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Greek Political Thought and Modern Ideas of Liberty

Paschalis M. Kitromilides

Abstract

This chapter shows how the elaboration of the idea of freedom and its place in modern politics has been carried out in dialogue with ancient Greek political thought, by looking at three important, yet inadequately appreciated, texts of modern political reflection. The three texts are Leonardo Bruni's 'Of the republic of the Florentines' (1439), Jean-Jacques Rousseau's *Discourse on Political Economy* (1755), and Benjamin Constant's *The Spirit of Conquest and Usurpation* (1813). Despite their originality and incisive argumentation, the three sources have remained in the margins of scholarship and rhetoric on the canon of modern political thought. The paper draws attention to the texts as statements of political criticism, through which conceptions of freedom are articulated in response to the challenges of modern society.

Modern political theory has emerged and developed in dialogue with the legacy of Greek political philosophy. It is probably advisable to persist in the understanding of the role of ancient Greek political thought in the formation of the conceptual apparatus of modern politics as a dialogue rather than talk simplistically about influence from the Greek classics upon modern works. Having a legacy and developing in its shadow, as has been the case in European culture since the Renaissance, is neither straightforward nor unproblematic. It involves primarily the challenge of understanding what this legacy is and means, the challenge of getting to know it accurately through research and scholarship and then select from it what might be judged viable, relevant, meaningful under vastly changed contextual circumstances between antiquity and modernity. It is this need of selection and judgment that is involved in the idea of dialogue as the proper approach to the Greek legacy in European culture. As I hope to show in what follows, the dialogue with the legacy of Greek political thought involved rejection as well as influence and, as modern political thought grew to maturity under the realisation of the radical differences between antiquity and modernity, it meant awareness that besides the

imposing theoretical power and beauty of Greek thought and literature there were other influences also at play in the formation of modern thought and sensibility. The Quarrel of Ancients and Moderns in the seventeenth century was such an early instance of the complexities of the dialogue but, as this paper will attempt to suggest, there were other forms and phases of the intricate connection of the Greek legacy and the classical tradition with modern culture. Political thought provides probably the most eloquent and revealing illustration of the dynamic of this cultural dialogue.

Turning to the Greek legacy in the European tradition was one of the many routes taken by early modern political thought in its striving to emancipate itself from the tutelage of religion and the multiple intellectual forms of the medieval heritage weighing heavily upon it. The encounter of the legacy of Greek political ideas with the various strands making up the colourful tapestry of modern European culture had invariably liberating effects upon political thought. The encounter acted as a stimulus, a veritable Socratic gadfly, which pushed the exponents of political reflection in new directions and encouraged them to rethink conventional truths. One of the new directions explored in dialogue with Greek political thought involved the idea of freedom and its place in modern politics.

In this contribution, I will attempt to illustrate this aspect of the elaboration of modern political thought by looking at three important texts, which, despite their originality, have remained in the margins of the canon of political thought, overshadowed by the classics which dominate scholarship and rhetoric in the discussion of political ideas. Yet, as I will attempt to indicate, they are important and suggestive concerning the elaboration of the modern idea of liberty and deserve the attention of scholarship for this substantive reason.

The three texts I propose to draw into the discussion of the modern idea of freedom are: Leonardo Bruni's 'On the republic of the Florentines', written in Greek in 1439; Jean-Jacques Rousseau's *Discourse on Political Economy* of 1755; and Benjamin Constant's *The Spirit of Conquest and Usurpation* of 1813, which is in fact an early but generally ignored statement of the ideas contained in his most famous work, the lecture on ancient and modern liberty of 1819. The three texts span the evolution of modern political thought from its initial articulation in Renaissance humanism through its mature expression in the Enlightenment to the romantic direction taken in the Age of Revolution. This last statement should be read not as the expression of an implicit teleology connecting the three texts, but rather as an attempt to place them on the chronological map of modern political thought. It is true that Bruni and Rousseau could be seen to stand at the inauguration and the conclusion of the civic humanist tradition respectively. Constant, however, quite consciously distances himself from this

tradition, which he judges as dangerous to the modern idea of liberty, despite the prominence of liberty among its values. Thus the three texts under consideration in the following pages take their place in the context of an ongoing discourse on freedom, shaped by other better known and canonized authorities and sources.

The three texts cannot be considered central in the canon of political thought. One will never see them included in syllabi for teaching political theory or widely discussed in scholarship. They certainly fall outside the purview of a 'great books' approach to the subject. Yet they are important in several respects. The text by Bruni on the constitution of Florence in a precocious statement of republican theory, announcing many of the theoretical issues that were to be taken up and discussed in the mainstream of the republican tradition. The two other texts, by Rousseau and Constant respectively, are marked by their authors' strong critical perspective on contemporary politics, which makes them important statements of political criticism, through which conceptions of freedom transpire as responses to the problems of modern society.

1 Leonardo Bruni

Leonardo Bruni, the Florentine chancellor and political theorist (1369–1444), can be considered the foremost exponent of civic humanism at the heyday of the Renaissance. He is the central figure in Hans Baron's classic work, which has defined the intellectual identity of civic humanism as the political expression of Renaissance culture.¹ The central ideal of civic humanism was republican liberty, the freedom of the citizen in a free republican state. Bruni, although born in Arezzo rather than Florence – hence the ethnonym Aretino next to his name – was a devoted Florentine patriot because he believed that modern Florence was the embodiment of republican liberty, the modern analogue or equivalent of Periclean Athens and republican Rome. He elaborated a view of the Florentine constitution as a constitution of liberty over a period of about four decades from 1403 to 1439.

