

# BARBARISM AND RELIGION

## Volume Two

*Narratives of Civil Government*

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SECTION I  
Giannone: jurist and *libertin* in the central  
Mediterranean

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CHAPTER I

*Civil and ecclesiastical history*

In considering the major Enlightened histories surveyed in the following chapters, attention must be paid in each case to the construction of a grand narrative, since that was a principal concern of each author. Giannone's history of Naples is a history of competing and changing jurisdictions, that assumed by the Church of Rome in interaction with those successively constituting the province and then the kingdom of Naples. It is somewhat more a history of law, and somewhat less a history of manners, than was to be characteristic of histories written by *philosophes*; but the underlying theme of this *istoria civile* is that of the 'Enlightened narrative' – the struggle between ecclesiastical authority and civil society. The stages through which Giannone's narrative proceeds, however, are not very different from those pursued in the English ecclesiastical histories of Gibbon's boyhood reading: Laurence Echard and his continuator, and William Howel, for whom Gibbon retained a real respect.<sup>1</sup> They too dealt with republic and principate, heathen and Christian empire, primitive, patristic and papal church; they understood that ecclesiastical and civil authority were differently constructed and called for different historical narratives; they faced as a consequence the difficulty of co-ordinating the history of the imperial East with that of the barbaric, feudal and above all papal West. The foundations of macronarrative were laid by the disputes of Christian and Latin Europe; and it is a consequence that what we call philosophical or Enlightened historiography may consist in a particular way of contemplating this sequence of systems, but is not the sole or the principal author of the sequence it contemplates. As we study the historiography

<sup>1</sup> *EEG*, pp. 29–42.

of Enlightenment, therefore, we must bear in mind that its narrative structure is not very different from that of the historiography it sometimes claimed to replace. This is important when we begin by considering Giannone's work, early recognised by Gibbon, which may occupy an intermediate status in the growth of Enlightened historiography.

Pietro Giannone's *Istoria civile del regno di Napoli* had been published in that city in 1723. Gibbon studied it, rather intensively, during his first sojourn at Lausanne,<sup>2</sup> in French translation – his knowledge of Italian developed later – and all his life regarded it as in some measure a French work. If his first mention of Giannone in the *Decline and Fall* includes the words 'an Italian lawyer who dreaded the power of the church', he later describes him as 'a disciple of the Gallican school',<sup>3</sup> and these two judgments contain the reasons why the *Istoria civile* is not to be regarded as a work of *philosophe* character. A debate has gone on among modern Italian historians as to whether Giannone is a representative *dei lumi* or only *dei libertini*, and this chapter will lean towards the latter opinion. There is an intersecting debate as to the place in history of a phenomenon known as 'the Neapolitan Enlightenment'; Giannone did not use the term, but his text contains allusions to the discussions among Neapolitan intellectuals which it partly indicates. Both his life and his allusions, however, belong to those years of Neapolitan history in which Habsburg domination ceased to be Spanish and in its last phase became Austrian; the *Istoria civile* is dedicated to the Emperor Charles VI. This phase of Enlightenment, Cartesian rather than Newtonian, is not included in the great work of Franco Venturi, who considers the *settecento riformatore* in Naples only from the Bourbon accession of 1734.<sup>4</sup> It is further complicated in modern eyes by the disturbing presence of Giambattista Vico, whose *Scienza nuova* was first published in 1725. Of this extraordinary masterpiece Gibbon seems to have been as unaware as were so many intellects of his age and century, and it could figure in a study of the *Decline and Fall* only as a gigantic antithesis, belonging to the world of what might have been rather than of what was. The paths which Gibbon did not follow, studied in these volumes, are confined to those which he knew of yet did not take.

The question of a 'Neapolitan Enlightenment' is therefore somewhat

<sup>2</sup> His readings are set out by Craddock, *IEG*, pp. 68–72. They are mainly 'erudite' in character; i.e., concerned with points of criticism and verification. See further Robertson, 1997a, pp. 3–9.

