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vol. 6

1 ANGLO-AMERICAN APPROACHES TO INTELLECTUAL HISTORY AND POLITICAL THEORY

TERENCE BALL: CONFESSIONS OF A CONCEPTUAL HISTORIAN

2 RHETORIC AND CONCEPTUAL CHANGE

QUENTIN SKINNER ON ENCOUNTERING THE PAST

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SoPhi

Finnish Yearbook of Political Thought
2002 vol. 6

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EDITORIAL

IS POLITICAL THEORY POLITICALLY INTERESTING?

Is political theory useful in politics? Has it any relevance? In one sense, the question itself is an irrelevant one. Of course, says the professional political theorist, political theory is ”useful”. The task of political theory is to reflect politics, political institutions, concepts and traditions. And such a reflection is an inescable part of political activity. Thus, political theory is itself an indispensable element of politics. If we grasp the characters of politics, we also understand why political theory is needed.

In another sense, the question again appears as irrelevant. Unlike, say, applied genetics, or meteorology, or, allegedly, some branches of economics, political theory does not claim that it can either be used as a basis for manipulating our world or as a basis for forming practically utilisable expectations about the future. Such an aim, says the political theorist, would arise from a misconceived scientific ideal only. To think that political theory should be ”useful” in this sense would entail either the acceptance a scientistic-technocratic ideal or a view that the task of political theory is to construct Utopian blueprints for the future. And all forms of Utopianism are potentially totalitarian. Political theory is and should be an interpretive rather than a legislative activity. Hence there is no obligation to prove its ”usefulness”. Its proper task is to help us to understand ourselves as political agents, as members of our polities.

But one may accept these replies and still insist in asking the question. Consider the European integration process and the recent debates on an European constitution, and, more generally, on the future development of the political institutions of the European Union. During the first forty years, the European institutions have developed more or less in a theoretical vacuum. The guiding philosophy of the European integration has been an apolitical functionalist view of society. The establishment of a common currency, for example, was generally seen as a purely economic matter; the only theoretical arguments for or against it presented in the discussion were economic ones. In truth, of course, the decision was highly political.

Generally, the discussion on the fate of the Union is still conducted in pragmatic terms, especially in the newcomer countries like Finland. And this, I think, constitutes a genuine problem. Instead of asking ”Is political theory useful?” we may ask ”Is political theory *interesting*?” Is it interesting, for example, in the sense that it is able to provide us interpretations that would help us Euro-citizens to orientate in this political maze called the Europe? True, there is a growing stock of empirical and legal studies on the political institutions of the Union. But do we have any interesting political *theory*?

Partly, the problem reflects the state-centered tradition of the European political theory. Our dominant political theories have had very little to say about politics that is not confined to the level of the sovereign nation state, about politics at the supra-national or sub-national levels. If the study of political thought is fundamentally (not exclusively), a historical discipline, it seems to be doomed to remain as a prisoner of this one-sidedness of its own past. (Economic theory, as a contrast, has transgressed the limits of the state from the start.) Nevertheless, some theoretical traditions have not exclusively limited themselves at the level of national politics. For example, the early ”federalist” theory of Johannes Althusius, the French 19th century federalism, and the early British pluralisms of Figgis, Cole, and Laski focused on the ”local” as well as on the ”international”[1]. And there certainly are untapped resources in the political traditions of smaller European countries, e.g. in countries with federal traditions (like The Netherlands or Switzerland), or in countries where the formation of national identities has preceded the formation of state institutions (like Finland).

Or, take more specific problems like the majority rule, the nature of representation, the role of courts, or the role of the executive power in the European institutions. These issues are central in shaping the emerging constitutional structure of the Union – whether the outcome will be called a ”federation” or not is a secondary matter. In all these issues, the European constitutional history provides us interesting precendents and parallels, and there are extensive discussions on these issues in the national political traditions. To take an example, one of the innovative attempts to conceptualize the future of the European union is Neil MacCormick's proposal that the heuristic model for the European constitution should be the 18th century idea of a ”balanced constitution” rather than a democratic nation-state. Symptomatically, Professor MacCormick is not only a brilliant legal and political theorist but also a member of the European Parliament.[2]

Here, we may feel certain envy when watching the Americans. In the United States, we may say, the political theory *has* always been ” interesting” in the sense that it has always been intimately connected with the constitutional development of the republic. The ”more perfect Union” was created in philosophical debates, and the American political theory is largely an attempt to interprete the nature of it. Discussions which, only some ten years ago, looked as parochial from the European point of view, may have gained new relevance now. Still, in one sense the US-American theoretical discussion remains parochial. The leading contemporary American political theorists tend – with some exceptions – to share the presupposition made explicite by John Rawls: the public reason of a society is articulated by its Supreme Court. The US-American constitutional political theory is court-centered. Those who, like Jeremy Waldron, emphasize ”the dignity of legislation” are a minority.

I may summarize my idea by saying that what we Euro-citizens need is new views, arguments, and theories about (NB. not the theo*ry* of) about representation and representative institutions. For me, it seems clear that our current notion of democracy, born and grown in the framework of the nation-state, is not directly applicable to supra-national units like the Union. For example, ”global democracy” is a highly problematic notion. Paradoxically, a political theory which ignore these issues by sticking to the existing traditions actually betrays those traditions. For the core element of the European tradition of political thought has always been the conviction that traditions should be subjected to critical reflection. The European classical traditions, from Aristotle to Tocqueville, have always contained analytical, historical, and prescriptive or action-guiding elements. Those who refuse to ask the question about the polical relevance of their own theorizing should at least admit that they are doing something else than political theory in the tradition-bound sense of the term.

* * *

The present issue of *The Finnish Yearbook of Political Thought* includes reflections and ”confessions” of some some leading historians of political thought. Their soul-searching provides us an interesting view to the historical revolution of the 70's and 80's. Clearly they have not refused to rise the question of relevance. Our Journal wants to encourage the students of political thought to continue the discussion on the role of political theory.

Notes

[1] See G. Duso, W. Krawietz and D. Weyduckel (eds.) *Konsens und Konsoziation in der politische Theorie des frühen Föderalismus. Rechtstheorie Beiheft 16.* Ducker & Humblot, Berlin 1997.

[2] Neil MacCormick, *Questioning Sovereignty. Law, State, and Nation in the European Commonwealth.* Oxford University Press, Oxford 1999.

ARTICLES

Topic 1:
Anglo-American Approaches to Intellectual History and Political Theory

Terence Ball

CONFESSIONS OF A CONCEPTUAL HISTORIAN*

Let me begin by saying how delighted I am to be here in Finland on my first — though not, I hope, my last — visit, and to be in the company of scholars from whom I continue to learn so much. I should also like to thank my hosts for their very kind hospitality, and to applaud them for their efforts to establish an ambitious and wide-ranging Finnish conceptual history project.

I want today to say something about my own attempts to think and write about the history of political concepts. More particularly, I want to retrace some of the steps — and missteps — that led me to hold certain views and to abandon or modify others. My address will therefore be part autobiography and part confession, wherein I take responsibility for my past deeds and misdeeds. I tell this story not because it is inherently interesting (it is not) but because my route toward the history of concepts is, I suspect, vastly different from that followed by my European friends and colleagues. These differences may be worth noting and perhaps exploring.

I begin with a widely held misconception about the character and history of conceptual history: that the German and Anglophone variants are, if not identical twins, then fraternal twins born of the same parents and sharing close and crucial family resemblances as regards aim, outlook, and method. This misconception is perhaps more common in North America than in Europe,[1] and persists despite my old friend Melvin Richter's astute attempt at rectification in *The History of Political and Social Concepts* (1995, ch. 6). I want this morning to add an autobiographical footnote to his book by recounting my own formative experiences as a fledgling conceptual historian who after many years is still learning his craft.

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* Keynote address at the conference on "Rhetoric and Conceptual Change," Tampere, 27 June 2001.

From about age twelve until my twentieth year I wanted to be a theoretical physicist, and most of my education was directed to that end. Most of what little history and philosophy I knew centered on the history and philosophy of the natural sciences. While an undergraduate at the University of California I read and was greatly impressed by the work of Stephen Toulmin and Norwood Russell Hanson (my reading of Kuhn, Popper, Feyerabend and Lakatos came later). It was in the work of Toulmin that I first encountered the expressions 'conceptual history' and 'conceptual change' (Toulmin 1969; 1972). Toulmin and Hanson were concerned, in the main, with concepts in the natural sciences — 'motion', 'force', 'inertia', 'momentum', etc. — and the ways in which their meanings changed over time and in accordance with theoretical innovations. They showed that there was a considerable degree of theoretical discontinuity and conceptual incommensurability across time. One upshot of their way of narrating the history of science was to discredit the commonly held view that scientific advance is piecemeal, continuous, and cumulative. There are instead discontinuities, breaks, ruptures that Kuhn (1962) likened to 'revolutions' in which an older theoretical regime is overthrown and replaced by a newer one, which is itself subsequently challenged and overthrown. In the heady days of the 1960s, with our own cultural revolution just beginning to get underway, this picture of permanent revolution held considerable appeal for scientists and left-leaning students alike.

The Viet Nam War, and Political Theory

My scientific studies were interrupted and subsequently derailed by the Viet Nam war. Shortly before my twentieth birthday I was summoned for a physical examination, found fit for service, and waited to be drafted into the armed forces of the United States. I confess that I did not know where my duty lay. Everything I could learn about the war convinced me that it was both immoral and unwinnable. If ever a war were unjust, this one was. What to do? If drafted, should I go? Should I resist and risk going to prison? Should I declare myself a conscientious objector? Should I follow the lead of some of my peers and emigrate to Canada or Scandinavia? Not knowing where to turn, I turned in desperation to a seminar in political theory in which questions of obligation and resistance were considered. We read Sophocles' *Antigone*, Plato's *Apology* and *Crito*, Locke's *Second Treatise*, Thoreau's *Civil Disobedience,* and essays by Tolstoy, Gandhi, Camus, and Martin Luther King. That seminar helped clarify my thinking about matters moral and political. And, although I did not know it then, it was also my first step toward becoming a student of political theory and conceptual history.

My first experience as a conceptual historian-to-be came about in the following way. Before we read Plato's *Crito* we were told that it was about the citizen's obligation to obey and indeed to die for the state. Condemned to death and awaiting execution, Socrates is offered an opportunity to escape. He refuses to leave Athens, likening its laws to his own parents who had given him birth, educated him, and made him who he was. He could no more disobey the laws than he could cease being who and what he was. Twenty-five centuries later Socrates was duly classified as an arch-conservative who held that the citizen's obligation to live and die for his state is well-nigh absolute. As an admirer of Socrates I found this conclusion both troubling and puzzling: troubling, because of the predicament that I was then in; and puzzling, because I could not bring myself to believe that the ever-subtle Socrates could be so simplistic and conservative as he was being made out to be.

As it happens, I was then reading R.G. Collingwood's *Autobiography*, which another of my teachers (a historian) had recommended for reasons entirely unrelated to theories of obligation. The coincidence proved fortuitous. I was thunderstruck by Collingwood's approach to the history of philosophy. That history, he said, was not about an eternal but finite set of questions to which different philosophers have proposed different answers; it was, rather, about historically variable problems to which particular philosophers proposed particular answers:

> If there were a permanent problem P, we could ask 'what did Kant, or Leibniz, or Berkeley, think about P?' . . . But what is thought to be a permanent problem P is really a number of transitory problems p_1 p_2 p_3 . . . whose individual peculiarities are blurred by the historical myopia of the person who lumps them together under the one name P (Collingwood 1978 [1939], p. 69).

A light-bulb went on in my head. Here is what I was looking for. There is no single unchanging problem P — in this instance 'the problem of political obligation' — but there are instead a series of quite different problems that have been lumped under that large, catch-all, ahistorical heading. And one reason why the problems change is because the entities in question — 'citizen', 'state', etc. — change. Here again Collingwood proved a most helpful guide. He noted that the Greek term πόλις (polis) can no more be translated as 'state' than τριηρης (trireme) can be translated as 'steamship' (1939, pp. 63- 4). *Polis* and state are both forms of political organization, as *trireme* and steamship are both boats; but they are not identical or synonymous concepts.

A Collingwoodian — or, as I should now say, a conceptual- historical — perspective enables one to challenge the conventional or conservative interpretation of Socrates' reasons for refusing escape and remaining in Athens to die. For Socrates did not live in a *state*, i.e. the kind of large modern nation-state with which we are familiar, but in a *polis*, a much smaller and more intimate political association. Therefore we may not lift what Socrates says about the citizen's relation to the *polis* and apply it directly to our relation to the kind of large and anonymous state to which modern men and women belong.[2] What he says about the citizen's obligation to the *polis* or city-state does not apply to the modern citizen's duty to the modern nation-state. I breathed a very large sigh of relief, as I was in no position — and under no obligation — to follow Socrates' lead. This now seems an utterly obvious commonplace; but for me then it came with all the force of revelation. My first exposure to what I now call conceptual history came as a revelation and a relief for which I remain forever grateful.

‘From Plato to NATO’ and the Clarification of Concepts

When I began my graduate studies at Berkeley in 1967 there was a conventional dividing-line between the history of political thought, on the one hand, and analytical political philosophy, on the other. The former narrated the history of political ideas ‘from Plato to NATO’; the latter was concerned with the critique and clarification of concepts deployed in political theory — ‘freedom’, ‘power’, ‘equality’, ‘rights’, etc. I was interested in both genres of political theory, and resolved to run my train along these parallel tracks that I foolishly believed would never cross.

Berkeley in the late 1960s and early 1970s was a surreal place. Students protesting the Viet Nam war were condemned by California Governor Ronald Reagan and others as communists or, at the very least, as communist sympathizers. Political protests were met with armed force. Squadrons of police and National Guardsmen periodically invaded and occupied the campus. The acrid smell of tear gas often hung in the air and, in one memorable instance, seeped into a seminar room and forced us, coughing and gagging, to evacuate. Many graduate students, myself included, felt ourselves tugged in two quite different directions — on one side, political engagement; on the other, scholarly withdrawal. Students of political theory were also under pressure from some of our professors to join the then-victorious ‘behavioral revolution’ in Political Science.

The philosophical foundations of behavioralism were, in a very broad and loose sense, positivistic. As G.H. von Wright notes, the chief tenets of positivism include the methodological unity of all sciences, natural and social; the natural sciences (particularly physics) as a model for the social sciences; and the deductive-nomological or ‘covering law’ model of explanation (von Wright 1971, p. 4). Another feature of positivism was its zeal for reforming the language of politics and the social sciences.

The central place accorded to language by Logical Positivism can be seen in the title (and the text) of A.J. Ayer’s *Language, Truth, and Logic* (1936; 2nd edn. 1946). Ayer’s aspiration to purge and reform the language of philosophy — so as to eliminate the bugbear of ‘metaphysics' (and meaninglessness) — found a sympathetic audience among American behavioralists and some political theorists. Their aim was to purge the language of politics and political theory so as to make it more meaningful, less muddled, and more precise. But this was, by Logical Positivist lights, an exceedingly difficult task. For, viewed through positivist lenses, the language of political theory is a rather peculiar hybrid. According to Logical Positivism's classificatory scheme, statements are of three types. There are, firstly, 'synthetic' statements of empirical fact ('The cat is on the mat' was a perennial favorite). Next are 'analytic' statements about necessary truths-by-convention ('All bachelors are unmarried males' — another favorite). Thirdly there is a large catch-all category of 'emotive' utterances which are, strictly speaking, cognitively meaningless — mere 'ejaculations', in Ayer's slightly salacious term. To say, for example, that 'Stealing is wrong', says nothing about theft; it merely expresses or signals the negative 'feelings' or 'attitudes' of the speaker toward that form of activity (Ayer 1946, pp. 107-112).

From a positivist perspective political theory appeared to be an odd, not to say incoherent, admixture of the analytic, the synthetic and the emotive (or evaluative). From Plato to the present, the 'classics' of political theory are marked — and indeed marred — by muddle: 'facts' and 'values' are jumbled together; persuasive definitions are misleadingly made to appear in value-neutral guise; and fictions, metaphors and other tropes abound — states of nature, social contracts, and (we might now add) original positions and ideal speech situations (Macdonald 1951). The critical and reforming spirit of Logical Positivism was much in evidence from the early 1950s, when the behavioral revolution was just getting underway. At an American symposium on 'The Semantics of Social Science', for example, critics charged that the advance of the social sciences, and political science in particular, has been retarded by the pernicious presence of political theory, with its 'teleological, normative, or even moralistic terms'. Many if not most of 'the propositions of political theory have a character of "unreality" and futility'. As long as 'traditional' or 'normative' political theory exerts its pernicious influence, political science will consist 'mostly [of] history and ethics'. Political theory 'belong[s] to a subjective or fictitious universe of discourse quite inappropriate to a general science of society' (Perry 1950, p. 401).

From a behavioralist and positivist perspective, the only hope for political theory lay in purging its language to make its concepts cognitively meaningful. This approach was notoriously well represented by T.D. Weldon's *The Vocabulary of Politics* (1953) and a host of imitators. Weldon claimed that political theory was deficient to the degree that its practitioners attempted the impossible task of finding rock-bottom 'foundations' and, worse, to do so by reasoning with imprecise or 'muddled' terms and concepts. The first task of political theory must therefore be to clean this Augean stable by abandoning the search for foundations and be content with the humbler and more austere task of clarifying, refining and redefining the very vocabulary of politics.

Once we cut through the cant, the muddle, and the metaphysics of our inherited vocabulary (we were told), we can at last engage in meaningful debates about power, justice, equality, liberty, and the like. We therefore must, at the very least, sort out the different statement-types and keep them separate: 'This is a (persuasive) definition'. 'That is a statement of (presumed) fact.' 'That is an emotive (or horatory, or prescriptive) utterance.' And so on. Not surprisingly, this sort of 'linguistic analysis' made for minute — and (if I might register my own emotive response) dreadfully dry — dissections of Plato's *Republic*, amongst many other 'classics' of political theory (see, e.g., Murphy 1968; Oppenheim 1975 [1968]). The language of political theory should be purged, whipped into shape, and made to aspire to the transparent clarity of the language of science — at least as the natural sciences were (mis)conceived and idealized by the logical positivists. Thus the political theorist was to be like Locke's 'underlabourer', charged with the task of 'clearing the ground a little, and removing some of the rubbish that lies in the way to knowledge'. Locke's 'Epistle to the Reader' of the *Essay Concerning Human Understanding* was often quoted as an antidote to pride and vaulting philosophical ambition: In the natural sciences there are master-builders; in philosophy the would-be master-builders, from Plato to Hegel, were to be exposed for the metaphysical frauds they were, taken down ten notches, and put in their place by hard-working under-laborers — a task that Alasdair MacIntyre once likened to taking Aristotle out behind the woodshed for a good thrashing. This underlaborer view reduced the tasks of philosophy to conceptual analysis — that is, to criticism and clarification, and nothing more.

Where did this leave political theory? The duly chastened student of political theory was now to occupy himself with two modest but important tasks: on the one hand he was to take his long-dead elders and betters out to the woodshed; and, on the other, he was to perform the semantic scut-work of clarifying the terms employed by empirically-minded political scientists. The primary purpose of political theory, as a committee of the American Political Science Association once put it, was to 'define the concepts of political science' and provide precise 'definitions of political terms' that political scientists could use (Wilson et al. 1944, pp. 726, 729). Not a noble calling, perhaps, but a modest and useful one.

In the 1950s and early 1960s a number of political theorists attempted to redefine the terms of 'traditional' or 'normative' theory so as to make them useful for the empirical-scientific analysis and explanation of political behaviour. For example, 'the idea of freedom', wrote Felix Oppenheim, 'has not yet been subjected to . . . behavioral analysis'. This is unfortunate, for it has retarded the development of empirical social science. 'Whether freedom can become a subject of empirical science depends on whether "freedom" can become a concept of empirical science' (Oppenheim 1961, p. 4). And, as for freedom, so for all the other concepts of a scientized political discourse: power, influence, authority, equality, interests, and so on.

When in the mid-1960s I became a student of political theory there appeared to be two ways in which we could make ourselves useful to the discipline of Political Science. One was to abandon or modify our historical studies of the 'great books'. This involved, variously, narrating the history of political ideas so as to show the triumph of 'empirical' over 'normative' theories of politics; to pick out villains and heroes and precurors so that, for example, Plato's 'preference for imaginative and somewhat rigid theoretical notions drawn from brilliant fancy rather than hard fact' gave way to the 'solid good sense' of Aristotle, 'the first great behavioral scientist' (Dahl 1963, p. 24; Berelson and Steiner 1964, p. 13). A second role was to serve as an under-laborer whose main task was to render the terms of political discourse — 'power', 'interest', etc. — more amenable to social-scientific use by redefining them so as to render them 'purely descriptive' and purging them of any 'normative' or evaluative connotations (see, e.g., Oppenheim 1961, 1975 [1968], 1981; Gregor, 1971).[3]

I think it is fair to say that most of us at Berkeley (and elsewhere) were not eager to be recruited into the ranks of an already-aging behavioral revolution. We were much more interested in the prospects of a revolution within the revolution. This was not because (as our critics charged) we were 'anti-science', but because we believed that a positivistic political science rested upon a misgrounded conception of science and — no less importantly — because we wanted to restore the critical dimension of *political* theory. Some of us plunged into fairly intensive study of the philosophy of science (here I had a head start on most of my peers), with particular emphasis on the social sciences. We read G.H. von Wright, Alasdair MacIntyre, Peter Winch, A.R. Louch and other critics of positivist social science. To put the contrast crudely, we were interested in an anti-positivist philosophy of *action* as an alternative to the then-orthodox positivist philosophy of *behavior* that undergirded and legitimized 'behavioralist' social and political science.

In the course of our reading and discussions about an alternative *verstehende* or 'interpretive' or 'hermeneutical' model of social-scientific understanding, we came to see how deeply and decisively language shapes and colors the self- understanding of the people whose behavior we wish to explain. Very crudely, subject A cannot understand himself to be engaged in an activity or practice x (e.g., voting) without possessing the concept of x. Moreover, x is typically part of a network of concepts — a conceptual scheme — which gives x its point and meaning. To explain why A engages in x requires that we know what x means to A and others like him; it requires that we understand something about the conceptual scheme or language to which x belongs and within which it functions.

Our next — very short — step was toward the philosophy of language, or, more particularly, toward the 'ordinary language' philosophy of Wittgenstein and Austin, amongst others. Ordinary language philosophy was perhaps particularly attractive because it was highly critical of its positivist predecessor and decidedly less critical of political theory, past and present. The language of the natural sciences was no longer to serve as a standard of meaning or precision. We use language, as Austin famously put it, to *do* things — to describe, explain, excuse, endorse, appraise, warn, and to perform numerous other 'speech acts' (Austin 1970; Searle 1968). None of these utterance-types is privileged, much less a model of cognitive meaningfulness. We analyze words and concepts, not by looking for their meaning *per se*, but for their *use* — they are meaningful only in the context of the uses to which they are put. Even the most 'empirical' of the concepts employed in ordinary discourse are not amenable to strictly drawn definitions; they are 'porous' or 'open-textured' (Waismann 1951). To the degree that their porosity is ordinarily no hindrance to communication, concepts do not need to be reformed, redefined, or made more rigorous than such communication requires. We achieve as much clarity as we need by noting 'what we [ordinary speakers] say' in certain situations and contexts.

Not surprisingly, ordinary language philosophers took a much more tolerant view of political theory than their positivist predecessors did. In the spirit of Aristotle they seemed almost to say that one should look for only as much precision as the subject admits of — and that if the language of politics often seems vague and imprecise, then so be it: that is a characteristic feature of political discourse. Ordinary language philosophy, as Wittgenstein remarked in one of his more oracular utterances, 'leaves everything as it is'. In a reversal of Marx's Eleventh Thesis, ordinary language philosophy aims to understand the world, not to change it. This led some critics to charge that ordinary language philosophy, especially when applied to the analysis of political concepts, was not normatively neutral but in fact deeply if perhaps covertly conservative. The language ordinarily used to describe and legitimize unjust social institutions and arrangments can hardly suffice for a critical philosophy, since that very language serves as an ideological mask to conceal such injustice and inhibit radical criticism (Gellner 1959: ch. 8). Linguistic analysis of this sort, as Herbert Marcuse charged, 'contributes to enclosing thought in the circle of the mutilated universe of ordinary discourse' (Marcuse 1964, p. 199). (What Marcuse did not say, but should have, is that *all* conceptual schemes, 'ordinary' or otherwise, serve both to constrain and to enable thought. That, however, would have greatly reduced the rhetorical force of his critique.)

The charge of 'conservatism' proved to be partly right and partly wrong (Wertheimer 1976). But, its alleged conservatism aside, the adjectives that are more readily applicable to ordinary language analysis are 'naive', 'parochial', and 'ahistorical'. For in emphasizing the minute analysis and clarification of 'the' meaning and use of particular concepts, ordinary language philosophy or 'conceptual analysis' tended to focus upon the language of one age and culture, namely our own. This narrowing not only blinded political theorists to the fact that meaning and usage change from one age and generation to the next but it also led them to believe their enterprise to be a politically neutral one of clarifying and analyzing what 'we' say, as though 'we' were a single speaking subject, undivided by partisan and perspectival differences (having to do with race, ethnicity, social class, gender, etc.), and employing concepts whose meanings did not change over time. In thus assuming that there is a unified, or at any rate undifferentiated, 'we', ordinary language philosophy largely ignored the twin issues of political conflict and conceptual contestation. Which is to say, with only slight exaggeration, that linguistic analysis largely ignored or was blind or indifferent to politics itself — which is not a good thing for *political* philosophy to be.

There is also the obvious historical fact that previous political philosophers almost never took 'what we say' (or what the people of their age and culture said) as sufficient or satisfactory in settling conceptual quarrels; indeed, they typically took issue with the ordinary language of their day, attempting to alter or reform the vocabulary of politics by criticizing commonly held views about 'power', 'property', 'liberty', and the like. That is to say, *the history of political thought is in large part the history of conceptual contestation and change*. Any political philosophy that ignores this obvious fact about its own history can hardly be satisfactory.

It was at this juncture that an unjustly neglected essay by W.B. Gallie was rediscovered. Gallie's *Essentially Contested Concepts* had been published in the mid-1950s and was subsequently reprinted in several anthologies. According to Gallie, a concept is 'essentially contested' if its meaning and criteria of application are forever open to dispute and disagreement. Such disputes are less apt to arise in the natural sciences than in social and political philosophy, the social sciences, and the humanities. Indeed, many if not all the concepts constitutive of ethical, political and aesthetic discourse are essentially contested. Such disputes cannot be definitively and finally resolved, Gallie claimed, because there not only *are* not but there *cannot be* commonly shared criteria for deciding definitively what is to count in aesthetics as 'art' or in politics as 'democracy' or 'equality'.

I was not alone in thinking that Gallie's argument constituted a giant step toward putting politics and conflict and conceptual contestation back into political theory. The shortcomings of the essential contestability thesis were not yet entirely evident. But first let's look at its obvious strengths. Consider by way of example the concept of power. Following what they took to be Gallie's lead, Steven Lukes (1974) and William Connolly (1974) contended that 'power' is an essentially contested concept characterized by unresolved — and in principle unresolvable — disputes over its meaning and proper application. Just as art critics can never agree in all possible cases whether some object is indeed a work of art, so political actors and analysts will never agree in all instances that some particular action is an exercise of power. Applied to 'power' (and other political concepts), the thesis of essential contestability proved to be both bold and provocative. And too, it purported to explain the persistence and intractability of conceptual disagreements: if competent speakers continue to disagree over the definition and meaning of 'power' or any other concept, that must be because its very 'contestability' is an 'essential' feature of its use or application. Moreover, the thesis of essential contestability appeared to be admirably non-partisan, normatively neutral, and non-judgmental: does it not, after all, claim that no one conception of power (or freedom, equality, etc.) is clearly and demonstrably superior to any other? You have your understanding of power; I have mine; Lukes and Connolly have theirs; and none is in any knock-down or decisive way superior to any other.

For quite some time I believed that the notion of essentially contested concepts provided a kind of key to unlock the mysteries of conceptual contestation. But again I was too slow to see its shortcomings — a recognition that came somewhat belatedly. Let me jump ahead for just a moment to say what those shortcomings are, before returning to my narrative.

Shortcomings of Contestability

Sometime in the mid-1980s I belatedly discovered that the thesis of essential contestability suffered from several significant shortcomings. The first of these is that if the thesis is true, then all disputes about 'power' (and other concepts constitutive of political discourse) are unresolvable *a priori* and *in principle*. Anyone attempting to construct a conception of power in hopes that others might agree is on a misbegotten and completely misguided mission. One cannot expect or even *hope* to construct a conception of power upon which everyone might conceivably agree, since 'power' belongs to the class of essentially contested concepts. All arguments for or against any particular conception of power would therefore appear to be beside the point, if the point is not merely to express one's views but to participate in a meaningful conversation which could conceivably conclude with some sort of agreement.

Anyone who subscribes to different views of what constitutes or counts as 'power' (or 'freedom', 'justice', etc.) would thus appear to be left with only two ways of dealing with one another: coercion or conversion. And presumably those who cannot be converted must be coerced (excluded, silenced, ridiculed, ignored, etc.). Connolly puts the point succinctly: 'Disputes about the proper concept and interpretation of power, then, are part of larger ideological debates. To convert others to my idea of power is to implicate them to some degree in my political ideology' (Connolly 1983, p. 128). But this, if true, has deeply disturbing implications. To speak of 'converting' others to one's own view may be good theology; but it is very dangerous politics (if indeed it is politics at all). It is dangerous because political argument — which is to say, politics itself — is about the public airing of differences, not as an end in itself but as a prelude to possibly resolving those differences through argument and persuasion. And this requires, as a precondition, a shared language or lexicon. As the late Bertrand de Jouvenel observed:

> The elementary political process is the action of mind upon mind through speech. Communication by speech completely depends upon the existence in the memories of both parties of a common stock of words to which they attach much the same meanings. . . . Even as people belong to the same culture by the use of the same language, so they belong to the same society by the understanding of the same moral language. As this common moral language extends, so does society; as it breaks up, so does society (de Jouvenel 1957, p. 304).[4]

But if the concepts constitutive of political discourse, and therefore of political life, are indeed *essentially* contested, then there can of course be no common moral language or civic lexicon; hence no communication; hence no community — indeed, no *hope* of establishing and maintaining a civic community or commonwealth.

If the thesis of essential contestability were true, then political discourse — and therefore political life itself — would be well-nigh impossible, and for exactly the same reasons that civility and the civic life is impossible in Hobbes' imaginary and solipsistic state of nature: each individual is a monad, radically disconnected from all other individuals insofar as each speaks, as it were, a private language of his own devising. Because the concepts comprising these individual languages cannot be translated or otherwise understood, each speaker is perforce a stranger and an enemy to every other. The result, as Hobbes rightly recognizes, would be 'a state of warre' in which everyone's life is 'nasty, poore, solitary, brutish, and short'. Hobbes's imaginary state of nature is nothing less than a condition in which the thesis of essential contestability holds true: the inability to communicate is, as it were, the essential or defining characteristic of that state.

Hence claims about the essential contestability of political concepts are not merely assertions about the limits of language and meaning, but about the severely limited possibility (or near- impossibility) of communication and thus of community. From this it follows that questions about the truth or falsity of the thesis of essential contestability are of more than abstract or academic interest but are, in fact, of profound political import. For if the essential contestability thesis holds true about political concepts, then the prospects for meaningful communication, and hence community, would appear to be exceedingly bleak.

Happily, however, our predicament appears, on closer examination, not to be so grim, after all. As I argued in *Transforming Political Discourse* (1988), the essential contestability thesis is itself contestable and problematic; and, if not false, then circular and logically vacuous. One cannot derive a claim about essentiality from a (set of) empirical or contingent statements (or, in an older idiom, a universal statement from a series of synthetic ones). It is quite clear that claims about conceptual contestability are well-supported by empirical evidence from a variety of sources. Even granting that, the thesis of *essential* contestability is circular and commits the fallacy of *post hoc, ergo prop-*

ter hoc. That is, the evidence cited in support of the claim that (say) 'power' is an 'essentially' contested concept is that some people have *in fact* disagreed about its meaning and application. But all that can be inferred from an enumeration of individual instances of disagreement, no matter how long the list, is that there *have been* disagreements, and not that there *must always* or *necessarily* continue to be. At most, all that can be concluded is that 'power', 'freedom', and the like, are what I call *contingently contested* concepts.[5]

Having said that, however, I want to emphasize that the essential contestability thesis is not without some value. For it might best be viewed, not as a valid philosophical thesis about the essential nature of political language and meaning, but as a rhetorical stratagem for reminding us of a persistent and recurring feature of political discourse — namely the perpetual *possibility* of disagreement. This possibility is intermittently actualized, and nowhere more frequently and vehemently than in disputes over 'freedom', 'power' and other moral and political concepts.

To return now to my narrative: Sometime around 1970 or so I began thinking about a topic on which to write my doctoral dissertation. I decided to try to do for Political Science what William Dray had done for History in his *Laws and Explanation in History* (1957). That is, I wanted to criticize the 'covering-law model' of explanation as behavioralists had attempted to apply it to political phenomena. But in the course of writing *Laws and Explanation in Political Science* (1973) I was, without quite knowing it, embarking on a second and closely related project.

I recently re-read my dissertation — not an altogether pleasant experience, I assure you — and found in it the germ of my later concern with conceptual contestation and change. I came to the realization that the behavioral revolution had attempted to bring about a conceptual revolution — that is, a radical alteration of the very vocabulary of politics. I focused on three concepts in particular — 'power', 'authority', and 'interest' — and the ways in which Robert Dahl, David Easton, and other American behavioralists sought to transform the language of politics so as to make political phenomena amenable to behavioral analysis. Dahl and others, for example, equated 'power' with mechanistic causation: to say that A has power over B is to say that A can cause B to do what B would not otherwise do. Easton argued that 'authority' is anything 'that makes people obey', which effectively obliterates any distinction between power, force, violence, coercion and other concepts that we might have good reasons for keeping separate and distinct. And behavioralists treated 'interests' as causes that serve to explain political behavior (my retort was that 'interest-explanations' are paradigmatic *reason*- or 'becausal' explanations). These supplied the basis for subsequent articles on power (1975a, 1975b), interests (1979), and authority (1987), the unifying theme of which was that not all conceptual changes are desirable and that those that are not are rationally resistable. Although conceptual change, broadly speaking, is inevitable, particular changes in individual concepts are not.

In 1972 I accepted an invitation to join the Political Science faculty at the University of Minnesota. A number of my graduate students at the University of Minnesota came to share my interest in conceptual history. Two of them — James Farr and Russell Hanson — subsequently became coeditors of and contributors to *Political Innovation and Conceptual Change* (Ball, Farr and Hanson 1989) and contributors to *Conceptual Change and the Constitution* (Ball and Pocock 1988). Another former graduate students have traced changes in the meaning of 'rights' (Dagger 1989) and 'freedom of the press' in colonial and post-revolutionary American society (Martin 2001). Other has written a dissertation on the history of 'civil society' in European thought and its migration into contemporary Arabic political thought (Browers 2001).

The Future of Conceptual History

Let me conclude, not by looking backward but by looking forward toward the future. What might lie ahead for conceptual history, or at least Anglophone conceptual history? I see several possibilities. One possible direction is what I shall call 'conjectural conceptual history' in which possible worlds or parallel universes are conjured up. One example would be something like George Orwell's notion of Newspeak in his dystopian novel *1984* wherein he creates an imaginary nightmare society in which 'thoughtcrime' is made linguistically impossible:

> Don't you see that the whole aim of Newspeak is to narrow the range of thought? In the end we shall make thoughtcrime literally impossible, because there will be no words in which to express it. Every concept ... will be expressed by exactly *one* word, with its meaning rigidly defined and all its subsidiary meanings rubbed out and forgotten (Orwell 1981, p. 46).

