

INTRODUCTION

Europe during the high and later Middle Ages and Renaissance experienced a particular kind of diversity and a particular kind of unity. The population had grown significantly; agriculture, commerce and manufacture had expanded dramatically. It was a society full of change and innovation. Linguistically people were divided up by the vernacular speech of everyday life and law, and united by the Latin of religion, philosophy, diplomacy and higher administration. There were points of separate evolution within a common culture: the Netherlands and Italy, England and France were more distinct in 1450 than they had been in 1250. Political societies and forms of government were in flux. Papacy and Empire stood for unity and the name of Rome; local customs, group allegiances and individual rights varied almost endlessly. Balances of power began to emerge in inter-state relations. France and England were becoming centralised national kingdoms. The Swiss and the Scots were fighting for independence. The German Empire was dissolving into a very loose confederation of feudal-princely territories and, on the other hand, commercial urban communities. While the feudal monarchies of Castile and Aragon reconquered Spain from the Muslims, in the Low Countries, northern Italy and the Rhineland merchants, artisans and day-labourers organised themselves into city-states and guilds. Free cities like Florence, Cologne and Ghent revolved from oligarchy to democracy and back. In England parliament was becoming partner to the Crown.

There was, as we shall see, no less a plurality of intellectual trades

and languages. What we know as 'political thought' emerged out of theology, law, Ciceronian rhetoric and Aristotelian philosophy (see below, pp. 7-10). Not least, popular history has exaggerated the uniformity of the Catholic world and the hegemony of the church. Religious thought and practice varied from place to place and class to class; it was a notable strength of this old religion that it could both adapt itself at the intellectual level and incorporate local peasant ('pagan') forms. This, together with the wealth and power of the clergy, was why 'reform' was never off the agenda. 'The authority of the church', while nearly everyone paid lip-service to it, was already a radically contested concept. The church-state conflicts exposed a raw nerve in the Christian republic, and during the fourteenth century became entangled with issues of corruption and reform. 'Heresies' generally took the form of asserting a perceived New Testament ideology against 'corruption' in the contemporary church. By the middle of the fourteenth century the authorities had succeeded in stamping out Manichaeism with its dualism, rejection of the flesh and more immediately of the clergy whom it replaced with its own 'perfected ones'; but in the 1410s a religious revolution with strong national and social undertones, inspired by Jan Hus, took permanent hold in Bohemia. What the two had in common was anticlericalism.

Theories of knowledge, morals, nature and humanity, society and the state varied enormously depending on whether one approached them via Roman and canon law, Christianised Platonism, Aristotle, or Cicero and the Latin poets. The period 1250 to 1350 was especially innovative in philosophy. Mental life was not merely a repetitive rediscovery of past achievements; new problems of understanding and action were perceived and new conceptions sought. With Aquinas, Scotus and Ockham, ideas about God, human beings, social life and ethics developed anew and were perceived as improvements; the word 'modern' was used to describe the new trends in thought associated with Ockham. This intensity of intellectual enquiry dated back at least two centuries, stimulated, in the political sphere, by the church-state conflict of the late eleventh century. It was facilitated by commerce, technical skills and a bourgeois-civilian society. Christianity differentiated itself from Islam: it could more easily be interpreted as permitting and even encouraging intellectual enquiry.

The spiritual proximity of Virgil, Ovid and Horace had helped to keep some groups in touch with pre-Christian sensitivities and to generate a new world of romance. Cicero and the Roman historians taught models of conduct which enabled merchants, artisans and citizens to see themselves as senate, people and republic. About 1260

the translation of Aristotle into Latin was completed with William of Moerbeke's rendering of the *Politics*; once regarded as a revolutionary moment in the history of political thought, the significance of this has to be carefully assessed. Overall, Aristotle provided a new element in intellectual life; but Plato, whose works became more fully known during the fourteenth and fifteenth centuries, remained an inspiration and an exemplar. The ultimate driving force was the tension and complementarity between the Judaeo-Christian and the Graeco-Roman. This was surely why 'Europe' developed along such different lines, intellectually and in the long run politically, from eastern Christendom and the world of Islam.