<sup>3</sup> *Decline and Fall*, vol. II, ch. 20, n. 111; vol. V, ch. 49, n. 30; Womersley, I, p. 759, III, p. 98; Bury, II, p. 342; V, p. 275.

<sup>4</sup> For discussion of Venturi's strategy see Robertson, 1992, pp. 183–206, esp. pp. 187, 196–7. For Venturi's judgments on Giannone see Venturi, 1969, pp. 24–5, 32–4.

distant from a study of Gibbon. If Giannone is not the only Neapolitan author to whom he made reference, he does not seem aware of Naples as a centre of debate with a life of its own, and as we have seen he thought of the *Istoria civile* almost as an adjunct to the discourse of French Gallicanism – a perception not indeed without some substance to it. But the importance of Giannone's history to the *Decline and Fall* is not thereby diminished. The provinces south of Rome are of cardinal importance to Gibbon's understanding of the end of the western empire, to the growing dialectic between civil and ecclesiastical power, and to the origins of and the contests between the medieval empire and papacy. The *Decline and Fall* is preponderantly a survey of late antique and medieval history; the *Istoria civile*, less global in its scope, covers the same periods and ventures beyond them into the two centuries after 1453. The two great works share the theme of the substitution of papacy for empire and – in the *Decline and Fall* only by anticipation – of the European states system for papacy and empire alike. Reading the *Istoria civile* (as the *Histoire civile*) in his early Lausanne years, Gibbon was reinforcing the perspective which had first attracted him as a boy at Stourhead, and he remembered the experience in his *Memoirs*.<sup>5</sup>

In stating the relationship in these terms, we return to Gibbon's judgment that Giannone 'was an Italian lawyer who dreaded the power of the church', and begin to apprehend the reasons why he did not wholly belong to the world of the *philosophes*. He was a jurist first and a philosopher second; whereas in the *Encyclopédie* the study of the mind is emancipating itself from natural jurisprudence, to the no small dismay of its more conservatively enlightened readers.<sup>6</sup> In the *Istoria civile*, as it has become a commonplace among its students to observe, the term *civile* is interchangeable with the term *giurisprudenziale*, and only in the last volume are there signs of that transfer of attention from laws to manners which was to help transform 'civil' history into 'philosophical'. Giannone is primarily a master of what Italian historians term *giurisdizionalismo*, the affirmation of the autonomy of civil from ecclesiastical jurisdiction; he ventures into heterodox philosophy – itself *tam antiqua quam nova* – when he offers reasons why the church should not exercise civil magistracy at all. The *Istoria civile* is first, and nearly but not quite last, a history of civil jurisdiction in what became, quite late in the story, the *regno di Napoli*, and of the long, losing but never finally lost battle which it has fought against the encroaching jurisdiction of the papacy.

<sup>5</sup> *Memoirs*, p. 79: 'I observed with a critical eye the progress and abuse of Sacerdotal power, and the Revolutions of [Rome and] Italy in the darker ages.' <sup>6</sup> Velema, 1993.



Giannone never ceases to be a jurist, which is why he never fully becomes a *philosophe*.

French Gallican historians, whether jurists or ecclesiastics, far more confident of victory in their own battles, would read Giannone with sympathy, and Giannone read them with an envy he did not attempt to conceal. An English Protestant – doubtful though it may be whether Gibbon was one such during his first years in Lausanne – would read Giannone much as his forebears had read Paolo Sarpi: as a Catholic historian engaged in the emancipation of civil jurisdiction from papal, of the national church of his *patria* from Roman usurpation; as one whose theological errors might be disregarded as he pursued this overriding objective. It was this perception which had attracted Anglicans to Gallicans – sometimes a little too closely for comfort – since at latest the days of James I, and the Enlightened mind had inherited it from the baroque. Such a reader, furthermore, might find interesting differences between Giannone's understanding of the historic autonomy of civil jurisdiction in the *regno di Napoli* and his own understanding of the autonomy it possessed in England.

