



# Redescriptions

Yearbook of Political Thought and Conceptual History



**JÖRN LEONHARD** From European Liberalism to the Languages of Liberalisms: The Semantics of Liberalism in European Comparison | **WENDY BROWN** Tolerance as/in Civilizational Discourse | **JORIS VAN EIJNATTEN** Between Practice and Principle: Dutch Ideas on Censorship and Press Freedom, 1579-1795 | **THOMAS POELL** Liberal Democracy versus Late Medieval Constitutionalism: Struggles over Representation in the Dutch Republic (1780-1800) | **KARIN TILMANS** The Dutch concept of the Citizen: From the early Middle Ages till the 21st Century | **HENRIK STENIUS** The Finnish Citizen: How a Translation Emasculated the Concept | **TUIJA PARVIKKO** Memory, History, and The Holocaust: Notes on the Problem of Representation of the Past | **KIMBERLY HUTCHINGS** World Politics and the Question of Progress

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Yearbook of Political Thought and Conceptual History

(formerly Finnish Yearbook of Political Thought)

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## EDITORIAL

# THE POLITICS OF RENAMING

**R**EDESCRIPTIONS. *Yearbook of Political Thought and Conceptual History* is the new name of the *Finnish Yearbook of Political Thought*. Renaming is in itself a form of rhetorical redescription which indicates both that the old name has given rise to misleading associations and that a new page in history has been turned. The renaming of the *Yearbook* is a move that corresponds to the trends in current academic politics. As national traditions are dissolving, the relationships between intellectual centres and peripheries are tending to increasingly underlie a process of reformation, and as the old strictly discipline-bound academic journals and yearbooks are becoming stagnant, new types of names are becoming increasingly necessary.

The *Yearbook* has a record that surpasses the intention of its founders that it serve as a modest and rather amateurish enterprise. Throughout its seven volumes, the *Yearbook* has developed an intellectual profile of its own and manifested a high academic quality. World-famous political theorists, historians and philosophers have contributed to the seven volumes, including Reinhart Koselleck, Quentin Skinner, Adriana Cavarero, Janet Coleman, Terence Ball, Frank Ankersmit and Patricia Springborg. Similarly, the *Yearbook* has published contributions by first-rank younger scholars, such as Simona Forti, Mark Bevir and Hubertus Buchstein. Leading Finnish

scholars in political thought, philosophy and intellectual history have also contributed to the *Yearbook*. The *Yearbook* has brought studies from the Finnish project on conceptual history and other discussions on Finnish history, politics and philosophy to an international audience.

The further professionalisation and internationalisation of the *Yearbook* is a goal we intend to achieve. The third editorial team renamed the *Yearbook* and added a subtitle indicating the thematic profile. A formalised reviewing process, a website (<http://www.jyu.fi/yhtfil/redescriptions>), the possibility to easily order back issues and the introduction of an electronic version of the journal have been established. From Volume 9 onwards, the participation of Lisa Disch (University of Minnesota, USA) and Hubertus Buchstein (University of Greifswald, Germany) on the editorial team will accentuate the *Yearbook's* international ambitions.

Redescription refers to a rhetorical move. In terms of classical rhetoric, redescription alludes to a group of moves that alter a concept in one sense or another. Following Quentin Skinner we can discern four aspects of redescription, namely reconceptualisation (revision of meaning), renaming (name change), re-weighting (shifting significance) and re-evaluation (alteration of the normative colour). One of the main sources of rhetorical redescription is the scheme of *paradiastole*, which refers either to the de- or revaluation of the normative tone or to the increasing or decreasing significance of the concept in question. In a broader sense, the point of both renaming and reconceptualising can lie precisely in the corresponding changes that increase or decrease the acceptability of the concept.

The political use of concepts is typically controversial and contested, and includes the omnipresence of redescriptions of concepts. Accepting this condition of the understanding of political thought and conceptual change requires paying special attention to the moves of redescription involved in the study of political thought and conceptual history. The presentation of a description already poses a challenge for its revision, or redescription, although it is impossible to tell in advance the exact point that the redescription will mark or all the levels of significance it can be given afterwards.

The name *Redescriptions* refers to the need to analyse in microscopic detail the rhetorical dimension of conceptual changes. The concept of



“conceptual history” that is included in the subtitle alludes to the key role of concepts as “pivots”, as Reinhart Koselleck puts it, around which the political controversies rotate. In a broader sense, conceptual history also refers to an increasing interdisciplinary research programme, which has resulted in impressive monographic studies around single concepts or conceptual controversies, as well as in noteworthy lexical projects. Studies representing of all these types have also been published in the *Yearbook*. The growing international interest in conceptual history also alludes to a close co-operation with the *History of Political and Social Concepts Group*, founded in 1998. The *Yearbook* has provided a major forum of publication for papers presented at the annual conferences of the group, and the addition of conceptual history to the subtitle indicates a direction of interest.

The *Yearbook* welcomes original scholarly contributions on any aspect of political thought regardless of the academic discipline to which the author belongs. Articles paying specific attention to the changing and contested character of concepts are particularly welcome.

The increasing role of Finnish scholars in new academic subfields and international networks is a further reason for changing the name of the *Yearbook*. There is no longer any special need to increase the international awareness of the strange thinking on the Finnish periphery: there are enough fora for this purpose. Dealing with Finnish subjects will require dissociation on two distinct levels, which allow us to treat on two distinct levels Finland as a foreign country that happens to be familiar to the authors. This was also the programme of the Finnish project on conceptual history, of which a first volume, *Käsitteet liikkeessä* (Concepts in Motion) was published in December 2003. The volumes of the *Yearbook* remain indispensable in the presentation of an overview of Finnish conceptual history and political thought in general. The practice in which Finnish scholars review recent international literature and foreign scholars review Finnish literature on the field will also be continued.

*Redescriptions* is included as an independent section of the research unit *Political Thought and Conceptual Change* and the main research area of *Political Theory and Analysis* at the University of Jyväskylä, which remains the site of *Redescriptions*.

KARI PALONEN

EDITORIAL

LIBERAL TOLERANCE,  
CIVILIZATION,  
AND PROGRESS

One of the leading ideas guiding the editorial policy of *Redescriptions* is to bring out points of connection between critical conceptual history and contemporary political thought. This policy is informed by an awareness of the power that history writing exerts on giving shape to the past and the present, along with the power of individual concepts and conceptual clusters to shape reality. The focus of *Redescriptions* is in finding out how concepts work.

The articles in this volume span a continuum of concepts operating at the core of liberal political thought, concepts such as liberal, tolerance, progress, civilization, civilized, civility, civil society, civic, and *citizen*. They are all approached in a way which opens up their contingent past and their various effects in the present.

In her article 'Tolerance as/in Civilizational Discourse' Wendy Brown takes up the performative aspects of *tolerance*. Brown fittingly places the concept in a contemporary context of war against terrorism, international politics and globalization. The war against terrorism is too often understood as a war against barbarism, and tolerance, one of the central concepts of liberal discourse, acts as an agent in this war.

Brown's trenchant inquiry into the concept of tolerance highlights its operation in the service of the hegemonic. Tolerance is generally an act of those who are in a hegemonic position towards those who deviate from the hegemonic norms, and as she points out, as an act it hides the power organizing the very performance. According to Brown, in contemporary political context the discourse of tolerance operates by situating once more the West in the center and as the standard of civilization, which sanctions cultural domination. The rhetoric of "teaching tolerance" de-politicizes the effects of domination and colonialism.

Tolerance was also a central characteristic in the traditional pre-political meaning of *liberal* as a social attribute of an educated gentleman. As Jörn Leonhard explains in his article on the semantics of liberalism in European comparison, *liberal* had originally no direct political meaning but it was instead an attitude belonging to an aristocratic and cultivated political and social elite. As Leonhard's discussion of the concept *liberal* demonstrates, conceptual history at its best can open up the politically unsettled field that in a given historical situation has access to a variety of possible futures, yet as the discursive actions evolve, those meanings become pre-empted by and closed off to certain directions. Leonhard's article displays such a moment, or a series of moments, through which the concept *liberal* became attached to a specifically political meaning.

Conceptual history is employed also by Henrik Stenius in his article on the concept *citizen* which in the Finnish context exemplifies another moment of a highly open field of possibilities in the past. Stenius focuses on a crucial moment in a period of post-Napoleonic Finland, and on a single influential text by the Finnish scholar and advocate of a nationalist movement Elias Lönnrot (1802-84). Looking closely into the translation of the concept *citizen* from Swedish into Finnish Stenius is able to show how Lönnrot conceived the then central new concept of European political thought in a most imaginative way. According to Stenius, Lönnrot introduced a radically universalistic concept of citizen, which was only made possible through the presently current translation culture of Finland.

The relevance of the past to the present and the limits of tolerance and civilization similarly concern Tuija Parvikko in her article on writing the history of the Holocaust and on memory as politics. She

argues that the temptation to view the Holocaust as an event that is beyond representation should be avoided. She discusses the problem of representing, witnessing, and the politics of memory in Germany concerning the Holocaust. Along with Arendt she argues that remembering is important for the sake of the possibility of political existence that renders human life meaningful.

The effects of the discourse of *civility*, *civilization*, and *civil society*, and *progress* on contemporary politics are addressed by Kimberley Hutchings in her contribution to this volume. Hutchings critically examines the notions of *global civil society* which have in recent years been put forward in various post-Kantian and post-Marxist terms by authors such as Hardt and Negri, Linklater and Kaldor. Hutchings is able to show how the figure of progress in history persistently adheres to discussions on civil society in international context. She pinpoints the problem to a unifying idea of progress which is posited as universal and therefore able to de-historicize and de-politicise its own particular historicity and politics. Hutchings encourages theorists of world politics to a greater degree of self-consciousness concerning the origins and political effects – both intended and unintentional – of those vocabularies in which their analysis is conducted.

The articles of Brown and Hutchings in this volume provide exemplary critical perspectives on how particular vocabularies carry their histories to the present and perform in contemporary usage in ways that are not always at all evident. Through its semantic history well-mannered tolerance is made to reveal its more dubious aspect as an attitude organized in terms of a hierarchy of the privileged and the non-privileged. The positive echo of progress thinly covers the idea of placing civilizations in hierarchies, conditioned by cultural power and colonial legacies. Both analyses point to a situation where the limits of liberal discourse become all too apparent when considered together with various histories of dominance.

TUIJA PULKKINEN

## EDITORIAL

# THE RISE OF MODERNITY IN DUTCH POLITICAL THOUGHT

This volume of *Redescriptions* contains three important contributions by Dutch specialists in the history of political thought and conceptual history. Though providing long-term analyses, all three papers focus specifically on the early modern period and the Age of Revolutions and discuss the related political concepts of freedom of the press, citizenship and national representation in the Dutch Republic respectively. The papers constitute a thematic entity which we believe will appeal to readers in a number of countries and a broad range of disciplines.

Why should Dutch history interest scholars outside the Netherlands? And why should an originally Finnish publication suddenly focus on the history of Dutch thought? A brief moment of contemplation helps us to realise that Dutch history of political thought deserves more attention within the international scholarly community than it has received thus far. At least three separate factors point in that direction.

Firstly, the early modern Netherlands was truly pioneer country in many respects. Though the Dutch were most successful in practical arts such as navigation, trade, building a market economy and

financing and fighting wars, their decentralised republican constitution at a time when monarchical rule prevailed, unusually high degree of religious diversity when persecution was the rule elsewhere, and considerable material and cultural wealth provided fruitful circumstances for pragmatic and sometimes innovative political thought. If practical thinkers and pamphleteers are taken into account and the language of the country of one of the most thriving publishing trades of the time read — as it should be, — we encounter a high number of minor Dutch theorists whose writings can be revealing with regard to the modernisation of European political thought in general. While Dutch printed literature has been studied by a number of Dutch scholars, it still constitutes a neglected gold mine for non-Dutch researchers focusing on the comparative study of political cultures. To give just one example of potential comparisons, there existed a group of highly literate and increasingly commercial societies in eighteenth-century Europe with representative bodies and a commitment to defend the cause of liberty. Though diverse in many respects, eighteenth-century Britain, the Netherlands and Sweden may be much more easily comparable with each other than has tended to be realised. And it is only through comparative studies that the unique and shared characteristics of political cultures can be specified in an analytical manner.

Secondly, indicators of research activity show that Dutch historians are among the most active members of the international scholarly community. Manuscripts on Dutch history of political thought often pass reviews by their peers, sometimes resulting in the concession by the referee that the author's level of expertise leaves little room for criticism. Dutch scholars are approaching the past in innovative ways, applying methodological strategies borrowed from different cultural contexts yet adapting these to specific Dutch contexts, drawing significant conclusions and presenting the findings in idiomatic English.

Thirdly, the Netherlands has become a fashionable country among many Europeans. Politicians, reporters, researchers and ordinary citizens seem to have become increasingly aware of the fact that the Netherlands is, in many ways, a 'Scandinavian' country outside of Scandinavia. When research, education, welfare state, public health or EU-policy, for instance, are concerned, many Scandinavians tend

to view Dutch solutions in a positive light. For the Anglophone world, too, the Netherlands has always been slightly more accessible than most other Continental societies. Anglo-Dutch links concern the history of ideas in particular, as England and Holland share so many parallel and often connected intellectual development.

In this volume of the *Redescriptions*, we have the chance to explore Dutch history through three scholarly articles. Firstly, Joris van Eijnatten takes us on a fascinating journey to the practice and theory of censorship and freedom of the press in the seventeenth- and eighteenth-century Netherlands — a haven of free publishing and intellectual activity compared to most European states at that time. His article leads to a classification of arguments in favour of freedom of the press which provides tools for further analyses on the topic in different national contexts.

Secondly, Karin Tilmans provides us with a helpful overview of the results of the recently completed project on the Dutch concept of the citizen. Whereas the findings of the project have mainly been published in Dutch thus far, we are now presented an English account of the development of a key concept in a country where the role of citizens — however defined — has been central in government for longer than in most other European political cultures.

Thirdly, Thomas Poell discusses a question of major scholarly interest — the transition from medieval structures of representation to modern liberal representative democracy. He demonstrates a clear opposition between old traditions of representation on the one hand and the liberal democratic state model on the other and reaches the important conclusion that revolutionary change was necessary before a major reform in representative structures became possible.

After reading these contributions, we are not only more familiar with the history of a middle-sized European state but also with the process of the rise of a modern liberal democratic state in general. The Netherlands was unique but experienced many intellectual changes as one of the first European countries and thus makes an excellent object of comparison in the study of the history of political thought and conceptual history.

PASI IHALAINEN





## ARTICLES



*Jörn Leonhard*

*From European Liberalism to the Languages of Liberalisms:*

# THE SEMANTICS OF *LIBERALISM* IN EUROPEAN COMPARISON

Within the mainstream analyses of the European variations of bourgeois society, much intensified during the last ten years by comparative research projects, approaches developed by social history clearly dominated the field of research.<sup>1</sup> Yet in the last few years we have observed a shift towards more coverage of the cultural aspects of bourgeois societies in 19th-century Europe, part of which is the analysis of ideological language and political discourse.<sup>2</sup> A comparative history of concepts examines the transformations, value and validity, coherence and connections of basic concepts in order to reconstruct the long-term transition of the old European social order into modern bourgeois societies on the level of political discourse. The comparative analysis aims at finding the specific ambivalences, turning-points, con-temporaneity and non-contemporaneity within this European transformation by contrasting the different histories of the same concept in different countries. The premise of this approach results from the idea of specific historical experiences and expectations which determined the semantic structure of any socio-political concept.<sup>3</sup>

This paper tries to apply a semantic analysis to the comparative analyses of European liberalism.<sup>4</sup> It is obvious that many results of comparative analyses dealing with Germany and Britain question the traditional roles of the English pioneer and the *Sonderweg* of Germany in view of political, social and economic modernization.<sup>5</sup> Nevertheless these prejudices gave rise to many studies comparing English and German Liberalism: Whereas the English model showed an apparent harmony of political, social and economic modernization, the German disharmony between a delayed social and economic development on the one hand and constitutional and political backwardness on the other apparently predestined the failure of German liberalism. But these retrospective categories of winners and losers in history do not take into consideration a fundamental question that seems to be essential for any comparative analysis, namely the different contemporary meanings of such basic concepts as *liberal* in different historical contexts.<sup>6</sup> The neglect of this semantic aspect results in what I call the trap of semantic nominalism, that means the unconsidered transfer of a concept from the contemporary political language of one country to the political discourse of another. The implicit equating of contemporary meanings in different contexts conceals an important focus of specific experiences and expectations, in other words the possibility of replacing the category of a universal European Liberalism with a spectrum of different histories of contemporary meanings of *liberal*.<sup>7</sup>

The study of the history of concept is, as a result of different intellectual traditions, not the same in different countries. In Britain and the United States we still find, among other trends, the traditional history of political ideas. The so-called *Cambridge School* which seems to offer the most advanced theoretical position is associated with so famous scholars like John Pocock and Quentin Skinner, Terence Ball and John Dunn. Its methods are mainly based on philological traditions, often accompanied by systematic and normative approaches and closely linked with political theory and philosophy.<sup>8</sup> In France the quantitative analysis of political vocabularies has led to a technically advanced branch of linguistic computer-research.<sup>9</sup> In Germany the history of concept has been a well established discipline in the field of historical research since the early 1970s. It was motivated by the observation that the language of the sources

was insufficient to express the modern perspective on the past. The structural approach by Werner Conze and Reinhard Koselleck found its expression in the “*Historical Basic Concepts. Dictionary of the Political and Social Language in Germany*”, published between 1972 and 1992, now consisting of seven volumes with 120 articles in almost 7,000 pages.<sup>10</sup> It is an interesting perspective of scientific development to see the German approach theoretically adapted in the United States and that there is at least a beginning discourse of methods between the different schools.<sup>11</sup>

The theoretical approach presented in this paper follows the history of concept and tries to develop it further on the level of a comparative research. It can be sketched shortly by the following four premises:<sup>12</sup>

(1) Although the semantic relation between words and things is fixed in any speech-act, it changes in time. The semantic transformation of political and social concepts is not congruent with the transformation of political and social structures. Therefore it is a task of historical investigation to find out the specific relation between language and historical reality.

(2) There is no proper or fixed description of the past. As a historian one is always confronted with two faces of the past: We try to reconstruct the changing meaning of concepts in the language of the sources to learn about the contemporary point of view, and by using our modern terminology we subsume the past under our own modern categories and interests. The historian has to be aware of both aspects and the hermeneutic differences: Through an analysis of the contemporary language we may be able to reconstruct mental dispositions and their change in the past, but we also need the modern language to fit the past into our own understanding of the world. It is even more important to be aware of the historical dimension of political semantics as such. Political language is a matter of transition and transformation, thus indicating different experiences and expectations in specific contexts.

(3) Concepts are at the same time indicators and factors of historical reality. They describe the past but they also act in the world. Although one might distinguish different theoretical levels in a philosophical analysis, in terms of a historical analysis political concepts as indicator and factor are mixed together.

(4) Political concepts are not the same in different countries. Different contexts, different mental dispositions are reflected in apparently equal concepts. This leads to the necessary expansion of the history of concept on a comparative level.

The following outline, part of a much larger project which compares the history of the concept *liberal/liberalism* in 19th-century Britain, Germany, France and Italy in order to examine the semantic analysis as a category for a comparative history of European *liberalisms*,<sup>13</sup> first focuses on *liberal* in the English political discourse up to 1830, and then puts this analysis into a comparative perspective by looking at trends of semantic transformation in Germany at the beginning of the 19th century.<sup>14</sup>

### Liberal in English Political Discourse: From a Whig Attribute to a Utilitarian Reform Concept

Any analysis of the semantic transformation of the adjective *liberal* in English political discourse until the beginning of the 1830s presupposes an understanding of the pre-political meaning of *liberal* during the 17th and 18th centuries. In contrast to the continent, *liberal* in Britain described much more a social quality than in Germany or France, where it stood for an enlightened attitude, especially since the late 1750s. The *Liberal arts*, in opposition to the *servile* or *mechanical arts*, since the early Middle Ages were an attribute of the *free man* and pointed to the private sphere of a *gentleman*. In a society which, in comparison with Germany or France, was much less characterized by formal criteria, the notion “*as a gentleman be liberal*” signified a social distance defined by cultural criteria:<sup>15</sup> Munificence and tolerance presupposed economic independence and a classical education. The persistence of this aristocratic meaning of *liberal* cannot be overestimated: It dominated the pre-political meaning of the concept *liberal* for a long time, and even when a new political meaning was imported from the continent in response to the consequences of the French revolution, the traditional pre-

political meaning of *liberal* as a social attribute of an educated gentleman was never totally eliminated.

Even in 1818 a contemporary dictionary attributed “*liberal habits*” to “*persons of good birth*”. The expression *liberal attitude* rather indicated an individual quality than a political program. It depended on tolerance, an open and unprejudiced state of mind and the will to take responsibility for one's own opinion in public. On the other hand, this private and aristocratic context of the adjective *liberal* could easily be transformed into a political one. Since 1815 *liberal measures*, *liberal principles* and *liberal pursuits* were more than mere pre-political concepts.<sup>16</sup> Without already being a party denomination, *liberal* in these expressions catered for specific political and social expectations by integrating new meanings into an adjective that already existed: The complex overlapping of pre-political and political aspects marks the first stage of the semantic transformation.

The link between the originally un-political adjective *liberal* and a distinct Whig identity was strengthened during the 18th century. This did not already mean a political adaptation of *liberal*. But for the Whig aristocracy a *liberal education* was an essential part of their own distinct sphere, a necessary step if one wanted to belong to an aristocratic political and social elite. In this sense Lord Holland in 1830 spoke of “*good liberal, nay I should say, Whig principles*”, thus signifying the connection between both concepts.<sup>17</sup> Even then neither *Whig* nor *liberal* could be reduced to a mere political meaning. In this context they rather represented a cultivation of the private. Being confronted with a radically new concept of political and social liberty in the course of the French Revolution, which no longer originated from an organic concept of liberty but from the *principes* of the French Enlightenment which claimed natural rights for all men, thus refusing to accept any historical, religious or social prejudices or privileges, Edmund Burke, in his *Reflections on the Revolution in France*, opposed a revolutionary understanding of the concept *liberality*. For him, the idea of necessary political change was deprived, through this new meaning of *liberality*, of historical continuity in the face of abstract principles. Criticizing the confiscation of private property by the French revolutionary government, Burke pointed to similar measures during the reign of Henry VIII and continued ironically:

Had fate reserved him to our time, four technical terms would have done his business, and saved him all his trouble; he needed nothing more than one short form of incantation – ‘Philosophy, Light, Liberty, the Rights of Men’.<sup>18</sup>

In contrast to the Whig understanding of *liberality* as a characteristic mark of the noble, free-minded, munificent gentleman, this new *liberality* was nothing but a result of Jacobin and revolutionary principles and thus a great danger to the political system in Britain.

Though one might argue that, during the 18th century, the differences between the traditional concepts *Whig* and *Tory* regarding the social and political system of Britain were more and more reduced because both political groups identified with the principle of private property as the basis of the political and social system, it was nevertheless possible for the Whigs to resume their historical role as *friends of liberty*.<sup>19</sup> It is obvious that the ideological conflicts and discussions, caused by the French revolution, served as a catalyst for a new kind of semantic segregation between *Whig* and *Tory* and a reformulation of Whig political identity. In 1815, James Mackintosh wrote:

The precise difference between a moderate Tory and a moderate Whig, is, we conceive, this – That a Tory is more influenced by loyalty, and a Whig by the love of liberty – that a Tory considers liberty as the second interest of society, while a Whig regards it as the first.<sup>20</sup>

Henry Brougham, in 1824, pointed out that “*the principles of high Toryism are working in favour of ... the conspiracy ... against the liberties of mankind*” whereas the Whigs seemed to be and to have been their natural defenders, thus also fulfilling the duty of maintaining the British constitutional system.<sup>21</sup> The new adjective *liberal* became part of this specific identification of *Whig*, in contrast to the Tories as the “*High Church party*” who had been “*always the most bitter enemies of liberty, and indeed of all improvements*”. So Brougham characterized Lord Clarendon as “*the most liberal and the least enemy of freedom*”. *Liberal principles* were now easily attributed to a special Whig-identity and a universal fight for political liberty. The *Edinburgh Review* for example praised Lafayette and pointed out that “*... no friend of liberal*



*principles can feel anything but sympathy and pride in following the progress of this great patriot through the United States*".<sup>22</sup>

The origin of the political meaning of *liberal* as a party denomination comes from the first Spanish constitution of 1812. The adherents of this new constitution called themselves *liberales* and spoke of their opponents who supported the absolute monarchy as *serviles*.<sup>23</sup> It was with regard to the political situation in Spain that the new political adjective *liberal* found its way into the English political vocabulary. It is significant, that this import was a negative semantic adaptation. Lord Castlereagh, in 1816, thought rather of a purely revolutionary party in the tradition of the French Jacobins when speaking of the *liberales* although their origin was the fight against French occupation during Napoleon's reign. Castlereagh was afraid of any danger to political stability abroad but he did not think of any political group at home which deserved the new party name:

The 'Liberales' though in a military point of view an anti-French party, were politically a French party of the very worst description. They had declared that they would not admit Ferdinand's right to the throne, unless he put his seal to the principles which they laid down, and among the rest to that of the sovereignty being in the people. The 'Liberales' were a perfectly Jacobinical party, in point of principle.<sup>24</sup>

Until 1818/19 English authors made use of the new political concept *liberal* very often in the foreign spelling to describe the interior political situation on the continent, thus also underlining the un-English origin of the new political concept. In march 1817, Francis Jeffrey spoke of the adherents of the constitution in Spain: "*The Liberales are habitually sneered at and the Constitutionalists made a name of mockery*".<sup>25</sup> Henry Brougham described his traveling companion in Genoa as "*a distinguished Libérale, of a very high birth, who has just refused an archbishopric from principle*".<sup>26</sup> But when speaking of British politics, authors referred to the historical party names *Whig* and *Tory* or *radical* which characterized the extra-parliamentary opposition and their demand for parliamentary reform, equal representation, the end of corruption and elections on the basis of a disproportionate system. The continental context dominated the meaning of *liberal* when being used in English political texts for a considerably long period. Only

very reluctantly did *liberal* appear after 1815 indicating a changing tone in British politics. Robert Southey, in 1816, spoke for the first time of the “*British ‘liberales’*”, thus mixing the Spanish spelling of the party name with an application to the English political scenario in order to point a negative picture of the political opponent.<sup>27</sup> As late as 1826 Walter Scott was using the French spelling of *liberal* to point to the reformers in parliament when speaking of “*Canning, Huskisson, and a mitigated party libéraux*”.<sup>28</sup> For many Tory authors, *liberal* simply served as a negative label that was clearly related to continental revolutionary experiments, be it French, Spanish, Italian or Greek.<sup>29</sup> For them *liberal* represented Jacobin terror and Napoleonic despotism under the guise of an apparently progressive label. *Liberal* seemed to be essentially un-English and defined the border between continental political instability in the course of 1789 and the British model of political and social stability. In this sense *liberal* was an easy semantic tool to stigmatize the political opponent by relating him to political revolution and social upheaval.

In August 1819 the conservative *Courier* took up *liberal* in the English spelling in an article dealing with the Peterloo massacre, attributing the negative meaning of the un-English concept to the supporters of extra-parliamentary reform at a time when the authorities still seemed to guarantee political order and social stability:

As we predicted, the liberals are beginning to ring their doleful changes upon the transactions that occurred at Manchester on Monday ... The liberals of course attribute this peaceable and orderly conduct to the lamblike and gentle dispositions of the Reformers themselves ... We have to high a respect for the noble qualities of British jurisprudence to imitate our Liberals.<sup>30</sup>

This semantic opposition between *liberal* and the Tory government dominated the 1820s and served at the same time as a catalyst for the application of the term *Liberal party*, criticized by the Tories but subsequently accepted by certain Whigs to denote their progressive position. In 1821 E. Ward wrote in a letter to Lord Castlereagh from Lisbon:

The Cortes ... are ... a little afraid of England, and of England only. But they think the Liberal party is so strong amongst us that the Ministry,

however they may love despotism and legitimacy, cannot act against them.<sup>31</sup>

Another important catalyst for the semantic adaptation and integration of *liberal* into the English political vocabulary was the founding of the short-lived but influential literary journal of the Byron-circle “*The Liberal, or Verse and Prose from the South*” by Leigh Hunt in 1822. It contained articles by Byron, Shelly and others, often in a critical if not opposing tone, not only dealing with the political developments in the south of Europe but also criticizing the politics of George III and Lord Castlereagh. The title already anticipated the program: The south of Europe with the many revolutionary movements demanding independence and political freedom, such as in Greece, constituted the background, but Leigh Hunt, in the preface of the first edition, also pointed to the traditional meaning of *liberal* in the context of classical education, thus relating the political implications with the ideal of Roman and Greek literature as the framework of humanity and political freedom.<sup>32</sup> It is significant that in the public controversy about the new journal critics reacted to the title to formulate a satirical antidote: “*The Illiberal, or Verse and Prose from the North*”.<sup>33</sup>

The enthusiasm for the Greek movement for national independence from Turkish despotism and an advanced political constitution found many supporters in England. The *London Greek Committee* organized a special loan to help the Greeks and many popular radical reformers like Bentham appeared in the subscribers’ lists.<sup>34</sup> These circles with their pamphlets and tracts were at the same time avenues for the diffusion of the term *liberal*. In contrast to the negative meaning dominating the Tory use of the concept, they attributed advanced political opinions and a desire for constitutional change to the adjective. Bentham contributed his *Constitutional Code* of 1822 to Greece “for the use of All Nations and all Governments professing Liberal Opinions” which for him stood for universal suffrage, representative democracy and freedom of speech.<sup>35</sup> Edward Blaquiére, a leading member of the London Greek movement and a close friend of Bentham, after a long journey in the Mediterranean countries developed the idea “to promote a closer union and clearer understanding between the liberal thinkers throughout Europe”.<sup>36</sup> Already at the

beginning of the 1820s it became clear that *liberal* was not only coined in regard to the Greek or Spanish political movements but was more and more applied to the English Philhellenes themselves. Thus Leicester Stanhope, who in 1825 stressed the “*liberal course in politics*” of the leading Greek politicians,<sup>37</sup> appeared to be “*champion of liberal opinions*” in the British public.<sup>38</sup> The English Philhellene circles first integrated the imported concept *liberal* in order to denote the popular movements in Greece, Spain and Italy before they were called or called themselves *liberals* to indicate their advanced political opinions. Stanhope in 1857 stated with regard to his support for the Greeks that he had been “*a liberal in politics all my life*”.<sup>39</sup> William Hazlitt described Byron “*in his politics*” as “*a liberal*”. Hazlitt's view on “*Lord Byron's preposterous liberalism*” already reflected the ambivalence between Byron's aristocratic origin and his romantic enthusiasm for national independence and political freedom.<sup>40</sup>

The end of the Napoleonic wars in 1815 also marked the end of the internal political abstinence in British politics. The blocking of any public reform debate, defended until 1815 because of the necessary concentration of the national forces in the fight against France, ceased and the shift from foreign affairs to home affairs produced to a certain extent the nutriment in which the semantic transformation of the political adjective *liberal* from an un-English adjective with revolutionary implications into an integral concept of the English political language took place. The changing atmosphere of public opinion, now considered an important factor in the political life of the nation, was reflected by the slow adaptation of the imported concept *liberal*. A quotation from Robert Peel's letter to John Wilson Croker in 1820 exactly marks this state of the semantic process:

Do not you think that the tone of England – of that great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy, and newspaper paragraphs, which is called public opinion – is more liberal – to use an odious but intelligible phrase, than the policy of the Government? Do not you think that there is a feeling, becoming daily more general and more confined – that is independent of the pressure of taxation, or any immediate cause – in favour of some undefined change in the mode of governing the country? <sup>41</sup>

Although *liberal* for other Tories stood for the import of revolutionary experiments into British politics, Robert Peel believed it to be the right expression to indicate the changing “*tone of England*”. Public opinion for him was no longer divided along the traditional party names *Whig* and *Tory*. The line of demarcation was marked by those who were in favour of maintaining the political status quo and those who supported “*some undefined change*”. For him, the dissatisfaction of the public opinion was evident and pointed to the necessity of political reforms. Peel's use of *liberal* in this context indicates the point of transition between the imported invective and the adaptation of *liberal* as the political concept denoting the growing demand for reform, a process closely connected both with a polarization and an intensified ideologization of the political language at the beginning of the 1820s.

In 1827, Henry Brougham, a leading member of the moderate Whigs among the Edinburgh Reviewers, reflected on the “*State of parties*” since the beginning of the 1820s. He made extensive use of *liberal* to denote a new principle in British politics. Behind the progress of *liberal opinions* he identified a new course of foreign policy, advocating national independence abroad and thus opposing the restorative objects of the Holy Alliance:

The progress of liberal opinions was immediately and rapidly accelerated by the conduct, and still more by the language of the Government in 1823 and the subsequent years. In a few months the disgraceful connexion with the Holy Alliance was at an end ... The recognition of the new commonwealths in South America, and the establishment of political as well as mercantile relations with them, very soon followed ... and the most decisive steps were taken to defend Portugal, harassed by the intrigues, and menaced by the arms of Spain, for the crime of having accepted a Constitutional Government.<sup>42</sup>

Because for Brougham as for other Edinburgh Reviewers, *liberal* no longer implied a revolutionary tone in politics, it was now not only possible for the Whig reformers to apply the term when speaking of a new political concept, but also to use it as a self-indication. However, the semantic application and integration of *liberal* did not develop along clearly defined demarcation lines between government and opposition or between *Tory* and *Whig*. *Liberal* was not yet a party

denomination, but rather represented those groups in Parliament that demanded reforms. Brougham consequently spoke of the “*Liberal Parties on both sides of the House*”. They should stand for an advanced and progressive, but moderate reform-policy “*for the good of the country*”, which – according to Brougham – also included members of the government:

it was to the ‘Liberal part of the Government’ that they [the Whigs’ opposition] lent their aid; it was to them they looked for the reform of abuses; it was in their sound principles that they reposed confidence for the future. To give them encouragement in their wise and honourable course, became an object of importance for the good of the country; and aware how their opponents in the Cabinet endeavoured to hinder their progress, the Opposition employed all means for comforting and strengthening their hands, and enabling them to overcome the common enemy.<sup>43</sup>

It is a fundamental function of any analysis of the history of concepts to find semantic indicators that anticipate historical changes, transitions and turning points on the level of political language before the consequences of these changes become obvious on the level of political actions. Already before the transformation of the traditional party names *Whig* and *Tory* into the new concepts *liberal* and *conservative* – a long-term semantic process that ended in the late 1830s – and before these new denominations became widespread and popular, Brougham came to the conclusion that the main ideological antagonism in British politics was no longer expressed by the traditional concepts. These party names originated either in the 17th century and thus reflected the factions of the civil war (*Court* versus *Country*), the political antagonists of the Glorious Revolution (*Whig* versus *Tory*) or they indicated the aspirations of the Stuarts (*Loyalist* versus *Jacobin*) during the 18th century if not the new party names coined in the course of the French Revolution. *Liberal* as a post-revolutionary concept in England cannot be interpreted but with regard to the ideological polarization since the experiment of absolutism during the 17th century. This was reproduced in the subsequent party-names that did not have any equivalent on the continent:

A new casting also of political sects has taken place; the distinctions, and almost the names, of Loyalist and Jacobin, Whig and Tory, Court and Country Faction, are fast wearing away. Two great divisions of the community will, in all likelihood, soon be far more generally known; the Liberal and the Illiberal, who will divide, but we may be sure most unequally, the suffrages of the Nation.<sup>44</sup>

For Brougham, the concept *Liberal party* did not only stand for a coalition of reformers in parliament but for a national movement, united in the demand for advanced and progressive reform but equally united in the desire for stability and order:

Nor is it the name only that this arrangement will be new; the people will be differently distributed; the coalition, which has been gradually forming among the public men whose personal respect and mutual confidence has brought about so fortunate a union, extends to the community at large. Some of the older questions, by which Tory and Whig were wont to be divided, retain all their importance; but upon these, the Liberal party, of whatever denomination, are well agreed.<sup>45</sup>

This *Liberal party* had to be open to all those who advocated reforms as long as they followed a gradual and not a revolutionary strategy. Indirectly this included a leading position for the Whigs and their self-defined role as historical and natural *friends of reform and liberty*:

Extremes will be avoided; alterations in our system will be gradual; and the only risk which the existence, or the measures of a Liberal Government could run, will be avoided, – that of a reaction against them, – when it is distinctly perceived by all men, that we are governed by individuals, whose great parts are under the control of sound discretion, and whose conduct is, in all things, tempered with the moderation of practical wisdom.<sup>46</sup>

As long as *liberal* did not stand for a party denomination it was also possible for moderate Tories to use the term in order to point to the advanced character of their policy. George Canning, who at the end of the 1820s saw Britain “*on the brink of a great struggle between property and population*”, believed that such a social and political conflict could only be avoided “*by the mildest and most liberal legislation*”.<sup>47</sup> A *liberal legislation* included, for instance, the eman-cipation of the Catholics

and dissenters and diplomatic support for constitutional and national movements abroad. This policy was warmly welcomed by the reform oriented Whigs as examples of

sound, enlightened, liberal, and truly English principles – principles worthy of our best times and of our most distinguished statesman – which now govern this country in her foreign policy.<sup>48</sup>

The change of government in 1830 emphasized how much *liberal* had become an attribute of Whig reform policy. It is obvious that the Whig ideal dominated the meaning of what *liberal* stood for: Francis Baring defined both the terms *Whigs* and *liberals* as

a body of men connected with high rank and property, bound together by hereditary feeling and party ties, as well as higher motives, who in bad times keep alive the sacred flames of freedom, and when the people are roused, stand between the constitution and revolution, and go with the people, but not to extremities.<sup>49</sup>

This was a classic definition of a Whig identity, now transferred into the semantics of the concept *liberal*. But in spite of this application it is not possible to reduce its semantic spectrum to a mere Whig notion. The *Edinburgh Review* continued to use *liberal* not only to label the moderate Whigs' campaign for the Reform Bill but also to characterize the political position of Robert Peel regarding the emancipation of the Catholics or the Corn Law question in opposition to Wellington's and Aberdeen's course:

He has become a distinguished and most valuable votary of liberal principles. He had taken ... to reform the criminal law; he has heartily supported the reformers of our civil jurisprudence. He is a friend of a liberal policy in commercial matters; and, probably, no adherent to the false views of arbitrary power, cherished by the Wellingtons and the Aberdeens in respect to foreign affairs ... That such conduct has justly recommended him to the chiefs of the liberal party, is as certain as that it has destroyed his whole personal weight in the country.<sup>50</sup>

The *Edinburgh Reviewers* made a clear difference between the high Tories who were also called *ultras* in parallel to the French conservatives, and the "*liberal Tories*":



When we speak of Tories, – we use the name for shortness, and to express the ultra principles of that party ... We are far, indeed, from holding that the liberal Tories and their views are in the same disrepute among us.<sup>51</sup>

*Liberal*, in contrast to the semantic structure of continental political language, did not constitute a deep polarization based on a different *Weltanschauung* between ministry and opposition, or *Tory* and *Whig*. Since there was no such antagonism between state and society like, for instance, in Germany, *liberal* did not easily serve as a semantic weapon against the government. Nevertheless the take-over by the Whigs intensified the use of *liberal* in public discourse. Contemporaries were now used to speak of *liberal views* or the *Liberal Ministry* of the Whigs,<sup>52</sup> of stating a *liberal policy*, *liberal principles*, *liberal opinions* or *liberal colours*.<sup>53</sup> *Liberal party*, too, became a common concept in the political public,<sup>54</sup> but it did not easily replace the expression *Whig*.

On the other hand the persistence of the Whig definition of *liberal* must not be overemphasized. The small but ideologically influential group of the Philosophic Radicals, especially the young John Stuart Mill, developed a different definition of the reform-label *liberal*. In comparison with the pragmatic application of *liberal* by the moderate Whigs, Mill gave *liberal* and *liberalism* a much more anthropological dimension. For him, *Toryism* meant “that it is good for man to be ruled; to submit both his body & mind to the guidance of a higher intelligence & virtue.” *Liberalism*, on the other hand, seemed the incarnation of the responsible individual:

[Toryism] is therefore the direct antithesis of liberalism, which is for making every man his own guide & sovereign master, & letting him think for himself & do exactly as he judges best for himself, giving other men leave to persuade him if they can by evidence, but forbidding him to give way to authority; and still less allowing him to constrain him more than the existence & tolerable security of every man's person and property renders indispensably necessary.<sup>55</sup>

Mill's definition of *liberalism* went far beyond the Whigs' historical meaning of the concept: Whereas *liberal* for the Whigs seemed as an additive concept to prove their advanced reform-strategy, to renew the semantic agenda of their self-styled political identity as *friends of*

*liberty*, Mill focused on the individual and his natural rights that could only be restricted by the equal right of security and property of others – a classic notion of the Enlightenment.

The slow adaptation of *liberal* up to the beginning of the 1830s led to the long-term replacement of the term *Whig* until the 1840s. *Whig* became a concept denoting a more anachronistic political opinion within the *Liberal party*. Nevertheless this replacement, indicating the shift from an aristocratic definition of party to a middle-class concept, was not a sudden change but a long-term semantic transformation that is reflected in the history of *liberal*. The change from the revolutionary import into the Tory invective of the 1820s did not stop with the political self-definition of the reform-oriented Whigs. The disappointment of the Philosophical Radicals with the Whigs' policy after the First Reform Bill found its expression in a criticism of the concept *Whig* that appeared more and more outdated. It made a definition of *liberal* necessary, now being no longer the attribute of progressive Whigs but of a middle-class oriented radical reform-policy. In 1836, Mill stated, that the Whigs were

... a coterie, not a party; a set, confined to London and Edinburgh, who commanded a certain number of seats in Parliament, and a certain portion of the press, and were accepted by the Reformers as leaders, because they offered themselves, and because there was nobody else.<sup>56</sup>

In contrast to the Whigs who appeared to be of no principle than that of maintaining power under all circumstances, who aimed at dominating public opinion only by seemingly confessing *liberal opinions*, Mill characterized the *liberals of the empire* as thorough reformers, motivated by the *public good* and the ideal of *good government*. That meant a policy against aristocratic interest and prejudice or the privileged classes and required a new sort of politician open-minded enough to carry on the reform-projects:

This position [of the Whigs] the Liberals of the empire have never chosen to participate. They did not repudiate the Whigs; but as little did they repudiate what the Whigs repudiated. They were neither Whigs nor Radicals; they were Reformers. They had not predetermined how far parliamentary reform should go; but they were disposed to carry it as

far as, on trial, should be found necessary for obtaining good government. They were not for the ballot, or annual parliaments, because the opinion did not generally prevail among them that nothing less would suffice; but they had no prejudice against either, if an extension of the suffrage, with septennial or triennial parliaments, should fail to give them a government of which the pervading spirit should be a regard to the public good.<sup>57</sup>

Mill identified the *liberals* no longer with the Whigs, but with a new kind of *movement party* led by the Philosophic Radicals and articulating the new demands of the Middle Classes growing both in mere numbers and political influence. The semantic transformation of *liberal* from the Whig reform label into the political Middle-class attribute accompanied the complex transition from the *Whig* to the *Liberal party* in 19th-century Britain on the level of political language.

## Towards a Comparative History of the Semantics of *Liberalism*

Both in Germany and in Britain there existed pre-political meanings of the concept *liberal* before the beginning of the 19th century. But whereas *liberal* in England had either a more aristocratic connotation in expressions like *liberal gentleman* or *liberal education* or was used in the religious sphere, *liberal* in Germany indicated, at least since the late 1750s, an individual quality of an advanced enlightened *Gesinnung*, a concept which is difficult to translate because of its various overlapping implications: it does not only mean a cast of mind or a basic conviction, but also denotes a moral quality. *Liberale Gesinnung* pointed to the fundamental idea of the responsible individual who was of higher moral and ethical value on account of his unprejudiced state of mind. This semantic structure persisted in the later history of the political concept *liberal*. It is obvious that the moral quality of the *liberale Gesinnung* or *Liberalität* goes far beyond mere political denominations. Kant's difference between *liberalitas sumptuosa*, mere munificence in the tradition of the Roman emperors' *liberalitas*, and *liberalitas moralis* as an unprejudiced state of mind

and independence of one's own opinion, deeply influenced the later history of *liberale Gesinnung* in Germany.<sup>58</sup>

A *liberal* in Germany was, according to contemporary definitions, someone who thought and acted in accordance with the natural progress of history and reason.<sup>59</sup> If history was nothing but the progress of reason, the reasonable man as a *liberal* represented at the same time the avant-garde of history as such. Moral quality, mental maturity and the self-esteem to act in accordance with the progressive forces in history came together in the label *liberal*. In the light of this idea it becomes clear why many definitions claimed that every man, guided by reason and enlightenment, would quite naturally become a *liberal*. *Liberal* stood for an unbroken belief in the power of history which was understood as a continual and progressive path towards the realization of reason and humanity, thus fulfilling the secular *Heilsgeschichte* of the Enlightenment.<sup>60</sup>

Whereas the English denomination of parties originated in the 17th century and made it possible to slowly integrate the new concept *liberal* into an already existing political nomenclature, in Germany the semantic import of *liberal* coined by the French revolution and Napoleon was essential. The *idées libérales*, first developed by Bonaparte in his proclamation of the 18th Brumaire 1799,<sup>61</sup> were, after 1815, translated into *liberale Ideen*, now indicating the overall demand for both national unity and constitutional progress in Germany.<sup>62</sup> A similar development took place in Italy.<sup>63</sup> For Metternich this concept could be nothing but a revolutionary label. The public confidence in the "*Liberalität der Regierung*", the government's liberality, became more and more reduced after the change in the political atmosphere after 1819/20.<sup>64</sup> When it became clear that there would be no further constitutional compromises offered by the German governments, *liberal* became an opposition-label, defining the progressive and backward forces in society.<sup>65</sup> The use of the term reflected the deep gap between state and society, for which there is no equivalent in the history of the English concept *liberal*. At the end of the 1820s, *liberalism* in Germany signified the uncontested belief in the progress of reason while the restorative governments represented nothing but backwardness and out-dated forces in history. The *liberal party* could be nothing but a *movement party*, symbol of natural progress in history.<sup>66</sup>

In contrast to this ideological optimism, the early definitions of *liberal/liberalism* in Germany reflected a specific uncertainty with regard to the political and social implications of a concrete program. *Wahrer Liberalismus*, true liberalism, had to be defended against radical forces in the tradition of the *terreur* of the French Revolution.<sup>67</sup> At least until the July Revolution in France, the history of *liberal* in Germany is at the same time a history of the interpretation of the French Revolution, whereas in England the import of the new concept cannot be understood without an understanding of the experiences of the 17th century. On the continent, the Napoleonic occupation led to a direct confrontation with the French *idées libérales* as Napoleon's programmatic formula of the results of 1789. Napoleon's invention of the *idées libérales* became part of the short-lived but influential imperial ideology. As the "*héros des idées libérales*" he proclaimed to be both the only legitimate heir and the only one who could guarantee the positive results of 1789, thus fulfilling the legitimate objects of the French Revolution.<sup>68</sup> This imperial understanding of 1789 was coined in the *idées libérales*, and the concept even survived the emperor's defeat in 1815.

In contrast to Germany or Italy, where the direct import of the *idées libérales* resulted in a translation and direct application of the French concept to express the demands for national unity and constitutional reforms after 1815, the confrontation with the new concept in England was rather indirect. With regard to the Spanish *liberales* or the French *libéraux*, the new political adjective was used to describe the political situation in the continental countries. Both the Tories' use of it as a derogatory label for their political opponents and the Philhellene movement contributed to the diffusion of *liberal*. However, for a considerably long period of time *liberal* retained an un-English tone because it represented political movements and groups in countries other than Britain. Only when the reform-oriented Whigs of the *Edinburgh Review* accepted *liberal* as a term with which to label their own position and political strategy, *liberal* for the first time became a positive and progressive semantic indicator in English political language, replacing the traditional semantic oppositions between *Court/Country*, *Whig/Tory* and *Jacobin/Loyalist*. But whereas the label in Germany reflected the deepening gap between a restorative state and the growing opposition movements and served as a

polarizing *Weltanschauung*, a *Gesinnung*, in England it was also possible to denote progressive and reform-oriented Tories like Peel as *liberals*. The concept did not mark a clearly defined border between ministry and opposition but reflected the difference between reform-oriented forces in the public and the political status quo. The Whigs' adaptation of *liberal*, by linking the traditional pre-political meaning with a new political understanding, finally provoked the opposition of the Philosophic Radicals. Mill's definition no longer reflected an aristocratic but, rather, a new middle class understanding. For him the *Liberal party* in contrast to the old *Whig party* was based on middle class interests.

Nevertheless, *liberal* in English political discourse lacked the ideological polarization of its German equivalent, including the moral disqualification of the *illiberal* opponent who did not act in accordance with reason and the progressive forces in history. The adaptation of *liberal* by the moderate Whigs underlined a gradual evolutionary reform strategy and until 1832 delayed the development of far reaching ideological conflict lines in political discourse that was so significant for the use of *liberal* in Germany. The uncertainty of what *liberal* stood for, led to an inflation of definitions of *wahrer* and *falscher Liberalismus*, true and false liberalism until 1848. Ideological frontiers were anticipated by the history of concept. But in spite of the growing demand for reliable definitions, the semantic half-life of such definitions became shorter, underlining the dynamicism of political discourse in pre-March Germany.<sup>69</sup>

The battle of concepts in Germany, between *liberal* and *radical*, at the same time compensated for the lack of concrete political participation and led to a fight between different *Weltanschauungen*, which served as political religions, whereas in England the semantic adaptation of *liberal* took place in the context of already existing channels of political participation. *Liberal* implied reform within the existing political and social system. It did not indicate an insurmountable blocking of reform or a fundamental opposition between political forces and government. In Germany *liberal* also stood for an enlightened *Gesinnung*, a moral quality deeply connected with academic education and serving the identity of the *Bildungsbürgertum* on the one hand and a more and more heterogeneous opposition movement on the other, including radical groups that

were critical towards a mere parliamentary reform strategy. The impact of the July Revolution in Germany laid open these different opposition strategies, stretching from *Honoratioren* in the existing state parliaments like Baden, Hesse or Bavaria to much more radical circles in the context of the Hambach Festival of 1832.

All these different groups could be labeled as *liberal* or called themselves *liberals*, but the definitions varied and made blurred the concept for many contemporaries. On the one hand it represented the broad cultural criteria of the *Bildungsbürgertum*, coined in the ideal of *liberale Gesinnung* that could not be linked to the idea of an organized party, but stressed the independent individual with his own opinion, the social network of *Honoratioren*, with equal experiences in education, university and associations. On the other hand, *liberal* stood for political opposition directed against restorative governments, which included different strategies in order to end the blocking of political and social reforms. The broad connotation of *liberal* as movement and progress in history allowed the integration of these different meanings for a certain period of time. But the lack of real political participation, the antagonism between state and society in pre-March Germany, reinforced by the federal structure of the Confederation, led to a disintegration of the meaning of *liberal*. The strategies and social forces that stood behind the label became too heterogeneous to be integrated by a single concept. The political landscape was marked by new denominations, for instance *radical* or *conservativ*.

The ideological explosives that characterized the debates about the concept in Germany were a consequence of the fight for political institutions that were about to be reformed in England at the same time. In Germany the discussion about *liberal* and *liberalism* went with the foundation of a political landscape with different political groups that later would become political parties whereas in England this landscape already existed, though marked by traditional party denominations. The evolutionary transition of this landscape was anticipated by the transformation from *Whig* to *liberal*, announced by Mill's antagonism between an aristocratic Whig and an utilitarian middle class understanding of *liberal*. In Germany, on the other hand, the attempt to hold on to the concept *liberal* as the expression of reasonable reform in spite of revolutionary action overshadowed the

real split of the opposition movement. The lack of political participation postponed the outbreak of this conflict until 1848, but the semantic border line between *liberal* and *radical* already anticipated the different strategies. In spite of the optimistic meaning of *liberal* at the end of the 1820s, it was no longer possible to integrate all political interests of a society in transition under this label. The *Weltanschauung* of progress in history and political reason as an enlightened response to 1789 did not fill the widening gap between political and social interests. This led to a far reaching ambivalence in the history of the concept in Germany: Enlightened optimism and the belief in natural progress on the one hand and the actual defense of *liberal/liberalism* in the face of conservative and radical groups on the other were overlapping.

This simultaneous overlapping of non-contemporaneous semantic aspects crystallized the transformation of political language and the zones of faction within this process in pre-March Germany.<sup>70</sup> The history of the concept *liberal* thus reflected the developing pluralism of interests and the subsequent conflicts in modern bourgeois society. Ideologies, Clifford Geertz has written, are cognitive maps “of problematic social reality”.<sup>71</sup> The European variations of the history of the concept *liberal* in different historical contexts offer, like a map, a representation of different historical landscapes, based on specific experiences of the past and expectations of the future. The fascination of such a semantic map lies in the chance to perceive the change of historical meanings in time, something of a third dimension that invites travel. It presupposes a concept which contains and unites in itself all semantic transformations. Such a concept evades any definition. Or, as Nietzsche put it: “definable is anything that has no history”.<sup>72</sup>

## Notes

- 1 From the viewpoint of German historical research see *Bürgertum im 19. Jahrhundert. Deutschland im europäischen Vergleich*, ed. Jürgen Kocka, 3 vols. (Munich 1988) and the selection of essays in English translation *Bourgeois Society in Nineteenth-Century Europe*, ed. Jürgen Kocka / Allan Mitchell (1993).



- 2 See *Geschichte und Vergleich. Ansätze und Ergebnisse international vergleichender Geschichtsschreibung*, ed. Heinz-Gerhard Haupt / Jürgen Kocka (Frankfurt/Main / New York 1996), pp. 9-45 and John Breuilly, *Labour and Liberalism in Nineteenth-Century Europe. Essays in Comparative History* (Manchester / New York 1992).
- 3 See Reinhart Koselleck / Ulrike Spree / Willibald Steinmetz, 'Drei bürgerliche Welten. Zur vergleichenden Semantik der bürgerlichen Gesellschaft in Deutschland, England und Frankreich', in *Bürger in der Gesellschaft der Neuzeit*, ed. H.-J. Puhle (Göttingen 1991), pp. 14-58 and the essays in *History of Concepts: Comparative Perspectives*, ed. I. Hampsher-Monk / K. Tilmans / F. van Vree (1998).
- 4 See *Liberalismus im 19. Jahrhundert. Deutschland im europäischen Vergleich*, ed. Dieter Langewiesche (Göttingen 1988), and Rudolf Muhs, 'Deutscher und britischer Liberalismus im Vergleich. Trägerschichten, Zielvorstellungen und Rahmenbedingungen, ca. 1830-1870', in *ibid.*, pp. 223-59.
- 5 See Wolfgang J. Mommsen, *Britain and Germany 1800 to 1914. Two Developmental Paths towards Industrial Society* (London 1986); see also the discussion about the character of the unique British development in comparison with the continent in Hans-Christoph Schröder, 'Der englische "Sonderweg" im 17. und 18. Jahrhundert', in *Englische und deutsche Geschichte in den Schulbüchern beider Länder*, ed. K. E. Jeismann / H. Schissler (Braunschweig 1982), pp. 27-44; Hans-Christoph Schröder, *Die Revolutionen Englands im 17. Jahrhundert* (Frankfurt/Main 1986), p. 8; Bernd Weisbrod, 'Der englische "Sonderweg" in der neueren Geschichte', in *Geschichte und Gesellschaft* xvi (1990), pp. 233-52; current discussion about the *Sonderweg*-paradigm and a critique on Geoff Eley's theses is Hans-Ulrich Wehler, "'Deutscher Sonderweg" oder allgemeine Probleme des westlichen Kapitalismus', in *id.*, *Politik in der Geschichte. Essays* (Munich 1998), pp. 78-92.
- 6 See Hartmut Berghoff / Dieter Ziegler, 'Pionier oder Nachzügler. Kategorien für den deutsch-britischen Vergleich?', in *Vergleichende Studien zur Geschichte Großbritanniens und Deutschlands im Zeitalter der Industrialisierung. Festschrift für Sidney Pollard zum 70. Geburtstag*, ed. Hartmut Berghoff / Dieter Ziegler (Bochum 1995), pp. 15-28.
- 7 For empirical proof of this thesis see Jörn Leonhard, "An odious but intelligible phrase" – Liberal im politischen Diskurs Deutschlands und Englands bis 1830/32, in *Jahrbuch zur Liberalismus-Forschung* viii (1996), pp. 11-41 and *id.*, 'Von den *idées libérales* zu den *liberalen Ideen*: Historisch-semantischer Kulturtransfer zwischen Übersetzung, Adaption und Integration', in *Kulturtransfer im 19. Jahrhundert*, ed. Marc Schalenberg (Berlin 1998), pp. S. 13-45.

