

THE *CLEMENTIA LIPSIANA*: POLITICAL ANALYSIS,  
AUTOBIOGRAPHY AND PANEGYRIC

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A well-known (and repeatedly commented on) episode from Justus Lipsius's biography is the one that took place on the afternoon of Friday 26th November 1599 at Louvain University, when the humanist philosopher gave an academic lecture in the presence of Archduke Albert and Archduchess Isabella. This occurred two days after their arrival and one day after their Joyous Entry into the 'first city of Brabant'. During an audience at 11 o'clock in the morning, Lipsius was solicited by the Archduke to give a lecture for him and his wife after lunch. Hence, in the afternoon he found himself presenting a few observations made by the Stoic philosopher and statesman Seneca in *De Clementia*, at the beginning of book I, chapter 3: '*Illius demum (Principis) magnitudo stabilis fundataque est, quem omnes tam supra se esse, quam pro se sciunt*' (*Firm and stable is the greatness of that Prince whom all know to be as far above them as he is for them*).<sup>1</sup>

Afterwards, the proud Lipsius ensured that this unique event—which had after all lasted no longer than two hours—would become an established part of his public image and his biography. He not only wrote to his friends about this singular speech, but also gave permission for the lecture to be included in the official printed account of the Joyous Entry by Johannes Bochius. Moreover, he arranged for the text to be printed separately at the Antwerp Plantin press. This is the context in which no less than 1,500 copies were printed of the *Dissertatiuncula apud serenissimos Albertum et Isabellam Belgarum Principes extemporanea* in 1600. Due to its success, 1,550 copies of a corrected and enlarged version were printed in 1604.<sup>2</sup>

Toon Van Houdt has already extensively contextualized this lecture as a *speech act*, in which Lipsius sought to reconcile his public

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<sup>1</sup> Van Houdt T., "Justus Lipsius and the Archdukes Albert and Isabella", in Laureys M. (ed.), *The world of Justus Lipsius: A contribution towards his intellectual biography*, Bulletin de l'institut historique belge de Rome 67 (Rome: 1998) 405–432.

<sup>2</sup> Ibid., 409.

and humanist self-image with his political views on princely duties. Through *Senecae pauca verba*, Lipsius wanted to demonstrate that the *Belgae* would continue their long-lasting fidelity for as long as their rulers acted not for their private benefit, but out of concern for the wellbeing of their subjects. Van Houdt has demonstrated that Lipsius's lecture was not aimed at re-enacting the contractual obligations of the Joyous Entry, in which the Archduke and his wife had made an oath on the 1356 Brabantine privilege of the *Blijde Inkomst*, but that in his speech Lipsius was trying to reorient this contractual 'old constitution' into the virtuous concern of a prince for his subjects, for which they in return would show loyalty to their rulers.<sup>3</sup>

For the argument of this paper, it is important to question why exactly in 1599 Lipsius chose a verse from Seneca's *De Clementia* to formulate this message. The question is relevant because the virtue of clemency was not only of importance during the academic lecture to the Archdukes, but it also ran as a recurrent theme throughout Lipsius's oeuvre. In his *Politica* of 1589, the philosopher called clemency the Moon of Government and 'a lenient and soft goddess'. He then identified clemency as a virtue proper to mankind, but especially appropriate for princes.<sup>4</sup> His *Dissertatiuncula apud principes* in 1600 subsequently argued for moderation as a crucial princely virtue. Finally in 1605, the *Monita et exempla politica* singled out the mercy and magnanimity of Albert of Austria in particular, inviting him to continue his exemplary leniency. The virtue of clemency was at the heart of Lipsius's humanist and philological endeavours, and he listed *De Clementia* among what he considered to be Seneca's most important works. In the *Monita*, he even urged every prince to read these 'two golden books'.<sup>5</sup>

Lipsius defined clemency above all as a virtue within the judicial sphere, most likely as a result of his legal studies: clemency and pardon were for him important means of establishing justice. In the sixteenth century, the prerogative of granting pardon was seen by jurists as the most concrete exponent of princely clemency and as an alternative to repression for strengthening royal power. So, in the *Politica* the

<sup>3</sup> *Ibid.*, passim.

<sup>4</sup> Lipsius J., *Politica. Six books of Politics or Political Instruction*, ed. J. Waszink, Bibliotheca Latinitatis Novae (Assen: 2004) 324–325: 'Lunam Imperiorum' and 'Mitis et mollis ea Diva'. I take this translation from Jan Waszink.

<sup>5</sup> Jehasse J., "Juste Lipse et la critique littéraire d'après Sénèque (1605)", in Gerlo A. (ed.), *Juste Lipse (1547–1606). Colloque international tenu en mars 1987*, Travaux de l'Institut Interuniversitaire pour l'étude de la Renaissance et de l'Humanisme 9 (Brussels: 1988) 127–132 (131).

philosopher defined clemency as ‘a virtue which, on the basis of judgement, leans away from punishment and revenge, towards mildness’.<sup>6</sup> Without paraphrasing any ancient source, he solved the possible conflict between the imperatives of justice and clemency as follows: ‘this Moon [of clemency] departs a little, I admit, from that dazzling Sun of Justice; but departs only, does not break with it, being different from it rather than opposite’.<sup>7</sup>

*Clementia* as defined by Lipsius has not received much attention or any separate treatment in the way that his concepts of *prudencia* and *iustitia* have undergone critical evaluation. The present contribution not only attempts to remedy this neglect, and looks for the reasons behind Lipsius’s copious reference to the classical virtue. As will be shown, there was more at stake than a simple emulation or paraphrase of Seneca and his *De Clementia* (1). Lipsius’ stress on clemency also reveals more than pure political theory (2), as it was a concrete analysis of the contemporary debate on princely clemency during the Dutch Revolt (3). But equally importantly, Lipsius’ emphasis on clemency related to his autobiography, namely to his personal reconciliations with Philip II (4), and to Habsburg dynastic representation (5).

### 1. *Aemulatio of the Ancients*

If Lipsius chose *De Clementia* to comment on to the Archdukes, it resulted from his overall appraisal of the work of Lucius Annaeus Seneca (making it easier to prepare a lecture in the short time allotted to him). Next to Tacitus, Seneca was at the core of Lipsius’s philological and philosophical endeavours. He had started this life-long study during his Rome sojourn in 1568–1569, inspired by his French teacher Marc Antoine Muret at the *Collegium Romanum*. Just a couple of months before his death, the humanist published a new edition of Seneca’s *Opera Omnia*. As Jeanine De Landtsheer has argued, Lipsius’s fixation on Seneca was probably more important in his life and work than his preoccupation with Tacitus.<sup>8</sup>

<sup>6</sup> Lipsius J., *Politica*, ed. J. Waszink, 324–325: ‘quam virtutem animi a poena aut vindicta ad lenitatem cum iudicio inclinantis.’

<sup>7</sup> *Ibid.*, 325–326.

<sup>8</sup> De Landtsheer J., “Justus Lipsius and Lucius Annaeus Seneca”, in *Annales Societatis Litterarum Humaniorum Regiae Upsaliensis-Kungliga* 1998 (Uppsala: 1999) 217–238 (218). See also: Oestreich G., *Antiker Geist und Moderner Staat bei Justus Lipsius (1547–*

As a good humanist, Lipsius was immediately interested in editing Seneca's work, but the project met with considerable delay. In the end, the 1605 edition of the *Opera Omnia* represented a vast philological improvement on the 1475 Naples *editio princeps*, especially with regard to punctuation. Lipsius succeeded in correctly dissociating the work of the philosopher Seneca from that of his homonymous rhetorician father, although he still accepted the veracity of the letter of Seneca to Saint Paul and he continued to claim that the dramatist was not the same author as the philosopher.<sup>9</sup> Furthermore, as Jan Papy has amply demonstrated, Lipsius intended to continue and complement Erasmus's two editions of Seneca's *Opera Omnia*, deliberately referring to Erasmus twice in his edition, while on other occasions rarely mentioning the name of his Dutch predecessor.<sup>10</sup>

The literary and philological critique of Seneca, served to Lipsius mainly as a starting point for further theoretical and philosophical reflection.<sup>11</sup> His first major philosophical work *De Constantia in publicis malis* (1583–4), for example, formed a clear paraphrase of Seneca's *De Constantia Sapientis*. Lipsius now criticised his own former adoration of patriotism as an *adfectus* which should be avoided in order to reach apathy. Thus, the only way of surviving the ongoing civil war proved to be constancy of the mind.<sup>12</sup> If with this work Lipsius clearly paved the way for the revival of Stoicism in early modern Europe, he

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1606). *Der Neustoizismus als Politische Bewegung*, ed. N. Mout (Göttingen: 1989) 119; Morford M., *Stoics and Neostoics. Rubens and the Circle of Friends* (Princeton: 1991) 157–181; Papy J., “Le sénéquisme dans la correspondance de Juste Lipse: du *De Constantia* (1583) à la *Epistolarum selectarum centuria prima miscellanea* (1586)”, *Le Journal de la Renaissance* 6 (2008) 49–62 and Papy J., “Lipsius as master of order: the true face of Lipsius's Stoicism in the *Manuductio ad Stoicam philosophiam* (1604) and Leiden, U.B., ms. Lips. 6”, in De Landtsheer J.—Delsaerd, P. (eds.) *Iam illustravit omnia: Justus Lipsius als lievelingsauteur in het Plantijnse Huis, De gulden passer* 84 (2006) 221–237.