In his *Introduzione* Giannone – making the humanist's usual claim to originality – announces that his history of Naples will emphasise neither the battles which have made the kingdom miserable, nor the beauty and fertility which have made it fortunate, nor the splendid buildings which have made it renowned.<sup>7</sup> The ensuing four volumes will in fact say much about all these things, but they will as he says be kept subordinate to the history of the civil laws, Roman, Greek, Gothic, Lombard, Norman, Suabian and Angevin, which not only constitute the history of the kingdom but have made it a kingdom as late as the Norman period – to say nothing at present of its division into two kingdoms in the times of the Angevins and Aragonese. These laws, he continues, have been in constant and varying relations with 'la Politia Ecclesiastica in esso introdotta', and have given rise, under the forms of rule to which the provinces and the kingdom have successively been subject, to the true subject of his history:

l'Accademi, i Tribunali, i Magistrati, i Giureconsulti, le Signorie, gli Uffici, gli Ordini; in breve, tutto ciò, che alla forma del suo governo, così Politico, e Temporale, come Ecclesiastico, e Spiritual s'appartiene.<sup>8</sup>

<sup>7</sup> *Ist. civ.*, I, 'Introduzione', fo. b.      <sup>8</sup> *Ibid.*

[the Academies, Tribunals, Magistrates, Lawyers, Seignories, Officers and Orders; in short, all that belongs to the Form of its Government, as well Political and Temporal, as Ecclesiastical and Spiritual.]<sup>9</sup>

Our English reader would note that this was to be a history ‘as well ecclesiastical as civil’, like those currently being written of his own nation by Tyrrell, White Kennett or Echard;<sup>10</sup> but these proceeded on the assumption that England had from its beginnings been an ‘empire’ containing within itself all jurisdiction both temporal and spiritual, which a usurping papacy might menace from outside but could penetrate only in times of domestic conflict, when the realm ‘itself did help to wound itself’. Giannone, he would discover as he read on, could make no such assumption. The civil laws installed in the southern provinces by the Romans were indeed older than the papacy, but since Norman if not Lombard times their history had been unintelligible apart from that of the ecclesiastical jurisdictions which had grown along with them and incessantly penetrated them. The history of England might be that of resistance to the papal usurpation; the history of Naples was the history of that usurpation and of responses to it, more or less unsuccessful.

Furthermore, the English reader would find Giannone continuing, the civil as distinct from the ecclesiastical history of Naples was not that of an empire containing the sources of its *imperium*, but that of a province or collection of provinces subject to an empire of which it was part. He would find, and Giannone may have intended, unmistakable allusions to the English and British situation in the way in which the *Istoria* puts this point and explains in what sense it will be *Civile*.

Se questo Reame fosse surto, come un Isola in mezzo all’Oceano, spiccato, e diviso da tutto il resto del Mondo, non s’avrebbe avuta gran pena a sostenere, per compor di sua civile Istoria molti libri; imperciocchè sarebbe bastato aver ragione de’ Principi, che lo dominarono, e delle sue proprie leggi, ed instituti, co’quali fu governato. Ma poichè fu egli quasi sempre soggetto, e parte, o d’un grand’ Imperio, come fu il Romano, a dappoi il Greco, o d’un gran Regno, come fu quella d’Italia sotto i Goti, e sotto i Longobardi, a finalmente ad altri Principi sottoposto, che tenendo collocata altrove la regia lor sede, quindi per mezzo de’loro Ministri’l reggevano; non dovrà imputarsi, se non a dura necessità, che per ben’intendere la sua spezial Politia, si dia un saggio della forma, e disposizione dell’Imperio Romano, e come si reggessero le sue Provincie, fra le quali le

<sup>9</sup> Ogilvie, I, p. i. Gibbon does not mention this translation, and his library catalogue contains neither it nor the French translation which he did use. An Edward Gibbon – II? – was among the subscribers to Ogilvie’s translation, many of whom were Scottish and may have been Jacobite. See Trevor-Roper, 1996. <sup>10</sup> Okie, 1991, ch. II.