Another more recent (and much more modest) example is my own imaginary society of Marketopia, where the language of the market has taken over and transformed human hopes and thoughts along libertarian lines (Ball 2001c).

A second and closely related possible future of conceptual history might take the form of 'counterfactual conceptual history' to parallel the broader and more recent interest in counterfactual history. What *if* Britain had defeated the American revolutionaries? How might the language of (say) 'rights' — especially 'natural and inalienable rights' — have been different? What if the North had lost the American Civil War — how might the language of civil rights and property be different? What if Nazi Germany had invaded and occupied Britain and won World War II — how might the English language have changed? What if Sweden and Russia had never succeeded in conquering and occupying Finland — how might its political and legal language have developed differently? What tasks might then confront Finnish conceptual historians today?

A third possible future for conceptual history concerns cross-cultural transfers or translations. What gets lost and gained when concepts are translated into different languages and transferred to different cultures and political contexts? The aforementioned work of my student Michaelle Browers (2001) on the 'travels and travails' of 'civil society' in contemporary Arabic political discourse is an interesting (though by no means isolated) example of such cross-cultural transfers of political concepts.

A fourth and final future for the emerging discipline of conceptual history concerns the present as history or, if you prefer, conceptual history in the making. That is, what changes are occurring right now, even as — and because — we speak and argue with one another? How, by what means, are these occurring? At what sites? By whom and with what aims are these hoped-for changes taking place? To take two particularly prominent examples: the environmental and animal rights movements are proposing changes in the concepts of rights and obligations, such that nature itself, future generations of humans, and non-human animals may be said to enjoy rights that we are obligated to respect and protect. If successful, these efforts will almost certainly result in far-reaching changes in our moral and political vocabulary (Ball 2001b). And of course we are only beginning to see the linguistic and political effects of globalization, of the Internet and other communications technologies, of English as the new universal language, and other developments that are changing the ways in which we think and speak and interact.

To conclude: the new discipline of conceptual history — that is, the history of conceptual changes or transformations — has left its infancy and childhood and is now entering its troubled teenage years. I expect its trials and tribulations to be both numerous and interesting.

Notes

[1] I fear that I may bear some responsibility for this misunderstanding. Having belatedly discovered the German *Begriffsgeschichte* project in the mid-1980s as I was completing *Transforming Political Discourse,* I was so keen to embrace my German kinsmen that I overlooked or downplayed important differences between our respective approaches to conceptual history.

[2] On the emergence of the modern concept of 'the state', see Skinner (1989).

[3] Consider for example Felix Oppenheim's claim that his redefinitions of political concepts are purely descriptive and normatively neutral. I have argued (Ball 2001a) that they are instead thoughtful and ofttimes powerful interventions whose very point and purpose is to *change* the way we think about some concept X (say 'power' or 'equality' or 'freedom'). And since what and how we think about X has a direct bearing on our attitudes toward X and how we use X to act with or against others, the change in our thinking about X is not and cannot be normatively neutral. Thus, philosophical analyses and reconstructions of concepts can be seen as a form of political engagement that can contribute to conceptual change. A philosophical program whose purpose is to bring about conceptual

innovation can hardly be normatively neutral — especially insofar as politics is in important ways a conceptually and communicatively constituted activity.

[4] Compare Reinhart Koselleck's observation that, 'Without common concepts there is no society, and above all, no political field of action'. But which concepts are to be the common coin of discourse — and what they mean — becomes, at crucial historical junctures, a veritable field of battle. 'The struggle over the "correct" concepts', says Koselleck, 'becomes socially and politically explosive' (Koselleck 1985: 74, 77). In these battles the theorists and philosophers are the sappers who set the charges.

[5] Andrew Mason, taking issue with me, quite sensibly argues that political concepts are essentially contes*table*, albeit contingently contes*ted* (Mason 1993, pp. 58-9).

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Petri Koikkalainen and Sami Syrjämäki

INTERVIEW WITH QUENTIN SKINNER

Quentin Skinner (b. 1940) belongs among those prominent academics who have made their reputation by openly challenging the then prevailing paradigms of scientific inquiry. By contrast with the fate of many another radical view originating in the 1960s, the theoretical and methodological ideas presented by Skinner have become neither redundant nor marginal. Together with such scholars as John Pocock and John Dunn, he has been one of the central figures of the 'Cambridge' or 'revisionist' approach to the study of the history of political thought. At least from the mid-1970s, this approach has decisively influenced the writing of intellectual history and the reception of 'classical' political thinkers.

Regarding the content and style of his earliest published articles, Skinner now admits to having presented a rather polemical and confident stance. *Meaning and Understanding in the History of Ideas* (written in 1966-67 and published in 1969), together with the subsequent methodological articles, indeed sufficed to guarantee his reputation as an unswerving reformer of the history of political ideas. His strategy, at least according to common preconceptions, consisted of a strong denial of the possibility of 'perennial questions' in political philosophy, and a fervent critique of 'anachronisms' in all their occurrences. As his critiques were explicitly directed against the prevailing 'traditionalist' and the rising Marxist approach to the history of political ideas, Skinner – in his own words – "called down a storm of abuse upon [his] head". However, it took only a few years for the profession to notice that this was also the beginning of a remarkable academic career. In the 1970s, Skinner worked with Clifford Geertz, Thomas Kuhn, and Richard Rorty in Princeton, published his widely acclaimed *The Foundations of Modern Political Thought I-II* (1978), and became Professor of Political Science in Cambridge, also in 1978. Of the later 'small' books, perhaps the most widely read is *Machiavelli*, published in 1981 and revised and republished in 2000. *Reason and Rhetoric in the Philosophy of Hobbes* (1996) is the major work of the last decade. *Visions of Politics I-III* (2002) presents the variety and scale of his articles written in the last three and a half decades.

In the interview at hand, Skinner openly describes his relations to different schools of inquiry and considers the soundness of his own theoretical and philosophical commitments. As a whole, the interview presents what might be called the outline of his intellectual autobiography. He describes the evolution of his academic life and singles out the most important philosophical and methodological problems he was to encounter. At the same time, he assesses the content and style of some of his earlier works. He concludes that, while he has remained faithful to many of the commitments adopted in his early writings, the emphases and even the direction of some of his arguments have changed over time – a fact, which he refuses to think of as a shortcoming. From this viewpoint, especially interesting are his remarks on 'foundationalism', on the political choices that a scholar of history is likely to face, and on Gadamer's philosophy and the increased significance of tradition in his own work.

The interview was conducted in October 2001 by Petri Koikkalainen and Sami Syrjämäki, who wish to express their warmest thanks to Professor Skinner. The interview was first published in Finnish in the philosophical magazine *niin & näin*, and is here republished with its permission.[1]

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[1] Koikkalainen, Petri & Syrjämäki, Sami: "Intellektuaalihistorian uskonpuhdistaja", "Menneisyyden kohtaamisesta – Quentin Skinnerin haastattelu", *niin & näin – filosofinen aikakauslehti*, 4/2001, pp. 8-23.

QUENTIN SKINNER ON ENCOUNTERING THE PAST*

PETRI KOIKKALAINEN AND SAMI SYRJÄMÄKI: *When and how did you first become interested in political theory and its history?*

QUENTIN SKINNER: Before trying to answer, may I first say how deeply grateful I am to you for this interview, and for showing such a generous interest in my work. I shall of course try to answer your questions as honestly as possible, but I need to stress at the outset how conscious I am of the fact that it is all too easy to tidy up and even unintentionally to invent the historical record. I know that some scholars like to tell the story of their intellectual pilgrimage as a series of contingencies, unforeseen developments, one thing unexpectedly leading to another. But with me the danger is the opposite one. I am a terribly tidy person, and what I have to fight against is the desire to produce a story of smooth progression from my original (and, of course, true and important) insights to their elaboration in a sequence of connected and unfolding historical works. In fact I'm aware that my progress has never been linear; it has included many halts as well as a lot of swerving around as a result of trying to accommodate the insights and discoveries of others. So there is no simple story to narrate.

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* The date of the interview was 4th October, 2001.

It helps me a lot, however, that your initial question asks me how I ever became interested in political theory and its history. I find nowadays that, having spent my life as a historian, I cannot manage to offer explanations, or even to think, except in a narrative form. So I'm happy to begin with a narrative, which in my case starts with my schooldays. Among the national examinations that I sat in my final year at school there was one about the history of early-modern England, as a part of which we were expected to read a number of works written in that period. One of the texts we studied was Sir Thomas More's *Utopia*, on which I have since published a number of articles.[1] Another was Hobbes's *Leviathan*, on which I have recently published a book.[2] I still have the copies of these texts I bought and annotated when I was at school. I sometimes think, when I look back on my career as a scholar, that what I have been trying to do is to find better answers to some of the questions which were originally put to me in those far-off days, and which I didn't understand how to answer at the time.

We didn't study contemporary political theory at school, but I began to do a lot of reading on my own, and one of the books I came across was T. D. Weldon's *The Vocabulary of Politics*. I still remember how excited I was by its unmasking, as it seemed to me, of the vacuity of much purported political argument. It probably left an indelible mark. What I chiefly remember, however, is my first encounter with the interface between philosophy and history — with the history of philosophy, but also with the philosophy of history. At the time of which I am speaking — the late 1950s — there were still special examinations for entry to Oxford and Cambridge. If you were hoping to take one of these so-called scholarship examinations, you had to stay at school for some extra months and do a great deal of additional reading. I was sitting for a scholarship in History, and we were warned that there was always a special emphasis in that examination on the ability to write about general problems of historical method. So I began to read a number of books on such topics, and I found myself instantly enthralled. One text we were particularly advised to read was R. G. Collingwood's *The Idea of History*. I was fascinated by it, and I remember looking for others of his works and reading them too, in particular his *Autobiography*. Another work I found for myself was Bertrand Russell's *History of Western Philosophy*, and I shall never forget the electrifying effect it had upon me, not least because of its exhilarating self-confidence and its glittering prose. For a long time I knew many passages from it almost by heart. I expect that I might disagree nowadays with a number of Russell's historical judgments, but I was reassured as well as excited to find that such a great philosopher took the study of history so seriously, and as a writer of academic prose Russell has always remained a model for me, although he is of course impossible to emulate.

PK & SS: *Could you tell us a little bit about the intellectual scene of the discipline(s) when you first began to research?*

QS: I took my BA in History from Cambridge (still the only degree I have 'earned') in June 1962, and was elected to a Fellowship of Christ's College later that summer, a post I have held ever since. I was twenty-one years old at the time. I was employed to give tutorials to the students in History at Christ's College, especially those who were specialising in political thought. I should explain that, in studying History at Cambridge it has always been possible to concentrate to a large extent on intellectual history and the history of political thought. I was well taught in these subject myself (by John Burrow, Duncan Forbes and Peter Laslett) so I was not completely ill-prepared as a teacher, although I was of course completely inexperienced. As for my own research, I was not expected by the College to study for a PhD, and consequently never received any formal supervision of any kind. I was trusted to follow my own bent, and insofar as the College authorities had any view of the matter I suppose they simply assumed that I was getting on with it. Which I was, for most of the time, although at that age personal problems tend to loom much larger than intellectual ones.

The intellectual scene, as you nicely call it, appeared at that time a rather barren one to someone primarily interested, as I already was, in political ideas and their history. I had imbibed from Weldon's book the belief that it was absurd of philosophers to suppose that, *qua* philosophers, they had anything of interest to tell us about moral and political issues, and he exhorted us instead to study the vocabularies in which such issues are formulated. I have always retained something of the scepticism with which he then set about that task.

For example, he made it seem that our talk about 'rights', and how many rights we may be said to have, is more or less meaningless, falsely assuming as it does that the notion of a right has some ontological grounding when it is merely part of a local ideological practice. I still share that view, and I suppose I have carried such scepticism even further, for it has long seemed to me that the terms in which we express such concepts as freedom, justice, equality and so forth make sense only within the cultural contexts in which they arise, so that questions of the form 'but what does 'justice' or 'equality' *really mean*' seem to me virtually meaningless. This further thought, however, is a more recent one on my part. What I really need to stress is that, at the time when I was first starting out, the idea of studying normative political theory had been made to seem old-fashioned and slightly absurd.

A further reason why analytical political philosophy seemed of little interest was that a strongly positivistic analysis of the alleged fact-value distinction was still widely credited, at least in anglophone philosophy. Not only were we told that value-judgments were largely a personal matter, but also that there is a realm of the factual that remains 'value neutral'. It had come to seem sensible (what a weird world I am talking about) to concentrate exclusively on the study of facts as opposed to values, with the aim of producing a genuine science of politics. The proper aim of a political theorist was accordingly taken to be that of generating so-called 'empirical theories', which in fact amounted to little more than restatements of existing political practices in more abstract terms. The pressures of the culture were such that I spent far too much time in the early 1960s reading this stuff, and eventually I even published a rather bad-tempered article about empirical theory[3], but I quickly found that this approach carried no appeal for me at all.

If we turn to the historical study of political theory at that time, we likewise find ourselves surveying an unfriendly landscape. One reason why the history of ideas was so little valued was due to the power of Marxism, not so much as a substantive philosophy but rather as a historical methodology. It's important to remember how extraordinarily influential a materialist approach to the study of history had become in the decades following the Second World War. This was above all the heyday of the Annales School, and in their exemplary text, Braudel's massive study of the Mediterranean world in the sixteenth century, we were offered a so-called '*histoire totale*' in which economic determinism was in turn incapsulated within a form of geographical determinism, so that (in Braudel's phrase) 'mountains come first'. With geography determining economics, and with economics determining social and political life, there was little space left for the life of the mind except as an epiphenomenon, and it remained virtually invisible in the pages of Braudel's book.

This approach had a baleful effect on the status as well as the methodology of intellectual history. The discipline was either treated as of marginal interest, or else was studied in such a way as to provide alleged evidence in favour of the base/superstucture model itself. A crucial text for scholars of my generation was C. B. Macpherson's *The Political Theory of Possessive Individualism,* first published in 1962. Macpherson saw seventeenth-century political theory evolving along a single axis, and treated the purported line of development 'Hobbes to Locke' (the subtitle of his book) as a straightforward ideological reflex of an allegedly burgeoning 'bourgeoise' society.

There was a more important reason, however, why the intellectual scene looked unattractive to someone of my interests in the early 1960s. This was due to a widely held view — still held by a number of philosophers — about the *point* of studying the history of philosophy, and intellectual history more generally. We were taught that there is a canon of classic texts in the history of moral, political, religious and other such modes of thought containing a 'dateless wisdom' in the form of 'universal ideas'. We were further taught that we can hope to benefit directly from investigating these 'timeless elements', since they possess 'a perennial relevance'. These assumptions in turn generated a widely accepted view about how the history of philosophy should be written. We were told to concentrate on the canonical texts, and more specifically on just those portions of the canonical texts in which it is clear that they really are addressing our questions in a 'relevant' way. The outcome was as anti-historical as possible. We were explicitly warned that, if we allow ourselves to become sidetracked into examining the social conditions or intellectual contexts out of which the classic texts arose, we shall lose sight of their dateless wisdom and thereby lose contact with the whole purpose of studying them.

I spent the opening years of my academic career in a state of frustrated rage against this particular world-order, and I eventually launched a terrorist attack on it in the form of my essay 'Meaning and Understanding in the History of Ideas', published in 1969. (I wrote it between 1966 and 1967, but I had a lot of difficulty getting it published.)[4] I would never want to write like that now: much of the essay strikes me today as philosophically ill-judged as well as abusive, and when I recently had to revise it for republication I found myself cutting it to half of its original length. But I mention it because it focused in turn on the two orthodoxies I have singled out — the 'canonical' and the epiphenomenal approach — and it did its best to discredit or at least to ridicule them.

I must add, however, that a related and far more important publication of 1969 was John Dunn's *The Political Thought of John Locke*. The Introduction to that work offers a similar (though calmer) account of how the history of philosophy might be written as a genuine history. John also proceeded in the body of his book to practise what he had preached, and thereby succeeded in producing — along with Peter Laslett and John Pocock — the earliest really important work in the so-called Cambridge style.

PK & SS: *Some of your earliest published writings from the 1960s were commentaries upon Hobbes. In 1996 you published a major book titled Reason and Rhetoric in the Philosophy of Hobbes. Could you tell us why Hobbes has been such an important figure in your studies?*

QS: My answer closely relates to what I have been saying, for my decision to focus on Hobbes was originally taken for reasons that were methodological as much as historical. I have already mentioned that C. B. Macpherson's book was published in 1962, the year in which I began my research. Macpherson's interpretation gave new prominence to the highly reductionist account of Hobbes's philosophy that Christopher Hill and other Marxist historians of the English revolution had already put into currency. When I first began my research, however, the most important strand in the interpretation of Hobbes's philosophy arose out of the other prevailing methodology of the period. As I have said, this took the form of selecting a text from the canon and subjecting it to a purely internal process of exegesis, with the eventual aim of showing what contribution it made to one or other of the perennial issues in political philosophy. Hobbes's political philosophy, above all as articulated in *Leviathan*, was generally treated as a contribution to thinking about the concept of political obligation. Hobbes was widely viewed at the time as the prototype of a utilitarian, whose view of political obligation was that its grounds and limits are alike determined by calculations of individual self-interest. In 1957, however, Howard Warrender had published a challenging work entitled *The Political Philosophy of Hobbes*, in which he claimed that Hobbes's theory of obligation takes a deontological form. Specifically, Warrender treats Hobbes's account of our duty to obey the state as an instance of our duty to obey the laws of nature in virtue of recognising them to be the laws of God. This was followed in 1964 by F. C. Hood's book, *The Divine Politics of Thomas Hobbes*. Hood owed an obvious debt to Warrender, but he made a yet more comprehensive attempt to read Hobbes as the author of a Christian system of politics based on the idea of divine command.

I found myself equally unconvinced by the Marxist and by this purely scripturalist approach to Hobbes's texts, and in one of my earliest articles, published in 1964, I set out to criticise both schools of thought.[5] Recently I had occasion to re-read this early effort, and I was astonished at the degree of aggression and self-confidence I displayed in this as in others of my early articles, especially as I can't believe that I felt anything like as confident as I tried to sound. I must confess, however, that I rather enjoyed the sustained note of irony I managed to inject into my prose, especially as this is a skill I no longer seem to possess to the same degree.

The objection I tried to develop in my article — and in several others that followed — was that, however plausible Macpherson's or Warrender's readings of Hobbes may appear to someone who merely studies Hobbes's texts, they are historically incredible. Against Macpherson I argued that, if one wants to understand Hobbes's theory of political obligation in *Leviathan*, what one primarily needs to grasp is not the general economic character of his society at the time. Rather one needs to grasp the way in which the issue of obligation became politically urgent after the execution of king Charles I in 1649 and the demand on the part of the Commonwealth government for every citizen to swear an oath of 'engagement' to its authority. I maintained that, when Hobbes argues in *Leviathan* that obedience and protection are correlative, his aim is to furnish an eirenic solution to this particular crisis of legitimacy, and I added that this is the *type* of context on which we need to focus if we are to gain a genuinely historical understanding of his work. Against Warrender and Hood I tried to show that this kind of contextual information serves to question their interpretation as well. I maintained that Hobbes's theory of obligation was intended and accepted as a purely pragmatic one, and that it is impossible to understand either the motivation or the reception of his political theory if we take it to be based on a traditional doctrine of Christian natural law.

I turned to Hobbes, in short, as a part of my essentially theoretical task of trying to show that prevailing approaches to the history of philosophy were misconceived. You might still ask, however, why I turned specifically to Hobbes, when the same series of critical points could just as easily have been made by reference to the handling of any of the other major figures in the canon as it was then conceived. There are two answers. One is that I think I must have been influenced by the idea of the canon itself. To British scholars of the period, it seemed obvious that the two great founding fathers of modern political theory were Hobbes and Locke, the first being the leading exemplar of the theory of the State, the second of the theory of popular sovereignty. As I have mentioned, John Dunn, my friend and exact contemporary at Cambridge — to whom I owe an enormous debt for discussing these issues with me throughout the 1960s — was already writing about Locke. So I suppose that left me Hobbes.

My principal reason, however, for focusing on Hobbes arose out of some growing doubts about the idea of the canon itself. At this juncture I need to tell you an anecdote. It concerns Peter Laslett, whose lectures on the history of political theory I had attended with enormous enjoyment as an undergraduate, and whom I met shortly after I took my degree in 1962. Laslett had published his definitive edition of John Locke's *Two Treatises of Government* in 1960, and I read it instantly at the prompting of my supervisor, John Burrow. Laslett showed that Locke's treatises, which had always been viewed as a celebration of the so-called Glorious Revolution of 1688, had in fact been largely written almost ten years earlier, as a contribution to Shaftesbury's campaign of opposition to the seemingly arbitrary policies of Charles II.

Talking to Laslett about this scholarly discovery, I was very struck by how he himself saw its wider significance. He felt that he had shown Locke's treatise to be essentially a party-political pamphlet. He took it that, by showing how it had arisen out of a specific political crisis, he had demoted it from the canon by casting doubt on its ahistorical character and significance. As I remember him telling me, he had shown that Locke should not be ranked with such architectonic writers as Hobbes, on whom such an analysis could not be performed.

I felt in a kind of *a priori* way that there must be some such work of contextualisation to be performed on *any* text of political philosophy. I'm not sure where that confidence came from, but I suspect that it must have owed a great deal to my reading of Collingwood. If it had a source in the more recent historiography, then it must I think have been J. G. A. Pocock's masterly book, *The Ancient Constitution and the Feudal Law*, which had been published in 1957. John's book offers a path-finding contextualisation of a number of key figures in early-modern historical and political thought, and it was one of the works I had most enjoyed reading in my undergraduate course. But whatever the source, the outcome was that I conceived the ambition of doing for Hobbes what Laslett had done for Locke. I never succeeded, of course, and I don't in the least mean to compare the essays I went on to write with Laslett's epoch-making piece of scholarship. But this is certainly what primarily caused me to turn my attention to Hobbes. By the beginning of the 1970s I had published an extensive series of articles on his philosophy, concentrating on what I described — to cite the title of one of my essays — as the ideological context of Hobbes's political thought.[6]

PK & SS: *Besides Hobbes, you have studied the Renaissance period of political thought extensively. For some reason this period seems to be rather neglected in standard histories of (political) philosophy (even Machiavelli is seldom counted among the major figures in the history of political philosophy). Why do you think this is?*

QS: The neglect of Renaissance philosophy is now beginning to be rectified, but it is certainly true that, when I first began my research, the period was widely ignored. The main reason, I think, carries me back to what I have already said about the way in which the relationship between philosophy and its history was generally viewed at the time. Philosophy was conceived as a discipline characterised by its preoccupation with a particular range of questions, and political philosophy was characterised (as Isaiah Berlin put it at the time) as a subdiscipline concerned with the question of 'Why should I obey the state?' The history of political philosophy was accordingly taken to consist of a series of texts in which this particular question had been addressed, and various competing answers had been given to it.

I should interpolate a biographical fact at this point. I was appointed to a Lectureship in the history of political theory by the University of Cambridge in 1965, and it thereupon became my duty to deliver a general lecture-course on early-modern political thought. This prompted me to undertake an intensive course of reading in sixteenth century political philosophy to match the reading I had been already doing on the seventeenth century, and it led me in particular to the figure of Machiavelli. What immediately struck me in reading his *Principe* and especially his *Discorsi* was that these texts pay almost no attention to questions about our obligation to obey the state or the extent of our right to resist it. They scarcely talk about the concept of the state, and they never make any reference to the concept of a right at all.

This goes a long way, I am sure, to explain why even Machiavelli's philosophy, as you rightly say, was so generally overlooked in histories of political philosophy until recently. My own mood in the mid-1960s, however, was such that the reasons usually given for dismissing Machiavelli as of marginal significance seemed to me to be the very reasons for thinking of him as especially worthy of study, and I have never ceased to think and write about his theory of politics since that time.[7] I was, and I remain, especially interested in theories of freedom that operate without invoking the concept of a right, and Machiavelli's neo-classical analysis of the *vivere libero* is one of the most interesting and historically influential examples.

PK & SS: *How about the canon of great thinkers in general? Your famous article "Meaning and Understanding in the History of Ideas" was originally a conference paper entitled "The Unimportance of the Great Texts". How do you feel now about "official" canons of western thought?*

QS: I remain ambivalent and perhaps confused in my views about 'the canon'. As I have already indicated, I began with a deep suspicion of the idea, largely I think because I wanted to question the belief that we ought to be focusing on a group of thinkers because of their allegedly timeless relevance to our own interests. As I've said in talking about Hobbes, I wanted instead to try to reconstruct the intellectual contexts in and for which their texts were originally written. To this end, I notice that in my first programmatic essay of 1964 I already spoke about the need to replace the study of individual texts with the study of what I called political discourse, a point on which I subsequently laid much more emphasis after I began reading Foucault's work in the late 1960s.

It seems to me that one of Foucault's many valuable insights relates to the question of how canons come to be formed. Who has the authority to determine what is included and excluded? This is a special case of his broader interest in how, in the construction of modern culture, the question of what counts as knowledge, what should be taught and believed, has been intimately intertwined with questions about legitimacy, and hence with questions about the exercise of social power.

As I have already confessed, however, there is a sense in which the *acceptance* of the idea of a canon underlay my work from the outset, and certainly helped to determine why I began by working on Hobbes. More recently, moreover, I have become easier in my mind about the reality of a canon of western philosophy. I am less dogmatically reluctant to recognise that there are deep continuities as well as ruptures within our inherited traditions of thought, and that the former are reflected in the fact that leading thinkers have always attended to the works of other and earlier thinkers. I have even ended up by writing a book about Hobbes, although I remain less interested in him as the author of an eponymous system of thought than as a contributor to a number of debates about the Renaissance conception of *scientia civilis* or civil science.

PK & SS: *It has become a commonplace to stress the influence of British Idealism and especially such figures as Collingwood and Oakeshott in the early development of what later came to be called 'the Cambridge School' of the history of political thought. However, some commentators (Mark*

Bevir, to mention one) have lately paid attention to the strong influence of analytical philosophy in supplying some of the basic categories of the 'Cambridge' approach. Reflecting on your personal experience from the 1960s and 1970s, how would you characterise the influence on the history of political thought of British idealism, on the one hand, and analytical philosophy, on the other?

QS: Here it is hard to be sure, and I can only speak for myself, but I am fairly confident about several points. One is that Michael Oakeshott's philosophical work was of no influence at all. He was widely acknowledged as an illuminating commentator on Hobbes, although I must confess that I found him virtually unreadable on that subject. But if you want to know how he appeared to students of my generation in the 1960s, you would find a very good guide in Brian Barry's book, *Political Argument*. I don't mean to imply that I could ever have formulated my views on Oakeshott as trenchantly as Brian did in that book, but when I read it I recall agreeing completely. Oakeshott seemed a figure of the past, and we rejected his anti-rationalism and his political conservatism outright. I should add that I always found Oakeshott interesting to talk to, and very generous and encouraging too. But nothing prepared my generation for his apotheosis under Thatcherism, nor the high esteem in which his philosophy continues to be widely held.

R. G. Collingwood was a very different matter. As I've already mentioned, I first read him at school, and when I began my research he was I think the most immediate and powerful influence on the direction of my work. As will be clear to any reader of my essay 'Meaning and Understanding', which you kindly mention, I took directly from Collingwood two methodological injunctions that together informed much of my critique of the history of philosophy as then practised. One was his explicit rejection of the assumption that, in the history of thought, we are looking at a series of different answers to the same questions. Collingwood's insistence in his *Autobiography* that philosophy is a discipline in which the questions as well as the answers continually change was one that influenced me profoundly, and it's a belief that I have never had occasion to doubt. But there was another and connected injunction from Collingwood's *Autobiography* that influenced my thinking and practice even more.

This was his suggestion that we need to approach the study of the past armed with what he called a logic of question and answer. To understand a text or an action, we need to see it not simply as an event but as an attempt to solve a problem. The hermeneutic enterprise is accordingly seen, at least in part, as a matter of trying to recover the problems to which the texts or actions we study can be construed as answers.

Mark Bevir is, however, right to stress that, at least in my own case, the impact of a certain strand of analytical philosophy was of even greater importance, and this too is evident in my essay 'Meaning and Understanding'. Like many of my generation at Cambridge, I was immensely attracted by the figure — or rather the aura — of Wittgenstein. He was our image of philosophical genius, and there was a time when I knew most of the anecdotes in Malcolm's biography by heart. For us Wittgenstein was not the author of the *Tractatus*, which I have never read with any care, but of the *Philosophical Investigations*, and I still have the copy of the revised edition I bought as an undergraduate soon after its publication in 1958.

I am sure that I originally bought the *Investigations* as an act of piety, but after graduating I spent a lot of time reading it, and all the reviews of it I could find, as well as talking intensively to philosophical friends about it. Insofar as I was able to understand the work at all, I took it to be about the theory of meaning, and I carried away from it a basic thought about 'meaning' that subsequently animated all the essays I later published on that theme. The thought is that we should not ask about the alleged 'meanings' of words, but rather about their use, and more specifically about the point of using them in particular ways in particular language-games. I found very attractive the idea of approaching language essentially as purposeful discourse, and of asking about the different intentions underlying its use in different forms of life. I have never ceased to believe — although it's a commitment on my part that has been widely misunderstood — that intentions and meanings, whether with respect to actions or utterances, are a public matter, and are to be understood not by trying to get into the heads of past actors but simply by observing the forms of life within which they act. I also found appealing the implication that these different arenas or forms of life might be altogether unlike ours, although

I'm sure that I didn't at the time appreciate the relativistic difficulties into which we readily fall if we embrace such a commitment. I tried to grapple with the problem of conceptual relativism in the 1980s[8], but in the 1960s it just seemed to me, in the light of the historical research I was already doing, that these aspects of Wittgenstein's vision made a great deal of sense.

By far the most acclaimed English analytical philosopher of the early 1960s was J. L. Austin. He had published little in his lifetime, and he died prematurely, but his reputation for originality and sheer brilliance stood at its zenith when *How To Do Things with Words* was posthumously issued in 1962. I still possess the copy I bought a year later, and I still remember how astonished I was when I first read it. Partly, I think, I was entranced by the world of fine linguistic distinctions into which I was drawn, for I have always retained — perhaps from having studied so much Latin at school — a pedantic interest in the niceties of grammar and usage. But I think I was mainly taken with Austin's work because his philosophy of language seemed to me to flow so naturally from that of Collingwood and Wittgenstein. This will perhaps seem a strange thing to say, however, so let me try to explain a little more.

As I have already stressed, what seemed to me most illuminating in Collingwood was his proposal that we should try to recover the questions to which the texts we study can be construed as answers. But another way of putting that point would be to say that we should think of such texts as parts of a continuous dialogue — as developments, or criticisms, or repudiations of earlier positions — and should therefore ask ourselves what their authors were *doing* in writing as they wrote. How far, that is, were they developing earlier insights, or criticising them, or repudiating them, and so on. Now, this use of language to *do* things was what Austin above all highlighted. So I saw quite a close kinship between Collingwood's and Austin's approaches. Since then I have wondered about the possibility of a biographical relationship as well. Austin must surely have been a student at Oxford when Collingwood was Professor of philosophy there? But I don't know of any historian of philosophy who has pointed out the possible implications of that fact.

I mainly thought of Austin's philosophy, however, as an appendix to Wittgenstein. Wittgenstein had instructed us to think about the use of language, and it appeared to me that Austin in effect picked up this suggestion and ran with it. The outcome was a wonderfully precise anatomy of what might be meant by talking about the enormous range of uses to which language can be put, and hence the range of things that can be done with it. I should add that, rightly or wrongly, I similarly regarded Paul Grice's theory of meaning as an appendix to Austin, treating Grice's analysis of communicative intentions as a further analysis, in effect, of Austin's pivotal notion of an illocutionary act.

I went on to publish a series of articles on meaning and speech acts in the late 1960s and early 1970s,[9] and on re-reading them recently I found that they owe an overwhelming debt to Wittgenstein, Austin and Grice. So I think that — to end by answering your question directly — Mark Bevir is undoubtedly right to suggest that the main influences on my own work in the theory of interpretation came directly from the mainstream of analytical philosophy.

PK & SS: *Looking backwards, a striking feature of political theory at large in the late 1960s and early 1970s seems to have been a strong confidence in the development of new methodologies and theoretical frameworks and their ability to liberate political theory and its history from a number of traditional liabilities. As J. G. A. Pocock wrote in 1971, "what we can claim to be living through is nothing more or less than the emergence of a truly autonomous method, one which offers means of treating the phenomena of political thought strictly as historical phenomena … we are beginning to see historical daylight."[10] After thirty years, what thoughts does this kind of optimism bring into your mind?*

QS: I am very glad that you single out John Pocock's name. As I've already mentioned, he was a major influence on my own theory and practice when I was first starting out, and he has remained a generous commentator on my work ever since. The main influence he exercised over my more theoretical work stemmed from an article he published as early as 1962 on the different 'levels of abstraction' at which different political thinkers work. I have sometimes wondered if this formulation may also have owed something to Collingwood, but in any case it was a further contribution that gave me the confidence to insist that we should be approaching the texts we study rather nominalistically, assuming that each is addressing its own questions rather than assuming that they are engaged in some common enterprise.

It is true that John's historical work has always been slightly different in idiom from mine. He seems to me to incline — most obviously in his masterpiece, *The Machiavellian Moment* — towards a kind of structuralist intellectual history. He stresses the power of language to constrain our thoughts, whereas I tend to think of language at least as much as a resource to be deployed. But there is no doubt that our approaches converge, and there is equally no doubt that, as you imply, we had both acquired, by the early 1970s, a considerable confidence in the theoretical approach we had by then worked out.

I still think that some at least of this confidence was not ill-founded. Let me give you two examples. Consider first the view — widely prevalent in the 1960s, as I have said — that ideologies are essentially epiphenomena of underlying socio-economic realities. I was one of many who pointed out — and here Alasdair MacIntyre's work on the philosophy of action influenced me greatly — that all ideologists are obliged to use a pre-existing normative vocabulary to legitimise their activities, and thus that the question of what they can hope to achieve depends in part on how they can hope to describe what they are doing. But to say this is to say that all ideologists are obliged to some degree to tailor their projects to fit the evaluative language of their day. And to say this is to say in turn that such pre-existing moral structures, and the vocabularies in which they are formulated, can hardly be mere epiphenomena. Rather they must act as constraints on what can be legitimised, and thus on what can be done. I remain of the view that this is basically the right way to think about the relations between ideologies and social change. I can't forbear from adding that nowadays this view is widely shared. This is a battle that was won.

I feel a similar confidence about my views on the point or purpose of studying intellectual history. I would still want to stress the negative point on which I so much insisted in the 1960s. I still think it misguided to seek a justification for the subject in an attempt to show that the great philosophers of the past were addressing our questions, and that they are worth studying insofar as they can be shown to think about those questions as we do. Here too I can't forbear from adding that, although I called down a storm of abuse upon my head when I presented this argument in my 'Meaning and Understanding' essay, this view has likewise come to be widely shared. Nowadays the history of philosophy is far more widely written as genuine history, that is, as an account of an activity as it was actually carried on in the past.

I accept, however, that there was at the same time something overconfident about my youthful pronouncements. Let me again single out two points. One is that I no longer feel quite so sure about identifying the historical meanings of texts, nor am I even happy about talking in such terms. I feel strongly the force of Gadamer's point that we can hope to see in the texts we study only what we are permitted to see by the horizons of our own culture and the pre-judgments built into it. I ought to add, however, that I feel liberated by what may at first sound like a greater scepticism. I used to think far more in terms of correct interpretations, and to suppose that there is usually a fact of the matter to be discovered. I now feel that, because the texts we study and what seems important in them will always change as our own society changes, the process of interpretation is a never-ending one. The texts we study continually alter their contours as we put them in new contexts and relate them to different texts. There is always something new to be learned.

