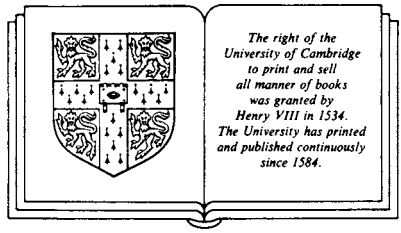
THE LANGUAGES OF POLITICAL THEORY IN EARLY-MODERN EUROPE

EDITED BY

ANTHONY PAGDEN



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Introduction

ANTHONY PAGDEN

I

In the past few decades historians have become increasingly concerned with the role played by language in our understanding of social and political life. The theoretical sources for this concern are several and not infrequently contradictory. But if the works of Wittgenstein, Heidegger, Austin, Ryle, Foucault, Derrida and Rorty (to take only a random sample) often have little else in common, they have all, in different ways and with different ends in view, insisted upon the interdependence of the propositional content of an argument and the language, the discourse, in which it is made. At the most fundamental level such languages will be composed of precise vocabularies, metaphors and topoi, even recognised authorities, all readily identifiable and easily transmitted from one author to another. But there are also other levels, less easy to identify, at which it makes sense to say that a particular author is speaking in the language of, say 'humanism' or 'scholasticism' or 'political economy'. Such languages are, as J. G. A. Pocock says here, 'distinguishable language-games of which each may have its own vocabulary, rules, preconditions and implications, tone and style' which the historian has to learn to 'read'. They are, to borrow a term from Hobbes, 'registers' in which specific kinds of propositions may intelligibly be cast.

The authors represented in this volume are committed to the view, which this series is intended to advance, that ideas can only be studied in what the series editors call 'their concrete contexts', their 'procedures, aims and vocabularies'. This is an explicit, and now familiar, rejection of those older modes of intellectual history which studied texts in terms of sources and influences, or some variation of Lovejoy's famous 'unit ideas', and which frequently imputed inten-

tions and meanings to past authors which they could not possibly have held. It is equally, however, and far more urgently, a rejection of the deconstructionists' anti-humanist claim that no text is, in any meaningful sense, the work of a conscious agent. The discursive practices discussed here were, certainly, the product of long processes of linguistic change. But we believe that those changes were brought about by agents who clearly intended to say some things and not others, and who *employed* the discourses which they had, in part at least, inherited. This is not, of course, to deny that the 'prison house of language' is a real one. For there clearly is a part of every author's text which can be shown to be derived, in some sense of which the author may seem unaware, from an assembly of past utterances. But any analysis which concentrates upon that *alone* must ultimately be only circuitous. It, like Paul De Man's assault on Locke's use of metaphor, 'is bound to continue this perpetual motion that never moves beyond tautology'.[1] The essays in this volume are concerned, not with the architecture of the linguistic prisons of the past, but with the necessarily limited, but nevertheless intelligible, freedom of those who inhabited them.

Nor do we believe that languages, discourses, are self-limiting. An author may employ the idiom or the vocabularies of one language while speaking predominantly in another. He or she may also combine different languages within the same text. Nor, of course, do languages remain unchanging over time. They may, as Richard Tuck shows, become wholly transformed, almost to the extent of constituting new languages by their exposure to other discursive practices and changes in the external circumstances they seek to describe. The vocabularies of which they are constituted may also, as Nicolai Rubinstein demonstrates in his essay on the history of the term *politicus*, undergo radical change. The context in which Aristotle used the term *politikos* and the language in which Michel de l'Hôpital situated the term *politique* are so very different that it might even seem reasonable to speak of two distinct terms sharing the same semantic origin. But, as Rubinstein has also been able to show, the word never lost its central constitutionalist application, and with it the understanding of what area of experience 'the political' was intended to describe. Such continuities of sense serve, as Judith Shklar says, to demonstrate 'the extraordinary capacity of intellectual and moral dispositions to survive intact under the assaults of social change'. But those changes which do occur – the shift in the

[1] 'The epistemology of metaphor', in Michael Shapiro (ed.), *Language and Politics* (Oxford, 1984), p.199.

value given to 'citizen' or 'luxury', the transformation of *otium* into 'idleness' or *negotium* into 'business' – are also crucial to any account of how those intellectual and moral dispositions are able to survive, since they help to monitor the ways in which the languages of politics adapted to changing historical circumstances. They are also one of the unifying themes of this volume.

