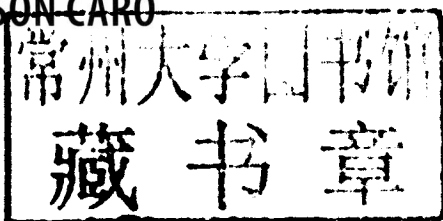


Jason Caro

The Origins of Free Peoples

THE ORIGINS OF FREE PEOPLES

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THE ORIGINS OF FREE PEOPLES

Father . . .

Acknowledgments

This project is the result of the convergence of many forces, or more euphemistically, many influences. What began as a search for a dissertation topic that would meet a number of parameters including practicality, duration, and interest for myself and for those wiser than me who would oversee it became, via many twists and turns, this book. It was inspired by the experience of the occupied, colonized, and displaced peoples and their valiant leaders who certainly have no need for this collection of researches. In a way, it is also an expression of appreciation for the free peoples among whom I have always lived. It is possible that the reason for the lateness of publication was the many challenges encountered along the way or that its message had to become somewhat more familiar than it was then.

This book began as the application of a particular way of thinking about politics as entirely productive, even of apparent mistakes or lapses. It is the synthesis of debates and thinking with others at a particularly fruitful time on the scintillating campus of UCLA. First and foremost I must thank Carole Pateman for being a great teacher of political theory. Her insight stunned me at the time and still does today. Along the way, there are a number of names that come to mind and were helpful in getting the project underway including Blair Campbell, Sam Weber, Richard Ashcraft, and Brian Walker. There are other teachers who I am sure contributed as well, albeit indirectly, from an intense period of graduate study undertaken at the University of Chicago.

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The details of writing the manuscript were assisted by my editor, Marie-Claire Antoine, who also went beyond the call of duty in other respects helpful to this writer. Also supportive were the various reviewers who strengthened the work. A. Campbell made some sensible points to improve the structure. My mother, R. Salinas, was helpful in checking references. In any case, the errors that will doubtless be found in the following pages are entirely my fault. In keeping with a productive sense of the political, however, I console myself with the presumption that even they must bear some purpose.

Preface

Thankfully, problems of longstanding concern and import almost always have a reliable guide for consultation. For Thucydides the first problem of history was the political fate of free people. Himself an Athenian and a general, Thucydides thrust aside his own lifelong prejudices to discern what had gone wrong with the most successful free people of all time. His answer was that they had forgotten their origins or the careful processes needed to foster and maintain their liberty. Thucydides' recitation of Pericles' Funeral Oration "repeatedly conveys an image of the freedom of Athenian life."¹ But his history also suggests that the successes that arrived almost daily in their free life blinded them to the delicate arrangement that their politics absolutely required. So sure of the continued windfall of liberty, the ancient Athenians believed that it could also be spread relatively easily to the surrounding states and beyond. Hence Athens installed the world's first alliance of democracies, the Delian League, to support other free states. Thucydides was amazed that again and again the Athenians were misled by wrongheaded assessments of their origins until they finally drove their league and their state to destruction. He left his great book behind as a cautionary tale about the importance of being educated to the origins of free peoples.

What is worrisome is that, if anything, the political and philosophical consideration of free peoples today is at least as misinformed about their origins as were Pericles' confident Athenians. This effect is rather strange because, although the concept of the liberty of the people is limited to a relatively few blips on the radar screen of ancient or medieval political theory, it is a major topic of modern political thought. So there can be little excuse for such a lapse. Worse, if those who pride themselves on philosophical rigor and clarity of expression on political matters do not manifest enough awareness of the origins of free peoples, how much more awareness can be expected of others? Occasionally there are flashes of insight but usually not enough to avert disaster. The recent testimony of a senior general that the invasion and liberation of another country would

be a costly matter requiring “several hundred thousand troops” and a lengthy stay showed precisely such insight into the origins of free peoples. Like the message from that other ancient general, it was a reminder that there is no such thing as “freedom on the cheap.” The general’s remarks were rejected by the politicians, and he was quickly cashiered from the service. And what came to be called Operation Iraqi Freedom was initiated with a much smaller, “nimble” force than recommended and without the resources allocated for long-term reconstruction. The result was costly for millions of people displaced or killed by the experiment. That failure to enable a free people was not simply, as has been thought, because of cynical decision making or because “freedom’s untidy” but due also to a stubborn lapse in the modern and contemporary political thought of freedom. This lapse in the political thought of freedom, like the fracture in the Liberty Bell, reappears repeatedly despite attempts to patch it.