My other point is that I used to speak too readily about identifying the doctrines espoused by the writers of the texts we examine. I have never believed that the meanings of texts are to be equated with the intended meanings of their authors. But I certainly used to show an insufficient awareness of the extent to which the writers of the texts we study are in less than full control of what they write. Here I have been influenced by what I take to be one of the most valuable insights of deconstructionist criticism. The insight I have in mind is that what passes for argument in philosophical texts often proves on more sceptical inspection to amount to little more than a tissue of metaphors and other rhetorical devices employed to lend authority to what is asserted. This helps to explain why, since the 1980s, I have spent so much time studying the classical and Renaissance art of rhetoric.[11] It also helps to explain why, in a further revision of my earlier approach, I have become so much more attentive to the genres to which individual texts are couched, and the nature of the linguistic codes and conventions embodied in them.

I need to end by underlining, however, that I wouldn't want to accuse John Pocock, or even my own younger self, of a generalised over-confidence. It's hard nowadays to recapture just how unsatisfactory so much intellectual history was a generation ago, and John was undoubtedly justified in believing that he had something new and better to say at the level of method as well as of practice. As for me, my confidence has always been limited by the limited nature of my enterprise. I have always stressed that the approach I commend is addressed only to those who are interested in trying to recover the historical identity of philosophical texts. But of course you can do all sorts of things with such texts besides trying to understand them. You can seek solace in them, you can deconstruct them, you can paper the walls with them if you like. I have never been an enemy of such pluralism; I have simply been talking about something else.

PK & SS: *One of your major works, The Foundations of Modern Political Thought (1978) was published before the distinction 'foundationalist/antifoundationalist' became so highly popular in the study of political philosophy. As often happens, later terminological developments have created a need to comment upon earlier ones. James Tully and Kari Palonen, for example, have spoken about the historically contingent and philosophically antifoundationalist nature of the 'foundations' you describe in your two volumes. Consequently, they suggest that the title is intended to be ironic. On the other hand, if one thinks of the intellectual context of the 1970s, one cannot wholly avoid the idea that the term 'foundations' might carry with it some of the era's theoretico-methodological optimism. In this light, your study could be said to aim at genuine 'foundations of modern political thought' in that it was a serious attempt to present the most reliable historical knowledge available at the time about the early development of modern political thought. How would you comment upon these speculations about the goals of your work?*

QS: I have always been an anti-foundationalist, although it is true (as you rightly observe) that this particular piece of jargon was not yet current in the 1960s. I have always assumed — and I say this explicitly in one of my early essays — that positivism failed in its project of building a structure of empirical knowledge on foundations independent of our judgments.[12] (One of my review-articles of the 1970s was even entitled 'The flight from positivism'.)[13] I read Thomas Kuhn's *Structure of Scientific Revolutions* very soon after it came out in 1962 and was deeply impressed by it. I'm bound to say, though, that it shocked me less than it shocked some others, if only because it seemed to me that Kuhn's attempt to replace foundationalism with talk of paradigms sounded very much like Collingwood's talk about the 'absolute presuppositions' characteristic of any epoch of thought. I should mention too that I was very excited by the all-out attack on foundationalism launched by Richard Rorty in his *Philosophy and the Mirror of Nature* in 1979, and I'm proud to say that I gave that book one of its earliest and most admiring reviews.[14]

My anti-foundationalist allegiances go still deeper. I was a member of the Institute for Advanced Study at Princeton between 1974 and 1979, and it was during that period that I completed my book, *The Foundations of Modern Political Thought*. Those were the years in which I got to know Dick Rorty. He was then a member of the Philosophy Department at the University, and he helped me greatly by reading and discussing with me the theoretical work I was trying to do at that time. But the Institute itself was a veritable hotbed of anti-foundationalism. Tom Kuhn was in the next-door office, and he and I talked a lot about the new work he was trying to do on the theory of meaning to match his thesis about incommensurability. A few doors along was the leader of the social theory group of which I was a member, Clifford Geertz, whose pluralist and even relativist theory of culture has arguably been the most influential statement of anti-foundationalism in recent social science.

I mention all this by way of stressing that anti-foundationalism was in my blood at the time, so that it was neither deliberately old-fashioned nor purely inadvertent on my part to have named my book as I did. Nor was the title ironic, although I make that further claim with hesitation, if only because Jim Tully and Kari Palonen are the two commentators on my work who always seem to understand my projects better than I understand them myself. But as I see it, my reasons for invoking the metaphor in my title were very much along the lines you suggest. I was trying to identify the most basic concepts out of which we in the modern west constructed the legitimising theories we continue to deploy in talking about the duties of citizens and the rights of states. The first volume of my book focused on theories of civic virtue and self-government; my second focused on the rise of absolutism and the emergence of rival theories of natural rights. These, I tried to show, were the conceptual foundations on which we in the modern west went on to build the theory of the state.

I now recognise, however, that there was something unfortunate about my metaphor. I undoubtedly had in mind Donald Kelley's brilliant book, published in 1970, on the rise of historical jurisprudence, which he had called *Foundations of Modern Historical Scholarship*. His omission of the definite article was surely deliberate, but so too was my decision to include it in my own title, thereby laying claim to something more definitive. But Don was surely right and I was surely over-assertive. Where I think we were both wrong was in using a metaphor that virtually commits one to writing teleologically. My own book is far too much concerned with the origins of our present world when I ought to have been trying to represent the world I was examining in its own terms so far as possible. But the trouble with writing early-modern European history is that, although their world and our world are vastly different from each other, our world nevertheless somehow emerged out of theirs, so that there's a very natural temptation to write about origins, foundations, evolutions, developments. But it's not a temptation to which I would ever think of yielding in these post-modern days.

There's one merit, however, that I would still wish to claim for my title. It's as straightforwardly descriptive as I could manage to make it. I still retain the distaste I felt at the time for the kind of flowery titles that give one no sense of the contents of the book. Consider, for example, John Wallace's pioneering study, *Destiny his Choice*. It's a wonderful book, and its analysis of loyalism in the English revolution influenced my own historical work greatly. But you would never guess, from its title, that it is basically a study of the poetry of Andrew Marvell. That seems to me a serious weakness, and one worth trying to avoid, although such titles have since become even more popular, especially in the United States.

PK & SS: *Moving to your more recent works, some commentators on Liberty Before Liberalism (1998) have complained about – or applauded – what they see as the 'programmatic' nature of the book. In this context,* *the comparison made in the book between Neo-Roman Republicanism and the present liberal hegemony is frequently mentioned. To what degree should the message of the book really be read as a political programme?*

QS: I need to introduce a distinction here which I have always tried, although not always successfully, to keep before me in my work. On the one hand, I freely admit — in fact, I want to emphasise — that moral and political motivations have always affected my choice of subjects for research. On the other hand, I very much hope that they have not affected the way in which I then approach and treat those subjects. I want my work to be as historical as I can possibly make it, but I also want it to have some political point.

Let me take as an example my discussion, in the book you kindly mention, between Thomas Hobbes and James Harrington over the question of how to understand the concept of political liberty.[15] I try to reconstruct the terms and the motivations of the debate so far as possible from the point of view of the protagonists. I try to show how Hobbes's analysis of freedom as mere absence of external impediment was designed to refute and replace a neo-classical theory which, according to Hobbes, had helped to cause the English civil wars. I then try to show that, when Harrington declared that freedom of action is also limited by background conditions of domination and dependence, he was attempting both to respond to Hobbes and to restate a neo-classical theory as a part of his argument in favour of creating a genuine English republic.

My basic aim in my book was thus to reconstruct the terms and motivations of an early-modern argument. But one of my reasons for wanting to reconstruct the argument is that it seems to me worth reconsidering. Modern liberal political theorists largely agree with Hobbes about the idea of freedom; Harrington's vision has for long been dismissed as confused. But is it confused? Or does his analysis capture something important that Hobbes forgets (or deliberately underplays)? Once we see what is at stake, we can begin to think again about the issues they discussed. My own view, moreover, is that as soon as we do so we begin to see two things that modern liberal theorists have sought to conceal from us. One is the ideological character of their purportedly value-neutral analysis of freedom. The other is that, in attempting to discredit those who were arguing for greater public participation in government in the name of greater liberty, they *have* missed an important dimension of thinking about freedom that needs to be restored.

I admit that I am walking a tightrope. As with all tightropes, moreover, it is possible to fall off on one side or the other. It seems to me that most historians fall off on the side of worrying too little about the point of what they are doing. I am more in danger of falling off in the direction of sacrificing historicity. If the choice is between historical impurity and moral pointlessness, then I suppose that in the end I am on the side of the impure. But I see myself fundamentally as an historian, so that my highest aspiration is not to fall off the tightrope at all.

PK & SS: *Carrying on from the previous question, in your early writings you seem to be rather strict about the relations between the history of ideas and the present. You wrote that we have to learn to think for ourselves and should not go on looking to our ancestors for direct answers to our questions. How do you see this relation now? What is the point of historical studies?*

QS: I have slightly softened my stance. As I conceded earlier, I find more in the way of a tradition and thus of intellectual continuity than I used to find in the history of moral, social and political thought. So I see more prospect than I used to see in arguing illuminatingly with our elders and betters over some at least of the key concepts that continue to structure our common life.

I need, however, to enter two caveats. One is the warning I have just been issuing to myself. If we are too importunate about wanting our forebears to speak directly to us, we run the risk of pulling their arguments out of shape and thus of losing contact with what they actually thought. The other caveat is that, even if we manage to avoid that danger, we must not confuse the project of mounting such a dialogue with the project of gaining a historical understanding of our forebears' thought. To understand someone else's beliefs, you need to attend not merely to what they say; you also need to find some means of discovering what they saw themselves as *doing* in saying what they said. If we merely seek a dialogue with the past, we leave ourselves no space to engage in this further hermeneutic enterprise. But it is indispensable to engage in it if we want a historical understanding of the character of anyone's thought.

You ask about the *point* of our historical studies, and I'm grateful to you for putting the question so sharply. As you can already see, it's a question that, in my view, historians need to ask themselves more urgently than they commonly do. No doubt we need some historians simply to be story-tellers, and the power of our history to shape our identities is not to be underestimated, although the power of propagandists and politicians to construct that history to suit their own purposes needs no emphasis either. Nor do I want to question the obvious fact that many of us feel a natural curiosity about the artifacts of earlier cultures and rightly want historians to satisfy that curiosity. I have a particular passion, for example, for the buildings as well as the philosophy of early-modern Europe, and I was even tempted at an early stage in my career to think of becoming a historian of architecture. But for me it has never been enough to say that the historian is the name of the person who helps to satisfy our natural curiosity about the world we have lost. Perhaps I lack the true historian's sensibility, but I have always wanted the study of the past to be of some use to us here and now, and this desire increasingly guides my practice.

It may seem inconsistent to stress this point, since I have always tried to write about the need to treat the past as a foreign country and to see things from their point of view. But there is no incompatibility, for it seems to me that some of the most useful lessons we can hope to learn from the history of philosophy stem from the fact that past thinkers often thought in a manner altogether alien to us. Nor is this simply a matter of widening our cultural horizons and becoming less parochial in our attachment to our inherited beliefs. We may also find, as a result of our historical or ethnographic enquiries, that some of what we currently believe about our moral or political arrangements turns out to be directly questionable. We are prone, for example, to think that the concept of individual responsibility is indispensable to any satisfactory moral code. But A. W. H. Adkins's analysis of ancient Greek values serves to challenge that belief. We are prone to think that there can be no concept of the state in the absence of centralised systems of power. But Clifford Geertz's study of classical Bali shows how the one can flourish in the absence of the other. The alien character of the beliefs we uncover constitutes their 'relevance'. Reflecting on alternative possibilities, we provide ourselves with one of the best means of preventing our current moral and political theories from degenerating too easily into uncritically accepted ideologies. At the same time, we equip ourselves with a new means of looking critically at our own beliefs in the light of the enlarged sense of possibility we acquire.

PK & SS: *You have a reputation for being adamant when it comes to anachronistic interpretations of the past. You are well known (at least in Finland) for "Quentin Skinner's famous prohibition of anachronism". By that is usually meant the phrase "No agent can eventually be said to have meant or done something which he could never be brought to accept as a correct description of what he had meant or done" from your "Meaning and understanding". This has probably led some people to hold views according to which the main object of your methodological programme is to "avoid anachronisms at all costs" (e.g. Jonathan Rée seems to suggest something like this in his "Vanity of historicism" article).*[16] *Yet you use the concept of "anachronism" very rarely in your writings. Would you like to clarify your views on anachronisms in intellectual history?*

QS: You are right to say that I rarely complain about the dangers of anachronism in explicit terms. But to me anachronism is nevertheless a sin, and I have written at different times about two related ways in which the sin is frequently committed. They both stem from the wicked assumption that philosophy concerns itself with a certain determinate range of puzzles, and that the history of philosophy, if it is to be of any use to us, must therefore concern itself with the contribution made by past thinkers to the solution of those puzzles.

One danger to which this commitment gives rise is that of anachronistically translating into our vocabulary the terms in which past thinkers phrased the problems they discussed. For example, we remain interested in the question of whether the fostering of civic virtue is a necessary condition of maintaining effective citizenship. If we study the history of classical or Renaissance philosophy, we find it suffused with discussions about *virtus*, and it becomes all too easy to suppose that this term can best be translated as 'virtue', thereby enabling us to read off the views held by classical and Renaissance philosophers about the question that interests us. My own view is that the term *virtus*, as used by Roman and Renaissance theorists of self-government, has no single-term translation into modern English at all, nor even any manageable paraphrase. To understand the term, we need to see it as an element in the very unfamiliar language-games in which it was originally employed, and to trace its relationship with many other terms — terms such as *fortuna, gloria* and *libertas.* To grasp its 'meaning' is a matter of seeing its place and function within such networks, not a matter of trying to place it within our own very different networks. Our aim should be to draw a map of a foreign country, not to see how far that country may happen to match the shape of our own.

My other worry about anachronism stems from the suspicion I have always felt towards what Lyotard and his followers call metanarratives. There is a danger of conscripting individual thinkers into stories of our own making, and thus of making them contribute to grand narratives of which they had no awareness. I wrote at length about this form of anachronism in my essay on 'Meaning and Understanding' and gave a number of examples. Did Marsilius of Padua have a doctrine of the separation of powers? Did Sir Edward Coke articulate a theory of judicial review? Were the Levellers in the English revolution democrats? Was John Locke a liberal? My point in the passage you quote from my article was that, in all these cases, the question is phrased in terms unavailable to the writers concerned. The arguments they advanced are ripped from the context of their occurrence and made to contribute to a story about which they knew nothing. So whatever answers we give to such questions, they cannot be accounts of anything that the writers in question meant by what they said. We can ask these questions if we like, but to me they seem so anachronistic as to be pointless.

PK & SS: *If you look at the study of intellectual history at the moment, are there any specific dangers confronting the field that you worry about? Do you still see some undesirable methodological orthodoxies around and how do you see your own authority/influence in this respect? Which directions of research do you find the most exciting? How about the so-called Begriffsgeschichte? How would you relate your own studies and methodological views to this tradition?*

QS: The world is not organised precisely as I should like it to be, and this makes it easy to echo what you say and speak in gloomy terms about undesirable orthodoxies. The assumption that the great philosophers of the past are only of interest if they can be shown to be addressing our questions is an undesirable orthodoxy that dies very hard, and in my view it still governs far too many contributions to the field. We also have to contend with the criticism that we ought not, in any case, to be studying the thoughts of an elite of dead white European males. I certainly feel gloomy when I encounter that form of condescension, and it doesn't seem to me any the less philistine for being directed against the educated. I also feel a certain gloom about two divergent trends in our recent culture. On the one hand, the serious study of the past is imperilled by the post-modernist disposition to glory in making a *mélange* of ideas and images with deliberate disregard for the context of their occurrence. On the other hand, we live in reactionary times, and the willingness to hijack the great names of the western intellectual tradition as a way of denouncing modernity continues unabated, especially among some of the followers of Leo Strauss.

When I reflect on the field of intellectual history, however, I don't in general feel gloomy at all. Rather, I feel optimistic and pleased. The demise of Marxism as a historical methodology means that no one nowadays treats people's beliefs as mere epiphenomena of allegedly more 'real' processes. The field of intellectual history has greatly developed in recent times, and brilliant work is being done in new areas, perhaps especially in the history of scientific ideas, in which the cultural construction of what counts as knowledge has been very fruitfully explored. The work of feminist historians and philosophers has added a whole new dimension to the subject, as well as transforming the way in which many traditional topics are approached. The fashion for deconstruction has bequeathed a valuable legacy in making us more self-aware about the implications of the fact that philosophical texts are at the same time literary artifacts. The whole field is immensely more alive and exciting than it was when I first entered it, and the volume of outstanding scholarship being published is truly exhilarating.

You ask specifically for my views about *Begriffsgeschichte*, the study of the history of concepts initiated by Reinhart Koselleck and his associates. I admit to a faint anxiety that this could become another way of taking concepts and their expression out of the contexts that make sense of them and inserting them into an anachronistic kind of story of our own construction. But so long as this danger can be avoided, then I see every reason to welcome the attempt to write histories of concepts — or rather, as I strongly prefer to put it, to write histories of the uses of concepts in argumentation. I have even tried to operate in this idiom myself, writing a history of debates about the concept of liberty in my most recent book, and a history of the acquisition of the concept of the state in the book I currently have in the press.

PK & SS: *Finally, when you take a look at your long-lasting university career, how do you think your thoughts have changed in these years (e.g. is there a true "rhetorical change or shift"?) Which of your works do you find the dearest?*

QS: I've tried to indicate as I've gone along a number of ways in which my views have changed over the years. I don't think I can hope to summarise the shifts with reasonable brevity, if only because there have been rather a lot of them. But I need to stress that I am not at all ashamed of having changed my mind in various ways. Some of my critics have found it frustrating and even disgraceful that I have altered the emphasis and even the direction of some of my arguments. But it would surely be even more disgraceful if I had not shifted at all in a lifetime of trying to read and think about the many ways in which our society reacts to its own past.

It is very kind of you to end by asking me, in your fine phrase, which of my works I find the dearest. It happens that you are asking me this question at a good moment, and I should like to try to answer, although I must be careful not to end on too blatantly self-indulgent a note.

I have never been able to bring myself to re-read any of my works after their publication, so until recently I should not have known how to respond to the question you ask. But I was obliged several years ago to overcome this fastidiousness when I made an agreement with the Cambridge University Press to revise and republish some of my articles. I completed the process of revision earlier this year, and the resulting book will be published in three volumes this summer under the general title *Visions of Politics.* The first volume, *Regarding*

Method, brings together my philosophical articles, on which we have mainly concentrated in this interview. The second, *Renaissance Virtues*, contains quite a lot of new material — including the essay I have mentioned on the concept of the state — but also collects a number of essays I have published over the years about early-modern ideals of republican self-government. The last volume, *Hobbes and Civil Science*, also contains some new work, together with heavily revised versions of the early articles I published about Hobbes's theory of political obligation and civic rights.

To assemble these volumes, I had to re-read everything I have ever published in the way of journal-articles and chapters in books. So I am well-placed — for the first time in my career — to answer your question. I have to admit that in the case of some of my essays I decided that they ought not to be republished at all. Many of the others — especially my early pieces — needed so much revision that, although I am republishing some of them, they amount in their new form to new works. However, some of my early work was not only better than I had remembered, but in some cases seemed worth republishing more or less without change. Among my philosophical essays, by far the best is the one I published in 1979 under the title 'The Idea of a Cultural Lexicon', in which I try to talk about the relations between language and social change.[17] The historical essay in which I manage most successfully to make my point about the usefulness of studying theories contrasting with our own is the one I published in 1984 in the volume on the history of philosophy I co-edited with Dick Rorty and Jerry Schneewind.[18] Finally, the essay in which I am most successful in making my point about the need to recover what writers are *doing* as well as what they are saying is the one I published in 1991 on Hobbes's theory of political liberty.[19] The rest is silence.

Notes

[1] 'More's *Utopia'*, *Past and Present* 38 (1967), pp. 153-68; 'More's *Utopia* and the Language of Renaissance Humanism' in *The Languages of Political Theory in early-Modern Europe,* ed. Anthony Pagden (Cambridge, 1986),

pp. 123-57; 'The Lessons of Thomas More', *The New York Review of Books,* 14 August 1978, pp. 57-60.

[2] *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996).

[3] 'The Empirical Theorists of Democracy and their Critics: A Plague on Both Their Houses', *Political Theory* 1 (1973), pp. 287-306.

[4] 'Meaning and Understanding in the History of Ideas', *History and Theory* 8 (1969), pp. 3-53.

[5] 'Hobbes's *Leviathan', The Historical Journal* 7 (1964), pp. 321-33; see also 'Warrender and Skinner on Hobbes: A Reply', *Political Studies* 36 (1988), pp. 692-95.

[6] 'Hobbes's *Leviathan', The Historical Journal* 7 (1964), pp. 321-33; 'History and Ideology in the English Revolution', *The Historical Journal* 8 (1965), pp. 151-78; 'Hobbes on Sovereignty: an Unknown Discussion', *Political Studies* 13 (1965), pp. 213-18; 'Thomas Hobbes and his Disciples in France and England', *Comparative Studies in Society and History* 8 (1966), pp. 153-67; 'The Ideological Context of Hobbes's Political Thought', *The Historical Journal* 9 (1966), pp. 286-317; 'Thomas Hobbes and the Nature of the Early Royal Society', *The Historical Journal* 12 (1969), pp. 217-39; 'Conquest and Consent: Thomas Hobbes and the Engagement Controversy' in *The Interregnum: The Quest for Settlement,* ed. G. E. Aylmer (London, 1972), pp. 79-98.

[7] See *The Foundations of Modern Political Thought, Volume I: The Renaissance* (Cambridge, 1978); *Machiavelli* (Oxford, 1981); 'Machiavelli on the Maintenance of Liberty' *Politics* 18 (1983), pp. 3-15; 'The Idea of Negative Liberty: Philosophical and Historical Perspectives' in *Philosophy in History,* ed. Richard Rorty, J. B. Schneewind and Quentin Skinner (Cambridge, 1984), pp. 193-221; 'Ms Machiavelli', *The New York Review of Books,* 14 March 1985, pp. 29-30; 'Introduction' to Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price (Cambridge, 1988), pp. ix-xxiv; 'Machiavelli's Discorsi and the Pre-humanist Origins of Republican Ideas' in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge, 1990), pp. 121-41; 'Machiavelli's Political Morality' *European Review* 6 (1998), pp. 321-5.

[8] See 'A Reply to my Critics' in *Meaning and Context: Quentin Skinner and his Critics,* ed. James Tully (Cambridge, 1988), pp. 235-59.

[9] 'Conventions and the Understanding of Speech Acts', *The Philosophical Quarterly* 20 (1970), pp. 118-38; 'On Performing and Explaining Linguistic Actions', *The Philosophical Quarterly* 21 (1971), pp. 1-21; '"Social Meaning" and the Explanation of Social Action' in *Philosophy, Politics and Society,* Series IV, ed. Peter Laslett, W. G. Runciman and Quentin Skinner (Oxford, 1972), pp. 136-57; 'Motives, Intentions and the Interpretation of Texts', *New Literary History* 3 (1972), pp. 393-408.

[10] J. G. A Pocock, 'Languages and Their Implications: The Transformation of the Study of Political Thought' in *Politics, Language, and Time* (New York, 1971), p. 11.

[11] 'Thomas Hobbes: Rhetoric and the Construction of Morality', *Proceedings of the British Academy* 76 (1990), pp. 1-61; '*Scientia civilis* in Classical Rhetoric and in the Early Hobbes' in *Political Discourse in Early-modern Britain,* ed Nicholas Phillipson and Quentin Skinner (Cambridge, 1993), pp. 67-93; 'Moral Ambiguity and the Renaissance Art of Eloquence', *Essays in Criticism* 44 (1994), pp. 267-292; *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996); 'Rhetoric and Conceptual Change', *The Finnish Yearbook of Political Thought,* 3 (1999), pp. 60-73.

[12] 'Hermeneutics and the Role of History', *New Literary History* 7 (1975), pp. 209-32.

[13] 'The Flight from Positivism', *The New York Review of Books,* 15 June 1978, pp. 26-8.

[14] 'The End of Philosophy?' *The New York Review of Books,* 19 March 1981, pp. 46-8.

[15] *Liberty before Liberalism* (Cambridge, 1998), pp. 6-10, 84-6.

[16] Jonathan Ree, 'The Vanity of Historicism' *New Literary History* 22 (1991), pp. 961-83.

[17] 'The Idea of a Cultural Lexicon', *Essays in Criticism* 29 (1979), pp. 205-24.

[18] 'The Idea of Negative Liberty: Philosophical and Historical Perspectives' in *Philosophy in History,* ed. Richard Rorty, J. B. Schneewind and Quentin Skinner (Cambridge, 1984), pp. 193-221.

[19] 'Thomas Hobbes on the Proper Signification of Liberty', *Transactions of the Royal Historical Society* 40 (1990), pp. 121-151.

ARTICLES

Topic 2:
Rhetoric and Conceptual Change

Angus Gowland

ANCIENT AND RENAISSANCE RHETORIC AND THE HISTORY OF CONCEPTS

In this paper I shall examine the ancient and Renaissance theory of rhetoric and some aspects of its relationship to the history of concepts.[1] Rather than offering a systematic exposition of either, I want to excavate some of the assumptions that are common to what I shall term the 'ideology' of rhetoric — that is to say, the attitudes towards language, ethics, politics and so on that are built in to rhetorical theory — and the methodology of the contemporary enterprise of intellectual and conceptual history as it has been theorised and practised in England by Quentin Skinner and in Germany by Reinhart Koselleck. Having formulated and implemented an agenda for the history of political thought from the early 1970s to the late 1980s in the terms of speech-act theory, Professor Skinner has recently taken something of a 'rhetorical turn' in his study of the rhetorical dimension of political thought; more particularly, he has brought to light the role of the rhetorical figure of redescription in conceptual change. In what follows, I shall look for the reasons for the general suitability of classical and Renaissance rhetorical ideology to a Skinnerian intellectual history and a Koselleckian history of concepts, and then explore the more specific roles of redefinition and redescription in the process of conceptual change. It is my hope that drawing attention to the thinking behind classical rhetoric will help to underpin the case for the incorporation of a specifically rhetorical dimension to the history of concepts.

The Ideology of Rhetoric

In his *'Art' of Rhetoric*, Aristotle makes one of the outstanding systematising contributions to the rhetorical traditions of antiquity and the Renaissance,[2] offering the first coherent intellectual justification for the role of rhetoric in public life.[3] Aristotle defines rhetoric as "the faculty of discovering the possible means of persuasion in reference to any subject whatever".[4] Rhetoric is concerned not with the substance of arguments, but rather with the principles of a practice geared towards the production of conviction (*pistis*) in an audience, achieved by the quality of persuasiveness in argument. The end product, then, is not persuasive speech, but a persuaded audience — it is a practice of transformation affecting the mind or the soul, what Plato calls in the *Phaedrus* 'psychagogy'.[5] This is the force behind Aristotle's classification of rhetoric as a *techne*, a term rendered in the Latin tradition of antiquity and the Renaissance by *ars*, which designates an activity of 'making' or 'producing' as opposed to knowing or doing: 'art' or 'craft' rather than science, *techne* "deals with bringing something into existence".[6] Because it produces a persuaded audience, rhetoric is unmistakably pragmatic in its attention to the usefulness of different kinds of persuasive strategies. It provides a kind of mechanics of argument, seen most clearly in the elaborate system of rhetorical or dialectical topics. For Aristotle, the topics are a series of logically grounded points of view from which a question may be approached, with a view to the discovery of persuasive arguments; in Cicero's simplification, they are the *loci communes* or 'common places' where such arguments are found. For example, one way to produce a good argument about a subject, according to the system of topics, is linguistic — to investigate its etymology, conjugations (words etymologically related), and equivocations (improper usages or ambiguities). It seems likely that Koselleckian onomasiology and semasiology may be traced back to this ancient rhetorical-dialectical heritage.

The pragmatic character of rhetoric, its instrumentalist ideology, is not of course Aristotle's invention. Indeed, in his well-known attack on the rhetoric of the sophists in the *Gorgias* Plato takes exception to the fact that it "cares nothing for what is best", i.e. the truth, but rather concerns itself with the manipulation of the audience by dangling "what is most pleasant for the moment" before them.[7] Part of Aristotle's response is to say that to condemn rhetoric outright is at best naïve and at worst deceptive. As he says, everyone uses rhetoric, for "all, up to a certain point, endeavour to criticise or uphold an argument, to defend themselves or accuse."[8] More specifically, Aristotle retorts that although rhetoric is designed to be dogmatically neutral, technically indifferent to the truthfulness or otherwise of the content of the argument to which it is attached, this does not imply that the orator is absolved of moral or philosophical responsibility for the content or effect of his argument.[9] Rather, if someone succeeds in persuading the audience by means of an immoral or untrue proposition, it makes more sense to blame the person than the persuasiveness of the argument. In other words, one of the attitudes built in to the theory of rhetoric is an emphasis and concentration on the instrumentality of discourse or language, which carries an implicit distinction between rhetoric considered as a system and the rhetor as a morally accountable user of that system. In cases of dangerous driving, we blame the driver, not the car.[10]

A second characteristic of rhetorical ideology is closely related to its instrumentality, but immediately stems from the nature of the subject matter on which rhetoric is properly brought to bear. Working within an Aristotelian epistemological framework, classical and Renaissance writers are generally in agreement that there is little to be gained from applying rhetorical argumentative methods to the domain of scientific investigation, since the ends of science and rhetoric are different (science instructs, whereas rhetoric persuades)[11] and the nature of the knowledge to which they relate is distinct. As Aristotle says, "no one teaches geometry" with rhetoric. In contrast to the objects of scientific investigation, the problems for which rhetoric is appropriate or useful are those "about which we deliberate", which admit of solutions that are not certain, but only probable, or which may command assent through plausibility.[12] According to disciplinary categories commonly elaborated in the early modern period, such are the questions arising in the domain of *philosophia practica*, which includes moral philosophy and politics.[13] Since these are practical, particularistic and by nature imprecise, rather than speculative, scientific, or universalist categories of inquiry, reasoning must be supplemented by rhetoric in order to make one's argument truly effective. However, as a consequence of the inherent uncertainty of the matter under discussion, rhetoric must theoretically enable one to prove opposites or argue both sides of a case.[14] For, as the Stoic Zeno suggests, if there are not two sides to the question then there can be no need to deliberate on it, and it would be possible simply to demonstrate conclusively that one side is right or true. It is impossible, therefore, to have two valid arguments from true premises to opposite conclusions.[15] This important postulate, originating in the *dissoi logoi* (two-fold arguments) of the sophists, gives rise in the Roman rhetorical tradition to the argument *in utramque partem*, a technique which becomes one of the standard procedures in an early modern rhetorical education.[16]

The important point is that because they deal with uncertain problems, rhetoricians are technically committed to the potential reversibility of any proposition and therefore, implicitly, to the idea that no rhetorical argument is *ex hypothesi* uncontestable. This commitment is accentuated by two institutional factors. The first is the agonistic format in which rhetoric originates. In the deliberative and forensic *genera,* rhetorical argument is designed to win the case by persuading the audience of the merits of one's own standpoint, but also by undermining an opponent's case. Destroying the opposition, seen in arguments of *destructio,* or *restructio sive subversio*, forms an integral part of the rhetorical enterprise.[17] The *narratio*, the section of speech where the orator ostensibly states the facts of the case, is actually the place where, as the *Ad Herennium* puts it, he can "turn every detail" to his advantage "so as to win the victory."[18] Certain topics are identified as particularly vulnerable to attack: Aristotle notes that definitions of things are the easiest to undermine, and Cicero, Quintilian, and the author of the *Ad Herennium* (drawing examples from Aristotle) all pay close attention to the kinds of argument that can be employed to manipulate definitions in one's favour.[19] In other words, definition is treated by rhetoric as a 'move' in a persuasive 'game' rather than a logical procedure — something made plain in the *Ad Herennium* by the placement of its discussion of *definitio* in between the manifestly stylistic figures of *gradatio* and *transitio*.[20] There is surely an echo of the rhetorical emphasis on the localised heuristic function of definition and the perception of its fragility in Nietzsche's famous dictum "only something which has no history can be defined". More generally, it is an intuition inherent in rhetorical agonism that "If a shrine is to be set up, a *shrine has to be destroyed*: that is the law — show me an example where this does not apply!"[21]

The second institutional factor sharpening the classical and Renaissance rhetorician's commitment to the contestability of argument concerns the audience. As opposed to the probability or certainty achieved through dialectical or demonstrative-scientific techniques, insofar as rhetoric is distinctive it is concerned with plausibility: the qualities which will command the assent of the audience. Aristotle states in the *Rhetoric* that whilst ideally the listener should be convinced by arguments that are purely logical demonstrations, an eloquent style which stirs (and therefore manipulates) the emotions "is of great importance owing to the corruption of the hearer".[22] This teaching provides a distinctive emphasis on emotional affectivity in both Roman and Renaissance rhetoric.[23] It is not just because of the insufficiency of unaided human reason in the uncertain territories of morality and politics that rhetorical persuasion is necessary. Because audiences often consist of people who are bored, too busy or distracted to concentrate properly, or simply stupid, the rhetorician must capture their attention with an attractive style and give them the pleasure that they seek. In other words, in a somewhat circular fashion, rhetoric incorporates a conception of its audience that assumes its susceptibility to the surface pleasures of linguistic ornament, and its ignorance of subterranean trickery, in order to justify its recourse to these very techniques.[24]

It seems to be neither a distortion nor an exaggeration to describe this nexus of rhetorical doctrines, methods, and characteristics as entailing (in modern terminology) an implicit commitment on the part of the rhetor in his or her use of language to contingency — the perception that things may always be said to be otherwise, or else described in ways that are incommensurable — but also to contestability — the admission that disagreements will necessarily be endemic to the subject matter under discussion. Furthermore, these commitments are themselves the legitimate source of the most effective weapons in the rhetorician's arsenal. Is it not possible, then, to speak of the weapon of desubstantialised language in rhetoric?

Turning to the contemporary practice of the history of ideas or concepts, it is quite apparent that this rhetorical emphasis on the instrumentality, contingency, and contestability of discourse correlates closely with two guiding principles of Professor Skinner's enterprise. The first is the Nietzschean perspectivist principle, that just as ideas or concepts change over time, so they will never provide any Archimedean point from which to grasp the world as it is in itself. The second is the Wittgensteinian principle which states that a concept's use in a specific historical and linguistic context forms an indispensable part of its meaning. In this second respect I can see no significant rupture between Skinner's earlier method, formulated in the terms of Austinian speech-acts and linguistic contextualism, and his more recent focus on the rhetorical dimension of intellectual history. According to both approaches, concepts or ideas are historically determined, are subject to continual revision and transformation, and can have no autonomous history — their history must be in an important sense a rhetorical history of things done with them. There is, therefore, a broad translatability between Austinian illocutionary acts and rhetorical uses of a concept in argument.[25] Rhetoric's rigorous dogmatic neutrality, its disregard of the truthfulness of the matter of argument, here becomes a positive quality for the historian. Rather than offering a wholesale explanatory theory of intellectual history, it provides instead a variety of means of conceptualising the strategies employed by historical agents to make *their* concepts perform their designated tasks within language. Moreover, rhetorical analysis has one distinct advantage over modern theories of linguistic action in that it can provide not only explanations of uses to which concepts have been put, but also — more importantly for someone seeking to explain the intentions of historical agents — a more fully historicised basis for the comprehension of these uses in terms which would have been understood by these agents.

If a political theorist has been using rhetorical tools — and all the signs are that rhetoric's status at the centre of school and university education was generally undisputed until the beginning of the eighteenth century at the earliest[26] — then it makes straightforward methodological sense for us to begin our explanations in the terms of these tools.

