

# DICTIONARY OF THE HISTORY OF IDEAS

*Studies of Selected Pivotal Ideas*

PHILIP P. WIENER

EDITOR IN CHIEF



VOLUME II

*Despotism*

TO

*Law, Common*



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~~A NEW~~ VOLUME II

~~Essays~~ *m*

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## DESPOTISM

THE CONCEPT of despotism is perhaps the least known of that family which includes tyranny, autocracy, absolutism, dictatorship (in its modern usage), and totalitarianism. Although nearly contemporary with "tyranny," the concept of despotism has not been as significant in the history of political thought. Nevertheless at some times, and in the work of some of the greatest political philosophers, the concept of despotism has been sharply distinguished from other members of its family, and has attained an unusual prominence, as when Montesquieu made it into one of the three fundamental types of government. It was in the eighteenth century, and particularly in France, that despotism supplanted tyranny as the term most often used to characterize a system of total domination, as distinguished from the exceptional abuse of power by a ruler. The temporary success of the term led to its conflation with tyranny, as in the Declaration of Independence where in successive sentences, "absolute Despotism" and "absolute Tyranny" are used as synonyms. In 1835 Tocqueville expressed the opinion that after the French Revolution, modern politics and society had taken on a character that rendered both concepts inadequate. Today their usage suggests archaism: controversies over twentieth-century forms of total domination have centered on the concepts of dictatorship and totalitarianism.

Despotism is a concept that has been used to describe and compare polities, as a weapon in both domestic and international politics, and as an expression, usually although not invariably, in negative form, of an author's political preferences. Because of the use to which it has been put as a category for sorting out and classifying the salient characteristics of one among the forms of government, despotism belongs to the terminology of comparative politics and historical sociology, or at least to their history. But rarely has it been deployed for purely untendentious analysis. A very few authors such as Hobbes have assigned positive connotations to the term; some others such as Bodin, Grotius, and Pufendorf have treated despotism as a legitimate relationship on the basis of legal precedents they did not care to repudiate. But most often despotism has been a label applied, not only in a polemical spirit, but with a set of practical purposes in view: to identify and discredit arrangements antithetical to or incompatible with those regarded by the analyst as making for political freedom. In France during the seventeenth and eighteenth centuries, the aristocratic opposition to the crown made use of the concept of despotism to distinguish between its own model of the French monarchy's constitution and the purported violation of it by those who sought an Oriental mode

of domination. Like other classifications of its family, despotism is usually linked to some particular conception of liberty. This connection is usually so close that analysts ought to study together conceptualizations of freedom and arrangements said to be incompatible with it. This has not been the case. Freedom has been much studied; antithetical conceptions, little. This may be due to the assumption, stated by Aristotle in his study of tyranny, and by Montesquieu in his treatment of despotism, that on such forms there is not much to be said. Those forms of rule considered to be incompatible with liberty are represented as simple; those that incorporate it, as complex. The difficulties caused by this assumption have rarely been explored.

The concept of despotism began as a distinctively European perception of Asian governments and practices: Europeans as such were considered to be free by nature, in contrast to the servile nature of Orientals. Concepts of despotism have frequently been linked to justifications, explanations, or arraignments of slavery, conquest, and colonial or imperial domination. The attribution of despotism to an enemy may be employed to mobilize the members of a political unit, or those of a regional area. Thus the Greeks stigmatized the Persians as despotic in much the same way that Christian writers were to treat the Turks. By an irony not always perceived either by the purported champions of liberty against despotism, or by their historians, such arguments often became the rationale, as in Aristotle, for the domination by those with a tradition of liberty over those others who had never enjoyed that happy condition. That chain of ideas is easily visible in Algeron Sidney, as well as in not a few other republican expansionists.

The treatment that follows will be broken down into seven parts: (1) the Greek theory, which represents natural slavery as the basis of absolute rule by an Oriental monarch regarded as legitimate by his subjects; (2) the medieval treatment of despotism as one variety of kingship, as distinguished from the royal and the tyrannical variants of that form; (3) the new setting of the theory in the sixteenth and seventeenth centuries, when beginning with Bodin, despotism was defined as that form of rule which comes into being as the result of the victor's rights over the conquered in a just war, including the right to enslave him and to confiscate his property, or as the result of the conquered party's consent to be enslaved in return for being spared by the victor; (4) those seventeenth- and eighteenth-century writers, for the most part French, who although they began by identifying despotism with absolute Oriental regimes, nevertheless transformed the concept into one that may be applied to total domination anywhere, and indeed according to them, accurately characterized the degree of centralization



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and monopolization of power achieved under Louis XIV; (5) Montesquieu's formulation of despotism as one of the three basic types of government; (6) the eighteenth-century extensions and critiques of Montesquieu; (7) subsequent developments in the use of the term by Robespierre and St. Just; Madame de Staël and Benjamin Constant; Hegel and Marx; and, finally, Tocqueville, with his vision of the possibility of a qualitatively new form of despotism in the democratic society he held to be inevitable.

I. The history of the concept of despotism begins with the Greeks. The root meanings of the term *despótēs* (δεσπότης) were those of (1) the head of a family, or *père de famille*; (2) the master of slaves. (3) As a political term, despotism was extended to cover a type of kingship, in which the power of the monarch over his subjects, although indistinguishable from that exercised by a master (*despótēs*) over slaves, nevertheless was considered by the ruled as sanctified by custom, and hence legitimate. As Aristotle wrote, "The authority of the statesman (*polítikos*) is exercised over men who are by nature free; that of the master (*despótēs*) over men who are by nature slave" (*Politics* I. 1255b). Both slavery and despotism were said to rest upon the same distinctive type of human relationship, and this was inappropriate to a community of free men. From the time of the Persian Wars, the Greeks considered despotism to be a set of arrangements characteristic of non-Hellenic or barbarian peoples thought to be slaves by nature, a form of kingship practiced by Asians, and the most notable example of which was to be found in the Persian Achaemenid Empire (559-330 B.C.). At the time of the Persian wars, most mainland Greeks were repelled by the Oriental notion of a sun-king, embodying divine law, and hence absolute. As for themselves, they thought, as Herodotus reported, that they were free because subject only to the laws of their respective city-states, rather than to any Asian ruler, before whom his subjects prostrated themselves. Free men do not render such homage to mortals. The only earthly *despótēs* they may acknowledge is the law to which they have consented. Thus the term received still another extension and this became its fourth sense, and was so used by Herodotus, Xenophon, and Plato.

Of all the Greek political writers, Aristotle wrote with the most detail, was the most concerned to compare and contrast despotism with tyranny, and was the most influential.

On the one hand, Asiatic despotism is based, Aristotle asserts, not on force, but on consent. Hence fear cannot be said to be its motive force. Despotism is a form of constitutional monarchy, based on the observance by the king of existing law, rather than the mere

assertion of his arbitrary will. Nor do despotisms have the problem of succession that confront tyrannies. In contrast to tyranny, reigns of long duration and stable government characterize despotism. Nor are foreign troops needed to put down the opposition of the ruled (*Politics* III. ix. 1285a).

On the other hand, there is a powerful indictment of despotism latent in the link Aristotle established between it and tyranny. If the power wielded by Asian monarchs was royal, it was also tyrannical: it partook of the nature of royalty because despots ruled in accordance with law and over willing subjects; but such power also partook "of the nature of tyranny because they ruled despotically and according to their own judgment" (*Politics* IV. viii. 1295a). Aristotle, further, employs the word *despotikos* whenever he depicts the vitiated stage of each of the three forms of government (*Politics* III. viii. 1279b; IV. iv. 1292a; V. vi. 1306b). Aristotle established another sinister similarity between despotism and tyranny when discussing the devices requisite for their preservation. Although associated with the tyrant, Periander of Corinth, Aristotle added, such means were also practices of the Persian empire (*Politics* V. ix. 1313a).