The point is that there are two ways to consider the origins of free peoples, one expensive and one cheap, one unfamiliar and the other familiar. Or, since this claim is yet too big to sustain, the testimonies of Thucydides and Shinseki reveal that free peoples should have an alternative account of origins. As free peoples, plausible accounts of their origins provide the deepest bases for life plans, for policy proposals, and for decisions of peace and war. It is understandable that free peoples, and those political theorists who thoroughly expound upon their favorite value, would first seek the low-hanging fruit or take the easy and familiar route. But what the generals noted above suggest is that, at least under conditions of extremis, what is familiar is not necessarily advisable. Perhaps that old lesson in skepticism ought to be extended to every contemporary moment of free life.

There has been so much study of the free peoples that a great deal of political knowledge of their origins is available, but because of its context, such as when it was developed or how it was to be deployed, that knowledge can be misleading. For example, modern and contemporary political theory contends, even celebrates, that freedom is *latent*, “natural,” a “self-evident truth,” or “intuitive” to humankind (which is rather heroic in the face of historical evidence indicating that women and men have mostly been slaves).² Of course, at a time when the liberties of the people were said to be the gift of royalty, in some quarters of seventeenth-century England, for instance, it scores great ideological points to be able to counter that liberty is your birthright.

Latent liberty also lets free peoples believe that they have received something wonderful for nothing, perhaps because they were just that much smarter or that much more blessed than anyone else. And as with Thucydides’ Athenians, since their freedom seems so obviously valuable,

it is unthinkable that it will not be readily adopted by other peoples too. Hence the latter are considered not so much nonfree as yet to be free peoples leading recently to myopic policies that are supposed to release their latent liberty such as the “structural adjustment” of African economies or the promotion of entrepreneurship in rural India. According to Arendt, forgetting the political, indeed worldly, origins of liberty also leads to perverse foreign policy. Quite critically, Arendt notes, “her own failure to remember that a revolution gave birth to the United States and that the republic was brought into existence by no ‘historical necessity’ and no organic development but by a deliberate act: the foundation of freedom. Failure to remember is largely responsible for the intense fear of revolution in this country . . . with the result that American power and prestige were used and misused to support obsolete and corrupt political regimes that long since had become objects of hatred and contempt among their own citizens.”³

The second cache of available knowledge regarding the origins of free peoples reveals that because they live in a morally imperfect world they must invariably come under *threat*. What can be called anti-freedom was a watershed event in their modern, revolutionary development, and it has been a likelihood ever since. For example, it was only after the death of Charles Stuart that the English revolutionaries celebrated their “first year of freedom.”⁴ The modern political theory of freedom is obsessed with anti-freedom, so much so that it might be more accurate to consider it the political theory of anti-freedom. There is practically a competition among the liberal thinkers as to who can come up with a new name for anti-freedom. Some examples, to be addressed in detail shortly, include incoherence (Swanton), immorality (Raz), irrationality (Benn), domination (Pettit), oppression (Mackinnon or Patterson), arbitrariness (Locke), absolutism (Lord Acton), and coercion (Berlin). The effects of this obsession are profound. From a psychological standpoint, to be born under threat and to live with it continuously would qualify as either the cruelest infliction of trauma or as paranoia. Ironically, the political reactions of such wary peoples become threats to others and include the tendency to regicide, to war, or even to seek out the coming threat preemptively.

However, it is *liberation*, not latent liberty and external threat, that is the main feature of the origins of free peoples. Liberation is the simplest, one-word term for the necessary practices that enable free peoples. Their freedom is not latent but the product of ongoing, expensive, and specialized practices. Every pupil trained to say the pledge of allegiance, every celebration of Independence Day, museum exhibits, parades, monuments, historians’ lectures and books, and politicians’ speeches

are just a few examples of the productive, maintenance effort that is needed. The work of liberation also involves not only tackling or neutralizing external threats but threat production. Anti-freedom turns out to be a rather special attribute, for it is not a threat to ethnicity, to religious integrity, to party discipline, to the clan, or to anything else but free peoples. But an imperfect world cannot be expected to send along just such perfect threats all of the time. Rather they must be carefully refined, like ore into jewelry, until recognizable as anti-freedom. The tremendous expenditure of resources and disciplinary expertise needed in this regard range from carceral, prosecutorial, bureaucratic, criminological, and military to journalistic. The “world” or “humanity” is then confirmed as morally “imperfect” when every newscast begins with incidents of illegal, anti-free activity, and every other official act is devoted to the security of the homeland.