1 Baron (1966) 191–224, 412–19, 427–33. Baron's views are criticized by Skinner (1978: vol. 1, 69–112), who repeatedly discusses Bruni's ideas in the context of his own approach. See also Coleman (2000) 229–41 and Najemy (2006) 198–205, 209–18 on the historical background. Two great Italian scholars of the history of political thought supply perceptive remarks of Bruni's place in Renaissance culture and politics: Garin (1986) esp. 52–4; Fubini (2009) 153–63.

The original statement came in a *Laudatio Florentinae urbis* (Praise of the city of Florence) in 1403, which was a rhetorical celebration of the victory of Florence over the lord of Milan, Giangaleazzo Visconti, who aspired to extend his tyrannical rule over the Tyrrhenian hearth of liberty in the Italian peninsula. The text is an oration *pro patria sua* at a moment of great rejoicing, and its claim to objectivity can only be limited. Although superficially the text may recall Pericles's Funeral Oration in Thucydides (2.35–46), in fact its main source of inspiration is the *Panathenaicus* by Aelius Aristides, a mid-second-century AD Greek rhetorician, and it also relies extensively on classical Latin rhetorical models.² Bruni connects the victory of Florence over her enemies to her constitution of liberty, which, he stresses, is much freer and closer to a mixed regime with strong democratic elements than the constitution of the other great Italian republic, Venice. The Venetian constitution is interpreted as an oligarchy, while in Florence the principle of Roman law, that decisions concerning the whole community (*quod omnes tangit*) should be open to the approval of the community, is in fact put to actual practice.³

In the other two treatises on the constitution of Florence, Bruni's arguments were even more receptive to the influence of Greek political thought. Bruni had translated Aristotle's *Politics* and *Nicomachean Ethics* into Ciceronian Latin in order to free the Stagirite's text from the 'barbaric' medieval latinity of the first Latin translation by William of Moerbeke, Archbishop of Corinth.⁴ His deep familiarity with Aristotle's ideas and diction is obvious in the Epistle to Emperor Sigismund, drafted in 1413 during a journey in Northern Italy. In this epistolary political essay Bruni asserted that liberty was at the root of the Florentine constitution. Liberty was understood as *paritas et aequalitas* among citizens, an ideal to be secured by constitutional controls on administrative potentates and the more powerful citizens, whose tendency was towards the oligarchic transformation and management of government.⁵ This was what made the Florentine constitution a system of *ius* and *libertas*.⁶ It should be understood obviously that similarities in language and terminology do not necessarily make Bruni an Aristotelian. Bruni as a civic humanist stood at some critical remove from Aristotelianism and his ideas about liberty and equality were certainly different from Aristotle's cautious attitude toward liberty, especially when it was mixed with democracy. Bruni was engaged in developing a

2 Baron (1966) 192–4.

3 Coleman (2000) 238.

4 Baron (1966) 410, 431–2, Coleman (2000) 230–1.

5 Baron (1966) 424.

6 Coleman (2000) 239–41.

set of ideas about liberty using Aristotelian language but without adopting the Aristotelian view of liberty.⁷

There can be little disagreement that Bruni's most important and systematic treatment of the Florentine constitution came in his third work on the subject, a quarter of a century after the Epistle to Sigismund. This was a work bearing the marks of maturity and experience and as such it is not only a major achievement of Bruni's political reflection but one of the emblematic sources of civic humanist thought. The work was composed in Greek for the information of the Greek delegation, headed by Emperor Ioannis VIII, to the Council of Ferrara-Florence for the reunion of the Churches in the years 1438–1439.

Written under the title, *Περὶ τῆς πολιτείας τῶν Φλωρεντίνων* (On the republic of the Florentines), Bruni's constitutional treatise possesses a unique place in the history of political thought in that it uses the language, style and terminology of classical Greek political theory in order to describe what in fact was the cradle of modern political practice.⁸ As noted above, Bruni possessed a great expertise in Aristotle's work and, in composing his own *politeia* (constitution), he appears to be writing one more of the *politeiai* that Aristotle and his school had recorded in order to draw the general rules of politics. As a matter of fact, the reading of Bruni's text creates the strong impression of close affinity with the text of the Aristotelian *Constitution of Athens* as if Bruni had read that source and used it as a model. This particular text, however, could not have been available to him and his contemporaries because it had been lost for centuries and was not discovered until the late nineteenth century in the papyri from Egypt that had reached the British Museum. It is true of course that the affinity between the text of the *Constitution of Athens* and Bruni's work is limited to the description of institutional arrangements and structures of governance. Bruni's work lacks the very important retrospective on the historical development of the regime that forms such an invaluable component of the *Constitution of Athens*.

What was available to Bruni was the Greek text of Aristotle's *Politics*. This source supplied him with the stylistic models of his writing, especially Books 3 to 6 of the work. As noted above, in his treatise on Florence Bruni omits the historical account of the evolution of political regimes, as found in Aristotle's *politeiai*, and focuses on a description of the functioning of institutions and governing structures in the present. Clearly he judged that this was what his readers, the East Roman emperor and his delegation, were interested in

7 On Aristotle's understanding of liberty see Hansen (2013) 71–96.

8 The text is available in an authoritative edition in Moulakis (1986) 141–90, including the Greek text on 174–8. See also Pocock (1975) 86–91.

hearing about. Bruni begins with a characterisation of the Florentine republic. He says that it was neither an aristocratic nor a democratic republic but a mixture of the two. He explains this by mentioning the prohibition to the most prominent families to exercise offices of government in the city, which is contrary to an aristocracy. He also points out that the lowest orders and peasants were also excluded from politics, which is contrary to democracy. On this basis Bruni declares that his city, by avoiding the extremes, is inclined toward those in the middle, πρὸς τοὺς μέσους ἀποκλίνει, or rather toward the best and richer but not those who are inordinately powerful.⁹ This could be considered a characteristic expression of Bruni's Aristotelian inspiration.