- 8 See J.G.A. Pocock, 'Verbalizing a Political Act: Towards a Politics of Speech', in *Language and Politics*, ed. Michael J. Shapiro (Oxford 1984), pp. 25-43; J.G.A. Pocock / Quentin Skinner, 'What is Intellectual History', in *History Today* xxxv (1985), pp. 46-54; J.G.A. Pocock, 'The Varieties of Whiggery', in id., *Virtue, Commerce and History, Chiefly in the Eighteenth Century* (Cambridge 1985), pp. 215-310; Quentin Skinner, 'Language and Social Change', in *The State of the Language*, ed. L. Michaels / C. Ricks (Berkeley 1980), pp. 562-78; for a good survey of approaches and empirical evidence see *Conceptional Change and the Constitution*, ed. Terence Ball / J.G.A. Pocock (Lawrence/Kansas 1988); Terence Ball, *Transforming Political Discourse: Political Theory and Critical Conceptional History* (Oxford 1988) and *Political innovation and conceptional change*, ed. Terence Ball / James Farr / Russell L. Hanson (Cambridge 1989).
- 9 For France see Régine Robin, *Histoire et linguistique* (Paris 1973) and M. Pecheux / R. Robin, 'Les historiens devant le champ linguistique', in *Dix-huitième Siècle* v (1973), pp. 111-18.
- 10 *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner / Werner Conze / Reinhart Koselleck (Stuttgart 1972-97); for the French political vocabulary until 1820 see *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680-1820*, ed. Rolf Reichardt / Eberhard Schmitt / Hans-Jürgen Lüsebrink (Munich 1985 [beginn of publication]).
- 11 See *The Meaning of Historical Terms and Concepts. New Studies on 'Begriffsgeschichte'*, ed. Hartmut Lehmann / Melvin Richter (Washington 1996) and Melvin Richter, 'Opening a Dialogue and Recognizing an Achievement. A Washington Conference on the *Geschichtliche Grundbegriffe*', *Archiv für Begriffsgeschichte* xxxix (1996), pp. 19-26; id., 'Conceptional History (*Begriffsgeschichte*) and Political Theory', *Political Theory* xiv (1986), pp. 604-37; id., 'Pocock, Skinner, and the *Geschichtliche Grundbegriffe*', *History and Theory* xix (1990), pp. 38-70; id., *The History of Political and Social Concepts. A Critical Introduction* (New York / Oxford 1995).
- 12 For a short but comprehensive account on the theoretical basis see also Lucian Hölscher, 'The theoretical foundations of *Begriffsgeschichte* (History of Concepts)', in *Cultura. Revista de História e Teoria das Ideias* viii (2.a Série Lisboa 1995), pp. 23-38; for detailed study see the essays in *Historische Semantik und Begriffsgeschichte*, ed. Reinhart Koselleck (Stuttgart 1979), and id., *Futures Past: On the Semantics of Historical Time* (Cambridge/Mass. 1985).
- 13 See Jörn Leonhard, *Liberalismus. Zur historischen Semantik eines europäischen Deutungsmusters*, Munich 2001 and most recently id., 'Semantische Deplazierung und Entwertung – Deutsche Deutungen von

- liberal* und *Liberalismus* nach 1850 im europäischen Vergleich', in: *Geschichte und Gesellschaft*, xxix/i (2003), pp. 5-39.
- 14 For a survey of the historical semantics of *whig* and *liberal* in the English political discourse see Hans Petersen, 'Liberal im britischen Englisch. Eine Fallstudie zur historischen Semantik und Begriffsgeschichte', in *Englischer Liberalismus im 19. und frühen 20. Jahrhundert*, ed. Karl Rohe (Bochum 1987), pp. 101-32; Ian Bradley, *The Optimists. Themes and Personalities in Victorian Liberalism* (London/Boston 1980); Robert Willman, 'The Origins of "whig" and "tory" in English Political Language', *Historical Journal* xvii (1974), pp. 247-64; John Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge 1976), pp. 39-54 and Andreas Wirsching, 'Popularität als Raison d'être: Identitätskrise und Parteiideologie der Whigs in England im frühen 19. Jahrhundert', *Francia* xvii (1990), pp. 1-14.
- 15 For this and the following quotations see *The Oxford English Dictionary*, Second Edition, prepared by J.A. Simpson and E.S.C. Weiner, vol. VIII (Oxford 1989), pp. 881-83.
- 16 See Francis Jeffrey in an article for the *Edinburgh Review* in 1808, in id., *Contributions to the Edinburgh Review* (London 1853), p. 245: "... neither liberal nor gainful pursuits can be carried out with advantage where there is no political freedom."
- 17 Quoted in Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals, 1830-1852* (Oxford 1990), p. 63.
- 18 Edmund Burke, *Reflections on the Revolution in France and on the Proceedings in Certain Societies in London relative to that Event* (1790), ed. Conor Cruise O'Brien (London 1968), p. 218.
- 19 See Jörn Leonhard, "'True English Guelphs and Gibelins': Zum historischen Bedeutungs- und Funktionswandel von *whig* und *tory* im englischen Politikdiskurs seit dem 17. Jahrhundert', in: *Archiv für Kulturgeschichte*, lxxxiv/i (2002), pp. 175-213.
- 20 [James Mackintosh] 'Godwin's Lives of Milton's Nephews', *Edinburgh Review* xxv (1815), p. 500.
- 21 [Henry Brougham] 'High Tory Principles', *Edinburgh Review* xli (1824), p. 30.
- 22 Ibid., pp. 2, 20-1, 25.
- 23 See J. Marichal, 'España y las raíces semánticas del liberalismo', in *Cuadernos. Congreso per la libertad de la cultura* (March/April 1955), pp. 53-60 and L. Diez del Corral, *El liberalismo doctrinario. Instituto de Estudios Políticos*, (Madrid, second edition 1956), p. 423.
- 24 *The Parliamentary Debates from the Year 1803 to the Present Time*, published under the Superintendence of T.C. Hansard. First Series (1803-1820), vol. XXXVII, p. 602.

- 25 [Francis Jeffrey] 'Wat Tyler and Mr. Southey', *Edinburgh Review* xxviii (1817), p. 168.
- 26 *The Life and Times of Henry, Lord Brougham*, vol. II (London 1871), p. 325.
- 27 See for example *Quarterly Review* xv (1816), p. 69.
- 28 J.G. Lockhart, *Memoirs of the Life of Sir Walter Scott*, vol. IV, chapter XI, quoted in Elie Halévy, *A History of the English People in the Nineteenth Century*, vol. II, *The Liberal Awakening* (London 1949), p. 82.
- 29 See the letter of F. Lambs to Lord Castlereagh from Munich (4th January 1820), *Memoirs and Correspondence of Viscount Castlereagh*, vol. XII, ed. C. Vane (London 1853), p. 169; see also *Annual Register* (1819), pp. 171-2, 178 and *ibid.* (1820), pp. 221, 239.
- 30 Quoted in Halévy, *A History of the English People in the Nineteenth Century*, vol. II, p. 82.
- 31 *Memoirs and Correspondence of Viscount Castlereagh*, vol. XI, p. 438.
- 32 [Leigh Hunt] 'Preface', in *The Liberal, or Verse and Prose from the South* i (1822), pp. VIII-IX.
- 33 [William Gifford] *The Illiberal! Verse and Prose from the North!! Dedicated to My Lord Byron in the South!! To be continued occasionally!! As a supplement to each number of 'The Liberal'* (London [1822]).
- 34 See Frederick Rosen, *Bentham, Byron and Greece. Constitutionalism, Nationalism, and Early Liberal Political Thought* (Oxford 1992), pp. 229-43.
- 35 Jeremy Bentham, *Constitutional Code* (1822), vol. I., ed. F. Rosen / J.H. Burns (Oxford 1983), p. 1.
- 36 Blaquiere in a letter to Dumont (November 1820), *The Iberian Correspondence of Jeremy Bentham*, vol. I, ed. P. Schwartz (London / Madrid 1979), p. 358.
- 37 Leicester Stanhope, *Greece, in 1823 and 1824; being a Series of Letters, and Other Documents, on the Greek Revolution, Written during a Visit to that Country* (New Edition, London 1825), p. 134.
- 38 William Parry, *The Last Days of Lord Byron* (London 1825), p. 84.
- 39 Leicester Stanhope, *The Earl of Harrington on the Maine-Law; on the Law of Libel, as Opposed to the Declaration of Truth and the Defence of Character; and Other Subjects* (Derby and London 1858), p. 22.
- 40 William Hazlitt, *The Spirit of the Age, or Contemporary Portraits* (1832), ed. E.D. Mackerness (London 1969), pp. 115-6, 125; see also Malcolm Kelsall, *Byron's Politics* (Brighton 1987), p. 195.
- 41 Letter from Peel to John Wilson Croker (23rd March 1820), *The Correspondence and Diaries of the Late Right Honourable John Wilson Croker*, vol. I, ed. Lewis J. Jennings (New York 1884), pp. 155-6.

- 42 [Henry Brougham] ‘State of Parties’, *Edinburgh Review* xlvi (1827), p. 418.
- 43 *Ibid.*, p. 421.
- 44 *Ibid.*, p. 431; Lord Holland, who identified himself with the Whigs of the 18th century, in a letter to Lord Grey dated 21st December 1826 described how the traditional Whig-concept was more and more overshadowed by new conflict-lines dominated by new political and economic antagonisms: “*Political parties are no more. Whig and Tory, Foxite and Pittite, Ministers and Opposition have ceased to be distinctions, but the divisions of classes and great interests are arrayed against each other – grower and consumer, lands and funds, Irish and English, Catholic and Protestant*”, quoted in Keith Graham Feiling, *The Second Tory Party 1714-1832* (London 1938), pp. 401-2.
- 45 Brougham, ‘State of Parties’, p. 431.
- 46 *Ibid.*, p. 432.
- 47 *Some Official Correspondence of George Canning*, vol. II, ed. E.J. Stapleton (London 1887), p. 321.
- 48 Quoted in Asa Briggs, *The Age of Improvement 1783-1867* (London / New York 1979), p. 219.
- 49 Quoted in Thomas George, *Earl of Northbrook: A Memoir*, ed. Bernard Mallet (London 1906), pp. 32-3.
- 50 [Henry Brougham] ‘The Ministry, and the State of Parties’, *Edinburgh Review* li (1830), p. 576.
- 51 [Henry Brougham] ‘The Last Session of Parliament’, *Edinburgh Review* lx (1834), p. 252.
- 52 *Ibid.*, pp. 231-2.
- 53 *Ibid.*, pp. 248, 230; see also [Henry Brougham] ‘Last Session of Parliament – House of Lords’, *Edinburgh Review* lxii (1835), pp. 196, 187.
- 54 *Ibid.*, p. 185.
- 55 Letter from John Stuart Mill to John Sterling (20th/22nd October 1831), in *Collected Works of John Stuart Mill*, vol. XII, *The Earlier Letters of John Stuart Mill 1812-1848*, ed. Francis E. Mineka (Toronto 1963), p. 84.
- 56 [John Stuart Mill] ‘Tories, Whigs, and Radicals’, *Westminster Review* xxv (1836). p. 293.
- 57 *Ibid.*
- 58 Immanuel Kant, *Metaphysik der Sitten. Metaphysische Anfangsgründe der Tugendlehre. I. Ethische Elementarlehre*, in *Kant’s gesammelte Schriften*, ed. Königlich Preußische Akademie der Wissenschaften, vol. VI (Berlin 1907), p. 434; see also *id.*, *Kritik der Urtheilskraft. 1. Theil: Kritik der ästhetischen Urtheilskraft*, in *Kant’s gesammelte Schriften*, vol. V (Berlin 1913), p. 268.

- 59 See the influential [F.A. Brockhaus] *Allgemeine deutsche Real-Encyclopädie für die gebildeten Stände. Conversations-Lexicon*, vol. V, (fourth edition, Leipzig 1817), pp. 674-5.
- 60 See the first detailed definition of the new political term [Johann Christoph Freiherr von Aretin] ‘Was heißt Liberal? Zum Theil mit Benützung eines französischen Aufsatzes in dem *Nouvelliste Français*’, *Neue Allemannia* i (1816), pp. 163-75.
- 61 See Bonaparte’s proclamation of the 18th Brumaire 1799: *Les idées conservatrices, tutélaires, libérales, sont rentrées dans leurs droits par la dispersion des factieux qui opprimaient les conseils, et qui, pour être devenus les plus odieux des hommes, n’ont pas cessé d’être les plus méprisables*. Proclamation du général en chef Bonaparte, le 19 brumaire, 11 heures du soir, *Le Diplomate* xvi (13th Nov. 1799); also quoted in P.J.B. Buchez / P.C. Roux, *Histoire parlementaire de la Révolution française ou journal des assemblées nationales depuis 1789 jusqu’en 1815*, vol. XXXVIII (Paris 1838), pp. 255-57.
- 62 See Jörn Leonhard, “1789 fait la ligne de démarcation”: Von den napoleonischen *idées libérales* zum ideologischen Richtungsbegriff *libéralisme* in Frankreich bis 1850’, in: *Jahrbuch zur Liberalismusforschung*, xi (1999), pp. 67-105.
- 63 See Jörn Leonhard, ‘*Italia liberale* und *Italia cattolica*: Historisch-semantiche Ursprünge eines ideologischen Antagonismus im frühen italienischen Risorgimento’, in: *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, lxxx (2000), pp. 495-542.
- 64 ‘Über Völkerbestimmung’, *Allemannia* vii (1816), pp. 51-2.
- 65 For the adaptation of liberalism during the 1820s’ political discourse see Wilhelm Traugott Krug, *Geschichtliche Darstellung des Liberalismus alter und neuer Zeit. Ein historischer Versuch* (Leipzig 1823) and the subsequent critical response *Liberalismus – Antiliberalismus: oder ein Wort über die Schrift des Herrn Professor Krug in Leipzig* (Neustadt 1824); see also ‘Über Ultraismus und Liberalismus’, *Neue Monatsschrift für Deutschland, historisch-politischen Inhalts* xv (1824), pp. 112-28.
- 66 See for example Wolfgang Menzel, *Die deutsche Literatur. 2 Theile* (Stuttgart 1828), quoted in Heinrich Heine, *Sämtliche Schriften, vol. I: Schriften 1817-1840*, ed. Klaus Briegleb (Frankfurt/Main / Berlin 1981), p. 450: “Die liberale Partei ist diejenige, die den politischen Charakter der neueren Zeit bestimmt, während die sogenannte servile Partei noch wesentlich im Charakter des Mittelalters handelt. Der Liberalismus schreitet daher in demselben Maße fort, wie die Zeit selbst, oder ist in dem Maße gehemmt, wie die Vergangenheit noch in die Gegenwart herüber dauert.”; see also Theodor Mundt, *Moderne Lebenswirren* (Leipzig 1834), p. 33: “Der Liberalismus will nichts als die Zukunft der Geschichte.”

- 67 See Wilhelm Traugott Krug, *Der falsche Liberalismus unserer Zeit. Ein Beitrag zur Geschichte des Liberalismus und eine Mahnung für künftige Volksvertreter* (Leipzig 1832).
- 68 *Mémoires de M. de Bourrienne, ministre d'état; sur Napoléon, le directoire, le consulat, l'empire et la restauration*, vol. III (Paris 1829), p. 28.
- 69 This became also true for one of the most influential definitions of *Liberalismus* in pre-March Germany, see Paul Pfizer, 'Liberalismus', in *Staats-Lexicon oder Encyclopädie der Staatswissenschaften, in Verbindung mit vielen der angesehensten Publicisten Deutschlands*, ed. Carl von Rotteck / Carl Theodor Welcker, vol. IX (Altona 1840), pp. 713-30; for early socialist and communist definitions see Arnold Ruge, 'Selbstkritik des Liberalismus', in *Deutsche Jahrbücher für Wissenschaft und Kunst* (1843), ed. Arnold Ruge / E. Th. Echtermeyer, pp. 1-12; and Karl Marx / Friedrich Engels, *Die deutsche Ideologie* (1845/46), in id., *Werke*, vol. III, ed. Institut für Marxismus-Leninismus beim ZK der SED (Berlin 1981).
- 70 For the significance of this analytical approach for the study of 19th and 20th-century German History see Wolfgang Hardtwig, 'Der deutsche Weg in die Moderne. Die Gleichzeitigkeit des Ungleichzeitigen als Grundproblem der deutschen Geschichte 1789-1871', in *Deutschlands Weg in die Moderne. Politik, Gesellschaft und Kultur im 19. Jahrhundert*, ed. Wolfgang Hardtwig / Harm-Hinrich Brandt (Munich 1993), pp. 9-31.
- 71 Clifford Geertz, 'Ideology as a Cultural System', in id., *The Interpretation of Cultures: Selected Essays* (New York 1973), p. 220.
- 72 Friedrich Nietzsche, *Zur Genealogie der Moral. Eine Streitschrift*, in id., *Sämtliche Werke. Kritische Studienausgabe in 15 Einzelbänden*, ed. Giorgio Colli and Mazzino Montinari, vol. V (Munich 1988), p. 317.

## Bibliography

### 1. Primary Sources

#### a) British Sources

*Annual Register* (1819, 1820).

Jeremy Bentham, *Constitutional Code* (1822), vol. I., ed. F. Rosen / J.H. Burns (Oxford 1983).

*The Iberian Correspondence of Jeremy Bentham*, vol. I, ed. P. Schwartz (London / Madrid 1979).

[Henry Brougham] 'High Tory Principles', *Edinburgh Review* xli (1824).

[Henry Brougham] 'State of Parties', *Edinburgh Review* xlvi (1827).

[Henry Brougham] 'The Ministry, and the State of Parties', *Edinburgh Review* li (1830).

- [Henry Brougham] 'The Last Session of Parliament', *Edinburgh Review* lx (1834).
- [Henry Brougham] 'Last Session of Parliament - House of Lords', *Edinburgh Review* lxii (1835).
- [Henry Brougham] *The Life and Times of Henry, Lord Brougham*, vol. II (London 1871).
- Edmund Burke, *Reflections on the Revolution in France and on the Proceedings in Certain Societies in London relative to that Event* (1790), ed. Conor Cruise O'Brien (London 1968).
- [George Canning] *Some Official Correspondence of George Canning*, vol. II, ed. E.J. Stapleton (London 1887).
- [Viscount Castlereagh] *Memoirs and Correspondence of Viscount Castlereagh*, vols. XII, XI, ed. C. Vane (London 1853).
- [John Wilson Croker] *The Correspondence and Diaries of the Late Right Honourable John Wilson Croker*, vol. I, ed. Lewis J. Jennings (New York 1884).
- Thomas George, *Earl of Northbrook: A Memoir*, ed. Bernard Mallet (London 1906).
- [William Gifford] *The Illiberal! Verse and Prose from the North!! Dedicated to My Lord Byron in the South!! To be continued occasionally!! As a supplement to each number of 'The Liberal'* (London [1822]).
- [T.C. Hansard] *The Parliamentary Debates from the Year 1803 to the Present Time*, published under the Superintendence of T.C. Hansard. First Series (1803-1820), vol. XXXVII.
- William Hazlitt, *The Spirit of the Age, or Contemporary Portraits* (1832), ed. E.D. Mackerness (London 1969).
- [Leigh Hunt] 'Preface', in *The Liberal, or Verse and Prose from the South* i (1822).
- Francis Jeffrey, *Contributions to the Edinburgh Review* (London 1853).
- [Francis Jeffrey] 'Wat Tyler and Mr. Southey', *Edinburgh Review* xxviii (1817).
- [James Mackintosh] 'Godwin's Lives of Milton's Nephews', *Edinburgh Review* xxv (1815).
- [John Stuart Mill] *Collected Works of John Stuart Mill*, vol. XII, *The Earlier Letters of John Stuart Mill 1812-1848*, ed. Francis E. Mineka (Toronto 1963).
- [John Stuart Mill] 'Tories, Whigs, and Radicals', *Westminster Review* xxv (1836).
- William Parry, *The Last Days of Lord Byron* (London 1825).
- Quarterly Review* xv (1816).
- Leicester Stanhope, *Greece, in 1823 and 1824; being a Series of Letters, and Other Documents, on the Greek Revolution, Written during a Visit to that Country* (New Edition, London 1825).



Leicester Stanhope, *The Earl of Harrington on the Maine-Law; on the Law of Libel, as Opposed to the Declaration of Truth and the Defence of Character; and Other Subjects* (Derby and London 1858).

## b) German Sources

- [Johann Christoph Freiherr von Aretin] ‘Was heißt Liberal? Zum Theil mit Benützung eines französischen Aufsatzes in dem *Nouvelliste Français*’, *Neue Allemannia* i (1816), pp. 163-75.
- [F.A. Brockhaus] *Allgemeine deutsche Real-Encyclopädie für die gebildeten Stände. Conversations-Lexicon*, vol. V, (fourth edition, Leipzig 1817).
- Heinrich Heine, *Sämtliche Schriften*, vol. I: *Schriften 1817-1840*, ed. Klaus Briegleb (Frankfurt/Main / Berlin 1981).
- Immanuel Kant, *Metaphysik der Sitten. Metaphysische Anfangsgründe der Tugendlehre. I. Ethische Elementarlehre*, in *Kant's gesammelte Schriften*, ed. Königlich Preußische Akademie der Wissenschaften, vol. VI (Berlin 1907).
- Immanuel Kant, *Kritik der Urtheilskraft. 1. Theil: Kritik der ästhetischen Urtheilskraft*, in *Kant's gesammelte Schriften*, vol. V (Berlin 1913).
- Wilhelm Traugott Krug, *Geschichtliche Darstellung des Liberalismus alter und neuer Zeit. Ein historischer Versuch* (Leipzig 1823).
- Wilhelm Traugott Krug, *Der falsche Liberalismus unserer Zeit. Ein Beitrag zur Geschichte des Liberalismus und eine Mahnung für künftige Volksvertreter* (Leipzig 1832).
- Liberalismus – Antiliberalismus: oder ein Wort über die Schrift des Herrn Professor Krug in Leipzig* (Neustadt 1824).
- Karl Marx / Friedrich Engels, *Die deutsche Ideologie* (1845/46), in id., *Werke*, vol. III, ed. Institut für Marxismus-Leninismus beim ZK der SED (Berlin 1981).
- Wolfgang Menzel, *Die deutsche Literatur. 2 Theile* (Stuttgart 1828).
- Theodor Mundt, *Moderne Lebenswirren* (Leipzig 1834).
- Friedrich Nietzsche, *Zur Genealogie der Moral. Eine Streitschrift*, in id., *Sämtliche Werke. Kritische Studienausgabe in 15 Einzelbänden*, ed. Giorgio Colli and Mazzino Montinari, vol. V (Munich 1988).
- Paul Pfizer, ‘Liberalismus’, in *Staats-Lexicon oder Encyclopädie der Staatswissenschaften, in Verbindung mit vielen der angesehensten Publicisten Deutschlands*, ed. Carl von Rotteck / Carl Theodor Welcker, vol. IX (Altona 1840), pp. 713-30.
- Arnold Ruge, ‘Selbstkritik des Liberalismus’, in *Deutsche Jahrbücher für Wissenschaft und Kunst* (1843), ed. Arnold Ruge / E. Th. Echtermeyer, pp. 1-12.

- ‘Über Ultraismus und Liberalismus’, *Neue Monatsschrift für Deutschland, historisch-politischen Inhalts* xv (1824), pp. 112-28.  
 ‘Über Völkerbestimmung’, *Allemannia* vii (1816), pp. 51-2.

c) French Sources

- [Bourrienne] *Mémoires de M. de Bourrienne, ministre d'état; sur Napoléon, le directoire, le consulat, l'empire et la restauration*, vol. III (Paris 1829).  
 P.J.B. Buchez / P.C. Roux, *Histoire parlementaire de la Révolution française ou journal des assemblées nationales depuis 1789 jusqu'en 1815*, vol. XXXVIII (Paris 1838).  
*Le Diplomate* xvi (13th Nov. 1799).

## 2. Secondary Literature

- Terence Ball, *Transforming Political Discourse: Political Theory and Critical Conceptual History* (Oxford 1988).  
 Terence Ball / J.G.A. Pocock (ed.), *Conceptual Change and the Constitution* (Lawrence/Kansas 1988).  
 Terence Ball / James Farr / Russell L. Hanson (ed.), *Political innovation and conceptual change* (Cambridge 1989).  
 Hartmut Berghoff / Dieter Ziegler, ‘Pionier oder Nachzügler. Kategorien für den deutsch-britischen Vergleich?’, in *Vergleichende Studien zur Geschichte Großbritanniens und Deutschlands im Zeitalter der Industrialisierung. Festschrift für Sidney Pollard zum 70. Geburtstag*, ed. Hartmut Berghoff / Dieter Ziegler (Bochum 1995), pp. 15-28.  
 Ian Bradley, *The Optimists. Themes and Personalities in Victorian Liberalism* (London / Boston 1980).  
 John Breuilly, *Labour and Liberalism in Nineteenth-Century Europe. Essays in Comparative History* (Manchester / New York 1992).  
 John Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge 1976).  
 Otto Brunner/Werner Conze/Reinhart Koselleck (ed.), *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, 9 vols. (Stuttgart 1972-97).  
 Asa Briggs, *The Age of Improvement 1783-1867* (London / New York 1979).  
 L. Díez del Corral, *El liberalismo doctrinario. Instituto de Estudios Políticos*, (Madrid, second edition 1956).  
 Keith Graham Feiling, *The Second Tory Party 1714-1832* (London 1938).

- Clifford Geertz, 'Ideology as a Cultural System', in id., *The Interpretation of Cultures: Selected Essays* (New York 1973).
- Elie Halévy, *A History of the English People in the Nineteenth Century*, vol. II, *The Liberal Awakening* (London 1949).
- Iain Hampsher-Monk/Karin Tilmans/Frank van Vree (eds.), *History of Concepts: Comparative Perspectives* (1998).
- Wolfgang Hardtwig, 'Der deutsche Weg in die Moderne. Die Gleichzeitigkeit des Ungleichzeitigen als Grundproblem der deutschen Geschichte 1789-1871', in *Deutschlands Weg in die Moderne. Politik, Gesellschaft und Kultur im 19. Jahrhundert*, ed. Wolfgang Hardtwig / Harm-Hinrich Brandt (Munich 1993), pp. 9-31.
- Heinz-Gerhard Haupt / Jürgen Kocka (eds.), *Geschichte und Vergleich. Ansätze und Ergebnisse international vergleichender Geschichtsschreibung* (Frankfurt/Main / New York 1996).
- Lucian Hölscher, 'The theoretical foundations of *Begriffsgeschichte* (History of Concepts)', in *Cultura. Revista de História e Teoria das Ideias* viii (2.a Série Lisboa 1995), pp. 23-38.
- Malcolm Kelsall, *Byron's Politics* (Brighton 1987).
- Jürgen Kocka (ed.), *Bürgertum im 19. Jahrhundert. Deutschland im europäischen Vergleich*, 3 vols. (Munich 1988).
- Jürgen Kocka / Allan Mitchel (eds.), *Bourgeois Society in Nineteenth-Century Europe* (1993).
- Reinhart Koselleck (ed.), *Historische Semantik und Begriffsgeschichte* (Stuttgart 1979).
- Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time* (Cambridge/Mass. 1985).
- Reinhart Koselleck / Ulrike Spree / Willibald Steinmetz, 'Drei bürgerliche Welten. Zur vergleichenden Semantik der bürgerlichen Gesellschaft in Deutschland, England und Frankreich', in *Bürger in der Gesellschaft der Neuzeit*, ed. H.-J. Puhle (Göttingen 1991), pp. 14-58.
- Dieter Langewiesche (ed.), *Liberalismus im 19. Jahrhundert. Deutschland im europäischen Vergleich*, (Göttingen 1988).
- Hartmut Lehmann / Melvin Richter (ed.), *The Meaning of Historical Terms and Concepts. New Studies on 'Begriffsgeschichte'* (Washington 1996).
- Jörn Leonhard, "'An odious but intelligible phrase" – Liberal im politischen Diskurs Deutschlands und Englands bis 1830/32', in *Jahrbuch zur Liberalismus-Forschung*, viii (1996), pp. 11-41.
- Jörn Leonhard, 'Von den *idées libérales* zu den liberalen Ideen: Historisch-semantischer Kulturtransfer zwischen Übersetzung, Adaption und Integration', in *Kulturtransfer im 19. Jahrhundert*, ed. Marc Schalenberg (Berlin 1998), pp. 13-45.

- Jörn Leonhard, “1789 fait la ligne de démarcation”: Von den napoleonischen *idées libérales* zum ideologischen Richtungsbe­griff *libéralisme* in Frank­reich bis 1850’, in: *Jahrbuch zur Liberalismus-Forschung*, xi (1999), pp. 67-105.
- Jörn Leonhard, ‘*Italia liberale* und *Italia cattolica*: Historisch-semantische Ursprünge eines ideologischen Antagonismus im frühen italienischen Risorgimento’, in: *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, lxxx (2000), pp. 495-542.
- Jörn Leonhard, *Liberalismus. Zur historischen Semantik eines europäischen Deutungsmusters*, Munich 2001.
- Jörn Leonhard, “*True English Guelfs and Gibelines*”: Zum historischen Bedeu­tungs- und Funktionswandel von *whig* und *tory* im englischen Politikdiskurs seit dem 17. Jahrhundert’, in: *Archiv für Kulturgeschichte*, lxxxiv/i (2002), pp. 175-213.
- Jörn Leonhard, ‘Semantische Deplazierung und Entwertung - Deutsche Deutungen von *liberal* und *Liberalismus* nach 1850 im europäischen Vergleich’, in: *Geschichte und Gesellschaft*, xxix/i (2003), pp. 5-39.
- Peter Mandler, *Aristocratic Government in the Age of Reform. Whigs and Liberals, 1830-1852* (Oxford 1990).
- J. Marichal, ‘España y las raíces semánticas del liberalismo’, in *Cuadernos. Congreso per la libertad de la cultura* (March/April 1955).
- Wolfgang J. Mommsen, *Britain and Germany 1800 to 1914. Two Developmental Paths towards Industrial Society* (London 1986).
- Rudolf Muhs, ‘Deutscher und britischer Liberalismus im Vergleich. Trägerschichten, Zielvorstellungen und Rahmenbedingungen, ca. 1830-1870’, in Langewiesche (ed.), *Liberalismus*, pp. 223-59.
- The Oxford English Dictionary*, Second Edition, prepared by J.A. Simpson and E.S.C. Weiner, vol. VIII (Oxford 1989).
- M. Pecheux /R. Robin, ‘Les historiens devant le champ linguistique’, in *Dix-huitième Siècle* v (1973), pp. 111-18.
- Hans Petersen, ‘Liberal im britischen Englisch. Eine Fallstudie zur histo­rischen Semantik und Begriffsgeschichte’, in *Englischer Liberalismus im 19. und frühen 20. Jahrhundert*, ed. Karl Rohe (Bochum 1987), pp. 101-32.
- J.G.A. Pocock, ‘Verbalizing a Political Act: Towards a Politics of Speech’, in *Language and Politics*, ed. Michael J. Shapiro (Oxford 1984), pp. 25-43.
- J.G.A. Pocock/Quentin Skinner, ‘What is Intellectual History’, in *History Today* xxxv (1985), pp. 46-54.
- J.G.A. Pocock, ‘The Varieties of Whiggery’, in id., *Virtue, Commerce and History, Chiefly in the Eighteenth Century* (Cambridge 1985), pp. 215-310.

- Rolf Reichardt/Eberhard Schmidt/Hans-Jürgen Lüsebrink (eds.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680-1820* (Munich 1985 [beginn of publication]).
- Melvin Richter, 'Conceptional History (*Begriffsgeschichte*) and Political Theory', *Political Theory* xiv (1986), pp. 604-37.
- Melvin Richter, 'Pocock, Skinner, and the *Geschichtliche Grundbegriffe*', *History and Theory* xix (1990), pp. 38-70.
- Melvin Richter, *The History of Political and Social Concepts. A Critical Introduction* (New York / Oxford 1995).
- Melvin Richter, 'Opening a Dialogue and Recognizing an Achievement. A Washington Conference on the *Geschichtliche Grundbegriffe*', *Archiv für Begriffsgeschichte* xxxix (1996), pp. 19-26.
- Régine Robin, *Histoire et linguistique* (Paris 1973).
- Frederick Rosen, *Bentham, Byron and Greece. Constitutionalism, Nationalism, and Early Liberal Political Thought* (Oxford 1992),
- Hans-Christoph Schröder, 'Der englische "Sonderweg" im 17. und 18. Jahrhundert', in *Englische und deutsche Geschichte in den Schülbüchern beider Länder*, ed. K. E. Jeismann/H. Schissler (Braunschweig 1982), pp. 27-44.
- Hans-Christoph Schröder, *Die Revolutionen Englands im 17. Jahrhundert* (Frankfurt/Main 1986).
- Quentin Skinner, 'Language and Social Change', in *The State of the Language*, ed. L. Michaels/C. Ricks (Berkeley 1980), pp. 562-78.
- Bernd Weisbrod, 'Der englische "Sonderweg" in der neueren Geschichte', in *Geschichte und Gesellschaft* xvi (1990), pp. 233-52.
- Hans-Ulrich Wehler, '"Deutscher Sonderweg" oder allgemeine Probleme des westlichen Kapitalismus', in id., *Politik in der Geschichte. Essays* (Munich 1998), pp. 78-92.
- Robert Willman, 'The Origins of "whig" and "tory" in English Political Language', *Historical Journal* xvii (1974), pp. 247-64.
- Andreas Wirsching, 'Popularität als Raison d'être: Identitätskrise und Parteiideologie der Whigs in England im frühen 19. Jahrhundert', *Francia* xvii (1990), pp. 1-14.

Wendy Brown

# TOLERANCE AS/IN CIVILIZATIONAL DISCOURSE

*Civilization is the humanisation of man in society.*

Matthew Arnold, 1879

*...along side an infinite diversity of cultures, there does exist one, global civilization in which humanity's ideas and beliefs meet and develop peacefully and productively. It is a civilization that must be defined by its tolerance of dissent, its celebration of cultural diversity, its insistence on fundamental, universal human rights and its belief in the right of people everywhere to have a say in how they are governed.<sup>1</sup>*

Kofi Annan  
Secretary-General  
The United Nations

*We meet here during a crucial period in the history of our nation, and of the civilized world. Part of that history was written by others; the rest will be written by us... And by acting, we will signal to outlaw regimes that in this new century, the boundaries of civilized behavior will be respected.<sup>2</sup>*

George W. Bush,  
February 26, 2003

*...America and the West have potential partners in these [Islamic] countries who are eager for us to help move the struggle to where it belongs: to a war within Islam over its spiritual message and identity, not a war with Islam...a war between the future and the past, between development and under-*

*development, between authors of crazy conspiracy theories versus those espousing rationality... Only Arabs and Muslims can win this war within, but we can openly encourage the progressives...*

*The only Western leader who vigorously took up this challenge was actually the Dutch politician Pim Fortuyn... Fortuyn questioned Muslim immigration to the Netherlands...not because he was against Muslims but because he felt that Islam had not gone through the Enlightenment or the Reformation, which separated church from state in the West and prepared it to embrace modernity, democracy and tolerance.*

*As a gay man, Fortuyn was very much in need of tolerance, and his challenge to Muslim immigrants was this: I want to be tolerant, but do you? Or do you have an authoritarian culture that will not be assimilated, and that threatens my country's liberal, multicultural ethos?*

Thomas Friedman,  
Foreign Affairs Editorialist  
*The New York Times*

*The War on Terrorism is a war for human rights.*

Donald Rumsfeld  
June 12, 2002

**I**n the eyes of the West, the legitimacy of Israel is based upon its secularism as much as its singular status as a Jewish state. That is, Israel's external legitimacy and membership in "the West" depends upon its tolerance of a range of orientations toward Jewishness and especially its resistance to the aims of the Jewish orthodoxy to make Israel into a fundamentalist religious order. If the Haredi community (ultra-orthodox Hasids, mostly American immigrants) were to realize not simply its dream of Greater Israel but of a relentlessly religiously governed and ordered nation, Israel could neither be figured as a democracy nor as a part of contemporary Western Civilization. How much influence on government policy the Haredim along with nationalist religious Jews have is calibrated not simply by everyday politicking over concrete issues—what marriages the state recognizes, who may be buried as a Jew in public cemeteries—but by the larger concern of maintaining a secular rather than religious formulation of Judaism at the heart of Israeli state identity. Secularism and the tolerance it promises is perversely crucial to Israel's legitimacy and hence survival as a Jewish state.

But what is a secular Jewish state? If certain privileges of citizenship and the right of return are extended exclusively to Jews while Jewishness is fully separable from religious belief, this necessarily renders Judaism a matter of blood and thereby renders Israel a racial rather than religious regime. In this way, Israeli secularism becomes the foundation of Israeli racialism. Moreover, the legitimacy obtained through *the simultaneous tolerance and marginalization* of the Haredim itself consecrates Israel as a racialist state—not a state that merely practices inadvertent racism toward Arab Israeli citizens or colonialism in occupied Palestine, but a state whose basis is racial rather than religious. Moreover, given that tolerance of the Haredim extends to exemption from compulsory military service and provision of state economic support, this tolerance simultaneously honors religious need and differentiates the state from it, thereby differentiating the state from religiosity as such. The Haredim, regarded by many Israelis as a thorn in Israel’s political side, especially regarding claims to the “illegal” West Bank settlements, are thus revealed as crucial to Israel’s legitimacy.

Now consider how “Israeli exceptionalism” works in international debates about Israel, including United Nations debates. Criticisms of Israel as a racist state, or calls for its transformation into a democratic secular one (in which religion or ethnicity could not be criteria for membership nor for economic and political privileges) are denounced by many Israeli leaders and supporters as anti-Semitic. That is, criticism of Israel and calls for its radical transformation are often equated with hostility toward Jews, an equation unique to this case. (Critiques of the current Chinese or Cuban regimes are not equated with hostility toward the Chinese or Cuban people.) This exceptionalism effectively claims that *because* Israel is a Jewish state, to attack it is to attack Jews or Jewishness; not merely the majority of the citizenry but the state is identified as Jewish even as its legitimacy depends upon its non-religiosity.<sup>3</sup> As a state, Israel thus claims a difference, one that shields it from criticism by tarring criticism with anti-Semitism, a tarring that intentionally recalls the darkest years in twentieth century Western history to activate a metonymic slide from “ism” to action, and more precisely, from prejudice to slaughter. More than a shield, this slide clothes all Israeli action, including the most zealous aggression, as prophylactic against such slaughter.



But what kind of difference is the Israeli difference? What kind of difference counts as a legitimate and tolerable difference in Western Civilization, as opposed to a narrow and unacceptable one? The Israeli difference cannot be reduced to religion without making Israel equivalent to fundamentalist Islamic regimes—a Jewish Iran. And it cannot be a difference rooted entirely in historical experience (persecution, expulsion, displacement) without making Palestinians eligible for a parallel claim. So the difference again redounds to a notion of secular and racialized Judaism, that is, to Jews as a people rather than to Jews as a faith community. The Israeli difference—the Jewish difference—insulates Israel from charges of being undemocratic insofar as this difference must be protected. Yet it is secular Judaism, modestly tolerant within, that secures the democratic credential which qualifies the Israeli difference for tolerance from without, *despite the very illiberalism of this difference*. Again, the presence of the orthodoxy—leashed, marginalized, tolerated, even reviled—confirms, indeed constitutes, the secular status of the state and provides the basis of its legitimacy in the Western world.

In the modern West, a liberal discourse of tolerance (a term, incidentally, which my Israeli friends tell me is not part of the Israeli political vocabulary) distinguishes the fundamentalists from the non-fundamentalists and in so doing partly constitutes each. A non-fundamentalist collective identity is also at the heart of the West's self-conception as civilized, while barbarism is presumed to issue from fundamentalism even as some putative fundamentalists may escape the tag of barbarism. Within liberal tolerance discourse, the production and valorization of the sovereign individual is what keeps barbarism at bay. Conversely, the modern West's historical episodes of barbarism, e.g., fascism and slavery, are depicted as moments in which this fundamental value was abrogated.<sup>4</sup> But as the case of Israel suggests, there is a consequential ruse in the association of liberal autonomy, tolerance, secularism, and civilization on the one hand and the association of group identity, fundamentalism, and barbarism on the other. Among other aims, this essay seeks to track the operations of that ruse.

\* \* \*

If tolerance as a political practice is always conferred by the dominant, if it is always a certain expression of domination even as it offers protection or incorporation to the less powerful, tolerance as an individual virtue has a similar asymmetrical structure. The ethical bearing of tolerance is a highminded one, while the object of such highmindedness is inevitably cast as something more lowly. Even as the outlandish, wrongheaded, or literal outlaw is licensed or suffered through tolerance, the voice in which tolerance is proffered contrasts starkly with the qualities attributed to its object. The pronouncement, “I am a tolerant man,” conjures seemliness, propriety, forbearance, magnanimity, cosmopolitanism, universality, the large view, while those for whom tolerance is required take their shape as improper, indecorous, urgent, narrow, particular, and often ungenerous or at least lacking in perspective.<sup>5</sup> Liberals who philosophize about tolerance almost always write about coping with what they cannot imagine themselves to be: they identify with the aristocrat holding his nose in the agora, not with the stench.

Historically and philosophically, tolerance is rarely argued for as an entitlement, a right, or a naturally egalitarian good in the ways that liberty generally is, but rather is pleaded for as an incorporative practice that promises to keep the peace through such incorporation. Thus the subterranean yearning of tolerance—for a universally practiced moderation that does not exist, a humanity so civilized that it would not require the virtue of tolerance—sits uneasily with the normative aspect of tolerance that reaffirms the characterological superiority of the tolerant over the tolerated.

Attention to these aspects of the rhetorical frame of tolerance suggests that tolerance is not simply asymmetrical across lines of power but carries caste, class and civilizational airs with it in its work. This essay scrutinizes that conveyance through consideration of the logic of tolerance as a civilizational discourse, a discourse that simultaneously marks off the civilized from the uncivilized *and* establishes the supremacy of the West as a civilization.

The dual function of civilizational discourse—to mark in general what counts as “civilized” and also to confer superiority on the West—casts tolerance itself in two distinct if intersecting power functions: 1) as part of what defines the superiority of Western Civilization, 2) as that which confers the status of ‘intolerable’ on certain non-Western

practices or regimes, and thereby legitimizes liberal polities' non-liberal treatment of these practices and the societies that harbor them, that is, permits intolerance of or outright aggression toward these practices without tarring the "civilized" status of the aggressor. George W. Bush helps to provide a concise foretaste of the argument. Shortly after September 11<sup>th</sup>, Bush asserted: "Those who hate all civilization and culture and progress...cannot be ignored, cannot be tolerated...cannot be appeased. They must be fought."<sup>6</sup> Paired with remarks in February 2002 in which Bush declared that the U.S. has a "historic opportunity to fight a war that will not only liberate people from the clutches of barbaric behavior but a war that can leave the world more peaceful in the years to come," it is not difficult to see how an opposition between civilization and barbarism, in which the cherished tolerance of the former meets its limits in the latter, provides the mantle of culture, progress and peace for imperial militaristic adventures.<sup>7</sup>

\* \* \*

"Civilization" is a complex term with an even more complex genealogy. The Oxford English Dictionary, itself no minor civilizational project in its creation of literary legacies that both set linguistic standards and define a cultural practice<sup>8</sup>, describes civilization since the eighteenth century as referring to the "action or process of civilizing or being civilized" and also as denoting a "developed or advanced state of human society."<sup>9</sup> In *Keywords*, Raymond Williams notes that while "civilization is now generally used to describe an achieved state or condition of organized social life," it referred originally to a process, a meaning which persists into the present.<sup>10</sup> The static and dynamic meanings of civilization are easily reconciled in the context of a progressivist Western historiography of modernity in which individuals and societies are configured as developing a steadily increasing democratic, reasoned and cosmopolitan bearing. In this way civilization simultaneously frames the achievement of European modernity, the promised issue of modernization as an experience, and crucially, the effects of exporting European modernity to "uncivilized" parts of the globe. European colonial expansion from the mid-nineteenth through the mid-twentieth century was explicitly

justified as a project of civilization, conjuring the gifts of social order, legality, reason, religion, regulating manners and mores, but also, as Freud reminded us, repression and the attendant introduction of anxiety, guilt, unhappiness, neurosis, sublimation, and productivity associated with modern Western existence.

However, civilization by no means remained a simple term of colonial domination in which all the subjects it touched aspired to European standards. Not only did non-European elites and various anti-colonial struggles reshape the concept to contest and sometimes forthrightly oppose European hegemony, the idea of civilization was also pluralized in both scholarly and popular discourses during the last century. From Arnold Toynbee to Fernand Braudel to Samuel Huntington, there has been a concerted if inconsistent effort to pry apart the idea of civilization from Europe and even from modernity to define structured “ways of life” comprised of values, literatures, legal systems, and social organization.

Plural accounts of civilization, however, do not equate to a pluralist sensibility *about* civilization; Samuel Huntington’s thesis (best known as an argument about the mutual sparking points among what he imagines to be the world’s distinct and incommensurate civilizations) makes abundantly clear that such pluralization can cloak rather than negate the Western superiority charging the term. While Huntington insists that Western Civilization “is valuable not because it is universal but because it is unique” [in its cultivation of the values of individual liberty, political democracy, human rights, and cultural freedom], this apparent gesture toward cultural relativism does not materialize as a principle of mutual valuation.<sup>11</sup> This is not only because Huntington’s argument about Western Civilization’s uniqueness forms the basis for intolerance of multiculturalism *within* the West (famously, Huntington argues: “a multicultural America is impossible because a non-Western America is not American....multiculturalism at home threatens the United States and the West”).<sup>12</sup> Equally important is that Huntington’s book on the potential clash of civilizations concludes with a warning about the current vulnerability of what he calls ‘civilization in the singular’: “on a worldwide basis Civilization seems to be in many respects yielding to barbarism, generating the image of an unprecedented phenomenon, a global Dark Ages, possibly descending on humanity.”<sup>13</sup> This danger can be seen, Huntington

argues, in a worldwide breakdown of law and order, a global crime wave, increasing drug addiction, a general weakening of the family, a decline in trust and social solidarity, and a rise in ethnic, religious and civilizational violence. And what is occasioning this dark specter of what Huntington terms a global “moral reversion”?<sup>14</sup> Nothing less than the decline of Western power, that which established the rule of law as a civilizational norm and decreased the acceptability of “slavery, torture and vicious abuse of individuals.”<sup>15</sup> So even as Huntington argues for all civilizations to bond together in fighting barbarism—the intolerable—only the values of the West can lead this fight: what will hold barbarism at bay is precisely what recenters the West as the defining essence of civilization and what legitimates its efforts at controlling the globe.

Now when we combine these two arguments, the argument for mutual accord among civilizations governed by what Huntington admits is a distinctly Western value (tolerance, mutual respect), and the argument that the barbarism into which the world now threatens to slide is attributable to the decline of the West, the identification of the West with Civilization, of civilization with tolerance, and of the intolerable with the uncivilized is unmistakable. And if this identification occurs despite Huntington’s sincere effort to break it, this is only a sign of how powerful civilizational discourse is in liberal theories of tolerance, even (and perhaps especially) when that discourse is most thoroughly inflected by realism.

Huntington’s work also makes clear that even when civilization is rendered in the plural, its signifying opposite remains barbarism. “Barbaric,” of course, derives from the ancient Greek term denoting all non-Greeks. With the rise of Rome, its meaning shifted to refer to those outside the Empire; with the Italian Renaissance, barbarian covered all those imagined unreached by the Renaissance, that is, non-Italians. A barbarian is thus technically “a foreigner, one whose language and customs differ from the speaker’s” but crucially, this foreignness was continually established *vis a vis* empire and imperial definitions of civilization. And so the OED gives the second meaning of barbarian as a condition of being “outside the pale of civilization.” Outside the pale (an English phrase for measuring its colonial jurisdiction in Ireland in the sixteenth century)—not merely beyond the geographical bounds but unreached by civilization, without its

canopy. It is not difficult, then, to see the path from the ancient meaning of barbarian as foreigner to its contemporary signification, the third listing in the OED: “a rude, wild, uncivilized person....an uncultured person, or one who has no sympathy with literary culture.”<sup>16</sup> As we shall see shortly, Susan Okin’s designation of selected non-liberal cultural practices as barbaric and her inability to see “barbaric” practices within liberalism perfectly mimics the etymological slide of barbarian from *foreigner* to *uncivilized* to *wild brute*, and inhabits as well the blindness to colonial or imperial domination that this slide entails.

If being beyond the pale of civilization is also to be what civilization cannot tolerate, then tolerance and civilization not only entail one another, but mutually define what is outside of both: to be uncivilized is to be intolerable is to be a barbarian, just as to declare a particular practice intolerable is to stigmatize it as uncivilized. That which is inside civilization is tolerable *and* tolerant; that which is outside is neither. This is how, even amidst plural definitions of civilization, the discourse of tolerance re-centers the West as the standard for civilization, and how as well tolerance operates simultaneously as a token of Western supremacy and a discursive vehicle of Western domination. This is also why Kofi Annan, in one of the epigrams for this chapter, had to bring all civilizations into the orbit of a liberal political idiom; in no other way could they attain or keep their status as civilized.

## Teaching Tolerance

According to Huntington, the West will save itself by valuing itself and will save the world through developing global practices of civilizational tolerance; but the latter requires enlightening others about the value of tolerating difference and eschewing fundamentalism. This depicts tolerance as something that must be pedagogically achieved, a formulation underscored by the very name of the Southern Poverty Law Center “Teach Tolerance” project. This formulation also establishes intolerance as a natural or “native” response to difference where natives are assumed to run on instinct

as opposed to education. The rhetoric of “teaching tolerance” construes enmity or intolerance as the natural, uneducated response to difference. Hence the popular journalistic tropes of ‘primitive blood feuds’ or ‘archaic enmity’ to frame contemporary ethnic conflict in eastern Europe, Rwanda or Ethiopia (all of which are treated together, in montage fashion, in a video on “intolerance” titled “In Our Time” at the Los Angeles Museum of Tolerance). At work here is a familiar Orientalist narrative trope of the enlightened Westerner as more rational, cosmopolitan, and peaceful than her or his native Other, a rationality, cosmopolitanism, and peacability that is understood to derive from tolerance and also to generate it. In the words of K. Peter Fritzsche of the International Tolerance Network, “...Tolerance has to be learned. One has to be made capable of tolerance, and it is one of the utmost tasks of tolerance education to promote the elements of this capability.”<sup>17</sup> Jay Newman, a contemporary philosopher of tolerance, introduces his volume on religious tolerance with a similar invocation: “intolerance is the most persistent and the most insidious of all sources of hatred. It is perhaps foremost among the obstacles to civilization, the instruments of barbarism.”<sup>18</sup> Newman’s cure for intolerance? Education, which he equates with “a process of civilizing.” The native, the fanatic, the fundamentalist, and the bigot are what must be overcome by the society committed to tolerance; from the perspective of the tolerant, these figures are pre-modern or at least have not been thoroughly washed by modernity, a formulation endlessly rehearsed by Thomas Friedman in his pontifications about Islam on the *New York Times* op ed page. This reminds us too that it is not really Western Civilization *tout court* but the identification of modernity and in particular, liberalism, with the West, indeed the identification of liberalism as the telos of the West, that provides the basis for Western civilizational supremacy.

What wraps in a common leaf the native, the fanatic, the fundamentalist, and the bigot is a presumed existence in a narrow, homogeneous, unquestioning and unenlightened universe, an existence that inherently generates hostility toward outsiders, toward questioning, toward difference. “Learning tolerance” thus involves divesting oneself of relentless partiality, absolutist identity, and parochial attachments, a divestment understood as the inevitable effect of a larger, more cosmopolitan worldview and not as the

privilege of hegemony. It is noteworthy too that within this discourse, the aim of learning tolerance is not to arrive at equality or solidarity with others, but rather, to learn how to put up with others by weakening one's own connections to community and claims of identity, that is, by becoming a liberal pluralist, one whom, according to Michael Ignatieff, can "live and let live."<sup>19</sup> In neo-Hobbesian fashion, tolerance appears as a management of primordial and natural aversions achieved through converting overt hatred to forbearance and pacifying the passions (a forbearance and pacification that anticipates the passive form of citizenship tolerance breeds).<sup>20</sup> As a posture superior to absolutism or fanaticism, tolerance is treated as the issue of education and repression, that is, with the social contract and civilization, to overcome the putative naturalness of enmity among essentialized differences. This formulation, of course, simultaneously confirms the superiority of the West, de-politicizes the effects of domination, colonialism, and Cold War deformations of the Second and Third Worlds as nativist or tribalist enmity, and portrays those living these effects as in need of the civilizing project of the West.

Undergirding this conceptualization of enmity toward difference as natural and primitive is the Enlightenment conceit that the rational individual is inherently more peaceable, civil, far-seeing, and hence tolerant than members of "organicist societies." Ignatieff is the most ardent yet subtle exponent of this dimension of tolerance discourse. In his view, racism and ethnically based nationalism are the effects of being "trapped in collective identities," the cure for which is "the means to pursue individual lives" and especially individual routes to success and achievement.<sup>21</sup> Thus, argues, Ignatieff, "the culture of individualism is the only reliable solvent of the hold of group identities and the racisms that go with them." The "essential task in teaching 'toleration,'" he argues, "is to help people see themselves as individuals, and then to see others as such," a project that Ignatieff also understands as bringing us closer to the truth of "actual, real individuals in all their specificity" as opposed to the "procedures of abstraction" constitutive of group interpellation.<sup>22</sup> The individual, in other words, is a distinctly Hegelian *a priori* in Ignatieff's analysis—ontologically true yet historically achieved. And the more developed and rewarded this individual is as an individual, that is, the more



that collective identity is eroded or undercut by individualism and especially individual ego strength, the greater the prospects for a tolerant world. As we shall see a bit later, this formulation not only figures liberalism as superior because true, that is, it not only figures tolerance as the sign of a fully and rightly individualized society, a society that has arrived at the core truth of human beings, it also figures liberalism as both a-cultural and anti-cultural...beyond culture and opposed to culture. In this regard, it repairs to early anthropological and colonial discourse about culture, casting it as something “they” have but we don’t, and also casting it as autonomous of politics, economics and law. In short, culture is both exoticized and reified as it is opposed to the figure of the individual as well as rule by law and the free market.

## Conferring and Withholding Tolerance

Tolerance is generally conferred by those who do not require it upon those who do, which is to say, it arises within a normative order in which those who deviate from rather than conform to the norms are eligible for tolerance. The heterosexual proffers tolerance to the homosexual, the Christian tolerates the Muslim or Jew, the dominant race tolerates minority races... each of these only up to a point. However, the matter is rarely phrased this way. Rather, power discursively disappears in an action in which a hegemonic population tolerates a marked or minoritized one. The scene appears instead as one in which the universal tolerates the particular in its particularity, which also means that the putative universal always appears superior to that unassimilated particular, a superiority itself premised upon the non-reciprocity of tolerance (the particular does not tolerate the universal). It is the disappearance of power in the action of tolerance that convenes the hegemonic as the universal and the subordinate or minoritized as the particular. The mechanics of this are familiar: homosexuals discursively appear as more thoroughly defined by their sexuality and hence less capable of participation in the universal than heterosexuals, just as Jews, Catholics, Mormons, and Muslims appear more relentlessly saturated by their religious/ethnic identity

than other Americans. (Thus, vice presidential candidate Joseph Lieberman's orthodox Judaism became a significant campaign issue as did John F. Kennedy's Catholicism, while the born-again Christianity of Jimmy Carter, Ronald Reagan, and both Bushes did not.) This appearance of saturation is consequent to a normative regime and not to some quality inherent in the identities or practices. However, in associating itself with universality and relative neutrality, the unmarked-because-hegemonic identity also associates tolerance with this standing and conversely, associates objects of tolerance with particularity and partiality. In this way, tolerance comes to be identified not simply with liberal political institutions, but establishes the superiority of liberalism, a superiority based upon the twin (false) premises of neutrality and universality on the one hand, and being the tolerant political order in a world divided into the tolerant and the tolerated on the other.

When the heterosexual tolerates the homosexual, when Christians tolerate Muslims in the West, not only do the first terms not require tolerance, their standing as that which confers tolerance establishes their superiority over that which is said to require tolerance; in this way, the tolerating and tolerated are simultaneously radically distinguished from each other and hierarchically ordered in a table of virtue. That which tolerates is not eligible for toleration; that which is tolerated is presumed roughly incapable of tolerance. It is this aspect of the binary structure of tolerance discourse that circulates not just power but the superordination of a group with the term. Through the establishment of the object of tolerance as *different*, its inferiority to that which is the same is secured. Through this inflection with difference the object of tolerance is placed outside the universal, hence positioned as needing tolerance but unable to tolerate, hence also cast as a lower form of life than the host. But this positioning is a discursive trick, one that disguises the extent to which it is power and not inherent qualities of openness or rigidity, moral relativism or orthodoxy, that produces the universal and the particular, the tolerant and the tolerated, the West and the East, the pluralist and the fundamentalist, the civilized and the barbaric, the same and the other. This discursive trick also purifies the first term, the tolerant culture, of all intolerance; and it saturates the second term, the tolerated, with orthodoxy, ethnic nationalism, fundamentalism,

identity, and rigidity...nearly to (and sometimes arriving at) the point of intolerability.

In liberal theories of tolerance concerned with liberalism's orientation toward putatively non-liberal cultures, the superiority of liberalism is established through its ability to tolerate those who, consequent to their fundamentalism, are thought not to be able to tolerate liberalism. So the superiority of liberalism is established through the conceit that it can harbor religions without being conquered by them, or more generically, harbor various fundamentalisms without becoming fundamentalist. Liberalism tolerates fundamentalism, it can incorporate it, so the logic goes, while fundamentalism cannot tolerate or incorporate liberalism; the superior entity is the more capacious one, the one that can put up with difference and not be felled by it. In this regard, tolerance valorizes both size and strength; its virtue rests in a presumption about the value of being large, and that which cannot be large is its inferior. Indeed, capacity as such is the measure of tolerance in most domains of its usage: at its most rudimentary, tolerance is defined by how much error, contamination, or toxicity can be absorbed by the host without damaging it, whether the element at issue is alcohol consumption for a college freshman, margin of error for a statistical inference, or ethnic nationalism for a liberal society. But within a liberal regime, this capacity is not only a measure of ability but virtue. Tolerance discourse thus rewards power's potential for capaciousness with the status of virtue.

From a slightly different angle, the capacity for tolerance is itself an expression of power and of a certain security in that power. At the collective and individual levels, the strong and secure can afford to be tolerant; the marginal and insecure cannot. A polity or culture certain of itself and its hegemony, one which does not feel vulnerable, can relax its borders and absorb otherness without fear. Thus the Ottoman Empire could be modestly tolerant and so could Euroatlantic liberalism, though the latter has reified tolerance as a continuous principle while the actual practice of tolerance in liberal societies varies dramatically according to perceived threats and dangers. In America, this appears not only in the post-September 11th circumscription of civil liberties and detention of Arabs and Arab-Americans, but in such sordid twentieth century practices as

McCarthyism, Japanese-American internment, and FBI disruptions of labor unions and political groups. Indeed, liberal commitments to tolerance are always modified by anxieties and perceived dangers, from property values (when African Americans move into the white neighborhoods) to influences on the children (when homosexuals are school teachers). If tolerance is an index of power, it is also a practice of vulnerability within this power, an instrument of governance that titrates vulnerability according to a variety of governmental aims.

This suggests that tolerance is also crucial to the shell game that liberal political thought plays with Christianity and with liberal capitalist culture more generally, the ways it denies imbrication with either while promulgating and protecting both.<sup>23</sup> A homely example: the University of California academic instructional calendar, like that of most state schools, is prepared without deference to major religious holidays for Jews, Muslims, or eastern Orthodoxy. A faculty member complains that one year, the first day of fall instruction, when students risk losing their place in over-subscribed courses if they are not present, falls on Yom Kippur. The Registrar responds that the academic calendar honors no religious holidays but that faculty are urged to tolerate all recognized religions by offering make-up exams and other non-punitive accommodations for students whose religious commitments require them to miss selected classes. The faculty member notes that classes are never held on Christmas, Easter, or for that matter, the Christian sabbath. The Registrar responds that this is a coincidence of the timing of “winter break” and of Easter and Sundays always falling on a weekend.

Liberal tolerance discourse not only hides its own imbrication with Christianity and bourgeois culture, it sheaths the cultural chauvinism that liberalism carries to its encounters with non-liberal cultures. For example, when Western liberals express dismay at (what is perceived as mandatory) veiling in fundamentalist Islamic contexts, this dismay is legitimized through the idiom of women’s choice. But in the contrast between the nearly compulsory bearing of skin by American teenage girls and compulsory veiling in some Islamic societies, this contrast is drawn as absolute lack of choice, indeed tyranny, “over there” and absolute freedom of choice (representatively redoubled by near nakedness) “over here.” This is not to deny any

differences between the two dress codes and the costs of defying them, but rather to note the means and effects of converting these differences into hierarchical opposites. If successful American women are not free to veil, are not free to dress like men or boys, are not free to wear whatever they choose on any occasion without severe economic or social consequences, what sleight of hand recasts this as freedom and individuality contrasted with hypostasized tyranny and lack of agency? What makes choices “freer” when they are constrained by secular and market organizations of femininity and fashion than by state or religious law? Do we imagine the former to be less coercive than the latter because, as Foucault put it, we have yet to “cut off the king’s head in political theory,” that is, because we cling to the belief that power is only and always a matter of sovereignty? A less politically innocent account of this analytic failure would draw on the postcolonial feminist insight that the West encodes its own superiority through what Chandra Mohanty identifies as the fantasy of Western women as “secular, liberated, and having control over their own lives,” an identity derived in part from the figure of an oppressed Third World opposite.<sup>24</sup> To acknowledge that we have our own form of compulsory feminine dress would undercut this identity of superiority: we *need* fundamentalism, indeed, we project and produce it elsewhere, to establish that we are free of it and free generally. Tolerance discourse frequently constructs the fundamentalism it projects as its opposite and that it also takes as the object of its practical work. George W. Bush epitomized this construction during the initiation of his war on Afghanistan in the winter of 2002:

We have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace....We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech, equal justice; and religious tolerance.<sup>25</sup>

I shall return shortly to the matter of distinguishing the non-negotiable demands Bush cites from the business of “imposing culture.” For the

moment, note only the dark other that each “demand” figures—rule by the sword, unlimited state power, degradation of women, collective ownership, censorship, inequality, and fundamentalism—and how this figuration constitutes not only the identity and supremacy of the West, but justifies its aggressions on behalf of “human dignity” and “peace.”

