousness of God's sovereign eye ever upon them—these men, I say, were moulded after too large a pattern, and were

* *John of Barneveldt*, ii, 315.

† *Het proces van Barn.*, etc., 24.

‡ p. 233.

possessed of too great integrity, to be capable of such a crime. Even his opponent—"Christianus Batavus"—is forced to admit that "among the judges were a few noble and pious men to whom the country owes much."* What, then, could have moved these "noble and pious men" to have voted for the extreme penalty of the law if the facts brought out in the trial did not fully warrant the final unanimous decision of the court?† They were fully capable of weighing those facts in the balance of justice, in their extremely prejudicial bearing on the very life of the Union. They were certainly infinitely better able to do so than we are. And the stubborn fact remains, that these twenty-four judges, when, after the execution, the States General inquired of them whether or not Barneveldt was condemned for "*crimen læsæ majestatis*," for high treason, declared, according to the letters and statements still extant in the archives at The Hague, that "according to their best knowledge, such had been the unanimous opinion of all the judges."

Motley's account of this matter is wholly unreliable.‡ It may be well to quote in full what he has to say of it :

"A year later—on application, made by the widow and children of the deceased, to compound for the confiscation of his property by payment of a certain sum, eighty florins or a similar trifle, according to an ancient privilege of the order of nobility—the question was raised whether he had been guilty of high treason, as he had not been sentenced for such a crime, and as it was only in case of sentence for lese majesty that this composition was disallowed. It was deemed proper, therefore, to ask the court for what crime the prisoner had been condemned.

"Certainly a more sarcastic question could not have been asked. But the court had ceased to exist. The commission had done its work and was dissolved. Some of its members were dead. Letters however were addressed by the States-General to the individual commissioners, requesting them to assemble at The Hague, for the purpose of stating whether it was because the prisoners had committed lese majesty that their property had been confiscated. They never assembled. Some of them were perhaps ignorant of the exact nature of that crime. Several of them did not understand the words. Twelve of them, among whom were a few jurists, sent written answers to the questions proposed. The question was, 'Did you confiscate the property because the crime was lese majesty?' The reply was, 'The crime was lese majesty, although not so stated in the sentence, because we confiscated the property.' In one of these remarkable documents this was stated to be 'the unanimous opinion of almost all the judges.'"

A cursory reading of these sentences shows that Motley was gathering passion, as he wrote his dramatic story, until, in these closing sentences, he had to restrain himself with a great effort. Here again one finds the same low estimate of the intelligence of the judges, and, worse than that, a manifest distortion of the facts of history. In judging the trial of Barneveldt, Motley is guilty, it

* *Oldenb.'s eer verdedigd*, 234.

† "La condamnation fut unanime et amplement motivée (*M. et B.*, 39.)

‡ *John of Barn.*, ii, 392, 393.

must be said once more, of a continuous anachronism. He judges justice and judicial proceedings in the beginning of the seventeenth century by the maxims and processes of law of the nineteenth century. It is a fact that *composition* after a sentence of confiscation was permissible as a distinct privilege to the nobility. It is a fact, also, that such privileges were *disallowed* in sentences for "crimen læsæ majestatis." There is, however, no "sarcasm" in the question of the States General; it was merely a question of fact, and a technical reply was necessary to dispose of the request for *composition*. Inasmuch now as the sentence did not (according to the custom of the day) specify the crime committed, but generalized it in its various acts and phases, the States General very properly requested a specific answer whether the sentence of confiscation was on account of lese majesty or not. The judges were requested to assemble at The Hague on the 3d of June, 1620, or in case they were hindered to send their answer in writing. "They never assembled," says Motley. But they did assemble, and that on the 3d of June, in accordance with the request of the States General, all but nine of them, who sent in written replies. The insinuation of Motley that some of them did not know what "lese majesty" meant is puerile in the extreme. Van der Sande and Aisma declare that "such had been the unanimous opinion of almost all the judges." Voocht and Muis declare that "such had been their unanimous opinion." Schaffer, Sloet, Salmius and Paauw declare "that they had found him guilty of that crime." Gockinga's letter is lost, but his acknowledgment of the letter of the States General is extant. The rest of the twenty-four judges assembled at The Hague, and declare in a letter, dated June 9, 1620, and addressed to their High-Mightinesses, that "at the time of the arrest of the sentences it was their opinion and understanding that the aforesaid Johan van Oldenbarneveldt and the other prisoners, also condemned, had committed the 'crimen læsæ majestatis.'" The opinion of the judges was therefore practically unanimous. It is a mystery where Motley obtained the quotation, "the crime was lese majesty, although not so stated in the sentence, because we confiscated the property." Sure it is that the archivarius, with all the ancient documents before him, in an exhaustive comment on this matter, mentions no such quotation.

The unanimity of the judges, in ascribing to Barneveldt a crime which is the most serious known to organized society, gives food for thought. To bring men like Junius and Van der Sande, like Cromhout and Duyck, to such a verdict, the trial must have brought to light things of which we know but little. Alas, by its oath of secrecy, the tribunal covered its deliberations and the

way in which this dreadful verdict was found with a thick veil. And thus, necessarily failing in our efforts to articulate a skeleton, of which some essential parts are lacking, we are easily led to form erroneous conclusions. Said Prof. Da Costa, July 23, 1858 : " The delegated judges, living in this environment and far better acquainted with the party and its personnel than we can hope to be, felt that they must be strict with the leader of the party. And it is remarkable—Van der Kemp says it with assurance—that the sentence of death was unanimous ; and I have exhaustively proven, in my brochure about Oldenbarneveldt's trial, that the miserable talk of Brandt, Vondel, etc., about the character and life of these twenty-four judges has not the slightest weight against this." Whatever may be our personal opinion of this matter and our own standpoint from which we view it, we should make haste slowly in condemning that of which at best we can have but a partial and uncertain knowledge. To condemn a tribunal and its verdict by the testimony of those whom it convicted, or their friends, will ever appear contrary to reason. So much I think has been proved—that the tribunal which tried the great Advocate was not a " packed " one, and in setting aside the theory that these men were appointed to condemn, I say with Van den Bergh, " if not impossible, it is at least highly incredible." One must look at a given period through its own eyes in order fully to appreciate the order of its events, and the neglect to do this has brought upon Motley Van Prinsterer's scathing rebuke : " Motley assimilates the men and events of an epoch by a perpetual anachronism, in denaturalizing the past through the medium of his individual and cotemporary prism."

SECTION 5. *The Indictment.*—Perhaps nowhere is this " denaturalization of the past " more conspicuous than in Motley's reference to the indictment. Says he : " There was no bill of indictment, no arraignment, no counsel."* This sounds terrible to modern ears ; and, without further thought, the reader sets aside this entire State trial as a relic of semi-barbarism. Let us begin by saying that Motley's statement is in part untrue and in part a new instance of oft-recurring anachronisms. Different standards of law and justice and criminal process have obtained in different periods. Mr. Van den Bergh, thoroughly versed in the history of Dutch jurisprudence, and therefore a competent critic of judicial proceedings in different periods of Dutch history, gives us all the information we need. In the beginning of the seventeenth century, as well as to-day, the fundamental principle of all judicial proceedings was this—that an indicted person is considered inno-

* ii, 315.

cent until he has been proved guilty. Every means of defense was given to the accused at the bar, the greatest criminal not excepted. When we are therefore informed that no counsel was allowed to Barneveldt and his associates, it appears at first blush as if nothing but the destruction of the accused could be intended, as if every principle of law and order were trampled in the dust. If ever, here a full defense should have been allowed. The standing of the Advocate and his friends and their eminent services to the State seemed to demand it. And excellent lawyers though they were, they lacked the means and power of properly defending themselves. Why were they denied the means of establishing their innocence, why were no witnesses called, why were they not allowed to provide counsel?

Let us not forget, as has been said over and over again, that the proceedings of this trial are covered by a veil of profound secrecy. Nothing whatever of the proceedings of this great trial was ever allowed to leak out by the twenty-four judges. One and all, they lived and died with their oath of silence unbroken. The greatest taunts and calumnies failed to open the lips or to move the pen of one of them, all rumors to the contrary notwithstanding. Whatever we know, therefore, of this trial, we have obtained from the accused themselves, mainly from De Groot and Hoogerbeets. And there is a strange contradiction between some of their assertions and the well-known facts in the case. The judges were said to be "extremely harsh," and yet none of the prisoners were put to the then customary torture to wring their secrets from them; and during their imprisonment none suffered bodily discomfort. Barneveldt retained his body-servant, was confined in a suite of rooms, and was allowed to receive books, clothes, food and refreshments from home. Means of writing were ostensibly denied them and yet, by some mysterious connivance, they all had an abundance of writing materials in their rooms, and their written recitals of what happened fill many pages. Barneveldt stuffed the seat of a leather-covered chair full of closely written papers,* about whose hiding and safe-keeping he was greatly concerned even in his last moments.† From all these things it appears that either the surveillance of the prisoners was very lax, or that the judges were more lenient than they could have been expected to be under the law, according to which the trial was conducted.