More broadly, it is worth considering the relationship articulated in classical and Renaissance philosophy between rhetoric on the one hand and ethics and politics on the other. Reacting to the Platonic critique, Aristotle rehabilitates rhetoric by integrating it fully to ethics and politics. According to the *Nicomachean Ethics*, all moral or political choices are 'deliberated desires', which properly involve not simply the logical calculation of consequences, but emotions such as fear and anger. If we choose to go to war, according to this view, these emotions have an inevitable and legitimate place in shaping our decision.[27] Since a knowledge of rhetoric is concerned with the emotions as well as the virtues — and consequently with their proper place in collective thinking — rhetoric is therefore, he says, "an offshoot" of the theoretical discipline of politics.[28] The notion that rhetoric has a legitimate, even necessary place in ethical and political inquiry and practice is another of Aristotle's legacies for classical Rome and the Renaissance. As part of this legacy, the ethical virtue of *phronesis* (rendered in Latin by *prudentia*) — the practical reason manifested by the ability to make good decisions in circumstances of uncertainty — is not based on abstract universality like its Kantian counterpart, but is comprised by a particularistic attention to what is reasonable or plausible in any given situation, as well as to the historical tradition which shapes that situation.[29] In rhetorical terms, in order to make our argument about politics or ethics plausible, it should be framed in the terms understood by the audience, use examples with which they are familiar, and take into account the particular virtues and emotions which they collectively value. These are known as endoxic proofs, based on commonly held beliefs. It is crucial, however, that our political or ethical arguments are always rhetorical in that they seek to persuade an audience of the merits of our point of view.

My point is not to argue for a neo-Aristotelian or neo-classical conception of politics, but rather that in the notions of plausibility, endoxic proof, and the emphasis on the rhetorical dimension of all political and ethical argument there is something valuable which (consciously or not) has been incorporated to the contemporary investigation of political or social ideas or concepts. The methods of Skinner and the 'Cambridge school' may be characterised as rhetorical in their attentiveness to linguistic and sociopolitical contexts, which enable and constrain the use of particular ideas in particular ways, by agents who make them plausible or endoxic to their historical audience. But the ultimate purpose of this kind of inquiry — as with *Begriffsgeschichte* — is also rhetorical on a larger scale. By drawing attention to the fluctuation of the meanings and uses of concepts throughout historical time, these enterprises are simultaneously, if for the most part implicitly, exercises in political or social rhetoric which seek to persuade us that the meanings which we attribute to concepts, and the uses to which we put them, are themselves historically contingent; that because their meanings are historically determined they are only ever plausible or endoxic to the 'audience' which holds them; and that we ourselves, who are enabled or constrained by our concepts, may act to make them otherwise — perhaps rhetorically. Rhetoric, then, not only has a place in politics, but also in the historiography of social and political thought. In this way, it may be said to underlie the process by which our thought gets outside the objects it examines, thereby enabled to contribute to a larger project of *Ideologiekritik* seeking to dispel historical illusions of conceptual necessity.[30]

Redefinition, Redescription and Conceptual Change

The coincidence of the contestable status of language in classical and Renaissance rhetoric and the explicitly historicised view of ideas or concepts articulated by Professors Skinner and Koselleck enables us to articulate the strategic activity of political theorising in specifically rhetorical terms. One common theoretical strategy, also clearly a rhetorical 'move', is the definition (or re-definition) of key terms or concepts. As we have seen, built in to the system of classical rhetoric is an underlying assumption of the contingency of definitions, and it is this assumption which facilitates re-definition. On the other hand, the very effectiveness of this 'move' depends, ironically, upon the audience's tendency to *overlook* the contingent character of definitions, and so its persuasive capability rests upon a deception. This is in accordance with the general principle that rhetoric should cover its tracks in order to be effective; but we should also note that this technique is parasitic on Aristotelian scientific method, in which a proper definition (a statement of 'essential nature', *ousia*) is the indispensable first step and therefore the basis of a logically demonstrative proof.[31] In ancient and Renaissance pathology, for example, it is a commonplace that there can be no understanding of a disease without a logically secure definition of that disease.[32] And it is of course because of this traditional scientific weight carried by the concept of definition that Hobbes proposes in the *De cive* that we must commence analysis of ethics by first defining our descriptive terms in ways that accord with common usage and avoid ambiguity.[33]

However, there is a final twist, because if defining or redefining a concept may help the orator to settle controversies about the description of things, nevertheless he must not only tailor his definition to the requirements of his larger argument, but also retain an awareness that his definition must counteract that offered or assumed by his opponent.[34] Contingency thereby returns as a function of institutional agonism. In fact, because there is a significant degree of persistence in the concept of definition across the centuries,[35] this double use of the concept definition — as a logically conclusive procedure, but also as a rhetorical tool or weapon which derives its utility as a manoeuvre from the inevitably contingent nature of all such definitions — still thrives in political theory. To take a very recent example, Ronald Dworkin argues in his *Sovereign Virtue* that some liberal theorists (like Berlin and Rawls) have mistakenly assumed that we must choose between liberty and equality because they have overlooked the fact that "equality is a contested concept", and that "people who praise or dispraise it disagree about what they are praising or dispraising". Dworkin is scoring points against his opponents here by assuming what I would call a rhetorical stance according to which the crucial concept of equality is, as it were, definitively undefinable. However, he abandons this stance by going on to substitute his own definition, a standard of "equal concern" that a government must have for all its citizens for it to be legitimate.[36] A rhetorically-minded sceptic, naturally distrustful of the ideological role of the legislative language of definitions in political theory, may be tempted to ask why 'equality' can be a contested concept when that of 'equal concern' — which on the surface at least appears to contain the concept of equality — cannot. That, however, is a matter for Dworkin's opponents.

The strategy of redefinition is clearly a function of the broad rhetorical assumption of the manipulability of concepts through language, and falls into the category of manoeuvres which achieve their effects by what Quintilian calls substitution of *verbum pro verbo*. Insofar as this technique operates primarily in the domain of language, however, its persuasive capabilities are limited. It is a central doctrine of Roman rhetoric that the most effective eloquence derives from a proper conjunction of *res* and *verba*, and that of the two *res* must always take priority in shaping argument. This teaching is undisputed by Renaissance writers, and is well exemplified by Cato's dictum, endlessly quoted throughout the sixteenth century, "*rem tene, verba sequentur*". As Quintilian says, "the best words are essentially suggested by the subject-matter, and are discovered by their own intrinsic light."[37] More persuasive, then, is argumentation which involves the substitution of *res pro re*, an alteration of the range of reference of a word. This may be effected by the figure of redescription, which typically involves the contestation of an existing evaluation of an action, object, word or idea, and its subsequent reappraisal in different, usually opposite, terms.[38] Because it is specifically tailored towards an alteration of moral status, redescription in its most straightforward exemplification entails persuading one's audience that what has been previously valued as morally good should in fact be properly accounted as bad, or *vice versa*. However, redescription may also be involved more subtly in extenuating an alleged vice, diminishing the force of an argument that alleges viciousness, or conversely in amplifying the force of one attributing virtue. And since what is vicious stimulates negative emotions (contempt, hatred), and what is virtuous provokes positive ones (love, admiration), the calculated rhetorical affect is a modification of the audience's emotional attitude towards the object thus redescribed.

The effectiveness of redescription stems from a number of doctrines common to classical and Renaissance conceptions of rhetoric and philosophy. In the first place, the Aristotelian axiom which locates virtue topologically at a mid-point or mean between extremes implies that the two are often in close proximity on the ethical spectrum, and that the distinction between them can easily be confused, or indeed manipulated by the orator. Second — and this seems to be an insight on the part of the classical rhetoricians which remains true today — is the fact that description is frequently also moral evaluation, either explicit or implicit, and that many of the terms employed by descriptive language are shared by those of evaluative language. If we recall, then, that rhetoric is appropriate to inherently uncertain questions and draws on the audience's 'corrupt' susceptibility to emotional manipulation, redescription draws on a conception of ethics which is characterised above all by ambiguity, and on a conception of the audience whose judgements will to a large degree be determined by their emotional responses to the moral qualities they perceive to be attached to an object.

It is of course unsurprising that from antiquity onwards there has been considerable resistance to and criticism of the idea that morally evaluative terms can be manipulated by the rhetor at will, since it conjures up a world of moral arbitrariness, and consequently political corruption and anarchy: every discussion of virtue and vice is doomed to be a perpetually unresolved argument *in utramque partem*, and so the character of every political action is always in dispute.[39] Indeed, many of the rhetoricians of antiquity and the Renaissance are aware of the dangerous implications attending such strategies, which seem to have such blatant disregard for the notion of a substantial, comprehensible, and unitary ethical truth. In the second edition of his *Garden of Eloquence*, for example, Henry Peacham condemns redescription because it "opposeth the truth by false tearmes and wrong names".[40] Generally, however, they have recourse to the Aristotelian distinction between rhetoric as a technical, neutral system and the morally accountable user of that system. If vice is confused with virtue, we should blame the orator.[41]

This distinction is crucial for understanding not only why rhetoricians are able to advocate the use of what they realise are potentially unethical techniques, but also, by extension, why authors who do not profess a belief in the essential moral ambiguity of actions or universal moral arbitrariness feel free to use them. To implement redescription as a localised technique to undermine a particular doctrine is to take advantage of the rhetorical insight about evaluative language as it relates to a specific instance, but not necessarily to advocate the universal application of this insight. In Skinner's well-known example, when Machiavelli redescribes the 'princely' virtues of clemency and liberality as the vices of laxity and ostentatiousness, he does not try to deny that some unequivocally cruel actions are rightly regarded as vicious, even if they may well be useful to a ruler.[42] Obviously, in any concrete political situation, to draw a universal conclusion from the premises of redescription — to go on to argue that all evaluative terms are arbitrary — would violate the principle that rhetoric should cover its tracks.[43] It would be an unsuccessful rhetorical move that would leave the opponent the easy retort that therefore one's own description is equally arbitrary.

However, it is precisely by exposing and adopting the underlying ideology of rhetoric, by uncovering its tracks, that we may see how redescription may provide a model for understanding shifts in normative vocabulary and therefore a rhetorical mode of conceptual change. By uncovering the mechanics of the moves attempted by historical agents, shown to be transforming inherited traditions of describing particular actions or ideas, such a mode can avoid the reduction of conceptual change to shifts in extra-linguistic structural forces, whilst taking as its starting point the intellectual and linguistic contexts which both enable and constrain the nature of the moves available to a theorist in a given historical situation. This rhetorical mode can also avoid explanations of conceptual change in which ideas or concepts appear to have a life of their own, independent of their usage by agents — I am here thinking not only of Lovejoy's approach but also that of Foucault in *The Order of Things* — instead offering a picture in which ideas are only transformed when they are put to a particular use.

For these reasons, I think that rhetorical explanations of conceptual change may well be fruitfully incorporated into the grand Koselleckian project of writing the history of concepts. However, there are limits to the utility of examining how concepts have been transformed by redescription. Most obviously, rhetorical redescription occurs on the micro-level, in very particular and localised circumstances, but to connect such theories with the macro-level explanations with which *Begriffsgeschichte* is also concerned will present considerable difficulties.[44] Consider a contemporary example of rhetorical redescription: in the 1980s a new concept emerged from the mainstream conservative media, signified by the neologism 'political correctness', which is the product of the attempted redescription of what had been perceived to be some of the traditional virtues of liberal society — tolerance, equality, and so on — as vices which threaten the freedom of the individual. Unfortunately, I am unaware of who originally coined the phrase. However, whilst we can see the rhetorical nature of the move involved, its effectiveness as a weapon in contemporary debate has depended not only upon its neat 'fit' into a particular political ideology but also, to a large extent, upon its widespread reception, manipulation, and propagation throughout our social and cultural as well as political institutions.[45] How do we describe — and in what kind of explanatory language can we account for — the influence of individual agents' rhetorical moves on the developments of institutional conceptualisations over time? Or, to take a famous historical example, by what kind of method should we measure the influence of Mandeville's innovative and shocking redescription of private vices as public virtues in the *Fable of the Bees* on the emerging institutions of the market in the eighteenth century? This redescription clearly found a place in the 're-moralised' economy theorised by Adam Smith — which absorbed the economic and political implications of Mandeville's *Fable*, and which designates vices like drinking to a sphere external to that of true moral duties — but how do we gauge the impact of a single rhetorical move on a phenomenon as complex and multifaceted as the market? Under what conditions, and by what means, does an innovation on the micro-level become a transformation on the macro-level?

We may well begin with the recognition that, as Koselleck has suggested, situations of sociopolitical crisis such as civil war or revolution provoke intense semantic struggles in which concepts are transformed, and in which agents have frequent recourse to rhetorical techniques of redescription.[46] However, it also seems that crisis is not a necessary precondition for, but rather an accelerator of conceptual change, since the meanings of concepts (as both Koselleck and Skinner agree) are *always* contested. A Hobbesian would indeed argue the opposite, that it is semantic confusion that produces crisis, not *vice versa*. It also seems that when every concept put to a particular ideological use enters the domain of public discourse, that concept not only gains a new historical layer of meaning, but is also liable to be transformed, possibly in unintended ways, in its reception. To answer such questions systematically, and to account more fully for the process of conceptual change in history, we would need to integrate rhetorical analysis of persuasive moves with concepts to extralinguistic explanations from social and political history. A step towards bridging the gap between the two could be taken by developing a historicised hermeneutics of reception that attends to the creative function of rhetorical strategies on the level of the public's horizon of expectations.[47] Unfortunately, there is no distinct ancient or Renaissance tradition devoted to this.

Notes

[1] This is a slightly revised version of a paper delivered at the annual conference of the History of Concepts Group in Tampere on 28 June 2001. I would like to thank the audience on this occasion for their perceptive comments, and also Iain McDaniel, Kari Palonen, and Quentin Skinner for their incisive and constructive suggestions on an earlier draft.

[2] By the term 'Renaissance' in this essay I mean to indicate not simply a chronological period, but the early modern project — most strongly associated with European humanism — of recovering and investigating ancient knowledge.

[3] For recent appraisals of the *Rhetoric* see Amélie Oksenberg Rorty (ed.), *Essays on Aristotle's 'Rhetoric'* (Berkeley, 1996). For its influence on subsequent rhetorical traditions see William W. Fortenbaugh and David M. Mirhady (eds.), *Peripatetic Rhetoric after Aristotle* (New Brunswick and London, 1994).

[4] Aristotle, *The 'Art' of Rhetoric* 1.2.1 (1355b), trans. J. H. Freese (London, 1926).

[5] *Phaedrus* 261a; see also ibid., 271c.

[6] Aristotle, *The Nicomachean Ethics* 6.4 (1140a), trans. H. Rackham (London, 1934).

[7] *Gorgias* 463a-465c, trans. W. F. M. Lamb (London, 1925).

[8] *Rhetoric* 1.1.1 (1354a).

[9] *Rhetoric* 1.1.12 (1355a).

[10] In extreme situations, of course — as when a car crashes, or demagogy — some are tempted to blame the instrument as well as its user.

[11] *Rhetoric* 1.1.12 (1355a).

[12] *Rhetoric* 1.2.12 (1357a), 3.1.6 (1404a).

[13] See Ian Maclean, *The Renaissance Notion of Woman: A study in the fortunes of scholasticism and medical science in European intellectual life* (Cambridge, 1980), 49-55.

[14] *Rhetoric* 1.1.12 (1355a).

[15] Related in Plutarch, *On Stoic Self-Contradictions* 1034e.

[16] See Thomas Sloane, 'Rhetorical Education and the Two-Sided Argument', in H. Plett (ed.), *Renaissance-Rhetorik* (Berlin, 1993).

[17] See, for example, Aphthonius, *Progymnasmata*, trans. Rudolph Agricola and Johannes Catanaeus, with a commentary by Reinhard Lorich (London, 1575), fols. 64r-80r.

[18] *Ad C. Herennium de ratione dicendi* 1.8.12, ed. and trans. Harry Caplan (London, 1954); cf. Quintilian, *Institutio oratoria* 4.2.111-124.

[19] Aristotle, *Topica* 7.5 (155a3-4ff.); Cicero, *De inventione* 1.8.2; Quintilian, *Institutio oratoria* 7.3.1; *Ad Herennium* 4.25.35.

[20] *Ad Herennium* 26.35.

[21] Friedrich Nietzsche, *On the Genealogy of Morality*, trans. Carol Diethe (Cambridge, 1994), 2.13, 24.

[22] *Rhetoric* 3.1.5-6 (1404a).

[23] See Lawrence D. Green, 'Aristotle's *Rhetoric* and Renaissance Views of the Emotions', in P. Mack (ed.), *Renaissance Rhetoric* (London, 1994).

[24] Richard Lockwood, *The Reader's Figure: Epideictic rhetoric in Plato, Aristotle, Bossuet, Racine and Pascal* (Geneva, 1996), 84-99.

[25] On this matter, Quentin Skinner has pointed out to me the potential significance of the fact that Austin was himself educated in the major texts of classical rhetoric.

[26] For the case of England, see Lawrence D. Green, 'Rhetoric', in D. Sedge (ed.), *The Cambridge Bibliography of English Literature, Vol. 2: 1500-1700*, 3rd ed. (Cambridge, forthcoming).

[27] *Nicomachean Ethics* 6.2.2-5 (1139a-b).

[28] *Rhetoric* 1.2.7 (1356a).

[29] *Nicomachean Ethics* 6.5.1-8 (1140a-b), 6.7.6-8.9 (1141b- 1142a), 10.9.23 (1181b). Cf. Hans-Georg Gadamer, *Truth and Method*, 2nd ed., trans. Joel Weinsheimer and Donald G. Marshall (London, 1975), 281, and Chantal Mouffe, 'Radical Democracy: Modern or postmodern?', in A. Ross (ed.), *Universal Abandon? The politics of postmodernism* (Edinburgh, 1988), 36.

[30] See, for example, Quentin Skinner, 'A Reply to My Critics', in James Tully (ed.), *Meaning and Context: Quentin Skinner and his* critics (London, 1988), 286; id., *Liberty Before Liberalism* (Cambridge, 1998), 116-20, esp. 120; Melvin Richter, '*Begriffsgeschichte* in Theory and Practice: Reconstructing the history of political concepts and languages', in Willem Melching and Wyger Velema (eds.), *Main Trends in Cultural History: Ten essays* (Amsterdam, 1994), 126; id., *The History of Social and Political Concepts* (New York and Oxford, 1995), 159. The rhetorical dimensions of Skinnerian intellectual history are thoughtfully explored in Kari Palonen, 'Quentin Skinner's Rhetoric of Conceptual Change', *History of the Human Sciences* 10.2 (1997), 61-80, esp. 67-9. For a recent implementation of an engaged *Ideologiekritik* in a similar mould see Raymond Geuss, *History and Illusion in Politics* (Cambridge, 2001).

[31] Aristotle, *De anima* 1.1 (402b25-403a2).

[32] See Galen, *On the Therapeutic Method* 1.3.13, 1.4.6, 1.5.2-10, trans. R. J. Hankinson (Oxford, 1991) and *To Thrasyboulos* 1.806- 807, in *Selected Works*, trans. P. N. Singer (Oxford and New York, 1997).

[33] *De cive* 17.12; Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996), 317-18.

[34] Cicero, *De inventione* 1.8.2.

[35] The term 'definition' may today no longer carry explicitly Aristotelian scientific meaning, but it still operates in common usage in a logical manner that is derived from its Latin etymology: it should settle a controversy 'definitively', bringing all dispute to an end.

[36] *Sovereign Virtue: The theory and practice of equality* (Cambridge, Mass., 2001).

[37] *Institutio oratoria* 8.18-32; see also ibid., 8.4.26, 8.3.30, 10.7.22 and Horace, *Ars poetica* 311: "verbaque provisam rem non invita sequentur".

[38] The following account of redescription is heavily indebted to Skinner, *Reason and Rhetoric*, 138-80.

[39] See Quentin Skinner, 'Moral Ambiguity and the Renaissance Art of Eloquence', *Essays in Criticism* 44 (1994), 267-92.

[40] *The Garden of Eloquence* (London, 1593), 168.

[41] This is the implication in Cicero, *De partitione oratoria* 23.81 and Quintilian, *Institutio oratoria* 3.7.25.

[42] *Reason and Rhetoric,* 170-71.

[43] See Aristotle, *Rhetoric* 3.2.4 (1404b).

[44] For the micro- and macro-level dimensions of historical explanation in *Begriffsgeschichte* see Kari Palonen, 'An Application of Conceptual History to Itself: From method to theory in Reinhart Koselleck's *Begriffsgeschichte*', *Finnish Yearbook of Political Thought* 1 (1997), 49-59.

[45] See Peter Duignan and Lewis H. Gann, *Political Correctness: A critique* (Stanford, 1995).

[46] Reinhart Koselleck, *Futures Past: On the semantics of historical time*, trans. Keith Tribe (Cambridge, Mass. 1985), 78; Melvin Richter, *The History of Social and Political Concepts* (New York and Oxford, 1995), 89-90.

[47] A good place to begin constructing the framework for such an investigation would be the theory elaborated in Hans Robert Jauss, *Toward an Aesthetic of Reception*, trans. Timothy Bahti (Minneapolis, 1982).

Willibald Steinmetz

“A CODE OF ITS OWN”

Rhetoric and Logic of Parliamentary Debate in Modern Britain[1]

In 1932 Virginia Woolf, the novelist and member of the Bloomsbury Group of intellectuals, published an article in a journal called *Good Housekeeping* in which she dealt with a very special public house, the British House of Commons.[2] Turning first to the inside of the place she described it as being “not in the least noble” but rather “ugly”. “It is,” she wrote, “an untidy, informal-looking assembly. Sheets of white paper seem to be always fluttering to the floor.” And as if that was not enough to shock her female readers, she went on to dwell on the unseemly behaviour of this almost exclusively male society.[3] Men were sprawling around on benches and putting their legs on the table, the “occasional toe” touching the precious insignia of the State, the mace and chests of brass laid out there. Dozens of men constantly went in and out through swing doors, behaving as if they were in a Pub or a saloon bar, “gossiping and cracking jokes over each other’s shoulders”.

Could this be, Virginia asked, the very assembly where the destinies of the world were altered, where Gladstone fought, and Palmerston and Disraeli? Yes, she said, it was indeed. And it was because there existed in the House of Commons some kind of invisible order which governed this whole body of unruly men and gave it, as it were, a “certain character”. The Commons, Virginia wrote, had existed for centuries and thereby developed “its own laws and licences.”

> "It has somehow a code of its own. People who disregard this code will be unmercifully chastened; those who are in accord with it will be easily condoned. But what it condemns and what it condones, only those who are in the secret of the House can say. All we can be sure of is that a secret there is."

In my article I wish to explore a bit more thorougly some aspects of that secret code of the British House of Commons from the late eighteenth century to the period of the Second Reform Act (1867). What makes that code an object worth studying is that on the strength of it several hundred men and, after 1919, a few women were able to govern Great Britain and its Empire by way of discussion. The unwritten rules of behaviour hinted at by Virginia Woolf formed only part of that code. Other elements were written precedents and standing orders, the spatial arrangements of the sessions, certain rituals and, above all, the formal and informal rules of speaking in the House, in other words: the changing rules of what could be said and what could not be said. It is these linguistical aspects of the code that I will be concerned with in the following remarks.

Analyzing Parliamentary Debates: a Few Words on Theory and Method

Institutional codes can be looked at from two different angles. On the one hand, attention may be paid primarily to those features which guarantee an institution's identity over time and make communication between its members possible at all. When this line of enquiry is followed, codes are regarded as structures providing a certain degree of consensus, stability and continuity. On the other hand, we may be more interested in conflicts and discontinuities within an institutional setting. In that case the main emphasis is put on moves and shifts whereby individuals or groups can challenge or even change established codes of language and behaviour, and yet leave the institution itself largely intact.

Whether we privilege the first or the second approach depends of course on the questions we wish to answer. In principle both aspects should be kept in mind, but in practice most works dealing with languages or codes in institutions prefer either the one or the other.

A good example of the first approach is Thomas Mergel's recent work on the *Weimar Reichstag*, the German parliament between 1919 and 1933.[4] Mergel clearly propounds a revisionist view of the Weimar Republic in general and the *Reichstag* in particular. Arguing against those who see the Republic and its parliament doomed to failure from the beginning he claims that the *Reichstag*, at least during the 1920s, had a code of its own enabling its members to fulfill their tasks as legislators tolerably well. To show this, Mergel takes notice of a whole range of structures, discursive as well as non-discursive, which allowed Weimar politicians to co-operate even if they hated each others' political views. Thus, among other features, he identifies certain languages, such as, for example, a language of responsible statesmanship and another, closely related language which advocated reliance on hard facts (*Sachlichkeit*) instead of ideology and emotion. According to Mergel, both languages contributed to maintain a wide alliance ranging from the Social Democrats (SPD) on the left to the German Nationalist Party (DNVP) on the right and thus made sure that the *Reichstag* could be kept going at least until the end of the 1920s. In Mergel's study, then, languages, among other sign-systems, are seen as structures which bind people together and permit meaningful communication in an otherwise chaotic and aggressive environment.

As for the second approach, let me refer to my own book *Das Sagbare und das Machbare*, in which I dealt with linguistical codes in the British Parliament from the 1780s, the age of Pitt and Fox, to the 1860s, the age of Gladstone and Disraeli.[5] Here the focus was not so much on co-operation and continuity but on conflict and discontinuity. I wanted to describe the moves and shifts by which changes, especially electoral reforms, were made possible at all, given the fact that the British Parliament before and after 1832 consisted of a socially cohesive elite of men who acted within an established and comparatively uncontested institutional framework. How could it happen that twice in a generation, in 1832 and 1867, these men consented to a reform of the very institution they were sitting in so comfortably themselves? Why did they open up Parliament for new members elected by new social classes, the middle and working classes, whose political allegiances were at best doubtful; new members who would, in addition, bring into Parliament hitherto unheard of arguments and thus, perhaps, disrupt the existing codes of language and conduct even further?

My basic proposition put forward in the book was that, within the realm of politics, what can be done (*das Machbare*) is to a large extent dependent on what can be said (*das Sagbare*). Therefore, the rules or usages of parliamentary language had to change for a parliamentary reform to become feasible.

This is the reason why I felt justified in concentrating on linguistical elements of the code, or if you prefer: on languages (in the Pocockian sense), rather than dealing, as Thomas Mergel does, with the complete range of structures ordering the inner life of parliaments. Being interested mainly in change, I treated elements such as the formal ordering of parliamentary business, the spatial arrangements, the social life in the lobbies and tea-rooms, the opening ceremony and other rituals as more or less constant variables. Had I written a book on the stability of British political institutions, these elements would have been highly important, for even in times of crisis they secured the regular working of the House. They could assume that stabilizing role precisely because they changed very little during the whole period from the late eighteenth to the end of the nineteenth century.

With regard to the order of business, for example, only the prolonged obstruction of Irish members in the Home Rule debates of the 1880s brought about a few alterations.[6] A time-limit for speeches was introduced to enable the government to get through at least with some of its legislative business. Apart from minor changes such as these, the non-verbal codes governing the internal life of the House of Commons remained remarkably stable until the First World War and beyond, especially if compared with the troubled history of parliaments on the European continent and in particular in Germany.

What did change dramatically between 1780 and the 1880s, however, were the rules of what could be said inside the House of Commons and the way in which parliamentary language reacted to, and fed back into, public discourses outside Parliament. Parliamentary debates, first of all, reflected, but also produced conceptual change in the narrow sense, that is: change in the meaning and use of certain single concepts, such as for example 'middle class' which became restricted in its meaning during the debates on electoral reform in 1831/32.[7]

Changes also occurred, more significantly perhaps, in the ways in which entire arguments (propositions) were put together to form specific discourses, either for a reform or against it. Tracing these changes in whole clusters of argument, not just in single concepts, was my main concern in *Das Sagbare und das Machbare*. Of course, in doing so I had to describe undisputed, self-evident languages as well, because it is only against such a background of commonplaces that new vocabularies and arguments can be identified as new. My first step, then, was to map out what could be said in certain historical situations.

Mere descriptions of such semantic maps, however, are not enough. Speeches in parliament, or more precisely: each single utterance or sentence within a speech, have to be regarded as actions. Speaking was, indeed, more or less the only form of action available to politicians.[8] Therefore, when politicians succeeded in changing the rules of what could be said (*das Sagbare*), they at the same time changed their actual rooms of manouevre in the situation (*das Machbare*). In other words: In addition to just describing semantic change, I ventured to show how the realm of political action changed in the language and through the languages used by British politicians. Or again in Koselleck's terms: I treated language as an indicator and a factor of political reality.

Let me proceed to another point. Much of what is said in any kind of institutionalised communication belongs to established languages and is uttered without being carefully reflected upon by either side. This is true of everyday conversation and for parliamentary debates as well. Now, with regard to parliament, even semantical innovations were rarely introduced intentionally, and even more rarely as part of a coherent strategy. The idea that there is a person called 'author' who deliberately sets out to challenge an established concept or mode of argument, or indeed a whole language, does not capture the normal practice of speaking in parliament, at least as far as the British experience in the eighteenth and nineteenth centuries is concerned. In that period, there are only rare examples of British politicians who consciously applied what Quentin Skinner calls the "technique of rhetorical redescription", that is: a technique whereby someone reformulates a given description in rival terms that sound no less plausible, but put the event or action under discussion in a different moral light.[9] If there was rhetorical redescription, it happened unconsciously.

Partly responsible for this were certain conventions of how a speech had to be delivered. In eighteenth and nineteenth century Britain speeches in Parliament, although they could be prepared at home, had to be delivered as if they were improvised during the actual debate. Reading one's speech from a paper was absolutely taboo. Most speeches indeed were more or less improvised. This was one reason why speeches normally turned out to be an inconsistent potpourri of commonplaces with – perhaps – one or two new twists and turns mixed up with it. Therefore, most semantic shifts in British parliamentary debate passed by unnoticed at first, because they appeared jumbled together with arguments already heard a thousand times. Innovations were only recognized later, when other speakers – again unconsciously – had taken up the new word or phrase and repeated it time and again, until finally somebody woke up and realized that the firm ground from which he used to argue had somehow disappeared.

Much of the verbal warfare going on in Parliament was of this kind: It remained, as it were, below the surface of recognition for a considerable period of time. And it usually took much more time until new words and phrases were turned into concepts (*begriffen* in Koselleck's terms), and were politicized or transformed into an ideology (*politisiert* and *ideologisiert* in Koselleck's terms). This is what distinguishes parliamentary debates and other forms of oral communication from the high levelled written exchanges between political theorists which Quentin Skinner analyzes.

Let me repeat, then, my second point: Parliamentary debates, at least in eighteenth and nineteenth century Britain, were a specific kind of oral communication involving several hundred people, a communication which was to a large extent improvised and inconsistent, which relied mostly on commonplaces with only rare occasions of consciously prepared linguistic policies. When devising a method for analyzing parliamentary debates these specific features have to be taken into account. In other words: We should not read reports of parliamentary debates as if they were texts of political theory.

As a third point, I would like to explain very briefly the method which I applied in my book on *Das Sagbare und das Machbare*. Although inspired by Koselleck's *Begriffsgeschichte* as well as by Skinner's and Pocock's historical analysis of languages I claim that my approach differs from both, Koselleck's as well as Skinner's and Pocock's. It differs for the very reasons which I just mentioned. Neither Koselleck's *Begriffsgeschichte* nor Skinner's and Pocock's sophisticated reconstruction of languages of political theory seem an appropriate way of dealing with parliamentary debates. Both approaches, though different in some respects, are similar in others. They are similar, first, in that attention is turned almost exclusively to certain highly politicized, abstract key concepts, all of them nouns, such as 'public opinion' or 'constitution' or 'virtue' or 'property' or 'representation' or whatever. And both approaches are also similar in that they are far removed, too far removed for my purposes, from ordinary day-to-day political struggles.

The differences between Koselleck and Skinner/Pocock are less important and, I think, not of a fundamental character. Rather, there are two perspectives involved which do not necessarily exclude each other. Whereas Koselleck in *Geschichtliche Grundbegriffe* prefers to isolate individual concepts (or the nouns referring to them) one by one and traces their shifts of meaning over long periods of time (diachronically), Skinner and Pocock take clusters of these concepts and describe their figurations and refigurations in shorter periods (synchronically) and within certain intellectual contexts. When thus putting 'ideas in context', however, Skinner and his school as well as Pocock never really descend to the level of actual political struggle. They remain on the high plains of political theory; much more so, in fact, than Koselleck to whom the same reproach has been made time and again.

Now, contrary to both Koselleck and Skinner/Pocock I propose to leave the abstract key concepts (nouns) aside and conduct the investigation on the level of entire propositions or sentences (verbal constructions) instead. What kind of propositions are chosen as a starting point depends of course on the historical question we wish to answer. In the case of my book on British parliamentary politics, for example, the historical problem I wished to explore was the way in which politicians' conceptions of their own room of manoeuvre changed in and through the debates on electoral reforms from the 1780s to the 1860s.

Thus, in order to get closer to these conceptions, I defined certain types of basic propositions which are so inconspicuous that they are bound to appear in everyday political language and reveal the speakers' notions about the realm of politics even if the speakers are not explicitly referring to that subject. Altogether, I defined nine types of such propositions or sentences, but here it may suffice to name only three to illustrate how I proceeded.

First, I filtered out of the texts all sentences, even trivial ones, where speakers declared something to be 'impossible'. Also included in this category were simple phrases like 'we can't do this or that'. The reason for collecting such allegations of impossibility was that they contain implicit notions about the limited competence of political action. Taken together these sentences circumscribe, as it were, the borders of the realm of politics, but politicians use such expressions of impossibility without being aware that at the same moment they make a statement about their concept of politics.

In the same way, secondly, I collected all sentences where politicians affirmed that something was 'necessary' or 'inevitable'. Also included here were simple expressions like 'we must do this or that'. Here, again, the result was a large corpus of seemingly trivial phrases which, nonetheless, contained notions on the limits, in this case the constraints, of political action. And here again, most of these utterances were made with other purposes in mind than expressing an abstract concept of political necessity.

Next, thirdly, I listed all sentences where politicians assumed reponsibility or guilt or ascribed it to other identifiable politicians: 'I am responsible', 'you are responsible', 'I promise that I will do this or that' etc. Here, then, I made a collection of positive statements, again most of them implicit, on the assumed (or wished for) capacity to act.

In addition to these three sentence-types I made six other collections of sentence-types, some of them also circumscribing the realm of politics in a quasi-spatial dimension, others defining the time-horizons in which political action was to take place. But here again, with regard to time-horizons, I did not look for prominent nouns, such as 'progress', 'revolution' or 'ancient right', but for inconspicuous propositions in which politicians motivated their actions either by expressing a wish, or by pointing to a fear, or by alluding to something that had existed before, or by saying that now it was the right time or the wrong time to do something.

This method of reading reports of parliamentary debates has something mechanical about it. It is like a 'screening' of texts, no hermeneutic intuition being involved in the process of gathering the data-base. As a result of this reading-technique, I got nine large corpora, each containing several hundreds of propositions in which politicians claimed that something was either 'impossible', or 'necessary', or to be done because it had always been so, or not to be done because this or that would happen in the future, and so on. Once I disposed of such large collections of certain propositions it became much easier to identify old and new modes of speech, usual and unusual arguments, undisputed and disputed languages, commonplaces and innovations.

Another considerable advantage of this reading-technique is that key concepts of political discourse (the nouns) are not – as in Koselleck's as well as Skinner's and Pocock's case – defined in advance, by intuition or a certain feeling for what may be important, but that certain nouns prove to be key concepts because they appear again and again at key positions in such verbal constructions. Significant moves of these key concepts in the web of propositions can then easily be interpreted as indicating a change in their meaning.

I claim, therefore, that the method I am proposing here and have demonstrated in my book is a way out of that eternal difficulty all conceptual historians have, namely the difficulty of deciding in advance what the key concepts (the *Grundbegriffe*) really are. In my book, key concepts of political discourse appear at the end, as a result of an empirical, verifiable reading process. And indeed, certain concepts of which I (at least) would never have thought in advance turned out to be of prime importance when British politicians declared their minds about things possible and impossible, necessary and unnecessary, and so on.