più degne, ch'ebbe in Italia, furon certamente queste, che compongono oggi il nostro Regno. Non ben potrebbe comprender s'il loro cambiamento, se insieme non si manifestassero le cagioni più generali, onde variandosi il tutto, venisse anche questa parte a mutarsi, e poichè queste regioni, per le lor nobili prerogative invitarono molti Principi d'Europa a conquistarle, furon perciò lungamente combattute, ciascheduno pretendendo avervi diritto, a chi come Tributarie, chi in protezione, e qual finalmente come Feudatarie le pretese: si à riputato perciò pregio dell'opera, che i fonti di tutte queste pretensioni si scovissero; nè potevano altramente mostrarsi, se non col dare una general idea, e contezza dello stato d'Italia in vari tempi, e sovente degli altri Principati più remoti, e de'trasportamenti de'Reami de gente in gente, onde sursero le tante pretensioni, che diedon moto all'imprese, e fomento.<sup>11</sup>

[If this Kingdom had started up, as an Island in the midst of the Ocean, separated and divided from all the rest of the World, we should not have had the Trouble of writing so many Books in order to compose its Civil History; forasmuch as it would have been sufficient to have known the Rights of the Princes who govern'd it, and their own Laws and Institutions, by which it was govern'd: But seeing it hath almost always been subject, either to a vast Empire, as was that of the Romans, and afterwards to the Greek; or to a great Kingdom, as that of Italy under the Goths and Longobards; or at last, to other Princes, who having their Royal Seats plac'd elsewhere, from whence they govern'd it by their Ministers, it ought to be imputed to cruel Necessity only, that in order to the right understanding its peculiar Polity, we are oblig'd to give a Hint of the Form and Disposition of the Roman Empire, and after what manner its Provinces were govern'd, amongst which, the most considerable that it had in Italy, were certainly these of which our Kingdom is compos'd. We should not be able to comprehend their Revolutions, if at the same Time we did not shew the more general Causes, whereby the whole being chang'd, this Part likewise came to be altered; and seeing these Provinces, on account of their noble Advantages, invited many Princes of Europe to conquer them, therefore they were long disputed, every one pretending Right to them, some as tributary, others to have the Protection of them, and, in fine, some as Feudatory: Therefore we thought it worth the while to discover the Springs of all these Pretensions; neither could they be otherwise made clear, but by giving a general Idea and Relation of the State of Italy at different Times, and often of other remote Principalities, and of the transferring of Kingdoms from one People to another, from whence arose the numerous Pretensions which set a going and encourag'd the Undertakings.]<sup>12</sup>

Because the history of southern Italy is not autonomous, it cannot be told in its own self-generated terms, but must be written as part of a more universal history – Roman, Italian, European (and in the Spanish period, global) – responding to universal causes. This will be in part a history of jurisprudence, in part a history of *ragione di stato*. Broader

<sup>11</sup> *Ist. civ.*, I, ff. b–b verso.

<sup>12</sup> Ogilvie, I, pp. i–ii.

patterns of cultural change are perhaps hinted at in the last sentence, where the phrase 'de gente in gente' may evoke the invasions and the subsequent civilisation of the barbarians; but it is hard to claim that Giannone intends to explore those deeper changes in manners, economy and religion which became the matter of philosophic history. It was to be Scottish historians in particular whom a sense of provinciality rendered philosophic and led to the investigation of universal causes. The English, who took their kingdom to be insular and self-sufficient – *divisos ab orbe Britannos* – encountered difficulty before and after Gibbon in writing philosophical history at all.