The fact, however, remains, that no counsel in the case was

* *Waarachtighe Historie*, 67.

† "Ende seyde oock secretelyk teghen my draagt wel sorgh voor de Papieren, die in de camer seyn—verstaande daarmede de Papieren, die in de Tapyten en onder een stoel ghenait waren" (*ibid.*, 75).

allowed. Why? The answer is not difficult. Criminal proceedings at that time were of a twofold character. The *ordinary*, in which the forms of civil process were followed, and the *extraordinary*. Here was an instance of the latter, and it touched the "lex Julia majestatis," which even in pure Roman law is exceedingly hard for the accused. As to the special statute, we read in Art. xiv of the "*Ordinances of the Style of Criminal Proceedings of 1570*:" "The prisoners shall not be permitted to speak by advocate, nor shall they be allowed to avail themselves of writing, except that for certain marked considerations with a view to the case or matter in hand the judges shall deem that such ought to be permitted."* This law was put on the statute-book in 1570. Barneveldt and the other prisoners, all eminent lawyers of the republic, must have been fully acquainted with its text and provisions, and could expect nothing but the application of this law, if the proceedings were for lese majesty. The whole trial, notwithstanding the silence of the judges and the sarcastic remarks of Motley on the later request of the States General, proves clearly that such was the case. Nor did Dutch criminal law stand alone in this respect. At the close of the seventeenth century England occupied the very same position. Under the old English law of attainder persons committed for high treason were not allowed to see the indictment nor to have the assistance of an advocate. On the very eve of the change of that law, set for the 25th of March, 1696, Charnock, King and Keyes were refused the privilege and tried, under a special commission, issued for the trial of the traitors. All three were condemned and executed.† The case of Oldenbarneveldt therefore is not singular, nor was the Dutch practice exceptional.

Motley denies that there was either "arraignment" or "indictment,"‡ and he says further: "The process, for it could not be called a trial, consisted of a vast series of rambling and tangled interrogatories, reaching over a space of forty years, without apparent connection or relevancy."§ This was written long before 1873, when the book was copyrighted. A close study of this biography warrants the conclusion that it was blocked out in the main, before Motley appeared at the Hague, especially to study the sources connected with the subject. In 1867 his task was practically completed. In finishing his immortal volumes on the *Rise of the Dutch Republic*, he had been gathering materials for the present work. And when at last the *Life of John of Barneveldt* was published, it embodied the personal views of the distinguished

* *Het Proces van Old., etc.*, 28.

† Macaulay, *History of England*, v, 129.

‡ ii, 315.

§ ii, 316.

American scholar and author on the period of the "Twelve Years' Truce." But this biography, as has been said, lacked the faithful scrutiny of documents which characterized his previous work. On this point competent critics seem generally to agree. Says Mr. Van Deventer in 1860: "As yet it would be presumptuous to write a concatenated story of the life of Barneveldt and even of his time. If a pragmatic history is to rest on the documents of its time, then it is necessary that the investigation into these documents shall, at least to a certain extent, be exhausted."* And he considers that this investigation has only fairly begun. Notwithstanding the assertions of Motley in the introduction to his *John of Barneveldt*, it may therefore safely be said that the documents were not at hand which would enable one to pass a final verdict on Barneveldt's life and death, and, what is more, Motley did not fully avail himself of existing documents. He neglected to do so in the case of the private correspondence of Prince Maurice, as well as in that of the trial documents, of which the quotation at the head of this paragraph is a convincing proof. For Motley might have known—aye, and *did* know—of the existence of the indictment.

It was found in an obscure corner of the archives at the Hague in the fall of 1864; and Motley saw it. In a footnote on p. 319 of volume second he gives its title in full and continues: "This manuscript is in 136 pages, containing 215 sections or articles, and forms the basis of the sentence, afterwards delivered by the judges. From this document and from the *Verhooren* or Interrogatories and Answers, published in 1850, by the 'Historical Society of Utrecht,' from the *Verantwoording* of Hugo Grotius and the *Historie van de Rechtspleging*, by G. Brandt, the important facts and arguments in regard to this State trial are deduced." In part, therefore, the description of the trial, the deep impression it made on Motley, and, through him, on hundreds of thousands of readers, are due "to important facts and arguments deduced from this document." He has—so he tells us—augmented the light thus received by reading the versions of the trial, given by Grotius and Brandt, two ardent advocates of the Arminian party. One does no longer wonder at his evident bias and severe strictures! But this footnote of Motley places us before a strange dilemma. On the indictment he bases his story, in part at least, and almost in the same breath we are coolly informed that "there was no bill of indictment."† Motley only saw "a confused mass of documents, appertaining to the trial, from which a few generalizations can be made, which show the nature of the attack upon him."‡ Now the

* *Gedenkstukken van Oldenb.*, Introduction. † ii, 315. ‡ ii, 319; *Memoirs*, 90.

two horns of the dilemma are these : Either the text of Motley's book was written, in great part at least, before he saw the indictment and before the footnote was written, and the distinguished author overlooked the telling discrepancy, and this would justify the severe criticism on the work by Prof. Van Vloten above referred to ; or Motley failed to grasp the nature and meaning of the document which he quoted and utilized and, finding it utterly different from our forms of indictment, did not recognize it as such, and thus is once more guilty of an anachronism.

Before me, as I write these lines, lies a full reprint of Barneveldt's indictment, consisting of 215 separate counts, entitled as follows : " Facts which have been laid against Mr. Jan Van Oldenbarneveldt, prisoner, by the three fiscals, commissioned by the High and Mighty Lords, the States General, to instruct the affairs of the prisoners." There is no special indictment at the close of these 215 counts of accusation. Such was not then the form of process. The crime was not specified in the indictment. The fiscals laid before the judges the points of accusation, with their proof, and they left to the court the qualification of the crime and its punishment.* That this was a fact is explicitly proven by the mandate which the States General gave to the judicial commission : " So it is that we, fully trusting in the wisdom, judgment and experience of the noble, strict, honorable and highly learned lords (' de Edele, Gestrenge, Erentfeste en de Hooggeleerde Heeren ')—[then follow their names]—have requested, commissioned and delegated, request, commission and delegate them hereby, to take cognizance of the aforesaid matters and accusations, in our name and place ; to examine the information already obtained, and to investigate what still further may be obtained in connection with the accusations of the fiscals, thereunto appointed by us ; and further ' *ex-officio* ' to proceed to other examination and inquiry, willingly or forcibly made, as may be necessary, and is founded in law and good judgment, and on all these matters to pass judicially and to administer justice therein, either extraordinarily or definitively or by interlocution ; both on these prisoners and on others, who may yet be found to be guilty with them," etc. Then follow provisions as to how they shall act, in case of sickness or death of one or more of the judges, and finally a resolution that they were to decide by a " majority vote."† Grotius himself gives all this information, and in an extensive criticism on the tribunal, etc., not a word is said about the defective course of justice of which Motley complains. And of all men, he was the most competent to judge of any flaws in the course of the trial had such flaws existed.

* *Intendit tegen Mr. J. van O.*, 7.

† *Waerachtige Historie*, 397.

The only possible solution of the riddle of Motley's harsh strictures seems, therefore, to be an oversight, on the part of the talented writer, to note the great difference in the course of justice in the seventeenth and nineteenth centuries. To every reader of *John of Barneveldt* who has mastered the Dutch language, the careful perusal of the indictment is recommended. There is no doubt but it will bring new and startling information on the main question of Barneveldt's guilt. Of the two hundred and fifteen counts, fifty-six refer to the ecclesiastical situation, which was really political in its nature, through the inseparable connection between Church and State in the Dutch republic. The Synod of Dordrecht, or rather a *national* Synod, had become the rallying cry between the two contending parties. "A national Synod or the prevention thereof was the price of victory."* But both in England and France it was perfectly understood that the real issue lay far deeper than the apparent religious contention. But little sagacity is required to recognize the two great principles which were striving for the mastery, and whose ceaseless clashing finally cost the republic its life, viz., those of a *centrifugal* and a *centripetal* political policy. The Arminian party represented the first, and thus the whole Union was brought to the verge of ruin by a destructive and determined contention for the rights of individual provinces in religious matters, a contention which paralyzed the defenses of the country at a juncture of appalling danger, when ever changing menaces environed the nascent republic. The enormity of this criminal course becomes apparent from several considerations.