This was the general character of the Florentine republican regime as understood by civic humanism. Bruni obviously wishes to stress in this treatise, as he had done in the *Laudatio Florentiae urbis*, the affinity of Renaissance Florence with republican Rome, whose constitution had been described as the perfect model of a mixed state by Polybius, and later by Cicero. After the general characterisation of the Florentine constitution, he goes on to describe the institutions and their operation using Aristotelian diction. He talks of the Ἐκκλησία τοῦ δήμου, the popular assembly, which, he points out, was extremely rarely convoked in Florence and he also uses the Greek term βουλή in order to describe the deliberative bodies of the regime.¹⁰ Furthermore, he uses the Athenian term ἐννέα ἄρχοντες (the nine Archons) to render the executive arm of the Florentine constitution, the Priori. When it comes to rendering a distinctly Florentine institution, nevertheless, the *gonfaloniere della justitia*, Bruni coins his own term, σημαιοφόρος τῆς δικαιοσύνης ('standard bearer of justice'), indicating the depth of his command of Greek.¹¹ He describes in detail the selection by lot to ensure the fairness of elevation to public office of citizens who had proved themselves worthy of such honour. He also details the impediments to election to public office in Florence which had to do with age, family relations, previous service and tax evasion.¹²

One very important element in Bruni's description of the Florentine constitution was his reference to the administration of justice. This critical task was entrusted to two distinguished foreign citizens every six months. Their mandate was to apply the laws of the city and to judge in litigation among citizens and to mete out penalties to 'the violent and evil men'. Foreigners are preferred for this task in order to avoid divisiveness and vindictiveness against fellow citizens, who as judges in turn might punish other members of the

9 Moulakis (1986) 174.

10 Moulakis (1986) 174–5.

11 Moulakis (1986) 175.

12 Moulakis (1986) 176–7.

citizen-body. These things can happen, Bruni warns, in a city which is free and equal (ἐν πόλει ἐλευθέρα τε καὶ ἴση).¹³ The meaning of the freedom of the city at this point should be understood in a double sense, both as independence from foreign domination and as freedom of the citizens in internal politics. This is the first explicit mention in this particular source of the concept of liberty as a characteristic of the Florentine republic. It comes late in the structure of the text. The place reserved for the mention of the concept of liberty, however, can be considered important in that it occurs in connection with the independence of the judiciary, which assures the freedom of the citizens and the application of the law.

The climax of the argument comes two paragraphs later in the last-but-one paragraph, where it is explicitly declared that the end and purpose of the whole republic is liberty, which is the value respected and followed by all:

Καὶ λόγῳ καὶ ἔργῳ τὴν ἐλευθερίαν μάλιστα σέβομεν καὶ τηροῦμεν
ὥσπερ τέλος καὶ σκοπὸν ἀπάσης τῆς πολιτείας.

And by word and deed we exceedingly respect and observe liberty as the end and purpose of the republic as a whole.¹⁴

This is how the idea of liberty was introduced and celebrated in Florentine political practice, Bruni is telling his Greek readers. Liberty is presented as the foundation and strength of the Florentine constitution. It is not known what response Bruni's treatise had among his Greek readers. It is recorded, however, that the foremost intellectual in the Greek delegation, the neo-Platonist philosopher George Gemistos Pletho, had read it and made corrections on it and probably took a copy with him back to Mistra.¹⁵ It is possible that he might have used it as a model and source of inspiration for his own constitutional proposals for the radical reform of the government of what had remained of the Eastern Roman empire in order to save it from its imminent disaster.

2 Jean-Jacques Rousseau

Bruni's idea of liberty in a republic of political equality (within the constraints he specifies) was basically the idea inherited by the European republican tradition. This was the idea extensively discussed by Bruni's intellectual

¹³ Moulakis (1986) 177.

¹⁴ Moulakis (1986) 178.

¹⁵ Woodhouse (1986) 162.

successor, Niccolò Machiavelli in the *Discourses on Livy* and a whole range of other republicans and Machiavellians in the political thought of early modern Europe. Although Bruni in developing his idea of liberty drew on the language of Aristotle, the inspiration of the modern republican tradition was primarily Roman, and specifically Sallustian and Ciceronian, as has been extensively and convincingly documented in contemporary scholarship.¹⁶ The clearest expression of the primacy of the Roman inspiration in shaping the republican tradition comes in Machiavelli's political thought. Besides the Roman inspiration, a strong intellectual influence on the republican tradition came from distinctly modern readings of the Bible and specifically from modern understandings of the *respublica Hebreorum* as a model of political organisation and public rectitude.¹⁷

In this context Greek political thought does not appear to have been the dominant intellectual legacy in the shaping of the modern republican tradition. Furthermore, the Greek legacy is a long and complex tradition: it is important that we distinguish the strands and constituents that modern republican thinkers appealed to in elaborating their own arguments and system of values. Considered on this level, the question of the role of Greek political thought in modern republicanism becomes one of reception and selective readings. How the moderns understood the Greeks and what they took from them is not exactly identical with the readings of classical political theory prevalent in the post-revolutionary nineteenth century and in the multiple twentieth-century contexts. Early modern readings and uses of the Greek legacy were primarily based on understandings of antiquity and ancient politics derived from late sources, primarily Plutarch and other sources of the literature of late antiquity like Diogenes Laertius's *Lives of the philosophers*. These works were closer to the Roman understanding of Greek culture and thus more congenial to the humanists whose thought was guided primarily by Roman presuppositions.

