Ideas of Liberty in Early Modern Europe

FROM MACHIAVELLI TO MILTON

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Acknowledgments

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Introduction

I Defining Liberty

Since the second half of the twentieth century and beyond, the culture of the Western world has developed a remarkable inquiry into the meaning of the word *liberty*, with its multiple derivations: *liberal, liberalism, libertarianism,* and *libertinism*, not to mention its synonym, *freedom*. Many of the finest European and American minds of the last half century have devoted their attention to this inquiry, which has delved deep into the origins of these words, the conceptual contours of the ideas they express, their historical sources and the historical debates that have surrounded them, and the political structures that may be associated with them. Behind such a fervid and sustained activity may be discerned a concerted attempt to catch and hold onto the thing they attempt to define. Clearly related, in the first instance, to the aftermath of the systematic persecution and massacre of the Jews and the corpse-ridden wasteland produced by the dictatorial regimes that succeeded in coming to power in the first half of the twentieth century in some of the most civilized and refined cultures of the Western world, a literature has been produced on the liberty that was lost—and only arduously (and not always fully) regained—that is daunting both in its quantity and quality.

The impetus behind the production of such texts seems far from exhausted. Indeed it can be considered to have increased in intensity as the complicated processes of globalization that define our contemporary world render the discourse on liberty and human rights increasingly fraught with tensions, for the new global culture has made it clear that the values of individual and political liberty associated with the postwar democratic regimes of the Western world are energetically contested by many and diverse forms of explicitly antilibertarian political regimes and religious movements. So, once again, liberty has to defend itself against many enemies, sometimes publicly declared but at other times hidden dangerously underground or masked by a deceptive layer of affable libertarianism.

One problem—a place from which it seems wise to start—is that the word *liberty*, like the thing itself, has not proved an easy one to deal with. One of the most prestigious participants in the twentieth-century discussion described above, Sir Isaiah Berlin, remarked in his now classic essay "Two Concepts of Liberty" that over the centuries the word has proved too porous to consider it semantically stable. Historians of ideas, according to Berlin, have recorded more than two hundred meanings of this protean word. So it may be useful to reflect on the fact that what is universally considered to be the key term of modern culture, society and politics, at least in the Western world, turns out to be so difficult to pin down in any but the most superficial and demagogic sense.[1]

Some of the words surrounding the concept of liberty have even become widely associated with pejorative rather than positive connotations. This is particularly the case with *liberalism*, which is often derided by those very people who claim to be the most ardent defenders of liberty. A number of commentators have pointed in succinct and at times disapproving terms to this downgrading of *liberalism* into a word of contempt, even within the confines of Western democratic society, where the word made its appearance only in relatively modern times.[2] Its meaning in Republican Party circles in the United States, for example, has become widely associated with what is seen as a deplorable preference for liberal governmental bureaucracy, and tolerance of such things as public support for those in need, the right of abortion and same-sex marriage. In Europe, on the contrary, it is associated with a wish for minimal governmental bureaucracy and maximum faith in the freedom of market forces: policies not loved by the political Left. This widespread pejorative use of the word *liberalism* on both sides of the political divide appears to some acute observers of political vocabulary to deny its roots in rational philosophy, where the word—which seems to have found its origin in the political philosophies of the European Enlightenment—has traditionally been associated with speaking up for individual rights and freedoms and with challenging the excesses of oppressive government and other forms of power. As for philosophical *libertinism*, a word associated with radical Enlightenment philosophies (above all, of French derivation), it has been the subject of an intense academic rather than political debate that, then as today, is met either by scandalized repudiation or by ardent as well as erudite apologetics.[3] In some ways it is a relief to remember that the English language offers the alternative, solid, Anglo-Saxon "freedom," more obvious both in its meanings and its practical applications and less subject to the slippery subtleties of its Latin counterpart.

In "Two Concepts of Liberty" Berlin raises the question of the best known and most intensely discussed linguistic and conceptual distinction in the liberty debate: that between "negative" and "positive" forms of liberty or freedom.[4] The idea of "negative freedom" derives, according to Berlin, from the

answer to the question, "What is the area within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without interference by other persons?" The second—or "positive"—sense of the words *liberty* or *freedom* derives from the answer to the question, "What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?" This distinction was not invented by Berlin himself; indeed, he stresses that it is based on much historical precedent. Nevertheless, his discussion of this distinction, first delivered as a lecture at the University of Oxford in 1958, has become canonical not only for the finesse of his arguments but also for the intensity with which he proposes a subject that, as he explicitly reminds his readers, carried with it tragic memories of a still recent war.