II

No single collection of essays on so vast a subject as this one could hope to be comprehensive in its range. But the contributions to this volume cover four of the most important, most easily identifiable languages of political theory in use in early-modern Europe. They are: the language of the law of nature and what has come to be called 'political Aristotelianism'; the language of classical republicanism; the language of political economy; and the language of the science of politics.

The first of these to achieve widespread recognition *as* a political language was political Aristotelianism. This was largely the creation of St Thomas Aquinas and his immediate followers, Tolomeo of Lucca and Giles of Rome. It was, as Rubinstein says, William of Moerbeke's translation of the *Politics*, which effectively 'introduced *politicus* and its Latin equivalent *civilis* into Western political language', and with the term came the Greek concept of the 'politic', the idea that man was *zoon politikon*, one, that is, who was literally made for the political life in the sense that his true end, his *telos*, as a man, could be achieved in no other context.

For Aquinas, and for the large and varied number of those who can be described as Thomists, the political regime was more than merely a practical arrangement. Political societies were, as Donald Kelley says, *personae fictae*, worlds constructed on the basis of a rational understanding of man's moral potentialities. Political science was, therefore, like moral philosophy (and for Aquinas, as for Aristotle, the two were inseparable) a form of knowledge, an *episteme*. And because it was a science, it was concerned not with the understanding of the human (or positive) law, but rather with the interpretation of the law of nature, the *ius naturae*, that body of rationally perceived first principles which God has inscribed in the hearts of all men. For the Thomists, the law of nature was the efficient cause of man's relationship with the natural world. It was, as Kelley describes it, 'metahistorical, and metalinguistic as well as metatextual'. And since the theory of natural law relied upon the vocabulary of

Aristotelian logic and Aristotelian anthropology, the language of political Aristotelianism became inseparable from the language of what, in the seventeenth century, became known as 'iusnaturalism'. From Aquinas himself to the 'modern' natural-law theorists discussed by Richard Tuck, the project was to create a political philosophy which could be fully accountable in terms of a set of rationally conceived, and thus universally acceptable, first principles.

The application of these principles was, however, consensual. Knowledge was, in Francisco de Vitoria's blunt phrase, 'that thing on which all men are in agreement',[2] and it could, as Grotius and Pufendorf were to argue, be made identical with men's interests on the same understanding: that this is, self-evidently, what God must have intended for man. Human societies were, therefore, sources of knowledge. But they must, it was argued, have come into existence through an agreement or contract among the first men. By this 'social contract' men willed away their original liberty in exchange for the protection and the possibility of moral understanding which civil society alone could provide. They chose rulers to create for them a world in which they might live essentially private lives, and be able to defend their common interests. But although in order to leave the state of nature they had given up natural liberty, they still retained against their rulers certain natural rights. Rights, therefore, became central to the language of the natural-law theorists.

In the traditional histories of the development of the theory of natural law, Grotius and Pufendorf, since they used a recognisably scholastic idiom, have often been regarded as the successors of the Spanish Thomists. For the post-Kantian historians of philosophy, this continuity of vocabularies between the 'old' natural-law theorists and the 'moderns' made the radical break between Grotius and Suárez almost imperceptible. It also obscured the principal objective of the seventeenth-century theorists, which was to rework the older language of natural rights into what was to become 'a modern science of natural law'. For, as Tuck argues, whereas the scholastics had attempted to build up a Christianised version of the Aristotelian moral virtues into a fully autonomous ethical system which could then be used to support the traditional moral order, the Grotian project was to refute the sceptics' claim that, given the enormous diversity of human customs, there could exist no certain moral knowledge, that society was held together only by the rule of laws which were neither natural nor divine but human, positive,

[2] *De justitia*, ed. V. Beltrán de Heredia (Madrid, 1934), I, p.10.

customary. This belief could, of course, offer no reason at all 'why the fanatic was wrong in holding his moral belief and acting on it', and in a world where, as Tuck puts it, 'large areas of life needed defending from fanatics', that is precisely what the moral theorist had to be able to provide. It was precisely in the knowledge that the iusnaturalist's project was to create a 'minimalist ethics' capable of meeting the 'challenge of Carneades' that Pufendorf could hail Grotius as the heir to Suárez the metaphysician rather than Suárez the jurist.