The Roman reading of Greek political thought prevailed in the humanist political tradition that emanated from Bruni and, through the impact of Machiavelli's political thought, was reflected in the revolutionary republicanism of the seventeenth century that was attacked by Hobbes as the ruin of commonwealths and the civil coexistence of people under the rules of reason. Hobbes had a deep knowledge of both the Greek and the Roman heritage of modern Europe. It would not be an exaggeration to say that his command of Greek classics, on account of his profound familiarity with the texts of Thucydides and Homer, was superior to that of many of the civic humanists and republicans

16 See e.g. Skinner (1978) vol. 1, 38–40, 54–55, 84–89, 162–163; (1998) 46–47, 61–63, 64–66.

17 Boralevi (2002).

themselves whose knowledge was limited to the Latin tradition. Yet Hobbes was the most determined enemy of the idea of liberty associated with understandings of Greek political thought because he considered that idea inimical to the needs of modern humanity and destructive of political order.¹⁸

Despite Hobbes' polemics, the humanist idea of liberty lived on and flourished in the writings of Milton and Harrington and was transmitted by them to the Harringtonian tradition in New England.¹⁹ In continental Europe, after the eclipse imposed by the ideologies of absolutism in the seventeenth century, the humanist ideal of liberty in a characteristic context of the Roman understanding of Greek political thought was forcefully revived by the 'Machiavelli of the eighteenth century' (as J. G. A. Pocock aptly described him): Jean-Jacques Rousseau.²⁰

Rousseau's understanding of liberty is a difficult, indeed a daunting philosophical subject. Furthermore, his multiple concepts and use of an 'imagined antiquity' is an intriguing, if inviting issue in the interpretation of his thought. Yet some insights can be gained that might be helpful in clarifying the complex subject by looking at a text that has remained rather marginal in the canon, a kind of neglected stepchild among his writings. This is his *Discourse on Political Economy*, originally written as an entry in the *Encyclopédie* of the Enlightenment in 1755.²¹ It is a challenging text, as important as it is paradoxical. Rousseau was a great master of paradox, which he used with great rhetorical skill to impress upon the reader's mind his unconventional and provocative ideas. The entry on political economy in the *Encyclopédie* has practically no economics in it and represents one of the earliest testimonies of Rousseau's ability to win the reader's attention through the rhetoric of paradox. The 'Discourse on the Arts and Sciences' of 1750 (published in 1751) was an earlier example, with Rousseau's radical critique of civilisation. In *Political Economy*, however, the paradox becomes much more striking, not only in the discrepancy between the title and the content of the essay, but also in the use of ancient models as critiques of modern politics, relegating to complete oblivion the issues of the quarrel of Ancients and Moderns and questions of historicity that had been

18 Skinner (2008) 162–77, 211–16. On Hobbes's political rendering of Homer see Cantanzaro (2019).

19 Pocock (1975) 506–552.

20 Pocock (1975) 504.

21 The extent to which Rousseau's *Political Economy* has been neglected by historians of political thought is reflected in Lifschitz (2016), a special issue of *History of Political Thought*. In the four excellent articles plus the Introduction that make up this volume, there is not a single reference to the 'Discours de l'Économie Politique'.

confronted with such sophistication in Montesquieu's writing of just a few years earlier.

The *Discourse on Political Economy* has been very appropriately characterised as Rousseau's 'Spartan utopia', by one of his profoundest twentieth-century interpreters, Judith N. Shklar.²² In the Spartan utopia, which predates the *Social Contract* by seven years, one can find the basic political substance of that better known work more clearly and directly expressed. Yet, if one looks more carefully behind the obvious Spartan traits of political life Rousseau puts forward as correctives to the failures of modern politics, one can discern the Roman republican model that dominated the entire tradition of modern civic humanism since the fourteenth century. All the Spartan features are there: frugality and parsimony in private life, total immersion of the particular will into the general will of the community, dedication to the public interest as personal passion of every citizen, the function of public education as moral education for citizenship, hatred of luxury and laxity. The Spartan ideal is clearly articulated:

When men love their country, respect the laws and live simply, little remains to be done in order to make them happy; and in public administration, where chance has less influence than in the lot of individuals, wisdom is so nearly allied with happiness, that the two objects are confounded.²³

This is the Sparta of the modern European radical tradition. Rousseau is projecting it as a standard of modern politics. The few words he is going to devote to economic questions in this discourse on political economy are totally fitted into the Spartan model: the preference of agriculture over commerce as the productive basis of society, the equalisation of private property, the heavy taxation of 'useless professions', especially those serving the private entertainment of the population.²⁴

To produce this model, Rousseau relies to some extent on Greek political thought. He first recalls Aristotle in order to introduce a distinction between private and public economy. He defines private economy as the management

22 Shklar (1969) 199–208; cf. Hulliung (1994) 125–6. The Spartan theme in Rousseau's writings is examined in detail by Rawson (1969) 231–41. Her focus, however, remains primarily on Rousseau's references to Sparta in the *Social Contract*, and even the *Letter to M. D'Alembert*, and refers to the *Discourse on Political Economy* only in passing. See also, more recently, Cartledge (1999).

23 Rousseau (1950) 311.

24 Rousseau (1950) 328.

of the affairs of the household (οἶκος) and, by antithesis, he calls the management of the affairs of the state 'public economy'. He then declares his intention to limit his analysis to public economy.²⁵ Thus the treatment of political economy is turned into a treatise on politics and public life. The radical difference between public and private life, or between the state and the family as Rousseau understands the distinction, is also explicitly connected with Aristotle's arguments in the First Book of the *Politics*.²⁶ What Rousseau finds in Aristotle, to serve his own purposes and arguments, is the radical politicisation of the self, which became fundamental to his subsequent political thought. This is closely connected with the emergence in this text of the concept of the general will, which serves precisely Rousseau's theoretical project of the publicization of the self.