<sup>9</sup> Tournoy G.—Papy J.—de Landtsheer J. (eds.), *Lipsius en Leuven. Catalogus van de tentoonstelling in de Centrale Bibliotheek te Leuven, 18 september—17 oktober 1997*, Supplementa Humanistica Lovaniensia 13 (Leuven: 1997) 81.

<sup>10</sup> In 1515 Erasmus had presented his edition, offering a fresh look at the author whose style he then much admired. Yet regretting the mistakes of this hastily prepared edition, Erasmus brought out a corrected edition in 1529, although now with a warning on the ‘vices’ of Seneca's style. Papy J., “Erasmus' and Lipsius' Editions of Seneca: A Complementary Project?”, *Erasmus of Rotterdam Society Yearbook* 22 (2002) 10–36.

<sup>11</sup> De Landtsheer J., “Lipsius and Seneca” 220; Papy J., “Erasmus' and Lipsius' Editions” 30–36 and Jehasse J., “Juste Lipse et la critique littéraire d'après Sénèque (1605)” 130.

<sup>12</sup> Papy J., “Justus Lipsius über Frieden und Krieg: Humanismus und Neustoizismus zwischen Gelehrtheit und Engagement”, in Riedenaier M.—Brieskorn N. (eds.),

still disagreed with the determinism and materialism of Roman Stoicism in order to reconcile it with the Christian Faith, one of the basic components of his philosophical programme.<sup>13</sup>

The form and content of Lipsius's Neo-Stoicism is still a matter of debate. Gerhard Oestreich has stressed that Lipsius's *Politica* of 1589 redirected the mainly moral-philosophical Neo-Stoicism towards a political variation, which deeply influenced seventeenth-century European history. According to Oestreich, Lipsius lay the foundations for the *Machtstaat*, even though the philosopher preferred moderation to absolutism.<sup>14</sup> This thesis has been revised amongst others by Mark Morford, who has argued that the *Politica* was more Tacitean in nature and political analysis.<sup>15</sup> Clearly, the Books on Politics presented Neo-Stoic features, not only because they were designed as a complement to *De Constantia*, but also because they urged that the prince be educated according to Stoic ethics. Jan Papy has shown that the ongoing 'Senecan focus' was probably the most distinguished factor of Lipsius's Neo-Stoicism, in the sense that he reframed Stoic ethics as a secular complement to Christian and biblical morality.<sup>16</sup> But within this framework then, what made Lipsius so fond of *De Clementia*, which figures in the oeuvre of Seneca rather as an anomaly than as a prototypical Stoic work? Moreover, if we think along the lines of Oestreich's interpretation, why did he choose this treatise, which calls for limiting rather than supporting absolute power?

Seneca's *De Clementia* is not an easy starting point for interpretation, as it is only preserved incompletely (two books remain, the second only partially). Seneca wrote the text for his pupil Nero, to encourage the young emperor to be clement, to imitate the Gods so as to be their true vice-regent.<sup>17</sup> The text emerged as a carefully constructed combination

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*Suche nach Frieden: politische Ethik in der Fruhen Neuzeit III* (Stuttgart: 2003) 155–173 (155–160).

<sup>13</sup> Marin M., "L'influence de Sénèque sur Juste Lipse", in Gerlo A. (ed.), *Juste Lipse (1547–1606)* 119–126; Id., "Le stoïcisme de Juste Lipse et de Guillaume du Vair", in Mouchel C. (ed.), *Juste Lipse (1547–1606) et son temps. Actes du colloque de Strasbourg, 1994* (Paris: 1996) 397–412, and De Landtsheer J., "Lipsius and Seneca" 222.

<sup>14</sup> Oestreich G., *Antiker Geist und Moderner Staat*, passim.

<sup>15</sup> Morford M., "Tacitean *prudencia* and the doctrines of Justus Lipsius", in Luce T.J.—Woodman A.J. (eds.), *Tacitus and the Tacitean Tradition* (Princeton: 1993) 129–151.

<sup>16</sup> Papy J., "Lipsius' (Neo-)Stoicism: constancy between Christian faith and Stoic virtue", in Blom H.W.—Winkel L.C. (eds.), *Grotius and the Stoa* (Assen: 2004) 47–72.

<sup>17</sup> Fears J.R., "Nero as the Viceregent of the Gods in Seneca's *De Clementia*", *Hermes* 103 (1975) 486–496.

of a moral treatise on virtue, a mirror-for-princes, and political propaganda for Nero's reign.<sup>18</sup> With his *De Clementia*, Seneca aimed to illustrate how both nature and reason showed that clemency was specifically apt for kings. The Good King was clement; the Tyrant cruel.<sup>19</sup> Clemency assured a prince a good reputation and the true affection and love of his subjects. It not only served as a rule of good government but also as a rule of war: a military victory had to be handled with moderation, in order not to harm the conquered people, and clemency towards one's own soldiers prevented desertion. Because clemency was necessary in politics, warfare and justice, Seneca developed his arguments using a moral, military and, last but not least, a juridical jargon.<sup>20</sup>

In the second book, Seneca exclusively restricted his discussion of clemency to a King's role as *Judex*, where clemency was defined as the 'inclination of the mind to leniency in punishments.' A powerful man had to display *indulgentia* when punishing a social inferior. However, Seneca also identified clemency with its result (the *actio*), the pardon or 'the moderation that remits something from the punishment that is deserved and due.'<sup>21</sup> It is in particular this interaction and identification between clemency (*clementia*) and pardon (*remissio* or also the *venia*), which will be a recurrent theme throughout this paper.

Seneca clearly challenged the arguments *contra* clemency, for example that forgiveness supported the culpable and thus constituted a vice, or that it was an *adfectus*. In doing so he was venturing onto thin ice, because such arguments had been developed by the Old Stoic School.<sup>22</sup>

<sup>18</sup> Griffin M., *Seneca, A Philosopher in Politics* (Oxford: 1976) 155–158.

<sup>19</sup> Gwyn W.B., "Cruel Nero: The Concept of the Tyrant and the Image of Nero in Western Political Thought", *History of Political Thought* 12 (1991) 421–455.

<sup>20</sup> Mortureux B., "Recherches sur le 'De Clementia' de Sénèque. Vocabulaire et composition", *Latomus. Revue d'études latines* 128 (1973) 5–85 (17). Seneca was however somewhat confused in the synonyms he used for *clementia*. In his first book *miserericordia*, *venia* and *ignoscere* were synonyms for clemency while in the second book they figure distinctively. In any case, for Seneca clemency could not be the opposite of the virtue of severity, because two virtues could not possibly contradict each other. See for the same discussion: Griffin, *Seneca* 152–154.

<sup>21</sup> Adam T., *Clementia principis. Der Einfluß hellenistischer Fürstenspiegel auf den Versuch einer rechtlichen Fundierung des Principats durch Seneca*, Kieler Historische Studien 11 (Kiel: 1970) held that Seneca's treatise only held a description of the 'King as Princeps Judex', but this statement was firmly attacked by Griffin, *Seneca* 150; 'Inclinatio animi ad lenitatem in poena exigenda' (*De Clementia* II, 3.1); 'clementiam esse moderationem aliquid ex merita ac debita poena remittentem' (*De Clementia* II, 3.2); I take the translations from Griffin, *Seneca* 154–155.

<sup>22</sup> Seneca, *De Clementia* II, I, 1: 'Esse autem aliquos scio, qui clementia pessimum quemque putent sustineri, quoniam nisi post crimen supervacua est et sola haec virtus inter innocentes cessat'.