It is rather the conceptual nature of the distinction that needs to be stressed here, however. The "negative" liberty being defined is clearly not a negative value as such but instead a space of indifference in which there should be no legal or social interference with the liberty of individuals to live their own lives according to their own choices. The "positive" liberty referred to is similarly not so much a positive value as such but instead the freedom of individuals to be moved by positive reasons, or by conscious purposes, that they claim the right to act on and realize in defiance of authorities in possible disagreement with such purposes. Berlin's way of articulating this distinction makes it clear that he values the idea of "negative" liberty, or the most complete possible lack of interference with the individual's thoughts and doings, more highly than the idea of "positive" liberty, which involves the evaluation of specific projects that the individual wishes to participate in freely but which may end up by being subject to undesirable forms of oppression and control. Berlin's profound admiration for the great nineteenth-century essay *On Liberty* by John Stuart Mill, which is the subject of another classic study in his volume, illustrates how highly he values Mill's central idea: that society or the law should interfere in the life of the individual only when there is danger of harm being done to others.[5]

Berlin's treatment of this distinction between "negative" and "positive" ideas of liberty—and in particular his distrust of the ambiguities involved in the idea of "positive" freedom—have been much discussed and at times subjected to criticism.[6] Here, however, attention needs to be given above all to some of those "historical precedents" mentioned by Berlin, although not pursued in his famous essay, and in particular to the question of whether such a distinction was already being made in the period covered by the present volume—that is, in the course of what is often called the long sixteenth century, or the period between 1500 and approximately 1650. The problem has rarely been examined with rigor, though in 1984 it formed the subject of a major essay by another prestigious political philosopher, Quentin Skinner, who asked whether such a distinction, as formulated by Berlin, could be applied to

the idea of liberty developed at the beginning of the sixteenth century, and in particular to Niccolò Machiavelli.[7] The conclusion reached by Skinner is that the works of Machiavelli show how "negative" and "positive" concepts of liberty are not necessarily to be seen as in conflict with one another but may appear as complementary. According to Skinner there is no such distinction to be found in the works of Machiavelli, whose idea of liberty Skinner considers particularly complex and significant precisely because the concern with the liberty of the individual citizen is so closely interwoven with the interests of a free community.

A corollary to this conclusion, suggested by Skinner, is that the "negative" versus "positive" liberty distinction may not be a valid one in discussion of liberty in the early modern world—or at least not in the sixteenth century. It is usually thought to have been introduced in the middle of the seventeenth century by Thomas Hobbes in the chapter "Of the Liberty of Subjects" in his *Leviathan*, which anticipates Berlin in coming down on the side of "negative" liberty. Hobbes sees the most valid form of liberty as the right of noninterference by the community that subjects of any state should be able to claim in their individual concerns: that area of free action in which there reigns what Hobbes calls "the silence of the law." On the other hand, Hobbes points out that such liberty can be exercised by the subject only to the extent to which the constitution and laws of the state are willing to guarantee it. Furthermore, the subject's right to this "negative" liberty cannot, Hobbes points out repeatedly, justify criminal actions that the community as a whole considers as defying the natural or the civil law. Such a conclusion clearly puts the principal onus on the lawgiver; and accordingly Hobbes follows up his chapter "The Liberty of Subjects" with a chapter discussing the justice or injustice of the various "systems" of law governing the different kinds of commonwealth.[8] This chapter, titled "Of Systems Subject, Political, and Private," includes a careful analysis of one of the most delicate subjects that accompanies the debate about liberty in any time or place—that is, why and when single citizens or a group of citizens may be considered justified in opposing the sovereign will and laws of their community in the name of a liberty that is being denied them.