Giannone's language clearly hints at the Virgilian tag just quoted, and when he says that what is needed is a history of Roman law in the full diversity it took on in provincial and national contexts, he finds it remarkable that

Un uom di Bretagna, e dal Mondo diviso, reputando gli altri in troppo brevi chiostrì aver ristretto l'ardire del'ingegno umano, mostrò d'aver coraggio per tant'impresa.<sup>13</sup>

[A Briton, separated from the rest of the World, thinking that others had confin'd the Reach of human Understanding to too narrow a Compass, shew'd that he had Courage enough for so great an Undertaking.]<sup>14</sup>

This is the English civilian Arthur Duck, whose *De usu et autoritate juris civilis Romani in dominiis principum Christianorum* had first been published in 1653; but Giannone thinks his heroic endeavour proved the task beyond any one scholar, so that we must turn to specialised studies of civil law in France, Germany, the Netherlands and Spain written by jurists of those nations. None such has yet been attempted in the kingdom of Naples, where in addition to the modification of Roman by barbarian laws, we have to take account of the peculiar pressures exerted by ecclesiastical jurisdiction. This in turn is not a single or a simple matter. The history of the papacy is as contingent as that of secular authority:

... non minori furon le contese fra' Principi del Secolo, che fra' maggiori Prelati della Chiesa. Fu anche questo Regno combattuto da'due più celebri Patriarchi del Mondo, da quel di Roma in Occidente, e dall'altro di Costantinopoli in Oriente. Per tutte le ragioni apparteneva il governo delle nostre Chiese al Pontefice Romano, non pur come Capo della Chiesa Universale, ma anche come Patriarca d'Occidente, eziandio se l'autorità sua Patriarcale avesse voluto restringersi alle sole Città *Suburbicarie*; ma il Costantinopolitano con temerario ardire attentò usurpare le costui regioni: pretese molte Chiese di questo Reame al suo Patriarcato d'Oriente appartenersi: che di lui fosse il diritto di erger le

<sup>13</sup> *Ist. civ.*, I, fo. b.

<sup>14</sup> Ogilvie, I, p. iii.

Città in Metropoli, e d'assegnar loro que' Vescovi suffraganei, che gli fossero piaciuti. Era perciò di mestiere far vedere, come questi due Patriarcati dilatasero pian piano i loro confini: il che non potea ben farsi senza una general contezza della Politia dello stato Ecclesiastico, e della disposizione delle sue Diocesi, e Provincie.<sup>15</sup>

[. . . forasmuch as the Disputes were no less among Secular Princes, than among the greatest Prelates of the Church. This Kingdom was also contended for by the two most famous Patriarchs of the world, the one of Rome in the West, and the other of Constantinople in the East. By all Right the Government of our Churches belong'd to the Roman Pontiff, not only as Head of the Universal Church, but likewise as Patriarch of the West, even altho' his Patriarchal Authority had been confin'd to the Suburbicarian Cities only; but the Patriarch of Constantinople, with a rash Boldness, attempted to usurp his Right. He pretended, that many Churches of this Kingdom belong'd to his Patriarchate of the East; that it was his Right to erect Cities into Metropolis's, and to assign them what Suffragan Bishops he thought fit: Therefore it was necessary to shew, how these two Patriarchates by degrees have extended their Bounds; which cannot well be done without a general Knowledge of the Polity of the Ecclesiastical State, and of the Disposition of its Diocesses and Provinces.]<sup>16</sup>

Behind Giannone's formal acknowledgement of the Pope's supremacy lie both an interpretation of Italian history as part of the emancipation of the western provinces from the eastern empire, and an implicit acceptance of the thesis that Rome inherited St Peter's primacy among the apostles. But this is relegated from the historical to the spiritual realm by the emphasis accorded the counter-thesis of a contest for jurisdiction between two Patriarchs, each deriving his authority from his city's role in the Roman imperial structure. Gallican and Anglican apologists (to say nothing of Venetian) had argued this interpretation, thus situating the history of ecclesiastical authority within that of secular jurisdiction. 'La Chiesa è nella Repubblica, non la Repubblica nella Chiesa', Giannone wrote elsewhere;<sup>17</sup> but here he goes on to contend that this state of affairs has been reversed, in a great revolution which is none the less historical and political, rather than spiritual.