Most notably, this was the case with the concept of 'character' and its semantic field including such nouns as 'honour', 'consistency', 'principle', 'promise' and 'pledge'. This cluster of concepts proved to be decisive, for example, in the reform debates of 1831/32, when it came to the deadlock between the House of Lords dominated by the anti-reform Tories, and the Commons dominated by the pro-reform

Whigs. In this situation, recourse to 'character' and 'consistency' allowed both parties, and the King, a way out of the crisis. Let me explain this point by an exemplary excursion which may also serve to illustrate what may be found in a more elaborate form in *Das Sagbare und das Machbare*.

Character, Public Opinion and Party, 1780-1867 – a Case Study in Semantical Change

The semantic field around 'character' in British parliamentary discourse has to be seen in close relation to another one, turning around the concept of 'public opinion'. This second field includes terms such as 'people', 'the press', 'associations', 'movements' and the like. The basic connection linking the two semantic fields was as follows: As soon as a politician had publicly engaged his honour by promising to do something, he was in principle bound by his words. The fact that he had committed himself openly made it difficult for him to retract without damaging his character.

Now, looking first at the semantic field around 'public opinion' in a diachronical perspective from the 1780s to 1832: Here, a striking result of my reading is that the concept of 'public opinion' etc. changed its position in the web of my nine types of propositions. The politicians of the 1780s normally spoke of public movements ('constituents', 'people', 'associations' and the like) as if these were prompted by the politicians' own speech-acts. Movements outside Parliament needed verbal impulses emanating from leading persons within. In late eighteenth century parliamentary discourse the public appeared as something that could be controlled as long as the politicians did not stir up expectations too recklessly. In short: politicians saw themselves in charge of managing the public.

This discourse had changed completely by 1831/32. Now, 'public opinion', the 'people', the 'political unions' and so on were presented in debate as if they were anonymous and self-acting agents, as if they were a 'natural' force that could not be resisted, as if they were powerful movements, 'impossible' to control. Almost everyone, even a large majority of Tories, agreed that government could not be continued against public opinion or without the confidence of the classes that shaped it – the 'middle classes' as they were called since the 1820s. This shift of discourse reflected and supported the effective emancipation of a large politicised public since the end of the eighteenth century.

While the semantic field around 'public opinion' thus moved in a remarkable way in the web of propositions, the semantic field around 'character' and 'honour' held a stable position. No significant shifts occurred here between the 1780s and the 1830s. Throughout, the speakers declared it to be a point of honour to preserve their 'character as public man'. It was the common rule that political opponents allowed each other to keep their promises and stand firm to their principles once they had committed themselves in public. To act consistently was seen as a prime 'necessity' for all agents in the 1780s as well as in 1831/32. A considerable part of all utterances concerning things 'impossible' or 'necessary' belonged to the semantic field around 'character' and 'honour'. This stable position of 'character' in parliamentary discourse reflected and helped to enforce aristocratic codes of behaviour in the British political elite at least until 1832.

But although the semantic field around 'character' remained constant, the practical use to which concepts belonging to that field could be put in debate had changed considerably by 1831/32. The same insistence on keeping one's 'character', which had been an effective argument *against* reform in the 1780s, proved to be the most effective argument *in favour* of reform in the crisis of 1831/32. Why? Let me explain this very briefly:

In the 1780s it turned out to be disadvantageous to reformers in Parliament, such as William Pitt or the Earl of Shelburne, that they had given public pledges for reform to significant groups outside the House. The reform associations, people like Christopher Wyvill, needed such public engagements of ministers to get up meetings and petitions at all. Encouraging signals 'from within' were necessary to mobilize pressure 'from without'. But within Parliament these signals were counterproductive. William Pitt's phrase, according to which he would support reform "as a man and as a minister", which was meant as an encouragement to groups outside, was interpreted by his opponents in the House, Charles James Fox and Lord North, as a threat that illicit means, so-called 'influence', would be used by

Pitt to induce members to vote with him. This was against the code which Pitt himself (and his father, the elder Pitt) had upheld for years. Thus, with his public promise, Pitt had violated the rules of what could be said inside Parliament in the 1780s. To escape, Pitt felt compelled to disavow as unauthorized the publication of his pledge. In doing so, Pitt himself contributed, of course, to demobilize the pressure from without he needed so much and, at the same time, made those of his supporters in the House who did not like his reform plans believe that he would not be sorry about a defeat. In the 1780s then, the code of the House was such that pressure from without could not be translated into rhetorical power within, whereas the rules of discourse in the House could be used by opponents of reform to discourage the forces outside.

By 1831/32, the situation was completely reversed. It was now a commonplace that the public chose its agenda quasi-spontaneously and that it could effectively bind MPs to promote them. All politicians admitted that, once they had pledged themselves in public, they could not retract from their position. The accelerated transmission of news helped to enforce consistency in the House. This new situation proved to be advantageous for reformers. Earl Grey and his ministers had only to announce their intention of introducing a plan of reform in Parliament in order to produce sufficient manifestations of support outside. These manifestations in turn could be translated back into prognoses of imminent revolution to impress wavering ministers and the reluctant King, William IV. Thus, the Whig reformers of the early 1830s had no need to violate the codes of parliamentary speech, as William Pitt had done in the 1780s, with a view to stimulate public activity outside.

On the other hand, the continuous validity of traditional concepts of 'character' and 'honour' prevented the Tory Lords around the Duke of Wellington to take over the government in the crisis days of May 1832. The Tories' previously declared principles made it impossible for them to introduce any kind of reform, although at that stage Wellington and his colleagues themselves had begun in secret to ventilate their own schemes of reform which, in some points, were more radical than that of the Whigs. But the Tories could not dare to utter their secret thoughts in Parliament. The mere hint that a Tory-reform might be considered raised a cry of indignation in the

House of Commons. In 1832, then, only those politicians could successfully continue in office who had publicly engaged themselves for a reform before the crisis had started.

Moving on from 1832: The rules of what could be said in the House changed again significantly in the following thirty-five years. In 1867, when Disraeli brought in his electoral reform proposals, a new semantic field turning around the concepts of party loyalty and leadership had to a large extent taken over the place once occupied by the language of 'character' and 'honour' in the web of sentence-types. This altered constellation in the parliamentary code allowed Disraeli to do what could not even be hinted at by the Duke of Wellington in 1832, namely: to bring in a scheme of reform almost identical to that introduced a year earlier by a liberal government, led by Gladstone and Lord Russell. And because of the replacement of 'character' by 'party loyalty' in the discursive hierarchy determining political action, Disraeli, could go even further: He could tolerate his reform to become even more radical during the course of the debate against all his previously declared principles.

These brief remarks may suffice here to illustrate how I proceeded when describing semantical shifts and moves and their practical consequences in parliamentary debate.

Discourse Analysis or Rhetoric?

Let me conclude with one more theoretical point and a few examples. Having explained how my method relates to conceptual history (*Begriffsgeschichte*), you may as well want to know how it relates to Rhetoric, the other discipline alluded to in the title of our conference on "Rhetoric and conceptual change". I could give an easy answer and claim, that what I have been doing in *Das Sagbare und das Machbare* is indeed nothing else than an exercise in rhetoric. I have identified typical forms and figures of speech in eighteenth and nineteenth century parliamentary debates; I have described those forms and figures as actions in the respective situations, evaluating their practical functions and effects; I did not concentrate on individual words, but on entire propositions, on chains of argument, even on whole sequences of speeches. What, after all, is this if not rhetoric?

And yet, I feel uneasy in using that term, rhetoric, as a description of what I have been doing. I would be much happier, if you would call it discourse analysis. This would, first of all, more properly reflect the intellectual genealogy of my method. For, when looking for inspiration at the beginning of my work, besides learning a lot from Koselleck and the Skinner/Pocock schools, I turned to the French school of historical discourse analysis, especially to the early experiments made by the French historian Régine Robin.[10] It was from her way of close reading the remonstrances of the old French *Parlements* in the *Ancien régime*, that I first learned how to reduce the endless variety of utterances in a speech to a small number of basic propositions. It was her example, and similar experiments made by Rolf Reichardt in his Bastille-project, which helped me to put my reading-technique on a firm empirical, if necessary quantifiable, basis.[11] Although I did not, as Reichardt and the French did, use quantification in my book, I insist that the 'mechanical' process of screening which I used to gain my data-base owes very much to the French concept of discourse and very little to the discipline of rhetoric.

On a more abstract level, the advantage of discourse analysis over rhetoric lies for me in the total exclusion of hermeneutics from the first reading of texts. My first reading of texts, what I call the 'screening'-process, happens at the surface of the texts alone and takes no notice at all of supposed intentions or motives of speakers or authors. My first reading thus takes language in its material form, its *matérialité*, as Foucault declared it to be necessary for discourse analysis.[12]

However, where I differ from French discourse analysis and where rhetoric comes back in, is the point where I move on to the second stage of my analysis. In that second stage I describe utterances, arguments and whole speeches as having certain practical functions and effects in the situation. At that stage, individual speakers (authors) come back into the picture.[13] Although it is true, as I said, that British politicians, most of the time, did not choose each and every word they said consciously, there are instances of tactical uses of arguments and sometimes even carefully planned linguistical strategies.

People in general and politicians in particular may not be free in the choice of what they say. Grammar and syntactical structures, established uses of vocabulary, special codes of what can be said and what cannot be said in institutions: all this puts certain limits on the linguistical room of manoeuvre. So far Foucault's concept of discourse as being a power is right. And yet, there is still such a room of manoeuvre in each institutionalized communication. There is a room which is open for a variety of utterances, and some of these utterances, some of this variety, may consist of consciously prepared tactical moves.

When it comes to identify and classify these speech acts, especially those planned in advance, the discipline of rhetoric becomes highly useful indeed. However, for my special field, parliamentary speech, classical rhetoric, the ancient authors from Aristotle to Quintilian are less useful than certain modern authors who wrote special treatises or comments on rhetoric with a view directly to influence parliamentary practice. In eighteenth and nineteenth century Britain, there is a long chain of prescriptive and commenting texts on how to speak properly and effectively in Parliament.

The series begins in the early seventeeth century with an anonymous tract called *Policies in parliaments*[14] and with collections of commonplaces, maxims and fallacies to be found in the work of Francis Bacon. The series continues in the later seventeenth and eighteenth centuries with precepts for effective speech by people such as the Marquess of Halifax or Lord Chesterfield and with further collections of commonplaces, for example Richard Tickell's *Commonplace Arguments against Administration*, a pamphlet dating from 1780 which listed standard phrases and tactical moves of the then opposition against Lord North, the author's declared aim being to put ridicule on speakers who continued to use such trite arguments and all too obvious tactics.[15]

To put ridicule on certain modes of speech was one purpose of this kind of literature. Besides making noises, coughing and ironical cheers, laughter was one of the most effective means of reducing opponents to silence and thus narrowing their linguistical room of manoeuvre.[16] Another purpose of that kind of literature was to prepare inexperienced, young members for their maiden speeches on the one hand, and to arm them with prefabricated answers against standard topics of opposing parties on the other. The early nineteenth century saw a rapid succession of pamphlets, articles and books of this kind, addressed to politicians, the aim of which was to intervene directly into the code of parliamentary debate. The most famous of these publications were William Gerrard Hamilton's *Parlia-*

mentary Logick (1808) and, as an answer to this, Jeremy Bentham's *Handbook of Policial Fallacies* (french 1816, engl. 1824).[17]

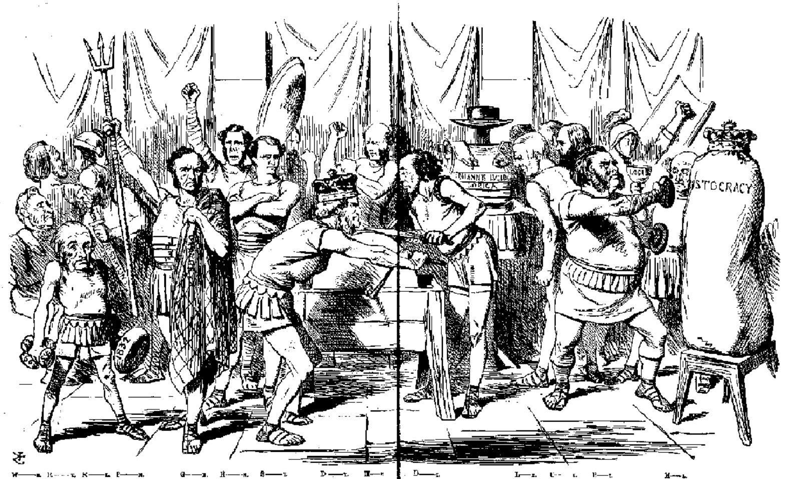
The struggle for parliamentary reform and the arguments used on both sides in this struggle were the focus of Hamilton's as well as Bentham's books and other similar publications of the 1820s and 1830s. Bentham's *Handbook* in particular was an effective example of applied rhetoric. Bentham gave expressive names to typical arguments of anti-reformers (for example: the Hobgoblin-argument or the Chinese argument), thus making these arguments recognizable and therefore potentially less useful in debate. Thus, Bentham's *Handbook* was, I think, an important antidote which helped to undermine the force of those hitherto dominant arguments, which relied on precedent, antiquity, prescription and so-called 'ancient rights' in the struggle for parliamentary reform.

Coming back to theory: Publications such as Bentham's *Handbook of Fallacies* can help to assess practical functions and effects of arguments. Yet, I would not recommend to use such contemporary classifications directly as a tool for analyzing parliamentary debate. Of course you will find plenty of examples which prove that Bentham was an excellent observer, but you will find not much else and therefore not much which will come as a surprise. This, to me, seems to be a general disadvantage if rhetoric, whether classical or contemporary, is chosen as a starting point for analysis of languages or codes within institutions: When using rhetorical treatises you will only find what you know already. As an addition to your own reading-techniques, however, treatises on rhetoric may be highly useful.

One last point: There was probably no time in British history in which logic as a discipline was more closely related to rhetoric as applied to Parliament, than in the years between 1832 and 1867, the years between the two Reform Acts. 'Logic' had already appeared in the title of William Gerrard Hamilton's book of 1808 (*Parliamentary Logick*), which was, in fact, not much more than a collection of maxims and rules for effective speech. However, logic gained a previously unknown prestige in parliamentary debate, especially among front bench politicians, after 1832. Looking at my web of propositions, I can show that in parliamentary discourse concepts derived from logic between the 1830s and the 1860s to some extent took over the place that had previously been occupied by concepts like 'ancient right', 'precedent', 'antiquity', and so on.

The fact is that debates on reform, especially in 1866 and 1867, turned very much around the concept of 'burden of proof', more precisely: around the question who should prove whether a reform was necessary or not, and who should prove whether the old system worked well or not. The concept of 'burden of proof' was of course an old concept, important especially in forensic rhetoric.[18] But between the 1830s and the 1860s, through prominent speakers (and authors) like Thomas Macaulay, Richard Cobden, George Cornewall Lewis, Robert Lowe, and especially John Stuart Mill it moved right into the center of political debate. Even in caricatures, Logic was depicted as a kind of magic potion to be used when preparing for verbal warfare in the House of Commons.[19]

PUNCH, OR THE LONDON CHARIVARI.—FEBRUARY 2, 1867.

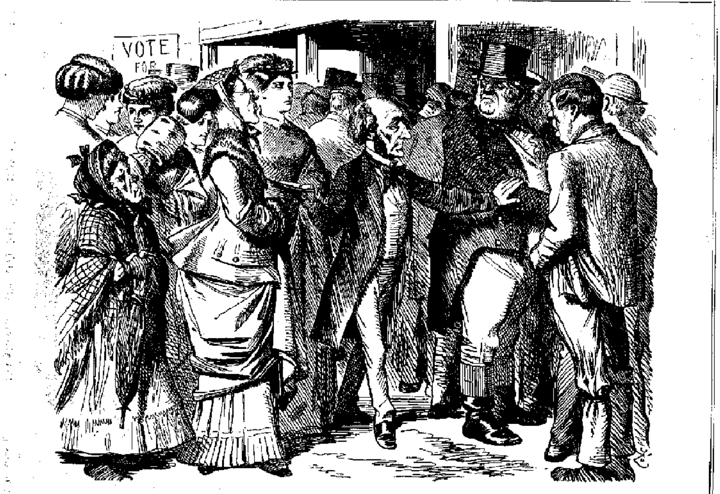


GLADIATORS PREPARING FOR THE ARENA.

Whether logical reasoning really was an effective means of persuading independent or doubtful members remains an open question. Contemporary voices differ in this respect. Whereas Disraeli ridiculed John Stuart Mills ratiocinations as bad oratory and called him a 'governess', other observers saw it differently.[20] They pointed to the profound silence and attentiveness of members while John Stuart Mill was speaking, and they claimed that he addressed himself successfully to the reasoning powers of the audience without needing any superfluous words.

What can be said with certainty is that John Stuart Mill's mode of speaking was recognized as unusual and as a challenge to established codes within the House. His intellectual authority at least made sure that one topic which had never been discussed seriously in the House before would, from 1867 onwards, be treated in earnest, namely the topic of votes for women. This, again, was reflected in caricature.[21]

PUNCH, OR THE LONDON CHARIVARI.—March 30, 1867.



MILL'S LOGIC; OR, FRANCHISE FOR FEMALES.

"PRAY CLEAR THE WAY, THERE, FOR THESE—A—PERSONS."

In the long run, then, Mill's logical rhetoric had some effects. In the short run, however, and in the mainstream of parliamentary debate for years to come, Disraeli's and Gladstone's rhetoric, which appealed in the first place to party-allegiance and notions of leadership became the dominant code of language in the British Parliament.

To sum up my review of continuity and change in the map of languages dominating the parliamentary code: We have seen an overlapping succession of five dominant languages. First a language of 'antiquity' and 'precedent' which died out in the reform struggles of 1831/32; second an aristocratic language of 'character' and 'honour' which was still decisive for the debates in 1831/32, but lost in importance afterwards; closely linked to this, thirdly, a discourse on 'public opinion' and 'the people' which moved from something to be controlled to something impossible to control in the 1830s and beyond; fourthly, a language of 'reason' and 'logic' gaining prestige in a period of transition between the 1830s and 1860s, but never really becoming dominant; fifthly and finally, a language of 'party' and 'leadership' which has replaced the old language of 'character' and dominated parliamentary debate ever since the 1860s.

Notes

[1] This article is based on a paper given at the conference “Rhetoric and Conceptual Change“, Tampere 28-30 June 2001. The character of an oral presentation has been retained; footnotes are kept to a minimum. For further references see my book: *Das Sagbare und das Machbare. Zum Wandel politischer Handlungsspielräume – England 1780-1867*, Stuttgart 1993.

[2] The following quotes are from Christopher Silvester (ed.), *The Pimlico Companion to Parliament: A Literary Anthology*, London 1997, 569f.

[3] There were only a few women members in 1932: Brian Harrison, Women in a Men's House. The Women MPs 1919-1945, in: *Historical Journal* 29/3 (1986), 623-654; Silvia Rodgers, Women's Space in a Men's House: the British House of Commons, in: Shirley Ardener (ed.), *Women and Space. Ground Rules and Social Maps,* Oxford 2nd ed. 1993, 46-69.

[4] Thomas Mergel, *Parlamentarische Kultur im Reichstag der Weimarer Republik. Politische Kommunikation, symbolische Politik und Öffentlichkeit 1919-1933,* Bochum Habil. 2000.

[5] Willibald Steinmetz, *Das Sagbare und das Machbare. Zum Wandel politischer Handlungsspielräume – England 1780-1867*, Stuttgart 1993.

[6] Still a good work for all questions concerning the Geschèon the 19th century: Josef Redlich, *Recht und Technik des Englischen Parlamentarismus,* Leipzig 1905.

[7] See Willibald Steinmetz, Gemeineuropäische Tradition und nationale Besonderheiten im Begriff der 'Mittelklasse'. Ein Vergleich zwischen Deutschland, Frankreich und England, in: Reinhart Koselleck u. Klaus Schreiner (ed.), Bürgerschaft. *Rezeption und Innovation der Begrifflichkeit vom Hohen Mittelalter bis ins 19. Jahrhundert.* Stuttgart 1994, 161-236; cf. also: Dror Wahrman, *Imagining the Middle Class. The Political representation of Class in Britain, c. 1780-1840*, Cambridge 1995.

[8] Cf. for this aspect: Willibald Steinmetz, 'Speaking is a Deed for You.' Words and Action in the Revolution of 1848, in: Dieter Dowe et al. (eds.), *Europe in 1848. Revolution and Reform,* New York/Oxford 2001, 830-868 (German version 1998).

[9] Quentin Skinner, Rhetoric and Conceptual Change, in: *Finnish Yearbook of Political Thought* 3 (1999), 60-73, 67f.

[10] Régine Robin, Histoire et linguistique, Paris 1973; id. and Denise Maldidier, Polémique idéologique et affrontement discursif en 1776: les grands édits de Turgot et les remontrances du Parlement de Paris, in: Jacques Guilhaumou et al., *Langages et Idéologies. Le Discours comme objet de l'Histoire,* Paris 1974, 13-80.

[11] For a comparative overview of various reading-techniques including Reichardts own see: Rolf Reichardt, Historische Semantik zwischen lexicométrie und New Cultural History. Einführende Bemerkungen zur Standortbestimmung, in: id. (ed.), *Aufklärung und Historische Semantik. Interdisziplinäre Beiträge zur Kulturgeschichte*, Berlin 1998, 7-28.

[12] Cf. Peter Schöttler, Sozialgeschichtliches Paradigma und historische Diskursanalyse, in: Jürgen Fohrmann and Harro Müller (eds.), *Diskurstheorien und Literaturwissenschaft,* Frankfurt 1988, 159-199.

[13] A similar position, distancing itself from certain implications of Foucault's concept of discourse, is taken by: Gareth Stedman Jones, Anglo-Marxism, Neo-Marxism and the Discursive Approach to History, in: Alf Lüdtke (ed.), *Was bleibt von marxistischen Perspektiven in der Geschichtsforschung?*, Göttingen 1997, 149-209, 192: "Foucault treats individuals as the assignees of subject positions within discursive practices, but he ignores the extent to which these practices changed as effects of the changing utterances and activities of these same individuals."

[14] Catherine Strateman Sims (ed.), "Policies in Parliaments". An Early Seventeenth-Century Tractate on House of Commons Procedure, in: *The Huntington Library Quarterly* 15 (1951/52), S. 45-58.

[15] Richard Tickell, *Common-Place Arguments against Administration with obvious Answers (intended for the Use of the new Parliament)*, London 1780.

[16] Cf. P.J. Waller, Laughter in the House. A Late Nineteenth and Early Twentieth Century Parliamentary Survey, in: *Twentieth Century British History* 5 (1994), 4-37; many examples of techniques to silence members can be found in: Silvester (ed.), Companion to Parliament.

[17] William Gerrard Hamilton, *Parliamentary Logick*, ed. E. Malone, London 1808; Jeremy Bentham, *Handbook of Political Fallacies* (1824), ed. H.A. Larrabee, Baltimore 1952. Cf. also Francis Jeffrey's Review of Hamilton's book in: *Edinburg Review* 15 (Oct. 1809), 163-175, and Sidney Smith's review of Bentham's book Bin: *Edinburgh Review* 42 (Aug. 1825), 367-

389, with the famous ‘Noodle’s oration’, a fictitious speech made up of various anti-reforming commonplaces available at the time.

[18] The concept of ‘burden of proof’ was made popular among nineteenth-century politicians by: Richard Whately, *Elements of Logic*, London 1826 (9 editions until 1850), and id., *Elements of Rhetoric*, London 1828 (seven editions until 1846); it was taken up and further elaborated by George Cornewall Lewis, *A Treatise on the Methods of Observation and Reasoning in Politics,* 2 vols., London 1852.

[19] See the caricature “Gladiators Preparing for the Arena”, in: *Punch*, 2 Febr. 1867.

[20] Cf. Waller, *Laughter in the House*, 19; Silvester (ed.), *Companion to Parliament*, 329f.

[21] Cf. the caricature “Mill’s Logic; or, Franchise for Females”, in: *Punch*, 30 March 1867.

Other Articles

Hubertus Buchstein

DEMOCRACY'S SECRET

Carl Schmitt and the German Critique of Secret Voting

Introduction

Individual citizens who have an equal right of political participation are the basic component of modern democracy. Max Weber describes in his article *Wahlrecht und Demokratie in Deutschland* (Voting Rights and Democracy in Germany) the role of the citizen as distinct from all other social roles: "From a pure political point of view, it is no accident that an equal 'numeral-electoral-law' ["*Ziffernwahlrecht*"] is gaining ground in every nation today. The equality of the vote in it's 'mechanical' character corresponds with the nature of the modern nation state. ... The equality of the vote indicates nothing else but: at this particular point in his social life, the individual is *not seen,* – as usually anywhere else – in his capacity with respect to his professional and family status or in his distinct financial or social position, but as a citizen only. It symbolizes the political unity of the state-citizens in contrast their antagonisms in the private sphere"[1] (Weber 1917:254). From Weber's point of view[2], the history of voting procedures in the 19th and 20th century can be read as a gradual institutionalization – of the individual citizen. Political sociologist have followed Weber's approach in their narratives of the history of voting rights[3].

In order to safeguard the role of the individual citizen, modern democracy has it's secrets. One of them is secrecy itself[4], in particular with respect to cast the vote. The secret ballot is by now compulsory in all Western democracies[5]. It's compulsory status shall prevent citizens from 'voluntarily' – or, to put it more bluntly: due to social pressure – voting publicly. By employing voting booths, ballot boxes or specially secured voting machines in public places, state authorities ensure the anonymity of voting. Modern democratic theorists strongly insist on it. To quote Robert A. Dahl, "secrecy has become the general standard; a country in which it is widely violated would be judged as lacking free and fair elections" (Dahl 1998:96)[6]. A few authors like Benjamin Barber, Claus Offe, and Albert O. Hirschmann have taken a less affirmative stand towards secret voting. According to them, the secret ballot is an ambivalent achievement. It fosters the privatization of politics to a degree of total dismantling of any aspirations of the common good. But only a few of them go as far as actually questioning the secret ballot; the dominant reform option lies in an expansion of deliberative institutions in modern democracies[7].

At the same time, mandatory secret voting has come under a different form of attack due to very recent developments in the technology of voting procedures. In most Western democracies experiments are under way which aim to an introduction of online-voting. According to the enthusiastic supporters of this new technology, citizens will cast their vote in the near future by using their home PC or cell phone. The challenge this means to mandatory secret voting is obvious: online-voting from home will shift the responsibility to secure the absolute secrecy of the voting process – similar to absentee voting by letter – from the state to the individual citizen. In effect, secret voting loses it's mandatory status and becomes voluntarily[8].

So both theoretical considerations and current plans to introduce online voting from home places the question of the relevance and status of secret voting back on the agenda of democratic theory. This discussion is much more difficult to put up in Germany than in other western democracies. The argument of this paper is that the deeper reason for this taboo can be identified as a misunderstood opposition to Carl Schmitt. For the later German debate on issues of the secret ballot, Schmitt's writings of the Weimar Republic had the effect of an intellectual narcotic.

The first section of the paper is a brief reminder of some historical aspects with regard to the introduction of secret voting in Germany (I). A closer examination of Schmitt's position reveals that he should rather not be counted as an opponent of the secret ballot, because, strictly speaking, he opposed the open ballot, too (II). Contemporary scholars have already pointed out that Schmitt's theoretical writings did not have much effect on the actual political system of the Third Reich. So the third section will deal with the Nazi electoral law without necessarily making references to Schmitt. The Nazi regime had formally adhered to the principle of secret ballot, even though there have been serious violations in practice. The most effective electoral frauds were not committed by violating the secrecy of the vote, but by ensuring that there are no meaningful alternative choices on the ballot (III). By uncoupling Schmitt's critique of the secret ballot from Third Reich politics I want to encourage a less rigid denial of any critique of mandatory secret voting. Instead we should pay more attention to the ambivalence of secret voting (IV).

I. From Public to Secret Voting

Before getting deeper into this topic, one has to remind oneself of the fact that secret voting is a relatively new achievement. Whenever in the late 18th or in the early 19th century the authors of the Federalists Papers and their opponents in North America, Jeremy Bentham, James and John Stuart Mill in England, or Immanuel Kant and Georg F. W. Hegel in Germany had discussed electoral law and voting rights, the electoral procedures they proposed (or critisized) were public. Citizens voted by calling the name of the candidates ('*viva voce*'), by signing in public voting lists, or by reading and submitting the ballot in front of their fellow citizens. Although the secret ballot had historic precedents reaching back to the ancient Greek and Roman eras, the open ballot was the form of voting that was commonly associated with democracy.

Not before 120 years today's mandatory secret ballot had begun to replace a public show of hands[9]. Secret ballot voting was first practiced in the Australian colony of Victoria in 1856, using ballots that have been printed in advance and ballot boxes. During the following 65 years, the 'Australian ballot,' – as it was named after the continent of its origin – was introduced in almost all then existing democracies. It was established in 1870 in New Zealand, 1872 in the UK, between 1873-75 in Canada, 1877 in Belgium, 1884 in Norway, 1887 in the Netherlands, after 1888 in several States of the U.S., 1907 in Austria, and 1913 in France, to mention only some countries.

In comparison to other Western democracies, Germany stands out due to it's particular duality from 1871-1918[10]. On the national level of elections for the German Reichstag, secret voting was introduced already in 1871. In the largest German state, Prussia, elections to the Prussian Parliament (but not to the *Reichstag*) were held viva voce until the collapse of the Kaiserreich in 1918. It was incorporated into Article 22 and 125 of the Constitution of the Weimar Republic which later became the model for the equivalent articles in the Basic Law of the Federal Republic of Germany. In the Weimar Republic it was due to an extensive interpretation of Article 125 of the constitution[11] that mandatory secrecy did not only apply to federal and statewide elections, presidential elections and referenda, but also to elections of employees' representations, health insurance boards as well as professional associations.

Constitutional lawyers of all political colors named their good reasons for the secret ballot[12].Only one leading constitutional law scholar was at odds with this broad consensus among the commentators of the Weimar Constitution: Carl Schmitt. This fact has shaped the German debate on public and secret voting until today.

Such a line of argument blends Schmitt's theory of voting with the later electoral practices of the Third Reich in a way that misrepresents both Schmitt's theory and the national-socialist electoral procedures. It can be found exemplary in a statement of Wilhelm Grewe shortly after the foundation of the Federal Republic in 1949. Obviously reflecting on his own earlier criticism of the secret ballot during the Third Reich, Grewe[13], wrote: "it is to be expected that, due to the political experiences of the recent past, these [i.e. Schmitt's] arguments cannot be upheld even by those who had articulated them bona fide" (Grewe 1949:470).

Advantages and disadvantages of secret voting have never been discussed extensively in Germany after 1945. This silence is not the result of a sweeping majority for secret voting at the point of constitution-making. Rather, the image of the most outspoken German critic of the secret ballot, Carl Schmitt, caused public and secret voting to be a non-issue. A certain intellectual reflex was commonplace in German post-war debates: if Schmitt, who had been a supporter of the Third Reich in it's early years, argues against the secret ballot, this very principle has to reasonable.

II. Carl Schmitt's Critique of the Secret Ballot

In the German Empire, the controversies about the appropriate voting procedures were embedded in the debates about the characteristics of the State and the status of the citizens' interests vis-à-vis the State.[14]. In a short article on parliamentary electoral law written in 1912, Rudolf Smend portrays a sharp division in the German controversies on the electoral laws. Smend's basic analytical distinction can already be found in the reflections for electoral reform by the French journalist and centre-right politician Charles Benoist in 1896[15]. According to Smend, two different notions of the state have evolved since the early 19th century, one being 'historical-organic' and the other 'rationalistic-mechanistic.' Both concepts imply different theories of elections, each envisioning an optimal way of facilitating the people's participation in government. In the rationalistic concept of the state, the franchise is the individual right of reasonable citizens, while the organic concept of the state implies that the right to vote is essentially a political right that is granted to holders of certain positions in the state, or according to traditional titles. The latter notion favors the secret ballot, since interests are seen as subjective attributes. Therefore, interests do not need to be legitimized, they only need to be articulated by persons authorized to vote. The defense of the open ballot, in contrast, is part of the rationalistic notion of the state. According to Smend, public voting is part of the rationalistic attempt to search for objectively right aims in politics. The open ballot is part of the rationalistic notion of the state, because it implies that citizens, being part of the larger project of searching for objectively right policies, have to justify their interests and views in front of their political community.[16] Later, during the Weimar Republic, Smend became one of the leading conservative and anti-liberal constitutional theorist. His '*Integrationslehre*' was strongly anti-rationalistic and goes without any critique of the secret ballot. The voting act for him was a symbolic means of political integration.

Carl Schmitt also took an instrumental position. Even after 1949, he rejected any general concept of elections. "By elections," he writes in 1956 in a book on Shakespeare and Germany, "we usually only mean free elections" (1956:59). Such a concept, he continues, is a liberal narrowing of the original scope. Looking at a wider time frame, "a concept like elections should only be used in connection with and against the background of the concrete political order of the respective people" (59). What, then was Schmitts position during the Weimar Republic?

The secondary literature on Schmitt and his ideas is still today both extraordinary and controversial. It is remarkable that within the large body of secondary literature on him, a comprehensive study on his criticism of secret individual voting does not exist yet. This is even more astonishing if one takes into account that this criticism of electoral procedures was Schmitt's trigger for distinguishing between democracy and liberalism and then turning this distinction against the concept of liberal democracy.

Which were the main points of Schmitt's criticism?

Different writings from the 1920s reveal how Schmitt imagines his critique to be translated into the political system of the Weimar Republic. In his *Verfassungslehre* (1928), he develops a concept of democracy that is deeply rooted in Rousseau's thought. The individual secret election is, according to Schmitt, not a democratic, but a liberal institution that "is in contradiction to the political principle of democracy" (Schmitt 1928:245). In *Verfassungslehre*, Schmitt continues a line of reasoning that he had begun in *The Crisis of Parliamentary Democracy*, originally published five years earlier. In the 1926 preface to the second edition of the book he states that efforts aimed to introduce the individual and secret ballot are part of a "undemocratic conception, resulting from a blend of liberal principles in the nineteenth century" (Schmitt 1926:16).

Schmitt spots two major faults in the liberal mode of decision-making. Of the two objections he raises, only the first one (a) is directed against the secrecy of the vote as opposed to the open ballot. The second one, in contrast, reveals that Schmitt's criticism is much broader than his objection against the secret ballot. Rather, he is opposed to the idea of individual voting in general (b).

(a) Schmitt's arguments against the secret ballot are rooted in a certain notion of the democratic sovereign, the people. "The people," asserts Schmitt, is "is a concept in public law. The people exists only in the sphere of publicity" (Schmitt 1926:16). The people and publicity either exist together or not at all: "no people without publicity, and no publicity without a people" (Schmitt 1928:243). The public realm is, in turn, not defined by requirements such as the exchange of opinions, mutual advice, or the common quest for truth. Instead, the public realm exists whenever the people is convened. "Through its presence, the people creates the public realm" (Schmitt 1928:143). This requirement of actual presence implies a certain modus of decision-making. "Only the actually convened people is a people," states Schmitt in his 1927 writing *Volksentscheid und Volksbegehren*," and only the people that is actually convened is capable of exercising the specific right of a people: acclamation" (Schmitt 1927:35).

According to this criterion, the secret ballot endangers the "authenticity" (Schmitt 1927:35) of the people's expression. Even worse, this electoral procedure destroys the people's specific modes of expression. "The unmediated presence of the people," Schmitt contends, is eradicated by "the isolation of the individual voters and the secrecy of the vote" (Schmitt 1927:35). For liberal electoral procedures, the ideal voter is not part of the masses, but acting as a selfish private individual. In contrast, "according to the democratic ideal, the voting citizen is not a private individual, but acts in a public position. But contemporary electoral procedures, most prominently the individual and secret ballot, transform the citizen into a private person at the crucial moment of voting. The secrecy of the vote is the point at which this transformation takes place and democracy is distorted in order to accommodate the liberal protection of the private sphere" (Schmitt 1928:246).