While it is important to emphasize the significance of Hobbes's analysis of "negative" liberty, it is equally important not to ignore a dense page in the fourth of the *Meditations on First Philosophy* by René Descartes, who in earlier years of the seventeenth century had developed a refined distinction between the freedom of the will in its capacity to pursue or to refrain from following its desires.[9] True liberty, according to Descartes, cannot be defined as simply an indifferent freedom of the individual to follow, or not follow, a chosen course of action (that is, in terms of a pure "negation" of constriction) but is correctly conceived only as the freedom of the will to decide in positive terms what is just and right, and to pursue them as its freely chosen ends. Contrary to Hobbes, and later to Berlin, Descartes thus expresses a decided preference for

"positive" against "negative" liberty. Rather than Descartes's own personal position, however, what is of interest here is that at least by 1628, when Descartes wrote the *Meditations* in Holland (they were published in Paris only in 1649), the distinction between "positive" and "negative" liberty, which has played such an important role in recent debate, was already then being formulated. The earlier period of the long sixteenth century discussed in this book may thus be considered as culminating in such a distinction, but as not yet dominated by it.

II Liberty and Republics

While the discussion of liberty shows no signs of being exhausted in the beginnings of a new millennium, in the last few decades a principle subject of debate, which often involves the same voices as those raised previously to defend the value of liberty, has now become the question of republicanism. A long British tradition of conservative political thought sees in the events of the seventeenth century a close connection between liberty and the constitutional monarchy established, through a vote in Parliament, in 1660 in the person of Charles II. This was followed by the even more significant "silent revolution" of 1688 that ousted Charles's brother, James II, from the throne because of his fundamentalist and illiberal Catholicism, establishing the moderate Dutch Protestant, William of Orange, on the British throne in his place. Such events are viewed in this tradition as reestablishing British liberties within a popularly accepted monarchy closely monitored by parliamentary rule, while the previous if brief experience of a radically Protestant republicanism attempted first by the Long Parliament, established in 1640, and then by the quasi-dictatorship installed by Oliver Cromwell—with the support of a standing army after the beheading of Charles I in 1649—becomes associated with the idea of a militaristic oligarchy and the severe limitation of both political and religious dissent. "Republicanism" and "liberalism" are seen in this moderately conservative British context as opposing doctrines.

Such ideas, however, were severely questioned by the studies of Florentine republicanism in the early modern world conducted by Nicolai Rubenstein in the 1960s. Rubenstein showed how the "tyrannical" practices of the political oligarchy established by Cosimo dei Medici on his return from exile in 1434, reinforced by the even more severe "reforms" introduced by his grandson Lorenzo dei Medici in 1480, led to a situation in which "no magistrate dared, even in the smallest matters, to decide anything without first assuring himself of Lorenzo's agreement."[10] The Florentine anti-Medici coup of 1494 was studied by Rubenstein as an attempt to reestablish the old traditions of Florentine republican liberty that had inspired the Commune of Florence in the years of its great humanist chancellors such as Coluccio Salutati and Leonardo Bruni before the Medici takeover introduced more "monarchical" and per-

sonal forms of rule. Seen in a Florentine context, the republican idea became closely associated with the idea of political liberty, as it had been in the classical world of ancient Rome by writers such as Cicero.

These positive republican claims made in the context of Florentine historical events echoed the important studies begun, in a more Marxist environment, by Christopher Hill in the 1940s of what he called the radical underground movements in seventeenth-century England. Movements such as the Diggers and the Levellers, active during the brief period of the Long Parliament and Cromwell's commonwealth of the seventeenth century, were brought to the forefront of history by Hill, whose studies gave a new and more positive complexion to the evaluation of the republicanism that inspired the "English Revolution" itself.[11] A close connection between republicanism and political liberty has been taken up and developed in more recent years also by Quentin Skinner, in a number of significant and influential works that propose republicanism specifically as the political foundation necessary for the construction of a society in which liberty of the citizen is constitutionally ensured. The work of Skinner, and the many scholars who have been active in his wake, is based on a complex definition of a republic that does not necessarily deny the presence of a ruling figure as its head. The model republic finds its origins in the so-called mixed constitution as it was defined by the Greek historian Polybius in book 6 of his *Histories*: itself deeply influenced by the *Politics* of Aristotle. The best republic, according to this tradition of Greek political thought, is composed of interactive forms of government involving the powerful figure of a consul or some other type of head of state, an aristocracy or ruling class united in a senate, and a populace whose rights are assured through tribunal representation. The most successful model for such a republic, in the eyes of Polybius, was that of the ancient republic of Rome.[12]