L'Istoria civile, secondo il presente sistema del Mondo Cattolico, non può certamente andar disgiunta dall'Istoria Ecclesiastica. Lo stato Ecclesiastico, gareggiando il Politico, e Temporale de' Principi, si è per mezzo de' suoi regolamenti, così forte stabilito nell'Imperio, e contanto in quello radicato, e congiunto, che ora non possono perfettamente ravvisarsi li cambiamenti

<sup>15</sup> *Ist. civ.*, I, fo. b verso.

<sup>16</sup> Ogilvie, I, p. ii.

<sup>17</sup> *Ist. civ.*, I, p. 49 (book I, final chapter).

dell'uno, senza la cognizione dell'altro. Quindi era necessario vedere, come, e quando si fosse l'Ecclesiastico introdotto nell'Imperio, e che di nuovo arrecasse in questo Reame: il che di vero fu una delle più grandi occasioni del cambiamento del suo stato Politico, e Temporale; e quindi non senza stupore scorgerassi, come, contro a tutte le leggi del Governo, abbia potuto un'imperio nell'altro stabilirsi, e come sovente il Sacerdozio abusando la divizion de'Popoli, e'l suo potere spirituale, intraprendesse sopra il governo temporale di questo Reame: che fu rampollo delle tante controversie Giurisdizionali, delle quali sarà sempre piena la Repubblica Cristiana, e questo nostro Regno più che ogni altro; onde preser motivo alcuni valentuomini di travagliarsi per ridurre queste due Potenze ad una perfetta armonia, e corrispondenza, e comunicarsi vicendevolmente la loro virtù, ed energia; essendosi per lunga sperienza conosciuto, che se l'Imperio soccorre con le sue forze al Sacerdozio, per mantenere l'onor di Dio; ed il Sacerdozio scambievolmente stringe, ed unisce l'affezion del Popolo all'ubbidienza al Principe, tutto lo Stato sarà florido, e felice; ma per contrario, se queste due Potenze sono discordanti fra loro, come se il Sacerdozio, attempando i confini del suo potere spirituale, intraprendesse sopra l'Imperio, e Governo Politico, ovvero se l'Imperio rivolgendosi contra Dio quella forza, che gli ha messa tra le mani, volesse attentare sopra il Sacerdozio, tutto va in confusione, ed in ruina; di che potranno esser gran documento i molti disordini, che si sentiranno perciò in quest'istesso nostro Reame accaduti.<sup>18</sup>

[The Civil History, according to the present System of the Catholick World, surely cannot be separated from the Ecclesiastical. The Ecclesiastical State, vying with that of the Political and Temporal of Princes, is so strongly fix'd and rooted in Empire, by the means of their Statutes, that at present the Changes of the one cannot be distinctly perceiv'd without the Knowledge of the other. Therefore it is necessary to see, how and when the Ecclesiastical State intruded itself into Empire, and what Novelties it occasion'd in this Kingdom; which, truly, was one of the greatest Causes of the Change of its Political and Temporal State; and thereby, not without Astonishment, we shall discover, how, contrary to all the Laws of Government, one Empire hath been able to establish itself within another, and how the Priesthood often, by perverting the Devotion of the People, and its own Spiritual Power, hath inroach'd upon the temporal Government of this Kingdom, which was the Source of the numberless Disputes about Jurisdiction, with which the Christian Republick will always abound, and our Kingdom more than any other, which induc'd some worthy Men to labour to bring these two Powers to a perfect Harmony and Agreement, by mutually communicating their Power and Energy; it being known by long Experience, that if the Empire assist the Priesthood with its Power, in order to support the Honour of God, and if the Priesthood, in return, tie and unite the Affection of the People to the Obedience of the Prince, the whole State will flourish and be happy; but on the contrary, if these two Powers disagree with one another, so as that the Priesthood, by exceeding the Limits of its Spiritual

<sup>18</sup> *Ist. civ.*, I, ff. b verso-b 2.