When used to describe collectivities, intolerance is almost always reified as an absolute, as if it saturated the whole, indeed, as if intolerance itself defined the collectivity or was a deep principle of the collectivity. Conversely, tolerance as a political principle is almost always imagined to rather exhaustively define the polity that harbors it. This division of the world into the tolerant and the intolerant, the fundamentalist and the pluralist, the parochial and the cosmopolitan, allows the political theoretical and philosophical literature on tolerance to repeatedly pose the problem, ‘what should be the attitude of the tolerant toward the intolerant,’ as if these were true and dire opposites, as if these were the two different types of entity. The point, again, is not that there are no differences between regimes that formally advocate tolerance and those that formally eschew it, but that civilizational discourse converts these differences into opposites and attributes a distorting essence to each—“fundamentalist/intolerant/unfree” on one side and “pluralist/tolerant/free” on the other—to align liberalism with civilization.

It is not only liberal advocates of tolerance who participate in this Manichean rhetorical scheme. Liberal anti-relativists, on the right and the left, who seek to limit tolerance, indeed who regard current deployments of cultural tolerance as abetting a loathsome relativism, also depict the world as divided between the tolerant and free (West) and the fundamentalist and oppressive (non-West). In a special issue of *Daedalus* entitled “The End of Tolerance: Engaging Cultural Difference” and in Susan Okin’s *Is Multiculturalism Bad for Women?* a concerted argument emerges for articulating standards of the humane and acceptable and limiting tolerance to those cultural practices or even to those cultures that meet such standards.<sup>26</sup> Western refusals to condemn and legally ban practices such as genital mutilation, widow suttee or polygamy are taken as signs of relativism run amok (a running amok tacitly if not expressly attributed to something called ‘postmodernism’) and as thoroughly compromising liberal values of

autonomy and freedom. Tolerance is not here repudiated as a value but rather is expressly practiced as a line drawing activity where the line is drawn at the “barbaric”—the violent, the degrading, the unfree. Intrinsically unobjectionable as this argument sounds, the problem is that all instances of the barbaric are found on the non-Western side of the line, thus reminding us that it is *through cultural-political lenses* that perceptions of violation, degradation and unfreedom occur. Everything legal in liberal capitalist cultures of the West is tolerable from *within* its perspective (which is only to say that it is a culture that like all cultures, affirms itself) including feasting upon a variety of animals except those fetishized as pets, polluting the planet and plundering its resources, living and dying alone, devoting life to the pursuit of money, making available human eggs, sperm, and infants for purchase by anonymous strangers, the death penalty, abortion, nuclear weapons, sex clubs, indigency and homelessness, flagrant luxury enjoyed in the presence of the poor, junk food, imperialist wars—any one of which might be considered violent, dehumanizing or degrading from another cultural perspective. But what Okin and others find absolutely intolerable are selected non-Western practices, each of which is understood to be sanctioned or at least protected by culture, religion, or tradition, three terms from which Okin imagines liberal legal categories to be immune. The effect is to tar the non-West with the brush of the intolerable for harboring certain practices which are not only named barbaric, that is, uncivilized in contrast to our practices, but coerced, that is, unfree compared to our practices. Thus, the discourse of tolerance at its limits is just as effective as the discourse of tolerance in a more capacious mode in distinguishing the civilized from the uncivilized. The former marks the barbaric, the latter the fundamentalist; together, they figure the West’s Other through which the West acquires its superiority.

## Susan Okin’s Orientalist Feminism

A closer examination of Okin’s argument reveals several of the more subtle operations of tolerance as a civilizational discourse.<sup>27</sup> Her basic claim is a simple one: multiculturalism—which she takes to be a

relatively unqualified respect for various cultures and which may assume the juridical form of according group rights or cultural defenses for particular practices that may not be legal or conventional within liberalism—is in high tension with feminism, the opportunity for women to “live as fulfilling and as freely chosen lives as men can.”<sup>28</sup> Reduced further, Okin believes that respect for culture collides with respect for gender equality, even that culture *tout court* is in tension with feminism. If culture and sex difference are something that all peoples everywhere have, there is, of course, no logical reason for culture and gender equality to be antagonists, especially when one considers that the gender equality Okin values itself emerges from within some culture.<sup>29</sup> Or does it? What Okin mostly means by culture is not simply the myths, conventions, ideas, gestures, icons, fetishes, and self-understandings that bind and organize the lives of a particular people. Rather, for her, culture comprises ways of life that are not markedly liberal, Enlightenment bound, rational-legal, and above all, secular. Implicitly, culture is pre-modern or at least incompletely modern in her account. Thus, “they” have culture; “we” do not. Or more precisely, non-liberal societies *are* cultures; liberal societies are...states, civil societies, and individuals. Culture appears when a collectivity is not organized by individual autonomy, rights, or liberty. Culture is non-liberal; liberalism is *kulturlos*.

Okin does not argue this explicitly; to the contrary, she manages to utter the phrase “liberal culture” when acknowledging and lamenting that Western democracies harbor some sexist practices, that is, culture makes its appearance in the West whenever Okin has to explain how sexism has persisted into an age and an order formally governed by individual rights. But this only confirms the pejorative standing of “culture” in her analysis—culture is what a complete realization of liberal principles will eradicate or at least radically subdue. Moreover, the gesture of recognizing liberalism as bearing culture appears disingenuous when one notices the slide Okin constantly performs from culture to religion. Not only are “culture and religion” often uttered in the same breath, a paragraph that begins with a claim about the drive of most cultures to control women ends with a series of examples from Judaism, Islam, and Christianity.<sup>30</sup> And that paragraph is followed by one that links orthodox monotheism and “Third World” cultures in their shared patriarchal



tendencies. The basis on which Okin pairs culture and religion is their common occupation with the organization of domestic life, a key domain for the organization of gender and the transmission of gender ideology: “obviously culture is not only about domestic arrangements, but they do provide a major focus of most contemporary cultures. Home is, after all, where much of culture is practiced, preserved, and transmitted to the young.”<sup>31</sup> What is the standing of liberalism in this regard? The sharp ideological and practical divide between public and private which feminists have spent the past thirty years subjecting to critique for its depoliticization of women’s subordination is here affirmed by Okin for the dam it erects between gendered family values and civic and public law. If the private realm in liberal societies harbors gender inequality, Okin tacitly argues, if this is the place where sexist culture lingers and is reproduced, at least this is contested by gender neutral public values of abstract personhood and autonomy. She counts on a formal commitment to secularism and individual autonomy, and a formal privatization of religions and other moral values, both of which are secured by the liberal democratic state, to erode the force of sexist culture.

According to Okin, “most cultures have as one of their principal aims the control of women by men.”<sup>32</sup> Liberalism, by contrast, may have originated in a context of male supremacy and female subordination but the political principles of individual autonomy, liberty and equality make this past irrelevant to its present superiority to “culture” and its antidotal relationship to culture. “While virtually all of the world’s cultures have distinctly patriarchal pasts, some—mostly, though by no means exclusively, Western liberal cultures—have departed far further from them than others.”<sup>33</sup> What distinguishes Western cultures, which “still practice many forms of sex discrimination,” from others is that women are “legally guaranteed many of the same freedoms and opportunities as men.”<sup>34</sup> In other words, it is not the law or the doctrine of liberalism that is sex discriminatory but some kind of cultural remainder that the law has not yet managed to reform or extinguish. Whatever the remains of culture in Western liberal orders, and whatever the remains of sexism within those cultures, liberalism as a political-judicial order is or has the capacity to be gender-clean. This, of course, is warmed over

John Stuart Mill: in a progress narrative led by liberalism, indeed, by the bourgeoisie, male dominance is the barbaric stuff of the old regime, of a time when might, custom and religion rather than law and reason ruled the world, of a time when groups rather than individuals reigned. Thus, if liberal regimes continue to house deposits of misogyny and female subordination, this is the result of something other than liberalism which, with its legal principles of autonomy, liberty and equality, constitutes the remedy to such ills within the societies it orders.

But what if liberalism itself harbors male dominance, what if male superordination is inscribed in liberalism's core values of liberty rooted in autonomy and centered upon self-interest, and in equality defined as sameness and confined to the public sphere?<sup>35</sup> Many feminists have argued that liberal categories, relations, and processes are inseparable from a relentlessly gendered division of labor and a far-reaching public/private distinction, in which everything associated with the family—need, dependence, inequality, the body, relationality—is identified with the feminine and constitutes both the predicate and the opposite to a masculinist public sphere of rights, autonomy, formal equality, rationality, and individuality. In this critique, liberalism contains masculinist social norms in its very architecture, in its division and population of the social space, and hence in its production of subjects. These are norms that produce and privilege men as public beings—free, autonomous, and equal—while producing a feminine other as a familial being—dependent, encumbered, and different.<sup>36</sup>

Okin does not simply elide such feminist critiques of liberalism. Rather, a presumption of ungendered liberal principles counterposed to gendered cultural ones is required for her argument that liberalism is the best cure for the patriarchal ills of culture. For Okin, autonomy prevails only when culture recedes; culture is autonomy's antimony.<sup>37</sup> And where there is autonomy, there is choice and where there is choice, there is freedom, especially women's freedom. This is how Okin figures both culture and patriarchy (as opposed to mere "sexist attitudes or practices") as always elsewhere from liberalism. Culture and religion perpetuate inequality by formally limiting women's autonomy while the constraints on choice in a liberal capitalist order—say, those of a single mother with few job skills—are either

not cultural or not significant. The formal existence of choice is the incontestable (hence non-cultural?) good, regardless of its actualizability. Thus she concludes:

In the case of a more patriarchal minority culture in the context of a less patriarchal majority culture, no argument can be made on the basis of self-respect or freedom that the female members of the culture have a clear interest in its preservation. Indeed, they *might* be much better off if the culture into which they were born were either to become extinct (so that its members would become integrated into the less sexist surrounding culture) or, preferably, to be encouraged to alter itself so as to reinforce the equality of women—at least to the degree to which this value is upheld in the majority culture.<sup>38</sup>

This passage involves several remarkable claims. First, in arguing that women who have self-respect and want freedom will necessarily be opposed to (not simply ambivalent about) their culture, Okin rehearses a “false consciousness” argument always specially reserved for the practices of women: a woman without self-respect cannot be thinking for herself, and hence cannot be trusted to think well about her attachments and investments. Consequently, self-respecting liberals like Susan Okin or Martha Nussbaum must think for her.<sup>39</sup> Second, it implies that female subordination is sufficient grounds for wanting one’s culture dead, an extraordinary claim by itself and also for one as wedded to Western culture as Okin is. Third, it argues that the standard against which minority cultures are to be measured is not an abstract standard of freedom, equality, and self-respect for women but rather that superior degree of these things found in the majority culture and measured by the values of the majority culture. In this strict quantification of sexism—more there, less here—and inattention to the *varieties* of male superordination, it is hard to imagine a more naked version of Enlightenment progressivism and the brief for liberal imperialism it entails. Even Bush and Fukuyama are slightly more subtle.

Where does tolerance fit into this picture? In Okin’s view, liberal orders and liberal legalism should *not* stretch to accommodate the overtly misogynistic or sexist practices of minority cultures—e.g., child brideship, polygamy, clitoridectomy—and should not permit cultural defenses any standing in criminal trial cases concerned with

rape, wife-murder, or infanticide.<sup>40</sup> Okin draws the line for tolerance at the point of what she calls not simply “sex inequality” but the “barbaric” treatment of women. Tolerance is for civilized practices: barbarism is on the other side of the line.

But what if barbarism, like beauty, is in the eye of the beholder and what if that eye is always culturally situated? American women spend upwards of nine billion dollars annually on plastic surgery, cosmetic implants, injections, and facial laser treatments, and untold more on over-the-counter products advertised to restore youthful looks. In the last half-decade, tens of thousands of women have opted to smooth their forehead lines with regular injections of Botox, a diluted version of what the American Medical Association has identified as “the most poisonous substance known,” far more deadly than anthrax, “a single gram, evenly dispersed, could kill more than one million people, causing ‘symmetric, descending, flaccid paralysis’ and eventually cutting off its victims’ power to breathe, swallow, communicate, or see...”<sup>41</sup> How many noses have been cut, flattened, or otherwise rearranged to fit an Aryan ideal of feminine beauty? How many breasts reduced? How many enlarged? How many submissions to painful electrolysis and other means of removing body hair? Are these procedures less culturally organized than the procedures Okin cites to condemn? Is their “voluntariness” what spares them from being candidates for her attention? Does a liberal frame mistake elective surgery for freedom from coercive power, as it tends to mistake elections for political freedom? What is voluntary about treatments designed to produce conventional ideals of youthful beauty for an aspiring Hollywood actress, a trophy wife on the verge of being traded in for a younger model, or an ordinary middle-aged, middle-class woman in southern California where, as one such woman recently said to me while visiting the northern part of the state, “we don’t have gray hair”?

Similarly, why is Okin more horrified by clitoridectomy than by the routine surgical “correction” of intersexed babies in the United States—babies whose genitals are sexually ambiguous and who have no say whatsoever in these surgeries but are condemned to live the rest of their lives with the (often botched) outcome?<sup>42</sup> Is Western anxiety about sexual dimorphism, and in particular about female availability for penile penetration, any less cultural than the anxieties

about female sexual pleasure she condemns in parts of Africa and the Middle East?<sup>43</sup> Why isn't Okin alarmed by the epidemic of eating disorders among American teenaged girls or the epidemic of American women being pharmaceutically treated for depression? With regard to the latter, why doesn't Okin find drugging rather than transforming the life conditions of such women barbaric and intolerable? In sum, why is Okin more horrified by the *legal* control of women by men than by the controlling cultural norms of gender and sexuality, including norms that regulate beauty, sexual desire and behavior, weight and physique, soul and psyche, that course through modern Western societies? The answer lies in that which Okin treats as the salvation from culture: liberalism. Within a liberal framework, women are free when they have the rights and liberties promised to all others in the society. By posing individual rights and liberties as the solution to coercion (and liberalism as the antidote to culture), women's oppression (as opposed to their contingent violation or maltreatment) appears only where there is an explicit law on men's side, which is to say, when law and culture appear coterminous. Liberalism's self-representation, which Okin accepts, as promoting and protecting individual autonomy, power, freedom and choice elides the way in which the reduction of the political to policy and law itself sets loose, as a kind of depoliticized underworld, a sea of social powers as coercive as any law. Moreover, Okin's inability to grasp liberalism as cultural norms in which, for example, autonomy is valued over connection or being responsible for dependent others (with which women are associated), liberty is conceived as freedom to do what one wants (for which women are generally faulted), equality is premised upon sameness (while women are always conceived as different), prohibits the possibility of discerning the deep and abiding male superordination in liberal orders.

There is a final irony in Okin's formulation of "culture" as the enemy of women. This focus sustains an elision of the subordinating and constraining conditions imposed on Third World women by global capitalism, conditions to which Western critics could actually be responsive—indeed for which they might even take responsibility given that the engine of globalization lies in the West—without engaging in cultural imperialism. These conditions include the production of sweatshop labor and other deformations of local orders of production,

along with often violent disruption of rich and sustaining orders of kinship, family and community. In her obsession with culture over capitalism, indeed, in her refusal to acknowledge the culture of capitalism (as well as liberalism), Okin repeats a disturbing colonial gesture, one that, as the final turn of this paper suggests, is characteristic of tolerance discourse in its civilizational mode.

There is a second critical colonial gesture here. The liberal formulation of tolerance as respect for individual autonomy overseen by a secular state, a formulation shared by liberal theorists on both sides of the “group rights” debates, means that tolerance cannot prevail where such autonomy is not enshrined in law and at the same time treats the legal codification of autonomy as the exhaustive measure of its presence. Thus, the liberal definition of tolerance not only confirms the superiority of liberalism but reiterates liberalism’s obliviousness to social powers other than law. At the same time, in its dependence upon legally encoded autonomy—rights—this definition rules out the possibility of non-liberal political forms of tolerance and indeed goes further, equating non-liberalism with the absence of state-secured autonomy, hence with unfreedom, fundamentalism, or barbarism. Anthropologists David Scott and Saba Mahmood are among those who have traced the arc of colonial discourse in measuring postcolonial states against liberal formulations of tolerance and have made a compelling case for thinking about tolerance in postcolonial settings outside of the frame of liberalism, that is, a case for refusing liberal imperialism in its academic as well as political mode.<sup>44</sup>

## Tolerance, Capital, and Liberal Imperialism

In considering the entwining of liberalism, secularism, and civilization through the discourse of tolerance, I have dwelt upon Okin at length—not because she is the most important or sophisticated exponent of the place of tolerance in civilizational discourse but because she is among the most open-handed. But there are theoretically more subtle cousins to Okin’s analysis. Recall Michael Ignatieff’s argument that tolerance is the fruit of individuation and

hence the achievement of societies governed by individualism. Recall too, that Ignatieff portrays such individualism as the primordial truth of human beings—who we really are—as opposed to the “abstraction” from the individual entailed in collective identity and prejudice. This construction of the individual as primordial and Real not only renders culture ideological, it tacitly assigns culture and all other forms of collective identification to a prehuman past and subhuman elsewhere. Liberal democracy thus consecrates the truth about human beings and represents as threatening, because intolerant, all those mired in collective identity, or as Fukuyama would have it, “mired in history.”

On a closer reading of Ignatieff, however, tolerance is not simply the fruit of individualism but of prosperity—success as an individual and not the individual as such breeds a tolerant moral psychology. On the one hand, “the German man who can show you his house, his car, and a family as measures of his own pride rather than just his white skin may be less likely to wish to torch an immigrant hostel.” On the other hand, “if the market fails, as it is failing upwards of twenty million unemployed young people in Europe alone, then it does create the conditions in which individuals must turn to group hatreds in order to assert and defend their identities.”<sup>45</sup> Here tolerance appears less a moral or political achievement of liberal autonomy than a *bourgeois* capitalist virtue, the issue of power and success...even domination. In forcing this concession from Ignatieff, he is moved closer to the likes of Bernard Williams and Joseph Raz for whom the solution to intolerant nationalisms is robust international capitalism, and this despite Ignatieff’s worry that globalization, through its economic leveling of populations, sometimes incites racial or ethnic nationalisms as a kind of last-gasp source of supremacy or privilege among rival groups.<sup>46</sup> No such anxieties for Williams and Raz, for whom the market inherently attenuates fundamentalism, puts the brakes on fanaticism, and “encourages scepticism about religious and other claims to exclusivity”—in short, erodes cultural, nationalistic, and religious forms of local solidarity or belonging.<sup>47</sup>

The difference between Williams and Raz here is slight but worth noting. For Raz, market homogenization counters the fragmenting effects of multiculturalism in the era of global capitalism—that is, the market helps to dampen the “culture” in the multicultural civic and national populations produced by globalization. Raz believes

that establishment of the free market brings liberal democratic politics along with it, thereby producing a common (cultureless) political and economic life to attenuate the substance and contentiousness of (culturally based) claims of difference. Williams, however, does not need the globalized market to disseminate liberal democracy as a political form in order to produce greater religious and ethnic tolerance. Rather, for Williams, the market itself loosens the grip (by greasing the palm?) of the fundamentalist, thereby reducing intolerance by utility rather than by principle. In William's words, "when such scepticism [induced by international commercial society] is set against the manifest and immediate human harms generated by intolerance, there is a basis for the practice of toleration—a basis that is indeed allied to liberalism, but is less ambitious than the pure principle of pluralism, which rests on autonomy. It is closer to the tradition that may be traced to Montesquieu and to Constant, which the late Judith Shklar called "the Liberalism of Fear."<sup>49</sup> Indeed, not only the politics of fear configured by the rightest liberal tradition of Hobbes, Montesquieu, and Constant, but also the ghost of Adam Smith appears on Williams' pages, as unfettered capitalism is imagined to produce a kind of natural as well as normative social order that need not be codified in law or letters.

For attentive students of the history of capitalism, of course, the erosion of non-market practices and customs by capital is old news. But what is striking about the enthusiasm with which Ignatieff, Williams, and Raz embrace this phenomenon is that the embrace involves a revival of raw Western liberal imperialism, interlaced with an affirmation of economic globalization. It brings their arguments into modest convergence with Fukuyama's insistence that the end of the Cold War reveals liberalism and capitalism to be the triumphalist conclusion of history itself.

Others are less sanguine about the ease which tolerance can be exported to geo-political sites steeped in the history of non-liberal traditions. Will Kymlicka concludes that there is no way to impose the value of tolerance upon minority cultures that do not place a primary value upon individual autonomy other than to make it part of the deal of being tolerated by the majority or hegemonic culture. For a culture to be tolerated by liberalism, in Kymlicka's view, it must become tolerant within, even if this compromises crucial



principles of the culture.<sup>49</sup> Thus Kymlicka effectively advocates exploiting the power position of the tolerating culture, which means both revealing this power in a way that risks de-legitimizing it and using deploying Kantian liberalism in a distinctly non-Kantian way, i.e., treating tolerance as a means for transforming another rather than an end in itself, and treating individual autonomy itself as a bargaining chip rather than as an intrinsic value. The demand for cultural transformation, of course, also undermines the gesture of tolerance at the moment it is extended. Kymlicka's proposition for the extension of tolerance to non-liberal cultures tacitly exposes the anti-liberal aspects of this imperialist aim, along with the absence of cultural and political neutrality in tolerance itself.

There are important analytic and prescriptive differences among Okin and Ignatieff, Huntington and Raz, Williams and Kymlicka. Together, however, they offer evidence of common strains in tolerance as a civilizational discourse, a discourse that encodes the superiority of liberalism not only through the valorization of autonomy but through the location of culture and religion elsewhere, as individual autonomy's opposite. That is, while the value of tolerance over civil conflict is inarguable, what this truism elides is the work of tolerance as a discourse that legitimates the often violent imperialism of international liberal governmentality conjoined with neoliberal global political economy.<sup>50</sup> Not only does tolerance anoint the superior or advanced status of what extends it, not only does the refusal to extend tolerance to certain practices mark those practices (and the cultures that harbor them) as beyond the pale of civilization, but the economy of this offering and this refusal itself reveals an important function of tolerance in masking the cultural norms that liberalism secures precisely by denying them cultural status. In other words, what becomes clear from considering these thinkers together is that the discourse of tolerance substantively brokers cultural value—valorizing the West, Othering the rest—while feigning only to distinguish civilization from barbarism, protect the former from the latter, and wherever possible convert the latter into the former. Insofar as tolerance in its civilizational mode operates from a political-juridico discourse of cultural neutrality in which what is at stake is the rule of law, tolerance is crucial to liberalism's denial of its imbrication with culture, its conceit that it is independent of culture, neutral

with regard to culture...a conceit that in turn shields liberal polities from charges of cultural supremacy and cultural imperialism. This is precisely the conceit that allows G. W. Bush to say, without recourse to the infelicitous language of “crusade,” that “we have no intention of imposing our culture” while insisting on a set of liberal principles that cannot be brooked without risking being bombed.

Tolerance *conferred* as well as tolerance *withheld* serves this function; indeed, both are crucial in the circuitry that establishes tolerance as a civilizational discourse. *Tolerance conferred* upon “foreign” practices shores up the normative standing of the tolerant and the liminal standing of the tolerated—a standing somewhere between civilization and barbarism. It reconfirms, without reference to the orders of power which enable it, the higher civilizational standing of those who tolerate what they do not condone or share—their cosmopolitanism, forbearance, expansiveness, catholicity, remoteness from fundamentalism. Against this backdrop, *tolerance withheld* succeeds in marking the other as barbaric without implicating the cultural norms of the tolerating civilization in this marking. When a tolerant civilization meets its limits, it does not say that it is encountering political or cultural difference, but rather encountering the limits of civilization itself. At this point, the tolerant civilization is justified not only in refusing to extend tolerance to its other, but in treating it as hostile—oppressive internally, dangerous externally. This hostile status in turn legitimates abrogation of the tolerant civilization’s own civilizational principles in dealing with the Other—principles which range from political self-determination and nation-state sovereignty to rational deliberation, legal and international accountability, and reasoned justifications. This legitimate abrogation can be carried quite far, up to the point of openly making war on the Other.

## Notes

- 1 Address to a United Nations Meeting on Dialogue Among Civilizations, September 5, 2000, Press Release SG/SM/7526/Rev.1
- 2 Address to the American Enterprise Institute, February 26, 2003.
- 3 The charge of exceptionalism, of course, is usually sent in the other direction, namely from supporters of Israel toward those said to single

- out Israel for criticism among all other undemocratic or violent Middle Eastern states. Indeed, proof of the anti-Semitism of the challengers is often hinged to the claim that Israel alone is reproved for actions that are ubiquitous in other parts of the world.
- 4 The Museum of Tolerance in Los Angeles treats Naziism and American slavery as the signal episodes of intolerance in modern history. Clearly, by a definition of intolerance as the sacrifice of the individual to group prejudice, there are many others, including some which the Museum's investment in Holocaust remembrance will not permit it to feature.
  - 5 The same associations are not conjured by the utterance, "she is a tolerant woman" or even "he is a tolerant person," a differential which speaks volumes about tolerance as both an effect of power and a vehicle of power, a means of both expressing and expanding domination.
  - 6 Address to Asia-Pacific Economic Cooperation Summit in Shanghai, October 20, 2001.
  - 7 Address to the Republican Caucus in White Sulphur Springs, West Virginia, February 1, 2001.
  - 8 Gail Hershatter and Anna Tsing, "Civilization," *New Keywords*, ed. M. Morris, et al, (Blackwell, forthcoming), p. 1 in the manuscript.
  - 9 "Civilization," in the *Oxford English Dictionary*, Second Edition, on line (no page number).
  - 10 Raymond Williams, *Keywords: A Vocabulary of Culture and Society*, revised edition (Oxford University Press, 1983), p. 57.
  - 11 Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996), p. 311.
  - 12 Ibid, p. 318.
  - 13 Ibid, p. 321.
  - 14 Ibid. p. 321.
  - 15 Ibid. p. 321.n
  - 16 The conflation of civilization with culture in this definition is paralleled by Huntington's definition of civilization as "culture writ large" (41) or "the highest cultural group of people and the broadest level of cultural identity people have short of that which distinguishes humans from other species."(43) However, in its reference to one who has "sympathy with literary culture," the OED definition also clearly equates civilization with high European culture, thus referencing its class connotations and helping us to understand why we refer to children learning table manners as a process of "civilizing" them.
  - 17 K. Peter Fritzsche, "Human Rights and Human Rights Education," International Network: Education for Democracy, Human Rights and Tolerance, *Podium 2/2000* at <http://www.tolerance-net.org/podium/podium031.html>

- 18 Jay Newman, *Foundations of Religious Tolerance*. (Toronto: University of Toronto Press, 1982), p. 3.
- 19 "Nationalism and Toleration," *The Politics of Toleration*, ed. Susan Mendus, 1999, p. 85.
- 20 The construction of citizenship achieved by tolerance as a justice discourse is discussed at length in chapter four of the book in progress from which this essay is drawn. "The Governmentality of Tolerance: Citizen Passivity, Institutionalized Inequality, and State Violence".
- 21 Ibid. p. 101.
- 22 Ibid. p. 102.
- 23 There are many aspects to the Christian and more specifically Protestant nature of liberal tolerance discourse, most of which are discussed elsewhere in this book. Liberal tolerance not only presumes individual autonomy but a mechanics of privatization for fundamental beliefs. Most of the belief structures of most of the world's peoples for most of human history do not fit with these presumptions. Reformation tolerance doctrine does not work well for the faith structures of the ancient Greeks, Mediaeval Christians, or of modern Muslims, Jews, Hindus or Catholics. It does not work well for a socialist, tribalist or communitarian ethos or order. It was coined to solve a specific problem issuing from a specific social formation and political crisis: how to allow Protestant sectarians the right to worship God according to their own individual understanding of Him and His words without undercutting both Church and state authority, how to substitute accommodation of these sects for burning heretics alive, in short, how to stem the tide of blood spilled over religious rebellion in early modern Europe.
- 24 Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review*, no. 30 (Autumn 1988), p. 74.
- 25 January 29, 2002, cited on the U.S. Department of State home page, <http://www.state.gov/g/wi/>.
- 26 *Daedalus* 129.4, Fall 2000 and Susan Okin, *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999).
- 27 Anne Norton's review in *Political Theory* offers a scathing critique of Okin's poor scholarship, the Orientalism of her argument, and her ignorance of critiques of liberal feminism and of the debates surrounding her instances of the "intolerable," from polygamy to clitoridectomy. *Political Theory*, Volume 29, No. 5 (October 2001), pp. 736-749.
- 28 Okin, p. 10.
- 29 A discussion of Okin's argument about multiculturalism and feminism poses a conundrum about whether to deconstruct her impoverished

concept of culture and thereby refuse to enter the rest of the argument, or to provisionally accept her concept and struggle with its impoverishment as one takes up other aspects of the argument. I've mostly taken the latter route but note here that Okin is impervious to the last several decades of rethinking what culture is and could mean (a rethinking undertaken primarily in anthropology and cultural studies) and is wholly unconcerned with specifying what culture is—there is a stray reference to “ways of life” on page 10. This unwillingness to consider carefully her own terms of analysis facilitates her denial of the cultural dimensions of liberalism and her deployment of a liberal formulation of culture. Her analysis could not get off the ground if she attended closely to theorizations of culture that recognize its inseparability from what has been designated as politics and economics, if she grasped the colonial inflection in the notion of culture she deploys (in which culture is always pre-liberal and liberalism is always without culture), if she recognized that the sense of culture she uses is the coinage of liberal strategies of both depoliticization and colonialism.

30 Okin, pp. 13-14.

31 Ibid. p. 13.

32 Ibid. p. 13.

33 Ibid. p. 16.

34 Ibid. pp. 16-17.

35 See Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988); M.G. Clarke and L. Lange, eds, *The Sexism of Social and Political Theory* (Toronto: University of Toronto Press, 1979); Kathy Ferguson, *The Feminist Case Against Bureaucracy* (Philadelphia: Temple University Press, 1984); Wendy Brown, “Liberalism’s Family Values” in *States of Injury: Power and Freedom in Late Modernity* (Princeton University Press, 1995); Joan W. Scott, *Only Paradoxes to Offer* (Cambridge: Harvard University Press, 1996); Catharine MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press 1989).

36 See my “Liberalism’s Family Values,” op cit., and Catharine MacKinnon, “Sex Equality: On Difference and Dominance,” in *Toward a Feminist Theory of the State*, op cit.

37 This makes clear why multiculturalism is so bad for women—it multiplies enemies to autonomy!

38 Ibid. p. 23.

39 Martha Nussbaum’s missionary tone in *Sex and Social Justice* (Oxford University Press, 2001) is unmistakable, though it should be noted that in her commentary on Okin in *Is Multiculturalism Bad for Women* entitled “A Plea for Difficulty,” Nussbaum is quite critical of Okin’s dismissal of religion as inherently patriarchal.

- 40 Ibid. p. 18.
- 41 Susan Dominus, "The Seductress of Vanity," *New York Times*, May 5, 2002, p. 50.
- 42 Information about the nature and frequency of intersex, along with the history of its treatment, can be found at the website of the Intersex Society of North America: <http://www.isna.org>.
- 43 Intersexed children, regardless of where they are on a complex spectrum of physiological sex, are more often "surgically corrected" to be anatomically female than male, since, according to the surgeons, it is "easier to poke a hole than to build a poke." This surgery, which is performed neither for the physical health or nor the future sexual pleasure of the subject, may include clitoral reduction (so the clitoris is less penile-like), invagination (production or enlargement of the vagina), and removal of undescended or "internal" testes. The post-surgical course of treatment, often lasting for years, includes stretching the vaginal cavity with successively sized vaginal inserts; the aim is to enlarge it sufficiently for penetration by an erect penis when the child reaches maturity. Since administration of these painful treatments often requires forcible restraint of the child undergoing them, it is hard to name them anything other than medically authorized rape.
- 44 Saba Mahmood, "Response to Khaled Abou El Fadl's 'Islam and the Challenge of Democracy'", unpublished ms., and David Scott, "Toleration and Historical Traditions of Difference", *Subaltern Studies XI, Community, Gender and Violence*, eds. Partha Chatterjee and Pradeep Jeganathan (Ravi Dayal ).
- 45 Ignatieff, "Nationalism and Toleration," p. 102.
- 46 Ibid. pp. 94-95.
- 47 Bernard Williams, "Toleration: An Impossible Virtue?" in *Toleration: An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996) and Joseph Raz, *Ethics in the Public Domain* (Oxford: Clarendon Press, 1984), p. 172.
- 48 Williams, "Toleration: An Impossible Virtue?", p. 26.
- 49 Kymlicka, "Two Models of Pluralism and Tolerance," in Heyd, ed. *Toleration: An Elusive Virtue*, op. cit.
- 50 See my "Neoliberalism and the End of Democracy," *Theory and Event* 7.1, Fall 2003.

*Joris van Eijnatten*

# BETWEEN PRACTICE AND PRINCIPLE

*Dutch Ideas on Censorship and Press Freedom, 1579-1795<sup>1</sup>*

## 1. Introduction

Most studies on the freedom of the press in the early modern Netherlands – the territory encompassed by the Republic of the Seven United Provinces, which existed *de facto* between 1579 and 1795 – have focused on the legislation concerning, and the actual practice of, governmental and ecclesiastical censorship. Ideas of press freedom and censorship have been all but neglected. Only H.A. Enno van Gelder treated the subject in two major studies on liberty and toleration in the Dutch Republic, dating respectively from 1947 and 1972.<sup>2</sup> Subsequent authors have emphasized both the latitude and the limits of Dutch press freedom, using archival evidence for censorship practices at the provincial and the local, mostly urban level.<sup>3</sup> The stress in Dutch historiography on the legal and practical aspects of press freedom, as opposed to the theoretical, is understandable. The relative freedom of expression, strong traditions of capitalist enterprise and the immigration of refugees from the Southern Netherlands, Poland, Germany, Spain and, after the Revocation of the Edict of Nantes in 1685, also France, made the

northern Netherlands into one of the major ‘intellectual entrepôts’ of Europe, where international newspapers as well as disreputable works were published.<sup>4</sup>

These various studies come to similar conclusions. Whilst preventive censorship (censorship before publication) was never imposed in the Republic, repressive censorship (censorship after publication) was all but lacking. Measures against unwanted books were taken by individual towns, the various Provincial States, the Provincial Courts and the States General, in response to complaints lodged by powerful politicians ranging from city magistrates to the Prince of Orange, by French, English, Spanish, Danish and Prussian ambassadors and diplomats, and by the synods of the official Calvinist church and its sister congregation, the Walloon church. From the end of the sixteenth century to the end of the eighteenth, edicts were proclaimed and resolutions passed against ‘seditious’, ‘scandalous’ and ‘libellous’ books; against writings on Arianism, Arminianism, Socinianism, pre-Adamitism, Cartesianism, the Sabbath, deism and the new psalmody of 1773; against publications by Grotius, Spinoza, Machiavelli, Hobbes, Rousseau, Voltaire and Hume – not to mention a host of less well-known ‘Spinozists’, Calvinist extremists and political hacks. Comedies, songs, poems, engravings, pamphlets, sermons, periodicals, almanacs, French-language newspapers and source publications of sensitive political documents were always at risk of being outlawed. Culprits were usually fined, sometimes banned, and, less frequently, subjected to torture and corporal punishment. Stocks of books were seized and burnt in public. On the basis of proclamations issued by the States General, the States of Holland, the Court of Holland and the Deputy Counsellors of the States of Holland, Weekhout has arrived at the figure of 263 forbidden books for the period between 1581 and 1700. Jongenelen has found that between 1747 and 1794 in Amsterdam alone no less than 254 titles were outlawed,<sup>5</sup> and suggests that censorship actually became stronger in the second half of the eighteenth century.

This is one side of the story. The other concerns the fragmented nature of the Dutch Republic. Power was divided over various provinces, levels of government, and influential political figures, resulting in a great many loopholes in the law, or at least in numerous flaws in the law’s enforcement. Often disputes occurred over



jurisdiction, while compliance was difficult to implement. Decisions made at a higher level of government, such as the States General, were often easily ignored at the lower, municipal, level. Dominant stadholders like William III had considerable leverage in influencing censorship trials, to either the advantage or the disadvantage of the accused. Secular governments throughout the Republic circumvented ecclesiastical calls for censorship through procrastination and empty promises. The magistrates who were called upon to execute edicts and proclamations had the same commercial instincts as booksellers, and may at times have willingly reduced their grip on the production of books for political reasons. All this made for a relative freedom of the press, or, perhaps more to the point, for a relative degree of censorship, with the actual enforcement of edicts and proclamations depending to a large extent on time, place and person. The Dutch authorities were mostly concerned to appease foreign powers, keep the domestic peace and serve their own interests. Accounting for the conspicuous lack of principled defences of press freedom in the Netherlands, Enno van Gelder argued that the consistent non-implementation of censorship edicts throughout the seventeenth century had all but made theoretical publications superfluous. A Dutch counterpart to John Milton's *Areopagitica* never appeared. Even worse, the *Areopagitica*, a treasure trove of arguments against censorship which in Anglo-Saxon historiography has justly been regarded as a classic statement, was apparently never quoted by any early modern Dutch author.<sup>6</sup> But perhaps it is too much to expect elaborate defences of press freedom before the latter part of the eighteenth century. Few early modern writers would have denied the need for at least some measure of censorship. It was patently obvious that a line had to be drawn somewhere; and if practical considerations were involved in determining where, exactly, that line had to be drawn, few felt the need to theorize on a common assumption. A book on Socinian theology was surely at least as reprehensible as Pietro Aretino's *Errant whore* (forbidden by the Court of Holland in 1669). Even those who found both books equally interesting would not have protested against their being forbidden. Everyone knew that some things were simply not done, or at least not done openly. One did not incite the populace to rebellion, defame magistrates, the church or foreign rulers, propagate atheism or spread pornography.

Nevertheless, there have always been supporters of a measure of press freedom. Which arguments did they put forward in the public domain? This article offers an overview of the arguments adduced during two long centuries of developing public opinion on the freedom of the press. Due attention will be given to the more significant authors and events in the history of Dutch press freedom between 1579 and 1795.

## 2. Religious Freedom, Republican Liberty

The debate on press freedom initially took place within the context of discussions on religious toleration.<sup>7</sup> Before the second half of the eighteenth century, the call for press freedom was in practice often limited to books of a religious nature. This claim may be illustrated by one of the earliest, and by the standards of his own time most radical, of Dutch advocates of religious liberty: the humanist playwright, engraver and pedagogue Dirk Volckertsz Coornhert (1522-1590). Coornhert was an avowed opponent of the Calvinist hardliners whose influence had grown significantly during the early stages of the Dutch Revolt. He believed that each individual should be absolutely free to interpret the sacred texts as he or she thought fit – and subsequently make known his or her views by word or in print. He defended such ideas in his *Synod, or on the freedom of conscience* (1582), a hypothetical account of a discussion held at the town of ‘Vryburch’ (Freeburg) among representatives of various religious groups. In the *Synod*, the views of these groups are represented by extracts from the writings of their spokesmen; a certain ‘Gamaliel’ speaks for Coornhert himself. The fifteenth session of the synod debated ‘the making, publishing, printing, selling, having, and reading of writings and books’.<sup>8</sup> The discussion was evidently inspired by a prohibition, issued by William of Orange on 20 December 1581 and applicable to the province of Holland, which outlawed offensive books, reports, and songs. Whilst this particular edict was intended primarily to thwart the publication of writings criticizing the prince’s government, it also represents the stricter enforcement of censorship following on the two fundamental political deeds that brought the

Dutch Republic into being. These deeds were the signing of the Union of Utrecht in 1579 and the abjuration of the King of Spain in 1581.

The participants at Coornhert's synod include both Catholic spokesmen and the Genevan Calvinist Theodore Beza (1519-1605), who state that heretical books hinder their religion, and that such books should be prevented from being written, printed, disseminated, and read. Gamaliel-Coornhert himself observes that the government has every right to forbid any book that conduces to social or political unrest, and to punish trespassers. But people – whether they be learned or unlearned, clergyman or citizen – should be free to contribute whatever they deem necessary to the 'conversion of the church'. This, after all, is what the Reformation has been all about. Error should be combatted with truth, not proscription; people would read forbidden books anyway. Apart from the principle of religious freedom and the assertion that outlawing books is counter-productive, Gamaliel-Coornhert mentions a third argument. The people have already suffered so much for the sake of freedom of conscience: "What will be the effect on people's hearts of the new interdiction concerning a freedom that has been pursued for so long and obtained at such high costs?" Surely, believed Gamaliel, this would lead to rebellion. In the *Synod*, Coornhert also quotes the magistracy of the town of Leiden. A *Remonstrance* issued by the magistracy in 1582 contained a sharp protest against proceedings at a synod held in Middelburg in the province of Zeeland, where the clergy had demanded censorship measures.<sup>9</sup> The Leiden magistracy argued that it was politically wiser to allow each person to uphold his own beliefs, since he would then support the existing regime more readily. It surprised the magistracy that books were now permitted only on the basis of 'grace and privilege', in exactly the same manner as the heresy-hunters of Rome had imposed censorship. Members of the synod familiar with their own immediate religious history should know that liberty also implies freedom of speech. It is tyrannical to forbid good books; and bad books will always be neglected by real lovers of truth.

The three arguments adduced by Coornhert and the Leiden magistracy barely changed during the seventeenth and eighteenth centuries. They crop up repeatedly among dissenting Arminians, lenient Calvinists and various historians and jurists, political pamphleteers, journalists and satirists. They follow from three

principles: (1) freedom of belief or religious worship, (2) political prudence, and (3) the limited effectiveness or even the counter-productive nature of prohibitions. The stricter Calvinists did not, of course, support freedom of the religious press without substantial reservations. This was partly due to their definition of ‘Christian freedom’. The human conscience, they claimed, is truly liberated only when it has been freed by the grace of God and secured by his Word.<sup>10</sup> In consequence, only that truth may be reproduced in public which has the power to liberate. This argument from Christian freedom justified calls for censorship until at least 1750.<sup>11</sup>

The political administration of the Republic generally emphasized equitable and moderate control rather than either absolute freedom or outright suppression. Consequently, it is not surprising to find that some of the most outspoken defenders of republican freedom made no mention at all of freedom of the press. One of the most comprehensive defences of ‘True Freedom’ – meaning a republican administration devoid of the corrupting, monarchical element represented by the stadholdership of the House of Orange – was a little duodecimo of almost one thousand pages which first appeared in 1662, called *Political discourses treating in six different books, towns, countries, wars, governments, churches, and morals*.<sup>12</sup> The title page mentioned ‘D.C.’ as the author. This (i.e. ‘Del Court’) referred to Johan de la Court (1622-1660) or his brother Pieter (1618-1685); since Pieter published Johan’s writings posthumously, the book may well have been written by both.<sup>13</sup> The De la Courts were Leiden textile merchants who held pronounced political views derived in part from Machiavelli and Hobbes. Such views were probably shared by many anti-Orangist regents, but the magistrates who held power during the so-called ‘stadholderless period’ between 1650 and 1672 considered the De la Courts much too outspoken. The book was forbidden in the town of Leiden, whilst a similar text, the *Political maxims of the State of Holland* (1669), was forbidden throughout the Province of Holland.<sup>14</sup> One might have expected writers so concerned to defend true freedom, and whose own books were subject to both criticism and censorship, to have defended the freedom of the press. None of the six *Political discourses*, however, so much as even mentions the press; nor do the *Political maxims*. Given the fact that the De la Courts would later be seen as the godfathers of nineteenth-century

Dutch liberalism, it is interesting to know what they *do* say on freedom. The best government, claim the De la Courts in the *Political maxims*, is one which serves the interests of the sovereign by serving the welfare of the state as a whole. It is consequently in the interest of republican magistrates – to whose collective rulership the De la Courts assign an all but absolute power – to foster populous towns of great economic and military power. One way to ensure population growth is to maintain ‘freedom or Tolerance in regard of the various outward religions’ (this liberty is subsequently qualified as a ‘greater freedom than is enjoyed in other Lands’ and one that does not present any danger to the ‘free government’). A second means of ensuring population growth is complete freedom to participate in the economy.<sup>15</sup> Neither the freedom of belief nor the freedom of economic enterprise is, however, brought to bear specifically on the freedom of the press, although to us it may follow that the two former freedoms imply the latter. The De la Courts were more concerned to break the power of the church and the guilds, and to find a balance between civil liberty and republican government, than to ensure the possibility of a public debate on the basis of unlimited press freedom.

This conclusion applies to the Dutch republican tradition in general. The more profound seventeenth-century political thinkers – Hugo Grotius (1583-1645), Pieter de la Court, Ulrich Huber (1634-1694), and others – were often primarily concerned to analyze the existing political institutions of the Dutch Republic in the context of a more abstract political philosophy, and to show that these institutions maintained, or at least did not negate, certain civil liberties.<sup>16</sup> The latter might include freedom of conscience, freedom of religious worship and the freedom to discuss political issues. Combining classical republican thought with natural law theory, these political thinkers generally made the point that a government which did not listen to its citizens lapsed into tyranny, and that citizens who did not respect the laws lapsed into anarchy. Achieving an equitable balance between civil freedom and political authority necessitated, above all, the protection and maintenance of privileges. Spinoza did try to show that the *libertas philosophandi*, the liberty to philosophize or freedom of thought, was compatible with, and essential to, both religious piety and a stable society.<sup>17</sup> Gerard Noodt strove to demonstrate that citizens had the inalienable right to pursue

their own good, and that the government should protect their freedom while prudently enacting laws to prevent citizens from vice and misdemeanour.<sup>18</sup> However, no writer on republican theory of either the Orangist or States-oriented variety defended the idea of a public opinion based on a free press.<sup>19</sup> A major apology for classical republicanism, the *Treatise on freedom in the civil state*, published posthumously and anonymously in 1737, did not change this state of affairs. The writer, a magistrate from the province of Zeeland called Lieven de Beaufort (1675-1730) characteristically discussed the freedom of citizens to vent their opinion on matters of government. He observed that while such freedoms had been possessed by the Romans, they were lacking in contemporary absolutist monarchies. He contended that the Dutch Republic still recognized the ancient Roman freedoms, and that ‘nobody is punished for speaking freely or for reading a forbidden book’.<sup>20</sup> Yet he, like his seventeenth-century predecessors, did not show the slightest inclination to formally defend press freedom. Similarly, academic apologies for *libertas philosophandi* or freedom of speech conspicuously failed to explicitly consider the press.<sup>21</sup>

### 3. Pasquinade, Prevention and Public Opinion

The condemnation of pasquinades is at least as old as Law of the Twelve Tables (450 BCE), which threatened writers with the death penalty. The government of the Republic regularly responded to pasquinades against the various stadholders, local and provincial magistrates, and foreign sovereigns ranging from James I of England to Frederick II of Prussia. In general, the government acted far more stringently against pasquinades subverting their own status and authority than against subversive religious writings.<sup>22</sup>

Magistrates were usually expected to have studied law at one of the five Dutch universities. A number of them defended *Dissertationes juridicae de famosis libellis* as candidates for the juridical doctorate, treating the legal measures against reprehensible books, especially against pasquinades. These legal dissertations were not likely to be innovative or unduly lenient in respect of the press. Indeed, without

exception they are so many defences of a conservative, magisterial republicanism, regardless of whether the writers stood in the Orangist or ‘true freedom’ traditions. All dissertations appeared between the second half of the seventeenth century and the end of the eighteenth. One doctorate was obtained by a certain Isaac Lodewijk Panhuys – in all respects an obscure political thinker, who is simply mentioned here as the writer of a late but typical juridical dissertation on pasquinades.<sup>23</sup> Writing in 1793 under the restoration regime of the stadholder William V (1748-1806), Panhuys developed an argument based on natural law in favour of forbidding pasquinades. Man is designed to be happy, and one way to augment his happiness is to live in communion with others, that is, in civil society. Here he will enjoy the good opinion and esteem of others; *famosi libelli* that detract from his happiness by spreading slander and insult should consequently be forbidden. Panhuys demonstrated that the conclusions which he had derived from natural law were supported also by Roman law. He then went on to examine the position of the pandects on infamous books. Other dissertations similarly focused on technical juridical issues in Roman law regarding injuries sustained by slander.<sup>24</sup>

Such dissertations hardly afforded apposite occasions to argue against repressive censorship. In other writings, too, reasoned pleas for press freedom are difficult to find. In 1664, one writer responded to the suppression, by the Utrecht magistracy, of a States-oriented pamphlet denouncing rule by the stadholder as a despotic infringement of the true republican freedom of Holland.<sup>25</sup> The author’s argument was not that curbing the press was bad in itself. His point was that the Utrecht chief of police forbade anti-Orangist writings while permitting the circulation of villainous pasquinades in which the States of Holland and republican heroes like Hugo Grotius were disparaged. The chief of police had to make a choice. He had to either forbid all political pamphlets, or allow the province of Holland to publicly defend itself against the Orangists in the town of Utrecht. A later pamphlet, *Mercury in mourning* (1699), was written in response to a government crackdown on two *Mercuries* or newspapers issued in The Hague. The pamphlet is a dialogue between two erudite minds. One is Cato, who pleads for respectability and noble-mindedness; the other is Maecenas, whose attitude is that of a wit.<sup>26</sup> Cato, the

moralist, is naturally quite pleased with the prohibition of the *Mercuries*. He believes that the licence they took was far too great, and that their ‘unlimited freedom’ was bad for morality. Maecenas, by contrast, defends their satirical character, arguing that ridicule follows naturally from the satiric genre, which, in the way it was practised by ‘literary heroes’ ranging from Juvenal and Horace to Erasmus and Scaliger, has always been beneficial to society. As Tiberius said, in a free state the tongue should be free.<sup>27</sup> Again, this dispute concerned the degree of licence, or the extent of magisterial control, rather than the principle of press freedom. Cato believed that certain boundaries had been transgressed, which Maecenas denied. On the other hand, even Maecenas declared to be uncompromising on the point of pasquinades, which in his view should be punished severely.

Well-known among eighteenth-century writers was an essay included in the highly influential *Holland Spectator* by Justus van Effen (1684-1735), an important figure in eighteenth-century literary life who introduced the genre of the spectator to the Dutch Republic.<sup>28</sup> Written in 1733, Van Effen’s essay was instrumental in fixing in the Dutch public mind the idea that eighteenth-century England enjoyed unlimited freedom of the press, and that the English themselves were uncommonly proud of the fact; but he also argued that self-discipline, based on a code of mutual politeness, was necessary, and that it had to be backed by the threat of censorship.<sup>29</sup> If his views seem rather conservative, Van Effen had at least broached the subject as a matter of public opinion. There has, after all, scarcely been a period in Western history when satire as such was more popular than the age of Swift and Voltaire.<sup>30</sup> In the 1780s, when the pasquinade became an important and popular tool in the hands of political commentators, its positive aspects were frequently emphasized.<sup>31</sup> On the title page of an *Essay in defence of the pasquinade* (1785), the author made certain to include the advice, ‘read before you judge’.<sup>32</sup> A pasquinade, according to the author, is a piece of writing that exposes the moral failings of a certain individual, who is mentioned by name (to most oppositional writers during the 1780s, this person would have been the stadholder, William V). If a writer of pasquinades is well intentioned, restricts himself to revealing moral failings, and avails himself of this means only in the last resort, then he should be free to publish. Proper motives for writing a pasquinade are self-defence



or the defence of society and the wish to unveil national enemies and expose political leaders as common criminals. Such views were countered by conservative defenders of the Orangist regime.

Only a minority of Dutch authors argued in favour of preventive or precautionary censorship, the founding of colleges of censors to supervise and edit manuscripts prior to publication. The Reformed clergy certainly did explicitly call for the appointment of censors. The topic had been broached at the Synod of Dort, which called for the ‘visitation’ of books before they were actually published – a suggestion warmly supported by delegates from England, the Pfalz, Hesse, Basel, Geneva and Bremen.<sup>33</sup> Preventive censorship, it was suggested, should focus on religious writings, while censors appointed by the government must consist of both ecclesiastical and political officials. Suggestions were made regarding a Protestant Index, the prohibition of useless books and the encouragement of useful ones, as well as measures against sculptors, painters and engravers. Throughout the seventeenth and eighteenth centuries the political administration ignored the repeated call by the church for official censors. Thus, in contrast to other European countries, in the Dutch Republic a system of preventive censorship was never established outside the church and the theological faculties. The church applied to itself what it was not able to apply to the public at large. The task of appointing *visitatores librorum* was delegated to the *classis*, or supra-local consistory, and to the five theological faculties. Though much archival research remains to be done, it seems clear that the church was quite successful in reining in its own clergy. But since the church’s only means of control was the imposition of ecclesiastical discipline (by preventing church members from participating in communion), and because further measures required the cooperation of the magistracy, it is not certain how strict the church’s policies actually were, or how successful it was in suppressing dissent.

There are some exceptions to the rule that only the church called for preventive censorship. One was Johann Friedrich Reitz (1695-1778), a professor of rhetoric who held an academic address *On the censors of books* in 1751 at the end of his term as rector of Utrecht university.<sup>34</sup> Reitz claimed that edicts were useful and necessary, if only to enable the Christian magistracy to show by their example that they actually do abhor the books they themselves forbid. He set

up an argument for official *censores librorum*, appointed to approve or disapprove of publications. He suggested that the magistrate employ, for this purpose, a commission of men from different orders in society and experienced in different kinds of disciplines. This commission, he advised, should not only condemn books harmful to morality and religion, but also commit them to the flames. It should further impede the publication of useless, superfluous and absurdly verbose books. It should also prevent bookshops from selling forbidden books at auctions, and regularly conduct visitations to cleanse publishers' stocks of scandalous books.

Reitz, who was patronized by the stadholder, was not necessarily mounting a rearguard action. The idea of preventive censorship had become popular in some government quarters – so much so that a 'Plan' or draft concerning the issue was submitted by the Court of Holland to the States of Holland in 1769.<sup>35</sup> Based on an earlier concept written in 1765, the Plan was instigated by several orthodox preachers then involved in a controversy called the 'Socratic War'. This was a major pamphlet war sparked off by a Dutch translation of the novel *Bélisaire* by the French philosopher and encyclopaedist Jean François Marmontel (1723-1799). The main issue was the question whether heathens like Socrates could earn entrance to paradise by living virtuously. Responding to this intense public debate on the limits of the Christian tradition, the Plan envisaged the appointment of official censors and the imposition of severe penalties on trespassers (ranging from fines and enforced closure of bookshops to banishment). The Plan was conceived particularly to control the publication of books that 'undermined the foundations of the Christian Religion or Holy Scripture', ridiculed the Reformed faith, or corrupted the youth through obscenities. Anonymity was outlawed. Commissions of local censors were required to examine books published in the German, Dutch, French or English languages – in this order, which points to the growing significance of German thought in this period.<sup>36</sup> In itself the Plan was hardly novel or unique; it was simply one more call for the establishment of *visitatores librorum* by anxious clergymen. This time, however, the call was heeded by part of the administration, and, more importantly, hotly debated in public.

Widespread opposition to preventive censorship characterized the 1760s and 1770s. One response to the censorship Plan of 1769 was

an anonymous *Letter to a gentleman in the government of Holland on limiting press freedom* (1769).<sup>37</sup> The author pointed out that the laws would be in flagrant contradiction with the constitution of the Republic. The edicts mentioned in the Plan, including one issued by William of Orange in 1581, were completely irrelevant. The Dutch people had outgrown such backward laws; even Catholic princes were now relinquishing their control over the press! Apart from being unconstitutional, censorship would surely endanger ‘Liberty, Learning, and the Book Trade’. In short, press censorship was contrary to the constitution, trade interests, and freedom-loving spirit of the Dutch nation. Book sellers from various towns also lodged protests.<sup>38</sup> Several Leiden booksellers chartered their colleague Élie Luzac (1721-1796), in his quality of lawyer, to write a celebrated rebuttal of the Plan on their behalf.<sup>39</sup> Apart from publishing books, this third-generation Huguenot was a prolific and well-known writer on Dutch political issues. Luzac’s *Memorandum* listed six objections to the Plan. First of all, the law was too vague. Ambiguous legal terms would force a judge to make all kinds of presuppositions, resulting in arbitrary judgement. The Plan put too much trust in the ability and impartiality of censors. Secondly, the law was impracticable, for example because book sellers were required to make lists of all the books and manuscripts in their possession on a weekly basis. Implementation of the law would, in the third place, ruin the book trade. No author would attempt to publish his work if he knew that it was to be subject to censorship. In the fourth place, the law contradicted the natural freedom of citizens as well as the civil freedom enjoyed by inhabitants of these Provinces. Freedom of thought is a natural right, a *ius connatum*. Besides, the constitution of the Republic guarantees freedom of worship, and consequently also the freedom to defend one’s views. The law, furthermore, contradicts the commercial and cultural traditions of the Republic, where freedom of thought had always inspired inquiry and innovation. Finally, the law would not be effective. People cannot be prevented from reading. Insincerity will reign. What is worse, to read Hobbes and Spinoza as an honest man, or to attend church services as a hypocrite? What is more immoral, to enjoy an *Académie des dames*, or to frequent a brothel? No society is perfect, and freedom of the press will necessarily entail certain imperfections.

In Luzac's *Memorandum* various ideas concerning press freedom were mentioned together and linked explicitly with arguments derived from constitutional and natural law. To Coornhert's threefold argumentation (on the unfree, imprudent and counterproductive nature of prohibitions), the implicit contribution of the brothers De la Court (on the economic importance of free industry) and the republican political argument was now added the claim that men had a natural right to freedom of expression. Ultimately the Plan was rejected on the grounds of practical infeasibility.<sup>40</sup> As Denis Diderot (1713-1784) wrote, commenting on the Calvinist divine Petrus Nieuwland (1722-1795), one of the orthodox instigators of the Plan:

‘C'est ce Nieuwland qui a pensé faire établir en Hollande des censeurs d'ouvrages; heureusement on jeta sa supplique derrière le banc. Cependent pour donner quelque satisfaction à la cabale intolérante, on afficha un placard contre les imprimeurs d'ouvrages impies; mais le gouvernement fit dire aux imprimeurs et libraires d'aller toujours leur chemin.’<sup>41</sup>

#### 4. Moderation, Human Rights and Politeness

The debate of the 1760s on preventive or precautionary censorship reflected growing dissatisfaction among writers and opinion makers with the existing *ad hoc* policies regarding the press. Luzac himself had firmly defended freedom of speech as early as 1749 in an anonymous *Essay on the freedom to make known one's opinions*.<sup>42</sup> However, his plea for press freedom was primarily intended for the cosmopolitan élite of francophone *lettrés*. The development of an informed public opinion on press freedom is better gauged by glancing at the way the theme was treated in the spectators, which flowered between the 1750s and the 1770s.