The much-quoted thirteenth article of the "Union of Utrecht" extended equal special privileges in the matter of religion to the provinces of Holland and Zeeland. And those States of Zeeland, named together with Holland in Art. xiii, and every whit as jealous of their rights as their northern neighbors, had sent a deputation to the Hague in May, 1617, "whose special mission it was, in the meeting of the Estates of Holland, to insist on the speedy convocation of the national Synod."† This proves that the course of Holland was not determined by the *contents* of Art. xiii, but simply by its own peculiar *interpretation* of those contents. And that interpretation, had those States been consistent, should have been controlled by their own attitude in 1583. The Church throughout the Union was *one*, and it formed the strong tie between all the provinces: and of that one Church Barneveldt himself had admitted that "the States General were the protectors

* *Staatk. Gesch. van Ned. tot 1830*, 125; *Gesch. van den Oud Ned. Staat*, 193.

† *Gesch. van den Oud. Ned. Staat*, 193.

and foster-fathers.' The persistent opposition to the General Synod on the part of the Advocate and the States of Holland was therefore no matter of principle, but it was merely a measure of utility. Grotius takes pains, in a letter written on the very day of his detention, to assure Maurice that "all the cities would bear him witness that he had never antagonized the Synod in itself."* Those States of Holland, as we have seen, had tolerated, without any serious opposition, such a Synod being called by the Earl of Leicester, at the Hague, in 1586, and the regulations and confession adopted in former similar meetings (Dordt, 1578, and Middelburg, 1581) were there readopted and, with minor changes, were approved by those very States. Nay, further, in the "Resolutions" of Holland there is a recommendation "for the maintenance of the Synodical meeting, gathered here, in the Hague, by the order of His Excellency, the XV Calend. Junii."† Nothing is said about the illegality of the Synod, and in those same "Resolutions" we find one, under which the pastors, who had been commissioned to represent the province of Holland, "at the national Synod at the Hague," were paid from the State treasury, by an express order of the Estates.‡ Their antagonism against the national Synod, called in 1618 by the States General, who now represented the highest authority in the land, did not, therefore, rest on principle; a fact which becomes plain when we glance at their change of attitude immediately before the apprehension of the great leaders of the party of opposition.

The States of Holland, formerly so extravagantly bitter in their antagonism to the calling of a national Synod, who had twice returned the letters of convocation unopened to the States General, had now begun to yield. Nuyens tells us that they had acquiesced in the call, August 24, five days before the arrest of Barneveldt.§ Prof. Siegenbeck informs us that they were on the point of yielding when the capture of the leaders occurred.|| The Advocate himself affirmed the same. But why yield if a principle was at stake? "Stet justitia, pereat mundus." They ceased to resist, but not before this call for a national Synod had been made an issue in the most violent controversy in the history of the Netherlands; not before the Union halted, trembling, on the very brink of the abyss of national ruin. The French minister had seen cor-

* "Alle de steden van Holland sullen my getuychenisse geven dat ick de Synode Nationaal nooit in haer selve hebbe tegengesproocken."

† Folio 239, dated June 24-July 1.

‡ Folio 323, 1586.

§ *Gesch. des Ned. Volks*, x, 144.

|| *Gesch. van den Oud. Ned. Staat*, 203.

rectly when he wrote home that a "powerful and dangerous faction had suddenly raised itself under color of religion."*

The remaining one hundred and fifty-nine counts of the indictment touch the political life and acts of Barneveldt. It is impossible here to enter into a detailed review of the various incriminating facts and acts registered. But I am assured of this one thing, that every candid reader of this indictment, who can strip it of the verbose and repetitious statement which it shares with all the official documents of the period, will be convinced that very grave matters are laid at the door of John of Barneveldt. Forget for a moment who he was; forget the eminent services he had rendered to the State; look at these facts by themselves, as they stand boldly outlined on the historic page; consider for a moment the possibility of the success of the policy here laid bare, in its necessarily fatal effects on what was dearest to every true friend of the republic, the maintenance of the Union, and I make bold to say that a similar indictment, similarly substantiated, of any prime minister of France, England, Spain, or any other power, at that period, would inevitably have led to the same ghastly issue—the scaffold.

For, despising the orders of the general government, Barneveldt had tried to inaugurate a principle of independent action by individual provinces, which had never been in vogue before; neither under the sovereign rule of their hereditary princes, nor since the formation of the "Union of Utrecht." Water never rises above its source. And in his tireless straining after decentralization and State absolutism, Barneveldt had refused obedience to, nay, had defied the central authority, whose existence was necessary to the unity of the republic and which had replaced the sovereignty formerly centring in their royal rulers.† This claim of State rights and State sovereignty was an actual modification of the great underlying principle of the "Union of Utrecht," the only known unifying bond between the provinces of the republic. All alike had sworn to "maintain the Union to the last drop of their blood," any effort in an opposite direction was therefore fractious and fatal to the liberty of the country. It must open the door to secession, rebellion and civil war. And if it be true that the sovereignty of the States had replaced the sovereignty of the royal possessors of these lands; and if it be further true that the States General, though not sovereign themselves, represented the totality

* "La maladie interieure, que je vous ay découverte, va plustot en empirant qu'en amandant, une puissante et dangereuse faction ayant esclaté soudainement, comme un coup de tonnerre, parmy eux, sous couleur de disputes de religion."—Du Maurier à Richelieu, Ma 17, 1617.

† *Maur. et Barn.*, 47.

of the sovereignty of all these free States combined, it must follow that the man who so much as pointed at the life of the Union, who either overtly or by implication violated Art. i of the "Union," was clearly guilty of lese majesty and in danger of his life.* The sentence may seem severe to us from our modern point of view, but the justice of the period was hardhanded, so much so that one wonders at the moderation displayed by the judges throughout the trial. It was a cruel death, but life, even of the very best, was held cheap in those days.

Remember the execution of the Earl of Strafford. Being impeached by Parliament, he maintained, at his trial, that each charge, even if proved, did not amount to treason. Precisely the ground taken by Barneveldt. "But taken as a whole," Pym urged, "his acts showed an intention to change the government, which in itself was treason." Precisely what his opponents urged against Barneveldt. Strafford was beheaded, May 12, 1641, on Tower-hill. Says Macaulay: "Undoubtedly it seems hard to people living in the nineteenth century. The proceedings against Strafford are justified by that which alone justifies capital punishment or any punishment, by that which alone justifies war, *by the public danger*. The attainder was in truth a revolutionary measure. It was part of a system of resistance, which oppression had rendered necessary." Certainly of the two executions, that of Barneveldt seems far the most justifiable, for whilst there is a strong parallel between the two cases, it must be said that Strafford, in his revolutionary measures, had the concurrence of the highest sovereignty in the State, whereas Barneveldt's path lay directly across it. Capital punishment moreover seemed a very light matter to our fathers, and people were executed for things which now appear mere trifles. In weightier matters the distance between life and death was an invisible quantity. Think of Barneveldt's own plan, which he seems to have urged as a necessary measure, on the occasion of the forcible occupancy of the "Cloister-Church," at the Hague, by the contra-Remonstrants. He intended, it is said on reliable authority, to have four men, whom he considered the ringleaders in this "mutiny," seized in their beds at midnight, and to have them beheaded at once, before dawn of day, without form of process or trial, by warrant of the chief tribunal of Holland. At daybreak their ghastly heads, posted on stakes, were to be a warning to the refractory populace to remember their duty of obedience

* "Il est presque impossible de revoquer en doute sa culpabilité, et la sentence, dont le ton peut-être n'est pas sans exagération et amertume, dévoile un ensemble de faits incontestables, qui ne pouvoient rester impunis."—*Maur. et Barn.*, 39.

to "My Lords the States of Holland." To us the offense would seem like a mere storm in an ecclesiastical teapot, no more; Barneveldt, however, considered it "mutiny" against my Lords the States of Holland. If he looked at the ecclesiastical question and its innumerable phenomena through a magnifying glass, could he expect the opposition to minimize it? As the story goes, this bloody plan, fully equal to the counsels of the Spanish oppressors, was foiled by a *majority of one* in the tribunal of Holland. Motley disposes of this persistently narrated incident with the epithet of "*gibberish*." But in a footnote he says: "It is very singular that Brandt (ii, 471) narrates the story on the authority of Trigland, but without vouching for or denying it."* But was not Brandt a strong partisan of Barneveldt, and would he not have branded the whole thing as a baseless fabrication had he even doubted its historic veracity? Motley's offhand declaration that it is *gibberish* does not make it such, and does not set aside the united testimony of Trigland,† Van der Kemp,‡ and Groen van Prinsterer,§ who all relate it as *history*. Nay, even Busken Huet says of it: "Notwithstanding the explicit denial of Barneveldt himself, this way of making an example was so perfectly in line with his whole system, and the principal historian of the contra-Remonstrants tells the thing so circumstantially, that we can scarcely doubt its truth."|| Once more let us repeat, life was held cheap in those days and capital punishment came to men for offenses infinitely smaller than those which were charged against Barneveldt.