This has led to the scholarly debate over whether *De Clementia* even was Stoic in nature. The problem was that Seneca did not treat the subject consistently, as in Book I *miseriordia* served as a synonym of *clementia*, whereas in Book II it should be avoided because of its weakness. In this context, it is important that Lipsius appreciated Seneca's treatment of the subject, and, as will be shown, cleverly made use of its ambiguity.

Moreover, it should come as no surprise that Lipsius turned precisely to Seneca to illustrate the virtue of clemency, as he was the only ancient author who had extensively commented on it. Only Caesar had made *clementia* a government policy, by giving an amnesty to his enemies and by erecting a temple to the goddess. Cicero had canonised this in his exhortation to Caesar after the conquest of Rome: 'nulla de virtutibus tuis plurimis nec admirabilior nec gratior misericordia est'.<sup>23</sup> For Cicero, only a prince's love for his subjects could create political stability, because a feared prince incited fear and thus unrest and resistance. Although Cicero had repeatedly referred to the fruits of clemency, he had not treated the virtue separately. Seneca's text therefore served as a concrete application of Cicero's description of the Good Prince, in writing for the emperor Nero and thus applying it to the rule of a *princeps* (the 'Roman monarchy').<sup>24</sup> For Lipsius then, because of the formal similarities—an *adhortatio* to a *princeps*—it made sense to choose Seneca's *De Clementia* for the lecture for the Archdukes in November 1599.

## 2. Political Theory

It may be that Lipsius chose Seneca's political treatise less out of Neo-Stoic concern than to show that ancient sources offered the best starting point for political theory (that was after all also the aim of the *Monita*). In the *Politica*, the philosopher had already clearly agreed with most of Seneca's argumentation *pro* clemency. So Lipsius turned not only to Seneca for ethics and morality,<sup>25</sup> but also for political wisdom, even if he considered Tacitus a more important source for that. The endorsement of Seneca's theory leaves us with the same puzzling

<sup>23</sup> Cicero, *Pro Q. Ligario Oratio* 27, 21.

<sup>24</sup> Stacey P., *Roman Monarchy and the Renaissance Prince*, Ideas in Context 79 (Cambridge: 2007) 5–6.

<sup>25</sup> De Landtsheer, "Lipsius and Seneca" 218.

question: why did Lipsius attach such importance to the virtue of clemency and its execution?

The enthusiastic and Europe-wide contemporary reception of Seneca's *De Clementia* shows that there was more involved than Lipsius's particular interests.<sup>26</sup> After the 1475 Naples edition of Seneca's *Opera Omnia*, other editions of *De Clementia* soon appeared: in 1478, 1480, 1492, 1496 and 1503.<sup>27</sup> In 1532 John Calvin provided an edition and a commentary on *De Clementia*, which aimed at his recognition as a humanist, choosing precisely this text to comment on the important theme of the character of the sovereign.<sup>28</sup> Erasmus also insisted in his *Institutio principis Christiani* that clemency was the virtue for which princes were best honoured.<sup>29</sup>

This new attention to clemency reflected (or better, interacted with) the political and religious challenges of the sixteenth century. Because of what Geoffrey Parker has called the early modern Military Revolution, the ethics of leniency became crucial in a predominantly cruel context. As Seneca had established, clemency and cruelty (not *severitas*) served as antonyms; in practice, they were defined in their dialectic relationship. The crueller the atrocities committed during wartime, the louder the plea for clemency.<sup>30</sup> The Reformation also triggered a debate on clemency as *misericordia* and Christian forgiveness.<sup>31</sup> In this context Erasmus, for example, asked Hadrian VI why it was not possible for the Pope to forgive repentant heretics seven times seventy times, as Christ did.<sup>32</sup> Clemency for 'repentant heretics' could be invoked for a complex matrix of human, social and religious reasons, but also in order to prevent uprising and revolt. Mario Turchetti has labelled this

<sup>26</sup> See for this: Stacey, *Roman Monarchy* passim.

<sup>27</sup> A survey of sixteenth-century editions of *De Clementia* can be found in Calvin F., *Calvin's Commentary on Seneca's De Clementia*, Hugo A.M.—Battles F.L. (eds.) (Leiden: 1969) 74\*.

<sup>28</sup> Calvin, *De Clementia*, Hugo—Battles (eds.) 74\*. See also Krayer J., "Stoicism in the Renaissance from Petrarch to Lipsius" in Blom H.W.—Winkel L.C. (eds.), *Grotius and the Stoa* (Assen: 2004) 21–47 (32–33).

<sup>29</sup> ASD142 (206–208).

<sup>30</sup> Baraz D., "Seneca, Ethics, and the Body: The Treatment of Cruelty in Medieval Thought", *Journal of the History of Ideas* 59 (1998), 195–215 (189).

<sup>31</sup> Weber W., "Gratia—caritas—charisma. Zur Deutung des christlichen Konzeptes der Gnade in der politischen Kultur Europas" in Elm R. (ed.), *Freiheits- und Rationalisierungsprozesse in der politischen Kultur Europas* (Munich: 2006), 178–219 (194–204).

<sup>32</sup> Halkin L.E., *De biografie van Erasmus* (Baarn: 1991) 188–205.

strand of moderate ideas *tolerance-indulgence*.<sup>33</sup> Even Sebastian Castelli, though seen as the most radical propagandist of tolerance, often used the term *clementia* to formulate his imperative of moderation.<sup>34</sup>

In fact, these multiple references to clemency were closely intertwined with the extensive development of the praxis of *pardon* in the judicial sphere. Although the right to pardon (*remissio*) was based on Roman Law, it only grew substantially during the Late Middle Ages, consequently acquiring crucial importance within the context of state-building in early modern times.<sup>35</sup> De Schepper showed that the early modern right to pardon was applied in a broader field than criminal law, also encompassing civil law and *extra iustitia* and *extra iudicia* procedures. As the separation of powers did not yet exist, the right of pardon generated remission, legislation and normalisation at the same time.<sup>36</sup>

According to legal doctrine, a (letter of) pardon was a one-dimensional vertical act, descending from king to vassal. The monarch was eager to monopolize justice, in competition with existing judicial bodies or noble landlords granting grace, a process in which the right to pardon proved to be both an aim and a means.<sup>37</sup> By a collective pardon after a crushed rebellion, a monarch could re-establish order and peace. Also, in that case, a general pardon marked a formal reconciliation between former enemies, reinforcing the sovereign as

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<sup>33</sup> Turchetti M., "Religious Concord and Political Tolerance in Sixteenth and Seventeenth-Century France", *Sixteenth Century Journal* 22 (1991) 15–25.

<sup>34</sup> Guggisberg H., *Sebastian Castelli 1515–1563: humanist and defender of religious toleration in a confessional age*, trans. Gordon Bruce (Ashgate: 2003) introduction.

<sup>35</sup> Hoareau-Dodinau J.—Texier P., "Aspect juridiques, institutionnels et culturels du pardon", in Rousseaux X.—Texier P.—Hoareau-Dodinau J. (eds.), *Le pardon*, Cahiers de l'Institut d'Anthropologie Juridique de Limoges 3 (Limoges: 1999) 11–13.

<sup>36</sup> De Schepper H., "Justitie door Gratie' krachtens vorstelijke wetgeving in de Nederlanden, 1400–1621", in Broers E.J.M.—Jacobs B.C.M. (eds.), *Interactie tussen wetgever en rechter vóór de Trias Politica. Handelingen van het congres gehouden te Tilburg op 12 en 13 december 2002*, Schoordijk Instituut: Centrum voor wetgevingsvraagstukken (The Hague: 2003), 109–129 (114 and 127). See also Vrolijk M., *Recht door gratie. Gratie bij doodslagen en andere delicten in Vlaanderen, Holland en Zeeland (1531–1567)* (Hilversum: 2004) 20–21.

<sup>37</sup> De Schepper H.—Cauchies J. M., "Legal Tools of the Public Power in the Netherlands, 1200–1600", in Padoa-Schioppa A. (ed.), *Legislation and Justice* (Oxford: 1997) 229–268 and Mertens de Wilmars E.—Rousseaux X., "Concurrences du pardon et politiques de la répression dans les Pays-Bas espagnols au 16e siècle. Autour de l'affaire Charlet, 1541", in Rousseaux—Texier—Hoareau-Dodinau (eds.), *Le pardon* 385–417.