One of the more critical Dutch spectators, the *Thinker* (1764-1775) illustrates the role of spectators in disseminating ideas and initiating debates. Soon after its start in 1763, the spectator published a translation from an English periodical ‘On the freedom of thinking and writing on religious subjects’; an editor of the *Thinker* subsequently elaborated on it.<sup>43</sup> The first essay discussed the liberty

to debate, free from government coercion, on 'speculative' religious doctrine.<sup>44</sup> Liberty is the *sine qua non* of progress in any science, so why make an exception for religion, 'the most excellent Science of all', and the most important to man? The second article put the debate on press freedom in a broader perspective. It is telling that this essay, too, was linked with England. It responded to the arrest of the London journalist and member of parliament John Wilkes (1725-1797). Wilkes had attacked the ministry of Lord Bute in a caustic article in the *North Briton* of April 1762; thrown into the Tower of London, he was released after a week because of his immunity as a member of parliament. His article in the *North Briton* was later denounced as a seditious libel and Wilkes had to flee to France. Wilkes is generally acclaimed for having widened the scope of press freedom, among other things by bringing to court government warrants against the press that were subsequently ruled as illegal.<sup>45</sup> The *Thinker* took up Wilkes' plea for press freedom by posing the question, 'whether it is in itself equitable, or possibly even advantageous to Society or Religion, to limit Freedom of the Press as little as possible?'<sup>46</sup> The author applied explicitly to the press the traditional argument from natural law, viz. that freedom of thought and the freedom to communicate ideas had not been renounced when mankind left the state of nature and developed societies. A good republican administration will assume that citizens should be free to point out the mistakes made by magistrates in governing the country. Likewise, it is possible to guard the truth only if libertines were free to put forward their objections, so that educated Christians could in turn convince them of their spurious assumptions. In any case, added the *Thinker*, it is impossible to forbid books in the Republic, since they were easily imported from elsewhere. The third article contains a (possibly fictional) response to the second article from a reader of the *Thinker*.<sup>47</sup> This reader evidently represented the conservative republican tradition as it had surfaced earlier in the century in magistrates like De Beaufort, law scholars like the Huguenot refugee and Groningen professor Jean Barbeyrac (1674-1744), and journalists like Van Effen.<sup>48</sup> Arguing from the same natural law premises as the *Thinker*, the critic pointed out that any government had the duty to preserve the social order, and thus needed to control the press. Pasquinades accusing the government of disloyalty, embezzlement, treason, or

infringement of privilege were a direct threat to orderly society. The Wilkes affair thus stimulated the Dutch debate on press freedom to a greater extent than Milton had done.<sup>49</sup> In 1769 an essay by Wilkes himself was published anonymously as a *Discourse by a famous writer on freedom of the press*.<sup>50</sup>

When discontent resulting from economic decline and social stagnation were exacerbated by reports of freedom fighters in the American colonies and by the military catastrophes of the Fourth Anglo-Dutch Sea War (1780-1784), Dutch public opinion was ready to extend ideas on freedom of thought, speech and the press to the political arena. During the hectic 1780s the United Provinces experienced a *de facto* unlimited freedom of the political press, to the satisfaction of a handful of proto-revolutionary Frenchmen, and to the general dismay of German commentators. Those who called for far-reaching political reforms during these years – the so-called ‘Patriots’, hence the term *Patriottentijd* which refers to this period – celebrated their freedom in a noisy cacophony of debates on the highly complicated and often parochial constitutional arrangements of the Dutch Republic. Discussions were initiated with a pamphlet of 76 pages addressed *To the people of the Netherlands*. This sensational indictment of the stadholder’s power and influence began to circulate anonymously on September 26, 1781. It was considered so subversive that the States of Holland immediately forbade both its sale and its possession, and promised a substantial amount of money to anyone who could reveal the writer’s identity. More than a century later, the pamphlet was shown to have been written by Joan Derk van der Capellen tot den Pol (1741-1784), a baron from one of the eastern provinces who corresponded with some of the North American rebels and held distinct ideas about representation in government. *To the People of the Netherlands* was mainly concerned to point out the way in which, throughout the history of the Republic, the stadholders of Orange had subordinated the interests of the Dutch people to their own dynastic gain and to the deceitful claims of England. Towards the end of the pamphlet the author linked classical republican doctrine with the freedom of the press. He exhorted the people of the Netherlands to take care of freedom of the press, for it is the only support of Your national freedom. If one cannot speak freely to one’s fellow citizens, and cannot warn them on time, then it will be all too

easy for the oppressors of the people to play their part. This is the reason why people whose conduct cannot bear investigation always manoeuvre against the freedom of writing and printing and would like to see that nothing is printed or sold without permission.<sup>51</sup>

Whilst republicans like De Beaufort had implicitly restricted press freedom to a bunch of magistrates, Van der Cappellen considered press freedom as a precondition for public debate and open criticism, and as a democratic means of controlling political power. The pamphlet was reissued thrice in 1781, published again in 1784 and 1795, and translated into French, German, and English.

The Patriots were in favour of freedom of the press practically by definition; in fact, the term ‘freedom of the press’ (*vrijheid van drukpers*) itself first came into common usage during the 1780s.<sup>52</sup> A glance at some Patriot writings illustrates the extent to which the theme was taken up by public opinion, and provides a few additions to the repertoire of arguments. A small, anonymous *Handbook for the Netherlands, or definitions of the most oft-used political words* (1786) discussed press freedom under the heading ‘People’s vote’ (or, more literally, ‘People’s voice’, as in *vox populi*). As Van der Capellen had done, the author presented absolute freedom of the press as the basis of public opinion and constitutional reform.<sup>53</sup> Ironically, Luzac’s 1749 essay on freedom of speech was now reissued by his Patriot opponents.<sup>54</sup> A Leiden poetry society organized a competition for the best poem on press freedom. One author, an otherwise insignificant Patriot called Jacob van Dijk, added a novel argument in verse: above all other peoples, the Dutch should be the ones to favour press freedom. For had not Laurens Janszoon Coster of Haarlem (c. 1370-c. 1440) invented the printing press, prior to Johann Gutenberg of Mainz?<sup>55</sup> Freedom of the press surfaced in so-called ‘barge conversations’, discussions held between passengers travelling by water,<sup>56</sup> and, of course, in the political press. The Patriot *Post from the Nether Rhine*, for instance, included a letter by one ‘Janus Eleuterophilus’ (John Freedom-Lover) on press liberty.<sup>57</sup>

Then there were the political debating clubs and societies. A Patriot society called *Amore Patriae* issued, subsequent to a private debate by its members (held on 16 October 1781, three weeks after the appearance of Van der Capellen’s *To the people of the Netherlands*), the *Considerations on the use of forbidding anonymous writings* (1781).<sup>58</sup>

The authors classified anonymous writings into three groups. The first group comprised the extracts or copies of resolutions, petitions, addresses, letters, advice and protests issued by, or offered to, the civil authorities on any administrative level. This group of writings should be completely free, since the Republic is (or should be) ruled by popular government. The second group of writings are those which attempt to shed some light on the behaviour and ideas of the two parties (i.e. the Patriots and the Orangists) involved in contemporary political debate; these, too, must not be forbidden. The third group of writings had a much baser purpose, aiming only to stir up dissension, provoke turmoil, throw suspicion on governments, defame and slander eminent persons, and do other things detrimental to both society and individuals. Such *libelli famosi* (the authors labelled Van der Capellen's shocking anti-Orangist pamphlet as such) ought to be outlawed. This plea for mitigated press freedom was disputed soon enough by another Patriot pamphlet called *Freedom of the press, indissolubly connected with the freedom of the Republic*.<sup>59</sup> The anonymous author could understand why such classifications were made, but immediately made clear that he supported total freedom of the press, contending that it was absolutely ineffectual to forbid the third group of writings, since suppressed publications will only be all the more eagerly bought and read. The idea that press freedom and a certain level of civilization were mutually inclusive led to the use of a copious vocabulary focusing on notions of modesty, prudence, moderation, toleration, and forbearance. A much-read pamphlet by Johannes Allart (1754-1816) is symptomatic in this regard. Himself a publisher, Allart published an initially anonymous and enormously popular pamphlet of some 300 pages in September 1783, called simply *Freedom*.<sup>60</sup> The first fifty pages, devoted to the question, 'What it means to be a free people', made it clear that true religion and liberty are the twin pillars of the state and the foundation of a people's happiness. A free people should be allowed to think, speak, and write in freedom on both political and religious matters. Yet, Allart emphasized that everything ought to be debatable, as long as it was discussed in all due civility and modesty. In his case, the stress on politeness, moderation and self-discipline was probably meant to head off objections from the (probably quite substantial) part of the population in favour of



political liberty and inclined to Patriotism, but less given to the idea of unrestricted religious freedom.

Some writers naturally objected to the half-way measures suggested by moderates like Johannes Allart. An interesting response originated in the early 1780s in a society at Haarlem called 'Diligence, the Mother of Sciences'. It was apparently the only society to successfully organize an essay competition on press freedom.<sup>61</sup> Established in December 1779, the Haarlem society was a rather minor Mennonite affair; and it awarded the first prize to a certain Jan Brouwer, a Mennonite theology student. The question posed by the society ran as follows: 'Is freedom of the press a necessary requirement for maintaining the freedom and independence of a commonwealth? And if so, which are the advantages ensuing therefrom?' Brouwer refuted the arguments adduced in Allart's *Freedom*, arguing that the practical disadvantages of press freedom are not outweighed by the principle on which it is based, which is the indefeasible freedom of citizens. If a publication oversteps the mark, it should simply be taken to court. In any case, civilization (or 'enlightenment') will act as a safety net. Libellous writings will not influence the people, since the common crowd is hardly able to read, while educated persons will never let themselves be influenced by despicable books. The advantages of press freedom are, on the other hand, perfectly evident. It allows both religious and political truth to prevail in the face of irreligious sceptics on the one hand, and cowardly flatterers, hired hacks, hypocritical scoundrels and bribed traitors on the other. The gist of Brouwer's apology for press freedom is comparable to that of the so-called 'Leiden Draft' (*Leids Ontwerp*), a political blueprint drawn up in October 1785 at a provincial gathering of the armed corps of Holland. The draft ended with a number of articles, two of which concerned the 'Right of the People in respect of Petitions.'<sup>62</sup> These articles stated that the right to submit petitions to government was constitutional – the Republic itself owed its existence to the Spanish violation of the right to submit petitions.<sup>63</sup> Since the people could only make proper use of this right if they were 'enlightened and educated', and since enlightenment and education depended on the liberty to speak and write, it stood to reason that freedom of the press must be 'maintained inviolably'.

The failure of the Patriot movement in 1787 led to the first catalogue of the rights of man in the Netherlands, by the Frenchman

Mirabeau. Requested to write in defence of the Patriots, he wrote a rabidly anti-Orangist *Letter to the Batavians concerning the stadholderate* in 1788.<sup>64</sup> Mirabeau included a ‘Déclaration des droits de tout peuple qui veut la liberté’, consisting of 26 articles, the last of which stated: ‘La liberté de la presse doit être inviolablement maintenue.’ It was a statement which reflected the views of the more radical Patriots of the 1780s, most of whom had now been banished, and led a precarious existence in the Austrian Netherlands, France, and Germany. When the Orangist order was restored by Prussian troops in 1787, it became hazardous to praise a libertarian principle which was looked upon by the authorities as a major cause of Patriot excess. Thus, whilst the *General (or Universal) Magazine* had earlier displayed its moderately Patriot colours by publishing an essay on theories of revolt in Grotius, Pufendorf, Barbeyrac and Vattel, in 1788 it issued an essay, once again translated from the English, ‘On misuse of the press’.<sup>65</sup> How to solve the problem of licentiousness? The author suggested inward moral reform (people should refrain from reading slanderous trash), combined with the appointment of respectable censors to delete insulting passages from publications. Two significant writers in the conservative republican tradition – both noted for their Orangism and their support for the restoration régime between 1787 and 1795 – were Johan Meerman (1753-1815) and Adriaan Kluit (1735-1807). Meerman, who stemmed from a wealthy family, held significant posts in the pre-revolutionary administration. His *The beneficial consequences of civil freedom and the adverse consequences of popular freedom, particularly in relation to this commonwealth* (1793) was basically an attempt to convince the Patriots that the rights for which they had recently been struggling in so disorderly a manner had, in fact, always been enjoyed by citizens of the Dutch Republic.<sup>66</sup> Kluit, a professor of history at Leiden, quoted Meerman’s views concerning press freedom verbatim in *The rights of man in France are no imagined rights in the Netherlands*.<sup>67</sup> In effect, the views of Kluit and Meerman resembled more than a little the moderate opinions of the Patriot Allart. They rejected an absolute freedom of the press, called for polite sociability and self-discipline, and approved of intervention by the authorities.

One of the major Dutch writings on natural rights that appeared in the aftermath of the American, Dutch and French Revolutions

was a treatise by a leading Patriot intellectual, Pieter Paulus (1753-1796).<sup>68</sup> He had originally written his treatise as an entry in an essay competition organized by Teyler's Theological Society, one of the major learned societies of the time. The questions posed by Teyler's were: 'In which sense can people be said to be equal? And which are the rights and obligations that can be said to result from this equality?' Paulus not only argued that all men are by nature equal, but also demonstrated, by larding his text with numerous references to the bible, that Christianity is in close agreement with nature. Jesus was both the best human being and the best citizen, and his basic message concerned the fundamental equality of mankind. All citizens have the same rights and obligations, including the freedom to vote, speak and write. Directly following the fall of the Dutch Republic in January 1795, a committee of four (including Pieter Paulus) was appointed by the Provisional Representatives of the People of Holland to write a declaration of human rights. The 'Publication of the Rights of Man and of the Citizen', a Dutch version of the French declarations of 1789 and 1793, was formally acknowledged by the States General and almost all Provinces. It consisted of 19 unnumbered statements. The freedom of the press was affirmed in the fourth statement: 'each person is therefore free to reveal his thoughts and sentiments to others, either through the press or by any other means'.<sup>69</sup> On 13 July 1797 the National Assembly, following extensive deliberations, published the blueprint for a new constitution. It listed the rights of man and of the citizen in a prologue. Freedom of action was laid down in Article VI; one of the actions over which the citizen could dispose freely was 'making known his thoughts and sentiments by word or writing, or by means of the Press'.<sup>70</sup>

## 5. Conclusion

Between 1579 and 1795 the ten following arguments were put forward in favour of a free press. (1) The first argument follows from religious liberty. Religious ideas may be spread by persuasion only and never by violence, whilst the dissemination of truth may not be obstructed. (2) The second argument was derived from the idea of

prudence. People who are free in a religious sense, will have no motive for rebellion; on the contrary, they will readily support the regime that guarantees their freedom. (3) The third argument is a negative one. Prohibitions merely foster the desire to read: they are ineffective, even counter-productive. These three arguments are initially found in the context of writings on religious tolerance and religious freedom. Two arguments, a political and an economic, were added in the seventeenth century, though neither of them was applied explicitly to the freedom of the press. (4) The political argument is derived from the 'positive' interpretation of freedom inherent in classical republicanism. Citizens should be free to submit advice and petitions to the government, as the Romans had been free to do. (5) The economic argument is implicit in the mercantilist theory of the De la Courts, but it is otherwise quite common in the eighteenth century: the Dutch economy is based on free entrepreneurship, and will therefore profit from a free trade in books. (6) Often the historical argument of the 'ancient constitution' was adduced. According to this argument, the laws of the Republic provided for constitutional guarantees for political and economic liberties. A substantial part of the early modern debate was concerned with the question whether pasquinades were permissible. Pasquinades were connected with the issue of civilization, or 'politeness'. (7) According to the argument from civilization, freedom of inquiry, especially religious and philosophical inquiry, is essential to the progress of the human race. Civilization or enlightenment is the moral guarantee for a free press, and vice versa. This seventh argument (which itself is based in part on the idea of religious freedom) leads to a version of the argument from effectiveness: civil(ized) people will never read despicable books. (8) The argument from civilization or politeness is tied up with patriotic feeling. Dutchmen in particular should staunchly defend the freedom of the press, because their nation was responsible for having invented the printing press in the first place. (9) The argument from utility points out that by maintaining press freedom and permitting the publication of pasquinades, society makes it possible to publicly expose liars and thus purify political life. In addition, press freedom encourages the arts and sciences, and thus the enlightenment. (10) Finally, freedom of the press is a human right.

Every human being has a right to freedom of speech, and thus also the right to present his or her opinions to the public in print.

These ten arguments may be further classified into three groups: a normative, a utilitarian and a political-cultural group.<sup>71</sup> The normative group includes those arguments concerned with freedom of choice or freedom of the will: these include the arguments from *freedom of belief* (1) and *human rights* (10). Incidentally, the connection between the plea for religious freedom and that for human rights is not only logical-systematic, but also historical.<sup>72</sup> The utilitarian group includes the arguments from *prudence* (2), *limited effectiveness* (3), *commerce* (5) and *utility* (9). Finally, the third, political-cultural group includes the arguments from *republican political theory* (4), the *ancient constitution* (6), *politeness* (7), and *patriotism* (8).

Liberty was not inherent in Dutch history, and the lack of principled defences of the freedom of the press should not surprise us. Press freedom as an enlightened, proto-liberal notion, as an inalienable human right, developed only in the latter part of the eighteenth century. Nevertheless, I would contend that the classification suggested by two centuries of Dutch theorizing on the freedom of the press offers a useful tool for examining the subject in a much wider spatial (western Europe and the American colonies to begin with) and temporal (early modern and modern) context. Such a catalogue of arguments will be a helpful instrument in constructing the history of thought about the freedom of the press.

## Notes

<sup>1</sup> This article was published earlier as ‘Van godsdienstvrijheid naar mensenrecht. Meningsvorming over censuur en persvrijheid in de Republiek, 1579-1795’, in: *Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden* 118/1 (2003), 1-21.

<sup>2</sup> H.A. Enno van Gelder, *Vrijheid en onvrijheid in de Republiek. Geschiedenis der vrijheid van drukpers en godsdienst van 1572 tot 1798* (Haarlem, 1947); Enno van Gelder, *Getemperde vrijheid. Een verhandeling over de verhouding van Kerk en Staat in de Republiek der Verenigde Nederlanden en de vrijheid van meningsuiting in zake godsdienst, drukpers en onderwijs, gedurende de 17e eeuw* (Groningen, 1972).

- <sup>3</sup> I will not provide an extensive overview of the literature here. The reader is advised to consult Ingrid Weekhout, *Boekensensuur in de Noordelijke Nederlanden. De vrijheid van drukpers in de zeventiende eeuw* (The Hague, 1998), which is the most comprehensive study to date on the implementation of censorship laws.
- <sup>4</sup> The classic study is still G.C. Gibbs, 'The role of the Dutch Republic as the intellectual entrepôt of Europe in the seventeenth and eighteenth centuries', in: *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 86 (1971), pp. 323-349. Also Jeremy Popkin, *News and Politics in the Age of Revolution: Jean Luzac's Gazette de Leyde* (Ithaca, London, 1989).
- <sup>5</sup> Weekhout, *Boekensensuur in de Noordelijke Nederlanden*, pp. 371-372; Jongenelen, *Van smaad tot erger*, p. ii.
- <sup>6</sup> Enno van Gelder, *Getemperde vrijheid*, 236. According to Enno van Gelder (259-260), a pamphlet entitled *Korte bemercking op het tegenwoordigh boeckverbieden, door een liefhebber van de waerheydt* (1690) is the only (indirect and uncertain) sign that Milton's *Areopagitica* may have influenced Dutch public opinion. I have not found a single reference to Milton's tract in any of the Dutch sources I have consulted.
- <sup>7</sup> On the topic in general, see Joris van Eijnatten, *Liberty and Concord in the United Provinces. Religious Toleration and the Public in the Eighteenth-Century Netherlands* (Brill's Studies in Intellectual History 111) (Brill, 2003).
- <sup>8</sup> D.V. Coornhert, *Synodus of vander conscientien vryheyd*, 2 vols., s.l., s.a. [1582], II, pp. 127-146. The section refers, among others, to the edict of 22-9-1540, against the printing and selling of heretical books.
- <sup>9</sup> The text was included as 'Remonstrance of vertoogh by die van Leyden (...)', in: P. Bor, *Oorsprongk, begin, en vervolgh der Nederlandsche oorlogen, beroerten, en borgerlyke oneenigheden (...)* (Amsterdam, 1680), 'Byvoegsel van authentyke stukken' (second part), pp. 115-119.
- <sup>10</sup> An excellent discussion of developments regarding this notion of freedom is given by Martin van Gelderen, 'De Nederlandse Opstand (1555-1610): van "vrijheden" naar "oude vrijheid" en de "vrijheid der conscientien"', in: Haitsma Mulier, E.O.G. and Velema, W.R.E. (eds.) (1999) *Vrijheid*, Reeks Nederlandse Begripsgeschiedenis II. Amsterdam: Amsterdam University Press. pp. 27-52, espec. 42-50.
- <sup>11</sup> One of the last major statements in this tradition was made by the theologian Daniel Gerdes in his *Twee godgeleerde verhandelingen over de vryheid des geloofs* (Groningen, 1741). See also Joris van Eijnatten, *Mutua Christianorum Tolerantia. Irenicism and Toleration in the Netherlands: The Stinstra Affair 1740-1745* (Studi e testi per la storia della tolleranza in Europa nei secoli XVI-XVIII 2; Florence, 1998).

- <sup>12</sup> *Politike discoursen handelende in ses onderscheide boeken van steeden, landen, oorlogen, regeringen, kerken en zeeden. Beschreeven door D.C.* (3rd ed.; Amsterdam, 1663).
- <sup>13</sup> On the authorship, see Ivo W. Wildenberg, *Johan & Pieter de la Court (1622-1660 & 1618-1685). Bibliografie en receptiegeschiedenis. Gids tot de studie van een oeuvre* (Amsterdam, Maarssen, 1986), pp. 24-35.
- <sup>14</sup> This is the title used in the English translation (London, 1743) for the Dutch original: *Aanwysing der heilsame politike gronden en maximen van de republike van Holland en West-Vriesland* (Leiden, Rotterdam, 1671). This book was an enlarged edition of the *Interest of Holland* (1662), which had been outlawed at Leiden.
- <sup>15</sup> [De la Court], *Aanwysing der heilsame politike gronden*, pp. 57-64.
- <sup>16</sup> Ernst H. Kossmann, *Politieke theorie in het zeventiende-eeuwse Nederland* (Amsterdam, 1960); Theo J. Veen, *Recht en nut. Studiën over en naar aanleiding van Ulrik Huber (1636-1694)* (Zwolle, 1976); Hans W. Blom, *Morality and causality in politics. The rise of naturalism in Dutch seventeenth-century political thought* (s.l., [1995]).
- <sup>17</sup> Jonathan I. Israel, *Radical Enlightenment. Philosophy and the making of modernity, 1650-1750* (Oxford, 2001), 159-175.
- <sup>18</sup> Govaert C.J.J. van den Bergh, *The life and work of Gerard Noodt (1647-1725). Dutch legal scholarship between humanism and enlightenment* (Oxford, 1988); Fabrizio Lomonaco, *Tolleranza e libertà di coscienza. Filosofia, diritto e storia tra Leida e Napoli nel secolo XVIII* (Naples, 1999); Joris van Eijnatten, 'Gerard Noodt's standing in the eighteenth-century Dutch debate on religious freedom', in: *Dutch Review of Church History* 79/1 (1999), pp. 74-98.
- <sup>19</sup> A recent bibliography of seventeenth-century Dutch political thought has no index entry for 'freedom of the press': G.O. van de Klashorst and H.W. Blom, *Bibliography of Dutch seventeenth century political thought. An annotated inventory, 1581-1710* (Amsterdam, Maarssen, 1986).
- <sup>20</sup> *Verhandeling van de vryheit in den burgerstaet* (Leiden, Middelburg, 1737), pp. 61, 135.
- <sup>21</sup> Cf. the following academic orations: Christian Heinrich Trotz, *De libertate sentiendi dicendique iuriconsultis propria* (at Franeker, 1741); Paulus Chevallier, *De fructibus, qui ex juste temperata cogitandi libertate in theologum redundant* (at Groningen, 1752); Ladislaus Chernac, *De libertate philosophandi in licentiam non vertenda* (at Deventer, 1776). These addresses are reminiscent of earlier orations on the topic, such as Henricus Bornius, *De vero philosophandi libertate* (at Leiden, 1653).
- <sup>22</sup> Simon Groenveld, 'The Dutch republic, an island of liberty of the press in 17th century Europe? The authorities and the book trade', in: Hans

- Bots and Françoise Waquet, *Commercium litterarium. Forms of communication in the Republic of Letters 1600-1750* (Amsterdam, Maarsse, 1994), pp. 281-300, p. 286, shows that the States General and the States of Holland primarily opposed political works (55.8%), followed by religious works (37.4%). For a discussion of the administration's response to early seventeenth-century pamphleteering, see the chapter on '*Libelli non grati: Pamphlets and the political culture of control*' in Craig E. Harline, *Pamphlets, printing, and political culture in the early Dutch Republic* (*International Archives of the History of Ideas* 116) (Dordrecht, Boston, Lancaster, 1987), pp. 111-133.
- <sup>23</sup> Isaac Lodewijk van Panhuys, *Dissertatio juridica inauguralis de famosis libellis (...)* (Leiden, 1793). Panhuys's views were evidently informed by the Wolffian jurist Frederik Willem Pestel (1724-1805), professor of law at Leiden.
- <sup>24</sup> E.g. Nicolaus Houuttuyn (1683); J. de Graeff (1699); A.F. Godin Dom. Cokenga (1731); M. Geene (1773). Weekhout, *Boekencensuur in de Noordelijke Nederlanden*, p. 410, note 146) provides a list of additional dissertations on the subject.
- <sup>25</sup> *Hollands Nieuw Jaar gezonden aan den heere officier van Utrecht* ([The Hague], 1664).
- <sup>26</sup> *Mercurius in de rouw, of t'zamenspraak tusschen de geest van Cato en Maecenas, over het goede en quade der Mercuren* (The Hague, 1699). The figure of Cato refers, of course, to Cato the Elder, the Roman moralist; Maecenas refers to Gaius Maecenas, the patron of Virgil and Horace. The pamphlet is also discussed in Enno van Gelder, pp. 258-259.
- <sup>27</sup> Suetonius (*Tiberius* 28), 'in civitate libera linguam mentemque liberas esse debere.
- <sup>28</sup> Justus van Effen, *Hollandsche Spectator* (2nd ed.; Amsterdam, 1756), VI-ii, pp. 525-536 (discourse 220, dd. 4-12-1733).
- <sup>29</sup> *De al te groote vryheid der drukpers, geregelyk tegen gesproken en bepaalt.* (...) (s.l., [possibly 1760 or 1761]).
- <sup>30</sup> Jacob Campo Weyerman (1677-1747), versed in the oblique literary techniques of Grub Street, Weyerman never used his considerable talents to write an outright defence of press freedom. An essay on satire by Weyerman is included in his *Den Amsterdamschen Hermes I* (1722) no. 1-8, Riet Hoogma and Mandy Ruthenkolk eds. (Leiden, 1996), pp. 41-52.
- <sup>31</sup> However, see *Het gedrag der Amsteldamsche burger heeren beschouwt* (Amsterdam, s.a.), a rhymed discussion between two citizens of Amsterdam, both of whom praise the measures taken by their magistracy in forbidding pasquinades and anonymous writings.
- <sup>32</sup> *Proeve eener verdediging van het paskwil (leest eer gij oordeelt.)* (Utrecht, 1785). The German original probably is the anonymous *Versuch einer*



- Vertheidigung der Pasquille* (s.l., 1783), which has been ascribed to either an Anton Michl or an Anton Mühl.
- <sup>33</sup> Enno van Gelder, *Getemperde vrijheid*, pp. 152-153.
- <sup>34</sup> Johannes Frederik Reitz, *Oratio de censoribus librorum* (Utrecht, 1751).
- <sup>35</sup> *Plan, om door middel van de aanstelling van Censores Librorum, de verkooping van quaade boeken te voorkomen* (s.a., 1769); the text of the Plan is printed in full in A.C. Kruseman, *Aanteekeningen betreffende den boekhandel van Noord-Nederland in de 17de en 18de eeuw* (Amsterdam, 1893), pp. 390-395.
- <sup>36</sup> Joris van Eijnatten, 'History, reform, and Aufklärung. German theological writing and Dutch literary publicity in the eighteenth century', in: *Zeitschrift für neuere Theologiegeschichte* 7 (2000), 173-204.
- <sup>37</sup> *Brief aan een heer van de regeering in Holland over het bepaalen van de vryheid der drukpers* (s.l., [1769]); the author, who called himself 'E.F.', expressed his agreement with the anonymous *Brief van een regent van eene Hollandsche stad, rakende de drukpers* (s.l., [1769]).
- <sup>38</sup> The petition written by the Rotterdam booksellers is included as 'Bylage. Request van de boekverkoopers der stad Rotterdam', in: *Brief aan een heer van de regeering in Holland*, pp. 17-31.
- <sup>39</sup> Luzac's 'Memorie van consideratien, gemaakt op het nader geredresseerd placaat tegens godslatserlyke boeken en geschriften (...)' may be found in *Nieuwe Nederlandsche jaerboeken* V (1770), part ii, pp. 788-896.
- <sup>40</sup> Cf. also the anonymous *Vrymoedig adres van een Hollander, aan zyne hooge overheid, de Ed. Gr. Moog. Heeren Staten van Holland en Westfriesland* (s.l., [1770]). The author, probably an Arminian, refers several times to Locke. Also *De zeegepraalende vryheid: zoo ten opzichte van 't geweeten als der drukpersse, te danken aan de vaderen van 't vaderland* (The Hague, 1769).
- <sup>41</sup> Denis Diderot, *Voyage en Hollande*, Yves Benot ed. (Paris, 1982), p. 129.
- <sup>42</sup> [E. Luzac], *Essai sur la liberté de produire ses sentimens* (s.l., 1749); John Christian Laursen and Johan van der Zande eds., *Early French and German defenses of freedom of the press. Elie Luzac's Essay on freedom of expression (1749) and Carl Friedrich Bahrdt's On freedom of the press and its limits (1787) in English translation* (Brill's studies in intellectual history 113; Leiden, 2003).
- <sup>43</sup> With an epigraph borrowed from Tacitus, *Histories* I, 1: 'Rara temporum felicitas, ubi sentire quae velis, & quae sentias dicere licet.'
- <sup>44</sup> *De Denker* (12 vols., Amsterdam, 1764-1775) I (1764), no. 20, pp. 153-160; the *Thinker* was edited by the Mennonite pastor Cornelis van Engelen.
- <sup>45</sup> On Wilkes, see Peter D.G. Thomas, *John Wilkes, a friend to liberty* (Oxford, 1996).
- <sup>46</sup> *De Denker* I (1764), no. 24, pp. 185-192.

- <sup>47</sup> *De Denker* I (1764), no. 30, pp. 233-240.
- <sup>48</sup> In fact, the critic explicitly refers to Van Effen's discussion in Discourse 220 of the *Hollandsche Spectator* (see above). On Barbeyrac, see Van Eijnatten, 'Gerard Noodt's standing'.
- <sup>49</sup> Articles in the *De letter- historie- konst- en boek-beschouwer* (Amsterdam, 1764), pp. 292-298 (part XX) and 413-426 (part XXII), offer a conservative response to the essays in the *Thinker*. The authors argue that complete freedom of the press should be accorded only to writings which foster the glory of God and the Kingdom of Christ, show respect to the authorities, and promote useful arts and sciences.
- <sup>50</sup> [J. Wilkes], *Vertoog van een beroemd schryver over de vryheid der drukpers. Uit het Engelsch vertaald* (Amsterdam, [1769]).
- <sup>51</sup> W.F. Wertheim and A.H. Wertheim-Geijse Weenink, *Aan het volk van Nederland. Het democratisch manifest van Joan Derk van der Capellen tot den Pol 1781* (Weesp, 1981), p. 143.
- <sup>52</sup> The oldest entries for the term (defined as 'the right to publish writings freely') in the vast *Woordenboek der Nederlandsche Taal* (The Hague, 1882–; CDRom-versie, Rotterdam 1995) (WNT) stem from these years.
- <sup>53</sup> [Anon.], *Handboekje voor Nederland, of bepalingen van de meest gebruikt wordende staatkundige woorden* (Amsterdam, 1786), pp. 38-40. Cf. *Het Weensche A.B.C. boek voor volwaszene perzoonen, benevens een brief eenes Oostenrykers aan zynen vriend in Brussel* (Amsterdam, [1782]), which discusses reforms (including press freedom) in Austria and the Austrian Netherlands.
- <sup>54</sup> [E. Luzac], *Onderzoek over de vryheid. Van zyne gevoelens mede te deelen* (Amsterdam, 1782).
- <sup>55</sup> J. van Dijk, *De vryheid der drukpers* (Rotterdam, 1786). A 'Batavus', too, commented on Coster as a national hero: [Batavus], *De vryheid der drukpers* ([Amsterdam], [1787]). Batavus may have been Bernard Bosch (1746-1803), a Reformed clergyman, poet, pamphleteer, revolutionary, and freemason. Earlier examples of poetry are [Jan de Kruyff], *Liberius prudens aen Christianus Batavus* (The Hague, 1769); and [Anon.], *De vrye drukpers aan Christianus Batavus, zynen wedergalmer en C:L:* (Rotterdam, [1769]). Cf. also [Anon.], *De druk-pers, en het schryven over de dagelyksche gebeurtenissen, opentlyk beschermd* (s.l., [1782]); [Anon.], *Cordate brief van een heer van Amsterdam, aan een heer in 's Gravenhage, tot opening der oogen van alle Nederlanders*, (s.l., [1782]).
- <sup>56</sup> [Anon.], *Zamenspraak tusschen de Haagsche Louw en Krelis, over het request van de vlag-officieren, ter beteugeling der drukpers* (s.l., s.a.).
- <sup>57</sup> *De post van den Neder-Rhijn* (Utrecht, 1784), no. 185 (vol. IV, pp. 259-263).

- <sup>58</sup> *Consideratien, in hoe verre het verbieden van naamlooze geschriften dienstig is, en welke daar onder moeten begreepen worden. Door het genootschap, amore patriae* (s.l., 1781).
- <sup>59</sup> [Anon.], *De vryheid der drukpers, onafscheidelyk verknogt aan de vryheid der republiek* (Amsterdam, Harlingen, 1782).
- <sup>60</sup> [J. Allart], *De vryheid* (3rd ed., Amsterdam, 1783), pp. 16-27.
- <sup>61</sup> *Prijzverhandelingen over de edelmoedigheid en de vrijheid van de drukpers* ([Haarlem], 1784), pp. 28-48.
- <sup>62</sup> 'Ontwerp, om de Republyk door eene heilzaame vereeniging der belangen van regent en burger, van binnen gelukkig, en van buiten geducht te maaken', in: *Verzameling van plaacaaten, resolutien en andere authentieke stukken* (Kampen, 1793), vol. 50, pp. 185-244, at 220-221 and 238 (§§ 8 and 11).
- <sup>63</sup> Debates on this theme, including the natural right of subjects to submit petitions and complaints to the king, had already surfaced in the pamphlet literature of the 1560s and 1570s; see Pieter A.M. Geurts, *De Nederlandse Opstand in de pamfletten 1566-1584* (Nijmegen, 1956), pp. 131-156.
- <sup>64</sup> *Lettre aux Bataves sur le Stathoudérat*. The first edition was apparently published in Paris; in 1788 another (corrected) edition appeared in London, while a Dutch translation surfaced in Antwerp. Goslinga, *De rechten van den mensch en burger*, pp. 26-36.
- <sup>65</sup> *Algemeen magazyn van wetenschap, konst en smaak* (Amsterdam, 1785-1791) I (1785), part I, pp. 105-131 (on revolt); III, part I (1788), pp. 337-346 (on press freedom).
- <sup>66</sup> Johan Meerman, *De burgerlyke vryheid in haare heilzaame, de volks-vryheid in haare schadelyke gevolgen voorgesteld, inzonderheid met betrekking tot dit gemeenebest* (Leiden, 1793), pp. 9-16, 40.
- <sup>67</sup> Adriaan Kluit, *De rechten van den mensch in Vrankrijk, geen gewaande rechten in Nederland* (Amsterdam, 1793).
- <sup>68</sup> Pieter Paulus, *Verhandeling over de vrage: in welken zin kunnen de menschen gezegd worden gelyk te zyn? en welke zyn de regten en pligten, die daaruit voortvloeien?* (Haarlem, 1793).
- <sup>69</sup> Wybo Jan Goslinga, *De rechten van den mensch en burger. Een overzicht der Nederlandsche geschriften en verklaringen* (The Hague, 1936), pp. 92-95, 173-175.
- <sup>70</sup> Goslinga, *De rechten van den mensch en burger*, pp. 143-144, 178-179.
- <sup>71</sup> The distinction between normative and utilitarian is based on Jürgen Wilke, 'Leitideen in der Begründung der Pressefreiheit', in: *Publizistik. Vierteljahreshefte für Kommunikationsforschung* 28 (1983), 512-524
- <sup>72</sup> On the causal link between religious and political liberty, see Peter N. Miller, "'Freethinking" and "freedom of thought" in eighteenth-century Britain', in: *The Historical Journal* 36 (1993), 599-617.

*Thomas Poell*

# LIBERAL DEMOCRACY VERSUS LATE MEDIEVAL CONSTITUTIONALISM

*Struggles over Representation in the Dutch Republic (1780-1800)\**

This article rejects the claim that medieval constitutional arrangements have provided the basis for the development of representative democracy in Europe. Through a study of the late eighteenth century Dutch Republic, it shows instead that medieval institutions formed an obstacle for democratization. Although these institutions did enable the political integration of privileged citizens, they obstructed efforts by liberal reformers to introduce more general freedom and equality for the majority of the population. In fact, resistance against liberal reforms primarily came from groups that were involved in local practices of consultation. Consequently, the reformers tried to further freedom and equality by centralizing the state. However, this effort eventually led to the breakdown of the democratization process, as the supporters of the late medieval institutions used the representative system to resist political change. It turned out that the liberalization of Dutch political system could only be pursued by eliminating representation altogether.

## Introduction

Various authors have suggested that there is a relationship between the development of liberal representative democracy in Europe and the existence of a wide variety of late medieval and early modern citizenship arrangements, representative assemblies, councils and courts (Blickle 1997; Downing 1992; Ertman 1997; Gilbert 1975). Brian Downing has advanced the strongest claim. In *The Military Revolution and Political Change* (1992), he argues that the survival of the medieval institutions up to the modern era was an important condition for a successful transition to liberal democracy in Europe. However, he also maintains that these institutions did not survive in every region of Europe up to the end of the eighteenth century. Especially some of the larger monarchical states, like France and Prussia, experienced a phase of military modernization, which led to the strengthening of state authority and the subsequent destruction of medieval constitutionalism by the central ruler. The medieval representative institutions did survive in regions that could avoid the military revolution, or did not have to rely on domestic resources to finance warfare. This happened for example in the Netherlands, Sweden, and England. Downing argues that liberal representative democracy could consequently be more easily developed in these states than in France or Prussia. (Downing 1992, 3, 239-241)

Although Downing shows convincingly how the military revolution affected the survival of the late medieval assemblies, he does not demonstrate how these institutions contributed to the growth of liberal representative democracy. Neither have any of the others authors on early modern constitutionalism looked at the actual processes of democratization from the end of the eighteenth century onwards. How did the late medieval institutions influence the democratization process? And could liberal democracy be developed on the basis of these institutions, as Downing suggests? This article tries to answer these questions by studying the process of democratization in the Dutch Republic between 1780 and 1800. The analysis of the Republic can provide us with new clues because it is one of the clearest examples of European states in which late

medieval assemblies and local forms of citizenship survived largely unchanged throughout the early modern period. Moreover, in the last two decades of the eighteenth century these institutions became the subject of intense public debate, which eventually led to the creation of national representative structures. Thus, the political struggles in the late eighteenth century Republic should give us a very clear idea on how early modern constitutionalism and liberal representative democracy were related to each other.

The article starts out by discussing the structures of representation and consultation of the early modern Republic. We will investigate how the decentralized, city-dominated organization of the Dutch state facilitated the survival of urban citizenship and local, regional and central assemblies. These institutions survived despite efforts of the Stadholder, the political leader and military commander of the Republic, to concentrate political authority in his own hands. The second part examines the attempt of the urban middle classes to turn early modern associations into representative institutions during the 1780's. From 1780 until 1787, the Republic experienced a sustained period of political contention, in which subordinated elites in cooperation with middle class revolutionaries, who called themselves patriots, overthrew the governments of a great number of cities in various parts of the Republic. During this period, no attempt was made to create national representative democracy; instead the patriots concentrated on democratizing local government. This first revolutionary episode ended in 1787, when the Prussian army invaded and restored the Stadholderian regime. The last section looks at the years between 1795 and 1800. In 1795, the patriot movement took control of Dutch government after the French revolutionary armies invaded the Republic. Once in power, the movement fell apart in different interest groups, which each tried to accomplish a specific program of political reform. Part of the patriots strived to establish a national representative government, while another part focused on the democratization of local government. It will be investigated how these two efforts were related to each other, and whether the late medieval traditions of representation and consultation reinforced the attempt to create national representative structures.

## Early Modern Representation

The early modern Republic was characterized by regional and central structures of representation and local practices of consultation, which survived until the end of the eighteenth century. This political structure was consolidated during the sixteenth-century Revolt against the Habsburg rulers. In this Revolt, the Dutch cities attained a large amount of political autonomy. Consequently, the state structure was determined by the fear of local elites that a new ruler might try to overstep his range of authority, like the Habsburg emperors had tried to do. In the first article of the Union of Utrecht (1579), which can be seen as the birth certificate of the Dutch Republic, it was therefore declared that:

Each province and the individual cities, members, and inhabitants thereof shall each retain undiminished its special and particular privileges, franchises, exemptions, rights, statutes, laudable and long-practiced customs, usages and all its rights and each shall not only do the others no damage, harm, or vexation, but shall help to maintain, strengthen, confirm and indeed protect the others in these by all proper and possible means. (Quoted by Rowen 1972, 70)

Sovereignty did consequently not reside in any central institution, but was found in each of the seven provinces, which were in turn commanded by the deputies of the cities and the aristocracy (Israel 1995; Prak 2000). Thus, the Republic can be characterized as a city-dominated or capital-intensive state ('t Hart 1993; Prak 1991).

The Union of Utrecht guaranteed that the special rights and privileges of each corporation would be honored. State authority was consequently widely dispersed, as a great number of people and institutions held special privileges. Starting at the local level, each city was characterized by a range of corporations that shared the authority to regulate the urban community with the city government. These corporations, which included the guilds, civic militias, social welfare institutions, universities and churches, operated largely independent from the city government. Their own members ran them, they had their own sources of income, and they could decide who qualified as a member. Since the corporations organized the economy,

education, social welfare, and religion, they effectively controlled the daily life of the inhabitants of the cities. However, not everyone profited. The prime condition to gain access to many of the benefits offered by the corporations was citizenship. This could only be acquired through birth, marriage, or purchase. As only a third of the population succeeded in obtaining citizen rights, the majority was excluded. Thus, urban citizenship was highly particularistic. It not only excluded the majority of the population, it was also exclusively linked to a specific city, which meant that all outsiders were excluded as well. (Prak 1991, 1999)

Citizenship linked the corporations to the city governments. It defined, on the one hand, who belonged to the privileged community of burghers. On the other hand, it regulated access to the local government through the corporations and a well-established system of petitioning. Citizens had a better chance of being heard by the urban administrations. They received special treatment in case they were charged with a criminal offense. On their part, the urban magistrates, who belonged to a small group of very rich patricians, also had a major interest in maintaining the privileges of the citizens and the corporations. First of all, their own position depended on the same system of privileges. It guaranteed that they had the authority to decide the politics of the city. The citizens had the right to issue petitions on matters that directly concerned them, but they were not supposed to interfere with general political affairs. Second, the regents also had a strong financial incentive to protect the local corporate system, as the citizens were the largest contributors to the urban taxes. Furthermore, the corporations assisted the government in collecting these taxes, and they helped to maintain public order. Hence, the relationship between the regents and the citizens was one of consultation and cooperation. However, the regents cannot be considered as the representatives of the citizens, as the latter were not allowed to interfere in the general political affairs of the city, let alone in those of the state. (Kloek & Tilmans 2002; Nierop 1997; Prak 1996)

The magistrates together with the corporations ruled the cities and protected the system of privileges. Within the framework set by the Union of Utrecht, they were able to do so without much interference from central state institutions, which they largely



controlled. Together with the representatives of the aristocracy, the deputies of the urban governments comprised the provincial states, which organized justice, raised taxes, and maintained order within the provinces. Decisions in the provincial assembly were taken by majority vote. The provincial states, in turn, sent their deputies to the States General, which decided on matters that concerned the Republic as a whole, like the declaration of war, the closing of treaties, and the distribution of the provincial taxes. Each province had one vote in this assembly. Moreover, they all had the right to veto any decision made by the other provinces. (Israel 1995; Prak, 2000) Thus, the Republic was characterized by a representative system in which the members of the provincial and central state assemblies did not legislate for the nation as a whole, but for the particularistic interests of the communities and corporate bodies, who had chosen them for this purpose. They had no authority to act on behalf of their communities, beyond the specific instructions that they received from the local rulers.

### *The Stadholder*

Although the provinces and the cities were in principle sovereign, they were not fully autonomous, as they had also sworn in the Union of Utrecht that they would assist each other against foreign enemies.

The aforesaid provinces will form an alliance, confederation, and union among themselves (...) in order to remain joined together for all time, in every form and manner as if they constituted a single province (Quoted by Rowen 1972, 70).

Of course, part of the effort to protect the Republic could be coordinated through the provincial states and the States General, but in times of warfare these institutions were forced to delegate part of their authority to a military commander. In certain periods, the States General contracted such a commander, but for most of the two centuries of the Republic's existence this task was performed by the Stadholder. The origins of this office dated back to the Habsburg period, when the Stadholders were provincial governors who

represented imperial authority. William of Orange (1533-1584), the nobleman who had led the Revolt against the Habsburg emperor, was such a governor. After the Revolt, the authority to appoint the Stadholders, who were all members of the House of Orange-Nassau, transferred from the emperor to the individual provinces. Thus, each province had the right to separately appoint a Stadholder. The consequence of this procedure was that the provinces sometimes decided not to elect a Stadholder or only a few provinces appointed a common Stadholder, while the other provinces had none. There were only two Stadholders in the history of the Republic that were appointed by all seven provinces: William IV (1747-1751) and William V (1766-1795). (Israel 1995, 276-306; Prak, 2000)

Because of his command over the military forces of the Republic, the Stadholder posed a direct threat to the political autonomy of the provinces, cities, and aristocracy. The cities and the aristocracy were obviously aware of this threat and did everything to retain control over the military. They could do so by keeping the extraction of revenue for the maintenance of the army and navy in their own hands. Yet, despite these precautions, the Stadholders did gain influence over the politics of the provinces and part of the cities. They succeeded in this effort not by military means, but through their political privileges. In an increasing number of cities and provinces, the Stadholders had authority over the appointment of local and regional political offices. These authorities, which were different in every province and town, gave the Stadholder a lot of power. In the course of the eighteenth century, the Stadholders even succeeded in constructing a whole system of patronage. (Gabriëls 1990) This gave them a major advantage in the political decision-making process, which in the absence of one sovereign power, necessarily took place through temporary coalitions between groups of urban magistrates, aristocrats and the Stadholder (Rowen 1978; Israel 1995). Thus, despite the precautions against the interference of higher state institutions in local and provincial politics, some measure of political centralization did take place in the early modern period.

Although the Stadholders were able to concentrate political authority in their own hands, they continued to operate within the traditional decentralized state structure of the Republic. They extended their authority by acquiring local privileges, but they were

consequently also limited by the same local and regional privileges. For example, in the province of Holland, the Stadholders had in most cities the right to elect the aldermen, but they only had the choice of the burgomasters in six of the ten largest cities of the province. In Amsterdam, by far the largest city, the influence of the Stadholder over political appointments was virtually non-existent. The Amsterdam regents had signed a contract that tied them to the local political arena. The contract guaranteed that the patricians who had signed it would eventually obtain a position in the local administration. This prevented them from entering into coalitions with the Stadholder. Breaking with the contract would greatly diminish the chances of a regent to attain new political appointments. (Gabriëls 1990, 47-48, 82-83).

Late medieval representation and local consultation could survive in the Republic because the position of all of the political players was guaranteed by the same system of privileges. This system set clear limits to the amount of power that either the Stadholder or the regents could acquire. Only by breaking local and provincial privileges would they be able to expand their authority. However, as the position of the Stadholder depended on the support of local elites and the regents needed the corporations to regulate the urban community, none of the main power players were in the position to ignore or break the system of privileges. Consequently, the provincial and central representative assemblies could survive, and the rights of the urban citizens were guaranteed.

## Struggles over Local Representation

During the 1780's, various groups, who called themselves patriots, tried to increase the representative character of local and provincial government.<sup>1</sup> At the time, the Republic experienced a severe military and economic crisis, as a result of the Fourth Anglo-Dutch war (1780-1784). A variety of societal groups tried to use the ensuing legitimacy crisis to improve their political and socio-economic position. Various reform plans were proposed. All of them argued that the privileges of the Stadholder should be limited and local autonomy maintained.

They also insisted that the relationship between the regents and the group of privileged citizens should be strengthened, which made representation into a central subject of political contention. As the patriot movement started to take control of government in a large number of cities through a series of urban revolts, it became possible to turn the late medieval assemblies into real representative institutions. However, it was not at all self-evident how this should be done. Since the various patriot groups occupied different socio-economic and institutional positions, they also had different ideas on representation. The relationship between the patriot groups determined the extent to which the early modern particularistic structures could be turned into actual representative institutions and opened up to the politically excluded parts of the population.

The patriot regents and aristocrats took the most conservative stance on the issue of representation. The members of this group were interested in political reform because most of them held subordinate positions in local and provincial government. As the Stadholder determined the political relations in many provinces and towns through his system of patronage, the rebellious elites primarily directed their criticism at this system. Their main objective was to gain the upper hand over the regents and aristocrats that were linked to the Stadholder. To achieve this objective they needed the assistance of other socio-economic groups, which they successfully mobilized by arguing that the interests of the people should be represented. Notwithstanding this claim, most of them were not interested in creating a system, in which the people would have the authority to elect their own representatives. They wanted to bring about a shift in the balance of power, without fundamentally altering the existing political structure. (Gabriëls 1990; Prak 1991; Te Brake 1989)

The main programmatic statement of the patriot regents and aristocrats was the pamphlet *Aan het Volk van Nederland*, which was published in 1781 by the nobleman Joan Derk van der Capellen from the province of Overijssel. In the 1770's, Van der Capellen had clashed with the supporters of the Stadholder and was suspended from his position in the provincial assembly of nobles (Te Brake 1989, 43-50). In *Aan het Volk*, which was published anonymously, he decried the injustice that had been done to him and launched a general attack on the Stadholderian system of patronage. Van der Capellen claimed

that Stadholder William V was responsible for the disasters that had befallen the Republic. The Stadholder had accumulated too much power in his own hands by abusing his rights of patronage and his control over the military. *Aan het volk* called out to the entire population to appoint burgher deputies to pressure the provincial states to start an investigation into these allegations. Moreover, it urged the people to form civic militias to take the defense of the Republic into their own hands. Finally, it argued that the country belonged to the entire population, to the rich and the poor, and not to the Stadholder. (Capellen tot den Pol 1966, 129-131) In effect, Van der Capellen claimed sovereignty for the people. However, he did not argue for representative government on the basis of this claim. Like the rest of the patriot elites he wanted to maintain the structure of government in its original form. Yet, at the same time, *Aan het Volk* effectively proposed to increase the rights of burghers by urging them to set up civic militias and appoint burgher deputies.

The appeal of *Aan het volk*, and other patriot pamphlets that were published around this time, met with a large response. From 1783 onwards, middle class burghers started to set up civic militias in a great number of cities throughout the Republic. Although these militias were officially created to defend the Republic against foreign enemies, in practice they were a particularly powerful instrument to pressure the regents into making the government more representative. (Prak 1999, 149-153; Te Brake 1989, 147-155) In contrast with the patriot regents, the middle classes, organized in civic militias, were interested in making government more representative by giving the burghers influence over the appointment of local magistrates. Their most important political declaration was formulated in the summer of 1785 by the delegates of the civic militias in Holland. This declaration, called the *Leyden Draft*, maintained that the Republic was in an economic and military crisis because its original constitution, which was in principle perfect, had been corrupted in two ways. First, the accumulation of power in the hands of the Stadholder had undermined self-government at the local level. This was the same argument as had been advanced by *Aan het Volk*. However, in addition the *Draft* argued that the local elites had become too independent from the sovereign people to whom they owed their mandate.<sup>2</sup> Consequently, it contended that the only way to restore

the Republic's wealth and military prominence was to give the people a say in the election of their governors.<sup>3</sup> This second argument was new. By combining the idea of the sovereignty of the people with the demand for representative government, the civic militias took a crucial step that Van der Capellen and many other local elites had not yet been prepared to take.

Nevertheless, the *Draft* at the same time remained firmly within the traditional political framework of the Republic. It emphasized that the right to elect public officials would certainly not be given to everyone, but only to the 'true burghers, who by their property and occupation had a substantial and direct interest in the maintenance of the constitution'.<sup>4</sup> In this sense, the *Draft* confirmed the position of the privileged burghers and their local corporations, such as the guilds, the civic militias, and the social welfare institutions. It even denounced the rest of the population as a furious mob. Given the socio-economic position of the middle class burghers, the wish to exclude the rest of the population is understandable. However, the *Draft* not only recommended to limit the electorate, it also intended to restrict the influence of the citizens over their delegates. The *Draft* proposed that the elected councilors would be appointed for life, and that the deliberations of the local and provincial assemblies should be free from interference from burghers.<sup>5</sup>

The *Draft* was probably written with the objective to accommodate the interest of various socio-economic and political groups, which did not necessarily agree among each other. Claiming that the local magistrates should be appointed for life and that they would be able to deliberate freely without any popular interference was clearly a major step in the direction of the patriot regents, who did not want to lose their prominent political position. However, the *Draft* also tried to satisfy the urban middle classes, which consisted of artisans, shopkeepers, and small merchants. These groups, who in many cities constituted the core of the patriot movement, were primarily interested in protecting their socio-economic position. They were hard-hit by the economic crisis that had set in from the middle of the eighteenth century onwards. To keep their heads above water, they wanted to ban all possible competition from rural merchants and artisans, who had lower production costs. Moreover, the artisans, shopkeepers, and small merchants also wished to continue excluding

the non-privileged part of the urban population from practicing an independent trade. (Lourens & Lucassen 1994; Prak 1999; Te Brake 1989, 147-155; Vries & Woude 1997; Zanden & Riel 2000) The *Draft* exactly appealed to these sentiments, as it emphasized that the interests of the 'true burghers' should be protected against the mob (Prak 1991). Thus, the reforms proposed by the patriot middle classes, on the one hand, enhanced the representative character of the early modern institutions. On the other hand, they also prevented further democratization, as the non-privileged groups were firmly excluded from the representative system.

### *The Limits of Early Modern Representation*

The urban middle classes and the regents were not the only groups that were active in the patriot movements. Research has made clear that the movement also included unskilled laborers and members of the higher middle classes, or bourgeoisie (Te Brake 1989, ch. 4-6). Especially this latter group, which was among others composed of lawyers, professors, writers, doctors, notaries, larger merchants, and industrialists, played a crucial role. The bourgeoisie was in absolute numbers rather small compared to the middle and lower classes, but they were highly educated and well connected to the political elite. Already before the rise of patriotism they were organized in learned academies, Masonic lodges, reading associations, literary clubs, and improvement societies (Mijnhardt 1992). They were the group in Dutch society most influenced by enlightenment ideas on the sovereignty of the people, representative democracy, freedom of trade, speech, and religion. Their interest in these ideas was not only inspired by idealism, but also by self-interest. The guilds, for example, were for large traders and industrialists mainly an obstacle, as they created a great number of regulations and raised additional taxes. For lawyers, professors, writers, doctors, and notaries the guilds were of little importance. (Lourens & Lucassen 1994) Unlike the artisans and shopkeepers, they did not have to fear competition from rural producers or lower socio-economic classes. Besides economic reasons, the higher middle classes were also driven by political considerations. Especially the lawyers, as we will see in the period after 1795, clearly

had the potential to pursue a political career, but they were prevented from doing so by the political monopoly of the nobility and patricians. Although only factions of the bourgeoisie fully embraced the enlightenment ideas, the fiercest opponents of the guild system, the privileges of the reformed church, and the monopoly of the regents and nobles could be found in this group (Davids 2001). Consequently, the bourgeoisie was the one group that was interested in transforming the late medieval assemblies and local citizenship arrangements into liberal democratic institutions.

The program for such a transformation was also formulated in a number of documents. Perhaps the most influential was the *Constitutional Restoration* (1784-'86): a two-volume political handbook, written by the journalists Cerisier and Swildens. In addition to giving the privileged burghers influence over the appointment of local councilors, it proposed to reform the corporatist organization of the state. The *Constitutional Restoration* maintained that the guilds should be opened to people from 'all classes and professions'.<sup>6</sup> It even claimed that Jews should be admitted. Moreover, it denounced the discriminatory regulations against Remonstrants, Mennonites, and Catholics, who were all excluded from political office.<sup>7</sup> Even more hostile to the particularistic features of the Republic was the pamphlet *Thoughts on the appointment of regents*, which was probably written by the young lawyer Rutger Jan Schimmelpenninck (Klein 1995, 264-266). It launched an attack on the privileged position of the Reformed Church, and depicted the guilds as 'a real monopoly' by which 'many inhabitants were exposed to the most extreme extortions'.<sup>8</sup>

Despite the efforts of the bourgeois patriots to liberalize the political system, the relations between the patriot groups within the decentralized state structure favored the conservation of the existing particularistic institutions. The enlightened members of the bourgeoisie were either condemned to remain politically isolated or cooperate with the other socio-political groups. This dilemma was perfectly expressed in the creation of the *Leyden Draft*, which was edited by Schimmelpenninck, the cloth producer Pieter Vreede, and the journalist Wybo Fijnje. Initially, the higher middle class editors wanted to include an article in the *Draft*, which stated that all discriminatory laws against those who were not members of the



Reformed Church should be abolished. (Klein & Rosendaal 1994, 90, 98) This article would satisfy neither the regents nor the urban middle classes. Consequently, it was deleted from the official publication of the *Draft*.

Because higher middle class revolutionaries, like Schimmelpenninck, Swildens, and Vreede, were trapped in the local political arena, they could not pursue the liberalization of the particularistic state structure. Consequently, the patriot movement pushed for a particularistic form of representation, which excluded the non-privileged sections of society. Clearly there was a tension between the early modern corporatist tradition and liberal representative democracy. Only if bourgeois patriots had been able to transfer political authority to higher state institutions that were not controlled by the regents and corporations, would it have been possible to abolish the particularistic features of the Dutch state and establish a more inclusive form of representation. During the 1780's, this was not an option as none of the patriot groups had any ambition to centralize the state. Even the bourgeois revolutionaries subscribed to the early modern Republican tradition that equaled centralism with absolutism. There was not yet a model of political organization available that combined the unified state with freedom. This only changed after the French Revolution. Besides the absence of political models that combined freedom and centralism, the higher middle class patriots also lacked a powerful coalition partner to abolish the system of privileges. As neither the patriot regents nor the middle classes were prepared to cooperate, they needed an outside coalition partner to transform the state.

In the absence of such a partner and an attractive centralist model, the patriot revolts focused on the dismissal of the ruling regents and the extension of the political rights of the privileged citizens. This was the scenario that was successfully played out in a great number of cities throughout the Republic. Eventually in the summer of 1787, the patriot cities controlled a majority in the provincial states of Holland, Groningen, and Overijssel, while Utrecht and Friesland were divided between rival Estates (Te Brake 1989, 60). However, before the patriot movement could take control of the Republic as a whole, the Prussian army invaded and restored the regime of the Stadholder in the late summer of 1787.