Despotism, although rule according to law, is not rule in the common interest. All constitutions that aim at the rulers' advantage "have an element of despotism, whereas a *polis* is a partnership of free men" (*Politics* III. iv. 7), held together by the ties of friendship and justice. But these cannot exist when there is nothing in common between ruler and ruled, as is the case under both tyranny and despotism, where the relationship is equivalent to that "between a craftsman and his tool, or between the soul and the body [or between master (*despótēs*) and slave]: . . . there can be no friendship, nor justice towards inanimate things, indeed not even towards a horse or ox, nor yet towards a slave as a slave. For master and slave have nothing in common; a slave is a living tool, just as a tool is an inanimate slave" (*Nicomachean Ethics* VIII. xi).

Thus in Aristotle, the institution of slavery is related to the political form of despotism, and this in terms of the human relationships characteristic of both. Here Aristotle specifically distinguished between Greek and barbarian. Among the Greeks, there is a free class capable of holding office and ruling and being ruled in turn; among the barbarians, all are slaves by nature. Aristotle goes on to draw two significant conclusions: first, that contrary to nature, among the barbarians, the female and slave occupy the same position (the reason being that no naturally ruling element exists among them, and the conjugal union thus comes to be a union of a female who is a slave with a male who is also a slave); second, that it follows that the



Greeks who possess such a free class, ought to rule over the barbarians. Aristotle here cites the poet who wrote, "Meet it is that barbarous people should be governed by the Greeks" (*Politics* I. i. 1252b).

Another difference Aristotle claimed to have established was that based on climates. The peoples of cold countries, especially those of Europe, are full of spirit, but deficient in skill and intelligence; the peoples of Asia, although endowed with skill and intelligence, are deficient in spirit, and hence are subjects and slaves. Possessing both spirit and intelligence the Greeks can continue to be free and indeed to govern other peoples (*Politics* VII. vi. 327b). It has thus seemed plausible to many commentators that Aristotle in his lost exhortation "On Colonies" did indeed recommend to his student, Alexander the Great, that he rule the Greeks as leader (*hégemon*) and the barbarians as master (*despótēs*) (*Politics*, ed. and trans. Ernest Barker, New York [1946], p. lix).

2. In the late Middle Ages, the concept of despotism was revived as the result of the translation of Aristotle's *Politics* by William of Moerbeke, who rendered those words that derived from *despótēs* as *principatus despoticus*, *monarchia despotica*, *despotice principari*, *despoticum*, and *despotizare*. Some medieval writers sought to understand and make use of Aristotle's concept of despotism despite the differences separating their own political, legal, social, and religious arrangements from those of the Greek *polis*. Why did Charles V of France (1337–80) go to the trouble of commissioning a translation into Old French of Aristotle's *Politics* by Nicole Oresme, a great savant and scientist? What in the concept of despotism seemed useful to William of Ockham and Marsilius of Padua?

Nicole Oresme was associated with Charles V in his struggle against the Avignon Papacy. His argument resembled those of Ockham and Marsilius, who from their refuge at the court of the Holy Roman Empire, used the concept of despotism in their effort to discredit the complete power (*plenitudo potestatis*) claimed by the papacy in all matters spiritual and temporal. Oresme was a Gallican and a proponent of the conciliar view of church government; he was accused by papal inquisition of having been the French translator of the *Defensor Pacis*. Aristotle was also used to strengthen the position of secular kings and the Holy Roman Emperor, who wished to be regarded not as a proprietor among proprietors, but as a unique public power which had been ordained for the welfare of the entire community.

No other medieval writer made greater or more precise use of the concept of despotism than did William of Ockham, who did so both in his theory of kingship, and his delimitation of papal power. All

polities, principates, and prelacies may be divided into two types, one ruled in the common interest, the other, in the ruler's interest only. Kingship in the common interest is royal monarchy; subjects enjoy natural liberty. It has two variants: (1) the ruler has full power and is not bound by positive human laws or customs, although he is subject to natural law; (2) one man rules in the common interest, but is bound by laws and customs that he swears to maintain. The two other types of kingship, the despotic and tyrannical, are both defined by Ockham as rule in the interest of the monarch alone. Despotic kingship is exercised over men who are slaves, and who consent; it must be distinguished from tyrannical kingship: "a bad king becomes a tyrant . . . if in accordance with the law he begins to rule his subjects against their will for his own good . . . ; but if he begins to rule them with their consent for his own good, he becomes, properly speaking, a despot" (*Dialogus*, Part 3, Tract 1, Book 2, Ch. 6, trans. Ewart Lewis, *Medieval Political Ideas*, London [1954], I, 301–02). At issue in Ockham's classification are the rights, personal and property, of kings and subjects in each of the three forms.

Ockham also used the concept of despotism to delimit the powers of the papacy. Christ did not give unlimited power to Peter. Otherwise all men would have been made into slaves of the Pope, who has "no power to abolish or disturb the rights and liberties of others, especially those of emperors, kings, princes, or other laymen." The papal principate was established only for the salvation of believers, not for the Pope's honor or advantage. His rule, properly understood, is not "dominative or despotic, but ministerial,"

. . . the kind of principate one has over slaves; . . . Christ did not give to the apostles, but a ministerial principate . . . over free men, and which is much nobler and greater in dignity than a dominative principate even though it is not so great in extent of power . . . even as a principate over men is nobler than a principate over beasts (*De imperatorum et pontificum potestate*, Ch. VII, trans. E. Lewis, II, 609).

Marsilius of Padua used the concept of despotism phrased somewhat differently, both to establish the positive principles that ought to prevail in the makeup of a state and to attack the Pope:

. . . for since the state is a community of free men, as is written in the *Politics* . . . , every citizen must be free, and not undergo another's despotism (*despociam*), that is slavish dominion (*Defensor Pacis*, trans. Gewirth, I, XII, 6, p. 47).

Because of excessive obedience on the part of Christians and the falsehoods put together by certain clerics, the Pope now exerted an unjust despotism over Christian believers (. . . *suam injustam despociam in-*



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*duxerunt super Christi fideles sua simplicate credentes* . . . ; *ibid*, II, 1). Marsilius had found in Aristotle this term associated with slavish barbarians. Addressing free men in his own part of the world, Marsilius found the concept of despotism advantageous in attacking institutions and practices of European origin. Like Ockham, he did not follow Aristotle's practice of restricting despotism to exotic practices, while applying to abuses at home the name of tyranny.

3. In the sixteenth century Jean Bodin redefined the theory of despotism in a way that made it a central theme in the discussions of sovereignty, slavery, and conquest by Grotius, Pufendorf, Filmer, Hobbes, Locke, and Rousseau. Yet Bodin did not himself employ either the Latin equivalents for *despôtēs* (*despotia*, *principatus despoticus*) introduced by William of Moerbeke or those in French (*princey despotique*, *despotic*, *despotes*) coined by Nicole Oresme.

One demonstration of the progress made by early Renaissance humanists was the retranslation from the Greek into Latin of Aristotle's *Politics* by the Florentine, Leonardo Bruni, early in the fifteenth century. Leonardo Bruni replaced Moerbeke's equivalents by Latin words connected for the most part with *dominus* and *dominatio*. Although Leonardo Bruni's rejection of words based upon *despôtēs* prevailed, later scholars substituted for terms based on *dominus* those Latin words *erūs* and *erilis* (*herus*, *herilis*) which referred to a master of slaves and his relationship to them. Jean Bodin adopted the term *seigneur* as the equivalent of *despôtēs* for one of his three varieties of government in the French version of the *Six livres de la République* (1576); while in his Latin version (1586) he used *dominatus*.

The theory of despotic government in Bodin must be understood in terms of three aspects of his political thought: his theory of sovereignty, his distinction between the forms of states or commonwealths and the forms of governments; and the relationship he asserted to exist between the forms of states and climate. "Sovereignty is that absolute and perpetual power vested in a commonwealth. . . ." In the case of a monarchy, although the ruler of a commonwealth (*république*, *res publica*) is above human, positive law, he is subject to divine and natural law. But is not monarchy so defined identical with despotic rule? Bodin found his answer in the second of his innovations, the sharp distinction he drew between forms of state and forms of government. In his treatment of monarchy, for instance, Bodin both distinguished the three forms of government and made it clear that despotic rule could occur in aristocratic or popular states.