Supreme Judge.<sup>38</sup> In everyday judicial practice, repression was alternated with pardon, which led Hugo de Schepper and Marjan Vrolijk to conclude that ‘the other face of the struggle against violence’ was ‘peace and order by clemency’. By this means, monarchs could renew their supremacy in justice.<sup>39</sup>

This new interest in and praxis of pardon did not mean, however, that its expanded use remained unchallenged. Niccolò Machiavelli, to name but the most important, had rejected the premises of the classical Senecan reasoning on clemency.<sup>40</sup> According to the Florentine secretary, violence and cruelty could sometimes be more lenient than clemency, because clemency itself risked creating disorder and chaos. A prince could prefer violence for his own safety and that of his state, as long as he strove in the long run for clemency.<sup>41</sup> Living through and observing the important French and Spanish invasions of the Italian land and peninsula—the start of the Military Revolution—he pinned down reality: during warfare, captains indeed sometimes preferred firm treatment of the subjugated to make others surrender out of fear.<sup>42</sup>

In this light, Lipsius’s position pro Seneca implied a clear refutation of Machiavelli’s view on clemency in politics. Just as Seneca had, Lipsius argued that clemency brought unity, love, safety, stability and honour for kings; similarly, he refuted the arguments against the use of clemency. Neither Seneca nor Lipsius, however, pleaded for unlimited clemency. For both philosophers, too much clemency could result in *misericordia*, which was not desirable for a Stoic way of life. Too much clemency could also damage the position of the king if his enemies exploited it as a sign of weakness. Furthermore, pardoning everybody, for example by means of an amnesty, was as cruel as refusing any

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<sup>38</sup> Dumolyn J., “The legal repression of revolts in late medieval Flanders”, *The Legal History Review* 68 (2000) 479–521 (508–511).

<sup>39</sup> Vrolijk M.—de Schepper H., “The other face of struggle against violence: Peace of order by clemency in the Netherlands, 1500–1650”, in Shannon T.F.—Snapper J.P. (eds.), *Janus at the Millennium. Perspectives on Time in the Culture of the Netherlands*, Publications of the American Association for Netherlandic Studies 15 (Lanham: 2004) 279–295.

<sup>40</sup> Stacey, *Roman Monarchy* 9–15.

<sup>41</sup> Barlow J.J., “The Fox and the Lion: Machiavelli replies to Cicero”, *History of Political Thought* 20 (1999) 627–645; Colish M.L., “Cicero’s *De Officiis* and Machiavelli’s *Prince*”, *Sixteenth Century Journal* 9 (1978) 80–93.

<sup>42</sup> Charles J.-M., “Le sac des villes dans les Pays-Bas au seizième siècle. Étude critique des règles de guerre”, *Revue internationale d’histoire militaire* 24 (1965) 288–302.

pardon.<sup>43</sup> Lipsius urged clemency to be carried out on the basis of judgement (*cum iudicio*), because without it leniency was ‘mere weakness and apathy, and even a fault, and certainly not a virtue’.<sup>44</sup>

This means that Lipsius took a stance on a concrete sixteenth-century political theory, rather than—as Gerhard Oestreich has argued—forecasting the programme of the seventeenth-century *Machtstaat*.<sup>45</sup> In solving the problem of unlimited absolutism and warfare, Lipsius opted for clemency as a desirable virtue and praxis. *Clementia* was one of the *soft skills*—a soft Goddess—that were necessary in an authoritarian system. Therefore, following Martin Van Gelderen, I am inclined to identify Lipsius more as the last Renaissance philosopher reflecting on the Virtuous Prince than as the first Neo-Stoic political theorist.<sup>46</sup>

### 3. Political Debate

On the occasion of the academic lecture for the Archdukes, however, Lipsius also wrote to one of his friends that he had chosen to highlight ‘aliquid pro tempore’ or ‘something according to the circumstances’.<sup>47</sup> This shows that Lipsius’s interest in clemency may have been triggered as much by contemporary politics, Lipsius being an important observer of his time,<sup>48</sup> as by his lifelong fascination for Seneca or the intention to counter Machiavelli’s reasoning.

The *clementia principis* had indeed been vigorously debated in the Low Countries, even before the iconoclastic Fury of 1566. The Dukes of Burgundy, fourteenth and fifteenth-century rulers of parts of the Netherlands, undeniably often employed and referred to their ‘innate clemency’ in settling conflicts. They thus conveniently exploited secular representations of the Clement King, and even more the biblical

<sup>43</sup> Seneca, *De Clementia* II, I, 2.

<sup>44</sup> Lipsius J., *Politica*, ed. J. Waszink, 326–327: ‘mollities haec et lentitudo sit, et flagitium, adeo non virtus.’

<sup>45</sup> Östreich G., “Justus Lipsius als Theoretiker des neuzeitlichen Machtstaates”, *Historische Zeitschrift* 181 (1956) 31–78.

<sup>46</sup> Van Gelderen M., *The Political Thought of the Dutch Revolt 1555–1590*, Ideas in context (Cambridge: 2002) 180.

<sup>47</sup> Van Houdt, “Justus Lipsius and the Archdukes” 408–409.

<sup>48</sup> Tracy J., “Princely *auctoritas* or the freedom of Europe. Justus Lipsius on a Netherlands Political Dilemma”, *Journal of Early Modern History* 11 (2007) 303–329.

images of the Forgiving Father and the Good Shepherd.<sup>49</sup> The Ghent citizens deliberately portrayed the Burgundian Duke Philip the Good as a Forgiving Father during his Joyous Entry in 1458, hoping to convince him to treat them leniently after their crushed rebellion of 1449–1453; one of the banners explicitly mentioned Cicero's *adhortatio* of clemency to Caesar.<sup>50</sup> Emperor Charles V especially cherished his reputation as a Clement King after granting a general pardon following the Ghent revolt in 1539,<sup>51</sup> just as he had done in Valladolid in 1527 after resolving the *Comuneros* uprising in Spain in 1521–1522.

Furthermore, the Burgundians and Habsburgs paid considerable attention to the *mis-en-scène* of their clemency. Often a Burgundian capitulation treaty stipulated that the defeated citizens should kneel before the Duke and ask him for mercy, so that he could formally grant them pardon. This ceremony was known as the *amende honorable*, a punishment to the city in order to repair the honour and majesty of the Duke.<sup>52</sup> Jean-Marie Moeglin has identified these ceremonies with the pan-European ritual of *deditio/receptio in misericordiam*, deeply rooted in Occidental Christianity and judicial, extrajudicial and private conflict resolution.<sup>53</sup>

Charles V and his governors also used clemency in order to fight heresy and inspire conversions, even if they mainly considered it their duty to kill stubborn heretics. They repeatedly issued pardons on a collective scale, as new anti-heresy measures were often accompanied by broad terms of grace for those willing to return to the Catholic

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<sup>49</sup> Lecuppre-Desjardin E., *La ville des cérémonies. Essai sur la communication politique dans les anciens Pays-Bas bourguignons*, Studies in European Urban history 4 (Turnhout: 2004) 304, 310–311.

<sup>50</sup> Smith J.C., "Venit nobis pacificus Dominus: Philip the Good's Triumphal Entry into Ghent in 1458", in Wisch B.—Munshower S.S. (eds.), *All the World's a Stage. Art and Pageantry in the Renaissance and Baroque*, Papers in the Art History from the Pennsylvania State University 6 (Pennsylvania: 1990) 259–290.

<sup>51</sup> Boone M., "Le dict mal s'est espandu comme peste fatale. Karel V en Gent, stedelijke identiteit en staatsgeweld", *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent* 55 (2001) 31–63 (47).

<sup>52</sup> See Lecuppre-Desjardin, *La ville des cérémonies* 306–311, and especially Arnade P., *Realms of ritual: Burgundian ceremony and civic life in late medieval Ghent* (New York: 1996) and Id., "City, State and Public Ritual in the Late-Medieval Burgundian Netherlands", *Comparative Studies in Society and History* 39 (1997) 300–318.

<sup>53</sup> Moeglin J.-M., "Pénitence publique et amende honorable au Moyen Âge", *Revue historique* 298 (1997) 225–269 (226–227).