Skinner's inquiries into the idea of a republic underline above all this neo-Roman basis of Renaissance and early modern republicanism, inspired by the works of Cicero, Sallust, and Titus Livy. His work inquires into the ways in which the various parts of Europe developed this classical inheritance: an inquiry carried out under the auspices of the European University in Florence that has made of the history of republicanism a major subject of debate in the new millennium. Traced in its various European and American manifestations, with their theoretical justifications, by scholars such as John Pocock in the United States and Skinner himself in England, this line of inquiry tends to find its early modern hero in the Machiavelli of the *Discourses on the First Ten Books of Titus Livy*.[13] The extraordinary prominence given to this republican Machiavelli, not only by Skinner but also by scholars such as Philip Petit and Maurizio Viroli, among many others, has left almost no page of the *Discourses* untilled. As for Machiavelli himself, he appears increasingly—according to this tradition—in the role of the new secular saint. His republican ideas, as these studies underline, were known to his contemporaries from manuscript

versions of his *Discourses*; but after their posthumous publication in Rome in 1531 they also projected well into the future—above all into the seventeenth and eighteenth centuries. As Pocock has argued, they were then taken up and developed by the Dutch and English republicans, and later by the American and French revolutionaries.[14] Viroli, for his part, tends at times to take the whole discussion out of a historical dimension altogether in order to claim that Machiavelli's ethically inspired republicanism needs to become a more present and lively inspiration in Italy and the world of today.[15]

There have been some dissenting voices regarding this thesis. Victoria Kahn claimed some years ago that the Machiavellian hypocrite and crafty rhetorician were not simply naive Renaissance readings of his text, but reactions to a genuine dimension of his work that is confirmed by attention not just to its thematic but also its rhetorical aspects. This author concedes, however, that the deceitful Machiavel is not the only image of him present during the Renaissance. The Machiavel and the staunch republican are seen as "equally valid—and related—definitions of his work."[16] Moving in a different, although perhaps related, direction, it needs to be noted that a number of English-speaking historians of the idea of freedom—most particularly some American scholars—tend to see the liberty discourse as developing primarily in the Protestant world, and to characterize it as a specifically Protestant achievement.[17]

Perhaps the most influential proposal in this sense is closely associated with Richard Popkin, whose studies of Renaissance skepticism and the centrality of doubt in the freethinkers of the period of the late Renaissance and the European Enlightenment posited a strict link between a skeptical philosophical stance and the newly reformed theology, particularly in its more radical exponents. Popkin's studies were enthusiastically endorsed by a generation of Italian (but not only Italian) scholars who, in the wake of the pioneering studies of Delio Cantimori, had concentrated their attention on the Italian reformers who escaped to northern Europe to avoid persecution by the Roman Catholic Inquisition, only to find themselves in indignant disagreement with the new doctrinal orthodoxy of John Calvin and his followers in Geneva such as Theodore Beza.[18] Of particular importance in this context of the discussions of doubt and freedom in the northern European world of Reformed theology have been the studies of Antonio Rotondò.[19]

An influential proposal that defines itself rather differently from this cluster of theses has been developed by Jonathan Israel, who places seventeenth-century Dutch republicanism at the center of his discourse on liberty, with the work of Benedict de Spinoza as its principal inspiration. Citing Spinoza's *Ethics*, and above all his *Tractatus Theologico-Politicus*, Israel proposes Spinoza's thesis of secular justice and benevolence anchored in a rigorous concept of equality as passing through the eighteenth-century revolutionary movements in America and France to become the true inspiration of modern democracy.

A politics of democratic forms may thus be seen as a direct outcome of the Dutch Enlightenment. Concentrating on inspirational revolutionary figures such as Paul Henri Thiery d'Holbach and Denis Diderot in France, or Thomas Paine in England, Israel proposes what he calls a "radical enlightenment" founded on what he considers more fully defined and radical concepts of liberty. This idea is opposed to what Israel sees as the more moderate type of republicanism that was in his opinion dominant in early modern Europe. This moderate Enlightenment republicanism, deriving in Israel's opinion also from Machiavelli, is seen as inherently reluctant to allow the development of full forms of toleration and parliamentary democracy that would challenge in sufficiently radical terms the existing social and political hierarchies and privileges.[20]