In developing his argument, he also remembers Plato, when he cites one of the requirements of law-making from the *Laws* (723) concerning the need 'to place at the head of all edicts a preamble, setting forth their justice and utility'.²⁷ It is characteristic of the entire civic humanist tradition with which Rousseau primarily converses that when its exponents turn to Plato it is the late Plato of the *Laws* that appeals to them, not the Plato of the *Republic*. The *Laws* obviously was more understandable as a political project of setting up a virtuous republic of social and moral controls, preferred to the radicalism of the *Republic*, which could often be a source of various embarrassments for many readers.

Rousseau is equally typical of the attitudes of humanism in his rather dismissive criticism of Athenian democracy:

Athens was in fact not a Democracy, but a very tyrannical Aristocracy, governed by philosophers and orators.²⁸

This judgment too reflects the discomfort of the humanist tradition with Athens as an unstable regime, governed by the whimsical passions of the demos. This critical perspective explains why admiration for the stability and longevity of Sparta and Rome dominated the humanist tradition, which provided the substratum of Rousseau's political judgment. Hence his Spartan utopia, which was meant to correct the failures of Athens.

25 Rousseau (1950) 285.

26 Rousseau (1950) 288–9.

27 Rousseau (1950) 295.

28 Rousseau (1950) 291.

In this context Rousseau also raises the question of liberty, in order to articulate the dilemmas immanent in the idea. Liberty is inextricably intertwined with the concept of the general will: the one cannot exist independently of the other. To contribute authentically to the elaboration of the general will, the individual citizen must be free, completely independent from the dictates of another.²⁹ At the same time, complete individual independence should be harmonised with the preservation of public authority, political order under a legitimate government, whose object, Rousseau says, is the good of the people. Thus public liberty, a society of free human beings, must be combined with public authority, which is set up in order to protect and guarantee what is dearest to each individual member of the community, their property, life and liberty. This Lockean resonance is a clear indication both of Rousseau's modernity and of his sincere attachment to the ideal of personal liberty. For liberty to survive in a well ordered society, however, Lockean individualism is not enough. Rousseau is worried about the proclivities of individuals to trespass on the liberty of others. This is the problem of modern society: to find a balance between liberty and constraint in order to assure the survival of a free community catering to the freedom and needs of all its members. The theoretical problem is framed as follows:³⁰

How can it be that all should obey, yet nobody take upon him to command, and that all should serve, and yet have no masters, but be more free, as, in apparent subjection, each loses no part of his liberty but what might be hurtful to that of another?

The answer to this question comes from the miraculous effect of the law upon human society. It is significant that Rousseau, to describe the effects of law, in fact uses the word *prodige(s)*, which literally means 'miracle', an extraordinary happening of magical or supernatural character.³¹ The effect of law is to produce miracles, wonders in human society, because it brings about the greatest and most difficult achievements: 'It is to law alone that men owe justice and liberty.'³²

We see that, in a few pages of this early work, Rousseau announces all the ideas of his greatest and most difficult work of political philosophy, the *Social Contract*. In *Political Economy*, it is precisely at this point that the author

29 Rousseau (1950) 293.

30 Rousseau (1950) 294.

31 *Petit Robert* (1967 edn), 1397.

32 Rousseau (1950) 294.

remembers Plato's *Laws* and its significance for establishing the educational function of law in human society. Because the task is so difficult, Rousseau also stresses the critical role of the Legislator as the supreme educator of society.³³ The ideas of Plato's *Statesman*, and of course the role of the Nocturnal Council from *The Laws*, linger in the background of the argument at this point.

For this very difficult task to be accomplished, and for the gigantic project of establishing justice and liberty in human society, the great Legislator and the system of laws he will produce must be concerned with the intensive cultivation of virtue. The 'reign of virtue' is the second major task of what Rousseau has called in opening his treatise, 'public economy'.³⁴ The concept of virtue, of course, raises still another important eighteenth-century debate on the question of virtue in modern commercial society, a debate that has extensively occupied contemporary scholarship. This debate is outside the scope of this essay and cannot be taken up here. Rousseau's appeal to virtue, however, which appears so forcefully in *Political Economy* for the first time in his writings, is one more strong testimony of his intellectual inheritance from the civic humanist tradition. In order to illustrate his reflections on virtue he turns once more to the classical models of virtuous citizenship. Here a new dilemma emerges involving the contrast of Cato versus Socrates, as Rousseau understands it of course. The contrast is that between the great patriot who is totally devoted to his country, its virtue and its greatness and the great philosopher who dies for truth.³⁵ In his comments on Socrates, Rousseau's contempt for Athens transpires once again: 'Athens was already ruined at the time of Socrates and he had no other country than the world at large.' Socrates thus emerges as the cosmopolitan philosopher who, despite his virtue and humanity, cannot serve the purposes of Rousseau's Spartan utopia. That role is reserved for Cato, 'who had the cause of his country always at heart; he lived for it alone, and could not bear to outlive it.' Cato defended his country, its liberty, its laws, while Socrates just 'instructed a few individuals'.³⁶ Cato emerges as a god among mortals. This is the leader and legislator needed for the virtuous republic, who will achieve the superhuman task of realising justice and liberty. Thus, Rousseau's Spartan utopia through Cato's model is morally Romanised, illustrating at the same time the intricacies in the reception of the Greek legacy in modern political reflection.