4 Bodin introduced several departures in the theory of despotism. Principal among them was his use of the

term to designate a theory first found in the Roman Law by which slavery and appropriation of property was justified by reference to the rights of conquerors in a just war—a momentous step that in large part was responsible for the interest shown in despotism by Grotius, Pufendorf, Hobbes, Locke, and Rousseau. He thus gave a new turn to the ancient connection between despotism, slavery, and the rights of conquest. Furthermore, Bodin by identifying the Turkish Empire with Oriental despotism implanted the notion that under this form of government private and property rights were unknown, and that the despot was the legal owner of all individuals and goods which he could treat as he liked. This view, later adopted by Montesquieu, was to be challenged as a matter of fact in the great eighteenth-century debate about the validity of the concept of despotism. Bodin made the first attempt to place despotic monarchy within a chronological scheme (a step to be repeated with individual variations by Boulanger, Constant, Hegel, and Marx). Bodin considered despotic monarchy to have been the first form of government known to men. To Aristotle's view that the first kings were elected, Bodin opposed the theory stated in the canon law that lordship began with Nimrod, and originated in human iniquity. Bodin, like Aristotle, believed that "the peoples of Europe are prouder and more belligerent than inhabitants of Asia and Africa."

Bodin followed Aristotle in his belief that "tyrannies quickly come to ruin, but . . . despotic states and despotic monarchies have proved both great and enduring." But Bodin passed over Aristotle's emphasis upon the tacit consent of subjects and the consequent legitimacy of despotism for Asians. Nor was Bodin's lack of interest in consent accidental. His own theory of sovereignty was calculated to undermine theories that derived the legitimacy of rule from the consent of the governed, a doctrine the implications of which had been made clear in his own time by the Monarchomachs.

Hugo Grotius and Samuel Pufendorf knew and significantly used the concept of despotism both as formulated by classical writers, and as rephrased by Bodin. In his *De iure belli ac pacis* (1625), Grotius designated despotism by the word *herilis*, as in *imperium herile*; as did Pufendorf, in his *De iure naturae et gentium libri octo* (1673), a chapter of which is called *De potestate herili*. *Herilis* was rendered as *despotique* by Jean Barbeyrac, who by his annotated translations and commentaries made Grotius and Pufendorf into authors familiar to every French reader concerned with political thought. Of these, perhaps the most attentive to these two authors and critical of them was Rousseau, whose *Contrat social* may be



understood as a response. M. Derathé tells us, to Pufendorf's brief and abstract digest, *De officio hominis et civis* (1673), also translated by Barbeyrac. Arguments, sometimes defining, sometimes justifying despotic rule figure prominently in discussions by Grotius and Pufendorf of slavery, conquest, and sovereignty. Through them, the concept of despotism was made into a theme central to political writing in the seventeenth and eighteenth centuries. Grotius provided the justification for slavery used by Bossuet and was carefully considered by Robert Filmer and Hobbes. Locke owned almost all of Pufendorf's works and corresponded with Barbeyrac; Peter Laslett has suggested that Locke's concern with Hobbes probably stemmed from Pufendorf's critique of Hobbes.

Although representing himself as the founder of a natural and international law based upon the nature of man and of reason, Grotius in practice subordinated questions of right to maxims of the civil law, to historical precedents, all of which he regarded as of equal value. This juristic relativism was prominent in his justifications of despotic rule and slavery. A people may be rightfully enslaved in two ways: (1) by the law of nature it is free to decide to exchange its liberty for subsistence or security; (2) by the law of nations, conquerors in a just war may grant life to the defeated people in exchange for their perpetual enslavement. In the first case, a people may give up its liberty voluntarily because its members are, as Aristotle demonstrated, slaves by nature. Grotius carefully assembled all the classical texts ascribing a servile nature to Orientals, to which he added Hebrew kingship (imitated from such neighbors as the Persians, which may explain divine opposition to Israel taking a king). Grotius, when treating the rights of conquerors in a just war, takes a position that reduces Bodin's category of despotical government to one of three possible outcomes. A conqueror may reduce men to a subjection purely civil, purely personal (despotic), or mixed. A people defeated in a just war may be treated in any of these ways and remain a state, or may lose that status, and become the property of a master who treats his subjects as slaves, whose interest he may rightfully subordinate to his own. Such rule is characteristic of despotism, not civil authority among free peoples (Grotius: *quod herilis est imperii non civilis*; Barbeyrac: *ce qui, selon Aristote, est le caractère distinctif du Pouvoir Despotique par opposition au Gouvernement Civil*).

Grotius refused to condemn slavery in all its forms, defining complete servitude, which consists of serving a master in return for being provided with all necessities. "If this form of subjection . . . is kept within the limits of Nature, there is nothing excessively severe

about it. For the lifelong obligation to work is repaid by the lifelong certainty of support, which is often lacking to those who work for hire by the day" (*De iure*, II, v, xxv).

Grotius certified as legitimate any enslavement consented to freely by a naturally servile people, or one willing to sacrifice its liberty for other advantages. Although identifying Orientals as naturally servile, Grotius did not confine despotism to them. His second form of despotic rule based on the rights of conquerors was from one point of view, a theory of consent, but one which recognized as valid obligations those promises made because of threat to life or security. Hobbes took the same position, but based it unequivocally on consent.

Pufendorf attempted to justify slavery and despotic rule simply on the basis of consent. The absolute power of a conqueror over the defeated, of master over slaves, or of a sovereign over his subjects are equally legitimate if based upon pacts of submission. Pufendorf stated that "although the consent of the subjects is required for the establishment of any kind of legitimate authority, . . . sometimes a people is required by the violence of war to consent to the authority of the victor." He added that the war must be just. A kingdom so gained is held as a patrimony, which by the caprice of the ruler may be divided, alienated, or transferred to anyone he pleases, for by arms, he has gained a people of his own. These prerogatives do not belong to kings who have been chosen by the will of the people (*De officio*, II, ix).

Pufendorf was so confident about his argument justifying despotic rule on the basis of consent that he rejected the Aristotelian case for natural slavery. Men by nature, Pufendorf asserted, enjoy equal liberty. If this is to be curtailed, their consent must be secured, whether that consent be express, tacit, or interpretative, or else they must have done something whereby others have secured the right to deprive them of their equality (*De iure*, III, ii, 8).

Because of the political struggles waged in early seventeenth-century England, Bodin's theory of sovereignty was of great interest, and was translated by Richard Knolles in 1606 from a conflation of the French and Latin texts of the *Republic*. *Monarchie seigneurale* and *dominatus* were rendered as "lordly monarchy," as distinguished from the "royall" and "tirannical" varieties. But Hobbes restored the original Greek form and gave it a prominent place in his system at a time when other writers and his audience regarded the term as pejorative: Locke found that by distinguishing "paternal, political, and despotical power," he could strike directly at his principal target, Filmer, and indirectly at Hobbes. By the end of the century



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Locke had succeeded in restoring its pejorative sense to the word despot and its derivatives.

Hobbes in part followed Bodin's treatment of despotical government, and in part diverged from it in ways that clearly show the thrust of his own thought. From Bodin, Hobbes derived the theory of a type of government that originated in the submission of the conquered to the conqueror and thus legitimately held sovereignty or absolute power. And although Bodin did give Oriental examples of this form, he did not limit it to any one form of state, or to Orientals. Hobbes followed him in this as well. But Bodin had restricted legitimacy to those conquerors only who had participated in a just war, and placed no emphasis whatever on the consent of the conquered to serve as slaves in return for their lives being spared. Hobbes, on the contrary, omitted any mention of the just war, which figured in the formulations of Bodin, Grotius, and Pufendorf. And Hobbes chose as the binding element in dominion, not victory and the rights it confers, but covenant, the consent of the defeated. That such consent derives from fear does not distinguish it, in Hobbes's view, from the origin of any other type of government. A man becomes subject to another from the fear of not preserving himself. Hobbes's formulation may explain why Montesquieu later chose to designate fear as the principle or operative passion of despotism.