The account of origins offered in the following pages supplements, in crucial ways, what the *other* account does not communicate. Free peoples would not exist were they to actually wait for nature or self-evidence to supply them with liberty or for the morally imperfect world to supply them with perfect threats to freedom. In truth they have to take action, of a particular sort, for their freedom. In other words they have practical, traceable, ongoing, replicable origins. Even if these practices have been forgotten, or more likely, if they are called by some other name, they must still be underway. Since free peoples are defined by *high liberty* or by the adoption of freedom as their paramount political value (and not equality, fairness, happiness, or some combination equivalent), what has been forgotten of their origins is a political action. It brings advantages to them: that freedom is easy rather than hard, a blessing rather than a product entirely of political practices, and so, dear enough for revolution or war.

To recall the full origins of free peoples, then, is also a political act, which is advantageous too but for another, more skeptical, yet humane sort of free people. Liberal political theorists, as the traditional exponents of the politics of high liberty, are the obvious starting point to fully recall the origins of free peoples, but liberal politics may not be the end result of this recollection. Consider the question at the personal level. What would it mean to discover that you were using so much more energy and resources than you knew to live the life that you were leading? Would it be paralyzing, depressing, or perhaps inspiring? Would one nod to the discovery and forget again? Or does an additional account offer new resources to draw upon for debate and planning?⁵ It is presumptuous to think that a writer can control the effect of his discourse, but this project began with the aim

of sensitizing readers to the hidden, harsh aspects of liberation and with the wish of their amelioration. That modest motivation has not changed. It begins with a review of accounts of origins rooted in human nature and ends with an account rooted in ongoing political practices. It begins with the presumption of the progress of freedom for all peoples and ends with the disclosure of the startling fate of the free peoples themselves.

Notes

1. Connor, *Thucydides*, 123.

2. "Liberty being only an exemption from the dominion of another, the question ought not to be how a nation can come to be free but how a man comes to have dominion over it; for till the right of dominion be proved and justified, liberty subsists as arising from the nature and being of man," Sidney, *Discourses Concerning Government*, 510.

3. Arendt, *On Revolution*, 219.

4. "Whereas Charles Stuart, late king of England . . . hath by authority derived from parliament been and is hereby declared to be justly condemned, adjudged to die, and put to death for many treasons . . . And whereas it is and hath been found by experience that the office of a king in this nation and Ireland . . . is unnecessary, burdensome and dangerous to the liberty, safety and public interest of the people . . ." from *An Act for the abolishing the kingly office in England and Ireland, and the dominions thereunto belonging*, 17 March 1649; Kenyon, *The Stuart*, 306.

5. Ciaranelli, "The Circle of Origins," 137.

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1

Introduction

The typical explanation for the origins of free peoples has been based upon the *usefulness* of freedom for them. For example, in his *Freedom in the History of the West*, Patterson argues that archetypal eras of liberty in the ancient Athenian and Roman republics only emerged after their eras of slavery.¹ What Patterson calls “personal liberty” was embodied first among those neediest of freedom, in particular among slaves and those women who faced slavery as a possibility. As evidence, Patterson refers to the Hellenistic writings of the slave Epictetus who spoke at length of his love of freedom. Patterson also points out how Homer’s Andromache, the Trojan wife of Hector, expressed fear at her loss of personal liberty should she be enslaved by the Greeks.² For Patterson, the usefulness of freedom for slaves and for such women is clear enough. After all, there could be little that was attractive about slavery or “social death,” as he defines the condition. Thus, “to the question of the origins of freedom. . . . There was the individualized domination of the slave by his captor, the slave’s powerlessness, and his social death Note, however, that the slave desperately desired his freedom. Throughout his years of enslavement he made frequent attempts to escape, the certainty of his eventual slaughter no doubt reinforcing this desire.”³ What Patterson suggests is that because of his terrible social condition the slave first understood the usefulness of freedom, which his captor, for whom personal liberty was less useful, does not and cannot know. (The master, it turns out, knows only of “sovereignal freedom,” which has today become a defunct type according to Patterson). Once Patterson shows that slaves were the first to become aware of the usefulness of personal, individualized liberty, amply evidenced by their repeated efforts to escape, the emergence of a fully free society from a slave one becomes almost a technical question of the education of the “masters” to its value as well.