## Local Corporatism versus National Representation

The tension between democratization and the local corporatist tradition became even more explicit in the years after 1795, when the patriot movement took control of government after the French revolutionary armies invaded the Republic. Many of the patriots that had played a prominent role in the revolts during the 1780's obtained important political positions in 1795. Particularly the members of the bourgeoisie, i.e. the lawyers, merchants, professors, industrialists, notaries, and doctors, took control of local, provincial and central government.<sup>9</sup> They were able to do so because of their role in the revolutionary movement and their skills and contacts. The patriot regents also took important positions, but they were a minority.<sup>10</sup>

Although many of the revolutionaries of the 1780's occupied key political positions, the patriot movement had been transformed, as several ideological changes had taken place in the period between 1787 and 1795. In reaction to the failure of the local, corporatist revolution and the success of the French Revolution, part of the patriots had adopted the unified state model and the ideals of universal freedom and equality. For these unitarists the Union of Utrecht had lost its authority. In 1793, the lawyer and writer Samuel Wiselius, for example, called this Union internally contradictory and insufficient as the constitutional basis for the Republic (Wiselius 1828, 193). The unitarist reform program was fully developed after the French invasion in 1795. Part of the bourgeoisie patriots, together with segments of the subordinated religious groups such as Catholics, Jews, Mennonites, and Remonstrants, started to argue that the problems of the Republic could only be solved by centralizing political authority. These groups were interested in the unification of the state because this was the most effective method to dissolve the corporations, liberalize the economy, and emancipate the discriminated religious minorities. During the 1780s it had already become clear that it was very difficult to abolish the system of privileges in a local political arena, where the corporations exerted a lot of influence. By transferring political authority to superior state institutions, the local trap could be avoided. Consequently, the unitarist-minded patriots

maintained that sovereignty resided with the united Dutch people, and could only be exercised by institutions that represented the people as a whole (Gou 1975, 12-18, 25, 61-74). Or as the Unitarist Amsterdam society for *One and Indivisibility* expressed it: 'As the sovereignty of the people cannot be divided, its exercise should also be one and indivisible'.<sup>11</sup>

Directly connected to the notion of the sovereignty of the united Dutch people was the ideal of national representative democracy. The unitarist magazine *De Democraten*, of which Wiselius was one of the editors, explicitly maintained that 'in initiating this revolution, we intended a democracy by representation'.<sup>12</sup> The magazine contended that such a form of government results in the most effective and powerful administration, as the governors are neither subjugated to the people, like in a direct democracy, nor fully independent from them, as in an elected aristocracy. The unitarists emphasized that it was crucial that the establishment of representative democracy was linked to the creation of a centralized state. Otherwise, as the unitarist politician Van de Kastele warned, 'the government of one province will be aristocratic, the other fully democratic, while the third democratic by representation' In addition, he threateningly added: 'Who won't say that not one province will have an eminent ruler', i.e. a stadholder.<sup>13</sup> Thus, the unitarists concluded that general popular sovereignty could only be guaranteed by means of a unified liberal representative state.

Although there was now a model available that combined centralism with freedom, this did not imply that a national liberal democratic state could also be established. The introduction of the unitary state model further complicated the relations within the patriot movement, as various groups held on to key aspects of the decentralized corporatist state model. The urban middle class patriots continued to defend their local corporatist institutions. They were especially eager to do so, as their socio-economic position was under pressure as a result of the economic crisis, which only worsened after 1795 (Zanden & Riel 2000, 87-108). The middle class patriots stuck to the reform program they had already advanced during the 1780s. In cities throughout the Republic they tried to increase their political influence by pushing for a direct form of local democracy (Bruin 1986, 115-202; Kuiper 2002; Prak 1999, 201-261). Even

though they advanced a radicalized version of the original patriot program, it was still built on the late medieval notion of representation, in which the city government was supposed to represent the interests of privileged sections of the urban community. For example, the Amsterdam middle class patriots after 1795 primarily fought for greater influence over local government, instead of a more inclusive representative system. Many artisans, shopkeepers, and small merchants were in favor of the exclusion of the lower classes and the Jews from the political process.<sup>14</sup>

Not only the urban middle classes wanted to maintain crucial features of the early modern state model, but a major part of the bourgeoisie also held on to local and provincial political autonomy. They did so for different reasons. Especially many of the lawyers were, much like the patriot regents, attached to the autonomy of local and provincial institutions, in which they had traditionally occupied important positions.<sup>15</sup> Consequently, many of them shared with the patriot regent Johan Pieter Farret the opinion that:

The unity of this Republic should only exist in those matters without which the safety and the happiness of the entire Republic cannot be promoted. [...] Yet, all that does not belong to the general interest, but to the domestic affairs of the provinces, the cities and villages, should not be centralized.<sup>16</sup>

Among the supporters of this federalist state model were also many bourgeois patriots who at the same time wanted to abolish the local corporatist system. Schimmelpenninck, for example, maintained that the political unification of the Republic was a sure road to 'Eastern despotism' (Gou 1983-'85, II, 141). These politicians were still thinking within the framework of the Union of Utrecht, in which centralism was considered a direct threat to local and provincial freedom. They were as suspicious of the plans of the unitarists as they had been of the ambitions of the stadholder.

Another part of the bourgeois patriots who had their reservations about the creation of fully centralized state, were motivated by financial considerations. The financial reorganization of the state was a contentious subject because the financial problems of the Republic were very unevenly distributed across the provinces. Holland,

Zeeland, and Utrecht had much higher debts than the other provinces. Especially the debt of Holland had become extremely large by 1795. With a debt of about 455 million guilders, which took up no less than 70% of the annual provincial tax revenue, Holland was on the point of bankruptcy (Zanden & Riel 2000, 53). The patriots from the provinces without debts, Friesland, Groningen, Drente, Gelderland, Overijssel, and Brabant, were against financial unification. They were especially opposed to the amalgamation of the provincial debts, since this entailed that the joint provinces would have to share the enormous debt of Holland. Even many of the unitarists from these provinces opposed financial centralization, despite the fact that this would mean a major step in the direction of a fully unified state. By contrast, the majority of the patriots from Holland, even most of the federalists, wanted to use the revolution to achieve financial unification. The bourgeois patriots from Zeeland and Utrecht joined them in this quest. (Fritschy 1988; Gou 1983-'85, I, pp. 8-58, 204-224; Pfeil 1998)

### *Struggles over State Formation and Democracy*

The contradictory interests within the patriot movement made it impossible to establish a stable representative system, as different groups advanced opposing democratic ideals and state models. This led to multiple confrontations on the local, provincial, and central state levels. In these struggles the early modern tradition of representation and citizenship was directly opposed to the unitary liberal democratic state model. For example in Amsterdam the bourgeois unitarists criticized the attempts of the middle class patriot groups to create a direct form of democracy in that city. Throughout 1795 and '96, the patriot clubs and assemblies had demanded that the voters would be given the right to issue binding proposals to the city government. At first the municipality, which was dominated by bourgeois federalists, resisted. However, after several violent confrontations it gave in. The voters were authorized to issue proposals and dismiss representatives who refused to cooperate.<sup>17</sup> Although this was not exactly direct democracy, it came pretty close. The bourgeois unitarists, who had initially supported the democratic

claims of the middle class patriots<sup>18</sup>, made it clear that the new organization of the Amsterdam government conflicted with their reform plans. The unitarist magazine *De Democraten* maintained that the regulation could prove to be an obstacle for the implementation of representative democracy on the national level. It argued that only the united Dutch people were sovereign and that no individual part, not even the people of Amsterdam, had the right to make separate regulations.<sup>19</sup>

The conflict over the two models of representation and sovereignty was not only played out within the cities, but also between provincial and local governments. One of the most heated struggles occurred between the Amsterdam municipality and the provincial States of Holland. The provincial government was dominated by unitarist politicians, who wanted to subordinate local government to the authority of the provincial assembly, a first step in the direction of a unified Dutch state. This attempt brought them into direct conflict with the federalist minded Amsterdam governors. The first clash occurred in the spring of 1795, when the States of Holland demanded an oath of allegiance of the municipalities and their civil servants to the People of Holland and its representatives. The provincial assembly argued that such an oath was only natural, as the sovereignty of the people of Holland had been proclaimed at the time of the revolution. The municipality of Amsterdam did not share this perspective. In their opinion they just as much embodied the sovereignty of the people as the provincial states. They argued that the oath implied an act of deference that had not even been demanded by the old States of Holland. Moreover, they made clear that considering the provisional character of the provincial assembly they were in no position to dictate to Amsterdam the rules according to which its public officers were to operate.<sup>20</sup> Eventually, this conflict could only be resolved after a provincial committee had, with the help of the military commander of Amsterdam, imprisoned the members of the municipality.<sup>21</sup> Although the provincial governors gained the upper hand by this action, it was certainly not the end of the dispute, as further conflicts occurred in the fall of 1795 and the spring of 1796.<sup>22</sup>

The conflicts in Amsterdam and Holland revolved around two questions. Who are the people? And who are the legitimate representatives of the people? These questions were obviously highly

explosive in the decentralized Republic, where local, provincial, and central state governors could all make a legitimate claim to represent the sovereign people. The problem was that only after the first question was answered it became possible to settle the second. In the absence of such an answer, no permanent representative structures could be established. The patriot clubs and assemblies refused to accept the authority of the local governors as representatives of the people, while the local governors rejected the sovereignty of the provincial people and their representatives. Consequently, every government regulation was provisional and intermediary. There was only one way out. All of the patriots, whether they were federalists or unitarists, agreed that the disputes had to be settled by a new constitution, which would have to be created by the national assembly that had replaced the States General in March 1796.<sup>23</sup>

Although the agreement that a constitution was needed, seemed to provide the Dutch revolutionaries with a common goal, it evidently did not solve anything. The representatives in the National Assembly, who were overwhelmingly from a bourgeois background, still had to create a proposal that satisfied the majority of the voting population (Gou 1975; Elias & Scholvinck 1991). Even amongst each other the representatives found it hard to find a common ground. The only subject that they all agreed upon was the elimination of the corporate system.<sup>24</sup> However, this was highly contested by the urban middle classes, who protested by issuing large numbers of petitions (Gou 1975, 218-219; 1988-1990, I, 1-76). Apart from the elimination of the corporations, the representatives were divided into factions that advanced elements of either the unitarist or federal state model. On the one hand, the federalists from Holland, Zeeland, and Utrecht supported financial unification, but refused to cooperate with the creation of a sovereign national state. On the other hand, the unitarists from Friesland, Groningen, Drenthe, Overijssel, Gelderland, and Brabant were in favor of political centralization, but did not want to endorse financial unification. Only the unitarists from Holland, Zeeland, and Utrecht supported both political and financial unification, but they were a minority in the national assembly. (Elias & Scholvinck 1991; Gou 1975, 1983-'85)

If each of the main political factions had stuck to their turf, it would have been neither possible to pursue financial, nor political

centralization. However, after months of constitutional debates the representatives from Holland were able to convince a few of the unitarist-minded politicians from the provinces with small debts to support financial unification. Because of this support, a parliamentary majority was able to include financial unification in the constitution proposal.<sup>25</sup> Even though this was a major breakthrough, it did not solve the larger conflict, as no such coalition could be constructed on political unification. The federalists from Holland, Zeeland, and Utrecht were prepared to partly centralize political authority to solve the financial problems of their provinces, but they were certainly not willing to go all the way and create a sovereign national state (Gou 1983-'85, II, 56-61). Hence, the assembly decided to maintain part of the sovereignty of the provinces, which was a decision that made the constitutional plan unattractive for the unitarists.

As the constitutional proposal only pleased the bourgeois federalists from Holland, Zeeland, and Utrecht, it was rejected by an overwhelming majority of the voters in August 1797. No less than 108,781 people voted against the plan, while only 27,955 were in favor. Not in one single province did the proposal obtain a majority (Colenbrander 1908, 106). After nearly two years of constitutional debate it was clear that the National Assembly would never be able to create a constitutional proposal that would satisfy the majority of the voters. With many patriot groups holding on to crucial features of the decentralized corporatist state model, the representative system had become an obstacle for the reform of the state. The representatives in the National Assembly, consequently, started to search for ways around the representative system (Gou 1988-'90, I, 1-76). The unitarists were most successful in this effort. They brought about a coup d'état in January 1798.<sup>26</sup> With the help of a few Dutch troops and the approval of the French regime, they arrested 23 members of the National Assembly on the ground of federalist sympathies. The remaining Assembly was asked to swear their hatred for the Stadholderate, aristocracy, federalism and anarchy. A total of ten members refused to take this oath, and were consequently asked to resign as well. Another 28, who had taken the oath, voluntarily left the assembly, as they did not agree with this breach of democratic procedures.<sup>27</sup>



When the decimated National Assembly continued its sessions, a series of resolutions were proclaimed that turned the Republic within a few days into a centralized state. All the provincial sovereignties were invalidated, and a sovereign central executive body was created (Pfeil 1998, 188-194). The reformed National Assembly subsequently produced a proposal that built on the existing plan, but took the centralization of the state one step further. It not only proposed to unify the provincial debts and introduce a national system of taxes, but it also intended to permanently transfer provincial sovereignty to the central state. (Gou 1988-'90) To make sure that the proposal was approved by the population, the unitarist regime purged the provincial and local governments and the voting assemblies. In Amsterdam, the federalist minded local representatives were replaced by unitarist politicians in March 1798.<sup>28</sup> After the reform of the Amsterdam government, a special committee with far-reaching authorities purged the voting assemblies (Breen 1914, 74-75). The purge was a success. The constitution was approved by a majority of 153,913 against 11,597 votes (Colenbrander 1908, 132-134).

Although a Dutch national representative state had now been created on paper, this was certainly not because of the survival of the late medieval institutions of representation and citizenship. In fact, the constitution could only be established after the late medieval institutions had been destroyed and its supporters ousted from the political process. The corporate tradition and the decentralized system of representation were clearly at odds with liberal representative democracy. Even after the constitution had been founded, the advocates of the early modern decentralized state model continued to undermine the construction of a national liberal representative state. The federalist politicians, who returned to parliament after a second coup in the summer of 1798, obstructed the unification process through the national assembly, while local patriot groups resisted the elimination of the corporations. This resistance completely paralyzed the central state. Two years after the coup of 1798, there was still no new national system of taxation and the provincial and local governments still ruled largely autonomously. In the mean time, the financial and economic problems of the Republic only grew larger.

Eventually, the struggle over the two models of political organization made it impossible to consolidate the representative

system. Both unitarist and federalist politicians came to the conclusion that this system arrested the reform of the state. In March 1801, the unitarist Wiselius, who had always been in favor of a liberal representative system, maintained that the powers of the National Assembly should be substantially reduced and those of the government enhanced. The federalist Schimmelpenninck proposed to turn the National Assembly from a permanent body into an institution that was only in session during limited periods of the year (Gou 1995, 543-547, 558-562). By abandoning their support for the representative system, the patriot politicians gave way to new, French-supported military coups, which took place in 1801 and 1805. Each of these coups, which no longer referred to the sovereignty of the people, reduced the influence of the legislative and strengthened the power of the executive (Gou 1995, IX-XXVII; 2000, IX-XXVII). By 1805, the Republic had been turned into an authoritarian state.<sup>29</sup>

## Conclusion

In contrast to what Downing and others have said, the late medieval institutions of representation and citizenship did not facilitate the establishment of liberal representative democracy. Although late medieval constitutionalism might have been an important source of inspiration for democratic reformers at the end of the eighteenth century, the actual medieval institutions obstructed the creation of national representative democracy in the Dutch Republic. The late medieval institutions did enable the integration of a substantial part of the population in the local political process, but this form of democratization was bound to clear limits. Late medieval representation and citizenship was based on the idea that the regents were the representatives of the privileged part of the urban community. Consequently, this type of representation in principle excluded the non-privileged majority of the population, and simultaneously affirmed the political monopoly of the regents. Both characteristics obstructed the creation of liberal representative democracy, which is founded on the notions of universal freedom and equality.

In the 1780s, the majority of the patriots pursued democratization within the local system of privileges. This was attractive for both the patriot regents, who wanted to hold on to their political position, and the corporate middle classes, who were hit hard by the economic decline of the second half of the eighteenth century. Only the bourgeoisie was aiming for another type of representation, which was not based on privileges but on economic criteria. Influenced by the enlightenment ideas on freedom of trade and natural human rights, the revolutionary members of the bourgeoisie wanted to abolish the political and socio-economic privileges of the corporations, specifically those of the Reformed Church and the guilds. Even though individual journalists and lawyers did publish pamphlets that argued for the liberalization of the corporate community, they were, during the 1780's, not in the position to eliminate the system of privileges. Within the decentralized political structure, the bourgeois patriots were trapped between the regents and the corporate middle classes, who were not prepared to cooperate.

Only after the French invaded in 1795, were the bourgeois revolutionaries able to break free from the local trap and pursue the liberalization of the political structure. At this point, some of them had adopted the unified French state model and the ideal of national representative democracy. Subsequently, a struggle developed in which the late medieval institutions of representation were opposed to the unitary liberal democratic state model. Supporters of the two models came at the local, regional, and central state level in conflict with each other over the way in which representation, finances, and the economy should be organized. As different groups within the patriot movement had strong interests connected to the early modern decentralized particularistic state, it was impossible to create a national liberal representative state through the representative system. Eventually, the various patriot factions sought a military resolution of the conflict, which in turn led to the breakdown of the democratization project. It was precisely the resistance of the groups that supported the local and provincial representation, which prevented the creation of national representative democracy. After the representative system had been effectively abolished in 1801 and 1805, democratization did not again become a subject of contention

until the 1840s when the Dutch state had more or less been completely centralized. By 1840, the chief features of the late medieval particularistic state structure had been abolished by a series of authoritarian regimes. It was only when the political authority was fully centralized and the local system of privileges eliminated that national representative democracy could be developed and subsequently consolidated.

The final question is whether the opposition between late medieval constitutionalism and liberal representative democracy could only be found in the Dutch Republic, or similar struggles also occurred elsewhere. So far, there has not been done a lot of research on the subject. A major exception is Charles Tilly's *Contention & Democracy in Europe 1650-2000* (2004). In this book, Tilly studies among other things the democratization process in Switzerland, in which late medieval representation and citizenship also survived up to the end of the eighteenth century. It turns out that in Switzerland similar confrontations over representation and sovereignty took place as in the Republic. Tilly points out that in Switzerland the fiercest opposition against national democracy came from those who practiced 'direct democracy' at home. As in the Dutch Republic, the proponents of the local systems of representation were a restricted class of local citizens, who jealously guarded their privileged position. These privileged citizens subsequently clashed with liberal activists, who tried to pursue greater freedom and equality by promoting national representative democracy. Consequently, these liberals became advocates of a strong central government, much like the bourgeois unitarists in the Republic. In Switzerland, the tension between the two models of representation eventually led to a civil war and a period of dedemocratization. (Tilly 2004, 170-184) Thus, the analysis of both the Republic and Switzerland shows that there was by no means a smooth transition from late medieval representation to modern liberal representative democracy. In fact, it suggests that the problem of European democratization was not only to wrestle political control from authoritarian rulers, but also to eliminate the late medieval and early modern institutions of representation and citizenship.

## Notes

- \* An early version of this article was presented in 2003 in Malaga at the workshop on The Formation of Representative Democracy. The workshop is part of The Politics and History of European Democratization Network of the European Science Foundation. I thank the chair of the network Kari Palonen and the organizer of the Malaga workshop Jose Rosales for inviting me. Finally, I am particularly grateful to Maarten Prak, Oscar Gelderblom, and Emma Los for commenting on the manuscript.
- 1 For a more detailed account of the patriot struggles see: S. Klein, *Patriots Republicanisme. Politieke cultuur in Nederland, 1766-1787* (Amsterdam, 1995); S. Schama, *Patriots and liberators. Revolution in the Netherlands, 1780-1813* (New York, 1978); W. Te Brake, *Regents and rebels. The revolutionary world of an eighteenth century Dutch City*, (Oxford, 1989).
  - 2 *Ontwerp om de Republiek door eene heilzaame vereeniging der belangen van regent en burger, van binnen gelukkig en van buiten gedugt te maaken* (Leiden, 1785), pp. 3, 13-15.
  - 3 *Ibid.*, p. 61.
  - 4 *waare burgeren, dat is dezulken, die door hunne bezittingen en betrekking een weezenlyk en onmiddellijk belang hebben in de handhaving der constitutie.* *Ibid.*, p. 49.
  - 5 *Ibid.*, pp. 37, 48-49, 67.
  - 6 *Grondwettige herstelling van Nederlands staatswezen* (Amsterdam, 1785-'86), part I, p. 214.
  - 7 *Ibid.*, pp. 219. 225.
  - 8 *Bedenkingen over het aanstellen van regenten, in een vrij gemeenebest,* (1786), 140-142.
  - 9 Of the twenty-one men that took control of Amsterdam government, no less than eleven were merchants, and three were lawyers. Of the rest, only one, a shopkeeper, could be considered as a member of the middle class. (See: J. Breen, 'De Regeering van Amsterdam', *Jaarboek Amstelodamum*, XII (1914), pp. 111-120; Municipal Archive of Amsterdam (GAA), Citizens register & Baptismal register). The representatives in the national assembly were also overwhelmingly from a bourgeois background. Of the 150 men that sat in the first national assembly, 39 had a juridical training. The educated professionals, which included professors, doctors and brokers, were also well represented with 21 members in parliament. The merchants (17), and the Reformed ministers (13), had a substantial number of representatives as well. By contrast, the middle classes were extremely underrepresented, with six

- shopkeepers and artisans in parliament. (See A. Elias & P. Scholvinck, *Volksrepresentanten en wetgevers: de politieke elite in de Bataafs-Franse Tijd 1796-1810* (Amsterdam, 1991).
- 10 The patriot regents and those directly related to them did much better. They had no less than 31 representatives. (See Elias & Scholvinck, *Volksrepresentanten en wetgevers.*)
  - 11 'De oppermagt des volks geenszins kunnende verdeeld worden, zal ook haare uitoeffening een en ondeelbaar (...) moeten zijn' (*Aanmerkingen der Societeit voor Een en ondeelbaarheid*, 1797)
  - 12 'Wij beoogden by het daarstellen deze revolutie eene democratie by repreasentatie' (National Archive (NA), arch. Gogel (arch.nr. 2.21.005.39), inv. 73, 'De Democraten', 48, 6 April 1797, p. 59.
  - 13 'Dan kan de regeeringsform van de huishouding van het eene gewest zijn aristocratisch, van het ander zuiver democratisch, van het derde democratisch bij representatie, van het vierde gemengd; en wie zal ons zeggen, dat er niet een huishouding zal zijn met een eminent hoofd?' (See L. de Gou, *Het plan van Constitutie van 1796* (Den Haag, 1975), p. 70.)
  - 14 Breen, 'Regeering', pp. 19-68; GAA, Archive New Municipal Government (NSB), inv.nr. 1075, 'Minutes General Meeting of Amsterdam neighborhood of assemblies', 10 April 1795.
  - 15 Based on an analysis of the results of several rounds of voting in the national assembly (L. de Gou, *Het Ontwerp van Constitutie van 1797* (Den Haag, 1983-'85). And biographical information on the representatives (Elias & Scholvinck, *Volksrepresentanten en wetgevers*)
  - 16 'De eenheid derhalven deeser Republicq behoort alleen te bestaan in alle zulke zaaken zonder welke de veiligheid en het geluk der geheele Republicq niet kan bevorderd worden. [...]Edog al wat tot de algemeene belangen niet behoort, maar het privatif huishouden der gewesten aangaat behoort hun zo min ontnoomen te worden als aan de onderscheide steden en dorpen van ieder gewest en aan ieder ondeeligen in dezelve de beheering in hunne huishoudelijke zaaken behoort ontnoomen te worden.' (Gou, *Plan van Constitutie van 1796*, pp. 32, 54.)
  - 17 Breen, 'Regeering', pp. 19-68. GAA, NSB, inv.nr. 1075, 'Minutes General Meeting of Amsterdam neighborhood of assemblies'. What substantially contributed to the success of the clubs was that the composition of the Amsterdam government had changed after several rounds of elections, which took place every half a year. The number of patriot regents and lawyers had declined in the city council, while a few middle class men had been chosen as representatives.

- 18 For example, the bourgeois unitarist members of the Revolutionary Comity in the city supported the claims of the burghers (GAA, NSB, inv.nr. 1, 'Proceedings of the Revolutionary Committee', January 4 - July 3 1795).
- 19 NA, arch. Gogel (arch.nr. 2.21.005.39), inv. 73, 'De Democraten', 15, 22 September 1796.
- 20 GAA, arch. NSB, inv. 14, letter of 19 March 1795 of the provisional deputies of Amsterdam in the provincial assembly to the government of Amsterdam.
- 21 GAA, NSB, inv. 4, 'Minutes provisional representatives of the people of Amsterdam', 20 – 22 March 1795.
- 22 GAA, NSB, inv. 153-155 'Register of letters of the Representatives of the people of Amsterdam to the provincial and central state institutions', 1795 – 1797
- 23 Although all of the patriots agreed that a new constitution was needed, the creation of the national assembly had been difficult. Three provinces, Friesland, Groningen, and Zeeland had resisted the establishment of the assembly on the basis of the conditions agreed upon by the other provinces. Only after the provincial representatives of Friesland had been overthrown by a coup, was it possible to establish the new national assembly. (H. Colenbrander, *De Bataafse Republiek*, (Amsterdam, 1808), pp. 59-82; A. Elias, 'Van Raad van State, Comite te Lande en Staatsraad (1795-1810)', in W. Scholten (ed.) *Raad van State 450 jaar*, (Den Haag, 1981), pp. 113-139; J. Kuiper, *Een Revolutie ontrafeld. Politiek in Friesland 1795-1798*, (Franeker 2002), pp. 94-135.)
- 24 On in August 1796, the representatives decided to separate the state and the church. A month later they also agree to abolish the guilds. (Gou, *Plan van Constitutie van 1796*)
- 25 On 20 January 1797, a majority of 60 to 45 voted in favor of the amalgamation of the provincial debts. Of the 60 votes, 49 originated from the most indebted provinces: Holland, Zeeland and Utrecht. The remaining 11 votes came from a few of the unitarist representatives from the landed provinces. (*Dagverhaal der handelingen van de Nationale Vergadering representeerende het volk van Nederland*, (Den Haag, 1796-1798), IV, pp. 493-580; Colenbrander, *Bataafsche Republiek*, pp. 100 – 106; Elias & Scholvinck, *Volksrepresentanten en wetgevers*)
- 26 In the elections of September 1797, the French radical revolutionary party had reinforced its control over government, which gave the unitarists the hope that the French would assist in a coup d'état. The French, who thus far had not interfered with the constitution making process, were becoming impatient and were willing to enforce a

- breakthrough. A coup subsequently took place on 22 January 1798. (Colenbrander, *Bataafsche Republiek*, p. 111)
- 27 For a detailed account see: L. de Gou, *De staatsregeling van 1798* (Den Haag, 1988-'90), pp. XI-LXVI.
- 28 Whereas the majority of the Amsterdam governors before the coup had been members of the Reformed Church, now two-third were Catholic, Jewish, Lutheran, or Mennonite. Moreover, the regents and juridical professionals had completely disappeared from the municipality, which was now fully dominated by merchants, industrialists, educated professionals, and some artisans. (Breen, 'Regeering', pp. 111-120; GAA, *Citizens register & Baptismal register*).
- 29 Although there still was a legislative body, it no longer had the right of initiative or amendment (T. Pfeil, *Tot redding van het vaderland. Het primaat van de Nederlandse overheidsfinancien in de Bataafs-Franse Tijd 1795-1810*, p. 405).

## Literature

- Aanmerkingen der Sociëteit voor Een en ondeelbaarheid te Amsterdam op het ontwerp van constitutie voor het Bataafsche volk, door de nationale vergadering*, (1797) (See library Municipal Archive of Amsterdam (GAA) B (1797) 7)
- Bedenkingen over het aanstellen van regenten, in een vrij gemeenebest*, (1786), Amsterdam: J. Verlem (See Royal Library (KB) flt. 21300 Leeszaal Bijzondere Collecties).
- Blickle, P. (1997) *Resistance, Representation and Community*. Oxford: Clarendon Press.
- Breen, J.C. (1914) 'De regeering van Amsterdam gedurende den Franschen tijd', *Jaarboek Amstelodamum*, 12, 1-130.
- Bruin, R.E. de (1986) *Burgers op het kussen. Volkssoevereiniteit en bestuursamenstelling in de stad Utrecht 1795-1813*. Zutphen: De Walburg Pers.
- Capellen tot den Pol, J.D. van der (1966) *Aan het volk van Nederland*. Amsterdam: De Bezige Bij.
- Colenbrander, H.T. (1908) *De Bataafsche Republiek*. Amsterdam: Meulenhoff.
- Dagverhaal der handelingen van de Nationale Vergadering representeerende het volk van Nederland*, (1796-1798). Den Haag: Van Schelle en Comp.
- Davids, K. (2001) 'From De La Court to Vreede. Regulation and self-regulation in Dutch Economic discourse from c.1600 to the Napoleonic Era', *The Journal of European Economic History*, 30, 245-289.



- De Democraten*, (1796-1798) (See National Archive (NA), arch. Gogel (arch.nr. 2.21.005.39), inv. 73.)
- Downing, B. M. (1992) *The Military Revolution and Political Change. Origins of Democracy and Autocracy in Early Modern Europe*. Princeton, New Jersey: Princeton University Press.
- Elias, A.M. & Scholvinck, P.C.M. (1991) *Volksrepresentanten en wetgevers: de politieke elite in de Bataafs-Franse Tijd 1796-1810*. Amsterdam: Van Soeren.
- Elias, A.M. (1981) 'Van Raad van State, Comite te Lande en Staatsraad (1795-1810)', in W. Scholten (ed.) *Raad van State 450 Jaar*. Den Haag: Staatsuitgeverij.
- Ertman, T. (1997) *Birth of the Leviathan, Building states and regimes in medieval and early modern Europe*. Cambridge: Cambridge University Press.
- Fritschy, W. (1988) *De patriotten en de financiën van de Bataafse Republiek*. Den Haag: Hollandse Historische Reeks.
- Gabriëls, A.J.C.M. (1990) *De heren als dienaren en de dienaar als heer. Het stadhouderlijk stelsel in de tweede helft van de achttiende eeuw*. Den Haag: Stichting Hollandse Historische Reeks.
- Gilbert, F. ed. (1975) *The Historical Essays of Otto Hintze*. New York: Oxford University Press.
- Gou, L. de (1975) *Het Plan van Constitutie van 1796*. Den Haag: Nijhoff.
- Gou, L. de (1983-1985) *Het Ontwerp van Constitutie van 1797*, 3 parts. Den Haag: Nijhoff.
- Gou, L. de (1988-1990) *De staatsregeling van 1798*, 2 parts. Den Haag: Nijhoff.
- Gou, L. de (1995) *De Staatsregeling van 1801*. Den Haag: Nijhoff.
- Gou, L. de (2000) *De Staatsregeling van 1805 en 1806*. Den Haag: Nijhoff.
- Grondwettige herstelling van Nederlands staatswezen, (1785-'86)*. Amsterdam: Johannes Allart.
- Hart, M. 't (1993) *The making of a bourgeois state. War, politics, and finance during the Dutch revolt*. Manchester: Manchester University Press.
- Israel, J.I. (1995) *The Dutch Republic. Its Rise, Greatness, and Fall 1477-1806*. Oxford: Clarendon.
- Klein, S.R.E. (1995) *Patriots Republicanisme. Politieke cultuur in Nederland 1766-1787*. Amsterdam: Amsterdam University Press.
- Klein, S.R.E. and Rosendaal, J. (1994) 'Democratie in context: nieuwe perspectieven op het Leids Ontwerp', *De Achttiende Eeuw* 26: 71-100.
- Kloek, J, and Tilmans, K. (2002) *Burger*. Amsterdam: Amsterdam University Press.
- Kuiper, J. (2002) *Een revolutie ontrafeld. Politiek in Friesland 1795-1798*. Franeker: Van Wijnen.

- Lourens, P. and Lucassen, J. (1994) 'Ambachtsgilden in Nederland : een eerste inventarisatie', *NEHA-Jaarboek voor economische en bedrijfs- en techniekgeschiedenis* 57: 34-62.
- Mijnhardt, W.M. (1992) 'The Dutch Enlightenment: Humanism, Nationalism, and Decline', in M. Jacob and W.M. Mijnhardt (eds.) *The Dutch Republic in the Eighteenth Century*. Ithaca: Cornell University Press.
- Nierop, H. (1997) 'Popular Participation in Politics in the Dutch Republic', in P. Blickle (ed.) *Resistance, Representation, and Community*. Cambridge: Clarendon Press.
- Ontwerp om de Republiek door eene heilzaame vereeniging der belangen van regent en burger, van binnen gelukkig en van buiten gedugt te maaken*, (1785) Leiden. (See Knuttel 21045).
- Pfeil, T. (1998) *Tot redding van het vaderland. Het primaat van de Nederlandse overheidsfinancien in de Bataafs-Franse Tijd 1795-1810*. Amsterdam: NEHA.
- Prak, M. (1996) 'Individual, corporation and society: the rethoric of Dutch guilds 18th. C.' in M. Boone and M. Prak (eds.) *Statuts individuels*. Leuven: Garant.
- Prak, M. (1991) 'Citizen radicalism and democracy in the Dutch Republic. The patriot movement of the 1780's', *Theory and Society* 20: 73-102.
- Prak, M. (1999) *Republikeinse veelheid, democratisch enkelvoud. Sociale verandering in het Revolutietijdvak 's-Hertogenbosch 1770-1820*. Nijmegen: SUN.
- Prak, M. (2000) 'The Dutch Republic's City-State Culture 17th-18th Centuries', in M. Hansen (ed.) *A comparative Study of Thirty City-State Cultures*. Copenhagen: Reitzel.
- Rowen, H.H. (ed.) (1972) *The Low Countries in Early Modern Times*. London: Harper & Row.
- Rowen, H.H. (1978) *John de Witt, Grand Pensionary of Holland, 1625-1672*. Princeton: Princeton University Press.
- Sas, N.C.F. van (1992) 'The Patriot Revolution: New Perspectives', in M. Jacob and M. Mijnhardt (eds.) *The Dutch Republic in the Eighteenth Century*. Ithaca: Cornell University Press.
- Schama, S. (1978) *Patriots and liberators. Revolution in the Netherlands, 1780-1813*. New York: Knopf.
- Te Brake, W. Ph. (1989) *Regents and rebels. The revolutionary world of an eighteenth-century Dutch city*. Cambridge: Basil Blackwell.
- Tilly, C. (1990) *Coercion Capital, and European States, Ad 990-1992*. Cambridge: Cambridge University Press.
- Tilly, C. (2004) *Contention and Democracy in Europe 1650-2000*. Cambridge: Cambridge University Press.

- Vries, J. de and Woude, A.M. van der (1997) *The first modern economy: success, failure, and perseverance of the Dutch economy, 1500-1815*. Cambridge: Cambridge University Press.
- Wiselius, S.I. (1828) *De staatkundige verlichting der Nederlanden*. Brussel: Brest van Kempen.
- Zanden, J.L. van and Riel, A. van (2000) *Nederland 1780-1914. Staat, Instituties en Economische Ontwikkeling*. Hilversum: Balans.

Karin Tilmans

# THE DUTCH CONCEPT OF THE CITIZEN: FROM THE EARLY MIDDLE AGES TILL THE 21ST CENTURY<sup>1</sup>

Much has been and continues to be written about burghers in the Netherlands, but few of these studies concern conceptual history. The fine collective studies in *De stijl van de burger* (Aerts and Te Velde 1998) and *Beschaafde burger: Burgerlijkheid in de vroegmoderne tijd* (Hendrix and Meijer Drees 2000) are recent manifestations of this ongoing interest, which is present in the Netherlands as well. Both collections deal mainly with bourgeois culture in the Netherlands after 1500. The volume in conceptual history about the Dutch burgher concept, – the fourth in the Dutch series on conceptual history published by Amsterdam University Press – of which the present article gives an overview, is inspired first and foremost by German studies, especially the collections *Bürgerschaft. Rezeption und Innovation der Begrifflichkeit vom Hohen Mittelalter bis ins 19. Jahrhundert* (Koselleck and Schreiner 1994), and *Bürgertum. Bürger in der Gesellschaft der Neuzeit* (Puhle 1991). The concepts of ‘Bürger’ in the *Geschichtliche Grundbegriffe* (Brunner 1992) and *citoyen-sujet-civisme* in the *Handbuch politisch-soziale Grundbegriffe in Frankreich 1680-1820*

(Book 9) were other models for a diachronous national conceptual history. With all due respect for the German project on conceptual history, we have elected to pursue our own Dutch course, like our predecessors in *Vaderland* (Van Sas 1999), *Vrijheid* (Haitsma Mulier and Velema 1999) and *Beschaving* (Den Boer 2001), although our research starts well from the Middle Ages and considers even the twenty-first century. Moreover, the contributions are not written from a historic perspective only, but also from the perspective of Dutch linguistics, history of law and art history.

The term ‘burgher’ and the Dutch synonym *poorter*, which was more widely used into the fifteenth century, were the equivalent of the Latin concept *civis*. A burgher was a member of the *civitas*, the established political community. This community, however, was not circumscribed by the territory of the sovereign. Even the oldest sources from the Netherlands, both those in Latin and the ones in the local vernacular, associate burghers with cities. Burghers were regarded first of all as members of the municipal community. This membership was not yet legally defined, let alone established in an administrative context. It did, however, carry a political-legal claim to a measure of sovereignty. The status and legitimacy of cities and burghers were no cause for philosophical contemplation at the time. Any understanding of the ideas about burghers and cities – or perhaps the term feeling would be more accurate – requires a digressive approach. Piet Leupen has done just that in his analysis of the early city seals (Leupen 2002). This approach is very informative, as the design of city seals reveals how such cities view themselves and wish to be perceived. In his research, Leupen shows that the early cities often featured a fortification on their seal: a gate, a citadel or a surrounding wall. The image did not necessarily depict an existing reinforcement, and many of the cities featuring them did not even have fortifications at all. Fortifications were not, especially not primarily, intended to represent reality but symbolized awareness of an individual identity. Cities chose the symbol of a gate or a citadel to indicate their claim to autonomy despite legal subordination to the sovereign. The interests of the sovereign did not prevail, as the city had concerns of its own. The seal symbolized a legitimacy outside the feudal order.

This metaphor, in which an enclosed fortification symbolized the claim to autonomy, obviously reflected a very established practice. In addition to serving a strategic objective, an impressive citadel conveyed the owner's sense of independence. And when the members of the emerging elite in the initially homogeneous cities claimed control, they built city castles as spatial embodiments of their special status.

Marc Boone has explored the consequences of this social differentiation (Boone 2002). Two different city groups became increasingly pronounced: on the one hand an elite that usually owned the land in the old city centre, traded across vast distances and ran the city industry and on the other hand the manual craftsmen. This made for a semantic differentiation in the *burgher/poorter* concept, which henceforth not only denoted the city population in general but specified the upper crust as well. Around 1300, when the guildsmen became more powerful in cities in the Southern Netherlands (the focus of Boone's research), the two groups rivalled for recognition as the purest personifications of citizenship. This formation of identity thrived when both groups formed supra-municipal alliances against the ruler on the one hand and against economic intruders on the other hand, which in turn gave rise to some sort of socially differentiated national awareness.

These claims to essential citizenship were determined by the contribution to the well-being of the community, the *bien publique*, the *res publica*. What was deemed more important: the initiatives and investments by the upper crust or the skilfulness and diligence of the manual craftsmen? This association of the *burgher/poorter* concept with the notion of the interest of the city as a whole was probably not new but did become explicit in the course of the fourteenth century. This change was of major conceptual-historical significance. First, it added a moral connotation to the political-historical one of the *burgher* concept. Citizenship – or the status of *burgher* – entailed obligations in addition to rights. Moreover, this connotation legitimised the *burgher* concept with the highly respected papers of the classical republican *burgher* ideals from the Antiquity. This rediscovered tradition would long dominate ideas about *burghers* and citizenship and was obviously especially appealing to the representatives of the urban patriciate: the classical ideal was designed

for the upper crust. On the other hand, manual craftsmen rightly argued that their thrift, careful management and moderation were more illustrative of the public interest than royal and aristocratic squandering. These associations were to become embedded in the burgher concept as well.

The link with the classical tradition thus reflected an economically-oriented perspective of the public interest that hardly figured in the classical burgher ideal. This was hardly surprising: unlike the Roman aristocracy, the Medieval citizens who resolved their legitimacy quandaries by invoking the classical tradition subsisted from the economically-based networks of the trading and industrial cities. This economy required a measure of flexibility in the stipulations for admission to citizenship. Sometimes promoting arrivals from outside was desirable, while at other times the general interest demanded their exclusion. Therefore the requirements for citizenship were rarely formulated in ironclad legal terms. The tendency to ascribe citizenship to heritage, however, illustrates that becoming a citizen meant assuming obligations.

The individual legitimacy that city life demanded thus gave rise to a specific bourgeois ideology. Literature, especially following the invention of the printing press around the middle of the fifteenth century, did much to proliferate this ideology. Herman Pleij relates the depiction of burghers in contemporary narrative literature in his contribution (Pleij 2002).

First, he observes the shift in terminology. In the literature, like in non-literary texts, the terms *poorter* and burgher were long used interchangeably, although *poorter* prevailed at first. In the fifteenth century, the term burgher became far more widely used in literary contexts and gained the upper hand in the sixteenth century. At the time, the conventional term was in fact *borger* rather than burgher. Pleij ascribes this change to the general impression that residents of the city were merchants, i.e. people who *borgden*, meaning extended credit. (Likewise, the term *poorter* might have dominated as long as living within the city gates was regarded as the distinguishing characteristic of burghers.<sup>2</sup> Admittedly, burghers in late Medieval literature were invariably merchants; guildsmen, though not entirely absent, were not depicted as burghers.

The message conveyed in the literary burgher texts is therefore perfectly compatible with the new ideology that Marc Boone identified for the upper crust. On the one hand, in the majority of cases, the literature continuously warned about the corruptive power of money and property. The awareness that citizenship entailed an obligation to serve the public interest was all too easily suppressed whenever an opportunity arose to serve personal interest, and this danger increased where merchants adopted royal airs. These texts were therefore not directed against the class as such but took issue with estrangement from its origins. This moral admonition was historically legitimised with the statement that all large cities in the Antiquity did succumb to avarice and opulence. Other texts presented burghers in a more favourable light. Merchants were praised for their rational conduct, emotional restraint and pragmatism. In this respect, they even served as role models – in the literature! – for aristocratic circles.

Up to this point, the depiction of the burghers in the literature was similar to that in non-fictional texts. In addition, however, Pleij has identified a type of literary city resident unknown to us. These shrewd adventurers, often of humble origins, baited society by claiming a rigid individual autonomy. They applied the virtues of planning, economy and undaunted entrepreneurial spirit solely to serve their personal interest. Unlike the reprehensible merchants, however, these burghers were merely struggling to survive in a cruel world. These rogue stories were justified within the contemporary moral standards as warnings: beware of these chaps! The style in which they were written and their popularity, however, suggest that they were also welcomed as a challenge to the established burgher ideals. While adventurers did not necessarily reside in the city, cities did offer the variegated, dynamic surroundings for their kind to thrive. In this respect, rogue stories are as relevant as the moralizing texts about merchants to the need of the burgeoning cities for adapted ideological standards.

## The Early Humanists: *Civis* and *Poorter*

Up to the second half of the fifteenth century, the history of the burgher concept could be inferred only from its use in practice; no



definitions of or observations about citizenship circulated in the Netherlands yet. With the Renaissance in the Italian city states, political philosophy started to thrive and led to an ongoing interest in the role of burghers in society. These observations derived great inspiration from the republican burgher ideals of the classical Roman writers. This made for a strong moral component in the burgher concept: the *civis* participated in the government of the city, and the *res publica* (the public interest) took precedence over personal interest; he was receptive to the needs of the community and prevented the potentates from abusing their power; finally, he led a life of virtue and was a role model to the surrounding society. This ideal presumed a social independence, both ideally and materially. The concept of the Roman burgher was therefore by definition an aristocratic one (Tilmans 2002).

We have learned that classical views had taken root in the Netherlands as well. As a result, the concept of *poorter* or burgher had already acquired comparable connotations prior to theorization here. A well-formulated, transparent conception of such citizenship, however, was not forthcoming until the final decades of the fifteenth century, when civil humanism gained ground in the Netherlands. These early political thinkers, about whom – except for Erasmus – very little research has been conducted, are explored in the volume. They expressed their ideas in treatises, ruler doctrines and especially chronicles. All these texts were in Latin; no philosophical discourses about burghers were written in the vernacular yet. Nor had Ciceronian burghers surfaced in the literature yet either.

The first text where I found observations about citizenship reflecting classical views was a dialogue on loneliness by the humanist Jacobus Canter of Groningen from 1491. The text was not an appeal for solitude: in fact, Canter defended the civilized city life. He was particularly interested in burghers who ran their city judiciously, educated as they were in the *studia humanitatis*, the pedagogical humanist curriculum inspired by the values of the Antiquity. Canter does not appear to have been very influential and was definitely less so than Erasmus, whose impressive stature dwarfed all other thinkers soon afterwards. Moreover, Erasmus's observations about burghers were directed more toward the wise ruler, who felt privileged to rule over free subjects with their consent – he described the mythical

Batavian King Baeto as such as ruler – than toward the burghers themselves. The most noteworthy theoretician after Erasmus was the Bruges lawyer and politician Franciscus Goethalsius. Shortly after the mid-sixteenth century, Goethalsius picked up where Canter had left off, with an appeal for a radical humanist republicanism. His ideal of the republic was a Venetian version of the free city state, where freedom, free trade and civil self-administration guaranteed happiness and prosperity. He emphasized, however, that studying prudence and *humanitas* in the sense of civilization were indispensable to achieve this end and therefore recommended that Latin schools be established. The supreme objective should not be external glory but justice and virtue within the community.

All humanist contemplation associated the idea of the burgher primarily with political freedom. The established order, where sovereignty remained the purview of the ruler, was not challenged as such, although the autonomy of the city was an axiom. This formulation embodies the restricted geographical dimension of ideas about the burgher republic. The idea of a supra-municipal citizenship was well beyond contemporary ideological horizons.

This traditional connection of burghers with the city may have become less self-evident in the new political reality, where ‘the’ Republic was definitely not a city state in its conventional manifestation. Pieter de la Court, one of the leading republican thinkers of the seventeenth century, for example, regarded burghers as members of any political community whatsoever. This community might be a city or a state, a republic, or even a monarchy (Blom 2002).

De la Court never expressed any explicit philosophies about burghers. His interpretation of the concept is to be distilled from his political writings, as Hans Blom does in his contribution, revealing that De la Court modernized classical-republican burghers into enterprising merchants. This association of burghers with merchants was by no means new, of course. The substantial merchants were traditionally regarded as the upper crust of the bourgeoisie. In Medieval texts, burghers are almost always merchants. In the republican burgher ideal inspired by the classics, however, the commercial activity of burghers had receded into the background, due to the emphasis on their selfless political role. Here, De la Court

appears to have exchanged the classical ideal for the current reality, which was that of the bourgeois capitalism of the Dutch Republic. His remarks about burghers are therefore descriptive rather than normative.

De la Court's burghers were not principally different from other classes; the only essential contrast was with respect to 'strangers', those who did not form part of the community. The 'most excellent' among the burghers were obviously the ones in charge of the political organization, although De la Court also explicitly acknowledged the importance of the non-aristocratic, hardworking burghers, the 'common folk'. As the backbone of society, they personified the public interest in some respects. Here, too, we find the ideology already expressed in the Middle Ages. In De la Court's work, however, it was embedded in a modern political conception, in which the ideal of the virtuous republican burgher was dismissed as naive. First, lack of civic purpose figured in all layers of the bourgeoisie, including the circles of officials. Nor did virtue intrinsically guarantee prudent governance. This conclusion led him to a political philosophy embraced and elaborated only by thinkers in later periods, concerning the political order structured to ensure that it was in the interest of the governing individuals themselves to consider the well-being of the population. This did not mean leaving society at the mercy of prevailing interests. Both the power of the officials and their regulatory means were to be arranged through effective forms of organization. De la Court believed that political virtue meant the presence of virtuous institutions.

While these ideas appeared to herald the end of moral heritage, De la Court stopped short of this measure. Upon examining what constituted such well-being, he discovered that more was involved than material affluence alone: in addition to 'merchanthood' and 'wealth', 'erudition', 'arts' and 'virtues' appeared on his list. Like the humanists, he deeply valued education as a source of knowledge and virtue. In his well-reasoned view, the burghers that benefited most from education and were consequently the best equipped to bring prosperity to the community were the affluent entrepreneurs. By situating this group at the centre of his social theory, De la Court transformed the 'classical' burghers of humanism into the 'modern' burghers of the seventeenth-century trading nation.

This was the surrounding theory. Meanwhile, citizenship had become an official status. This status was still reserved for city residents and would remain so until the end of the eighteenth century. Not all city residents were burghers; there were also established residents without civil rights, ‘inhabitants’ and temporary ‘strangers’ or ‘outsiders’. These categories dated back to the Middle Ages. As the cities grew, they became less cohesive and comprehensive. The same happened to the core of that community, the actual bourgeoisie. Maarten Prak and Erika Kuijpers have investigated how the enlarged scale of Amsterdam, a growth city *par excellence*, affected the nature of citizenship and how, conversely, citizenship affected the different social groups. As the extensive study by Prak and Kuijpers makes clear: the group with civil rights was more socially diverse than is often assumed (Prak and Kuijpers 2002).

Citizenship entailed legal, economic, political and social privileges. Though officially the same for all burghers, they differed in practice. Holding office was among the political rights but was in fact restricted to prominent families. Still, the accessibility principle had some significance. As a civil right, it reminded the regent that he was a representative of the community. This symbolic legitimacy imposed obligations. Nor were all civil rights reserved exclusively for burghers. Ordinarily, practising a craft or trade required joining a guild, which in turn required civil rights. Substantial sectors of the economy, however, were not guild-based. In 1668 the official status of ‘inhabitant’ was introduced. This status did not signify citizenship but did allow holders to join a guild. Nonetheless, citizenship retained its important symbolic meaning as the specific bond with the municipality. It instilled a sense of responsibility and thus conferred status. The fact that this system was not a mere formality is demonstrated by the practice of deleting individuals from the *poorter* register for conduct ‘unworthy’ of civil rights.

Those who had not acquired civil rights by birth or by marriage therefore had reason to buy into it. Doing so also made them eligible for provisions for orphans and the elderly. Prak and Kuijpers have analysed purchases of citizenship. Understandably, most were acquired by inhabitants who worked as artisans or were self-employed within the guild system. Still, the connection between guild membership and ‘*poorterhood*’ was not exclusive. A substantial

number of the new burghers practised occupations not organized in guilds. In fact, remarkably many came from the lower social echelons: seafaring journeymen, soldiers and all kinds of workers. This was a new, seventeenth-century phenomenon and should be considered in light of the rapidly growing labour market in Amsterdam, where wages were relatively high. Especially with seasonal and high-risk occupations outside the guild system, becoming a '*poorter*' must have been an attractive option because of the social insurance that came with it. The ensuing financial burden on the city moreover forced the government to raise the *poorter* fees repeatedly, which probably reduced the number of requests accordingly.

The image of burghers in the rapidly growing city of Amsterdam is rather paradoxical. The bourgeoisie probably accounted for little more than ten percent of the population and was therefore a small minority. Nonetheless, this minority exceeded 20,000 people by the end of the seventeenth century and was quite numerous from this perspective. The new burghers comprised people from all ranks and classes, from international merchants to labourers and sailors. The combination of a financial threshold and economic privileges appears to have interested the traditional middle groups of owners of small businesses and entrepreneurs in becoming '*poorters*' as well. Their prominent presence is probably why references to the bourgeoisie in texts from the seventeenth and eighteenth centuries primarily concern this group.

## Burghers, *Societas Civilis* and Virtue

Placing the burghers of the sixteenth and seventeenth-century political thinkers in their social context requires examining the urban upper crust of the affluent entrepreneurs. Burghers or the burgher community have traditionally comprised artisans and tradespeople. Some have even suggested that this group was the backbone of society. In the seventeenth century, at least in the large cities of the Northern Netherlands, individuals with *poorter* rights were more socially diverse than ever. Simultaneously, however, as described above, the notions embodied in the term 'burgher' and especially comprehensive

designations such as ‘the burghers’ and ‘the bourgeoisie’ become more indicative of the middle class. The next question is whether this development carried over into art, particularly the art most accessible for conceptual history research: literature. Does the literature reflect the transformation of the Medieval merchant into the modern small entrepreneur?

The research by Marijke Meijer Drees reveals that the relation between burghers and literature in the seventeenth century was far less obvious and straightforward than the standard designation bourgeois in literature historiography suggests (Meijer Drees 2002). First, the word burgher and derivative terms appear rarely and if at all only in passing in literary texts and exclusively with the comprehensive meaning of city resident. The adjective bourgeois is similarly unspecific and refers to a structured community, the classical *societas civilis*. This community is depicted as being hierarchically structured in four tiers: at the top were the political potentates, next came the large merchants, then the manual craftsmen and shopkeepers and finally the uncivilized remainder, the ‘common folk’. The texts reveal very little about the divisions between the different tiers; nor do the few explicit social strata from this period indicate more rigid criteria. Clearly, however, cultural and moral factors were considered in addition to power and wealth.

In fact, the seventeenth-century literature is bourgeois only in that it serves explicitly to maintain and perfect the *societas civilis*. The values continuously emphasized are universally valid without restrictions: honesty, virtue and courteousness. The harmonious bourgeois society is based on order and rights and as such is diametrically opposed to the barbarian state of nature. This harmony is to be pursued within and among the social tiers and from the outer circle of society as a whole to the inner circle of miniature society: the family. This last setting and especially its emphasis is an element not encountered earlier.

This message dedicated to maintaining the *status quo* did not target a specific group. Nonetheless, the ongoing warning against trying to exceed one’s status was obviously directed more toward the lower than toward the upper classes. The frequency of this admonition was obviously associated with the opportunities for social advancement that the burgeoning seventeenth-century cities provided.

The seventeenth-century burgher ideal was exclusive in that the element of 'common folk' was viewed more as an external threat to bourgeois society than as a part of it. Only in the late eighteenth century would a national civilization ideal arise that encompassed this group as well.

This eighteenth-century ideal is explored by Joost Kloek and Wijnand Mijnhardt (Kloek and Mijnhardt 2002). They believe the ideal emerged from the international ideology of Enlightenment, which held that mankind and society were creatable. This led to the internationally prevalent concept of a ubiquitous moral bourgeois universe theoretically open to everybody, and offered a democratic alternative to the elitist classical *civis* concept. Like the *civis* tradition, the new concept revolved around virtue. But this perception of virtue was based on the means available to a reasonable and sensitive person in the eighteenth century, irrespective of his state, and not on those of Roman patricians or their modern embodiment: the affluent Amsterdam entrepreneurs. The bond between burghers and the city, which had never been abandoned altogether, was permanently severed at this point, at least in terms of political and moral philosophy. Burghers were members of 'the community', a concept generally interpreted as a national community in practice. The term burgher acquired its own meaning in each country, depending on the national political and social constellation. In the Netherlands, the political embodiment of the burgher concept, in the sense of a political citizenship, was difficult to bring about, could be accomplished only with assistance from the French and then eroded rapidly, even after 1813. In the Dutch tradition, the practice of input through requests and of settlement and compromise does not appear to have been a breeding ground for revolutionary political alternatives. Moreover, as people grew interested in the new burgher ideal, they also focused more on the seventeenth century as an escape route from the imminent degeneration. This outlook did not encourage political radicalism either.

The inclusive moral citizenship, in which full recognition as a human being prevailed over class and means, was presented as a realistic prospect in the literature, especially in the literary genres that evolved outside the classicist tradition, such as novels, bourgeois drama and – somewhat later on but overwhelmingly at that point –

domestic lyrics. The ‘domestic’ characteristic symbolized the domestic setting of such literature. The iconic significance already known since the seventeenth century became far more meaningful here: the harmony of the family, where all members knew their place and responsibilities, symbolized society as a whole. This pedagogical approach surfaced in another type of assistance for new burghers: the popular-scientific and moralistic literature. In religious observance also, the shift in focus to joint experience as a family loosened the bond between the state and the public church. In the moral-bourgeois universe, what one believed specifically mattered less than that one believed in God.

For the first time, the citizenship ideal came to accommodate the uncultured ‘folk’ or the ‘*woeste gemeen*’ (rugged common folk), as they were known at the time. The *Maatschappij tot Nut van het Algemeen* (Society for General Welfare) embodied this unprecedented expansion of horizons. In addition to providing instructive moral treatises, this society understood that elementary civilization required basic social provisions and adequate healthcare. Introduced during the revolutionary years around 1800, this programme is sure to have encouraged the conservative spirit of ‘the Netherlands as one big family’ that prevailed during the early decades of the nineteenth century: the Dutch model, after all, substantiated such a national sense of cohesion. In the course of the nineteenth century, however, the desire for art and culture to be understandable and broadly applicable made for discontent among artists and art connoisseurs.

## Burgheresses and *Poorteresses*

The traditional female equivalents of burghers and *poorters* were burgheresses and *poorteresses*. Explicit references to them were usually incidental and passing and had only a legal connotation. In two periods, however, the references to burgheresses became more pronounced, especially in the final decades of the eighteenth and the nineteenth centuries. Both were times of political turmoil, and in both instances the main question was to what extent previously excluded groups might be granted political responsibility. Were they



properly equipped in intellectual, cultural and moral respects? Myriam Everard and Mieke Aerts have traced the intermittent appearances of burgheresses and have demonstrated that the female term was far from meaningless: its use reflected the active role of women in public debate (Everard and Aerts 2002).

We have observed how during the eighteenth century the ideal burgher of the undefined 'community' or *societas civilis* evolved into the concrete citizen of the 'homeland'. In this new conception, which mobilized the entire population, burgheresses had a place of their own as well. The eighteenth-century burgher ideal, however, was based on cultural and moral considerations, rather than on political ones. The burgheress was depicted as pivotal in Dutch family contexts. The Batavian revolution, however, conversed all cultural ideology into politics, leading not only to male *homines novi* but also to burgheresses entering public life in unprecedented numbers that were not to recur for over a century and a half. In addition to their supporting roles in providing care and ornamentation, women banded together in clubs and wrote articles for the political press. In speeches and articles their presence was assumed self-evident in the address 'Burghers and Burgheresses'. This terminology adopted from revolutionary France primarily symbolized class equality, although the context of the political connotation that the burgher concept and the entire lexicon derived from the term had acquired included a claim to political equality as well. This claim was stated explicitly at gatherings and in articles and extended beyond the demand for the female voice to resound at national assemblies to include an unconditional political say for burgheresses.

Like many Batavian-revolutionary phenomena, this radical, self-confident and relatively massive onset of burgheresses was both spectacular and short-lived. The upheaval in 1798 heralded a restoration and the end of the period in which burgheresses seemed to be regarded as the political equals of burghers. The term burgheress again was limited to political-legal contexts and resurfaced only in the 1880s, when some started to view women's input in society as a political issue. By then, the public manifestation of the Batavian women appeared to have lapsed into oblivion. The reintroduction of the burgheress in the Netherlands resulted not from the Dutch revolution but from the French Revolution via its heir the Commune.

Still, the term *burgheress*, like the term *burgher*, was never used strategically as a form of address and self-designation among leftists in general. One of the main reasons was the opposition in Marxist doctrine between the terms *bourgeois* and *proletarian*. The term *burgheress* appears to have been particularly controversial because of a leftist tribal dispute. The embrace of parliamentary socialism by the SDAP and the concurrent abandonment of revolutionary ideas and parlance obliterated it from the political debate.

Meanwhile, the term was reincarnated within the rapidly growing women's movement. 'Burgheress' was never used here as a form of address or self-designation, undoubtedly because the term was frequently associated with the social middle class – where married women retained the status of '*juffrouw*' (meaning 'Miss'). Like their predecessors in 1795, the members of the women's movement demanded legal equality for women, albeit within the established order. Moreover, this legal equality had now crystallized into a demand for equality before the law, as fully recognized citizenesses. Unlike in 1795, the main issue here was citizenship in political-legal terms, a concentration motivated by the struggle for suffrage. As is known, this struggle concerned universal suffrage, i.e. exclusively for men. Once women obtained suffrage as well in 1919, the term *burgheress* disappeared again, this time for good. The term did not recur in the subsequent equalization debates and was not reactivated with the rise of feminism either. In any case, anything remotely associated with *bourgeois* had become tainted at that point. One sign of this attitude – and a small piece of conceptual history *ex negativo* – is that feminist campaigns eliminated the '*juffrouw*' form of address and designation from Dutch.