Hobbes treated despotic government in *The Elements of Law* (first version, 1640), in *De cive* (1642), and in the *Leviathan* (1651), but he did not adopt Bodin's distinction between types of commonwealth and types of government. Already in the *Elements* Hobbes was concerned to discredit Aristotle's distinction between good and vitiated governments: "that there is one government for the good of him who governeth, and another for the good of them that be governed, whereof the former is despotical (that is lordly), the other a government of freemen." When Hobbes insisted that there are but three types of commonwealth, monarchy, aristocracy, and democracy, depending upon how many held sovereignty, he did not deviate from Bodin (Part II, Ch. 5, no. 1). But in rejecting the types of government, Hobbes was clearly breaking down whatever elements of censure could be derived even from Bodin, whose view of tyrannical government involved a condemnation of it. Hobbes could brook not even this: "... the name of tyranny signifies nothing more, nor less, than the name of sovereignty, be it in one or many men, saving that they that use the former word, are understood to be angry with them they call tyrants" (*Leviathan*, ed. Michael Oakeshott, Oxford [1947], p. 463).

6 Beginning with the *Elements*, Hobbes distinguished between commonwealths created by institution, that

form of union whereby many because they fear one another cede sovereignty to an individual or council by mutual agreement; and bodies politic patrimonial and despotical because of fear of an invader, to whom they subject themselves. In Hobbes's preface to his Latin treatise, *De cive*, he repeated the distinction between states originating in *dominium paternum et despoticum*, which he called *naturale*, and another type of *dominium* established by institution, called *politicum* created by artifice. Chapter 20 of the second part of *Leviathan*, "Of Dominion Paternal, and Despotical," treats commonwealth by acquisition, as distinguished from commonwealth by institution, the subject of the previous chapter. In both types, men choose their sovereign out of fear and consent to obey him unconditionally. But in a commonwealth by acquisition, subjects fear him to whom they cede sovereignty; in a commonwealth by institution, the subjects fear one another.

Within this scheme, Hobbes defined despotical dominion (in the Latin version; *dominium herile in servos*):

Dominion acquired by conquest, or victory is that which some writers call *despotical*, from *Δεσπότης* which signifieth a lord or master; and is the dominion of the master over the servant. . . . It is not . . . the victory that giveth the right of dominion over the vanquished, but his own covenant.

Hobbes created a greater gap than had thus far existed between the Greek and medieval concepts of despotism, and the sixteenth- and seventeenth-century formulation of it. Total submission derived from fear thereby was made into the sole basis of political obligation. In his "Review and Conclusion" to *Leviathan*, Hobbes made clear the importance he attributed to despotical dominion: whoever conquered and could provide peace and union ought to be obeyed.

Locke's concept of despotical power was deployed against his principal target, Filmer, and only secondarily against Hobbes. At the beginning of his second *Treatise (Two Treatises of Government, 1690)*, Locke urges the necessity of distinguishing political power, properly so-called, the "power of a Magistrate over a Subject . . . from that of a Father over his children, a Master over his Servant, a Husband over his Wife, and a Lord over his Slave. After defining political power; and considering it apart from other types of power, Locke in Chapter XV returned to "... Paternal, Political, and Despotical Power, considered together." Paternal power was dismissed by Locke, as a temporary power exerted by parents over children during the time when they were not yet capable of living as freemen. In order to contrast political with despotical power, Locke recapitulated:



Political Power is that Power which every Man, having in the state of Nature, has given up into the hands of the Society, and therein to the Gouvernors, whom the Society hath set over itself, with this express or tacit Trust, That it shall be employed for their good, and the preservation of their Property.

Thus political power, which must originate from compact, agreement, and mutual consent, cannot be an absolute, arbitrary power over the lives and fortunes of those who comprise a society.

By contrast to political power, despotical power is defined by Locke as a condition in which not property but persons only are at the Master's complete disposal. Despotical power is exerted by Lords in an absolute and arbitrary fashion for their own benefit over such as are stripped of all property because they have forfeited all rights by being aggressors in an unjust war. Locke thus contradicts in a number of ways Hobbes's assertion that despotical dominion does not differ qualitatively from any other legitimate form. For Locke defines despotical power as "an Absolute, Arbitrary Power one Man has over another to take away his Life, whenever he pleases." This is aimed against Hobbes's interpretation of despotical power as involving on the conqueror's side, the renunciation of his right to kill the defeated. But Locke denies that despotical power can be created as the result of a covenant, which alone can make it equivalent with other forms of legitimate rule (*Locke's Two Treatises of Government*, ed. Peter Laslett, Cambridge [1963], para. 172).

Locke rejected the notion that men could be rightly enslaved merely as the result of conquest. His feelings ran strongest when considering the application of such a doctrine to his own country: "Slavery is so vile and miserable an Estate of Man, and so directly opposite to the generous Temper and Courage of our Nation; that 'tis hardly to be conceived that an *Englishman*, much less a *Gentleman* should plead for 't." These words begin the first *Treatise*, and are aimed at Filmer. Because both *Treatises* were occasional pieces, they did not take up the full range of questions treated by Bodin, Grotius, Hobbes, and Pufendorf. Locke has but one brief chapter on slavery. Anticipating his subsequent treatment of despotical power, Locke concluded that freedom from absolute, arbitrary power is so joined to self-preservation that "a man, not having the power of his own Life, cannot, by Compact, or his own consent, *enslave himself* to any one . . ." (para. 23). But there appears to be an inconsistency between both his indignant rejection of the notion that Englishmen could ever be rightfully enslaved, and his careful circumscription of the rights of victory in a just war, on the one side; and his practice as an administrator concerned with slave-owning colonies in North America

on the other. The *Fundamental Constitutions of Carolina* provide that every freeman "shall have absolute power and authority over his negro slaves." In 1698 Locke helped draft the Instructions to Governor Nicholson of Virginia. These treat slaves as rightly so because they were captives in a just war, who had forfeited their lives by some act that deserved death. This would imply Locke's commitment to the belief that all slaves captured and sold in Africa were guilty of such acts, and that those Europeans engaged in the slave trade were carrying on a just war. But when arguing against Filmer about the rights of Englishmen, Locke was quite capable of seeing that a title gained by "Bargain and Money," rests not on natural law, but on quite another basis.

As Polin has remarked, Locke's theory should logically have led him to a categorical condemnation of slavery. Given the actual practice of the slave trade, it was indefensible for Locke to justify Negro slavery in North America as meeting his criterion of personal punishment for aggression in an unjust war. Nor did any of Locke's arguments justify ownership by men who had simply paid money for slaves who had never damaged them, nor perpetual enslavement of the children of slaves. The contrast between Locke's sensitivity to the freedom of Englishmen and his sophistries about Africans recalls the comparable attitude of Aristotle in relation to Greeks and barbarians. Algernon Sidney, who also wrote to refute Filmer, was overtly contemptuous of Asians and Africans, and argued that the superiority of a free people can be demonstrated from its capacity to conquer those who are naturally unfree.

4. It was in the seventeenth century that French writers began to show some interest in both the cluster of concepts associated with despotic government and in the Greek form of the word instead of accepting Loys Le Roy and Bodin's use of the word *seigneurale* as the French equivalent. New political circumstances, both at home and abroad contributed to the shift towards revival of terms connected with *despotique*, one of the 450 neologisms successfully introduced into French by Nicole Oresme in his translations of Aristotle. Within France domestic resistance to the Crown by aristocrats and Huguenots, categories by no means mutually exclusive, coincided with the identification of the Ottoman Empire as the seat of Oriental despotism. During the Fronde, the type of royal power exercised by the Sultan was called *despotique*, and distinguished from that recognized by French constitutional usage: "Not all monarchies are *despotiques*; only the Turkish is of that kind" (Derathé, "Les philosophes . . .," p. 61).