Church.<sup>54</sup> Even though the Habsburg government eventually opted for harsh repression of the Anabaptists preaching the Apocalypse in 1534, it originally proclaimed a general pardon for penitent ones. This was in response to the suggestions of the Holland Council of Justice that a general pardon could alleviate tensions and prevent uprising.<sup>55</sup> As Marjan Vrolijk has shown, using ample archival evidence, the collective pardon resulted in 483 successful reconciliations.<sup>56</sup>

The Burgundian-Habsburg tradition on the one hand, and the political and religious causes on the other, intermingled in a heated discussion on clemency during the Dutch Revolt, where pardon for both divine and worldly lese-majesty was at stake. The encompassing debate asked whether the use of clemency would make Philip II better loved, or if it would on the contrary create an impression of weakness. In any case, the Duke of Alba's 1567 mission showed that the King had chosen for the hard line of the 'hawks': he would punish first, before granting pardon upon his arrival as a *Rex Pacificus*.<sup>57</sup> In the end, Philip II never travelled to the Netherlands again. In 1572, during the renewed military offensive after the invasions of William of Orange and his allies, the Spanish again adopted a hard-line position. The royal soldiers under the command of the Duke of Alba and his son Don Fadrique committed so many atrocities—despite following a certain 'etiquette'<sup>58</sup>—that the *leyenda negra* of Spanish innate cruelty and tyranny easily spread on the European continent.<sup>59</sup>

Especially the Duke of Alba—clearly one of the leading strategists of his times—constantly pointed to the risk that clemency could create a perception of weakness and thereby threaten the royal majesty.

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<sup>54</sup> Soen V., "De reconciliatie van "kettters" in de zestiende-eeuwse Nederlanden (1520–1590)", *Trajecta* 14 (2005) 337–362.

<sup>55</sup> Tracy J., "Heresy Law and Centralization under Mary of Hungary: Conflict between the Council of Holland and the Central Government over the Enforcement of Charles V's placards", *Archiv für Reformationsgeschichte* 73 (1982) 284–308.

<sup>56</sup> Vrolijk, *Recht door gratie* 280–284.

<sup>57</sup> Parker G., "1567: The End of the Dutch Revolt?", in Crespo Solana A.—Herrero Sánchez M. (eds.), *España y las 17 provincias de los Países Bajos. Una revisión historiográfica (XVI–XVIII)*, 2 vols (Cordoba: 2002) I, 269–290.

<sup>58</sup> Parker G., "The Etiquette of Atrocity: The Laws of War in Early Modern Europe", in Parker G. (ed.), *Empire, War and Faith in Early Modern Europe* (Allen Lane: 2002) 144–168.

<sup>59</sup> Soen V., "Más allá de la leyenda negra? Léon van der Essen y la historiografía reciente en torno al castigo de las ciudades rebeldes en los Países Bajos (siglos XIV a XVI)", in Van der Essen L.—Janssens G. (eds.), *El Ejército Español en Flandes 1567–1584* (Yuste: 2008) 45–72.

He preferred severity to precede clemency.<sup>60</sup> As Gustaaf Janssens has demonstrated, the Duke conceived his task in the Netherlands as ‘paving the way’ for the *adventus regi*, in which Philip II could then come as a Clement King and Forgiving Father. Therefore, he had to carry out justice, putting to death the principal instigators of the iconoclastic fury and consequent unrest. In 1568, he insisted that the military invasion of William of Orange and his brothers had made mercy impossible, repeating the same string of arguments in 1572.

Lipsius took a stance on this dilemma of clemency during the Dutch Revolt.<sup>61</sup> As mentioned, he argued in favour, despite the arguments that were time and again levelled against clemency. Using a quote from Pliny’s *Panegyricus* in the *Politica*, he argued that ‘no vigilance, no guard of armed men protects as well as love [resulting from *clementia*] does’.<sup>62</sup> According to him, lessons from *omnis aevi* showed that clemency was under *all* circumstances preferable to cruelty. He also defied the harsh punishments of the exceptional tribunal of the Troubles, which had denied the existing praxis of pardon. According to Lipsius, it did not serve a prince to always punish rigidly, because referring to Seneca’s *De Clementia*, ‘strictness loses its power when exercised continuously’.<sup>63</sup>

As has long been known, Alba’s policy was at the core of Lipsius’s criticism of the Habsburgs.<sup>64</sup> In 1568 he implicitly criticised the military strategy of the Duke by glorifying the *toga* rather than *militia* in his dedicatory letter to Granvelle.<sup>65</sup> At the University of Jena, he described Alba as a ‘furious tyrant’ with a ‘bloody image’, opposing the cruelty of the tyrant to the clemency of the prince.<sup>66</sup> Moreover, Lipsius also taught courses on Tacitus in Jena in order to draw paral-

<sup>60</sup> For this view see, above all, the excellent contextualisation by Janssens G., *Don Fernando Álvarez de Toledo, Tercer duque de Alba y los Países Bajos* (Brussels: 1993).

<sup>61</sup> Soen V., “C’estoit comme songe et mocquerie de parler de pardon. Obstructie bij een pacificatiemaatregel (1566–1567)”, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 119 (2004) 309–328 (326–328).

<sup>62</sup> Lipsius J., *Politica*, ed. J. Waszink, 324–325: ‘Non enim sic excubiae, nec circumstantia tela, Quam tutatur amor.’ Lipsius quotes Plin., *Pan.* 49.3.

<sup>63</sup> *Ibid.*, 328–329: ‘severitas amittit assiduitate auctoritatem’. Lipsius quotes Sen., *Clem.* 1.22.2.

<sup>64</sup> See also Tracy, “Princely *auctoritas* or the freedom of Europe” 308.

<sup>65</sup> Chatelain J.-M., “Juste Lipse cicéronien: rhétorique et politique de l’éloge du cardinal de Granvelle dans les ‘*Variae Lectiones*’”, in Mouchel C. (ed.), *Juste Lipse (1547–1606) et son temps* 455–470 (457).

<sup>66</sup> Vervliet H.D.L., “Lipsius’ jeugd 1547–1578. Analecta voor een kritische biografie”, *Mededelingen van de Koninklijke Vlaamse Academie voor Wetenschappen, Lette-*

lels between the cruelties of Tiberius and of the Duke of Alba.<sup>67</sup> The Holy Roman Empire was safe ground for ventilating his critiques, as Alba had a bad reputation there anyhow because of the 1552 Battle of Metz against the Protestant princes.

It is important to question, though, if when arguing for clemency Lipsius had only the cruelties of Alba in mind, as he started writing the *Politica* on his journey after Leicester's dubious actions in Utrecht in the summer of 1586. Jan Waszink has already hinted that Lipsius, in spite of his ongoing great expectations of English help, was profoundly discontent with the way in which the Earl of Leicester brutally tried to gain control over the Union of Utrecht.<sup>68</sup> The earlier 'help' to the States-General by the Duke of Anjou in 1581–1583 had also resulted in 'French furies' in January 1583. So city sacks and atrocities were by no means a monopoly of 'the Spanish' and their soldiers—although the *leyenda negra* successfully spread that image<sup>69</sup>—but rather the collateral damage of civil war.

Furthermore, Lipsius wrote the *Politica* at the time that Farnese had eventually succeeded in turning the virtue of clemency into personal propaganda, by consistently using references to it in the military, political and judicial sphere. Farnese had proclaimed broad pardons for the cities he conquered, even sometimes weakening the formal conditions for immediate reconciliation with the Catholic Church.<sup>70</sup>

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*ren en Schone Kunsten van België* 31 (1969) 1–43 (34: 'imago sanguinolenti illius et furiosi tyranni, Ducis Albani').

<sup>67</sup> Papy J., "Virtue and Doctrine: the humanist Programme of Justus Lipsius" in *Annales Societatis Litterarum Humaniorum Regiae Upsaliensis—Kungliga Humanistiska Vetenskaps-Samfundet i Uppsala* (Årsbok: 1998) 197–215 (204).

<sup>68</sup> Waszink J.H., "Virtuous deception: the *Politica* and the Wars in the Low Countries and France, 1559–1589", in Tournoy G.—De Landtsheer J.—Papy J. (eds.), *Iustus Lipsius. Europae lumen et columen. Proceedings of the International Colloquium, Leuven 17–19 September 1997*, Supplementa Humanistica Lovaniensia 15 (Leuven: 1999) 248–267 (258).

<sup>69</sup> Swart K.W., "The Black Legend during the Eighty Years War", in Bromley J.S.—Kossman E.H. (eds.), *Britain and the Netherlands V: Some Political Mythologies* (The Hague: 1975) 36–57.

<sup>70</sup> Soen V., "Alexander Farnese and the *clementia principis*. A Reassessment of his 'Method of Clemency' (1578–1585)", in Cools H.—Derks S.—De Jonghe K. (eds.), *Alexander Farnese and the Low Countries* (Turnhout: forthcoming); Janssens G., "Pacification générale ou réconciliation particulière? Problèmes de guerre et de paix aux Pays-Bas au début du gouvernement d'Alexandre Farnèse (1578–1579)", *Bulletin de l'institut historique belge de Rome* 63 (1993) 251–278. See also, though with caution: De Waele M., "Entre concorde et intolérance: Alexandre Farnèse et la Pacification des Pays-Bas", in Wanegfellen T. (ed.), *De Michel de L'Hospital à l'édit de Nantes. Politique et religion face aux Églises* (Paris: 2002) 51–70.