HOLLAND, MICH.

HENRY E. DOSKER.

* ii, 129.

† *Hist.*, 908.

‡ iv, 43-46.

§ *Gesch. van het Vad.*, i, 244.

|| *Land van Rembrandt*, ii (i), 79.

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I.

CHRISTIANITY AND THE COSMIC PHILOSOPHY.

THE New World is too young to have given birth to many builders of philosophical systems. The age of speculative thought comes after the time of felling forests and breaking up virgin soil. Not that the struggles of the pioneer do not tend to develop a virile and robust type of mind; but that, in his active exertions for subsistence, and in the measurings of his strength with the cruder forces of nature, little leisure is left him for the quiet meditations of the philosophic student.

But evidences are not wanting that the American people are getting beyond this jungle-cutting stage of the brawny frontiersman. If it is said that few of our philosophers are original, it is equally true that original philosophers, in this nineteenth century, are few in older countries. The late Dr. McCosh insisted that the time had come for the appearance of a philosophy distinctively American, but he was too wise to argue that this American school should aim to be independent of all the thinking of the past.

All the world has heard of the *Concord Philosophy*, and while nothing would be wider of the mark than to call Mr. Emerson a logical system-builder, still his was indeed a philosophic spirit. Competent European writers have pronounced Jonathan Edwards the greatest metaphysician America has produced, but he never presumed to give to the world a comprehensive scheme of human thought. We have had great men and great minds, but if they have not been wholly occupied with the tasks of a busy political

VI.

JOHN OF BARNEVELDT, MARTYR OR TRAITOR.

VI (*Continued**).

SECTION 6. *Barneveldt's Guilt.*—Was the great Advocate guilty of the crime of lese-majesty, or was he condemned on a trumped-up charge, invented at the instigation of a relentless political opponent? Did Maurice of Nassau aim at the complete destruction of all the leaders of the hated Arminian faction, who barred the way to the attainment of his ambitious designs, or was his conduct, in this connection, honorable and inspired by motives of patriotism?

Questions like these are, to this very day, sure to arouse bitter partisan wranglings in the Netherlands. Their answers are not easily given. The reading of the *Verhooren* will necessarily produce different effects in different minds. There are but few exceptions, if any, to the general law that every man is determined by his race, his environment, the age in which he is born, and by his early training. Absolute objectivity is well-nigh impossible. All of us look at men and events and tendencies through the inevitable medium of our own individuality. The *personæ dramatis* in this trial strike us differently, as we look at them from different angles of view. The characters themselves are wholly different, as they appear in different attitudes. Hugo Grotius, the writer of the almost abjectly fawning plea for clemency, addressed to Maurice on the day of his apprehension, is a person different beyond the possibility of recognition from that other and certainly far more manly Grotius, who wrote the *Narrative of the Origin and Progress of the Troubles in Church and State*.† The sources of information are still far from complete and what we possess somewhat reminds us of the changing and shifting lights of the aurora borealis. As yet no one can speak apodictically, and the possibility exists that a definite and final judgment on this remarkable State trial may forever belong to the *pia vota*; inasmuch as even

* From this REVIEW for October, 1898, pp. 636-658.

† *Verhaal van den Oorsprong en den Voortgang der onlusten in Kerk en Staat. Verhooren van Hugo de Groot*, 87, 355.

far clearer evidence of the innocence or guilt of the Advocate of Holland and his associates than we now possess would still be considered through the denaturalizing medium of inveterate prejudice and preoccupation. But notwithstanding all this there is some ground for the statement of Mr. Van den Bergh: "Now only after the principal documents of this remarkable trial are accessible to every historian, it will be possible to pass an impartial judgment on Barneveldt's guilt or innocence and on the question whether the accusations were proven or not."* It is at least more possible than it was some years ago. But even with all those documents before him, the historian had better speak with bated breath, unless he be intimately acquainted with the history of Dutch constitutional law and jurisprudence.

Not possessing those qualifications, the author of these pages can only endeavor to cause the rays of light, hitherto gathered, to converge on the scaffold of John of Barneveldt and to essay a strictly personal opinion. All that hitherto had been attempted has simply been an effort to meet the charges of the Arminians and of Motley, their chief recent exponent, against the competency of the tribunal and the fairness of Barneveldt's trial, and we will beware of speaking dogmatically on the latter's guilt or innocence. But passing a final verdict and having a personal conviction based on the aspect of facts as seen from one's own point of view, are two essentially different things. Such convictions therefore as the author has he will gladly share with his indulgent reader, leaving the latter perfectly free to arrive at a different conclusion from his own.

One of the last words of Barneveldt, spoken on the scaffold, was this: "Men do not believe that I am a traitor to the country. I have acted uprightly and piously, as a good patriot, and as such I shall die." Groen van Prinsterer, in a most appreciative comment on the Advocate's life, says: "He may have sinned in good faith."† In the third edition of his history of the Netherlands (1863), this celebrated scholar has accentuated his conviction of the guilt of Barneveldt; yet he expresses his sorrow that the sentence of death was executed. He says: "Such was the sad end of the septuagenarian statesman, whose headstrong and daring advocacy of an aristocratic principle, till it grew to be a violation of conscience, brought the country into disturbance and danger; but about whose good faith and patriotism even when he erred, no one may doubt." And this man, who had a conviction of Barneveldt's guilt, it was who, led by his admiration of the Advocate's eminent and undying services to the State, proposed in 1874 that

* *Intendit*, etc., 8.

† *Gesch. van het Vad.*, i, 249.

“in the name of the nation a statue be erected to Barneveldt.” A sure proof that one may recognize the guilt of the Advocate and have an open eye for the dreadful possibilities of his later destructive policy, to the hurt of the Republic; and yet admire his previous and incalculable services to the State and feel the debt of gratitude, which the nation owes him for those services. It is said that Arnold, in his notorious Georgian raid, captured an American patriot and put the question to him, What would be done to him, should he surrender to the Continental forces. The reply is said to have been: “Sir, they would cut off the leg that was wounded in your country’s service, and bury it with military honors. The rest of you they would hang on a gibbet.”

Barneveldt was unanimously condemned, though several of the judges would fain have saved his life and would have been content had the sentence of the leader been equal in severity to that of his coadjutors. One of the finest men on the commission, Prof. Junius, made a strong effort to save his life; but when the events which transpired at Utrecht were rehearsed, in which Barneveldt, without a shadow of right to interfere, had been the avowed leader of a movement which directly led to open rebellion and civil war, and in which the sputtering flame had been held ominously near the loaded mine—he, too, reluctantly acquiesced in the sentence of death, sadly saying, “the State demands an example.”

What, then, was the character of Barneveldt’s crime against the State, described by the judges as “high treason” or “lese-majesty?” This offense may be of two kinds. Arnold, the traitor of American history, was guilty of this crime. His sin against the commonweal was a type of treason *ab extra*, consisting in a premeditated and well-defined plan to ruin the country by delivering its key into the hands of the enemy. He was guilty of treason and would have been executed for treason had he been apprehended, even though the treasonable act was never consummated, to the country’s ruin. Jefferson Davis was also charged with treason, and yet his crime was of a totally different nature. He sinned against the Union *ab intra*, that is to say, he attempted to dismember the Union and threatened thus to obstruct its peaceful future. And yet he undoubtedly acted in good faith and fully believed that the sovereignty of individual States warranted them in forcibly resisting the claims of the Federal Government. According to his view of the Union, the sovereign rights of an individual State were supreme, and the central government had neither right, nor warrant, in the Constitution, for interfering in the affairs of the various States forming the Union. And yet Jefferson Davis was held to be guilty of treason and was charged accord-

ingly, although all proceedings were finally abandoned against him through that beautiful spirit of magnanimity which, even in the face of Lincoln's assassination, would not enforce the laws against treason, enacted in 1862. But who doubts that this man, had he lived two centuries earlier, would have paid with his life for the part he took in the war of the Rebellion?

Ugly rumors had filled the air, for many years before the great trial, about Barneveldt's foreign relations. Whether the substantiating facts were behind those rumors or not, the rumors themselves were sad and disquieting facts. Was there any foundation for those rumors? Who can tell? There is rarely much smoke without some fire. If Barneveldt was utterly innocent, he was the most persistently maligned man that ever lived. For years before his death the country was deluged with caricatures, lampoons, broadsides, street songs and gossips, all of them aimed at the Advocate, and all alike animated by a spirit of bitter and implacable antagonism and distrust. The public evidently suspected a Jekyll and Hyde development beneath the unruffled exterior of the calm and self-possessed Advocate. The great chess-game of political diplomacy is a dark and intricate one. The fact that Barneveldt's touch was felt everywhere in Europe may have formed the shifting background, on which the alert suspicions of a proverbially suspicious people readily traced the tokens of his guilt.