After the revocation of the Edict of Nantes, French Huguenots in Holland and England began to use the term *despotique* for the polemical purpose of compar-



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ing the absolutism of Louis XIV to that of the Turkish Grand Seigneur. In the famous anonymous pamphlets, *Les soupirs de la France esclave* (1689-90), its author noted with satisfaction the Glorious Revolution in England, and hoped that this would spur the rebirth in France of *l'amour pour la patrie*. This phrase was used in virtually the same sense in La Bruyère's *Les caractères*, where it is contrasted with *le despotique*: *Il n'y a point de patrie dans le despotique, d'autres choses y suppléent: l'intérêt, la gloire, le service du prince*. This conjunction between Anglophile Huguenot exiles on the one side and the aristocratic opposition to Louis XIV on the other, culminated in Montesquieu's use of the term *le despotisme* to characterize a distinctive type of government, incompatible with monarchy, whether of the tolerant, limited, and parliamentary type victorious in England, or with that known to the ancient French constitution as interpreted by nobles, *parlements*, and corporations hostile to royal centralization.

The author of the *Soupirs* declared that the King had replaced the state, that the Church, the *parlements*, the nobility, and the cities were all oppressed by an arbitrary power just as despotic as that of the Grand Seigneur. This *puissance despotique* was contrary to reason, humanity, the spirit of Christianity itself. The despotic spirit was manifest in the revocation of the Edict of Nantes, in royal distribution of offices by appointment to new men, in its management of finances, and its constant resort to war. The author drew conclusions of great significance, although they were to be generally acknowledged only after the publication of *De l'esprit des lois* (1748): a tyrannical government, he argued, was less dangerous than one that was despotic. For a tyranny is limited to the individual deviation of a ruler, but a despotic government is a system, once found only among Orientals, but now becoming established in France. Its subjects are "in a condition of servitude, they own nothing, their property and their lives, are always up in the air, depending upon the caprice of a single man."

The step from *le despotique* to *le despotisme* was taken by Pierre Bayle and Fénelon. Bayle, who opposed the calls to action of his archenemy, Pierre Jurieu, and of the author of the *Soupirs*, argued against the notion that a sharp distinction separated despotism from monarchy. Anticipating Voltaire's critique of Montesquieu, Bayle contended that the Grand Seigneur observed laws, just as did the Grand Monarque; there are more and less absolute kings, but the notion of the despot corresponds to no known reality, and is but a political weapon.

8 This was not the view of those highly placed aristocrats who deplored the increase in royal power, and

who sought to prepare in secret for the successor to Louis XIV, a group which included Fénelon, Louis de Saint-Simon, and Henri de Boulainvilliers. During the Regency Montesquieu was to meet Boulainvilliers and the Abbé Saint-Pierre. In contrast to his opponent, Bossuet, Fénelon espoused the rights of the feudal aristocracy, denounced royal centralization, mercantilism, and constant resort to war. In France, no one speaks of the state and its rules, but only of the king and his pleasure. In *Télémaque*, Fénelon has Mentor preach that absolute power creates not subjects, but slaves. Sovereigns who take sole possession of the state ultimately ruin it. Elsewhere Fénelon denounced both *le despotisme* of sovereigns and that of the people. Wisdom in government consists in finding a mean between these two extremes, that is, in *une liberté modérée par la seule autorité des lois*. When *le despotisme* is at its height, it acts more speedily and effectively than any *gouvernement modéré*; when exhausted and bankrupt, no one will come to its defense. In 1712 Saint-Simon compared the unprecedented authority exercised by Louis XIV with that of Oriental rulers, a comparison further accentuated by reference to his isolation by his ministers from the public. This image of Louis XIV as the Grand Seigneur or other Oriental despot was completed by the Abbé Saint-Pierre in his *Polysynodie* (1718), where he described the *visirat*, the delegation of power to a minister by an absolute ruler, or the alternative *demi-visirat*, where the ruler shares authority with two or more ministers, "much as did Louis XIV with Colbert and Louvois," as Rousseau wrote in his extract.

5. By choosing despotism as one of the three basic types of government, Montesquieu made the term into one of the central issues in eighteenth-century political thought. In part this was due to the fact that Montesquieu's views served the purposes of important groups with important interests; *De l'esprit des lois* was regarded as the statement of the most distinguished thinker associated with the *thèse nobiliaire*. The informed reader could not miss the affinities between Montesquieu, Fénelon, Saint-Simon, Boulainvilliers, and the Abbé Saint-Pierre; not to mention spokesmen for the *parlements* after Montesquieu's death. Yet Montesquieu's theory of despotism appealed directly to Rousseau, Robespierre, and Saint-Just, whose sympathies were not identified with the *parlements* and hereditary aristocracy. Montesquieu has some claim to have transcended the mere interests of his class; any such case must be based on the demonstration that his theory of despotism served nobler purposes than the rationalization of prejudices of a privileged caste.

In his treatment, Montesquieu took into account virtually every development of the concept of despot-



ism from its formulation in Greece to its identification with slavery, and its most recent form as a system of government. Like the other two types of government, despotism had to be analyzed in terms of its nature or structure, and its principle or operative passion. As a concept, despotism was an ideal type, a concept built by logic to assist investigation. It is not expected that such an analytical construct will be found to be empirically embodied in all its aspects. An ideal type is designed to determine the extent to which any actual state of affairs approximates to, or diverges from a postulated model. Montesquieu makes this point clearly about despotism:

It would be an error to believe that there has ever existed anywhere in the world a human authority that is despotic in all its aspects. . . . Even the greatest power is limited in some way. If the Grand Seigneur . . . were to attempt to impose some new tax, the resulting outcry would be such as to make him observe the limits to which he had not known he was subject. Although the King of Persia may be able to force a son to kill his father . . . , the same King cannot force his subjects to drink wine. Every nation is dominated by a general spirit, on which its very power is founded. Anything undertaken in defiance of that spirit is a blow against that power, and as such must necessarily come to a stop (*Considérations*, XIII).

Although a number of the strands previously associated with the concept of despotism recur in Montesquieu's formulation, it shares the significant innovations made in his way of theorizing about politics. Thus despotism was for him, not simply a structure of state power and offices, but a system with a characteristic social organization propelled by fear, a passion peculiar to it. Montesquieu refused to reduce social organization to political form, or political form to social organization. In his view, both the political institutions and the social organization of despotic societies are simple, while those of a monarchy as he defines it, are complex. This he argues in a number of ways: an analysis of the ties uniting despotic and free societies; as well as by contrasting with free societies, the characteristics peculiar to despotism; its suppression of conflict in the name of order; its refusal to recognize the legal status of intermediate groups and classes; and finally its insistence upon immediate and unquestioned obedience to commands. In a free society, the texture of relations among persons and groups is much looser than in a despotism. Disagreements and even conflict are essential to the one, fatal to the other (*Considérations*, IX).

Montesquieu contrasted the distinctive modes of obedience requisite to despotic governments on the one side, and free governments on the other. The positive side of Montesquieu's political thought cannot be understood without reference to the characteristics of

despotism. Many who have declared unsatisfactory Montesquieu's definition of freedom as security from fear, have not grasped his contrast with despotism, which he saw as actuated precisely by that passion. Similarly, the essential features of politics in a free government are the limitation of power, the recognition and accommodation of groups conceded to have some autonomy, the regular discussion between them and the sovereign of alternatives to proposals judged to be adverse to their interests by the parties affected by legislation, and the preference for obedience based on consent (*De l'esprit des lois*, III, x).

Passive obedience presupposes education of a kind peculiar to despotism: the subject must be ignorant, timid, broken in spirit, requiring little legislation. Social relations must also follow a pattern: in a despotism, every family is, as a matter of policy, isolated from every other. Only religion and custom can moderate despotism, and these are at once less effective and less regular in their operation than the effect of basic laws that limit governments which willingly observe them. Even in the sphere of economic life, despotism exerts noxious effects. The general uncertainty created by the caprice of the despot and his viziers impoverishes the mass of men; commerce is unrewarding, the products of labor, incalculable.