When the masters do not quickly enough recognize the usefulness of liberty, then strong methods have been deployed to remind them of it. Various examples of this transformation, beyond the familiar English, French, or American revolutions, include the celebrated interpretation of the Magna Carta as a case of forcing freedom from the powerful, the emancipatory efforts of abolitionists and the Northern States during the American Civil War, and, more theoretically, Kojève's master-slave dialectic.⁴ Such is also, for instance, the familiar logic of Mackinnon's massive *History of Modern Liberty*, which "traces" freedom as "political rights" from its "origins" in Europe's medieval era.⁵ Although only roughly cognizant of their liberty, the "masses" thought well enough of it to resist their feudal lords in a series of rebellions, thereby beginning a "progressive," emancipatory movement that has since gained strength and legitimacy. On Mackinnon's reading, the revolts of downtrodden city dwellers and peasants from the Middle Ages onward occurred because freedom was perceived to be useful to their desperate concerns.

The usefulness thesis of origins, then, is that freedom is considered useful by those who have or seek it, and so it becomes reasonable for them to better secure it. But it should not be thought, as it too often is, that only the weak (e.g., Patterson), the wronged (e.g., Locke), or the downtrodden (e.g., Mackinnon) fit this model of origins. An entirely consistent twist on the usefulness model has been to extend it to powerful elites who also find it useful or in their interests for freedom to originate. For example, Barrington Moore's *Origins of Social Dictatorship and Democracy* is also a study of the origins of freedom. Moore states, "[a]s one begins the story of the transition from the preindustrial to the modern world by examining the first country to make the leap, one question comes to mind almost automatically. Why did the process of industrialization in England culminate in the establishment of a relatively free society?"⁶ Moore's answer is that an "agricultural bourgeoisie" came to first require guaranteed economic and then political liberties because of their stake in a growing international trade in wool products. The feudal system of rights and fealty, which had long been a feature of English politics, came to be a threat to these burgeoning interests. Moore recounts how the agricultural bourgeoisie undermined the feudal system through the enclosure of wooded lands needed by the peasantry. They also supported the destruction of the monarchy in the English Civil War, thereby paving the way for the useful economic and political "rights" that are well known today.

Although not as familiar, applying the usefulness thesis to elites is still found to be a practical explanation for its origination. Today influential

studies from international affairs suggest that it is neither slaves nor any other social underclass that initiates liberty but elites in a transitional process known as “liberalization.” In *The Origins of Liberty*, a comparative politics study, the central question is when do elites find it useful to liberalize? Specifically, when “will sovereigns conclude that they can maximize their benefits or minimize costs by opening up spaces for their subjects to exercise political or economic freedoms?”⁷ The answer, again, is that liberty arises when elites find it useful or in their interests to permit it. In one version of this model, Rogowski suggests that an important factor in elite calculations for liberalization is fear of (human) “capital flight.”⁸ Particular groups in a society become especially important at certain critical moments. For example, periods of war or economic growth create a demand for the youth demographic and so elites will be motivated to extend the franchise at such times. The pressure to liberalize is especially compelling if valued groups can exercise an option to emigrate. The suggestion then is that it can become useful to extend political liberties, to have freedom originate so to speak, based upon elite calculations of their own interests.

But whether their liberty emerges because of its usefulness to elites or to nonelites, it always does so because of a *threat*. That has been the typical rationale and the spur for the origins of free peoples, if the many accounts are any indication. Why did freedom originate?—because that which is so useful, dear liberty, became threatened. Alternatively, why did the free emerge?—because their liberty became threatened. For over 300 years the central question for the free peoples has been, now that a threat has arisen, be it the “Redcoats,” the “Communists,” “masters,” “criminals,” “coercion,” “cruelty,” or “capital flight,” what is to be done? The answer has been that freedom needs to more fully originate. Every effort to better secure a free people in this regard is designed to vanquish, or more pragmatically, to minimize the threat to their freedom (which is why such freedom has lent itself to calculations of optimality, maximization, equilibrium, or to “making the best of a bad job,” as Benn put it)⁹.

Contemporary philosophers are also concerned with showing how freedom is useful or in human “interests” and such utility is most definite when it is threatened. In contrast to the historians however, with their emphasis on a threatening personage or action, the philosophers of freedom are notable for anatomizing all possible restrictions upon liberty so as to show precisely how each one detracts from it, thereby permitting the clearest possible picture of freedom’s usefulness. Their thoroughness of classification has even elicited some comment. Regarding one such philosopher, Christine Swanton, Kristjansson notes, “Swanton ends up