The use of the language of natural law to contest a moral scepticism which the traditional exponents of that language had never held to be even 'an intellectual possibility' finally came, in Pocock's phrase, 'to highlight the presuppositions of the old language' – in this case, presuppositions about the centrality of the Aristotelian moral virtues. This had subsequently created 'tension in the old conventions', and it was the awareness of this tension which, as Istvan Hont shows, led ultimately to the creation of an entirely new language.

Grotius and Pufendorf's concern to answer the sceptical challenge was also the consequence of another feature which marked them off from their predecessors: their humanism, or at least their humanist training. This was evident not only in their willingness to recognise that scepticism *was* a challenge, but also in their attempts to reduce the innumerable stages of the natural law assumed by the scholastics to a minimalist core, concerned, as Pufendorf insisted, only with the preservation of society on the grounds that what was right (*honestum*) was so only because it was useful (*utile*). The natural law was thus made to approximate as far as possible to the condition of the positive law, which increased its dependence upon the other major component of the language of the natural law, Roman jurisprudence. The 'civil science', as Kelley calls it, constituted not only a discourse (and, of course, a methodology) of its own, but also served to underpin many of the natural-law theorists' more pragmatic claims. Roman lawyers had, of course, always provided the naturalists with much of their conceptual vocabulary – not least of all the terms *lex* and *ius* themselves – what Kelley calls, 'an extended family of socialising and communalising concepts and terms'. The Roman jurists, in particular Bartolus and Baldus, had figured prominently in scholastic discourse as *auctoritates* while the 'language and ideas of the ius naturale' had always been deeply embedded in the civil science. But the ground on which the two idioms met most frequently was the law of nations, the *ius gentium*. For the modern natural-law

theorists, as for Suárez, the law of nations, although a human positive law, was that area where the teaching of the law of nature could be translated into a body of enforceable precepts. Of the three parts of Gaius's triad – persons, actions and things – persons and actions were 'subjected finally not to civil law but, as Baldus had said, to the law of nations' and increasingly during the Renaissance Roman jurists had come to work 'within the confines not of the *ius civile* . . . but rather of the "law of nations" '. Both the civil lawyers and the natural-law theorists were, as Kelley insists, committed to what Leibniz was to call the 'ars hermeneutica' and both believed that interpretation, whether of the text of the civil law or the 'text' which God had inscribed in men's hearts, would lead to a full understanding of 'the nature and behaviour of collectivities as well as individuals'.

But while the jurists came increasingly to speak in terms of the natural law, they were never, as Kelley says, 'fully "naturalised" '. The difference between their two projects lay in the ancient distinction between a science (or *episteme*) and practical understanding (or *phronesis*). Jurisprudence was always bound, in ways that iusnaturalism was not, by its anthropocentric orientation; and although it, too, had always claimed to be a *scientia*, in the sense that it sought to describe human affairs in terms of cause and effect, 'the idea of *causa* was permeated with questions of value and motive'.

III

This distinction between *episteme* and *phronesis* was also central to the second of the languages discussed in this volume: the language of 'civic humanism' and, more generally, of classical republicanism. As early as the fourteenth century the term *politicus* had been, in Rubinstein's words, 'squarely pre-empted in Italy for the republican regime', and by insisting that Aristotle's definition of the *politeia* could only apply to republics, William of Moerbeke 'provided republican and later constitutionalist theory with a fundamental argument', namely that it was only possible to live a fully civil life under a republican government. The humanists were the immediate, and lasting, beneficiaries of this sleight of hand and it was the humanists and their Enlightenment heirs who gave the language of civic humanism its most powerful expression. That language still drew heavily on Greek, and in particular Aristotelian, sources but its principal inspiration came from the Roman moralists and historians, from Livy, Seneca, Sallust and above all Cicero. The humanists' prime concern was with the *practice* of politics, and the

major objective of their enterprise was to provide an account of 'the best state of the commonwealth'. This became, as Quentin Skinner says, 'a standard subject of debate throughout the Renaissance' and, in one idiom or another, was to remain the goal of republican political theory during the whole of the early-modern period.