Because of his method, Montesquieu was able to develop the psychological dimensions of despotism. Fear, the principle or passion imputed to despotism, is treated with a subtlety and depth previously unknown. Hobbes, who had founded so much on fear, as the principle underlying all politics was much in Montesquieu's mind, when he argued that no such system can satisfy its members. The units of despotism are the despot himself; his viziers or ministers, to whom he confides administration; and his subjects, equal in their total subjugation and terror. In the *Persian Letters* (*Lettres persanes*, 1721), Montesquieu depicted despotism as a system of fear, jealousy, and mutual suspicion. This is illustrated in the relationships among the master of the seraglio, absent in Paris; his eunuchs, who have been sacrificed to the execution of his wishes and the maintenance of order; and his wives. This triangular relationship, because of its inhumanity, absence of liberty, the use of force and fear in a relationship where love ought to rule, fails to provide even its ostensible beneficiary, the master of the seraglio, with the fulfillment he sought. The ultimate paradox is that the master is incapable of enforcing or enjoying his unlimited power; he cannot satisfy himself.

Yet in the final analysis, Montesquieu condemned not only despotism, as conceived by the members of his class, but also slavery and all other forms of total domination as incompatible with human nature, natu-



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ral law, and the interests of all parties linked in such relationships. No political philosopher prior to Montesquieu had taken such an uncompromising view; no other thinker of his century condemned slavery with greater vehemence than did Montesquieu, a fact which explains in part the respect Voltaire and Rousseau had for him.

In Book XV of *De l'esprit des lois*, Montesquieu set out to refute the justifications of slavery, conquest, and colonialism found in theorists of despotism from Bodin on. Slavery, the absolute right held by a master over the life and property of a slave, is contrary to nature. Nor is it justifiable even on utilitarian grounds. Its effects are deleterious to master and slave alike. No matter what the climate, all necessary work can be performed by freemen. Slavery is in the long run fatal to both monarchies and republics.

Nor did Montesquieu accept any of the justifications for total domination given in the Roman Law or by later jurists. He denied that the claim to enslave men could be justified by attributing pity to conquerors. The reasons given by jurists were absurd. Even in war, only necessity can create the right to kill. A victor has no right to murder a captive in cold blood. Nor does a man have a right to sell himself into slavery. Such a sale presupposes a price. But to give up one's status as a freeman is an act of such extravagance that it cannot be supposed to be the act of a rational being. And how can the enslavement of children as yet unborn be justified by any act or promise on the part of their parents or ancestors? Slavery violates both the natural and the civil law. A criminal may be justly punished because the law he has violated has been made in his favor, and he had benefited from it. But the same cannot be true of the slave, to whom law can never serve any purpose. This violates the fundamental principle underlying all human societies.

As for other arguments offered in defense of slavery, Montesquieu riddled them with scorn. Often they derived from nothing more than the contempt felt by one nation for another with different customs; often, from the absurd pretension that a nation could be reduced to slavery in order to simplify the task of converting it to the true faith. Such reasoning had encouraged those who had ravaged the Americas to believe that they merited absolute power. How pleasant to act as a bandit and to be considered a good Christian. Slavery derives from the desire of a few for unlimited voluptuousness and luxury; slavery appeals to the basest of human passions. Whose desires would not be kindled by the prospect of becoming the absolute master of another's life, virtue, and property? As for Negro slavery, it derives not only from such passions thinly disguised by sophisms, but from the most con-

temptible of human prejudices. To unmask those who defended the African slave trade, Montesquieu reverted to the irony of the *Persian Letters* (XV, v). This section, together with that deriding the Inquisition, is incompatible with the image of Montesquieu as a self-serving *parlementaire* concerned to defend the privileges of his class.

6. (a) How prominent was the concept of despotism in French eighteenth-century thought after Montesquieu? In the analytical index to the *Encyclopédie*, the entry for *despotisme* runs to sixty-one lines; that for *tyrannie*, to twenty-eight. The Chevalier de Jaucourt, who wrote the principal entry, was a disciple of Montesquieu, as well as one of the editors' principal collaborators. The *Encyclopédie* helped to popularize Montesquieu in a way that, because it made his theories appear to be compatible with those of Diderot and D'Alembert, did not always coincide with Montesquieu's own intentions. Then in the eleventh volume, Diderot introduced an abridgment of Boulanger's *Recherches sur l'origine du despotisme oriental* under the title of *L'Oeconomie politique*. Boulanger (who will be discussed below) was dead, but his manuscripts were being circulated by Holbach because Boulanger had attributed the origin of despotism to a primitive theocracy based upon fear. In this way, despotism was turned into a concept that could be used against the Church.

This was not enough to redeem this aspect of Montesquieu for Voltaire, whose attitude was highly ambivalent, condemning Montesquieu's theory of despotism, but applauding his attack upon slavery. Against Montesquieu's position that despotism is a type of government qualitatively different from monarchy, Voltaire maintained: (1) that an extraordinary violation of historical usage was involved in Montesquieu's designation, now all too generally accepted, of the great empires of Asia and Africa as *despotiques*. In his *L'A.B.C.* (1768), Voltaire engaged in an etymology of *le despotisme*. It had been used in Greek only as *père de famille*; was unauthorized by Latin usage; in short, was an innovation in political language that was both unjustified and recent. (2) Montesquieu's image of the despot was a pure creation of his imagination; "a ferocious madman, who listens only to caprice; a barbarian whose courtiers prostrate themselves before him; and who diverts himself by having his agents strangle and impale [subjects] on all sides" (*Commentaire sur quelques maximes de l'Esprit des Lois*, III). (3) Voltaire disputed the accuracy of Montesquieu's data and citations, particularly those used to support his characterization of China as despotic: "It is regrettable that so intelligent a man engaged in sheer surmises supported by false citations" (*Oeuvres* [1785],



40, 94). (4) Voltaire, who believed in an absolute monarchy that would remove the hereditary privileges of the aristocracy, and in the *thèse royale* about the French constitution, objected to the political implications of Montesquieu's distinction between despotism and monarchy; whatever is valid in Montesquieu's theory is best described by distinguishing between monarchy and its abuses. And there is no reason whatever to make essential to the definition of monarchy its recognition of the rights of a self-seeking hereditary nobility, which belongs to feudalism, for which there is not much to be said (*Commentaire* . . . , III).

If Voltaire thought the concept of despotism to be an aristocratic invention, it was more than balanced in his mind by Montesquieu's attack on slavery. On balance, Voltaire declared *De l'esprit des lois* to be "the code of reason and liberty" (*Commentaire* . . . ).

(b) It was precisely in this way that Rousseau was most affected by the concept of despotism. Every major statement of his political theory begins by refuting the apologies for slavery he found in Grotius, Pufendorf, and Hobbes. Like Voltaire, Rousseau did not use *le despotisme* to designate the type of dominion said to justify the enslavement of those conquered in a just war. But the concept of the master-slave relationship became connected in his mind with despotism.

*Despotisme* figured in Rousseau's thought in three further ways: (1) in his angry rejection of the Physiocratic term *le despotisme légal*, which will be treated in connection with the Physiocrats, and (2) in his partially sympathetic comments upon the French aristocratic use of *despotisme* to characterize an absolute political system on the Oriental model that had been imposed upon a European state. This usage occurs principally in his judgment upon the Abbé Saint-Pierre's model of the *visirat*, recapitulated by Rousseau as "a gross and barbaric form of government, pernicious to peoples, dangerous for kings, fatal to royal houses . . . the last resort of a decaying state" (*Oeuvres complètes*, Pléiade (Paris, 1959—), III, 644).