The result, as James Tracy has argued, was that his ‘penchant for a strategy of clemency seemed to have become a by-word among Lipsius’s close friends’. At the moment of the writing of the *Politica*, the Habsburg policy thus seemed somewhat more clement than that of Leicester, despite the fact that Spanish hegemony was still threatening the ‘freedom of Europe’.<sup>71</sup>

Yet how far did the plea for clemency relate to more general humanist pacifism? J. Kluyskens has argued, albeit somewhat tendentiously, that throughout his life Lipsius remained a messenger of peace and reconciliation. The philosopher turned to the Stoa to study its basic search for reconciliation.<sup>72</sup> However, identifying the stress on clemency as overall pacifism involves some risks. Toon Van Houdt has shown that Lipsius did not even touch upon the theme of peace during his lecture before the Archdukes.<sup>73</sup> In his letter regarding the political events of February 1595, he had favoured a truce above peace, realistically judging that the Dutch would not accept peace, especially not after the ongoing victories of Maurice of Nassau. A year later even, he only accepted peace or a truce in theory, in practice blaming the Dutch for their defiant behaviour. In 1604 then, a year before the publication of the *Monita*, he designed a possible peace with the Dutch as a triumph of the Spanish King over his rebellious subjects.<sup>74</sup> This is only to say that for Lipsius clemency was more a judicial praxis and ethical guideline than a plea for peace.

Nor should clemency be too rapidly equated to a plea for tolerance, as Lipsius advocated the punishment of public acts of heresy in his *Politica*. Again according to Kluyskens, in the last years of Lipsius’s life, his pacifism moved from a pure acknowledgement of the necessity of leniency towards the ethical imperative of clemency, also in mat-

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<sup>71</sup> Tracy, “Princely *auctoritas* or the freedom of Europe” 309, citing the following letter from Janus Dousa sr. in London to Lipsius in Leiden, 6th October 1585 (ILE II 85 10 06, p. 237, ll. 8–10): although Dousa has not been able to write for four months, ‘tu lenior, qui amico manifesta in noxia haerenti de caussae dictione gratiam feceris, reoque ante preces necdem confitenti ignoveris, Parmae opino principis exemplo, cui novum imperium inchoanti utilis clementiae fama’.

<sup>72</sup> Kluyskens, J., “Justus Lipsius’ levenskeuze: het irenisme”, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 88 (1973) 19–37 (31–35).

<sup>73</sup> Van Houdt, “Justus Lipsius and the Archdukes” 415.

<sup>74</sup> Mout N., “Justus Lipsius between War and Peace. His public letter on Spanish Foreign Policy and the respective merits of War, Peace or Truce (1595)”, in Pollmann J.—Spicer A. (eds.), *Public Opinion and Changing Identities in the Early Modern Netherlands* (Leiden-Boston: 2007) 141–162 (*passim*).

ters of belief.<sup>75</sup> Still, Lipsius's *clementia* probably related more to the *tolerance-indulgence* for heretics described by Mario Turchetti, rather than arguing for tolerance *tout court*. More correctly, Jan Waszink identifies the moderate religious views of Lipsius with the so-called 'middle parties' in the Dutch Revolt.<sup>76</sup> This label, introduced by Juliaan Woltjer, describes the large groups in the civil wars which neither approved of the harsh religious repression by the King nor of Calvinist radicalisation.<sup>77</sup> However, it is difficult to discern to what degree these large groups advocated clemency towards heretics. Most councillors agreed on the need for clemency, yet when concretely negotiating on proposals they ended up being very divided.<sup>78</sup> Similarly, Lipsius also argued for some degree of freedom of conscience (and thus for clemency), but he seemed more cautious on clemency for religious dissidents disturbing the state religion. His statements that '*clementiae non hic locus*' led to the famous clash with Coornhert.<sup>79</sup>

#### 4. *Autobiography*

Lipsius's concern for clemency has so far been identified as an emulation of Seneca, a refutation of Machiavelli and a comment on contemporary events; yet consciously or unconsciously it also illuminates his biography. In this respect, Lipsius's life shows a striking parallel with that of Seneca: both started writing on clemency once they had experienced the virtue at first hand by means of a pardon. After his adultery, the Emperor Claudius banished Seneca to Corsica for seven years (he had already fallen out of grace under Caligula). Agrippina, however, responded positively to Seneca's *Letter to Polybius*, in which he tried to obtain a pardon, and made him her son Nero's instructor. Only after his pardon and official reconciliation did Seneca compose

<sup>75</sup> Kluyskens, "Justus Lipsius' levenskeuze" 31–35.

<sup>76</sup> Waszink, "Virtuous deception" 248–267.

<sup>77</sup> Woltjer J.J., "Political moderates and religious moderates in the Revolt of the Netherlands", in Benedict P.—Marnef G.—Van Nierop H.F.K. (eds.), *Reformation, revolt and civil war in France and the Netherlands 1555–1585* (Amsterdam: 1999) 185–200.

<sup>78</sup> Soen V., "Between dissent and peacemaking. Nobility on the Eve of the Revolt (1564–1567)", *Revue belge de Philologie et d'Histoire* 86 (2008) 735–758.

<sup>79</sup> Voogt G., "Primacy of Individual Conscience and Primacy of the States? The clash between Dirck Volckertz Coornhert and Justus Lipsius", *Sixteenth Century Journal* 28 (1997) 1231–1249.

his treatise *De Clementia*. Something similar happened to Lipsius: he was first pardoned in 1574 for his flight and stay abroad, within the framework of a collective pardon, and then again in 1592, by means of an individual letter of pardon.

The general pardon in 1574, from which Lipsius benefitted, was deeply rooted in the overall debate on clemency in politics and warfare during the Dutch Revolt as described above, exactly because that discussion was also concerned with the potential juridical and legal implications of clemency. Some Brussels councillors insisted that royal clemency should result in collectively pardoning repentant rebels. In their view, a collective grace would bring about a formal reconciliation between Philip II and his subjects, and so it would prove an efficient and peaceful means of stopping the turmoil. These suggestions met with so much opposition—on the opportunity, timing and conditions—that the promulgation of the general pardon was considerably delayed.<sup>80</sup> This enabled the Duke of Alba to continue his line of severity and strictness (under the protection of his royal instructions) and bring all the culpable to trial before the Council of Troubles without granting any pardon whatsoever.<sup>81</sup>

By November 1569, however, Philip II agreed to a general pardon for the inhabitants of the Low Countries: anyone prepared to reconcile themselves with the Catholic Church within three months could receive remission of his earlier crimes of lese-majesty and heresy. The King solicited a *breve* from Pius V enabling designated clerics to absolve the sin of heresy (a *casus reservatus* for the pope). These reconciliatory edicts were promulgated in the Netherlands in July 1570 and again in May 1572, on the occasion of the birth of a male heir. The recognition of the political failure of these measures—the open revolt of the Sea Beggars started in April 1572—led to a new formula. In June 1574 governor Requesens issued a broader general pardon, this time backed by a papal *autorisation* of Gregorius XIII.<sup>82</sup>

<sup>80</sup> Soen V., “*C'estoit comme songe et mocquerie de parler de pardon*. Obstructie bij een pacificatiemaatregel (1566–1567)”, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 119 (2004) 309–328.

<sup>81</sup> De Waele M., “Un modèle de clémence. Le duc d'Albe, lieutenant-gouverneur des Pays-Bas, 1567–1573”, in de Waele M. (ed.), *Clémence, oubliance et pardon en Europe, 1520–1650*, *La Revue du Département d' Histoire de l'Université de Montréal* 16.2 (1996) 21–32 (*passim*).