Power, should inroach upon the Political Government, or if the latter, by turning against God that Power which he has put into its Hands, should intrench upon the Priesthood, all will go into Confusion and Ruin; of which the many Disorders which have happen'd on that account in this our Kingdom are flagrant Testimonies.]<sup>19</sup>

The vision is almost medieval; but behind the image of a preordained harmony between the two powers lies the thought that, if Christ's kingdom is not of this world, it was the church's first acquisition of magistracy that prepared the way for its becoming an empire challenging that of Caesar, or Constantine. This, whenever it occurred, was the moment when poison was poured out on Christendom, and one did not have to be a Protestant to distinguish between a true church content with the things of the spirit, and a fallen or false church exercising power over the *cose del mondo*. This hint was enough to expose the author of the *Istoria civile* to persecution as a heretic, and Giannone ended his days in a Piedmontese prison, having written a work called the *Triregno* which revealed just how heterodox a form the attempt to bring the two powers to perfect correspondence could take.

Meanwhile, the historiographical position he had taken up in the introduction to the *Istoria civile* itself moved his argument in the direction he desired it to take. While giving nominal recognition to the doctrine that the Pope was head of the universal church by reason of the apostolic primacy accorded to Peter by Christ, he had supplied the papacy with a historical context that reduced its rise to contingency, and made it the outcome of a political contest for jurisdictions in southern Italy between two powerful patriarchs in Constantinople and Rome. The patriarchal interpretation of papal history had been employed by Howel in the reign of James II, and earlier by Peter Heylyn, an English (or Anglo-Welsh) Laudian so high in his churchmanship as to be hardly a Protestant at all, who had used it to disarm both papal claims and the puritan doctrine that the Pope was Antichrist. The papal usurpation, he had said, was not an event in the history of the spirit, so much as one occurring in a history governed by mere reason of state.<sup>20</sup> At the other end of the Anglican spectrum, John Selden's *Historie of Tithes* (1628), a work to which and to whose author Heylyn had been bitterly opposed,<sup>21</sup> had eliminated the claim that tithes were due *jure divino* by the sleight of hand of supplying them with a purely secular history made up of contexts and contingencies.<sup>22</sup> These were English arguments of which

<sup>19</sup> Ogilvie, I, p. ii.    <sup>20</sup> Heylyn, 1652, 'To the Reader', sig. 1, 4.    <sup>21</sup> Heylyn, 1670, pp. 391–2.

<sup>22</sup> For Selden, see Woolf, 1990, pp. 216–39; Bershadsky, 1993; Christianson, 1996.

Giannone was probably unaware; he did not need to know them in order to use a secular history of the growth of Roman jurisdiction in constructing a civil history of Europe in terms of papacy and empire with the kingdom of Naples as the victim, and the creation, of the agelong (and in this sense *secolare*) conflicts between them.

Historical contingency was Giannone's strongest ideological weapon. The jurisdictional dependency of the southern provinces was paradoxically the cause of their historical autonomy. The civil laws established there by the Roman emperors had been feudalised by the Lombards and Normans, had declined under the Suabians and reached vanishing point, later to be revived, under the Angevins. This process had been reversed by the rise of legal humanist scholarship in the Aragonese and Spanish periods, and the university of Naples had a proud history of academic jurisprudence. Giannone recorded this process in terms of the interactions between widely varying Roman and barbarian legal systems; but the *regno* had been the theatre of these interactions precisely because, even when an independent kingdom under the Norman Roger II or the Hohenstaufen Frederick II, it had been a cockpit of Europe, a province dependent on conflict between greater systems, and because, from the end of the Lombard period, it had been exposed to the incessant aggressiveness of the papal jurisdiction whose history Giannone was using Neapolitan history to secularise. John Selden would have understood this strategy as one complementary to his own. He had used every proof of foreign incursion into the history of English common law as evidence of the autonomy of English history; if civil and feudal laws had reached England, it was because English custom and statute had had the strength to admit and assimilate them; English history was a history of autochthonous sovereignty.<sup>23</sup> The civil history of the kingdom of Naples was on the contrary a history of weakness; external power – a *primat der Aussenpolitik* – had in every case been the occasion of bringing new law to the southern provinces, and the kingdom itself had been the product of interaction between alien forces. There had never been a lack of regional response to these incursions; the people had been capable of evolving their own customs, the scholars of evolving their own jurisprudence; yet the *regno* had always been the subject, the patient rather than the agent, of history. Giannone's strength, as a historian of jurisdiction, was that he could turn weakness into strength by recounting each event imposed upon Naples by history,