In this as in other periods political thought dealt with specific salient issues of the day; at the same time it focussed upon topics raised in traditional texts. Where these coincided we often find the greatest concentration of intellectual effort: on church and state, king and people, ruler and law. On the other hand, some aspects of contemporary experience, which we know about from other sources, evoked little theoretical discussion. The relation of lesser associations to the state was of interest only to jurists; this was no doubt because Cicero and Aristotle had little to say except to assert the complete primacy of the state. Thus while the period was corporatist in practice, there was no theory of corporatism.

Writers on politics in the later Middle Ages and early Renaissance had a distinctive view of the relation between theory and practice, ideal and reality, and of the theoretical importance of facts, historical or contemporary. Many believed that some set of institutions – whatever it might be – was intrinsically right and valid for all time. The problem of political philosophy was (1) to state clearly and authoritatively what these institutions were, with full reasons given, and then (2) to see how contemporary institutions could be made to measure up to them. The point was that social and political reality, experienced here and now or learned second-hand, did not enter very much if at all into the first stage. This was what Machiavelli complained about; whereas Luther changed the criteria for what ought to be. Our thinkers should not be unduly blamed for this: facts played as great a part in the reasoning of Marsiglio and Cusa as they did in Hobbes or Locke. Thinkers of these times are commonly described as 'otherworldly'; but this distinguishes the religious sources of their moral and political values rather than the abstract nature of those values. It would not be easy to find among them a theorist more abstract than Kant or Rawls.

To put this another way, thinkers continued to pursue the question

posed by Christian Platonism: what is the perfect or best state? They did not take up the Aristotelian question: what are actual states like? Those concerned principally with, say, England or France may be said to have been answering in effect Aristotle's intermediate questions: what is the best constitution for most existing states, or for a particular state? It was increasingly common to remark that, whatever the ideal, something else was required 'things being as they are now'; the age (*seculum*) was deteriorating. But scholars seemed to lack the incentive to examine the details of their own political environment; these were of no intrinsic interest, had no real meaning. 'Political science' meant finding the best constitution and reforming existing states in the light of it, not examining the works of man as a source of greater enlightenment. Hence the project of Aristotle's *Politics* books IV to VI remained on file.

Yet this outlook was already being subverted. Most medieval as well as Renaissance authors appealed to 'experience, the teacher of all' (*experientia, rerum magistra*). Jurists relied on custom and precedent; the greatest medieval jurist made much of the distinction between *de jure* and *de facto*. Moralists were concerned with individual salvation and therefore with right conduct in every detail of everyday life. Much political thought – in Ockham, for example – was an offshoot of moral theology in the sense that it was designed to discover the right course in any imaginable circumstances; and in this context facts could be supremely important. Christian doctrine was itself based upon the facts recorded in Scripture and, when it came to the church's constitution, upon historical development.

Public records which express political sentiments, and from which one may expect to learn something about political attitudes amongst a wider public, have to be treated with caution. What one learns from official letters, charters, chronicles and so on is the kind of discourse that prevailed and what was acceptable, or calculated to influence people. Such documents were usually written by rhetoricians, lawyers or churchmen; their language was very formal, and they tended to use the criteria and express the values of their author's profession. A textbook on composition (c. 1276) recommends for use in communication between one *universitas* (city or community) and another a choice of phrases such as "to unite" or "to bring together the multitude of the community" or "of the citizens under the blessing of harmony"; "unanimously" [or] "communally" [or] "harmoniously" [or] "peacefully to depart from civil

discord”¹. One may conclude that the appearance of such phrases in public documents cannot be taken as evidence of public opinion. Religious-minded chroniclers and philosophers had their own messages to preach, such as peace, justice and the common good. These values may have been part of the mentality of those on whose behalf they were written or to whom they were addressed; but they may not have been.

Was the period 1100 to 1500, then, one in which communal rather than individualist values predominated? Most people belonged to several groups with overlapping functions – family, guild, village, town, domain, church, realm – giving intersecting or concentric allegiances. But, given the nature of the sources, one may say that communal discourse was the order of the day, but this does not mean that people saw themselves in collectivist as opposed to individualist terms; to begin with, poetry and sculpture, not to mention economic activity, attest the opposite.