33 Rousseau (1950) 296–297.

34 Rousseau (1950) 298–299.

35 Rousseau (1950) 302.

36 Rousseau (1950) 302.

3 Benjamin Constant

All these strands of political reflection converged in the ideological vortex of the French Revolution, a radical upheaval that in fact amounted to the matrix of modern politics. The French Revolution began primarily as a battle for liberty and the rights of man and citizen, but in Hegel's view it turned out to be the terror of unrestrained liberty.³⁷ According to Hegel, the Revolution that held Rousseau as its prophet failed in all its goals and just produced the Terror, Napoleon's dictatorship and war on a continental scale. All these disasters could be ascribed to the ideal of liberty associated with the ideology of radicalism that had sprung from the civic humanist tradition. Hobbes's scepticism and warnings concerning humanism and its ideal of liberty, although meanwhile forgotten, seemed potentially vindicated. At the dawn of the nineteenth century, under the conditions of desperation caused by the defeat of all that the Revolution had stood for, an urgent challenge faced political thinkers: the need to rethink the meaning of liberty and to rid it of all those anachronistic associations and distortions that had made it appear as a vehicle of terror and repression and stained it as an agency of modern despotism.

The challenge and the task to redefine liberty was taken up by Benjamin Constant, a Swiss-born master of romantic literature and political thought. In carrying out this task he chartered the terrain for the 'post-revolutionary mind' to come into its own and cultivate its self-awareness.³⁸ Although in his political engagements, as reflected especially in his relations with Napoleon's various regimes, Constant proved rather inconsistent and gained for himself considerable notoriety as *Constant l'inconstant*, in his political thought he emerges as a deeply committed devotee of the value of liberty as an ideal, as an imperative and an expression of modernity. In articulating this position in a succession of theoretical works he emerges as the earliest exponent of modern liberalism, indeed as a pioneer of the ideological doctrine that was to dominate the politics of the nineteenth century. He has been rightfully characterized by Isaiah Berlin as 'the most eloquent of all defenders of freedom and privacy'³⁹ and as such, along with John Stuart Mill, 'the father of liberalism'.⁴⁰

In developing his arguments for modern liberty, Constant produced important works of political reflection, which have only rather belatedly been

37 Shklar (1976) 178.

38 Fontana (1991).

39 Berlin (1969) 126.

40 Berlin (1969) 161. Jeremy Jennings (2009) proposes a more complex and nuanced interpretation of Constant's idea of liberty.

drawn into the mainstream of scholarship on political theory. In his treatise on *The Spirit of Conquest and Usurpation* of 1813–14, Constant discusses with eloquence and passion what he perceives as the main threats to liberty in his contemporary Europe. The work was meant as an indictment of Napoleon's despotic rule, which in Constant's judgment had revived anachronistically in modern Europe the spirit of conquest, a characteristic of bygone ages marked by primitiveness. The spirit of conquest was completely incompatible with the character of modern European society, which was shaped by the peaceful forces of commerce.⁴¹ This was obviously a lesson learnt by Constant from his studies at the University of Edinburgh, where he had been exposed to the theories of political economy put forward at the time by the Scottish Enlightenment. Commercial development had produced in modern Europe a type of society radically different from the societies of antiquity and had nurtured a new civilisation, based on civility and liberty. The condition of Europe as a civilized continent was violated by Napoleon's megalomania. He had revived the outdated spirit of conquest and used large-scale violence to subjugate a continent that had been prepared by commerce for a condition of liberty. This was made possible by the distortion of political and moral values caused by the French Revolution, but it could not last because it ran against the deeper logic of history shaping the state of Europe.

In order to attack Napoleon's despotism Constant also elaborated the concept of usurpation, whereby he indicted the illegitimacy of his monocratic rule. In this he came dangerously close to the arguments of the *Légitimistes*, who questioned the entire range of political changes introduced by the Revolution and clamoured for the restoration of the Bourbons on the strength of the legitimacy of their dynastic claims. Constant's arguments, however, did not follow this direction. His discussion of usurpation was meant to reveal how destructive the concentration of force and unlimited power into the hands of a despot could be for society and for the spirit of civilisation. From this he drew the conclusion that usurpation could not survive in a period marked by the growth of the civilisation of modernity.⁴²

What may appear as rather surprising in Constant's text is the invocation of a further threat to liberty that he perceives to be at work in European politics. He sees this threat coming from the appeal to the ideal of ancient republican liberty propounded by certain authors, such as Rousseau but especially the Abbé de Mably. This could only lead to modern and more extreme forms of repression and despotism, Constant warns. Chapters 6 to 9 of Part II of *The Spirit of*

41 Constant (1988) 51–6.

42 Constant (1988) 95–102.

Conquest and Usurpation constitute an important and quite original early formulation of the critique of radicalism that became current in mainstream liberal arguments later on in the nineteenth century. Constant points out that the idea of liberty introduced in the European world by the French Revolution at the end of the eighteenth century 'was borrowed from the ancient republics'.⁴³ The attempt to put this concept of liberty to practice only led to new and more frightful forms of tyranny and despotism because the logic of ancient liberty was incompatible with the understanding of liberty by the moderns:

What we now call civil liberty was unknown to the majority of ancient peoples. All the Greek republics, with the exception of Athens, subjected individuals to an almost unlimited social jurisdiction.

...

The ancients found greater satisfactions in their public existence, and fewer in their private life; consequently, when they sacrificed individual to political liberty, they sacrificed less to gain more.⁴⁴

Constant goes on to explain the logic of the 'modern imitators of the republics of antiquity', most notably Rousseau and Mably. They are both held responsible for the new forms of tyranny and extremism that violated the spirit of modernity. The 'subtle metaphysics of the *Social Contract*', we are told, 'can only serve today to supply weapons and pretexts to all kinds of tyranny.' As for Mably, he, 'like Rousseau and many others, had mistaken authority for liberty' and 'he detested individual liberty as a personal enemy'.⁴⁵ Intellectuals like Mably had used their subjective understanding of antiquity to urge the suppression of liberty among the moderns. Sparta aroused in his spirit the most vivid enthusiasm on account of its republican forms and the enslavement of individuals, while for Athens he had a profound contempt. Men motivated by 'boundless admiration for Rousseau and Mably' seized power during the French Revolution and practiced 'philosophy as prejudice and democracy as fanaticism'. This was the 'patriciate of tyranny maintained through terror'.⁴⁶