<sup>82</sup> Soen V., *Geen pardon zonder paus! Studie over de complementariteit van het koninklijk en pauselijk generaal pardon (1570–1574) en over inquisiteur-generaal Michael Baius*

These ‘general pardons’ were never general, nor were they ever meant to be. This was after all the application of the juridical commonplace—on which both Lipsius and Seneca had commented—that unlimited grace was as unjust as no grace whatsoever. The two grace measures differed considerably in terms of restrictions, however. In 1570 and 1572, traitors, banned persons, leaders of the religious riots and reformed ministers were excluded, while in 1574 only listed individuals were forbidden from soliciting pardon. The first pardon, heavily influenced by Alba, had broadly defined excluded groups, leading to the comment that the general pardon was in fact a disguised ‘Spanish inquisition’. Requesens, already convinced of the opportunity for a broad pardon before his arrival in the Netherlands, chose only to exclude the chief instigators by name. Philip II felt comfortable and even happy with this, as his father Charles V had chosen a similar format for his general pardon after the *Comuneros*.<sup>83</sup>

Nevertheless, the most distinctive feature of the general pardon of 1574 was that it allowed those ‘who had left the Netherlands but had lived according to the Catholic Faith’ to return and even to take possession of their confiscated goods. This concession was in sharp contrast with the confiscation policy of the Council of Troubles, and consequently it generated a flux of immigration, which has been ignored by the historiography stressing the emigration sparked by the repression.<sup>84</sup> Rebel pamphlets roundly denounced this ‘Spanish pardon of

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(1560–1576), *Verhandelingen van de Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten*, Nieuwe reeks 14 (Brussels: 2007), *passim*. All the editions and manuscripts of these papal and royal pardons which I have encountered are listed in appendices II, III and IV. Here I limit myself to the editions identified by the Belgica Typographica (BT): *Grâce et pardon general, ... donne par le Roy... A cause des troubles passez...* (Donné en... Madrid le seizieme de novembre, mil cincq cens soixanteneuf), Brussels, 1570, BT 2357; *Copie des lettres patentes du Roy (...) en droit la prorogation du terme, donné par le Pardon general de sa Majesté*. (Donné en... Madrid... le XXII<sup>me</sup> de febvrier... mil cincq cens septantedeux, stilo communi), Brussels, 1572, BT 2605 and *Exemplaire des lettres patentes du Roy... Par lesquelles sa Maiesté donne Grace, absolution et pardon general*, Brussel, 1574, BT 2660. There is no printed edition of the breve by Pius V, but only of: *Gregorius XIII. Ad futuram rei memoriam. Exponi nobis super fecit... Philippus... seditiones...* Belgicis, Brussels, 1574, BT 5866.

<sup>83</sup> See also Soen, *Geen pardon zonder paus*, *passim*. On the reliance of Philip II on his father’s policies Janssens G., “Van vader op zoon. Continuïteit in het beleid van Karel V en Filips II met betrekking tot de Nederlanden”, in *Dos monarcas y una historia en común: España y Flandes bajo los reinados de Carlos V y Felipe II* (Madrid: 1999) 89–102.

<sup>84</sup> On this ‘return immigration’, see Soen, *Geen pardon zonder paus*, chapter 8.

exiles', with one Latin punning on pardon (*pardona*) and Pandora.<sup>85</sup> In the exiled reformed churches, returning compatriots were mocked as *pardonnisten*.<sup>86</sup>

One of these numerous returning *pardonnisten* in 1574 was Lipsius. In the autobiography of his 'youth' he explicitly motivated his return by the new air of reconciliation.<sup>87</sup> The humanist may have been referring to the overall appeasement after the departure of Alba in November 1573, but he also concretely hinted at Requesens' general pardon. In theory, Lipsius did not comply with the formal conditions of the general pardon, as he had tended to Lutheranism during his stay in the Holy Roman Empire, but it is probable that he brought with him proof from a Catholic priest that he had lived abroad according to the ancient religion. This kind of testimony was needed to obtain the pardon, and returnees often brought several. Even governor Requesens acknowledged that there was much fraud going on, but thought it was better to forgive as many individuals as possible in order to raise support for the royal cause.<sup>88</sup> Lipsius indeed profited from his return, as it enabled him to finish his legal studies and to obtain a position at Leuven University. In the political sphere this broader pardon too failed for complex reasons, but nevertheless a substantial proportion of Dutch loyalists continued to believe in the potential of clemency.

By 1576 the overall picture had become troubled. Philip II seemed more and more inclined to a lenient approach, but the new governor, his half-brother Don Juan de Austria, eventually opted for confrontation.<sup>89</sup> The King therefore sent a peace envoy to the Netherlands, in the person of the Baron of Selles, to promise pardon to any Catholic willing to return to the royal camp. Maybe because of this, Don Juan issued the general pardon prescribed by his instructions before starting the military offensive in Gembloux in January 1578. In any case, the

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<sup>85</sup> *Pandorae sive veniae Hispanicae Belgicis exulibus, ... Bullae Greg. XIII sive Papalis Anatomia*. S.l., (november) 1574, in the University Library of Gent, *Pamflettencollectie Meulman*, nr. 255 and The Hague, Royal Library, *Pamflettencollectie*, nr. 222.

<sup>86</sup> Soen, *Geen pardon zonder paus*, chapters 7 and 8.

<sup>87</sup> Vervliet, "Lipsius' jeugd" 43.

<sup>88</sup> Soen, "De reconciliatie van ketters" 358.

<sup>89</sup> A recent interpretation of this divergence in policy has attributed it to the influence of the secretary of state Antonio Pérez: Weststeijn A., "Antonio Pérez y la formación de la política española respecto a la rebelión de los Países Bajos, 1576–1579", *Historia y política: Ideas, procesos y movimientos sociales* 19 (2008) 231–254.

governor also printed Selles' *lettres patentes* in order to spread the royal reconciliatory message despite continuing his military operations.<sup>90</sup>

Lipsius was an eye witness of this confused double-tracked policy in Louvain and made convenient use of its ambivalences. He allegedly fled from Don Juan's military offensive, although in fact it presented no danger in Louvain. As Werner Thomas has pointed out, on the 5th of February 1578, the university city peacefully surrendered to the royal army. Lipsius had in fact already announced his departure from Louvain ten days before the formal start of the royal offensive. Again according to Thomas, Lipsius had decided to leave Louvain fearing the possible repercussions from openly expressing his anti-Spanish views in Jena, legally a crime of *lese-majesty* and punishable by death.<sup>91</sup> But if Lipsius had procured a letter of pardon in 1574, he had been formally absolved of these alleged crimes. As he himself wrote, in civil war justice was shaky.<sup>92</sup> In any case, Lipsius did not opt to profit from the city pardon issued for Louvain, which gave grace to everybody who returned within two weeks of Don Juan's surrender.

In 1592 then, Lipsius's return to Louvain was only possible through a formal reconciliation with Philip II. As Lipsius well realised, he first had to formally reconcile with the Catholic Church. After leaving the United Provinces with an excuse, he reconciled with the Catholic

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<sup>90</sup> Soen V., "De vreemde wendingen van de vredesmissie van Jan van Noircarmes, baron van Selles (1577–1580). Een vredesgezant worstelt met de Pacificatie van Gent", *Handelingen van de Koninklijke Commissie voor Geschiedenis* 171 (2005) 135–192. See the version in the Knuttel-collection: *Patenten oft opene brieven van mijn heere don Johan van Oistenrijke... inhoudende den laste ende comissie ghegeven by zijnder Mateyt de Baenreheer van Selles, edelman van zijne huuse ende lieutenant van zijne guardie van Archiers*, Leuven, 1578, Knuttel 337 and French version K. 336. See also the reaction of the States-General to this: *Responce veritable aux lettres patentes et persvasions abusives de Don Jehan d'Autrice, donnees à Hevre le XV jour de Febvrier M.D.LXXVIII, Par laquelle se voit ouvertement la bonne intention des Estats generaulx... A quoy sont jointes pour esclarcissement plus evident copies des lettres desdits Estat escrites à sa Majesté ensemble de l'instruction et lettres envoyees par sadite Majesté en lieu de responce par le Baron de Selles et de tout ce que depuis a esté traicté entre ledit Baron de Selles au nom de sadicte Majesté et lesdits Estats generaux*, Antwerp, Christoffel Plantin, (after 24 March) 1578 (Knuttel 338, Dutch version Knuttel 339).

<sup>91</sup> Thomas W., "Martín Antonio Delrío and Justus Lipsius", in Laureys M. (ed.), *The world of Justus Lipsius* 345–366 (352–355).

<sup>92</sup> On the relationship between 'justice and civil war' during the Dutch Revolt, see the very interesting monograph by Van Nierop H., *Treason in the Northern quarter. War, Terror, and the Rule of Law in the Dutch Revolt* (Princeton: 2009; Dutch edition, Amsterdam: 1999, 2005).