The opinions of the uneducated common people are seldom recorded. Extreme statements about liberty and equality in times of revolt probably do not reflect everyday sentiment; on the other hand, the evidence does not suggest that people were particularly subservient. It is quite possible that the consciousness of ordinary folk has changed much less, or more slowly, than the political languages of the articulate.

Differences in political outlook and language existed between town and country, aristocracy and peasantry. There is little evidence of class differences in political ideology within towns. There was some difference in outlook and language between urban and courtly milieux, though successful city-states like Venice and Florence appropriated some courtly language. There was little difference in language (though there was in outlook) between secular and ecclesiastical courts: each employed university men and humanists to fight their corner. Jurists and humanists argued the case of their employer, using whatever arguments they thought would count. Leonardo Bruni, who boasted that Florence’s republican liberty was far nobler than Milan’s monarchy, passed in and out of papal employment during the conciliar controversy without the slightest intellectual embarrassment.

The most remarkable dividing-line in political thought and lan-

¹ Konrad von Mure, ‘De arte prosandi’, in L. Rockinger (ed.) *Briefsteller und Formelbücher des 11. bis 14. Jahrhunderts* (Aalen: Scientia Verlag, 1969), pp. 403–82 at p. 450.

guage was the geographical one between the Italian peninsula and the rest of Europe, including Spain. This was due to the early development of communes and cities, and the successful establishment of city-states, in northern and central Italy; and to the adoption of Latin, Ciceronian rhetoric as a mode of discourse from a relatively early time. This, together with a unique national awareness of the Roman-Italian past, republican and imperial, fed into the Renaissance: by the middle of the fourteenth century rhetoric was becoming humanism as a mode of speech deepened into an attitude to life. Civic ideas spread from Italy to the Low Countries, where both civic independence and popular government were advocated on the Italian model.

Similar religious and ecclesiastical issues were common to the whole of Europe but evoked very different responses and solutions in different parts of the continent. The church-state question was still discussed in general terms, but by 1300 it was in practice largely a question of the relation of the papacy to specific lands and rulers. Conciliar theory evoked much enthusiasm in central Europe but was of little concern to Englishmen and heartily disliked by Italians.

Outside Italy, regional and national differences in political thought were less marked. This was largely due to the church, the Latin language, the spread of religious ideas through pulpit and art and the cosmopolitan character, at least until *c.* 1400, of the university system, where the learned élite (*doctores*) were trained. Oresme was the only major theorist who wrote in the vernacular; Aegidius' *The Rule of Princes* (*De regimine principum*) was, untypically, translated into French soon after it was written. Theology and philosophy were the most cosmopolitan disciplines; the revival of Aristotle was a European event. Theologians and philosophers like Aquinas and Marsiglio also commuted comfortably between the intellectual worlds of Italian civic patriotism and the northern monarchies. Canon law was international. Roman civil law was much more widely studied in Italy than elsewhere, and there alone did it become a starting-point for political theory.

The northern and Hispanic monarchies could be perceived as conforming to a constitutional type with certain common features and problems, such as the relation of king to law, to nobility and parliament, hereditary versus elective succession and the right of resistance. Nevertheless many, perhaps most, major authors wrote with a particular kingdom in mind: what 'Bracton', Lupold von Bebenberg, Oresme and Fortescue said was aimed at the specific problems of their own country, and much of it would be incomprehensible if read as a general statement. Writers on the Empire such as Dante and

Cusa were particularly mindful of the misfortunes of, respectively, Italy and Germany.