In his discussion of *Utopia*, Skinner explores More's use of two terms which constitute two of the major classificatory principles of early-modern political thought: the terms *otium* and *negotium*. On the one hand, there is the life in which the citizen is free to pursue his own private happiness ' "living and living well" in the manner most befitting to the nature and dignity of man'; on the other, the life of active participation in the affairs of the state in which 'all the praise of *virtus* derives from action'. This dichotomy was associated, to the point of interdependence, with the classical distinction between monarchies and republics. For the life of *otium*, the declared aim of most Greek political philosophy, was believed to be possible only within a society in which affairs of state had been entrusted to a single, strong and just ruler, a *pater patriae* whose role it was to take upon himself the burdens of the *vita activa*, leaving everyone else free to pursue their higher purposes and so attain their happiness. The life of *negotium*, on the other hand, was clearly only possible when the entire citizen body was able to engage in the active political life, and when each individual regarded his happiness as constituted by that engagement. It was also clear that, in practice, the life of *otium* could only be realised under a monarchy, that of *negotium* only under a republic. The language of republicanism therefore stood in broad opposition also to the language of political Aristotelianism and the natural law. While the latter may not be explicitly a language of *otium*, it was a language in which, as we have seen, the citizen was required to surrender his natural freedom to a sovereign whose task it is to rule in his interests, but with neither his assistance nor his immediate and active consent. The definition of 'republic' and 'monarchy' was, of course, remarkably flexible. It is clear that for More the best state of the commonwealth can only be a *respublica*, a community, that is, of 'active citizens within a self-governing commonwealth'. It was certainly easier for a true *respublica* to be achieved under a republican form of government where what Boccalini called 'that mutual love which prolongs the liberty of all commonwealths'[3] had a far greater chance of success than under a monarchy; but it is equally clear that a true 'republic' can also exist under a formal monarchy provided that, as in Sir John Fortescue's

[3] Trajano Boccalini, *De' ragguagli di Parnaso*, I, V.

dominium politicum et regale, the people 'constituted itself as a "body politic" ', a situation which even observers less partial than Fortescue and More believed to have existed in England, where, as Montesquieu said, a 'republic hides itself under a monarchy'.[4]

It was this stability, the fact that an electoral system and the succession of governments made republics seemingly immortal, which led the theorists of the early Dutch Republic discussed by Haitsma Mulier to take Venice as their model. If Venice was clearly not the optimal state, it was at least the best that could possibly be achieved in practice. The so-called 'myth of Venice' became, therefore, the most powerful contemporary embodiment of the discourse of civic humanism. Because it *was* a virtuous republic, Venice had, or at least so it seemed, been stable for longer than any other European state. It was superior even to Sparta and Rome for it had never shown any bellicose or expansionist ambitions; and its citizens lived in liberty and prosperity, free from the faction struggles and the tyranny of over-powerful ministers, weak or infant kings, which were characteristic of monarchies.

For the Dutch, who knew the limits of monarchical tyranny, and who required a language with which to legitimate their rebellion against Spain, only a republican form of government was acceptable. Any single ruler possessed of legislative power could threaten the integrity of the state: only in a republic was it possible to achieve the 'political balance' the De la Courts were working for.

In institutional terms, however, this meant that the government of the state must be, as Aristotle had prescribed, a mixed constitution. It should, that is, be composed of the 'one, the few and the many', a progressive diffusion of power which would permit the interests of 'the people' to be translated into political action. For most civic humanists, however, 'the people' meant not the classical *demos* (few republicans, not even Rousseau, were very enthusiastic about the idea of a *democratic* republic), but the citizen body. To qualify for citizenship one had to be free, and this excluded not only slaves, women and children, but also all those who were in any way dependent. One had in fact to be, literally, 'of independent means' because dependence was believed to make a man liable to persuasion and corruption.