The contemporary procedures of individual elections with the secret ballot endanger the political by completely privatizing the process of voting. In *Wesen und werden des faschistischen Staates* (The Essence and Development of the Faschist State), a sympathetic comment on current Italian politics, Schmitt critizises liberal democracy by “displacing the people as a political body from the public sphere … (the sovereign disappears into the voting booth)” (Schmitt 1929:110f.). The consenting opinions of millions of such private individuals cannot form a public opinion. The result can therefore only be the sum of private opinions. This procedure cannot produce a *volonté générale*, but only a *volonté de tous* (Schmitt 1928:280).

Schmitt was not the only right-wing author in the Weimar Republic to criticize the liberal notion of voting. Most representatives of the political right of the Weimar times had similar views. In *Die Herrschaft der Minderwertigen* (The Rule of the Inferior), a widely read book written in1927, the young conservative Edgar Jung remarks that “voting is nowadays the expression for mechanical aggregation” (Jung 1927:246). Gerhard Günther, in his 1932 book *Das werdende Reich* (The Dawning Empire) objects to the “ever more sophisticated extension of a statistical voting machinery” and claims that “the essence of democracy is that the people acts in its entirety” (Günther 1932:177).

(b) However, Schmitt’s criticism of the secret ballot should not lead to the misguided conclusion that he was an advocate of democratic open ballot elections. Schmitt’s second objection to secret voting, most comprehensively formulated in his 1927 booklet *Volksentscheid und Volksbegehren* (Referendum and Petition for a Referendum), reveals that he generally opposes individual acts of voting — regardless whether the ballot is cast openly or secretly.

According to Schmitt, the procedure of individual voting is based upon the “widespread, typically liberal misconception that the individual voter is asked to express his founded opinion on a substantial question, and that the voter should be encouraged to articulate his opinion on all kinds of subject matters. This would not be democracy, and it is not even acceptable as a mere ideal,” (Schmitt 1927:35). Schmitt does not count on the citizens’ democratic participation, but relies on statist modes of political decision-making. The consequence from these thoughts he draws in the 1929 article on the essence and development of the fascist state is a general rejection of open elections as means of political decision-making: "The fact that the [italian] fascism refrains from holding elections, and hates and despises the whole business of 'elezionismo' is not undemocratic, but anti-liberal," (Schmitt 1929:110).

(c). To sum up my point here. Schmitt does not only view secret voting, but individual voting in general as undemocratic. Publicity and individual ballots are antagonisms, and their incompatibility cannot be wiped out by deliberately combining both. Public as well as secret ballot elections violate, according to Schmitt, the basis of democracy, which he thinks is the reacting and acclaiming public. With this view, Schmitt stands in stark contrast to the individualistic interpretation of democracy by Max Weber and Robert A. Dahl quoted above.

Schmitt's critical comments during the Weimar republic on secret voting did not go undisputed by his fellow constitutional scholars. The social-democrat Hermann Heller and the liberal Hans Nawiasky both countered Schmitt's arguments by pointing out that only the liberal component of protecting the voters through the secrecy of the ballot can ensure genuine democratic decision-making.[17] But their replies remained relatively unnoticed. Not because their arguments were so weak, but because this debate was only a minor aspecz in the whole debate on Schmitt in the early thirties. Schmitt's general critique of the Weimar parliamentary system and the role of the president had stirred up a hornet's nest and provoked many scholars to either agree with him or to oppose his line of reasoning fiercely. In comparison to this debate, Schmitt's arguments against secret voting were not discussed as a practical reform option.

III. Third Reich Electoral Politics

One would expect that the interest in Schmitt's critique of secret voting would have increased after Hitler's government coalition came into power on January 31, 1933. But the electoral law ensuring the secrecy of the ballot, as well as the respective constitutional provisions and executive order on electoral procedure all remained on the books during the entire rule of the Nazi-party.

For the immediately following elections of November 1933, the election commissioner, Minister of the Interior, and parliamentary leader of the NSDAP, Wilhelm Frick, even firmly insisted on ensuring the secrecy of the ballot. The reasons for this move were strategic: Frick was sure that the new government led by Hitler would get a high percentage of the vote even without obvious electoral fraud. Violations of the secrecy of the vote would accordingly be unnecessary actions of overzealous party followers that could only harm the international legitimacy of the election results.[18]

Frick's old fellow party members were irritated by these orders. They thought the secret ballot to be a sellout of national socialist ideals and principles. Four days prior to the election, The Regional Leader of the Farmers in Upper Silesia announced in the *Frankfurter Zeitung* to the Farmer's Leader that "Upper Silesia's free German farmers will profess their loyalty to Adolf Hitler and to the government freely and openly, and will not make use of the secret ballot invented by Marxists and Liberalists."[19] Still, Frick finally prevailed. Regardless of all measures of political terror, contemporary foreign observers confirmed that the secrecy of the vote was usually ensured. Adolf Hitler did not articulate his view on this issue, but allowed Frick to continue. From a passage in Joseph Goebbel's diaries of the Olympic year 1936 we know, however, Hitler's own opinion on the secret ballot. Goebbels writes "The Leader wants another election — if the opportunity is good. But this time open. Because the secret ballot is not proper. The person that is elected has stand to his principles with all of his responsibility, but the voter does not even mention his name. This does not work."[20]

Neither Schmitt's criticism of secret voting nor Hitler's disdain for this electoral procedure had any consequences for the electoral law in the Third Reich. Even after the regime was firmly established, both the Reichstag elections of 1936 and 1938[21] and the referenda — in November 1933 as a general appreciation to the politics of the *Führer*, in August 1934 on the transfer of competences from the President to the Chancellor Adolf Hitler, and in April 1938 on the accession of Austria — were conducted with the electoral procedures as known from the Weimar Republic. The Third Reich never officially renounced the secret ballot, and in the relevant constitutional commentaries it was mentioned positively — even in the last editions that were published during the war.[22] Some violations of the secrecy of the ballot are known, but these are rare cases. For example, during the 1938 elections the special security division (SD) of the SS controlled potential opponents of the regime in some districts by invisibly marking the ballots with numbers, creasing the edges of some ballots, or secretly observing the voters behind the sight screens.

Such violations were sometimes discovered and gave rise to rumors. In *Der Waldgang*, Ernst Jünger – a close right-wing fellow of Schmitt – recalls in 1951 his feelings concerning the election and these rumors in those years: "the voters ... would have preferred to abstain (from the election), but this act would have unmistakably documented his views. But participating also seemed dangerous, since the science of interpreting fingerprints, and sophisticated statistical methods, have to be taken into account," (Jünger 1951:7). A few pages later he notes the last thoughts before entering the voting booth: "only yesterday he had heard that the ballots were to be numbered by a typewriter without a typewriter ribbon" (Jünger 1951:12). Some of these violations of the secrecy of the ballot may have been severe. Still, the overall analysis reveals that the electoral manipulations by the national socialists were not as much centered on robbing the voters' anonymity as on terrorizing political foes and keeping potential alternative choices from the ballot.

As the Third Reich had ended, all German states once again adopted the secret ballot in their constitutions, picking up the thread from the Weimar Republic and its Constitution. The same provision was later on incorporated in the Basic Law of West Germany and Constitution of East Germany. In West Germany, the Federal Electoral Act guaranteed the mandatory secrecy of the vote. In East Germany in contrast, the citizens were practically asked to profess their approval of previously determined candidates — regardless of the constitutional provisions and the laws protecting the secrecy of the ballot.[23] Although there were voting booths in the room, the voters were effectively forced to cast their votes publicly, since the representatives of the "National Front" and the Unified Socialist Party (SED) had called upon voters to vote publicly. Tenants' associations and workers' collectives 'voluntarily' committed themselves to casting their votes visibly to anyone. The procedure worked as follows: After showing their identity cards to the election commissioner, the voters were handed the ballots, but no envelopes. The voters were expected to simply fold the ballot and then put it into the ballot box, thus signaling the acceptance of the listed candidates. Only voters who explicitly decided to do so chose another way: They went to the voting booths and modified the list of candidates by crossing out one or more names. Until the breakdown of the GDR, only a minority of the citizens practiced the latter procedure, and absentee ballots were not allowed. The GDR constitutional scholars defended the voluntary status of the secret ballot.[24] Only since the elections of March 1990, the secrecy of the ballot is mandatory again on the territory of the former GDR.

Even though the differences between the voting procedures of the FRG and the GDR are immense, the decisive factor for sustaining the GDR regime was not the forced publicity of the vote but the previous abolition of alternative choices on the ballot.

IV. Conclusion: The Dilemma of a Critique of Political Individualization

The line of argument in this article so far can be summed up in two points: First, Carl Schmitt's criticism of the secret ballot was not primarily aimed against the secret ballot, but rather against individual voting procedures in general. Schmitt believed every individually cast ballot to be an undemocratic act, regardless of the issue of secrecy. Even public voting procedures, as long as the participants act individually, would violate Schmitt's notion of democracy. Consequently, Schmitt does not genuinely belong to the group of famous opponents of the secret ballot. This fact is especially remarkable since all attempts to cautiously point out problems of secret voting in Germany were disqualified simply because Schmitt was thought to be on the same camp. Schmitt's criticism of the secret ballot had therefore the paradox effect of rendering any new attempt of criticizing this electoral procedure, or pointing out its disadvantages, futile.

The second observation is concerned with the development of secret and public voting after the breakdown of the Weimar Republic. There is no evidence that electoral procedures containing the open ballot were instrumental in sustaining dictatorial regimes. The Third Reich held on to the secret ballot — with only few exceptions. The regime secured its power basis by not permitting political alternatives. The development in the GDR was different. There, voting basically became a publicly visible act, with only few brave exceptions. But even the GDR regime did not rely on public voting as a strategy for securing apparent support. Rather, political foes were terrorized and the available choices on the ballot were pre-selected by the regime. Both regimes were based on outlawing political opposition, and not on a certain electoral procedure.

My discussion of the German case may be generalized and then leads to a more ambivalent view of secret voting. It is a view that is less doctrinaire in it's defense and less patronizing towards it's critique. With respect to the current challenges to secret voting which were mentioned in the introduction, such a less rigid position may be connected to two different models of democracy: the republican model and the preference-aggregation model.

In the context of the republican model one can find critical objections against the secret ballot already in the work of John Stuart Mill[25]. Republican critics of the secret ballot like Mill are concerned that the secrecy of the ballot fosters the voters' tendencies to refrain from discussing and justifying their political views and decisions. For them, the voting booth has an eminently symbolic political function, namely conveying the message that politics is an area in which the citizens act isolated from each other. In their view the secret ballot reinforces the trend of forming political preferences according to the estimated individual benefits. Thus, regardless of it's advantages, it contributes to the erosion of political convictions oriented at the common good. Recalling such criticism need not lead to the reintroduction of the open ballot. Rather, the knowledge of such criticism alerts to those institutional settings which lead to a privatization of politics in which the aspirations of the common good will get destroyed. The republican reform option lies not in the reintroduction of public voting but in the supplementary provision of institutions which counters the individualizing effects of modern voting procedures through political participation[26]

In light of current initiatives to introduce online-voting from home PCs or cell phones a less rigid position on mandatory secret voting would be attractive too. This is because online-voting from home cannot guarantee the absolute secrecy of the vote. It is up to the individual citizen whether he or she is able or even wants to vote secretly. There are good reasons to assume that this kind of voting will make political individualization to an even more dominant feature. Online-voting from home takes politics farther away from its public habitation. Preferences on public issues are expressed literally from the center of the private existence. Democracy gets divorced from the symbolic spaces of concern for the common good. Online-voting will probably encourage privatistic judgements on public issues and thus erode public oriented citizenship[27].

Thus any critique which weakens the normative status of the secret ballot faces a dilemma: on the one hand such a critique is necessary in order to put pressure on political reforms which will foster concern for the common good; on the other hand any weakening of the status of the secret ballot may give way to an even further privatization of politics through online-voting. In some respect it was easier in the days of Max Weber to reflect on problems of voting procedures.

Notes

[1] The italics are in the original. – If not otherwise indicated, all translations from the German originals are mine (H.B.).

[2] For a deeper discussion of this aspect in Max Weber's work see: Palonen 1998: 187-192.

[3] Most prominently Rokkan 1970. See more recently the detailed study of the French case: Rosanvallon 1993.

[4] For subtle discussions of the general relationship between democracy and secrecy see: Gutmann/Thompson 1996: 95-127, Jestaedt 2001, and Dean 2001.

[5] See Reeve/Wade 1992:98ff. and Nohlen 2000:38f.

[6] On the mandatory status of secrecy see the argument by Tom Schelling: "The mandatory secret ballot is a scheme to deny the voter any means of proving which way he voted. Being stripped of his power to prove how he voted, he is stripped of his power to be intimidated" (Schelling 1980:19).

[7] See: Hirschman 1984:112ff, Barber 1984:187f., Offe 1989:767f., and Garrigou 1993:24f. Jean Paul Sartre made a similar point in one of his late writings (Sartre 1976:80). Only Geoffrey Brennan and Phillip Pettit go as far as advocating the reintroduction of the open ballot (Brennan and Pettit 1991).

[8] On online-voting in general and it's implications for secret voting in particular see: Buchstein 2001b, Neymanns/ Buchstein 2002.

[9] A detailed account of the history of public and secret voting is given in my book: Buchstein 2000.

[10] For this constellation see: Buchstein 2001a.

[11] The leading liberal commentator Gerhard Anschütz (1932) has been a proponent of the extensive interpretation. Friedrich Stier-Somlo and Georg Kaisenberg, in contrast, have argued for a restrictive interpretation of this clause, limiting its applicability to elections in which the voters are called upon as citizens as opposed to members of associations, see Kaisenberg 1930:165.

[12] On the interpretation of the relevant provisions of the Weimar constitution see Seifert 1934:29-74, Heyl 1975:87-91, and Gusy:1997:56, 116f.

[13] Wilheln Grewe (1911-2000) became a member of the Nazi-party early in 1933 and taught international law and political science at Berlin University until 1943. He was then expelled from the party because hresisted to divorce his jewish wife. In the Federal Republic Grewe became one of the main political advisers of Konrad Adenauer.

[14] On this debate see Schönberger 1997.

[15] On Benoist's criticism of the 'inorganic' universal suffrage and his proposal for a collective democracy see: Jones 2000:30-32.

[16] "The open ballot is the electoral law of rationalism. In this concept, casting a ballot, or voting, is an act determining the objectively correct, true, and best. Such an act is subject to public scrutiny. Public voting facilitates this analysis, posing the question whether the chosen candidate is fit for this position. The secret ballot, in contrast, leaves the decisions to the subjective discretion of the voters. The political views of the modern voters are beyond debate, they are matters of private taste. The function of the secret ballot is to give unhindered and uninfluenced voice to all components forming contemporary society." (Smend 1912:11f.)

[17] In his 1929 article *Rechtsstaat oder Diktatur* (Rule of Law or Dictatorship) Heller fundamentally opposes Schmitt's arguments: "If the liberal rights of freedom of expression, of assembly, of association, and of the press, as well as the secret individual vote are graded down, the guarantees of a genuinely democratic determination of the people's will are removed simultaneously" (Heller 1929:457). Nawiasky comments on Schmitt's

theses even more in depth. “The secret ballot,” he writes, “is really not, as Schmitt thinks, an expression of liberal conceptions of the state, but, to the contrary, it is thoroughly democratic. The secret ballot can, unlike the individual and subjective right of the local dignitaries, achieve the social ideal of uninfluenced and unintimidated expression of everyone’s will, including the will of those who are economically dependent. This concept is *unrealistic* because it neglects the fact individuals do not even act isolated in private life, and much less in social actions, in which they always act as a part of a group. The secrecy of the ballot only protects from having to reveal the position of the group one truly feels a member of. The secret ballot is therefore not only no negation of democracy, but moreover it is one of the most necessary preconditions of democracy,” (Nawiasky 1931:184, italics in original).

[18] Twelve days prior to the elections in November 1933, Frick sent a memorandum to the state governments, demanding that the secrecy of the vote has to be observed. “For the election and referendum of November 12, I ask you to protect the polling places and the voters in the usual manner. … The result of the referendum should not be diminished by news about cases of ‘election terror,’ which will only give rise to more anti-German propaganda,” Memorandum of the Minister of the Interior to the State Governments, November 1, 1933. Quoted in Hubert 1992:252.

[19] Quoted in Hubert 1992:254.

[20] Diary entry of December 30, 1936. Quoted in Goebbels 1987:763.

[21] Gesetz ueber das Reichstagswahlrecht vom 7. Maerz 1936, Reichsgesetzblatt 1936, I:133 and Zweites Gesetz ueber das Reichstagswahlrecht vom 18. Maerz 1938, Reichsgesetzblatt 1938, I:258.

[22] See: Stuckart/ Rosen-v. Hoewel/ Schiedermair 1943:71.

[23] “The ballot boxes shall be made in such a way that the secrecy of the ballot is ensured,” Gesetz ueber die Wahlen zu den Volksvertretungen der DDR (1976), Art. 31, para 1. Quoted in Lapp 1982:117-30. For the electoral practice in the GDR see Kloth 2000:69f., 105f.

[24] The constitutional interpretation went that the voters’ ‘renunciation’ of using the voting booths does not violate the secrecy of the ballot because the principle of casting a secret ballot does not imply the obligation to use the voting booth, but only the right to do so. The voters finally decide whether they want to make use of this right. Worries about similar practices induced the FRG constitutional scholars to interpret the secrecy of the ballot provisions more strictly. According to this interpretation, the secrecy of the vote is no right that citizens can claim or relinquish, but a legal duty (see footnote 6 above).

[25] In chapter 10 of his *Considerations on Representative Government,* written in 1861· J. St. Mill gives a set of arguments for public voting (Mill 1862:205ff.). For a discussion of Mill and the 'republican tradition' in the critique of the secret voting see: Buchstein 2000:633-673.

[26] The classic programmatic statement of democratic republicanism is Barber 1984.

[27] See. Buchstein 1997 and 2001b.

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Per Mouritsen

VIRTUE, SIZE, AND LIBERTY

Republican Citizenship at the American Founding

Introduction

The purpose of this article[*] is to examine conceptions and arguments about citizenship as they became formulated in the constitutional debate surrounding the Philadelphia Convention. This context, I shall argue, was an important setting of republican thought – a category in need of clarification. The paper traces the several manners that republican concerns with the conditions of liberty were reformulated, challenged, and eventually (all but) defeated in the context of the possibility – or spectre – of a commercial, federal, and above all *large* republic. These republican traces are hopefully interesting in themselves. The structure and flavour of my representation of the movement of concerns in early American constitutional discourse also suggests to observers of present day and coming European Union debate that in more ways than we may think – particularly in small Nordic countries – 'we have been there before'.[1]

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[*] This article was presented at the ECPR-joint sessions, April 2000 in Copenhagen, in the workshop 'Citizenship in a Historical Perspective'. I am grateful for helpful comments from this audience as from an anonymous reviewer of this journal.

The American scene was different from previous contexts of republican discourse in several ways. First, free-holding and absence of feudal structures had created a social levelling unseen in the Old World. Americans considered themselves fundamentally equal as oppressed subjects of the British crown. The War of Independence bred a revolutionary ideology, based on doctrines of natural rights and just resistance against tyranny, which were enshrined in state constitutions, created in 1776-77 under the umbrella of the Confederation. In terms of civil and political rights (and ignoring the status of slaves, Indians, and women) America's was the first *democratic* republicanism. Whatever mechanisms of representation, second chambers, and divisions of powers were called for, these political forms became seen as so many instruments of a government by and for the whole, *sovereign* people – even though opinions about the wisdom and capacity for virtue of this people differed (Wood, 1992, pp. 91-98).

American citizenship reflected colonial experience. Liberty above all was the personal, self-sufficient *independence* of the individual, particularly against the tyranny of unjust taxation, aristocratic privilege, and arbitrary, unaccountable rule.[2] With immigrants fleeing from religious oppression in Europe, it was also freedom of religion and toleration. Both these proto-'liberal' aspects (Skinner, 1998) were conceptualised to require *limited* government, consisting of the mutually *delegated* functions and powers essential to secure liberty – although which functions, how delegated, and to what level was not agreed upon. In both ways, American discourse eventually became distinctly *national*, but concerned with its own role as herald of good tidings for the world.

A third aspect was *size*. The vast territory and colonial division into heterogeneous and even unconnected states revived the ancient debate about smallness and homogeneity as a condition of republican liberty. American discourse came to centre on the possibility of a national, *federal* consolidation, and whether, or to what extent, forms of identification and virtue could be expected at this level. Also, as a new problem of size, which was typical of a democratic political culture, the discourse of republican liberty was connected to the difficulty of adequate representation of diverse legitimate interests. Possibly the greatest theme of the American debate became the tension between local liberty on the one hand and the dimensions of liberty which required federal consolidation on the other.

Such generalities aside, clearly more than one set of roots of American citizenship may be traced. In the limited period primarily covered in this paper – immediately before, during, and right after the Federal Convention – a new vocabulary of natural rights, commerce, consent, and democratic sovereignty was mixed with an older one of balanced interests, civic virtue, and patriotism – but it was so in several distinct ways. Anti-Federalist opponents to the new constitution were not an entirely homogenous group. And amongst Federalist defenders were democratic radicals like Paine and Jefferson as well as the more conservative Madison. In inventing a new, sceptical-realist 'economy of virtue', the latter's work engaged and reformulated the republican tradition, but it also made amendments and required new assumptions which became part of the beginning of its eclipse. Other figures like Hamilton and Adams, only mentioned in passing in what follows, in each their way consciously departed from this tradition.

I use the category of *citizenship* in the title and have three conventional aspects in mind. The first concerns legal and material content of the *status* of citizenship. This is about the specific *ius* or set of rights, liberties and entitlements, and legal duties equally enjoyed and mutually guaranteed by citizens. It is also about the normative and political derivation of this status. The second aspect concerns *identification*, that is the conceptualisation of modes and mechanisms of belonging and allegiance to a political community, including its specific substance in a given political culture, and related to this the identitarian definition and delineation of membership and exclusion. The third aspect concerns conceptions (with possible legal consequences) of the *good citizen*, i.e. dispositions and character traits, role models, and activities that are valued.

To discuss American citizenship in a historical perspective entails taking a stand on its 'republican' or 'liberal' or indeed some other (hybrid) nature. The title indicates a preference for the first perspective. To anticipate what this means, in relation to the numerous ideological influences, which so obviously converged in America, some preliminary remarks are required. These are found in section 2. Section 3 deals with how the, essentially negative liberty and rights-centred, status of citizenship or republican *libertas* was derived in three versions of the formats of the self-government – rights nexus. Sections 4-7 consider the second and third aspects of citizenship in terms of those identifications, virtues, and activities that were considered *necessary* as well as realistically forthcoming, to protect this status – but also more broadly the institutional and constitutional mechanisms of the new republic required to sustain these dispositions and identifications in turn. Answers to these instrumental questions differed. Each new argument forwarded by Federalists and challenging 'old' republican assumptions, met with obstinate Anti-Federalist rejoinders. Such arguments first concerned the relation between territorial size, the possibility of representing legitimate diversities of interest, and the generation of allegiance (section 4). Secondly, they were about the need for and the proper content of civic virtue (section 5). Thirdly, they dealt with the requirements of national consolidation and the nature of the relation between power and liberty – giving rise to disputes over Madison's arguments on divided sovereignty, political pluralism, and complex government (section 6). A final theme was that of a Bill of Rights (section 7).

The following sketch of the roots of American citizenship is primarily concerned with the elite discourse of participators to, or commentators on, 'the Miracle in Philadelphia'. Little is said of what happened later on in American history. Nor does the proposed approach deal with the relations of power and interest underpinning various positions. While friendly towards conceptual history methodology the focus is on theoretically interesting diversities 'for us'.[3] I deliberately play down details of the *history* of the debate. After all, the 'founding' was not a single event as much as a sequence of ideological struggles, which started long before the Philadelphia convention and continued into the next century (to some it is not yet over). The article seeks to uncover and differentiate specific *arguments*, which are seen as possible responses to real historical dilemmas, faced in America, concerning how to secure liberty in a large state. At least one way to view American citizenship is in terms of such crystallised experience with, and competing evaluations of the conditions of liberty, including experiences and evaluations that were washed away by historical developments. The American citizenship thus uncovered is largely in the past tense, and section 8 briefly recounts the decline of American republicanism. In this section the argument becomes somewhat more normative, as I suggest the need to remember, despite their failures and nostalgia, also the doubts and reservations of those who lost in the great debate.

Interpretations of the American Revolution

The very nature of the values fought for in the American Revolution, which informed the Philadelphia debates, has been contested. Not only is there no agreement that American values were republican. There is also disagreement about what republicanism – and liberalism – means.

The early consensus on the 'liberal' founding was classically challenged by J.G.A. Pocock. His American heritage was not the liberalism of individual rights, natural law, or possessive individualism, but the heroically backward-looking attempt to give a fresh start to a truly political way of life in active self-government, in defiance of European corruption. The revolution was "the last great act of the Renaissance ... emerging from a line of thought which staked everything on the renovation of virtue". Nor was the Anti-Federalist defeat the beginning to the end. The 'Machiavellian' moment did come to rest in the myth of the frontier and in Jefferson's ultimate recognition that even America's capacity to supply the foundations of virtue was not infinite. But both the science of balancing interests in the tenth *Federalist* and Jefferson's "preservation of a yeoman commonwealth as the secret of virtue's maintenance", to Pocock, was in continuity with the tradition.[4]

This civic humanist history of America has met with much criticism. Just as Pocock's virtuous citizen had clearly re-emerged in the new republic, it is difficult to ignore the presence and competing concerns of some specimen of early capitalist man with possessivist and meritocratic inclinations (Kramnick 1982, 1990). There were also enlightenment individualists, disposed towards private moral independence (Appleby 1992: 324-27), as well as radical puritans (Kloppenberg 1987). The debate of course continues on the exact measures and flavours (and meanings) of these incarnations in different authors. There is reason to beware of what Pocock eventually conceded to be 'tunnel history', i.e. the excessive compartmentalisation of conceptual 'discourses' and 'paradigms', which, while supposedly incompatible or even incommensurable, quite often overlap. More specifically, a great deal of the debate, scholarly readings of individual authors notwithstanding, exhibits certain cross-purposes regarding the nature of the perceived *conflict* between the 'old' and the 'new', 'republican' and 'liberal' languages respectively.

The interpretative thesis which guides the following is a species of that new 'revisionist revisionism' which was inaugurated by Quentin Skinner and Maurizio Viroli, and which I believe may be extended from the Italian, French and English scenes which are the main concerns of both scholars, to American political discourse. According to this view,[5] republican discourse was constituted by an argument about participation in self-government – and by the exercise of, and maintenance of dispositions towards, civic virtue more generally – as an instrumental precondition for the enjoyment of 'a free state'. The latter was one where each citizen was secure from, and unthreatened by external invaders and domestic *signori* alike. Moreover, and importantly, the 'negative liberty' by which this free state was characterised was the equal status of citizens under the protection of law and constitution.

Thus on the one hand, it is by now relatively clear that American first principles were primarily about natural, individual rights, private liberty and security, and not about the value in itself of a virtuous life of participation – although it is equally obvious that all commentators had much to say about virtue, by which they meant many things. On the other hand, commentators who focus on the language of natural rights, contract, and state of nature theory should *not* see this, prematurely, as evidence of an early, victorious 'liberalism' which basically defeated the language of virtue, possibly relegating it to a minor Anti-Federalist fringe, or giving it non-political, individualist meanings.[6] *Nor*, if they do recognise an *instrumental* language of virtue, should they see this as essentially *transformed* from what was there before, and only now domesticated in the service of liberal values.[7]

What follows then, to say the least, is not the first (nor probably the last) republican 'reinterpretation' of American political thought.

Its modest claim to originality is its sustained attempt to consider republicanism as an empirical argument about the conditions of enjoying – by and large – *the same* value of security of citizenship status, about such conditions having much to do with civic activism in a variety of forms, and about securing the proper motivations and directions of such activity. With this searchlight, I believe, it becomes less difficult to see that the American concern with such matters as natural rights, democratic sovereignty, the legitimacy of commerce, and 'scientific' investigation of institutional machinery, constituted one more set of discursive circumstances inside which republican arguments could still be stated and restated. It is also possible to appreciate that the variety of challenges to this republican discourse, at a time when it was perhaps less misunderstood than today, to a significant degree consisted of arguments in the same instrumental fashion, only to the effect that these great values could be had (and had to be had) *without* paying the price of virtue and identification that republicans claimed for them.

The Formats of Liberty and Self-Government

There was, as noted, little difference of opinion on first principles at the founding.[8] In the words of Storing, disagreements between Federalists and Anti-Federalists, and inside these camps, "were not the deep cleavages of contending regimes", but

> the much less sharp and clear-cut differences within the family, as it were, of men agreed that the purpose of government is the regulation and thereby the protection of individual rights and that the best instrument for this purpose is some form of limited, republican government.[9]

No one seriously questioned that the shift from rights of nature to tangible, secure, and elaborate rights in society was predicated on popular self-government, a nexus, which somehow had to remain. All the difference lay in the *somehow*, and there was profound disagreement on empirical conditions and formats of common liberty.

All recognised the existence of political crisis in the new country. Law and order left much to be desired as British colonial justice had not yet been adequately replaced. The states of the confederacy acted like small, jealous sovereignties, levying taxes on each other's exports and transits, printing their own money, maintaining separate navies, conducting independent diplomacy towards European states, and arguing over territorial boundaries. The confederate body, the *Continental Congress*, was weak, a legislature only, with no powers to regulate commerce, execute its decisions, or apply legal sanction on recalcitrant states.

But there was no consensus on the significance of these matters. Some saw the beginning of the destruction of the new American nation, which would establish a continent of quarrelling, warring states, only to perpetuate European mistakes. After all, only a common enemy had united the culturally and institutionally widely diverging states. Madison, Adams and more conservative opinion feared the mobilisation of the common man might lead to licentious mob rule. Others merely recognised the child diseases of a young country that had to get co-ordinated about specific common interests. What had been gained in the Revolution should not be jeopardised These fragile gains, here, were interpreted to mean that the natural framework of individual liberty was *direct or relatively unmediated* popular government in small states – the existing units of the confederacy. All Anti-Federalists, while agreeing with the need for some consolidation and enforcement of order, feared central accumulation of power. Also Jefferson, while supporting the constitution, disagreed with Madison who thought the federal government had been granted insufficient powers.[10] However, some Anti-Federalists eventually supported ratification, on the condition of future amendments that included a Bill of Rights.[11] These, by and large, were the positions emerging in that famous group of diverse individuals, which Madison and Hamilton managed to get together in the summer of 1787. The debate continued and reached a wider public, in newspaper exchanges and 'letters', which were read across the nation and designed to influence opinion in the ratifying states.[12]

There were two main outcomes of the constitutional settlement. One was the triumph of the centre over the periphery, i.e., federal sovereignty *vis-à-vis* the states. The other was the beginning of a 'complex' form of government, based on checks and balances, more remote representation, and a strong executive – as compared to more direct majoritarianism through the legislature. Correspondingly, the two main clusters of questions of the debate concerned the role of 'the people' and its capacity for virtue versus the need for authority and institutions; and, secondly, the relation and division of sovereignty between localities and a consolidated national level. These disagreements may be ordered along several dimensions of argument, which are reconstructed in the following sections.

Before proceeding to the discussion of how the liberty of the people was to be *secured*, let us look at how the same opposing views of the role of the people were manifested in arguments about the determination of the *proper content* of this liberty. The almost universal appeal to 'Mr. Locke' did of course contain important differences, for instance regarding the question of toleration and the sanctity of unlimited property rights.[13] I leave these differences aside here and look at the understanding of rights as such, and on their connection with self-government as constitutional legislation. Once civic humanist readings are abandoned, the demonstration of contract and state of nature theory in most writers is not an insuperable challenge to a republican interpretation of the founding. This language of justification was fitted to a republican frame of political self-government, which stressed that men, born free and equal, must live in society, thus opening a certain scope for human interpretation and invention. Some general features characterised this political framing of rights.

Firstly, a strong emphasis was placed on political rights and the pooled exercise of each man's executive law of nature as the collective self-defence of a people against power. The rights of 'the people' were then often, at times conceptually, regarded as another way of expressing the rights of individuals.[14]

Secondly, American debates remind us that the languages of libertarian self-ownership or radical moral self-direction were late products rather than the original point of eighteenth century natural rights discourse (Haakonssen 1990, 1991). The rights declared by the Americans were still seen as instrumental towards an intentionally Christian life of duty towards one's fellows. While life, liberty and freedom of consciousness were a first precondition for such a life, it was equally self-evident that certain material means for the pursuit of happiness might be required. Rights were *both* timeless expressions of the equal dignity and divine purpose of man, *and* the established political currency of temporally and territorially bound legal requirements towards these ends. In their later sense, they derived from the good sense and concrete collective needs expressed by the people that were to be regulated by them.

Thirdly, and closely related, the act of *consent*, in the early American tradition, came to have a more active flavour than in Locke. It was more than a matter of electing, tacitly accepting, or rightfully resisting an entrusted governor. Consent implied a constructive relationship whereby the people in its entirety, however mediated, helped shape the form of the political community, and with it their own liberty, binding themselves in a mutual covenant for the future. 'Rights' expressed the people's rational view of the common good. But conceptualisations of how to gain access to the people at its best varied, marking points of divergence in debates over the proper modes and levels of self-government. Three main positions – of the Anti-Federalists, of Jefferson, and of Madison – stand out.

Anti-Federalist Localism

Anti-Federalists tended to assume that the self-government – rights nexus required a small republic. The specific point here was the danger of centralised legislation being unable to reflect the peculiar situation of each state. Thus, to *Agrippa*, the "object of every just government is to render the people happy, by securing their persons and possessions from wrong". However, for this purpose

> there should be local laws and institutions; for a people inhabiting various climates will unavoidably have local habits and different modes of life, and these must be consulted ... The idle and dissolute inhabitants of the south, require a different regimen from the sober and active people of the north [Agrippa was from Massachusetts]. Hence ... the necessity of local governments, who may enact, repeal, or alter regulations as the circumstances ... require (...) It becomes still more needful when the local manners are formed, and usages sanctified by the practices of a century and a half. In such a case, to attempt to reduce all to one standard is absurd in itself, and cannot be done but upon the principle of power.