Nearly all the political treatises and other documentary evidence of political thought in this period were written in Latin. This was a dead language in the sense that no-one learned or spoke it as their first language; it was, however, the language in which religious worship, diplomacy, university discourse and some day-to-day administration in the church were conducted. It is probable that, at most, only a few individuals 'thought in' Latin. The texts and documents which we have are, therefore, the product of a peculiar kind of composition. (Some later theorists wrote their works in both Latin and their native tongue.) Given the links we assume today between thought and language, this ought to create alarming problems of interpretation, which we have not begun to address. (Gierke raised the issue when he argued that élites using learned Latinity superimposed Roman absolutist ways of thinking upon the democratic traditions of the Germanic peoples: they translated the contemporary *commune* or *Gemeinde*, for example, as *universitas* (see below, p. 14–15) and then proceeded to treat it as the *universitas* of Roman law.)

Educated people employed several distinct 'languages' in the special sense of separate vocabularies (all written in the same tongue) with their own concepts, prose styles, methods of argument and criteria of judgement, standard texts and authorities: distinct ways of articulating and presenting to their audiences political facts and ideas. To identify these and to be aware of them precisely as 'languages' will avoid needless confusion, and is an indispensable prerequisite to understanding the political thought of the period.

Theological language (1), deriving from the Old and New Testaments of the Bible (including the Wisdom books now commonly known as the Apocrypha) in the Latin 'Vulgate' translation of St Jerome, and from church fathers such as Ambrose and Augustine, was used in most discussions about government and social relationships. It could give rise to ideas about kingship and obedience but no less to ideas about the moral responsibilities of rulers and ruled and the moral equality of human persons before God. The allegorical method was a common way of deriving contemporary political messages from Scripture, as when the church was compared to the beloved lady in the Song of Songs, and when Jesus' reply to Peter's statement that they had two swords ('It is enough') was cited to prove that Christians needed both the ecclesiastical and the secular powers.

Numerous terms stemmed from the native languages and customs of the European peoples, the Franks, Lombards, English, Saxons and

so on, and formed an identifiable vocabulary in official documents and in regional, national and civic laws, old and new. Sometimes this was feudal, referring to oaths, allegiance (*fidelitas*), lordship (*dominium*). The use of *dominium* to express political authority indicates a connection with landed property; but it also had religious overtones, suggesting the derivation of all power from Christ the Lord. Sometimes this language was communal, referring to the rights and dues of all members of a given community. Here one spoke not of liberty but of liberties, not of natural law but of particular 'rights' (*iura*) and privileges; of justice and honour. This native language (2) was frequently supplemented by (3), the language of the academic jurists.²

This language derived, first, from the laws and jurisprudence of ancient Rome, collected and expounded in the second and third centuries AD and codified under Justinian in the *Digest*, *Codex* and so on, known collectively as 'the civil law' (*ius civile*). Its political concepts were predominantly those required by the Roman principate and Empire, but there were in the *Digest* nuggets of republican sentiment, and Roman-imperial legal thought had been deeply influenced by Stoic ethics and philosophy. Together with certain much more recent imperial legislation, and as interpreted by the standard twelfth-century 'gloss' of Accursius, all this comprised, for Italians especially, 'the laws' (*leges*) *par excellence*, or 'the common law' (*ius commune*) shared by the whole Roman world of Christendom. While it was quite separate from the local or national laws actually administered in England, Saxony and so on, it exercised a pervasive influence upon these through the schools and jurists as a model and authority, a point of reference when there was doubt or reform was needed. Leading teachers of law, especially in Bologna and the other great Italian schools, wrote 'commentaries' based on their 'lectures' which, especially from the later thirteenth century and culminating in Bartolus (1313/14-57), used the original text as a point of departure for discussion of contemporary legal and constitutional problems.

The 'canon law' of the church, effective in church courts all over Europe, comprised another set of authoritative texts, the *Decretum* of Gratian (c. 1140) and the ever-expanding books of *Decretals* (*Decretales*) compiled out of more recent papal and conciliar legislation. These were similarly glossed and commented upon in the universities; the Decretists and Decretalists actually anticipated the civilian Commentators in their wide-ranging discussions of contemporary political issues. Church law and jurisprudence combined vocabulary

² See bibliography p. 203

and norms derived from the Bible, church fathers and earlier popes and councils with those of the Roman law. While civilians on the whole adhered to the theory of imperial sovereignty and were friendly to the independence of the secular power from the church, the canonists, as their texts required, elevated the authority of the pope and favoured more extensive powers for the church. The works of civil and canon jurists are available in sixteenth-century printed editions but have not been critically edited; their method of citing authorities, and each other, sometimes makes it impossible to be sure who exactly first said certain things.