The De la Court brothers, who in the 1660s attempted to provide a programme for the new Dutch Republic, went to great lengths to insist on the exclusion of all 'dependents'. To practise the life of

[4] *De l'esprit des lois*, XI, 6.

negotium one had to have a stake in the community. For the humanists, however, the independence which came from inherited wealth was not, as it had been for both Aristotle and Aquinas, a sign of that *nobilitas* which every citizen must possess and which both raised him above the morally corrupting pursuit of 'trade' and permitted him to be 'liberal' with his fellow citizens. For the humanists, nobility could only be the consequence of inherent virtue. *Virtus vera nobilitas est* thus became 'almost a slogan of humanist political thought'. By stressing this they were, in effect, making the claim that only through the life of *negotium* would a man be able to acquire true virtue, which is why in Utopia 'the quality of virtue has been made the ruling principle'. In the language of civic humanism the term *otium* becomes one of mere abuse. It is no longer the life of (active) contemplation but merely Erasmus's *iners otium*, 'sluggish idleness'. The nobility of the courts of Europe, claims Hythloday, are driven by what he calls 'civil greed' to damage the larger political community to which they belong and for whose welfare they are supposedly responsible. And this withdrawal from the active life into one of otiose luxuriousness to the detriment of one's fellow citizens is what the humanists understood by 'corruption'. Luxury and corruption – and the supposition that one must flow from the other – thus became powerful terms in the vocabulary of civic humanism. They also, as Maurice Goldsmith demonstrates, provided civic humanism's eighteenth-century critics with a means for overturning the whole republican ethic.

The contrast between the life of *otium* and that of *negotium* also depended upon another pair of antimonies which became prominent in the vocabulary of later classical republicans, and of Rousseau in particular. For the life of *otium* was clearly a 'private' life, a life that is in which the individual pursues his own private interests – as well as enjoying his *private* property – behind closed doors *as* an individual. The life of *negotium*, on the other hand, is the life of the public individual whose affairs are conducted in full view of his fellow citizens *as* a citizen. *Utopia*, the epitome of such a life, is a society in which literally nothing is private. The Utopians eat together in communal dining halls, wear identical clothes and live in houses which, by some unexplained architectural means, always give 'admission to anyone who wishes to enter'. Private property, and the money economy which supports it, which for the natural-law theorists – and for their eighteenth-century heirs – was ultimately the basis of all true civil societies, was for the civic humanists only 'the root of all evil'. Few humanists were, of course, prepared to go as

far as Hythloday, and the majority of his utopian successors, in abolishing private property. Most, as Skinner points out, still insisted that, even in the optimal republic, considerations of 'degree, priority and place' were indispensable as the 'preconditions of any well-ordered society'. But if Hythloday's conclusions are extreme they are also inescapable. The humanist ethic required the eradication of any purely private existence and the ultimate abolition of property if the *optimus status reipublicae* was ever to be realised.

Classical republicanism is also, of course, a language of liberty. For only the republic can guarantee men their true liberty since this does not consist merely in an absence of constraint but in active service to the community. And if the republic was to achieve this end it had, in Cicero's famous phrase, to be *bene et recte ordinata*: it had to be a community in which, as in Utopia, 'there is no disorder'. It was, of course, Rousseau who most insisted that all discussions of politics were discussions about liberty and it was Rousseau who, as Maurizio Viroli argues, made the concept of order, as represented by a body of law, central to any definition of liberty. For most classical republicans, liberty could only be achieved by each man's willingness to renounce his purely private concerns for the greater good of the community. Rousseau claimed, however, than any society in which legitimate private interests – the interests of artisans or Genevan traders – are excluded is merely another form of tyranny. The well-ordered republic is, he claimed, one in which the laws truly reflect the general will, in which *all* individual interests are reconciled.

One of the devices by which the difficult task of reconciliation may be achieved – and to which Rousseau dedicated an entire chapter of the *Contrat social* – is a 'civil religion', a religion which, irrespective of its truth-value, could be used to persuade the most recalcitrant citizens that their private interests formed a part of the common good. It had, of course, for long been an important component of humanist political discourse. Machiavelli's famous description of Christianity as a creed which had made 'the world weak' and thus a prey to the ambitions of 'vicious men'[5] was not, of course, a rejection of the truth of divine revelation. It was a rejection of the civic value of the ethical code which that revelation seemed to demand. Christianity, or at least Christianity in its unreformed state, was a threat to any political community not only because it taught subservience, but because it was the instrument itself of a powerful and politically independent Church. What was needed was a religion

[5] *Discorsi*, I, II, III.

whose interests were wholly identified with those of the civil community. The Utopians, who have not had the benefit of revelation and who are thus invincibly ignorant, have been able to devise for themselves a form of worship which (in that the priesthood is, for instance, elective) is as near as a good Catholic could come to describing the kind of civil religion which would support a classical republic.