The peculiar organization of the Republic of which he was the recognized leader, and the peculiar nature of the office which he filled, served to throw his personality into the background. The ever-pregnant brain, the restless and almost ubiquitous hand, the trenchant pen, the quick and eloquent speech of the uncrowned king of the Republic were felt, understood and obeyed by the princes, statesmen and soldiers of his day in many a dangerous crisis. And yet it was never John of Barneveldt who spoke to the world, but the young and mighty Republic, incarnated in "The High and Mighty Lords, the States General, my masters." At once uplifted and glorified and yet made invisible by the shadowy title of his office, the great Advocate was ceaselessly at work at his endless task. If any one doubts it, let him visit the Dutch archives and glance at the mountains of original documents, where he will be filled with amazement at finding the hieroglyphics of Barneveldt literally everywhere in the alcoves allotted to the period of his long public service. "Letters to princes, to generals, to ambassadors; resolutions of State councils, of sovereign assemblies, of mercantile corporations, of Great India companies; extensive and profound opinions, both judicial and his-

torical, about pending European questions; considerations of domestic policy; treaties between the great Powers, roughly blocked out; instructions for the accomplishment of weighty missions; plans even for European campaigns; combinations as extensive as Christendom; scientific expeditions and discoveries, which were to be made tributary to the extension of the power of the Republic—all these papers, now covered with the ironical dust of ages, written in a handwriting which causes Barneveldt's penwork to resemble cipher, were at one time neatly copied and provided with the great seal of the proud burgher-aristocracy, the object of the close attention of the entire civilized world."* This striking pen picture is not exaggerated, and it gives us a clue to the endless possibilities for misunderstanding and misconstruction, in which the Advocate's life abounded; and also (why deny it?) to the existence of temptations and pitfalls which might have ruined a stronger soul than his. Why the persistency of those rumors, if there had been no ground for suspicion at all?

In the document, sent by the States General to the several provinces, referring to Barneveldt's case, and dated May 19, 1619, mention is made of "several other points of accusation against the prisoner, of which nothing is said in the sentence, which gave great cause of doubt as to Barneveldt's relation to the enemy." None of these "points of accusation" are mentioned in the sentence and few in the "Intendit." But does not the fact that the States General, a body not given to gossip, mentions "these points," in a public State document, give us food for serious reflection?

And it must be admitted that the candid historian finds many things in this complicated life which await further explanation.

1. Motley himself agrees that "the crown of the Netherlands was secretly coveted by Henry IV."† There is a good deal of mystery about the present of 20,000 florins, then a royal sum, which Barneveldt, who was a special favorite of Henry, received at the latter's hands. This mystery is by no means dispelled by the explanation of the Advocate, adopted by his friends, that he had received this royal present "for certain legal and other private services, previously rendered, for which the king professed himself too poor at the time to pay him."‡ The fee was altogether disproportionate to any personal service, which the Advocate might have rendered Henry, and remains a mystery. Moreover, his oath of office forbade its acceptance.

2. The same air of mystery attaches, till this day, to the memorable battle of Nieuwpoort (1600), into which Prince

* *Litterarische Fantasiën en Kritieken*, 9.

† i, 25.

‡ i, 17.

Maurice—against his will, and contrary to his every military instinct—had been forced, as into a death-trap, by the Advocate. How he ever got out of it remains an equal mystery, for Maurice himself considered the victory of that day little less than miraculous. “God has blessed,” wrote the historian Reid, “this expedition so imprudently commenced. The danger to which the country was exposed was so terrible that, for the very thought of it, I cannot yet rejoice. Barneveldt and the long-robed people had pushed us to the very verge of the abyss. God, however, has not willed to allow us to perish.”* The best excuse for the Advocate’s conduct in this instance, which his friends are able to make, is that he was not guilty of *perfidy*, but of *carelessness*.†

3. Another unexplained mystery is the cruel treatment which Francois Aersens, originally his protégé and friend, later his mortal enemy, received at his hands. When he was still an honored envoy-plenipotentiary at Paris, his entire private correspondence with the advocate was copied and sent to the French court, inevitably necessitating his recall by the Dutch government. This enormous crime, one of the most perfidious things conceivable, was committed, as was said, by a clerk in Barneveldt’s office.‡ But why was this crime not ferreted out and adequately punished? There exactly lies the trouble; for it is sure that the whole affair was hushed up and that all serious investigation of the matter was choked off; and far more than a possibility exists that Barneveldt connived at, if he did not instigate, this wickedness, in order that he might rid himself of an envoy whose acuteness was at that period rather undesirable for his own deep and ever-changing plans. Motley has a poor opinion of Aersens, who called this conduct, and justly so, “a notable treason; but Cardinal de Richelieu, whose verdict ought to have some weight, says of him that Aersens was “one of the three greatest statesmen known to him,”§ an estimate of his worth which seems substantiated by the fact that Aersens enjoyed the unlimited confidence of Frederik Henry, Maurice’s successor, even more than of the latter. This fact is all the more eloquent since Frederik Henry was diametrically opposed to the ecclesiastical position which his predecessor occupied, and therefore also to that of Aersens, who had been one of his brother’s chief advisers. If Barneveldt excelled as a statesman, no Dutch contemporary, and few contemporaries anywhere, excelled Aersens in the field of diplomacy. He is said to have been the author of two pamphlets which stirred the country to

* *Maur. et Barn.*, 9.

† *Ibid.*, 10.

‡ *John of Barneveldt*, i, 315.

§ *Gr. van Prinst.*, *Gesch. van het Vad.*, i, 230.

the core.* One of these is possibly the keenest pamphlet ever published in Holland.† The weak side of Barneveldt's domestic policy was therein laid bare in a way which beforehand made the *Verantwoording* of Grotius of 1622 superfluous. The treatment of this man by the Advocate is a matter which will need a great deal of explanation to make it satisfactory.

4. It is, moreover, a well-established fact that there were very close connections between the Arminian party and the Spanish Netherlands. Later treasonable intrigues against the government, whether in Zeeland or Overisel or in Friesland or in Holland, ordinarily originated with the remnant of the Arminian party. And it is at least worthy of remark that the Spanish Netherlands, and notably the city of Antwerp, became the rendezvous of the exiled Arminians. If any one entertains any doubt as to the destructive effects on the Union of the policy inaugurated by Barneveldt and his friends, let him study the course of events in the Republic thirty years later. The religious question was now a dead issue, but it was plainly shown that deep below it another motive had been at work. As has been said before, the real issue was that of decentralization; and that issue was possessed of tenacious vitality. Barneveldt's execution did not and could not kill it. In 1648 and 1649 the States of Holland partially accomplished what they were striving for in the early part of the century, and succeeded in temporarily defying the general government. They reduced the army of the Republic on their own account, and against the protests of the Union, and they replaced it in part by their own soldiery. Thus the Republic was brought to the verge of ruin. The stadholder, Prince William II, passed through a series of the most keenly humiliating affronts, which he suffered at the hands of the proud city magistrates. The people were with him, as they had been with Maurice; and like the latter, he saved the country by a *coup d'état*, by which the ring-leaders of the opposition were apprehended and incarcerated in the historic fortress of Loevenstein. Groen van Prinsterer tells us in this connection that, in the opinion of the Prince, there was deliberate treason at work. "Six days before the *coup d'état* he declared to a trusted friend that he had seen a letter from London, in which it was stated that Parliament had promised to send assistance to the amount of 10,000 men, there being a list of the colonels and officers in the paper."[‡] Is it possible that the points of accusation against Barneveldt, of which the judges spoke in

* Their titles were: *De gulden legende van den nieuwen St. Jan* and *Noodwendigh ende levendigh Discours*.

† *Land van Rembrandt*, ii, 240.

‡ *Gesch. van het Vad.*, i, 303.

their report to the States General, "which gave great cause for suspicion that he had an eye upon the enemy,"* refer to a similar state of affairs?

5. And in connection with the above, it is well to mention a statement of Barneveldt's, quoted by Wagenaar, one of his own partisans:† "Through van Oostrum, his confidential friend, Barneveldt had said at Utrecht that they would checkmate the Prince. If he threatened violence, the States of Holland had decided to raise from 8000 to 10,000 troops, to occupy the principal places, and then to tell the Prince that, unless he kept quiet, they would, with Holland and Utrecht, join the archduke, which could be done, since a compact was made by which liberty of religion was guaranteed." Motley knows of this incident, but in his usual off-hand way he stamps it as "an idiotic and circumstantial statement."‡ But every candid reader will admit that this denunciation of Motley is more than counterbalanced by the fact that Arminian historians relate it as history.