Ciceronian (4) formed a distinct political language throughout the Middle Ages and the Renaissance;³ it derived principally from Cicero's *On Duties* (*De officiis*), which was very widely read and its Latin-Stoic account of public and private life and duties taken as a practical ethical companion to the Bible. Some of Cicero's speeches and other works, including parts of his *Republic* (*De republica*), were also current. From the middle of the fourteenth century, after Petrarch, imitation of Cicero's oratorical style was a basic component of the humanism of the literary Renaissance. Cicero was an important source for a catalogue of virtues, for the notion of *humanitas* (it is distinctively human to be humane), and for the view that a sensitive literary education made one gentle and virile. One of Cicero's fundamental points was the ultimately Platonic doctrine, unchallenged till Machiavelli, that virtue and honesty coincide with one's true self-interest (*nihil utile nisi quod honestum*).

Aristotelian political language (5) derived from the *Nicomachean Ethics* and the *Politics*.⁴ It was the richest in constitutional terms and analysis; it provided new conceptual tools for the moral evaluation of many different forms of government: kingship, oligarchy, democracy and so on. Medieval authors and academics did not, however, pursue Aristotle's approach so far as the close, empirical study of how different states were actually governed was concerned; they did not engage in his particular mix of classification, empirical study and subsequent analysis. Rather, they took over as ready-made Aristotle's classifications, arrived at mostly through his study of the different constitutions of Greek city-states, and tried to apply them to their contemporary political world. They used his ethical judgements as tools with which to justify their own preferences. Since Aristotle regarded the *polis* (city-state) as the normative political community, one might have expected his revival to reinforce civic autonomy and

³ See bibliography, p. 206.

⁴ See bibliography, pp. 201–2.

republicanism; but this was not what happened. Medieval scholars showed little interest in city-states as a distinct category of political community; rather, they applied the category *polis* (*civitas*) to whatever political units existed. And – partly as a consequence of this – they were much less interested in Aristotle's discussions of oligarchy and democracy in the *polis*. Indeed they often played havoc with Aristotle's original meanings, taking them, deliberately, out of context. This was partly a consequence of their refusing to see their own political world as fundamentally different from that of Greece in the fourth century BC, or (to put the same point another way) of believing in the eternity of the truths expounded by the greatest philosopher of all time. But it was also partly because they were using 'Aristotelianism' as a language and not as a doctrine (see bibliography, p. 201).

Those who used Aristotelian vocabulary have been called 'scholastics' because they came from the 'schools' or universities; but this lumps together too many different types of thinker. Although they all had a university training, they occupied a wide variety of roles in public life, as clergy, members of religious orders (notably Dominicans and Franciscans), university teachers (*doctores*), advisers to governments, pamphleteers. Some wrote for university students, some for the clergy and lay rulers, some for a wider and less expert public. Aristotelian political language gave them a new panoply of conceptual tools with which to classify, investigate (which they did not bother to do) and assess forms of government and particular states. (Bartolus, the greatest medieval jurist, said that jurists would have to learn Aristotelian if they were to advise on political and constitutional matters.)

Usually when people employ the concept of a political (or moral) language in this post-Wittgenstein sense, they have in mind primarily 'the interdependence of the propositional content of an argument and the language . . . in which it is made': 'the language determines what can be said in it'.⁵ But for our purposes it is equally important to distinguish languages from doctrines or ideologies. (At least one purpose of human languages in the ordinary sense is that people can express different points of view in them; they were designed for dialogue – as Homer put it, 'When two men go together, each one spots different things first'.) This enables us to avoid such false but persistent clichés as that there were intrinsic connections between

⁵ Anthony Pagden and John Pocock, respectively, in Anthony Pagden (ed.), *The Languages of Political Theory in Early-Modern Europe* (Cambridge: Cambridge University Press, 1987), pp. 1 and 20.