It is not the purpose of this book to take sides with one or another of these theses that have done so much to form the ideas on the historical roots of the liberty discourse that dominate the culture of the Western world today. Its purpose is rather to pursue a line of inquiry of its own that underlines the importance of the late Renaissance culture of the sixteenth century as constituting an essential basis for the formulation of a modern idea of liberty. Machiavelli's political idea of liberty, elaborated at the very beginning of the sixteenth century, would only become fully influential during the seventeenth- and eighteenth-century republican movements in Europe and America. Well before this happened, the later years of the sixteenth century and the early years of the seventeenth saw radical upheavals not only in the political but also in the religious, scientific, and artistic fields of discourse that would have profound effects in inspiring a new and multiform formulation of the liberty discourse. The thesis presented here is that although the sixteenth century can only be characterized as one of the most oppressive and violent periods in European history—a dark moment of religious wars and inquisitions in which the unified structure of medieval Europe finally collapsed under the rise of a new religious divide and the political dominion of an increasingly absolutist concept of princely rule—it was precisely this historical situation that gave rise to a number of startlingly new claims for liberty, both political and individual. The violence and tumultuous wars that characterized this period inevitably meant that the juridical codification of liberty as a fundamental human right was still only obscurely foreseen and very infrequently implemented in the nations of a bitterly fragmented Europe. But it was an idea that began to circulate at this time, and cannot be separated from the liberty of conscience that was being ever more forcefully pronounced (not only in the Protestant world) as an inevitable consequence of the new religious pluralism.

The scope of this book is limited to what is often called the long sixteenth century, which led up to the Thirty Years' War in central Europe (1618–48). Without doubt, the Thirty Years' War represents a culminating point of the ferocious and destructive antagonism between Catholic and Protestant forces.

Yet the violent religious struggles that dominated this period were not entirely negative in terms of the discourse on liberty. The new emphasis on the "interior life" or the "individual conscience," which the predominance of spiritual motives that characterized both the Protestant and the Catholic parts of Europe throughout the sixteenth century placed so much in evidence, provided a new dimension to the desire for liberty. Liberty of conscience became a more central theme than it had ever been before, providing new substance to the idea of political liberty as well. Furthermore, liberty of conscience was often associated with the republican values that were already beginning to gain support under the surface of a Europe where the masses were still largely silenced and oppressed. This book attempts to capture and give expression to some of those sixteenth-century voices that reach us from out of the violent convulsions of the Europe of those dramatic years. It includes Catholic voices as well as Protestant ones, and a number of radical, secular freethinkers of the period as well. It is open to various disciplines, to religious discussions, and to philosophical and political debates. It also pays attention to the dramatic developments in that period in the fields of the arts and the sciences, where the theme of liberty often became an issue of urgent importance.

This book carries the conviction that these multiple sixteenth-century voices were far from constituting an insignificant hiatus in the development of a modern concept of liberty. On the contrary, they can be seen as providing the foundational building blocks, of various shapes and sizes, that pave the way toward the future by proposing ever more mature concepts of liberty and human rights.

Political Liberty

Niccolò Machiavelli: Liberty and the Law

It is impossible not to begin with Niccolò Machiavelli, whose concept of republican liberty has been at the center of so much attention in recent decades.[1] With the advent of Martin Luther and the Protestant Reformation, the liberty discourse would take a brusque turn in direction, moving toward forms of liberty of the individual conscience that would often be belied by the militancy of the religious struggles of the period and the ferocious forms of oppression only too frequently used on both sides of the religious divide. The issue of political liberty, however, continued to be raised through the whole period covered in the present volume, posing the question of how and by what means the law should provide a guarantee for the liberty of conscience that rapidly became the fundamental issue of a Europe divided in the religious sphere as it had never been before.

Machiavelli himself seems to have been very little touched by the new religious struggles already taking place in northern Europe during his lifetime. Writing in the first two decades of the sixteenth century, he was by no means the first of the Renaissance Florentines to celebrate the republican idea of liberty. Indeed, his idea of liberty developed out of a complex Florentine political experience that had been much debated in the previous century, a century that had seen Florence involved in a series of dramatic changes of political regime when the governing body of the free city or commune, ruled in the early years of the century by chancellors of extraordinary prestige such as Coluccio Salutati and Leonardo Bruni, succumbed to a period of dominion by powerful and prestigious members of the Medici family, including Cosimo il Vecchio and Lorenzo il Magnifico.[2] Then, suddenly, in 1494, Florence took a different turn by initiating a new experiment in republican rule.

After an initial period of confusion, the new republic decided on the creation of the Great Council, a widely representative governing body that delegated its foreign policy to the smaller Council of Ten (the so-called Dieci di