But Saint-Pierre's positive proposals were rejected because they would favor the privileges of hereditary aristocracy, which Rousseau called the worst of all forms of sovereignty. Rousseau commented that "a thousand readers will find this in contradiction with the *Contrat social*. This proves that there are even more readers who ought to learn to read than authors who ought to learn to be consistent" (ibid., 643). Rousseau's challenge is directly related to his statements defining despotism. He distinguished sovereignty, the legislative power, from government, the executive power which carries out the law. In the *Contrat social*, Rousseau divided aristocracies into three kinds: natural, elective, and hereditary. Hereditary aristocracy is the worst of

all governments; elective aristocracy, the best (III, v). In Rousseau's view there is an inherent tendency for government to seize sovereignty, for the Prince to oppress the sovereign, that is, the people, to become its master constraining it by force alone—acts which dissolve the social pact that alone morally obligates citizens to obey. It is here that Rousseau makes his principal and third use of *le despotisme*. Thus (3) is the distinction made between *Despote* and *Tyran*, which appears to rest upon much the same usage as *le despotisme* in the *Discours sur l'origine et les fondemens de l'inégalité parmi les hommes* (*Oeuvres*, op. cit., III, 190–91).

In the *Contrat social*, Rousseau resorts to his distinction in the chapter called, "The Abuse of Government and its Tendency to Degenerate" (III, x):

In order to give different names to different things, I shall call any usurper of royal authority, a *tyrant*; and any usurper of the sovereign authority, a *despot*. The tyrant is he, who contrary to law, assumes the power to govern, and then follows the law; the despot puts himself above the laws themselves. Thus the tyrant may not be a despot, but a despot is always a tyrant.

In the *Discours sur . . . l'inégalité*, Rousseau sketched three stages, the third of which is the changing of legitimate into arbitrary power, the recognition of that distinction between master and slave, which is the final stage of inequality. Out of the disorders that preceded it arises gradually the "hideous head of despotism," which finally succeeds in trampling underfoot the laws and the people, and in establishing itself upon the ruins of the republic. The subjects of despotism become subject to the will of their master, who follows only his own passions. Thus Rousseau again has assigned the name of despotism to the extreme point of corruption, at which the social pact is broken. Thereafter "the despot is the master only so long as he is the strongest, and as soon as he can be driven out, he cannot protest against violence. The uprising that ends by strangling or dethroning a sultan is as lawful an act, as those by which he disposed . . . of the lives and goods of his subjects" (*Oeuvres*, III, 191).

Rousseau's way of distinguishing tyrant from despot is peculiar to himself, and is adapted to the categories of his own thought. He may have been the first to deny legitimacy to any king. This was not Montesquieu's position on monarchy. As for tyranny, Montesquieu had defined it as meaning "the intention to overthrow the established power, above all in a democracy. This was the sense it had for the Greeks and Romans" (*De l'esprit des lois*, XIV, xiv, a). Again Rousseau's notion that despotism originated in corruption resembled Montesquieu's, but departed from it in a way that reveals



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Rousseau's intentions. Montesquieu believed that every form of government could degenerate into a despotism characteristic of it. Thus democracy could become the despotism of all (*De l'esprit des lois*, VIII, vi). Rousseau denied this: "Any condition imposed by all upon each cannot be onerous to anyone" (*Lettres écrites de la montagne*, Lettre VIII, *Oeuvres*, III, 842).

(c) It is now generally agreed that there is no body of political ideas in the eighteenth century that can accurately be described as "enlightened despotism," a term invented by nineteenth-century German historians. A recent survey of the subject concluded:

'Enlightened despotism' is an unfortunate expression in three ways: it yokes together a disparate group of rulers who have far less in common than the collective name implies; it burdens them with the disparaging name of despot, which was already negatively charged in the eighteenth century, thus anticipating what needs to be proved; and it links these rulers, with its adjective more closely to the Enlightenment than in fact they were (Peter Gay, *The Enlightenment*, II, New York [1969], 682).

The idea of legal despotism" was explicitly formulated by Le Mercier de la Rivière in his *L'ordre naturel et essentiel des sociétés politiques* (1767), and Du Pont de Nemours in his *Origine et progrès d'une science nouvelle* (1768). Although they all favored an hereditary and powerful monarchy, the Physiocrats' theory of *despotisme légal* contained strong elements of constitutional and legal limitation on the monarch; they distinguished their theory from *despotisme arbitraire*. This in effect was Montesquieu's Oriental despotism, which by destroying all private property, destroys all the sources of wealth and industry. *Le despotisme légal* is not rule by the arbitrary will of the despot, but by the weight of evidence about the nature of things. Thus the sovereign does not express his will, but declares what seems in accord with the laws of social order. Le Mercier de la Rivière took Euclid as his model of the legal despot, who by the irresistible force of evidence, has ruled without contradiction over all enlightened peoples.

None of the distinctions and qualifications made by the Physiocrats protected them against the counter-arguments of Mably, Holbach, Rousseau, Raynal, and Turgot. Holbach wrote that "A legal despotism is a contradiction in terms" (*Système social*, London [1773], II, xiii). So great was the impression that had been made by Montesquieu. Rousseau attacked the Physiocratic doctrine on three points: (1) that the notion of basing politics on incontrovertible evidence is naive. "The science of government is nothing but a science of combinations [of elements], of applications, and exceptions according to times, places and circum-

stances." (2) Like the Abbé Saint-Pierre, the Physiocrats believe in the progressive advance of reason, although there is no cumulative progress. (3) Legal despotism is utopian because it simply assumes that a despot will rule according to his interests as the Physiocrats define them, that is in harmony with law and the interests of all. Rousseau concluded that almost all men know their interests and nevertheless disregard them: "Gentlemen, permit me to tell you, you assign too much weight to your calculations, and not enough to the inclinations of the human heart and the play of its passions. Your system is too good for the inhabitants of Utopia: it has no value whatever for the children of Adam" (C. E. Vaughan, ed., *Political Writings of Rousseau*, Cambridge [1915], II, 159-61).

(d) Nicolas-Antoine Boulanger's *Recherches sur l'origine du despotisme oriental* was published posthumously by Holbach in 1761 in Geneva, and was translated by John Wilkes in 1764 in London. Boulanger was an engineer, who constructed a theory of the development of religion and society after a universal deluge. Boulanger sought to work out a scheme of historical stages from theocracy to despotism, republic, monarchy, thus providing a philosophical and historical justification for Montesquieu's theory of despotism. Boulanger ascribed its origins to primitive idolatry and theocracy, animated by the spirit of terror which was later maintained in despotism. In theocracy, it is the gods who are given supreme power. Sacerdotal governments are regarded as the physical manifestation of the supernatural government; the invisible master assumed human form in the reign of priests who became legislators. Despotism followed the sacerdotal, and with it recorded history begins. Boulanger was implying, and this was why he was taken up by Diderot and Holbach, that religious beliefs originated in the fears and hopes of those who survived the great deluge. He also hoped to discover the origin of the forms of government. His thesis is that after the initial terror caused by the deluge, human history would be a struggle between man and the false idea he carries within him, the idea that political institutions ought to express the only true authority, which is that of God. Holbach expressed similar views in *La contagion sacrée* and *Le système social*.

Thus it may appear that politically the concept was at its zenith, pressed into service as a political weapon, and, intellectually, equally in vogue, as for example with the impressive array of students of human history and society produced by the Scottish Enlightenment. Adam Ferguson called the final part of his *Essay on the History of Civil Society* (1767), "Of Corruption and Political Slavery," and the last chapter "Of the Progress and Termination of Despotism." Ferguson,



however, showed how the conceptions of corruption and despotism could be combined with optimism about the future:

National poverty . . . and the suppression of commerce are the means by which despotism comes to accomplish its own destruction. . . . When human nature appears in the utmost state of corruption, it has actually begun to reform. . . . Men of real fortitude, integrity, and ability are well placed in every scene; . . . the states they compose . . . survive, and . . . prosper (Edinburgh [1966], pp. 278–80).

Yet the doctrine of despotism, when utilized for so many purposes by such heterogeneous groups, began to become increasingly vague as it came into general usage. And the evidence upon which the concept was based had begun to be seriously challenged, first by Voltaire, and then with much more weight by Abraham-Hyacinthe Anquetil-Duperron (1731–1805), a pioneer student of Oriental languages and history. The attack he launched on Montesquieu and the theory of despotism considered as an empirical theory applicable to the Oriental empires classified as despotic was so serious that it probably merited the abandonment of the concept, at least until much more reliable work had been done than was then available. It is interesting to speculate what Hegel, Marx, and Engels would have written about despotism, had they known of Anquetil-Duperron's *Législation orientale* (1778). For this was an authentic work of the Enlightenment, cosmopolitan in its respect for other civilizations, while Hegel, Marx, and Engels regarded the Orient as inferior to Europe, which alone possessed the principle of progress.