Not only climate and manners, but also “unequal distribution of property, the toleration of slavery, the ignorance and poverty of the lower classes”, even (lack of) “religion and good morals”, served to distinguish ‘Southern’ and ‘Northern’ conditions.[15]

Some of the Anti-Federalist ‘spirit of locality’ (as Madison called it) was mere prejudice. But much of *Agrippa*’s argument concerned complexity in the economic infrastructures of the states and the potential arbitrariness of federal laws in such areas as taxation, property and contract relations, the regulation of commerce and customs, and the administration of courts. Secondly, a Montesquieu-inspired point was made about geographical ‘fits’ between the climate, *moers*, institutions, and laws, best conducive to liberty. *Agrippa* feared that the good republican forms of Massachusetts (equality, virtue based on religion and education, industry etc.) would be destroyed by alien laws, aimed at the administration of lesser (Southern) souls. This fear, finally, took *Agrippa* down a nativist path, reserving a state right to regulate immigration “to keep their blood pure ... from the foreign mixtures”. While Anti-Federalists did concern themselves with legitimate variations of ways of life, which needed protection, their case for self-government was not proto-communitarian. When speaking of religion, ethnic homogeneity, and customs, these matters were almost invariably parts of the standard instrumental concerns about preconditions of virtue and proper laws, as in Montesquieu and Rousseau.[16]

‘The Earth Belongs to the Living’

Jefferson linked the American idea of self-evident natural rights with a strong case for periodic constitutional debates and resettlement. The earth, according to Jefferson, was given by God to each living generation for the good use of all individuals, seeking their happiness and performing their duties to others, in freedom and security. Thus, famously, Jefferson in the Declaration of Independence used the term *pursuit of happiness* rather than *property* to denote the historicity of particular legal forms of the right of individuals to have a share of the Earth on which to labour, or some equivalent means of subsistence, such laws being “municipal only, not moral; flowing from the will of the society, which have found it convenient". The principle that the earth belongs to the living was "of very extensive application and consequences". This linked to Jefferson's more general claim that each living generation possessed a right to choose and revise its constitutions and laws in their entirety. Thus, "by the law of nature, one generation is to another as one independent nation to another", and

> no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct.[17]

Madisonian Constitutional Deliberation

Unlike Jefferson, who viewed American events from the distance (also philosophically), as ambassador to revolutionary France, Madison was in the midst of a very real struggle to reach a working concord on a new political order. He was in no mood to contemplate periodic constitutional revisions. Without denying Jefferson's point 'in theory', he argued that such revisions would be politically dangerous and in several ways impractical. He also denied intrinsic connections between natural law arguments and particular modes of self-government. Thus, he noted that Jefferson's ideas seemed to require unanimity, ignored generational overlap, and indeed implied constitutional resettlements with each new member of the community. More in keeping with older republican themes constitutional government to Madison was after all only a "compact founded on conveniency".[18]

Behind these points lurked a more fundamental difference. Jefferson's beliefs in universal progress and popular enlightenment led him to think that discernment of the common good by *the people* – including as large and diverse a people as that of the United States – was a fairly straightforward matter. In *The Federalist Papers* we see why Madison did not share these views. The manner in which he conceptualised what he and other founders were doing amounts to a theory of constitutional deliberation. Madison's chief concern was with the design of institutions and mechanisms of government. He agreed with Jefferson that it was impossible to found for all posterity and stressed the "transcendent and precious" right of the people to install, change, or alter their government.[19] But his appeal to 'We the People' took a quite different, more contingent and pragmatic form. The constitutional settlement reflected, firstly, the novelty of the Philadelphia endeavour, the fallibility of mortal legislators, and the corresponding difficulty of foreseeing all (unintended) consequences of new institutions. Secondly, it had to accommodate the complexity and obscurity of the science of politics, the bluntness of the language used for it, and the corresponding difficulty of communicating ideas about it.

Thirdly and most importantly, this task of foundation had to take into account many points of view, each advancing different conceptions of the common good of the new union. Here, Madison presumed both capacity and willingness to impartiality in enlightened rulers and ordinary people alike. Hence appeals to the sound judgement of the people adjudicating the new constitution ("the impartial world, ... the friends of mankind, ... every virtuous citizen"), and the recognition that "the convention ... enjoyed, in a very singular degree, an exemption from the pestilential influence of party animosities". Yet "[a]s long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed". Thus, even in the best of political worlds – as opposed to the armchair philosophy of "theoretic politicians" – there would be irreducible political pluralism (which Madison seemed to welcome).[20]

Moreover, fourthly, as his was not the best political world, and thus the capacity for impartiality and reason was scarce, fragile, and only likely to appear in sufficient quantities under certain circumstances, any constitution would still reflect the prudential need for additional compromises between groups representing those several types of 'faction', of religious or other conviction ('passion') and various forms of economic interest, famously analysed in *Federalist* no. 10.

Altogether, this mixture of 'reasonable pluralism' and prudential acceptance of second best solutions added up to – or so I argue – three important prescriptions, all of them very much in continuity with a republican view of the possibilities of politics. One was a call for political moderation, or the acknowledgement of human fallibility, readiness to "compromise" and the need to "sacrifice theoretical propriety to the force of extraneous circumstances" when necessary. It required avoiding one's "predisposition to censure" and necessitated the acceptance of a degree of horse trading,[21] rather than insistence on unanimity on every single point. Above all it was facilitated by upgrading considerations of the common interest in having a union at all and, accordingly, by recognising "the necessity of sacrificing private opinions and partial interests to the public good".[22]

Secondly, Madison's version of the appeal to 'we the people' exhibited a dialectic of the few and the many. Here the task of foundation had to be initiated by the few "since it is impossible for the people spontaneously and universally to move in concert towards their object". Yet, the quality of their proposals could only be assured through the appreciation of being entrusted with a world-historical task of service to the people, "by whose confidence they had been so peculiarly distinguished", and above all from the anticipation of pending popular judgement:

> [T]he convention ... were deeply and unanimously impressed with the crisis, which had led their country ... to make so singular and solemn an experiment ... It could not be unknown to them that the hopes and expectations of the great body of citizens ... were turned with the keenest anxiety to the event of their deliberations. (...) They must have borne in mind that as the plan to be framed and proposed was to be submitted to *the people themselves*, the disappropriation of this suppreme authority would destroy it forever.[23]

Finally, as in view of "the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle",[24] Madison's ideas of constitutional deliberation reflected a second dialectic of revolutionary foundation and temporal duration. While deriving political legitimacy from the people *in toto*, he stressed the fragile and transient nature of those popular mobilisations, which might "stifle ... the ordinary diversity of opinions on great national questions". For this reason it was necessary to economise with the people's capacity to self-education. Clearly, "a constitutional road to the decision of the people ought to be marked out and kept open, for certain great and extraordinary occasions". By this he had in mind "the great principle of self-preservation; ... the transcendent law of nature and of nature's God", according to which "the safety and happiness of society are the objects at which all political institutions aim". These great "objects", however, were only rarely on the political agenda.[25] In resisting constant changes, Madison not only made familiar conservative points of the popular "veneration which time bestows on everything". He also made republican points about the contingency and fragility of new political orders. *Any* constitution would be flawed. Indeed, marshalling support even for a tolerable second best was close to a miracle, and *this* fact bestowed a distinct value and legitimacy on a *durable* constitution.[26]

The Small Republic and the Problem of Allegiance

The most important argument against federal consolidation – the master argument of all the others – appealed to the classical republican "opinion of the greatest writers" that the natural framework of liberty was a small, relatively homogeneous republic, where citizens were close to their rulers, in terms of manners, interests, and geography.[27] One aspect of the argument, a counterpart to the localist conception of self-government, was that no federal government could cater to the "various local concerns and interests" of all the states. Many factors militated against republics in large territories. Chief among them were the remoteness of the capital and the lack of knowledge, responsibility, and concern of politicians who did not have their origin among the people they nominally represented. Anti-federalists also stressed the impracticality of having one government taking care of all the affairs of a large country, the difficulty of effecting speedy dispensation of justice at the margins of the territory, and the need or propensity of such a government to sacrifice local wishes at the alter of efficiency and uniformity.[28]

One Federalist response to these fears was to criticise the parochialism, even blatant egoism of what Hamilton called "a spirit of interested scrutiny, without ... knowledge of national circumstances". Madison thought 'state concerns' were most often the opinions and interests of tyrannical majorities which a federal government ought to restrain rather than empower. Both noted that the advertised homogeneity of even smaller states was vastly exaggerated. Yet, the more important Federalist argument was that the federal state would only deal with what *had* to be regulated at this level. This was the beginning an American 'subsidiarity' discussion.[29]

But the small republic argument also contained versions of republican instrumentalism: Only in small republics was it possible to generate the *voluntary allegiance* that a state required. Federalists *and* Anti-Federalists agreed that allegiance essentially required good government, i.e., the experience that one's rights and liberty were furthered.[30] At one level, the dispute concerned whether such benefits were actually forthcoming, the latter group focusing on intruding laws, which could only be "executed on the principles of fear and force". At another level, to which more principled discourse would appeal, it concerned the motivational psychology of citizens' allegiance. Here, Madison contended the possibility of a rational (in *Federalist* no. 51 even a quasi-Hobbesian) understanding in the great body of the people of the need for federal government. Such an understanding had to be strengthened by *habituation* in public opinion, an argument echoing David Hume. Madison believed confederate shortcomings had contributed to this, although this did not prevent him from occasional exhortations on the spectre of the Union dissolving and about the need for "every man who loves liberty ... to have it [the spectre] ever before his eyes that he may cherish a due attachment to the Union of America".[31]

Anti-Federalist scepticism about allegiance in large states occasionally used the language of Scottish moral sense psychology. This was the 'small circle of affection' argument according to which *sympathy* required proximity. But to associate this with acceptance of Hutchesonian notions of natural benevolence and moral identification (in contrast to conservative Humean voices in Hamilton) at the very least is not the whole story.[32] It overlooks the very chastened tone of conditions of *rational* trust: The theme of natural affections being weakened "in proportion to the distance or diffusiveness of the object" was assimilated and subordinated to a recognisably republican frame of thought. Thus, in Cato it was linked, first, to the argument about diversity, e.g. the impossibility of trusting idle Southern slave owners. Secondly, in noting that sacrifice and allegiance of individual citizens be linked to a general *interest*, it was concerned with *knowledge* and *perception* as a condition of trust. Such "interests of the public" were more "easily perceived, better understood, and more within the reach of each citizen" in a small republic. In particular, under such circumstances one could be sure that one's contributions were not abused. Moreover, the size, distance, and homogeneity arguments were employed as a warning that "the vast extent of the territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious to understand, and observe".[33]

In the case of Brutus, whose discussion is tied to the issue of representation and political trust, the difficulty of a large republic was that, representatives being too distant, they "cannot, as they now do, mix with the people, and explain to them the motives which induced the adoption of any measure, point out its utility, and remove objections". The result would be that "they will be considered ambitious and designing…as a body distinct from them, and having separate interests to pursue". Indeed "their laws [will be] opposed, evaded, or reluctantly obeyed".[34]

The contrast to Hamilton and in this connection Madison did not regard this rational core. First, it was about the latter's emphasising a new level and focus of loyalty, as

> the more the operations of the national authority are intermingled in the ordinary exercise of government, the more citizens are accustomed to meet with it ... the greater the probability that it will conciliate the respect and attachment of the community.

Secondly, it concerned the Federalist reliance on, again Humean, ideas of a "habitual sense of obligation", which was aided by the increasing "familiarity and comprehensiveness" of a national government which progressively extended its authority.[35] Anti-Federalists in stead emphasised distrust and the lack of obvious benefits. Moreover, they made the republican point that allegiance required a *direct reminding* of how one's own interest was partaking in that of the whole. Some conservative Anti-Federalists like Brutus would stress sufficient closeness of citizens to those individuals whose patriotic works *did* further the common interest, and to those political institutions which embodied it – i.e. at state level. In more radical Anti-

Federalists, the point became an independent argument for local political participation as a device of education to patriotic allegiance – as also connected to acquirement of virtuous dispositions more generally. *The Maryland Farmer* called for public education in "the principles of free government, illustrated by the history of mankind" and proposed direct participatory schemes including assemblages of freeholders and the detainment of jury trial. With such measures, "in a very few years, the people instead of abusing, would wade in their knees in blood, to defend their governments" – *state* governments, that was.

Anti-Federalist argument that rational allegiance could not be forthcoming, because federal government could not cater for liberty in its local particularity, was vulnerable in two respects. First, it could be claimed that the larger view afforded by being a citizen in a national union would cause the more parochial and illiberal demands of local liberty to evaporate. Secondly, a consolidated republic might earn the same, or better allegiance if over time the people would see that it secured their liberties more effectively, i.e. catered for concerns – the securities and benefits that *only* a union could produce – that states failed to deliver. If these points, made by *Publius* and others, were vindicated, *The Federal Farmer* would stand defeated, with his admission of being "in favor of any general system which shall promise these advantages [protection of property and a steady execution of the laws]".[36]

But Anti-Federalist rejoinders were still possible. Thus, when Federalists claimed allegiance to be a mixture of interest and habituation, Anti-Federalists represented the less optimistic position that rational allegiance required to be awakened and sustained by certain political *mechanisms*, namely such that could only be had at state levels.[37] This point was not lost on Jefferson. First, he strongly believed that patriotic allegiance had to be revitalised from time to time. Hence his Machiavellian call for a degree of unruly, patriotic fervour, *even if* the price free countries had to pay for this was acceptance of occasional unrest or rebellion.[38] Secondly, while Jefferson had little sympathy with the parochial side to the Anti-Federal case, let alone with its distrust of the capacity of ordinary people to discern the matters of national politics, he agreed with the idea that local participation might be a way to remember the value of one's liberty. His ward arguments – to be formulated much later in his life – may be read in this light. It added a point that Anti-Federalists missed, i.e. that participation was a way to *transcend* the comfortably selective loyalties to family, friends, and locality.[39]

The Meanings of Civic Virtue

As was the case with the mechanisms for generating patriotic identification, different causal accounts may also be found as regards civic dispositions more generally. Indeed, the very meaning of the desirable activities making up civic virtue had begun to shift in the American debate. However, as understandings of the signification, the required extent, and the means of generating virtue changed, *virtue* became one more battleground for the challenge of republican discourse.

At the most general level, as many commentators have noted, several of the virtues advocated by American writers may be interpreted as in various ways 'liberal' and Christian, i.e. moral dispositions that belonged to private, rather than to public life. The content and influence of different virtue languages crystallising in the American Enlightenment is a complicated matter. Though each came to denote autonomous justifications of worthy activities outside of politics, the ambiguity and open-ended nature of each discourse also facilitated their adaptation, as conceptual bottles into which different wine could be poured, to republican concerns – including the fear of corruption and the notion that citizens' character traits was a fragile matter in requirement of artifice and reinforcement.

The Virtues of Capitalist Enterprise

Hamilton, his praise of capitalism unmixed, appealed in *Federalist* no. 12 to the appreciation by "enlightened statesmen" of the benefits of commerce:

> By multiplying the means of gratification, by promoting the introduction of the precious metals ... it serves to vivify and invigorate all the channels of industry ... The assidious merchant, the laborious

> husbandman, the active mechanic, and the industrious manufacturer – all orders of men look forward with eager expectation and growing alacrity to this pleasing reward of their toils.[40]

But this Humean celebration of the effects on *character* of commerce was not the more prevalent view. The generally favourable view of enterprise and frugality prevailed in a moral atmosphere, which was unfriendly towards economic egoism. Like Jefferson's, Franklin's ideas of a good life involved economic self-sufficiency and enough comfort to afford the pursuit of higher (religious) callings, but by no means luxury.[41] However, the virtues of capitalist enterprise were advocated for different and sometimes conflicting reasons:

One, associated with Franklin's *Autobiography*, centred on the ideal of the "restless ... 'self-made' man ... who prudently discerns the link between his rise and the promotion of useful 'projects' which benefit his neighbours and attract their esteem, affection, and assistance". Here, the pathos of the great individual statesman was transferred to the realm of economics and (scientific) innovation, and attached to the objects of general (national) prosperity and welfare, rather than to those of political liberty and security.[42] But the virtue of frugality could also have a more political flavour. Thus, in Jefferson as in many Anti-Federalists, it was a recurring concern to restrict the unnecessary consumption and "excessive importations of foreign merchandise and luxuries", in order to avoid economic *dependency* and to consolidate the economic health of the new nation. For the people this virtue meant restricting consumption to domestic produce. For politicians it meant resisting the protraction of public debts.[43]

Still, almost all participants to the American debate, including most Anti-Federalists, accepted the usefulness of commerce. Jefferson, Madison, and Adams worked as presidents to promote it.[44] But in terms of debates on commercial civil society conducted in Europe, the founders were more ambiguous than Montesquieu, let alone Hume.[45] While commerce was seen as a prime *fruit* of liberty and good government, few other than Hamilton were as ready to adopt Montesquieu's argument as *Agrippa*, who saw in commerce "the great bond of union among citizens". Many Anti-Federalists voiced traditional concerns that "the progress of a commercial society begets luxury, the parent of inequality, the foe to virtue, and the enemy to restraint", and that when "people become more luxurious, they become more incapacitated of governing themselves". Jefferson never missed an occasion to state a wish, admittedly based "on principles of theory alone", impracticable, and against the will of the people, that the states should "practice neither commerce nor navigation". He claimed that "[c]ultivators of the earth are the most valuable citizens ... the most vigorous, the most independant, the most virtuous ... tied to their country, and wedded to it's liberty and interests, by the most lasting bands".[46]

Both Madison and Jefferson certainly disliked Hamilton's vision of an industrialised society with a highly developed division of labour. This, the latter alleged, would rid society of its burden of idle labour and in the process cause "each individual to find his proper element, and ... call into activity the whole vigor of his nature [so that] the community is benefitted by the services of its respective members." It would both promote "the wealth of a nation" and "cherish and stimulate the activity of the human mind" (rather than the mindlessly specialised pseudo-citizens feared by Jefferson – and Adam Smith). Jefferson and Madison were positively abhorred by Hamilton's schemes for national banking with its floating 'paper money' credit, and the possible accumulation of enormous financial power at the centre of the nation.[47]

The virtues of the capitalist entrepreneur and their derivatives did not retain their civic flavour. They could also facilitate the sanctioning of egoism and acquisitiveness by that appeal to inalienable property rights, unrestrained by duty and purpose, except the duty not to trespass on the holdings of others, which Madison did *not* intend in his defence of property. Acquisitiveness and egoism were not, of course, eventually 'virtues' but necessary and beneficial vices, legitimate at least in the economic sphere, and gaining much respectability in later eras where this sphere was to take up ever more room in the space of human pursuits.

Religious Virtue

The impact of religion on early American political culture exhibited large denominational and geographical differences. Southern Baptist evangelicalism and radical Puritan millenarianism in the North in different ways produced very demanding conceptions of social and political life where virtue concerned the duty to resist earthly depravities in rulers and citizens alike. Some intellectuals, like Jefferson and Paine, were influenced by the sceptical (French) Enlightenment and had deist or moderate Anglican leanings. Even so, their views were also influenced by Puritan values.[48] Apart from these differences, the conceptual content of the religious language(s) of virtue was again ambiguous.[49]

As already noted, many Anti-Federalists advocated Christian virtues for instrumental political purposes – although it was also the case that freedom to (diverse) religious practice was a main *point* of self-government. (Few perceived any conflict between favouring religious liberty as protected by a Bill of Rights, and on the other hand requiring religious tests for politicians entering office, lest "Jews, Turks, and Heathen" be elected.[50]) Jefferson also, like much later Tocqueville and like him despite his private doubts, argued, in *Notes on Virginia*, that "the liberties of a nation" could not "be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God". Unlike Madison, who distrusted the strength of religious motivation, feared fanaticism, and only hoped it could be balanced against other 'factions', Jefferson believed in a beneficial religious pluralism. With it religious spirit – Unitarianism rather than doctrinaire sectarianism – was compatible with, and eventually conducive to a spirit of tolerance and reflection.[51] However, he was in accord with other Federalists in opposing Anti-Federalist calls for "some superiour mode of *education*" and other state measures of "publick protection of religion", such as religious tests, in order to secure the quality of both "the patriotic civilian and [the] ruler".[52]

In some of these writings, as in the state political cultures from which they emanated, Christian virtue was more like the 'enthusiasm' that Madison feared. Here, it took the form of a politicised religious martialism that had already been seen in Puritan England. In some states a fusion appeared between Christian moral fervour and republicanism. Self-governing communities were possessed of a holy cause, which was both the practice and development of virtue and the political conditions of being free to do this. The practice of the *jeremiads*, calling for the renewal of faith and old covenants, and the impact of the 'Great Awakening' around the middle of the eighteenth century could relatively smoothly fit the republican theme of a return to beginnings.[53]

This radical political meaning of religion did not last long, however, and its impact, by the time of the convention, may be exaggerated.[54] From the Calvinist perspective of Adams, religion conceptualised the fallen nature of (American) men, their susceptibility to blindness and pride, rather than their elevated stature and mission in the New World. Corruption was conceptualised as *sinfulness*, and what was called for was also strong government machinery to save individuals from their own depravities, and possibly aiding their moral progress.[55] In the consolidated republic, generally speaking, the political impulse of religion became less than radical. It stressed the respect for secular authority, the inherent weakness of human virtue and capacity for independence, even the more or less principled turning away from a political scene, which came to be seen as a tribune of (necessary) vice. And much of the less demanding language of Christian moral virtue, favoured by Jefferson, eventually dissolved into a language of private propriety.[56]

Virtue as Autonomy

Joyce Appleby has noted how virtue became the capacity, not to participate in government, but to live a private and associational life, free from political authority, yet partaking – through commerce, science, religion, but also social life in general – in the progress benefiting all. The common denominator of such *enlightened* virtue was the autonomous use of one's reason. In this liberal creed, Appleby summarises, nature had "endowed human beings with the capacity to think for themselves and act in their behalf". Emphasis was placed on freedom of choice in "religion, marriage, intellectual pursuits and electoral politics". Appleby adds an important dimension to American virtue language. Still, she probably under-emphasises the degree to which early Enlightenment individualism, through Locke and Scottish moral philosophy taught at the new American universities, combined self-direction with voluntary performance of objective moral duty, control of passions and desires, and the need for deliberate work on one's moral character.[57]

As also in Locke, the three types of virtue often went together and overlapped. Reflective self-restraint was tied to hard work and frugality. And both these virtues were easily combined with religious duty. But as acquisitiveness was capable of losing its connection to beneficial, community-directed enterprise, liberal self-direction had no *necessary* connection with Christian morality. Still, conventional understandings of the 'liberal' eighteenth century, also in this autonomy aspect, are at least one-sided. Also this class of character traits could be given representations of differing political consequence, some of them with a republican flavour.

In Jefferson, autonomy was furthered by general education, for which he, like Madison, was a life-long champion, and which he thought provided "character on the mind", a capacity to reflect independently on every matter of science, nature, or religion ("Fix reason firmly in her seat, and call to her tribunal every fact, every opinion. Question even the existence of a God"). But contemplation was not favoured for its own sake. Knowledge and independence of thought was a way to deliberately effect one's own moral development, and most of all a prerequisite for a life of useful, practical pursuits, contributing directly to the good of the community. Through education, he sermonised a nephew, it is possible to be "good, be learned, and be industrious", and hence make him "precious to your country, dear to your friends, happy within yourself".[58] These values often assumed distinctly civic guise. To Madison, "a well-instructed people alone can be permanently a free people". Schools and universities would "enlighten ... the opinions [and] ... expand ... the patriotism" of those resorting to them. "[J]ealousy and prejudice would be diminished" and learning would "throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty". Jefferson considered "by far the most important bill ... that for the diffusion of knowledge among the people", the only "sure foundation ... for the preservation of freedom and happiness".[59]

Jefferson's conception of the citizen was a fusion of Enlightenment ideals of reflective individualism and earlier languages of political self-government. Where traditional ideas stressed collective and spontaneous identifications with the common good and resistance to corruption, we now see two things. First, while classical virtue tended to focus on will, determination, and habituation through practice, Jefferson's stress on autonomy and individual exercise of reason added to this the necessity of qualification, specific abilities, and education to virtue, although still as something which had to be willed and mastered by the individual. It was a virtue that could be learned *and* unlearned. Republican citizenship in this respect became more demanding. Secondly, Jefferson's thought marks an early high point in a distinctly political conception of liberal autonomy:[60] Here, on the one hand, political self-government was not *only* conceptualised as the necessary format of liberty to rid America of tyranny. Self-government – *limited* self-government – was *also* seen as the way in which a morally mature people could create the requisite space to practice private and community based autonomy, reflecting upon and choosing their (true) religion, and ordering their own (properly benevolent) economic dealings. On the other hand, self-government was itself a vehicle for a collective form of autonomy. Here, the joint exercise of natural political rights was an outlet for the human capacity to confirm the collective aspects of self-imposed restrictions. This aspect was all the more important in a universe where God had retreated, leaving the earth in large degree 'to the living'.[61]

We may note here that to the extent self-government was ever a moral value in itself, the origins of such ideas were relatively late additions. Old republican vocabulary certainly contained approval of the dignity of self-governing peoples. But it was an early liberal and Protestant invention to associate civic character with a moral premium on reflective self-legislation. This fusion of autonomy and self-government did not last. Relieved of the original concern for private salvation and objective social duty, 'autonomy' fed into a modern culture of pluralism in America, which came to place separate value on private *choice* to pursue a diversity of religious, intellectual, or economic projects. Also, where classically private property served to make people independent enough to be good citizens, capitalist ideology came to invest economic activity as such with the dignity of independence, now understood as (market) self-sufficiency. Eventually, this 'autonomy' could become detached from both social and political duty, not least because of the difficulty of sustaining a moralised idea of political autonomy in an era of remote and professionalised representative democracy.

Vocabularies of Civic Virtue

Many languages of virtue came together at the time of the American Founding. Although each came to have (uncivic) conceptual lives of its own, this was not originally the case. Generally speaking, although 'virtue' had its meanings and legitimate arenas multiplied, it is a mistake to claim that the Americans dismissed the language of *civic* virtue. First, the new languages could be employed in a more or less civic manner. The good father or son, the devote Christian who cared for his own faith and that of others and helped the needy, the responsible and enterprising businessman could all be represented as essential for society's well-being. As 'private' and 'social' conceptions of worthy citizenship they could, and were, assimilated to the republican rhetoric of corruption (sinfulness, wastefulness, immaturity). But they could also be linked to more political conceptions of virtue, giving it new connotations, and adding new beneficial character traits to ideas of the active and vigilant citizen and the wise ruler.

Quite apart from these new languages, it is hard to ignore the continuing existence of ideals of individual dispositions that were related to the preservation of common liberty in a direct sense, *vis-à-vis* authoritative political levels. They stressed activity, involvement, identification, and judgement in traditional republican ways – although the flavour of such *political* civic virtue was slightly transformed. A variety of positions may be discerned.

Jefferson and Thomas Paine were the most optimistic in the sense that their conceptions of citizenship required and expected much political participation, exercised in constitutional deliberations with relatively short intervals, possibly in a demanding system of ward democracy (Jefferson), and certainly in the vigilant scrutiny of elected leaders. Jefferson hoped to maximise the "direct action" of citizens, to find a way to tap "the voice of the whole people" as "expressed, discussed, and decided by the common reason of the society". This would "keep alive their attention" lest that their governors "all become wolves". He and Paine had classical ideas of patriotic willingness to sacrifice in wars and revolutions, both accepting occasional Machiavellian *tumulti*. Here, democratic Anti-Federalists joined them, although the latter feared the incompatibility of civic virtue with the new world.[62]

Madison proposed to *economise* with virtue. We already noted his friendly disagreement with Jefferson's ideas on the people's capacity to constantly renew the virtue and good judgement, exhibited in the debate on the constitution. But it is inaccurate to see Madison's inter-constitutional periods as void of civic virtue, or as characterised entirely by the transformation of virtue from a civic disposition into a systemic property.[63] Not only was institutional organisation of government positively aimed at recruiting the most virtuous leaders. Madison was also unwilling, unlike Hamilton and Hume, to rely on a self-moving constitutional machinery completely without virtuous citizens. Madisonian pluralism and checks and balances were main components in the eclipse of republicanism, but their originator was more cautious. He did believe that the "manly spirit" which was peculiar to America was somehow part of the "health of the soul", and those habits of independence, which were produced by republican political forms.[64] Madison claimed, in a dialogue with an "Anti-republican" that "the people ought to be enlightened, to be awakened, to be united, that after establishing a government they should watch over it, as well as obey it". Most clearly, speaking to the Virginia ratifying convention, he announced that,

> I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks – no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea.[65]

To be sure, the flavour of valued political dispositions had changed somewhat from earlier republican days, although I believe that the contrast between 'the ancients' and 'the moderns' says as much about the Enlightenment authors employing it as about real historical contrasts. Machiavelli and the early English republicans were neither so adverse to moderation and fond of blind martial 'enthusiasm', nor so hostile towards private virtues as the tradition from Montesquieu and Hume to Constant has claimed. However, in as far as someone like Jefferson accepted the terms of these contrasts, and the disputes over the nature of 'civil' society they reflected, it is possible to see him making an important conceptual move: Thus in his distinctly political conception of civil society, political moderation began to be transformed into an active and democratic *civic* virtue of a new kind, to which the general public might aspire. Moderation and restraint were associated with popular participation in politics, in two related ways. One was as a possible predicate of the good citizen, through education and experience with free government. Another concerned the outcome of reasoned debate and *polite* restraint in the exchange of opinions. Jefferson, here, made a distinction between the 'participation' of the unruly mobs of the European cities and that of more civilised American citizens.[66] He thus introduced a very modern association of civic virtue with a type of political reflection and debate, which required education, impartiality, and tolerance. But by thus raising the demands on the citizen, he also further paved the way for conservative voices that remained unconvinced of such popular capacities.

The Madisonian Science of Government and its Critics

I do not think Madison went quite so far in the Humean direction as the title of this section suggests. But he criticised what he saw as an unrealistic *degree of* reliance on popular participation and judgement. He sought to demonstrate the feasibility of a new scheme of government, which required *less* virtue to function, in part because of its superior ability to channel such virtue institutionally. But as the 'Great Debate' started to shift towards a national framework, also among the critics of the constitution, Madison's various proposals for what he saw as a new 'republicanism' met a set of principled rejoinders. Although largely ineffectual, these came to define the terms of a remaining distrust of the new political order.

Consolidated Union

The main difficulty of all the *small republic* arguments was that Anti-Federalists often recognised the essence of the very diagnosis used by Federalists to argue that American liberty required a large state. Most people understood that a national political format was required to address *some* of the needs hammered home in the *Federalist Papers*: for a common defence against external enemies, for the regulation of internal commerce, against state protectionism and military rivalry, for a (modest) degree of central taxation and spending on infrastructure and administration, and for problems of law and order between and inside the states. As most Anti-Federalists came to accept the need for 'consolidation', the discussion shifted to questions of 'how much' and 'how'. The new point of departure of the Anti-Federalist critique (shared by Jefferson), was the danger of tyranny, epitomised in the 'necessary and proper' clause of the constitution, and elaborated in institutional detail in virtually every Anti-Federalist tract.[67]

Yet, this critique of power was ambiguous. On the one hand, Anti-Federalists would grant that *some* consolidation was necessary as the original system was "*defective* and *wanted amendment*".[68] On the other hand, while accepting that "rulers are invested with powers" in order to "protect the rights and promote the happiness of the people", they were unwilling to grant much power at all to the national level. At the same time, Anti-Federalists power realism did not extend to the state level, where they believed power was checked by tighter popular accountability.[69] Madison essentially gave three responses to the problem of power and national consolidation. All were premised, first on the assumption that 'energy' was needed for a government, federal or central, to do good in the first place, and that the difficulty of generating *enough* power was as big as restraining it. On the other hand, once power *was* consolidated, unless proper measures were taken, wherever there was "an interest and power to do wrong, wrong will be generally done".[70]

Divided Sovereignty, Subsidiarity

Madison's first response, about jurisdictional *levels*, was directed towards Anti-Federalist fears that power would be *gradually* augmented at the national centre and drift away from the states, indeed that divided sovereignty was inherently unstable, so that "the two concurrent powers cannot exist long together; the one will destroy the other".[71] But complete refusal to divide sovereignty was obviously impossible, once it was granted that consolidation required granting *some* measure of overriding power to the centre. Madison responded with what would be a doctrine of 'subsidiarity', had the term been available to him. Thus, the jurisdiction of the union

> is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the seperate provisions of any. The subordinate governments, which can extend their care to all those othe objects which can be seperately provided for, will retain their due authority and activity.[72]

Most Anti-Federalists could not but accept this *principle*. The ensuing debate came to centre on accusations of artful designs to provide for future centralisation of power, on attacks on many specific powers as unnecessary and dangerous, and on the need for states to retain the ability to keep house alone.[73] In 1787, Madison had little patience with such fears, which he attributed to an Anti-Federalist fetish of the "dignities and attributes of sovereignty". But later in his life, in the great struggle waged by Jefferson and himself against Hamilton's plans for national consolidation in the fields of taxation, finance, banking, and foreign policy, Madison was to learn that Anti-Federalist reservations had not been entirely unfounded.[74]

Enlarging the 'Sphere'

A second part of Madison's response *reversed* Anti-Federalist assumptions about power: Individual rights, he claimed, were more likely jeopardised at the state level, and much better protected in a consolidated representative government. Tyranny came from majority rule *as such*, not just from sinister combinations of big states into national majorities. Here, Madison challenged the view of Jefferson and democratic Anti-Federalists that majorities of active citizens were the best safe guard of individual liberty. In particular, the rights of minorities might be violated because of the envy, greed, or religious intolerance of unjust majorities. Anti-Federalists, Madison thought, relied on a flawed equation of small size with homogeneity of "possessions, ... opinions, and ... passions".[75] Madison responded with his own theory of political pluralism, which effectively contained two moves.

One was the famous argument to "extend the sphere" of government:

> Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.[76]

With this idea, Madison initiated a radical transformation of the Enlightenment discourse on civil society. Whereas in Ferguson, Smith, Jefferson, and many Anti-Federalists, battles were fought over whether one or the other (political, social, or economic) human activity was more *civilising*, Madison's civil society was no longer primarily conceptualised as "a teacher, as a moulder of character", but rather as "a regulator of conduct", taking man as he was.[77]

Madison's second move was to challenge the mainstream views of *representation*, endlessly reiterated in Anti-Federalist tracts: Representation was second best, to be used where direct democracy was impracticable, it should enable the full diversity and relative strength of opinions to be *mirrored*, elections should be frequent, there ought to be many representatives, these must be strictly accountable to constituencies, and the creation of a class of professional politicians should be avoided.[78]Against this 'mirror' view, Madison argued that representation was a positive opportunity, rather than a necessary evil. Under the right circumstances, representation could serve to

> refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations ... [T]he public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves.

The right circumstances were a large republic, where the number of representatives was big enough to ensure against the corrupt "cabals of a few", yet small enough to "avoid the confusion and intemperance of a multitude". Also, where each representative had numerically large constituencies “it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried”, and the people would bestow their electoral favours on “men who possess the most attractive merit and the most diffusive and established characters”.[79]

Madison’s new pluralist conception of civil society did not make him give up virtue altogether. The older language of the moulding of civic character remained in smaller doses. Virtue was needed in a wisely choosing people, in decent representatives, and in the features of the system, as it worked to exclude sinister concerns from the legislative process. But Anti-Federalists had their reservations: From whence would any residual virtue come, in a capitalist, privatised society, particularly if *popular* politics and elections were reduced to the competition of interest groups? And without such popular virtue and its institutional outlets, how to trust the idea of a filtering device, inducing representatives towards the broader view, rather than towards the meanest common denominator of either mass prejudice or secret, corporate lobbying?

From Simple to Complex Government

Anti-Federalists also disliked the institutional organisation of the central government. The general view was that good government, apart from being accountable, had to be simple and transparent. It ought to be easy to detect the location of responsibility for poor legislation and abused power. More specifically, the popular element, i.e., a single, large representative chamber ought to be strong relative to the executive. This was the *simple government*, which was fit for an egalitarian, democratic society of freeholders.[80] Also, with reference to Montesquieu, simplicity and transparency was associated with a clear and ‘rational’ division of legislative, executive, and judicial functions.[81]

Against these criticisms, Madison developed his doctrine of complex government, with overlapping powers and ‘checks and balances’, the core of which is found in *Federalist* no. 51. Although it was to be hoped that virtuous leaders would be elected and controlled, it was still the case that, while “dependence on the people” remained “the primary control on the government ... experience has taught mankind the necessity of auxiliary precautions". Hence a system,

> of supplying, by opposite and rival interests, the defects of better motives [is] ... particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other – that the private interests of every individual may be a sentinel over the public rights[82]

Madison's invention was a landmark in constitutional theory, but also one more nail in the republican coffin. A parallel to Mandeville's economy of egoism and vice, it represented a vision of government as a perpetual motion machine, which needed no (civic) input beyond the ever-present beastliness of men.[83]

Anti-Federalists remained sceptical.[84] But they also suggested a different point. Madison assumed that the particular complexity of the American constitution, as a result of political science, had nothing sacredly republican about it *per se*, apart from its utilitarian superiority. However, while he thought time would "recommend [it]... to ... sincere and considerate friends of republican government", Anti-Federalists suggested that this complicated design would alienate and confuse American citizens, whose allegiance could not be expected to depend on however well-functioning machinery.[85] This concern was also manifest in the discussion over whether or not to have a *Bill of Rights* in the new republic.