For Machiavelli, the form the religion might take had been largely a matter of indifference, as long as it was not the Church of Rome. For Harrington and Rousseau, however, there now existed in the reformed religion an ideology, the doctrine of 'priesthood of all believers', which could transform the civic humanists' essentially pagan, optimal commonwealth into a Christian state. As Mark Goldie describes it, 'For Harrington, and for Hobbes, as much as for Hegel, the mission of the state, of the Godly Prince, was to realise in the commonwealth the religion which, in its corrupt medieval form, had held all commonwealths under its tutelage.' The sacred and secular, what Rousseau called 'the two heads of the eagle', could now be reconciled in a community where the patriot and the Christian were one, where it was possible for religious beliefs to be realised *in* the commonwealth. For Harrington then, as Goldie describes him, Machiavelli's condemnation of the Church could be met with the claim 'that the [ancient] Roman and Christian religions, when properly understood, were identical'. Once the civil religion had successfully been translated into the terms of an essentially Calvinist providentialism it became possible to re-describe the classical republican distinction between virtue and corruption as a distinction between a true and a false religion. Government is then, in Harrington's words, only reason 'brought forth and made into virtue', and what he called the 'soul of government' became nothing less than the 'true and perfect image of the soul of man'. By Christianizing the language of civic humanism, Harrington had succeeded in reconciling the needs of a *rational* moral and political order with the only ideology force which could make that order compelling, and by so doing he had explained why, as Goldie puts it, 'the Greek ideal of human fulfilment in the *civitas* simply *was* the freedom promised by the Gospel'.

IV

The fourth language discussed in this volume, the language of political economy and the commercial society, challenged and finally transformed the discourse of both civic humanism and natural juris-

prudence. Natural jurisprudence, as Istvan Hont and Michael Ignatieff have shown elsewhere, provided Adam Smith 'with the language in which his theory of the functions of government in a market society took place'.[6] It also provided, if only in the form of a reluctant recognition, the elements of the principal theoretical strategy of political economy – the concept of unintended consequences, the belief that the pursuit of private interests, which the humanists had seen as the source of all public discord, might bring inadvertent public goods. Smith and Millar's attempts to 'historize the origins of private property' on the basis of Pufendorf's theory of sociability also led, as Hont argues here, to the conceptualisation of the commercial society as a 'fourth stage' in the theoretical natural history of human society. The seventeenth-century natural-law theorists, Pufendorf and Grotius in particular, had already recognised the existence of such a stage, although they were distinctly unhappy with its possible implications. For Smith, however, this stage, regulated by a market economy, was the highest to which civil man could attain, because, since the market was responsible for distributing wealth throughout the entire community, it had precisely the power required to translate the short-term pursuit of private interests into long-term public benefits.

These unintended consequences could, then, in Mandeville's notorious phrase, convert 'private vices into public virtues'. If the language of political economy was a perhaps unforeseen (if not exactly unintended) product of iusnaturalism, it was also, as Maurice Goldsmith points out, quite specifically directed *against* most of the assumptions of civic humanism. In the commercial society the man whose activities most benefit the community is not the virtuous man of *negotium*, but the luxurious man of *otium*, since in the civilisation of the 'fourth stage', urban and mercantile, where 'sociability' and 'commerce' have become interdependent, it is the private consumer who generates the wealth the market will distribute. And it could be argued that, since the market was a natural mechanism, any but the minimal necessary participation by the citizen body in public life – since this would inevitably lead to active interference with the economy – would constitute a threat to the proper functioning of the society. The citizen, as the political economists never tired of saying, now had a *duty* to pursue his private interests. The language of political economy had thus made the old distinction between *otium* and *negotium* redundant by collapsing one into the other.

[6] 'Needs and justice in the *Wealth of Nations*: an introductory essay', in I. Hont and M. Ignatieff (eds.), *Wealth and virtue: The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge, 1983), p.43.