(f) Anquetil-Duperron, a grocer's son, had become fascinated by references to the Avesta, the sacred document of the religion of Zoroaster, who founded the religion professed by the Iranians at the time of the Achaemenidae. This was the dynasty that was in the minds of the Greeks when they first coined the term despotism. No one in eighteenth-century Europe could translate the language in which the Avesta was written. Anquetil made his way to India, persuaded the Parsees to teach him what they knew about their sacred book, and after living in India from 1755 to 1761, returned to France, where he published his translation. But he found the minds of most Europeans closed to new knowledge about the Orient by the obsessive image of despotism enshrined in Montesquieu. Anquetil argued that there was no basis in fact for attributing despotism to Turkey, Persia, and India, where private property existed, and rulers were bound by codes of written laws. On the basis of inaccurate reports, which he was not trained to assess, Montesquieu had selected evidence to suit his own purposes. Nor was the issue merely of historical interest. Anquetil asserted that this

distorted image of the Orient had provided the excuse for Europeans such as the English in India to confiscate native lands and wealth. If no private property existed under despotism, then the conqueror could take everything in the country because it had belonged to the defeated despot. In his *Législation orientale* (1778), Anquetil denounced foreign exploitation of the peoples of Hindustan, to whom he dedicated his book.

Anquetil censured the arrogance as well as the rapacity of the West, which believed that it knew everything, when in fact it knew nothing about the rest of the world. From the height of the pyramid built upon the classical learning of the Greeks and Romans, the Europeans scorned those other civilizations, which, however, they condescended to despoil. There was a considerable degree of irony in the fact that the concept of despotism from its beginning had been based on the Persians as the model for those barbarians who consent to be thus ruled because they are slaves by nature. Anquetil, who learned the language of the ancient Persians and their history was confronting the concept of despotism after a long development.

Anquetil undertook to support by positive evidence the position anticipated by Bayle and Voltaire: despotism is not a distinctive form of government, but a violation of monarchy and its own constitutional principles. Anquetil did not defend all the practices of Asiatic rulers. What he argued was that the facts demonstrated that their abuses ran contrary to what made their authority legitimate. In this respect, there was no difference between Asia and Europe.

7. (a) Given the prominence of the concept of despotism in the political vocabulary of those hostile to the French monarchy in the eighteenth century, it is not surprising that the term was deployed by many of those who wished to justify all or some part of the Revolution. But few could have predicted that the Terror would be defended in such terms by Robespierre, Saint-Just, and Marat, while it turned out to be equally inviting to liberal critics of the Terror and Napoleon such as Madame de Staël and Constant.

The characterization of the Terror as "the despotism of liberty," came not from its enemies, but from Robespierre, who sought to prove that terror and virtue both were necessary; "If the spring of popular government in time of peace is virtue; its spring in time of revolution is simultaneously virtue and terror. Without virtue, terror is deadly; without terror, virtue has no power" (Report to the Convention, Feb. 5, 1794). Robespierre adapted the concepts of despotism he found in both Montesquieu and Rousseau. Montesquieu had attributed to each type of government a principle or operative passion: that of republics was civic virtue; that of despotism, fear. Robespierre substituted la



*terreur* for Montesquieu's *la crainte*, as though acknowledging that the terror being practiced was at once greater and more active. Robespierre himself asked whether its use of terror did not stamp the Committee of Public Safety as a despotism:

It has been said that terror is the spring of despotic government. Does yours, then, resemble despotism? Yes, in just the way that the sword which gleams in the hands of liberty's heroes resembles that of tyranny's satellites. When the despot uses terror to govern his brutalized subjects, he is right as a despot; when you use terror to daunt the enemies of liberty, you are right as founders of the Republic. The government of the Revolution is the despotism of liberty over tyranny. Was force meant only to protect crime? (*ibid.*)

Robespierre defended terror as self-defense, as vengeance for centuries of oppression, as preparation for profound change. But he did so within the vocabulary of despotism: referring to that "public virtue which has produced so many wonders," the superiority of free peoples over all others, the memories of the triumph of Athens and Sparta over the tyrants of Asia (a conflation of tyranny and despotism); the connection between corruption and despotism in terms that recall Rousseau: "a nation is truly corrupted when, after having by degrees lost its character and its liberty, it passes from democracy to aristocracy or monarchy; it is the death of the body politic by decrepitude" (*ibid.*).

Saint-Just used a different formula: "A republican government has virtue for its principle, or else terror" (*Oeuvres complètes de Saint-Just*, ed. Charles Valley, 2 vols., Paris [1908], II, 538). Terror temporarily compensates for the absence of those institutions the Republic will create to repress bad habits created by corruption and despotism. Thus terror makes possible republican regeneration. Marat's formulation was closer to Robespierre's: "It is by violence that liberty ought to be established, and the moment has come to organize temporarily the despotism of liberty in order to wipe out the despotism of kings" (Soboul, *Histoire de la révolution française*, Paris [1970], I, 358).

(b) In Madame de Staël the aristocratic and the Protestant concepts of despotism were adapted to take into account the Revolution, Reign of Terror, and Bonapartism. The *thèse nobiliaire* resounds in her maxim that in Europe "liberty is ancient, and despotism, modern"; only there has liberty developed (*Considérations sur la révolution française*, I, Ch. II.). "Asia has always been lost in despotism, and what civilization there was remained stationary" (*ibid.*, Ch. I). In her view of French history, the great despots are Louis XIV and Napoleon, because of their attacks upon liberty at home, and their constant resort to war in the name of national glory. To those who represented the

reign of Louis XIV as tranquil and glorious, she recalled all his acts of cruelty and violence, including the revocation of the Edict of Nantes, a precedent for punishing an entire category of persons, which the Convention followed in its actions against émigrés and aristocrats. The cause of the Revolution was ultimately the despotism and wars of Louis XIV; it was he who was Napoleon's model: both knew that despotism in France required foreign wars; one left France bankrupt and organized for despotism; the other, defeated and humiliated. A despot should not be judged by temporary military victories but by the condition in which he leaves his country.

Napoleon completed the organization of despotism in France. By eradicating all *corps intermédiaires*, by destroying freedom of the press, and by turning the people into his servile flatterers, he made it impossible for anyone to tell him the truth. This, Madame de Staël wrote, led to his downfall in Russia. At home he had sought to be the sole ruler, but he could not escape the logic of despotism. He had to retail his power to his venal agents, whom he then had to bribe. The military despotism he created made the prospects for liberty in France even more dismal than after Louis XIV. "Tyranny is a *parvenu*; despotism is a *grand seigneur*; but both are incompatible with human reason" (*Considérations*, II, Part VI, Ch. 12). Madame de Staël concluded that liberty, which had begun as aristocratic privilege, must be reconciled with that passion for equality that had inspired the Revolution. In the nineteenth century it would no longer be possible to defend a partial liberty without reference to its advantages for all.

Although Madame de Staël thus saw liberty as something that had to be adapted to the spirit of the new century, her view of Bonapartism did not stress its novelty. Despotism remained a relatively static rather than an evolving concept. The stagnation allegedly produced by Oriental despotism, the consequences produced by its structure and principle, are represented as eternal. She saw a continuity, rather than a sharp break between Louis XIV and Napoleon.

Benjamin Constant, however, stressed other and novel elements in the Terror and the Empire. In his *De l'esprit de la conquête* (1813), Constant for the first time suggested that despotism is an antiquated and static form of domination. What had occurred in the Terror and under Napoleon was a more active regime that penetrated more deeply and had a new basis for its power because of its revolutionary and democratic elements: Constant therefore coined the term "usurpation" for describing the form of rule exercised by Napoleon, and declared it to be worse than despotism. Although not always precise in his formulation of