This form of modern tyranny, the spirit of conquest that had favoured it and usurpation that resulted from it could not in fact last in the drastically changed

43 Constant (1988) 102.

44 Constant (1988) 103, 104.

45 Constant (1988) 106–107.

46 Constant (1988) 108. Constant's judgement of Mably might be appraised in light of the re-evaluation of the subject in contemporary scholarship. See e.g. Wright (1997) 16–21, 115–121.

world of modernity. All these experiments in exerting coercion and violence upon the normal flow of history had involved enormous human and political costs but they could not survive as components of modern politics. The liberty of the moderns would eventually triumph because it was favoured by the logic of history. How this could be done and at what cost Constant does not explicitly tell his reader, but the prospect is sufficiently clear in his writings.

In developing these arguments Constant finds his main source of inspiration in the philosophy of modernity enunciated first and foremost by Montesquieu. By contrast, his engagement with ancient political philosophy in his major writings on politics remains marginal. Plato is absent and Aristotle is present to a very limited extent.⁴⁷ Benjamin Constant appears to be telling us that for the liberty of the moderns to be securely established in modern thought, sensibility and practice, Greek and Roman political theory as normative systems must finally be somehow laid to rest.

This task he undertakes to carry out as a matter of urgency and commitment in his most famous work, the 1819 lecture, *On the liberty of the ancients compared with that of the moderns*. This short text was destined to become a milestone in the history of political thought. It was not widely appreciated at the time of its original presentation, as a lecture at the *Athénée royal* in Paris on 13 February 1819, and later in the nineteenth century it fell entirely out of view.⁴⁸ In the mid-twentieth century, however, Constant's comparison of the liberty of the ancients to that of the moderns was used in 1958 by Isaiah Berlin as the basis of the distinction between positive and negative liberty.⁴⁹ This distinction was proposed as a response from the vantage point of authentic liberal values to the challenges emanating from various strands of authoritarianism, which in the course of the twentieth century had attempted to bring the idea of liberty in its 'positive' guise to serve undemocratic and fundamentally illiberal ends. Berlin's distinction became central in debates on the meaning of freedom in the second half of the twentieth century. Thus, one could say, Constant's political thought, occasionally anonymously, has been canonised as a significant presence in contemporary political philosophy.⁵⁰

Of course it should be noted that the analytical dichotomies introduced into the meaning of liberty by Constant and Berlin respectively are cognate but not completely identical. Constant's liberty of the moderns is identical with Berlin's negative liberty, both concepts being very well situated and expressing

47 See e.g. Constant (1988) 98–9, 212, 215, 219.

48 Kloocke (1984) 238–42.

49 Berlin (1969) 122–41 and especially 163–4 on Constant.

50 E.g. Rawls (1971) 201–5, (1993) 4–5, 206, 294–9, 302–4.

the fundamental ideal of the modern liberal tradition. The conceptual relation between the freedom of the ancients and positive liberty, on the other hand, is not so straight forward and one may not feel entirely certain whether these two concepts of liberty can be considered identical or not. Constant's liberty of the ancients could be understood as a kind of civic privilege and at the same time as a sense of civic duty for the free citizen of the ancient city, especially the democratic city as idealized by Pericles in the Funeral Oration or analysed by Aristotle in Books 3 and 4 of the *Politics*. Berlin's positive liberty is to a considerable degree a reminder of the dangers to liberty in twentieth century politics, especially a pointer to the hijacking of the rhetoric of liberty and democracy by totalitarian regimes. In this regard, Berlin is closer to Karl Popper and other critics of totalitarianism than to Constant, who was worried by the distortions of the concept of ancient liberty in modern radical politics but did not fail to recognize its moral and pedagogical value.

In the essay on the liberty of the ancients and moderns, Constant's engagement with Greek political thought and the history of the ancient Greek republics, as understood at the time, is extensive and quite critical for his argument. Writing well before the discovery of the Aristotelian *Constitution of Athens*, he draws primarily on Xenophon and Isocrates as his main sources of historical evidence. On this evidence, and against the main thrust of the tradition of European radicalism, Constant expresses his preference for Athens versus all other ancient republican models, especially Sparta, because 'of all the ancient states, Athens was the one which most resembles the modern ones.'⁵¹ In all other ancient republican models, including Rome, 'the enslavement of individual existence to the collective body' was complete. This is what made the ancient concept of liberty, which was connected to this republican model, unsuitable and unacceptable in modern times. Its proponents and supporters among the moderns like Mably and Rousseau were in fact supporters of modern forms of oppression.

Athens could be said to have approximated – from a distance to be sure – to the modern notion of liberty because Athens was 'of all Greek republics the most closely engaged in trade;' as a consequence of its commercial development, 'it allowed its citizens an infinitely greater individual liberty than Sparta or Rome.'⁵² At this point Constant might have cited Thucydides and what he records from Pericles's Funeral Oration concerning the emergence of incipient notions of privacy in Athens by contrast to Sparta (Thuc. 2.37–9). Athens, nevertheless, as an ancient republic, was marked in its public life by important

⁵¹ Constant (1988) 312.

⁵² Constant (1988) 315.

traces of the ancient notion of liberty and exemplified forms of oppressive behaviour at the expense of the individual such as the 'legal arbitrariness' of ostracism or the suppression of religious dissent as it had happened most notoriously in the case of Socrates.