The '*burgheress*' was the female counterpart of the *burgher* of the state. The term was therefore prevalent mainly during the two periods that the political rights associated with this citizenship were claimed by and for broader segments of the population. After the French Revolution, the term *burgher* remained a core concept in the debates about political requirements and constitutional structure. Its traditional social and cultural connotations also became more defined in this time period. After 1800 '*burgher*' became an ambiguous concept, as its civil conception clashed with its political one. Political citizenship was fundamentally inclusive. Civil citizenship involved

social, economic and cultural exclusivity. This ambiguity had not been totally absent in the past; we have observed how even during the *ancien régime*, in the major cities the group with the legal status of burghers was only a minority of the urban community as a whole. In the nineteenth century, however, universally applicable civil rights and obligations became far more invasive on the one hand, while on the other hand the group of political representatives of the people was far smaller and more restrictive than the former bourgeoisie had been. Paradoxically, the circumscription of this group was consistently formulated in terms of social, economic and cultural exclusivity. In a sense, therefore, burghers were played off against each other. The contribution from Ido de Haan addresses this field of tension and the course of events there.

Under the Constitution of 1798, the supreme authority rested with the community of all citizens. Citizenship thus acquired a political definition: burghers [or citizens] had political rights that residents did not. This political connotation, however, was watered down in the subsequent constitutions. The term '*Burger Repraesentanten*' disappeared, and burghers became more or less synonymous with subjects. One fundamental change was that these burghers were burghers of the *state* and were expected above all to be imbued with love for their homeland. Citizenship became less locally based, although it continued to figure prominently in many fields, including politics.

The new, national base changed the traditional connotations of the burgher concept. The relationship between the state and bourgeois society became far more abstract and diffuse than the one between the city and the bourgeoisie had been. The previous social, economic and cultural connotations turned into the essence of the burgher concept, which became far more distinctive than ever before as a result. Precisely because the borders were undefined, the fear of crossing them – especially downward – became virtually an obsession. This unprecedented class consciousness also led to concern about the languishing state of the industrious middle class; after all, this group was the buffer between the upper bourgeoisie and the fellow citizens not regarded as burghers.

In the first half of the nineteenth century, this divergence between the political and the social-economic interpretations of the burgher

gave rise to the class state. Around the middle of the century, when political life awakened, the concept once again became politicised. The economic significance attributed to the middle class was an important factor. Largely responsible for the vigour of the nation, the middle class – in a national recurrence of the age-old metaphor from the urban context – formed the core or backbone of the nation. This idea was also the foundation for the constitution of 1848, where social-economic and cultural citizenship legitimised fully enfranchised citizenship with suffrage, although the census remained a permanently controversial criterion. The equalization backfired when growing appreciation of the social importance of the working class carried over into politics around 1870. By contrast, the virtues previously ascribed to the burgher fell out of favour. At the same time, the confessional groups explained that their allegiance to a purely social conception of citizenship could only be conditional. Thus, the burgher concept progressively acquired negative social-economic and cultural connotations, while the labour movement countered with its dissident label of ‘proletariat’, and the confessional groups became known as ‘small fry’. In the debates at the end of the nineteenth century, moreover, the nation or the people was depicted as the symbol of the political will, rather than the community of burghers.

The issue of which members of the nation might be considered sufficiently competent, responsible and loyal was resolved only in 1913 for the men and in 1920 for all adult Dutch citizens: paradoxically, this issue was too complex to accommodate anything but the simplest settlement. This permanently eliminated the political-judicial legitimacy of the social and cultural criteria for citizenship.

## Citizens of the State and Cultural Burghers

The emphasis on the social and cultural connotations of the burgher concept in the nineteenth century has led this era to be characterized as the bourgeois century *par excellence*, as the works of art and especially the paintings produced during that period have been as well. One popular historical-materialist explanation directly

associated the one with the other: the upper cultural echelons represented the rise of the bourgeoisie manifested by the lower echelons during this period. Van Uiterd demonstrates that the course of events was less programmed (Van Uiterd 2002). Various questions arise: since when and on what grounds were paintings labelled as bourgeois, and how was this art appreciated? Can the creators on the one hand and the buyers on the other hand be regarded as bourgeois according to the social meaning of the term? And how did they relate to one another?

The bourgeois label became associated with paintings early on, and its meaning conformed entirely to the historical-national perceptions of the bourgeoisie that prevailed in the eighteenth century. The designation was used for paintings that represented the tradition of the internationally respected seventeenth-century past and was thus considered indicative of the unique national Dutch style. In practice, this tradition was reduced to what has always been known as Dutch realism: portraits, genre items and non-idealized landscape paintings. Throughout much of the nineteenth century, this bourgeois art was greatly appreciated both within and outside the Netherlands. Market demand for such art improved relations between artists and the public. Around 1830, artists in other countries started to resist the smooth, polished style of bourgeois art; they also placed themselves outside the social order. In the Netherlands artists could afford neither artistic nor social estrangement from their public. Only around 1860 the first internal resistance was heard to the appealing painting style featuring realistic depictions, and it would take two more decades before overt disapproval of them as bourgeois was shown. At that point artists in the Netherlands started to overtly embrace an anti-bourgeois lifestyle. Previously an indicator of quality and infused with positive national sentiments, 'bourgeois' became an intensely negative designation associated with inanimate stylistic perfection and a risk-free routine in choice of subject. This reversal of meaning was possible only once a self-designated vanguard of the public adopted this view. Around 1880 a rift emerged in the originally homogeneous public taste. An art-loving vanguard then invoked a self-proclaimed artistic sense and discredited those with more traditional tastes as bourgeois. Citizens of the state and cultural

burghers may be regarded as twin sons of the Enlightenment. The moment the first one came of age, however, the second was harshly discarded.

## Burghers as the Core of Society

The rising ambivalence regarding the burgher concept in the nineteenth century is explored in detail by Remieg Aerts, whose research extends into the 1960s, when the qualification ‘burgher’ or ‘bourgeois’ was stripped of its last shred of positive self-recognition. Like the political discourse reviewed by Ido de Haan (De Haan 2002), the moral-cultural discourse considered by Aerts does not follow a clear linear progression (Aerts 2002). Early in the nineteenth century, art labelled as bourgeois was sometimes met with dissatisfaction, although it was championed in *De Gids*; at the time of the Tachtigers, artists were depicted as antipodes to burghers, although they were later rehabilitated by the supporters of community art. In the nineteenth century the bourgeois lifestyle acquired unprecedented negative overtones, notwithstanding the ongoing appreciation for its attributes such as thrift, self-restraint and sense of responsibility. After all these values made for social cohesion. In the nineteenth century the burgher concept elicited greater tension than ever, while remaining indispensable nonetheless.

This tension had in fact been rooted in the concept for centuries. We have observed how even in the Middle Ages the term burgher signified two different (but in practice rarely distinct) groups as the equivalent of a city resident. On the one hand, it could concern the political and social upper crust, while on the other hand it referred to the class of manual craftsmen and tradesmen. In the expanding cities of the Republic this ambivalence also surfaced in the practice of legal citizenship. The upper crust enjoyed civil rights *qualitate qua*, but many people from the lower social echelons acquired them as well. Thus, burghers were not a homogeneous group but did not comprise two clearly distinct categories either.

One other practice rendered the burgher concept diffuse at an early stage. When the proliferation of humanism led the political-

philosophical observations about the *civis* to be revisited, they were idealized by the upper crust as a freedom of spirit to be achieved through classical cultural education. This perception can hardly be construed as anything other than elitist. No mention was made of the cultural accoutrements of the lower bourgeois echelons, even though these humble burghers had been ascribed virtues such as diligence, sobriety, sincerity and loyalty since the Middle Ages. Very early on (and not only in the nineteenth century, as Aerts's spokesman Johannes Kneppelhout believed), these values led burghers to be viewed as the core of society. The admonition against succumbing to profligacy and wastefulness is a recurrent theme in observations about the patrician burghers. In the context of the burgher perceptions in the Netherlands, the humble, hardworking guildsman was considered to be the inevitable setoff: he did not repudiate his citizenship. The social and cultural ambivalence of the burgher concept was therefore deeply ingrained from the outset in both the practice of and the ideas about citizenship in the Netherlands. Only in the nineteenth century did the subject become truly controversial, for various reasons. In politics problems arose when complete fulfilment of citizenship became contingent upon social-cultural criteria. In social life the hierarchy was refined and defined more rigidly in an effort to stipulate the burgher and bourgeoisie concepts more specifically. In culture and art – as Van Uiter already noted with respect to painting – artists and art lovers started to view the Enlightenment ideal of a single cultural universe for the entire society as isolation in a stuffy cellar. Throughout this process, critics of bourgeois bigotry and cowardice did respect the cultural demeanour of these limited citizens under certain conditions. Moreover, the bourgeois national heritage elicited general admiration.

The chameleonic burgher concept of the nineteenth century reveals overwhelmingly what has in fact applied throughout its history: there was no single burgher concept, at least not one that assigned a specific meaning to the word. The 'burgher' concept has remained indispensable in political, legal, sociological and historical reflections about society and its individual members and in ideas about the lifestyle and the artistic tastes of a middle class that defies precise circumscription as well. The value of the concept depends on the subject it concerns, as well as on the position of the observer, his

self-image and his impression of his public. The vagueness of the term does not appear to have inhibited its usage. The contrary seems to be the case. Perhaps flexibility would be more accurate than vagueness. Over an extended period of time and in vastly differing communication settings, people appear to have used the term without fear of being misunderstood. Only in the second half of the nineteenth century did the additional stipulations suggest that the term had lost its versatility. In the 1960s the negative connotations became dominant, not coincidentally together with a levelling of the class society.

At the end of his article, Aerts observes that the overall depreciation of everything that is or is supposed to be bourgeois has bypassed the political burgher concept. This statement raises question as to whether the political-legal meaning of the term will survive. In conclusion, Tom Eijsbouts contemplates the future. He observes that also the political burgher concept has lost many of its connotations traditionally taken for granted. On the one hand, a massive influx of permanently settled 'strangers' has watered down the autochthonous connotation that national citizenship always had. On the other hand, European integration, both through political and legal regulations and through the discontinuation of typical national markers – border control, national currencies – especially with regard to legislation, waters down the sense of pertaining to the nation as a political-cultural unit. The burgher concept, the form, has lost most of its traditional substance.

This does not preclude, emphasizes Eijsbouts, the emergence of new forms of citizenship. In the second half of the twentieth century, for example, some types of rebellion against the established bourgeoisie (which were reminiscent of both the shrewd adventurers of the Middle Ages and of the nineteenth-century Bohemians) often coincided with claims to moral purity and a sense of social responsibility that might easily be labelled as modern versions of the eighteenth-century burgher ideal (Eijsbouts 2002). Another form of modern citizenship consists of the neo-republican burgher, who does not propagate civil disobedience but has no respect for the values of the established order either. He regards consensus and morality as dynamic units that arise from discussion and conflict. His role as a burgher consists of being a permanent political agitator.



Another revival of civic awareness is the demand for acculturation programmes for immigrants, which implicitly link citizenship with rights and obligations and suggest that an essential feature of the early-modern burgher concept is being resurrected. This trend does not offer prospective challenges at this time, unlike the third substantive innovation in the citizenship concept: that of European citizenship.

In the text of the Maastricht Treaty of 1992, the European Union has set forth a citizenship of its own. Following the transition from citizen of the city to citizen of the state, the next step is citizen of the federation. But the transition from city to state citizen was prepared by a civic ideology that justified a national sense of cohesion. In addition to its legal effectuation, it was enforced in public perception by the establishment of the unitary state. No 'Union-civic' ideology applies, however, and the transfer of political authority is a difficult course. The European citizen concept rings hollow at this time, and its proclamation is only symbolic at the moment. Moreover, the Union approach is cautious. The new European citizen is not defined autonomously, but has a status that is dependent on national citizenship. That is, in the words of the Maastricht Treaty (Article 17(1)), Union citizenship is conferred on "every person holding the nationality of a Member State." There is nothing here, then, that can compete with, or override, the status of citizen of the nation state (Vink 2003). Indeed, it may be argued that this European addition makes national citizenship even stronger and more attractive. But this symbolic value is impossible to ignore. A new, supranational 'homeland' is undeniably emerging in legislation and in tangible symbols (e.g. the introduction of the euro), while typical national regulations and symbols are disappearing. One of the consequences is that European citizens will increasingly become subject to rules and rights that differ from those applicable to 'outsiders'. This also means that, in the European Union area at least, there are now three categories of persons in any given member country. First, there are the country's own national citizens, who enjoy all of the rights normally conferred on citizenship, including the right to vote in national elections. Second, there are the citizens of other EU member states who are resident in that country, and who enjoy all the rights of EU citizens and who are therefore almost identical in citizenship

terms to the national citizens. They usually don't have the right to vote in national elections, however, and hence enjoy little or no control over the national government or its policies. That is a privilege reserved to national citizens only. Finally, there are the so-called 'third-country' citizens – citizens or nationals of countries outside the European area, and who enjoy only very limited rights. These are the real outsiders. One of the major effects of European citizenship has therefore been that it reduces the difference between national citizenship and European citizenship, while at the same time it creates a substantial difference between European citizenship and third-country citizenship. Europe has shifted the citizenship boundaries.

The burgher concept of the past millennium comprised a complex of geographic and topographical, political, legal, social and moral components. It remains to be seen whether and at what pace the current changes will lead to a remotely similar conception of European citizenship. However, the concept is unlikely to disappear altogether. The interpretations of all five stated components have changed drastically over the course of history, but the need for the concept has persisted. The burgher concept proved to be as flexible as it was indispensable as a frame of reference in a series of discourses about relations between individuals within a society and between an individual and that society as a whole. This flexibility does not appear to be on the verge of disappearing. Nor does such a frame of reference seem likely to become superfluous.

## Notes

- 1 This article is based on the Introduction to the Dutch volume on the concept of citizenship which appeared in 2002: see Kloek and Tilmans (2002). In a shorter version it was presented at the Annual Conference of the History of Social and Political Concepts Group, held in Bilbao, July 2003. The author is grateful to copanellists Manuel Perez Ledesma, Pim den Boer, Raymonde Monnier and Henrik Stenius for their useful comments.
- 2 Such associations may of course be unrelated to the actual etymology. Burgher comes from *burch/borch*, meaning a fortified place or city, while *poorter* is derived from *portus*, meaning harbour.

## Bibliography

- Aerts, Remieg and Te Velde, Henk (1998) (eds.) *De stijl van de burger*. Kampen: Kok Agora.
- Aerts, Remieg (2002) 'De erenaam van burger. De geschiedenis van een teloorgang', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Blom, Hans W. (2002) 'Burger en Belang: Pieter de la Court over de politieke betekenis van burgers', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Boone, Marc (2002) 'Cette frivole, dampnable et desraisonnable bourgeoisie': de vele gezichten van het laatmiddeleeuwse burgerbegrip in de Zuidelijke Nederlanden', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Den Boer, Pim (2001) (ed.) *Beschaving*, Reeks Nederlandse Begrips-geschiedenis III. Amsterdam: Amsterdam University Press.
- De Haan, Ido (2002) 'Burgerschap, sociale stratificatie en politieke uitsluiting in de negentiende eeuw', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Eijsbouts, Tom (2002) 'Quo vadis civis? Neorepubliek, inburgering, Europa', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Everard, Myriam and Aerts, Mieke (2002) 'De burgeres. Geschiedenis van een politiek begrip', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Haitsma Mulier, E.O.G. and Velema, W.R.E. (eds.) (1999) *Vrijheid*, Reeks Nederlandse Begripsgeschiedenis II. Amsterdam: Amsterdam University Press.
- Hendrix, Harald and Meijer Drees, Marijke (2000) (eds.) *Beschaafde burger: Burgerlijkheid in de vroegmoderne tijd*. Amsterdam: Amsterdam University Press.
- Kloek, Joost and Tilmans, Karin (2002) (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.

- Kloek, Joost and Mijnhardt, Wijnand (2002) 'De verlichte burger', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Koselleck, Reinhart and Schreiner, Klaus (1994) (eds.) *Bürgerschaft. Rezeption und Innovation der Begrifflichkeit vom Hohen Mittelalter bis ins 19. Jahrhundert*. Stuttgart: Klett-Cotta.
- Leupen, Piet (2002) 'Burger, stad en zegel, een verkenning voor de Noordelijke Nederlanden', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Meijer Drees, Marijke (2002), 'Burgerlijke' zeventiende-eeuwse literatuur', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Pleij, Herman (2002) 'Poorters en burgers in laatmiddeleeuwse literaire bronnen', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Prak, Maarten and Kuijpers, Erika (2002) 'Burger, ingezetene, vreemdeling, Burgerschap in Amsterdam in de 17e en 18e eeuw', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*. Amsterdam: Amsterdam University Press.
- Puhle, Hans-Jürgen (1991) *Bürgertum. Bürger in der Gesellschaft der Neuzeit*. Göttingen: Vandenhoeck & Ruprecht.
- Reichardt, Rolf and Schmitt, Eberhard (1988) (eds) *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680-1820* (libro 9) lemma Citoyen-Sujet, Civisme Pierre Retat, R. Muenchen: Oldenbourg Verlag.
- Rétat, Pierre (1988): Citoyen - sujet, civisme. *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680-1820*, Bd. 8, 75-105. München: Oldenbourg.
- Riedel, Manfred (1972): Bürger, Staatsbürger, Bürgertum. In: *Geschichtliche Grundbegriffe* Bd. 1. Stuttgart: Klett-Cotta.
- Tilmans, Karin (2002) 'Republikeins burgerschap en het civiele humanisme in de Bourgondisch-Habsburgse Nederlanden (1477-1566)', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw*, Amsterdam: Amsterdam University Press.
- Van Uitert, Evert (2002) 'Burgerlijke kunst in een burgerlijke eeuw', in Joost Kloek and Karin Tilmans (eds.) *Burger. Een geschiedenis van het begrip*

- 'burger' in de Nederlanden van de Middeleeuwen tot de 21ste eeuw. Amsterdam: Amsterdam University Press.
- Van Sas, N.C.F. (1999) (ed.) *Vaderland Reeks Nederlandse Begrips- geschiedenis I*. Amsterdam: Amsterdam University Press.
- Vink, Maarten (2003), *Limits of European Citizenship. European Integration and Immigration Policies in the Netherlands*. PhD-thesis University of Leiden, Veenendaal: Universal Press.

Henrik Stenius

## THE FINNISH CITIZEN

*How a Translation Emasculated the Concept*<sup>1</sup>

In the Greek *polis* and Roman *res publica* the notion of ‘citizen’ was crucial in the rhetoric of civic virtues, encouraging men to commit themselves to the good cause of ruling the city or the republic together with the other citizens. Since those ancient times the European concept of ‘citizen’ has, accordingly, included an element of pro-active citizenship, although feudal structures and absolutist rule for long periods kept the idea of pro-active citizenship in a state of rather deep winter.

In the Mediaeval towns of Europe there emerged another alternative or complementary discourse of citizenship concerning the gradation of political and civic rights. There were *cives simpliciter* who took part in the decision making of the city; and there were *cives secundum quid* who were judicially and socially dependent on another person, a patron, and who thus had no right to participate in the ruling of the town. The urban history of Europe exhibits in this regard a muddled and perplexed “pattern” with different sections of society fighting against each other about what sort of political and judicial rights should be reserved for different sections of the town’s population. There is no need here to dissect this complicated history. It is enough to note that the concept of ‘citizen’ in the history of European towns was used to divide the inhabitants into separate categories each with judicial and political rights (or the lack of rights) of their own.

When the universalist concept of 'citizen', negating the distinction between *cives simpliciter* and *cives secundum quid*, appeared as a alternative term for the concept, this no longer happened within the framework of the city state but in the context of the state. The French revolution constituted here a decisive watershed.

This same period constituted a decisive watershed in the history of Finland. The turmoil of Napoleonic Europe finally produced a Europe where Finland for the first time emerged as a political unit of its own. Until 1809 Finland had been an integral part of Sweden, but it was then incorporated, as a Grand Duchy, into the Russian empire. And only after the emergence of such a political unit was there any articulated desire to create a political discourse in the Finnish language.

In this article I will focus on the way that those who lived in this new political unit, the Finnish citizens, were conceptualised by the persons consolidating a distinct Finnish political culture. How was the European discourse on citizenship adapted? How were the specific historical experiences of the inhabitants living in Finland used in the conceptualisation of the concept? The method used in this article is to focus on a translation of just one key text from Swedish to Finnish. Before presenting the text and analysing the translation I will briefly discuss the language issue in Finland.

## The Language Issue

In the 19th century, during the early stages of the formative period of a specific Finnish political culture, the language of the elite was Swedish, even though important sections of society, the elite also used French, Russian, Latin or German. The majority of the population (in the mid 19th century 87 %) spoke Finnish as their mother tongue.<sup>2</sup> As the political elite consolidated the autonomy of the Finnish Grand Duchy as the home of a specific Finnish nation, all the important political groups agreed on making Finnish an official language on a par with Swedish. There was a consensus that the Finnish language should be worked on and matured in order to render it usable in administration, education and the courts. However, the

timetable for the reforms caused heated debates and divided the politicians into antagonistic camps. Although, as a hierarchical order of society was regarded as the only possible state of affairs, the liberal party, which was very much conflated with the Swedish party, thought that the reforms required a time span of several generations. They were at the same time inclined to think that even in the future there would be areas of the elite culture where the Finnish language would prove too poor to be an efficient vehicle of communication.

From a comparative perspective the success of the Finnish language movement was remarkable. It appeared to be more victorious than anybody could have dreamt of when Finnish nationalist ideas were first presented during the first half of the 19th century. In the space of two generations, from the 1840s to the turn of the century, the Finnish language changed from being the language of the peasantry, into being a language used in higher administration, academia and the arts, thus turning into an effective tool for all sections and at all levels of society.

## Two Different Manuals?

In this article this process will be illustrated by focusing on the translation from the Swedish into Finnish of the most prestigious law manual of the time, written by the most reputable expert on Finnish law, Johan Philip Palmén (1811-1896) and translated by the most esteemed Finnish linguist, Eljas Lönnrot (1802-1884). More precisely, I will limit myself to his translation of one single concept, the translation of the concept of ‘citizen’ in this manual.

Lönnrot is not usually thought of as a politician or a political philosopher. His importance has been of another kind. By compiling the *Kalevala* he succeeded in strengthening the nationalist sentiments of the Finns. Lönnrot became the most prestigious authority on questions regarding the consolidation of a written Finnish language. In this article I wish to show that Lönnrot, even though he was not regarded as a political thinker, had – as a linguistic authority – a decisive role in the way in which political and social reality was conceptualised in the Finnish political culture. He created his own



concept of ‘citizen’ and at the end of the article I shall comment on how his conceptualisation had an impact on the use of the concept in Finland.

Johan Philip Palmén was an industrious and reliable official, who during his long career in public service was entrusted with one important commission after another. As a profound and pragmatic university teacher he became an expert on every part of Finnish law even though he never paid much attention to the deeper problems of the philosophy of justice. In the early 1850s he wrote a manual on Finnish law for the Finnish cadet school, a manuscript that was circulated only as a lithographed copy. However, after the change of regime in 1855, with the move from the autocratic rule of Nicolas I to the more constitutional rule of Alexander II, he decided to publish it. The book, *Juridisk handbook för medborgelig bildning*, appeared in 1859. An English translation would be ‘Legal manual for civil education’, although ‘education’ is not, of course, a satisfactory translation of *bildning* (the equivalent of the German concept, *Bildung*). Four years later, in 1863, the book was published in Finnish *La´in-opillinen käsikirja Yhteiseksi sivistykseksi*. The word *medborgerlig* (civil) was translated as ‘*yhteinen*’ (common).

If one wants to judge the spirit and direction of Palmén’s manual it is worth noticing that the Russian as well as the Finnish command of the cadet school adopted a positive and appreciative stand towards the book. This did not however prevent the book from becoming a crucial integrating and socialising tool for a very broad layer of the Finnish public during the second half of the 19th century. The book became obligatory reading for generations of intellectuals during a reform period, when jurists dominated both the administration and intellectual circles in public debate. The book demonstrates the skills of an ideological equilibrist, writing explicitly about Finland’s autonomy with a constitution, legislation and public economy of its own, in a way that satisfied not only the Russian rulers but also the nationalist political elite. This balancing act became possible because Palmén avoided talking about Finnish *politics*. The target was not the Finnish *homo politicus*. Palmén was a conservative Hegelian with a trust in the benevolent state. Only because of the existence of the State, the good shepherd, was it possible for the individual inhabitants of that state to attain the higher reaches of human life.<sup>3</sup>

In translating the book into Finnish Lönnrot showed remarkable creative thinking. From a conceptual history point of view he demonstrated a pronounced independence in his treatment of the Swedish original. The concept of 'citizen' is a case in point. Palmén uses the Swedish word *medborgare* 33 times, and Lönnrot uses a great deal of ingenuity in finding Finnish equivalents. He uses neologisms created by other philologists, he also creates one for himself and actually avoids the word by using different kinds of circumlocution. Before I go into the question of whether there is any logic in Lönnrot's dealing with the Swedish word for 'citizen', I need to make some general remarks about translations.

## The Notion of Translation Culture

The neologisms were the products of a translation process, because the making of a modern political language in Finland was a continuous adjustment of Finnish experiences to European ways of using and defining central political concepts.

There is a difference between conceptualisation in major languages and minor languages. When analysing concepts in the major European languages it is defensible to regard the conceptualisation as an individual performance by a linguistic actor without contrasting the process with equivalent processes in other languages, because the major languages have a type of self-sufficiency that the minor languages lack. Hence in relation to the cultures of minor languages, an analysis of conceptualisation without reference to major languages leads unambiguously in a wrong direction. Only by contrasting conceptualisation in the major language and the conceptualisation in the minor language can we frame the relevant questions and, likewise, only through such a contrast can one find the relevant answers to these questions.

As a part of a translation process conceptual history in the Finnish case becomes an analysis of asymmetrical relations, where the giving and the taking lack reciprocity. As there are asymmetrical relations of different kinds, there are, consequently, different kinds of translation cultures.

Firstly, I want to say that as long as a specific culture does not live in complete isolation without any knowledge of other cultures it has to be regarded as a translation culture, because the experiences of other cultures have to be objectified and adjusted to the code system of one's own culture. However, if one wants to use the notion of 'translation culture' in a more analytical sense one has to distinguish between different elements in the process of translation. More precisely, one has to distinguish between two different reasons why translations are an inevitable part of our lives, that is, two reasons why the option of a completely universal discourse is inconceivable.

The first hindrance lies in the fact that key concepts derive their content in a context related to the intentions of the person who uses the concept. The relevant issue in this connection is whether creative thinkers fancy that the concept they use are universal and generally accepted, or whether they think that the idea of universal concepts is illusory. If one looks at history from the Renaissance to the time of the Enlightenment one can notice that the nominalist tradition that emphasised the importance of rhetoric weakened at the expense of scientists' belief in an "objective" language with "objectively" defined concepts.<sup>4</sup>

A person who believes that the concept she/he uses is universal argues in a different way from that of a person who doubts the possibility of developing an elaborate universal system of key concepts. From a positivist standpoint, the aim of argument is to converge on commonly accepted definitions of key concepts, an attitude that could eventually be rather aggressive by and by (cf. Diderot who thought that persons who invent neologisms should be imprisoned). The hermeneutic stand, on the other hand, acts on the assumption that we/I conceptualise the world in our/my own way, and that "the others" do it in their own way.<sup>5</sup> Convergence, if it happens, takes place in a third space, to use the term of Homi K. Bhabha.<sup>6</sup> If one looks at the Finnish concept of 'citizen' one might judge that the case of Finland is extreme. All those persons who were involved in creating a modern political vocabulary in Finland saw the Finnish concept of 'citizen' quire separate from any other. None of the Finnish neologisms that were suggested made any references either to European urban history or to the discourse on rights, that was connected to the common metaphoric field of the

concept of ‘citizen’. One has to regard these linguistic solutions as a decisive effort by the debaters to create a Finnish political language based on peculiarly Finnish premises of its own.

The other hindrance to a universal discourse consists in the simple fact that the political debate in Europe took place in language areas having their own limitations, so far as the range of communication was concerned. The possibility of influencing a common political debate – and taking part in discursive struggles regarding key political concepts – was dependent on what language area one belonged to. Here one should be more precise. It made a big difference whether one lived *within* or *outside* the inner circle of the European debate. The existence of the *République des lettres* is a fundamental fact.<sup>7</sup> Those who participated in a political debate within it, regardless of the language they themselves spoke – French, German, Italian, English, Dutch or Latin – could see themselves taking part in a common “international” debate with common “European” concepts.

For those involved in political debate geographically and socially outside this inner circle, it was almost impossible to fancy that their own argumentation could have any impact on the debate within the literary Republic. I have tried to identify intellectuals living in the Nordic countries during the centuries before the 20th who could think of themselves as having some sort of influence on European political debate, and I have come to the conclusion that they cannot amount to more than nine: Saint Birgitta, René Descartes, Samuel Pufendorf, Emanuel Swedenborg, Hans C. Andersen, Fredrika Bremer, Henrik Ibsen, Georg Brandes and Edward Westermarck. One could add Søren Kierkegaard, because he undoubtedly had an impact on philosophical debate in European centres, although he hardly had such ambitions himself. I exclude here scientists such as Tycho Brahe, Carolus Linnaeus, Anders Celsius and Christian Ørsted, as well as artists like Jenny Lind and Ole Bull, knowing that many persons around Europe thought of Jenny Lind as an incarnation of such concepts as purity, holy art, authentic nature or ethereal deity.

However, there were several different positions in the outer regions. The situation in Sweden before 1809, when Finland was still an integral part of that country, illustrates such differences. The Swedish-speakers in Sweden had a translation culture of their own, while Finnish-speaking Sweden represented another type. Swedish-

speakers, who wanted to achieve a position as public debaters, had to situate themselves very close to the “universal” European debate, which meant adopting and colonising the European concepts including their metaphoric references.<sup>8</sup> Even though they had hardly any opportunity to play a role in the European debate “proper”, they had still the great advantage of having a “complete” language in the sense that the semantics and syntaxes allowed them to think even theoretically advanced thoughts in their own language. Finnish-speaking persons, on the other hand, for a long time lacked such intellectual tools and such intellectual independence. The discussion of citizenship was an example of a discourse in which Finnish writers had to pre-think their thoughts in another language – usually Swedish – and then try to give the thoughts a Finnish voice. Such a lack of cultural sovereignty might be related to the kind of obstinate cultural independence that the founding fathers of the Finnish political culture demonstrated during a later period, situating the metaphoric field of the Finnish key concept at a decisive distance from the common metaphoric field of the debater in the “core” of Europe.

The Finnish language matured during the last decades of the 19th century in the sense that the codification of the main corpus of the vocabulary came to an end. Looking at the period before that, one has to distinguish two different periods with two different types of translation culture. Until the 1820s the Finnish political language lacked independence. There were no autonomous Finnish speaking media dealing with political and social issues by means of which the debaters could develop their thinking in Finnish. Finnish words for ‘citizen’ occurred occasionally, but each time more or less as spontaneous neologisms. There were word-for-word translations of the Swedish word *medborgare* (*kanssaporwari*) as well as neologisms referring to individuals who were living together as individuals in the same community (*kanssa-asuja*). And there were eclectic suggestions referring to subjects (*alamaiset*) who dwelt together (*kanssa-alamainen*).

From the 1820s onwards, those political leaders that set up the Finnish language movement, the Fennomans, were at the same time philologists having a decisive impact on the codification of modern Finnish political language, focusing on key concepts and trying to agree a Finnish vocabulary with Finnish premises. The aim was to

create a European, modern language fit to take its place among other modern European languages. The asymmetrical relation was no longer total, because the translation took place from one or several independent languages into another independent and self-sufficient code system. The serious nominees for expressing the concept of ‘citizen’ were three: (1) *‘kans(s)alainen’* which was the most common word and could be interpreted either as a “member of the people” from the noun *‘kanssa’* meaning *Volk* or people) or “a person with (us)” from the postposition *‘kanssa’* meaning ‘with’ as an incomplete word-for-word translation of the Swedish *medborgare*, extending the urban terms *‘borgare’/‘Bürger’* to include a general notion of belonging. As there were no codified rules for spelling with a single or double ‘s’ both interpretations were possible, even though it is obvious that the Fennomane philologists themselves had in mind the idea of *Volk*/people, which means that a word-for-word translation from Finnish to German, English, or Swedish would be *Völkler*, *peopler*, and *folkare* respectively. As there already exists a Spanish word *‘poblador’*, derived from the noun ‘people’, referring more generally to the quality of being an inhabitant (a person living in the neighbourhood, the city, the region or the nation), the word-for-word translation would only require a reloading of the word with greater legal and political content.

The two other neologisms were: (2) *‘yhteiskuntalainen’* derived from the word *‘yhteiskunta’* (society) and (3) *‘kansajäsen’*, which word-for-word means “member of the people”. The latter is a neologism suggested by Lönnrot when the neologism *‘kansalainen’* had already become a dominating alternative. Why was Lönnrot unsatisfied with the word *‘kansalainen’*?

## The Dilemma of Lönnrot

Lönnrot might have thought that the Finnish culture could manage without a concept of ‘citizen’, like the Arabic culture, which lacks a word for ‘citizen’. As we know, the Arabic language also lacks a word for the European concept of ‘state’. We can learn from this comparison without suggesting that Lönnrot himself was aware of these Arabic peculiarities. The conclusion one has to draw is that these similarities

are just superficial and coincidental. Inclusion in the Arab world was of a religious kind, which meant that the European concept of justice, anchored in the notion of an autonomous state apparatus, had no place in traditional Arabic culture. Lönnrot, on the contrary, had, according to Fennomane thinking, a strong belief in the state. What Lönnrot wanted to do was to express a Fennomane variation of a common European inclusion logic based on the relation between people and state.

For Lönnrot it was obvious that without a state there could be no citizens. In parenthesis I could mention that this seems to have been obvious also in the case of the Finnish speaking minority in northern Sweden. They have a Finnish dialect of their own, (*meänkieli*), which lacks the notion of ‘citizen’. They speak only of the ‘subject’ (*alamainen*), because they did not take part in the Finnish state/nation-building project.

According to my interpretation the concept of citizen was of crucial importance for Lönnrot. His conceptualisation is not as broad as the sweeping equivalent European terms. One can note here that the German *Bürger* was among those German words that until 1840s had taken on so many over-lapping meanings that it had become useless for exact description and accordingly was not in use in legal texts.<sup>9</sup> Lönnrot tried to find a more exact use for the word and concept of ‘citizen’.

As mentioned before, Palmén used the word *medborgare* 33 times, whereas Lönnrot used the word ‘kansalainen’ just three times in his translation. The reason is, according to my interpretation, that Lönnrot wanted to refer to a specific judicial category, which I here call “*citizenship in a limited sense*”. He uses the notion of ‘kansalainen’ in the very few passages where Palmén talks about the inhabitants of Finland, the members of the state, as persons that in reality had the same legal rights and duties. In all the other cases, which I call here “*citizenship in a broad sense*”, he elaborated alternative expressions.

Lönnrot was thus very much aware of the fact that according to the sociological and judicial realities of the time, individuals were not autonomous and not equal in their relation to the state authorities.

The universalist principle was the complete opposite of the system of privileges, which was the glue of the society of the time. If a universalist principle existed in that period of history, it could only

exist as an abstraction in the heads of individual intellectuals. There was a notion of general law (*allmän lag*), but it was concerned only with the regulation of the various rights and duties of different groups in society. Furthermore, the courts did not treat all subjects in the same way. The nobleman had in this respect his own privileges, such as the right to be sentenced by an equal (that is another nobleman) and the right to be heard only in the higher courts (*hovioikeus/hovrätter*).

However, in Palmén's original text Lönnrot finds two passages where Palmén referred to a universalist context that makes it possible for him to use the notion of '*kansalainen*'. (The third place where the word occurs is in the glossary at the end of the book, where the entry *medborgare* has two Finnish translations, not just '*kansalainen*' but also '*kansajäsen*' (member of the people).

In one of the passages Palmén defines – according to a *ius sanguinis* principle – what a Finnish citizen is: that is a person who, regardless of birthplace, is descended from Finnish parents, or who has a Finnish citizen as a step-father. The other passage is more surprising. Stating the duties of the governor-general Palmén explains that he has to acquire relevant information from “officials and other knowledgeable citizens”. Here Lönnrot uses the concept of citizenship in a narrow sense. This should be interpreted as an ideological statement on Lönnrot's part in that it assumes that ordinary people also have valuable knowledge that a wise government should consider. In another passage, where Palmén talks about “the educated section of the citizenry” (“den bildade delen av medborgare”), Lönnrot avoids the notion of ‘citizen’ and chooses to talk about “all the educated in our land” (“kaikki oppineet meidän maassa”). The difference between these two passages is that in the latter case Palmén refers to a semi-corporate group and not to individuals regardless of which corporate body they are members.

In all the other places where Palmén uses the noun *medborgare* or the adjective *medborgerlig* Lönnrot elaborates a differentiated vocabulary, including a couple of neologisms. When Palmén talks about an abstract category of belonging to a society regardless of what kind of society, Lönnrot introduces the word '*kansajäsen*' ('member of the people'). In this abstract idea of belonging to a society, a general notion that different individuals are included on different



terms is incorporated in the concept and is why Lönnrot cannot use the ‘concept’ of citizen in the narrow sense. Similarly, when Palmén talks about the general law, Lönnrot does not use the notion of ‘*kansalainen*’, but the notion of ‘*kansajäsen*’. The notion of ‘*kansajäsen*’ is so general that it can be used also in connection with primitive societies that still have no state apparatus.

Social life is an elevated notion, connected to the notion of the ‘people’ and the notion of ‘voluntary action’. When Palmén used the adjective *medborgerlig* (civil) referring to social life in general, including social interaction in all kinds of societies, Lönnrot, accordingly, used the adjective version of ‘*kansa*’ (people), that is ‘*kansallinen*’. This creates problems for modern Finnish readers, because the word ‘*kansallinen*’ was at the same time Lönnrot’s neologism for the concept of ‘national’. The way Lönnrot uses the word ‘*kansallinen*’ shows that he packed into the notion two different elements: on the one hand “social life in general” and on the other hand “something that is national”. And what kept these two elements together was the notion of voluntary action or, more precisely, the idea of a primordial force that a free people can make use of by focusing their social initiatives on important societal projects, which in one way or another help to strengthen the nation. Here he refers to sound social activity, at a safe distance from the sphere where the official decisions in administration and political life are made.

In contrast to these elevated concepts of social life, Lönnrot also, in one passage, translates *medborgare* as ‘*maanmies*’ (man of the country), which does not confer on individuals equal obligations and opportunities to take part in a social, nation-building process. The word ‘*maanmies*’ is a traditional word in old Finnish for ‘compatriot’. He uses the word in a context where he speaks about traditional, patriarchal practices according to which masters had the obligation to judge and sign documents related to the civic virtues of their subordinates. By this Lönnrot succeeded in communicating a differentiated view of social belonging raising historical layers to the surface of contemporary rhetoric.

Lönnrot’s conceptual framework could not, however, avoid ending up in a contradiction. This happens when Palmén lists the civil rights and civil duties. Civil rights should be, by definition, universal. Therefore Lönnrot accepts the notion of ‘*kansalais-oikeudet*’, referring

to citizenship in the narrow sense. But the problem is that the rights that Palmén lists are not universal. Of course Lönnrot regards the contemporary social organisation with its corporations and estates as completely legitimate. Knowing that one of the main principles in Lönnrot's political thinking was the desirability of a convergence between classes in the sense that the upper and lower classes should learn to understand each other, it is rather easy to give a conservative interpretation of Lönnrot's view on the individual's inclusion in society. According to conservative thinking society should also in the future be an organism, in which the different sections of society had their own duties and rights. The fraternisation that Lönnrot had in mind was still a relationship between persons belonging to different corporations and estates. He was not fighting against privileges. The only privilege towards which he felt hostility was the priority given to of the Swedish language.

Lönnrot was thus comfortable with the fact that rights and duties were unequally shared in society. But in his keenness to make himself clear he elaborated a concept of citizenship that was universalist and not just quasi-universalist. If Lönnrot had compiled a list of civil rights he would not for example have included equality before the law.

One can add that the reason why Palmén used the notion of 'civil rights', even if that judicial term was a clear anomaly in the prevailing society of privilege, must be seen as an attempt to colonize the concept and avoid a situation where the concept became separately defined by potentially opposed forces in society.

## Conclusions: The Meaning and Significance of Lönnrot's Conceptualisation

What Lönnrot did was to introduce a radically universalist concept of citizenship, which was quite a shift for a conservative mind. As a matter of fact such a deliberate move can only be explained by the self-sufficiency of the translation culture of the Finnish type.

His conceptual exercise drove him straight into heated debates on equality in contemporary European political discourse. As we know,

especially from the German debate, the year 1848 changed the political language, moving it away from the old revolutionary rhetoric of liberty and equality. Just as the Germans replaced the word *Bürger* with other figures of thought, so Lönnrot also found the Swedish word *medborgare* inexact. Like the Germans he wanted to formulate a real universalist concept of citizen, the ‘citizen in a narrow, restricted sense’ (*kansalainen*) that fitted into a discourse on *Gleichberechtigung*.<sup>10</sup> For those who had the political initiative, in Finland as well as in Germany, it became important to discover new rules and codes for a new class-based society, that worked without corporations and privileges but in which social and economic differences were still profound sociological facts.

There is a special kind of gradation in Lönnrot’s citizen-words. When the reference concerns the ultimate aim of the state, the state as an educational-paideia project, corresponding to the Hegelian notion of *Sittlichkeit*, Lönnrot talks about ‘a member of the state’ (*valtiojäsen*). Palmén sometimes himself uses the Swedish equivalent expression, *medlem i staten* in contexts of the same elevated kind. ‘Member of the a state’ has thus a higher status than ‘member of a people’ (*kansajäsen*). In more trivial contexts Lönnrot just talks about ‘inhabitants’ (*asukkaat*).

But this type of gradation was very different from the traditional European discourse on citizenship. Here the discursive struggle had, since the Middle Ages, been focused on rivalry between different groups of (towns)people; between *cives simpliciter*, which refers to independent persons who take part in the decision making of the community, and *cives secundum quid*, which refers to persons who are dependent on others, masters, and who therefore do not take part in the decision making.<sup>11</sup>

Lönnrot, for his part, does not single out and does not grade different types of *persons*. Lönnrot’s words refer to different types of *characteristic* that can be ascribed to every Finnish subject/inhabitant. On a trivial level they all were inhabitants (*asukkaat*). The quality of being a social entity had a dignity of a higher order, which he expressed by using the term ‘member of the people’ (*kansajäsen*). Even more elevated was the quality of contributing to the nation-building process, which each Finn did as a “member of the state” (*valtiojäsen*).

The notion of '*kansalainen*', citizen in a narrow sense, referring to the quality of having equal rights and duties, had nothing to do with such a hierarchy. Depending on the perspective the equal rights and duties referred to, using Lönnrot's concept, could be either very limited or extremely wide. They were limited in the sense that the citizens had not the political existence of a decision-making republican. On the other hand, the rights and duties were wide, because they offered opportunities for each person, on a voluntary basis, to take part in the (educational) nation-building project as a 'member of the state' (*valtiojäsen*). It is in these opportunities that we find the reason why the Finnish citizen, regardless of his reserved character, accumulated her/his social and human capital, which is of considerable value when one looks upon this accumulation from a comparative point of view. But that is a topic for another article.

Moving from the question of the intentions of Lönnrot to the question of the significance and consequences of Lönnrot's conceptualisation, one has to come to the interesting conclusion that the great master of the codification project was not successful in this particular case. Lönnrot's attempt to introduce a radically egalitarian concept of citizen came almost to nothing (despite paving the way for the accumulation of social and human capital by all the citizens). In the following decades Fennomane politicians – by references to the *ius sanguinis* elements in the Finnish concept of citizen – could grade the citizens into 'more valuable' and 'less valuable' groups in Finnish society. Thus there were politicians making a distinction between the 'Finnish people proper' and the 'Swedish speaking population'. The concept of citizen became a diffuse concept of inclusion. By the end of the century even groups east of the Finnish border in parts of Russia that had never been part of Finland (or Sweden) came to be recognized as Finnish citizens simply because they spoke Finnish.

## Notes

<sup>1</sup> This article is based on a smaller part of a more detailed and exhaustive article on the Finnish concept of citizen, which was published in 2003 in the Finnish anthology of Finnish key concepts: Matti Hyvärinen, Jussi

- Kurunmäki, Kari Palonen, Tuija Pulkkinen and Henrik Stenius (eds.), *Käsitteet liikkeessä*. [Concepts in Motion] Tampere: Vastapaino.
- <sup>2</sup> Having said that the elite spoke Swedish does not mean that the Swedish speaking population constituted the elite. The Swedish speaking population was divided into social groups in the same proportions as the Finnish speaking population. About the language issue see Kenneth D. McRae, *Conflict and Compromise in Multilingual Societies. Finland*. Rauma 1999; Henrik Stenius, "The Language Issue in Finland" in Clive Archer and Partti Joenniemi, *The Nordic Peace*. Ashgate 2003.
- <sup>3</sup> E.G. Palmén, *Till hundraårsminnet af Johan Philp Palmén 1811 31/X 1911. II. Lefnadsteckning*. Helsingfors 1915.
- <sup>4</sup> Walter Ong, *Orality and Literacy: The Technologizing of the Word* (London 1982), points to printing techniques as one reason for this change as printing practices paved the way to "the standardization of memory".
- <sup>5</sup> 'We' refers to a more repetitive use of concepts, whereas 'I' can be regarded as the precondition for creative conceptualisation and argumentation.
- <sup>6</sup> "The third space" in J Rutherford (ed.), *Identity, Community, Culture, Difference* (Lawrence & Wishart 1990).
- <sup>7</sup> See for instance, Willem Frijhoff, "Conceptual History, Social History and Cultural History: the Test of 'Cosmopolitanism' in Iain Hampsher-Monk, Karin Tilmans and Frank van Vree (eds.), *History of Concepts. Comparative Perspectives* (Amsterdam 1998).
- <sup>8</sup> I a recent study by Peter Hallberg, *Ages of Liberty. Social Upheaval, History Writing, and the New Public Sphere in Sweden, 1740-1792*, 2003, the author analyses political argumentation contrasting on the one hand references to Sweden's own historical experiences (use of history) and on the other hand references to doctrinal discussions in France and England. The author concludes that in the political rhetoric of that time the use of Swedish history was more important.
- <sup>9</sup> Willibald Steinmetz, "'Speaking is a Deed for You'. Words and Actions in the Revolution of 1848" in Dieter Dowe, Heinz-Gerhard Haupt, Dieter Langewiesche, and Jonathan Sperber (eds.), *Europe in 1848. Revolution and Reform* Berghahn Books. New York & Oxford 2001).
- <sup>10</sup> Otto Dann, *Gleichheit und Gleichberechtigung. Das Gleichheitspostulat in der alteuropäischen Tradition und in Deutschland bis zum ausgehenden 19. Jahrhunderts* (Berlin 1980), pp.18-19, 95, and 211-213. Willibald Steinmetz, "'Speaking is a Deed for You'. Words and Actions in the Revolution of 1848" in Dieter Dowe, Heinz-Gerhard Haupt, Dieter Langewiesche, and Jonathan Sperber (eds.), *Europe in 1848. Revolution and Reform* Berghahn Books. New York & Oxford 2001).

- <sup>11</sup> Reinhart Koselleck and Klaus Schreiner, “Einleitung: Von der alt-europäischen zur neuzeitlichen Bürgerschaft. Ihr politisch-sozialer Wandel im Medium von Begriffs-, Wirkungs- und Rezeptionsgeschichten” in Reinhardt Koselleck and Klaus Schreiner (eds.), *Bürgerschaft. Rezeption und Innovation der Begrifflichkeit von Hohen Mittelalter bis ins 19. Jahrhundert* (Stuttgart 1994), pp 11-42.

Tuija Parvikko

# MEMORY, HISTORY, AND THE HOLOCAUST

*Notes on the Problem of Representation of the Past*

*La maggior parte dei testimoni, di difesa e di accusa, sono ormai scomparsi, e quelli che rimangono, e che ancora (superando i loro rimorsi, o rispettivamente le loro ferite) acconsentono a testimoniare, dispongono di ricordi sempre più sfuocati e stilizzati; spesso, a loro insaputa, influenzati da notizie che essi hanno appreso più tardi, da letture o da racconti altrui. In alcuni casi, naturalmente, la smemoratezza è simulata, ma i molti anni trascorsi la rendono credibile, anche in giudizio: i 'non so' o 'non sapevo', detti oggi da molti tedeschi, non scandalizzano più, mentre scandalizzavano, o avrebbero dovuto scandalizzare, quando i fatti erano recenti. (Levi 1986, 10)*

## How to Remember the Holocaust?

Memory, remembering, is not politically and historically innocent. On the contrary, historical memory is profoundly political. One could even claim that politicking with memory is one of the most influential ways of doing politics. The politics of memory may be defined as an attempt to represent certain historical events in such a way that these events obtain a wanted significance. Thus, the politics of memory is about how and what past events will be remembered and what kind of political significance will be given to these events.

The politics of memory does not only concern the past as such. By presenting of the past a wanted interpretation, by remembering certain events and dimensions of the past (instead of some others) in a certain way we want to affect and influence the present time and future. In other words, we don't remember for the sake of remembering itself but rather for the sake of the present time and future. Hence, on one hand, our representations of the past may be influenced by our conscious desire to affect the present time and future. On the other hand, however, as Primo Levi points out in the quote above, our memories of the past may change in the course of time even when we try to remember as "authentically" as possible: they are affected by what we read and hear from others. We tend to adjust our memories to them and finally we are not able to distinguish our original recollections from stories and accounts we have read and heard later.

Traditionally, historical investigation has been based on documentation. Personal memories and eyewitness stories have not been considered as reliable documents: there is, indeed, a lot of evidence that different individuals can remember the same events in entirely different ways. However, this conviction has also turned out to be a dilemma of historical writing especially concerning politically controversial or extreme events. Documents, archives and other written sources are destroyed either by accident or purposefully. Sometimes historical agents consciously avoid leaving traces of their actions. In this sense the Third Reich and the Holocaust<sup>1</sup> are a case in point. We know that Hitler gave his orders and commands by word of mouth. We know that the Nazis managed to destroy a considerable amount of archival and other written evidence of their deeds before the collapse of the Reich.

However, the Third Reich and the Holocaust are a case in point also in another respect. No other single event in human history has produced so much historical investigation, archives, memoirs, eyewitness testimonies and different kinds of cultural and political reproductions. Indeed, in the beginning of the 21st century the amount of "Holocaust studies" and all kinds of cultural products concerning the Nazi period, such as films, documents, memoirs, exhibitions, monuments, and so on, is huge and steadily growing.

The extension and expansion of the investigation and discussion over the Third Reich and the Holocaust suggests that there is



something more in it than a simple desire to get historical facts correct. It invites to think that the contemporary discussion does not only concern past events and deeds but also the contemporary world – in one way or another. It invites to ask what really is at stake in this endless discussion and reproduction of a past that casts a dark shadow over any representation of European political history. Why is it that representations of these events more often than not are received by a heated debate? Why is it that historians, political theorists, philosophers, and other scholars still disagree of the political significance of these events? In what kinds of terms is the Holocaust remembered and discussed in the beginning of the 21st century?

In this essay my aim is not to give exhaustive answers to these questions. They rather provide a context in which to ask how remembering has been approached and discussed in recent historical and political studies concerning the Third Reich and the Holocaust. In order to approach this question I will compare two different periodisations of remembering the period of the Third Reich and the Holocaust. I will suggest that accounts of the Nazi period and the Holocaust in terms of chronological periodisations unavoidably tell only a part of what really happened and what is important in all that happened: they ought to be seen as a partial perspective to a past that cannot be entirely captured in a single representation of it. However, this does not mean that we should refuse historical representations and periodisations of the Holocaust altogether. Rather, I will suggest that we should resist the temptation to see the Holocaust as an impossible event to represent at all. In my view we should also avoid the view according to which “correct” representations of the Holocaust are bound to a certain style or way of writing. In order to challenge these temptations and views I will first discuss Hayden White’s suggestion that the answer to the question of how to represent the Holocaust correctly<sup>2</sup> is to write about it in a modernist way in the form of a middle text. I will argue that in order to represent and transmit the political significance of the Holocaust the middle text is not enough. Finally, I will defend Hannah Arendt’s conception of storytelling as an indispensable practice of constructing a shared past in such a way that political meaning of past events may emerge. I will try to show that although remembering will inevitably remain a controversial – and as such a profoundly political – practice, it

constitutes an indispensable dimension of political reality without which we are not able to judge human action and tell right from wrong. Consequently, we need to tell and remember also the story of the Holocaust because otherwise we lose our capacity to judge an important part of our historical and political past. In Arendtian terms, truthful representations and accurate judgments of the past are not necessarily bound to personal experience: you didn't have to be there in order to be permitted to transmit and judge the stories about the Holocaust. Hence, I will finally argue that in the discussion of the possibility to represent the Holocaust, experience and event should be kept conceptually and theoretically apart from each other.

## From the Post-War Silence to the Era of the Eyewitness

*Quasi tutti i reduci, a voce o nelle loro memorie scritte, ricordano un sogno che ricorreva spesso nelle notti di prigionia, vario nei particolari ma unico nella sostanza: di essere tornati a casa, di raccontare con passione e sollievo le loro sofferenze passate rivolgendosi ad una persona cara, e di non essere creduti, anzi, neppure ascoltati. Nella forma più tipica (e più crudele), l'interlocutore si voltava e se ne andava in silenzio. (Levi 1986, 4)*

To Primo Levi (see Levi 1947) and many other survivors this nightmare came true. Those who returned from the camps were not enthusiastically welcomed home. Not only their physical appearance but also their stories were often received by unbelieving hostility. People did not want to hear, talk about and believe what the survivors wanted to tell. This was, at least, a personal experience of a number of survivors. Later, many scholars of the Third Reich and the Holocaust have argued that the first decades after the end the Second World War were, indeed, characterized by a desire to stay silent about what had taken place in Europe.

One of the historians who have approached the Holocaust in these terms is Annette Wieviorka. However, in her interpretation the post-war silence did not remain permanent. On the contrary, she argues that the Holocaust is a unique event at least in one sense: despite the

enormous amount of victims who never returned, no other event in the European history has produced such an enormous number of eye-witness testimonies as the Holocaust. Although the Holocaust has also been investigated with traditional historical methods, the eyewitness testimonies have strongly influenced our reception and conception of it. This is curious because the eyewitness testimony is a very particular historical source – and not necessarily the most reliable one. (Wieviorka 1998, 13-15) Wieviorka identifies four characteristics that distinguish it from other kinds of sources. Firstly, an eyewitness testimony expresses an individual experience in its uniqueness. Secondly, testifying takes place in a certain context and time against certain expectations and demands. Third, expectations and demands of the era have ideological or political motives. And fourth, expectations and demands of the era contribute to the birth of purposeful collective memories. (Wieviorka 1998, 14)

In addition to these four characteristics it should be kept in mind that a witness never remembers and tells everything: an eyewitness testimony is not the whole truth. It is often full of factual mistakes and errors. Witnesses do not always fully understand the context they try to describe<sup>3</sup>. Some testimonies rather mislead than help the historian. The dilemma of the historian is that he/she has to do his/her research in the midst of disputes concerning the phenomenon itself: research is interwoven with ethical, political and scientific disputes. Despite – or perhaps because of – all this Auschwitz has become a metonym of absolute evil. The Shoah has become a paradigmatic model of constructing memory to which one refers almost everywhere. (Wieviorka 1998, 16)

In terms of these preconditions, Wieviorka divides the post-war period in three phases. The first period immediately after the war was characterized by reading the Holocaust from the traces left by the victims. In fact, already during the mass murder many victims understood that they would never return to tell what was happening to them. Thus a need was born among the victims to leave traces of what was going on so that afterwards it would have been possible to trace down the truthful course of events. After the war, on the basis of these traces it has been possible to establish huge archives for historians and other scholars. (Wieviorka 1998, 21-23)

Another category of traces of the victims was born on the basis of stories, recollections and testimonies of the survivors. Many of them wanted to tell their story so that coming generations would know and understand what happened. Immediately after the war many of these stories and reports were published. From the victims' viewpoint the problem was that soon hardly anybody wanted to listen to these stories while for the historians the trouble was that nobody wanted to tell everything. Thus, for example the infamous diary of the leader of the Warsaw ghetto, Adam Czerniakow, was published only in the 1960s and translated into English in the 1980s. People did not want to remember the dilemma of the Jewish Councils: the fact that the deportations were organized by the Jewish Councils on the basis of Nazi orders was too embarrassing to be continuously recollected. Even less the surviving members of Jewish police and *Sonderkommando* wanted to remind people of their role in the ghettos and camps. The survivors of these groups began to talk in public only during the 1990s. (Wieviorka 1998, 33-34; cf. Saletti 1999 and Gradowski 2002)

Memoirs and reports written in the 1940s and 1950s are mostly characterized by a desire to avenge and sanctify. On the one hand, the survivors were driven by a lust to avenge their sufferings and on the other hand many of them wanted to sanctify the memory of the victims as totally innocent and helpless objects of the Nazi terror. The reverse side of this sanctification was making the rest of the world guilty of what happened to the Jews. Wieviorka argues that the problem of this kind of repetitive storytelling is that it threatens to turn totally ahistorical. (Wieviorka 1998, 55-56)

During the 1950s the interest for the Holocaust was slight. Then, in the beginning of the 1960s something happened that encouraged eyewitnesses to step forth. It was the trial of Adolf Eichmann that changed everything: now remembering the Holocaust became a constitutive element of a certain Jewish identity. Recalling and representing the Nazi genocide became a public ritual. Instead of focusing on the crimes of the accused, the trial became a spectacle of countless witnesses who were allowed and encouraged to tell whatever they wanted and for how long they wanted. The trial of Eichmann became a political trial, in which the Holocaust was made an instrument for political purposes: the state of Israel needed it to

strengthen its position and justify its existence. (Wieviorka 1998, 71-74)

According to Wieviorka, on general level the trial of Adolf Eichmann revealed the ambivalent nature of justice, court and trial if they are used as historiographers. In other words, the dilemma of the trial is the question of what follows if a law-court tries to write history. The undoubtedly positive impact of the trial was that it liberated witnesses' testimonies so that survivors could gain a social identity recognized by society. In the centre of this identity is the task of witnessing: the witness becomes a bearer of history. However, the reverse side is related to the fact that the mass murder becomes a continuity of individual experiences with which the rest of the world should be able to identify. All the attention is focused on the victims. The aim is to construct a collective memory on the basis of the stories of the victims. (Wieviorka 1998, 99-102) By the same token the political analysis of Nazi totalitarianism as a system and the question of political responsibility recedes in the background. (Cf. Arendt 1963/1965)

Wieviorka argues that on the basis of all this after the Second World War two different histories were born. On the one hand there is the history of Final Solution, which is told by means of Nazi documents. On the other hand there is the history of Jewish sufferings, which is told by means of testimonies of victims. The problem is that these two histories do not necessarily interrelate. The history of Jewish sufferings presents "generalising history" as cold and non-empathic way of telling of the past. The viewpoint of witness fragments history into distinct stories, the mutual relationship of which disappears from the sight. The viewpoint of witness does not reach the totality of the events and consequently does not offer tools for judging the significance of past events for the present-day and the future. (Wieviorka 1998, 103)

The third and still on-going phase of Wieviorka's classification is the era of the witness that began at the end of the 1970s. This era is characterized by a certain "democratisation of historical agency". History is no longer only told by victors on the macro-level, but it is also told by means of individual life-stories. On the level of popular culture this change is not exclusively Jewish. All kinds of expressions of individual stories and experiences from memoirs to confession programs become popular. (Wieviorka 1998, 109-111)

One of the most outstanding events in this context is the American television-series *Holocaust* that gained 120 million watchers. The term itself came to use with it. It caused an immense debate because it was claimed to be too washed-out, romantic and subjective. It was said to have been done for Americans who needed a story of a middle class family. It is difficult to say how strong an influence this single television-series really had on the becoming boom of the Holocaust. The fact is, however, that it was followed by a flood of all kinds of Holocaust items from research centres to films, documents, memoirs, monuments, seminars, etc. In Wieviorka's view, among this huge amount of material, it is possible to single out a project that has totally changed the nature of witnessing. Until Steven Spielberg's famous film *The Schindler's List* at the centre of all testifying there was the story and the witness him/herself. Now what begins to be emphasized is no longer past events but the fact of surviving as a kind of hero-story. More precisely, what gains central importance is transmitting the testimony and individual experience, not the contents of the story. In addition to this substantial shift of emphasis there are other problematic aspects in Spielberg's project. One of the most significant of them is that it renders the entire witnessing an industrial project: Spielberg wants to interview all the survivors without exception. (Wieviorka 1998, 122-125)

As a whole, Wieviorka's periodisation is sensitive and succeeds in catching a number of important aspects of the phases of remembering the Holocaust. However, it also raises two major questions. First, it may be asked whether phases or rather modes of remembering a historical event may be presented in a chronological order. Would it be better to understand phases or periods in terms of different strategies or types of approaching and remembering the Holocaust that may also be historically simultaneous? However, Wieviorka does not suggest that the three periods of remembering of the Holocaust are somehow mutually exclusive. More precisely, she does not argue, for example, that "the silence" of the 50s would have been absolute. She rather suggests that with hindsight it may seem so especially as certain influential survivors, such as Elie Wiesel, keep on supporting this view (Wieviorka 1998, 50-55; cf. Wiesel 1958). Neither does she argue that the "turn" of the 60s would have replaced all the other kinds of accounts by eyewitness testimonies but she rather suggests

that the sixties marked a kind of acceleration of the intensity and quantity of testifying and remembering the Holocaust.