<sup>23</sup> For this see Pocock, 1987a, pp. 286–9, 295–6, 302–3.



in terms so vividly particular as to make it autonomous and reduce the powerful outside agents – the popes and emperors, the Norman and Angevin adventurers, the Spaniards with their global empire – to actors in the historical contingency to which they had subjected the *regno*. It was the obverse of English ancient-constitutionalism; the lack of a Neapolitan constitution was itself ancient and gave the kingdom's history a meaning of its own, rooted in contingency.<sup>24</sup>

What the author of the *Decline and Fall* learned from the *Istoria civile* is a large question, best dealt with under a number of heads as they raise themselves; a few general points may be made here. Though the chronological sweep of Giannone's work is as great as that of Gibbon's or greater, its spatial extension is restricted. The theme of empire and barbarism was to carry Gibbon to the borders of China, India and sub-Saharan Africa; the theme of *la chiesa nella repubblica* was to confine Giannone to the history of southern Italy, on the whole excluding Sicily, and the universal powers of empire and papacy to the role of legislators at a distance (in the latter case a distance not so great as might be wished). The universal was there to explain the provincial. Secondly, the *Decline and Fall* is philosophic history in the sense that its scope is as great as the workings of the human mind and the entire range of human culture which the mind produces as its art; the *Istoria civile* is a history of jurisprudence as it makes and unmakes the autonomy of Neapolitan history, and other manifestations of culture appear as its incidental consequences. In the role of *scientia civilis*, jurisprudence could become the key to nearly all human culture,<sup>25</sup> and Vico's *Scienza nuova* – perhaps also Giannone's *Triregno* – testify how far into all history the juristic mind might reach. But there is a difference between starting with jurisprudence and starting with a perception of the human mind, as keys to the diversities of history and culture. To understand the *Decline and Fall*, therefore, we need to use Montesquieu, Voltaire, Hume and Robertson

<sup>24</sup> A personal reminiscence is in order here. The late Rosario Romeo, a Sicilian historian who moved to Naples and ended his days in Rome, said to the present writer in Naples, one evening in 1957: 'Shall I tell you why this is a fascinating country for a historian? It is because now we have the Republic of Italy, and before that it was the Kingdom, and before that it was the Bourbons, and before that it was the Habsburgs, and before that it was the Spaniards . . . ' and so back in time until he had reached the iron-age peoples who inhabited southern Italy before the coming of the Greeks, when he concluded triumphantly 'and none of it made any sense!' It was a very Southern oration, and at one level he meant that it was fascinating for a historian to be born and live where the real had never been the rational. Giannone had been able to exploit irrationality for rationalist ends, making contingency the rationale of jurisprudential and civil history; Romeo perhaps, living several historic mutations later, was falling back, in a highly Italian way, on the resource of absurdity. <sup>25</sup> Kelley, 1990.

as starting points; but the *Istoria civile* was a starting point in its own right. Its narrative and thematic structures did much, together with the Protestant roots of Gibbon's culture, to tell him what the friars were doing in the Temple of Jupiter, how the church came to be sitting on the grave of the Roman empire. This enquiry, at least as old as the Reformation, was increasingly coming to be part of the processes of Enlightenment.