Church in the presence of Jesuits.<sup>93</sup> Only after this was he able to really start to negotiate his reconciliation with Philip II, through the mediation of the Jesuit Martín Antonio Delrío, who was residing in the Habsburg Netherlands at the time and had a powerful network reaching out to Governor Farnese. Delrío introduced Lipsius to Father Johannes Oranus and several others, who delivered him various certificates of orthodoxy. Afterwards, Delrío helped him by writing a letter to Jean Richardot of the Privy Council and Council of State because he ‘could help in arranging a pardon’. Moreover, Delrío provided him with contacts in the provincial Council of Brabant in order to nullify his banishment. Finally, in August 1592, Lipsius was able to return to Louvain.<sup>94</sup> Werner Thomas lucidly remarks that Lipsius’s reconciliation at that time was one of many: in the 1590s the King and his governors were prepared to reconcile a substantial number of people—even if they had formally damaged the Spanish Monarchy—in order to gain information or prestige.<sup>95</sup>

##### 5. *Panegyric (The Monita)*

Pardon was not only a common experience of the lives of Seneca and Lipsius, but strikingly both authors also started to praise the *princeps* who had granted them grace and pardon. Indeed, at one of the many levels of Seneca’s treaty on clemency, it constituted an implicit panegyric on Nero’s early reign. Similarly, the *Monita et exempla politica* functioned as a panegyric on the Habsburg dynasty. This further parallel between Seneca and Lipsius supports the thesis of juridical anthropologists that a pardon constituted not only a *dialogue* between rulers and subjects, but also empowered the ruler when the pardon succeeded in restoring loyalty (which however was not always the case with pardons for political deeds). After his second pardon from Philip II, Lipsius wasted little time in starting to glorify the Habsburg dynasty, as he started writing the *Monita* at the latest in 1596, even if it was only finished and published a decade later.<sup>96</sup>

<sup>93</sup> De Landtsheer J., “Le retour de Juste Lipse de Leyden à Louvain selon sa correspondance (1591–1594)”, in Mouchel C. (ed.), *Juste Lipse (1547–1606) et son temps* 347–368.

<sup>94</sup> Thomas, “Martin Antonio Delrío” 360–365.

<sup>95</sup> Thomas, “Martin Antonio Delrío” 358.

<sup>96</sup> Tournoy G.—Deceulaer H., “Justus Lipsius and his unfinished *Monita et exempla politica*. The Royal Privilege of 1597”, in De Landtsheer J.—Delsaerd P. (eds.),

The lecture before the Archdukes in 1599 probably enhanced his exploration of the panegyric genre, as he had edited the *Dissertatiuncula* together with the Panegyric of Trajan by Pliny. Jean Jehasse has shown that the Pliny edition formed the crucial link between the Tacitus and the Seneca edition.<sup>97</sup> The *Dissertatiuncula* also formed the bond between the *adhortatio* to clemency in the *Politica* and the *laudatio* of it in the *Monita*. Lipsius saw Archduke Albert as a perfect princely incarnation of this clemency, carrying out the *clementia* of Caesar and the *magnanimitas* of Vespasian. Here too, Lipsius reflected contemporary Habsburg policies: after the Act of Cession of 1598, the Archdukes had renewed Farnese's clemency strategy by granting numerous letters of pardon during their Joyous Entry to cities and by incorporating *clementia* in the propaganda for their reign.<sup>98</sup>

Therefore, in the twelfth chapter of the second book of the *Monita*, Lipsius once more addressed the question of the aptness of clemency to princes. He referred first to Seneca's definition in the second book of *De Clementia* (i.e. the one treating the King only as *Judex*). There, clemency figured as '*clementia, lenitas superioris in inferiorem, in constituendis poenis*'. This time, he also wanted to correct this definition by changing it into '*in remittendis poenis*'. This was again an emulation of and tribute to Seneca's *De Clementia (aurei libelli duo)* which Lipsius now explicitly recommended every prince to read.<sup>99</sup>

This time, Lipsius traced the history of clement leaders back to the bible, with Moses and David at the forefront and only afterwards, amongst many others, Alexander the Great, Caesar, Octavian and Vespasian. The Clement King had thus become more closely associated with the Biblical depiction of a Forgiving Father than with the Roman secular version. Even if clemency still figured among the most important virtues of a prince, it was mainly portrayed as a Christian

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*Iam illustravit omnia. Justus Lipsius als lievelingsauteur van het Plantijnse Huis*, De Gulden Passer 84 (Antwerp: 2006) 193–200 and Janssens M., "De *Monita et exempla politica* (1605) en Lipsius' humanistische programma", in De Landtsheer J.—Delsaert P. (eds.), *Iam illustravit omnia* 201–220.

<sup>97</sup> Jehasse, "Juste Lipse et la critique littéraire" *passim*.

<sup>98</sup> Thöfner M., *A common art: urban ceremonial in Antwerp and Brussels during and after the Dutch revolt. Studies in Netherlandish art and cultural history* (Zwolle: 2007).

<sup>99</sup> Lipsius J., *Monita et exempla politica. Libri duo, qui virtutes et vitia principum spectant* (Antwerp, J. Moretus: 1605) 200–201: '*clementia, lenitas superioris in inferiorem, in constituendis poenis. Ais? Constituendis? In parte verum est: sed adde et partem alteram, in remittendis poenis*'.

principle. The virtue also appeared first in relationship to *pietas*, and only afterwards to *iustitia*. Clemency would eventually establish peaceful and stable relations between rulers and vassals. If vassals had the same *pietas* as their ruler, they would leniently accept his rule.

In this way, Lipsius contributed to the dynastic representation which Emperor Maximilian I had initiated at the beginning of the sixteenth century by appropriating *clementia principis* as an innate virtue of the Habsburgs, and already closely associating it with the *pietas austriaca*.<sup>100</sup> Lipsius may have been especially confronted with this Habsburg self-image when he frequented humanist court circles in Vienna, seeking the emperor's patronage. Howard Louthan has shown that the *clementia austriaca* was at that time a quest for compromise in the biconfessional Holy Roman Empire,<sup>101</sup> yet Lipsius carefully avoided references to Maximilian II in the *Monita*; rather, he illuminated the *pietas* and the *iustitia* of Rudolf II and the *constantia* of Philip II.<sup>102</sup> Maybe the panegyric on the clement prince was also in part a 'Belgian' answer to the propaganda and glorification of the new French King. Henri IV had been advised by Neo-Stoic counsellors to base his governmental programme on clemency, as he could not easily be associated with the sacred character of the French monarchy because of his earlier Protestantism.<sup>103</sup>

In his overview of 'Humanism and Political Theory' for the *Cambridge History of Political Thought* in 1991, Anthony Grafton introduced the overall subject with Lipsius's lecture on Seneca for Albert and Isabella. Grafton considered it archetypical that the late humanist chose to comment on ancient sources to instruct on contemporary political events. However, beyond this, he was not sure if Lipsius aimed to criticise the Habsburg princes or to encourage them towards reconciliation. Thus, according to Grafton, 'the letter seems rich and vivid, yet the images

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<sup>100</sup> Pokorny V., "Clementia Austriaca. Studien zur Bedeutung der Clementia Principis für die Habsburg im 16. und 17. Jahrhundert", *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 86 (1978) 311–364.

<sup>101</sup> Louthan H., *The Quest for Compromise: Peacemakers in Counter-reformation Vienna* (Cambridge: 1997).

<sup>102</sup> Janssens, "De *Monita et exempla politica* (1605) en Lipsius' humanistische programma" 201–220. I also thank Marijke Janssens for kindly providing me with the references to the Habsburg rulers in the *Monita*.

<sup>103</sup> De Waele M., "Image de force, perception de faiblesse: La clémence d'Henri IV", *Renaissance and Reformation* 17 (1993) 51–60.

it calls up are soon dispelled, and we are left, much like Alice, able to see the humanist's smile of satisfaction but not to grasp his meaning in a way that satisfies us.<sup>104</sup>

This contribution, however, has had the precise aim of tightening the web of interpretation regarding the classical virtue of clemency. It has shown that clemency in the oeuvre of Lipsius alternatively served as a critique of the Duke of Alba and a glorification of Archduke Albert of Austria, while always functioning as an *adhortatio* to early modern princes that they should put this Neo-Stoic virtue into practice. Additionally, the paper has put Lipsius's reference to clemency into the context of the contemporary political theory on the *clementia principis* and the application of the sovereign right of pardon, demonstrating that Lipsius's analysis in favour of clemency was not as neutral as it may seem at first sight. Firstly, it offered a clear refutation of Machiavelli's stance on the same theme, returning to the classic Ciceronian-Senecan point of view, and secondly it was influenced by the philosopher's own experience of pardon and reconciliation. In the end, this facilitated Lipsius's adherence to the Habsburg dynasty's self-representation as clement rulers.

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<sup>104</sup> Grafton A., "Humanism and political theory", in Burns J. H.—Goldie M. (eds.), *The Cambridge History of Political Thought, 1450–1700* (Cambridge: 1991) 9–65 (9–11).