Second, it may be asked whether Wieviorka's periodisation is valid everywhere. More precisely, possible weaknesses of her classification may stem from her attempt to present a general periodisation valid in the entire Europe or Western world. In other words, its level of generalization may not do justice to particular European contexts and realities. One way to examine whether these doubts are well founded is to compare Wieviorka's periodisation to other accounts of remembering the Nazi period. This is why in the following I will compare it to Michael Geyer's account of politics of memory in Germany that has been written from an entirely different angle. While Wieviorka characteristically looks at the Nazi period from the victims' viewpoint, Geyer approaches it as a piece of German history. As such, it does not represent perpetrators' history but rather attempts to give an overview of how the Nazi period has been approached and discussed in Germany. It is comparable to Wieviorka's account precisely in this respect: it covers the entire post-totalitarian period from the end of the Second World War until the end of the 1990s focusing on the question of how the Nazi period has been remembered and recollected in Germany.

## The Myth of German Amnesia

*But nowhere is this nightmare of destruction and horror less felt and less talked about than in Germany itself. A lack of response is evident everywhere, and it is difficult to say whether this signifies a half-conscious refusal to yield to grief or a genuine inability to feel ... This general lack of emotion, at any rate this apparent heartlessness, sometimes covered over with cheap sentimentality, is only the most conspicuous outward symptom of a deep-rooted, stubborn, and at times vicious refusal to face and come to terms with what really happened.* (Arendt 1950, 249)

This is how Hannah Arendt estimated the situation in Germany after her first post-war trip to Europe in 1950. She does not speak of "silence" but rather a conscious refusal to take responsibility for the Nazi atrocities. Here the quote serves as an introduction to Geyer's

account as it testifies for the fact that it is not possible to describe and judge the post-war situation in Germany in any simple black and white terms. One might argue that post-war German silence was a very "roaring silence".<sup>4</sup>

At any rate, in Geyer's estimation, during the first two post-war decades the quest for recollection of the still very present Nazi past was the affair of a small minority of contemporaries. At this stage, the act of recovering the past, which manifested itself as naming names, exposing crimes and attributing guilt, cut through a veil that shrouded the overwhelming presence of the past in benevolent oblivion. This revolt of "angry men" exhausted itself in running up against a solid wall of lies. The rejection of responsibility for Nazi crimes by even the most obvious perpetrators and the denial of any participation in any but the most upstanding activities by the majority of German contemporaries gave the controversies of the day an extraordinary degree of bitterness. The trial of the members of the *Einsatzgruppen* (SS murder squads) in 1958 and the Auschwitz trial in Frankfurt in 1964 encapsulated these confrontations. (Geyer 1996, 170)

In addition to all this, there were, of course, Chancellor Adenauer's official politics of *Wiedergutmachung*, and egregious cases of former perpetrators remaking themselves as staunch proponents of a politics of memory. Finally, there were those who gained their distance from the Third Reich by publicly disassociating themselves from their pasts. In Geyer's view, it is crucial that the latter group eventually spoke up in the 1950s and 1960s: in raising the issue of memory against the overwhelming desire to bury the past, they pushed West Germans out of their forgetfulness. (Geyer 1996, 171)

On the basis of Geyer's account, rather than silence, the West German context seems to be characterized by bitter debates and controversies over the past. More precisely, the German case seems to be that there was, on one hand, a widely spread desire to forget and keep silent but, on the other hand, in practice this desire did not become true. Thus, the German reality was contradictory consisting both of silence and debate, concealing and forgetting and remembering. With hindsight, it is easy to over-emphasize one of these aspects while they ought to be approached as historically simultaneous phenomena.



As to the sixties and the Eichmann trial, which Wieviorka names as one of the most important turning-points in remembering the Holocaust, it is conspicuous that Geyer does not even mention this trial although we know from other sources that it caused a debate also in Germany especially after Hannah Arendt's (1963/1965) report on it (see Krummacker 1964). In this case, at least a partial explanation may be found in the difference of approaches. Wieviorka is principally looking at the history of remembering the Holocaust from the viewpoint of victims and testimonies given by them while Geyer focuses on the question of how the politics of memory was born in Germany. In the German context it may well be that the Eichmann controversy was only one of the innumerable debates and controversies that finally led to the culture of memory. More precisely, in the German context Eichmann's trial apparently does not represent such a decisive turning point as it probably did in the Jewish victims' context.

At any rate, there are points in common – or at least analogies – in Wieviorka's and Geyer's chronology. One of these is the interpretation according to which remembering, or digging up the past, accelerated in the 1970s. Geyer argues that by the 1980s memory turned into an "issue" that nobody could avoid in Germany. Indeed, the 1980s witnessed a variety of debates and initiatives from the *Historikerstreit* (see *Historikerstreit...*) to Helmut Kohl's conservative *Schlußstrich*. (Geyer 1996, 172) It was at this point that the "silence" of the 1950s came to be read as the amnesia of a guilty generation that paralysed and stymied present German society: forgetting was increasingly attributed to the older generation as a whole (Geyer 1996, 173).

However, at the same time there seems to be a significant difference between Wieviorka's and Geyer's approaches to the "great silence" of the 1950s. For Wieviorka this silence seems to be real and concrete while Geyer represents it as a posthumously constructed interpretation. I would like to argue that in order to get a reliable picture of the post-war context we need to combine both of these accounts (and many others) and understand that "silence" and "debate" may be simultaneous phenomena or aspects of the same situation that is composed by an innumerable amount of subjective realities. On the one hand, there is for instance Primo Levi's experience of the almost total refusal of the Italian public to listen to his story. On the other

hand, we cannot deny the German reality of the 50s that was characterised by war crime trials and other events that forced the Germans to remember, at least somehow.

It would be tempting to think that growing temporal distance would inevitably have balanced the accounts of the Nazi period and the Holocaust. On the basis of Wieviorka's and Geyer's accounts, however, this is not necessarily the case. As to the recent developments of the politics of memory in the 1990s, it is noteworthy that both of them raise one and the same cultural event beyond all the others. This is Steven's Spielberg's film, *The Schindler's List* (1993). As pointed out above, in Wieviorka's interpretation this film and Spielberg's project Visual History Foundation followed by it succeeded in switching the emphasis from stories told about the actual events of the Holocaust to hero-stories about survival.

According to Geyer, the aspect of salvation became strongly present also in the German context. He reports that the film was most successful among the youngest generation, which insisted that in it, they had encountered the history of the Holocaust for the first time: they encountered the past not as a lived experience but as a retelling of a powerful and moving story of something that had happened before their time. Precisely in this context the fact of salvation became important: the survival of the Jews is the only guarantee that life continues after the catastrophe. Younger Germans read the ending of the film as evidence that even for the victims and their descendants the Holocaust was over. (Geyer 1996, 190-191)

According to Geyer, the switch of emphasis caused by Spielberg's film in remembering and recollecting the Holocaust shows that the living memory of the past is temporal and that there is nothing in this world that can keep it alive but the labours of the imagination (Geyer 1996, 196). This conclusion raises a set of new questions. How do these products of popular culture really influence our understanding of the past? More precisely, on what our understanding of the past is really based? Have these fictional stories, situated in historical circumstances, replaced historiography based on "serious" research? Have Steven Spielbergs become Homers of our day, with which historians and political theorists are not able to compete? How and who is supposed to tell the story of the Nazi period and the Holocaust? Is the story of the Holocaust impossible to represent and

transmit, as many survivors and scholars have argued? Can it be told and transmitted in the form of traditional historiography? In the following I will approach these questions in the light of Hayden White's considerations of the problem of representation of the Holocaust.

## The Problem of Representation of the Holocaust

In an essay originally published in 1992 White poses a set of questions as to how the story of Nazism and the Final Solution can and ought to be told. He asks whether there are any limits on the kind of story that can be responsibly told about these phenomena. Does the nature of Nazism and the Final Solution set absolute limits on what can be truthfully said about them? And does it set limits on the uses that can be made of them by writers of fiction? (White 1992, 28)

In White's understanding, these questions cannot be answered in terms of any black and white distinction between fact and fiction. Historical accounts are always inevitably narrative accounts that do not consist only of factual statements and arguments: they consist as well of poetic and rhetorical elements by which what would otherwise be a list of facts is transformed into a story. Among these elements there are generic story patterns that we recognize as providing the plots. (White 1992, 28)

However, for traditional historical discourses, there is presumed to be a crucial difference between an interpretation of the facts and a story told about them. This difference is indicated by the currency of the notions of a real story as against an imaginary story and a true story as against a false story. Whereas interpretations are typically thought of as commentaries on the facts, the stories told in narrative histories are presumed to inhere either in the events themselves or in the facts derived from the critical study of evidence bearing upon those events. (White 1992, 29)

White points out that a number of historians have argued against any use of the genocide as a subject of fictional or poetic writing. In his view Berel Lang is an excellent representative of this view as he

pushes it into the extreme. Lang argues that only the most literal chronicle of the facts of the genocide comes close to passing the test of authenticity and truthfulness by which both literary and scientific accounts of this event must be judged. Only the fact must be recounted because otherwise one lapses into figurative speech and stylisation, i.e. aestheticism: only a chronicle of the facts is warranted because otherwise one opens up oneself to the dangers of narrativisation and the relativisation of emplotment. Indeed, for Lang the genocide is a “literal event”, which means that it is an event whose nature permits it to serve as a paradigm of the kind of event about which we can be permitted to speak only in a literal manner. (White 1992, 34; cf. Lang 1990, 143) Consequently, Lang argues that the events of the Nazi genocide are intrinsically anti-representational, by which he in White’s view means that they are paradigmatic of the kind of event that can be spoken about only in a factual and literalist manner: the genocide consists of occurrences in which the very distinction between event and fact is dissolved. (White 1992, 36; cf. Lang 1990, 146-147)

White points out that although Lang’s objection to the use of this event as an occasion for a merely literary performance is directed at novels and poetry, it can easily be extended to cover the kind of belletrist historiography which features literary flourish. In fact, by implication it must be extended also to include any kind of narrative history, i.e. any attempt to represent the Holocaust as a story. (White 1992, 36) I would add to this that it can even more easily be extended to cover cinematographic representations of the Holocaust. This means that not only Spielberg’s project will be objected but also a number of cinematographic representations that are based on survivors’ stories, such as Francesco Rosi’s *The Truce* (1996).

How, then, should and could the Holocaust be represented if it cannot be told as a story? Lang indicated that what is needed is for anyone writing about the Holocaust is an attitude, position, or posture that is neither subjective nor objective. He invokes Roland Barthes’ notion of intransitive writing as a model of the kind of discourse appropriate to discussion of the philosophical and theoretical issues raised by reflection on the Holocaust. Intransitive writing denies the distances among the writer, text, what is written about, and the reader: an author does not write provided access to something independent

of both author and reader, but writes himself. For the writer who writes himself, writing becomes itself the means of vision or comprehension, not a mirror of something independent, but an act and commitment – a doing or making rather than a reflection or description. (White 1992, 37; Lang 1990, xii)

It is easy to classify for instance Primo Levi's first book, *Se questo è un uomo*, to this genre while it is simultaneously clear that his later account, *I sommersi e i salvati*, no longer represents intransitive writing. While in his first book Levi precisely "writes himself", in his account of 40 years later he rather describes, reports and evaluates.

Despite his critique of Lang, it is precisely in the notion intransitive writing that White finds a way of resolving many of the issues raised by the representation of the Holocaust. This is possible if one goes back to see how Barthes exactly used the idea of intransitive writing. Barthes points out that while modern Indo-European languages offer only two possibilities for expressing the different kinds of relationship that an agent can be represented as bearing to an action, the active and the passive voices, some other languages, such as the ancient Greek, offer a third possibility, that of middle voice. Whereas in the active and passive voices the subject of the verb is presumed to be external to the action, as either agent or patient, in the middle voice the subject is presumed to be interior to the action. He concludes that in literary modernism, the verb *to write* connotes neither an active nor a passive relationship but, rather, a middle one: in the modern verb of middle voice *to write* the subject is constituted as immediately contemporary with the writing, being effected and affected by it. (White 1992, 38)

In White's view, this difference indicates a new and distinctive way of imagining, describing, and conceptualising the relationships obtaining between agents and acts, subjects and objects, a statement and its referent, between the literal and figurative levels of speech and therefore between factual and fictional discourse. Consequently, he suggests that the kind of anomalies, enigmas, and dead ends met with discussions of the representation of the Holocaust are the result of a conception of discourse that owes too much to a realism inadequate to represent events, such as the Holocaust, which are themselves modernist in nature. (White 1992, 38-39)

White's point is that modernism is still concerned to represent reality realistically, and it still identifies reality with history but what has changed is the history itself: the social order that is the subject of this history has undergone a radical transformation that permitted the crystallization of the totalitarian form that Western society would assume in the twentieth century. Literary modernism was a product of an effort to represent a historical reality for which the older, classical realist modes of representation were inadequate, based on different experiences of history, or rather on experiences of a different history. (White 1992, 41)

Understood in this way modernism appears as an anticipation of a new form of historical reality, a reality that included among it supposedly unimaginable, unthinkable, and unspeakable aspects such as the phenomena of Hitlerism, the Final Solution, and the total war. White argues that all this suggests that modernist modes of representation may offer possibilities of representing the reality of both the Holocaust and the experience of it that no other version of realism could do. However, to be so, by intransitive writing we must intend something like the relationship to that event expressed in the middle voice. This demands that our notion of what constitutes realistic representation must be revised to take account of experiences that are unique to our century and for which the older modes of representation have proven to be inadequate. (White 1992, 41-42)

White's suggestion is undoubtedly both intriguing and challenging since it also suggests that we should learn to write in a new, different manner of these events that escape traditional realistic description. Besides, nobody can deny that a number of survivors' accounts of their experiences can best be described as having been written in the middle voice. However, in my view White's suggestion raises two questions. On one hand it raises the question of whether the middle voice is the only correct way to represent the Holocaust? On the other hand it leaves open the question of the relationship of experience and event in the representations of the Holocaust. In the following I will discuss these questions in Arendtian terms challenging White's idea from the viewpoint of Arendtian storytelling.

## Hannah Arendt, Storytelling and the Political Significance of Memory

In the context of the Holocaust one easily begins to wonder whether remembering well and correctly is possible at all. The human world begins to look like a battlefield of competing lies: in the final analysis it does not really matter what we believe to be true if all the representations of the past are lies or at least distortions. Hannah Arendt once seemed to confirm this despair by claiming that in politics lying is a common practice and there is nothing we can do about it. Lies are often used as substitutes for more violent means and – at least under normal circumstances – they are apt to be considered relatively harmless tools in the arsenal of political action (see Arendt 1968). However, at the same time she firmly believed that storytelling is a constitutive practice of a political community without which political significance of past events cannot emerge and consequently we are not able to judge even contemporary events.

In *The Human Condition* Arendt writes:

That every individual life between birth and death can eventually be told as a story with beginning and end is the pre-political and pre-historical condition of history, the great story without beginning and end. But the reason why each human life tells its story and why history ultimately becomes the storybook of mankind with actors and speakers and yet without any tangible authors, is that both are the outcome of action... The perplexity is that in any series of events that together form a story with a unique meaning we can at best isolate the agent who set the whole process into motion; and although this agent frequently remains the subject, the 'hero' of the story, we never can point unequivocally to him as the author of its eventual outcome. (Arendt 1958, 184-185)

In Arendtian terms, action always takes place in the human world and concerns the world between people. As the result of action a web of human relations is born: this web constitutes that which we call reality. Politically speaking, one of the prerequisites of political judgment is a sense of reality: we need to know and understand what happens in the human world in order to maintain our sense of

reality and judge politically significant events in it. The trouble with totalitarian regimes is that in them there is no web of human relations that would constitute a common world. Consequently, human words and deeds threaten to vanish without leaving a trace.

Human words and deeds do not automatically remain alive even under more free conditions. Deeds have to be told into stories in order to obtain permanence and reveal their uniqueness and significance. This is where storytelling and its task enter the scene: storytelling is the link by means of which significance can be transmitted to future generations. This is because it is characteristic of human action that its story can be told only afterwards and hence its real significance can be revealed only afterwards in the story told of it. In other words, the real significance of action can be revealed only to the storyteller:

...the light that illuminates processes of action, and therefore all historical processes, appears only at their end, frequently when all the participants are dead. Action reveals itself fully only to the storyteller, that is, to the backward glance of the historian, who indeed always knows better what it was all about than the participants. (Arendt 1958, 192)

This means that in Arendtian terms a person is not able to tell his/her own story. The Arendtian storyteller is not an auto-biographer but rather a historian, a spectator who tells about actions and deeds of other people. The storyteller tells with hindsight that is inevitable and necessary: it is precisely by means of hindsight that the storyteller is able to crystallize the significance of action. This also means that an Arendtian storyteller is not dependent of personal experience. On the contrary, in Arendt's view experience only tends to blur or obscure judgment:

All accounts told by the actors themselves, though they may in rare cases give an entirely trustworthy statement of intentions, aims, and motives, become mere useful source material in the historian's hands and can never match his story in significance and truthfulness. What the storyteller narrates must necessarily be hidden from the actor himself, at least as long as he is in the act or caught in its consequences, because to him the meaningfulness of his act is not in the story that follows.



Even though stories are the inevitable results of action, it is not the actor but the storyteller who perceives and 'makes' the story. (Arendt 1958, 192)

Consequently, from the Arendtian viewpoint, the "testimonies" of the Holocaust survivors are source material of the historian: as such they do not reveal the meaning of events. In Arendtian terms, it is, indeed, the task of posterity to tell the story of the Holocaust on the basis of all the available source material. In other words, it is our task to judge the meaning and significance of the Shoah on the basis of eyewitness testimonies and other source material. More importantly, it is our task to judge the meaning of the Shoah for our present-day world since we don't judge it for the sake of the past in itself but for the sake of the present world.

In Arendtian terms, writing in the form of the middle text is not enough in order to make the political significance of the Holocaust to emerge. Although it may be understood as possibly the best way to represent the experience of the survivors it does not provide us with a form with which to judge the past events. This is precisely because it does not distinguish between the writer, the reader and text. In Arendtian terms, in order to judge we need also stories with the author, the agent and the plot regardless of the fact that the Holocaust cannot be told as a hero-story. In fact, in my view the modernity of the Holocaust does not lie so much in its indescribability as in the fact that it reveals the character of modernity as an era of anti-heroes or non-heroes. The deeds of the agents of the Holocaust are not great deeds of positive heroes but they are deeds anyway. As deeds we need to tell and transmit them in order to be able to judge their significance.

One of the reasons that made the Nazi Holocaust possible was the fact that people had lost the sense of sharing a common world. In the Nazi regime the Jews (and a number of other groups of people) were deprived of the basic human right to inhabit and share the world with other people. In fact, the Nazis did not recognize this general human right and condition at all but intended to destroy a significant part of the population of the world. This is a general trouble with all the totalitarian governments. They don't recognize the

inalienable right of every human being to inhabit the world and share it with other people. The (anti)political organization of totalitarian government is not based on the principle of free public organization of people but rather on the contrary principle of destroying the common world, the public space between people.

As far as there is no free public space in the totalitarian regime it lacks reality. There is no web of human relations that would guarantee that every action always has a witness that could tell about it in order to reveal its meaning. From this it follows that the totalitarian regime threatens to become a regime of general amnesia without shared political memory. This totalitarian situation helps us to understand what is so valuable in Arendt's conception of free political organization as an organized memory: the totalitarian situation does not only destroy political freedom as such but along with it, it destroys the sense of reality by destroying the possibility to share a common world by acting and speaking together and by sharing a common history. It destroys political judgment because without the sense of reality people are not able to judge what really is going on. Without political judgment giving meaning becomes impossible and finally remembering becomes impossible because without public deeds there is nothing about which to tell.

Consequently, we need to tell and remember also the story of the Holocaust because otherwise we lose our capacity to judge an important part of our historical and political past. In Arendtian terms, truthful representations and accurate judgments of the past are not necessarily bound to personal experience: you didn't have to be there in order to be permitted to transmit and judge the stories about the Holocaust. Hence, my argument is that in the discussion of the possibility to represent the Holocaust experience and event should be kept conceptually and theoretically apart from each other. In Arendtian terms, experience is always personal and cannot really be neither shared nor transmitted. What can be transmitted, instead, is the story, which by the same token allows the significance of the event to emerge. Hence, it is indeed true, as a number of survivors and scholars have argued, that it is impossible to represent the experience of the Holocaust. However, this does not mean that it would be impossible to represent the events – or stories – of the Holocaust that are always in plural since it is impossible to encapsulate

in one and the same story the plurality of this extraordinary phenomenon.

In sum, the Arendtian conception of storytelling and organized memory suggests that the best way to resist and fight totalitarianism is to remember. However, remembering is not important for its own sake but rather for the sake of the possibility of political existence that renders human life meaningful. The Arendtian conception of storytelling also suggests that the best way of fighting distortions of memory is taking good care of political freedom. As far as political conditions are such that free public debate is possible, it is also possible to correct false statements and stories.

## Notes

- <sup>1</sup> There is an on-going debate over the question of how we should call this event because all the terms in use are somehow problematic, deficient or partial. I follow Dominick LaCapra's suggestion to use various terms with an awareness of their problematic nature. See LaCapra 1997, 88-89.
- <sup>2</sup> The problem of representation of the Holocaust has been thematized from Theodor Adorno's famous claim that "to write poetry after Auschwitz is barbaric" to Giorgio Agamben who has problematized the possibility to testify for those who did not return. See Agamben 1998.
- <sup>3</sup> Also Primo Levi has pointed out that most inmates of the camps did not have any idea of the totality of the destruction process that was taking place. See Levi 1986.
- <sup>4</sup> I want to thank Klaus Sondermann for suggesting me this characterisation.

## References

- Agamben, Giorgio (1998) *Quel che resta di Auschwitz. L'archivio e il testimone*. Torino: Bollati Boringhieri.
- Arendt, Hannah (1950) The Aftermath of Nazi Rule: Report from Germany. Commentary X, 10, 1950. In *Essays in Understanding: 1930-1954*. Edited by Jerome Kohn. New York: Harcourt, Brace & Co.
- Arendt, Hannah (1958) *The Human Condition*. Chicago: The University of Chicago Press.

- Arendt, Hannah (1963/1965) *Eichmann in Jerusalem. A Report on the Banality of Evil*. New York, Viking Press. Revised and enlarged edition 1965.
- Arendt, Hannah (1968) Truth and Politics. In *Between Past and Future. Eight Exercises in Political Thought*. New York: Viking Press.
- Geyer, Michael (1996) *The Politics of Memory in Contemporary Germany*. London: Verso.
- Gradowski, Salmen (2002) *Sonderkommando. Diario da un crematorio di Auschwitz, 1944*. (Ed.) Philippe Mesnard e Carlo Saletti. Original title In harz fun Gehenom. A dokument fun Auschwitzer Sonder-Kommando. Jerusalem: Haim Wolnerman, 1944.
- Hilberg, Raul (1961) *The Destruction of the European Jews*. Chicago and London, Quadrangle Books.
- (1986) *Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung*. München: Piper.
- Krummacker, FA. (1964) (Ed.) *Die Kontroverse Hannah Arendt, Eichmann und die Juden*. München: Nymphenburger.
- LaCapra, Dominick (1997) Revisiting the Historian's Debate. *History & Memory* 9:1-2, pp. 80-112.
- Lang, Berel (1990) *Act and Idea in the Nazi Genocide*. Chicago: The University of Chicago Press.
- Levi, Primo (1947) *Se questo è un uomo*. Torino: De Silva.
- Levi, Primo (1963) *La tregua*. Torino: Einaudi.
- Levi, Primo (1986) *I sommersi e i salvati*. Torino: Einaudi.
- Saletti, Carlo (1999) (Ed.) *La voce dei sommersi. Manoscritti ritrovati dei membri del Sonderkommando di Auschwitz*. Venezia: Marsilio. Original title: Inmitten des grauenvollen Verbrechens. Handschriften von Mitgliedern des Sonderkommandos. Oswiecim, Panstwowe Muzeum Oswiecim-Brzezinka 1996.
- Wiesel, Elie (1958) *La nuit*. Paris: Éditions de Minuit.
- White, Hayden (1992) Historical Emplotment and the Problem of Truth in Historical Representation. In *Figural Realism. Studies in the Mimesis Effect*. Baltimore: The Johns Hopkins University Press 1999.
- Wieviorka, Annette (1998) *L'Ère du témoin*. Paris: Plon.

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# WORLD POLITICS AND THE QUESTION OF PROGRESS<sup>1</sup>

## Introduction

Since 1989, a number of counter-narratives to the realist accounts of international politics, which dominated academic theorizations of international relations in the 1945-89 period, have proliferated.<sup>2</sup> A common, central thread in these counter-narratives is the reconceptualization of international political time in terms which admit the possibility of transnational or global historical progress. Examples include the revival of versions of liberal internationalism, cosmopolitanism and historical materialism. Within certain of these arguments the idea, variously specified, of an historically unprecedented phenomenon labelled 'global civil society' plays a prominent role. The focus of this paper is on narratives of world political time as a time of progress, which make use of the idea of global civil society to explain the direction of contemporary world politics. The ultimate aim of this paper is to raise critical questions about ways of thinking the political temporality of world politics, which utilise the idea of global civil society, and which in turn rely on modernist philosophies of history.

The paper falls into four main sections. In the first section, I will look briefly at the fall and rise of speculative philosophy of history in the understanding of international politics. In the second and third sections of the paper, I will sketch out two influential counter-narratives to realist international political time, which each make a claim to capture the meaning and promise of global civil society. These are the theories of *cosmopolitanism*, exemplified here by the work of Andrew Linklater, and *post-marxist postmodernism*, exemplified in Hardt's and Negri's notion of empire/ counter-empire (Linklater, 1998; Hardt & Negri, 2001). I see Linklater's work as embedded in a reading of history characteristic of the liberal enlightenment, most obviously derived from Kant. Hardt and Negri, on the other hand, offer an explicitly post-Marxist interpretation, but one which is heavily informed by a Deleuzian conception of desire and a Foucauldian account of power and subjectivity.<sup>3</sup> In both cases I will show how these theories frame particular interpretations of global civil society, both analytic and normative. In the fourth section of the paper, I will suggest that neither cosmopolitanism nor empire provide adequate frameworks for the analysis and judgement of the developments in world politics which are identified with the concept of global civil society. Moreover, it will be argued that the inadequacy of these frameworks is due to the specific kinds of closure inherent in the modernist philosophies of history on which they rely. In conclusion, it will be suggested that the very category of global civil society is misleading in the way in which it fixes a myriad of complex, interconnected and contradictory practices under a single heading. Contemporary world politics requires a mode of theorization which keeps the idea of political progress in world politics in question, rather than always already resolved.

## Section One: The Fall and Rise of the Philosophy of World History

*Our concept of history, though essentially a concept of the modern age, owes its existence to the transition period when religious confidence in immortal life*

*had lost its influence upon the secular and the new indifference toward the question of immortality had not yet been born.* (Arendt, 1961: 74)

Arendt's account of the emergence of the modern conception of history (which she argues culminates in Marx's historical materialism) is a familiar one, and chimes with most standard accounts of the distinctiveness of modernist conceptions of political time, in comparison to classical and Christian ideas. Koselleck draws the contrast between three understandings of history as political time, drawn from the early modern to the enlightenment periods in Europe: firstly, the cyclical view of secular history found in thinkers such as Machiavelli in which history is infinitely repeatable and political life is therefore always the same; secondly, the powerfully eschatological vision of early Protestantism, in which prophecies of an imminent end to secular politics were crucial (Luther); and thirdly the 'history' of modernity, characterized by a future oriented conception of the present, which defines itself as both 'new' (not repetition) and secular (with no imminent or certain end) and in which political action can change its own conditions of possibility (Koselleck, 1985: 7-17). Philosophical history (or the speculative philosophy of history) emerges in the later 18th century as a response to this new appreciation of political time. In the absence of the certainties of either secular repetition or other-worldly end, philosophers began to tell new stories about how the past, present and future of humanity could be understood in universal terms. The extent to which philosophical history is simply the secularisation of a Christian millenarian vision is debatable, but Koselleck suggests that enlightenment philosophical history should be read, not as an attempt to straightforwardly replace God's plan by the workings of 'providence' but rather to deal with the uncertainties as well as possibilities of having both embraced the demand for future good and abandoned its guarantor. In one sense, modern conceptions of history mean that the last judgement is infinitely postponed. In another sense the crisis of that judgment is always already upon us, a philosophical conception which is taken as confirmed politically by the French Revolution as the archetypal modern experience, in which history is taken into human hands and a new calendar is instituted.

The dynamic of the modern is established as an element *sui generis*. This involves a process of production whose subject or subjects are only to be investigated through reflection on this process, without this reflection leading, however, to a final determination of this process. A previously divine teleology thus encounters the ambiguity of human design, as can be shown in the ambivalence of the concept of progress, which must continually prove itself both finite and infinite if it is to escape. (Koselleck, 1985: 103-4)

The philosophies of history that we find in the work of thinkers such as Kant and Marx are very different. But there are certain features which they have in common and which, I would argue, are distinguishing characteristics of the modernist understanding of political time.<sup>4</sup> Three features are of particular importance. Firstly, the idea that modernity, the 'new' time of the present, is *revolutionary* time, that is to say the time in which progress through human intervention is possible, if not inevitable. Secondly, the *telos* of this revolutionary present is understood in terms of an ideal of freedom. The meaning of this freedom in both principle and practice, and therefore of the implicit 'end of history', clearly differs between different thinkers, but it always refers back to an ideal of self-determination in which human beings, individually and/ or collectively control their own destiny. Thirdly, modernist philosophy of history assumes that the political time of modernity has a world-wide destiny. This means that Europe, as the cradle of modernity, is also, as it were, the 'carrier' of world- political time. The mechanisms through which the *telos* of world history will be achieved, as with the form that the 'end of history' will take, are understood differently by different thinkers. Nevertheless, in all cases, the argument involves a complex interrelation between material and ideal forces, and a constant shifting on the philosopher's part between the realms, to borrow Kant's terminology, of 'empirical' (events in the world) and 'philosophical' (theorizations of world events) history (Kant, 1991: 51-53).

The idea of Europe as 'ahead' of other parts of the world in the end of history stakes came to be a taken for granted premise of theorizations of world politics in the 19th century. Thus, we find thinkers such as J. S. Mill happily combining liberal and colonialist arguments in his work. For Mill the non-contemporaneity of the



contemporaneous nations of Britain and India is an obvious fact, which straightforwardly justifies paternalist imperialism in India (Mill, 2002: 488). The same kind of thinking helps to legitimise liberal internationalist principles enshrined in the post-1918 international order, with its promise of a future time in which all nations could grow up and join the adults already at the table. Whether explicitly or implicitly, modernist philosophy of history haunts the ways in which international politics are understood into the early part of the twentieth century. And even after the ascendancy of historicism in both philosophy and social science is radically challenged in the aftermath of the inter-war years and the 1939-45 conflict, its influence is by no means entirely excised from the western academy's accounts of politics both within and between states.

For example, in the context of intra-state politics, in its dominant Anglo-American mode, political theory presents itself as both practiced in and concerned with the present as such (as an intellectual pursuit it distinguishes itself firmly from activities such as the history of political thought). However, even when it initially presents itself as universal in scope, the 'present' of political theory turns out to be spatially delimited and to mean the present of liberal democratic or of liberal multicultural states. Political theory can contemplate liberalism's present as 'the' present because it is implicitly assumed that this is the direction in which all states are (and ought to be) developing, it is what *matters* in the present. Similarly, and even more obviously, there are the discourses applied in the field of international political economy, of 'modernization' or 'development' on the one hand, and of 'world system' and 'core/ periphery' on the other. Underpinning these discourses we again find progressivist theories of history, in which both empirical analysis and policy prescriptions are premised on an idea of what the end of history will be and ought to be.<sup>5</sup>

Having said this, however, it is important to distinguish between the modernist narratives which have never ceased to mark the dominant understandings of politics within states from those which dominated the understanding of politics (as opposed to economics) between or across states in the latter half of the 20th century. During this time, the most powerful voices offering accounts of international or world politics in the Western academy insisted on a deep dis-

inction between politics internal to states and politics external to states. This can be seen in classical realism, which tended towards a pessimistic reading of world political time in a manner reminiscent of the Lutheran conception identified by Koselleck above (Morgenthau, 1985). It is even more evident with the rise of neo-realism, which insists on a sharp cut between intra and inter-state politics (Waltz, 1979). Intra-state politics could be understood in terms of progress and/ or regress according to a modernist measure, whereas inter-state politics occupied a distinct temporal dynamic that had more in common with the early modern, proto-classical Machiavellian notions of political time than the revolutionary time of Kant and Marx. For the dominant political realist or neo-realist conception of international politics, states might or might not change for the better, but regardless of this, the ways in which they operated internationally would remain the same, reflecting a primordial political temporality of ongoing struggle, victory and defeat, which admitted of no end or escape.<sup>6</sup> This way of thinking world-political time excludes the notion of world political progress by definition. It is also resistant to taking seriously any internationalist or globalist movements or ideologies which aim to put world political progress on the international agenda. Such movements and ideologies, from a realist point of view, are either irrelevant or else can only be understood as masking the *real* power interests of which the stuff of international politics is made. The progressivist narratives I am going on to discuss explicitly contest the understanding of the political temporality of the international realm on which political realism/ neo-realism relies and hark back to the earlier modes of thinking international politics in which world-historical progress is a taken for granted possibility, and one to which the theorist holds the key.

## Section Two: Global Civil Society and Cosmopolitan Time

Over the past ten years a rapidly expanding literature in international political theory and ethics has argued for the development of cosmopolitan democracy and citizenship as both a normative ideal

and an immanent potential of world-historical development. This literature clearly offers a counter to the realist conception of international political time. In its place, it puts forward an analysis of international, transnational and global politics in terms of the progressive transformation of the political temporality of inter-state relations into the global political temporality of humanity as a whole. My exemplary figure for this kind of counter-narrative is Andrew Linklater and his 1998 book *The Transformation of Political Community*. Linklater draws explicitly on the legacies of Kant and Marx in his work, mediated through Habermasian critical theory. Unsurprisingly, therefore, he offers a narrative strongly reminiscent of the distinctive features, outlined above, of a modernist account of the historical meaning of the present.

In Linklater's argument modernity is revolutionary time, in the sense that it is defined by a principle of universalizability which successively challenges limits to the moral and political progress of humanity. In a more specific sense, the present is revolutionary as the Westphalian international order is in the process of transformation into a new form of political community in which citizenship is no longer confined by the boundaries of states. The telos towards which the transformations analysed by Linklater are leading is that of self-determination, understood along the lines of Kantian autonomy in which individuals become self-legislating. For Linklater, this means that the end of history takes the form of a cosmopolitan, egalitarian, dialogic democracy. The mechanisms through which progress happens are not assured. Linklater essentially relies on two such mechanisms, both of which reflect the importance of Europe as the carrier of world-political time. Firstly, there are the material mechanisms of globalization which lead to the increase of economic interdependency, which are abetted by advanced communicative technologies with global reach, and which necessitate the development of increasing inter and trans-state co-operation in global governance and regulation. However, these material processes are by no means straightforwardly progressive. On the one hand, they facilitate the recognition of the commonality of the situation of humans across the globe; on the other hand, they exert fragmenting as well as unifying pressures, alienating those at the sharp end of global inequalities and deepening rifts between rich and poor,

dominant and subaltern cultures (Linklater, 1998: 30-32). It is therefore the second mechanism which is much more important for Linklater's theory of history, this is the non-material process of moral learning, in which both individuals and collectivities absorb and proselytize the universalising lessons of enlightenment reason (Linklater, 1998: 118-119). Linklater borrows strongly from Habermas here, for whom progress at the 'phylogenetic' level is tied to the emergence of reflexive modernity, first instantiated in Europe and in the liberal capitalist West. Linklater's most powerful example of moral learning draws on Marshall's theory of the development of citizenship rights, in which the logic of universality implicit in liberal citizenship pushes forward an increasingly inclusive understanding of both who is included as a citizen and the kind of rights that he or she bears (Linklater, 1998: 184-189). Although progress cannot be guaranteed, the theorist's analysis confirms that it is moral learning which is the *sine qua non* of progress. In so far, therefore, as the theorist points out and reinforces the moral lessons of modernity, he is acting as a good global citizen. The demand to read history as if it were progress becomes a categorical imperative.

Promoting the Kantian vision of a universal kingdom of ends, and the parallel enterprise of realising the neo-Marxist ideal of overcoming asymmetries of power and wealth, form the essence of cosmopolitan citizenship (Linklater, 1998: 212)

In Linklater's analysis, civil society is the arena in which political actors challenge the unjustifiable exclusions inherent within states and in inter-state relations. Feminist and multiculturalist movements are taken to exemplify the way that Habermasian performative contradictions within liberal states, in which states act in contradiction with their own grounding principles, provide revolutionary opportunities for social and political transformation. The same logic which pushes the extension of rights within states, challenges the validity of the distinctions drawn between those within and those without state borders. The development of global civil society is therefore a logical development of enlightenment reason, as is the European Union (Linklater, 1998: 189-211). On Linklater's interpretation the analysis of global civil society is necessarily linked to

his broader progressivist narrative, in which liberal enlightenment reason plays the crucial role. This does not mean that Linklater is claiming that all activity in global civil society is necessarily progressive. But he is providing a way of distinguishing between the progressive and reactionary within civil society movements, and putting the emphasis on the positive logical weight carried by progressive developments. It is therefore also the case that an idealised version of global civil society itself, as a public sphere of open and inclusive dialogue, becomes an integral part of the historical telos of modernity.

Given the degree to which the most high profile developments within global civil society are non-governmental organizations (NGOs) and social movements which espouse egalitarian and universal rights based programmes, it is not surprising to find that cosmopolitanism has been the most significant framework of analysis in the burgeoning literature on global civil society (Falk, 1995; Kaldor, 1999; Archibugi, 2003). An example of this influence can be seen in the work of Mary Kaldor, who has been one of the foremost theorists of the 'new' time of global civil society, and who is also one of the editors of the *Global Civil Society Yearbook*.<sup>7</sup> In her recent book *Global Civil Society: An Answer to War*, Kaldor begins by laying out five different interpretations of what global civil society means, all of which, she claims, contain both analytic and normative dimensions. These five conceptions draw on competing traditions of thought about the meaning of civil society in general. In the list are: *societas civilis*, in which civil society is identified with the rule of law; 'bourgeois society' in which civil society is the space between the state and the private sphere; 'activist version' in which civil society is defined as a public sphere in which different groups can participate in uncoerced dialogue; 'neo-liberal version' in which civil society is the space for market and non-governmental organizations to operate; and 'postmodern version', in which civil society is defined in fundamentally pluralist terms and is suspicious of enlightenment universalism (Kaldor, 2003: 7-12). Although she argues that her definition encompasses elements of all five, her emphasis is on what she calls the 'activist' version. According to this version, global civil society is primarily about 'civilizing' globalization, by enabling the free and rational dialogue between different civil society actors and

interests to take place, and thereby encouraging global legality, justice and the empowerment of global citizens (Kaldor, 2003: 12). Kaldor, like Linklater, links the idea of civil society to the ideal of a Habermasian, dialogic public sphere and sees enlightenment reason as carrying the transformative potential of the present of global civil society. Like Linklater again, Kaldor is not suggesting that progress is inevitable, but she is tying her own analysis to the interpretation of civil society in emancipatory terms. As an activist theorist, Kaldor is being a good global citizen in so far as she highlights and reinforces the ways in which global civil society is, and might become more, progressive. The key to progress is the emancipatory force of ideas, which are inherently universal. One of these ideas is the idea of civil society itself.

- the argument that civil society was invented in Europe and that its development was associated with conquest, domination and exploitation still does not negate the emancipatory potential of the term. Ideas have no borders and the evolution of human knowledge is characterized by an endless borrowing and mixing of concepts and insights. (Kaldor, 2003: 44).

What then are the implications of Kaldor's emphasis on the 'activist version' for the analysis and normative judgement of global civil society? Analytically, there are obvious constraints on what can count, by definition, as global civil society activity, so that, for instance, violent activity of any kind is excluded. For Kaldor, the most basic aspect of any view of civil society is that it is literally the realm of 'civility', beyond the state of nature. In addition, by defining global civil society in terms of voluntary and participatory activity, Kaldor puts into question the civil society status of certain kinds of groups or movements, notably those she labels as 'new' nationalist or fundamentalist movements (Kaldor, 2003: 97-101). There are also more subtle implications for what is foregrounded and what is under-emphasized in Kaldor's analysis. A very wide range of actors and developments are acknowledged as part of global civil society, but in general it is movements in which the goal of emancipation is explicit which are highlighted as core to the meaning of global civil society. The normative parameters of Kaldor's account are made very clear, and they provide

definite criteria for judging what is to count as progressive civil society activity – that is to say activity which preserves civil society itself. The crucial criterion here is universality, organizations and movements which are in any way exclusive and closed to open debate with other civil society actors act contrary to the ‘civility’ which is central to Kaldor’s ideal. Kaldor’s moral clarity also underpins her willingness to support a framework of law, governance and policing, based on principles of universal human rights, to sustain the operations of global civil society. Although Kaldor is explicitly sceptical of global democracy – her account of what global civil society needs to sustain it, clearly invokes the traditional liberal state/ civil society distinction and relation. And it suggests a global order which is modelled in terms of a liberal constitution, in which key moral principles are enshrined and may be enforced (Kaldor, 1999: 210; 2003: 128-141).

### Section Three: Global Civil Society and the Time of Empire

The account of global politics in Hardt and Negri’s *Empire* appears radically different to that of Linklater and other cosmopolitan theorists and owes significantly more to Marx than to Kant or Habermas. Nevertheless, like the cosmopolitan theories of Linklater and Kaldor, it presents a clear challenge to realist or neo-realist political temporalities and locates international relations firmly within the modernist political time of the speculative philosophy of history. In this case, the present is revolutionary as the unprecedented time of ‘empire’, which as the decentred accumulation of global economic and political power (as ‘bio-power’) nourishes and harbours the revolutionary forces of counter-empire. Empire, although it is to be transcended, is understood as a progressive force because of the ways in which it has dismantled the mediations (such as those of nation-states and the civil societies of nation-states) of earlier capitalist eras and brings the population of the globe (in Hardt and Negri’s terms, the ‘multitude’) face to face with imperial power as such (Hardt & Negri, 2001: 8-13; 392). The telos of Hardt and Negri’s account of history harks back to the communist ideal of a world in which freedom is grasped by humanity in and for itself. The meaning of

this telos in practice is not spelled out, though by implication this will be a holistic, undifferentiated social condition in which the breaking down of boundaries initiated by empire will be carried further. This is gestured towards in two of the immediate aims suggested by Hardt and Negri for the multitude, that of the right to free mobility for labour and a global minimum wage (Hardt & Negri, 2001: 396-403). The means by which the telos is attained, as with Linklater's argument, are twofold. First, Hardt and Negri suggest that internal tensions or contradictions within the mechanisms of empire will push forward revolutionary change, for instance through the forced globalization of labour. This is clearly a re-working of the Marxist notion of capital harbouring the seeds of its own destruction. Secondly, change will come about through the political demands and resistance of the 'multitude', as its consciousness is politicized (Hardt & Negri, 2001: 394-396). In contrast to Linklater's emphasis, typical of cosmopolitanism, on the power of reason, here the emphasis is on resistant action, in which the generative power of desire which empire has both relied on and exploited is turned in novel directions (Hardt & Negri, 2001: 406). This means that on this model the ideal of a discursive politics, common to the cosmopolitan view of global civil society, is replaced by an ideal of revolutionary practice.

Hardt and Negri claim that models of post-Westphalian world politics which treat it as analogous to, or as an extension of, the politics of the modern capitalist state are mistaken. For this reason they reject cosmopolitan narratives in which global civil society mediates between global governance and humanity, as civil society had traditionally been seen to mediate between the state and the private sphere (Hardt & Negri, 2001: 7). In addition, they argue that the category of 'global civil society' is far too broad and encompasses developments that are both pro and counter empire. For instance, they argue that global civil society in the form of humanitarian NGOs sustains rather than subverts imperial bio-power (Hardt & Negri, 2001: 313-314).

These NGOs are completely immersed in the bio-political context of the constitution of Empire; they anticipate the power of its pacifying and productive intervention of justice. It should thus come as no surprise that honest juridical theorists of the old international school (such as



Richard Falk) should be drawn in by the fascination of these NGOs. The NGOs demonstration of the new order as a peaceful biopolitical context seems to have blinded these theorists to the brutal effects that moral intervention produces as a prefiguration of world order. (Hardt & Negri, 2001: 36-37)

It is clear, therefore, that Hardt and Negri are suspicious of the kind of links which Linklater and Kaldor draw between moral universalism and historical progress. Nevertheless, this moral universalism, manifested in the development of humanitarian NGOs in global civil society, is linked to progress for Hardt and Negri, because it represents the breakdown of the mediating role played by the civil societies of nation-states, which in the past protected certain populations against the full consequences of global imperial power. This breakdown is a stage on the way to a different kind of change, in which 'the multitude' directly confronts empire. Exemplary cases of the latter kind of revolutionary practice on Hardt and Negri's account take the form of some manifestations of anti-globalization politics and some cases of indigenous revolutionary movements (Hardt & Negri, 2001: 54-57).

The difference between the 'imperial' and 'counter-imperial' aspects of global civil society for Hardt and Negri, is reminiscent of the traditional Marxist distinction between a class 'in-itself' and a class 'for-itself', in which a transformation in political consciousness makes an objectively existing socio-economic group into a revolutionary subject (Hardt & Negri, 2001: 60-61).<sup>8</sup> Whilst humanitarian NGOs confirm 'the multitude' as a global entity, in acting on behalf of humanity as such they also confirm the passivity of the multitude. Whereas anti-globalization protests and indigenous revolutionary politics are the multitude acting in and for-itself, albeit in a fragmentary and uncoordinated way. In the final section of the book, Hardt and Negri address the question of what the politicisation of the multitude, in which its revolutionary energies would become genuinely global would mean. Perhaps somewhat surprisingly, this revolutionary change is associated with the demand for global citizenship as the right to free immigration and a social wage, as well as with the expropriation of property, an odd mixture of traditional class based politics and the kind of language spoken by

contemporary global civil society activists of the more radical sort (Hardt & Negri, 2001: 393-413).

Although cosmopolitan frameworks have tended to dominate work on global civil society, there is a counter-trend which reflects something of the mix of post-marxism and postmodernism in Hardt's and Negri's position.<sup>9</sup> This approach to global civil society is sceptical of cosmopolitan enlightenment, and of the universalising claims of dominant Western based NGOs and looks instead to more particular modes of resistance in the non-state sphere to exemplify the genuinely radical potential of global civil society. At the same time, however, it holds on to a universalising commitment to an ideal of freedom and is as suspicious of the 'new' nationalisms and fundamentalisms as cosmopolitan theorists such as Kaldor (Walker, 1994, 1999; Baker, 2002; Mignolo, 2002; Calhoun, 2003). This is the kind of argument made in Gideon Baker's book *Civil Society and Democratic Theory: alternative voices*, which claims that cosmopolitan arguments, whether they explicitly invoke the notion of a global democratic structure or not, are inherently blind to the meaning of the political embedded in the practice of actual global civil society activists:

Whether from the standpoint of cosmopolitan democracy or global civil society theory, then, transnational civic action loses its self-determining character and, with this, its ability to reshape our understanding of the political. This is a particularly regrettable failure in theory since it is precisely this re-enacting of the political that many groups in global civil society identify as their practice. (Baker, 2002: 129)

The emphasis in Baker's account, as with Hardt and Negri, is on the ideal of revolutionary practice as the distinctive mark of genuine civil society activism. On this account there is an agonism built into the politics of global civil society, in which movements have to hold onto the radicalism by which they were initially inspired, and which is threatened by any form of institutionalisation within the current world order. For instance, Baker is critical of the hegemony of rights language as the way to articulate the goals of global civil society actors, because he sees it as confirming a top-down, sovereignty based approach to politics. Underpinning this distrust of the cosmopolitan position is a particular account of the meaning of freedom. The

normative commitment of post-marxist postmodernists is to a freedom which cannot be identified with any particular content and which, whenever it does take on a fixed meaning, inevitably betrays its own ideal. This means that the criterion by which progressive and regressive dimensions of global civil society are identified is as much a matter of form as of content. All global civil society actors may be challenging the status quo, but only those which embody the goal of freedom within their own praxis as political actors provide the appropriate vision for what global civil society should mean.

The implications for the analysis and judgment of global civil society of approaches such as that of Hardt and Negri are similar to those of cosmopolitanism in some ways, but also clearly differ in important respects. The link between global civil society and a universal ideal of self-determination remains, as does the rejection of new fundamentalisms and nationalisms. However, post-marxist postmodernist arguments are less sure about the exclusion of violence from genuine civil society activity, given that revolutionary movements such as that of the Zapatistas have exemplary status within their discussion (Hardt & Negri, 2001: 55; Baker, 130-144). In addition, on this kind of account, grassroots political action becomes the exemplar for global civil society activity, and larger scale, more formally organized movements, which reflect universal liberal norms and interact with state and inter-state institutions, are seen as increasingly co-opted by that system, and as falling outside of the genuinely non-state sphere. Unlike theorists such as Kaldor, Hardt and Negri are in principle opposed to the idea of humanitarian intervention, and see the governance of global civil society as an aspect of empire, rather than as a counter-imperial strategy. Above all, the vision of the 'end of history' implicit in the analysis is different. In place of a rule governed world order, which frames the ongoing dialogue of diverse civil society actors, we are presented, in John Keane's terms with:

A future social order unmarked by the division between government and civil society, an order in which the 'irrepressible lightness of joy of being communist' – living hard by the revolutionary values of love, cooperation, simplicity and innocence – will triumph, this time on a global scale. (Keane, 2003: 65)

## Section Four: Critical Reflections on the Time of Global Civil Society

The theories of Linklater and Hardt and Negri are examples of counter-narratives to realist accounts of world politics, which reclaim the international onto the ground of modernist political time, in principle the time of humanity as a whole as opposed to that of discrete political communities. In doing this, they offer certain tools for understanding and interpreting the phenomenon which has become labelled as global civil society. In both cases, political action, of certain kinds, within the non-state sphere of voluntary association and resistance to global power is identified with the transformative potential of the present. In both cases also, we are given ways of discriminating between those political actions which are genuinely progressive and those which essentially preserve the status-quo or are more profoundly reactionary. In the discussion so far, I have treated the meaning of 'global civil society' in the terms of the thinkers whose work has been under review. However, if we take 'global civil society', in the most general terms, to mean the full range of non-state organizations, movements and activities which are transnational in their operations and aims, then the terms of cosmopolitanism and empire clearly foreground some aspects of global civil society and under-emphasize or occlude others. I will go on to argue that the problems inherent in the terms in which cosmopolitanism and empire grasp global civil society can be labelled under three headings: *exclusivity*; *hubris*; and *either/ or*. These problems are bound up with assumptions about the relation between past and future which characterize modernist philosophies of history.

Let us begin with the problem of *exclusivity*. Why is the exclusivity of these approaches to understanding global civil society a problem, given that all conceptualisations will set up stipulative definitional criteria which are exclusive? The answer to this, in my view, lies in the ways in which the lines are drawn between what is to count as genuine civil society activity and what is not. In the case of both cosmopolitan and empire arguments there is a peculiar, ongoing trade off between the empirical and the normative which fixes the parameters of analysis. Because of this, the ideals of rational dialogue

and of revolutionary practice respectively exert unnecessary closure on the concept of global civil society and therefore on the ways in which it can be analysed or understood. The effect of this closure is to occlude both interconnections between what is counted as inside civil society and what is excluded, and to occlude the possibility of recognizing ambivalences internal to that which is counted as inside. Thus, following the cosmopolitan path, we are diverted from theorizing the connection between civility and violence, even when it is acknowledged that coercion play a necessary role in sustaining civil society. We are also encouraged to see the distinction between violence and civility as clear cut, so that identifying ‘goodies’ and ‘baddies’ within global civil society is relatively unproblematic. In the case of empire, although they reject the terminology of ‘global civil society’, Hardt and Negri similarly divert us from considering the link between the moral humanitarianism of the NGOs, which they see as implicated in empire, and the resistant practices of anti-globalization protestors or indigenous social movements. We are only permitted to see the former as an aspect of the material conditions for the latter, but not the actual and ongoing interplay between grass roots movements and transnational organizations. At the same time, the ‘multitude’ is presented as necessarily pure in its generative power in sharp distinction to the corruption and crisis of empire, and we are encouraged to think that the distinction between empire and counter-empire is somehow straightforward.

In the yearbook *Global Civil Society 2002*, Neera Chandhoke asks the question: “To put it bluntly, should our *normative* expectations of civil society blind us to the nature of *real* civil societies whether national or global?” (Chandhoke, 2002: 37). Like Chandhoke, I would answer that they should not, but that one of the reasons that they are able to, is because of the way in which the relation between the normative and the empirical is configured in the modernist philosophy of history. The exclusions in both post-Kantian and Post-Marxist accounts of global civil society are particularly powerful because they are not simply reducible to wishful thinking. Instead they reflect a way of thinking about the world in which the theorist is doubly invested in reading history as progress. The theorists of cosmopolitanism and empire have normative standards which the world fails to live up to, but they also understand history in such a

way that they are obliged to read the world as if it were developing in accordance with their normative telos, because, even if they don't see progress in world history as inevitable, they know that one of the ways in which progress will happen is through the intervention of the theorist, insistent that this progress is visible and that he or she knows how it works. This responsibility of the theorist derives from the modernist assumption that self-determination is the key to progress, and that to the extent that this isn't apparent to social and political actors, it must be foregrounded by the theorist him or herself. Thus, Linklater is himself part of the rational dialogue which pushes moral learning forward, and Hardt and Negri are part of the transformation of the multitude from a class in itself to a class for itself.

The *hubris* implicit in theorizing global civil society within a modernist framework, is not only apparent in the way in which modernist theorists take on the mantle of the revolutionary for themselves. It is also apparent in the unselfconscious way in which their normative criteria are presented as a global telos. I call the former 'unselfconscious', because it is so quick to ignore or sidestep the question of the identification of what progress means with Western modernity. This is only possible, on my view, because of the implicit reliance on an interpretation of the present in which the non-contemporaneity of the contemporaneous is taken for granted. Such an interpretation only makes sense because a modernist philosophy of history is presumed, and it works to disguise the fact both that this is a normative stance *and* that it is a stance which implies not just the inferiority but the outmoded nature of the ways of life which most of the world's population are living. As with Mill, the commitment to freedom becomes easily compatible with the paternalist condemnation of non-modern ways of life. It is much easier for the theorists not to take seriously ways of thinking or political goals which do not fit with their own normative agenda, if those ways of thinking or political goals are understood as essentially past.

The combination of the assumption of normative standards at work in history and the supposedly demonstrable (but rarely demonstrated) superiority of a those normative standards presents us with a pattern

typical of modernist philosophy of history. It invariably works on a twin track approach in which the analysis constantly shifts from a claim about morality (the ideal) to a claim about politics (the real) and *vice versa*. The mechanisms through which global civil society develops are identified with enlightenment reason or revolutionary action respectively, but this is presumed rather than demonstrated through empirical investigation. The fact that the explanation for progress is always already known clearly has strong prescriptive implications, but it also has implications for the description and explanation of events, closing off possibilities which don't fit with the criteria. It is this point which lies behind Chandhoke's argument as to the dangers of neglecting important aspects of global civil society in contemporary theorizing (Chandhoke, 2002).<sup>10</sup>

The latter point brings us to the final set of problems, which I have labelled under the heading of *either/or*. In the cases of both post-Kantian and post-marxist approaches, global civil society comes to be interpreted in essentially Manichean terms. I have already suggested above that this has negative implications for the analysis of global civil society, since it blocks the possibility of reading the interconnections between the inside and outside of global civil society, and also puts paid to a 'both and' (ambivalent) reading of the normative implications of particular civil society developments. It also encourages sectarianism in analysis, in which cosmopolitan and empire theorists compete unhelpfully over claims as to who has identified the *genuine* heart of global civil society activity, and the *genuine* key to progress. Most importantly of all, however, it pre-empt arguments *either* for a less purist understanding of both morality and politics *or* for moral pluralism. Modernist philosophy of history precludes anything other than an essentially linear account of global historical development. This linearity lines history up to either succeed or fail according to a singular understanding of what success and failure mean. But it is only if one has bought into this framework of interpretation in the first place (whether consciously or not) that this is the choice with which those trying to analyse and judge world politics under the heading of global civil society are faced.