The conclusion to be drawn from the consideration and assessment of political practice in the republics of antiquity was inescapable: 'We can no longer enjoy the liberty of the ancients, which consisted in an active and constant participation in collective power.'⁵³ Conditions between antiquity and modernity had changed so drastically that the concept of liberty had to be adjusted accordingly:

Since we live in modern times, I want a liberty suited to modern times. ... Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable. But to ask the peoples of our day to sacrifice, like those of the past, the whole of their individual liberty to political liberty, is the surest means of detaching them from the former and, once this result has been achieved, it would be only too easy to deprive them of the latter.⁵⁴

We see Constant articulating with remarkable clarity the requirements and character of freedom in modern society. In no way does he denigrate or downgrade the moral value of the liberty of the ancients, what he calls political liberty, Berlin's future 'positive liberty'. He points out explicitly that political liberty 'enlarges the spirit, ennobles the thoughts' of citizens.⁵⁵ By itself, however, it is unsuitable and, given primacy, it can even be dangerous in modern society. A strong sense of the historicity of political phenomena and political values transpires in this judgment, which resumes Montesquieu's older brilliant assessment of the prospects of freedom in modern society. In his own assessment of classical political values, Constant is essentially writing the epitaph of the venerable tradition of civic humanism in European political thought. Ancient models and values, especially after the traumatic experience of the French Revolution, could no longer be viewed as appropriate normative frameworks for modern politics. The appeal of ancient political ideals could only serve the appreciation of their counterparts that bore the distinctive mark of modernity.⁵⁶

53 Constant (1988) 316.

54 Constant (1988) 323.

55 Constant (1988) 327.

56 Cf. the perceptive appraisal of Constant's view by Yack (2010) 760.

The significance of Benjamin Constant's contribution to the 'deposition', as it were, of ancient Greek political thought could be more fully appreciated if one takes into account the extent and depth of his command of the source material of classical literature. His knowledge of the subject is immediately obvious in his political writings, but its true depth becomes apparent in another work, which is not usually consulted by scholars of political ideas. This is the treatise *De la religion*, a truly monumental work, whose writing occupied him throughout his life from his youth to his death, and whose final and repeatedly revised version was only posthumously published.⁵⁷ In this work too, Constant's main concern is with liberty, more precisely on the interplay between liberty and religious feeling. He does not see religious feeling as inimical to liberty. On the contrary, he considers the religious sentiments that are innate in human nature as a critical source of morality and freedom. Threats to liberty, especially in the religions of antiquity, but also in Christianity, emanate primarily from organized systems of hieratic power, what Constant calls *sacerdoce* (sacerdotalism). In treating these subjects, especially the gradual introduction of morality into religion, Constant shows a truly impressive command of Greek sources, from the *Iliad* and the *Odyssey*, through the works of Hesiod, Pindar, the Greek historians and tragedians, to the comedies of Aristophanes.⁵⁸

Such was the basis of his critique of the role of ancient values in modern politics. It was this authoritative command of the whole Greek intellectual tradition that lent his criticism credibility and a wider appeal in the subsequent tradition of classical scholarship and political theory. Constant's ideas remained for long influential in French classical scholarship, as attested by the work of Fustel de Coulanges, through whom Gustave Glotz also converses with him. It took the emergence of new and different modes of classical scholarship in the twentieth century, informed by the social sciences, for Constant's ideas to be pushed aside for a period, although French classical scholarship continues to be keenly interested in his arguments.⁵⁹ In political theory, on the contrary, the revival of liberal political reflection in the late twentieth century

57 Constant (1999).

58 Constant (1999) 205–48 on the character of Greek religion; 325–36 on primitive Greek religion; 367–82 on religion in the *Iliad* and the *Odyssey*; and 465–505 on the introduction of morality into religion by social progress as reflected in Hesiod, Pindar, the historians Herodotus and Xenophon and the tragic poets Aeschylus and Sophocles. Very perceptively, Constant remarks that Thucydides is left out of his survey because he 'despised religion' (p. 483), while Euripides as an exponent of unbelief is compared with Voltaire (493–500).

59 See, e.g., Vidal Naquet (1995) 111–16, Hartog (2000) 7–46, esp. 30–35. For a comprehensive discussion see Liddel (2007) 4–9.

showed Constant's ideas to possess a relevance that might have been a surprise to himself and his contemporaries.

4 Conclusion: towards Grote and Mill

Constant may be said to have written the epitaph of the civic humanist tradition, but this was not the end of the story. In doing so he had also made one decisive contribution: by praising Athens for the unique achievement of liberty in its internal political life, he paved the way for the new conceptualisation of liberty in ancient democracy, which was to dominate democratic liberalism in the nineteenth century. The dialogue of modern historiography and political theory with the legacy of Greek political thought was to be revived a few decades after Constant, thanks to the re-evaluation of Athens as a model democracy by George Grote, one of the Philosophic Radicals who played a leading role in the movement of electoral reform that set British politics on the road of democratisation.⁶⁰ In his twelve-volume *History of Greece* (1846–56), Grote did more than any other of his contemporary historians to rehabilitate Athenian democracy as a government of the people and as a prototype of political freedom. Grote defended Athens as a democracy, but he also supported political representation as the appropriate form of government in modern society.⁶¹ From Grote's historical account of ancient Athens, John Stuart Mill – perhaps his most perceptive reader and follower – drew evidence and arguments to project the ancient model as a moral corrective to modern liberal politics, which of course had to remain representative and parliamentary. This is how Athens came back as a normative model in modern democratic theory, after its long eclipse by Sparta and Rome in early modern political thought. Mill, the foremost theorist of modern liberty, opened a new chapter in the dialogue of political theory with the legacy of Greek political thought, pointing to its resilience and its fertility as a source of inspiration and an invitation to self-reflection for modern and contemporary political sensibility.

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60 Thomas (1979) 406–38.

61 Cartledge (2016) 301–4; Demetriou (1999) 91–130.

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