Taking all these things into consideration, it is easy to see that there was some ground for the dark suspicions and rumors concerning Barneveldt's relations to outside parties. It must be admitted that, as far as historic evidence is concerned, no overt acts are proved to have been committed. But it is equally certain that it needs no undue stretching of the imagination, when we consider to what lengths bitter partisanship drove the contestants for the control of affairs, to picture to ourselves certain contingencies under which Barneveldt might attempt to save, what he considered "the liberties of Holland," by a desperate move in the direction of a foreign alliance, rather than yield to his antagonist, once his friend and now his bitterest enemy, the victory of the principle of centralization. Thus undoubtedly the reference to "other points of accusation" in the circular letters of the general government to the various provinces is to be explained. There were data at hand for serious suspicion, perhaps even more than that—so much seems certain from the report of the judges; but it is equally sure that these points did not determine the sentence. Barneveldt was not condemned as a traitor, in the accepted sense of the word.

But why did these judges, having these "other points of accusation" before them, not push this part of the investigation to the utmost? The answer is not far to seek. Consider for a moment the condition of the United Netherlands at the time of Barneveldt's trial in 1619. The truce with Spain was running to its close and the bitter determination to subjugate the provinces was

* *Gesch. van het Vad.*, i, 250.

† x, 262.

‡ ii, 349.

as strong as ever in every Spanish breast. Henry IV, the natural ally of the Dutch Republic, was dead; the present government of France cared nothing for the policy of the late crafty king, and kept in close touch with the powers at Madrid. By intermarriage these two great kingdoms were now natural confederates. The "thirty-years' war" had virtually commenced when on that fatal 23d of May, 1618, Slawata and Martinitz, together with Fabricius, were flung from the windows of the council chamber of the Hradschin, at Prague, by the infuriated Bohemians. The heavens were lowering and the thunder of war was rumbling all along the European horizon, giving ample warning of the dreadful storm which was soon to burst in its wild fury. The Cleve-Berg question was still unsettled. Spinola, the great Spanish general, a foe-man worthy of Maurice's steel, was holding the strategic key to the Rhine situation. James I of England, the royal harlequin of the seventeenth century, who "rarely said anything that was foolish and never did anything that was wise," was playing a deep game, both with the Netherlands and with Spain; and it was an open question whether he were most to be feared as a friend or as a foe. Suppose that, in this environment, Barneveldt's foreign relations had undeniably pointed to treason *ab extra*, it would still have been impossible for his judges to have pushed this matter and to convict him on the charge of open treason, or even to make a public statement to this effect. All that they would dare to do is exactly what they did—to publish the fact of their suspicions. We do not now determine whether we have sufficient grounds to conclude that Barneveldt in his old age was disloyal to the cause of the Union; but it seems evident that, even if he had been guilty, the political situation and the environment of the Republic were such that the judges would not have dared to touch the matter at all. To have found the great Advocate guilty of treasonable conspiracy with the enemy would at once have plunged the Republic in a war, for which she was not and could not be prepared. Such a verdict would immediately have been considered a *casus belli* by the power or powers interested in such conspiracy.

But Barneveldt was condemned for other things than foreign treason. Before us lies the whole text of the sentence. Motley gives a garbled account of its contents, and then says: "This is the substance of the sentence, amplified by repetitions and exasperating tautology into thirty or forty pages."* It must have been a queer text of the sentence, which he saw. True, it is somewhat lengthy, somewhat repetitious and tautologous, in

* *Gesch. van het Vad.*, ii, 359.

accordance with the habits of speech of the day, but the forty or fifty pages of which Motley speaks contain not quite 3900 words, and the document is a dignified and strong State paper, sometimes rising into absolute impressiveness and massive eloquence. In substance it is as follows: Barneveldt has, against the fundamental laws of the United Netherlands, brought into confusion the religious condition of the country; in several transactions with foreign powers he has revealed secrets of State and has assumed sovereign rights and authority, without the knowledge and coöperation of the general power, thus usurping the government of the Republic;* for the support of his faction, under all kinds of pretenses, he has fed the fire of discord and has raised suspicions and acrimony between the different provinces; he has invaded the rights of several judicial tribunals; he has urged the city magistrates to strengthen their cause by hired soldiers, bound by an oath of obedience to themselves alone, to the exclusion of the legitimate authorities, provided by law; he has established a league between eight large cities of Holland to devise means for actual resistance and mutual support therein, and he has secretly plotted with his accomplices to this end, in private places and unusual times; he has tried to withdraw the common soldiers from their oath of obedience to the States General and of His Excellency the Stadholder; contrary to his oath and instruction, he has received large sums of money from foreign potentates, lords and colleges, without acquainting therewith the proper authorities; he has caused to be offered to the States of Utrecht all assistance of advice and material aid to hinder the cassation of the "Waardgelders," even going to the length of fomenting actual rebellion against the proper authorities; all of which has tended to bring not only Utrecht, but also the whole country and the person of His Excellency into the greatest danger; he has deliberately and repeatedly, both at home and abroad, accused Prince Maurice of aspiring to the sovereignty of the Netherlands. These and many other points of accusation are rehearsed in the sentence, not, however, strictly in the order here given. The sentence then reads as follows: "Thereby and by all his further machinations and conspiracies it has followed that States have been formed within States, government within government, and new alliances within and against the Union; that a general perturbation, both ecclesiastical and political, has been occasioned in the condition of the country; that the

* Foreign relations belonged exclusively to the prerogative of the States General, but the States of Holland, under Barneveldt's leadership had not scrupled to invade their rights, which was not germane to their power and a violation of the "Union" (*Algen. Gesch. des Ned. Volks*, x. 63).

finances are exhausted and that the country has been put to the expense of several millions; that universal distrust and discord have entered between the allies and the citizens of this land; that the Union is broken, the country has been rendered incapable of its own defense and is put in peril of being compelled to fall into some shameful act or into entire destruction; all of which ought not to be tolerated in a well-directed government, but should be punished as an example to others. *Wherefore*, after ripe deliberation and consideration of all that refers to this matter and has led to their decision, the Lords judges as aforesaid, doing justice in the name and by authority of the High aforementioned Lords, the States General of the United Netherlands, have condemned the prisoner and do hereby condemn him to be brought to the Binnenhof, to the place prepared therefor, and there to be executed with the sword, so that death shall follow; and they declare all his possessions confiscated."* Surely this document can safely be compared with others of a similar nature; it is anything but puerile, rambling and incoherent, as the friends of the condemned have depicted it.

The reading of the sentence affords us some glimpses of the dark abyss on the brink of which the Union trembled, through the treachery and conspiracy of the Arminian faction. The acts here set forth were proven, and were not denied by the accused; and most of them were undoubtedly committed by Barneveldt and his associates under the firm conviction that they were heroically battling for the ancient liberties of individual provinces. The question between the Advocate and his judges was therefore not one of facts, but of the interpretation of facts. And the issue between most of the partisans of Barneveldt and their opponents is not one of guilt or innocence, but one of the penalty imposed for the acts committed.† Dr. Jorissen, who considers the Advocate a martyr, still acknowledges: "It was in every way fair and just that the statesman who incited to all these things should be removed."‡ Just so, but how? By simple dismissal from office? But on what grounds? If he were innocent of the things with which he was charged, removal would have been the cruelest injustice. If he were guilty, his crime was a black one, for then he had prostituted the trust, which the general government had so amply put in him, to base ends. Knowing the laws of the land, he violated them. Looked up to by all, he plotted in secret con-

* *Historie van het leven en sterven*, etc., 280.

† "Barneveldt and Grotius were condemned justly, but too severely" (*Land van Rembrandt*, ii (1), 61).

‡ *Historische Bladen*, 30.

claves against the Union. Knowing better than any living man the dangers which beset the Republic, he deliberately turned the ship's prow toward the rocks and the breakers. Understanding the import of all the articles of the "Union of Utrecht" better than any one else, he violated its fundamental principle by opening the way for an assured disruption of the alliance between the provinces. If he were guilty, his crime was lese-majesty, treasonable conduct against the fatherland. That crime must be punished according to the principles of judgment then in vogue, and either death or life imprisonment stared him in the face; and who can doubt but, of the two, death was by far the preferable for the proud spirit who but yesterday was the uncrowned king of the Republic. Even Wagenaar, Barneveldt's own partisan, acknowledges that the entire question of the justice or injustice of the sentence pronounced hinges on this one point—whether the States General exercised supreme authority in the Union, or whether the provinces were sovereign in their own spheres. If the first be true, he says, "they were surely guilty."* The very core of the question is therefore that of the relative powers of the provincial and federal governments. And inasmuch as both sides have ever had, and very likely ever will have, their own ardent advocates, it is not likely that a unanimous verdict will ever be obtained. From the very date of the trial opinions have differed. Says Edward Grimstone, in his quaint old chronicles (1627): "Concerning his death the conjectures of men were differente, as their affections were diverse. Some, whose judgements were not evenly balanced, but inclined to partialitie, thought his execution to be an act of policie, rather than iustice, because he was incompatible with the house of Nassau, and was aduerse, if not altogether opposite, to the Calvinian faction. Others, who could see light through a transparent bodie and knew of his guiltines by the circumstance of his actions, thought that his punishment did light upon him by the iust iudgement of God, whose hands are of iron execution, although his feet are of a leaden approach, being sure though slow in punishing such disloyal persons, as Barneveldt and his associates were."†

Look at the Advocate's conduct during the last few years of his administration from whatever point of view you choose, and everywhere you are confronted with the charge of disloyalty to the Union. The course on which he steered his party led directly to disruption. His whole final domestic policy impresses one as unworthy of his former career, as treasonable to the best interests of the Republic, as tending to destroy the Union, whether it was

* *Vaderlansche Historie*, x, 379.