## Conclusion

I have argued above that frameworks for understanding global civil society, which depend on modernist philosophy of history pose a variety of problems. This is important because so much of the theoretical work which utilises the concept of global civil society replicates assumptions embedded in post-Kantian and post-Marxist approaches to the interpretation of the present and the future. The problem is that, from the standpoint of Western modernity, Kant and Marx provide ways in which it is possible to think the present in terms of at least the possibility of progress, not just in the sense of the short term peaks of a Machiavellian cycle, but as a lasting and reliable improvement of the human condition. The alternative to cosmopolitanism or empire would appear to be a lapse back into realism, in which notions of progress are a priori discredited, and many of the non-state actors and organizations in world politics can therefore only be understood as victims of false consciousness in their struggles for positive political and economic change. However, I would argue that this is misleading. The problem does not lie in the invocation of progress *per se*, but in the tying of the idea of progress to a unifying temporality, which is posited as universal and is therefore able to ignore (de-historicize and de-politicise) its own particular historicity and politics.<sup>11</sup>

The terms of the choice between Machiavelli and Marx or Kant themselves reflect an essentially modernist understanding of history and progress, in which world politics and progress can only be thought together through a particular unifying strategy in which a purist understanding of the mechanisms of progress is somehow embedded in the world as a whole (Spivak, 1998: 333). Refusing this choice does not close off debates either about 'world' or 'progress', but it does demand a reconceptualization of both and of their relation to one another. A first step in this task, would be a greater degree of self-consciousness in theorists of world politics as progress, of the origins and political effects (intended and unintended) of the vocabularies in which their analysis is conducted. A second step would be to be more open to the possibility that not only is the notion of *progress* highly contested, but that even where there is



agreement on its meaning, the question of *how* it comes about should not be short-circuited by the presumption that we already know how progress happens and therefore what the end of history could be. Perhaps most importantly of all, however, a third step would be to pay more attention to the philosophical problem of how to conceptualise world politics in terms which are not singular, reductive and reliant on binary conceptual oppositions. In place of modes of thinking world political time which settle the question of progress in advance, we need a thinking adequate to the complexity, inter-connection, division, plurality and hierarchy by which world politics is characterised.

## Notes

- <sup>1</sup> Another version of this paper, under the title 'Global Civil Society: Thinking Politics and Progress' will appear in D. Chandler & G. Baker (eds) *Global Civil Society: Contested Futures* (London, Routledge, forthcoming 2004).
- <sup>2</sup> I am using the term 'realism' in the sense that it is used in anglophone international relations theory. Within this context, realism is associated with accounts of politics which are sceptical of the possibility of progress. Canonic realist thinkers within anglophone international relations theory include Thucydides, Augustine, Machiavelli and Hobbes. This realist tradition is seen as being revived (in contrast to liberal utopianism) in the work of thinkers such as Morgenthau and as being given a more social scientific form in the work of Waltz (neo-realism). Although it is not the case that the only ways of thinking about world politics in the Cold War period were realist or neo-realist, I think it is fair to say that the anglophone academic study of international relations was dominated in the 1950s and 60s by the broadly speaking pessimistic temporalities of realism exemplified by Morgenthau (1985) and from the 1970s onwards by the more 'scientific' vision of structural or neo-realism, exemplified by Waltz (1979), in which the temporality of international politics takes on a more static, Machiavellian character, see below.
- <sup>3</sup> Hardt and Negri are unusual in that they formulate a systematic post-marxist postmodernist theory of globalization, which is explicitly grounded in a theory of history. Few theorists of global civil society would subscribe to Hardt's and Negri's theory *in toto*. However, as I will argue below, work on global civil society which is influenced by Marxism and postmodernism implicitly relies on features of the modernist

philosophy of history which we find at work in Hardt and Negri, and this has similarly occlusive effects on the analysis and judgment of global civil society.

- <sup>4</sup> Within the space of this paper, it isn't possible to provide a full justification for my account of the distinctive features of modernist philosophy of history, though I would argue that they are in keeping with Koselleck's account discussed above. I am also clearly being selective in picking out Kant and Marx as the key exemplars, rather than, for instance, Hegel or Herder. The reason for this is that it is the legacies of Kant and Marx that are most clearly reflected in contemporary work on global civil society. See: Kant 'Idea for Universal History with a Cosmopolitan Purpose' and 'Perpetual Peace: A Philosophical Sketch' (Kant, 1991); Marx & Engels *The German Ideology* (Marx & Engels, 1970), 'The Communist Manifesto' (Cowling, 1998) and Marx 'Preface to a Contribution to a Critique of Political Economy' (Marx, 1975).
- <sup>5</sup> See, for example, in the case of political theory introductory texts such as Kymlicka (2002) and Mulhall and Swift (1996). For an overview of theories of international economic development, see Brown (2001: 194-217) and Thomas (2001).
- <sup>6</sup> See Morgenthau (1985) and Waltz (1979) for exemplars of realism and neo-realism respectively.
- <sup>7</sup> This is a recently inaugurated series of volumes (beginning 2001) which seeks to analyse, chart and measure the development of global civil society in successive years. References in this paper are to the 2002 volume (Glasius, Kaldor & Anheier, 2002).
- <sup>8</sup> It's important to note that the distinction cannot be the *same* as the 'in-itself'/'for-itself' distinction in Marx, since Hardt and Negri presuppose a Foucauldian account of subjectivity which is at odds with Marx's account of the revolutionary subject. Nevertheless, the Hardt/ Negri distinction is clearly analogous to Marx's, both in its meaning and its function within the argument.
- <sup>9</sup> It's important to stress, see Note 3 above, that I am not suggesting that any of the theorists mentioned below endorse Hardt's and Negri's argument as such. However, I am suggesting that the leftist critique of cosmopolitanism, which we find in the work of theorists such as Walker and Baker, shares elements of the post-marxist legacy in Hardt and Negri's thought, most notably, an implicit philosophy of history which then exerts a particular influence on how global civil society is analysed and judged.
- <sup>10</sup> It is interesting to note that empirical analysis of global civil society often gives a much more complex and interesting picture than we find in theoretical work. One of the most important developments in global

civil society organizations and movements in recent years has been the ways in which conceptions of progress, and problems of the Western domination of political agendas have become contested within those organizations and movements (Edwards & Gaventa, 2001).

- <sup>11</sup> One attempt to refuse the choice between realism or cosmopolitanism/ empire can be found in John Keane's theorizing of global civil society as 'cosmocracy' (Keane, 2003). Keane aims for a more inclusive and normatively pluralist account of global civil society than that provided by either Linklater or Hardt and Negri. I am in sympathy with much of his account and it goes a considerable way to addressing the shortcomings I have identified in post-Kantian and post-Marxist approaches. It is interesting, however, that he succumbs to the typically modernist temptation of identifying 'cosmocracy' as 'new' time (Keane, 2003: 97).

## Bibliography

- Archibugi, D. (ed) (2003) *Debating Cosmopolitics*, London: Verso.
- Arendt, H. (1961) *Between Past and Future: six exercises in political thought*, London: Faber & Faber.
- Baker, G. (2002) *Civil Society and Democratic Theory*, London: Routledge.
- Brown, C. (2001) *Understanding International Relations*, Basingstoke: Palgrave.
- Calhoun, C. (2003) 'The Class Consciousness of Frequent Travellers: Towards a Critique of Actually Existing Cosmopolitanism', in Archibugi (ed) (2003).
- Chandhoke, N. (2002) 'The Limits of Global Civil Society' in Glasius et al (eds) (2002).
- Cowling, M. (ed) (1998) *The Communist Manifesto: new interpretations*, Edinburgh: Edinburgh University Press.
- Edwards, M. & Gaventa, J. (eds) (2002) *Global Citizen Action*, London: Earthscan.
- Falk, R. (1995) *On Humane Governance*, Cambridge: Polity Press.
- Glasius, M., Kaldor, M. & Anheier, H. (eds) (2002) *Global Civil Society 2002*, Oxford: Oxford University Press.
- Hardt, M. & Negri, A. (2001) *Empire*, Cambridge MA: Harvard University Press.
- Kaldor, M. (1999) 'Transnational Civil Society', in T. Dunne & N. Wheeler (eds) *Human Rights in Global Politics*, Cambridge: Cambridge University Press.

- Kaldor, M. (2003) *Global Civil Society: an answer to war*, Cambridge: Polity Press.
- Kant, I. (1991) *Kant's Political Writings* ed. H. Saner, Cambridge: Cambridge University Press.
- Keane, J. (2003) *Global Civil Society?*, Cambridge: Cambridge University Press.
- Koselleck, R. (1985) *Futures Past: on the semantics of historical time*, Cambridge MA: MIT Press.
- Kymlicka, W. (2002) *Contemporary Political Philosophy: an introduction*, Oxford: Oxford University Press.
- Linklater, A. (1998) *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*, Cambridge: Polity Press.
- Marx, K. (1975) *Early Writings*, ed. L. Colletti, Harmondsworth: Penguin.
- Marx, K. & Engels, F. (1970) *The German Ideology* ed. C. Arthur, London: Lawrence & Wishart.
- Mignolo, W. D. (2002) 'The Many Faces of Cosmo-polis: Border Thinking and Critical Cosmopolitanism' in C. A. Beckenbridge et al (eds) *Cosmopolitanism*, Durham & London: Duke University Press.
- Mill, J. S. (2002) 'A Few Words on Non-Intervention' excerpted in C. Brown, T. Nardin & N. Rengger (eds) *International Relations in Political Thought*, Cambridge: Cambridge University Press.
- Morgenthau, H. (1985) *Politics Among Nations: the struggle for power and peace*, New York: Arnold Knopf.
- Mulhall, S. & Swift, A. (1996) *Liberals and Communitarians*, Oxford: Blackwell.
- Spivak, G. (1998) 'Cultural Talks in the Hot Peace: Revisiting the "Global Village"' in P. Cheah & B. Robbins (eds) *Cosmopolitics: Thinking and Feeling Beyond Nations*, Minneapolis: University of Minnesota Press.
- Thomas, C. (2001) 'Poverty, Development and Hunger' in J. Baylis & S. Smith (eds) *The Globalization of World Politics: An Introduction to International Relations*, Oxford: Oxford University Press.
- Walker, R. B. J. (1994) 'Social Movements/ World Politics', *Millennium: Journal of International Studies*, Vol. 23, No. 3: 669-700.
- Walker, R. B. J. (1999) 'Citizenship After the Modern Subject' in K. Hutchings & R. Dannreuther (eds) *Cosmopolitan Citizenship*, London: Macmillan.
- Waltz, K. (1979) *The Theory of International Politics*, Reading MA: Addison-Wesley.

## Book Reviews



*Sia Spiliopoulou Åkermark*

# THE RISE AND FALL OF INTERNATIONAL LAW

*Martti Koskenniemi (2002): The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960. Cambridge University Press.*

Martti Koskenniemi's recent book can be described in many different ways and fills many different functions. It is history of ideas, history of science, lengthy and detailed biographies of a large number of (male) international lawyers but also quietly – almost hidden – a reformist agenda for the future of international law. It attempts answering the question of why international law came to be “depoliticized and marginalized, as graphically illustrated by its absence from the arenas of today's globalization struggles, or turned into a technical instrument for the advancement of the agendas of powerful interests or actors in the world scene”. In the words of the author “this books examines the rather surprising hold that a small number of intellectual assumptions and emotional dispositions have had on international law”.<sup>1</sup> Those assumptions and dispositions are summarised as “a sensibility about matters international in the late nineteenth century as an inextricable part of the liberal and cosmopolitan movements of the day”. From this moment on, the word “liberal” appears in almost every page of at least all the most recently

written parts of book.<sup>2</sup> I will return to a discussion on “liberalism” below.

The book consists of six chapters dealing with the founding of and the ideology behind the *Institut de droit international* and its role in legitimizing colonial imperialism (chapters 1 and 2); German legal traditions ranging from historicism to the formalism and science approach to law as represented by Kelsen (chapter 3); the French sociological school which based its internationalism and cosmopolitanism on a sense of “solidarity” without however being able to surpass the references to “the idea”, and the idea was France (chapter 4); a whole chapter on Hersch Lauterpacht (chapter 5); and ending with chapter 6 on the impact of Carl Schmitt, Hans Morgenthau and “the turn to ‘international relations’” mainly among American international lawyers. Final conclusions are found in an epilogue which, as we will see below, does not restrict itself to the formal time frame of the book (1870-1960).

Two “intuitions” have guided this temporal delimitation of the examination (1870-1960), the first being the institutionalization and professionalization of international law in the late 19th century and the second that “whatever began at that time come to an effective (if not formal) end sometime around 1960”.<sup>3</sup> So this is *the rise and fall* of international law. But this “intuition” is qualified by the rather esoteric phrase “the international law that “rises” and “falls” in this book is, then, not a set of ideas – for many such ideas are astonishingly alive today – nor of practices, but a sensibility that connotes both ideas and practices but also involves broader aspects of the political faith, image of self and society, as well as the structural constraints within which international law professionals live and work”. Reading this phrase in the very second page of the book leaves one in a perplexed state so familiar to much of post-modern writing. Everything is a whole, constructed by all surrounding factors and historical contingencies. It does not make more sense than so until one gets to the epilogue. International law remains a “useful diplomatic language and an honorable aspect of professional education at law schools”.<sup>4</sup> The civilizing project in the minds of *the men of 1873* has failed and what remains is “the gap between the recurrent reform projects and blueprints about ‘governance’ and control, and the reality of picking up the *per diem* from the latest



caucus meeting in Geneva or New York". In Koskenniemi's view international law does not have the ability to articulate political visions and critiques, and has simply become the reaffirmation of power. So far, we recognize the touch of irony in the words chosen, but now there are two new things which are not so readily visible in earlier writings of Koskenniemi. There is the impatience and longing for a reformist agenda, making use of the latent ability to articulate existing transformative commitment in the language of rights and duties. Second, there is, for the first time really in Koskenniemi's writings, an attempt to offer a theory and method for doing this. While his *From Apology to Utopia* (1989) not only remained static – something admitted by the author in the introduction to his new book – but more importantly, failed giving us any guidance on how to transgress the pendulum between power legitimation and idealism, the new work suggests that there may be a way out.

## The Way Out

The way out is "the culture of formalism".<sup>5</sup> However, the culture of formalism is not much more defined at this stage. We can understand more about the "culture of formalism" by what is described as its opposite. Following a longstanding tradition of conceptual analysis of polemical notions, opposites, we can easily see that Koskenniemi is mostly concerned by the predominantly American "culture of dynamism". Formalism cannot any longer be understood as a focus on the questions of "black and white legal validity". This would bring us back to the Kelsenian mistake before the Second World War. The purpose of formalism is to function as resistance to power, a basis of accountability, openness and equality and of overcoming the irreducibility of difference. The "culture of dynamism" by contrast has a completely different agenda: that of effectiveness, optimization and compliance with regard to what is predetermined as valid law. Thereby it plays easily in the hands of the powerful. What are the implications of Koskenniemi's proposition for international law? Apart from all kinds of epistemological consequences, the most important is perhaps the recognition that "institutions do not carry the good

society with themselves”.<sup>6</sup> This implies in turn that law can never replace politics, since formalism as such is neutral and does not take stance between competing political interests and needs. This does not however deny judicial or legal activism as shown most aptly in the chapter discussing the work of Hersch Lauterpacht. The model of good society, the notion of liberty chosen need however to be defined through public discourse.<sup>7</sup>

It can be argued that the line of thought in Koskenniemi’s recent book is very much within what could be termed as “the Finnish school” of current legal philosophy which seems to be returning to an effort to reconceptualize and reinvigorate the *Rechtsstaat* (‘rättsstaten’, ‘the rule of law’) within the broad framework of legal positivism.<sup>8</sup> In the year 2000, Kaarlo Tuori published in Finnish his excellent study on *Critical Legal Positivism*, discussing the basis of rationality, validity and legitimacy of modern law.<sup>9</sup> The core point is that the validity criteria of legal norms include both formal validity (observance of legally regulated procedure for law enactment and logical consistency) as well as normative legitimacy (justifiability in the light of the morally – and ethically – laden principles of the law’s “subsurface layers”). The public discourse, to which lawyer’s need to be, and are, participating provide us with the “normative deep structure”, examples of which are human-rights principles and the principle of democracy. On this point there is considerable convergence between Tuori and Koskenniemi. I also dare argue that works like those of Susan Marks or Kaarlo Tuori and the current issues forming part of the (anti-)globalization debate and touching upon the concepts of accountability, participation and democratic legitimacy (even if they are disguised and partly neutralized as “governance”) are very much putting international law in the very heart of “the global game”, contradicting Koskenniemi’s argument about the marginalization of international law. From a Finnish, American, or for that matter a Swedish, perspective perhaps this is the case, but it seems that for those involved in the on-going constitutional and political reform in Kenya or Uganda, or those affected by the huge projects of the World Bank in many parts of the world, this is not so.<sup>10</sup>

There are huge numbers of -isms reviewed in Koskenniemi’s book. They cover a broad spectrum ranging from fundamental intuitions

such as “optimism” and “pessimism” through to enormously complex and controversial notions such “liberalism” and “cosmopolitanism”. The emphasis on “intuitions”, “sensibilities” and “emotional dispositions” can be viewed not only as the heritage of post-modern constructivist thinking, but also a clear stand against a view of law as verifiable science. Even though Habermas is hardly mentioned, and even though elements of Habermas’s deliberation theory can be viewed as only a faint background against which Koskenniemi’s analysis is canvassed, Koskenniemi’s thesis is an indirect rejection of the justificatory role of “truth” or any transcendental value.

## International Liberalism and Its Limits

I will now comment on only one of all the -isms, with regard to which I perceive that there are some problematic assumptions in the book. Koskenniemi begins his book with a discussion on the development and entrenchment of the “liberal ideas”, “liberal sympathies”, “liberal politics”, “liberal constitutionalism” of the “men of 1873”, i.e. the members and supporters of the *Institut de droit international* which held its first meeting in Ghent in the year of 1873. Liberalism is through out the work opposed to conservatism and it is closely associated to progress and humanitarianism, or solidarity as was the case in France (see chapter 4).

The problem is that internationally oriented liberalism has had and still has many faces.<sup>11</sup> This is indirectly recognized by Koskenniemi himself when he points out the association of liberalism and nationalism in late 19th century. Currently the ambivalence of liberalism is most clearly seen with regard to international economic relations. Traditionally, and ever since Adam Smith and John Stuart Mill, *economic liberty* is a major component of liberal thinkers. Protection of property and free market economy are crucial preconditions of individual liberty and this was indeed the basis of American Realism of which Myres McDougal was a part long before he founded the New Haven school at Yale.<sup>12</sup> Therefore, we are indeed in great trouble balancing on the one hand global free trade and free movement of goods, services and persons with cultural values and

human rights (such as right to decent education) or with the prevention of environmental degradation on the other. The ambivalence of what is usually termed as liberalism is also obvious with regard to *the perennial issue of war*. Kant's view, for instance, was that war can help establish and strengthen republics. Others have argued that war can be justified in the name of self-determination or against tyranny. Another strand of liberalism has been committed pacifists automatically condemning the use of any form of violence.<sup>13</sup> *Liberalism and cultural difference* is another uneasy alliance. Most contemporary liberal thinkers – including Rawls and Kymlicka – accept and institutionally accommodate *reasonable* difference. Unreasonable difference is contained through reference to adjudication, preferably through a constitutional law. Law and courts are crucial for such thinking as a limit not only of the power of the state but equally of all groups not accepting the dominant liberal paradigm. If this is crucial for domestic liberal thinking it is even more so for international liberalism, where the scope of difference and “unreasonableness” may be all the greater. Koskenniemi does not offer us any further clue of how to solve this dilemma. Indeed he seems to think that “maybe the time of synthesis is not yet here”.<sup>14</sup>

I believe however, that there are attempts for such synthesis. Not so much from the part international lawyers, but still within the realm of law – and post-modernism learned us that the distinction of national and international is to a large extent a fiction – as evidenced by David Dyzenhaus last chapter in *Legality and Legitimacy – Carl Schmitt, Hans Kelsen and Hermann Heller in Weimar*.<sup>15</sup> Dyzenhaus's main argument is that while liberalism and democracy are an uneasy couple, they are possible to combine if the distinction of the private and the public is not essentialized and public discourse is comprehensive. The rationality of legality can never be looked at as compensation or the limit of the irrational forces of politics. Dyzenhaus accepts Habermas's emphasis on public deliberation and a culture of political justification as well as his primacy of democracy over liberalism.<sup>16</sup> He rejects however – as does Koskenniemi – Habermas's transcendentalism and argues, following Hermann Heller, that the moral value that law serves is the value of collective self-government so that any claim of the good life, also a non-liberal one, is part of the scope of open democratic deliberation. There are no

questions automatically put outside the realm of politics. On this point he departs from liberals such as Rawls, Kymlicka and perhaps also Habermas. He also concludes that such a thesis requires that institutions of legality, which I here take to cover the whole legal profession and much more, need to be answerable to principles of accountability and participation and to ever changing ideals of social equality. If the agenda of international law encompasses such goals, and it seems to me that it does, then it has not lost its transformative force. Such a position would have important consequences for our responses to the issue, for instance, of the constitutionalization of the European sphere. The call for constitutionalization should never entail the marginalization of politics.

## Is International Law Truly Depoliticized?

Whether international law is truly depoliticized, and thereby deprived of all its reformist power, is another matter of debate. Koskenniemi, reminds us that the Spanish Civil War (1936-1939) divided European intelligentsias for the first time in uniformly right-left positions. This division became quite apparent, even though perhaps not as uniformly, as evidenced by the internal division of the Labour Party in the United Kingdom, with regard to the recent war against Iraq, in the spring of 2003. Indeed, a big part of the pleasure of reading the book is this sense of *déjà vu* with regard to the legal arguments chosen and their structure. Koskenniemi cites Le Fur who characterized the Spanish Civil War as a “struggle between the Christian civilization and atheistic communism, or more briefly, ... , between civilization and barbarism” in the same way as arguments had been used to describe the Franco-German adversity in the First World War.<sup>17</sup> Later on, the same line of thinking was used to explain and justify the invasion by the US in the Dominican Republic (1965). The Legal Adviser of the State Department, L.C. Meecker, asserts the general right to use military force by the United States *in the Western hemisphere* (my emphasis) against “foreign ideologies”, which made “communism” equivalent to “armed attack” under Art. 51 of the United Nations Charter.<sup>18</sup> Wolfgang Friedmann and other critics of

the intervention are dismissed by the State Department as “legal fundamentalists”. Those were in fact the exact words used by conservative Swedish politicians about legal criticism against the war in Iraq in the spring of 2003; “legalism” was presented as the opposite of “humanitarianism” and “democratic efforts”.

## Open Themes

The main theme of the book is, as we have already – but only indirectly – seen, the constant struggle and balancing between universalism and particularism; inclusion and exclusion; the internal (as in Kelsen’s legal rationality) and the external (sociological, theological, political etc) view on law. Within this wider context Koskenniemi makes ample reference to the impact of religious assumptions and beliefs – mainly concerning Protestantism, Catholicism and Zionism/Jewish beliefs. The interplay between religion and international law is indeed an unexplored field pointed out to us by Koskenniemi.

Very many of the men discussed in chapters 1-5 are extensively discussed in terms of family relations, friends, religion, education, and professional careers.

Here I think that there is a bias in the treatment of different personalities discussed in the book. While there is extensive, in many cases even exaggerated detail with regard to scholars active before the Second World War, there is much less discussion, contextuality and situational placement of those appearing after World War II. So, while there is always a more or less sympathetic explanation of the positions taken by Gustave Rolin-Jaequemyns or John Westlake, fairly little is said on later American scholars. I would think that if the current “culture of dynamism” among American lawyers is a true challenge, we would need to understand much more profoundly the background and development of this culture. For instance there is no discussion or contextualization of Wolfgang Friedmann’s opponents such as professors Adolf A. Berle or A.J. Thomas. Nor is there any similar analysis of the more contemporaries such as Myres McDougal, Anne-Marie Slaughter, Thomas Franck or Ferdinand

Tesón. Even though one can easily appreciate the difficulty of portraying one's contemporaries, this leaves us with a sense of imbalance and wonder. Admittedly the formal end of analysis is 1960, the last part of chapter 6 and the epilogue deal, however, as much with near past and even the present and future of international law. Now, if there is a critique of the unhistorical American international law jurisprudence, which I think is part of Koskenniemi's argument, this then needs to be addressed in a direct way.<sup>19</sup> How has this "culture of dynamism" developed? Which are its premises? Who are its driving forces? What is the role of professional organizations such as the American Bar Association or the American Society of International Law? Does legal education support this culture? What is the relation between international law and religion in American international legal jurisprudence? My guess is that we will now start witnessing articles and books touching upon such themes, not only with regard to the situation in the US, but in many parts of the world. This would be a not so unexpected development in the aftermath of critical, reflexive thinking.

I can also see another theme silently permeating the book, even if it is only indirectly addressed by Koskenniemi; that of the double roles of many of the protagonists involved in his historical exposé. Westlake, Descamps, Scelle, Bourgeois, Politis, to take but some of the names, were all of them both successful academics and at the same time committed politicians. Are those positions that can be reconciled if one argues for a "culture of formalism"? In the same vein, is it possible to reconcile an academic career with positions such as that of a legal adviser to government? What are the preconditions and results of such combination? Earlier, Koskenniemi has advocated a relativistic view on this. In his comment to the Symposium on Method organized by the American Society of International Law he wrote that "what works as a professional argument depends on the circumstances". The different "styles" lawyers use, such as "academic theory" or "professional practice" are not hierarchically related and "the final arbiter of what works is nothing other than the context (academic or professional) in which one argues".<sup>20</sup> While Koskenniemi tries to present this as an issue of simple stylistic difference, one can argue that his examples (especially with regard to the legitimization of colonial imperialism) of the gap

between principled academic reasoning and applied political decision making, by the very same people, does not support such a relaxed approach. As Koskenniemi aptly put it: *no style is neutral*.<sup>21</sup>

## Notes

<sup>1</sup> Koskenniemi, pp. 2-3.

<sup>2</sup> Chapter 2 (dealing with imperialism), chapter 5 on Lauterpacht and chapter 6 on Schmitt, Morgenthau and international relations have appeared earlier in journals and books in the period 1997-1999. This makes each chapter an independent entity which can be read and convey its message irrespective of the totality, something which can be seen as a considerable advantage in a book of more than 500 pages.

<sup>3</sup> Koskenniemi, p. 4.

<sup>4</sup> Ibid., p. 515.

<sup>5</sup> Koskenniemi, p. 500.

<sup>6</sup> Ibid., p. 176.

<sup>7</sup> Public discourse is only momentarily mentioned in the final pages of the book. The reference to the transformative potential and the need for human rights and democracy – democracy as an open, non-universalistic notion – seem to be closely connected to Susan Marks argument in *The Riddle of All Constitutions* (OUP, 2000). Marks argues that the predominant democracy formula of present international law represents a rather conservative low-intensity democracy.

<sup>8</sup> There are many examples of this school in the recent Fogelklou, Anders & Spaak, Torben (eds.), *Festskrift till Åke Frändberg*, Iustus förlag, Uppsala, 2003.

<sup>9</sup> The English edition, *Critical Legal Positivism*, came out in 2002 and Tuori extends his thankfulness to, i.a. Martti Koskenniemi, for discussions on the earlier Finnish edition.

<sup>10</sup> One can simply mention authors such as Yash Gai, Joe Oloka-Onyango and Makau wa Mutua who are both criticizing the hypocritical faces of international legal argumentation, as well as making use of it both nationally and internationally.

<sup>11</sup> This is a criticism shared by Rein Müllerson in his book review of the book in vol. 13, no. 3 of the *European Journal of International Law*, 727.

<sup>12</sup> Cf. Alexander, Gregory S., Comparing the Two Realisms – American and Scandinavian, 50 *American Journal of Comparative Law* 131-174 (2002).

<sup>13</sup> Howard, Michael, *War and the Liberal Conscience* (1986).



- <sup>14</sup> Koskenniemi, p. 516.
- <sup>15</sup> Dyzenhaus book came out at OUP in 1997.
- <sup>16</sup> At about the same time Quentin Skinner came out with his *Liberty before Liberalism*, CUP, 1998.
- <sup>17</sup> Koskenniemi, p. 339.
- <sup>18</sup> *Ibid.*, p. 413. See also the similar words chosen by professors Berle and Thomas, *ibid.* pp. 497-500.
- <sup>19</sup> For an effort to address the same issue with regard to English (leaving in reality aside the American part) analytical jurisprudence, see Morton J. Horwitz, Why is Anglo-American Jurisprudence Unhistorical? In 17 *Oxford Journal of Legal Studies* 551-583 (1997).
- <sup>20</sup> Koskenniemi, M., Letter to the Editors of the Symposium, in 93 *American J. Int. Law* 351-361 (1999), at 356.
- <sup>21</sup> *Ibid.* at 361.

*Ari Helo*

# AN INCONSPICUOUS AMERICAN FOUNDING

*Max Edling (2003): A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State. New York: Oxford University Press.*

Max Edling's book explores the apparently "self-evident truth" that even the United States government has been national from its very beginnings. To be sure, the Swedish scholar offers us an interesting and carefully argued account of the origins of the strongest government in the world today. Edling suggests that the creation of the American constitutional federation should be situated in the context of the formation of a "fiscal-military state" on the eighteenth-century European model. More specifically, he claims that this context provides a better framework for understanding the ratification of the Constitution than the traditional interpretations concentrating on the thought of James Madison, the celebrated "father of the Constitution" in the American founding mythology.

As is well known, Madison was the key figure in the Philadelphia Convention (1787) where the Articles of Confederation of the United States (ratified in 1781) were replaced by the Constitution. The nation was offered a powerful central executive office, a two chamber federal legislature, and a federal supreme court. Edling's central claim is that "both Antifederalism and Madisonian federalism were expressions

of the extreme skepticism about stronger government” prevailing in contemporary American thought [p.9]. In terms of fundamentals, he aims at arguing that Madison’s goal of securing minority rights in American majority democracy by resorting to a constitutional, federal government was not really at issue in the crucial moments of the American founding, namely the ratification debates that followed the Philadelphia Convention from 1787 to 1789. The obvious other option left to Edling is to cast Alexander Hamilton as the true champion of what counts as the core of the Federalist argument. After all, Hamilton was to become not only the most influential member in the first federal government, run by President George Washington in 1789-96, but also the leading figure of the Federalist Party to which Madison never belonged.

To grasp what is innovative in Edling’s view that the adoption of the Constitution should be viewed as a more or less conscious effort to build up a national American state, let us first sketch an overtly simplified picture of the conventional American self-interpretation of its beginnings. According to a schoolbook reading, the American founding consists of first, the Revolution (1776), second, the Constitutional Convention with the ensuing ratification debates (1787-9), and third, the amendments to the original constitution known as the Bill of Rights (1791). The ten first amendments include the famous provisions that the government will not restrict the freedom of speech, free press, the religious freedom or the right of the Americans to carry firearms. Add to all this the third president, Thomas Jefferson (1801-09), as the true ideologue of American democratic faith, who — with Madison as his secretary of state — managed to turn the burgeoning Federalist state machinery into a modern, civil society, and you have arrived at the conventional American understanding of the nation’s origins as emblematic of the idea that big government is bad for any nation.

In fact, by the very term “founding” the scholars of early American history refer to the notion of the United States having been founded not as a nation state or even as a federation, but as a rudimentarily modern, free society. As Joyce Appleby in her extremely influential *Capitalism and a New Social Order* (New York University Press, 1984) quotes the “true” liberals of the Jeffersonian movement, “the consumers form the nation” [p. 89]. This liberal, hard-working,

Jeffersonian, consumer American needs the government like a hole in his head. After all, what the modern government asks from him is not his civic virtue but his tax money for keeping up an army, for deep down the state is nothing but a monopoly of violence. And indeed, Edling's work, albeit carrying the term "Revolution" in its title, is a book about the creation of a federal peacetime army and a nation-wide taxation system in the United States.

Edling makes an intelligent move by arguing that the formation of the eighteenth-century European "fiscal-military state" — a conception he borrows from Michael Mann — was well in view of the American founders. They saw that British military supremacy in the whole Atlantic system had been built on such a huge public debt that at the end of the century two thirds of the nation's tax revenue was needed for debt servicing, whereas the failure of the French absolutist government in funding its own operation meant that "the state eventually proved fatal to the regime" [p. 52].

With his emphasis on "fiscal-military state" formation, Edling manages quite skillfully to circumvent the various kinds of "historicisms" embedded in the complexities of the now worn-out historiographical struggles over the true character of the American founding as either genuinely democratic rather than aristocratic or as liberal rather than classically republican. Even so, the author is not in need of any unforeseen intellectual context of "languages," for he insists that the Antifederalists' deep suspicions of a strong central government as well as the Federalist argument stemmed from grasping the European developments so well, albeit in terms of the good old British Court and Country debate.

The thrust of the Country argument on the formation of the British "fiscal-military" state was that a peacetime (standing) army posed a threat to civil liberties as a potential police force ready to suppress all opposition to the high taxation needed for its maintenance. By and large, the corrupt Court party figured in the national financial elite so well represented in Parliamentary majorities that nothing could stop its success in extending both the standing army and its funding so as to enrich itself as the main debtor of the state. Simultaneously the overall tax burden on the people had to cover not only the actual expenses of the growing central government and its standing army, but also the ever-increasing interest payments going into the pockets

of the financiers of the system, built, as it was, on public debt. What, indeed, could a free people need a standing army for except to save the expense of chairs (as the Marx Brothers once formulated the case)?

Beginning with General Washington's outspoken despair with the ineffectiveness and unreliability of militia troops throughout the War of Independence, Edling confirms the old presumption that without regular troops the Americans would have lost their good cause. Regarding the economic and diplomatic survival of the early American federation, it takes several carefully argued subchapters from the author to make the reader grasp all the ramifications of the Constitution's central clause that, in fact, gave the federal government an unrestricted power to raise and maintain armies as well as to tax the people for funding what was to become an American national state.

While the formation of the modern American war machine was consummated only at the beginning of the twentieth century, Edling carefully points out that this late development is largely due to the Federalist Party winning their case at those early moments in American history. It was by reorganizing the war debts of both the Continental Congress and the states (for the state debts were also assumed by the central government) that the Federalists succeeded in securing the nation's financial credibility so that any potential enemy would know that in case of emergency the government would not lack funding for raising a large-scale army. However, given the restricted source material Edling has in his use, his suggestion that the federal government also managed to lower the overall tax burden of the nation is much less convincing.

What made the difference between American federalism and the formation of European nation state is that the American version of the "fiscal-military state" model was kept "*light and inconspicuous.*" Firstly, the regular army was largely kept out of sight of the American public by using it as a mere border constabulary in Western frontiers. Secondly, the Federalist tactics for handling the debt problem were based not only on making it a permanent, "funded" debt, but also on keeping the federal tax gatherer invisible. After all, what the Federalists and Anti-federalists appear to have agreed upon was that it was not the amount but the mode of tax collection that could make it look like a big-government activity. Thus, the central government taxed

American consumption rather than production, and consequently resorted to indirect taxes in the form of tariffs and excises (on spirits), whereas the poll tax and property taxes were left to the state governments.

There is hardly a question that we are also dealing here with a handbook on how to construct a successful federalist argument as a nice thing in itself within the grim universe of international politics. The message to all European federalists is indicated on the last lines of the book, where it is argued that the American constitution, while “universally regarded as the paragon of limited government allowed for the creation of what today remains the world’s only superpower.” As to the blessings of centralized political power in general the picture remains messier. Edling takes the trouble to mention that for the first one hundred and fifty years the American regular army was most regularly used to fight the Native Americans and the organized labor movement [p. 158]. Another interesting remark, for whatever reason it is made, is that the Federalists of the 1790s failed to foresee that at least the European “fiscal-military state” would some day spend most of its tax revenue on purely civil purposes [p. 227].

Finally, a few words of warning are in place for all those tempted to use this brilliantly written book as an introduction to early American history studies. Being mainly an interpretation of the ratification debates Edling’s characterization of the American federation ignores much. He says next to nothing about the judicial power vested in the federal government. That the Supreme Court assesses the constitutionality of all the laws enacted by the national legislature is an issue one might think of as having something to do with the distribution of power in the American system. True, the *Marbury v. Madison* decision that began the debate over the role of the Supreme Court in the government took place only in 1803, so the ratification debate could hardly handle the issue. But as Edling’s interpretation of the strengths of the Federalist argument relies quite heavily on how the system came to work over time, one might think of it as interesting that as late as the 1930s the Supreme Court declared practically every measure taken by Roosevelt’s cabinet in favor of labor unions, public job opportunities, or public industry investments as unconstitutional. By the same token, it is worth asking whether the riots raised by discontented war veterans throughout the 1780s

and 1790s could be used as evidence for something else besides the fact that the nascent federal government was already strong enough to suppress them.

Along these lines one may also call into question the old wisdom that Edling shares with the American “progressives” in holding that deep in his heart James Madison supported the Constitution only as the means to deprive the states of the opportunity to turn America into majority despotism. The United States was an exceptional democracy in the eighteenth-century Atlantic world. But is it misleading to indicate that since as much as “around 60-90 percent of white adult males” were included in the electorate on a national level [p. 56], every sound-minded founding father must have been mostly concerned about the unhealthy influence of the majority power on American freedom. In New York, for example, where the suffrage was 100 per cent of the adult male population when the ratification of the federal constitution was at issue, only 30 per cent of free men could cast a vote in elections for state senate. Details between the “60 and 90 percent” are of crucial importance, when it is kept in mind that such “minor” things as schools, poorhouses, courts, and police force were usually maintained by local governmental organizations. And one thing that definitely frustrated James Madison was precisely the lack of majority democracy in his home state, Virginia. Besides women, slaves, and free blacks, the Virginia constitution kept half of the state’s white men out of the ballots well after Madison’s death in 1836.

David P. Schweikard

# ON AND BEYOND TAYLOR'S MORAL REALISM

*Arto Laitinen (2003): Strong Evaluation without Sources – On Charles Taylor's Philosophical Anthropology and Cultural Moral Realism. University of Jyväskylä.*

Arto Laitinen's doctoral dissertation is a systematic work in philosophical anthropology and (meta-) ethics as well as a concise interpretation and expansion of some central aspects of the work of Charles Taylor. In terms of the organisation of arguments, the guiding of the reader and the combination of systematicity and historical background concerning the issues dealt with, it is a splendid book that is absolutely worth reading.

The scope of the book can be expressed in terms of the three main lines of argumentation: firstly, it examines Taylor's conception of "strong evaluations" and its significance for various aspects of philosophical anthropology, namely human agency, personhood, identity and interpersonal recognition; secondly, it explores the foundations of the "cultural moral realism" it argues for by positing it within ethical theory; thirdly, it disassociates from Taylor's account concerning the idea and function of so-called "moral sources". The study is divided into two parts, of which the first is dedicated to the



issue of philosophical anthropology and the second to the ethical and metaethical issues.

In part I, Laitinen defines and scrutinises Charles Taylor's conception of "strong evaluation" with the aim of outlining Taylor's philosophical anthropology. This conception is meant to provide an answer to the questions about the genuine characteristics of human agents. In chapter one, Laitinen reconstructs the conception by tracing the genesis of Taylor's answer back to the anthropological claims made by P. Strawson and H. Frankfurt. Strawson claimed that one could describe persons by their states of consciousness and their corporeal characteristics, whereas Frankfurt claimed that – while Strawson's account was held to apply to animals as well – persons are to be analyzed with reference to their capacity to have second-order volitions. A first-order desire is a desire to do *x*, a second-order desire is a reflective desire to desire to do *x*; the point about Frankfurt's term volition is that a second-order volition is a desire to have an effective desire to do *x*. On this account it is characteristic for myself as a person that I can have the desire effectively to have the desire to quit smoking.

Taylor's conception differs from Frankfurt's by introducing a further distinction into the second-order evaluations. According to Taylor one can evaluate one's own desire in weak or in a strong way. Weak evaluation is confined to a simple weighing of alternatives under standards of e.g. convenience. In contrast to this, in "strong evaluation our motivations are assessed in the light of *qualitative distinctions* concerning the *worth* of options" (23). It is the core of Taylor's philosophical anthropology to take the so defined strong evaluations as central conception within a web of interrelated aspects. Laitinen agrees with Taylor's basic thesis according to which "it is strong evaluation rather than mere second-order volition or mere consciousness that is distinctive of persons" (24). But according to Laitinen, Taylor's characterisation of strong evaluation as desires is imprecise, they are to be taken as evaluative beliefs. A desire to do *p* must fit the belief that "*p* is in itself good", and the exact form of this belief goes back to strong evaluation. This second-order assessment of one's desires, beliefs, actions, emotions etc. in the light of their respective worth is crucial to Taylor's anthropological account. As

Laitinen shows, the aspects of strong evaluation and identity are closely connected with regard to one's practical identity, to the way in which some features are identified with, to one's orientation for which these features are relevant and to one's motivations that are judged on the basis of strong evaluation (29).

After this exposition of the central conception, Laitinen goes on for the rest of chapter one to explore this conception in related contexts, still paying major attention to its persuasive power. First, a reconstruction of further important concepts (such as articulacy, depth and reflectivity) is given. Then, anticipating some possible Kantian criticism which could refer to the notion of strong evaluation as being too broad, Laitinen defends Taylor's account by stressing that the distinctions between moral and identity issues and between categorical and optional goods as well as the aspect of orientation on the moral map fall within the scope of strong evaluation. In discussing the complementary question as to whether the notion is too narrow, Laitinen formulates two critical points concerning Taylor's view on strong evaluations and by referring to Raz and Ricœur he argues for an extension of the account which includes 'small values' (48) and 'deontic norms' (54).

Chapter two focuses on the issue of human agency. Here, Taylor's fundamental distinction between an engaged and a disengaged view of human agents is analysed and it is demonstrated how the notions of "human", "person", "subject" and "self" relate to each other and especially to the Taylor's claims about the role of strong evaluations. Laitinen shows how Taylor employs the engaged view according to which it is essential for human agents that they "have an internal relation to their world and to others" (93). Taylor's justification of this view is based upon the transcendental argument that human agency presupposes strong evaluations. Beyond this systematic reconstruction Laitinen draws the reader's attention to a major concern of Taylor's philosophy: it is the historical claim and at the same time the philosophical diagnosis that approaches arguing for the disengaged view such as naturalism and atomism are symptomatic for a certain development in modern culture.

Chapter three turns on the issue of personhood and examines the anthropological account based on strong evaluations concerning the question of the moral status of persons. In short, as a person a human

being is strongly valued as an end-in-itself. Taylor's concept of a person, Laitinen explains, can be taken to consist of a *moral* or *normative* aspect and a *descriptive-evaluative* aspect. The first refers to the basic rights of human beings, the latter to the central capacities of a person, including the capacity for strong evaluation, which form the background of the person's moral status.

The central questions in the debate on personhood concern the specific characteristics of these capacities and what influence the mere potential for developing them has on a being's status as a person. Laitinen takes a Taylorian stand on these questions in that he supports Taylor's 'potentiality thesis' according to which "persons have naturally the central capacities in a potential form when they are born" (97), and his 'social thesis' which says that the decisive capacities can only be actualised on the basis of social mediation. With regard to Taylor's argument about the social dimension of personhood it is important to mention that his argument for this view is not communitarian. Thus it does not consider the evaluation of a person's capacities to be merely a matter of common agreement. Taylor is, as Laitinen argues, a realist concerning both the capacities and their worth, and this is the guiding principle in the discussion of potentiality.

In chapter four the connection between strong evaluation and the issue of identity is taken up. Again, instead of just jumping into the deeper parts of the issue, Laitinen introduces the topic by defining and differentiating the kinds of identity he wants to discuss: *idem*, *ipse*, collective and species-identity. His aim in this chapter is to defend "an interpretational and evaluational conception of self-identity" (114) and "the view that personal identity is a matter of self-interpretation, and collective identity is a matter of collective self-interpretations." (115) Both the interpretational and the evaluational aspects of identity are based on the conception of strong evaluation.

*Ipse*-identity is discussed as the major form of self-identity and three possible approaches to this type of identity are distinguished, whereas one's *practical identity* is constituted by one's orientation to the good, one's *biographical identity* goes back to the medium of self-interpreting and self-situating narratives, and one's *qualitative identity* is composed of one's self-definition in terms of strong evaluations and one's value horizon according to which evaluations are made.

Collective identity could be defined along these lines, but this is left open.

The last chapter of part I, chapter five, links up the anthropological topics of the previous chapters and is dedicated to interpersonal recognition. It expands the arguments concerning the role of strong evaluations to the social dimension and thus prepares the grounds and articulates the need for a discussion of value realism which is undertaken in the second part of the study. Here Laitinen connects the debate recognition closely associated with Axel Honneth's research with elements of Taylor's contribution. The point of this chapter is to show that strong evaluation is not limited to an atomistic anthropology on the one hand, and that the intersubjective sphere of recognition is value-laden on the other.

Laitinen makes four suggestions concerning interpersonal recognition: (i) the concept should be understood as multi-dimensional, practical and strict; (ii) it should be seen as "a reason-governed response to evaluative features" (140); (iii) three dimensions of recognition should be distinguished, recognition qua a person, qua a certain kind of person and qua a certain person; (iv) recognition is both a response to values and a necessary condition for personhood.

Part II is dedicated to the two ethical issues mentioned. Its aim is to move from a discussion of these issues to an extension of Charles Taylor's theory of strong evaluation. While chapters six to nine deal with "cultural moral realism" as such, chapter ten clarifies the title thesis concerning "moral sources", chapter eleven deals with evaluative beliefs and justification and chapter twelve reintegrates the anthropological perspective.

At the beginning of a concise and multi-aspect examination of cultural moral realism (= CMR) stands an introductory outline of this position which is given in chapter six. Further characterisations and systematic demarcations of CMR are provided in chapters seven to nine.

CMR is characterised as a cognitivist position as it holds that in the realm of evaluative judgments, genuinely correct and incorrect (and better and worse) judgments are possible. These judgments can be *implicit* in our moral emotions and tacit agent's knowledge, or more *explicit* in different articulations (160). The correctness of such

evaluative judgments hinges on the evaluative properties (Taylor's call them 'imports') of the respective situation, these two aspects together are to be understood in terms of a plurality of goods, ideals or values.

According to CMR the evaluative realm is only and exclusively accessible from an engaged, lifeworldly perspective and it is at the same time dependent on social forms which are historically subject to change. One cannot – this is one of the main arguments in chapter seven – exit moral reality, because it is dependent on the existence of humans and their cultures (196). Moreover, the human lifeworld as such is – as Laitinen argues – characteristically moulded out of values and norms; the space we live in is essentially value-laden, it is an evaluative and normative space of requirements, demands and claims.

But there could still remain the question whether values are culturally created. In chapter eight, Laitinen argues that a more differentiated view than just the claim of cultural creation or construction is needed. Consequently, he suggests the distinction of five types of values and accordingly five different types of culture-ladenness of values: (i) values that are purely cultural and historical creations, (ii) purely natural values, (iii) values that can be realised without human valuers, (iv) values that are related to human universals, (v) values that are related to the human ethical and aesthetic relation to the natural environment (215-219).

Within CMR, values are considered relational and a version of McDowell's 'no-priority view' is adopted in order to express that values are neither subjective in the sense of projectivism nor objective in the sense of Platonism.

Chapter nine turns on the metaethical issues concerning the claims about the diversity, universality and validity of goods. Laitinen deepens and examines various possible counter-arguments and restrictive claims against the claims of CMR. Does the culture-ladenness of values require a non-objectivist, relativist or internalist account of evaluative knowledge? Does a cultural embedding of evaluative practices obstruct a qualified objectivist view? Laitinen claims it does not and (still integrating and occasionally modifying Taylor's views) provides a thorough justification of the claims made in chapter six. This leads to the rejection of both relativism and internalism (241-245, cf. 170).

He takes up Joseph Raz ‘reversal argument’ according to which both the plurality and the culture-dependence of values support the cultural diversity of evaluative views. Following the restrictions concerning the culture-dependence of values made in the eighth chapter, Laitinen modifies this plain reversal argument and specifies the strongly interrelated concepts of universality and validity (251-255).

Chapter ten develops and justifies the major thesis of part II which says that CMR does not need moral sources or constitutive goods. Laitinen firstly reconstructs and critically assesses Taylor’s version of CMR in two steps. The first deals with the first level of Taylor’s account which can be summarised in terms of three main theses: (i) values are relational and culturally laden, (ii) values can be disclosed from the engaged lifeworldly perspective – this is taken to be an epistemological view –, (iii) values are universally valid (259-261). The second step refers to the “ontological background pictures” Taylor postulates as implicit in value-experiences. By reference to the ontological features of the bearers of values one can detect the according evaluative features and thus make “sense of our moral reactions”. (264)

Laitinen’s concern is to show that this first step already constitutes a sufficient account of CMR, so in a second step he needs to provide an argument against Taylor’s conception of constitutive goods for the constitution of goods. In Taylor’s view moral agents have access to “the source of the value, or goodness, of the ideals of evaluative properties” (266), they have a conception of the so-called ‘constitutive goods’. As Taylor does not defend the view that there is only one such higher-level source, he postulates a plurality of sources or constitutive goods which – according to one of Laitinen’s critical arguments – ultimately falls in one with the plurality of relational first-level goods. And a source that practically does not play the central role that is ascribed to it turns out to be rather superfluous than constitutive.

Laitinen suggests to work with a ‘sourceless’ CMR. This version would take the experiences of evaluative features to refer solely to the evaluative properties of the bearers of values and it would rather do without constitutive goods than with an implausible picture of them.

Chapter eleven is dedicated to the discussion of beliefs and moral knowledge. It poses and responds to five epistemological questions: (i) how do we acquire beliefs? (ii) Is there objective truth about evaluative claims? (iii) How does epistemological justification run? (iv) Does an agent's autonomy imply his moral entitlement? (v) Do evaluative stances determine practical reasons? Chapter twelve deals with this last question and reintegrates the aspect of individual orientation to the good that played a central role in the anthropological part of the study. This 'orientation to the good' which is partly constitutive for identity has to be distinguished from a practical 'commitment to the good' which themselves act as practical reasons. The final argument returns to probably *the* central aspect of Taylor's practical philosophy: the relation between the self and the good. The complex task of "leading one's life a determining one's identity" is viewed in terms of "balancing the demands of stance-neutral worthwhileness on the one hand, and the demands of autonomy and authenticity on the other" (329).

The last chapter of the study, number thirteen, provides a summarising conclusion of the whole book. It recapitulates the course of the argumentation and especially stresses various interconnections between arguments and their implications.

Iain Hampsher-Monk

## FIGHTING FOR POLITENESS

Markku Peltonen (2003): *The Duel in Early Modern England, civility, politeness and honour*. 355+x pages, Cambridge, Cambridge University Press.

Over the last twenty years or so, politeness has been a major topic amongst early-modern social historians and historians of ideas. Markku Peltonen's rigorous study intelligently locates the duel in the context of debates about the nature, function and forms of 'civility' between the later 16th century and the early 18th century. The book makes exhaustive use of primary sources (23 pages of primary source bibliography) and is only slightly less generous with secondary work, synthesising a lot of recent studies. Its approach is highly systematic and the major claims are impeccably set out and meticulously documented. What are they?

Peltonen rejects the thesis originally advanced by Norbert Elias and adapted for England by several recent writers, that the emergence of courtly civility was part of a process of consolidating central state power. On this view politeness involved the internalisation of codes of restraint amongst hitherto uninhibited feudal magnates making them increasingly tractable. The consequent growth in royal authority enabled it ultimately to ban duelling as an affront to sovereignty, and relegate lordly conflict to verbal jousting.<sup>1</sup> Whilst granting that some contemporaries argued that the politeness connected with duelling codes decreased violence (although some argued they did so by the



threat posed by the introduction of the new and more deadly rapier), Peltonen's claim is that this analysis fits neither the chronology nor the aetiology of duelling in England. He convincingly shows that the private duel in England was a distinct and innovative renaissance practice, brought from Italy in a range of books, both translations and domestic productions and quite different from traditional species of formalised violence used to settle disputes, such as trial by battle. Indeed, within England, these were identified with different juridical traditions – civil and common law. Trial by battle and chivalric contests were public rituals conducted under the King's law and often witnessed by him. Duels (though ritualised) were private affairs conducted without licence and typically in defiance of the King's express wishes. Contra the Eliasian thesis therefore, the culture of the duel represents a *loss* of royal control over this area, and the culture of civil politeness, rather than supervening on, and suppressing such violence, is actually intimately associated, not only temporally, but ideologically, with it.

At a deep level Peltonen schematises honour on two axes: whether honour is horizontal or vertical and whether it is reciprocal. Vertical honour is conferred in virtue of one's position in a stable hierarchical order. Horizontal honour is conferred by subjective acknowledgement of one's peers. Honour dependent on peer recognition was reflexive – it involved a symmetry of assertion and concession. The breaking of such reflexivity by the withholding of honour by a peer, effectively dishonoured the individual from whom it was withheld. Withholding honour was signalled by some slight, imputation of non-honourific behaviour – 'giving the lie' or claiming that one's interlocutor had told a falsehood is a prime example – or merely by the failure to treat the other in terms of the prevailing codes of address or politeness. Given the elaborate character of these, occasions for taking offence were many. Once honour was impugned it could only be restored through the issue of a challenge and the fighting of a duel. That is, through a physical reassertion of the (impugned) equal status of the two participants.

A subtext in these contested accounts of the duel, relates to this question of social hierarchy. Against the view that civility and the duel consolidated a hierarchical social order with the prince at its apex, Peltonen shows that it is rather the expression of an essentially

diverse, urban and anonymous society which produced the competition and status-anxiety which firstly required formalised civil codes to be negotiated safely, but then required the duel to address occasions when the perceived failure to observe these called into question the status of the injured party. It was precisely the dislocation of the prince – or any other definitive superior — from this social field which made the authoritative resolution of status-dissonance impossible – hence the duel.

So far from civility being a weapon in the hands of consolidating absolutisms, the codes of politeness — with the duel at their heart — seem to address a social group and behaviour which, whilst not without courtly models, had escaped the confines of the court and certainly of princely oversight. Indeed there was acute tension within the duellist culture between the overt rule of the prince, and his attempts to prohibit the practise on the one hand, and the felt need on the part of the Gentleman – loyal and honourable as he claimed to be – to satisfy the demands of honour. In this sense the monarch was ‘for the most part beyond’ – i.e. in conflict with, the world of civil courtesy.

Despite this careful analysis, and his confrontation with Eliasian historical sociology the main focus of Peltonen’s work is not on historical sociology as such – there are few details of actual duels, or statistical estimates of their prevalence – so much as with the way in which justifications and attacks on the practice of duelling provide an occasion for making articulate the writers’ assumptions about social culture. Duelling thus acts more as a touchstone from which to assess the various early-modern writers’ accounts of politeness than exemplifying its structural role in modern analyses of it. Needless to say, there are overlaps here, in the sense that the latter provides some evidence about the former, but this is, inasmuch as it can be distinguished, for the most part an analysis of a discursive area.

Peltonen chronicles and analyses the introduction of duelling, the etiquette of it, the campaigns in favour of it as productive of polite civility through the discipline of the duel, and against it as occasioning civil disorder, and contempt for the magistrate. Campaigns against included both those led by monarchs – James I and Charles II (although the latter less than wholeheartedly) — and publicists such as George Silver who argued that preoccupation with the rapier – fit

to 'murder poultry', but useless in war – was undermining English military valour and preparedness. The review of the several phases of the arguments surrounding duelling illustrates a series of *topoi*, a conceptual repertoire, traced sometimes in minute detail, from which the cases for and against duelling could be made. These frequently involved barefaced ideological manipulations. Let me select three for mention.

One of the charges early laid at the door of duelling was that it should be shunned because it possessed that most heinous of qualities – it was *foreign*! But in the Augustan plays of Susannah Centlivre and Margaret Cavendish the argument is reversed, the true code of politeness and associated duel of honour (distinguished from its false, foppish — and foreign — counterfeit) was identified with British courage and valour and a history continuous with medieval chivalry. Another well-worn topos was the relationship of civility to the court. For some writers this association was a recommendation. Even defenders of the duellist's right to autonomous defence of his honour commonly indicated that the Prince was the fount of all honour (and concomitantly one suggested penalty for duelling — since death evidently held no terrors — might be banishment). This association with the sycophancy and dependency of courts could lead 'country' ideologues and the civically minded to reject politeness altogether. Yet for others, and increasingly in England amongst writers such as Shaftesbury and Addison and Steele, a form of polite civility which was distanced from the court was articulated, and identified too, again in contrast to the courtly ethic, with liberty. Such arguments richly exemplify the kinds of rhetorical redescriptions and moves well analysed in Quentin Skinner's methodological work.

One final topos surrounded the issue of sincerity and led into deeper territory. Not only did the emphasis on conventional containment of feelings, and the formality of new 'polite' modes of interaction smack to many (particularly Christian, but also to the more austere civic) moralists of insincerity, but the very structure of horizontal and reciprocal honour focussed attention on the conventional judgments made about individuals in the eyes of others, rather than on any intrinsic properties they may possess, or on their own inner convictions of their rectitude. Such civility was a world where opinion ruled, where honour simply was what it was held to

be, in the way that fashion too was no more than what it was held to be (the parallel was often drawn by its detractors). The particular challenge this notion of honour raised was to the notion of virtue conceived of as dispositional and intrinsic, independent of worldly opinion, and in particular to Christian virtue – often conceived of as in contempt of it. Duellist honour was in such obvious contrast to Christian teaching that it is intriguing to realise that this fact was rarely in itself adduced – even by clerical opponents – in arguments against it. Duellists themselves candidly acknowledged they were playing a different game as did William Wiseman, who, speaking for dualists, conceded with disarming candour that he was going to ‘leave Scriptures, and Church Lawes; because they be not altogether our profession, and the word, and the sword seem contraries.’ Christian opponents of duelling instead therefore often used indirectly religious arguments such as pointing out that duelling involved disrespect for the monarch – the Lord’s anointed. But the contrast between intrinsic virtue and reciprocal honour went wider than merely that between clerics and defenders of duelling. It involved a conflict between intrinsic notions of worth – whether religiously based or not – and a free-floating and purely conventionalist one. In this sense the final chapter – on Mandeville – represents a culmination of many of the underlying themes of the whole book.

Situating Mandeville in the context of the arguments examined in the earlier part of the book as a way of interpreting his meaning is not unproblematic – indeed situating Mandeville in the context of *any* arguments notoriously fails to disclose an unequivocal meaning. Nevertheless – not least because of Mandeville’s pivotal position in any understanding of eighteenth century ethics, social or economic thinking – this discussion does illuminate the way in which a recondite and antiquarian practice such as duelling reaches out to illuminate many of the changes in social and moral values taking place at the time. Mandeville’s radical scepticism turned the whole panoply of what had been anti-politeness arguments into arguments in favour of it. Hypocrisy, flattery and empty politeness were the features of polite intercourse, but to recognise this was to endorse, not to expose, or criticise it, for such properties made social intercourse pleasing, whereas those who would insist on ‘speaking the truth of his heart and what he feels within, is the most

contemptible Creature on Earth'. For Mandeville not only can we not find virtue in civility, we should not seek it there. Civility simply was conventional veneer, and it was based on the same passions – self-love – as those we criticise in uncivilised peoples. Mandeville's claim was to be refined by Hume — who both found a role for natural sympathy and recognised that the artificial virtues have a different genesis from the natural ones – yet in explaining even the most refined moral sensibilities in terms of natural passions Mandeville established a method which would last a long time. But in acknowledging reciprocal and 'theatrical' qualities of honour Mandeville was mounting a defence of it, and its concomitant duelling. Quite simply duelling maintained politeness. Moreover it was a defence which integrated well into Mandeville's other scandalous claims about how, for example, luxurious expenditure called industry into being.

In retrospect Steinmetz, an early 19th century historian of the duel explained the absence of a return to barbarity in an England from which the duel had all but disappeared, not by denying a connection between duelling and politeness, but in terms of the very success of that causal link. It was the very pervasive success of the ethic of duelling which had rendered duelling itself unnecessary.

We might in conclusion point to what is surely another legacy of the duellist's code. In the English Parliament, members are allowed privileged speech – they may make remarks about individuals which in other circumstances would be subject to legal constraint. What they must do not – on pain of being asked to withdraw from the House, and however overwhelming the evidence is to the contrary – is to 'give the lie', that is, to say about any other member that they have told the House an untruth.

## Notes

<sup>1</sup> Like so much German historical sociology the origins of this account are to be found in Hegel. Cf. the *Phenomenology of Spirit* (transl. Millar), Oxford, 1997; 497-520.

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