A Bill of Rights and Constitutional Patriotism

A main reason for the adoption of the new constitution was the Federalist promise to add to it that Bill of Rights the need of which was a recurrent Anti-Federalist point. This concession made it difficult to shift the framework of discussion back to the level of states. Standard Anti-Federalist themes included the need for constitutional protection of the personal liberties, including freedom of consciousness and religion and right to trial by jury. Although these were rights of individuals, and while a Bill of Rights was seen to delimit the exact degree of power that was alienated by individuals by the social compact, it was *also* typically associated with the rights of *peoples* to "reserve all their powers not expressly delegated".[86] 'Powers' could refer to the individual executive right of nature against any government, but also, by assumed implication, to the collective exercise of self-government in states. In the latter sense, a Bill of Rights, while pertaining to individual legal subjects, was regarded as a state tool to resist encroachments on the particular interests and specific (e.g., religious) habits of the parts of the Union. This was the reason for the stress on political rights, adequate representation, security against standing federal armies, liberty of the (local) press, and jury trial.[87]

Madison's view, again, was to stress the "importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part". To the extent that Anti-Federalists thought a Bill of Rights was principally needed in a large, federal republic, they falsely assumed individual rights to be safer in the states, because protected by vigilant popular rule.[88] He had a point here, as also in his proposition, during the debate, of an amendment expressly declaring that no *state* should violate a series of rights, particularly the freedom of conscience.[89] Still, it was easy for the more liberal minded Anti-Federalists to concede this point, but then to argue that political danger was increased simply by virtue of the accumulation of legislative power at the centre. They could argue that "the greater the portion of political freedom in a form of government the greater the necessity of a bill of rights". And they could show the existence of state constitutions where people *had* wished "that such declarations should make a part of their government" and deplore the absence in some states of such clearly stated concerns – while only regarding this as "additional reason" for a federal Bill of Rights.[90]

Madison's eventual support for a Bill of Rights, so "anxiously desired by others", but in whose effectiveness he did not much believe, was also a concession to Jefferson. The latter had noted that weak (or insufficiently liberal) guarantees were better than no guarantees. Also, to Jefferson, the unclear and general character of some of the constitutional provisions rendered the 'reserved rights' argument dubious. A codified text, despite its lack of potency, was at any rate a helpful reference for the identification of abuses of power, whatever their origin.[91]

In light of the weak arguments produced against a Bill of Rights its champions may have detected bad faith in their opponents. Hamilton's scepticism was no doubt tied to fears that the document could be used by states or individuals to "distract attention from the business of doing the things that have to be done". But as noted by Storing, *this* argument could be met with the rejoinder that this great purpose could only be realised with the patriotic support of the people. And a Bill of Rights might mobilise and maintain such support – while also giving it the right direction, reminding the people what they had fought for, and should fight for still. Madison's version of this view was the modest hope that "political truths declared in that solemn manner ... as they become incorporated with the national sentiment, counteract the impulses of interest and passion". By contrast, to *The Federal Farmer* a Bill of Rights might

> establish in the minds of the people truths and principles which they might never otherwise have thought of, or soon forgot. If a nation means its systems, religious or political, shall have duration, it ought to recognize the leading principles of them in the front page of every family book. What is the usefulness of a truth in theory, unless it exists constantly in the minds of the people.

A Bill of Rights could inspire to civic virtue and popular allegiance in a way that the complicated details of the constitution could not. It could remind individuals of the rational content of their patriotism, "be the first lesson of young citizens", "sustain the dignity of their being", inspire "the envy and admiration of all Europe", and promote "considerable emigration". It enabled the republic to return to its sacred beginnings in common acts of deliberate remembrance:

> Men ... do not remain free, merely because they are entitled to natural and unalienable rights ... because their ancestors once got together and enumerated them on paper, but because, by repeated negotiations and declarations, all parties are brought to realize them, and ... to believe them to be sacred.[92]

The Eclipse of American Republicanism

Anti-Federalist projects failed to reconcile contradictory aspirations. To Storing

> They did not fail to *see* the opportunity for American nationhood that the Federalists seized so gloriously, but they could not join in grasping it. They doubted; they held back; they urged second thoughts (...) The Anti-Federalists were committed to both union and the states; to both the great American republic and the small, self-governing community; to both commerce and civic virtue; to both private gain and public good.[93]

The Federalist side 'won' the debate, in the sense that its authors were willing to seek a political framework reflecting the reality of nationwide commerce, administrative, legislative, and executive centralisation, even America's rise to the status of a world power. They accepted that civic virtue could not be had in the quantities presupposed by classical authors, and that new means were required to secure liberty in a large state. Anti-Federalist positions, by contrast, were unconstructive, in the sense that few confronted republican preconceptions with the consequences that followed from accepting the inevitability of the Union. Few new syntheses were attempted.

Even so, Anti-Federalist fears were not unfounded. Madison and Jefferson lived to see the early beginnings of nineteenth century corporate capitalism, the rise of a national bank, and other Hamiltonian schemes about which they themselves had voiced so many reservations. As presidents they fought battles against Hamilton's Federalist Party, which were not only unsuccessful but also backward looking in their assumptions about political economy and the role of the state. Both were forced to revise their ideas on taxation, foreign policy, and public finance.[94] Arguably, it was certain Hamiltonian ideas of administrative modernisation, which facilitated whatever degree of capitalist regulation, economic redistribution, and welfare state integration, which came to exist in America, not Jefferson's ideas of a freeholder's democracy.[95] But if Jefferson and Madison were feet-dragging their way into the new century, they also shared a deep scepticism that the desirable spirit of frugality and political moderation was a necessary, or even a likely outcome of *doux commerce*.

If Anti-Federalists were even more unrealistic about the future, it may also be said that they "had *reasons*, and the reasons had weight". One set of reasons were profound doubts that *any* political architecture, however ingenious its checks and balances, could exist without substantial civic virtue, or, alternatively, could be made to rely on a residual pool of virtue of obscure and postulated origin.[96] Also, while the need for centralisation and enlargement was eventually granted, Anti-Federalists continued to stress what Madison ignored. If Madison's republican problem was the constitution of liberty through federal union, Anti-Federalists insisted on the *new* threats of an unaccountable, remote elite with new authorities. They stressed, in manners that were not *only* parochial, that many liberties had to be constituted locally, or at the very least that local concerns must be adequately represented. Moreover, beyond calls for a civic face-to-face society whose days were already numbered at state level they insisted that no account had been made of how to generate a political identification, which could combine and transcend local differences and create adequate *national* allegiance – and not merely the habitual fair-weather acquiescence of subjects.

Jefferson remained true to his radical self-government theme, also prominent among Anti-Federalists, i.e. the belief that 'the earth belongs to the living'. Despite the force of Madison's theoretical refutation and his sensitivity to pluralism and compromise, the latter's cautious provisions for constitutional innovation were arguably too conservative. Constitutional revisions were soon necessary, given the new economical, social, and political circumstances of corporate monopoly, civil war, slave emancipation, and economic depression. Yet, such revisions were not facilitated by broad constitutional debates, but through the remote and undemocratic institution of judicial review, subject to the contingent quality of particular supreme justices.[97]

Madison's temper was not as adverse to classical republicanism as often assumed. That tradition always also had its more conservative voices. If Jefferson's populism lacked this darker aspect, Madison may have erred in a Humean direction. Unlike Jefferson, he did not contemplate truly democratic solutions to a democratic predicament – i.e. the creation of a participatory culture, its roots possibly in the local associational life, later praised by Tocqueville, but its focus directed towards the Union and a modern state.

Along with increasingly diversified languages about the dispositions required to protect it, corresponding changes of the point and civic context of republican liberty gradually emerged. On both counts, the new vocabularies increasingly pointed in uncivic directions. First, 'inalienable rights' were eventually capable of disassociation from moral duty, divine intention, moral sense, and early natural jurisprudence. The next centuries saw the rise of a truly 'possessive individualist' ideology, tied to radical ideas of self-ownership, just acquisition, and transfer of property, but not necessarily to any right of the poor to survive. Unlike previously, these doctrines were tailored to a new *laissez faire* society in which 'self-interest' lost connotations of concern with moral character, to be linked to arguments against the rationality, or the realistic anticipation, of public-regarding dispositions. This, in turn, was facilitated by a new political economy which viewed naked self-interest as a necessary motivating force, and which saw the common good as a product of unintended consequences, finally rendering virtue completely redundant. To this economic liberalism or libertarianism, the state of nature metaphor represented a vision of the market without a regulator state, rather than a pre-civil state of anarchy without common liberty.[98]

Secondly, the 'other' liberal individualism,[99] which derived from Locke's moral rationalism and the Enlightenment value of autonomy, contained a different potential. In Jefferson, it could be linked, via the appreciation of moral complexity and man's fallen nature, to a conception of collective self-government, which was both a privilege and a duty. This morally infused populism did not disappear in America. Yet, the idea of basing political morality on the self-imposed obligation of the collective could eventually become married to a rationalist reconstruction of political jurisprudence, an impulse which we now associate with philosophers like Rawls and Dworkin. Moreover, in America's professionalised political world, the value of individual autonomy soon assumed more private forms. The importance of independence and choice became conceptualised in connection with a variety of cultural, religious, and aesthetic pursuits, i.e., the radical American affirmation of the right to find one's own peculiar form of happiness. In the nineteenth century, this became an anti-political impulse, in the transcendentalist, principled privatism of Emmerson and Thoreau.[100]

Finally, the language of religious virtue, which momentarily fused with Anti-Federalist republicanism, changed also. Its radical potential surfaced in Lincoln, in the rhetoric of nineteenth century labour leaders, and in the civil rights movements of the sixties. More often, it became part of America's (ethnic) pluralism, as a vehicle of segmented group identities, and arguably as a valuable source of social integration and a brake on competitive individualism. Another, now more visible tendency, articulated by the *Moral Majority* takes religious virtue in directions of private morality, intolerance of cultural pluralism, respect for authority, and a political program of school prayer, anti-abortion, and 'moral' political office. In the neo-conservative, Christian revival, the old schism between commercialism and religious virtue, or of how to "follow Jesus with your pockets full", largely disappeared. Protestant Christianity, capable at times of generating social indignation and activism, could also conceptualise one's duty to God and neighbours as a council for leaving these neighbours alone to pursue their necessarily individual temporal salvation, recognising economic rewards as the product of individual desert, and hardship as self-inflicted.[101]

Notes

[1] Showing this is the theme of a research project of mine under way. I do not attempt this here.

[2] Thomas Jefferson quite typically advocated a limited government "which shall restrain [citizens] from injuring one another, which shall leave them free to regulate their pursuits of industry and improvement, and shall not take from the mouth of labour the bread [they have] earned", a condition contrasted to European inequality and wastefulness (Jefferson, Inauguration Address, March 4, 1801, *The Life and Selected Writings of Thomas Jefferson*, p. 323.)

[3] See footnote above and Mouritsen (2001:35-56). Cf. Skinner (1988).

[4] Pocock (1975:522,533,548). Key references on the early consensus on the liberalism of the founding are Hartz (1955) and, for a radical interpretation, Beard (1913). Before Pocock, liberal interpretations were challenged by Bailyn (1967) and Wood (1969). The literature on American republicanism is immense, useful summaries being Shalhope (1976, 1982), Onuf (1989), and Rodgers (1992). For more general

discussion, see Ackerman (1991:cpt. 1,2,7-9), Ball (1988:47-79,169-70), and Book III of Rahe (1992). Many of the themes of the present article are also discussed in Ball & Pocock (1990).

[5] See in particular Skinner (1990, 1992, 1998) and Viroli (1988, 1992). In my PhD dissertation (Mouritsen 2001) I try to develop these insights: A) I seek to broaden 'the tradition' through a series of didactic readings of authors which Skinner and Viroli did not cover (i.e. the Americans and Tocqueville), also drawing on recent scholarship to revise the view of the Greek tradition, including Aristotle. B) I claim that there was hardly ever any pure civic humanism of Pocock's type. C) I develop an analytical framework to appreciate the (four) dimensions of the core argument and the great variety of emphases on what was the 'problem' of liberty in different historical and conceptual contexts. D) I suggest that the fault lines between republicanism and the various aspects of 'liberal' Enlightenment discourses by which it was challenged were less clear-cut thn usually believed – also by Quentin Skinner – arguing that it makes sense to see a republican argument *inside* several of these new, flexible vocabularies: of natural jurisprudence, contract and state of nature; of moral sense and psychologies of sympathy; of beneficial commerce and conceptions of 'civil' society; of institutional architecture; and of progress and perfectibility. These notions, none of which can be developed here, inform the following.

[6] Appleby (1992); Kramnick (1982; 1990); Dienstag (1996); Diggins (1986).

[7] One version is to reserve a place for political virtue in early liberalism, or else to speak of a radically different 'liberal' republicanism with a new normative content, whose conception of the content and psychology of virtue was at any rate substantially changed. Here, it is assumed that Montesquieu, Hume, and Constant (and Berlin) were right that the political aspirations of the ancients were of a different order. See Ackerman (1991:27-33); Ball (1988:47-56); Habermas (1994); Sinopoli (1992:3-15,146-55). Some (Pangle 1988:48-72; Rahe 1992:3-54) combine their analysis with receptions of Greek and Renaissance thought which accept Pocock's civic humanist picture.

[8] Of course, the rhetoric included attribution of sinister motives to opponents. *Publius* often implied that Anti-Federalists secretly wished to break up the union (e.g., Hamilton in *Federalist* no. 1, p. 89), whereas a standard Anti-Federalist move, justified in the case of Hamilton, was to accuse the gentlemen in Philadelphia of partaking in the "search for grandeur, power and splendor", *Patrick Henry* (5.16.2.)

[9] Storing (1981:5).

[10] Jefferson to Madison, December 20, 1787, *Republic of Letters*, I (pp. 513-14); Madison to Jefferson, September 6 and October 24, 1787, *Republic of Letters*, I (pp. 491,499-500).

[11] Storing (1981:67). For instance, see the letter from *A Delegate Who Has Catched Cold* (5.19.13-18).

[12] For the context and prehistory of the Convention see for instance Kramnick (1987).

[13] Madison, as often noted, was more insisting on *property* rights than his friend Jefferson, but there still is amble evidence against viewing him as a 'possessive individualist'. See 'Note to Speech of the Right of Suffrage', ca. 1821, *The Complete Madison* (pp. 37, 45) and cf. Koch (1966:27-32). Apart from its "particular application", Madison used 'property' in a broader sense of inviolable personal rights to life, safety, and liberty of opinion (Madison, in National Gazette, March 27, 1792, *Papers* (14:266-68).

[14] To *The Federal Farmer*, there were "certain unalienable and fundamental rights, which in forming the social compact, ought to be explicitly ascertained and fixed – a free and enlightened people, in forming this compact, will not resign all their rights to those who govern" (Storing, *The Complete Anti-Federalist* (2.8.19-20). As all the Anti-Federalist pamphlets and speeches cited are contained in Storing's collection, I identify them by his system of reference). Some writers failed to note any possible conflict between individuals' rights and the people's collective exercise of its (political) rights, a point famously criticised by James Madison (section 6-7 below). But this populist fallacy did not divide the protagonists as one might expect. Hamilton opposed a bill of rights with the argument that local states 'already' possessed such (collective) rights. On the other hand the Anti-Federalist *Agrippa,* who thought a bill of rights was "necessary to defend an individual against the majority in a republick", made a conventional distinction to the effect that "Civil liberty consists in the consciousness of that security [in their persons and property], and is best guarded by political liberty, which is the share that every citizen has in the government" *Agrippa* (4.6.30; 4.6.73). It is inaccurate to claim that Anti-Federalists by liberty meant "public of political liberty, the right of the people to share in government" – as distinct from liberty in the sense of the "personal or private, the protection of rights against all governmental encroachments" (Ball 1988:55; Wood 1969: 608-9; cp. Sinopoli 1992:134).

[15] *Agrippa*, (4.6.48).

[16] *Agrippa*, (4.6.34); cp. also *Cato* (2.6.12,18) and *The Federal Farmer* (2.8.14).

[17] Jefferson to Madison, October 28, 1785 and September 6, 1789, *Republic of Letters*, I, (pp. 390,632-34).

[18] Madison to Jefferson, February 4, 1790, *Republic of Letters,* I (pp. 650-53).

[19] *Federalist* no. 40 (p. 264). Also no. 43 (p. 285) and no. 51 (pp. 321-22). See Rosen (1996).

[20] *Federalist* no. 37 (p. 244-7), no. 10 (p. 123) and no. 40 (p. 265)

[21] Rosen (1996:564).

[22] *Federalist* no. 37 (pp. 242-47).

[23] *Federalist* no. 40 (p. 264).

[24] Madison to Jefferson, October 24, 1787, *Republic of Letters*, III (p. 496).

[25] *Federalist* no. 38 (p. 248); no. 43 (p. 285); no. 49 (pp. 313-14).

[26] *Federalist* no. 49 (p. 313).

[27] *Centinel* (2.7.17). On the origin of the small republic argument, see Draper (1982:35).

[28] *Centinel* (2.7.19). Cp. *Cato* (2.6.13-21); *The Federal Farmer* (2.8.14); *Brutus* (2.9.14-20).

[29] *Federalist* no. 15 (Hamilton); Madison to Jefferson, October 24, 1787, *Republic of Letters*, I (p. 500).

[30] *Federal Farmer* (2.8.18); cp. *Brutus* (2.9.18) and *Cato* (26.16-17); *Federalist* no. 62 (p. 368).

[31] *Federal Farmer* (2.8.18); *Federalist* no. 49 (p. 314); no. 41 (p. 369); cp. no. 46 (p. 298).

[32] Sinopoli (1992:136-55).

[33] *Cato* (2.6.13-14).

[34] *Brutus* (2.9.49).

[35] *Federalist* no. 17 (Hamilton) (pp. 157-58); *Federalist* no. 27 (Hamilton) (pp. 201-3).

[36] *A Federal Farmer* (2.8.24).

[37] They also advanced a second argument about rational allegiance, centring on the need for a Bill of Rights as an identity device, to which we return below.

[38] Jefferson to William Short, January 3, 1793, *Papers* (25:14-17).

[39] Jefferson to John Tyler, May 26, 1810; Jefferson to Joseph C. Cabell, February 2, 1816; Jefferson to Samuel Kercheval, July 12, 1816, *Life and Writings* (pp. 610-11,660- 62, 676).

[40] *Federalist* no. 12 (p. 134) (Hamilton).

[41] Franklin, *Autobiography*; Jefferson to Samuel Kercheval, July 12, 1816, *Life and Writings* (p. 673). Madison deplored the "despotism" of a situation where "*twenty thousand* persons are to get or go without their bread, as a wanton youth may fancy to wear his shoes with or without straps, or to fasten his straps with strings or with buckles." Madison, in the National Gazette, March 20, 1792, *Papers* (14:258, italics in original).

[42] Pangle (1988:97).

[43] *Centinel* (2.7.103), cp. *Candidus* (4.9.18) and *A Plebeian* (6.11.22-23); Jefferson to Archibald Stuart, January 25, 1786, *Papers* (9:219-20); Pangle (1988:93-94).

[44] Kloppenberg (1987:26); Storing (1981:45).

[45] Hume advanced the distinctly anti-republican argument that commerce would not only render civic virtue redundant but also cure the modern world of the disease of *too much* (overzealous, fanatic) civic virtue (Hume, 'On Commerce', *Political Essays*).

[46] *Agrippa* (4.6.6); *Cato* (2.6.34); *Charles Turner* (4.18.1); Jefferson to John Jay, August 13, 1785; Jefferson to Hogendrop, October 13, 1785, *Papers* (8:426,633); cp. also *Notes on Virginia*, query 19, *Life and Writings* (pp. 280-81). Jefferson was uncomfortably aware that rural virtue, in America as in ancient republics, went along with a slave economy. His notion that America should pursue its virtue alone, exporting its corruption as it were ("let our workshops remain in Europe"), is difficult to take entirely seriously, *Notes on Virginia*, query 18 and 19, *Life and Writings* (pp. 277-81).

[47] Hamilton, *Report on Manufactures*, in *On Public Credit, Commerce, and Finance* (pp. 195-96); Hamilton, Speech to the New York Ratifying Convention, June 21, 1788, *Papers*, 5 (pp. 42-43). For Hamilton's acceptance of erosion of virtue, his approval of Hume's beneficial *luxury*, and for John Adam's Calvinist despair at such prospects, see Diggins (1986:53-55).

[48] Vetterli & Bryner (1987:59-61).

[49] On religion at the founding, see Bloch (1990); Pangle (1988:78-88); Vetterli & Bryner (1987:74-77).

[50] *A Watchman* (4.22.4).

[51] Madison to Jefferson, October 24, 1787, *Republic of Letters*, I (p. 502); Madison to Mordecai M. Noah, May 15, 1818, *The Complete Madison* (p. 310); Jefferson, *Notes on Virginia*, Query 17 and 18, *Life and Writings* (pp. 272-78).

[52] *Turner* (4.18.2); *Letter byDavid* (4.24.6); cp. *Luther Martin* (2.4.108) and *A Friend to the Rights of the People* (4.23.3).

[53] Vetterli & Bryner (1987:50-54).

[54] E.g., Vetterli & Bryner (1987:54),

[55] For Adams' position, see Diggins (1986:74-99); but cp. Lerner (1987: 23ff).

[56] Kloppenberg (1987).

[57] Appleby (1992:1).

[58] Jefferson to P. Carr, August 19, 1785 and August 10, 1787, *Papers* (8:406; 12:15-18).

[59] Madison, Second annual message, December 5, 1810; Madison to W.T. Barry, August 4, 1822, *The Complete Madison* (pp. 313,316). Jefferson to Mr. Wythe, August 13, 1786 *Papers* (10:244). For Adams' similar position see Lerner (1987:165).

[60] Haakonssen (1991). Kloppenberg (1987:22) shows how 'interest', 'utility', and 'happiness', as used by Jefferson and contrary to the flattened nineteenth century vocabulary of utilitarianism, assumed everybody's interest in becoming a good, reflective, and responsible person. See Jefferson to Peter Carr, August 19, 1785, *Papers* (8:405-408) and to Thomas Law, June 13, 1814, *Life and Writings* (pp. 637-40).

[61] Jefferson to Peter Carr, *Papers* (12:17).

[62] Jefferson to John Taylor, May 28, 1816; Jefferson to Samuel Kercheval, July 12, 1816, *Life and Writings* (pp. 670,676); see also Jefferson to Edward Carrington, January 16, 1787, *Papers* (11:48-49).

[63] See Ackerman (1991:165-99) and Ball (1988:72), and note the discussion below.

[64] Madison in the National Gazette, March 5, 1792, *Papers* (14:245).

[65] Speech to the Virginia Convention, June 20, 1788; Madison, in National Gazette, December 20, 1792, *Papers* (11:163, 14:426).

[66] E.g., Jefferson to Thomas Jefferson Randolph, November 24, 1808, *Life and Writings* (pp. 591-92,676,711); Jefferson to Samuel Kercheval, July 12, 1816; Jefferson to Monsieur A. Cray, October 31, 1823, *Life and Writings* (pp. 591-92,676,711); Jefferson to Adams, October 28, 1813, *The Adams-Jefferson Letters*, II (pp. 387-92).

[67] Paradigmatically in *Brutus* (2.9.9). See also *Mason's* representative summary of perceived dangers of all the new branches of government (2.2.2-9).

[68] *Luther Martin* (2.4.44); cp. *Brutus* (2.9.23, 2.9.65) and *The Federal Farmer* (2.8.75).

[69] *Brutus* (2.3.9, 2.9.102).

[70] Madison to Jefferson, October 17, 1788, *Republic of Letters*, I (p. 565); *Federalist* no. 37 (p. 243), see Storing (1981:29) and Hamilton's argument in *Federalist* no. 23.

[71] *George Mason* (5.17).

[72] *Federalist* no. 14 (p.143).

[73] *Federal Farmer* (2.8.8-10); *a [Pensylvanian] Farmer* (3.14.6-21).

[74] *Federalist* no. 45 (p. 293). On the Hamilton quarrel see Koch (1950:103-14, 127-34).

[75] *Federalist* no. 10 (p. 126); Madison to Jefferson, October 24, 1787, *Republic of Letters* (p. 501).

[76] *Federalist* no. 10 (p. 127).

[77] Storing (1981:47).

[78] *Cato* (2.6.38); *The Federal Farmer* (2.8.95-98); *Brutus* (2.9.14); *Melancton Smith* (6.12.8-25). See also Kramnick (1987:44f).

[79] *Federalist* no. 10 (pp. 126-27); no. 55 (p. 336).

[80] I.e. *Centinel* (2.7.9). In many Anti-Federalists there were also remnants of more classical republican ideas of *mixed government*.

[81] E.g., *Gerry* (2.1.2); *Brutus* (2.9.203-4).

[82] *Federalist* no. 51 (pp. 318-20).

[83] *Federalist* no. 51 (p. 320).

[84] *Patrick Henry* (5.6.14) spoke of "checks on paper ... inefficient and nugatory".

[85] *Federalist* no. 51 (pp. 321-22); Ackerman (1991:181-86).

[86] *The Federal Farmer* (2.8.196).

[87] For a central statement, see *The Federal Farmer* (2.8.19-20; 2.8.196-203). Also *Centinel* (2.7.36-44). On the general debate, see Storing (1981:64-70).

[88] *Federalist* no. 51 (p. 321); cp. Madison to Jefferson, October 17, 1788, *Republic of Letters*, I (p. 564). See Banning (1988:126-30).

[89] Koch (1966:31); Madison to Jefferson, October 24, 1787; October 17, 178, *Republic of Letters*, I (pp. 501,564).

[90] *Brutus* (2.9.25); *A Delegate Who Has Catched Cold* (5.9.14). *A Maryland Farmer* (5.1.15).

[91] Koch (1950:56); Jefferson to Madison, 15 March 1789; Madison to Jefferson, October 17, 1788 (*Republic of Letters*, I (pp. 564-65, 587-88).

[92] Madison to Jefferson, October 17, 1788, *The Republic of Letters*, III (p.565); *The Federal Farmer* (2.8.197); *A Delegate Who Has Catched Cold* (5.19.16).

[93] Storing (1981:6).

[94] Koch (1950:212-59).

[95] Kapstein (1997).

[96] Storing (1981:6).

[97] Lately, this conservative institution has been praised by liberal American theorists who link its deliberations to democratic legitimation processes (Macedo 1990; Ackerman 1991).

[98] Kloppenberg (1987:19,27-29); Hont & Ignatieff (1983); Bellamy (1992:9-21).

[99] For the distinction, see Dunn (1993:35-36).

[100] Thoreau, *Walden* (pp. 212-21); Diggins (1986:192ff); Kateb (1989); Rosenblum (1987).

[101] Bellah et al. (1985:219-49; 1991:179-92); Diggins (1986:334-36); Marsden (1990:388-89).

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BOOK REVIEWS

Kari Palonen

A 'DISCIPLINE OF READING'

Helge Jordheim (2001): Lesningens vitenskap. Utkast til en ny filologi. Oslo: Universitetsforlaget.

We can detect a broad mixture of disciplines in the background of conceptual history. Historians, philosophers, constitutional lawyers, linguists, and political theorists, in particular, tend to give a different profile to the study to be practised. Within the meetings of the History of Political and Social Concepts Group, we can also detect an extension of national and disciplinary backgrounds of the participants in the conferences and other activities since its origins in 1998.

Helge Jordheim has published a book in Norwegian with a title that is perhaps best translated as "A Discipline of Reading. An outline of a new philology". The history of concepts seems to be completely absent among Norwegian political scientists and is hardly notable among the historians and philosophers. Jordheim, who works in the Department of German Philology at the University of Oslo, has written a pioneering study in several respects.

The author's point of departure consists of reconceptualizing philology as a discipline of reading. His main question concerns the possibilities and limits of a systematized and professional reading which he calls philology – and when doing so, dissociating himself from the traditional meaning of this discipline. As the subtitle indicates, Jordheim's intention is not a minor one: to construct an outline of a "new" philology, a new discipline in which the special objective lies in the analysis of the "reality of the text". To this task, the author borrows aspects from three contemporary intellectual approaches; the Koselleckian *Begriffsgeschichte*, the Foucauldian discourse analysis, and the Skinnerian speech act theory. With his book, Helge Jordheim makes thus a rather surprising move from the perspective of both the philologists and the historians of concepts.

Jordheim's first step is to rewrite (in the Koselleckian sense of Umschreibung) the history of the nineteenth century philology in Germany, from Friedrich August Wolf and Friedrich Schleiermacher to Friedrich Nietzsche. The core problem of the chapter is to discuss language-in-history, i.e. the various interpretations given to this phrase especially in the great controversies among the philologists of the nineteenth century, including Ulrich Wilamowitz-Moellendorff's polemics against Nietzsche's *Geburt der Tragödie*. The next step is then to oppose philology to linguistics and, in a sense, to rehabilitate the inherently historical studies of the philologists against the unhistorical linguistics. The target of criticism is not Saussure's turn of the study of language from parole to langue as such, although a rehabilitation of the parole is a decisive step in his program. Jordheim's point is rather to illustrate how this shift has lead to an unhistorical and unliterary 'science' of linguistics, as it is practised in the language departments of today.

It is such a crisis of the academic study of language that has led Jordheim not only to look backwards but also to look outside the departments of philology and linguistics, towards approaches that could better cope with "language-in-history". What is remarkable is that the linguistic critiques of conceptual history by Dietrich Busse and others are barely mentioned and the attempts to practise a linguistic history of concepts, such as done by Georg Stötzel and others in Germany, and by Jacques Guilhaumou and others in France, have not been considered at all. I consider this to be an indirect sign that Jordheim thinks, with good grounds, that it is better to a new philology to take fresh ideas from those who never have considered themselves as philologists or linguists.

What is sympathetic in Jordheim's reconceptualization of philology is his conscious avoidance of a single receipt to be applied. On the contrary, he has chosen three partly complementary, partly competing ideal typical perspectives of renovation. The names of Reinhart Koselleck, Michel Foucault and Quentin Skinner serve as 'representative anecdotes‘ (Kenneth Burke) of such approaches, regarded to represent different philosophical perspectives: hermeneutics, structuralism, and analytic philosophy, also neatly correspond to the distinctions between Germanic, French and Anglo-American styles of thought (cf. esp. 81-83).

The differences between the approaches are first indicated with three different modes of studying “the Enlightenment”. Towards the end of his book, Jordheim experiments with the three modes of reading by using Wieland‘s *Das Geheimnis des Kosmopolitenordens* from 1788 as a common “textual reality”. The topic deals with Jordheim’s own specialty and he thus gives a convincing impression how all the three approaches can be used as strategies of reading a single text and how different both the results and especially the problematic taken up by each of the approaches can be.

In the key chapter of the comparative introduction of the perspectives Jordheim systematizes the “triadic” distinctions at different levels. As modes of dealing with language-in-history he speaks of concepts, discourses and speech acts. Furthermore, concerning the aspect of language thematized, he introduces the corresponding triad of semantics, syntax and pragmatics; in relation to history he then differentiates between temporality, discontinuity and retoricity. By these differentiations, the author distinguishes the Koselleckian, Foucauldian and Skinnerian approaches from each other. He uses this obviously as a move that strengthens his programmatic intention of a “re-foundation” of the discipline of philology. By this very move, he simultaneously recontextualizes the disciplinary and thematic origins of such approaches as Skinner’s and Koselleck’s in a manner that differs from their self-interpretations.

Still, it is this systematization of the differences to the triadic distinctions that provokes me to objections. It is all too schematic, resembling what another Norwegian scholar, Johan Galtung, did in the 1970s when introducing a (slightly ironic) classification of national academic styles. The use of such a classificatory scheme presupposes a common hidden agenda as if the three ideal typical variants would represent different answers to the same problematic. Such a procedure disregards the obvious possibility that the questions of the authors are highly singular and context-specific, which seems to be the case here. Or, in Skinnerian terms, the mythologies of doctrine and prolepsis are particularly imminent in such a triadic classification of authors and approaches. Similarly, the mythology of coherence is also lurking, at least in so far as the internal conceptual changes of each author's work – such as Skinner's turn towards rhetoric – are rather disvalued in order to attribute each author a place in the typology. In addition, important thematic profiles of the authors, such as Koselleck's studies on war memorials and political iconography in general, are left unmentioned although they clearly continue *Begriffsgeschichte* with other types of sources and problematize the role and dating of the *Sattelzeit*.

Jordheim has read the work of Skinner and Koselleck in a relatively extensive manner – how far this holds for Foucault, I am incompetent to judge – and is less dependent on the commentators than many others. Despite this, it is obvious that the mode of presentation of Koselleck, Foucault and Skinner cannot be considered as a historical introduction to their respective work but rather as a selective reading of each of them from the viewpoint of the philology-refoundation project. This is remarkable as an attempt to re-conceptualize their work, but it also seems to lead to certain misrepresentations of their projects.

The author's competence in the history of political thought is insufficient at some places. It is explicitly in opposition to Skinner's own analysis of the matter to characterize the concept of liberty among the neo-roman thinkers as a "positive" one (p. 148). Koselleck's dissertation *Kritik und Krise* is admittedly indebted to the work of Carl Schmitt, mainly to his *Der Nomos der Erde*, but the critique of the depoliticizing tendencies of the Enlightenment by Koselleck has nothing in common with the Schmittian inability to make the friend-enemy-distinction. On the contrary, Koselleck analyses the fatality of politicization without concrete activities of politics-as-activity or politicking, in which Schmitt never had any interest. I wonder also how Jordheim manages to leave the name of Max Weber unmentioned in the entire volume: Weber's perspective to conceptual changes in humanities as well as his substantial studies on history and politics are obviously significant for all the three authors, especially to Skinner.

More generally, Jordheim has difficulties to understand the inherent links of conceptual histories à la Koselleck and Skinner to politics. As is often the case with the linguistic studies on the history of concepts and the modes that many representatives of other disciplines use to talk about politics, he seems to assume that it is a more or less well-known subject matter among others. He seems to understand the historicity of the concept of politics, but relying on Sellin's rather point-missing *Politik* article in the *Geschichtliche Grundbegriffe* (the *Politik* article in *Historisches Wörterbuch der Philosophie* by Meier, Weihnacht and Vollrath, written a decade later, is much better) has perhaps led him to neglect the conceptual breaks.

Skinner in particular reads political thought in the perspective of "political life", as he programmatically indicates in the *Preface* of *The Foundations of Modern Political Thought*. In other words, politics serves for him as an 'explanatory principle' of conceptual change. Jordheim correctly observes that it is Skinner who has turned the Austinian speech act theory to a strategy of reading (p. 215). This cannot, however, be regarded only as an "application" of a general programme, but it rather signifies a modification of the speech act perspective to concern the analysis of conventions at a historical distance and to treat the illocutionary acts as political "moves in argument".

Despite these strictly 'academic' criticisms, I think Helge Jordheim has written a thought-provoking book, although I am afraid it will be met mostly by silence among the linguistic and philological establishment in Scandinavia. Maybe it is not, finally, so far-fetched to turn the histories of concepts to philologies. Koselleck was an active participant in the discussions of the group *Poetik und Hermeneutik* from 1960's to 1980's. Skinner has published some of his articles in literary journals, such as *New Literary History* and *Essays in Criticism*. Both authors thus tend to question the distinction between the academic and literary genres as sources of historical interpretation.

Most explicitly, to understand conceptual histories as strategies of reading is to extend the possibilities to generate studies unintended by the initiators. This can be particularly done through the analysis of a historical dimension in the use of concepts as arguments in contemporary texts. I have suggested the name of a "lateral history of concepts" to such analysis. In this respect the sources can be poems or party manifestos, novels or parliamentary debates – an interdisciplinary work among scholars of literature and politics in such terms would be highly desirable.

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