† *Generall Historie*, p. 1402.

intended so or not. The admonition of the great "father of his country," Prince William I—"Fittingly maintain and preserve your Union"*—holds good for the United Provinces, for the Swiss Confederacy, for the United States of America, for the German empire, for all unions and for all time. "United we stand, divided we fall." Union was and is life: dismemberment was and is death. That such dismemberment was contemplated by Barneveldt and his faction, or at least that it must have followed, as the thunderclap follows the lightning-bolt, from his policy, had the whole plan he had in mind matured, no man can doubt. On this point at least there is little disagreement. And this verdict determines our judgment of Barneveldt's guilt and trial. "The violent measures in the matter of religion, the levying of 'Waardgelden,' the exhortations to resist by force of arms all the orders of the general government—all these things were acts leading to the disruption of the union and to civil war," says Van Prinsterer.† The proclamation issued by the States General, under date of April 17, 1619, puts it in a nutshell: "During several years past Church and State having been brought into great danger of utter destruction, through certain persons, in furtherance of their ambitious designs." Here lay Barneveldt's great sin. He sacrificed the State, yea, everything, to his personal ambition. When the waters rose high and the storm burst in its fury, the old Advocate had broken down all bridges behind him by the notorious resolution of the 4th of August, 1617. That resolution was his death. It was the so-called "Sharp Resolve," and was passed by the States of Holland, after a brief debate. By that resolution the States of Holland declared themselves supreme in their own territory. On this basis the proposal of a national Synod was definitely rejected. The cities of the province were urged to maintain the religious provisions hitherto made. They were empowered to enlist soldiers, who should be answerable to the civic magistrates only; and thus the cities were to "hinder all actualities," or rather, every attempt at interference by the general government. The jurisdiction of the "High Council," the highest court of justice in Holland, was declared null and void, in all cases where an appeal should be taken to this court in cases growing out of this resolution, and the States of Holland declared themselves to be the only court of appeal. It was indeed a "Sharp Resolve," and for Barneveldt it proved the beginning of the end. A civil war seemed inevitable and this resolution surely

* "Onderhoudt uwe Unie wel, bewaart uwe Unie wel" (*Bor. Auth. Stukken*, ii. 93).

† *Maur. et Barn.*, 40.

contained it in the germ.* It created an army besides the one under the captain-general. It threatened the regular soldiery of the Union with cassation, if they refused obedience to the province and cities which maintained them.

Friend and foe alike condemn this act of Barneveldt as unworthy of his political sagacity and dreadful in its possible results. It created an irreparable breach between the Advocate and his political adversaries, and whether he was right or wrong in maintaining the legitimacy of the act, under the laws of Holland at that juncture it was a definite and distinct menace to the public peace and to the Union itself. It was intended as a threat; it was like the restless moving of the sword in the scabbard before it flashes out in the attack. Barneveldt's own friends stand aghast at the folly and recklessness of the act. "Its imprudence and insufficiency for the aim intended is apparently so clear that it is inconceivable how men of the sagacity of Barneveldt and Grotius could hope for any good results from it."† "The enlisting of 'Waardgelders,' in order that, by force of arms, he might maintain his policy of not suffering the meeting of a national Synod, was a deed of public rebellion against the States General, which would have exposed the country to a most dreadful religious war between its citizens."‡ And thus one might continue to quote the Advocate's own friends against this act of supreme folly and blind obstinacy.

Barneveldt forced the States of Holland to pass this dangerous resolution, in order that he might be enabled to maintain his party among the magistrates of the cities. He knew full well that the majority of the people were against him. The States wished to coerce that majority and thus they chose the path of violence and despotism.§ The measure certainly was bold and revolutionary in tendency, nay, more than that, it was suicidal.|| No one but a man thoroughly blinded by the fanaticism of his convictions, as Barneveldt clearly was, could have seriously proposed to array a band of hirelings against the best-disciplined troops Europe had ever yet seen.¶ The "Grand Council" decided the "Sharp Resolve" to be unconstitutional, and yet Barneveldt pressed on after his *ignis fatuus*.

Even Motley is forced to admit the seriousness of this offense,

* "Il contenoit en germe la guerre civile" (*Maur. et Barn.*, cxxxiii. and 94.)

† *Gesch. van den Oud Ned. Staat*, 194.

‡ *Staatk. Partijen en N. Nederland*, 136.

§ *Historische Bladen*, 29.

|| *History of the Netherlands*, 503.

¶ "Some of his best friends confess in this cause that, if not pride, obstinacy doth blind his judgment" (*Carleton's Letters*, 182).

when he says: "Yet to nullify the authority of the States General by force of arms at this supreme moment was to stultify all government whatever. It was an awful dilemma, and it is difficult here fully to sympathize with the Advocate; for he it was who inspired, without dictating, the course of the Utrecht proceedings. With him patriotism seemed at this moment to dwindle into provincialism, the statesman to shrink into the lawyer."* But why this difficulty "fully to sympathize with the Advocate," if his cause was just and righteous? Why accuse him of "provincialism," if the rights of his province were unjustly violated by the general government; and if his course was one in pure defense of those rights, assailed by an assumption of authority not warranted in law? Let us grant, for the sake of argument, that the letter of the law was on the side of the Advocate. Was the maintenance of the laws and liberties of individual provinces the *summum bonum* of the Republic? Had not these individual provinces, in joining the Union in 1579, subordinated the weal of its constituent parts to the highest good of the whole? If, then, Barneveldt's policy, as expressed in the "Sharp Resolve," inevitably pointed to civil war and the disruption of the Union, and if treason consists in "the actual levying of war against the Union," was he not chargeable with that crime? He was the father of the entire "Waardgelder" plan, and he continued to urge its execution when the other leaders had learned to view it as a forlorn hope.

To be sure, there are circumstances which explain, if they do not extenuate, the mistakes he committed. In the *Verhooren*, Barneveldt says: "It is the duty of the servant to be silent when the master has spoken."† He evidently believed that he was but carrying out the will of his masters, the States of Holland, when he moved swiftly onward on the descending path, which he himself had marked out for them. By a strange anomaly the *servant* of the States of Holland was their *master*, all but autocratic in his absolute control of affairs.‡ Even Grotius, in trying to extenuate the implied guilt of this absolute control, can only say, "that all did not always agree with him." But in the end Barneveldt's word was law. He was the soul; all the others, none excepted, were after all but the body of the party. All the other leaders, great as some of them were by themselves, dwindled into nothingness when his immense power was roused to action. And thus his imprisonment and finally his death caused an utter

* *Carleton's Letters*, ii, 165.

† *Verhooren*, 61.

‡ "On le consideroit, à bon droit, comme le chef du corps, mais légalement il n'étoit que le subordonné et l'organe" (*Maur. et Barn.*, 43).

and hopeless collapse of the Arminian cause as a political tendency. It was this tremendous power, which had been gradually established and extended, that at last caused the Advocate to forget himself and to make the mistakes for which he paid with his life. He was a man of the old regime, he had apparently neglected to adjust himself to a new environment which had originated from totally changed conditions. The Netherlands had been making history very fast: was he oblivious of the fact? It was clearly impossible to apply all the old maxims and privileges and grants to the new order of things: did he make his fatal mistakes in attempting the impossible?

The mutual relation of the provinces under the Burgundian and Austrian and Spanish regime, was utterly different from their necessary relations under the "Union," and no one knew it better than the Advocate himself. What was therefore allowable under their historic sovereigns, became a crime against the Republic if attempted under the "Union of Utrecht." This fact was evidently entirely overlooked by the Advocate. On the day before the execution, Maurice said, with tearful eyes, to Walæus: "I am sorry for the misfortune of the Advocate. I have always respected him,* and often admonished him to do differently. I had to oppose him, because he sought to introduce a new form of government which must have ruined Church and State, but I gladly forgive him what he has done against me." Barneveldt affirmed his innocence and said to the ministers: "I will not accuse the judges, but I come in a time in which other fundamental lines of government are followed than they used to follow." To which the Prince later replied, "The Advocate did not find those rules in the State, but he sought to introduce them."† An evolutionary process was going on in the history of the Republic, a process in which he had been one of the main agents, and, strange to say, when the test came, Barneveldt was found wanting in discrimination and tried to apply the maxims of the past, without taking into consideration their necessary modification in the present. Thus in a sense both Maurice and Barneveldt were correct, but it is manifest that the old maxims of government and the ancient privileges so tenaciously defended by the Advocate, had seen their day and were no longer adapted to the new order of things. And thus Barneveldt, one of the founders of the Union, was, in his old age, undermining its walls, and thus he threatened the collapse of the whole structure.

Now it was expressly stipulated, under Art. i of the "Union,"

* "Ick heb hem altyd liefgehad."

† *Gesch. van het Vaderland*, Gr. v. Pr., i, 251.

that "the aforesaid provinces shall unite, confederate and unify themselves, as hereby they do unite, confederate and unify themselves, eternally* to remain together in every form and manner as if they were only one province; and they will at no time separate themselves from each other, nor allow themselves to be divided or separated from each other, by testament, codicil, donation, cession, exchange, sale, treaty of peace or marriage, or for any other cause whatever it may be." It is therefore apparent at once that the union between the provinces was to be an organic and not a mechanical union. They were to constitute a Union in the fullest sense of the word, and not a confederacy in the accepted meaning of that term. If this be true, did not the man who purposed and plotted to assail this union, assail the united sovereignty of all the provinces, and was he not guilty of lese majesty? Now it is true that this same first article of the "Union" guaranteed to each province, city and even citizen, "their special and particular privileges, liberties, exemptions, rights, statutes, glorious and well-derived customs, usances," etc., and that the provinces mutually bound themselves to maintain these things, "if need be, with life and goods." But in case of infraction of those rights, the difficulty was to be settled by "ordinary justice, arbitration or kindly accord," and no other province or member of the Union was to interfere, "as long as both parties submitted to justice, unless they desired to intercede to bring the matter to an amicable settlement." The whole first article, therefore, looks toward the maintenance of the Union. Its provisions in regard to differences between the provinces evidently contemplate a possible misunderstanding between two or more members of the Union, but it did not reckon on the possibility that any one province should defy the combined authority of the Union, or should set aside the legal authority of the "Grand Council," the highest tribunal in the land. And this is precisely what Barneveldt caused the States of Holland to do in the "Sharp Resolve." The "Union of Utrecht" was therefore infringed in the two main provisions it contained. The Union was to be broken and the courts of justice were defied. If this were not treasonable conduct, what is?

The leaders of the Arminian faction were, however, surprised before they were quite ready, for it was evidently their plan to meet sharp with sharp. The two strongest provinces of the Union were to unite in armed resistance to the demands of the States-General. This was open rebellion and no amount of whitewashing can undo the hard logic of the facts. It was a war to the knife

* "Ten eeuwigen dage."

between provincialism and centralization, between the Union and separate States rights. The "Union of Utrecht," it is true, was a loose and fragile tie between the individual provinces, but it was intended and maintained for the creation and preservation of the Dutch Republic, as truly as our Constitution is the unifying instrument between these United States of America. The honor of having originated the idea of the unification of the Netherlands belongs to Charles V. His "Pragmatic Sanction" united the Dutch provinces, with the approbation of their "Estates," under one law of succession; and the Peace of Augsburg practically severed them from the German empire. This specific aim of Charles V is therefore embodied in the first article of the "Union of Utrecht," and Barneveldt had been the "principal projector" of that "Union." It is a pity that he had apparently failed to grasp the drift of things or to adapt himself to the ever-changing conditions of the nascent Republic.

Life in all its developments is an organism. The history of organized society is that of organic development. Conservatism endeavors to stay this development, which may be guided but cannot be hindered; it denies its organic character and cuts it short. This was Barneveldt's mistake. Had the Union been *de facto* what it was *de jure*, how infinitely more brilliant would have been the history of the Dutch Republic! But beneath the surface of its united life, the forces of decentralization were ever at work to the ruin of the nation's best interests. The balance continued to tremble between the antagonistic forces of centripetalism and centrifugalism, till the cord which encircled the bundle of arrows was broken, and the glory of the Dutch Republic went down in hopeless confusion and ruin. Had Barneveldt's party triumphed, this result would have been anticipated by 175 years. William of Orange had from the beginning urged the need of an absolute Union. He had been an apt pupil of his imperial master, Charles V, whose special favorite he had been, in the formative period of his life. In his famous *Apology* he had said: "Preserve your union, my lords, preserve your union well. Diligently see to it that not only with words and writing, but also in very deed, *that* be executed and embodied, which is symbolized and expressed by the bundle of arrows, united and bound together with a cord."* Over against this explicit declaration,† Barneveldt and his faction put the doctrine of absolute State sovereignty: a doctrine which was not the historic one of the government of the Lowlands, but which

* *Apologia*, Ed. Silvius, 1581, 143.

† The seal of the United Provinces was a bundle of arrows, bound together with a cord.

they sought to introduce. Grotius considers every province a "separate nation," each province is sovereign in the matter of religion, as also in that of levying troops.*

The inculcation of this doctrine was directly opposed to the first article of the Union of Utrecht, in which the idea of States-rights is incidental, but the Union idea is fundamental. "The provinces are forever to remain together, in all manner and form as if they were but one province." By Article iii of that "Union of Utrecht" they bound themselves for mutual defense against every power which would wage war against the Union. "The aforesaid provinces shall also be bound in like manner to assist each other and to help in defending each other against all foreign and domestic lords, kings or princes, countries, provinces, cities or citizens thereof, who would do them violence or wage war against them, either in general or particular." And Barneveldt intended, if worst came to worst, to defend what he styled "the rights of Holland," by armed force. "Both Barneveldt and Grotius were ready to put one-half of the citizens of the Republic in arms against the other half. And at the head of the other half stood the States General and the legal military commander-in-chief."† According to Fruin, Barneveldt even contemplated placing Frederik Henry at the head of the "Waardgelders" against his brother Maurice.‡ Province was to war against province, therefore, citizen against citizen, and Orange against Orange. What is rebellion and treason, pray, if this was not it? And of this dangerous conspiracy the aged and resourceful Advocate was the soul and head. "Even Grotius and Hoogerbeets were no more than his followers and disciples."§ It was true what Matanasse said, in the States of Holland, when the arrest of Barneveldt was announced: "You have taken from us our head, our tongue and our hand, henceforth we can only sit still and look on."

In whatever direction, therefore, we turn, there are clouds and darkness around the towering form of the great leader and only one fate seems possible for the man justly called "the dictator of the period," who caused all this trouble and whose death, for the time at least, undid the greater part of it at once. In his death the Arminian party heard its death-knell sounded. The sentence may have been severe, it was according to the spirit of the times;

* "Summum imperium, extra controversione, est penes ipsos Federatos proceres, et penes proceres cujusque nationis. Sequitur penes easdem seorsum esse jus de religione publica statuendi. In imperio et armorum jus comprehenditur, neque vero per fedus id jus ademptum ipsis sit, sequitur adhuc singulis id jus manere" (*Apologia*, 87, 23, 192).

† *Land van Rembrandt*, ii (1) 62.

‡ *Gesch. des Ned. Volks*, x, 131.

‡ *Gids.*, 1858, ii, 312.

§ *Carleton's Letters*.

it certainly was a bloody retribution, but who dares say it was unjust, if the explanation of the facts which determined it was a righteous one? Had Barneveldt's life been spared, the Arminian party would have continued to exist, as a political faction, and the fertile brain of its great leader would have devised plans, even from his prison, to promote its interests. His removal relegated Arminianism to the position of a theological tendency and virtually annihilated its political aspect.

The data for a fair and deliberate verdict on this great historical drama are multiplying. They are submitted to the keen sense of historic criticism; let its judgment be fair and calm and judicial. Painstaking researches have convinced us that Motley's account of this matter is more of an epic than sober history. As historians we seek the truth and nothing but the truth. In whatever way and from whatever point of vantage we look at the course of events, in the period of the great truce, it appears that Johann of Oldenbarneveldt, overtoweringly great as he was, as a political genius, the leading statesman perhaps of his day, and certainly one of the great towers of strength of the struggle for Dutch liberty, was betrayed, in his later years, into a line of conduct, in his domestic policy, which in any and every well-regulated government of that period must have had the same fatal issue—*a violent death*.

HOLLAND, MICH.

HENRY E. DOSKER.

* *Land van Rembrandt*, ii (1), 61.